



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

Ad. May 1941

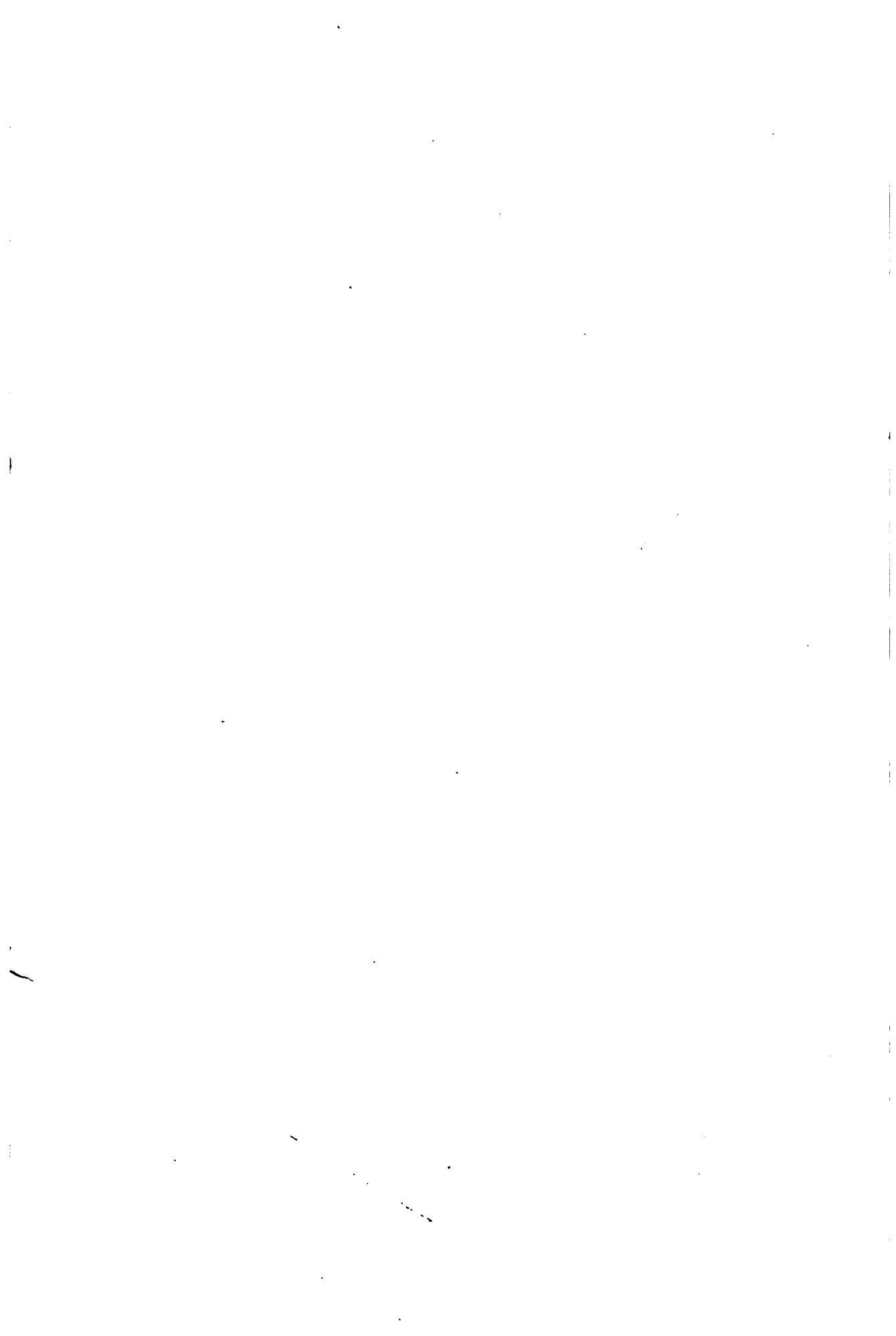


HARVARD LAW SCHOOL
LIBRARY

Received *Dec. 12. 1871*







138
+

Mar 25

H. Brit. Laws statutes etc. Revised statutes
THE STATUTES:
REVISED EDITION.

VOL. IX.
6 & 7 VICTORIA TO 9 & 10 VICTORIA.
A.D. 1843—1846.

By Authority.

o

LONDON :
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

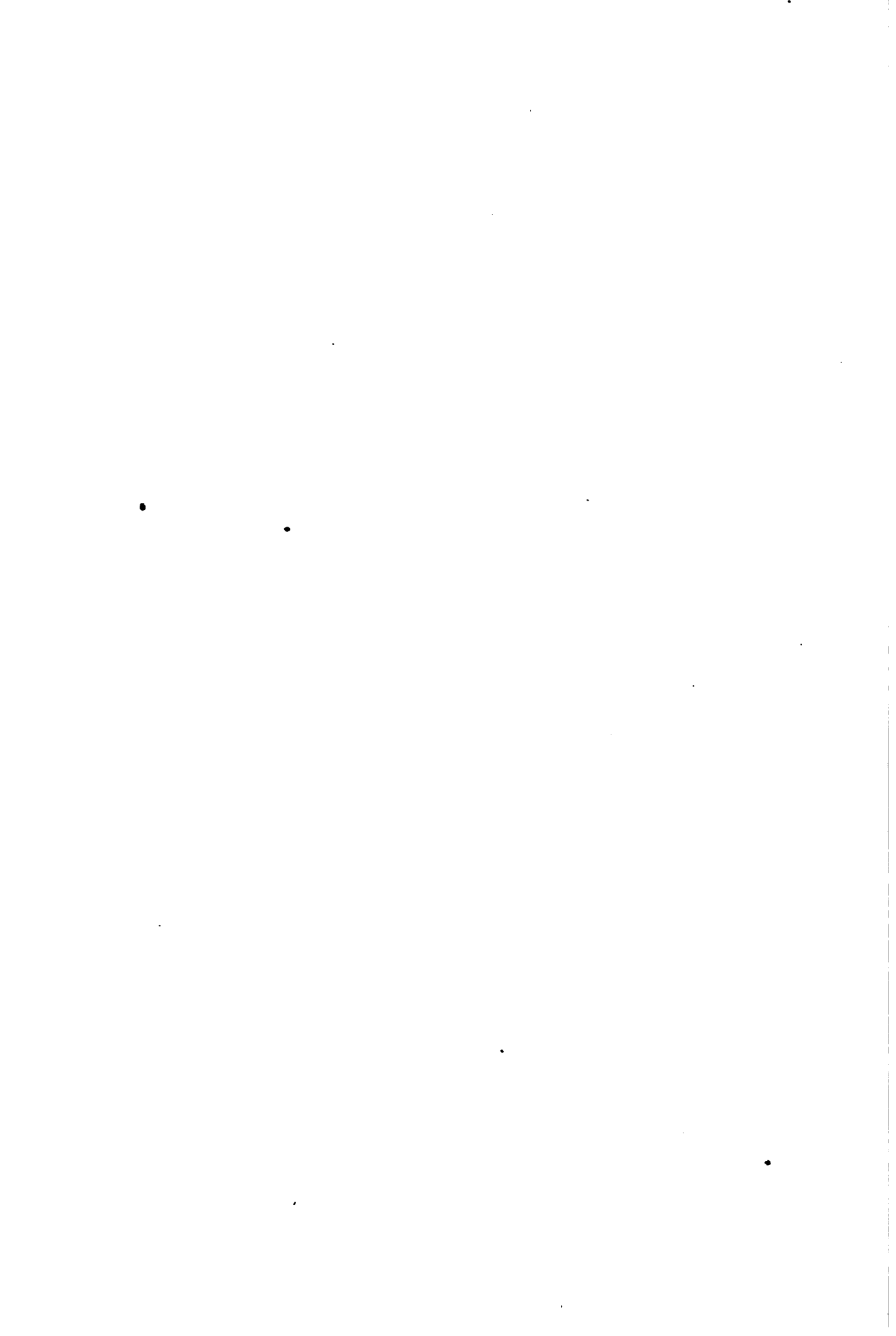
1876.

End
132
878
v.9

Rec. Dec. 12, 1871

CONTENTS.

	Page
CHRONOLOGICAL TABLE, FOR THE PERIOD COMPRISED IN THIS VOLUME - - - - -	v
THE STATUTES (REVISED) - - - - -	1



CHRONOLOGICAL TABLE,

FOR THE PERIOD COMPRISED IN THIS VOLUME.



CHRONOLOGICAL TABLE,

FOR THE PERIOD COMPRISED IN THIS VOLUME.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
6 & 7 Vict. (1843).			
c. 1.	Forged exchequer bills	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 2.	Coal vendors penalties		
c. 3.	Mutiny		
c. 4.	Marine mutiny		
c. 5.	Supply		
c. 6.	House of Lords oaths	Rep., 29 & 30 Vict. c. 19. s. 6.	1
c. 7.	Pardons and tickets of leave to transported convicts.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	
c. 8.	Power of justices of the peace in Ireland to act as to rates, though liable thereto.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	3
c. 9.	Indemnity	Rep., 34 & 35 Vict. c. 48.	
c. 10.	Punishment of death	Rep., 24 & 25 Vict. c. 95. s. 1.	
c. 11.	Sudbury disfranchisement, witnesses' indemnity.	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 12.	Holding of coroners' inquests	Rep. in part, Stat. Law Rev. Acts, 1861, 1874 (No. 2).	3
c. 13.	Government of settlements on coast of Africa and in Falkland Islands.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	4
cc. 14-16.	Slave trade suppression, treaties with Bolivia, Texas, Uruguay.	Rep., 36 & 37 Vict. c. 88. s. 30.	
c. 17.	Exchequer bills	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 18.	Registration of persons entitled to vote, and regulation of proceedings at parliamentary elections in England.	Rep. in part— 30 & 31 Vict. c. 102. s. 46. 35 & 36 Vict. c. 33. s. 32. (temp.) 37 & 38 Vict. c. 53. s. 5. Stat. Law Rev. Act, 1874 (No. 2).	5
c. 19.	Thatched House Court and Little St. James's Street.	Local and personal.	
c. 20.	Abolition and regulation of offices on Crown side of Court of Queen's Bench.	Rep. in part— 28 & 29 Vict. c. 45. s. 8. Stat. Law Rev. Act, 1874 (No. 4).	49
c. 21.	Turnpike Acts, Ireland, continuance	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 22.	Validity of laws, &c. of colonial legislatures for admission of evidence of certain persons.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	53
c. 23.	Enfranchisement of copyhold lands	Rep. in part, 21 & 22 Vict. c. 94. s. 2.	54
c. 24.	Amendment of laws relating to land tax, assessed taxes, and income tax.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	59
c. 25.	Annuity to Princess Augusta (Duchess of Mecklenburgh Strelitz).	Local and personal.	
c. 26.	Millbank Prison	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	61
c. 27.	Sugar duties	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 28.	Parliamentary elections, Ireland	Rep., 34 & 35 Vict. c. 48.	
c. 29.	Duties on wheat, &c.	Rep., Stat. Law Rev. Act, 1861.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
6 & 7 Vict. (<i>cont.</i>)			
c. 30.	- Amendment of law relating to pound breach and rescue.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	68
c. 31.	- Chelsea Hospital - - -	Local and personal.	
c. 32.	- Grand jury presentments in counties of cities and towns in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	69
c. 33.	- Salmon fisheries - - -	Sects. 15, 21-25, spent. Rep., 24 & 25 Vict. c. 109. s. 39.	
c. 34.	- Apprehension of certain offenders -	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	76
c. 35.	- Norfolk Island - - -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 36.	- Exemption from rates of lands, &c. occupied by scientific or literary societies.	- - - - -	79
c. 37.	- Better provision for the spiritual care of populous parishes.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	81
c. 38.	- Regulations for facilitating the hearing of appeals and other matters by Judicial Committee of Privy Council.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	89
c. 39.	- Confirmation of certain marriages in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	92
c. 40.	- Prevention of frauds, &c. by persons employed in woollen, &c. manufactures, and securing of property of manufacturers and wages of workmen, &c., in England.	Rep. in part— Stat. Law Rev. Act, 1874 (No. 2). 38 & 39 Vict. c. 86. s. 17.	93
c. 41.	- Loan societies - - -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 42.	- Presentments for freeing bridges from tolls in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	105
c. 43.	- Militia ballots suspension - - -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 44.	- Advances for public works in Ireland -	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	107
c. 45.	- Usury - - - - -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 46.	- Slave trade suppression - - -	Rep., 36 & 37 Vict. c. 88. s. 30.	
c. 47.	- Controverted elections - - -		
c. 48.	- Poor rates - - - - -		
c. 49.	- Duties on spirits - - - - -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
cc. 50-53.	- Slave trade suppression, treaties with Austria, Prussia, Russia, Mexican Republic, Chili, Portugal.	Rep., 36 & 37 Vict. c. 88. s. 30.	
c. 54.	- Limitations of time for suits as to rights of presentation to churches, &c., Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	
c. 55.	- Exchequer Court, Ireland, equity side -	Residue local and personal. Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 56.	- Fines, &c., Ireland - - - - -	Rep., 14 & 15 Vict. c. 90. s. 19.	
c. 57.	- Relief of certain bishops, Ireland -	Local and personal.	
c. 58.	- Admiralty lands - - - - -	Rep., 28 & 29 Vict. c. 112. s. 1.	
c. 59.	- Highway rates - - - - -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 60.	- Ecclesiastical jurisdiction - - -		
c. 61.	- Admission to benefices, Scotland -	Rep., 37 & 38 Vict. c. 82. s. 3.	
c. 62.	- Incapacitated bishops - - - - -	Rep., 32 & 33 Vict. c. 111. s. 15.	
c. 63.	- West Indies relief - - - - -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 64.	- Purchase of office of keeper of Holyrood Park, &c.	Local and personal.	
c. 65.	- Copyright of designs - - - - -	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	109

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or-partial omission.	Page.
6 & 7 Vict. (<i>cont.</i>)			
c. 66.	- Amendment of 3 Geo. 4. c. 39. as to filing of warrants of attorney to confess judgment.	- - - - -	112
c. 67.	- Writs of error upon proceedings on writs of mandamus.	- - - - -	113
c. 68.	- Regulation of theatres - - -	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	115
c. 69.	- Turnpike Acts continuance - - -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	119
c. 70.	- Militia pay - - - - -		
c. 71.	- Grand jury presentments, Ireland - -		
c. 72.	- Stamps - - - - -		
c. 73.	- Consolidation and amendment of laws relating to attorneys and solicitors in England.		
c. 74.	- Arms, &c., Ireland - - - - -	Rep., 33 & 34 Vict. c. 99. Rep. in part— 23 & 24 Vict. c. 127. s. 2. 34 & 35 Vict. c. 18. s. 1. Stat. Law Rev. Act, 1874 (No. 2). 38 & 39 Vict. c. 79. s. 2.	
cc. 75, 76.	- Extradition - - - - -	Rep., 33 & 34 Vict. c. 52. s. 27.	137
c. 77.	- Regulation of cathedral churches in Wales.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	
c. 78.	- Remembrancers of Exchequer Court, Ireland.	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 79.	- Fisheries, convention with France - -	Rep., 31 & 32 Vict. c. 45. s. 71.	139
c. 80.	- Government of British subjects in China.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	
c. 81.	- Sessions of the peace, Dublin - - -	Rep., 14 & 15 Vict. c. 57. s. 1.	141
c. 82.	- Commissions to enable persons to take affidavits, and for examination of witnesses.	- - - - -	
c. 83.	- Amendment of law as to duties of coroners.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	143
c. 84.	- Customs - - - - -	Rep., 8 & 9 Vict. c. 84. s. 2.	144
c. 85.	- Improvement of law of evidence - -	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	
c. 86.	- Regulation of hackney and stage carriages in and near London.	Rep. in part— 32 & 33 Vict. c. 14. s. 39. Stat. Law Rev. Act, 1874 (No. 2).	145
c. 87.	- Supply - - - - -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 88.	- St. Michael's church, Limerick - - -	Local and personal.	
c. 89.	- Regulation of municipal corporations in England.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	160
c. 90.	- Service of clerks to public notaries, and admission of public notaries.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	162
c. 91.	- Regulation of charitable loan societies in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	166
c. 92.	- Relief of the poor in Ireland - - -	Rep. in part— 31 & 32 Vict. c. 49. s. 15. Stat. Law Rev. Act, 1874 (No. 2).	190
c. 93.	- Regulation of municipal corporations in Ireland.	Rep. in part— 35 & 36 Vict. c. 33. s. 32. (temp.) Stat. Law Rev. Act, 1874 (No. 2). Sect. 26, spent in part.	198
c. 94.	- Exercise of jurisdiction by her Majesty in places out of her dominions.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	214
c. 95.	- Chelsea Hospital out-pensioners - -	Rep., 30 & 31 Vict. c. 110. s. 20.	217
c. 96.	- Defamation and libel - - - - -	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	
c. 97.	- Sudbury bribery commission - - -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	

CHRONOLOGICAL TABLE—continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
6 & 7 Vict. (cont.) c. 98.	Suppression of the slave trade -	Rep. in part— 36 & 37 Vict. c. 88. s. 30. Stat. Law Rev. Act, 1874 (No 2).	220
c. 99.	Appropriation -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
7 & 8 Vict. (1844).	Raising money for improvements in the Metropolis.	Rep. in part, 14 & 15 Vict. c. 42. s. 3. Residue local and personal.	
c. 1.	Trial of offences committed on the high seas.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	223
c. 2.	Actions for gaming -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 3.	National debt -	Rep., Stat. Law Rev. Act, 1870.	
cc. 4, 5.	Supply -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 6.	Gaming transactions -	Rep., 13 & 14 Vict. c. 102. s. 60.	
c. 7.	Teachers of schools, Ireland -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 8.	Mutiny -	Rep., 34 & 35 Vict. c. 48.	
c. 9.	Indemnity -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 10.	Marine mutiny -	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	224
c. 11.	International copyright -	Local and personal.	
c. 12.	Forest of Dean -	Rep. Stat. Law Rev. Act, 1874 (No. 2).	
c. 13.	Exchequer bills -	Rep. in part—	232
c. 14.	Amendment of laws relating to labour in factories.	13 & 14 Vict. c. 54. ss. 2, 7. 34 & 35 Vict. c. 104. s. 11. 37 & 38 Vict. c. 44. ss. 14, 21. Stat. Law Rev. Act, 1874 (No. 2).	
c. 15.	Customs -	Rep., 8 & 9 Vict. c. 84. s. 2.	
c. 16.	West Indian Islands relief -	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	260
c. 17.	Courts-martial in the East Indies -	-	263
c. 18.	Regulation of bailiffs of inferior courts-	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	265
c. 19.	Debt of city of Edinburgh -	Local and personal.	
c. 20.	Stamps -	Rep., 33 & 34 Vict. c. 99.	
c. 21.	Amendment of laws for preventing frauds, &c. in marking gold and silver wares in England.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	267
c. 22.	Assaults, Ireland -	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 23.	Abolition of offences of forestalling, regrating, &c.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	277
c. 24.	Excise licences to and regulation of makers of vinegar.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	278
c. 25.	Slave trade suppression -	Rep., 36 & 37 Vict. c. 88. s. 30.	
c. 26.	Limitation of time for suits as to rights of presentation to churches, &c., Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	
c. 27.	Sugar duties -	Residue local and personal.	
c. 28.	Destruction of game by night -	Rep., Stat. Law Rev. Act, 1861.	
c. 29.	Stipendiary magistrate, Manchester and Salford.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	279
c. 30.	Warehousing of foreign goods for home consumption at Manchester.	Local and personal.	
c. 31.	Regulation of issue of bank notes; and privileges of Bank of England.	Rep. in part—	280
c. 32.		19 & 20 Vict. c. 20. s. 1. Stat. Law Rev. Act, 1874 (No. 2).	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
7 & 8 Vict. (<i>cont.</i>) c. 33.	Collection of police and other rates by guardians of unions, &c.; and relief of high constables from attendance at quarter sessions, &c.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	292
c. 34.	Prisons, Scotland	Rep., 23 & 24 Vict. c. 105. s. 1.	
c. 35.	Militia ballots suspension	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 36.	Turnpike Acts, Ireland, continuance		
c. 37.	Terms of parliamentary grants towards building, &c. of schools; and amendment of 4 & 5 Vict. c. 38. as to conveyance of sites for schools.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	297
c. 38.	Regulation of charitable loan societies in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	299
c. 39.	Income tax	Rep., Stat. Law Rev. Act, 1870.	
c. 40.	Poor rates		
c. 41.	Turnpike Acts, Great Britain, continuance.	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 42.	Scotch and Irish paupers removal	Rep., 8 & 9 Vict. c. 117. s. 1.	
c. 43.	Customs	Rep., 8 & 9 Vict. c. 84. s. 2.	
c. 44.	Division of extensive and populous parishes, and erection of new parishes, in Scotland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	300
c. 45.	Regulation of suits relating to meeting houses, &c. of Protestant dissenters.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	309
c. 46.	Amendment of laws relating to assessed taxes, property tax, and duty on pensions and offices of profit.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	310
c. 47.	Amendment and continuance of Acts relating to linen and hempen manufactures in Ireland.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	313
c. 48.	Butter and cheese trade	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 49.	Regulation of colonial posts	Rep. in part— Stat. Law Rev. Act, 1874 (No. 2). in gen. terms, 38 & 39 Vict. c. 22. s. 14.	315
c. 50.	District courts and prisons	Rep., 28 & 29 Vict. c. 126. s. 73.	
c. 51.	Soap duties allowances	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 52.	Appointment and payment of parish constables.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	317
c. 53.	Disfranchisement of Sudbury	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 54.	Loan societies		
c. 55.	Enfranchisement of copyhold lands	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	318
c. 56.	Banns and marriages in certain district churches or chapels.	- - - - -	320
c. 57.	Western Australia government	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 58.	Actions for gaming		
c. 59.	Regulation of offices of lecturers and parish clerks.	- - - - -	323
c. 60.	Care and preservation of Trafalgar Square.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2). Residue local and personal.	
c. 61.	Annexation of detached parts of counties to counties in which they are situate.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	326
c. 62.	Burning of farm buildings	Rep., 24 & 25 Vict. c. 95. s. 1.	
c. 63.	Party processions, Ireland	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 64.	National debt	Rep., Stat. Law Rev. Act, 1870.	
c. 65.	Duchy of Cornwall lands	Local and personal.	
c. 66.	Aliens	Rep., 33 & 34 Vict. c. 14. s. 18.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
7 & 8 Vict. (cont.)			
c. 67.	Post-horse licence duties, Ireland	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2). Residue virt. rep., 32 & 33 Vict. c. 14. s. 17.	328
c. 68.	Returns from registrars of ecclesiastical courts.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	329
c. 69.	Administration of justice in the Privy Council.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	320
c. 70.	Arrangements between debtors and creditors.	Rep., 32 & 33 Vict. c. 83. s. 20.	332
c. 71.	Administration of criminal justice in Middlesex.	Rep. in part— 37 & 38 Vict. c. 7. s. 5. Stat. Law Rev. Act, 1874 (No. 2).	335
c. 72.	Customs, New South Wales	Rep., Stat. Law Rev. Act, 1875.	335
c. 73.	Customs	Rep., 9 & 10 Vict. c. 58. s. 1.	335
c. 74.	Amendment of Act for government of New South Wales and Van Diemen's Land.	Rep. in part, Stat. Law Rev. Act, 1875.	335
c. 75.	Militia pay	Rep., Stat. Law Rev. Act, 1874 (No. 2).	335
c. 76.	Transfer of property	Rep., 8 & 9 Vict. c. 106. s. 1.	335
c. 77.	Clerk of the Crown in Chancery	Rep., 37 & 38 Vict. c. 81. s. 12.	335
c. 78.	Unlawful oaths, Ireland	Rep., Stat. Law Rev. Act, 1874 (No. 2).	335
c. 79.	Appointment of land tax commissioners	Local and personal.	335
c. 80.	National debt	Rep., Stat. Law Rev. Act, 1870.	335
c. 81.	Marriages in Ireland, and registration of such marriages	Rep. in part— 26 & 27 Vict. c. 11. s. 8. Stat. Law Rev. Act, 1874 (No. 2).	335
c. 82.	Spirits, Ireland	Sect. 82, spent. Rep., Stat. Law Rev. Act, 1874 (No. 2).	365
c. 83.	Amendment of laws relating to savings banks, and purchase of government annuities through savings banks	Rep. in part— 16 & 17 Vict. c. 45. s. 1. Rep., 26 & 27 Vict. c. 87. s. 1., but see saving, and 24 & 25 Vict. c. 14. s. 14.	369
c. 84.	Regulation of construction and use of buildings in the Metropolis and its neighbourhood.	Rep. in part, 18 & 19 Vict. c. 122. s. 109.	379
c. 85.	Regulation of construction, &c. of railways.	Rep. in part— 31 & 32 Vict. c. 119. s. 47. 34 & 35 Vict. c. 78. s. 17. Stat. Law Rev. Act, 1874 (No. 2).	387
c. 86.	Clerks not disqualified by attorneys, &c. not taking out or registering certificates.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	387
c. 87.	Regulation of slaughter-houses	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	390
c. 88.	Widening, &c. of Piccadilly	Local and personal.	390
c. 89.	Audit of accounts of Woods and Forests Commissioners.	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	391
c. 90.	Protection of purchasers, &c. against unregistered judgments, &c.; and office for registration of judgments, &c., in Ireland	Rep. in part— 13 & 14 Vict. c. 74. ss. 3, 7. 20 & 21 Vict. c. 60. s. 2. 34 & 35 Vict. c. 72. s. 1. Stat. Law Rev. Act, 1874 (No. 2). Sect. 31, spent.	391

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
7 & 8 Vict. (<i>cont.</i>)			
c. 91.	Consolidation and amendment of laws relating to turnpike trusts in South Wales	Rep. in part— 8 & 9 Vict. c. 61. s. 10. Stat. Law Rev. Act, 1874 (No. 2).	401
c. 92.	Office of county coroner	38 & 39 Vict. c. 35. s. 3. Sect. 70, spent in part.	
c. 93.	Arbitrations	Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	431
c. 94.	Amendment of Act making better provision for spiritual care of populous parishes.	Rep., 28 & 29 Vict. c. 126. s. 73. Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	438
c. 95.	Preservation of salmon fisheries in Scotland.	- - - - -	441
c. 96.	Amendment of law of execution	Rep. in part— 32 & 33 Vict. c. 83. s. 20. Stat. Law Rev. Act, 1874 (No. 2).	442
c. 97.	Application of charitable donations and bequests in Ireland.	Rep. in part— 34 & 35 Vict. c. 102. s. 4. Stat. Law Rev. Act, 1874 (No. 2).	445
c. 98.	Grand canal, Ireland	Local and personal.	
c. 99.	Tralee navigation and harbour		
c. 100.	Importation		
c. 101.	Amendment of the laws relating to the poor in England.	Rep., Stat. Law Rev. Act, 1874 (No. 2). Rep. in part— 21 & 22 Vict. c. 67. 30 & 31 Vict. c. 106. ss. 6, 16. 35 & 36 Vict. c. 65. s. 2. Stat. Law Rev. Act, 1874 (No. 2).	451
c. 102.	Roman Catholics	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 103.	Controverted elections	Rep., 11 & 12 Vict. c. 98. s. 1.	
c. 104.	Appropriation	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
c. 105.	Duchy of Cornwall manors	Local and personal.	
c. 106.	Consolidation and amendment of laws regulating grand jury presentments in county of Dublin.	Rep. in part— 8 & 9 Vict. c. 81. s. 1. 9 & 10 Vict. c. 37. s. 1. 27 & 28 Vict. c. 17. s. 6. Stat. Law Rev. Act, 1874 (No. 2).	479
c. 107.	Regulation of offices attached to superior courts of law in Ireland.	Rep. in part— 30 & 31 Vict. c. 129. s. 44. Stat. Law Rev. Act, 1874 (No. 2).	539
c. 108.	Irish fisheries	Virt. rep. in part. Rep. in part, Stat. Law Rev. Act, 1874 (No. 2).	553
c. 109.	Art unions indemnity	Rep., Stat. Law Rev. Act, 1874 (No. 2).	
cc. 110, 111.	Joint stock companies	Rep., 25 & 26 Vict. c. 89. s. 205.	
c. 112.	Merchant seamen	Rep., 17 & 18 Vict. c. 120. s. 4.	
c. 113.	Joint stock banks	Rep., 25 & 26 Vict. c. 89. s. 205.	
8 & 9 Vict. (1845).			
c. 1.	Supply	Rep., Stat. Law Rev. Act, 1875.	
c. 2.	Stamps		
c. 3.	Constables near public works, Scotland		
c. 4.	Income tax	Rep., 20 & 21 Vict. c. 72. s. 9. Rep., Stat. Law Rev. Act, 1875.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
8 & 9 Vict. (<i>cont.</i>)			
c. 5.	- Sugar duties - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 6.	- Glass duties repeal - - - -	} Rep., Stat. Law Rev. Act, 1875.	
c. 7.	- Certain export duties repeal - - - -		
c. 8.	- Mutiny - - - -		
c. 9.	- Marine mutiny - - - -		
c. 10.	- Proceedings in bastardy - - - -		
c. 11.	- Assignment of sheriffs in Wales - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	557
c. 12.	- Customs - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	560
c. 13.	- Duties on sugar - - - -	Rep., 8 & 9 Vict. c. 84. s. 2.	
c. 14.	- Passenger ships - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 15.	- Excise duty on auctioneers' licences - - - -	Rep., 12 & 13 Vict. c. 33. s. 1.	
c. 16.	- Companies Clauses Consolidation - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	560
c. 17.	- Companies Clauses Consolidation, Scotland. - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	564
c. 18.	- Lands Clauses Consolidation - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	596
c. 19.	- Lands Clauses Consolidation, Scotland - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	628
c. 20.	- Railways Clauses Consolidation - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	667
c. 21.	- Manchester stipendiary magistrate - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	703
c. 22.	- Widening of Fisher Lane, Greenwich - - - -	Rep., 17 & 18 Vict. c. 20. s. 3.	
c. 23.	- Exchequer bills - - - -	Local and personal.	
c. 24.	- Indemnity - - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 25.	- Maynooth college, Ireland - - - -	Rep., 34 & 35 Vict. c. 48.	
c. 26.	- Prohibition of fishing for trout, &c. with nets in Scotland. - - - -	Rep. in part, 32 & 33 Vict. c. 42. s. 40.	
c. 27.	- Military savings banks - - - -	Residue local and personal.	
c. 28.	- Variation of tolls by canal companies, &c. - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	744
c. 29.	- Print works - - - -	Rep., 22 & 23 Vict. c. 20. s. 1.	
c. 30.	- Amendment of Acts for administration of justice in the Privy Council. - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	746
c. 31.	- Heritable securities, Scotland - - - -	Rep., 33 & 34 Vict. c. 62. s. 5.	
c. 32.	- Borrowing on mortgage of county rates in Middlesex. - - - -	- - - - -	750
c. 33.	- Railway Clauses Consolidation, Scotland - - - -	Rep., 31 & 32 Vict. c. 101. s. 4.	
c. 34.	- Abolition of seal office in Courts of Queen's Bench and Common Pleas. - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	
c. 35.	- Infertments in heritable property in Scotland. - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	
c. 36.	- Assessed taxes - - - -	So far as not repealed, local and personal.	
c. 37.	- Regulation of issue of bank notes in Ireland, and repayment of sums advanced by Bank of Ireland for public service. - - - -	Rep. in part— 31 & 32 Vict. c. 101. s. 4. Stat. Law Rev. Act, 1875.	794
c. 38.	- Regulation of issue of bank notes in Scotland. - - - -	Rep., 32 & 33 Vict. c. 14. s. 39.	
c. 39.	- Arrestment of wages in Scotland - - - -	Rep. in part— 28 & 29 Vict. c. 16. s. 1. Stat. Law Rev. Act, 1875.	797
c. 40.	- Parochial schoolmasters, Scotland - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	813
		Rep. in part, Stat. Law Rev. Act, 1875.	823
		Rep., Stat. Law Rev. Act, 1875.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
8 & 9 Vict. (<i>cont.</i>)			
c. 41.	- Amendment of laws concerning high-ways, bridges, and ferries in Scotland, and maintenance thereof by statute service, &c.	Rep. in part, Stat. Law Rev. Act, 1875.	824
c. 42.	- Carriage of goods by canal companies -	Rep. in part, Stat. Law Rev. Act, 1875.	838
c. 43.	- Museums of art - - - -	Rep., 13 & 14 Vict. c. 65. s. 1.	
c. 44.	- Protection of works of art, &c. -	Rep., 24 & 25 Vict. c. 95. s. 1.	
c. 45.	- Timber ships - - - -	Rep., 8 & 9 Vict. c. 84. s. 2.	
c. 46.	- Appointment of constables to keep the peace near public works in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	842
c. 47.	- Dog stealing - - - -	Rep., 24 & 25 Vict. c. 95. s. 1.	
c. 48.	- Bankruptcy - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 49.	- Sir H. Pottinger's annuity - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 50.	- West Indian Islands relief - - -	Rep. in part, Stat. Law Rev. Act, 1875.	844
c. 51.	- Costs of defence, &c. of rights of ecclesiastical patronage, Ireland.	Local and personal.	
c. 52.	- Declaration on admission to municipal offices.	Rep., 34 & 35 Vict. c. 48.	
c. 53.	- Turnpike Acts continuance - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 54.	- Union and division of parishes, &c., Ireland.	Rep. in part— 11 & 12 Vict. c. 41. s. 1. 14 & 15 Vict. c. 71. Residue local and personal.	
c. 55.	- Unlawful oaths, Ireland - - - -	Rep., 19 & 20 Vict. c. 78. s. 1.	
c. 56.	- Charges on settled estates of expenses of drainage, &c.	Rep. in part, Stat. Law Rev. Act, 1875.	847
c. 57.	- Art unions indemnity - - - -		
c. 58.	- Militia ballots suspension - - -		
c. 59.	- Highway rates - - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 60.	- Loan societies - - - -		
c. 61.	- Further provision for consolidation of turnpike trusts in South Wales.	Rep. in part, Stat. Law Rev. Act, 1875.	851
c. 62.	- Reduction of the national debt -	Rep., Stat. Law Rev. Act, 1870.	
c. 63.	- Geological survey of Great Britain and Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	854
c. 64.	- Retail of spirits in Ireland - - -	Rep. in part, Stat. Law Rev. Act, 1875.	856
c. 65.	- Duties on spirits - - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 66.	- Endowment of new colleges in Ireland	Rep. in part, Stat. Law Rev. Act, 1875.	858
c. 67.	- Juries, Ireland - - - -	Rep., 34 & 35 Vict. c. 65. s. 4.	
c. 68.	- Stay of execution of judgment for misdemeanors upon giving bail in error.	Rep. in part, Stat. Law Rev. Act, 1875.	864
c. 69.	- Drainage of lands, &c. in Ireland -	Rep. in part, Stat. Law Rev. Act, 1875.	865
c. 70.	- Amendment of Church Building Acts -	Rep. in part, Stat. Law Rev. Act, 1875.	873
c. 71.	- Highways in England - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	884
c. 72.	- Discontinuance of Rothwell gaol, Pontefract, Yorkshire.	Local and personal.	
c. 73.	- Shrewsbury and Holyhead road -	Rep., Stat. Law Rev. Act, 1875.	
c. 74.	- Prevention of advertisement of foreign lotteries.	Rep. in part, Stat. Law Rev. Act, 1875.	885
c. 75.	- Defamation and libel - - - -	- - - - -	886
c. 76.	- Stamp duties on appraisers' licences, &c.	Rep. in part— 33 & 34 Vict. c. 99. Stat. Law Rev. Act, 1875.	888
c. 77.	- Tickets of work to be delivered to persons employed in hosiery manufacture.	Rep. in part, Stat. Law Rev. Act, 1875.	890

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
8 & 9 Vict. (<i>cont.</i>)			
c. 78.	Compensation for loss of fees on abolition of certain offices in courts of law	Rep., Stat. Law Rev. Act, 1875.	
c. 79.	Poor rates		
c. 80.	Regulation of criminal jurisdiction of assistant barristers in certain counties of cities, &c. in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	894
c. 81.	Grand jury presentments in county of Dublin.	Rep. in part, Stat. Law Rev. Act, 1875.	896
c. 82.	Militia pay	Section 8, spent in part.	
c. 83.	Amendment and better administration of laws relating to the relief of the poor in Scotland.	Rep., Stat. Law Rev. Act, 1875.	899
c. 84.	Customs	Rep. in part, Stat. Law Rev. Act, 1875.	
c. 85.	Appointment, &c. of Commissioners of Customs.	Rep. in part, 16 & 17 Vict. c. 107. s. 358.	925
c. 86.	Regulation of the customs: Tonnage rates in port of London.	Rep. in part— 16 & 17 Vict. c. 107. s. 358. 17 & 18 Vict. c. 120. s. 4. So far as not repealed, local and personal.	
c. 87.	Prevention of smuggling	Rep., Stat. Law Rev. Act, 1875.	
c. 88.	Shipping, &c.	Rep., 12 & 13 Vict. c. 29. s. 1.	
c. 89.	Registering of British vessels	Rep., 17 & 18 Vict. c. 120. s. 4.	
c. 90.	Duties of customs	Rep., Stat. Law Rev. Act, 1875.	
c. 91.	Warehousing of goods	Rep.— in part, 16 & 17 Vict. c. 107. s. 358. residue, 25 & 26 Vict. c. 63. s. 2.	
c. 92.	Customs		
c. 93.	Trade of British possessions abroad	Rep., 16 & 17 Vict. c. 107. s. 358.	
c. 94.	Isle of Man trade		
c. 95.	Waste lands, Van Diemen's Land	Rep., Stat. Law Rev. Act, 1875.	
c. 96.	Restriction on general powers of selling and leasing railways contained in Acts of Parliament.		925
c. 97.	Public funds	Rep., Stat. Law Rev. Act, 1870.	
c. 98.	Joint stock companies, Ireland	Rep., 25 & 26 Vict. c. 89. s. 205.	
c. 99.	Amendment of Acts relating to the management of the land revenue of the Crown.	Rep. in part, Stat. Law Rev. Act, 1875.	926
c. 100.	Regulation of the care and treatment of lunatics.	Sects. 10 to 13, local and personal. Rep. in part— 16 & 17 Vict. c. 96. ss. 1, 3, 28, 35. 32 & 33 Vict. c. 91. s. 34. Stat. Law Rev. Act, 1875.	931
c. 101.	Duty on coal brought into London, &c.	Virt. rep. in part. Rep. in part, 14 & 15 Vict. c. cxlvi. s. 2. Residue local and personal.	
c. 102.	Usury		
c. 103.	Bonded corn	Rep., Stat. Law Rev. Act, 1875.	
c. 104.	Darby Court, Westminster	Local and personal.	
c. 105.	Court of Chancery	Rep., Stat. Law Rev. Act, 1875.	
c. 106.	Amendment of law of real property	Rep. in part— 13 & 14 Vict. c. 97. s. 6. Stat. Law Rev. Act, 1875.	968
c. 107.	Central asylum for criminal lunatics in Ireland, &c.	Rep. in part, Stat. Law Rev. Act, 1875.	970

CHRONOLOGICAL TABLE—continued.

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
8 & 9 Vict. (cont.) c. 108.	Irish fisheries - - - -	Rep. in part— 9 & 10 Vict. c. 86. s. 3. in gen. terms, 13 & 14 Vict. c. 88. s. 1. 29 & 30 Vict. c. 88. s. 6. Stat. Law Rev. Act, 1875.	982
c. 109.	Amendment of law concerning games and wagers.	Rep. in part, Stat. Law Rev. Act, 1875.	992
c. 110.	Collection of borough and watch rates in certain places.	Rep. in part, Stat. Law Rev. Act, 1875.	1000
c. 111.	County rates - - - -	Rep., 15 & 16 Vict. c. 81. s. 1.	1003
c. 112.	Assignment of satisfied terms - -	-	1004
c. 113.	Admission in evidence of official and other documents.	Rep. in part, Stat. Law Rev. Act, 1875.	1006
c. 114.	Abolition of certain fees in criminal proceedings.	-	1006
c. 115.	Taxing masters for Court of Chancery in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1006
c. 116.	Merchant seamen - - - -	Rep., 17 & 18 Vict. c. 120. s. 4.	1009
c. 117.	Removal of paupers born in Scotland, Ireland, &c., and chargeable in England.	Rep. in part— 24 & 25 Vict. c. 76. s. 7. 26 & 27 Vict. c. 89. s. 3. Stat. Law Rev. Act, 1875.	1012
c. 118.	Inclosure and improvement of commons, &c.	Rep. in part, Stat. Law Rev. Act, 1875.	1012
c. 119.	Facilitation of conveyance of real property.	-	1077
c. 120.	Extradition - - - -	Rep., 33 & 34 Vict. c. 52. s. 27.	
c. 121.	Annexation of part of county of Drogheda to county of Meath, &c. -	Rep. in part, Stat. Law Rev. Act, 1875. So far as not repealed, local and personal.	
c. 122.	Slave trade, Brazil - - - -	Rep., 32 & 33 Vict. c. 2. s. 1.	
c. 123.	Naval medical supplemental fund society.	Rep., Stat. Law Rev. Act, 1875.	
c. 124.	Facilitation of granting of certain leases	-	1081
c. 125.	Turnpike Acts, Ireland, continuance	Rep., Stat. Law Rev. Act, 1875.	
c. 126.	Lunatics - - - -	Rep., 16 & 17 Vict. c. 97. s. 1.	
c. 127.	Recovery of small debts - - - -	Rep. in part— Stat. Law Rev. Act, 1875. 32 & 33 Vict. c. 83. s. 20.	1085
c. 128.	Tickets of work to be delivered to silk weavers.	Rep. in part— Stat. Law Rev. Act, 1875; 33 & 39 Vict. c. 86: s. 17.	1093
c. 129.	Exchequer bills - - - -	-	
c. 130.	Appropriation - - - -	Rep., Stat. Law Rev. Act, 1875.	
9 & 10 Vict. (1846).			
c. 1.	Amendment of Acts for promotion and extension of public works in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1095
c. 2.	Presentment for county works; and payment of labourers by contractors for county works in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1104
c. 3.	Encouragement of sea fisheries in Ireland by grant, &c. of public money for construction of harbours, piers, &c.	Rep. in part— 9 & 10 Vict. c. 86. s. 3. Stat. Law Rev. Act, 1875.	1104
c. 4.	Drainage of lands, &c. in Ireland -	Rep. in part— 16 & 17 Vict. c. 130. s. 10. Stat. Law Rev. Act, 1875.	1138
c. 5.	Metropolitan buildings - - - -	Rep., 18 & 19 Vict. c. 122. s. 109.	
c. 6.	Fever, Ireland - - - -	-	
c. 7.	Supply - - - -	Rep., Stat. Law Rev. Act, 1875.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
9 & 10 Vict. (<i>cont.</i>)			
c. 8.	National debt - - - -	Rep., Stat. Law Rev. Act, 1870.	
c. 9.	Out-pensioners' services - - -	Rep., 30 & 31 Vict. c. 110. s. 20.	
c. 10.	Out-pensioners' payment - - -	Rep., 19 & 20 Vict. c. 15. s. 1.	
c. 11.	Mutiny - - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 12.	Marine mutiny - - - -		
c. 13.	Indemnity - - - -	Rep., 34 & 35 Vict. c. 48.	
c. 14.	Insolvent debtors, India - - -	Rep., 11 & 12 Vict. c. 21. s. 1.	
c. 15.	Exchequer bills - - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 16.	Inclosures pursuant to report of Inclosure Commissioners.	Local and personal.	
c. 17.	Abolition of exclusive privileges of trading in burghs in Scotland.	Rep. in part, Stat. Law Rev. Act, 1875.	1161
c. 18.	Print works - - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 19.	Parliamentary elections, Ireland -	Rep., 35 & 36 Vict. c. 33. s. 32. (temp.)	
c. 20.	Deposit, &c. of money paid under standing orders of either house of Parliament by promoters of undertakings.	Rep. in part, Stat. Law Rev. Act, 1875.	1162
c. 21.	Viscount Hardinge's annuity from East India company.	Rep., Stat. Law Rev. Act, 1875.	
c. 22.	Importation - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 23.	Customs - - - -	Rep., 16 & 17 Vict. c. 107. s. 358.	
c. 24.	Removal of defects in administration of criminal justice.	- - - -	1165
c. 25.	Malicious injuries by fire, &c. - -	Rep., 24 & 25 Vict. c. 95. s. 1.	
c. 26.	Transportation - - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 27.	Friendly societies - - - -	Rep., with savings, 13 & 14 Vict. c. 115. s. 1. Rep., 18 & 19 Vict. c. 63. s. 1., but see 17 & 18 Vict. c. 56. s. 2.	1166
c. 28.	Railway companies dissolution - - -	Rep., 25 & 26 Vict. c. 89. s. 205.	
c. 29.	Sugar duties - - - -	Rep., 9 & 10 Vict. c. 63. s. 1.	
c. 30.	Parliamentary elections - - - -	Rep., 25 & 26 Vict. c. 92. s. 2.	
c. 31.	Annuity to Lord Hardinge, &c. - -	Local and personal.	
c. 32.	Annuity to Lord Gough, &c. - -		
c. 33.	Amendment of laws relating to corresponding societies, &c.	Rep. in part, Stat. Law Rev. Act, 1875.	1171
c. 34.	Construction of new street from Spitalfields to Shoreditch.	Local and personal.	
c. 35.	Western Australia government - -	Rep., Stat. Law Rev. Act, 1875.	
c. 36.	Coalwhippers, port of London - -		
c. 37.	Amendment of laws relating to the office of coroner and expenses of inquests in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1171
c. 38.	Formation of Battersea Park - - -	Rep. in part, 14 & 15 Vict. c. 77. s. 1. Residue local and personal.	
c. 39.	Construction of Battersea Bridge and Embankment, &c.	Rep. in part, 21 & 22 Vict. c. 66. s. 1. Residue local and personal.	
c. 40.	Exemption of certain ropeworks from the Factory Acts.	Rep. in part, Stat. Law Rev. Act, 1875.	1188
c. 41.	Sugar duties - - - -	Rep., 9 & 10 Vict. c. 63. s. 1.	
c. 42.	Loan to New Zealand company - -	Rep., Stat. Law Rev. Act, 1875.	
c. 43.	Militia ballots suspension - - -		
c. 44.	Writs for election of members for Cheshire and Chester.	Rep. in part, Stat. Law Rev. Act, 1875.	1189
c. 45.	Newfoundland constitution - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 46.	Ordnance survey - - - -		
c. 47.	Supply - - - -		
c. 48.	Legalization of art unions - - -		
		Rep. in part, Stat. Law Rev. Act, 1875.	1189

CHRONOLOGICAL TABLE—*continued.*

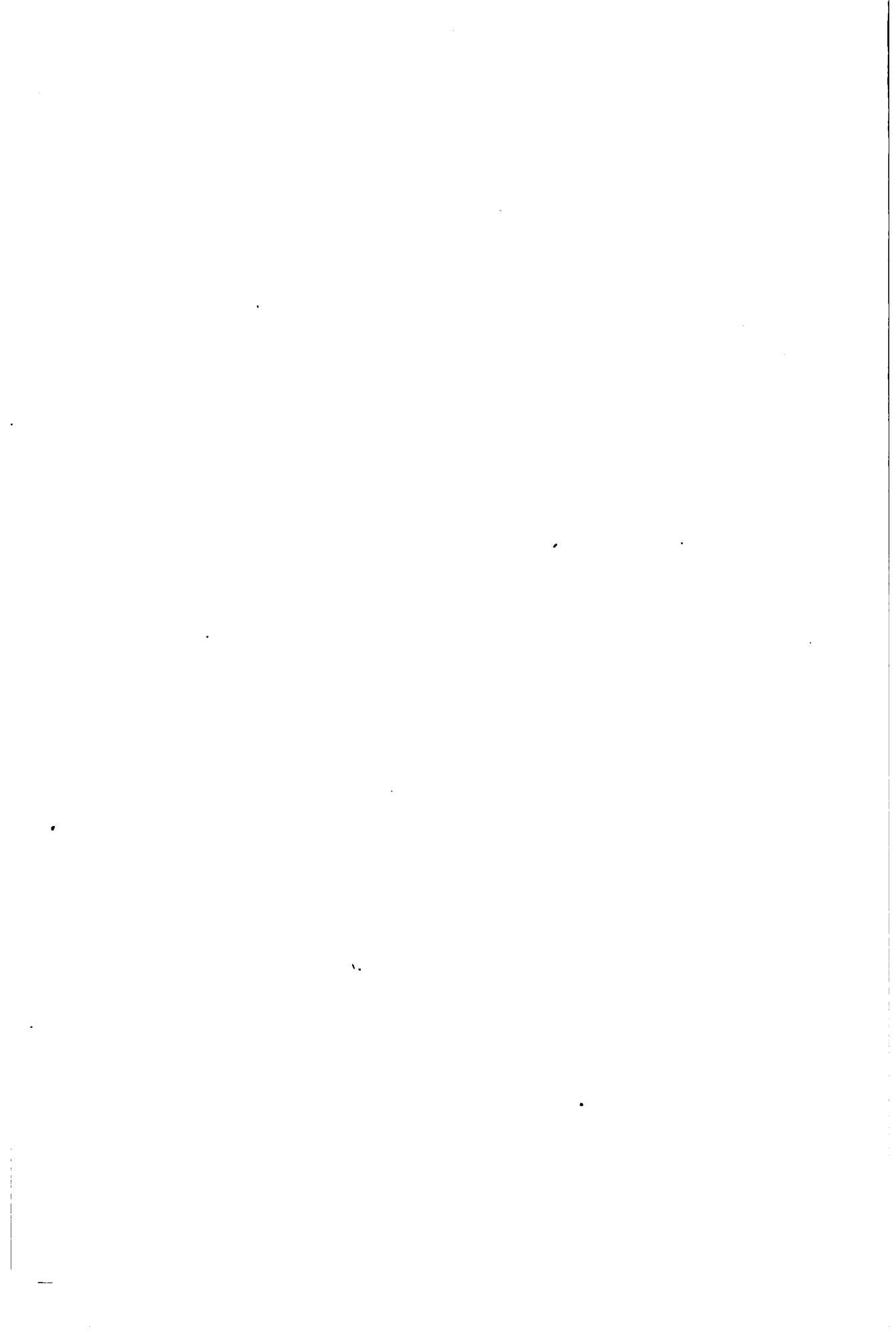
Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
9 & 10 Vict. (<i>cont.</i>)			
c. 49.	Highway rates - - - -	Rep., Stat. Law Rev. Act, 1875.	
c. 50.	Poor rates - - - -		
c. 51.	Turnpike Acts, Great Britain, con- tinuance - - - -		
c. 52.	Loan societies - - - -		
c. 53.	Copyhold commission - - - -		
c. 54.	Practitioners in Court of Common Pleas	Rep. in part, Stat. Law Rev. Act, 1875.	1190
c. 55.	Militia pay - - - -		
c. 56.	Forms of proceedings under Acts relating to assessed taxes and income tax.	Rep. in part, Stat. Law Rev. Act, 1875.	1252
c. 57.	Regulation of gauge of railways -	Rep. in part, Stat. Law Rev. Act, 1875.	1254
c. 58.	Customs - - - -	Rep., Stat. Law Rev. Act, 1861.	1256
c. 59.	Relief of her Majesty's subjects from penalties and disabilities in regard to religious opinions.	Rep. in part, Stat. Law Rev. Act, 1875.	
c. 60.	Exemption from stamp duty of bonds, &c. of high constables and collectors of grand jury cess, &c. in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1257
c. 61.	Prisons in Ireland - - - -	Rep. in part, Stat. Law Rev. Act, 1875.	1258
c. 62.	Abolition of deodands - - - -	Rep., Stat. Law Rev. Act, 1875.	1258
c. 63.	Sugar duties - - - -	Rep., Stat. Law Rev. Act, 1861.	
c. 64.	Relief against adverse claims by inter- pleader in common law actions in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	
e. 65.	Appointment of stipendiary magistrate at Wolverhampton.	Local and personal.	1260
c. 66.	Amendment of laws as to removal of the poor.	Rep. in part— 11 & 12 Vict. c. 111. s. 1. Stat. Law Rev. Act, 1875.	
c. 67.	Citations and services and execution of diligence in Scotland.	Rep. in part, Stat. Law Rev. Act, 1875.	1261
e. 68.	Use of one chapel by places for which contiguous burial grounds have been provided.	- - - -	1262
c. 69.	Naval medical supplemental fund society.	Rep., Stat. Law Rev. Act, 1875.	1264
e. 70.	Amendment of Act to facilitate the inclosure and improvement of com- mons.	Rep. in part, Stat. Law Rev. Act, 1875.	
c. 71.	Presentments for county works, Ireland	Rep., Stat. Law Rev. Act, 1875.	1269
c. 72.	Amendment of Act for marriages in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	
c. 73.	Amendment of Acts for commutation of tithes in England.	Rep. in part, Stat. Law Rev. Act, 1875.	1271
c. 74.	Establishment of public baths and wash- houses.	Rep. in part, Stat. Law Rev. Act, 1875.	1280
c. 75.	Joint stock banks, Scotland and Ireland	Rep., 25 & 26 Vict. c. 89. s. 205.	1289
c. 76.	Abolition of exclusive privileges of trading in cities, &c. in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	
c. 77.	Amendment of Acts relating to offices in House of Commons.	Rep. in part, Stat. Law Rev. Act, 1875.	1290
c. 78.	County works advances, Ireland	Rep., Stat. Law Rev. Act, 1875.	
c. 79.	Lunatic asylums, Ireland - - - -		
c. 80.	Public works loans - - - -		
c. 81.	Income tax - - - -		
c. 82.	Loan to New Zealand company - - - -		
c. 83.	Public works loans - - - -	Rep., Stat. Law Rev. Act, 1875.	1290
c. 84.	Lunatic asylums, &c. - - - -	Rep., 16 & 17 Vict. c. 97. s. 1.	
c. 85.	Loans for public works, Ireland -	Rep., Stat. Law Rev. Act, 1875.	

CHRONOLOGICAL TABLE—*continued.*

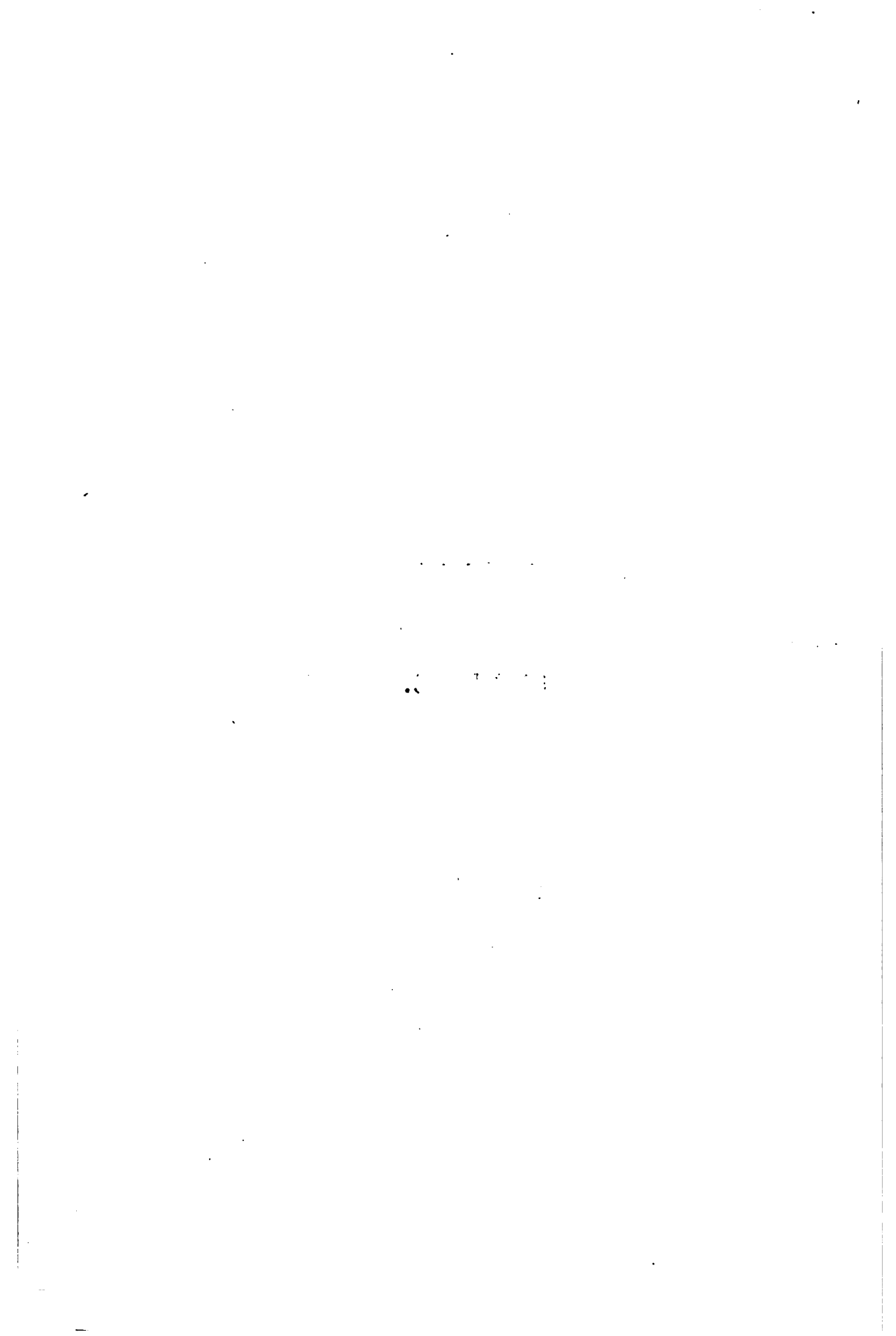
Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
9 & 10 Vict. (<i>cont.</i>) c. 86.	Extension and consolidation of powers of Commissioners of Public Works in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1292
c. 87.	Establishment of public baths and washhouses in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1295
c. 88.	Legality of certain assignments of ecclesiastical patronage.	Rep. in part, Stat. Law Rev. Act, 1875.	1304
c. 89.	Turnpike roads, Ireland	Rep., Stat. Law Rev. Act, 1875.	
c. 90.	Prevention of use of stills by unlicensed persons.	-	1304
c. 91.	Crown appointments, colonies	Rep., 26 & 27 Vict. c. 76. s. 4.	
c. 92.	Naval and military accounts	Rep., 29 & 30 Vict. c. 39. s. 46.	
c. 93.	Compensation to families of persons killed by accidents.	Rep. in part, Stat. Law Rev. Act, 1875.	1306
c. 94.	Customs	Rep., Stat. Law Rev. Act, 1861.	
c. 96.	Recovery of small debts and demands in England. (County Courts Act, 1846.)	Rep. in part— 12 & 13 Vict. c. 101. ss. 7, 11. 13 & 14 Vict. c. 61. s. 4. 19 & 20 Vict. c. 108. s. 2. 21 & 22 Vict. c. 74. s. 1. 22 Vict. c. 8. 30 & 31 Vict. c. 142. s. 33. 32 & 33 Vict. c. 83. s. 20. 33 & 34 Vict. c. 15. s. 5. 38 & 39 Vict. c. 50. s. 12. Stat. Law Rev. Act, 1875.	1307
c. 96.	Nuisances removal, &c.	Rep., Stat. Law Rev. Act, 1875.	
c. 97.	Constabulary force in Ireland	Rep. in part, Stat. Law Rev. Act, 1875.	1335
c. 98.	Pawnbrokers	Rep., 35 & 36 Vict. c. 93. s. 4.	
c. 99.	Wreck and salvage	Rep., 17 & 18 Vict. c. 120. s. 4.	
c. 100.	Steam navigation	Rep., 14 & 15 Vict. c. 79. s. 1.	
c. 101.	Advance of public money for improvement of land by drainage.	Rep. as to Ireland, 10 & 11 Vict. c. 32. s. 1. Rep. in part— 19 & 20 Vict. c. 9. ss. 1, 6. Stat. Law Rev. Act, 1875.	1341
c. 102.	Customs	Rep., 16 & 17 Vict. c. 107. s. 358.	
c. 103.	Government of New Zealand	Rep. in part, Stat. Law Rev. Act, 1875.	1351
c. 104.	Waste lands, Australia	Rep., 18 & 19 Vict. c. 56. ss. 1, 2.	
c. 105.	Railway commissioners	Rep., 14 & 15 Vict. c. 64. s. 1.	
c. 106.	Local Acts, preliminary inquiries	Rep., 11 & 12 Vict. c. 129. s. 1.	
c. 107.	Poor employment, Ireland	Rep., Stat. Law Rev. Act, 1875.	
c. 108.	Loans for public works, Ireland	-	
c. 109.	Public works advances, Ireland	Rep., 10 & 11 Vict. c. 106. s. 4.	
c. 110.	Rateable property, Ireland	Rep., 15 & 16 Vict. c. 63. s. 3.	
c. 111.	Amendment of law in Ireland as to ejectments and distresses and occupation of lands.	Rep. in part— 23 & 24 Vict. c. 154. s. 104. Stat. Law Rev. Act, 1875.	1356
c. 112.	Facilitation of granting of certain leases in Ireland.	Rep. in part— 13 & 14 Vict. c. 97. s. 4. Stat. Law Rev. Act, 1875.	1364
		Virt. rep. in part, 33 & 34 Vict. c. 97. s. 3. & sch.	

CHRONOLOGICAL TABLE—*continued.*

Year, statute and chapter.	Subject-matter.	Reason for total or partial omission.	Page.
9 & 10 Vict. (<i>cont.</i>) c. 113. -	Improvement of proceedings in prohibition and on writs of mandamus in Ireland.	Rep. in part, Stat. Law Rev. Act, 1875.	1369
c. 114. -	Fisheries, Ireland - - - }	Rep., Stat. Law Rev. Act, 1875.	
c. 115. -	Lunatic asylums, Ireland - - }		
c. 116. -	Appropriation - - }		
c. 117. -	Inclosures pursuant to report of Inclosure Commissioners.	Local and personal.	



THE STATUTES
(REVISED).



THE STATUTES—REVISED EDITION.

6 & 7 VICTORIA. A.D. 1843.

STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER THE NINETEENTH DAY OF
AUGUST, A.D. 1841,

IN THE FIFTH YEAR OF THE REIGN OF QUEEN VICTORIA,
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE
SECOND DAY OF FEBRUARY, A.D. 1843,

BEING THE THIRD SESSION OF THE FOURTEENTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER VII.

AN ACT to amend the Law affecting transported Convicts with respect to
Pardons and Tickets of Leave. [3d April 1843.]

WHEREAS by an Act passed in the third year of the reign of his
late Majesty, intituled “An Act for abolishing the punishment of death
“ in certain cases, and substituting a lesser punishment in lieu thereof,” it is
among other things enacted, that neither the governor nor lieutenant governor
of any island, colony, or settlement, or any other person, shall give any pardon
or ticket of leave to any person sentenced to transportation, or who shall
receive a pardon on condition of transportation, or any order or permission to
suspend or remit the labour of any such person, except in cases of illness, until
such person, if transported for seven years shall have served four, if tran-
sported for fourteen years shall have served six, or if transported for life shall
have served eight years of labour; and that no such person shall be capable
of acquiring or holding any property, or of bringing any action for the
recovery of any property, until after such person shall have duly obtained a
pardon from the governor or lieutenant governor of the colony or settlement
in which he or she shall have been confined; provided that nothing therein
contained shall in any manner affect his Majesty’s royal prerogative of mercy
And whereas it is expedient that the law with respect to pardons and tickets
of leave 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, that
so much of the above-recited Act as is herein-before recited shall be repealed. [Rep.,
Stat. Law. Rev. Act. 1874 (No. 2).]

2 & 3 Will. 4.
c. 62. s. 2.

Repeal of so
much of the
recited Act
as respects
pardons and
tickets of
leave.
Manner of
granting
pardons to

II. AND be it enacted, that after the time when this Act shall take effect in
any place to which felons and offenders have been or may be transported by law,
neither the governor nor lieutenant governor of such place shall be empowered

transported
felons.

as heretofore to remit, either absolutely or conditionally, the whole or any part of the time for which any such felons or other offenders shall have been or shall be hereafter transported to such place, but instead thereof the governor or lieutenant governor shall from time to time, by an instrument in writing under his hand, recommend such felons or other offenders as he shall think fit to be recommended to her Majesty for an absolute or conditional pardon; and in case her Majesty shall, through one of her principal secretaries of state, signify her approval of any such recommendation, it shall be lawful for the governor or lieutenant governor to grant such absolute or conditional pardon, pursuant to such instructions as shall be sent to him by the secretary of state, by an instrument in writing under the seal of his government, which shall be deemed from the day of the date thereof to have, within such place or places as shall be specified in such pardon, but not elsewhere, the same effect in the law to all intents and purposes as if a general, absolute, or conditional pardon had passed on that day under the great seal of the United Kingdom.

Holders of
tickets of
leave may sue
for personal
property.

III. AND whereas the practice hath prevailed in those places to which felons and offenders have been transported by law of granting, in certain cases and on certain conditions, permission to such felons and offenders to employ themselves for their own benefit (which permissions are usually called and known by the name of tickets of leave), and it is just that they should be protected in their persons and in the possession of such property as they may acquire by their industry while holding such tickets of leave: Be it enacted, that it shall be lawful for every felon under sentence or order of transportation who shall hold any such ticket of leave, notwithstanding his or her conviction of felony, to acquire and hold personal property, and to maintain any action or suit for the recovery of any personal property so acquired by him or her, and for any damage or injury sustained by him or her, in the courts of the colony or place where such felon shall lawfully reside; and if the defendant in any such action or suit shall plead or allege in his or her defence the plaintiff's or complainant's conviction of felony, and the plaintiff or complainant shall allege and prove that he or she hath received and doth still continue to hold unrevoked such a ticket of leave as aforesaid, a verdict shall pass and judgment shall be given for the plaintiff or complainant: Provided always, that whenever such ticket of leave shall be revoked all property so acquired by any such felon shall vest absolutely in her Majesty, and shall be disposed of at the discretion of the governor or lieutenant governor, subject to such instructions as shall be from time to time sent to him by one of her Majesty's principal secretaries of state.

On revocation
of ticket of
leave such
property shall
vest in her
Majesty.

Holders of
tickets of
leave incapable
of holding real
property, until
pardoned.

IV. PROVIDED always, and be it declared and enacted, that no felon under sentence of transportation who shall hold a ticket of leave shall be capable of acquiring or holding any estate in lands or tenements other than as tenant for years, or for some less term or estate, determinable in each case upon the revocation of the ticket of leave, until after such felon shall have duly obtained an absolute or conditional pardon from the governor or lieutenant governor of the place to which he shall have been so transported, pursuant to the provisions herein-before contained.

Commence-
ment of Act.

V. AND be it enacted, that this Act shall be proclaimed by the governor or lieutenant governor of every place to which felons and offenders have been or now may be transported by law within six weeks after a copy of it shall have been received by him, and shall take effect in every such place from the day

of the proclamation thereof; and in case her Majesty shall be pleased, with the advice of her privy council, to appoint any new place or places beyond the seas to which felons and other offenders under sentence or order of transportation may be conveyed, this Act shall take effect in every such place from the time of such appointment.

* * * * *

CHAPTER VIII.

AN ACT to empower Justices of the Peace in Ireland to act in certain Cases relating to Rates to which they are chargeable. [3d April 1843.]

WHEREAS doubts have arisen whether justices of the peace in Ireland may lawfully act in cases relating to cesses, rates, and taxes to which such justices respectively are rated or chargeable: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 it shall and may be lawful to and for all and every justice or justices of the peace for any county, county of a city, or county of a town, or borough or town corporate, in Ireland, within their respective jurisdictions, to do and perform all acts appertaining to their office as justice or justices of the peace under or in execution of the laws for the presentment of public money by grand juries in Ireland, or the laws for the more effectual relief of the destitute poor in Ireland, or for the apprehension and punishment of vagrants, or under an Act passed in the ninth year of the reign of his Majesty King George the Fourth, intituled "An Act to make provision for lighting, cleansing, and watching of cities, towns corporate, and market towns in Ireland, in certain cases," or under or in execution of any other laws concerning local cesses, rates, or taxes, notwithstanding any such justice or justices is or are rated to or chargeable with the cesses, rates, or taxes affected by such act or acts of such justice or justices as aforesaid.

Justices of the peace in Ireland may act in cases relating to grand jury cess, poor rates, and rates under 9 Geo. 4. c. 82. &c. although liable to such rates.

* * * * *

CHAPTER XII.

AN ACT for the more convenient holding of Coroners Inquests.

[11th April 1843.]

WHEREAS it often happens that it is unknown where persons lying dead have come by their deaths, and also that such persons may die in other places than those in which the cause of death happened: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the coroner only within whose jurisdiction the body of any person upon whose death an inquest ought to be holden shall be lying dead shall hold the inquest, notwithstanding that the cause of death did not arise within the jurisdiction of such coroner; and in the case of any body found dead in the sea, or any creek, river, or navigable canal within the flowing of the sea, where there shall be no deputy coroner for the jurisdiction of the Admiralty of England, the inquest shall be holden only by the coroner having jurisdiction in the place where the body shall be first brought to land.

Coroner only within whose jurisdiction the body of any person is lying dead shall hold the inquest.

Provision for detached parts of counties.

II. AND be it enacted, that for the purpose of holding coroners inquests every detached part of a county, riding, or division shall be deemed to be within that county, riding, or division by which it is wholly surrounded, or, where it is partly surrounded by two or more counties, ridings, or divisions, within that one with which it has the longest common boundary.

Parties may be tried on verdicts of murder or manslaughter, or as accessories before the fact.

III. AND be it declared and enacted, that if a verdict of murder or manslaughter, or as accessory before the fact to any murder, shall be found by the jury at any such inquest, against any person or persons, the coroner holding the said inquest, and the justices of oyer and terminer and gaol delivery for the county, city, district, or place in which such inquest shall be holden, and all other persons, shall have the same powers respectively for the commitment, trial, and execution of the sentence of the person or persons so charged as they now by law possess with regard to the commitment, trial, and execution of the sentence upon any person or persons committed and tried within the jurisdiction where the death happened.

* * * * *

CHAPTER XIII.

AN ACT to enable Her Majesty to provide for the Government of Her Settlements on the Coast of Africa and in the Falkland Islands. [11th April 1843.]

WHEREAS divers of her Majesty's subjects have resorted to and taken up their abode and may hereafter resort to and take up their abode at divers places on or adjacent to the coast of the continent of Africa and on the Falkland Islands: And whereas it is necessary that her Majesty should be enabled to make further and better provision for the civil government of the said settlements: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 it shall be lawful for her Majesty, by any order or orders to be by her made, with the advice of her privy council, to establish all such laws, institutions, and ordinances, and to constitute such courts and officers, and to make such provisions and regulations for the proceedings in such courts, and for the administration of justice, as may be necessary for the peace, order, and good government of her Majesty's subjects and others within the said present or future settlements respectively, or any of them; any law, statute, or usage to the contrary in anywise notwithstanding.

The Queen in council may make laws, constitute courts, &c. for government of her subjects settling on the coast of Africa and the Falkland islands.

The Queen may delegate her powers and authorities to resident officers.

II. AND be it enacted, that it shall be lawful for her Majesty, by any commission or commissions under the great seal of the United Kingdom, or by any instructions under her Majesty's signet and sign manual, accompanying and referred to in any such commission or commissions, to delegate to any three or more persons within any of the settlements aforesaid respectively the powers and authorities so vested in her Majesty in council as aforesaid, either in whole or in part, and upon, under, and subject to all such conditions, provisoes, and limitations as by any such commission or commissions or instructions as aforesaid her Majesty shall see fit to prescribe: Provided always, that notwithstanding any such delegation of authority as aforesaid it shall still be competent to her Majesty in council, in manner aforesaid, to exercise all the powers and authorities so vested as aforesaid in her Majesty in council: Provided also, that

Orders in council, &c.

all such orders in council, commissions, and instructions as aforesaid, and all laws and ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.



CHAPTER XVIII.

AN ACT to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales. [31st May 1843.]

WHEREAS an Act was passed in the second year of the reign of his late Majesty, intituled "An Act to amend the representation of the people in England and Wales": And whereas it is expedient to explain and amend some parts of the said Act, and to make further and other provisions relating to the registration of persons entitled to vote in the election of members to serve in Parliament for England and Wales: And whereas it is recited in the said Act, that "it was expedient to form a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament"; and divers clauses and provisions were in and by the said Act enacted, for the purpose of forming a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for any county, or for the riding, parts, or division of any county, and also for the purpose of forming a register of persons entitled to vote in the election of a member or members to serve in any future Parliament for any city or borough, and for the defraying of the expences to be incurred thereby, and for the appointment and payment of revising barristers: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 clauses and provisions of the said Act so enacted for the purpose of forming a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in Parliament for any county, or for the riding, parts, or division of any county, and for the purpose of forming a register of all persons entitled to vote in the election of a member or members to serve in Parliament for any city or borough in England and Wales, and for the defraying of the expences to be incurred thereby, and for the appointment and payment of revising barristers, shall be and the same are hereby repealed, except as to any register heretofore made. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

to be laid before Parliament.

2 & 3 Will. 4. c. 45.

Provisions of recited Act as to registration, &c. repealed.

II. AND be it enacted, that this Act shall be taken to be part of the said Act as fully as if it were incorporated therewith.

This Act to be taken as part of recited Act.

III. AND whereas, for the purpose of forming a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in Parliament, it is expedient that lists should annually be made out in manner herein-after mentioned: Be it therefore enacted, that the clerk of the peace for every county shall cause a sufficient number of forms of precepts, notices, and lists to be printed, according to the respective forms numbered (1. 2. 3. 6.) in the schedule (A.)^f and of the table numbered (1.) in the schedule (D.) to this Act annexed, and shall also, on or before the tenth day of June in every

Clerk of the peace shall have forms of precepts, &c. printed, and shall annually issue

^f The form numbered (1.) in schedule (A.) is rep., Stat. Law Rev. Act, 1874 (No. 2); another form is substituted by 28 & 29 Vict. c. 36. s. 2.]

Counties.

his precepts,
with forms of
notices, &c.
to overseers.

year, make and cause to be delivered to the overseers of the poor of every parish and township within his county his precept, according to the form numbered (1.)^a in the said schedule (A.), together with a sufficient number of the said printed forms of notices and lists, and of the copies of such part of the register of voters then in force for such county as shall relate to such parish or township respectively, and of the said table, for the purposes herein-after mentioned.

Overseers to
give notice
annually,
requiring
voters to send
in their claims.

IV. AND be it enacted, that the overseers of the poor of every parish and township shall, on or before the twentieth day of June in every year, publish a notice, according to the form numbered (2.) in the said schedule (A.), having first signed the same, requiring all persons entitled to vote in the election of a knight or knights of the shire to serve in Parliament in respect of any property situate wholly or in part within such parish or township who shall not be upon the register of voters then in force, and also all persons so entitled as aforesaid who being upon such register shall not retain the same qualification or continue in the same place of abode as described in such register, and who are desirous to have their names inserted in the register about to be made, to give or send to the said overseers, on or before the twentieth day of July then next ensuing, a notice in writing, by them signed, of their claim to vote as aforesaid; and every such person, and any person who being upon such register may be desirous to make a new claim, shall, on or before the said twentieth day of July, deliver or send to the said overseers a notice signed by him of his claim, according to the form of notice set forth in that behalf in the said form numbered (2.), or to the like effect.

Overseers to
prepare lists
of claimants.

V. AND be it enacted, that the overseers of the poor of every parish and township respectively shall on or before the last day of July in every year make out, according to the form numbered (3.) in the said schedule (A.), an alphabetical list of all persons who on or before the twentieth day of July then next preceding shall have claimed as aforesaid; and in every such list the christian name and surname of every claimant, with the place of his abode, the nature of his qualification, and the local or other description of the property, and the name of the occupying tenant thereof, shall be written as the same are stated in the claim; and the said overseers, if they shall have reasonable cause to believe that any person whose name shall appear in such list of claimants, or in the copy of the register relating to their parish or township, and received by them from the clerk of the peace, is not entitled to have his name upon the register then next to be made, shall add the word "objected" before the name of every such person on the margin of such list of claimants or the said copy of register; and the said overseers shall also add the word "dead" before the name of any person in the said copy of the register whom they shall have reasonable cause to believe to be dead; and the overseers shall cause a sufficient number of copies of such list of claimants, and of the said copy of the register, with all such marginal additions as aforesaid, to be written or printed, and shall on or before the first day of August sign and publish the same; and the said overseers shall likewise keep a copy of such list of claimants, and of the said copy of the register, with the marginal additions respectively as aforesaid, signed by them, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the

Overseers
empowered to
object to any
name;

to add the
word "dead"
against any
name.

Overseers
to publish
copies of lists
of claimants,
and of the
part of the
register of
voters relating
to their own
parish;
and to keep
copies of same

^a See note, page 5.]

forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the same shall have been published, and shall deliver written or printed copies thereof, signed by them, to all persons applying for the same, on payment of a price for each copy, after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

Counties.
for inspection
and sale.

VI. AND be it enacted, that the list of claimants (if any) so to be made out by the overseers of every parish or township, together with the said copy of the register, with the marginal additions respectively as aforesaid, for the time being relating to the same parish or township, shall be deemed to be the list of voters of such parish or township for the county within which such parish or township may be situate, for the purposes herein-after mentioned.

The list of
claimants in
any parish,
and the part
of the register
relating to
that parish,
to be deemed
the list of
voters of such
parish.

VII. AND be it enacted, that in every year every person who shall be upon the register for the time being for any county may object to any other person upon any list of voters for such county, as not having been entitled, on the last day of July then next preceding, to have his name inserted in any list of voters for such county; and every person so objecting (save and except overseers objecting in the manner herein-before mentioned) shall, on or before the twenty-fifth day of August in such year, give or cause to be given to the overseers of the poor of the parish or township to which the list of voters containing the name of the person so objected to may relate a notice, according to the form numbered (4.) in the said schedule (A.), or to the like effect; and the person so objecting shall also, on or before the said twenty-fifth day of August, give or cause to be given to the person so objected to, or leave or cause to be left at his place of abode, as described in such list, a notice, according to the form numbered (5.) in the said schedule (A.), or to the like effect; and every such notice of objection shall be signed by the party so objecting as aforesaid; and wherever the place of abode of the person objected to, as described in the said list, shall not be in the parish or township to which such list may relate, and the name of the occupying tenant of the whole or any part of the qualifying property, together with his place of abode, shall appear in such list, the person so objecting shall also, on or before the same day, give to or leave, or cause to be given or left, at the place of abode of any such occupying tenant, a duplicate notice, signed as aforesaid.

Any person on
the register
may object to
any other
person named
in the list as
not entitled to
be upon it.
Notice of
objection to
be given to the
overseers;
and also to
the party
objected to.

and to the
occupier of the
qualifying
property, if
the person
objected to is
not resident in
the parish.

VIII. AND be it enacted, that the said overseers shall in every year include the names of all persons against whom notice of objection shall have been given to them as aforesaid in that year in a list, according to the form numbered (6.) in the said schedule (A.), and shall publish such list on or before the first day of September in such year, and shall also keep a copy of such list, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days of the said month of September, and shall deliver a copy of such list to any person requiring the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

List of persons
objected to to
be published.

Overseers to
keep copies
for inspection
and sale.

IX. AND be it enacted, that on or before the twenty-ninth day of August in every year the overseers of every parish or township shall deliver to the clerk of the peace of the county wherein the said parish or township is situate the said copy of the register, and the said list of claimants, with the marginal additions respectively as aforesaid, and also a copy of the list of persons

Lists, &c. to
be delivered
to the clerk
of the peace.

objected to, respectively signed as aforesaid, and relating to their parish or township.

*Cities and
Boroughs.*

Town clerk
in every
borough
to have forms
of precepts,
&c. printed ;
and to issue
his precept,
with forms of
notices, &c. to
the overseers.

X. AND for the purpose of preparing like lists, and forming a register of all persons entitled to vote in the election of a member or members to serve in Parliament for any city or borough, be it enacted, that the town clerk of every such city or borough shall cause a sufficient number of forms of precepts, notices, and lists to be printed according to the forms numbered (1. 2. 3. 4. 8. 12.) in the schedule (B.) and of the table numbered (1.) in the schedule (D.) to this Act annexed, and shall, on or before the tenth day of June in every year, make and cause to be delivered to the overseers of the poor of every parish or township situate wholly or in part within such city or borough, or within any place sharing in the election for such city or borough, his precept according to the form numbered (1.) in the said schedule (B.), and also a sufficient number of the said printed forms of notices and lists, and of the said table.

Overseers to
give public
notice as to
the payment
of rates and
taxes by
occupiers of
premises of
the yearly
value of 10l.

XI. AND be it enacted, that the overseers of every such parish or township shall, on or before the twentieth day of June in every year, publish a notice in writing according to form numbered (2.) in the said schedule (B.), stating that no person will be entitled to have his name inserted in any list of voters for the city or borough then next to be made in respect of the occupation of premises of the clear yearly value of not less than ten pounds, situate wholly or in part within such parish or township, unless he shall pay, on or before the twentieth day of July then next ensuing, all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises during the twelve calendar months next before the sixth day of April then last past.

Overseers to
have power
of inspecting
tax assess-
ments, &c.

XII. AND be it enacted, that the overseers of every parish or township, for their assistance in making out the list of voters as herein-after mentioned, (upon request made by them, or any of them, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the month of July in every year, to any assessor or collector of taxes, or to any other officer having the custody of any tax assessment or duplicate for such parish or township,) shall have free liberty to inspect any such tax assessment or duplicate, and to extract such particulars as may appear to such overseer or overseers to be necessary; and every such assessor or collector of taxes shall, within two days after the twentieth day of July in every year, make out and deliver to the said overseers a list containing the name and place of abode of every person who shall not have paid on or before the said twentieth day of July the assessed taxes which shall have become payable from him in respect of any premises within the said parish or township during the twelve calendar months next before the sixth day of April then last past; and the overseers shall keep the said list, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the list of voters shall have been published, as herein-after mentioned.

Assessors or
collectors of
taxes to
deliver to over-
seers in July a
list of persons
in arrear of
taxes payable
at April last
past.

Overseers to
keep list for
inspection.

Overseers to
prepare and
publish lists
of persons

XIII. AND be it enacted, that the overseers of every such parish or township shall, on or before the last day of July in every year, make out or cause to be made out, according to the form numbered (3.) in the schedule (B.) to

this Act annexed, an alphabetical list of all persons who may be entitled to vote in the election of a member or members to serve in Parliament for such city or borough, in respect of the occupation of premises of the clear yearly value of not less than ten pounds, situate wholly or in part within such parish or township, and another alphabetical list, according to the form numbered (4.) in the said schedule (B.), of all other persons (except freemen) who may be entitled to vote in the election of such city or borough by virtue of any other right whatsoever; and in each of the said lists the christian name and surname of every such person shall be written at full length, together with the place of his abode and the nature of his qualification, and where any person shall be entitled to vote in respect of any property, then the name of the street, lane, and the number of the house (if any) or other description of the place where such property may be situate, shall be specified in the list; and the said overseers shall sign such lists, and shall forthwith cause a sufficient number of copies of each of the said lists to be written or printed, and shall publish copies of the said lists on or before the first day of August in such year, and shall likewise keep a copy of each of the said lists, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after such lists shall have been so published, and shall deliver copies thereof to all persons applying for the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

Cities and Boroughs.

entitled to vote as 10l. occupiers, and of all other persons (other than freemen) entitled to vote.

Copies of lists to be kept for inspection and sale.

XIV. AND be it enacted, that the town clerk of every city or borough shall, on or before the last day of July in each . . . year, make out, according to the form numbered (5.) in the said schedule (B.), an alphabetical list of all the freemen of such city or borough who may be entitled to vote in the election of a member or members to serve in any future Parliament for such city or borough, together with the respective places of their abode, and shall sign such list, and cause copies thereof to be written or printed, and shall publish the said list on or before the first day of August in such year, and shall likewise keep a copy thereof, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after such lists shall have been published, and shall deliver copies thereof to all persons applying for the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

Town clerks to prepare and publish the lists of freemen;

and keep copies for inspection and sale.

XV. AND be it enacted, that every person whose name shall have been omitted in any such list of voters for any city or borough so to be made out as aforesaid, and who shall claim, as having been entitled on the last day of July then next preceding, to have his name inserted therein, and every person desirous of being registered for a different qualification than that for which his name appears in the said list, shall, on or before the twenty-fifth day of August in that year, give or cause to be given a notice, according to the form numbered (6.) in the said schedule (B.), or to the like effect, to the overseers of that parish or township in the list whereof he shall claim to have his name inserted; or if he shall claim as a freeman of any city or borough, or place sharing in the election therewith, then he shall in like manner give or cause

Persons omitted from the borough lists to give notice of their claims.

*Cities and
Boroughs.*

Lists of
claimants to
be made.

to be given to the town clerk of such city, borough, or place a notice, according to the form numbered (7.) in the said schedule (B.), or to the like effect; and the overseers and town clerks respectively shall include the names of all persons so claiming as aforesaid in lists, according to the forms numbered (8.) and (9.) respectively in the said schedule (B.)

Registered
electors and
claimants
may inspect
rate books for
the purpose of
any claim or
objection.

XVI. AND be it enacted, that it shall be lawful for any person whose name shall be on any list of voters for the time being for any city or borough, or for any person who shall have claimed to have his name inserted in any such list, upon request made by such person, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, between the tenth day of August and the last day of August, to any overseer or other officer having the custody of any poor-rate book, to inspect such poor-rate book, and make extracts therefrom for any purpose relating to any claim or objection made or intended to be made by or against such person; and every such overseer or other officer as aforesaid is hereby required, upon such request as aforesaid, to permit such inspection, and the making of such extracts, without payment of any fee.

Persons named
in the list may
object to
others as not
being entitled
to be in the
list.

Notice of
objection to
be given to
the overseers,
or to the
town clerk;

and also to
the person
objected to.

XVII. AND be it enacted, that every person whose name shall have been inserted in any list of voters for any city or borough may object to any other person as not having been entitled on the last day of July next preceding to have his name inserted in any list of voters for the same city or borough; and every person so objecting shall, on or before the twenty-fifth day of August in that year, give or cause to be given a notice, according to the form numbered (10.) in the said schedule (B.), or to the like effect, to the overseers who shall have made out the list in which the name of the person so objected to shall have been inserted, or if the person objected to shall have been inserted in the list of freemen of any city or borough, except the city of London, then to the town clerk of such city or borough; and every person so objecting shall also give or cause to be left at the place of abode of the person objected to, as stated in the said list, a notice, according to the form numbered (11.) in the said schedule (B.); and every notice of objection shall be signed by the person objecting.

Lists of persons
objected to
to be made.

Such lists, and
the lists of
claimants, to
be published.

Copies of lists
and notices of
objection to
be kept for
inspection
and sale.

XVIII. AND be it enacted, that the said overseers shall include the names of all persons so objected to in a list, according to the form numbered (12.) in the said schedule (B.); and every town clerk shall include the names of all persons so objected to as freemen in a list, according to the form numbered (13.) in the said schedule (B.); and the said overseers and town clerks respectively shall sign each of the said lists, and cause copies thereof to be written or printed, and shall publish the said list of persons objected to, and the said list of claimants as aforesaid, on or before the first day of September in the said year; and shall keep copies of the said lists, and shall allow the same, and also the notices of objection which they shall have received, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days of September in the said year, and shall deliver copies of each of such lists to any person requiring the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

XIX. AND be it enacted, that the said overseers shall, on or before the twenty-ninth day of August in every year, deliver to the said town clerk a copy of the said list of voters, made out by them as aforesaid, and a copy of the said list of persons who shall have claimed as aforesaid, and a copy of the list of persons objected to as aforesaid.

*Cities and
Boroughs.*

Overseers to
deliver copies
of lists to the
town clerk.

XX. AND be it enacted, that for providing a list of such of the freemen of the city of London as are liverymen of the several companies entitled to vote in the election of a member or members to serve in Parliament for the city of London, the secondaries of the said city shall, on or before the twentieth day of July in every year, issue precepts to the clerks of the said livery companies, requiring them to make out or cause to be made out, at the expence of the respective companies, an alphabetical list, according to the form numbered (1.) in the schedule (C.) to this Act annexed, of the freemen of London, being liverymen of the said respective companies, and entitled to vote in such election; and every such clerk shall sign such list, and transmit the same, with two printed copies thereof, to the secondaries, on or before the last day of July, who shall forthwith fix one such copy in the Guildhall and one in the Royal Exchange of the said city, there to remain fourteen days; and the clerks of the said livery companies shall cause a sufficient number of copies of such lists of freemen and liverymen of their respective companies to be printed, at the expence of the respective companies, and shall keep and allow the same to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during fourteen days next after such lists shall have been published, and shall deliver the same to any person applying for the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed; and every person whose name shall have been omitted in any such list of freemen and liverymen, and who shall claim to have his name inserted therein, as having been entitled on the last day of July then next preceding to have his name inserted in such list, shall, on or before the twenty-fifth day of August in such year, give or cause to be given a notice according to the form numbered (2.) in the said schedule (C.), or to the like effect, to the secondaries and to the clerk of that company in the list whereof he shall claim to have his name inserted; and every person whose name shall have been inserted in any list of voters for the time being for the said city may object to any other person as not having been entitled on the last day of July then next preceding to have his name inserted in any such livery list; and every person so objecting shall, on or before the said twenty-fifth day of August, give to such other person, or leave at his place of abode, as described in such list, a notice, according to the form numbered (4.) in the said schedule (C.), or to the like effect, and shall also give to the secondaries, and to the clerk of that company in the list whereof the name of the person objected to has been inserted, notice according to the form numbered (5.) in the said schedule (C.), or to the like effect; and the secondaries shall include the names of all persons so claiming, and so objected to as aforesaid, in two several lists, according to the forms numbered (3.) and (6.) in the said schedule (C.), and shall cause such last-mentioned lists to be fixed in the Guildhall and Royal Exchange of the said city on or before the first day of September, and shall likewise keep copies

Freemen and
liverymen of
the city of
London.

*Counties,
Cities, and
Boroughs.*
—

thereof, and allow the same to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the fourteen days following the first publication of the said list, and shall deliver copies thereof to any person applying for the same, on payment of a price for each copy after the rate contained in the table numbered (1.) in the schedule (D.) to this Act annexed.

Freeholders in
Horsham and
Malmesbury
entitled to
vote for New
Shoreham and
Cricklade,
where to be
registered.

XXI. AND be it enacted, that for all the purposes of forming a register of voters for the borough of New Shoreham and for the borough of Cricklade respectively, under the provisions of this Act, all persons having a right to vote for the borough of New Shoreham in respect of any freeholds which may be situate in the borough of Horsham, or for the borough of Cricklade in respect of any freeholds which may be situate in the borough of Malmesbury, shall be inserted in the same lists of voters respectively in which they are to be inserted by the directions in that behalf of the said recited Act.

Provision as
to places
having no
overseers.

XXII. AND be it enacted, that every precinct or place, whether extra-parochial or otherwise, which shall have no overseers of the poor, shall, for the purpose of making any claim, and making out any list directed by this Act, be deemed to be within the parish or township adjoining thereto, and sharing in the right of election to which such claim or list may relate; and if such parish or place shall adjoin two or more parishes or townships situated as aforesaid, it shall be deemed to be within the least populous of such parishes or townships, according to the last census for the time being.

What shall be
publication
of notice.

XXIII. AND be it enacted, that every notice, list, register, or other document herein required to be published shall be so published, except where some other mode or place of publication is herein expressly provided, by being fixed in some public and conspicuous situation on the outside of the outer door or outer wall near the door of the buildings herein-after named for that purpose; (that is to say,) in the case of publication by overseers, every church and public chapel in their parish or township, including places of public worship which do not belong to the Established Church, and in the case of publication by a town clerk, the town hall, or in either case, if there be no such building as is herein-before named for that purpose, then in some public and conspicuous situation within the parish or township, city, borough, or place respectively.

Time for
which publica-
tion shall be.

XXIV. AND be it enacted, that in all cases in which any notice, list, register, or other document shall, pursuant to the provisions aforesaid, be affixed on or near the door of any church, chapel, town hall, or other place, the same shall continue so fixed for a period including two consecutive Sundays at the least next after the day on or before which the same is herein-before required to be published; and in case the same shall be destroyed, mutilated, effaced, or removed before the expiration of such period the party herein-before required to publish the same as aforesaid shall, as soon as conveniently may be, publish in like manner in its place another notice, list, register, or other document, to the like purport and effect with the notice, list, register, paper, or document so destroyed, mutilated, effaced, or removed.

Fresh notices,
&c. to be put
up in place
of any de-
stroyed, &c.

Penalty for
destroying, &c.
notices, &c.

XXV. AND be it enacted, that every person who shall wilfully destroy, mutilate, efface, or remove any notice, list, register, or other document so affixed as aforesaid, during the period during which the same is herein-before

required to remain so affixed, shall for every such offence forfeit any sum not exceeding forty shillings nor less than ten shillings to any person who will sue for the same, to be recovered in a summary manner before any two justices of the peace.

*Counties,
Cities, and
Boroughs.*

XXVI. AND be it enacted, that no list shall be invalidated by reason that it shall not have been affixed in every place and for the full time herein-before required for publication thereof, but that the barrister shall proceed to revise and adjudicate upon every such list which shall have been affixed in any place and for any part of the time herein-before mentioned in that behalf; but nothing herein contained shall be construed to exempt the overseer, town clerk, or other person charged with the duty of publishing such list as aforesaid from the penalties of his neglect or wilful default.

List not in-
validated by
imperfect
publication.

XXVII. AND be it enacted, that in case no list of voters shall have been made out for any parish, township, or place in any year, or in case such list shall not have been affixed in any place herein-before mentioned in that behalf, the register of voters for that parish, township, or place then in force shall be taken to be the list of voters for that parish, township, or place for the year then next ensuing, and the provisions herein contained respecting any such list of voters shall be taken to apply to such register as aforesaid.

If no list
made out or
published,
former list to
be in force.

XXVIII. AND be it enacted, that the lord chief justice of the Court of Queen's Bench shall, in the month of July or August in every year, appoint so many barristers as he shall deem necessary to revise the lists of voters for that year for the county of Middlesex, and for the city of London, the city of Westminster, and the several boroughs in the county of Middlesex; and that the senior judge for the time being in the commissions of assize for every other county shall, during the summer circuit in every year, appoint so many barristers as he shall deem necessary to revise the lists of voters for that year for every such county, or for the ridings, parts and divisions of every such county, and for the several cities and boroughs in every such county, and for every city and town, and county of a city and town, next adjoining to any such county; and the town and county of the town of Kingston-upon-Hull shall for this purpose be considered as next adjoining to the county of York, and the town of Berwick-upon-Tweed and the town and county of the town of Newcastle-upon-Tyne as next adjoining to the county of Northumberland, and the city and county of the city of Bristol as next adjoining to the county of Somerset; and the said lord chief justice and judge respectively shall in every year have power to appoint one or more barristers to revise the lists for that year for the same county, city, or borough, or other place as aforesaid, or one barrister only to revise the lists for several counties, cities, boroughs, and other places as aforesaid: Provided always, that, except as is herein-after provided, no greater number of barristers shall be so appointed in any year than as follows; (that is to say,) for the county of Middlesex, and for the city of London, the city of Westminster, and the boroughs in the county of Middlesex, three; for the counties, cities, boroughs, and places within the Home circuit, ten; for the counties, cities, boroughs, and places within the Oxford circuit, twelve; for the counties, cities, boroughs, and places within the Midland circuit, eleven; for the counties, cities, boroughs, and places within the Norfolk circuit, eight; for the counties, cities, boroughs, and places within

Lord chief
justice and
judges of
assize to
appoint bar-
risters for
revising lists.

Limitation of
number of
barristers.

*Counties,
Cities, and
Boroughs.*

the Northern circuit, fifteen; for the counties, cities, boroughs, and places within the North Wales circuit, six; for the counties, cities, boroughs, and places within the South Wales circuit, six: Provided also, that no barrister shall be so appointed who shall be . . . a member of Parliament, or who shall hold any office or place of profit under the crown, except the office of recorder of any city or borough; but no such barrister shall be so appointed for any city or borough of which he shall be the recorder; and that no barrister appointed as aforesaid shall for eighteen months from the time of his appointment be eligible to serve in Parliament for any county, riding, parts or division of a county, or for any city, borough, or other place as aforesaid for which he shall be so appointed.

Judges to appoint additional barristers in case of need.

[XXIX.*] AND be it enacted, that, notwithstanding any thing herein-before contained, if it shall appear to the lord chief justice or judge who shall have appointed any barrister or barristers under this Act to revise any lists of voters that by reason of the death, illness, or absence of any such barrister or barristers, or by reason of the insufficiency of the number of such barristers, or from any other cause, such list cannot be revised within the period directed by this Act, it shall be lawful for such lord chief justice or judge, and he is hereby required, to appoint one or more barrister or barristers qualified as aforesaid to act in the place of or in addition to the barrister or barristers originally appointed for any county, city, or borough; and such barrister or barristers so subsequently appointed shall have the same powers and authorities in every respect as if they had been originally appointed by such lord chief justice or judge:

Two or more barristers appointed for same county, &c. may hold separate courts at the same or different times and places.

XXX. AND be it enacted, that where two or more barristers shall be appointed for the same county, riding, parts or division of a county, or for the same city or borough, they may hold separate courts at the same time and place for the despatch of business, or may hold separate courts at different times and places, as shall be deemed most expedient.

Barrister to notify his appointment to clerk of the peace and town clerks, who are to transmit to him abstracts and lists.

XXXI. AND be it enacted, that every such revising barrister shall notify his appointment to the clerk of the peace of every county and to the town clerk of every city and borough of which he shall be appointed to revise the lists; and each clerk of the peace shall as soon as possible transmit an abstract of the number of persons objected to by the overseers and by other persons in each parish and township in and for the same county, and the town clerk of every city or borough shall as soon as possible transmit an abstract of the said several lists of claimants, and the lists of persons objected to, in each parish or township in and for the same city or borough, to the said barrister, in order that proper times and places for holding courts for the revision of such lists respectively may be appointed.

Barristers to hold courts for revising lists of voters for counties within a certain period, and to

XXXII. AND be it enacted, that the barrister appointed to revise the lists of any county shall make a circuit and hold open courts for such revision at each of the places which now are or hereafter may be appointed as polling places for such county, and at any other places within the said county which he shall think expedient, at convenient times between the fifteenth day of

[* So much of section 29 as relates to the appointment of additional barristers in case of the insufficiency of the number of barristers originally appointed, rep., 37 & 38 Vict. c. 53. s. 5.]

September inclusive and the last day of October inclusive in the then current year, and shall, ten days at the least before the holding of the first court of revision, give notice to the clerk of the peace of the several times and places at which the said courts will be holden, and of the several parishes the lists of and for which will be revised at each of the said courts; and the said clerk of the peace shall forthwith cause public notice thereof to be given by advertisement in one or more of the newspapers circulating within the said county, and shall cause a sufficient number of copies of the said notice to be written or printed, and shall deliver or send a copy thereof to the overseers of every parish or township, and require them to publish the said copy of the said notice, and to attend at the court therein appointed for the revision of the list of voters relating to their said parish or township, and the said overseers shall forthwith publish the said copy of the said notice accordingly.

*Counties,
Cities, and
Boroughs.*

give notice of the times and places of holding such courts to clerk of the peace, who is to give notice thereof by advertisement, and to the overseers.

XXXIII. AND be it enacted, that the barrister or barristers appointed to revise the lists of voters for any city or borough shall hold an open court or courts for that purpose within such city or borough, and also within every place sharing in the election for such city or borough, between the fifteenth day of September inclusive and the last day of October inclusive in the then current year, and such barrister or barristers shall, seven days at the least before holding any such court or courts, give notice to the town clerk of such city or borough of the time and place of holding the same; and if such barrister shall, in his discretion, deem it expedient to hold his courts at different times and places within the said city or borough, the said barrister shall in such case give notice to the said town clerk of such times and places so appointed, and of the parishes allotted to each court; and the town clerk shall forthwith publish a notice of the time and place of the holding of every such court as aforesaid on the town hall, and on every church and chapel within such city or borough, or, if there be no church or chapel or town hall therein, then in some public and conspicuous place therein.

Barristers to hold courts for revising the lists of voters for boroughs, and give notice thereof to the town clerk, who is to publish the same.

XXXIV. AND be it enacted, that the clerk of the peace of every county, at the opening of the first court to be so holden as aforesaid in and for the same county, shall deliver or cause to be delivered to the said barrister or barristers all the lists of voters for the then current year, with the marginal additions as aforesaid, and lists of persons objected to in the said year, relating to the said county, and also one or more printed copies of the register of voters then in force for the said county; and the overseers of every parish and township shall attend the court to be holden for revising the lists relating to their parish or township, and shall deliver to the barrister or barristers holding such court the original notices of claim and notices of objection given to them as aforesaid; and the said clerk of the peace and overseers shall (if required) answer upon oath all such questions as such barrister or barristers may put to them, and produce all documents, papers, and writings in their possession, custody, or power touching any matter herein mentioned.

In counties clerks of the peace to attend the first court, and overseers to attend the courts for their respective districts and parishes, and produce lists of voters, registers, notices of claims and objections, and answer questions and produce documents, &c.

XXXV. AND be it enacted, that the town clerk of every city or borough, and the several overseers for the time being of every parish or township therein, and in the city of London the secondaries and the clerks of the several livery companies of such city, shall attend the first court to be holden before every such barrister for every such city or borough, unless they shall have been respectively required by notice to attend at some other court, in which

In boroughs and London town clerks, overseers, and secondaries and clerks of companies, to attend the courts, to pro-

*Counties,
Cities, and
Boroughs.*

duce lists, notices, and rates, and answer questions, &c.

Power to barrister to require attendance of overseer of past year, and assessor and collector, &c. of taxes, who shall answer upon oath all questions put to them.

County voters residing out of the polling district to which the parish wherein their qualification is situate belongs may be registered to vote in another polling district, on making a claim before the revising barrister.

Barrister to have power to insert in the county lists the names of claimants omitted by the overseers, on proof of claim and qualification.

Power of barrister to insert names of claimants

case they shall attend the said court as required; and the said overseers, town clerks, and secondaries respectively shall, at the opening of the said court, deliver to the said barrister the several lists so made by them respectively as aforesaid, and also the original notices of claim and of objection received by them as aforesaid; and the said overseers shall also produce at the said court all rates made for the relief of the poor of their respective parishes or townships between the sixth day of April in the year then last past and the last day of July in the then present year; and the said town clerks, overseers, secondaries, and clerks respectively shall answer upon oath all such questions as any such barrister may put to them or any of them, and produce all documents, papers, and writings in their possession, custody, or power, touching any matter necessary for revising the list of voters; and every such barrister shall have power to require any assessor, collector of taxes, or other officer having the custody of any tax assessment or duplicate, or any overseer or overseers of a past year, or other person having the custody of any poor rate of the then current or any past year, or any relieving officer, and in the city of London the chamberlain or his deputy, to attend before him at any court to be holden by him in pursuance of this Act, and they shall attend accordingly, and answer upon oath all such questions as such barrister may put to them.

XXXVI. AND be it enacted, that any person whose name shall appear in the list of voters of any parish or township in and for any county, and whose place of abode, as stated in such list, shall not be within the polling district at which the said parish or township shall be allotted to poll, but within the same county, shall be at liberty to make his claim before the revising barrister to vote at the polling place of the district wherein his said place of abode may be situate; and any person whose name shall appear in any list as aforesaid, and whose place of abode, as stated in such list, shall not be within the same county, shall be at liberty in like manner to make his claim to vote at the polling place of any district within the same county; and every such person shall make his claim in writing under his hand, and such claim shall be delivered to and verified before the revising barrister holding his court for the revision of the list of voters in which the name of such person shall appear as aforesaid, and it shall then be lawful for the said barrister to insert in the said list, against the name of such person so claiming as aforesaid, the name of the polling place at which such person shall be registered to vote; and such person so registered shall be admitted to vote at every contested election for the said county at the said last-mentioned polling place, and not elsewhere, any thing in the said recited Act to the contrary notwithstanding.

XXXVII. AND be it enacted, that if any person who shall have given to the overseers of any parish or township due notice of his claim to have his name inserted in the list of persons entitled to vote in the election of a knight or knights of the shire shall have been omitted by such overseers from such list, it shall be lawful for the revising barrister, upon the revision of such list, to insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such barrister that such person gave due notice of such his claim to the said overseers, and that he was entitled on the last day of July then next preceding to be inserted in the said list of voters.

XXXVIII. AND be it enacted, that the revising barrister shall insert in any list of voters for any city or borough the name of every person omitted

who shall be proved to the satisfaction of such barrister to have given due notice of his claim to be inserted in such list, and to have been entitled on the last day of July then next preceding to have his name inserted therein in respect of the qualification described in such notice of claim.

XXXIX. AND be it enacted, that it shall be lawful for any person whose name shall be on any list of voters for any county, city, or borough to oppose the claim of any person so omitted as aforesaid to have his name inserted in any list of voters for the same county, city, or borough; and such person intending to oppose any such claim shall, in the court to be holden as aforesaid for the revision of such list, and before the hearing of the said claim, give notice in writing to the revising barrister of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same, by evidence or otherwise, without any previous or other notice, and shall have the same rights, powers, and liabilities as to costs, appeal, and other matters relating to the hearing and determination of the said claim as any person who shall have duly objected to the name of any other person being retained on any list of voters, and who shall appear and prove the requisite notices as hereinafter mentioned.

XL. AND be it enacted, that the revising barrister shall correct any mistake which shall be proved to him to have been made in any list, and shall expunge the name of every person whose qualification, as stated in any list, shall be insufficient in law to entitle such person to vote, and also the name of every person who shall be proved to him to be dead; and wherever the christian name, or the place of abode, or the nature of the qualification, or the local or other description of the property of any person who shall be included in any such list, and the name of the occupying tenant thereof, shall be wholly omitted in any case where the same is by this Act directed to be specified therein, or if any person whose name is included in any such list, or his place of abode, or the nature or description of his qualification, shall, in the judgment of the revising barrister, be insufficiently described for the purpose of being identified, such barrister shall expunge the name of every such person from such list, unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of such barrister before he shall have completed the revision of such list, in which case he shall then and there insert the same in such list: Provided always, that, whether any person shall be objected to or not, no evidence shall be given of any other qualification than that which is described in the list of voters or claim, as the case may be, nor shall the barrister be at liberty to change the description of the qualification as it appears in the list, except for the purpose of more clearly and accurately defining the same; and where the name of any person inserted in any list of voters shall have been objected to by the overseers, or by any other person, and such other person so objecting shall appear by himself, or by some one on his behalf, in support of such objection, and shall prove that he gave the notice or notices respectively required by this Act to be given by him, every such barrister shall then require it to be proved that the person so objected to was entitled on the last day of July then next preceding to have his name inserted in the list of voters in respect of the qualification described in such list; and in case the same shall not be proved to the satisfaction of such barrister, or in case it shall be proved that such person was then incapacitated

*Counties,
Cities, and
Boroughs.*

in lists of
borough
voters.

Any person
on list of
voters may
object to
claimants,
on giving
notice to re-
vising barrister.

Barrister shall
correct mis-
takes in list,
and expunge
the names of
persons not
qualified, or
dead, or who
or whose quali-
fications are
insufficiently
described,
unless the
insufficiency
is supplied.

No change to
be made of the
qualification
stated in the
lists or claims.

Mode of pro-
ceeding in
cases of
objection.

*Counties,
Cities, and
Boroughs.*

Provision in certain cases of change of abode of county voters.

by any law or statute from voting in the election of members to serve in Parliament, such barrister shall expunge the name of every such person from the said lists: Provided always, that where any person whose name appears on any list of voters for any county shall be objected to on the ground of having changed his place of abode without having sent in a fresh notice of claim, it shall be lawful for the barrister on revising the list to retain the name of such person on the list of voters, provided that such person, or some one in his behalf, shall prove that he possessed, on the last day of July, the same qualification in respect of which his name has been inserted in such list, and shall also supply his true place of abode, which the said barrister shall insert in such list.

Power of revising barristers to adjourn their courts, administer oaths, &c.

XLI. AND be it enacted, that every revising barrister holding any court under this Act shall have power to adjourn the same from time to time, and from any one place to any other place within the same county, or within the same city or borough, but so that no such adjourned court shall be holden after the last day of October in any year; and at every court to be holden as aforesaid by any revising barrister the said barrister shall have power to administer an oath to all persons examined before him, and all parties, whether claiming or objecting or objected to, and all persons whatsoever, may be examined upon oath touching the matters in question; and every person taking any oath or affirmation under this Act who shall wilfully swear or affirm falsely shall be deemed guilty of perjury; and at the holding of such respective courts no party or other person shall appear or be attended by counsel; and every such barrister shall upon the hearing in open court finally determine upon the validity of such claims and objections, and shall for that purpose have the same powers and proceed in the same manner (except where otherwise directed by this Act) as the returning officer of any county, city, or borough, according to the laws and usages observed at elections previous to the passing of the said recited Act; and such barrister shall in open court write his initials against the names respectively expunged or inserted, and against any part of the said lists in which any mistake shall have been corrected or any omission supplied or any insertion made by him, and shall sign his name to every page of the several lists so settled.

Persons swearing falsely guilty of perjury.

Barrister in open court to decide upon validity of claims and objections, and verify all alterations in lists by his signature.

Appeal from revising barrister's decision on points of law.

XLII. AND be it enacted, that it shall be lawful for any person who, under the provisions herein-before contained, shall have made any claim to have his name inserted in any list, or made any objection to any other person as not entitled to have his name inserted in any list, or whose name shall have been expunged from any list, and who in any such case shall be aggrieved by or dissatisfied with any decision of any revising barrister on any point of law material to the result of such case, either himself or by some person on his behalf to give to the revising barrister in court, before the rising of the said court, on the same day on which such decision shall have been pronounced, a notice in writing that he is desirous to appeal, and in such notice shall shortly state the decision against which he desires to appeal; and the said barrister thereupon, if he thinks it reasonable and proper that such appeal should be entertained, shall state in writing the facts which according to his judgment shall have been established by the evidence in the case, and which shall be material to the matter in question, and shall also state in writing his decision upon the whole case, and also his decision upon the point of law in question

Revising barrister to prepare a statement of facts.

appealed against; and such statement shall be made as nearly as conveniently may be in like manner as is now usual in stating any special case for the opinion of the Court of Queen's Bench upon any decision of any court of quarter sessions; and the said barrister shall read the said statement to the appellant in open court, and shall then and there sign the same; and the said appellant, or some one on his behalf, shall at the end of the said statement make a declaration in writing under his hand to the following effect, that is to say, "I appeal from this decision"; and the said barrister shall then indorse upon every such statement the name of the county and polling district, or city and borough, and of the parish or township to which the same shall relate, and also the christian name and surname and place of abode of the appellant and of the respondent in the matter of the said appeal, and shall sign and date such indorsement; and the said barrister shall deliver such statement, with such indorsement thereon, to the said appellant, to be by him transmitted to her Majesty's Court of Common Pleas at Westminster in the manner hereinafter mentioned; and the said barrister shall also deliver a copy of such statement, with the said indorsement thereon, to the respondent in such appeal who shall require the same.

*Counties,
Cities, and
Boroughs.*

Appellant to
make a decla-
ration in
writing.

Revising
barrister to
indorse on
statement the
names of
parties, &c.;

and deliver
a copy to
appellant, to
be transmitted
to Court of
Common
Pleas, and a
copy to re-
spondent, if
required.

Who shall be
respondent
on appeal.

XLIII. AND be it enacted, that in the matter of every such appeal the party in whose favour the decision appealed against shall have been given shall be the respondent; but if there be no such party, or if such party, or some one on his behalf, shall in open court decline, and state in writing that he declines, to support the decision appealed against as respondent, then and in every such case it shall be lawful for the said revising barrister to name any person who may be interested in the matter of the said appeal, and who may consent, or the overseers of any parish or township, or the town clerk of any city or borough, to be, and such person so consenting, or such overseers or town clerk respectively so named, shall be deemed to be, the respondent or respondents in such appeal.

XLIV. AND be it enacted, that if it shall appear to any revising barrister that the validity of any number of such claims or objections determined by him at any court as aforesaid depends and has been decided by him upon the same point or points of law, and the parties, or any of them, aggrieved by or dissatisfied with his decision thereon shall have given notice of an intention to appeal therefrom, it shall in such case be lawful for the said barrister to declare that the appeals against such decision ought to be consolidated, and the said barrister shall in such case state in writing the case, and his decision thereon, in manner herein-before mentioned, and that several appeals depend upon the same decision, and ought to be consolidated, and shall read such statement, and sign the same, as herein-before mentioned, and thereupon it shall be lawful for the said barrister to name any person interested, and consenting, for and on behalf of himself and all other persons in like manner interested in such appeals, to be the appellant or respondent respectively in such consolidated appeal, and to prosecute or answer the said appeal, in like manner as any appellant or respondent might in his own case under the provisions of this Act, and the person so named appellant in such consolidated appeal, or some one on his behalf, shall, at the end of the said statement, make and sign a declaration in the form or to the effect following; (that is to say,)

Power to
consolidate
appeals.

*Counties,
Cities, and
Boroughs.*

‘ I FOR myself and on behalf of all the other persons who are interested as appellants in this matter, and whose names are hereunder written, do appeal against this decision, and agree to prosecute this appeal.’

And the person so named respondent in such consolidated appeal, or some one on his behalf, shall in like manner make and sign a declaration in writing in the form or to the effect following; (that is to say)

‘ I FOR myself and on behalf of all the other persons interested as respondents in this matter, and whose names are hereunder written, do agree to appear and answer this appeal.’

And the name, and, where necessary, the particulars of the qualification of every party intended to be joined in such consolidated appeal shall be written under the aforesaid declaration of the appellant or respondent respectively to which they may respectively refer: Provided always, that it shall be lawful for the said barrister, if necessary, in any case to name the overseers of any parish or township, or the town clerk of any city or borough, to be, and they or he so named shall be, the respondents or respondent in such consolidated appeal, without any such declaration being made or signed by them or him as herein-before mentioned.

Overseers or town clerk may be named as respondents in consolidated appeals.

Consolidated appeals to be conducted as any single appeal, and decision of Court of Common Pleas to be binding on all the parties thereto.

Agreement for contribution to costs of consolidated appeal may be made a rule of court.

If consolidated appeal is not duly prosecuted or answered, the court or a judge may give the conduct of it or of the answer to other persons.

If party interested shall refuse to be a party, his appeal may proceed separately.

Costs in such cases.

Power to barrister to give costs in certain cases

XLV. AND be it enacted, that in and with regard to every such consolidated appeal the like proceeding shall be had and taken and the like rules and regulations shall apply as in the case of any other appeal under this Act; and that every order, judgment, or decision of the said Court of Common Pleas shall be equally valid and effectual for all the purposes of this Act, and binding and conclusive upon all the parties named in or referred to as parties to such consolidated appeal as aforesaid; and that if in any case all or any of the parties to such consolidated appeal shall make or enter into any agreement as to the mode of contributing among themselves to the costs and expences of such appeal, the said agreement may, upon the application of any party or parties thereto, be made a rule of the said Court of Common Pleas, if the said court shall think fit: Provided always, that if any such consolidated appeal shall not be duly prosecuted or answered, it shall be lawful for the said Court of Common Pleas, or for the lord chief justice or any judge of the said court, to give to any party or parties interested in such appeal, upon his or their application, the conduct and direction of the said appeal, or of the answer thereto, respectively, as the case may require, instead of or in addition to any person named as aforesaid as appellant or respondent, and in such manner and upon such terms as the said court or lord chief justice or judge may think fit and order, or to make such other order in the case as may seem meet: Provided also, that if after the said barrister shall as aforesaid have declared that the appeal in any case ought to be with others consolidated any party interested in such appeal shall object and refuse to be a party to or to be bound by any such consolidated appeal, then and in such case the appeal in which such person is interested may proceed separately, but such person so refusing or objecting shall be liable to pay costs to the other party, but shall not be entitled to receive any costs of or in such appeal, unless the said court otherwise order.

XLVI. AND be it enacted, that if in any case it shall appear to any revising barrister holding any court as aforesaid that any person shall under this Act have made or attempted to sustain any groundless or frivolous and vexatious

claim or objection or title to have any name inserted or retained in any list of voters, it shall be lawful for the said barrister, in his discretion, to make such order as he shall think fit for the payment by such person of the costs or of any part of the costs of any person or persons in resisting such claim or objection or title; and in every such case the said barrister shall make an order in writing, specifying the sum which he shall order to be paid for such costs, and by and to whom and when and where the same sum shall be paid, and shall date and sign the said order, and deliver it to the person or persons to whom the said sum shall therein be ordered to be paid: Provided always, that the said sum so ordered to be paid by way of costs shall not in any case exceed the sum of twenty shillings: Provided also, that such order for the payment of costs as aforesaid may be made in any case, notwithstanding any party shall have given notice of his intention to appeal against any decision of the revising barrister in the same case; but in case of such appeal the said order for the payment of costs shall be suspended, and shall abide the event of such appeal, unless the court of appeal shall otherwise direct; but no appeal shall be allowed or entertained against or only in respect of any such order for the payment of costs: Provided also, that whenever any revising barrister shall have made any such order for the payment of any sum of money for costs by any person who shall have made any objection as aforesaid, it shall not be lawful for the said barrister to hear or admit proof of any other objection or notice of objection made or signed by the same person until the sum of money so ordered to be paid by him for costs be paid to the person entitled to receive the same, or deposited in the hands of the said barrister in court, for the use of the person so entitled.

XLVII. AND be it enacted, that the said lists of voters for each county, signed as aforesaid, shall be forthwith transmitted by the revising barrister to the clerk of the peace of the same county, and the clerk of the peace shall keep the said lists among the records of the sessions, and shall forthwith cause the said lists to be copied and printed in a book or books, arranged with the names in each parish or township in strict alphabetical order, according to the surnames, and with every polling district in alphabetical order, and with every parish or township within such polling district likewise in the same order, and shall, after the last list for each polling district, insert a list in like alphabetical order of all persons whose names shall not appear in any of the said lists for such polling district, but who shall in manner herein-before mentioned have been registered by the revising barrister to vote at the polling place of such last-mentioned district, and shall in the said book prefix to every name its proper number, beginning the numbers from the first name, and continuing them in a regular series down to the last name: Provided always, that a number as aforesaid shall be prefixed to the name of every person in every such list inserted after the last list for any polling district as aforesaid, and no number, but an asterisk only, shall be prefixed to the name of the same person in the list of the parish or township in which his name originally appeared; and every such book shall be printed and arranged in such manner and form that the list of voters of and for each and every separate parish or township contained therein may be conveniently and completely cut out or detached from all the other lists of voters contained in the same book, so that all the lists for every or any polling place, or the list of every or any single

*Counties,
Cities, and
Boroughs.*

to parties
claiming or
objecting.

Such costs not
to exceed 20s.

Costs may be
given notwith-
standing notice
of appeal, but
shall abide the
event of such
appeal.

No appeal as
to costs only.

If costs be
awarded
against any
party object-
ing, no other
objection by
him shall be
heard until
they are paid.

County lists
to be trans-
mitted to clerk
of the peace,
and to be by
him copied
into a book.

*Counties,
Cities, and
Boroughs.*

Clerk of the peace to sign and deliver a copy to the sheriff.

Borough lists to be delivered to town clerks, and copied into books.

Town clerks to sign and deliver same to returning officers.

Books to be the register of voters for the ensuing year.

Copies of registers to be printed for sale.

Assessors and other officers neglecting to attend when summoned by revising barrister, liable to be fined.

Power to barristers to fine overseers for neglect of duty.

parish or township, may be ready for the purposes of this Act or for sale; and the said clerk of the peace shall sign and deliver the said book or books on or before the last day of November in the then current year to the sheriff of the county, to be by him and his successors in the office of sheriff safely kept, for the purposes herein-after and in the said recited Act mentioned.

XLVIII. AND be it enacted, that the lists of voters for each city or borough, signed as aforesaid, shall be forthwith delivered by the revising barrister to the town clerk of the same city or borough; and the said town clerk shall forthwith cause the said lists to be copied and printed in a book; and in the said book the said lists shall be arranged and every name numbered according to the directions aforesaid with regard to the county lists, so far as the same are applicable; and the said town clerk shall sign and deliver the said book on or before the said last day of November to the returning officer of the same city or borough, to be by him and his successors as returning officer safely kept for the purposes herein-after mentioned.

XLIX. AND be it enacted, that the said printed book or books, so signed as aforesaid by the clerk of the peace or town clerk respectively, and given into the custody of the sheriff of any county, or the returning officer of any city or borough, as the case may be, shall be the register of persons entitled to vote at any election of a member or members to serve in Parliament which shall take place in and for the same county, city, or borough respectively, between the last day of November in the year wherein such register shall have been made and the first day of December in the succeeding year : ; and [Rep., Stat. Law Rev. Act, 1874 (No. 2).] the clerk of the peace of every county, and the town clerk of every city or borough respectively, shall keep printed copies of the said register for such county, city, or borough, and shall deliver such copies of such register, or of any part thereof, to any person applying for the same, upon payment of a price after the rate contained in the table numbered (2.) in the schedule (D.) to this Act annexed: Provided always, that no person shall be entitled to a copy of any part of any register relating to any parish or township without taking or paying for the whole that relates to such parish or township.

L. AND be it enacted, that any assessor or collector of taxes, or other officer, or any overseer or overseers of the poor, or other persons having the custody of any poor-rate book for any past year, or any assistant overseer or relieving officer, who shall wilfully refuse or neglect, when duly required by summons under the hand of any revising barrister, to attend before such barrister at any court to be holden as aforesaid, according to the exigency of such summons, shall, upon proof before him of the service of such summons, be liable to pay by way of fine for every such offence a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of the said barrister holding any such court as aforesaid.

LI. AND be it enacted, that any overseer of any parish or township who shall wilfully refuse or neglect to make out any list, or who shall wilfully neglect to insert therein the name of any person who shall have given due notice of claim, or who in making out the list of voters for any city or borough shall wilfully and without any reasonable cause omit the name of any person duly qualified to be inserted in such list, or who shall wilfully and without reasonable cause insert in such list the name of any person not duly qualified, or who shall wilfully refuse or neglect to publish any notice or list, or copy of the part of the register of voters relating to his parish or township, at the time and in the manner required by this Act, or who shall wilfully refuse or neglect

*Counties,
Cities, and
Boroughs.*
—

to deliver to the clerk of the peace the copy of the lists of claimants and of persons objected to, and the copies of the register, as required by this Act, or who shall wilfully refuse or neglect to deliver to the town clerk of the city or borough the copies of the several lists as required by this Act, or who shall wilfully refuse or neglect to attend the court for revising the lists of voters of his parish or township, or to attend any revising barrister when required by any summons as aforesaid, or who shall wilfully refuse or neglect to deliver to the barrister or barristers holding any such court the several lists to be made out by them as aforesaid, or who shall be wilfully guilty of any other breach of duty in the execution of this Act, shall for every such offence be liable to pay by way of fine a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of any barrister holding any court for the revision of any list of the parish or township of such overseer: Provided always, that nothing herein contained as to any fine as aforesaid shall affect or abridge any right of action against any overseer or other person liable to any fine as aforesaid, or any liability such overseer or other person may incur under or by virtue of this Act or the said recited Act.

LII. AND be it enacted, that every revising barrister, when and so often as he shall impose any such fine as aforesaid, shall at the same time in open court, by an order in writing under his hand stating the sum payable for such fine, direct by and to whom and when the same shall be paid, and the person to whom the said sum shall be so ordered to be paid shall receive the same, and in every case where the offence for which the said fine shall have been so imposed shall relate to the formation of the register of voters for any county he shall pay over the sum so received by him to the clerk of the peace of the same county, and in every case where such offence shall relate to the formation of the register of voters for any city or borough he shall pay over the sum so received by him to the town clerk of the same city or borough, or to the said secondaries, as the case may require.

*Fines how to
be paid.*

LIII. AND be it enacted, that the clerk of the peace of every county and the town clerk of every city or borough respectively shall keep an account of all monies to be received by him or them for or on account of the sale of any copies of the register as aforesaid, or for or by way of fine imposed as aforesaid; and the said clerk of the peace shall pay over or account for all such monies received by him to the treasurer of the same county, to be applied in aid of the county rate; and the said town clerk shall pay over or account for all such monies so received by them to and amongst the overseers of the several parishes and townships within every city or borough; and the share of each parish or township shall be calculated as nearly as may be according to the same relative proportion as the number of persons whose names shall appear in the list of the said parish or township shall bear to the number in all the other lists upon the same register; and the said monies, together with all monies received by any overseers from the sale by them of any lists, shall be paid and applied by the said overseers in aid of the monies collected for the relief of the poor.

*Clerk of the
peace and
town clerk to
account for
and pay over
all monies
received by
them.*

LIV. AND be it enacted, that an account of all expences incurred by any clerk of the peace of any county in carrying into effect the provisions of this Act shall be laid before the justices of the peace at the next quarter sessions

*Expences of
clerks of the
peace, how to
be defrayed.*

*Counties,
Cities, and
Boroughs.*

after such expences shall have been incurred, and the said justices of the peace shall make their order upon the treasurer of the said county for the payment of such expences, or such part thereof as they shall allow to the said clerk of the peace, out of the public stock of the said county.

Expences of
town clerks
and returning
officers, how
to be defrayed.

LV. AND be it enacted, that all the expences incurred by any town clerk or returning officer of any city or borough in carrying into effect the provisions of this Act shall be defrayed out of the monies to be collected for the relief of the poor in the several parishes and townships within the same city or borough; and the sum to be contributed by every such parish or township shall be calculated, as nearly as may be, according to the same relative proportion as the number of persons whose names shall appear in the list of the said parish or township shall bear to the number in all the other lists upon the same register; and an account of all the said expences so incurred, and also an account of the sum to be contributed for defraying the same by each parish or township as aforesaid, shall, as soon as may be after the said expences shall have been so incurred, be laid before the common council or town council of the said city or borough, or, if there be no such council in any city or borough, then before the justices of the peace at the quarter sessions to be holden in and for the county in which the same city or borough is situate; and the said council or the said justices respectively shall when they allow the said accounts make and give to the said town clerk a certificate of the total sum allowed by such council or justices in respect of the said expences, and also a certificate of the sum to be paid by and as the contribution of each of the said parishes or townships towards defraying the same; and thereupon it shall be lawful for the overseers of every such parish or township, and they are hereby required, out of the first monies to be collected for the relief of the poor, to pay the sum in such certificate mentioned to be paid by and as the contribution of the said parish or township to the said town clerk.

Meaning of
the words
"town clerk"
in case of
London, West-
minster, and
Southwark.

LVI. PROVIDED always, and be it enacted, that throughout this Act the words "town clerk" shall not be understood to mean or apply to the town clerks of the cities of London or Westminster, or to the town clerk of the borough of Southwark, but throughout this Act by the words "town clerk" shall be understood in regard to the city of London the secondaries of the said city, and in regard to the city of Westminster the high bailiff of the said city, and in regard to the borough of Southwark the high bailiff of the said borough.

Expences of
overseers, how
to be defrayed.

LVII. AND be it enacted, that an account of all expences incurred by the overseers of every parish or township in carrying into effect the provisions of this Act shall be laid before the revising barrister at the court at which the list of voters for such parish or township shall be revised; and the said barrister shall sign and give to the said overseers a certificate of the sum which he shall allow to be due to them in respect of the said expences; and it shall be lawful for the said overseers to receive the sum so certified to be due to them from and out of the first monies thereafter to be collected for the relief of the poor in the same parish or township.

No payment
necessary by
persons
making claims;

LVIII. AND be it enacted, that, notwithstanding any thing in the said recited Act contained, it shall not be necessary for or required of any person claiming or upon giving notice of any claim as herein or in the said recited Act mentioned to pay or cause to be paid to the overseer of any parish or township the sum of one shilling, or any other sum; nor shall any notice of

claim as aforesaid be invalid by reason of such or any sum not having been paid ; and no person whose name shall be upon any register of voters for any city or borough shall be therefore liable to the payment of one shilling annually, or of any other sum on that account.

*Counties,
Cities, and
Boroughs.*

nor by persons on registers in cities and boroughs. Remuneration of revising barristers.

LIX. AND be it enacted, that every barrister appointed to revise any lists of voters under this Act shall be paid the sum of two hundred guineas, by way of remuneration to him, and in satisfaction of his travelling and other expences ; and every such barrister, after the termination of his last sitting, shall forward his appointment to the commissioners of her Majesty's Treasury, who shall make an order for the payment of the above sums to every such barrister, and all such sums shall be paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland [Rep., Stat. Law Rev. Act, 1874 (No. 2).]:

LX. AND be it enacted, that all appeals or matters of appeal from or in respect of any decision of any revising barrister entertained in manner herein-before mentioned shall be prosecuted, heard, and determined in and by her Majesty's Court of Common Pleas at Westminster, according to the ordinary rules and practice of that court with respect to special cases, so far as the same may be applicable, and not inconsistent with the provisions of this Act, or in such manner and form, and subject to such rules and regulations, as the said court from time to time, by any rule or order made for regulating the practice and proceedings in such appeals, shall order and direct.

Appeals to be heard by the Court of Common Pleas.

LXII. AND be it enacted, that every appellant who shall intend to prosecute his appeal shall, within the first four days in the Michaelmas term next after the decision to which such appeal shall relate, transmit to the masters of the said Court of Common Pleas the statement in writing so signed by the said revising barrister as aforesaid, and shall also therewith give or send a notice, signed by him, stating therein his intention to prosecute the said appeal, and the said appellant shall also give or send a notice, signed by him, to the respondent in the said appeal, stating his said intention duly to prosecute such appeal in the said court ; and one of the masters of the said court, to be nominated for that purpose by the lord chief justice of the said court, shall forthwith enter every appeal of which he shall have received due notice from the appellant as aforesaid in a book to be kept by him for that purpose.

Notice of appeal to be given by appellant.

Appeals to be entered in a book.

LXIII. AND be it enacted, that the judges of the said Court of Common Pleas shall, as soon as may be after the fourth day of Michaelmas term in every year, make arrangements for hearing the appeals entered as aforesaid, and shall appoint such certain day or days, either in term time or in time of vacation, as they may think fit and necessary, but as early as conveniently may be, for the purpose of hearing and deciding such appeals ; and the said judges shall cause public notice to be given of the time and place so appointed by them for that purpose, and of the order in which such appeals will be heard.

Court to give notice of the time and place of hearing appeals.

LXIV. AND be it enacted, that no appeal or matter of appeal whatsoever shall in any case, except where the conduct and direction of the appeal, or of the answer thereto, shall have been given by order of the Court of Common Pleas, or of any judge thereof, to any person, be entertained or heard by the said court unless notice shall have been given by the appellant to the masters of the said court at the time and in the manner herein-before mentioned ; and no appeal shall be heard by the said court in any case where the said respon-

No appeal to be entertained unless notice given.

Nor where respondent does not appear, un-

*Counties,
Cities, and
Boroughs.*

less appellant
proves that
notice was
sent to him.
Court may
postpone the
hearing of any
appeal.

No appeal on
questions of
fact or the
admissibility
of evidence.

Court may
remit case
to revising
barrister to be
more fully
stated.

Decisions of
court to be
final.

Decisions of
court to be
notified to the
sheriff or
returning
officer, and
registers to
be altered
conformably.

Copies of
decisions on
appeals pur-
porting to be
signed by a
master to be
admissible in
evidence.

Appeal
pending not
to affect right
of voting.

No decision
after election
to affect the

dent shall not appear, unless the said appellant shall prove that due notice of his intention to prosecute such appeal was given or sent to the said respondent ten days at least before the day appointed for the hearing of such appeal: Provided always, that if it shall appear to the said court that there has not been reasonable time to give or send such notice in any case, it shall be lawful for the said court to postpone the hearing of the appeal in such case, as to the said court shall seem meet.

LXV. AND be it enacted, that no appeal or notice of appeal under this Act shall be received or allowed against any decision of any revising barrister upon any question of fact only, or upon the admissibility or effect of any evidence or admission adduced or made in any case to establish any matter of fact only: Provided always, that if the said court shall be of opinion in any case that the statement of the matter of the appeal is not sufficient to enable them to give judgment in law, it shall be lawful for the said court to remit the said statement to the revising barrister by whom it shall have been signed, in order that the case may be more fully stated.

LXVI. AND be it enacted, that every judgment or decision of the said court shall be final and conclusive in the case upon the point of law adjudicated upon, and shall be binding upon every committee of the House of Commons appointed for the trial of any petition complaining of an undue election or return of any member or members to serve in Parliament.

LXVII. AND be it enacted, that whenever by any judgment or order of the said court any decision or order of any revising barrister shall be reversed or altered, so as to require any alteration or correction of the register of voters for any county, or for any city or borough, notice of the said judgment or order of the said court shall be forthwith given by the said court to the sheriff or returning officer, as the case may be, having the custody of such register, and the said notice shall be in writing under the hand of one of the masters of the said court, and shall specify exactly every alteration or correction to be made, in pursuance of the said judgment or order, in the said register; and such sheriff or returning officer respectively shall, upon the receipt of the said notice, alter or correct the said register accordingly, and shall sign his name against every such alteration or correction in the said register, and shall safely keep and hand over to his successors every such notice received by him from the said court as aforesaid, together with the said register.

LXVIII. AND be it enacted, that a copy of any order or decision of the said court, such copy purporting to be signed by one of the masters of the said court, shall be sufficient evidence in all cases, without proof of the signature of the said master, and shall have the like force and effect as any entry made in any list or register of voters under this or the said recited Act.

LXIX. AND be it enacted, that no right of voting at any election of a member or members to serve in Parliament shall be affected by any appeal pending in the said court at the time of the issuing of the writ for such election, but it shall be lawful for every person to exercise the right of voting at such election as effectually, and every vote tendered thereat shall be as good, as if no such appeal were pending; and that the subsequent decision of any appeal which shall be pending in the said court at the time of the issuing of the writ for any such election shall not in any way whatsoever alter or affect

the poll taken at such election, nor the return made thereat by the returning officer.

Counties, Cities, and Boroughs.

LXX. AND be it enacted, that it shall be lawful for the said court to make such order respecting the payment of the costs of any appeal, or of any part of such costs, as to the said court shall seem meet: Provided always, that it shall not be lawful for the said court in any case to make any order for costs against or in favour of any respondent or person named as respondent as aforesaid, unless he shall appear before the said court in support of the decision of the revising barrister in question.

result of such election.
Court of Appeal may give costs, but not against or for a respondent unless he appears.

LXXI. AND be it enacted, that in case any sum of money by the order of any revising barrister as aforesaid directed to be paid by any person by way of fine or for costs shall not be paid according to the terms of such order, it shall be lawful for any justice of the peace, and he is hereby required, upon proof before him that a true copy of the said order hath been served upon or left at the usual place of abode of the person in the said order directed to pay such sum, and that the said sum hath been demanded of such person, and that he hath refused or neglected to pay the same, by warrant under his hand and seal to order the said sum of money, together with the costs of and attending the said warrant, to be levied by distress and sale of the goods and chattels of such person so making default which may be found within the jurisdiction of the said justice; and the overplus, if any, after the said sum of money and costs, and the charges of such distress and sale, are deducted, shall be returned, upon demand, to the owner of the said goods and chattels: Provided always, that no certiorari or other writ or process for the removal of any such order or warrant, or of any order or warrant to be made or issued on account of a false charge of personation in the manner herein-after provided, or any proceeding thereon respectively, into any of her Majesty's courts at Westminster, shall be allowed or granted.

Costs and fines ordered by revising barrister to be paid may be recovered by distress and sale of the parties goods.

No certiorari allowed for removal of order of barrister, &c.

* * * * *

LXXIII. AND whereas by the said first-recited Act it is enacted, that "every male person of full age, and not subject to any legal incapacity, who shall occupy as tenant any lands or tenements for which he shall be bonâ fide liable to a yearly rent of not less than fifty pounds, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future Parliament for the county, or for the riding, parts or division of the county, in which such lands or tenements shall be respectively situate": And whereas it is also thereby enacted, that "no person shall be so registered in any year in respect of any lands and tenements held by him as such occupier and tenant as aforesaid unless he shall have been in the actual possession thereof for twelve calendar months next previous to the last day of July in such year": Be it declared and enacted, that the lands and tenements in respect of the occupation of which at a yearly rent of not less than fifty pounds any person shall be so entitled to be registered in any year, and to vote in the election of a knight or knights of the shire as aforesaid, shall not be required to be the same lands and tenements, but may be different lands and tenements, rented and occupied as aforesaid in immediate succession by such person during the twelve calendar months next previous to the last day of July in such year; and that where any such lands and tenements shall be jointly rented and occupied by more persons than one, each of such joint occupiers shall be entitled

2 & 3 Will. 4. c. 45. s. 20.

Sect. 26.

Successive occupation for 12 months of different lands of not less than 50l. yearly rent shall confer right to vote in counties, and joint occupiers may vote,

*Counties,
Cities, and
Boroughs.*

if total rent
amounts to
50*l.* for each
occupier.

2 & 3 Will 4.
c. 47. s. 23.

Sect. 26.

Provision as
to voting in
respect of
estates subject
to mortgages
or trusts.

2 & 3 Will. 4.
c. 45. s. 27.

to be registered and vote in such election as last aforesaid in respect of the lands and tenements so jointly rented and occupied, in case the yearly rent for which they shall be bonâ fide liable in respect of such lands and tenements shall be of an amount which, when divided by the number of such occupiers, shall give a bonâ fide rent of not less than fifty pounds for each and every such occupier, but not otherwise.

LXXIV. AND whereas by the said first-recited Act it is enacted, "that no person shall be allowed to have any vote in the election of a knight or knights of the shire for or by reason of any trust estate or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate, but that the mortgagor or cestuique trust in possession shall and may vote for the same, notwithstanding such mortgage or trust": And whereas it is also thereby enacted, "that no person shall be registered in any year in respect of his estate or interest in any lands or tenements as freeholder, copyholder, customary tenant, or tenant in ancient demesne, unless he shall be in actual possession or in receipt of the rents and profits thereof to his own use for six calendar months at least previous to the last day of July in such year": And whereas doubts have arisen as to the true intent and meaning of the said first-mentioned enactment in certain cases: Be it therefore declared and enacted, that no mortgagee of any lands or tenements shall have any vote in the election of a knight or knights of the shire, or in the election of a member or members to serve in any future Parliament for any city or borough in which freeholders now have a right to vote, for or by reason of any mortgage estate therein, unless he be in the actual possession or receipt of the rents and profits thereof, but that the mortgagor in actual possession or in receipt of the rents and profits thereof shall and may vote for the same, notwithstanding such mortgage; and that no trustee of any lands or tenements shall in any case have a right to vote in any such election for or by reason of any trust estate therein, but that the cestuique trust in actual possession or in the receipt of the rents and profits thereof, though he may receive the same through the hands of the trustee, shall and may vote for the same, notwithstanding such trust.

LXXV. AND whereas by the said first-recited Act it is enacted, that in every city or borough which shall return a member or members to serve in any future Parliament, every male person of full age, and not subject to any legal incapacity, who shall occupy within such city or borough, or within any place sharing in the election for such city or borough, as owner or tenant, any house, warehouse, counting-house, shop, or other building, being, either separately or jointly with any land within such city, borough, or place, occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, of the clear yearly value of not less than ten pounds, shall, if duly registered according to the provisions therein-after contained, be entitled to vote in the election of a member or members to serve in any future Parliament for such city or borough; and it is also provided, that no such person shall be so registered in any year unless he shall have occupied such premises as aforesaid for twelve calendar months next previous to the last day of July in such year, nor unless such person, where such premises are situate in any parish or township in which there shall be a rate for the relief of the poor, shall have been rated in respect of such premises to all rates for the relief of the poor in such parish or township made during the time of such

his occupation so required as aforesaid, nor unless such person shall have paid on or before the twentieth day of July in such year all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises previously to the sixth day of April then next preceding: And whereas doubts have arisen how far any misnomer or inaccurate or insufficient description in a rate of the person occupying any such premises as in the said recited Act are mentioned, or any inaccurate description of the premises so occupied, has the effect of preventing any such person from being registered and entitled to vote in respect of such premises in any year: Be it therefore declared and enacted, that where any person shall have occupied such premises as in the said recited Act are mentioned for twelve calendar months next previous to the last day of July in any year, and such person being the person liable to be rated for such premises shall have been bonâ fide called upon to pay in respect of such premises all rates made for the relief of the poor in such parish or township during the time of such his occupation so required as aforesaid, and such person shall have bonâ fide paid, on or before the twentieth day of July in such year, all sums of money which he shall have been called upon to pay as rates in respect of such premises for one year previously to the sixth day of April then next preceding, such person shall be considered as having been rated and paid all rates in respect of such premises within the meaning of the said recited Act, and be entitled to be registered in respect of the same in any year, any misnomer or inaccurate or insufficient description in any rate of the person so occupying or of the premises occupied notwithstanding.

*Counties,
Cities, and
Boroughs.*

Inaccurate description in rate not to prevent persons being registered under recited enactment.

LXXVI. AND whereas doubts have arisen as to the measurement of the distance of seven statute miles in the said first-recited Act mentioned and therein prescribed as to the residence of voters for any city or borough: Be it therefore declared and enacted, that the said distance shall be understood to be the distance of seven miles as measured in a straight line on the horizontal plane from the point within any city or borough or place sharing in the election therewith from which such distance is to be measured, according to the directions in that behalf in the said Act: Provided always, that in cases where there is now or shall hereafter be a map of any city or borough, and of the country surrounding the same, drawn or published under the authority and direction of the principal officers of her Majesty's ordnance, such distance may be measured and determined by the said map.

How distance prescribed in recited Act as to residence of voters for any city or borough is to be measured.

LXXVII. AND whereas doubts have arisen whether, in order to entitle any person to vote for the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, in respect of any freehold messuages, lands, or tenements therein situate, it is necessary that the same should be assessed to the land tax: Be it therefore declared and enacted, that in order to entitle any person to vote in any election of members to serve in Parliament in respect of any freehold messuages, lands, or tenements situate within the borough of New Shoreham, Cricklade, Aylesbury, or East Retford respectively it shall not be necessary that the same shall be assessed to the land tax, any statute to the contrary notwithstanding.

Freeholders entitled to vote in New Shoreham, Cricklade, Aylesbury, or East Retford need not be assessed to land tax.

LXXVIII. AND whereas by the said first-recited Act it is enacted and provided, that every person then having a right to vote in the election for any city or borough in virtue of any other qualification than as a burgess or freeman, or as a freeman and liveryman, or as a freeholder or burgage tenant, as therein

2 & 3 Will. 4. c. 45. s. 33.

*Counties,
Cities, and
Boroughs.*

mentioned, shall retain such right of voting so long as he shall be qualified as an elector, according to the usages and customs of such city or borough, or any law then in force, and that such person shall be entitled to vote in the election of a member or members to serve in Parliament for such city or borough, if duly registered according to the provisions in the said Act in that behalf contained ; and it is thereby further provided, nevertheless, that every such person shall for ever cease to enjoy such right of voting for any such city or borough as aforesaid if his name shall have been omitted from the register of such voters under certain circumstances therein and herein after specified : And whereas doubts have arisen as to the intent and meaning of the words the "register of such voters" in such last-mentioned provision : Be it therefore declared and enacted, that every such person shall for ever cease to enjoy such right of voting in virtue of any other qualification than as a burgess or freeman, or as a freeman and liveryman, or as a freeholder or burgage tenant as aforesaid, if his name shall for two successive years not have been inserted or appear in the register of voters for such city or borough in respect of such other qualification (notwithstanding the name of such person may appear in such register for both or either of the same two successive years in respect of some qualification of a different nature), unless the name of such person in any such year shall not have been inserted as aforesaid or have been omitted by reason or in consequence of his having received parochial relief within twelve calendar months next previous to the last day of July in the same year, or by reason or in consequence of his absence on the naval and military service of her Majesty.

Cesser in certain cases of special rights of voting reserved by recited enactment.

Register to be conclusive evidence at any election of the voter's retaining the qualification shewn in the register.

LXXIX. AND be it enacted, that at every future election for a member or members to serve in Parliament for any county, city, or borough the register of voters so made as aforesaid shall be deemed and taken to be conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively in the register in force at such election :

* * * * *

No inquiry at time of election, except as to identity of the voter, and whether he has already voted.

LXXXI. AND be it enacted, that in all elections whatever of a member or members to serve in Parliament for any county, riding, parts or division of a county, or for any city or borough, in England or Wales, or the town of Berwick-upon-Tweed, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows ; (that is to say,) that the returning officer or his respective deputy shall, if required on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards, the following questions, or either of them :

1. Are you the same person whose name appears as A.B. on the register of voters now in force for the county of _____, [or for the riding, parts, or _____ division of the county of _____], or for the city [or borough] of _____ [as the case may be] ?
2. Have you already voted, either here or elsewhere, at this election for the county of _____, [or for the _____ riding, parts, or _____ division of the county of _____], or for the city [or borough] of _____ [as the case may be] ?

And if any person shall wilfully make a false answer to either of the questions aforesaid he shall be deemed guilty of a misdemeanor, and shall and may be

indicted and punished accordingly ; and the returning officer or his deputy, . . . , shall, if required on behalf of any candidate at the time aforesaid, administer an oath to any voter in the following form :

*Counties,
Cities, and
Boroughs.*

‘ YOU do swear [or affirm, as the case may be], that you are the same person whose name appears as A.B. on the register of voters now in force for the county of , [or for the riding, parts, or division of the county of], or for the city [or borough] of [as the case may be], and that you have not before voted, either here or elsewhere, at the present election for the county of , [or for the riding, parts, or division of the county of], or for the city [or borough] of [as the case may be].
‘ So help you GOD.’

Oath to be administered to voter, if required.

LXXXII. AND be it enacted, that, save as aforesaid, it shall not be lawful to require any voter at any election whatever of a member or members to serve in Parliament to take any oath or affirmation, either in proof of his freehold, or of his residence, age, or other qualification or right to vote, any law or statute, local or general, to the contrary notwithstanding ; nor to reject any vote tendered at such election by any person whose name shall be upon the register of voters in force for the time being, except by reason of its appearing to the returning officer or his deputy, upon putting such questions as aforesaid, or either of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that he had previously voted at the same election, or except by reason of such person refusing to answer the said questions or either of them, or to take the said oath, or make the said affirmation, or to take or make the oath or affirmation against bribery ; and no scrutiny shall hereafter be allowed by or before any returning officer with regard to any vote given or tendered at any such election ; any law, statute, or usage to the contrary notwithstanding.

Voter not to be required to take any other oath.

No vote to be rejected except in consequence of answers to inquiries, or refusal to answer, or to take the oath, or the oath against bribery.

No scrutiny to be allowed by or before returning officer.

* * * * *

LXXXV. AND for the more effectual detection of the personation of voters at elections, be it enacted, that it shall be lawful for any candidate, at any election of a member or members to serve in Parliament for any county, city, or borough, previous to the time fixed for taking the poll at such election, to nominate and appoint an agent or agents on his behalf to attend at each or any of the booths appointed for taking the poll at such election, for the purpose of detecting personation ; and such candidate shall give notice in writing to the returning officer, or his respective deputy, of the name and address of the person or persons so appointed by him to act as agent for such purpose ; and thereupon it shall be lawful for every such agent to attend during the time of polling at the booth or booths for which he shall have been so appointed.

Agents may be appointed by candidates to detect personation at the time of polling.

LXXXVI. AND be it enacted, that if at the time any person tenders his vote at such election, or after he has voted, and before he leaves the polling booth, any such agent so appointed as aforesaid shall declare to the returning officer, or his respective deputy, presiding therein, that he verily believes, and undertakes to prove, that the said person so voting is not in fact the person in whose name he assumes to vote, or to the like effect, then and in every such case it shall be lawful for the said returning officer, or his said deputy, and he is hereby required, immediately after such person shall have voted, by word of

Returning officer may order persons charged with personation to be taken into custody.

*Counties,
Cities, and
Boroughs.*

Vote not to be rejected if questions answered in the affirmative;

but note of protest to be entered against vote in poll book.

Persons charged with personation to be taken before two justices.

Bail to be taken or person discharged in certain cases;

but charge may be subsequently inquired into, and persons charged may be re-arrested.

If justices are satisfied that the person charged has been guilty of personation, they are to commit him for trial.

If justices are satisfied that the charge is unfounded, they are to order compensation;

mouth to order any constable or other peace officer to take the said person so voting into his custody, which said order shall be a sufficient warrant and authority to the said constable or peace officer for so doing: Provided always, that nothing herein contained shall be construed or taken to authorize any returning officer, or his deputy, to reject the vote of any person who shall answer in the affirmative the questions authorized by this Act to be put to him at the time of polling, and shall take the oaths or make the affirmations authorized and required of him; but the said returning officer, or his deputy, shall cause the words, "protested against for personation," to be placed against the vote of the person so charged with personation when entered in the poll book.

LXXXVII. AND be it enacted, that every such constable or peace officer shall take the person so in his custody, at the earliest convenient time, before some two justices of the peace acting in and for the county, city, or borough within which the said person shall have so voted as aforesaid: Provided always, that in case the attendance of two such justices as aforesaid cannot be procured within the space of three hours after the close of the poll on the same day on which such person shall have been so taken into custody it shall be lawful for the said constable or peace officer, and he is hereby required, at the request of such person so in his custody, to take him before any one justice of the peace acting as aforesaid, and such justice is hereby authorized and required to liberate such person on his entering into a recognizance, with one sufficient surety, conditioned to appear before any two such justices as aforesaid, at a time and place to be specified in such recognizance, to answer the said charge; and if no such justice shall be found within four hours after the closing of the said poll then such person shall forthwith be discharged from custody: Provided also, that if in consequence of the absence of such justices as aforesaid, or for any other cause, the said charge cannot be inquired into within the time aforesaid, it shall be lawful nevertheless for any two such justices as aforesaid to inquire into the same on the next or on some other subsequent day, and, if necessary, to issue their warrant for the apprehension of the person so charged.

LXXXVIII. AND be it enacted, that if on the hearing of the said charge the said two justices shall be satisfied, upon the evidence on oath of not less than two credible witnesses, that the said person so brought before them has knowingly personated and falsely assumed to vote in the name of some other person within the meaning of this Act, and is not in fact the person in whose name he voted, then it shall be lawful for the said two justices to commit the said offender to the gaol of the county, city, or borough within which the offence was committed, to take his trial according to law, and to bind over the witnesses in their respective recognizances to appear and give evidence on such trial as in the case of other misdemeanors.

LXXXIX. AND be it enacted, that if the said justices shall on the hearing of the said charge be satisfied that the said person so charged with personation is really and in truth the person in whose name he voted, and that the charge of personation has been made against him without reasonable or just cause, or if the agent so declaring as aforesaid, or some one on his behalf, shall not appear to support such charge before the said justices, then it shall be lawful for the said justices, and they are hereby required, to make an order in writing under their hands, on the said agent so declaring as aforesaid, to pay to the

said person so falsely charged, if he shall consent to accept the same, any sum not exceeding the sum of ten pounds nor less than five pounds, by way of damages and costs; and if the said sum shall not be paid within twenty-four hours after such order shall have been made, then the same shall be levied, by warrant under the hand and seal of any justice of the peace acting as aforesaid, by distress and sale of the goods and chattels of the said agent; and in case no sufficient goods or chattels of the said agent can be found on which such levy can be made, then the same shall be levied in like manner on the goods and chattels of the candidate by whom such agent was so appointed to act; and in case the said sum shall not be paid or levied in the manner aforesaid, then it shall be lawful for the said person to whom the said sum of money was so ordered to be paid to recover the same from the said agent or candidate, with full costs of suit, in an action of debt to be brought in any one of her Majesty's superior courts of record at Westminster: Provided always, that if the person so falsely charged shall have declared to the said justices his consent to accept such sum as aforesaid by way of damages and costs, and if the whole amount of the sum so ordered to be paid shall have been paid or tendered to such person, in every such case, but not otherwise, the said agent, candidate, and every other person shall be released from all actions or other proceedings, civil or criminal, for or in respect of the said charge and apprehension.

Counties, Cities, and Boroughs.
 to be paid by agent or levied by distress on his goods or those of his principal, or recovered by action of debt.

If party falsely charged accepts compensation, no action to be brought.

XC. AND be it enacted, that it shall and may be lawful for the high sheriff of any county, and for the mayor or returning officer of any city or borough, and he and they are hereby required, for the purposes aforesaid, to provide a sufficient attendance of constables or peace officers in each booth at the different polling places within their respective counties, cities, or boroughs.

Sheriffs and returning officers to provide constables at polling places.

* * * * *

XCII. AND be it enacted, that in the city of London the returning officer or officers shall take the poll or votes of such freemen of the said city, being liverymen of the several companies, as are entitled to vote at such election, in the Guildhall of the said city, and shall not be required to provide for them any booth or compartment, but shall take one poll for the whole number of such liverymen at the same place.

Liverymen of London to poll in the Guildhall.

XCIII. AND whereas it is enacted by the said first-recited Act, that at every contested election for any county, riding or division of a county, city or borough in England, except the borough of Monmouth, the sheriff, under sheriff, or returning officer should, on the day therein mentioned, after the close of the poll, openly break the seals on the several poll books, and cast up the number of votes as they appear on the said several books, and openly declare the state of the poll, and make proclamation of the member or members chosen, not later than the time therein mentioned: And whereas no adequate provision has been made for the safe custody and production of the said poll books subsequent to such declaration of the poll and proclamation of the members chosen at any contested election, in consequence whereof great mischief and expence have arisen in cases of disputed returns of members to serve in Parliament: Be it therefore enacted, that at every contested election of a member or members to serve in Parliament for any county, riding, parts, or division of a county, or for any city or borough in England or Wales, or for the town of Berwick-upon-Tweed, the sheriff, under sheriff, or returning officer, after having declared the state of the poll, and made proclamation of the member or members chosen to serve in Parliament in the manner provided

2 & 3 Will. 4. c. 45. ss. 65, 68.

Poll books at the close of a contested election to be sealed and transmitted to the clerk of the crown in Chancery.

*Counties,
Cities, and
Boroughs.*

for by the said herein-before in part recited Act, shall forthwith enclose and seal up the several poll books, and tender the same to each of the candidates, to be sealed by them respectively; and in case any candidates shall neglect or refuse to seal the same, the sheriff, under sheriff, or returning officer shall thereupon indorse on one of the said poll books the fact of such neglect or refusal; and every such sheriff, under sheriff, or other returning officer shall, by himself or his agent, as soon as possible after such proclamation as aforesaid, deliver the same poll books, so sealed as aforesaid, to the clerk of the crown in the High Court of Chancery, or his deputy, or deliver the same, directed to the said clerk of the crown, to the postmaster or deputy postmaster of the city, town, or place wherein such proclamation shall have been made as aforesaid, who on receipt thereof shall give an acknowledgment in writing of such receipt to such sheriff, under sheriff, or returning officer, expressing therein the time of such delivery, and shall keep a duplicate of such acknowledgment, signed by such sheriff, under sheriff, or returning officer; and the said postmaster or deputy postmaster shall despatch all such poll books, so sealed and directed as aforesaid, by the first post or mail after the receipt thereof, to the General Post Office in London; and the postmaster or postmasters general are hereby directed, immediately on receipt of such poll books, to convey the same to the crown office, and to deliver the same there, so sealed as aforesaid, to the said clerk of the crown or his deputy; and the said clerk of the crown or his deputy is hereby required to give to such postmaster or postmasters general, sheriff, under sheriff, returning officer, or agent delivering the same, a memorandum in writing, acknowledging the receipt of such poll books, and setting forth the day and hour when the same were delivered at the crown office; and the said clerk of the crown or his deputy is hereby required, immediately on receipt of such poll books, to register the same in the books of the said crown office, and to indorse thereon the day and hour upon which he received the same; and every such sheriff, under sheriff, or returning officer is hereby required, at the time of transmitting such poll books as aforesaid through the post office, to address and forward a letter by the same post or mail to the said clerk of the crown, informing him of such transmission, and giving the number and description of such poll books so transmitted.

* * * * *

Parties wilfully
contravening
this Act liable
to penalty,
recoverable
by action
of debt.

XCVII. AND be it enacted, that every sheriff, under sheriff, clerk of the peace, town clerk, secondary, returning officer, clerk of the crown, postmaster, overseer, or other person, or public officer, required by this Act to do any matter or thing, shall for every wilful misfeasance, or wilful act of commission or omission contrary to this Act, forfeit to any party aggrieved the penal sum of one hundred pounds, or such less sum as the jury before whom may be tried any action to be brought for the recovery of the before-mentioned sum shall consider just to be paid to such party, to be recovered by such party, with full costs of suit, by action for debt in any of her Majesty's superior courts at Westminster: Provided always, that nothing herein contained shall be construed to supersede any remedy or action against any returning officer according to any law now in force.

* * * * *

Notice of
objection may
be sent by the
post.

C. AND be it enacted, that it shall be sufficient, in every case of notice to any person objected to in any list of county, city, or borough voters, and in the livery list of the city of London, and also in the case of county voters to

the occupying tenant whose name and place of abode appears in such respective list as aforesaid, if the notice so required to be given as aforesaid shall be sent by the post, free of postage, or the sum chargeable as postage for the same being first paid, directed to the person to whom the same shall be sent, at his place of abode as described in the said list of voters; and whenever any person shall be desirous of sending any such notice of objection by the post he shall deliver the same, duly directed, open and in duplicate, to the postmaster of any post office where money orders are received or paid, within such hours as shall have been previously given notice of at such post office, and under such regulations with respect to the registration of such letters, and the fee to be paid for such registration (which fee shall in no case exceed two-pence over and above the ordinary rate of postage), as shall from time to time be made by the postmaster general in that behalf; and in all cases in which such fee shall have been duly paid the postmaster shall compare the said notice and the duplicate, and, on being satisfied that they are alike in their address and in their contents, shall forward one of them to its address by the post, and shall return the other to the party bringing the same, duly stamped with the stamp of the said post office; and the production by the party who posted such notice of such stamped duplicate shall be evidence of the notice having been given to the person at the place mentioned in such duplicate on the day on which such notice would in the ordinary course of post have been delivered to such place: Provided also, that if no place of abode of the person objected to shall be described in the said list, or if such place of abode shall be situate out of the United Kingdom, then it shall be sufficient if notice shall be given to the said overseers, and to such occupying tenant as aforesaid (if any) in the case of a county voter, or, in the case of a city or borough voter, to the overseers or to the town clerk, or, in the case of a liveryman of the city of London, to the secondaries and clerk of the particular company to which the person objected to shall belong, as is in each of the said cases herein-before required.

*Counties,
Cities, and
Boroughs.*

CI. AND be it enacted, that throughout this Act, in the construction thereof, except there be something in the subject or context inconsistent with or repugnant to such construction, the word "county" shall extend to and mean any county, riding, parts or division of a county, respectively returning a knight or knights of the shire to serve in Parliament; and the words "city or borough" shall extend to and mean any city, borough, town corporate, cinque port, district, or place within England and Wales returning a member or members to serve in Parliament, other than counties at large, and ridings, parts, and divisions of counties at large, and to every place sharing in the election of a member for any city or borough, and shall also include the town of Berwick-upon-Tweed; that the words "clerk of the peace" shall comprehend and apply to any deputy or other person executing the duties of such clerk of the peace; and the words "town clerk" shall, except in regard to the cities of London and Westminster and the borough of Southwark, extend to and mean any person executing the duties of town clerk, or if in any city or borough there shall be no such officer as town clerk then to any officer executing the same or like duties as usually devolve upon the town clerk, or if in any city or borough there be no such person then to the returning officer of such city or borough, or to such person as the returning officer may appoint for that purpose, which he is hereby authorized to do; and the words "barrister" or "barristers" shall respectively be taken to include a serjeant or

*Interpretation
clause.*

*Meaning of
the word
"county."
"city or
borough:"*

*"clerk of the
peace:"*

*"town
clerk:"*

"barrister:"

*Counties,
Cities, and
Boroughs.*

“returning officer:”

“parish or township:”

“overseers” or “overseers of the poor.”

Provision as to service of notices on overseers and others.

Provisions as to justices, sessions, clerks of the peace, and treasurers of counties to extend to ridings.

Town clerk of Newport to be deemed clerk of the peace of Isle of Wight.

Misnomer not to vitiate.

“Oath.”

Singular.

Plural.

serjeants-at-law ; and the words “returning officer” shall apply to every person or persons to whom by virtue of his or their office, under any law, custom, or statute, the execution of any writ or precept doth or shall belong for the election of a member or members to serve in Parliament, by whatever name or title such person or persons may be called ; and the words “parish or township” shall extend to and mean every parish, township, village, hamlet, district, or place maintaining its own poor ; and the words “overseers” or “overseers of the poor” shall extend to and mean all persons who by virtue of any office or appointment shall execute the duties of overseers of the poor, by whatever name or title such persons may be called, and in whatsoever manner they may be appointed, and that all matters by this Act directed to be done by the overseers of a parish or township may be lawfully done by the major part of such overseers ; and that wherever any notice is by this Act required to be given or sent to the overseers of any parish or township, it shall be sufficient if such notice shall be delivered to any one of such overseers, or shall be left at his place of abode, or at his office or other place for transacting parochial business, or shall be sent by the post free of postage, or the postage thereof being first paid, addressed to the overseers of the particular parish or township, naming the parish or township, and the county, city, or borough respectively, to which the notice to be so sent may relate, without adding any place of abode of such overseers ; and that wherever by this Act any notice is required to be given or sent to any person or persons whatsoever, or public officer, it shall be sufficient if such notice be sent by the post in the manner and subject to the regulations herein-before provided with respect to sending notices of objection by the post, free of postage, or the postage thereof being first paid, addressed with a sufficient direction to the person or persons to whom the same ought to be given or sent, at his or their usual place of abode ; and that all provisions in this Act relative to any matters to be done by or with regard to justices of the peace for counties, or sessions of the peace for counties, or clerks of the peace for counties, or treasurers of counties, shall extend to the justices, sessions, clerks of the peace, and treasurers of the several ridings of Yorkshire and parts of Lincolnshire ; and that the town clerk for the time being for the borough of Newport in the Isle of Wight shall for the purposes of this Act be deemed and taken to be the clerk of the peace for the county of the Isle of Wight ; and that all the said respective justices, sessions, and clerks of the peace shall have power to do the several matters required by this Act, as well within places of exclusive jurisdiction as without ; and that no misnomer or inaccurate description of any person, place, or thing named or described in any schedule to this Act annexed, or in any list or register of voters, or in any notice required by this Act, shall in anywise prevent or abridge the operation of this Act with respect to such person, place, or thing, provided that such person, place, or thing shall be so denominated in such schedule, list, register, or notice as to be commonly understood ; and that the word “oath” shall include affirmation, where by law such affirmation is required or allowed to be taken in place of an oath ; and where the subject or context requires it every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things.

* * * * *

SCHEDULES to which this Act refers.

Schedule (A.)

SCHEDULE (A.)

FORMS for Counties.

.

No. 2.

NOTICE to be given by the Overseers.

WE hereby give notice, that all persons entitled to vote in the election of a knight or knights of the shire for the county [or for the riding, &c.] of _____, in respect of any property situate wholly or in part within this parish [or township], who are not upon the register of voters now in force, or who, being upon the register, shall not retain the same qualification or continue in the same place of abode as described in such register, and who are desirous to have their names inserted in the register of voters about to be made for the said county [or riding, &c.], are hereby required to give or send to us or any of us, on or before the twentieth day of July in this year, a notice in writing by them signed, in which their name and surname at full length, their place of abode, and the particulars of their qualification, must be legibly written, according to the form hereunder set forth. Any person who is upon the present register may also make his claim, if he thinks fit; but it is not necessary that he should do so if he has the same qualification and place of abode now described in the register.

Dated this _____ day of June in the year _____

(Signed) A.B. } Overseers of the parish
 C.D. } [or township] of
 E.F. }

FORM of Notice of Claim to be given to Overseers.

To the overseers of the parish of _____ [or township of _____].

I HEREBY give you notice, that I claim to be inserted in the list of voters for the county of _____, [or for the _____ riding, parts, or division of the county of _____, as the case may be], and that the particulars of my place of abode and qualification are stated in the columns below.

Dated the _____ day of _____ in the year _____

(Signed) G.H.

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Parish [or Township], and Number of House (if any), where the Property is situate, or Name of the Property, if known by any, or Name of the occupying Tenant; or, if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

Schedule (A.)
continued.

No. 3.

County of _____ to wit, [or] THE list of persons claiming to be entitled to
riding, parts, or division of the } vote in the election of a knight [or knights] of
county of _____, as } the shire for the county of _____, [or for
the case may be.] } the riding, parts, or division of the county of _____, as
the case may be], in respect of property situate in whole or in part within the
parish of _____ [or township, as the case may be].

Margin for entering Overseers Objections.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Parish [or Township], and Number of House (if any), where the Property is situate, or Name of the Tenant; or, if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

(Signed) A.B. }
C.D. } Overseers of the said
E.F. } parish [or township].

No. 4.

NOTICE of Objection to be given to the Overseers.

To the overseers of the parish [or township, as the case may be,]
of _____

I HEREBY give you notice, that I object to the name of the person men-
tioned and described below being retained in the list of voters for the county
[or for the _____ riding, _____ parts, or _____ division of the
county] of _____

Christian and Surname of the Voter objected to, as described in the List or Register.	Place of Abode as described.	Nature of Qualification as described.	Street, Lane, or other like Place where the qualifying Property is situate, &c. as described in the List or Register.

Dated the _____ day of _____ in the year _____
(Signed) A.B.
[Place of abode.]

No. 5.

NOTICE of Objection to be given to Parties objected to by any Person other than Overseers, and to the occupying Tenant of the qualifying Property.

To Mr. _____ of _____ [Here insert the name and place of abode of the person objected to as described in the list; and in the case of notice to the tenant of the qualifying property insert his name and place of abode as described in the list.]

TAKE notice, that I object to your name [in the notice to the tenant, instead of the words "your name," insert the name of the person objected to] being retained in the [here insert the name of the parish] list of voters for the county of _____ [or for the _____ riding, &c.]

Dated this _____ day of _____ one thousand eight hundred and _____

(Signed) A.B. of [place of abode], on the register of voters for the parish of _____

No. 6.

LIST of Persons objected to, to be published by the Overseers.

THE following Persons have been objected to as not being entitled to have their Names retained in the List of Voters for the County of _____ [or for the _____ Riding, Parts, or Division of the County of _____].

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other like Place in this Parish [or Township], and Number of House (if any), where the Property is situate, or Name of the Property, and the Name of the Tenant; or, if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

(Signed) A.B. } Overseers of the parish of
C.D. } [or township,
E.F. } as the case may be].

Schedule (B.)

SCHEDULE (B.)

FORMS for Cities and Boroughs.

No. 1.

PRECEPT of the Town Clerk to the Overseers.

City [or borough] } To the overseers of the poor of the parish of
of , in the } [or to the overseers of the poor of the township of
county of , }
or riding, &c. }
to wit. }

In pursuance of the provisions of the Act of Parliament of the Vict.
c. ., I require your attention to the following

INSTRUCTIONS:—

On or before the twentieth day of June you are to publish a notice, signed by you, according to the form marked No. 2. among the printed forms herewith sent.

The manner in which you are required to publish that notice is as follows; (that is to say,) you are to fix one of the printed copies (each copy being first signed by you) on or near the outside of the outer door or of the outer wall near the door of every church and public chapel in your parish [or township], including chapels which do not belong to the Established Church, or, if there should be no such church or chapel, then in some public and conspicuous situation in your parish [or township], and it must remain there during a period including two Sundays at least.

On or before the last day of July you are to make out an alphabetical list of all persons who may be entitled to vote in the election of a member [or members] to serve in Parliament for this city [or borough], in respect of the occupation of premises of the clear yearly value of ten pounds, situate wholly or in part within your parish [or township], and another alphabetical list of all other persons (except freemen) who may be entitled to vote in the election for this city [or borough] by virtue of any other right whatsoever; and in making out each of the said lists you must write or cause to be written the christian name and surname of every such person at full length, together with the place of his abode and the nature of his qualification; and when the qualification of any person shall be in respect of any property, you must state the name of the street, lane, and number of the house, if any, or other description of the place where such property may be situate.

And on or before the first day of August you are to publish written or printed copies of the said lists, signed by you, on every church or chapel in your parish [or township], in the same manner as before mentioned with regard to the notice.

You are to keep also a copy of such lists, signed by you, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the said lists shall have been published.

You are to make out a list, according to the form numbered 8., containing the name of every person who shall have given or have caused to be given to you or any one of you, on or before the twenty-fifth day of August, his claim to have his name inserted in any list of your parish [or township], and also

another list, according to the form numbered 12., containing the name of every person against whom a notice of objection shall have been given to you or any one of you, on or before the twenty-fifth day of August, as not being entitled to have his name retained in any list for your city [or borough]; and on or before the first day of September you are to sign and publish each of such lists on every church or chapel in your parish [or township], in the same manner as before mentioned with regard to the notice.

*Schedule (B.)
continued.*

You are to keep a copy of these lists, signed by you, and you are to allow the same, and also the notices of objection, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days of September, both inclusive; and you are to deliver a copy of each of such lists to any person requiring the same, on the payment of a price for each copy after the rate contained in the table marked schedule (D.) No. 1., herewith sent.

If you shall find any such notice, list, register, or other document published by you as aforesaid to be destroyed, mutilated, effaced, or removed, you are forthwith to place another in its room to the same effect.

On or before the twenty-ninth day of August you are to deliver to me a copy of the list of voters, a copy of the list of claimants, and a copy of the list of persons objected to, so respectively made out and signed by you as aforesaid.

You are to attend the court to be holden for the revision of the list of voters for your city [or borough], of the time of holding which notice will be given; and at the opening of such court you are there to deliver to the barrister before whom the same shall be holden the several lists made out by you, and signed by you, and the original notices of objection and the original notice of claims given to you.

Herein if you fail you will be liable to the penalties in that case provided.

Given under my hand, this day of one thousand
eight hundred

(Signed) A.B.

Town clerk for the said borough.

No. 2.

NOTICE to be given by the Overseers.

City [or borough] } WE hereby give notice, that no person will be entitled to
of , in the }
county of , }
to wit. }
} have his name inserted in any list of voters for this city
[or borough], now about to be made, in respect of the
occupation of premises of the clear yearly value of ten pounds, whether situate wholly or in part within this parish [or township], unless he shall pay, on or before the twentieth day of July, all the poor's rates and assessed taxes which have become due from him in respect of such premises during the twelve calendar months next before the sixth day of April last past; and all persons who omit to make such payments will be incapable of being upon the next register of voters for this city or borough.

Dated this day of June in the year one thousand eight hundred

(Signed)

A.B. } Overseers of the parish
C.D. } [or township] of
E.F. }

Schedule (B.)
continued.

No. 3.

THE List of Persons entitled to vote in the Election of a Member [or Members] for the City [or Borough] of _____, in respect of Property occupied within the Parish [or Township] of _____, by virtue of an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An Act to amend the Representation of the People in England and Wales."

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Parish [or Township], and Number of House (if any), where the Property is situated.

(Signed) A.B. } Overseers of the parish
C.D. } [or township] of
E.F.

No. 4.

THE List of all Persons (not being Freemen) entitled to vote in the Election of a Member [or Members] for the City [or Borough] of _____, in respect of any Rights other than those conferred by an Act passed in the Second Year of the Reign of King William the Fourth, intituled "An Act to amend the Representation of the People in England and Wales."

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Parish where the Property is situate, and Number of the House (if any). [When the Right of Voting depends on Property.]

(Signed) A.B. } Overseers of the parish of
C.D. } [or township]
E.F. } within the city [or bo-
rough] of

No. 5.

LIST of Freemen to be published by the Town Clerk.

THE List of Freemen of the City [or Borough] of _____, [or of _____, being a Place sharing in the Election with the City [or Borough] of _____], entitled to vote in the Election of a Member [or Members] for the said City [or Borough].

Christian Name and Surname of each Freeman at full Length,	Place of his Abode.

No. 6.

NOTICE of Claim.

To the overseers of the parish [or township] of _____.

I HEREBY give you notice, that I claim to have my name inserted in the list made by you of persons entitled to vote in the election of a member [or members] for the city [or borough] of _____, and that the particulars of my qualification and place of abode are stated in the columns below.

Dated the _____ day of _____ one thousand eight hundred _____

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place in the Parish [or Township] where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]

(Signed) J.D.

Schedule (B.)
continued.

No. 7.

NOTICE of Claim by Freemen to be given to the Town Clerk.

To the town clerk of the city [or borough] of

I HEREBY give you notice, that I claim to have my name inserted in the list made by you of persons entitled as freemen to vote in the election of a member [or members] to serve in Parliament for the city [or borough] of , and that my qualification is as freeman of , and that I reside in street, in this city [or borough, or, as the case may be].

Dated this day of one thousand eight hundred and

(Signed) J.D.

No. 8.

LIST of Claimants to be published by the Overseers.

THE following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [or Members] for the City [or Borough] of

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place in this Parish where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]

(Signed) A.B. }
C.D. } Overseers of, &c.
E.F. }

No. 9.

LIST of Claimants to be published by the Town Clerk.

THE following Persons claim to have their Names inserted in the List of the Freemen of the City [or Borough] of , [or of , being a Place sharing in the Election with the City [or Borough] of], entitled to vote in the Election of a Member [or Members] for the said City [or Borough].

Christian Name and Surname of each Person, as in the Claim.	Place of his Abode.

No. 10.

NOTICE of Objection.

To the Overseers of the Parish [or Township] of _____, [or to the
Town Clerk of the City [or Borough] of _____, [or otherwise,
as the Case may be].

I HEREBY give you notice, that I object to the name of _____
being retained in the list of persons entitled to vote in the election of a
member [or members] for the city [or borough] of _____.

Dated this _____ day of _____.

(Signed) A.B. of [place of abode], on the list
of voters for the parish of _____.

Note.—If more than one list of voters, the notice of objection should
specify the list to which the objection refers; and if the list
contains two or more persons of the same name, the notice should
distinguish the person intended to be objected to.

No. 11.

FORM of Notice of Objection to be given to Parties objected to.

To Mr. _____.

I HEREBY give you notice, that I object to your name being retained on the
list of persons entitled to vote in the election of members [or a member] for
the city [or borough] of _____.

Dated this _____ day of _____.

(Signed) A.B. of [place of abode], on the list
of voters for the parish of _____.

No. 12.

LIST of Persons objected to, to be published by the Overseers.

THE following Persons have been objected to as not being entitled to have
their Names retained in the List of Persons qualified to vote in the Election
of a Member [or Members] for the City [or Borough] of _____.

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place in the Parish where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]

(Signed) A.B. }
C.D. } Overseers of, &c.
E.F. }

Schedule (B.)
continued.

No. 13.

THE List of Persons objected to, to be published by the Town Clerks.

THE following Persons have been objected to as not being entitled to have their Names retained on the List of the Freemen of the City [or Borough] of _____, [or of _____], being a Place sharing in the Election with the City [or Borough] of _____, entitled to vote in the Election of a Member [or Members] for the said City [or Borough].

Christian and Surname of each Person objected to.	Place of his Abode.

(Signed) A.B. { Town clerk of the said city
[or borough or place].

Schedule (C.)

SCHEDULE (C.)

FORMS for the City of London.

No. 1.

A LIST of such of the Freemen of London as are Liverymen of the Company of _____ entitled to vote in the Election of Members for the City of London.

Christian Name and Surname of the Voter at full Length.	Street, Lane, or other Description of his Place of Abode.

(Signed) A.B. Clerk.

No. 2.

NOTICE of Claim to be given to the Secondaries of the City of London, and to the Clerks of the respective Livery Companies.

To the secondaries of the city of London [or to the clerk of the company of _____].

I HEREBY give you notice, that I claim to have my name inserted in the list made by the clerk of the company of _____ [or, in case of notice to the clerk, say, made by you] of the liverymen of the said company, [or, in case of notice to the clerk, say, of the liverymen of the company of _____] entitled to vote in the election of members for the city of London.

Dated the _____ day of _____

(Signed) A.B. { [Place of abode.
Name of company.]

No. 3.

Schedule (C.)
continued.

LIST of Claimants to be published by the Secondaries of the City of London.

THE following Persons claim to have their Names inserted in the List of Persons entitled to vote, as Freemen of the City of London and Liverymen of the several Companies herein specified, in the Election of Members for the City of London.

Christian Name and Surname of Claimants, as in the Claim.	Place of Abode.	Name of the Company.

Dated the

day of

(Signed)

A.B.

C.D. }

Secondaries of the city
of London.

No. 4.

NOTICE of Objection to Parties inserted in the List of the Livery.

To Mr.

I HEREBY give you notice, that I object to your name being retained in the list of persons entitled to vote, as freemen of the city of London and liverymen of the company of _____, in the election of members for the said city.

Dated the

day of

(Signed)

A. B. of

[place of abode], on the list of voters of _____

No. 5.

NOTICE of Objection to be given to the Secondaries of the City of London, and to the Clerks of the respective Livery Companies.

To the secondaries of the city of London [or to the clerk of the company of _____].

I HEREBY give you notice, that I object to the name of _____ being retained in the list of persons entitled to vote, as freemen of the City of London and liverymen of the company of _____, in the election of members for the said city. Dated this _____ day of _____

(Signed)

A. B. of

[place of abode], on the list of voters of _____

Note.—If the list contains two or more persons of the same name, the notice should distinguish the person intended to be objected to.

Schedule (C.)
continued.

No. 6.

THE List of Persons objected to, to be published by the Secondaries of the City of London.

THE following Persons have been objected to as not entitled to have their Names retained on the List of Persons entitled to vote, as Freemen of the City of London and Liverymen of the several Companies herein specified, in the Election of Members for the said City.

Christian and Surname of each Person objected to.	Place of his Abode.	Name of the Company.

Dated the _____ day of _____
(Signed) A. B. } Secondaries of the
C. D. } city of London.

Schedule (D.)

SCHEDULE (D.)

No. 1.

TABLE of Rates of Payment to be demanded and paid for any List or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any list or copy of a list containing any number of persons names:—

	s.	d.
Not exceeding 100 names - - -	0	6
Exceeding 100 and not exceeding 200 - - -	1	0
Exceeding 200 and not exceeding 300 - - -	1	6
Exceeding 300 and not exceeding 400 - - -	2	0
Exceeding 400 - - -	2	6

No. 2.

TABLE of Rates of Payment to be demanded and paid for any Copy of a Register or Part of any Register, where a Payment is required and authorized by this Act.

For every copy of any register or any part of any register containing any number of persons names:—

Not exceeding 1,000 names - - -	1	0
Exceeding 1,000 and not exceeding 3,000 - - -	2	6
Exceeding 3,000 and not exceeding 6,000 - - -	5	0
Exceeding 6,000 and not exceeding 9,000 - - -	7	6
Exceeding 9,000 - - -	10	0

CHAPTER XX.

AN ACT for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office. [31st May 1843.]

WHEREAS the ancient office of the Queen's coroner and attorney in the Court of Queen's Bench, commonly called the master of the Crown Office, hath lately become vacant by the death of Peregrine Dealtry esquire, and Charles Francis Robinson esquire hath been appointed to the said office, to prevent the inconvenience which would have arisen from delay in filling it up, but subject to such arrangements and regulations as might by Parliament be deemed expedient: And whereas it is desirable to relieve the public and the suitors from many ancient and unsuitable fees now taken in the Crown Office, and to remodel the present establishment, and that the offices or employments of the clerks in court and certain other officers now existing in the said Crown Office should be abolished: And whereas, under the provisions of an Act passed in the first year of the reign of his late Majesty King William the Fourth, intituled "An Act for regulating the receipt and future appropriation of fees and emoluments receivable by officers of the superior courts of common law," compensation has been awarded to the whole of the present officers who are entitled thereto, and whose offices will cease under the provisions of this Act: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the only officers on the crown side of the said court shall be the Queen's coroner and attorney, one master, and one assistant master [1]; and the several offices or employments now existing in the Crown Office of secondary, of clerk of the rules, of clerk of the affidavits, of examiner, of calendar keeper, of clerk of the grand juries, of clerks in court, and of the Queen's clerk in court, shall be and the same are hereby abolished, and shall wholly cease and determine. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

11 Geo. 4. & 1 Will. 4. c. 58.

The Queen's coroner and attorney, one master, and one assistant master, to be the only officers on the crown side of Court of Queen's Bench. All other offices abolished.

II. there shall also be in the said office so many clerks and messengers as the lord chief justice of the Court of Queen's Bench shall determine to be necessary and proper; and such clerks and messengers shall and may be appointed by the Queen's coroner and attorney, and the master in the said office, with the approbation of the said lord chief justice:

Such clerks and messengers as are necessary to be appointed.

III. AND be it enacted, that when and so often as any vacancy shall occur in either of the . . . said offices on the crown side of the said court, by death, resignation, or otherwise, it shall and may be lawful for the lord chief justice of the said court for the time being to nominate and appoint some fit and proper person to fill such vacant office, such person being a barrister or pleader, in actual practice, of not less than five years standing, or an admitted attorney of the said court, in actual practice, of not less than five years standing on the rolls of the said court, or any one of the persons who shall hold any office or employment under the provisions of this Act in the Crown Office, : Provided always, that the lord chief justice of the said court shall not be at liberty to fill up such vacancy unless it shall

Appointment of future officers on vacancies.

Restriction as to filling up vacancies.

[1] Section 1 is rep., so far as it relates to one assistant master, Stat. Law Rev. Act, 1874 (No. 2).]

be certified in writing to the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, under the hand of the said lord chief justice, that it is . . . necessary, for the efficient and satisfactory conduct of the business on the crown side of the said court, that the said . . . officers should be retained; and such certificate shall forthwith be laid before both Houses of Parliament, if Parliament shall be then sitting; if not, within seven days after the assembling thereof;

Appointments to be made without pecuniary consideration; officers to hold office during good behaviour, and clerks and messengers during pleasure.

Duties to be performed as court shall direct.

Appointment, &c. of deputy in case of sickness or absence of officer.

Persons appointed not to practise elsewhere.

Salaries of officers.

IV. AND be it enacted, that all such appointments of officers, clerks, or messengers to be made by virtue of this Act shall be so made without any pecuniary or other consideration whatever, directly or indirectly, to be paid or received for the same; and the officers to be hereafter appointed by virtue of this Act shall hold their offices during their good behaviour, and the persons to be appointed by virtue of this Act as such clerks and messengers shall hold their situations during pleasure; and such officers, clerks, and messengers shall execute their duties in person, and shall give their attendance in court or elsewhere, and shall conduct the business of their several employments, at such places and hours, whether in term or vacation, and in every respect in such manner, as the Court of Queen's Bench shall from time to time order and direct.

V. PROVIDED always, and be it enacted, that if either of the said officers shall, from sickness or other unavoidable cause, have occasion to be absent from the business of his office for a longer period than two months at any one time, then and in every such case it shall be lawful for the lord chief justice of the said court for the time being to give leave of absence by his order in writing to such officer, and, if necessary, to appoint a deputy in his place, during such time as shall be expressed in such order, and the name of such deputy, and also the cause and time of such absence, shall be stated in such order; and such deputy may, if occasion shall require it, be changed by the said lord chief justice; and every deputy so appointed shall be paid by the principal for whom he shall act, out of his salary, such remuneration for his services as the said lord chief justice shall direct in such order, not being in any case less than at the rate of one third of the amount of the salary of such officer, during the period that such deputy shall act.

VI. AND be it enacted, that no person holding any such office of the Queen's coroner and attorney, master, or assistant master [1], or being a clerk on the crown side of the said court, shall, either directly or indirectly, act as a barrister, attorney, or solicitor, or as agent of any attorney or solicitor, in any court of law or equity in the United Kingdom, either separately or in partnership with any other person, during such time as he shall hold such office or act as such clerk.

VII. AND be it enacted, that the Queen's coroner and attorney, and the master in the Crown Office, shall receive by way of salary, for performing the duties of their respective offices, the sum of one thousand two hundred pounds per annum each, to be paid and be payable quarterly; namely, on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in every year,

[1] Section 6 is rep., so far as it relates to the assistant master, Stat. Law Rev. Act, 1874 (No. 2).]

together with a proportional part of such annual sum for the term which at the decease of the person entitled thereto shall have elapsed since the last payments thereof.

* * * * *

IX. AND be it enacted, that the clerks and messengers who shall be appointed as herein-before directed shall receive, by way of salary, for the performance of their several duties, such annual sum and payable at such times as the lord chief justice of the said court and the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall from time to time fix and determine:

Salaries of clerks and messengers to be fixed by the lord chief justice and the commissioners of the Treasury.

* * * * *

XI. AND be it enacted, that if any officer, clerk, or messenger appointed or to be appointed under or by virtue of this Act shall, for any thing done or pretended to be done relating to their offices or employments, or under colour of doing any thing relating to their offices or employments, or for forbearing to do any act properly appertaining thereto, demand or accept, or allow any person whatsoever to take for him or on his account, or for or on account of or in trust for him, or any other person named by him, any gratuity, perquisite, or reward, or any thing of value, other than the lawful fees and emoluments of the said respective offices, or other than the salary or remuneration allowed or to be allowed to every such officer, clerk, or messenger, it shall be lawful for the said lord chief justice, and he is hereby empowered and required, upon his being satisfied that the person charged is guilty of so offending, to remove him from his office or employment; and the person so removed shall be and is hereby rendered incapable for ever thereafter of holding any office, situation, or employment in any of the courts of law or equity in the United Kingdom, or of otherwise serving her Majesty, her heirs or successors, in any manner whatsoever.

Officers, clerks, &c. not to take gratuities, on pain of dismissal.

* * * * *

XIII. every person appointed or to be appointed to any situation as aforesaid under this Act, who shall hereafter resign his office or situation with the sanction and under the authority of the lord chief justice of the said court, in consequence of his being incapable, from infirmity of mind or body, to discharge the duties thereof, shall be entitled to receive such superannuation allowance as the said commissioners of her Majesty's Treasury shall direct; and in ascertaining and awarding the amount of such superannuation allowance the said commissioners shall take into consideration the whole period during which any such person shall have been permanently employed in any office or situation in the said court, or in any other public office or situation, prior to the passing of this Act, and shall proceed according to the principles laid down by an Act passed in the fourth and fifth years of the reign of his said late Majesty King William the Fourth, intituled "An Act to alter, amend, and consolidate the laws for regulating the pensions, compensations, and allowances to be made to persons in respect of their having held civil offices in his Majesty's service";

Allowances on retirement from office.

4 & 5 Will. 4. c. 24.

* * * * *

XIV. AND be it enacted, that the solicitors for the several public boards, and all persons admitted or admissible to practise as attorneys in the Queen's Bench, shall be allowed in like manner to practise on the crown side of the said court, any law or usage to the contrary notwithstanding, upon payment

What persons shall be allowed to practise as attorneys on the

crown side of the court.

nevertheless of such fees in respect of the business transacted by such attornies on the crown side of the said court as shall by the said lord chief justice and judges of the said court be fixed and appointed under the provisions hereinafter expressed and declared in that behalf.

Lord chief justice, &c. to establish a table of fees; but no fees to be demanded in respect of proceedings directly at the suit of her Majesty.

XV. AND be it enacted, that it shall and may be lawful for the lord chief justice and the judges of the said court, or any three or more of them, and they are hereby required, on or before the first day of January one thousand eight hundred and forty-four to establish and ordain at their discretion a table of fees to be thereafter taken by the said Queen's coroner and attorney, and master, and to vary and afterwards modify the same from time to time as they shall think fit; and the fees so established and ordained shall be deemed and taken to be the lawful fees of the Crown Office: Provided always, that no fees whatever shall be demanded or received by the said coroner and attorney, master, or assistant master [a], or by any person employed by them in the said office, for or in respect of any act, duty, or service required to be done, performed, or rendered by them, or any of them, in the course of any proceedings carried on in the said office directly at her Majesty's suit and charge; and the said coroner and attorney, master, and assistant master [a], and the several persons employed by them in the said office, are hereby authorized and required to perform and render such acts, duties, and services as may be required in the course of such last-mentioned proceedings, without payment of any fee whatsoever in respect thereof.

Lord chief justice, &c. to make rules, &c. for care and custody of records, and issuing of writs, &c. and conduct of business on crown side of court.

XVI. AND be it enacted, that it shall and may be lawful for the said lord chief justice and the judges of the said court, or any three or more of them, to make such rules, orders, and regulations from time to time for the care and custody of the records and other proceedings on the crown side of the said court, and the enrolment thereof, and the issuing, returning, and filing of writs and other proceedings, and all other matters and things relating to the practice and the general business to be transacted on the crown side of the said court, as to them shall seem fit and proper.

The Queen's coroner and attorney and master to perform the duties of the officers abolished.

XVII. AND be it enacted, that . . . all acts, duties, and services now done, performed, and rendered by the said officers abolished by this Act, or any of them, in their respective offices on the crown side of the said court, except so far as the same may be altered or regulated in pursuance of this Act, shall continue to be done, performed, and rendered by the said Queen's coroner and attorney, and master, . . . or their successors, or by one of them; and such acts, duties, and services, when so done, performed, and rendered by the said officers or their successors, or one of them, shall be good and valid in law to all intents and purposes: Provided always, that the several acts, duties, and services now and heretofore done, performed, and rendered by the clerks in court on the crown side of the said court shall . . .

Duties of clerks in court how to be performed.

. . . be done, performed, and rendered by the solicitors for the several public boards and by the attornies of the said court in like manner as the business of the like descriptions is now transacted on the civil side of the said court: Provided also, that all monies paid into the said court for her Majesty's use shall continue to be received as heretofore by the said Queen's coroner and attorney;

The Queen's coroner to receive monies and account

[a] Section 15 is rep., so far as it relates to the assistant master, Stat. Law Rev. Act, 1874 (No. 2).]

and the several accounts of fines, issues, amerciaments, penalties, and recognizances set, lost, imposed, or forfeited to or for the use of her Majesty in the said court, required by any Act now in force to be rendered and made by the said coroner and attorney, and all other acts, duties, and services now done, performed, and rendered by the said coroner and attorney touching the receipt and payment of monies to or for the use of her Majesty, and the accounts to be rendered thereof, shall continue to be done, performed, and rendered as heretofore by the said Queen's coroner and attorney.

* * * * *

CHAPTER XXII.

AN ACT to authorize the Legislatures of certain of Her Majesty's Colonies to pass Laws for the Admission, in certain Cases, of unsworn Testimony in Civil and Criminal Proceedings. [31st May 1843.]

WHEREAS there are resident within the limits of or in countries adjacent to divers of the British colonies and plantations abroad various tribes of barbarous and uncivilized people, who, being destitute of the knowledge of God and of any religious belief, are incapable of giving evidence on oath in any court of justice within such colonies or plantations: And whereas doubts have arisen whether any laws which have been or which might be made by the legislatures of such colonies respectively to provide for the admissibility in such courts of the evidence of such persons are not or would not be repugnant to the law of England, and therefore null and void; 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, that no law or ordinance made or to be made by the legislature of any British colony for the admission of the evidence of any such persons as aforesaid in any court or before any magistrate within any such colony shall be or be deemed to have been null and void or invalid by reason of any repugnancy or supposed repugnancy of any such enactment to the law of England, but that every law or ordinance made or to be made by any such legislature as aforesaid, for the admission before any such court or magistrate of the evidence of any such persons as aforesaid on any conditions thereby imposed, shall have such and the same effect, and shall be subject to the confirmation or disallowance of her Majesty in such and the same manner, as any other law or ordinance enacted for any other purpose by any such colonial legislature.

Laws or ordinances made by the legislatures of British colonies for admission of the evidence of certain persons residing therein shall have the same effect as any other laws or ordinances of any such legislature.

* * * * *

CHAPTER XXIII.

AN ACT to amend and explain an Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure. [a] [27th June 1843.]

4 & 5 Vict,
c. 35.

Enfranchisement may be made in consideration of an annual rent, to be charged on lands enfranchised, and commutation or enfranchisement may be made in consideration of the conveyance of lands subject to the same uses as those commuted or enfranchised, or any right to mines, minerals, or waste.

Power to the person obtaining the enfranchisement of lands to grant an annual rent in consideration of such enfranchisement, to be payable out of lands enfranchised, and to be parcel of the manor.

WHEREAS an Act was passed in the fifth year of the reign of her present Majesty Queen Victoria, intituled "An Act for the commutation of certain manorial rights in respect of lands of copyhold and customary tenure, and in respect of other lands subject to such rights, and for facilitating the enfranchisement of such lands, and for the improvement of such tenure"; and it is expedient to amend and explain the said Act in certain respects: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, in addition and subject to the provisions contained in the said Act, any enfranchisement made under the same may be made, either wholly or in part, for the consideration of a grant of an annual rent in fee to be thenceforth charged on and issuing out of the lands enfranchised, such annual rent to be valued in like manner and be subject to the like variation as the commutation rent-charge under the provisions of the said Act; and that, in addition and subject to the provisions contained in the said Act, any commutation or enfranchisement made under the same may be made either wholly or in part for the consideration of a conveyance of lands parcel of the same manor as the lands commuted or enfranchised, and subject to the same uses and trusts as the lands commuted or enfranchised shall be subject to at the time of such commutation or enfranchisement, or any right to mines or minerals in or under such lands, or any right to waste in lands belonging to such manor.

II. AND be it enacted, that if the consideration for the enfranchisement under the said Act shall be either wholly or in part the grant of an annual rent, then it shall be lawful for the person empowered by the said Act to obtain the enfranchisement of such lands to grant such annual rent to the person enfranchising such lands, and his heirs, to the uses and upon and for the trusts, intents, and purposes to, upon, and for which the manor of which such lands are parcel shall be subject and held at the time of such enfranchisement, and to charge such annual rent on all or such of the lands enfranchised as shall be fixed on, and to make the same payable by equal half-yearly payments; and the annual rent so granted shall be a rent service, and thenceforth parcel of and appendant and appurtenant to the same manor as the lands enfranchised; and such annual rent may be granted either by deed or by a schedule of appointment, to be made and signed pursuant to the directions of the said Act and of this Act.

[a] All the provisions of the copyhold Acts which authorize commutations by schedule of apportionment, and also all the provisions which authorize commutations by a schedule to be prepared by the steward, and also all the provisions which authorize enfranchisement by schedule of apportionment, and also all the provisions which authorize the charging of enfranchisement or compensation moneys or the expenses of commutations or enfranchisements upon land, are rep., 21 & 22 Vict. c. 94. s. 2.]

III. AND be it enacted, that if the consideration for the commutation or enfranchisement under the said Act shall be either wholly or in part the conveyance of lands, or a right to mines or minerals, or a right to waste in lands belonging to such manor as aforesaid, then it shall be lawful for the person empowered by the said Act to obtain such commutation or enfranchisement to convey the lands, or rights to mines or minerals, or rights to waste in lands belonging to such manor, fixed on as the consideration, either wholly or in part, for such commutation or enfranchisement, to the person commuting or enfranchising the lands proposed to be commuted or enfranchised, and his heirs, to the uses and upon and for the trusts, intents, and purposes to, upon, and for which the manor of which such lands are parcel shall be subject and held at the time of such commutation or enfranchisement.

Power to the person obtaining the commutation or enfranchisement of lands to convey lands or rights to mines, minerals, or waste, in consideration of such commutation or enfranchisement.

IV. AND be it enacted, that if at any time while an annual rent shall remain charged on any lands under this Act the person for the time being seised in possession of such annual rent or entitled to the receipt thereof shall be so seised or entitled for a particular estate, (whether such estate shall have been subsisting at the time of the enfranchisement of such lands or not,) then it shall be lawful for such person, whether he shall be so seised or entitled in actual possession or in remainder or reversion expectant on the determination of any estate for a term of years, to divide and apportion such annual rent, and to declare what part and proportion thereof shall be thenceforth severally charged upon each of the respective parcels of such lands between which such apportionment is intended to be made; and after such apportionment such annual rent shall be chargeable upon and payable out of such lands only, and in such parts and proportions only, as shall be so declared: Provided nevertheless, that it shall not be lawful for any person so seised or entitled as aforesaid in respect of an undivided share only of such annual rent to divide and apportion such annual rent, unless the person for the time being enabled either by this Act or otherwise to divide and apportion the same as respects the other undivided share thereof shall join in dividing and apportioning such annual rent.

Power to the person having a particular estate in an annual rent charged on any lands to apportion the same.

Proviso where parties are entitled to rents in undivided shares.

V. AND be it enacted, that if at any time while an annual rent shall remain charged on any lands under this Act the person seised of such lands in possession, or entitled to the receipt of the rents, issues, and profits thereof, shall be so seised or entitled for a particular estate, (whether such estate shall have been subsisting at the time of the enfranchisement of such lands or not,) then it shall be lawful for such person, whether he shall be so seised or entitled in actual possession or in remainder or reversion expectant on the determination of any estate for a term of years, and with the consent of the copyhold commissioners, to concur in any division or apportionment of such annual rent, and to agree what part and proportion thereof shall be thenceforth severally charged upon each of the respective parcels of such lands between which such apportionment is intended to be made: Provided nevertheless, that it shall not be lawful for any person so seised or entitled as aforesaid in respect of an undivided share only of such lands to concur in or agree to any such division or apportionment, unless the person for the time being enabled either by this Act or otherwise to concur in such division or apportionment as respects the other undivided share of such land shall concur in or agree to such apportionment.

Power to the person having a particular estate in lands charged with an annual rent to concur in the apportionment thereof.

Proviso where parties are entitled to lands in undivided shares.

No apportionment of rent to be made without the consent of the person entitled to the lands.

Annual rents charged on lands under this Act to be first charges on such lands, in priority to all other charges except tithe rent-charge.

Sub-lessees not to be liable to the payment of a greater sum than they were before liable to.

If at the time of the conveyance of any lands in consideration of an enfranchisement there shall be a lease subsisting, the person to whom such lands shall be conveyed shall have the reversion on such lease, and may distrain for the rents and enforce the covenants, &c.

If at the time of the commutation or

VI. PROVIDED nevertheless, and be it enacted, that no division or apportionment shall be made under this Act of an annual rent charged on any lands unless with the concurrence and agreement of the person seised of such lands or entitled to the receipt of the rents, issues, and profits thereof for an estate in respect of which he is enabled either by this Act or otherwise to concur in or agree to such apportionment, so as to render the same permanent and effectual.

VII. AND be it enacted, that every annual rent which shall be charged on any lands under the authority of this Act shall be a first charge on such lands, and shall have priority over all mortgages, charges, and incumbrances whatsoever affecting such lands, tithe rent-charge excepted, notwithstanding such mortgages, charges, and incumbrances shall have been or shall be respectively made and created before such apportioned annual rent shall be charged on such lands.

VIII. PROVIDED always, and be it enacted, that a sub-lessee under any sub-lease, his executors, administrators, or assigns, shall not, in consequence of any charge under this Act either with an annual rent, or in consequence of any apportionment under this Act either of an apportioned annual rent or of any rent reserved in any lease, be liable to the payment of any greater sum of money than he would have been subject or liable to if such charge or apportionment had not been made.

IX. PROVIDED always, and be it enacted, that if at the time of the conveyance under this Act, in consideration either wholly or in part of the commutation or enfranchisement of any lands held by copy of court roll, there shall be subsisting in the lands so conveyed any lease (not being an under-lease), then the lessee under such lease, his executors, administrators, and assigns, shall pay, observe, and keep to and with the person to whom such lands shall be so conveyed, or other the person for the time being seised of or entitled to such lands expectant on the determination of such lease, and his executors or administrators, the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease, or such and so many or such part of the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease as are or ought to be thenceforth respectively paid, observed, and kept in respect of the lands so conveyed; and the person to whom such lands shall be so conveyed, or other the person so for the time being seised of or entitled as aforesaid, shall and may from time to time make or bring all such distresses, actions, suits, or entries for nonpayment of such rent or reservations, or for non-performance of the covenants, conditions, and agreements, in such lease respectively reserved and contained, as could, in case such conveyance had not been made, have been made or brought by the person making such conveyance, or other the person for the time being seised of or entitled to the reversion expectant on the determination of such lease; and that in all such distresses, actions, suits, and entries the rent, reservations, covenants, conditions, and agreements in such lease reserved and contained on the part of the lessee, his executors, administrators, or assigns shall be deemed and taken to be annexed to an immediate reversion vested in the person to whom such lands shall be so conveyed, or other the person for the time being so seised of or entitled to such lands as aforesaid.

X. PROVIDED always, and be it enacted, that if at the time of any commutation or enfranchisement under the said Act or under this Act of any lands

there shall be subsisting in such lands any lease (not being an under-lease), then the lessee under such lease, his executors, administrators, and assigns, shall pay, observe, and keep to and with the person for the time being seised of or entitled to the lands so commuted or enfranchised, and his executors or administrators, the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease, or such and so many or such part of the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease as are or ought to be thenceforth respectively paid, observed, and kept in respect of the lands so commuted or enfranchised; and the person for the time being seised of or entitled to the lands so commuted or enfranchised shall and may from time to time make or bring all such distresses, actions, suits, or entries for nonpayment of such rent or reservations, or for non-performance of the covenants, conditions, and agreements, in such lease respectively reserved and contained, as could have been made or brought by the person who would for the time being have been entitled to the lands so commuted or enfranchised in case such commutation or enfranchisement had not been made; and in all such distresses, actions, suits, and entries the rents or reservations, covenants, conditions, and agreements in such lease reserved and contained on the part of the lessee, his executors, administrators, or assigns shall be deemed and taken to be annexed to an immediate reversion vested in the person for the time being seised of or entitled to the lands so commuted or enfranchised.

enfranchisement of any lands there shall be any lease subsisting therein, the person seised of or entitled to such lands shall have the reversion on such lease, and may distrain for the rents and enforce the covenants, &c.

* * * * *

XII. AND be it enacted, that if any manor, or any part thereof, shall be subject to the payment of any fee-farm rent or other charge not exceeding the amount of the annual quit rents payable to the lord of such manor, it shall be lawful for the said commissioners to direct that so much of the money to be received for enfranchisement in any such manor under the provisions of the said recited Act or this Act, as they shall consider adequate, shall be paid into the Bank of England in the name and with the privity of the accountant general of the Court of Chancery, to be placed to his account there ex parte the copyhold commissioners, and to be applied under the directions of the said Court of Chancery in paying or redeeming the said charge, and in exonerating therefrom the land which shall be enfranchised and indemnifying the owners of such land, and otherwise as the said court shall direct, on petition in a summary way, as provided for in the case of other money to be paid into the Bank of England under the said Act; and every such fee-farm rent or other charge shall be paid to the person entitled thereto at the same time, and subject to the same deductions for land tax or otherwise, but to no others, as if no enfranchisement had taken place; and when provision shall have been so made for any such charge it shall be lawful for the said commissioners to direct that the remainder of the money to be paid for enfranchisement and the surplus income of the money so paid into the Bank of England, after payment of all expences attending the payment of such fee-farm rent or other charge to the person entitled thereto, shall be applied in like manner as if no such charge had existed; and thenceforth no land which shall be enfranchised in such manor shall be chargeable with or liable to the payment of any greater part of the said fee-farm rent or other charge than the amount of the quit rent theretofore payable out of such land, but to that extent the said land shall

Part of the money received for enfranchisement may be paid into the Bank and applied in paying off any fee-farm rent or other charge payable out of the manor, and exonerating the enfranchised lands therefrom.

Application of the remainder of the enfranchisement money.

Enfranchised lands not to be thereafter liable to any greater part of such fee-farm rent than

the amount of quit rent theretofore payable out of such land,

Commissioners may direct that any other security may be substituted for the payment of money into the Bank, and thereupon, or in any other case with consent of party entitled to fee-farm rent, may declare enfranchised lands to be exonerated therefrom.

4 & 5 Vict.
c. 35. s. 56.

Notice to person entitled to next estate of inheritance unnecessary where any party to enfranchisement pays the whole price thereof so that no charge is created on the inheritance.

Enfranchisement money, when the lord of the manor has only a limited interest, may be paid either into the Bank, or to trustees, to be by them applied in the same manner as if paid into Bank.

continue and be chargeable with and liable to the payment of the said fee-farm rent or other charge, and shall be subject to the like remedies for the recovery thereof as if such quit rent continued payable; and the said commissioners shall state in the deed, schedule, or other instrument of enfranchisement the amount of such quit rent or liability in every case, and such statement shall be conclusive against the owners of the said land: Provided nevertheless, that it shall be lawful for the said commissioners, whatever may be the amount of such fee-farm rent or other charge, with the consent of the person entitled thereto, to direct, if they shall see fit, that any other security in land or money which they shall consider sufficient for the purpose shall be substituted for the payment of money into the Bank of England in manner aforesaid, and in that case, or in any case, and whatever may be the amount of such fee-farm rent or other charge, with the consent of the person entitled as aforesaid, to direct that all or any part of the land to be enfranchised shall be entirely released from the payment of the said fee-farm rent or other charge, and the same land shall thenceforth be released accordingly.

XIII. AND whereas it is provided by the said Act, that whenever the estate of any party to any enfranchisement under the said Act shall be less than an estate of fee simple in possession or corresponding copyhold or customary estate, notice in writing shall be given to the person entitled to the next estate of inheritance in remainder or reversion in the manor or land to be affected by such enfranchisement: Be it enacted, that in case any tenant whose estate shall be less than an estate of fee simple as aforesaid shall be a party to an enfranchisement under the said Act or this Act, and shall pay the whole of the price of enfranchisement, so that no part thereof or of the expences thereof shall be charged on the inheritance of the land to be enfranchised, it shall not be necessary that the person entitled to the next estate of inheritance or remainder or reversion shall have notice of such enfranchisement.

XIV. AND be it enacted, that when any lord of a manor shall be only entitled for a limited estate or interest therein, or shall be under any legal disability, any money to be paid under the said Act or under this Act for enfranchisement from the lord's rights shall, at the option of the respective parties for the time being entitled to the said manor the rights of which shall be enfranchised, or of their respective husbands, guardians, or committees, in case of coverture, infancy, idiotcy, lunacy, or other incapacity, be paid into the Bank of England, in the name and with the privity of the said accountant general, and be placed to his account, in order to be applied in manner as in the said Act directed, or otherwise the same may be paid, at the like option, to the trustees acting under the will, conveyance, or settlement under which such lord having such limited interest shall hold or be entitled to or interested in the said manor of which the lands so to be enfranchised shall be parcel, or if there are no such trustees then into the hands of trustees to be nominated under the hands and seal of the said commissioners; and the money when so paid to such trustees shall be applied by the said trustees, with the consent of the said commissioners, in the manner directed and specified by the said Act of and concerning any money to be paid for enfranchisement under the said Act, into the Bank of England, in the name and with the privity of the said accountant general; and upon every vacancy in the office of such trustee

some other fit person shall be appointed by the said commissioners in like manner.

XV. AND be it enacted, that the said recited Act and this Act shall be construed to extend to all lands holden by copy of court roll or by a custom of a manor for life or lives or for years, whether the tenant thereof have or have not a right of renewal; and that the words "land or lands" shall extend to all corporeal and incorporeal hereditaments whatsoever, whether subject to manorial rights or otherwise, or any undivided part or share therein.

To what lands the Acts shall be construed to extend.

XVI. AND be it enacted, that this Act shall be taken and construed to be a part of the said recited Act.

This Act to be taken as part of recited Act.

CHAPTER XXIV.

AN ACT to continue, until the Fifth Day of April One thousand eight hundred and forty-five, Compositions for Assessed Taxes, and to amend the Laws relating to the Land and Assessed Taxes, and also the Laws relating to the Duties on Profits arising from Property, Professions, Trades, and Offices. [27th June 1843.]

* * * * *

III. AND whereas by an Act passed in the forty-third year of the reign of King George the Third, intituled "An Act for consolidating certain of the provisions contained in any Act or Acts relating to the duties under the management of the commissioners for the affairs of taxes, and for amending the same," it is enacted, that the persons to be appointed collectors of the duties under the regulations of the last-recited Act shall, if required so to do, give good and sufficient security, by a joint and several bond, with sureties, to and in the names of two or more of the commissioners appointed for putting in execution the said Act, and with such condition to the said bond for the duly demanding, collecting, and paying over of the said duties by the said collectors as in the said last-recited Act is mentioned; and it is also enacted, that every such bond shall be prosecuted by the commissioners to whom the same is given on any failure or default of the collectors, subject nevertheless to such proviso as in the said last-recited Act is contained for restraining the putting in suit of such bond against the sureties of the collectors: And whereas great doubts and difficulties have arisen with relation to the prosecuting of such bonds upon the failure or default of the collectors, and otherwise in the execution of the said last-recited Act, and of other Acts granting duties to be assessed, raised, and levied under the regulations of the said Act; and it is expedient to remove such doubts, and to facilitate the execution of the said several Acts: Be it therefore enacted, that so much of the said last-recited Act as provides that no such bond as aforesaid shall be put in suit against any surety or sureties for any deficiency other than what shall remain unsatisfied after sale of the lands, tenements, goods, and chattels of such collector or collectors, in pursuance and by virtue of the directions and powers given to the respective commissioners by the said last-mentioned Act, shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

43 Geo. 3. c. 99.

IV. AND be it enacted, that upon the trial of any action or suit against the sureties of a collector of any of the duties aforesaid, or of the duties arising from the land tax, upon any bond entered into either in pursuance of any Act relating to the said respective duties or otherwise, or upon the execution

Evidence against collectors of taxes and their sureties of sums collected

and not paid over by the collectors.

of any writ of inquiry of damages in such action or suit, the production of an account in the handwriting of such collector, or signed by him, of any sum or sums of money collected or received by him for or on account of the said respective duties, or any of them, shall be sufficient proof of the receipt by such collector of every such sum and sums of money therein mentioned on account of the duties given to him in charge for collection; and that, as well in any such action or suit as aforesaid, as upon all other occasions whatsoever, any schedule delivered upon oath by such collector in pursuance of any such Act as aforesaid, and containing or purporting to contain the names of persons who have made default in payment of the said respective duties, or any of them, and of the sums remaining in arrear, shall be sufficient evidence to charge such collector and his sureties respectively with all other sums of money comprised in the assessment or assessments given to him in charge to collect, and not included in such schedule or previously accounted for and paid over to the proper officer for receipt; and all such sums not so included in such schedule, or previously accounted for and paid over, shall be deemed to have been collected and received by such collector, and to remain in his hands unpaid and in arrear.

Costs awarded against commissioners in actions or suits relating to collectors' bonds to be raised by assessment on the parish.

V. AND be it enacted, that where in any action or suit by the commissioners acting in the execution of the said Acts, or of the Acts relating to the land tax, upon any bond entered into either in pursuance of any such Act or otherwise, the said commissioners shall, without their own wilful neglect or default, fail to recover a verdict against the defendant or defendants in such action or suit, and costs shall be awarded to the said defendant or defendants, or where in case of any suit in equity being brought against the said commissioners in relation to any such bond, and they shall be adjudged to pay costs to the plaintiff or plaintiffs in such last-mentioned suit, the said commissioners shall not be personally liable to the payment of any such costs, but the same shall be defrayed by an assessment upon the inhabitants of the parish or place in relation to which the bond which shall have been the subject of such action or suit shall have been given, and which assessment the commissioners acting in the execution of the said respective Acts are hereby required and authorized to make, sign, and allow as soon as conveniently may be after such costs shall have been awarded and ascertained; and the said commissioners shall cause such assessment to be made, collected, levied, and recovered in the same manner as other assessments of costs are by the said recited Act or this Act directed to be made, collected, levied, and recovered, and shall cause the same to be paid over to the person or persons entitled to such costs.

Powers and provisions of Acts relating to the recovery of duties to be put in force for the recovery of costs assessed on the parish.

VI. AND be it enacted, that all the authorities, powers, and provisions contained in any Act or Acts now in force relating to the recovery of the duties aforesaid, or any of them respectively, either under the warrant of the commissioners directed to the collectors in their respective districts, or by process from her Majesty's Court of Exchequer, shall be construed and deemed to be applicable to, and shall be applied, enforced, and put in execution for the levying and enforcing the payment of any sum or sums assessed by the said commissioners for costs, either under the authority of this Act or of any other Act or Acts relating to the said duties, or any of them respectively.

5 & 6 Vict. c. 85.

VII. AND whereas an Act was passed in the last session of Parliament, intituled "An Act for granting to her Majesty duties on profits arising from

“ property, professions, trades, and offices, until the sixth day of April one thousand eight hundred and forty-five,” and in the carrying of such Act into execution much difficulty and inconvenience is experienced by reason of doubts as to the districts, parishes, or places in which corporations, companies, societies, and other persons in certain cases ought to be assessed for profits under the several schedules of the said Act, and by reason of their being liable to be assessed for profits under one or more of the said schedules in several districts, parishes, or places: For remedy whereof be it enacted, that in any case where any doubt shall have arisen or shall arise as to the district, parish, or place, or districts, parishes, or places, in which any corporation, company, society, or person ought to be charged or assessed to the duties granted by the said last-recited Act under any one or more of the schedules of the said Act, and also in any case where any corporation, company, society, or person shall have been charged or assessed, or shall be liable to be charged or assessed, to the said last-mentioned duties, under any one or more of the said schedules, in two or more districts, parishes, or places, it shall be lawful for the commissioners of stamps and taxes, or any two or more of them, and they are hereby authorized and empowered, in any of the several cases aforesaid, to order and direct that such corporation, company, society, or person shall be charged and assessed to the said duties in such district, parish, or place, or districts, parishes, or places, as shall appear to the said last-mentioned commissioners to be most convenient and proper, and thereupon such corporation, company, society, or person shall be charged and assessed to the said duties according to such order, any thing in the said last-recited Act to the contrary notwithstanding.

Commissioners of stamps and taxes to direct in what districts corporations or persons shall be assessed to the property and income tax in certain cases.

VIII. AND for the relief of parties who may be doubly charged or assessed to the said last-mentioned duties, be it enacted, that whenever it shall appear to the satisfaction of the commissioners of stamps and taxes that any corporation, company, society, or person hath been or shall have been, either by any error, mistake, or otherwise, assessed more than once to any of the said duties for the same cause and for the same year, and either in the same district, parish, or place, or in different districts, parishes, or places, it shall be lawful for the said last-mentioned commissioners, or any two or more of them, to order and direct that the whole or so much and such part of such one or more of the said assessments as shall appear to them the said commissioners to be a double charge or overcharge as aforesaid shall be vacated and discharged, and thereupon the same shall be by such order vacated and discharged accordingly.

Relief of corporations or persons doubly assessed to the property and income tax.

* * * * *

CHAPTER XXVI.

AN ACT for regulating the Prison at Millbank.

[27th June 1843.]

WHEREAS it is expedient to repeal the laws passed for the establishment and regulation of the Penitentiary House at Millbank, near Tothill Fields, in the county of Middlesex, and that the buildings there should be used as a prison for the reception of such offenders as are 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, that an Act passed in the thirty-fourth

Repeal of
 34 Geo. 3.
 c. 84.
 52 Geo. 3.
 c. 44.

 56 Geo. 3.
 c. 63.

 59 Geo. 3.
 c. 139.
 7 & 8 Geo. 4.
 c. 33.
 4 & 5 Will. 4.
 c. 36. in part.
 5 & 6 Will. 4.
 c. 38. in part.

 7 Will. 4. &
 1 Vict. c. 13.
 2 & 3 Vict.
 c. 56. in part.
 5 & 6 Vict.
 c. 98. in part.

 6 & 7 Vict.
 cc. 3, 4. in part.
 and other
 enactments
 relating to
 Millbank
 Penitentiary.

 Lands and
 buildings of
 Millbank
 Penitentiary
 vested in her
 Majesty.

Penitentiary
 to be called
 Millbank
 Prison, and to
 be used for the
 offenders
 herein-after
 specified, and
 to be subject to
 provisions of
 5 & 6 Will. 4.
 c. 38.
 2 & 3 Vict.
 c. 56.
 5 & 6 Vict.
 c. 98.

 Prison to be
 exempt from
 rates and
 taxes.

Appointment
 of governor,
 chaplain,
 medical officer,
 matron, and
 other officers.

year of the reign of King George the Third, intituled "An Act for erecting a penitentiary house or houses for confining and employing convicts"; and an Act passed in the fifty-second year of the same reign, intituled "An Act for the erection of a Penitentiary House for the confinement of offenders convicted within the city of London and county of Middlesex; and for making compensation to Jeremy Bentham esquire for the non-performance of an agreement between the said Jeremy Bentham and the lords commissioners of his Majesty's Treasury respecting the custody and maintenance of convicts"; and an Act passed in the fifty-sixth year of the same reign, intituled "An Act to regulate the General Penitentiary for convicts at Millbank in the county of Middlesex"; and an Act passed in the fifty-ninth year of the same reign, intituled "An Act for the better regulation of the General Penitentiary for convicts at Millbank"; and an Act passed in the eighth year of the reign of King George the Fourth, intituled "An Act for the further regulation of the General Penitentiary at Millbank"; and so much of an Act passed in the fifth year of the reign of his late Majesty, intituled "An Act for establishing a new court for the trial of offences committed in the metropolis and parts adjoining," as relates to the said Penitentiary House; and so much of an Act passed in the sixth year of the same reign, intituled "An Act for effecting greater uniformity of practice in the government of the several prisons in England and Wales, and for appointing inspectors of prisons in Great Britain," as relates to the said Penitentiary House; and an Act passed in the seventh year of the same reign, intituled "An Act to amend the Acts for regulating the General Penitentiary at Millbank"; and so much of an Act passed in the third year of the reign of her Majesty, intituled "An Act for the better ordering of prisons," as relates to the said Penitentiary House; and so much of an Act passed in the last session of Parliament, intituled "An Act to amend the laws concerning prisons," as relates to the said Penitentiary House; and so much of two Acts passed in this session of Parliament, intituled, severally, "An Act for preventing mutiny and desertion, and for the better payment of the army and their quarters," and "An Act for the regulation of her Majesty's royal marine forces while on shore," as relates to the said Penitentiary House; and also so much of any other Act now in force as relates to the said Penitentiary House, shall be repealed, except so far as any of the said Acts may repeal the whole or any part of any other Act, [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

II. AND be it declared and enacted, that the lands and tenements purchased for the establishment of the said Penitentiary House, or thereunto in anywise belonging, with all furniture and fixtures therein, now belonging to her Majesty, or hereafter provided for the use of the prison, shall be and continue vested absolutely in her Majesty, her heirs and successors.

III. AND be it enacted, that after the passing of this Act the said Penitentiary House shall be called "The Millbank Prison," and shall be used as a prison for such offenders as are herein-after specified, and shall be within the provisions of an Act passed in the sixth year of the reign of his late Majesty, intituled "An Act for effecting greater uniformity of practice in the government of the several prisons in England and Wales, and for appointing inspectors of prisons in Great Britain," and of an Act passed in the third year of the reign of her Majesty, intituled "An Act for the better ordering of prisons," and of an Act passed in the last session of Parliament, intituled "An Act to amend the laws concerning prisons."

IV. AND be it enacted, that the said prison, and all the lands, tenements, and hereditaments thereunto belonging, with the appurtenances thereof, and all persons in respect thereof, shall be wholly freed and discharged from all taxes, rates, assessments, and charges whatsoever.

V. AND be it enacted, that it shall be lawful for one of her Majesty's principal secretaries of state to appoint for the said prison, and at his pleasure to remove, a governor, a chaplain or chaplains (being clergymen not having any other cure of souls), a medical officer, and a matron, and so many other officers and servants as he shall deem to be necessary for the service and discipline of the

prison ; and the several persons who shall be the governor, chaplains, surgeon or apothecary, matron, and other officers of the said Penitentiary at the time of the passing of this Act shall continue to hold the like offices in the Millbank Prison until they shall die, resign, or be removed by the secretary of state, and shall continue, as officers of the Millbank Prison, to hold all records, books, and papers which were in their custody as officers of the said Penitentiary House ; and the secretary of state, with the approval of the commissioners of her Majesty's Treasury, shall fix the salaries to be paid to the said governor, chaplains, medical officer, matron, and other officers and servants of the prison : Provided always, that no chaplain shall officiate at the said prison unless he shall have obtained a licence from the bishop of the diocese of London to officiate at the said Millbank Prison or at the said Penitentiary House, nor for any longer time than while such licence shall be in force ; and notice of every such appointment of a chaplain shall be sent to the bishop by the secretary of state within one calendar month next after such appointment.

Salaries of officers.

Chaplain to be licensed.

VI. AND be it enacted, that it shall be lawful for the secretary of state, if he shall deem it necessary, to require any person employed in the said prison to give security for the due performance of his or her duties, in such sums, and with such collateral securities, and in such form, as the secretary of state shall direct.

Secretary of state may require security from any officer.

VII. AND be it enacted, that every person appointed to any office or employment in the said prison who shall be removed from his or her office or employment shall quit the said prison forthwith, or within such time as shall be allowed by one of the said inspectors ; and if he or she shall refuse or neglect to give up possession of any house, building, or apartment therein or belonging thereto within such period as shall be fixed by the secretary of state in any order or notice in writing, not being less than forty-eight hours after the delivery to such person of any such order or notice, then it shall be lawful for the secretary of state, by warrant under his hand and seal, to direct the sheriff of the county to remove such person out of the prison, and the said sheriff shall thereupon clear the possession thereof, so far as relates to any part of the prison, or any house, building, or apartment therein or belonging thereto, occupied by or in possession of such person, in like manner as upon a writ of habere facias possessionem.

Removal of officers dismissed and refusing to give up possession of houses, &c.

VIII. AND be it enacted, that such of the inspectors of prisons as shall be appointed for that purpose by one of her Majesty's principal secretaries of state shall have the same powers and duties with respect to the said prison which the visiting justices of any other prison have with respect to their prison, and that the justices of the peace for the county of Middlesex or for the city and liberty of Westminster shall not have any power or jurisdiction with respect to the said prison ; and all enactments respecting the visiting justices of any prison shall be deemed to apply to the said inspectors with respect to the Millbank Prison ; and the said inspectors shall hold meetings, and they or any two of them shall be empowered from time to time to make and alter rules for their meetings and for all matters relating thereunto, and also for the government of the said prison, and for the duties and conduct of the governor and other officers of the prison, and for the diet, clothing, maintenance, employment, and discipline of the convicts imprisoned therein, as to the said inspectors shall seem fit : Provided that no such rule, whether it be original, or an amendment

Inspectors of prisons to have the powers of visiting justices as to the prison.

Justices of Middlesex and Westminster to have no jurisdiction.

Rules for government to be made by inspectors and approved by secretary of state.

or revocation of a former rule, shall be enforced until it shall have been approved by one of her Majesty's principal secretaries of state.

One inspector to visit the prison from time to time, and give orders in cases of emergency.

IX. AND be it enacted, that one of the said inspectors shall from time to time visit the Millbank Prison during the intervals between their meetings, and may make any order or give any direction, in cases of pressing emergency, within the said prison, which might be made or given by the said inspectors; provided that every such order or direction shall be in writing, and shall be reported, with the circumstances by which the same was occasioned, to the inspectors at their next meeting.

Inspectors to be a body corporate, with power to sue, &c. to make contracts, and to carry on manufacture in prison and sell goods.

X. AND be it enacted, that the said inspectors and their successors in office shall be a body corporate for the purposes of this Act, and shall sue and be sued by the name of "The Inspectors of the Millbank Prison," and shall have power in that capacity to make contracts with any persons whomsoever for the clothing, diet, and other necessaries required for the use of such prison, and for all repairs, alterations, and additions thereto, and for the implements and materials for any kind of manufacture or trade in which convicts confined in such prison shall be employed, and also to carry on such manufacture or trade in such prison, and to sell such goods, wares, and merchandize as shall there be wrought or manufactured.

Inspectors to report to the secretary of state.

XI. AND be it enacted, that the said inspectors shall, on or before the tenth day of March in each year, and oftener if required by one of her Majesty's principal secretaries of state, make reports in writing, under the hands of two or more of them, to the secretary of state, specifying the state of the buildings, the behaviour and conduct of the officers of the prison and of the convicts, and the expence of such prison, and such other matters relating to the discipline and management of such prison as they shall deem expedient, or as the secretary of state shall direct; and every such report shall be laid before both Houses of Parliament within one calendar month next after the receipt thereof if Parliament shall be then sitting, or if not, then within one calendar month after the then next meeting of Parliament.

Reports to be laid before Parliament.

Offenders under sentence of transportation may be removed to the Millbank Prison.

XII. AND be it enacted, that it shall be lawful for one of her Majesty's principal secretaries of state to direct the removal to the Millbank Prison of any convict under sentence or order of transportation, who, having been examined by an experienced medical officer, shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol, prison, or place in which such offender shall be confined; and the sheriff or gaoler having the custody of any convict whose removal to the Millbank Prison shall be ordered in manner aforesaid shall, with all convenient speed after the receipt of any such order, convey or cause to be conveyed every such convict to the said prison, and, if upon examination by a medical officer of the Millbank Prison he or she shall appear fit to be received into the prison, shall there deliver him or her into the custody of the governor of the Millbank Prison, with a true copy, attested by such sheriff or gaoler, of the caption and order of the court by which such convict was sentenced, containing the sentence of every such convict by virtue of which he or she shall be in the custody of such sheriff or gaoler, and also a certificate specifying such particulars within the knowledge of the sheriff or gaoler concerning such convict as may be from time to time directed by one of her Majesty's principal secretaries of state; and the governor of the Millbank Prison shall give a receipt in writing for

every convict received into his custody to the sheriff or gaoler for his discharge ; and all reasonable expences which the sheriff or gaoler shall incur in every such removal shall be paid by the county, riding, division, city, borough, liberty, or place for which the court in which the offender shall be convicted shall have been holden.

XIII. AND be it enacted, that when any convict who shall be ordered to be confined in the said prison shall be brought thither in pursuance of the powers contained in this Act, he or she shall continue in the custody of the person in whose custody he or she shall have been brought to the prison until he or she shall have been examined by a medical officer of the said prison, and until it be certified by such medical officer that he or she is fit to be received into the prison ; and if the medical officer shall certify that he or she is not fit to be received there, he or she may be conveyed back, in the same custody, to the prison or place of confinement from which he or she was brought.

Convicts to be examined by medical officer before reception, and if certified to be unfit to be received shall be conveyed back to prison from which they came.

XIV. AND be it enacted, that every convict in the custody of the governor of the Millbank Prison shall continue there until he or she shall be transported according to law, or conditionally pardoned, or shall become entitled to his or her freedom, or until the secretary of state shall direct the removal of such convict to any other prison or place of confinement in which he or she may be lawfully imprisoned : Provided always, that every such convict shall nevertheless be within the provisions of an Act passed in the fifth year of the reign of King George the Fourth, intituled " An Act for the transportation of offenders " from Great Britain," in case one of her Majesty's principal secretaries of state shall direct that he or she shall be afterwards removed from the Millbank Prison, as herein provided.

Convicts removed to Millbank to remain there until transported, or pardoned, or entitled to freedom, or removed by order of secretary of state, and to be subject to 5 Geo. 4. c. 84. if ordered to be removed by secretary of state. Discharge of convicts.

XV. AND be it enacted, that no convict in the custody of the governor of the Millbank Prison shall be dismissed from the said prison, at the end or other determination of his or her term, if he or she shall then labour under any acute or dangerous distemper unless at his or her request ; and when such convict shall be finally discharged such decent clothing and such assistance in money or otherwise as shall be judged proper by one of her Majesty's principal secretaries of state shall be given to such convict.

XVI. AND be it enacted, that such convicts may be employed in work at the said prison every day in the year, except Sundays, Christmas Day, Good Friday, and any day appointed for a general fast, or thanksgiving, so many hours, not exceeding twelve, exclusive of the time allowed for meals and exercise, as the inspectors shall order : Provided always, that the said inspectors, by a written order, may allow any convict, at his or her own request, to labour for a longer time than is required by the rules of the prison.

Hours of work.

XVII. AND be it enacted, that no person, except the bishop of the diocese of London, the judges of her Majesty's superior courts of law at Westminster, her Majesty's principal secretaries of state, and the inspectors, officers, and servants of the prison, or such persons as shall be authorized according to the rules made by the said inspectors, shall be allowed at any time to enter any part of the prison or airing yards allotted to or used by the prisoners, or to converse or hold communication of any kind with any of them.

None but privileged persons and officers to enter any of the apartments of the prison.

XVIII. AND be it enacted, that the governor of the Millbank Prison, or other person having the custody of convicts under his direction, shall, during the term for which such convicts shall be in his custody, have the same powers

Governor to have the same power over prisoners in

his custody as
a sheriff or
gaoler.

over such convicts as are incident to the office of sheriff or gaoler, and in case of any abuse of such custody, or other misbehaviour or negligence in the discharge of his office, shall be liable to the same punishment to which a gaoler is liable by law.

Punishment
of convicts
for assaulting
governor or
other officers.

XIX. AND be it enacted, that if any convict in the Millbank Prison shall assault the governor or any officer or servant employed therein, the commissioners may order him or her to be prosecuted for the said offence, and upon conviction thereof such convict shall be liable to be imprisoned for any term not exceeding two years, in addition to the term for which at the time of committing such offence he or she was subject to be confined, and, if a male, shall also be liable to corporal punishment, if the court shall so order.

Convicts may
be removed
from the
prison as
incorrigible,
and transported
under their
original
sentence.

XX. AND be it enacted, that it shall be lawful for one of her Majesty's principal secretaries of state at any time to order any convict to be removed from the Millbank Prison as incorrigible; and in every such case the convict so removed shall be liable to be transported under his or her original sentence of transportation, to the full extent of the term specified in such sentence, and shall be liable to all the consequences of such sentence in the same manner as if no order for sending him or her to the Millbank Prison had been made.

Insane convicts
to be removed
to lunatic
asylums.

XXI. AND be it enacted, that if any convict in the said prison shall become or be found to be insane during such confinement upon the certificate of two physicians or surgeons, and shall be so reported by the inspectors to one of her Majesty's principal secretaries of state, it shall be lawful for such secretary of state, by warrant under his hand, to order that such insane convict shall be forthwith removed to such lunatic asylum as the said secretary of state may judge proper; and every convict so removed shall remain under confinement in such asylum, or in any other lunatic asylum to which such convict may be lawfully removed, until it shall be duly certified to one of her Majesty's principal secretaries of state by two physicians or surgeons that such convict has become of sound mind, whereupon, if the time for which such convict was sentenced to be imprisoned shall not have expired, the secretary of state shall be authorized to issue his warrant to the governor or other person having the care of such asylum, ordering that such convict be remanded to the Millbank Prison, or, if the period of imprisonment of such convict shall have expired, that he or she be discharged.

Punishment
of convicts
for breaking
prison.

XXII. AND be it enacted, that every convict in the Millbank Prison who at any time during the term of his or her imprisonment shall break prison, or who, while being conveyed to such prison, shall escape from the person or persons having the lawful custody of such convict, shall be punished by an addition not exceeding three years to the term of his or her imprisonment, and if afterwards convicted of a second escape or breach of prison shall be adjudged guilty of felony; and every convict in the Millbank Prison who at any time during the term of his imprisonment shall attempt to break prison, or who shall forcibly break out of his or her cell, or make any breach therein with intent to escape therefrom, shall be punished by an addition not exceeding twelve calendar months to the term of his or her imprisonment.

Punishment
of persons
rescuing or
assisting or
allowing the
rescue or

XXIII. AND be it enacted, that every person who shall rescue any convict either during the time of his or her conveyance to or from the said prison or of his or her imprisonment therein, and also every person who shall aid in any such rescue, shall be guilty of felony; and every person having the custody of

any such convict as aforesaid, or being employed by the person having such custody as a keeper, under-keeper, turnkey, assistant, or guard, who shall knowingly and wilfully allow such convict to escape, and also every person who, by supplying arms, tools, or instruments of disguise, or otherwise, shall in any manner aid any such convict in any escape, though no escape be actually made, and every person who shall attempt to rescue any such convict or aid in any such attempt, though no rescue be actually made, shall be guilty of felony; and every person having such custody as aforesaid who shall carelessly allow any such convict to escape shall be guilty of a misdemeanor, and being lawfully convicted of such misdemeanor shall be liable to fine or imprisonment, or to both, at the discretion of the court.

escape of
prisoners.

XXIV. AND be it enacted, that every officer or servant of the Millbank Prison who shall bring or carry out, or endeavour to bring or carry out, or knowingly allow to be brought or carried out, to or for any such convict, any money, clothing, provisions, tobacco, letters, papers, or other articles whatsoever not allowed by the rules of the prison, shall be forthwith suspended from his or her office by the governor of the prison, who shall report the offence to the inspectors at their next meeting, and the inspectors shall inquire thereof upon oath, which they shall be empowered to administer, and upon proof of the offence shall dismiss such officer or servant, and may also, if they shall think fit, cause the offender to be apprehended and carried before a justice of the peace, who shall be empowered to hear and determine any such offence in a summary way; and every such officer or servant, upon conviction of such offence before a justice of the peace, shall be liable to pay a penalty not exceeding fifty pounds, or, in the discretion of the justice, to be imprisoned in the common gaol or house of correction, there to be kept, with or without hard labour, for any time not exceeding six calendar months.

Punishing
officers, &c.
for furnishing
convicts with
prohibited
articles.

XXV. AND be it declared and enacted, that every person who upon examination on oath or affirmation before the said inspectors shall wilfully give false evidence shall be liable to the pains and penalties of perjury.

Penalty for
false evidence.

XXVI. AND be it enacted, that every convict or other person who shall commit any offence mentioned in this Act or in any way relating to the Millbank Prison, for which he or she is not liable to be summarily convicted, may be tried before the justices of oyer and terminer either at the Central Criminal Court or for the county in which the offender shall be taken; and in any case of any prosecution for any such offence either against a convict or against any other person or persons concerned therein or accessory thereunto, a copy, properly attested, of the order of commitment to such prison, with proof that the person then in question before the court is the same who was delivered with such order, and production of the register of the said prison, shall be sufficient evidence of all the facts entered in such register as to such convict, without the production of any record or conviction or other proof that such convict had been convicted of felony, and legally ordered to be imprisoned in the Millbank Prison.

Mode of trial
and conviction
for offences
not punishable
by summary
conviction.

XXVII. AND be it enacted, that an account of the expences of carrying this Act into execution shall be annually laid before both Houses of Parliament, and shall be provided for by Parliament.

Expences of
executing this
Act.

XXVIII. AND be it enacted, that the provisions of all Acts of Parliament now or which at any time hereafter shall be in force for rendering justices of

Protection of
inspectors and
governor.

the peace safe in the execution of their offices shall extend to the said inspectors and to the governor of the Millbank Prison.

Venue and limitation of actions.

XXIX. AND be it enacted, that all suits and prosecutions to be commenced by any person or persons for any thing done in pursuance of this Act shall be laid or tried in the county or place where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise.

* * * * *

CHAPTER XXX.

AN ACT to amend the Law relating to Pound-breach and Rescue in certain Cases. [12th July 1843.]

WHEREAS it frequently happens that cattle which are lawfully impounded, or which are lawfully seized for the purpose of being impounded, are rescued from the pound or place in which they are so impounded, or on the way to or from such pound or place, and the expence of prosecuting such offenders, or obtaining redress for the injury occasioned by such rescue to the persons so entitled to distrain, is usually out of proportion to the damage for which such cattle are distrained: And whereas it is expedient, for remedy thereof, to enable two or more of her Majesty's justices of the peace to try such offenders in a summary way, and award such redress as herein-after mentioned to the persons on whose behalf the cattle so rescued shall have been distrained: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in case any person or persons shall release or attempt to release any horse, ass, sheep, swine, or other beast or cattle, which shall be lawfully seized for the purpose of being impounded, in consequence of having been found wandering, straying, or lying or being depastured on any inclosed land without the consent of the owner or occupier of such inclosed land, from the pound or place where the same shall be so impounded, or on the way to or from any such pound or place, or shall pull down, damage, or destroy the same pound or place, or any part thereof, or any lock or bolt belonging thereto or with which the same shall be fastened, every person so offending shall, upon conviction thereof before any two of her Majesty's justices of the peace, forfeit and pay any sum not exceeding five pounds, together with reasonable charges and expences, or in default thereof be committed by such justices, by warrant under their hands and seals, to the house of correction of the county wherein the said offence shall have been committed, there to be kept to hard labour for any time not exceeding three calendar months nor less than fourteen days, unless such sum of money and costs as aforesaid shall be sooner paid; and it shall be lawful for the said justices to award the whole or any portion of such penalty to the person or persons on whose behalf such cattle were distrained.

Persons releasing or attempting to release cattle impounded, or damaging any pound, &c. upon conviction before two justices, to forfeit 5l. and expences, and in default of payment to be imprisoned.

Justices not to hear cases where questions of title

II. PROVIDED always, and be it enacted, that nothing herein contained shall authorize any justices of the peace to hear and determine any case of pound-breach or rescue in which any question shall arise as to the title to any lands,

tenements, or hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy . . . , or any execution under the process of any court of justice, or as to the obligation of maintaining, repairing, or keeping in repair any wall, hedge, paling, ditch, sunk fence, or fence whatsoever.

arise, or as to any bankruptcy, &c.

III. AND be it enacted, that it shall and may be lawful to and for any justice of the peace, upon information or complaint being made upon oath before him by any person of any offence against the provisions of this Act, to summon the party accused to appear before any two justices of the peace within whose jurisdiction the offence shall have been committed, at a time and place to be named in such summons, and upon the appearance of such party, or in his absence in case he shall not appear according to the tenor of such summons, any such justices before whom such party shall have been so summoned to appear shall and may (upon proof of the service of such summons) proceed to examine into the matter, and upon due proof made of such having been committed, either by confession of the party accused or upon the oath of one or more credible witness or witnesses, to give judgment or convict for the penalty and costs (as the case may be).

Summonses may be issue against offenders, who, on proof on oath of one or more witnesses before two justices, shall be convicted in penalty as costs.

IV. AND be it enacted, that every such justice of the peace may, without issuing any summons, forthwith issue his warrant to any constable for the apprehension of any person charged under this Act, whenever good grounds for so doing to his satisfaction shall be stated on oath before him.

Offenders may be apprehended by warrant of a justice.

CHAPTER XXXII.

AN ACT to amend the Laws in force relating to Grand Jury Presentments in Counties of Cities and Towns in Ireland. [12th July 1843.]

WHEREAS by an Act passed in the session of Parliament holden in the third and fourth years of the reign of her present Majesty, intituled "An Act for the regulation of municipal corporations in Ireland," it was enacted, that the boundaries of the several boroughs named in schedule (A.) to that Act annexed should, for the purposes of that Act, be taken to be according to the description of such boundaries set forth in schedule (C.) to that Act annexed; and by another Act passed in the same session of Parliament, intituled "An Act to annex certain parts of certain counties of cities to adjoining counties, to make further provision for compensation of officers in boroughs, to limit the borough rate, and to continue for a limited time an Act to restrain the alienation of corporate property, in Ireland," it was enacted, that, for the purposes of the said first-recited Act, and of that Act, all places locally situate or included within the boundaries of any of the boroughs of Cork, Dublin, Kilkenny, Limerick, Waterford, and Drogheda, as defined under the said first-recited Act, should, from and after the time when the said Act secondly above mentioned should come into operation, be deemed and taken to be part or parts of the county of the city or county of the town of such borough respectively, and of no other county; and every portion, place, or precinct of every county of a city or county of a town not under the said Acts included within any such borough should, until provision in that behalf should be otherwise made under and by virtue of the said last-

3 & 4 Vict. c. 108. s. 30.

3 & 4 Vict. c. 109.

mentioned Act, be one barony in itself, and should, for all purposes of grand jury presentments and of criminal jurisdiction, and also of civil jurisdiction of the superior courts of common law in Dublin, be part of the county at large which was adjacent to it, or with which it had the largest common boundary: And whereas under the said recited Acts certain parts or portions of the old liberties of some of such counties of cities and counties of towns, and certain parts of parishes and other denominations thereof, are included within the boundaries of the counties of such cities or towns as defined under the provisions of the said recited Acts, and other parts or portions of the liberties of the same cities or towns, and of such parishes and other denominations thereof, not being within such boundaries, have, for the purposes of grand jury presentments, among others, become part of the adjoining counties: And whereas by an Act passed in the last session of Parliament, intituled "An Act to enable grand juries at the ensuing summer and spring assizes to make certain presentments in counties of cities and towns in Ireland, and to remove doubts as to the jurisdiction of justices of the peace in places recently annexed to counties at large in Ireland," it was enacted, that at every assizes to be holden for any such county of a city or county of a town in Ireland, as in the said Act mentioned, it should be lawful to and for the grand jury of such county of a city or town to present all and every such sum and sums as might be lawfully presented pursuant to any Act in force in Ireland relating to grand jury presentments previous to the said Acts coming into operation within each such county of a city or town respectively; provided that all and every such sum or sums when so presented, and all sums which might be or have been legally added thereto by the treasurer of such county of a city or county of a town if the said recited Acts had not passed, and all sums duly presented at the then last spring or summer assizes, and not therefore levied, should be assessed, applotted, levied, and raised off such county of a city or town, as the same is defined under the said recited Acts, without reference to previously existing exemptions or compositions for any particular parish, district, or other denomination: And whereas an Act was passed in the session of Parliament holden in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled "An Act to consolidate and amend the laws relating to the presentment of public money by grand juries in Ireland"; and by reason of the provisions contained in the said last-mentioned Act, and in the said several Acts herein-before recited, and also by reason of the conflict therewith of the provisions of certain local Acts in force within some of the counties of cities and counties of towns to which the provisions herein-before mentioned of the said several Acts are applicable, it has been found for the most part impracticable to proceed in the presentment, assessment, applotment, and levy of grand jury cess in counties of cities and counties of towns in Ireland: For remedy whereof, be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all sums to be presented or which shall be re-presented by the grand jury at any assizes in or for any county of a city or county of a town in Ireland herein-before mentioned, except the county of the city of Dublin, shall be apportioned, applotted, raised, and levied on and off all lands, houses

5 & 6 Vict.
c. 77. s. 4.

6 & 7 Will. 4.
c. 116.

Grand jury
cess in coun-
ties of cities
and towns
in Ireland
shall be
applotted off
all lands, &c.
therein, with-
out regard to
parochial or
other distinc-
tions or

and tenements situate within such county of a city or county of a town, as defined under the said recited Acts of her present Majesty's reign, without regard to parochial or other distinctions or divisions whatsoever, according to the net annual value of such lands, houses, and tenements respectively as now or from time to time hereafter last valued and rated under the Act or Acts for the relief of the destitute poor in Ireland; :
 Provided always, that no church, chapel, or other building exclusively dedicated to religious worship, or exclusively used for the education of the poor, nor any burial ground or cemetery, nor any infirmary, hospital, charity school, or other building used exclusively for charitable purposes, nor any building, land, or hereditament dedicated to or used for public purposes, shall be rateable for such grand jury cess, nor any dwelling house which shall be rated for the relief of the destitute poor at or under the annual value of five pounds: Provided also, that nothing herein contained shall extend or be construed to alter or affect the provisions made by an Act passed in the first and second years of her present Majesty's reign, intituled "An Act to amend the laws " relating to the levy of grand jury cess in the county of the city of Dublin," but that all sums to be raised by grand jury presentment in the county of the city of Dublin and within the police district of Dublin metropolis shall continue to be apportioned, applotted, and levied as by the said last-recited Act directed, any thing herein contained to the contrary notwithstanding.

divisions, according to the annual value of such lands, &c. as rated to the poor rate.

Exemptions from grand jury cess.

Nothing herein to affect 1 & 2 Vict. c. 51.

* * * * *

III. AND be it enacted, that in order to enable the respective treasurers of the said several counties of cities and counties of towns, as herein-after directed, to applot such grand jury cess, it shall and may be lawful to and for the treasurer of each such county of a city or town for the time being, and from time to time, and at all reasonable times, to have access to and inspect any rate or rates made for the relief of the poor of every union any part of which shall be situate within such county of a city or of a town, and to cause copies to be made of such rate or rates, or so much thereof as shall relate to such county of a city or of a town, or any part thereof; and such treasurer shall be allowed the expence of making such copies in his accounts with the grand jury of such county of a city or of a town. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Treasurers empowered to refer to rates made for the relief of the poor.

IV. AND be it enacted, that the treasurer of each county of a city or county of a town as aforesaid shall, within one month after he shall have received from the clerk of the crown the copies of the presentments made at the next and each succeeding assizes, applot upon all lands, houses, and tenements within such county of a city or county of a town chargeable under this Act with grand jury cess the sums leviabie under any presentments made at such assizes, , and all sums which shall be re-presented, and shall applot the same according to the net annual value of each such house, tenement, and portion of land as contained in the rate which shall have been then last made in that behalf for the relief of the destitute poor as aforesaid; and shall, within one week after such applotment shall have been made, cause to be published in some newspaper circulating in such county of a city or town, and cause to be posted at the usual places for posting grand jury notices in the same, a notice stating that such applotment has been made, and that the same will remain, at a place to be specified in such notice, open for the inspection of all occupiers of houses, lands, or tenements within such county of a city or town, between the hours of eleven in the forenoon and four in the afternoon, for the space of fourteen days from the date of such notice; and the said treasurer shall keep the same at some convenient place to be so speci-

Treasurer to applot sums leviabie under presentments according to the last rate made under Poor Relief Act;

and to publish notice that the applotment has been made, and is open for inspection.

trier
w
ment
inspected.

y for
t.

trier to
his
nts to
or of
jury

tors to
he cess
ling to
ite.

ious of
t of
Will. 4.
to apply
o.

d against
ment.

fied in such notice, and shall allow all such occupiers applying for that purpose to inspect the same at all reasonable times during the said space of fourteen days, and to take extracts therefrom, without fee or charge, and shall give copies or extracts of or from the said applotment to any person applying for the same, upon being paid for such copies or extracts at the rate of three-pence for every one hundred or any less number of names contained in each such copy or extract; and if such treasurer shall wilfully neglect or refuse to publish and post such notice, or to keep such applotment at such place and for such time as aforesaid, or to permit any such occupier to inspect such applotment or to make any extract therefrom, or to furnish such extract on the tender of such sum as aforesaid, he shall, on conviction thereof before any two justices of the peace, forfeit and pay for every such offence such sum, not exceeding five pounds, as the justices shall think meet, to be levied, in default of payment, by warrant of distress off his goods and chattels.

V. AND be it enacted, that with all convenient speed after making such applotment the treasurer of each such county of a city or town shall issue his warrant or warrants, directed to the person or several persons who under the provisions of the said Act of the sixth and seventh years of the reign of his late Majesty shall be collector or collectors for levying and collecting the sums to be raised for grand jury cess off such county of a city or town; and in every such warrant shall be specified the proportion of such grand jury cess which shall be so payable in respect of each house, tenement, or portion of land chargeable therewith, and for which the person to whom such warrant shall be directed shall be a collector, together with the name of the occupier or occupiers thereof, as such name or names shall appear upon the aforesaid rate for the relief of the destitute poor; and every person duly authorized to collect and levy such grand jury cess, as soon as he shall have received any such warrant, shall collect and levy the same according to such warrant, and by all the ways and means provided by the said Act of the sixth and seventh years of his late Majesty's reign for the collection or levy of grand jury cess; and all the provisions of the said last-mentioned Act with reference to the collection, levy, or recovery of grand jury cess shall apply to all sums so specified in such warrant or warrants, and all arrears thereof, as if the same were hereby specially re-enacted, or as if such sums were applotted in pursuance of the said last-mentioned Act.

VI. AND be it enacted, that if any person shall find himself aggrieved by any applotment made under this Act, or shall object to any person being put in or left out of such applotment, or to the sum charged on any person therein, it shall be lawful for such person so aggrieved or objecting to appeal to the general sessions of the peace or adjournment thereof to be held for the same county of a city or of a town, or if there be none holden therein then to the general sessions of the peace to be held for any county at large next adjoining thereto, next after the date of such notice of applotment so to be published by such treasurer: Provided always, that no such appeal shall be made on the ground of any premises having been overvalued or undervalued in the rate and valuation made for the purposes of the said Acts for the relief of the poor in Ireland: Provided also, that if such sessions shall be held before the expiration of one calendar month next after the date of such notice then such appeal may be made to the next following sessions.

VII. AND be it enacted, that the recorder of the borough, or the assistant barrister or justices of the county at the sessions to which such appeal shall be brought, is and are hereby empowered to hear and finally determine the matter of such appeal, and to make such order therein as to him or them shall seem meet, which order shall be final and conclusive upon all parties, and, in case of any appeal against any applotment as aforesaid, to order the name of any person interested or concerned in the event of such appeal, and having had notice thereof as herein provided, to be inserted in such applotment, and to be applotted at such sum or sums of money, or to order the name of any such person to be struck out of such applotment, or the sum or sums at which any such person is applotted therein to be altered, as the recorder or assistant barrister or justices shall think right; and such recorder or assistant barrister, or some proper officer of the court, shall forthwith add to or alter the applotment accordingly; and it shall be lawful for such recorder or assistant barrister or justices to order that any warrant of such treasurer shall be amended, or that a new warrant shall be issued according to such directions as such recorder or assistant barrister or justices shall give in that behalf, and such warrant shall be amended or such new warrant shall be issued by such treasurer accordingly; and such amended or new warrant shall, as to all houses, tenements, and portions of land in respect of which the amount chargeable according to such amended or new warrant shall not have been then paid or levied, or so far as any sums therein mentioned, or any part thereof, shall be unpaid, have the force and effect of any original warrant issued under this Act as aforesaid: Provided always, that the said recorder or assistant barrister or justices to whom such appeal shall be made shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal, nor alter any such rate with respect to any other person or persons, matter or matters, than shall be mentioned and specified in the notice of appeal; but if upon an appeal from the whole of any applotment it shall be found necessary to quash or set aside the same, then the said recorder or assistant barrister or justices shall quash the same, and shall in that case order the treasurer to make a new applotment, and such treasurer is hereby required to make the same, and to issue new warrants accordingly.

Recorder or assistant barrister may determine the appeal, and amend the applotment, or may quash the same, and order a new applotment.

VIII. AND be it enacted, that if upon the hearing of any appeal from any applotment made under this Act the said recorder or assistant barrister or justices shall order the name of any person to be struck out of such applotment, or the sum or sums applotted on any person to be decreased or lowered, and if it shall be made appear to the said recorder or assistant barrister or justices that such person hath, previously to the hearing of such appeal, paid any sum or sums of money in consequence of such applotment with which he ought not to have been charged, then and in every such case the said recorder or assistant barrister or justices shall order all and every such sum and sums of money to be repaid by the said treasurer, together with all reasonable costs, charges, and expences occasioned by such person having been required to pay the same; and the amount so to be repaid by such treasurer shall be allowed him in his account with the grand jury of the county of the city or town, as the case may be.

If applotment be decreased, the amount overpaid to be returned.

IX. AND be it enacted, that the person so appealing shall give or cause to be given at least fourteen days notice in writing of his, her, or their intention

Fourteen days notice of appeal to be

given to
treasurer
and parties
interested.

of appealing as aforesaid, and of the matter or cause thereof, to the treasurer of the county of the city or of the town for the time being; and if any person shall appeal against any applotment because any other person is applotted or omitted to be applotted therein, or because any other person is rated therein at any greater or less sum than his, her, or their due proportion of such grand jury cess, or for any other cause that shall require any alteration to be made in such applotment with respect to any other person, then and in every such case the person so appealing shall give such notice of appeal as aforesaid, not only to the treasurer, but also to every other person so interested or concerned in the event of such appeal; and every such other person shall, if he shall desire, be heard upon such appeal.

Cess to be paid
and levied as if
no appeal
made until
warrant is
quashed or
altered.
Recognizance
to be entered
into on appeal.

X. PROVIDED always, and be it enacted, that, notwithstanding any such appeal or notice thereof, every sum specified in such warrant shall be payable, and shall and may be levied, sued for, and recovered, as if no appeal had been made, until or unless such warrant shall be quashed or amended.

XI. AND be it enacted, that within five days after notice shall be given of appeal the appellant shall enter into a recognizance before some justice of the peace having jurisdiction in the county of the city or of the town, with sufficient securities, conditioned to prosecute such appeal at the proper sessions of the peace in that behalf, and to abide the order of and pay such costs as shall be awarded by the recorder or assistant barrister or justices at such sessions.

Justices may
award costs
on appeal.

XII. AND be it enacted, that such recorder, assistant barrister, or justices, upon hearing and finally determining the matter of any appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper; and their determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

Their decision
to be final.

Treasurer to
collect cess, if
there be no
collector duly
appointed, by
himself or
assistants.

XIII. AND be it enacted, that if at any time there shall be no person duly appointed a collector of grand jury cess in any county of a city or county of a town pursuant to the laws now in force, it shall be lawful for the treasurer of such county of a city or county of a town, and he is hereby required, to collect such cess; and it shall be lawful for him to appoint, by writing under his hand and seal, one or more persons, for whom he shall be answerable, to assist him therein, and he or they shall be entitled to such poundage as the grand jury may think fit, not exceeding ninepence in the pound.

Poundage.

XIV. AND whereas part of the county of the city of Cork, as bounded under the provisions of the herein-before recited Acts of her present Majesty's reign, is within the provisions of a local Act made for lighting, paving, cleansing, and improving thereof, and other part is not within the provisions of such local Act, but is nevertheless under the said recited Act passed in the last session of Parliament liable to contribute to the payment of the money to be raised for lighting, paving, cleansing, and improving the portion of such county within the provisions of such local Act: Be it therefore enacted, that it shall be lawful for the council of the said borough of Cork to make an order that the part of such borough not within the provisions of such local Act shall, from and after a certain day to be named in such order, be taken to be within the provisions of such local Act for lighting, paving, cleansing, and improving such borough; and after such day such part as aforesaid shall be within the provisions of such Act, as fully as if such part had been originally named in such Act, any thing

The council of
the borough of
Cork may
order a part
of the borough
not within the
local Act for
lighting,
paving, cleans-
ing, and im-
proving the
borough to be
included in
such Act.

in such Act contained to the contrary notwithstanding : Provided always, that the additional rates to be raised off such county of the city of Cork for the purpose of defraying the expences of lighting such part shall not exceed the average expence per lamp of lighting the other parts of the county of the city of Cork ; and that the additional rate to be raised off the said county of the city of Cork for paving, cleansing, and improving the part so to be included shall not exceed the rate per square yard of highway now chargeable under the said Act within the part of such county now within the provisions of the said Act: Provided also, that all such sums as by the provisions of the said Act the treasurer of the said county of the city of Cork is authorized and required to add, under the order of the commissioners for carrying into effect the purposes of the said local Act, to his warrant for levying the sums presented to be raised by the grand jury at each assizes off the county of the said city, and which are by the said Act directed to be levied in like manner as the money so presented, shall, for all the purposes of this Act, be deemed and taken to be monies duly presented by the grand jury.

Limit of amount of rate for lighting.

Limit of amount of rate for other purposes.

Sums levied under order of commissioners under local Act to be taken as duly presented by grand jury.

* * * * *

XIX. AND whereas divers sums of money have been advanced from time to time from her Majesty's Exchequer, by the direction or authority of the commissioners of her Majesty's Treasury, or of the lord lieutenant or other chief governor or governors of Ireland, for public purposes of the county of the city of Dublin, and the repayment thereof has been unduly delayed by reason of the preference given to local claims over those of her Majesty's Exchequer: Be it therefore enacted, that in all cases where any presentment has been or shall hereafter be made, by the grand jury of the county of the city of Dublin, of any sum or sums of money for the purpose of repaying any advance of money made as aforesaid to such counties respectively, such sum so presented or hereafter to be presented shall to all intents and purposes whatsoever be a charge upon all money, rates, or cesses levied or collected for the purposes of the said county of the city of Dublin, in priority and preference to any other lien, claim, charge, or demand whatsoever upon the same or any part thereof; and the amount of any such sum so presented as aforesaid for the purpose of repaying such advance as aforesaid shall be paid by the treasurer of the said county of the city of Dublin out of such public money, rates, and cesses as shall be by him received (so far as the same shall extend), when and so soon as the same shall come to his hands, in priority and preference to any other lien, charge, demand, or claim upon the same whatsoever; and such treasurer shall pay over the said amount in such manner and to such bank or person as the commissioners of her Majesty's Treasury shall direct: Provided always, that each half-yearly sum, instalment, or proportion of any sum so presented or to be presented shall have the same priority and preference, and shall be paid in the same manner, as is herein-before directed with respect to the entire of such amount of money so presented for the repayment of advance.

Presentment for repayment of sums due to the Exchequer shall have priority over other claims on county rates in Dublin.

XX. AND be it enacted, that if in any case the treasurer of the county of the city of Dublin for the time being shall neglect or refuse to pay any sum or sums of money presented for the repayment of advances made as aforesaid, or any half-yearly sums or instalments of such sum or sums presented as aforesaid, in priority and preference to any other lien, charge, demand, or claim

Penalty on treasurer neglecting to give priority to repayment of monies due to the Exchequer.

whatsoever upon the money in his hands, such treasurer shall for each such neglect or refusal forfeit the sum of one hundred pounds, with full costs of suit, to any person who shall sue for the same, by action of debt or on the case, in any of her Majesty's courts of record at Dublin.

* * * * *

Interpretation
of Act.

XXVI. AND be it enacted, that in the construction of this Act every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender shall be applied to a female as well as a male, unless there be something in the subject or context repugnant to such construction respectively.

* * * * *

CHAPTER XXXIV.

AN ACT for the better Apprehension of certain Offenders. [28th July 1843.]

WHEREAS it is expedient to make more effectual provision for the apprehension and trial of offenders against the laws who may be in other parts of her Majesty's dominions than those in which their offences were committed: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, if any person charged with having committed any offence such as is herein-after mentioned against the laws of any part of her Majesty's dominions not being part of the United Kingdom of Great Britain and Ireland, and against whom a warrant shall have been issued for such offence by any person having lawful authority to issue the same within that part of her Majesty's dominions where such offence shall have been committed, shall be in any place within the said United Kingdom, it shall be lawful, in Great Britain for one of her Majesty's principal secretaries of state, and in Ireland for the chief secretary of the lord lieutenant of Ireland, to endorse his name on such warrant, which warrant so endorsed shall be a sufficient authority to the person or persons bringing such warrant, and to all persons to whom such warrant was originally directed, and also to all constables and other peace officers in that part of the United Kingdom where the said warrant shall be so endorsed, to execute the said warrant, by apprehending the person against whom such warrant is directed, and to convey the said person before a justice of the peace for the county or other jurisdiction in which the supposed offender shall be apprehended, or in Scotland either before such justice of the peace or before the sheriff depute or substitute.

Persons
charged with
offences in the
colonies and
escaping into
the United
Kingdom may
be there
apprehended.

Apprehension
of persons
charged with
offences in
any part of
her Majesty's
dominions and
escaping to
any colony.

II. AND to remedy the like failure of justice by the escape of persons charged with having committed offences into those parts of her Majesty's dominions which do not form part of the said United Kingdom, be it enacted, that from and after the passing of this Act, if any person charged with having committed any offence such as is herein-after mentioned in any part of her Majesty's dominions, whether or not within the said United Kingdom, and against whom a warrant shall be issued by any person or persons having lawful authority to issue the same, shall be in any other part of her Majesty's

dominions not forming part of the said United Kingdom, it shall be lawful for the chief justice or any other judge of her Majesty's superior court of law within that other part of her Majesty's dominions where such person shall be to endorse his name on such warrant, which warrant so endorsed shall be a sufficient authority to the person or persons bringing such warrant, and also to all persons to whom such warrant was originally directed, and also to all peace officers of the place where the warrant shall be so endorsed, to execute the same within the jurisdiction of the person by whom it shall be so endorsed, by apprehending the person against whom such warrant is directed, and to convey him before a magistrate or other person having authority to examine and commit offenders for trial in that part of her Majesty's dominions.

III. AND be it enacted, that it shall be lawful for any person duly authorized to examine and commit offenders for trial before whom any such supposed offender shall be brought as aforesaid, upon such evidence of criminality as would justify his committal if the offence had been committed in that part of her Majesty's dominions, to commit such supposed offender to prison, there to remain until he can be sent back, in manner herein-after mentioned, to that part of her Majesty's dominions in which he is charged with having committed such offence; and immediately upon the committal of such person information thereof in writing under the hand of the committing magistrate, accompanied by a copy of the said warrant, shall be given, in Great Britain to one of her Majesty's principal secretaries of state, and in Ireland to the chief secretary of the lord lieutenant, and in any other part of her Majesty's dominions to the governor or acting governor.

Persons charged may be committed to gaol until he can be sent back to the place where the offence is charged to have been committed.

Information of committal to be sent to such place.

IV. PROVIDED always, and be it enacted, that in every such case copies of the depositions upon which the original warrant was granted, certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

Copies of depositions on which original warrant was granted may be given in evidence.

V. AND be it enacted, that it shall be lawful, in Great Britain for any one of her Majesty's principal secretaries of state, and in Ireland for the chief secretary of the lord lieutenant, and in any other part of her Majesty's dominions for the governor or acting governor, by warrant under his hand and seal, to order any person who shall have been so apprehended and committed to gaol to be delivered into the custody of some person or persons, to be named in the said warrant, for the purpose of being conveyed into that part of her Majesty's dominions in which he is charged with having committed the offence, and being delivered into the custody of the proper authorities there, to be dealt with in due course of law as if he had been there apprehended, and to order that the person so committed to gaol be so conveyed accordingly; and if the said person, after he shall have been so apprehended, shall escape out of any custody to which he shall have been committed as aforesaid, it shall be lawful to retake such person, in the same manner as any person accused of any crime against the laws of that part of her Majesty's dominions may be retaken upon an escape.

Persons apprehended to be sent to the place where the offence is charged to have been committed;

and in case of escape may be retaken.

VI. AND be it enacted, that where any person who shall have been committed to gaol under this Act shall not be conveyed out of that part of her Majesty's dominions in which he shall have been so committed to gaol within two calendar months after such committal, over and above the time actually

Persons apprehended, if not so sent within two months after committal,

Apply to
discharged.

required to convey the prisoner from the gaol to which he was committed by the readiest way out of that part of her Majesty's dominions, it shall be lawful for any of her Majesty's judges in that part of her Majesty's dominions in which such supposed offender shall be in custody, upon application made to him or them by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application has been given to one of her Majesty's principal secretaries of state in Great Britain, or in Ireland to the chief secretary of the lord lieutenant of Ireland, or to the governor or acting governor in any other part of her Majesty's dominions, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shown to such judge or judges why such discharge ought not to be ordered.

Persons apprehended if not indicted within months of arrival in place where offence charged to have been committed, or of conviction, may be sent back to the place where apprehended.

VII. AND be it enacted, that in case any person apprehended under this Act shall not be indicted for the offence for which he shall have been so apprehended within the period of six calendar months after his arrival in that part of her Majesty's dominions in which he is charged to have committed the offence, or if upon his trial he shall be acquitted, it shall be lawful, in Great Britain for one of her Majesty's principal secretaries of state, and in Ireland for the chief secretary of the lord lieutenant of Ireland, and for the governor or acting governor in any other part of her Majesty's dominions, if he shall think fit, upon the request of the person so apprehended, to cause such person to be sent back, free of cost to such person, and with as little delay as possible, to that part of her Majesty's dominions in which he shall have been so apprehended.

Payment of expence of apprehension of offenders in places and removal to United Kingdom.

VIII. AND be it enacted, that the court before which any person apprehended under this Act shall be prosecuted or tried within the said United Kingdom may order, if it shall think fit, that the expences of apprehending and removing the prisoner from any part of her Majesty's dominions not within the said United Kingdom to any place within the said United Kingdom shall be repaid to the person defraying the same, by the treasurer of the county or other jurisdiction in England or Ireland, or by the sheriff depute or substitute of the county in Scotland, in which the offence is charged to have been committed, the amount of such expences being previously ascertained by an account thereof, verified by production of proper vouchers before two justices of the peace of such county or other jurisdiction, which last-mentioned justices shall examine into the correctness of the said account, and shall allow the same, or such part thereof as shall to them appear just and reasonable, under their hands and seals; and every treasurer, or sheriff depute or substitute, who shall pay the amount so ascertained, shall be allowed such payment in his accounts respecting the business of such county or other jurisdiction.

Warrant not to be endorsed without proof of the seal or signature of the person issuing the warrant.

IX. PROVIDED always, and be it enacted, that it shall not be lawful for any person to endorse his name on any such warrant, for the purpose of authorizing the apprehension of any person under this Act, until it shall have been proved to him, upon oath or by affidavit, that the seal or signature upon the same is the seal or signature of the person having lawful authority to issue such warrant whose seal or signature the same purports to be.

Warrant not to be endorsed, if not in

X. PROVIDED also, and be it enacted, that it shall not be lawful for any person to endorse his name upon any such warrant, for the purpose of autho-

rizing the apprehension of any person under this Act, unless it shall appear upon the face of the said warrant that the offence which the person for whose apprehension the said warrant has been issued is charged to have committed is such that, if committed within that part of her Majesty's dominions where the warrant is so endorsed, it would have amounted in law to a treason, or some felony , or unless the depositions appear sufficient to warrant the committal of such person for trial.

cases of treason and felony, &c.

* * * * *

CHAPTER XXXVI.

AN ACT to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies.

[28th July 1843.]

WHEREAS it is expedient that societies established exclusively for purposes of science, literature, or the fine arts should be exempt from the charge of county, borough, parochial, and other local rates in respect of land and buildings occupied by them for the transaction of their business, and for carrying into effect their 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, that from and after the first day of October one thousand eight hundred and forty-three no person or persons shall be assessed or rated, or liable to be assessed or rated, or liable to pay, to any county, borough, parochial, or other local rates or cesses, in respect of any land, houses, or buildings, or parts of houses or buildings, belonging to any society instituted for purposes of science, literature, or the fine arts exclusively, either as tenant or as owner, and occupied by it for the transaction of its business, and for carrying into effect its purposes, provided that such society shall be supported wholly or in part by annual voluntary contributions, and shall not, and by its laws may not, make any dividend, gift, division, or bonus in money unto or between any of its members, and provided also that such society shall obtain the certificate of the barrister at law or lord advocate, as herein-after mentioned.

Scientific, &c. societies, supported by voluntary contributions and dividing no profits, exempted from rates upon obtaining the certificate herein-after mentioned.

II. PROVIDED always, and be it enacted, that before any society shall be entitled to the benefit of this Act such society shall cause three copies of all laws, rules, and regulations for the management thereof, signed by the president or other chief officer and three members of the council or committee of management, and countersigned by the clerk or secretary of such society, to be submitted, in England, Wales, and Berwick-upon-Tweed to the barrister at law for the time being appointed to certify the rules of friendly societies there, and in Scotland to the lord advocate, or any depute appointed by him to certify the rules of friendly societies there, and in Ireland to the barrister for the time being appointed to certify the rules of friendly societies there, for the purpose of ascertaining whether such society is entitled to the benefit of this Act; and such barrister or lord advocate, as the case may be, shall give a certificate on each of the said copies that the society so applying is entitled to the benefit of this Act, or shall state in writing the grounds on which such certificate is withheld; and one of such copies, when certified by such barrister

Such societies to cause three copies of their rules of management to be submitted to the barrister or person appointed to certify the rules of friendly societies, who shall certify thereon that society is entitled to exemption, or state his ground for withholding his certificate.

One certified copy to be returned to the society; one to be retained by the barrister; and the third transmitted to the clerk of the peace, for confirmation at sessions, and to be deposited.

or lord advocate, shall be returned to the society, another copy shall be retained by such barrister or lord advocate, and the other of such copies shall be transmitted by such barrister or lord advocate to the clerk of the peace for the borough or county where the land or buildings of such society in respect of which such exemption is claimed shall be situated, and shall by him be laid before the recorder or justices for such borough or county at the general quarter sessions, or adjournment thereof, held next after the time when such copy shall have been so certified and transmitted to him as aforesaid, and the recorder or justices then and there present are hereby authorized and required, without motion, to allow and confirm the same; and such copy shall be filed by such clerk of the peace with the rolls of the sessions of the peace in his custody, without fee or reward.

Certain alterations made in the rules to be certified and deposited in like manner.

III. AND be it enacted, that if the laws, rules, and regulations of any such society shall be altered, so as to affect or relate to the property or constitution of such society, such alterations shall, within one calendar month after the same shall have been made, be submitted to such barrister or lord advocate, and such barrister or lord advocate shall certify as aforesaid; and such rules, when so certified, shall be filed with the clerk of the peace as aforesaid; and in the meantime such society shall be entitled to the benefit of this Act, as if no such alterations had been made: Provided always, that if the said barrister or lord advocate shall refuse to certify, that then, subject to such appeal as is herein-after provided, the said society shall cease to be entitled to the benefit of this Act from the time when such alterations shall come into operation.

In case of refusal to certify, society to cease to be entitled to exemption, subject to appeal.

IV. PROVIDED always, and be it enacted, that the fee payable to such barrister or lord advocate for perusing the laws, rules, and regulations of each society, or the alterations made therein, and giving such certificate or statement as aforesaid, shall not at any one time exceed the sum of one guinea, which, together with the expence of transmitting the rules to and from the said barrister or lord advocate, shall be defrayed by each society respectively.

Fee to barrister, &c. to be paid, with expense of transmission of rules, by society.

V. PROVIDED always, and be it enacted, that in case any such barrister or lord advocate shall refuse to certify that any such society is entitled to the benefit of this Act, it shall then be lawful for any such society to submit the laws, rules, and regulations thereof to the court of quarter sessions for the borough or county where the land or buildings of the society shall be situated, together with the reasons so assigned by the said barrister or lord advocate as aforesaid; and the recorder or justices at such quarter sessions shall and may, if he or they think fit, order the same rules to be filed, notwithstanding such refusal as aforesaid; and such filing shall have the same effect as if the said barrister or lord advocate had certified as aforesaid.

Reference to quarter sessions where certificate is refused.

VI. PROVIDED also, and be it enacted, that any person or persons assessed to any rate from which any society shall be exempted by this Act may appeal from the decision of the said barrister or lord advocate in granting such certificate as aforesaid to the said court of quarter sessions, within four calendar months next after the first assessment of such rate made after such certificate shall have been filed as aforesaid, or within four calendar months next after the first assessment of such rate made after such exemption shall have been claimed by such society, such appellant first giving to the clerk or secretary of the society in question, twenty-one days previously to the sitting of the said court, notice in writing of his intention to bring such appeal, together with a state-

Appeal to quarter sessions by any person assessed to any rate from which any society is exempted against decision of barrister, &c. granting certificate.

ment in writing of the grounds thereof, and within four days after such notice entering into a recognizance before some justice, with two sufficient sureties, to try such appeal at and abide the order of and pay such costs as shall be awarded by the recorder or justices at such quarter sessions; and at such quarter sessions such recorder or justices shall, on its being proved that such notice and statement have been given as aforesaid, proceed to hear such appeal, according to the grounds set forth in such statement, and not otherwise, and, if the certificate of the said barrister or lord advocate shall appear to him or them to have been granted contrary to the provisions of this Act, shall and may annul the same, and shall and may, according to their discretion, award such costs to the party appealing or appealed against as he or they shall think proper, and his or their determination concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

CHAPTER XXXVII.

AN ACT to make better Provision for the Spiritual Care of populous Parishes.
[28th July 1843.]

WHEREAS it is expedient to make better provision for the spiritual care of populous parishes, and to render the estates and revenues vested in the ecclesiastical commissioners for England, and the funds at the disposal of the governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, applicable immediately to such purpose: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said ecclesiastical commissioners for England may, upon the conditions herein-after mentioned, forthwith borrow, and the said governors of the bounty of Queen Anne, together with the Most Reverend William Howley Lord Archbishop of Canterbury, may, upon the security herein-after mentioned, forthwith lend and transfer to the said commissioners, the capital sum of six hundred thousand pounds three pounds per centum reduced Bank annuities, part of a certain sum of such stock now standing in the names of the said governors and of the said archbishop in the books of the governor and company of the Bank of England.

Queen Anne's
bounty board
may lend
ecclesiastical
commissioners
for England
a sum of
600,000*l.* stock.

II. AND be it enacted, that at any time and from time to time the said commissioners may borrow, and the said governors and the archbishop of Canterbury for the time being may, if they shall think fit, lend and transfer to the said commissioners, in like manner, and upon the like security and conditions, any further capital sum or sums of stock, being part of the stock so standing as aforesaid.

Bounty board
may lend
further sums
of stock.

III. AND be it enacted, that the said commissioners shall, upon the transfer of any such stock as aforesaid into their names in the books of the said governor and company, accept the same in such books, and shall pay or cause to be paid to the said governors, by half-yearly payments on the tenth day of April and the fourteenth day of October in every year, a sum equal in amount to the amount of the dividends which such stock, or so much thereof as shall on such days respectively remain unreplaced, would produce; and that it shall

Commissioners
to pay to
governors a
sum equal to
dividends half
yearly.

Commissioners may replace stock or any part thereof. The whole property of the commissioners under the Acts 3 & 4 Vict. c. 113. 4 & 5 Vict. c. 39. and this Act to be security for every such loan.

be lawful for the said commissioners at any time to replace the whole or any part of any such sum of stock.

IV. AND be it enacted, that all the monies from time to time accruing to the said commissioners by reason of the suspension of canonries by or under the provisions of an Act passed in the session of Parliament held in the third and fourth years of the reign of her present Majesty, intituled "An Act to carry into effect, with certain modifications, the fourth report of the commissioners of ecclesiastical duties and revenues," and of an Act passed in the session of Parliament held in the fourth and fifth years of the reign of her present Majesty, intituled "An Act to explain and amend two several Acts relating to the ecclesiastical commissioners for England," and all the lands, tithes, rent-charges, tenements, and other hereditaments vested or to be vested in them under the provisions of the same Acts or of this Act, and the rents and profits thereof, shall be and the same are hereby charged and made chargeable with all such half-yearly payments as aforesaid, and also with the repayment and replacing of the whole capital stock so to be lent and transferred to them, if any such half-yearly payment, or any part thereof, shall remain unpaid for twenty days next after either of the days upon which the same shall have become due and payable as aforesaid; and that upon any such default as last mentioned the said governors shall, by virtue of this Act, and upon proof of such default, have the same and the like remedies at law against the said ecclesiastical commissioners for England, and upon and over all the monies, lands, tithes, rent-charges, tenements, and other hereditaments in their possession or power under the provisions of the said recited Acts, for the recovery of such capital stock, or so much thereof as shall then remain unreplaced, together with all arrears of half-yearly payments due thereon as aforesaid, as if the said commissioners had duly executed a deed under their common seal, covenanting for repayment to the said governors of such stock and for making such half-yearly payment on the day when such default shall have become complete as aforesaid; and that such transfer and acceptance as aforesaid shall be sufficient evidence of such covenant.

Bounty board may require repayment of capital after thirty years.

V. PROVIDED also, and be it enacted, that it shall be lawful for the said governors, if they shall see fit, at or after the expiration of thirty years from the date of the lending and transferring of the said sum, and at or after the expiration of a like number of years from and after the lending and transferring of any further sum of such stock as aforesaid, to give notice to the said commissioners, in writing under their corporate seal, requiring them to replace, in the names of the said governors and of the lord archbishop of Canterbury for the time being, the whole of such sums of stock respectively, or such part thereof respectively as shall at the date of such notice remain unreplaced, and the said commissioners shall proceed to replace the same accordingly, by yearly instalments, amounting at the least to one twelfth part of such sums of stock respectively, or of such remaining part thereof as aforesaid, and upon default of their duly replacing any such instalment the said governors shall have the like remedies for recovering the same as for any default in making any such half-yearly payment as aforesaid.

Commissioners, notwithstanding the charge created by

VI. AND be it enacted, that notwithstanding the charge by this Act created all the same and the like rights and powers of ownership as are possessed and enjoyed respecting and over any lands, tithes, rent-charges,

tenements, or other hereditaments whatsoever by any absolute owner thereof shall be enjoyed by the said commissioners with respect to and over all or any lands, tithes, rent-charges, tenements, and other hereditaments vested and liable to be vested in them by or under the provisions of the said recited Acts, and may, subject to the provisions of the same Acts and of this Act, be exercised by them, by proper instruments in writing duly executed according to law, but in the case of any such lands, tithes, rent-charges, and other hereditaments not actually in their possession, with the consent of the respective holders thereof, testified by their being made parties to such instruments; and that the consent of the said governors shall not be in any case required to the exercise by the said commissioners of any such rights and powers as aforesaid, notwithstanding such charge: Provided always, that every sum of money received as the consideration or purchase money for the sale, transfer, or conveyance by the said commissioners of any of such lands, tithes, tenements, or other hereditaments, or of any estate or interest therein, and also every sum of money received by them as the foregift or fine for the granting or renewing of any lease, shall, unless it be deemed expedient by the said commissioners to apply any such sum or any part thereof in replacing any stock so lent and transferred as aforesaid, which they are hereby empowered to do, be applied by them, so soon as conveniently may be after the receipt thereof, in the purchase of lands, tithes, rent-charges, tenements, or other hereditaments, or of some estate or interest therein, and shall in the meantime be invested in some government or parliamentary stock or other public securities in England, the said commissioners being at liberty to apply the interest and dividends of such stock or securities, and the rents and profits of such lands, rent-charges, tithes, tenements, and other hereditaments, to the purposes of the said recited Acts or of this Act.

this Act, to have full rights of ownership over the lands, &c. vested in them, subject to certain conditions.

Investment of proceeds of sale, and sums received for fines.

VII. AND be it enacted, that the said commissioners shall, for the purposes and subject to the provisions of the said recited Acts and of this Act, have full power and right of property over all the stock so lent and transferred to them by the said governors as aforesaid.

Commissioners to have full power over stock.

VIII. PROVIDED always, and be it enacted, that no part of the capital of such stock shall be applied to such purposes as aforesaid, nor shall any such lands, tithes, tenements, or other hereditaments as aforesaid be sold, transferred, or conveyed, except by the authority in the said recited Acts provided; (that is to say,) by a scheme prepared by the said commissioners, and an order issued by her Majesty in council ratifying such scheme.

Stock not to be used, nor lands sold, without a scheme approved by her Majesty in council.

IX. AND whereas there are divers parishes, chapelries, and districts of great extent, and containing a large population, wherein or in parts whereof the provision for public worship and for pastoral superintendence is insufficient for the spiritual wants of the inhabitants thereof: Be it therefore enacted, that if at any time it shall be made to appear to the said ecclesiastical commissioners for England that it would promote the interests of religion that any part or parts of any such parish or parishes, chapelry or chapelries, district or districts, or any extra-parochial place or places, or any part or parts thereof, should be constituted a separate district for spiritual purposes, it shall be lawful, by the authority aforesaid, with the consent of the bishop of the diocese under his hand and seal, to set out by metes and bounds and constitute a separate district accordingly, such district not then containing within its

Separate districts may be constituted for spiritual purposes;

Draft scheme to be submitted to incumbent and patron of church of parish, &c. out of which any district is to be taken.

Ministers of such districts to be endowed to a certain amount at the least.

Map of district to be annexed to scheme, and a copy registered, with order in council ratifying the scheme.

Minister to be nominated and licensed to district ;

and to have the cure of souls therein.

Proviso as to burials and marriages.

Style and character of minister ;

limits any consecrated church or chapel in use for the purposes of divine worship, and to fix and declare the name of such district : Provided always, that the draft of any scheme for constituting any such district proposed to be laid before her Majesty in council by the said commissioners shall be delivered or transmitted to the incumbent and to the patron or patrons of the church or chapel of any parish, chapelry, or district out of which it is recommended that any such district or any part thereof should be taken, in order that such incumbent, patron or patrons, may have an opportunity of offering or making to the said commissioners or to such bishop any observations or objections upon or to the constituting of such district ; and that such scheme shall not be laid before her Majesty in council until after the expiration of one calendar month next after such copy shall have been so delivered or transmitted, unless such incumbent and patron or patrons shall in the meantime consent to the same : Provided also, that in every scheme for constituting any such district the said commissioners shall recommend to her Majesty in council that the minister of such district, when duly licensed as herein-after mentioned, shall be permanently endowed, under the provisions herein-after contained, to an amount of not less than the annual value of one hundred pounds ; and also, if such endowment be of less than the annual value of one hundred and fifty pounds, that the same shall be increased under the like provisions to such last-mentioned amount, at the least, so soon as such district shall have become a new parish as herein-after provided.

X. AND be it enacted, that a map or plan setting forth and describing such metes and bounds shall be annexed to the scheme for constituting such district, and transmitted therewith to her Majesty in council, and a copy thereof shall be registered by the registrar of the diocese, together with any order issued by her Majesty in council for ratifying such scheme : Provided always, that it shall not be necessary to publish any such map or plan in the London Gazette.

XI. AND be it enacted, that upon any such district being so constituted a minister may and shall be nominated thereto in manner herein-after provided, and may thereupon be licensed thereto by the bishop, and shall have power to perform and shall perform within such district all such pastoral duties appertaining to the office of a minister according to the rites and usages of the United Church of England and Ireland as shall be specified and set forth in his licence, and, when a building shall be licensed within such district for divine worship in manner herein-after provided, shall also perform such services and offices as shall be specified and set forth in the same or any further licence granted in that behalf by the bishop of the diocese ; and such minister shall perform such pastoral duties, services, and offices respectively, independently of the incumbent or minister of the church of any parish, chapelry, or district out of which such new district or any part thereof shall have been taken, and shall, so far as the performance of the same may be authorized by such licence or licences, have the cure of souls in and over such new district : Provided always, that no burials shall be performed in such licensed building, and that nothing in this Act contained shall empower such bishop to include in any such licence the solemnization of marriages.

XII. AND be it enacted, that such minister shall be styled "the minister of " the district of _____," according to the name thereof so fixed as aforesaid,

and shall be in all respects subject to the jurisdiction of the bishop and arch-deacon within whose diocese and archdeaconry such district shall be situate, and shall only be removeable from his office of such minister for the like reasons and in the same manner as any perpetual curate is now by law removeable; and such minister shall be a body politic and corporate, and shall have perpetual succession, as well by the name and in the character aforesaid, as by the name and in the character of perpetual curate herein-after mentioned and provided, as the case may be; and such minister and perpetual curate respectively may, in such name and character respectively, notwithstanding the statutes of mortmain, receive and take, to him and his successors, as well every grant of endowment or augmentation made or granted by the authority aforesaid, as also any real or personal estate or effects whatsoever which any person or persons or body corporate may give or grant to him according to law.

Minister to be a body corporate, with power to hold endowments.

XIII. AND be it declared and enacted, that it shall be lawful for the bishop of the diocese, at any time after the constituting of any such district as aforesaid, to license any building within such district which he may consider to be fit and proper for such purpose for the performance of divine service by such minister according to the rites and usages of such United Church; and such minister may for any churchings performed under any such licence receive such fees as shall be fixed and determined in manner herein-after provided; and all laws now in force relating to the registration of baptisms shall apply to all baptisms performed under any such licence.

Bishop may license a place of worship in district.

Churchings and baptisms.

XIV. PROVIDED always, and be it enacted, that, until a church or chapel shall have been built or acquired within such district, and shall have been approved and consecrated as herein-after provided, nothing herein contained shall prejudice or affect the right of any incumbent of any other church or chapel, who before the constituting of such district possessed the entire cure of souls within the same or any part thereof, to publish any banns, solemnize any marriages, or perform any burials in his own church or chapel which he could have published, solemnized, or performed therein, or to receive any fees, dues, or emoluments (except the fees herein-before authorized to be received by the minister of such district) which as such incumbent he could have received if such district had not been constituted, nor any right to attend divine service in any other church or chapel which any inhabitant of such district possessed before such district was constituted.

Until church or chapel is consecrated nothing herein shall prevent marriages and burials in mother church, or affect certain other rights.

XV. AND be it enacted, that when any church or chapel shall be built, purchased, or acquired in any district constituted as aforesaid, and shall have been approved by the said commissioners, by an instrument in writing under their common seal, and consecrated as the church or chapel of such district, for the use and service of the minister and inhabitants thereof, such district shall, from and after the consecration of such church or chapel, be and be deemed to be a new parish for ecclesiastical purposes, and shall be known as such by the name of "the new parish of _____," instead of "the district of _____," according to the name so as aforesaid fixed for such district; and such church or chapel shall become and be the church of such new parish accordingly; and any licence granted by the bishop, licensing any building for divine worship as aforesaid, shall thereupon become void; and it shall be lawful to publish banns of matrimony in such church, and according to the laws and canons in force in this realm to solemnize therein marriages,

District to become a new parish upon a church being consecrated.

Licence of any other place of worship shall thereupon become void.

Marriages, baptisms, churchings, and burials may be solemnized, and fees and dues received by minister.

baptisms, churchings, and burials, and to require and receive such fees upon the solemnization of such offices or any of them as shall be fixed by the chancellor of the diocese in which such new parish shall be situate, and which fees, and also the fees for churchings to be received as aforesaid by the minister of such district, such chancellor is hereby empowered and required to fix accordingly; and the like Easter offerings and dues may be received within the limits of such new parish by the perpetual curate thereof as are and were, at and before the time of the passing of this Act, payable to the incumbent of the church of the principal parish of which such new parish originally formed a part; and the several laws, statutes, and customs in force relating to the publication of banns of matrimony, and to the performance of marriages, baptisms, churchings, and burials, and the registering thereof respectively, and to the suing for and recovering of fees, oblations, or offerings in respect thereof, shall apply to the church of such new parish, and to the perpetual curate thereof for the time being: Provided always, that it shall not be lawful for any such minister or perpetual curate to receive any fee for the performance of any baptism within his district or new parish, as the case may be, or for the registration thereof.

No fee for baptism.

Minister to become perpetual curate of new parish;

and parish to be perpetual curacy, and benefice with cure of souls.

Churchwardens to be chosen.

XVI. AND be it enacted, that upon any such district so becoming a new parish, the minister of such district, having been duly licensed, shall, without any further process or form in law, become and be perpetual curate of such new parish and of the church thereof, and shall have exclusive cure of souls in and over such parish; and shall be a body politic and corporate, and have perpetual succession; and that such parish and church shall be and be deemed to be a perpetual curacy, and a benefice with cure of souls, to all intents and purposes.

XVII. AND be it enacted, that in every such case of a district so becoming a new parish two fit and proper persons, being members of the United Church of England and Ireland, shall within twenty-one days from the consecration of the church thereof be chosen churchwardens for such new parish, one being chosen by the perpetual curate thereof, and the other by the inhabitants residing therein and having a similar qualification to that which would entitle inhabitants to vote at the election of churchwardens for the principal parish as aforesaid, or the majority of such inhabitants, and such election shall take place at a meeting to be summoned in such manner in all respects as such perpetual curate shall direct; and such persons shall continue such churchwardens until the next usual period of appointing parish officers following their appointment; and at the like time in every year two such persons shall thenceforward be chosen by the perpetual curate for the time being and inhabitants assembled as aforesaid; and every person so chosen as aforesaid shall be duly admitted, and shall do all things pertaining to the office of churchwarden as to ecclesiastical matters in the said new parish: Provided always, that nothing herein contained shall render any such churchwardens liable or competent to perform the duties of overseer of the poor in respect of such their office of churchwardens.

Churchwardens not liable or competent to act as overseers of the poor.

Act not to affect parochial rights, &c. otherwise than as expressly provided.

XVIII. PROVIDED always, and be it enacted, that, until Parliament shall otherwise determine, nothing herein contained shall be construed to affect or alter any rights, privileges, or liabilities whatsoever, ecclesiastical or civil, of any parish, chapelry, or district, except as is herein expressly provided.

XIX. AND be it enacted, that the said recited Acts, so far as they apply to making better provision for the cure of souls, shall extend to authorize the endowment or augmentation of the income of such ministers and perpetual curates as aforesaid, to such an amount or in such proportion, and in such manner, as shall be deemed expedient, by the authority aforesaid; and also to authorize the assigning, at any time and from time to time, to the incumbent of any church or chapel whose fees, dues, or other emoluments shall be diminished by or in consequence of any proceeding under the provisions of this Act, and, if it be deemed fit by the like authority, to his successors also, of such an annual sum as shall, upon due inquiry, appear to be a just and reasonable compensation for such diminution.

Endowment
of minister.

Compensation
to incumbent
of mother
church.

XX. AND be it enacted, any law, statute, or canon to the contrary notwithstanding, that it shall be lawful, by the authority aforesaid, at any time to assign the right of patronage of any such district or new parish as aforesaid, and the nomination of the minister or perpetual curate thereof respectively, either in perpetuity or for one or more nomination or nominations, to any ecclesiastical corporation aggregate or sole, or to either of the universities of Oxford, Cambridge, or Durham, or to any college therein respectively, or to any person or persons, or the nominee or nominees of such person or persons or body respectively, upon condition of such corporation, university, college, person or persons contributing to the permanent endowment of such minister or perpetual curate, or towards providing a church or chapel for the use of the inhabitants of such district or new parish, in such proportion and in such manner as shall be approved by the like authority.

Patronage may
be assigned
to contribu-
tors to endow-
ment or to a
church, or to
their nominees.

XXI. AND be it enacted, that the right of patronage and nomination of every such minister and perpetual curate, unless or until such right of patronage and nomination shall be otherwise wholly assigned, or except so far as the same shall be otherwise in part assigned, under the provisions in that behalf herein-before last contained, shall and may be exercised, alternately, by her Majesty and her successors and the bishop of the diocese for the time being in which the district or new parish shall be situate; the first such nomination being in each case made by her Majesty.

Patronage,
subject to
such assign-
ment, to
be exercised
alternately by
crown and
bishop.

XXII. AND for the encouragement of such persons as shall be disposed to contribute towards the purposes of this Act, and that their charity may be rightly applied, be it enacted, that all and every person or persons, or body corporate, having in his or their own right any estate or interest in possession, reversion, or contingency of or in any lands, tithes, tenements, or other hereditaments, or any property of or in any goods or chattels, shall have full power, licence, and authority, at his and their will and pleasure, by deed inrolled in such manner and within such time as is directed by the Statute made in the twenty-seventh year of the reign of King Henry the Eighth, intituled "An Act concerning enrolments of bargains and contracts of lands and tenements," in the case of any lands, tithes, tenements, or other hereditaments, (but without any deed in the case of any goods or chattels,) or by his or their testament in writing, duly executed according to law, to give and grant to and vest in the said ecclesiastical commissioners for England and their successors all such his or their estate, interest, or property in such lands, tithes, tenements, or other hereditaments, goods, and chattels, or any part or parts thereof, for and towards the endowment or augmentation of the income of such

Lands, &c.
may be vested
in ecclesiastical
commissioners
by deed en-
rolled under
27 Hen. 8.
c. 16. or by
will, for
endowment of
ministers, or
for providing
churches.

ministers or perpetual curates as aforesaid, or for or towards providing any church or chapel for the purposes and subject to the provisions of this Act, and to be for such purposes respectively applied, according to the will of such benefactors respectively, as in and by such deed inrolled, or such testament, executed as aforesaid, may be expressed, or, in the case of no deed or testament, as may in some other manner be directed, and in default of such expression or direction then in such manner as shall be directed by the authority hereinbefore mentioned; and such commissioners and their successors shall have full capacity and ability to purchase, receive, take, hold, and enjoy, for the purposes aforesaid, as well from such persons as shall be so charitably disposed to give the same, as from all other persons who shall be willing to sell or aliene to the said commissioners, any lands, tithes, tenements, or other hereditaments, goods, or chattels, without any licence or writ of ad quod damnum, the statute of mortmain, or any other statute or law, to the contrary notwithstanding.

Commissioners may hold such property, and any which they may purchase, for such purposes.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act.

1 & 2 Vict. c. 106. as to notices to and consent of patrons to apply to this Act.

Church building commissioners may make grants for purposes of this Act, although right of patronage of new church may not belong to incumbent of mother church.
17 Cha. 2. c. 3.

1 & 2 Vict. c. 106. s. 15.

XXIII. AND be it enacted, that all the powers and authorities vested in her Majesty in council and in the said commissioners by the said recited Acts, with reference to the matters therein contained, and all other the provisions of 'the same Acts relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued and extended and shall apply to her Majesty in council and to the said commissioners, and to all schemes and orders prepared, made, and issued by them respectively, with reference to all matters contained in this Act, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein; and the provisions contained in an Act passed in the second year of her Majesty's reign, intituled "An Act to abridge the holding of benefices in " plurality, and to make better provision for the residence of the clergy," respecting the party or parties to be deemed patron or patrons, for the purposes of notice to be served upon and consent to be given by such patron or patrons, and also respecting the manner in which and the party by whom any such consent is to be given, shall be construed to apply to the like matters respectively under this Act.

XXIV. AND whereas it may be expedient that her Majesty's commissioners for building new churches should be able to apply a portion of the funds placed at their disposal towards promoting the purposes of this Act: Be it enacted, that it shall be lawful for the said commissioners to make any such grant in aid of the erection of any such new church or chapel as aforesaid as shall seem fit to them, if they are authorized so to do under the Church Building Acts, although the right of patronage of such church or chapel may not belong on the consecration thereof to the incumbent of the original parish in which such church or chapel shall be situate, any thing in such Acts to the contrary notwithstanding.

XXV. AND whereas an Act was passed in the seventeenth year of the reign of King Charles the Second, intituled "An Act for uniting churches in " cities and towns corporate," which, besides the provisions indicated by the title of the said Act, contains enactments enabling impropiators to augment parsonages or vicarages in certain cases, and incumbents in certain cases to receive lands, tithes, and other hereditaments, without licence in mortmain: And whereas by an Act passed in the second year of the reign of her present Majesty, intituled "An Act to abridge the holding of benefices in

“ plurality, and to make better provision for the residence of the clergy,” the whole of the said Act of King Charles the Second was repealed, and more extensive provisions were made for the uniting of churches, but none for augmentations or holding in mortmain according to the same Act; and it is expedient that the last-mentioned enactments should be revived: Be it therefore enacted, that so much of the said Act of King Charles the Second as enables any owner or proprietor of any impropriation, tithes, or portion of tithes to annex the same or any part thereof unto the parsonage, vicarage, or curacy of the parish church or chapel where the same lie or arise, or to settle the same in trust for the benefit of such parsonage, vicarage, or curacy, and authorizes parsons, vicars, or incumbents to receive lands, tithes, or other hereditaments without licence of mortmain, shall be and the same is hereby revived; and that all augmentations and grants at any time heretofore made according to the said Act of King Charles the Second shall be as good and effectual as if the same had never been repealed.

So much of 17 Cha. 2. c. 3. as enables impropriators to augment, and incumbents to receive lands, &c. without licence in mortmain, revived.

XXVI. AND be it enacted, that this Act shall extend only to England and Wales, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and the Scilly Islands.

Extent of Act.

* * * * *

CHAPTER XXXVIII.

AN ACT to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council.

[28th July 1843.]

WHEREAS it has been found expedient to make further regulations for hearing and making report to her Majesty in appeals and other matters referred to the judicial committee of the privy council, and for the more effectual appointment of surrogates in ecclesiastical and maritime causes of appeal, and for making orders or decrees incidental to such causes of appeal, and for the punishment of contempts, and compelling appearances and enforcement of judgments, orders, and decrees of her Majesty in council, or of the said judicial committee, or their surrogates, in such causes of appeal: Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in any appeal, application for prolongation or confirmation of letters patent, or other matter referred or hereafter to be referred by her Majesty in council to the judicial committee of the privy council, it shall be lawful for her Majesty, by order in council or special direction under her royal sign manual, having regard to the nature of the said appeal or other matter, and in respect of the same not requiring the presence of more than three members of the said committee, to order that the same be heard, and when so ordered it shall be lawful that the same shall be accordingly heard, by not less than three of the members of the said judicial committee, subject to such other rules as are applicable, or under this Act may be applicable, to the hearing and making report on appeals and other matters by four or more of the members of the said judicial committee.

Appeals, &c. may be heard by not less than three members of the judicial committee of the privy council under a special order of her Majesty.

II. AND be it enacted, that in respect of all incidents, emergents, dependents, and things adjoined to, arising out of, or connected with appeals from

Powers of the judicial committee and

their surrogates in respect to interlocutory orders, &c. in appeals from ecclesiastical and admiralty courts.

2 & 3 Will. 4.
c. 92.

3 & 4 Will. 4.
c. 41.

Who to be surrogates and examiners of the judicial committee in ecclesiastical and admiralty appeals.

Manner of conducting appeals before the judicial committee.

Punishing contempts, compelling appearances, enforcing judgments, &c. in such appeals.

any ecclesiastical court, or from any admiralty or vice admiralty court, (save in giving a definitive sentence, or any interlocutory decree having the force and effect of a definitive sentence,) the said judicial committee and their surrogates shall have full power, subject to such rules, orders, and regulations as shall from time to time be made by the said judicial committee, (with the approval of her Majesty in council,) to make all such interlocutory orders and decrees, and to administer all such oaths and affirmations, and to do all such things as may be necessary, or the judges of the courts below appealed from or their surrogates in the cases appealed, or the judges of the courts appealed to or their surrogates, or the lords commissioners of appeals in prize causes or their surrogates, and the judges delegate or their condelegates under commissions of appeal under the great seal in ecclesiastical and maritime causes of appeal, would respectively have had before an Act passed in the third year of the reign of his late Majesty, intituled "An Act for transferring the powers of the high court of delegates, both in ecclesiastical and maritime causes, to his Majesty in council," and another Act passed in the following session of Parliament, intituled "An Act for the better administration of justice in his Majesty's privy council," were passed.

III. AND be it enacted, that the surrogates and examiners of the Arches Court of Canterbury and the High Court of Admiralty of England, and such persons as shall from time to time be appointed surrogates or examiners of the said courts, shall be by virtue of this Act surrogates and examiners respectively of the judicial committee of the privy council in all causes of appeal from ecclesiastical courts and from any admiralty or vice admiralty court.

V. AND be it enacted, that, subject to such rules and regulations as may from time to time be made by the said judicial committee with the approval of her Majesty in council, and save and in so much as the practice thereof may be varied by the said Acts of the reign of his late Majesty or by this Act, the said causes of appeal to her Majesty in council shall be commenced within the same times, and conducted in the same form and manner, and by the same persons and officers, as if appeals in the same causes had been made to the Queen in Chancery, the High Court of Admiralty of England, or the lords commissioners of appeals in prize causes respectively; and all things otherwise lawfully done and expedited in the said causes of appeal by the registrar of the High Court of Admiralty of England, his deputy or deputies, in consequence of the passing of the said Acts of the reign of his late Majesty, shall be deemed to be valid to all intents whatsoever.

VII. AND be it enacted, that for better punishing contempts, compelling appearances, and enforcing judgments of her Majesty in council, and all orders and decrees of the said judicial committee or their surrogates, in all causes of appeal from ecclesiastical courts and from admiralty or vice admiralty courts, her Majesty in council and the said judicial committee and their surrogates shall have the same powers, by attachment and committal of the person to any of her Majesty's gaols, and subsequent discharge of any person so committed, as by any statute, custom, or usage belong to the judge of the High Court of Admiralty of England; and the said judicial committee shall have the same

immunities and privileges as are conferred on the judge of the High Court of Admiralty of England under an Act passed in the fourth year of the reign of her Majesty, intituled "An Act to improve the practice and extend the jurisdiction of the High Court of Admiralty of England," as fully as if the same had been thereby expressly given to the said judicial committee.

3 & 4 Vict. c. 65.

IX. AND be it enacted, that all inhibitions, citations, monitions, and other instruments incidental to or arising out of such causes of appeal shall be issued in the name of her Majesty, and under seal of her Majesty in ecclesiastical and maritime causes, and shall be of full authority in all places throughout the dominions of her Majesty.

Inhibitions, &c. in such appeals to be in her Majesty's name and under seal, and of force throughout the British dominions.

X. AND be it enacted, that in all appeals in ecclesiastical and maritime causes to her Majesty in council it shall be lawful for her Majesty in council, and the said judicial committee or their surrogates, at the petition of any person interested in the same, to decree monitions for the transmission of any sum or sums of money respecting which any order or decree may be made, or any questions may be depending arising out of such causes, and the proceeds of all ships or vessels, goods, and cargoes respecting which any appeals may be depending, into the registry of the High Court of Admiralty and Appeals, for the benefit of the person or persons who may be ultimately entitled thereto, or for payment thereof to the person to whom the same may be lawfully due.

Monitions for transmission of sums into the registry of the Admiralty Court in ecclesiastical and maritime appeals, and for payment to persons entitled.

XI. AND be it enacted, that it shall be lawful for her Majesty, by order in council, to direct that all causes of appeal from ecclesiastical courts, . . . , in which the appeal and petition of reference to her Majesty shall have been lodged in the registry of the High Court of Admiralty and Appeals within twelve calendar months from the giving or pronouncing of any order, decree, or sentence appealed from, . . . , shall be referred to the judicial committee of the privy council, and the said judicial committee and their surrogates shall have full power forthwith to proceed in the said appeals, and the usual inhibition and citation shall be decreed and issued, and all usual proceedings taken, as if the same had been referred to the said judicial committee by a special order of her Majesty in council in each cause respectively.

All appeals from ecclesiastical courts may be referred to the judicial committee by a general order in council, and may proceed as if referred by a special order in each case.

XII. AND be it declared and enacted, that as well the costs of defending any decree or sentence appealed from as of prosecuting any appeal, or in any manner intervening in any cause of appeal, and the costs on either side, or of any party, in the court below, and the costs of opposing any matter which shall be referred to the said judicial committee, and the costs of all such issues as shall be tried by direction of the said judicial committee respecting any such appeal or matter, shall be paid by such party or parties, person or persons, as the said judicial committee shall order, and that such costs shall be taxed as in and by the said Act for the better administration of justice in the privy council is directed respecting the costs of prosecuting any appeal or matter referred by her Majesty under the authority of the said Act, save the costs arising out of any ecclesiastical or maritime cause of appeal, which shall be taxed by the registrar herein-after named, or his assistant registrar.

Costs may be awarded by the judicial committee, and taxed.

XIII. AND be it enacted, that the registrar of the High Court of Admiralty of England for the time being may be appointed by her Majesty to be registrar of her Majesty in ecclesiastical and maritime causes, and shall have power

Appointment of registrar and assistant registrar in

ecclesiastical
and maritime
causes.
3 & 4 Vict.
c. 66.

to appoint an assistant registrar, as provided by an Act passed in the fourth year of the reign of her Majesty, intituled "An Act to make provision for the " judge, registrar, and marshall of the High Court of Admiralty of England," and shall during his good behaviour, and while he shall be registrar of the said High Court of Admiralty, hold his office of registrar of her Majesty in ecclesiastical and maritime causes, and shall do all such things, and shall have the same powers and privileges in respect to the same, as belong to his predecessors in the office of registrar of his Majesty in ecclesiastical and maritime causes.

Custody of
records, &c.
of the Court
of Delegates
and Appeals.

XIV. AND be it enacted, that all records, muniments, books, papers, wills, and other documents remaining in the registry of the High Court of Admiralty and Appeals, appertaining to the late High Court of Delegates and Appeals for Prizes, shall be and remain in the custody and possession of the said registrar of her Majesty in ecclesiastical and maritime causes.

Judicial
committee
empowered to
make rules,
&c. respecting
practice and
mode of pro-
ceeding in
appeals, &c.

XV. AND be it enacted, that it shall be lawful for the said judicial committee from time to time to make such rules, orders, and regulations respecting the practice and mode of proceeding in all appeals from ecclesiastical and admiralty and vice admiralty courts, and the conduct and duties of the officers and practitioners therein, and to appoint such officer or officers as may be necessary for the execution of processes under the said seal of her Majesty, and in respect to all appeals and other matters referred to them, as to them shall seem fit, and from time to time to repeal or alter such rules, orders, or regulations: Provided always, that no such rules, orders, or regulations shall be of any force or effect until the same shall have been approved by her Majesty in council.

Rules to be
approved by
her Majesty
in council.

Definition of
terms.

XVII. AND be it enacted, that in this Act all words denoting a male person shall be taken to include a female also, and all words denoting one person or thing shall be taken to include also several persons or things, unless a contrary sense shall clearly appear from the context; and that the words "Arches " Court of Canterbury," used in this Act, shall be construed to extend to such court as shall exercise the jurisdiction of the said court or be substituted for the same; and that wherever the words "ecclesiastical court" have been used in this Act the same shall be construed to extend to such court as shall exercise the jurisdiction or any part of the jurisdiction exercised by any ecclesiastical court or be substituted for the same; and the words "ecclesiastical " and maritime cause of appeal." shall be construed to extend to causes appealed from ecclesiastical courts and such court as shall exercise the jurisdiction or any part of the jurisdiction exercised by any ecclesiastical court or be substituted for the same.

CHAPTER XXXIX.

AN ACT for Confirmation of certain Marriages in Ireland. [28th July 1843.]

WHEREAS marriages have in divers instances been had and celebrated in Ireland, by Presbyterian and other Protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, between persons being of the same or different religious persuasions; and it is expedient

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, that all marriages had and celebrated in Ireland since the passing of an Act passed in the last session of Parliament, intituled "An Act for confirmation of certain marriages in Ireland," and before the passing of this Act, by Presbyterian or other Protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, shall be, and shall be adjudged and taken to have been and to be, of the same force and effect in law as if such marriages had been had and solemnized by clergymen of the United Church of England and Ireland, and of no other force nor effect whatsoever.

All marriages celebrated in Ireland since the passing of 5 & 6 Vict. c. 113. and before the passing of this Act, by Presbyterian or other Protestant dissenting ministers, or those who at the time of such marriages had been such, to be of the same force in law as if solemnized by clergymen of the Established Church.

* * * * *

CHAPTER XL.

AN ACT to amend the Laws for the Prevention of Frauds and Abuses by Persons employed in the Woollen, Worsted, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures; and for the further securing the Property of the Manufacturers and the Wages of the Workmen engaged therein.

[1st August 1843.]

WHEREAS an Act was passed in the session of Parliament held in the eighth and ninth years of King William the Third, intituled "An Act for the further encouragement of the manufacture of lustrings and alamodes within this realm, and for the better preventing the importation of the same," whereby (amongst other matters therein contained) certain penalties, forfeitures, and punishments therein referred to were imposed upon persons embezzling or otherwise unlawfully selling or receiving, as therein is mentioned, silk delivered by the silk manufacturers to be worked up: And whereas an Act was passed in the first year of the reign of her late Majesty Queen Anne, intituled "An Act for the more effectual preventing the abuses and frauds of persons employed in working up the woollen, linen, fustian, cotton, and iron manufactures of this kingdom": And whereas the said Act was made perpetual by an Act passed in the ninth year of the reign of her said late Majesty Queen Anne, intituled "An Act for reviving and continuing an Act made in the first year of her Majesty's reign, for the more effectual preventing abuses and frauds of persons employed in the working up the woollen, linen, fustian, cotton, and iron manufactures of this kingdom": And whereas an Act was passed in the twelfth year of the reign of his late Majesty King George the First, intituled "An Act to prevent unlawful combination of workmen employed in the woollen manufactures, and for better payment of their wages": And whereas an Act was passed in the thirteenth year of his late Majesty King George the Second, intituled "An Act to explain and amend an Act made in the first year of the reign of her late Majesty Queen Anne, intituled 'An Act for the more effectual preventing the abuses and frauds of persons employed in the working up the woollen, linen, fustian, cotton, and iron manufactures of this kingdom,' and also for extending the said Act to the manufacture of leather": And whereas an Act was passed in the twenty-second year of the reign of his late Majesty King George

8 & 9 Will. 3.
c. 36.

1 Ann. st. 2.
c. 22.

9 Ann. c. 82.

12 Geo. 1.
c. 34.

13 Geo. 2.
c. 8.

22 Geo. 2.
c. 27.

the Second, intituled "An Act for the more effectual preventing of frauds
" and abuses committed by persons employed in the manufacture of hats, and
" in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair,
" and silk manufactures, and for preventing unlawful combinations of journey-

17 Geo. 3.
c. 56.

men dyers and journeymen hotpressers, and of all persons employed in the
" said several manufactures, and for the better payment of their wages": And
whereas another Act was passed in the seventeenth year of the reign of his
late Majesty King George the Third, intituled "An Act for amending and
" rendering more effectual the several laws now in being for the more effectual
" preventing of frauds and abuses by persons employed in the manufacture of
" hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax,
" mohair, and silk manufactures, and also for making provisions to prevent
" frauds by journeymen dyers": And whereas an Act was passed in the

32 Geo. 3.
c. 44.

thirty-second year of his late Majesty King George the Third, intituled "An
" Act for extending the provisions of an Act made in the thirteenth year of
" the reign of his present Majesty, intituled 'An Act to empower the magis-

" 'trates therein mentioned to settle and regulate the wages of persons employed
" ' in the silk manufactures within their respective jurisdictions,' to manufac-
" tures of silk mixed with other materials, and for the more effectual punish-
" ment of buyers and receivers of silk purloined and embezzled by persons
" employed in the manufacture thereof": And whereas the provisions of the
said Acts have not been effectual to prevent frauds, embezzlements, and abuses
by persons employed in the woollen, linen, cotton, flax, mohair, and silk hosiery
manufactures and it is expedient to repeal so much of the said recited Acts

So much of
the said Acts
as relates to
the woollen,
linen, cotton,
flax, mohair,
and silk
manufactures
repealed as to
manufactures,
trades, &c.
herein-after
mentioned.

as relates to the said manufactures, and to make further provisions in lieu
thereof, as well for the benefit and encouragement of trade and manufactures
as for the security of the property of manufacturers and the wages of the work-
men engaged in the said manufactures: Be it therefore enacted by the Queen's
most excellent Majesty, by and with 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 from and after the commencement of
this Act so much of the said recited Acts or any of them as relates to the
woollen, linen, cotton, flax, mohair, and silk manufactures, or any of them, or
any manufactures whatsoever made of wool, cotton, flax, mohair, or silk
materials, whether the same be or be not mixed with each other or with any
other materials, shall, so far as respects the manufactures, trades, occupations,
and employments herein-after mentioned, be and the same are hereby repealed,
save and except so far as the same may have repealed any former Acts or
enactments.

Persons
convicted of
pawning or
embezzling
any of the
materials or
tools herein
particularized
to forfeit the
value of the
same, with
penalty, and
costs.

II. AND be it enacted, that if any person whosoever intrusted with any
woollen, worsted, linen, cotton, flax, mohair, or silk materials, for the purpose
of being prepared, worked up, or manufactured, either by himself or by any
person or persons to be employed by or under him, or by himself jointly with
any person or persons to be employed with, by, or under him, or for any
purpose or work connected with manufacture or incidental thereto, or any
parts, branches, or processes thereof, or any tools or apparatus for manufac-
turing the said materials, shall sell, pawn, purloin, embezzle, secrete, exchange,
or otherwise fraudulently dispose of the same materials, tools, or apparatus, or
any part thereof, he shall, upon being thereof lawfully convicted by the oath

of the owner of such materials, tools, or apparatus, or any part thereof, or of any other credible witness or witnesses, before two or more justices of the peace, forfeit the full value of the same, and also forfeit such penalty, not exceeding ten pounds, together with costs, as to the said justices shall seem meet; and every such forfeiture and penalty shall be applied, under the direction of the convicting justices, in manner following; (that is to say,) in the first place, in making such satisfaction to the party injured as the said justices shall think proper; and the remainder, if any, shall be applied in the same manner as is herein-after directed for the disposal of any other penalty under this Act; and in default of payment of such forfeiture and penalty, with costs, immediately on conviction, or within such period as the justices so convicting may direct, the said justices may issue their warrant to distress and sell the goods and chattels of the person so convicted, for the amount thereof, and costs; and the proceeds of any distress, after paying the penalty, forfeiture, and costs, and also the costs of such distress, shall be paid over to the person convicted; but if no sufficient distress shall appear or shall be found whereon to levy the said penalty, forfeiture, and costs, the said justices may, either immediately or at any time after such conviction, commit any person so convicted to the common gaol or house of correction, to be there imprisoned, with or without hard labour, as to the said justices shall seem meet, for any term not exceeding three calendar months, unless the amount of such forfeiture and penalty, with costs, or so much thereof as shall not have been paid previously to the commencement of such imprisonment, be sooner paid.

Application of penalty and forfeiture.

Distress warrant on nonpayment.

Commitment in default of sufficient distress.

III. AND be it enacted, that if any person whatsoever intrusted with any woollen, worsted, linen, cotton, flax, mohair, or silk materials, for the purpose of being prepared, worked up, or manufactured, either by himself or by any person or persons to be employed by or under him, or by himself jointly with any person or persons to be employed with, by, or under him, or for any purpose or work connected with manufacture or incidental thereto, or any parts, branches, or processes thereof, or with any tools or apparatus for manufacturing the said materials, shall neglect or delay to return the said materials, tools, or apparatus, or any part thereof, for the space of fourteen clear days after being required so to do by the party intrusting him therewith, or by some person on his behalf, by notice in writing to be served upon or left at the last or usual place of abode or business of such person, (unless prevented by some reasonable and sufficient cause, to be allowed by the justices before whom he shall be brought,) then and in every such case all or so much or so many of the said materials, tools, or apparatus as shall not be returned to the person so intrusting him therewith within the time aforesaid, shall be deemed to be embezzled by the person so neglecting or delaying to return the same; and the person so neglecting or delaying to return the same shall for every such offence be liable to be proceeded against for embezzlement, in the same manner, and subject to the same forfeiture and penalty, with costs, and to be applied in the same manner, as are respectively herein-before prescribed and imposed in respect to persons selling, pawning, purloining, embezzling, secreting, exchanging, or otherwise fraudulently disposing of the said materials.

Persons neglecting to return materials or tools within a prescribed time to be subject to the same punishment as for embezzlement.

IV. AND be it enacted, that any person who shall purchase or take in pawn, or who in any other way shall receive into his premises or possession, any woollen, worsted, linen, cotton, flax, mohair, or silk materials, and whether

Persons knowingly purchasing or receiving

embezzled materials or tools to be guilty of a misdemeanor, and punishable as after mentioned.

Persons selling, &c. embezzled materials or tools, knowing the same to have been embezzled, &c. to be guilty of a misdemeanor, and punishable as after-mentioned.

Justices empowered to issue warrant for apprehension of offenders against this Act, and to commit them for trial at petty sessions.

Bail.

Workmen neglecting to fulfil their engagements, not finishing their work, or leaving without notice.

the same or any part of the said materials be or be not wholly or partially wrought, made up, or manufactured into merchantable wares, or any tools or apparatus for manufacturing the same, knowing that such materials, tools, or apparatus are purloined or embezzled or fraudulently disposed of, or that the person from whom he shall purchase, take in pawn, or receive the same is fraudulently or unlawfully disposing thereof, or knowing such person to be employed or intrusted by any other person or persons to work up either by himself or by or with others the materials so purchased, taken in pawn, or received for any other person or persons, and not having first obtained the consent of the person or persons so employing or intrusting him therewith, shall, on conviction by the oath of the owner or of any other credible witness or witnesses, be deemed and adjudged guilty of a misdemeanor, and be punished in manner herein-after mentioned.

V. AND be it enacted, that if any person shall sell, pawn, pledge, exchange, or otherwise unlawfully dispose of, or offer to sell, pawn, pledge, exchange, or otherwise dispose of, any such materials, tools, or apparatus as aforesaid, knowing the same to have been so purloined or embezzled or received from persons fraudulently disposing thereof as aforesaid, he shall, on conviction by the oath of the owner of such materials, tools, or apparatus, or any part thereof, or of any other credible witness or witnesses, be deemed and adjudged guilty of a misdemeanor, and be punished in manner herein-after mentioned.

VI. AND be it enacted, that on proof on oath that there is just cause to suspect that any such materials, tools, or apparatus as aforesaid have been fraudulently sold, pawned, pledged, purloined, or embezzled by the person to whom the same were intrusted, or that any such materials, tools, or apparatus have been purchased or received, or sold, pawned, pledged, exchanged, or otherwise unlawfully disposed of, or offered for sale, pawn, pledge, exchange, or other disposal, by any person knowing the same to have been purloined or embezzled or received from some person fraudulently disposing thereof, it shall and may be lawful for any one justice of the peace, and such justice is hereby required, to issue his warrant for apprehending any such person, and bringing him before him or some other justice of the peace for examination; and if upon such examination the charge of having fraudulently sold, pawned, purloined, embezzled, or otherwise fraudulently disposed of any such materials, tools, or apparatus, or of having purchased or received, or sold, pawned, pledged, exchanged, or otherwise fraudulently disposed of, or of having offered for sale, pawn, pledge, exchange, or other disposal, any such materials, tools, or apparatus, knowing them to have been purloined or embezzled or received from some person fraudulently disposing thereof, shall be supported by evidence to raise a strong presumption of guilt, such justice shall commit such person to the common gaol or house of correction, in order that he may be brought forward for trial at the next petty sessions, unless he enter into such bail, with two sufficient sureties, as may be required for his appearance before such court on any day to be fixed by such justice.

VII. AND be it enacted, that if any person intrusted, employed, or contracting to prepare, work up, or manufacture, or to have prepared, worked up, or manufactured, either by himself or by any person or persons to be employed by or under him, or by himself jointly with any person or persons to be employed by or under him, any woollen, worsted, linen, cotton, flax, mohair, or silk materials, shall not prepare, work up, or manufacture, or cause to be prepared, worked up, or manufactured, the said

materials, and return the same, within seven clear days after the time which shall have been agreed upon between such person and the owner of the said materials, or other the person intrusting him therewith, and in case no such time shall have been so agreed upon then within seven clear days after being required so to do (unless prevented by some reasonable and sufficient cause, to be allowed by the justices before whom he shall be brought), or shall leave or return such materials without having performed as he could and ought to have done the work he was employed to perform thereon or thereto, and without the consent of the person intrusting him with such materials as aforesaid, or shall damage the same, or if any person shall contract or engage to work, or be employed to do or perform or to have done or performed any work, in any of the said manufactures, or connected therewith or incidental thereto, or any parts, branches, or processes thereof, either by himself or by any person or persons to be employed by or under him, and whether such contract or engagement shall be to work or be employed for any person exclusively, or for all or part of his time, or for specific work, or otherwise, and whether such person is to be paid according to the value or amount of the work done, the time employed, or in any other manner whatsoever, and shall neglect to fulfil such contract or engagement, or absent himself from such work or employment before such notice (if any) as shall have been agreed upon between the said parties for determining the said contract or engagement shall have expired, or without giving such notice, or contrary to the terms of such contract or engagement (unless prevented as aforesaid, to be allowed as aforesaid), then and in every such case such person, being thereof lawfully convicted on oath before two or more justices of the peace, shall forfeit any sum not exceeding two pounds as to such justices shall seem meet, and also, in case the said materials shall be damaged, the amount of the injury done thereto, to be ascertained by the said justices, together with costs; and every such forfeiture shall be applied, under the direction of the justices so convicting, in manner following; (that is to say,) in the first place, in making such satisfaction to the party injured as the said justices shall think proper, and the remainder, if any, shall be applied in the same manner as any penalty under this Act; and in default of payment of such forfeiture and costs immediately on conviction, or within such period as the justices so convicting shall direct, the said justices may either immediately or at any time after such conviction commit any person so convicted to the common gaol or house of correction, there to be imprisoned, with or without hard labour, as to the said justices shall seem meet, for any term not exceeding two calendar months, unless the amount of such forfeiture and costs be sooner paid. [Rep., 38 & 39 Vict. c. 86. s. 17.]

Penalty.

VIII. AND be it enacted, that upon proof on oath before a justice of the peace that there is reasonable cause to suspect that any person has in his possession or on his premises any such materials, tools, or apparatus as aforesaid, which have been purloined, embezzled, or otherwise fraudulently disposed of, it shall be lawful for the said justice, and such justice is hereby required, to grant his warrant to search the dwelling house and premises of such person, and if any such property shall be found therein to cause such materials, tools, or apparatus, and the person in whose possession or on whose premises the same shall be found, to be brought before him or some other justice of the peace, to be dealt with in the same manner as any person brought before a justice under the enactment next herein-after contained.

Justice empowered to grant search warrants.

IX. AND be it enacted, that every peace officer and constable and every watchman duly appointed by law, during such time as he shall be on duty, shall and may apprehend or cause to be apprehended any person whom he may reasonably suspect of having, or carrying or in any way conveying, at any time after sun-setting and before sun-rising, any such materials, tools, or apparatus as aforesaid, suspected to be purloined, embezzled, or otherwise fraudulently disposed of, and shall lodge such person, together with the property, in a police office or other place of security, in order that he may be brought before a justice of the peace so soon as convenient, who is hereby empowered to discharge such person, or to order his detention until the next court of petty sessions, unless he enter into such bail, with two sufficient

Peace officers to apprehend persons suspected of having any embezzled materials, &c. or conveying any such between sunset and sunrise.

Persons apprehended, and not proving that the property is honestly come by, to be punishable.

sureties, as may be required, for his appearance before such court on any day to be fixed by the said justice; and if the person so apprehended in the act of committing any such offence as aforesaid, or of conveying any such property as last aforesaid, shall not produce before the said court the person duly entitled to dispose of such property from whom he bought or received the same, or shall not give an account to the satisfaction of the said court that the property is honestly come by, then the person so apprehended shall be deemed and adjudged guilty of a misdemeanor, and be punished in manner hereinafter mentioned, although no proof shall be given as to whom such property belongs.

Adjournment of time for trial allowed, to enable prisoner to produce evidence, on his finding bail.

X. AND be it enacted, that it shall be competent for the party accused, in all proceedings brought under authority of this Act, to move for and obtain an adjournment of the time fixed for trial for such a reasonable time as may appear to the court to be necessary for the party accused to produce the person duly entitled to sell or dispose of the said property of whom he bought or received the same, or evidence respecting the same; but the party accused, and requesting such adjournment, shall be detained in custody or committed to prison, unless he enter into such bail, with two sufficient sureties, as shall be required for his appearance before such court at such time and place as shall be appointed.

Persons convicted of misdemeanor to forfeit not exceeding 20*l*.

XI. AND be it enacted, that any person who shall be deemed and adjudged guilty of a misdemeanor, agreeably to any of the provisions of this Act, shall, in addition to being deprived without compensation of any such materials, tools, and apparatus which have been purloined, embezzled, or otherwise fraudulently disposed of, and which shall have been found in his possession, forfeit any sum not exceeding twenty pounds for each offence, together with costs, upon being thereof lawfully convicted by the oath of one or more credible witness or witnesses, before two or more justices of the peace; and every such forfeiture shall be applied, under the direction of the justices so convicting, in manner following; (that is to say,) in the first place, in making such satisfaction to the party injured as the said justices shall think fit, and the remainder, if any, shall be applied in the same manner as is hereinafter directed for the disposal of any other penalty under this Act; and in default of payment of such forfeiture and penalty, with costs, immediately on conviction, or within such period as the court shall direct, any justice or justices may issue his or their warrant to distrain and sell the goods and chattels of the person so convicted, for the amount thereof, and costs; and the proceeds of any distress, after paying the forfeiture and costs, and also the costs of such distress, shall be paid over to the person convicted; but if no sufficient distress shall appear or shall be found whereon to levy the said forfeiture and costs, any justice or justices may, either immediately or at any time after such conviction, commit any person so convicted to the common gaol or house of correction, to be imprisoned there, with or without hard labour, as to the said court shall seem meet, for any term not exceeding four calendar months, unless the amount of such forfeiture and costs, or so much thereof as shall not have been paid previously to the commencement of such imprisonment, be sooner paid.

Application of forfeiture.

Distress on nonpayment.

Imprisonment.

Disposal of unclaimed property which

XII. AND be it enacted, that where no proof shall be given at the time of conviction of the ownership of property found in the possession of a person

convicted under this Act the justices or court shall cause the property so found to be deposited in some safe place for any time not exceeding thirty days, and shall, if the property be of sufficient value to pay the expences thereof, order an advertisement to be inserted in one or more of the public newspapers of the town or city where, or nearest the place where, the same was found, and by fixing a notice on some public place describing such property, and where the same may be inspected, or, in case of the said property not being of sufficient value to pay the said expences, then by fixing such notice as aforesaid only; and in case any person shall prove his own or his employer's ownership or property therein upon oath, to the satisfaction of a justice, restitution of such property shall be ordered to the owner thereof, after paying the reasonable cost of removing, depositing, advertising, and giving notice of the same; but if no ownership be proved to such property the justice shall, at the termination of thirty days, order such property to be sold, and after deducting the charges aforesaid, with the charges of sale, shall order the residue to be applied in the same manner as is hereafter directed for the disposal of any other penalty under this Act.

has been seized.

XIII. AND be it enacted, that it shall be lawful for the owner of any such materials as aforesaid, or any other person duly authorized by him, or other the person who shall have so intrusted such materials, from time to time, as occasion shall require, to demand leave of entrance and enter at all reasonable hours in the daytime into the shops or outhouses of any person employed to work up or manufacture, either by himself or by any other person under him, any of the said materials, or other place or places where the work shall be carried on, and there to inspect the state and condition of such materials; and in case of refusal or neglect by any such person or persons so employed to permit such entrance or inspection such person shall, for so refusing to permit such entrance or inspection, forfeit any sum not exceeding twenty shillings, as the justices before whom he shall appear or be brought shall think proper, to be applied in the same manner as is herein-after directed for the disposal of any other penalty under this Act: Provided always, that nothing herein contained shall authorize any such owner or other person as aforesaid to inspect any frame, tools, or apparatus wherewith such materials are worked up, in case such frame, tools, or apparatus comprise any new invention or improvement not disclosed to the public.

Owner of materials may inspect shops, &c. of persons employed.

Penalty for refusing to allow inspection.

Protection of frames, &c. comprising improvements not disclosed to the public.

XIV. AND be it enacted, that if any manufacturer, agent, or any other person in his employment or service, shall make oath before a justice of the peace that any such materials, tools, or apparatus as aforesaid have been intrusted to any person as aforesaid, and that he has absconded, or that the deponent has just cause to suspect and does suspect that such person is about to abscond, it shall be lawful for such justice, and he is hereby required, to issue his warrant to apprehend such person, and bring him before him or some other justice of the peace; and if such person shall have absconded, or shall not forthwith give security, to be approved of by the said justice, for the return in a finished state of all such materials so intrusted to him, within such time as shall be then agreed on, such justice shall by warrant order any constable, with his assistants, to enter the house or other premises of such person, and take possession of all such materials, tools, or apparatus so delivered to him, as aforesaid, and to bring the same before the said justice or any other justice, when such justice

Warrant may be granted by justice on complaint on oath that person is about to abscond.

Justice may require such person to give security for return of materials, or direct constable to take possession thereof, and deliver them to owner.

If they cannot be found, the person charged shall be deemed to have embezzled them.

shall direct the same to be delivered to the owner, or his agent or servant, or other person duly authorized by him, and shall forthwith release the person in custody; but if all such materials, tools, or apparatus shall not be found in the house or other premises or the possession of such person, or shall not be produced before such justice, such person shall be deemed and taken to have purloined or embezzled such materials, tools, or apparatus, or such part thereof as shall not be found or produced, and shall be liable to any of the punishments awarded for such offence.

Receiving goods in fictitious name.

XV. AND be it enacted, that if any person shall receive any of the aforesaid materials in a fictitious name, in order to be manufactured, every such person so offending, and being convicted thereof on the oath of one or more credible witness or witnesses before two or more justices, shall for every such offence be liable to the same punishment as is herein-before directed in respect to persons not fulfilling their engagements.

Justice to issue warrant to constable to take possession of property intrusted to any person convicted of embezzlement, &c. and restore same to manufacturer, &c.

XVI. AND be it enacted, that in cases where any person shall have been committed for purloining, embezzling, or fraudulently disposing of all or any part of such materials, tools, or apparatus as aforesaid, which may have been intrusted to him, or shall have been convicted of any other offence against any of the provisions of this Act, it shall be lawful for the justice who so committed such person, or for any justice or court before whom he has been convicted for that or any other offence, and he or they is or are hereby required, to issue his or their warrant authorizing a constable, with his assistants, to enter the house and premises of such person, and take possession of all such property so intrusted as shall be found therein, and to bring the same before the said justice or court, when the said justice or court shall direct the same to be delivered to the manufacturer, agent, or person duly authorized to receive the same.



Frames, &c. not belonging to workmen not liable to be seized for rent or debt, unless the same be due from the owner of such frame, &c.

XVIII. AND be it enacted, that no frame, loom, or machine, materials, tools, or apparatus, which shall be intrusted for the purpose of being used or worked in any of the said manufactures, or any work connected therewith or incidental thereto, or any parts, branches, or processes thereof, whether such frame, loom, or machine, materials, tools, or apparatus shall or shall not be rented or taken by the hire, shall at any time or times hereafter be distrained or seized, or be liable to be distrained or seized, for rent or for debt, or under any execution or other proceedings whatever, unless the rent be due or the money be owing by the owner of the said frame, loom, or machine, or of the said materials or tools or apparatus aforesaid, or of any part thereof respectively.

In case of refusal to restore frames, &c. unlawfully seized, justice may order their restoration.

XIX. AND be it enacted, that if any landlord or other person, by virtue of any distress warrant, execution, or other proceedings for rent in arrear, or money due or alleged to be due by any person whomsoever, shall distrain, seize, carry off, sell, or otherwise dispose of any frame, loom, or machine, materials, tools, or apparatus, belonging to any other person, which shall have been intrusted for the purpose of being used or worked in any of the said manufactures, or any work connected therewith or incidental thereto, or any parts, branches, or processes thereof, and whether the same shall or shall not be rented or taken by the hire, or shall distrain, seize, carry off, sell, or otherwise dispose of any materials as aforesaid, or any tools or apparatus as aforesaid, belonging to any other person, and shall refuse to restore possession of all such

frames, looms, machines, tools, or apparatus to the person owning, letting, or intrusting the same, when demanded by him, or some person duly authorized by him, of the said landlord or other person, or the person acting as agent or bailiff of such landlord or other person, it shall and may be lawful to and for any justice of the peace, upon complaint on oath before him, to summon the said landlord or other person to appear before any two or more justices of the peace to answer the said complaint, and on proof of the said offence the said justices may thereupon order the property so seized, distrained, carried off, or sold to be forthwith restored, and issue their warrant to a constable or constables empowering him or them to seize the said property wherever the same shall be found, and deliver possession thereof to the person owning, letting, or intrusting the same, and to levy, by distress and sale of the goods of the said landlord or other person, the costs of obtaining the said order, and recovering and obtaining possession of the said property; and in case the said property cannot be found and seized within a time, not exceeding twenty-one days, to be limited in the said warrant, or in case the said property shall have been damaged by the same having been distrained, seized, carried off, or sold, then it shall be lawful for such two justices, or any other two justices, on proof thereof, (the said landlord or other person having been first summoned by a justice,) to issue their warrant to levy by distress and sale of the goods and chattels of such landlord or other person the full value of the said property, or the amount of such damage, as the case may be, together with all costs of recovering and levying the same.

Amount of any damage to any frames, &c. so seized may be levied by distress.

XX. AND be it enacted, that if any person or persons shall obliterate, efface, or alter the owner's name or initials, or other distinguishing mark, on any frame, loom, or machine, or any bar or part thereof, or the moulds thereof, without the order or authority of the owner thereof, he shall, on conviction thereof before two justices of the peace, forfeit any such sum not exceeding two pounds as such two justices shall order and direct, to be applied, in the first place, in paying the costs of the proceedings before such justices, and the surplus, if any, to the party injured; and in default of payment of such forfeiture immediately on conviction, or within such period as the justices so convicting shall direct, then the said justices may, either immediately or at any time after such conviction, commit any person so convicted to the common gaol or house of correction, there to be imprisoned, with or without hard labour, as to the said justices shall seem meet, for any term not exceeding two calendar months, unless the amount of such forfeiture be sooner paid.

Penalty for obliterating mark on machine.

XXI. AND for the discouragement of frivolous and vexatious informations and prosecutions under this Act, be it enacted, that it shall be lawful for any justices or court of petty sessions before whom any case under this Act is tried to award costs to the defendant, with an allowance for his loss of time, in case of acquittal, to be paid by the prosecutor; and also, if it shall appear to such justices or court that the charge was made from a malicious, vexatious, or frivolous motive, or in case the party shall be charged with embezzlement of materials, by reason of any deficiency in the weight of the materials which he shall have returned to the person by whom they were intrusted to such party, as compared with the weight of the materials received, and it shall be proved upon the hearing of the case that such materials were knowingly and fraudulently delivered to the party charged whilst in a damp state, so that the appa-

Power to award costs of frivolous prosecution to defendant; also compensation for malicious charge of embezzlement.

rent weight thereof was thereby increased, it shall be lawful for such justices or court to award to the defendant such further sum of money, not exceeding twenty pounds, as to such justices or court shall seem fit, to be paid by such prosecutor as a compensation for the injury done; and in default of payment such costs and allowances and compensations may be levied by distress and sale of the prosecutor's goods.

Mode of proceeding when charge is made, and hearing of charge before justices.

XXII. AND be it enacted, that where any person shall be charged on oath with any offence punishable under this Act one justice may receive the original information and summon the person charged to appear before any two justices of the peace at a time and place to be named in such summons, and if he shall not appear accordingly then the justices there present may either proceed to hear and determine the case *ex parte*, or any of such justices may issue a warrant for apprehending such person, and bringing him to answer the said charge before any two or more justices; or the justice before whom the charge shall be made may, if he shall so think fit, issue such warrant in the first instance, without any previous summons, and commit the person so charged to prison, in order that he may be brought forward for trial (unless he enter into such bail as may be required by such justice for his appearance at such time and place as shall be appointed); and the justices before whom the person charged shall appear or be brought shall proceed to hear and determine the case; and after adjudication all and every the subsequent proceedings to enforce obedience thereto, whether respecting the penalty, forfeiture, distress, imprisonment, costs, or other matter or thing relating thereto, may be enforced by any one of the said justices.

After adjudication subsequent proceedings may be enforced by one justice.

Service of summons.

XXIII. AND be it enacted, that every summons to be granted by a justice of the peace under this Act may be served by delivering a copy thereof to the party, or by delivering such copy at the party's usual place of abode to some inmate thereat, and explaining the purport thereof to such inmate.

Limitation of time within which proceedings shall be commenced.

Parties privy to the offence competent witnesses.

XXIV. PROVIDED always, and be it enacted, that every complaint and prosecution under this Act shall be commenced within six calendar months after the commission of the offence, unless the offending party shall have in the meantime left the country, and not otherwise; and that . . . any person aiding, abetting, party or privy to the commission of the offence charged shall in every case under this Act be deemed a competent witness to prove the offence.

What justices to have jurisdiction.

XXV. AND be it enacted, that in all complaints, warrants, proceedings, or prosecutions under this Act any justice or justices of the peace, and the court of petty sessions, for the county, city, borough, or place where the offence shall be committed or the complaint arise, or where the said materials, frame, loom, machine, tools, or apparatus shall be given out or intrusted, lent or hired, or where the manufacturer, master, or employer shall carry on his trade or business, shall have full power and authority to act, and to hear and determine such complaint, warrant, proceeding, or prosecution, and do all other matters incident thereto: Provided always, that in all convictions or adjudications under this Act one at least of the convicting or adjudicating justices shall be a person not engaged in any manufacture, trade, occupation, or employment to which this Act extends, and shall not be the father, son, or brother of any such person.

One justice at least not to be engaged in any manufacture, &c. to which this Act extends, &c.

Application of penalties.

XXVI. AND be it enacted, that all forfeitures and penalties upon convictions under this Act not specially provided for shall be paid to the sheriff or other

proper officer of the county, city, borough, or place in which such conviction shall take place, for her Majesty's use, and shall be returned to the court of quarter sessions, under the provisions of an Act passed in the third year of the reign of his late Majesty King George the Fourth, intituled "An Act for the more speedy return and levying of fines, penalties, and forfeitures, and recognizances estreated." 3 Geo. 4. c. 46.

XXVII. AND be it enacted, that in every case of summary conviction or adjudication under this Act not specially provided for, where the sum forfeited or adjudged to be paid, or which shall be imposed as a penalty, by any justice or justices of the peace, together with costs, if awarded, which costs such justice or justices is and are hereby authorized to award, if he or they shall think fit, in any proceeding, adjudication, or conviction under this Act, shall not be paid immediately, or within such period as the said justice or justices shall direct, or where a warrant of distress shall be issued, and no sufficient distress shall be found, it shall be lawful for the convicting justice or justices to commit the offender to the common gaol or house of correction, there to be imprisoned, with or without hard labour, according to the discretion of the said justice or justices, for any term not exceeding two calendar months when the amount of the sum forfeited or adjudged to be paid, or of the penalty imposed, together with costs, shall not exceed five pounds, and for any term not exceeding three calendar months in any other case, unless the amount and costs be sooner paid.

Scale of imprisonment for nonpayment of penalties on summary convictions in cases not specially provided for.

XXVIII. AND be it enacted, that the justices before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up on paper or parchment in the following form of words, or in any other form of words to the like effect, and with such variations as the case shall require ; (that is to say,)

Form of conviction.

' to wit. } **B**E it remembered, that on the _____ day of _____, at _____ in the _____ of _____, C.D. is convicted before us, A.B. and J.P., two of her Majesty's justices of the peace for the said _____, for that he the said C.D. [here specify the offence, and the time and place where the same was committed, as the case may be]; and we do adjudge that the said C.D. shall for the said offence forfeit and pay [here state the penalty actually imposed, or the penalty and also the sum adjudged as the value of the articles or the amount of the injury, as the case may be], and also pay the sum of _____ for costs [if so ordered]; and we direct that the sum of _____ shall be paid to E.F., the party aggrieved, on the _____ day of _____ [instant or next ensuing], and that the sum of _____ shall, on the _____ day of _____ [instant or next ensuing], be paid and applied according to the direction of the Statute in such case made and provided [or, as the case may be], and that the sum of _____ for costs shall be paid to the complainant [if so ordered]. Given under our hands and seals, the day and year first above written.'

XXIX. AND be it enacted, that in all cases of summary conviction under this Act, where the sum adjudged to be paid shall exceed twenty shillings, or the imprisonment shall exceed one calendar month, any person who shall think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions which shall be held for the county, city, borough

Appeal to quarter sessions in certain cases.

or place where such conviction shall have been made, (such person at the time of such conviction giving to the justices so convicting, or to the justice so presiding at the court of petty sessions at which such conviction shall take place, notice in writing of his intention to appeal, and also entering into a recognizance at the time of such notice, with two sufficient sureties, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall by the court be awarded); and upon such notice being given and such recognizance being entered into the justice or justices before whom the same shall be entered into shall liberate such person, if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs, to either party, as to the court shall seem meet; and in case of the dismissal of the appeal or the confirmation of the conviction the said court shall order and adjudge the offender to pay such costs, if any, as shall be awarded, and shall, if necessary, issue process for enforcing payment of the same; and it shall be lawful for the said court, or, on the production of a certificate under the hand of the clerk of the peace for the said county, city, borough, or place, or his deputy, for any justice or justices of the peace for such county, city, borough, or place, either immediately or at any time thereafter, to issue a warrant of distress and sale, or a warrant for the apprehension and commitment of such offender for such period of time as, together with the days during which such person so convicted shall have been imprisoned, if any, previously to being discharged by reason of such appeal, shall amount to the same period or term of imprisonment for which such person was adjudged to be imprisoned at the time of conviction, or to issue a warrant of distress and sale, and, if there be no sufficient distress, a warrant of apprehension and commitment, as the case may require, in like manner in all respects as any justice or justices could or might have done in case no notice of appeal had been given.

Proceedings not to be quashed for want of form, or be removed by certiorari.

Parties distraining not to be deemed trespassers ab initio on account of irregularity.

Venue and Limitation of actions.

Notice.

XXX. AND be it enacted, that no order or conviction, or proceedings touching the same respectively, nor adjudication made or appeal therefrom, shall be quashed for want of form, or be removed by certiorari or otherwise into any of her Majesty's superior courts of record; and that no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and that where any distress shall be made for levying any money by virtue of this Act the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, warrant, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage (if any), upon an action on the case.

XXXI. AND be it enacted, that for the protection of persons acting in the execution of this Act all actions and prosecutions for damage to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county where the fact was or is charged to have been committed, and shall be commenced within two calendar months after the fact committed, and not otherwise, and notice in writing of such action and of the

cause thereof shall be given to the defendant one calendar month at least before the commencement of the action ; and in any such action the defendant may plead the general issue, or, in case of any action of replevin, may avow generally that the goods and chattels in question were taken under and by virtue of this Act, and may give this Act and the special matter in evidence at the trial to be had thereupon ; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, nor if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant or avowant: Provided always, that in all such actions of damages the plaintiff shall be bound to establish, not merely that damages have been suffered by him, but that the same have been wilfully and maliciously caused by the defendant or avowant.

General issue.

Avowry in replevin.

Tender of amends.

Plaintiff must prove that damage has been wilfully caused.

* * * * *

XXXIII. AND be it enacted, that nothing in this Act contained shall extend to Scotland or Ireland, or be construed to extend to repeal any Act or statute, or part thereof, now in force, and not repealed by this Act.

Extent of Act.

XXXIV. AND be it enacted, that this Act shall not extend or be construed to extend to any manufacture, trade, occupation, or employment, except only the manufactures, trades, occupations, and employments following ; (that is to say,) the manufacture of woollen, worsted, linen, cotton, flax, mohair, or silk materials in, on, or by the stocking-frame, warp machine, or any other machine employed in the manufacture of frame-work, knitted or looped fabrics, and every trade, occupation, operation, or employment whatsoever connected with or incidental to the manufacture of stockings, gloves, and other articles of hosiery.

To what trades this Act shall extend.

XXXV. AND be it enacted, that in all cases under this Act the singular is to include the plural, and the masculine the feminine ; and in an indictment or information for offences against the property of partners, joint stock companies, or trustees, it shall be sufficient to lay the ownership in the name of one partner or trustee and another or others ; that the words " woollen, " worsted, linen, cotton, flax, mohair, or silk materials," shall be construed to extend to any of the said materials mixed with each other or with any other material or materials ; and that the words " manufacture " and " work " shall extend to all trades, occupations, operations, and employments whatsoever connected with or incidental to the manufacture of any of the said materials, or any parts, branches, or processes thereof, and likewise to such materials, whether the same or any part thereof be or be not in the whole or in part first wrought, made up, or manufactured or converted into merchantable wares.

Construction of terms.

* * * * *

CHAPTER XLII.

AN ACT to amend an Act of the Nineteenth and Twentieth Years of King George the Third, for empowering Grand Juries in Ireland to present Bridges, and Tolls to be paid for passing the same, in certain Cases.

[1st August 1843.]

WHEREAS by an Act passed in the Parliament of Ireland in the nineteenth and twentieth years of the reign of his late Majesty King George the Third, intituled " An Act for empowering grand juries to present

Irish Act, 19 & 20 Geo. 3. c. 41.

Grand juries in Ireland may purchase the tolls on bridges, and open them to the public free.

Purchase money to be raised by presentment.

6 & 7 Will. 4.
c. 116.

Extent of Act.

“ bridges, and tolls to be paid for passing the same, in certain cases,” it was enacted, that from and after the first day of August one thousand seven hundred and eighty every grand jury of any county or county of a city or county of a town in Ireland, at any assizes to be holden for the same, may authorize the building of bridges, and authorize and approve of certain tolls to be charged thereon, as therein mentioned; and it was thereby further enacted, that it should and might be lawful for the grand jury of the county in which such bridge should be situated, or, if situated in two counties, then for the grand juries of the said counties, to redeem the tolls, and to present for the amount of the purchase money thereof: And whereas it would tend to the public advantage if the bridges upon which toll is charged were open to the public free from tolls: Be it therefore enacted by the Queen’s most excellent Majesty, by and with 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 it shall and may be lawful for the grand jury or grand juries of any county and county of a city or town in Ireland, and they are hereby authorized and empowered, to agree with the companies, commissioners, corporations, or persons possessed of and interested in, and having any lien or incumbrance on, the tolls payable on any bridge upon which toll is charged, situate in such counties or cities or towns, or within five miles thereof, for the purchase thereof, and the said companies, commissioners, corporations, and persons are hereby authorized to agree with the said grand jury or grand juries for the sale thereof; and the said grand jury or grand juries shall take an average of the sums received for tolls on such bridge for three years immediately preceding such agreement, and, according to such average, shall estimate the sum which shall be paid for the purchase of such tolls, and shall, with the consent in writing of the persons interested in such tolls, apportion and distribute the sum which shall be paid for the purchase thereof to and among the several persons interested therein; and it shall and may be lawful for the said grand jury or juries to raise, by presentment on such county or counties, or on any barony, half barony, or baronies thereof, or city or town, such sum or sums of money as may be sufficient for the purchase of such tolls, and payable in such instalments and proportions, and at such times, as shall be agreed upon by such grand jury or juries, and the owners of such tolls, and persons having charges thereon, respectively, and that upon such presentments being made the said toll shall cease, and the passage of such bridge shall be open and free to all cattle, carriages, and persons whatsoever: Provided always, that any such presentment shall at the first assizes be considered only as an application to be certified under an Act passed in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled “ An Act to consolidate and amend the laws “ relating to the presentment of public money by grand juries in Ireland,” and shall be subject to such and the like regulations in all respects as certified applications under the provisions of that Act, and shall not be binding on any grand jury unless it shall be approved by the presentment sessions and succeeding grand jury.

II. AND be it enacted, that this Act shall extend only to that part of the United Kingdom called Ireland.

* * * * *

CHAPTER XLIV.

AN ACT to amend the Acts for carrying on Public Works in Ireland.

[10th August 1843.]

WHEREAS an Act was passed in the second year of the reign of his late Majesty, intituled "An Act for the extension and promotion of public works in Ire- 1 & 2 Will. 4.
"land": And whereas another Act was passed in the seventh year of the same reign, c. 33.
intituled "An Act to amend an Act passed in the first and second years of his pre- 6 & 7 Will. 4.
"sent Majesty, 'for the extension and promotion of public works in Ireland'": c. 108.
And whereas another Act was passed in the first year of the reign of her present Majesty, intituled "An Act to amend the Acts for the extension and promotion of 7 Will. 4. &
"public works in Ireland": And whereas another Act was passed in the second 1 Vict. c. 21.
year of the reign of her present Majesty, intituled "An Act to authorize a further 1 & 2 Vict.
"issue of Exchequer bills for public works and fisheries and employment of the c. 88.
"poor, and to amend the Acts relating thereto": And whereas another Act was 2 & 3 Vict.
passed in the third year of the reign of her present Majesty, intituled "An Act to c. 50.
"extend and amend the provisions of the Acts for the extension and promotion of
"public works in Ireland, and for the recovery of public monies advanced for the
"use of counties, parishes, and other districts in Ireland, on the faith of grand
"jury presentments and parochial assessments": And whereas great benefits have
been derived from loans under the regulation of the first-recited Act, and the several
Acts for amending the same, and it is expedient that such loans, together with the
several powers of the commissioners of public works in Ireland, should be continued:
And whereas it is expedient to discontinue all further issues of Exchequer bills made
out under the first-recited Act, or any of the Acts amending the same, and to put an
end to all operations with regard to such Exchequer bills required by the said Act,
except such as may be necessary for paying off the outstanding bills, and for applying
the repayments on account of loans made with such Exchequer bills to make good the
sums issued from the consolidated fund to pay the interest and principal on those bills:
And whereas by an Act passed in the fifth year of the reign of her present Majesty,
intituled "An Act to authorize the advance of money out of the consolidated fund 5 & 6 Vict.
"to a limited amount for carrying on public works and fisheries and employment c. 9.
"of the poor; and to amend the Acts authorizing the issue of Exchequer bills for
"the like purposes," the commissioners of her Majesty's Treasury of the United
Kingdom of Great Britain and Ireland for the time being are empowered, by warrant
under the hands of any three or more of them, for the purpose of the advances or
loans therein referred to, to charge the consolidated fund of the United Kingdom of
Great Britain and Ireland, and to direct the issue or to be paid thereout to the account
of the commissioners for the time being for the reduction of the national debt, a sum
or sums of money not exceeding three hundred and sixty thousand pounds per annum
during the five years next ensuing the fifth day of April one thousand eight hundred
and forty-two, by quarterly instalments or issues, not exceeding ninety thousand
pounds per quarter, the same to become due on the days and at the times in the said
Act particularly mentioned: And whereas it is expedient to make advances of money
out of the consolidated fund for the purposes of loans toward public works in Ire-
land, instead of the issues of Exchequer bills hitherto adopted, which are found
inconvenient: And whereas the sums annually receivable in repayment of existing
loans heretofore made by the commissioners of public works in Ireland amount, and
will amount for some years to come, to a sum which would be sufficient to furnish
to a considerable extent means for making the requisite advances: Be it therefore
enacted by the Queen's most excellent Majesty, by and with the advice and consent of
the lords spiritual and temporal, and commons, in this present Parliament assembled,
and by the authority of the same, that from and after such period as may be in that
behalf determined upon by the commissioners of her Majesty's Treasury all further
issues of Exchequer bills under the said first-recited Act, or any of the Acts amending
the same, shall be discontinued [Rep., Stat. Law Rev. Act, 1874 (No. 2).]; . . .

IV. AND be it enacted, that the commissioners of public works for the time being
under the said first-recited Act shall be commissioners for the execution of this Act.
[Rep., Stat. Law Rev. Act, 1874 (No. 2).] Commissioners for execution of this Act.

A sum not exceeding 15,000*l.* per quarter to be applied for public works in Ireland.

V. AND be it enacted, that the said commissioners of her Majesty's Treasury, by warrant under the hands of any three or more of them, may direct from time to time, that out of the sum, not exceeding three hundred and sixty thousand pounds per annum, which by the said Act of the fifth year of the reign of her said present Majesty they are authorized to charge on the consolidated fund of the United Kingdom of Great Britain and Ireland, and which they are authorized to direct to be paid to the account of the commissioners for the reduction of the national debt, during the term of five years next ensuing the fifth day of April one thousand eight hundred and forty-two, by quarterly instalments or issues, not exceeding ninety thousand pounds per quarter, as aforesaid, there shall issue and be paid unto the said commissioners for the reduction of the national debt, during the remainder of the said term of five years, a sum not exceeding fifteen thousand pounds per quarter, to be at the disposal of the said commissioners of public works, as herein-after mentioned, [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

.

Commissioners to receive applications and make loans.

VII. AND be it enacted, that it shall be lawful for the said commissioners of public works to receive application for any loan or loans, and, with the approval of the commissioners of her Majesty's Treasury, to make such loans, upon such and the like securities, and for such and the like purposes, and upon such and the like terms, as are specified by the said recited Acts for the extension and promotion of public works in Ireland, or any of them, and as may be authorized by the commissioners of her Majesty's Treasury. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

* * * * *

Bank of Ireland to open an account with paymaster of civil services, of repayments.

XI. AND be it enacted, that the governor and company of the Bank of Ireland shall open an account with the paymaster of the civil services of Ireland, under the title of "The Paymaster of the Civil Services, on account of the Repayment of Loans for "Public Works"; and monies which shall from time to time be repaid in respect of loans made under this Act, or in respect of the interest thereof, shall be carried to the credit of this account. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Appropriation and entry of repayments.

XII. AND be it enacted, that as soon as any sum of money shall have been so lodged to the credit of the said account of the paymaster of civil services, on account of the repayment of loans for public works, the said commissioners of public works shall, upon a notification thereof, cause to be made out and delivered to the said paymaster of civil services a statement of the proper appropriation of such payment, whether for account of interest or principal, or how much for each respectively, upon which the said paymaster of civil services shall cause to be prepared accordingly the proper receipt or voucher, and send the same to the said commissioners of public works, who shall thereupon cause the sum or sums therein mentioned to be entered on the books of the said commissioners, to the credit of the loan on account of which such payment shall have been made; and such receipt, when so entered, shall be delivered to the party or person on whose account such payment shall have been so made; and such receipt shall be a sufficient discharge to the party or person paying the same. [Rep., Stat. Law. Rev. Act, 1874 (No. 2).]

* * * * *

Receipt of paymaster to be a discharge.

Powers of recited Acts as to advances to apply to advances under this Act, as if re-enacted.

XIV. AND be it enacted, that all the enactments contained in the said recited Acts relating to public works in Ireland, or any of them, in relation to any advances of Exchequer bills or money made or to be made under the said recited Acts or any of them, or for the recovery or repayment of such advances, shall, except as is herein otherwise provided, extend to all loans of money to be made under the authority of this Act, and to all things done or directed to be done by the said commissioners of her Majesty's Treasury, or the said commissioners of public works, or their secretary for the time being, or any other persons or bodies corporate, under the authority of the said recited Acts or this Act, or any of them, and the recovery and repayment of such loans, in such or the like manner as if they had been particularly and severally re-enacted in the body of this Act, except so far only as the same is amended or altered by any of the said Acts or by this Act.

XV. AND be it enacted, that in case the said commissioners of public works shall, under the authority of any of the said recited Acts or this Act, make any sale or other absolute disposition of any public works, interest, property, or effects comprised in any mortgage, assignment, or other charge already executed or hereafter to be executed under the provisions of any of the said recited Acts or this Act, it shall be lawful for them, with the consent of the commissioners of her Majesty's Treasury, out of the clear monies thereby produced, after payment of the expences of preparing for and making such sale or other disposition, so far as such clear monies will extend, to deduct and detain all the principal monies for the time being remaining due or secured upon such mortgage, assignment, or charge, notwithstanding the whole of such principal money, or any instalment thereof, may not, according to the terms of such mortgage, assignment, or charge, have become actually due and payable, together with all interest (if any) for the time being accrued due on such principal monies.

Commissioners, in case of a sale of any property mortgaged to them, may retain the whole of the mortgage debt or charge out of the proceeds of sale, notwithstanding some of the instalments for principal may not have actually become due and payable at the time of sale.

* * * * *

CHAPTER LXV.

AN ACT to amend the Laws relating to the Copyright of Designs.

[22d August 1843.]

WHEREAS by an Act passed in the fifth and sixth years of the reign of her present Majesty, intituled "An Act to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture," there was granted to the proprietor of any new and original design, with the exceptions therein mentioned, the sole right to apply the same to the ornamenting of any article of manufacture or any such substance as therein described during the respective periods therein mentioned: And whereas it is expedient to extend the protection afforded by the said Act to such designs herein-after mentioned, not being of an ornamental character, as are not included therein:

5 & 6 Vict. c. 100.

II. AND with regard to any new or original design for any article of manufacture having reference to some purpose of utility, so far as such design shall be for the shape or configuration of such article, and that whether it be for the whole of such shape or configuration or only for a part thereof, be it enacted, that the proprietor of such design not previously published within the United Kingdom of Great Britain and Ireland or elsewhere shall have the sole right to apply such design to any article, or make or sell any article according to such design, for the term of three years, to be computed from the time of such design being registered according to this Act: Provided always, that this enactment shall not extend to such designs as are within the provisions of the said Act, or of two other Acts passed respectively in the thirty-eighth and fifty-fourth years of the reign of his late Majesty King George the Third, and intituled respectively "An Act for encouraging the art of making new models and casts of busts, and other things therein mentioned" [a], and "An Act to amend and render more effectual an Act

Grant of copyright in designs for shape of articles of manufacture.

Not to extend to designs within recited Act, or 38 Geo. 3. c. 71. and 54 Geo. 3. c. 56.

[a] Section 2, so far as it relates to 38 Geo. 3. c. 71, is rep., Stat. Law Rev. Act, 1874 (No. 2).]

"for encouraging the art of making new models and casts of busts, and other things therein mentioned."

Conditions of copyright.

III. PROVIDED always, and be it enacted, that no person shall be entitled to the benefit of this Act unless such design have before publication thereof been registered according to this Act, and unless the name of such person shall be registered according to this Act as a proprietor of such design, and unless after publication of such design every article of manufacture made by him according to such design, or on which such design is used, hath thereon the word "registered," with the date of registration.

Penalty for wrongfully using marks denoting a registered design.

IV. AND be it enacted, that unless a design applied to any article of manufacture be registered either as aforesaid or according to the provisions of the said first-mentioned Act, and also after the copyright of such design shall have expired, it shall be unlawful to put on any such article the word "registered," or to advertise the same for sale as a registered article; and if any person shall so unlawfully publish, sell, or expose or advertise for sale any such article of manufacture, he shall forfeit for every such offence a sum not exceeding five pounds nor less than one pound, which may be recovered by any person proceeding for the same by any of the remedies hereby given for the recovery of penalties for pirating any such design.

Floor or oil cloths to be included in class six in 5 & 6 Vict. c. 100.

V. AND be it enacted, that all such articles of manufacture as are commonly known by the name of floor cloths or oil cloths shall henceforth be considered as included in class six in the said first-mentioned Act in that behalf mentioned, and be registered accordingly.

Certain provisions of 5 & 6 Vict. c. 100. to apply to this Act.

VI. AND be it enacted, that all and every the clauses and provisions contained in the said first-mentioned Act, so far as they are not repugnant to the provisions contained in this Act, relating respectively to the explanation of the term proprietor, to the transfer of designs, to the piracy of designs, to the mode of recovering penalties, to actions for damages, to cancelling and amending registrations, to the limitation of actions, to the awarding of costs, to the certificate of registration, to the fixing and application of fees of registration, and to the penalty for extortion, shall be applied and extended to this present Act as fully and effectually, and to all intents and purposes, as if the said several clauses and provisions had been particularly repeated and re-enacted in the body of this Act.

Appointment of registrar, &c.

VII. AND be it enacted, that so much of the said first-mentioned Act as relates to the appointment of a registrar of designs for ornamenting articles of manufacture, and other officers, as well as to the fixing of the salaries for the payment of the same, shall be and the same is hereby repealed; and [Rep., Stat. Law Rev. Act, 1874 (No. 2).] for the purpose of carrying into effect the provisions as well of this Act as of the said first-mentioned Act, the lords of the committee of the privy council for the consideration of all matters of trade and plantations may appoint a person to be registrar of designs for articles of manufacture, and, if the lords of the said committee see fit, an assistant registrar and other necessary officers and servants; and such registrar, assistant registrar, officers, and servants shall hold their offices during the pleasure of the lords of the said committee; and such registrar shall have a seal of office; and the commissioners of her Majesty's Treasury may from time to time fix the salary or other remuneration of such registrar, assistant registrar, and other officers and servants; and all the provisions contained in the said first-mentioned Act, and not hereby repealed, relating to the registrar, deputy registrar, clerks, and other officers

and servants thereby appointed and therein named, shall be construed and held to apply respectively to the registrar, assistant registrar, and other officers and servants to be appointed under this Act.

VIII. AND be it enacted, that the said registrar shall not register any design for the shape or configuration of any article of manufacture as aforesaid unless he be furnished with two exactly similar drawings or prints of such design, with such description in writing as may be necessary to render the same intelligible according to the judgment of the said registrar, together with the title of the said design, and the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode, or place of carrying on business, or other place of address; and every such drawing or print, together with the title and description of such design, and the name and address of the proprietor aforesaid, shall be on one sheet of paper or parchment, and on the same side thereof; and the size of the said sheet shall not exceed twenty-four inches by fifteen inches; and there shall be left on one of the said sheets a blank space on the same side on which are the said drawings, title, description, name, and address, of the size of six inches by four inches, for the certificate herein mentioned; and the said drawings or prints shall be made on a proper geometric scale; and the said description shall set forth such part or parts of the said design (if any) as shall not be new or original; and the said registrar shall register all such drawings or prints from time to time as they are received by him for that purpose; and on every such drawing or print he shall affix a number corresponding to the order of succession in the register, and he shall retain one drawing or print which he shall file at his office, and the other he shall return to the person by whom the same has been forwarded to him; and in order to give a ready access to the designs so registered he shall keep a proper index of the titles thereof.

Registrar's duties as to registration of designs under this Act.

Drawings, &c. to be furnished to registrar;

and registered,

numbered,

and indexed.

IX. AND be it enacted, that if any design be brought to the said registrar to be registered under the said first-mentioned Act, and it shall appear to him that the same ought to be registered under this present Act, it shall be lawful for the said registrar to refuse to register such design otherwise than under the present Act and in the manner hereby provided; and if it shall appear to the said registrar that the design brought to be registered under the said first-mentioned Act or this Act is not intended to be applied to any article of manufacture, but only to some label, wrapper, or other covering in which such article might be exposed for sale, or that such design is contrary to public morality or order, it shall be lawful for the said registrar, in his discretion, wholly to refuse to register such design: Provided always, that the lords of the said committee of privy council may, on representation made to them by the proprietor of any design so wholly refused to be registered as aforesaid, if they shall see fit, direct the said registrar to register such design, whereupon and in such case the said registrar shall be and is hereby required to register the same accordingly.

Discretionary power as to registry vested in the registrar.

Appeal to Board of Trade against refusal to register.

X. AND be it enacted, that every person shall be at liberty to inspect the index of the titles of the designs, not being ornamental designs, registered under this Act, and to take copies from the same, paying only such fees as shall be appointed by virtue of this Act in that behalf; and every person shall be at liberty to inspect any such design, and to take copies thereof, pay-

Inspection of index of titles of designs, &c.

ing such fee as aforesaid; but no design whereof the copyright shall not have expired shall be open to inspection, except in the presence of such registrar, or in the presence of some person holding an appointment under this Act, and not so as to take a copy of such design, nor without paying such fee as aforesaid.

Interpretation
of Act.

XI. AND, for the interpretation of this Act, be it enacted, that the following terms and expressions, so far as they are not repugnant to the context of this Act, shall be construed as follows; (that is to say,) the expression "commissioners of the Treasury" shall mean the lord high treasurer for the time being, or the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them; and the singular number shall include the plural as well as the singular number, and the masculine gender shall include the feminine gender as well as the masculine gender.

* * * * *

CHAPTER LXVI.

AN ACT to enlarge the Provisions of an Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment.

[22d August 1843.]

3 Geo. 4. c. 89.

WHEREAS an Act was passed in the session of the third year of the reign of his late Majesty King George the Fourth, intituled "An Act for preventing frauds upon creditors by secret warrants of attorney to confess judgment," by which, among other things, it was enacted, that the clerk of the dockets and judgments in his said late Majesty's Court of King's Bench should cause every warrant of attorney and cognovit actionem in any personal action, and every copy thereof, which in and by the said recited Act are directed to be filed in his said office, to be numbered, and should keep a book or books in his said office in which he should cause to be fairly entered the particulars in the said Act set forth, according to the form contained in the schedule to the said Act annexed, which said book or books, and every warrant of attorney and cognovit actionem, or copy thereof, filed in the said office, should be searched and viewed by all persons at all seasonable times, paying to the officer for every search against one person the sum of sixpence, and no more: And whereas it is expedient that greater facilities should be given to persons in searching such book or books and obtaining the information contained therein, and that the provisions of the said Act should be enlarged: 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, that from and immediately after the passing of this Act the said officer of the said Court of Queen's Bench shall, in addition to the book in and by the above-recited Act directed to be kept by him, keep another book or index, in which he shall cause to be fairly inserted, as and when such warrants of attorney or cognovits actionem are filed in manner as directed by the said Act, the names, additions, and descriptions of the respective defendants or persons giving such warrants of attorney or cognovits actionem, but containing no farther particulars

In addition to the book directed to be kept by the recited Act, another book or index shall be kept of names, &c. of persons by whom warrants of attorney or cognovits actionem are given; which shall be open to inspection, on payment of 1s.

thereof; which book or index all persons shall be permitted to search for themselves, paying to the officer for such search the sum of one shilling, such payment being in addition to the payment of sixpence provided by the said Act to be paid for every search against one person in the book or books provided to be kept under the authority of the said Act.

CHAPTER LXVII.

AN ACT to enable Parties to sue out and prosecute Writs of Error in certain Cases upon the Proceedings on Writs of Mandamus. [22d August 1843.]

WHEREAS writs of mandamus are issued by her Majesty's Court of Queen's Bench and the courts of the counties palatine, and the application for the same must now be made in those courts respectively alone: And whereas writs of mandamus are frequently awarded, and often in cases of considerable importance, and the practice of issuing such writs hath of late very much increased: And whereas it is expedient that parties interested in the issuing of or in the proceedings upon such writs respectively shall be enabled in certain cases to have the judgments and decisions of the said Court of Queen's Bench, and courts of the counties palatine respectively, in respect of the said writs and of the proceedings thereon, reviewed by a court of error, if they shall so think fit, and that a certain mode of effecting the same shall be ordained and established: And whereas by a certain Act made and passed in the ninth year of the reign of Queen Anne, intituled "An Act for rendering the proceedings upon writs of mandamus and informations in the nature of a quo warranto more speedy and effectual, and for the more easy trying and determining the rights of offices and franchises in corporations and boroughs," it was enacted, amongst other things, that in certain cases therein mentioned, when a writ of mandamus should issue and a return should be made thereunto, it should be lawful for the person suing or prosecuting such writ to plead to or traverse all or any of the material facts contained within the said return to which the person making such return should reply, take issue, or demur, and such further proceedings in such manner should be had therein for the determination thereof as might have been had if the person suing such writ had brought his action on the case for a false return: And whereas by an Act passed in the first year of the reign of the late King William the Fourth the said provision herein-before mentioned of the said herein first-recited Act was extended to writs of mandamus in all other cases, and to the proceedings thereon: And whereas in neither of the said recited Acts, nor in any other Act, is any power or authority given to the person prosecuting such writ of mandamus to demur to the return made to any such writ, so that the decision of the said courts respectively as to the validity of such return could be reviewed by a court of error: For remedy whereof, therefore, be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases in which the person prosecuting any such writ heretofore issued or hereafter to be issued shall wish or intend to object to the validity of any return already made or

9 Ann. c. 25.

1 Will. 4. c. 21.

In order to object to a return to a mandamus the prosecutor must demur.

Proceedings
upon demurrer.

hereafter to be made to the same, he shall do so by way of demurrer to the same, in such and the like manner as is now practised and used in the courts herein-before mentioned respectively in personal actions; and thereupon the said writ and return and the said demurrer shall be entered upon record in the said courts respectively, and such and the like further proceedings shall be thereupon had and taken as upon a demurrer to pleadings in personal actions in the said courts respectively; and the said courts respectively shall thereupon adjudge either that the said return is valid in law, or that it is not valid in law, or that the writ of mandamus is not valid in law; and if they adjudge that the said writ is valid in law, but that the return thereto is not valid in law, then and in every such case they shall also by their said judgment award that a peremptory mandamus shall issue in that behalf, and thereupon such peremptory writ of mandamus may be sued out and issued accordingly, at any time after four days from the signing of the said judgment; and it shall be lawful for the said courts respectively, and they are hereby required, in and by their said judgment to award costs to be paid to the party in whose favour they shall thereby decide by the other party or parties.

Costs.

Writ of error
may be sued
out to reverse
any judgment.

II. AND be it enacted, that whenever any such judgment as is herein-before mentioned shall be given, or whenever issue in fact or in law shall be joined upon any pleadings in pursuance of the said recited Acts or either of them, and judgment shall be given thereon by any of the courts aforesaid, it shall be lawful for any party to the record in any of such cases who shall think himself aggrieved by such judgment to sue out and prosecute a writ of error for the purpose of reversing the same, in such manner and to such court or courts as a party to any personal action in the said court may now sue out and prosecute a writ of error upon the judgment in such action; and such and the like proceedings shall thereupon be had and taken, and such costs awarded, as in ordinary cases of writs of error upon judgments of the said courts respectively in personal actions; and if the judgment of such court be reversed by the Court of Error the said Court of Error shall thereupon by their judgment not only reverse the same, but shall also in addition thereto give the same judgment which the court whose judgment is so reversed ought to have given in that behalf; and if by their said judgment they shall award that a peremptory writ of mandamus shall issue the same shall and may accordingly be issued by the proper officer in the office from which such writs issue, as the case may be, upon production to him of an office copy of the said judgment of the Court of Error, which shall be his authority and warrant for so doing: Provided always, that bail in error to the amount of fifty pounds, or such other sum as may by any rule of practice be appointed as herein-after provided, shall be duly put in within four days after the allowance of the said writ of error, and the same shall afterwards be duly perfected according to the practice of the court wherein the said original judgment was given, otherwise the plaintiff in error shall be deemed to have abandoned his writ of error, and the same shall not be further prosecuted.

No action
against person
acting under
peremptory
writ of
mandamus.

III. AND be it enacted, that no action, suit, or any other proceeding shall be commenced or prosecuted against any person or persons whatsoever for or by reason of any thing done in obedience to any peremptory writ of mandamus issued by any court having authority to issue writs of mandamus.

IV. AND be it enacted, that the said Courts of Error who are hereby empowered to take cognizance of the matters aforesaid may make, and they are hereby directed to make, from time to time and as often as they shall see occasion, such rules of practice in reference to the said application and the proceedings thereon, and in reference to the writs of error herein-before mentioned and the proceedings thereon, and the amount of bail to be taken, as the said courts respectively may deem necessary to effectuate the intention of this Act in relation to the same respectively.

Court of Error may make rules.

CHAPTER LXVIII.

An Act for regulating Theatres.

[22d August 1843.]

WHEREAS it is expedient that the laws now in force for regulating theatres and theatrical performances be repealed, and other provisions be enacted in their stead:

II. it shall not be lawful for any person to have or keep any house or other place of public resort in Great Britain, for the public performance of stage plays, without authority by virtue of letters patent from her Majesty, her heirs and successors, or predecessors, or without licence from the lord chamberlain of her Majesty's household for the time being, or from the justices of the peace as herein-after provided; and every person who shall offend against this enactment shall be liable to forfeit such sum as shall be awarded by the court in which or the justices by whom he shall be convicted, not exceeding twenty pounds for every day on which such house or place shall have been so kept open by him for the purpose aforesaid, without legal authority.

All theatres for the performance of plays must be licensed.

Penalty.

III. AND be it enacted, that the authority of the lord chamberlain for granting licences shall extend to all theatres (not being patent theatres) within the parliamentary boundaries of the cities of London and Westminster, and of the boroughs of Finsbury and Marylebone, the Tower Hamlets, Lambeth, and Southwark, and also within those places where her Majesty, her heirs and successors, shall, in their royal persons, occasionally reside: Provided always, except within the cities and boroughs aforesaid, and the boroughs of New Windsor in the county of Berks, and Brightelmstone in the county of Sussex, licences for theatres may be granted by the justices as herein-after provided, in those places in which her Majesty, her heirs and successors, shall occasionally reside; but such licences shall not be in force during the residence there of her Majesty, her heirs and successors; and during such residence it shall not be lawful to open such theatres as last aforesaid (not being patent theatres) without the licence of the lord chamberlain.

What licences shall be granted by the lord chamberlain.

IV. AND be it enacted, that for every such licence granted by the lord chamberlain a fee, not exceeding ten shillings for each calendar month during which the theatre is licensed to be kept open, according to such scale of fees as shall be fixed by the lord chamberlain, shall be paid to the lord chamberlain.

Fee for lord chamberlain's licence.

V. AND be it enacted, that the justices of the peace within every county, riding, division, liberty, cinque port, city, and borough in Great Britain beyond the limits of the authority of the lord chamberlain, in which application shall

Licences may be granted by justices.

have been made to them for any such licence as is herein-after mentioned, shall, within twenty-one days next after such application shall have been made to them in writing signed by the party making the same, and countersigned by at least two justices acting in and for the division within which the property proposed to be licensed shall be situate, and delivered to the clerk to the said justices, hold a special session in the division, district, or place for which they usually act, for granting licences to houses for the performance of stage plays, of the holding of which session seven days notice shall be given by their clerk to each of the justices acting within such division, district, or place; and every such licence shall be given under the hands and seals of four or more of the justices assembled at such special session, and shall be signed and sealed in open court, and afterwards shall be publicly read by the clerk, with the names of the justices subscribing the same.

Fee for justices licence.

VI. AND be it enacted, that for every such licence granted by the justices a fee, not exceeding five shillings for each calendar month during which the theatre is licensed to be kept open, according to such scale of fees as shall be fixed by the justices, shall be paid to the clerk of the said justices.

To whom licences shall be granted.

VII. AND be it enacted, that no such licence for a theatre shall be granted by the lord chamberlain or justices to any person except the actual and responsible manager for the time being of the theatre in respect of which the licence shall be granted; and the name and place of abode of such manager shall be printed on every play bill announcing any representation at such theatre; and such manager shall become bound himself in such penal sum as the lord chamberlain or justices shall require, being in no case more than five hundred pounds, and two sufficient sureties, to be approved by the said lord chamberlain or justices, each in such penal sum as the lord chamberlain or justices shall require, being in no case more than one hundred pounds, for the due observance of the rules which shall be in force at any time during the currency of the licence for the regulation of such theatre, and for securing payment of the penalties which such manager may be adjudged to pay for breach of the said rules, or any of the provisions of this Act.

Lord Chamberlain may suspend any licence granted by him, or order any theatre licensed by him, or any patent theatre, to be closed on public occasions.

VIII. AND be it enacted, that in case it shall appear to the lord chamberlain that any riot or misbehaviour has taken place in any theatre licensed by him, or in any patent theatre, it shall be lawful for him to suspend such licence or to order such patent theatre to be closed for such time as to him shall seem fit; and it shall also be lawful for the lord chamberlain to order that any patent theatre or any theatre licensed by him shall be closed on such public occasions as to the lord chamberlain shall seem fit; and while any such licence shall be suspended, or any such order shall be in force, the theatre to which the same applies shall not be entitled to the privilege of any letters patent or licence, but shall be deemed an unlicensed house.

Rules for enforcing order in the theatres licensed by the justices.

IX. AND be it enacted, that the said justices of the peace at a special licensing session, or at some adjournment thereof, shall make suitable rules for insuring order and decency at the several theatres licensed by them within their jurisdiction, and for regulating the times during which they shall severally be allowed to be open, and from time to time, at another special session, of which notice shall be given as aforesaid, may rescind or alter such rules; and it shall be lawful for any one of her Majesty's principal secretaries of state to rescind or alter any such rules, and also to make such other rules for the like

purpose, as to him shall seem fit; and a copy of all rules which shall be in force for the time being shall be annexed to every such licence; and in case any riot or breach of the said rules in any such theatre shall be proved on oath before any two justices usually acting in the jurisdiction where such theatre is situated, it shall be lawful for them to order that the same be closed for such time as to the said justices shall seem fit; and while such order shall be in force the theatre so ordered to be closed shall be deemed an unlicensed house.

X. PROVIDED always, and be it enacted, that no such licence shall be in force within the precincts of either of the universities of Oxford or Cambridge, or within fourteen miles of the city of Oxford or town of Cambridge, without the consent of the chancellor or vice chancellor of each of the said universities respectively; and that the rules for the management of any theatre which shall be licensed with such consent within the limits aforesaid shall be subject to the approval of the said chancellor or vice chancellor respectively; and in case of the breach of any of the said rules, or of any condition on which the consent of the chancellor or vice chancellor to grant any such licence shall have been given, it shall be lawful for such chancellor or vice chancellor respectively to annul the licence, and thereupon such licence shall become void.

Proviso as to licences with the precinct or neighborhood of the universities of Oxford and Cambridge.

XI. AND be it enacted, that every person who for hire shall act or present, or cause, permit, or suffer to be acted or presented, any part in any stage play, in any place not being a patent theatre or duly licensed as a theatre, shall forfeit such sum as shall be awarded by the court in which or the justices by whom he shall be convicted, not exceeding ten pounds for every day on which he shall so offend.

Penalty on persons performing in unlicensed places.

XII. AND be it enacted, that one copy of every new stage play, and of every new act, scene, or other part added to any old stage play, and of every new prologue or epilogue, and of every new part added to an old prologue or epilogue, intended to be produced and acted for hire at any theatre in Great Britain, shall be sent to the lord chamberlain of her Majesty's household for the time being, seven days at least before the first acting or presenting thereof, with an account of the theatre where and the time when the same is intended to be first acted or presented, signed by the master or manager, or one of the masters or managers, of such theatre; and during the said seven days no person shall for hire act or present the same, or cause the same to be acted or presented; and in case the lord chamberlain, either before or after the expiration of the said period of seven days, shall disallow any play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, it shall not be lawful for any person to act or present the same, or cause the same to be acted or presented, contrary to such disallowance.

No new play or additions to old ones to be acted until submitted to the lord chamberlain.

XIII. AND be it enacted, that it shall be lawful for the lord chamberlain to charge such fees for the examination of the plays, prologues, and epilogues, or parts thereof, which shall be sent to him for examination, as to him from time to time shall seem fit, according to a scale which shall be fixed by him, such fee not being in any case more than two guineas, and such fees shall be paid at the time when such plays, prologues, and epilogues, or parts thereof, shall be sent to the lord chamberlain; and the said period of seven days shall not begin to run in any case until the said fee shall have been paid to the lord chamberlain, or to some officer deputed by him to receive the same.

Fees to be paid for examination of plays, &c.

The lord chamberlain may forbid any play.

XIV. AND be it enacted, that it shall be lawful for the lord chamberlain for the time being, whenever he shall be of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace, so to do, to forbid the acting or presenting any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, anywhere in Great Britain, or in such theatres as he shall specify, and either absolutely or for such time as he shall think fit.

Penalty for acting plays before they are allowed or after they have been disallowed.

XV. AND be it enacted, that every person who for hire shall act or present, or cause to be acted or presented, any new stage play, or any act, scene, or part thereof, or any new prologue or epilogue, or any part thereof, until the same shall have been allowed by the lord chamberlain, or which shall have been disallowed by him, and also every person who for hire shall act or present, or cause to be acted or presented, any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, contrary to such prohibition as aforesaid, shall for every such offence forfeit such sum as shall be awarded by the court in which or the justices by whom he shall be convicted, not exceeding the sum of fifty pounds; and every licence (in case there be any such) by or under which the theatre was opened, in which such offence shall have been committed, shall become absolutely void.

What shall be evidence of acting for hire.

XVI. AND be it enacted, that in every case in which any money or other reward shall be taken or charged, directly or indirectly, or in which the purchase of any article is made a condition for the admission of any person into any theatre to see any stage play, and also in every case in which any stage play shall be acted or presented in any house, room, or place in which distilled or fermented exciseable liquor shall be sold, every actor therein shall be deemed to be acting for hire.

Proof of licence in certain cases to lie on the party accused.

XVII. AND be it enacted, that in any proceedings to be instituted against any person for having or keeping an unlicensed theatre, or for acting for hire in an unlicensed theatre, if it shall be proved that such theatre is used for the public performance of stage plays, the burden of proof that such theatre is duly licensed or authorized shall lie on the party accused, and until the contrary shall be proved such theatre shall be taken to be unlicensed.

* * * * *

Penalties how to be recoverable.

XIX. AND be it enacted, that all the pecuniary penalties imposed by this Act for offences committed in England may be recovered, in any of her Majesty's courts of record at Westminster, and for offences committed in Scotland by action or summary complaint before the Court of Session or Justiciary there, or for offences committed in any part of Great Britain in a summary way before two justices of the peace for any county, riding, division, liberty, city, or borough where any such offence shall be committed, by the oath or oaths of one or more credible witness or witnesses, or by the confession of the offender; and in default of payment of such penalty together with the costs, the same may be levied by distress and sale of the offender's goods and chattels, rendering the overplus to such offender, if any there be above the penalty, costs, and charge of distress; and for want of sufficient distress the offender may be imprisoned in the common gaol or house of correction of any such county, riding, division, liberty, city, or borough for any time not exceeding six calendar months.

Jurisdiction of justices.

Distress.

Imprisonment.

XX. AND be it enacted, that it shall be lawful for any person who shall think himself aggrieved by any order of such justices of the peace to appeal therefrom to the next general or quarter session of the peace to be holden for the said county, riding, division, liberty, city, or borough, whose order therein shall be final.

Appeal from justices to quarter sessions.

XXI. AND be it enacted, that the said penalties for any offence against this Act shall be paid and applied in the first instance toward defraying the expences incurred by the prosecutor, and the residus thereof (if any) shall be paid to the use of her Majesty, her heirs and successors.

Appropriation of penalties.

XXII. PROVIDED always, and be it enacted, that no person shall be liable to be prosecuted for any offence against this Act unless such prosecution shall be commenced within six calendar months after the offence committed.

Limitation of actions.

XXIII. AND be it enacted, that in this Act the word "stage play" shall be taken to include every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage, or any part thereof: Provided always, that nothing herein contained shall be construed to apply to any theatrical representation in any booth or show which by the justices of the peace, or other persons having authority in that behalf, shall be allowed in any lawful fair, feast, or customary meeting of the like kind.

Interpretation of Act.

Exemption of performances at fairs, &c.

XXIV. AND be it enacted, that this Act shall extend only to Great Britain.

Extent of Act.

* * * * *

CHAPTER LXXIII.

AN ACT for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales.

[22d August 1843.]

WHEREAS the laws relating to attornies and solicitors are numerous and complicated, and it is expedient to consolidate and simplify and to alter and 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, that from and after the passing of this Act the several Acts and parts of Acts set forth in the first part of the first schedule hereunto annexed, so far as the same relate to that part of the United Kingdom of Great Britain and Ireland called England and Wales, shall be and the same are hereby repealed, save only and except so far as such Acts or parts of Acts, or any of them, repeal the whole or any part of the same or of any other Act or Acts, . . . : Provided always, Rep., Stat. Law Rev. Act, 1874 (No. 2).] that nothing in this Act shall be construed to repeal or alter any of the Acts or parts of Acts mentioned to be saved the second part of the first schedule hereunto annexed.

Repeal of former Act.

II. AND be it enacted, that from and after the passing of this Act no person shall act as an attorney or solicitor, or as such attorney or solicitor sue out any writ or process, or commence, carry on, solicit, or defend any action, suit, or other proceeding, in the name of any other person or in his own name, in her Majesty's High Court of Chancery, or courts of Queen's Bench, Common Pleas, Exchequer, or Court of the Duchy of Lancaster, or Court of the Duchy of Lancaster at Westminster, or in any of the courts of the counties palatine of Lancaster and Durham, or in the Court of Bankruptcy, . . . , or in any county court, or in any court of civil or criminal

No person to act as an attorney or solicitor unless admitted and enrolled.

jurisdiction, or in any other court of law or equity in that part of the United Kingdom of Great Britain and Ireland called England and Wales, or act as an attorney or solicitor in any cause, matter, or suit, civil or criminal, to be heard, tried, or determined before any justice of assize, of oyer and terminer, or gaol delivery, or at any general or quarter sessions of the peace for any county, riding, division, liberty, city, borough, or place, or before any justice or justices, or before any commissioners of her Majesty's revenue, unless such person shall have been previously to the passing of this Act admitted and enrolled and otherwise duly qualified to act as an attorney or solicitor under or by virtue of the laws now in force, or unless such person shall after the passing of this Act be admitted and enrolled and otherwise duly qualified to act as an attorney or solicitor pursuant to the directions and regulations of this Act, and unless such person shall continue to be so duly qualified and on the roll at the time of his acting in the capacity of an attorney or solicitor as aforesaid.

No person to be admitted an attorney or solicitor unless he shall have served a clerkship of five years, and have been examined and sworn.

Proviso as to persons serving clerkship to attorneys of courts of Lancaster and Durham.

III. AND be it enacted, that, except as herein-after mentioned, no person shall from and after the passing of this Act be capable of being admitted and enrolled as an attorney or solicitor, unless such person shall have been bound by contract in writing to serve as clerk for and during the term of five years to a practising attorney or solicitor in England or Wales, and shall have duly served under such contract for and during the said term of five years, and also unless such person shall, after the expiration of the said term of five years, have been examined and sworn in the manner herein-after directed: Provided always, that any person who now is or shall hereafter be bound by contract in writing to serve as clerk to a practising attorney or solicitor of the Court of Common Pleas of the county palatine of Lancaster or the Court of Pleas of the county palatine of Durham respectively for the term of five years, and shall continue in such service for and during the said term, and shall during the whole of such term have been actually employed by such attorney or solicitor, or by the London agent of any such attorney or solicitor, or by any practising barrister or special pleader, with the consent of such attorney or solicitor, for any part of the said term not exceeding one year, shall be admitted and enrolled an attorney of the said last-mentioned courts respectively as heretofore,

No attorney to have more than two clerks at one time, or to take or retain any clerk after discontinuing business, nor whilst employed as clerk to another attorney.

IV. AND be it enacted, that no attorney or solicitor shall have more than two clerks at one and the same time who shall be bound by such contract in writing as aforesaid to serve him as clerks; and that no attorney or solicitor shall take, have, or retain any clerk who shall be bound by contract in writing as aforesaid after such attorney or solicitor shall have discontinued or left off practising as or carrying on the business of an attorney or solicitor, nor whilst such attorney or solicitor shall be retained or employed as a writer or clerk by any other attorney or solicitor; and service by any clerk under articles to an attorney or solicitor, for and during any part of the time that such attorney or solicitor shall be so employed as writer or clerk by any other attorney or solicitor, shall not be deemed or accounted as good service under such articles.

In case attorney become bankrupt, or be imprisoned for debt, his attieled clerks

V. AND be it further enacted, that in case any attorney or solicitor to, whom any clerk shall be bound by contract in writing as aforesaid shall, before the end or determination of such contract, become bankrupt,, or be imprisoned for debt and remain in prison for the space of

seventy-one days, it shall be lawful for any of the said courts of law or equity herein such attorney or solicitor is admitted as aforesaid, upon the application of such clerk, to order and direct the said contract to be discharged, or assigned to such person, upon such terms, and in such manner, as the said court shall think fit.

may be discharged by a court, or assigned to another attorney.

VI. PROVIDED always, and be it enacted, that any person who now is or hereafter shall be bound by contract in writing to serve as a clerk to a practising attorney or solicitor for the term of five years, and who shall actually and bonâ fide be and continue as pupil with and as such be employed by any practising barrister, or any person bonâ fide practising as a certificated special pleader, in England or Wales, for any part of the said term, not exceeding one whole year, and in addition thereto or instead thereof with the London agent of the attorney or solicitor to whom any such person shall be so bound by contract as aforesaid for any part of the said term not exceeding one year, either by virtue of any stipulation in such contract, or with the permission of such attorney or solicitor, shall be capable of being examined, and sworn and admitted and enrolled as an attorney or solicitor, in the same manner as if he had served the whole of the said period of five years with the attorney or solicitor to whom he may be so bound.

Persons bound for five years may serve one year with a barrister or special pleader and one year with a London agent.

VIII. AND be it enacted, that whenever any person shall after the passing of this Act be bound by contract in writing to serve as a clerk to any attorney or solicitor as aforesaid, the attorney or solicitor to whom such person shall be so bound as aforesaid shall, within six months after the date of every such contract, make and duly swear, or cause or procure to be made and duly sworn, an affidavit or affidavits of such attorney or solicitor having been duly admitted, and also of the actual execution of every such contract by him the said attorney or solicitor and by the person so to be bound to serve him as a clerk as aforesaid; and in every such affidavit shall be specified the names of every such attorney or solicitor and of every such person so bound, and their places of abode respectively, together with the day on which such contract was actually executed; and every such affidavit shall be filed within six months next after the execution of the said contract with and by the officer appointed or to be appointed for that purpose as herein-after mentioned, who shall thereupon enrol and register the said contract, and shall make and sign a memorandum of the day of filing such affidavit upon such affidavit and also on the said contract.

Affidavit to be made and file within six months of execution of articles, and the articles to be enrolled and registered

IX. PROVIDED always, and be it enacted, that in case such affidavit be not made within such six months the same may be filed by the said officer after the expiration thereof, but the service of such clerk shall be reckoned to commence and be computed from the day of filing such affidavit, unless one of the said courts of law or equity shall otherwise order.

If affidavit not filed within six months the service shall reckon from the day of filing, unless it be otherwise ordered.

X. AND be it enacted, that no person who shall from and after the passing of this Act become bound as aforesaid shall be admitted an attorney or solicitor before such affidavit so marked as aforesaid shall have been produced to the court or judge to whom such person shall apply to be admitted an attorney or solicitor in pursuance of the provisions herein-after contained, unless such court or judge shall be satisfied that the same cannot be produced, and shall think fit to dispense with the production thereof.

Affidavit to be produced on applying for admission

Book to be kept for entering the substance of affidavits, with the names, &c. of attorney and clerk, &c. which may be searched.

Fees as in second schedule to be taken for filing affidavits, &c.

XI. AND be it enacted, that the officer so appointed or to be appointed for filing such affidavits as aforesaid shall keep a book wherein shall be entered the substance of every affidavit which shall be so filed as aforesaid, specifying the name and place of abode of the attorney or solicitor to whom any person shall be bound to serve as a clerk, and of the clerk or person who shall be so bound as aforesaid, and of the person making such affidavit, with the date of the articles or contract in such affidavit mentioned or referred to, and the days of swearing and filing every such affidavit respectively; and such officer shall be at liberty to take, at the time of filing every such affidavit, the sum mentioned in the second schedule to this Act annexed, and no more, as a recompence for his trouble in filing such affidavits and preparing and keeping such books as aforesaid; and such books shall and may be searched in office hours by any person whomsoever, without fee or reward.

Clerks to be employed in practice during time of service.

XII. AND be it enacted, that every person who now is or hereafter shall be bound by contract in writing to serve as a clerk to any attorney or solicitor shall, during the whole time and term of service to be specified in such contract, continue and be actually employed by such attorney or solicitor in the proper business, practice, or employment of an attorney or solicitor, save only and except in the cases herein-before mentioned.

Clerks whose masters have died or left off practice may enter into fresh contracts for the residue of their term.

XIII. AND be it enacted, that if any attorney or solicitor to or with whom any such person shall be so bound shall happen to die before the expiration of the term for which such person shall be so bound, or shall discontinue or leave off practice as an attorney or solicitor, or if such contract shall by mutual consent of the parties be cancelled, or in case such clerk shall be legally discharged before the expiration of such term by any rule or order of the court wherein such attorney or solicitor shall have been admitted, such clerk shall and may in any of the said cases be bound by another contract or other contracts in writing to serve as clerk to any other practising attorney or solicitor, or attorneys or solicitors, during the residue of the said term, and service under such second or other contract in manner herein-before mentioned shall be deemed and taken to be good and effectual, provided that an affidavit be duly made and filed of the execution of such second or other contract or contracts within the time and in the manner herein-before directed, and subject to the like regulations with respect to the original contract and affidavit of the execution thereof.

Clerks before admission to make or obtain affidavits of having duly served their time.

XIV. AND be it enacted, that every person who shall have been or shall be bound as a clerk as aforesaid shall, before he be admitted an attorney or solicitor according to this Act, prove, by an affidavit of himself or of the attorney or solicitor to whom he was bound as aforesaid, or such agent, barrister, or special pleader as aforesaid, to be duly made and filed with the proper officer herein-before mentioned, that he hath actually and really served and been employed by such practising attorney, solicitor, agent, barrister, or special pleader, during the whole time and in the manner required by the provisions of this Act, and in the form to be approved by the judges of the court wherein such person shall apply to be admitted.

Persons on applying for admission as attorneys to be

XV. AND be it enacted, that it shall be lawful for the judges of the said courts of Queen's Bench, Common Pleas, and Exchequer, or any one or more of them, and he and they is and are hereby authorized and required, before he

or they shall issue a fiat for the admission of any person to be an attorney, to examine and inquire, by such ways and means as he or they shall think proper, touching the articles and service, and the fitness and capacity of such person to act as an attorney; and if the judge or judges as aforesaid shall be satisfied by such examination, or by the certificate of such examiners as herein-after mentioned, that such person is duly qualified and fit and competent to act as an attorney, then, and not otherwise, the said judge or judges shall and he and they is and are hereby authorized and required to administer or cause to be administered to such person the oath herein-after directed to be taken by attornies and solicitors, in addition to the oath of allegiance [1], and after such oaths taken to cause him to be admitted an attorney of such court, and his name to be enrolled as an attorney of such court, which admission shall be written on parchment, and signed by such judge or judges respectively, and shall be stamped with the stamps by law required to be impressed on the admission of attornies.

examined by judges of common law court or examiner as to service fitness, and capacity.

Oath to be administered

and clerks thereupon admitted.

Stamp duty admission.

XVI. AND for the purpose of facilitating the inquiry touching the due service under articles as aforesaid, and the fitness and capacity of any person to act as an attorney, be it enacted, that it shall be lawful for the judges of the courts of Queen's Bench, Common Pleas, and Exchequer, (or any eight or more of them, of whom the chiefs of the said courts shall be three,) from time to time to nominate and appoint such persons to be examiners for the purposes aforesaid, and to make such rules and regulations for conducting such examination, as such judges shall think proper.

Judges to appoint examiners.

XVII. AND be it enacted, that it shall be lawful for the master of the rolls, and he is hereby authorized and required, before he shall admit any person to be a solicitor, to examine and inquire, by such ways and means as he shall think proper, touching the fitness and capacity of such person to act as a solicitor, and for that purpose from time to time to appoint such persons as examiners, and to make such orders and regulations for conducting such examination, as he shall think proper; and if the master of the rolls shall, by such examination, or by the certificate of such examiners, be satisfied that such person is duly qualified to be admitted to act as a solicitor, then, and not otherwise, the master of the rolls shall and he is hereby authorized to administer or cause to be administered to such person the oath herein-after directed to be taken by attornies and solicitors, in addition to the oath of allegiance [1], and after such oaths taken to cause him to be admitted a solicitor in the Court of Chancery, and his name to be enrolled as a solicitor in such court, which admission shall be written on parchment, and signed by the master of the rolls, and shall be stamped with the stamps by law required to be impressed on the admission of solicitors.

Persons applying for admission as solicitors to be examined by master of the rolls or examiners as to fitness and capacity.

Oath to be administered

and clerks thereupon admitted.

Stamp duty admission.

XVIII. PROVIDED always, and be it enacted, that it shall be lawful for the master of the rolls, jointly with the judges of the courts of Queen's Bench, Common Pleas, and Exchequer, or with any eight or more of them, (of whom the chiefs of the said courts shall be three,) if they shall see fit so to do,

The master of the rolls jointly with the judges, may appoint examiners

[1 Sections 15 and 17 are rep., so far as they relate to the oath of allegiance, Stat. Law Rev. Act, 1874 (No. 2).]

and make rules for examination of persons applying to be admitted as both attornies and solicitors.

Administration of oath to and admission of such persons.

Attornies and solicitors, before admission, to take oath.

The proper officers for filing affidavits, and for having the care of the rolls.

Names of attornies to be enrolled in alphabetical order.

to nominate and appoint examiners, and to make rules and regulations for conducting the examinations of persons applying to be admitted as attornies and solicitors, as well touching the articles and service as the fitness and capacity of such persons to act both as attornies and solicitors; and if the master of the rolls or any of the judges of the said courts of common law shall, by such examination, or by the certificate of such examiners, be satisfied that such person is duly qualified to be admitted to act as an attorney and solicitor, then, and not otherwise, the master of the rolls as to the Court of Chancery, and one of the judges as to the said courts of law at Westminster, shall and he is hereby authorized to administer or cause to be administered to such person the oath herein-after directed to be taken by solicitors and attornies, in addition to the oath of allegiance, and after such oaths taken to cause him to be admitted an attorney and solicitor, and his name to be enrolled as an attorney of the said courts of law at Westminster, and also a solicitor of the said High Court of Chancery, which admissions shall be written on parchment; and signed by the master of the rolls or one of the judges of the said courts of law at Westminster, as the case may be.

XIX. AND be it enacted, that every person who shall pursuant to this Act apply to be admitted an attorney or solicitor shall, before he be admitted and enrolled as aforesaid, take and subscribe the oath, or, if he be one of the people called Quakers, the affirmation following :

‘ I A.B. do swear [or solemnly affirm, as the case may be], that I will truly and honestly demean myself in the practice of an attorney [or solicitor, as the case may be,] according to the best of my knowledge and ability. So help me GOD.’

XX. AND be it enacted, that from and after the passing of this Act the masters of the several courts of law at Westminster, or such other person or persons as the lord chief justice of the Court of Queen’s Bench, the lord chief justice of the Court of Common Pleas, and the lord chief baron of the Court of Exchequer shall for that purpose severally and respectively appoint, shall be deemed and taken to be the proper officers for filing such affidavits as aforesaid in the said respective courts, and they shall have the custody and care of the rolls or books wherein persons are at present enrolled as attornies in the said respective courts, and shall and they are hereby respectively required from time to time, without fee or reward, other than such sum or sums as are mentioned in the second schedule hereunto annexed, to enrol the name of every person who shall be admitted an attorney in the said respective courts, pursuant to the directions in this Act, and the time when admitted, in alphabetical order, in rolls or books to be provided and kept for that purpose in their several and respective offices; and also that the Queen’s remembrancer in the Court of Exchequer or his deputy, and the chief clerk of the Court of the Duchy Chamber of Lancaster at Westminster or his deputy, and the prothonotaries of the courts of the counties palatine of Lancaster and Durham or their deputies, or such person or persons as the lord chief justice of the Court of Queen’s Bench, the lord chief justice of the Court of Common Pleas, and the lord chief baron of the Court of Exchequer shall jointly appoint, shall have the custody and care of the rolls or books wherein persons are at present enrolled as attornies and solicitors in the said last-mentioned respective courts, which said prothonotaries of the courts of the counties pala-

ine of Lancaster and Durham or their deputies, or such person or persons as shall be appointed as last mentioned, shall be deemed and taken to be the proper officers for filing such affidavits as herein-before mentioned in the Court of Common Pleas at Lancaster and the Court of Pleas at Durham respectively; and he and they is and are hereby respectively required from time to time, without fee or reward, other than such sum or sums of money as are now payable, to enrol the name of every person who shall be admitted an attorney in the said last-mentioned respective courts pursuant to the directions in this Act, and the time when admitted, in alphabetical order, in rolls or books to be provided and kept for that purpose in their several and respective offices; and also that the senior clerk of the Petty Bag Office in the Court of Chancery or his deputy, the chief clerk of the Duchy Chamber of Lancaster at Westminster or his deputy, the registrars of the respective courts of equity in the counties palatine of Lancaster and Durham, or such other person or persons as the master of the rolls shall for that purpose appoint, shall have the custody and care of the rolls or books wherein persons are at present enrolled as solicitors, and which said clerk of the petty bag office, or such other person or persons as shall be appointed as last mentioned, shall be deemed and taken to be the proper officer or officers for filing such affidavits as herein-before mentioned in the Court of Chancery; and he and they is and are hereby also respectively required from time to time, without fee or reward other than as last aforesaid, to enrol the name of every person who shall be admitted a solicitor pursuant to the directions in this Act, and the time when admitted, in alphabetical order, in rolls or book to be kept for that purpose, which rolls or books in the said courts of law or equity respectively all persons shall and may have free access, without fee or reward.

Names of solicitors to enrolled in alphabetical order.

XXI. AND be it enacted, that from and after the passing of this Act there shall be a registrar of attornies and solicitors, and that it shall be the duty of such registrar to keep an alphabetical roll or book, or rolls or books, of all attornies and solicitors, and to issue certificates of persons who have been admitted and enrolled as attornies or solicitors, and are entitled to take out copies of certificates authorizing them to practise as such; and it shall be lawful for the lord chief justice of her Majesty's Court of Queen's Bench, the master of the rolls, the lord chief justice of the Court of Common Pleas, and the lord chief baron of the Court of Exchequer, (or any three of them, of whom the master of the rolls shall be one,) to make such orders, directions, and regulations touching the performance and execution of the duties aforesaid as they shall think proper; and such registrar, or some person duly appointed by him, shall have free access to and shall be at liberty from time to time to examine and take copies or extracts, without fee or reward, of all rolls or books kept for the enrolment of attornies and solicitors in any of the courts at Westminster, and for the enrolment of attornies and solicitors in the Court of the Duchy of Lancaster, or Court of the Duchy Chamber of Lancaster at Westminster, or in any courts of the counties palatine of Lancaster and Durham; and that the duties of such office of registrar shall be performed by the incorporated "Society of Attornies, Solicitors, Proctors, and others, not being Barristers, practising in the Courts of Law and Equity of the United Kingdom," whether by their present or any future charter of incorporation, unless and until the lord chief justice of the Court of Queen's Bench, the master of

Registrar of attornies and solicitors.

Duties of the office to be performed by the Incorporated Law Society until a registrar is appointed.

the rolls, the lord chief justice of the Court of Common Pleas, and the lord chief baron of the Court of Exchequer, (or any three of them, of whom the master of the rolls shall be one,) shall, by any order under their hands, which order they are hereby authorized and empowered to make, appoint any fit and proper person to perform the said duties in the place and stead of the said society, (which said person shall be called the registrar of attornies and solicitors, and shall hold such office or employment during pleasure only,) and so from time to time to appoint any other fit and proper person, or the said society, to perform the said duties during pleasure.

Commissioner of stamps not to grant any stamped certificate without certificate from registrar that the person applying is entitled thereto.

XXII. it shall not be lawful for the commissioners of stamps and taxes, or any of their officers, to grant or issue to any person any stamped certificate authorizing such person to practise as an attorney or solicitor, unless nor until he shall leave with the said commissioners, or their proper officer, at the head office for stamps and taxes at Somerset House in the county of Middlesex, a certificate from such registrar as aforesaid that such person is an attorney or solicitor, and entitled to take out such stamped certificate ;

Declaration shall be delivered to registrar by applicant for certificate, and entered in a book ;

XXIII. AND be it enacted, that for the purpose of obtaining such registrar's certificate as aforesaid a declaration in writing, signed by such attorney or solicitor or by his partner, or in case such attorney or solicitor shall reside more than twenty miles from London then by his London agent on his behalf, containing his name and place of residence, and the court or one of the courts of which he is then admitted an attorney or solicitor, together with the term and year in or as of which he was so admitted, shall be delivered to the said registrar, who shall cause all the particulars in such declaration to be entered in a proper book to be kept for that purpose, which shall be open to the inspection and examination of all persons without fee or reward ; and the said registrar shall, after the expiration of six days after the delivery of such declaration, (unless he shall see cause and have reason to believe that the party applying for such certificate is not upon the said roll of attornies or solicitors), deliver to the said attorney or solicitor, or to his agent, on demand, a certificate

and registrar on demand shall grant a certificate.

On registrar's refusal to grant certificate application to be made to court.

XXIV. AND be it enacted, that in case the said registrar shall decline to issue such certificate as he is herein-before directed and required to give, the party so applying for the same, if an attorney, shall and may apply to any of the said courts of law at Westminster, or to any judge thereof, or, if a solicitor, to the master of the rolls, who are hereby respectively authorized to make such order in the matter as shall be just, and to order payment of costs by and to either of the parties, if they shall see fit.

* * * * *

Persons practising without stamped certificate incapable of recovering fees.

XXVI. AND be it enacted, that no person who as an attorney or solicitor shall sue, prosecute, defend, or carry on any action or suit, or any proceedings, in any of the courts aforesaid, without having previously obtained a stamped certificate which shall be then in force, shall be capable of maintaining any action or suit at law or in equity for the recovery of any fee, reward, or disbursement for or in respect of any business, matter, or thing done by him as an attorney or solicitor as aforesaid whilst he shall have been without such certificate as last aforesaid.

XXVII. AND be it enacted, that every person who shall have been duly admitted an attorney of any one of the superior courts of law at Westminster shall be entitled, upon the production of his admission therein, or an official certificate thereof, and that the same still continues in force, to be admitted as an attorney in any other of the said courts, or in any inferior court of law in England and Wales, upon signing the roll of such other court, but not otherwise, and shall thereupon be entitled to practise as an attorney therein in like manner as if he had been sworn in and admitted an attorney of such court: Provided always, that no additional fee besides those payable by virtue of this Act shall be demanded or paid; and that every person who shall have been duly admitted a solicitor of the High Court of Chancery shall be entitled, upon the production of his admission therein, or an official certificate thereof, and that the same still continues in force, to be admitted as a solicitor in any inferior court of equity in England and Wales, and in the Court of Bankruptcy, upon signing the roll of such other court, but not otherwise, and shall thereupon be entitled to practise as a solicitor therein in like manner as if he had been sworn in and admitted a solicitor of such court: Provided also, that no additional fee besides those payable by virtue of this Act shall be demanded or paid.

Persons duly admitted attorneys in one superior court of law shall be admitted in and capable of practising in all other courts, on signing the rolls, without additional fees.

Persons duly admitted solicitors in chancery shall be admitted in and capable of practising in bankruptcy and in all inferior courts of equity, on signing the rolls, without additional fees.

XXVIII. AND be it enacted, that no person who shall have duly served his clerkship under articles in writing, pursuant to the provisions of this Act, shall be prevented or disqualified from being admitted and enrolled as an attorney or solicitor, nor liable to be struck off the roll if admitted, by reason or in consequence of the attorney or solicitor to whom he may have been bound by such articles having been after such service struck off the roll: Provided that such clerk or person be otherwise entitled to be admitted and enrolled, according to the provisions herein-before contained.

Persons duly serving their articles not disqualified by attorneys, &c. to whom they have served being afterwards struck off the roll.

XXIX. AND be it enacted, that no person who has been admitted and enrolled shall be liable to be struck off the roll for or on account of any defect in the articles of clerkship, or in the registry thereof, or in his service under articles, or in his admission and enrolment, unless the application for striking him off the roll be made within twelve months from the time of his admission and enrolment: Provided that such articles, registration, service, admission, or enrolment be without fraud.

Applications for striking attorneys off the roll, for defects in articles, &c. to be made within 12 months of admission.

XX. AND be it enacted, that, until the same shall be varied or altered pursuant to the provision herein-after contained, the several sums of money mentioned in the second schedule to this Act annexed shall and may be taken received for the services and purposes mentioned and specified therein: Provided always, that it shall be lawful to and for the lord chief justice of her Majesty's Court of Queen's Bench, the master of the rolls, the lord chief justice of the Court of Common Pleas, and the lord chief baron of the Court of Exchequer, (or any three of them, of whom the master of the rolls shall be one,) from time to time to diminish or increase the said sums or any of them, if they shall see fit, so that by such diminution they be not reduced to less than one half, or by such increase be not made to exceed by more than one half the amount mentioned in the said schedule: Provided also, that it shall be lawful for the lord chief justices and the lord chief baron to make any order or orders for the payment and appropriation of the same sums, so far as they

Fees as in second schedule may be taken for matters therein mentioned.

Increase or diminution of fees.

Appropriation of fees.

concern the said courts of common law, to such persons and in such manner as they shall think proper ; and that it shall be lawful for the master of the rolls to make any order or orders for the payment and appropriation of the same sums, so far as they concern the said High Court of Chancery, to such persons and in such manner as he shall think fit ; and no greater or other fees, rewards, or sums than herein-before mentioned or referred to shall be taken or received on any pretence whatsoever.

Attornies, &c. not to commence or defend suits in their own names or in the name of any other attorney, if prisoners.

Attornies, &c. offending to be punishable for contempt of court ;

and incapable of recovering fees.

Attornies, &c. acting as agents for persons not qualified, &c. shall be liable to be struck off the roll and imprisoned for a year.

XXXI. AND be it enacted, that no attorney or solicitor who shall be a prisoner in any gaol or prison, or within the limits, rules, or liberties of any gaol or prison, shall or may, during his confinement in any gaol or prison, or within the limits, rules, or liberties of any gaol or prison, as an attorney or solicitor, in his own name or in the name of any other attorney or solicitor, sue out any writ or process, or commence or prosecute or defend any action or suit, in any courts of law or equity, or matter in bankruptcy ; and such attorney or solicitor so commencing, prosecuting, or defending any action or suit as aforesaid, and any attorney or solicitor permitting or empowering any such attorney or solicitor as aforesaid to commence, prosecute, or defend any action or suit in his name, shall be deemed to be guilty of a contempt of the court in which any such action or suit shall have been commenced or prosecuted, and punishable by the said courts accordingly, upon the application of any person complaining thereof ; and such attorney or solicitor so commencing, prosecuting, or defending any action or suit as aforesaid shall be incapable of maintaining any action or suit at law or in equity for the recovery of any fee, reward, or disbursement for or in respect of any business, matter, or thing done by him whilst such prisoner as aforesaid, in his own name or in the name of any other attorney or solicitor.

XXXII. AND be it enacted, that if any attorney or solicitor shall wilfully and knowingly act as agent in any action or suit in any court of law or equity, or matter in bankruptcy, for any person not duly qualified to act as an attorney or solicitor as aforesaid, or permit or suffer his name to be anyways made use of in any such action, suit, or matter upon the account or for the profit of any unqualified person, or send any process to such unqualified person, or do any other act thereby to enable such unqualified person to appear, act, or practise in any respect as an attorney or solicitor in any suit at law or in equity, knowing such person not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to any of the said superior courts wherein such attorney or solicitor has been admitted, and proof made thereof upon oath to the satisfaction of the court that such attorney or solicitor hath wilfully and knowingly offended therein as aforesaid, then and in such case every such attorney or solicitor so offending shall and may be struck off the roll, and for ever after disabled from practising as an attorney or solicitor ; and in that case, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the said court to commit such unqualified person so acting or practising as aforesaid to the prison of the said court, without bail or mainprize, for any term not exceeding one year.

* * * * *

Attornies and solicitors not to commence

XXXVII. AND be it enacted, that from and after the passing of this Act no attorney or solicitor, nor any executor, administrator, or assignee of any

attorney or solicitor, shall commence or maintain any action or suit for the recovery of any fees, charges, or disbursements for any business done by such attorney or solicitor, until the expiration of one month after such attorney or executor, administrator, or assignee of such attorney or solicitor, shall have delivered unto the party to be charged therewith, or sent by the party to or left for him at his counting-house, office of business, dwelling house, or last known place of abode, a bill of such fees, charges, and disbursements, in which bill shall either be subscribed with the proper hand of such attorney or solicitor, (or, in the case of a partnership, by any of the partners, either in his own name or with the name or style of such partnership,) or of the executor, administrator, or assignee of such attorney or solicitor, or be enclosed or accompanied by a letter subscribed in like manner referring to such business; and upon the application of the party chargeable by such bill within one month it shall be lawful, in case the business contained in such bill or any part thereof shall have been transacted in the High Court of Chancery, or in any other court of equity, or in any matter of bankruptcy or lunacy, or in any case no part of such business shall have been transacted in any court of law or equity, for the lord high chancellor or the master of the rolls, and in any case no part of such business shall have been transacted in any other court, or in the courts of Queen's Bench, Common Pleas, Exchequer, Court of Common Pleas at Lancaster, or Court of Pleas at Durham, or any judge of either of the said courts, and they are hereby respectively required, to refer such bill, and the demand of such attorney or solicitor, executor, administrator, or assignee thereupon, to be taxed and settled by the proper officer of the court in which such reference shall be made, without any money being brought into court; and the court or judge making such reference shall restrain such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, from commencing any action or suit touching such demand pending such reference; and in case no such application as aforesaid shall be made within one month as aforesaid, then it shall be lawful for such reference to be made as aforesaid, either upon the application of the attorney or solicitor, or the executor, administrator, or assignee of the attorney or solicitor, whose bill shall have been so as aforesaid delivered, sent, or left, or upon the application of the party chargeable by such bill, with such directions and subject to such conditions as the court or judge making such reference shall think proper; and such court or judge may restrain such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, from commencing or prosecuting any action or suit touching such demand pending such reference, upon such terms as shall be thought proper: Provided always, that no such reference as aforesaid shall be directed upon an application made by the party chargeable with such bill after a verdict shall have been obtained or a writ of inquiry executed in any action for the recovery of the demand of such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, or after the expiration of twelve months after such bill shall have been delivered, sent, or left as aforesaid, except under special circumstances, to be proved to the satisfaction of the court or judge to whom the application for such reference shall be made; and upon every such reference, if either the attorney or solicitor, or executor, administrator, or assignee of the attorney or solicitor, whose bill shall have been delivered, sent, or left, or the party

an action for fees till one month after delivery of their bills.

Reference of bills, whether relating to business transacted in court or not, for taxation within such month.

Reference to taxation after one month.

No reference after verdict, &c. for amount claimed, or after twelve months, except under special circumstances.

Taxation ex parte if either side does not appear.

Payment of costs of taxation.

Taxing master's certificate.

Taxing master to specify any special circumstances.

Court may give special directions as to costs where reference is made under special circumstances. Courts may order attorney or solicitor to deliver his bill, and to deliver up deeds, &c.

Evidence of delivery of bill.

Bills may be taxed upon the application of .

chargeable with such bill, having due notice, shall refuse or neglect to attend such taxation, the officer to whom such reference shall be made may proceed to tax and settle such bill and demand ex parte; and in case any such reference as aforesaid shall be made upon the application of the party chargeable with such bill, or upon the application of such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, and the party chargeable with such bill shall attend upon such taxation, the costs of such reference shall, except as herein-after provided for, be paid according to the event of such taxation; that is to say, if such bill when taxed be less by a sixth part than the bill delivered, sent, or left, then such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, shall pay such costs; and if such bill when taxed shall not be less by a sixth part than the bill delivered, sent, or left, then the party chargeable with such bill, making such application or so attending, shall pay such costs; and every order to be made for such reference as aforesaid shall direct the officer to whom such reference shall be made to tax such costs of such reference to be so paid as aforesaid, and to certify what, upon such reference, shall be found to be due to or from such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, in respect of such bill and demand, and of the costs of such reference, if payable: Provided also, that such officer shall in all cases be at liberty to certify specially any circumstances relating to such bill or taxation, and the court or judge shall be at liberty to make thereupon any such order as such court or judge may think right respecting the payment of the costs of such taxation: Provided also, that where such reference as aforesaid shall be made when the same is not authorized to be made except under special circumstances, as herein-before provided, then the said court or judge shall be at liberty, if it shall be thought fit, to give any special directions relative to the costs of such reference: Provided also, that it shall be lawful for the said respective courts and judges, in the same cases in which they are respectively authorized to refer a bill which has been so as aforesaid delivered, sent, or left, to make such order for the delivery by any attorney or solicitor, or the executor, administrator, or assignee of any attorney or solicitor, of such bill as aforesaid, and for the delivery up of deeds, documents, or papers in his possession, custody, or power, or otherwise touching the same, in the same manner as has heretofore been done as regards such attorney or solicitor, by such courts or judges respectively, where any such business had been transacted in the court in which such order was made: Provided also, that it shall not in any case be necessary in the first instance for such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, in proving a compliance with this Act, to prove the contents of the bill he may have delivered, sent, or left, but it shall be sufficient to prove that a bill of fees, charges, or disbursements, subscribed in the manner aforesaid, or enclosed in or accompanied by such letter as aforesaid, was delivered, sent, or left in manner aforesaid; but nevertheless it shall be competent for the other party to show that the bill so delivered, sent, or left was not such a bill as constituted a bonâ fide compliance with this Act:

.
 XXXVIII. AND be it enacted, that where any person, not the party chargeable with any such bill within the meaning of the provisions herein-before

ized, shall be liable to pay or shall have paid such bill either to the party or solicitor, his executor, administrator, or assignee, or to the party chargeable with such bill as aforesaid, it shall be lawful for such person, his executor, administrator, or assignee, to make such application for a reference to taxation and settlement of such bill as the party chargeable therewith may himself make, and the same reference and order shall be made thereon, and the same course pursued in all respects, as if such application was made by the party so chargeable with such bill as aforesaid: Provided always, that in any case such application is made when, under the provisions herein contained, no reference is not authorized to be made except under special circumstances, it shall be lawful for the court or judge to whom such application is made to take into consideration any additional special circumstances which may be applicable to the person making such application, although such circumstances may not be applicable to the party so chargeable with the said bill as aforesaid, if he was the party making the application.

third parties
under certain
circumstances

XIX. AND be it enacted, that it shall be lawful, in any case in which a trustee, executor, or administrator has become chargeable with any such bill as aforesaid, for the lord high chancellor or the master of the rolls, if in his discretion he shall think fit, upon the application of a party interested in the property out of which such trustee, executor, or administrator may have to pay such bill, to refer the same, and such attorney's or solicitor's, or executor's, administrator's, or assignee's demand thereupon, to be heard and settled by the proper officer of the High Court of Chancery, with such directions and subject to such conditions as such judge shall think fit, and to make such order as such judge shall think fit for the payment of what may be found due, and of the costs of such reference, to or by such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, by or to the party making such application, having regard to the provisions herein contained relative to applications for the like purpose by the party chargeable with such bill, so far as the same shall be applicable to such case, and in exercising such discretion as aforesaid the said judge may take into consideration the extent and nature of the interest of the party making the application: Provided always, that where any money shall be so directed to be paid by such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, it shall be lawful for such judge, if he shall think fit, to order the same, or any part thereof, to be paid to such trustee, executor, or administrator so chargeable with such bill, instead of being paid to the party making such application; and when the party making such application shall pay any money to such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, in respect of such bill, he shall have the same right to be paid by such trustee, executor, or administrator so chargeable with such bill, as such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, had.

Taxation of
bill chargeable
on trustees,
executors,
&c. may
be directed or
application of
party inter-
ested in the
property out
of which such
trustees, &c.
may have paid
or be entitled
to pay such
bill.

XI. AND be it enacted, that for the purpose of any such reference upon the application of the person not being the party chargeable within the meaning of the provisions of this Act as aforesaid, or of a party interested as aforesaid, it shall be lawful for such court or judge to order any such attorney or solicitor, or the executor, administrator, or assignee of any such attorney or solicitor, to deliver to the party making such application a copy of such bill, upon pay-

Copy of bill
to be delivered
to person, not
being party
chargeable,
making appli-
cation for
reference for
taxation.

No re-taxation except under special circumstances.

ment of the costs of such copy: Provided always, that no bill which shall have been previously taxed and settled shall be again referred, unless, under special circumstances, the court or judge to whom such application is made shall think fit to direct a re-taxation thereof.

Court may direct taxation of bill within 12 months after payment.

XLII. AND be it enacted, that the payment of any such bill as aforesaid shall in no case preclude the court or judge to whom application shall be made from referring such bill for taxation, if the special circumstances of the case shall in the opinion of such court or judge appear to require the same, upon such terms and conditions and subject to such directions as to such court or judge shall seem right, provided the application for such reference be made within twelve calendar months after payment.

Power for taxing officer to request officers of other courts to tax portions of the bill.

XLIII. AND be it enacted, that in all cases in which such bill shall have been referred to be taxed and settled, the officer to whom such reference is made shall be at liberty to request the proper officer of any other court having such an officer to assist him in taxing and settling any part of such bill, and such officer so requested shall thereupon proceed to tax and settle the same, and shall have the same powers, and may receive the same fees in respect thereof, as upon a reference to him by the court of which he is such officer, and shall return the same, with his opinion thereon, to the officer who shall have so requested him to tax and settle the same; and the officer to whom such reference is made shall not be paid any fee for that portion of the bill which shall have been so taxed and settled by the officer of such other court at his request.

Applications for reference to taxation, &c. how to be made.

Certificate of taxation to be final, unless altered by court, and payment may be enforced.

Judgment may be entered for the amount on any reference to a common law court.

XLIV. AND be it enacted, that all applications made under this Act to refer any such bill as aforesaid to be taxed and settled, and for the delivery of such bill, and for the delivering up of deeds, documents, and papers, shall be made in the matter of such attorney or solicitor; and that upon the taxation and settlement of any such bill the certificate of the officer by whom such bill shall be taxed shall (unless set aside or altered by order, decree, or rule of court,) be final and conclusive as to the amount thereof, and payment of the amount certified to be due and directed to be paid may be enforced according to the course of the court in which such reference shall be made; and in case such reference shall be made in any court of common law it shall be lawful for such court or any judge thereof to order judgment to be entered up for such amount, with costs, unless the retainer shall be disputed, or to make such other order thereon as such court or judge shall deem proper.

* * * * *

Act not to extend to clerks of Petty Bag Office, or of Queen's coroner and attorney in Court of Queen's Bench.

XLVI. PROVIDED always, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to the examination, swearing, admission, or enrolment of the clerks of the Petty Bag Office, or of the clerks of the Queen's coroner and attorney in the Court of Queen's Bench, for the time being, but that the said clerks respectively shall and may be examined, sworn, admitted, and practise in their respective courts and offices in like manner as they might have been or done before the making of this Act.

Act not to extend to solicitors of Treasury, &c.

XLVII. PROVIDED always, and be it enacted, that this Act or any thing herein contained shall not extend or be construed to extend to the examination, swearing, admission, or enrolment, or any rights or privileges of any persons appointed to be solicitors of the Treasury, Customs, Excise, Post Office, Stamp Duties, or any other branch of her Majesty's revenue, or to the solicitor

of the city of London, or to the assistant of the council for the affairs of the Admiralty or navy, or to the solicitor to the Board of Ordnance.

XLVIII. AND be it enacted, that in the construction of this Act the word "month" shall be taken to mean a calendar month; and every word importing the singular number only shall extend and be applied to several persons, matters, or things, as well as one person, matter, or thing; and every word importing the plural number shall extend and be applied to one person, matter, or thing, as well as several persons, matters, or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "person" shall extend to any body politic, corporate, or collegiate, municipal, civil, or ecclesiastical, aggregate or sole, as well as an individual; unless in any of the cases aforesaid it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

Meaning of
cert in words
in this Act.

SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

THE SECOND PART;

CONTAINING

A DESCRIPTION of the Acts and Parts of Acts not repealed by this Act.

Date of Act.	Title.	Extent of Saving.
20 Hen. III. c. 10.	An Act for allowing attornies to make suits to several courts.	The whole.
3 Edw. I. c. 25.	An Act against Champerty	The whole.
3 Edw. I. c. 29.	An Act inflicting penalty upon a serjeant or pleader committing deceit.	The whole.
6 Edw. I. c. 8.	An Act, amongst other things, that attornies may be made where an appeal lieth not.	The whole.
13 Edw. I. c. 10.	An Act authorizing persons to make general attornies in all pleas for or against them.	The whole.
13 Edw. I. c. 49.	An Act inflicting penalty for buying the title of land depending in suit, and a remedy for suits where the law fails.	The whole.
28 Edw. I. c. 11.	An Act that nothing shall be taken to maintain any action in suit.	The whole.
7 Rich. II. c. 14.	An Act that they which shall depart the realm by the King's licence may make general attornies.	The whole.
7 Hen. IV. c. 13.	An Act that impotent persons that be outlawed may make attornies.	The whole.

Date of Act.	Title.	Extent of Saving.
3 Hen. VII. c. I.	An Act as to the authority of the Court of Star Chamber where one inquest shall inquire of the concealment of another; a coroner's duty after a murder committed; a justice of peace shall certify his recognizances.	The whole.
18 Eliz. c. 5. -	An Act to redress disorders in common informers.	The whole.
18 Eliz. c. 14. -	An Act for reformation of jeofails -	The whole, except so much as relates to attornies filing warrants of attorney.
29 Eliz. c. 5. -	An Act for the continuance and perfecting of divers statutes.	The whole.
31 Eliz. c. 10. -	An Act for the continuance of divers statutes.	The whole.
4 & 5 Anne, c. 16.	An Act for the amendment of the law and the better advancement of justice.	The whole, except so much as relates to attornies filing warrants of attorney.
12 Geo. I. c. 29. -	An Act to prevent frivolous and vexatious arrests.	The whole.
5 Geo. II. c. 18. -	An Act for the further qualification of justices of the peace.	The whole, except so much as relates to incapacitating attornies, solicitors, and proctors from being justices of the peace.
.
19 Geo. III. c. 68.	An Act for explaining, amending, and rendering more effectual an Act passed in the twenty-third year of the reign of his late Majesty King George the Second, for the more easy and speedy recovery of small debts within the Tower Hamlets.	The whole.
23 Geo. III. c. 33.	An Act for preventing delays and expences in the county court of Middlesex, and for the more easy and speedy recovery of small debts in the said county court.	The whole.
24 Geo. III. c. 42. (Local.)	An Act to explain and amend an Act passed in the last session of Parliament, intituled "An Act for the more easy and speedy recovery of small debts within the city and liberty of Westminster and that part of the duchy of Lancaster which adjoineth thereto," and for making the said Act more effectual.	The whole.
.

Date of Act.	Title.	Extent of Saving.
39 & 40 Geo. III. c. 104. (Local.)	An Act to explain, amend, and render more effectual an Act passed in the third year of the reign of King James the First, intituled "An Act for the recovery of small debts in London," and an Act passed in the fourteenth year of the reign of his late Majesty King George the Second, to explain and amend the above-mentioned Act; and likewise for extending the powers of the Court of Requests in the city of London in and by the said two several Acts continued and established.	The whole.
.
44 Geo. III. c. 98.	An Act to repeal the several duties under the commissioners for managing the duties upon stamped vellum, parchment, and paper in Great Britain, and to grant new and additional duties in lieu thereof.	The whole.
.
52 Geo. III. c. 63.	An Act for more effectually preventing the embezzlement of securities for money and other effects left or deposited for safe custody or other special purpose in the hands of bankers, merchants, brokers, attornies, or other agents.	The whole.
.
55 Geo. III. c. 184.	An Act for repealing the stamp duty on deeds, law proceedings, and other written or printed instruments, and the duties on fire insurances, and on legacies and successions to personal estate upon intestacies, now payable in Great Britain; and for granting other duties in lieu thereof.	The whole.
1 & 2 Geo. IV. c. 48.	An Act to amend the several Acts for the regulation of attornies and solicitors.	} So far as the attornies and solicitors of Ireland are affected thereby.
3 Geo. IV. c. 16.	An Act to amend an Act made in the last session of Parliament, for amending the several Acts for the regulation of attornies and solicitors.	
.
9 Geo. IV. c. 25.	An Act to authorize the appointment of persons to act as solicitors on behalf of his Majesty in any court or jurisdiction in revenue matters.	The whole.
11 Geo. IV. and 1 W. IV. c. 70.	An Act for the more effectual administration of justice in England and Wales.	The whole.
.

Date of Act.	Title.	Extent of Saving.
1 & 2 Viet. c. 45.	An Act to extend the jurisdiction of the superior courts of common law; to amend chapter fifty-six of the first year of her present Majesty's reign, for regulating the admission of attornies; and to provide for the taking of special bail in the absence of the judges.	The whole, except so much as relates to the admission and practising of attornies and solicitors.
2 & 3 Vict. c. 33.	An Act to indemnify, &c.	The whole, except so much as relates to striking any attorney or solicitor off the roll.

THE SECOND SCHEDULE.

Persons entitled to receive the Fees.	Duties to be performed.	Amount of Fees in each Case.
The person appointed for that purpose under sections 8. 11. 20.	On filing every affidavit of execution of articles of clerkship, entering affidavit, and making the endorsements required by the Act - - -	£ s. d. 0 5 0
The Incorporated Law Society	On leaving articles and assignments for inspection, and inquiry as to due service previous to examination for admission in the courts at Westminster - - -	0 10 0
The Incorporated Law Society	For the examination and certificate of fitness and capacity for admission in the courts at Westminster - - -	2 2 0
The officer appointed for that purpose under sections 8. 11. 20.	Search for and delivery of affidavit of execution of articles, to be produced on applying for admission - - -	0 2 6
The clerk of the judge granting the fiat.	For fiat at common law - - -	1 1 0
The crier - - - -	For the oath - - - -	0 1 0
The usher - - - -	On signing the roll - - - -	0 5 0
The master's clerk - - -	For certificate of enrolment in any of the courts at Westminster - - -	0 10 0
The officer appointed by the master of the rolls.	For admission at the Rolls, including the fees of the clerk at the Petty Bag Office, usher, and porter - -	1 17 0
The officer appointed by the Court of Bankruptcy.	For admission in the Court of Bankruptcy - - - -	0 6 0
The registrar of attornies and solicitors.	Preparing and keeping an alphabetical roll of all the attornies of the courts of law and solicitors in equity, and for issuing each certificate - - - -	0 1 6

* * * * *

CHAPTER LXXVII

ACT for regulating the Cathedral Churches of Wales. [22d August 1843.]

WHEREAS an Act was passed in the fourth year of her Majesty's reign, intituled "An Act to carry into effect, with certain modifications, the fourth report of the commissioners of ecclesiastical duties and revenues"; and whereas another Act was passed in the fifth year of her Majesty's reign, intituled "An Act to explain and amend two several Acts relating to the ecclesiastical commissioners for England": And whereas it is expedient to extend the provisions of the said recited Acts to the dioceses and cathedral churches of Saint Asaph and Bangor, and to alter and amend some of the said provisions: It is enacted by the Queen's most excellent Majesty, by and with 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 from and after the passing of this Act all the provisions of the said recited Acts shall, subject to the further enactments herein-after contained, extend and apply to the said dioceses and cathedral churches of Saint Asaph and Bangor, and to the bishops of the same dioceses, and to all ecclesiastical rectories without cure of souls, and all benefices with cure of souls, and all parishes and places, therein, and to the dignities, offices, canonries, and prebends of the same churches, and the respective holders thereof.

3 & 4 Vict. c. 118.

4 & 5 Vict. c. 89.

Recited Acts extended to dioceses, &c of St. Asaph and Bangor.

II. AND be it enacted, notwithstanding any thing in the said recited Acts contained, that in each of the chapters of the cathedral churches of Saint Asaph, Bangor, Saint David's, and Llandaff there shall be four canonries residentiary, and no more; and such canonries shall be in the direct patronage of the bishops of Saint Asaph, Bangor, Saint David's, and Llandaff respectively.

Four canonries residentiary at St. Asaph, Bangor, St. David's, and Llandaff.

III. PROVIDED always, and be it enacted, that so soon as conveniently may be after the passing of this Act arrangements shall be made, by the authority in the said recited Acts provided, for permanently annexing two of such four canonries residentiary in such cathedral churches respectively to two arch-deaconries in the respective dioceses in which such churches are situate.

Two canonries residentiary be annexed two arch-deaconries.

IV. AND be it declared and enacted, that the dean of each of the said four cathedral churches shall be the head of the chapter thereof, and shall have precedence over all other members of such chapter; and that such dean and the canons residentiary respectively of each such church shall possess and may exercise all the like rights, power, and authority as are and may be possessed and exercised by the dean and canons respectively of any cathedral church in England founded by King Henry the Eighth.

Rights and powers of dean and canons.

V. AND be it enacted, that so much of the said recited Acts as relates to the cure of souls in the parish of Saint David in the diocese of Saint David's, and in the parishes of Llandaff and Whitchurch in the diocese of Llandaff, shall be repealed; and that [Rep., Stat. Law Rev. Act, 1874 (No. 2).] it shall be lawful, if it be deemed expedient, by the authority herein-before mentioned, with the consent of the bishop of Llandaff for the time being, to declare and provide that the cure of souls in and over the respective parishes of Llandaff and Whitchurch, or either of them, shall be vested in one spiritual person as perpetual incumbent thereof, and that such bishop and his successors shall from time to time collate, or nominate and license, as the case may be, a spiritual person to be such incumbent, and also, with the like consent and with the consent of the dean and chapter, to endow such parishes, or either of them, in such manner and to such amount as

Provision for parishes of Llandaff and Whitchurch

may appear expedient; and upon any such declaration being made in the case of the parish of Llandaff the respective rights and duties to be exercised and performed within and over the cathedral church by the dean and chapter, dean, canons, and minor canons thereof, and by such incumbent as aforesaid, respectively, shall be defined by the like authority, with the like consent.

Incomes of deans and canons to be fixed, and provisions of first recited Act as to augmentations out of the common fund to apply.

VI. AND be it declared and enacted, that the average annual incomes of the deans and canons residentiary of the said four cathedral churches shall be of the same amounts respectively as are fixed as the average annual incomes of the deans and canons respectively of the cathedral churches of Saint David's and Llandaff by the said first-recited Act, and that the provisions of the said recited Acts, respecting the augmentation of the incomes of deans and canons, shall be construed to authorize the augmentation of the incomes of the respective deans and canons residentiary aforesaid, out of the common fund in the said first-recited Act mentioned.

Houses of residence to be provided at St. Asaph, Bangor, and Llandaff.

VII. AND be it enacted, that it shall be lawful, by the authority herein-before mentioned, to provide, out of the same fund, one fit house, at Saint Asaph, Bangor, and Llandaff respectively, as a house of residence for the use of the canons residentiary of the cathedral churches of the said cities respectively, and also a fit house of residence for the dean of Llandaff.

Archdeaconry of Anglesey incorporated with that of Bangor.

VIII. AND be it enacted, that from and after the passing of this Act the dignity and office of archdeacon of St. Asaph shall no longer be holden by the bishop of St. Asaph, and the dignities and offices of archdeacon of Bangor and archdeacon of Anglesey shall be dis severed from the bishoprick of Bangor, and be no longer holden by the bishop of Bangor, and [Rep., Stat. Law Rev. Act, 1874 (No. 2).] the archdeaconry of Anglesey shall be incorporated with and form part of the archdeaconry of Bangor;

Archdeaconry may be separated from the deanery of Llandaff.

IX. AND be it enacted, that the dignity and office of archdeacon of Llandaff may, by the authority herein-before mentioned, be separated from the deanery of Llandaff. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Vested interests protected.

XI. AND be it enacted, that the provisions of the first-recited Act, whereby the interests of persons in possession at the time of the passing thereof were in any manner protected, shall be deemed to be repeated in this Act, so as to protect the interests of all persons in possession at the time of the passing hereof, in the like respects and to the same extent as the interests of such first-mentioned persons are so protected as aforesaid.

Provision may be made for maintenance of Welsh clergymen to officiate in London or Westminster.

XII. AND be it enacted, that out of the proceeds of any lands, tithes, tenements, or other hereditaments in the principality of Wales, vested or to be vested in the ecclesiastical commissioners for England by or under the provisions of the said recited Acts or this Act, it shall be lawful, by the authority herein-before mentioned, to make provision, in whole or in part, for the competent maintenance of any spiritual person or persons (being a native or natives of the principality aforesaid) who may be licensed by the bishop of the diocese for the time being to officiate in any church or chapel within London or Westminster or the suburbs thereof, duly consecrated for the performance of divine service according to the rites and ceremonies of the United Church of England and Ireland, in the Welch language; and such bishop is hereby authorized to license any such spiritual person or persons accordingly.

Such clergymen may be licensed.

XIII. AND be it enacted, that so much of the said first-recited Act as relates to the College of St. David's at Lampeter shall be repealed; and [Rep., Stat. Law Rev.

Act, 1874 (No. 2).] that, so soon as conveniently may be, and by the authority herein-before mentioned, arrangements may be made for effecting the sale, to any person or persons or body corporate capable of holding the same, of the advowsons of the several benefices with cure of souls now annexed to the said college, and for investing the proceeds of such sales respectively for the use and benefit of the said college; and that if, after the sales of the advowsons of all such benefices, it shall be made to appear to the said ecclesiastical commissioners that the said college, when it shall be in the enjoyment of the use and benefit of the whole proceeds of all such sales when so invested as aforesaid, will still not be competently endowed, it shall be lawful, by the like authority, to transfer to the said college, in augmentation of the endowment thereof, any of the lands, tithes, tenements, or other hereditaments aforesaid, or of the proceeds thereof.

Provision for better endowment of St. David's College at Lampeter.

XIV. AND be it enacted, that all the powers and authorities vested in her Majesty in council and in the said commissioners by the first-recited Act, with reference to the matters therein contained, and all other provisions of the same Act relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued and extended and apply to her Majesty in council, and to the said commissioners, and to all schemes and orders prepared, made, and issued by them respectively, with reference to all matters contained in this Act, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein.

Powers of first recited Act as to schemes, &c. extended to this Act.

* * * * *

CHAPTER LXXX.

AN ACT for the better Government of Her Majesty's Subjects resorting to China. 22d August 1843.]

WHEREAS an Act was passed in the fourth year of the reign of his late Majesty, intituled "An Act to regulate the trade to China and India," whereby certain powers were vested in officers therein described as "superintendents of the trade of his Majesty's subjects to and from the dominions of the Emperor of China": And whereas, for giving full effect to the purposes of the said Act, it is necessary that provision be made for the establishment from time to time of regulations for the government of her Majesty's subjects resorting to China, and it is expedient that such regulations should originate with some local authority cognizant of the actual circumstances and exigencies of such her Majesty's subjects, and of the trade carried on by them in China: And whereas her Majesty hath been pleased, by a commission under the great seal of the United Kingdom, to establish a legislative council to make laws for the peace, order, and good government of her Majesty's subjects being within her Majesty's island of Hong Kong, and to constitute and appoint as governor of the said island the officer invested under the said recited Act with the office of chief superintendent of the trade of her Majesty's subjects to and from China: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for her Majesty, by any commission or commissions under the great seal of the United Kingdom, or by any instructions under her

3 & 4 Will. 4. c. 93.

Her Majesty may authorize the chief superintendent of trade, so long as he is also governor

of Hong Kong, with advice of legislative council of Hong Kong, to make ordinances for government, &c. of her Majesty's subjects in China, and in ships within 100 miles from the coast.

Majesty's signet and sign manual accompanying and referred to in any such commission or commissions, to authorize the superintendent of the trade of her Majesty's subjects in China (so long as such superintendent shall be also the governor of the said island of Hong Kong) to enact, with the advice of the legislative council of the said island of Hong Kong, all such laws and ordinances as may from time to time be required for the peace, order, and good government of her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel at a distance of not more than one hundred miles from the coast of China, and to enforce the execution of such laws and ordinances by such penalties and forfeitures as to him, by the advice aforesaid, shall seem fit; and that it shall also be lawful for her Majesty, by any such commission or commissions or instructions as aforesaid, to impose upon the exercise of the before-mentioned legislative authority all such conditions and limitations as her Majesty shall see fit to prescribe; and that it shall also be lawful for her Majesty to disallow, in the whole or in part, any laws or ordinances so to be enacted as aforesaid, and, with the advice of her Majesty's privy council, to alter the same or any of them as to her Majesty in council shall seem meet.

Ordinances may be disallowed or altered by her Majesty in council.

* * * * *

Her Majesty in council may make ordinances for government, &c. of her subjects in China, and in ships within 100 miles from the coast.

III. AND be it enacted, that it shall also be lawful for her Majesty, by any order or orders made with the advice of her Majesty's privy council, to ordain, for the government of her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel at a distance of not more than one hundred miles from the coast of China, any law or ordinance which to her Majesty in council may seem meet, as fully and effectually as any such law or ordinance could be made by her Majesty in council for the government of her Majesty's subjects being within the said island of Hong Kong.

Commissions and ordinances to be laid before Parliament.

IV. AND be it enacted, that all such commissions and instructions and orders in council as aforesaid, and all laws and ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enacting thereof respectively.

* * * * *

Limitation of actions.

VI. AND be it enacted, that every suit or action which shall be brought against any person for any thing done in pursuance of this Act shall be commenced within six calendar months after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of her Majesty's courts having civil jurisdiction, and then within six calendar months after the plaintiff and defendant shall have been both within the jurisdiction of any such court; and every such action or suit shall be brought in the place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen in any place not within the jurisdiction of any of her Majesty's courts having civil jurisdiction; and the defendant shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff, or his agent or attorney, as is provided in actions brought against any justice of the peace for any act done by him in the execution of his office.

Venue.

Notice and tender of amends.

* * * * *

CHAPTER LXXXII.

ACT for extending to Scotland and Ireland the Power of the Lord High Chancellor to grant Commissions to enable Persons to take and receive Affidavits; and for amending the Law relating to Commissions for the Examination of Witnesses. [22d August 1843.]

WHEREAS it would be convenient to extend to Scotland and Ireland the power of the lord high chancellor of Great Britain to grant commissions order to enable persons to take affidavits, affirmations, and declarations: it therefore enacted by the Queen's most excellent Majesty, by and with advice and consent of the lords spiritual and temporal, and commons, in present Parliament assembled, and by the authority of the same, that the chancellor, lord keeper, or lords commissioners of the great seal, for the being, shall have such and the same powers for granting commissions for the purpose of enabling fit and proper persons to take and receive affidavits, affirmations, and declarations in Scotland and Ireland, and to perform the other duties of masters extraordinary of the High Court of Chancery in England, as he and they now have in any part of the kingdom of England.

Lord chance
lor, &c. to h
the same
powers for
granting com
missions for
taking affi-
davits, &c. i
Scotland an
Ireland as h
now has in
England.

II. AND be it enacted, that all and every persons and person wilfully swearing or affirming or declaring falsely in any affidavit or affirmation or declaration to be made in that part of the United Kingdom called Scotland before any person or persons who shall be empowered to take affidavits or affirmations or declarations in Scotland under the authority aforesaid, shall be deemed guilty of perjury, and shall be liable to prosecution and punishment for perjury in the same manner and to the same effect as if such persons or person had wilfully sworn falsely as a witness or witnesses in open court in any judicial proceeding in Scotland, or in any court of competent jurisdiction in that part of the United Kingdom in which such person shall be apprehended on such a charge; and it shall be competent to bring such prosecution, if brought in Scotland, either in the court of justiciary or in the sheriff court of the county within which the offence shall have been committed.

Persons wil-
fully sweari
or declaring
falsely in an
affidavit, &c.
in Scotland
deemed guilt
of perjury,
and liable to
punishment
same manne
as persons
swearing
falsely in
open court.

III. AND be it enacted, that all and every persons and person wilfully swearing or affirming falsely in any affidavit or affirmation to be made before any person or persons who shall be empowered to take affidavits or affirmations in Ireland under the authority aforesaid shall be deemed guilty of perjury, and shall incur and be liable to the same pains and penalties as if such person or persons had wilfully sworn or affirmed falsely in the open court in which such affidavit or affirmation shall be intitled, or in the court in which such person or persons shall be tried, and be liable to be prosecuted for such perjury in any court of competent jurisdiction in Ireland, or in that part of the United Kingdom in which such person shall be apprehended on such a charge; and if any declaration which shall be made before any person who shall be empowered to take declarations in Ireland under the authority aforesaid shall be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanor, and shall be punishable accordingly.

Persons wil-
fully sweari
falsely in an
affidavit or
affirmation i
Ireland deen
guilty of
perjury, and
liable to san
pains and
penalties as
for swearing
falsely in
open court.

False decla-
ration, a mi
demeanor.

IV. AND be it enacted, that every such person authorized to act under any such commission as aforesaid shall be entitled to receive and take such and the same fees, and none other, as masters extraordinary of the High Court of

What fees
may be tak

Chancery in England are now entitled to by virtue of the orders of that court, or of any Act or Acts of Parliament now in force.

Provisions for compelling the attendance of witnesses and production of documents before commissions to take evidence issued by courts in one part of the United Kingdom to be executed in another part.

V. AND whereas there are at present no means of compelling the attendance of persons to be examined under any commission for the examination of witnesses issued by the courts of law or equity in England or Ireland, or by the courts of law in Scotland, to be executed in a part of the realm subject to different laws from that in which such commissions are issued, and great inconvenience may arise by reason thereof: Be it therefore enacted, that if any person, after being served with a written notice to attend any commissioner or commissioners appointed to execute any such commission for the examination of witnesses as aforesaid, (such notice being signed by the commissioner or commissioners, and specifying the time and place of attendance), shall refuse or fail to appear and be examined under such commission, such refusal or failure to appear shall be certified by such commissioner or commissioners, and it shall thereupon be competent, to or on behalf of any party suing out such commission, to apply to any of the superior courts of law in that part of the kingdom within which such commission is to be executed, or any one of the judges of such courts, for a rule or order to compel the person or persons so refusing or failing as aforesaid to appear before such commissioner or commissioners, and to be examined under such commission, and it shall be lawful for the court or judge to whom such application shall be made by rule or order to command the attendance and examination of any person to be named or the production of any writings or documents to be mentioned in such rule or order.

Punishment of persons disobeying rule or order to appear or to produce writings or documents required.

VI. AND be it enacted, that upon the service of such rule or order upon the person named therein, if he or she shall not appear before such commissioner or commissioners as aforesaid for examination, or to produce the writings or documents mentioned in such rule or order, the disobedience to such rule or order shall, if the same shall happen in England or in Ireland, render the person disobeying subject and liable to such pains and penalties as he or she would be subject and liable to by reason of disobedience to a writ of subpoena in England or in Ireland, and if such disobedience shall happen in Scotland it shall be competent to the lord ordinary on the bills, upon an application made to him by or on behalf of any party suing out such commission, and upon proof of such disobedience made before him, to direct the issue of letters of second diligence, according to the forms of the law of Scotland, to be used against the person disobeying such rule or order.

Payment of expences of witnesses, protection of privileged documents, &c.

VII. PROVIDED always, and be it enacted, that every person whose attendance shall be so required shall be entitled to the like conduct money and payment of expences and for loss of time as for and upon attendance at any trial in a court of law; and that no person shall be compelled to produce under such rule or order any writing or other document that he or she would not be compellable to produce at a trial, nor to attend on more than two consecutive days, to be named in such rule or order.

CHAPTER LXXXIII.

ACT to amend the Law respecting the Duties of Coroners.

[22d August 1843.]

WHEREAS the coroners of boroughs and liberties are empowered and directed by law to appoint deputies to act in their stead in certain cases: **And** whereas the coroners of counties have no sufficient authority of the law for making such appointments: **And** whereas it is expedient to prevent unnecessary expence and delay in the holding of inquests in counties: **Be it** therefore enacted by the Queen's most excellent Majesty, by and with 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 from and after the passing of this Act it shall be lawful for every coroner of any county, city, riding, liberty, or division, and he is hereby directed, by writing under his hand and seal to nominate and appoint from time to time a fit and proper person, such appointment being subject to the approval of the lord high chancellor, lord keeper, or lords commissioners of the great seal, to act for him as his deputy in the holding of inquests; and all inquests taken and other acts performed by any such deputy coroner under and by virtue of any such appointment shall be deemed and taken, to all intents and purposes whatsoever, to be the acts and deeds of the coroner by whom such appointment was made: **Provided** always, that a duplicate of such appointment shall be forthwith transmitted to the clerk of the peace for the county, city, riding, liberty, or division in which such coroner shall reside, to be filed among the records of the said county, city, riding, liberty, or division: **Provided** also, that no such deputy shall act for any such coroner as aforesaid except during the illness of the said coroner, or during his absence from any lawful or reasonable cause: **Provided** also, that every such appointment may at any time be cancelled and revoked by the coroner by whom the same was made.

II. **And** whereas by an Act passed in the seventh year of the reign of King George the Fourth certain provisions were made for preventing the quashing of indictments on technical grounds: **And** whereas it is expedient to make provisions for supporting coroners inquisitions, and for preventing the same from being quashed on account of technical defects: **Be it** therefore enacted, that from and after the passing of this Act no inquisition found upon or by any coroner's inquest, nor any judgment recorded upon or by virtue of any such inquisition, shall be quashed, stayed, or reversed for want of the averment herein of any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the statute," nor for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath," instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed, when time is not the essence of the offence, nor for stating the time imperfectly, nor because any person or persons mentioned in any such inquisition is or are designated by a name of office or other descriptive appellation, instead of his, her, or their proper name or names, nor by reason of the non-insertion of the names of the jurors in the body of any such inquisition, or of any difference in the spelling of the names of any of the jurors in the body of any such

Coroners of counties, &c. shall appoint deputies, subject to the approval of the lord chancellor, &c.

Duplicate of appointment to be transmitted to clerk of the peace. Deputy to act only during illness, &c.

Appointments may be revoked by coroners. 7 Geo. 4. c. 64.

Inquisitions, &c. not to be quashed on account of technical defects.

inquisition and the names subscribed thereto, nor because any juror or jurors shall have set his or their mark or marks to any such inquisition, instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided the name or names of such juror or jurors is or are set forth, nor because any juror or jurors has or have signed his or their christian name or names by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such inquisition, unless the same shall be proved to have been made therein after the same was signed, nor for want of a proper venue, where the inquest shall appear or purport to have been taken by a coroner of or for the county, riding, city, borough, liberty, division, or place in which it shall appear or purport to have been taken, nor (except only in cases of murder or manslaughter) for or by reason of any such inquisition not being duly sealed or written upon parchment, nor by reason of any such inquisition having been taken before any deputy instead of the coroner himself, nor because the coroner and jury did not all view the body at one and the same instant, provided they all viewed the body at the first sitting of the inquest; and in all or any of such cases of technical defect as are herein-before mentioned it shall be lawful for any judge of either of her Majesty's courts at Westminster, or any judge of assize or gaol delivery, if he shall so think fit, upon the occasion of any such inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

Amendment
of technical
defects.

Extent of Act.

III. AND be it enacted, that this Act shall extend only to that part of the United Kingdom called England and Wales.

* * * * *

CHAPTER LXXXV.

AN ACT for improving the Law of Evidence.

[22d August 1843.]

WHEREAS the inquiry after truth in courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in criminal and in civil cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced and on the truth of their testimony: Now therefore be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the court, on the trial of any issue joined, or of any matter or question or on any inquiry arising in any suit, action, or proceeding, civil or criminal, in any court, or before any judge, jury, sheriff, coroner, magistrate, officer, or person having, by law or by consent of parties, authority to hear, receive, and examine evidence; but that every person so offered may and shall be admitted to give evidence on oath, or solemn affirmation in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the

Witnesses not
to be excluded
from giving
evidence by
incapacity
from crime
or interest.

trial of any issue, matter, question, or injury, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence : : Provided also, that this Act shall not repeal any provision in a certain Act passed in the session of Parliament holden in the seventh year of the reign of his late Majesty and in the first year of the reign of her present Majesty, intituled "An Act for the amendment of the laws with respect to wills": Provided that in courts of equity any defendant to any cause pending in any such court may be examined as a witness on the behalf of the plaintiff or of any co-defendant in any such cause, saving just exceptions ; and that any interest which such defendant so to be examined may have in the matters or any of the matters in question in the cause shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

Act not to repeal any provision in 7 Will. 4. & 1 Vict. c. 26.

In courts of equity defendant may be examined on behalf of the plaintiff or any co-defendant, &c.

II. AND be it enacted, that wherever in any legal proceedings whatever legal proceedings may be set out, it shall not be necessary to specify that any particular persons who acted as jurors had made affirmation instead of oath, but it may be stated that they served as jurymen, in the same manner as if no Act had passed for enabling persons to serve as jurymen without oath.

In legal proceedings not necessary to state that any jurors had made affirmation.

IV. AND be it enacted, that nothing in this Act shall extend to Scotland.

Extent of Act

CHAPTER LXXXVI.

AN ACT for regulating Hackney and Stage Carriages in and near London. [22d August 1843]

WHEREAS the provisions for licensing the drivers, conductors, and watermen of public carriages in and near London need to be amended :

II. AND be it enacted, that the words herein-after mentioned, which in their usual signification have a more confined or different meaning, shall in this Act (except where the nature of the provisions or the context of the Act shall exclude such construction) be interpreted as follows ; (that is to say,) the words "hackney carriage" shall include every carriage (except a stage carriage) which shall stand on hire or ply for a passenger for hire at any place within the limits of the city of London and the liberties thereof, and metropolitan police district ; and the words "metropolitan stage carriage" shall include every stage carriage except such as shall on every journey go to or come from some town or place beyond the limits aforesaid ; and the word "proprietor" shall include every person who, either alone or in partnership with any other person, shall keep any hackney carriage or any metropolitan stage carriage, or who shall be concerned otherwise than as a driver or attendant in employing for hire any hackney carriage or any metropolitan stage carriage ; and the word "conductor" shall include every director or other person, except the driver, who shall attend upon the passengers in any metropolitan stage carriage ; ; and the word "passenger" shall include every person carried by any hackney carriage, or by any metro-

Interpretation of terms.

politan stage carriage, except one driver, and, where there shall be a conductor to such metropolitan stage carriage, one conductor; and the word "horse" shall include every mare and gelding; and every word importing the singular number only shall extend and be applied to several persons and things as well as to one person or thing; and every word importing the masculine gender only shall extend to a female as well as to a male.

Provisions of 1 & 2 Will. 4. c. 22. as to hackney carriages extended to this Act.

III. AND be it enacted, that so much of an Act passed in the second year of the reign of his late Majesty, intituled "An Act to amend the laws relating to hackney carriages, and to waggons, carts, and drays used in the metropolis, and to place the collection of the duties on hackney carriages and on hawkers and pedlars in England under the commissioners of stamps," as relates to hackney carriages . . . , and not hereby repealed, shall extend and apply to hackney carriages . . . within the meaning of this Act:

1 & 2 Will. 4. c. 22. s. 59.

IV. AND whereas by the said recited Act passed in the reign of his late Majesty it was enacted, that the owner of every waggon, cart, car, dray, or other carriage should, before any such carriage should be driven or used in any public street or road within the distance of five miles from the General Post Office in the city of London, paint or cause to be painted in words at full length, and in one or more straight line or lines, upon some conspicuous place on the right or off side of every such carriage, clear of the wheel or wheels thereof, or upon the right or off-side shaft thereof, the true christian name and surname and place of abode of the owner, or, if there be more than one, of the principal owner of such carriage, in the manner in such Act directed: Be it enacted, that in all cases where the owner of any such carriage shall be a peer of the realm, or shall be known or usually designated by some title of rank, it shall be deemed to be a compliance with the provisions of the aforesaid Act that the title only and place of abode of such peer or other person shall be painted in the manner therein described upon any such waggon, wain, cart, or other carriage.

Title and place of abode of a peer of the realm painted on any waggon, &c. to be deemed a compliance with the provisions of the recited enactment.

V. AND be it enacted, that it shall be lawful for one of her Majesty's principal secretaries of state from time to time to appoint a fit person to be the registrar of metropolitan public carriages, [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Appointment of registrar, deputy registrar, and other officers.

VII. AND be it enacted, that the proprietor of every metropolitan stage carriage shall keep distinctly painted, both on the outside and inside of the same, in such a manner and in such a position as shall from time to time be directed by the registrar, the words "metropolitan stage carriage," or such other words as the registrar shall direct, ; and shall also, on the inside of every such carriage, keep distinctly painted in a conspicuous manner a table of fares to be demanded of passengers by such carriage; and the fares therein specified shall be deemed to be the only lawful fares, and may be recovered by the driver or conductor as in the case of hackney carriages, in a summary way, before any justice of the peace; and every proprietor making default in the premises shall forfeit the sum of twenty shillings for every offence.

Particulars to be painted on metropolitan stage carriages.

Table of fares to be painted inside.

Recovery of fares.

Penalty on proprietor making default.

Registrar to grant licences to drivers of

[VIII.*] AND be it enacted, that it shall be lawful for the registrar to grant a licence to act as driver of hackney carriages, or as driver or as conductor of

* Section 8 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).]

metropolitan stage carriages, or as waterman, (as the case may be,) to any person who shall produce such a certificate as shall satisfy the said registrar of good behaviour and fitness for such situation respectively: Provided always, that no person shall be licensed as such driver as aforesaid who is under sixteen years of age; and in every such licence shall be specified the number of such licence, and the proper name and surname and place of abode, age, and a description of the person to whom such licence shall be granted, in the case of a waterman, of the standing or place at which he shall be hereby authorized to act as a waterman, and the nature of his duties; and every such licence shall bear date on the day on which the same shall be granted, and shall continue in force until and upon the first day of June next after the date thereof, or, if granted in the month of May in any year, then to continue in force until and upon the first day of June in the year next following that in which the same shall be granted, except in either case the same shall be sooner revoked, and except the same (if any) during which any such licence shall be suspended [Rep., Stat. Law Rev. Act, 1874 (No. 2).]; and on every licence of a driver or conductor the registrar shall cause proper columns to be prepared, in which every proprietor employing a driver or conductor named in such licence shall enter his own name and address, and the days on which such driver or conductor shall enter and shall quit his service respectively; and in case any of the particulars entered or endorsed upon any licence in pursuance of this Act shall be erased or defaced every such licence shall be wholly void and of none effect; and the said registrar shall, at the time of granting any licence, deliver to the driver, conductor, or waterman to whom the same shall be granted an abstract of the laws in force relating to such driver, conductor, or waterman, and of the penalties to which he is liable for any misconduct, and also a metal ticket, upon which there shall be marked or engraved his office or employment, and a number corresponding with the number which shall be inserted in such licence.

hackney carriages, drivers and conductor of metropolitan stage carriage and watermen

At the time of granting any licence an abstract of the laws and a ticket to be given.

X. AND be it enacted, that it shall not be lawful for any person to act as driver of any hackney carriage, or as driver or conductor of any metropolitan stage carriage, whether such person shall or shall not be the proprietor of such carriage, . . . , within the limits of this Act, unless in each case such person shall have a licence so to do, and a numbered ticket granted to him under the authority of this Act, and remaining in force; and every person who shall act as such driver or conductor . . . without such licence and ticket, . . . , and also every person to whom a licence and ticket shall have been granted who shall, except in compliance with the provisions of this Act, transfer or lend such licence, or permit any other person to use or wear such ticket, shall for every such offence forfeit the sum of five pounds; and every proprietor who shall knowingly suffer any person not duly licensed under the authority of this Act to act as driver of any hackney carriage, or as driver or as conductor of any metropolitan stage carriage, of which he shall be the proprietor, shall for every such offence forfeit the sum of ten pounds: Provided always, that nothing herein-before contained shall subject to any penalty any proprietor who shall employ any unlicensed person to act as such driver or conductor as aforesaid for any time not exceeding twenty-four hours, or any unlicensed person who shall be so employed for the said time, upon proof being adduced by the proprietor, to the satisfaction of the justice of the peace before whom such proprietor, driver, or conductor shall be

Penalty on persons acting as drivers, &c. without licences and tickets, 51;

on proprietors suffering drivers or conductors so to do, 101.

Employment of unlicensed drivers, &c. in case of necessity.

required to attend to answer for such offences respectively, that such employment was occasioned by unavoidable necessity ; and that every proprietor who shall so employ such unlicensed driver or conductor, and every such unlicensed driver or conductor, shall be subject to all the powers, provisions, and proceedings of and under this Act or the said recited Act of his late Majesty for any act done by such driver or conductor during such employment, in like manner as if such driver or conductor had been duly licensed.

* * * * *

Persons applying for licences to sign a requisition for the same, &c. Penalty on applicants or referees making false representations.

XIV. AND be it enacted, that before any such licence as aforesaid shall be granted a requisition for the same, in such form as the said registrar shall from time to time appoint for that purpose, and accompanied with such certificate as herein-before is required, shall be made and signed by the person by whom such licence shall be required ; and in every such requisition all such particulars as the registrar shall require shall be truly set forth ; and every person applying for or attempting to procure any such licence who shall make or cause to be made any false representation in regard to any of the said particulars, or who shall endeavour to obtain a licence by any forged recommendations, or who shall not truly answer all questions which shall be demanded of him in relation to such application for a licence, and also every person to whom reference shall be made who shall, in regard to such application, wilfully and knowingly make any misrepresentation, shall forfeit for every such offence the sum of five pounds ; and it shall be lawful for the registrar to proceed for recovering of such penalty before any magistrate at any time within one calendar month after the commission of the offence, or during the currency of the licence so improperly obtained.

Notice to be given by drivers, conductors, and watermen of any change of abode.

[XV.] AND be it enacted, that as often as any driver or conductor or waterman shall change his place of abode he shall give notice thereof in writing, signed by him, to the said registrar, specifying in such notice his new place of abode, and shall at the same time produce his licence to the said registrar, who shall endorse thereon a memorandum specifying the particulars of such change ; and every driver, conductor, or waterman who shall change his place of abode, and shall neglect for two days to give notice of such change, and to produce his licence in order that such memorandum as aforesaid may be endorsed thereon, shall forfeit for every such offence the sum of twenty shillings ; and it shall be lawful for the registrar, or for any person employed by him for that purpose, to sue for such penalty at any time during the currency of such licence ;

Particulars of licences to be entered in a book at the registrar's office. Copies of entries to be evidence.

XVI. AND be it enacted, that the particulars of every licence which shall be granted as aforesaid shall be entered in books to be kept for that purpose at the office of the said registrar ; and in all courts, and before any justice of the peace, and upon all occasions whatsoever, a copy of any entry made in any such book, and certified by the person having the charge thereof to be a true copy, shall be received as evidence, and be deemed sufficient proof of all things therein registered, without requiring the production of the said book, or of any licence, or of any requisition or other document upon which any such entry may be founded ; and every person applying at all reasonable

Copies of particulars to be

[* Section 15 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).]

times shall be furnished with a certified copy of the particulars respecting any licensed person, without payment of any fee.

given on application, without fee.

[XVII.] AND be it enacted, that every licensed driver, conductor, and waterman shall at all times during his employment, and when he shall be required to attend before any justice of the peace, wear his ticket conspicuously upon his breast, in such manner that the whole of the writing thereon shall be distinctly legible; and every driver, conductor, or waterman who shall act as such, or who shall attend when required before any justice of the peace, without wearing such ticket in manner aforesaid, or who, when thereunto required, shall refuse to produce such ticket for inspection, or to permit any person to note the writing thereon, shall for every such offence forfeit the sum of forty shillings.

Tickets to be worn by drivers, &c.

XVIII. AND be it enacted, that upon the expiration of any licence granted under this Act the person to whom such licence shall have been granted shall deliver such licence and the ticket relating thereto to the said registrar; and every such person who, after the expiration of such licence, shall wilfully neglect for three days to deliver the same to the said registrar, and also every person who shall use or wear or detain any ticket without having a licence in force relating to such ticket, or who shall for the purpose of deception use or wear or have any ticket resembling or intended to resemble any ticket granted under the authority of this Act, shall for every such offence forfeit the sum of five pounds; and it shall be lawful for the registrar, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up his licence or ticket, at any period within twelve calendar months after the expiration of the licence; and it shall be lawful for any constable or peace officer, or any person employed for that purpose by the registrar, to seize and take away any such ticket, wheresoever the same may be found, in order to deliver the same to the said registrar.

Licences and tickets to be delivered up on the discontinuance of licences.

XIX. AND be it enacted, that whenever the writing on any ticket shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any ticket shall be proved to the satisfaction of the said registrar to have been lost or mislaid, the person to whom the licence relating to any such ticket shall have been granted shall deliver such ticket (if he shall have the same in his possession) and shall produce such licence to the said registrar, and such person shall then be entitled to have a new ticket delivered to him, upon payment, for the use of her Majesty, of such sum of money, not exceeding three shillings, as the registrar shall from time to time appoint: Provided always, that if any ticket which shall have been proved to be aforesaid or represented to have been lost or mislaid shall afterwards be found the same shall forthwith be delivered to the said registrar; and every person into whose possession any such ticket as last aforesaid shall be or come who shall refuse or neglect for three days to deliver the same to the said registrar, and also every person licensed under the authority of this Act who shall use or wear the ticket granted to him after the writing thereon shall be obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall for every such offence forfeit the sum of forty shillings.

New tickets to be delivered instead of defaced or lost tickets.

[* Section 17 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).]

Forgery of licence or ticket, or knowingly uttering a forged licence or ticket, a misdemeanor.

XX. AND be it enacted, that every person who shall forge or counterfeit, or who shall cause or procure to be forged or counterfeited, any licence or ticket by this Act directed to be provided for the driver of a hackney carriage, or for the driver or the conductor of a metropolitan stage carriage, . . . , and also every person who shall sell or exchange, or expose to sale, or utter, any such forged or counterfeited licence or ticket, and also every person who shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have or be possessed of such forged or counterfeited licence or ticket, knowing such licence or ticket to be forged or counterfeited, and also every person knowingly and wilfully aiding and abetting any person in committing any such offence as aforesaid, shall be guilty of a misdemeanor, and being thereof convicted shall be liable to be punished by fine or imprisonment, or by both, such imprisonment to be in the common gaol or house of correction, and either with or without hard labour, as the court shall think fit; and it shall be lawful for any person to detain any such licence or ticket, or for any constable or peace officer, or any person employed for that purpose by the said registrar, to seize and take away any such licence or ticket, in order that the same may be produced in evidence against such offender, or be disposed of as the said registrar shall think proper.

Proprietor to retain the licence of drivers or conductors employed by him, and produce them in case of complaint.

XXI. AND be it enacted, that every proprietor of a hackney carriage and of every metropolitan stage carriage who shall permit or employ any licensed person to act as the driver or conductor thereof shall require to be delivered to him, and shall retain in his possession, the licence of such driver or conductor while such driver or conductor shall remain in his service; and in all cases of complaint where the proprietor of a hackney carriage or of a metropolitan stage carriage shall be summoned to produce the driver or conductor of such carriage before a justice of the peace he shall also produce the licence of such driver or conductor, if at the time of receiving the summons such driver or conductor shall be in his service; and if any driver or conductor complained of shall be adjudged guilty of the offence alleged against him the justice of the peace before whom he shall be convicted shall in every case endorse upon the licence of such driver or conductor the nature of the offence, and the amount of the penalty inflicted; and every proprietor who shall neglect to require to be delivered to him, and to retain in his possession, the licence of any driver or conductor during such period as such driver or conductor shall remain in his service, or who shall refuse or neglect to produce such licence as aforesaid, shall for every such offence forfeit the sum of three pounds.

Particulars of convictions to be endorsed on licences.

Magistrates to hear and determine disputes between proprietors and drivers or conductors.

XXII. AND be it enacted, that it shall be lawful for any justice of the peace to hear and determine all matters of complaint between any proprietor of a hackney carriage or metropolitan stage carriage and the driver or conductor of the same respectively, and to order payment of any sum of money that shall appear to be due to either party for wages or for the earnings in respect of any such carriage, or on account of any deposit of money, and to order compensation to the proprietor in respect of damage or loss which shall have arisen through the neglect or default of any driver or conductor to the property of his employer intrusted to his care, or in respect of any sum of money which such proprietor may have been lawfully ordered by a justice of the peace to pay, and which has been actually paid pursuant to such order, on account of the negligence or wilful misconduct of his driver or conductor,

and to order such compensation to either party in respect of any other matter of complaint between them as to such justice shall seem proper.

XXIII. PROVIDED always, and be it enacted, that it shall not be lawful, either in any court of law or before any justice of the peace, to enforce the payment of any sum of money claimed from any driver or conductor by any proprietor on account of the earnings of any hackney carriage or metropolitan carriage, unless under an agreement in writing which shall have been signed by such driver or conductor in the presence of a competent witness; and no such agreement shall be liable to any stamp duty.

Agreements
between
drivers, &c.
and proprietor
as to earnings
to be in
writing.

XXIV. AND be it enacted, that when any licensed driver or conductor shall leave the service of any proprietor such proprietor shall, upon demand thereof, return to him his licence: Provided always, that if the said proprietor shall have any complaint against the said driver or conductor it shall be lawful for such proprietor to retain the licence for any time not exceeding twenty-four hours after the demand thereof, and within that time to apply to the police court of the district in which the said proprietor shall dwell, or, if he shall dwell in the city of London or the liberties thereof, then to some justice of the said city, for a summons against him; and the said proprietor, at the time of applying for the summons, shall deposit the licence with the clerk of such police court or justice; and in case any proprietor who upon demand thereof shall have refused or neglected to deliver to any driver or conductor his licence shall not within twenty-four hours, exclusive of Sunday or any day on which the police court shall not sit, apply for such summons, and deposit the licence as aforesaid, or shall not appear to prosecute his complaint at the time mentioned in the summons, it shall be lawful for such driver or conductor to apply at the same police court, or to some justice as aforesaid, for a summons against such proprietor; and upon hearing and deciding the case the justice, if he shall think there was no just cause for detaining the licence, or that there has been needless delay on the part of the proprietor in bringing the matter to a hearing, shall have power to order the said proprietor to pay such compensation to the said driver or conductor as the said justice shall think reasonable; and payment of such compensation shall be enforced in the same manner as any penalty may be enforced under this Act by such justice; and the justice shall cause the licence to be delivered to the said driver or conductor, unless any misconduct shall be proved against him, by reason whereof the justice shall think that such licence should be revoked or suspended; and so long as any proprietor shall neglect to apply for such summons and deposit the licence, after demand thereof, any justice of the peace may in like manner from time to time order compensation to be paid by him to the same driver or conductor; and no proprietor shall, under any pretence or by virtue of any claim whatever, retain beyond the time aforesaid the licence of his driver or conductor.

Proceedings
with respect
to licences
on quitting
service.

XXV. AND be it enacted, that it shall be lawful for any justice of the peace before whom any driver, conductor, or waterman shall be convicted of any offence, whether under this Act or any other Act, if such justice in his discretion shall think fit, to revoke the licence of such driver, conductor, or waterman, and also any other licence which he shall hold under the provisions

Licences may
be revoked or
suspended.

[Section 25 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).]

of this Act, or to suspend the same for such time as the justice shall think proper, and for that purpose to require the proprietor, driver, conductor, or waterman in whose possession such licence and the ticket thereunto belonging shall then be to deliver up the same; and every proprietor, driver, conductor, or waterman who, being so required, shall refuse or neglect to deliver up such licence and any such ticket, or either of them, shall forfeit, so often as he shall be so required and refuse or neglect as aforesaid, the sum of five pounds; and the justice shall forthwith send such licence and ticket to the registrar, who shall cancel such licence if it has been revoked by the justice, or, if it has been suspended, shall, at the end of the time for which it shall have been suspended, re-deliver such licence, with the ticket, to the person to whom it was granted.

No person to act as driver, &c. of any carriage without the consent of the proprietor.

XXVII. AND be it enacted, that every driver or conductor authorized by any proprietor to act as driver of any hackney carriage, or as driver or conductor of any metropolitan stage carriage, who shall suffer any other person to act as driver of such hackney carriage, or as driver or conductor of such metropolitan stage carriage, without the consent of the proprietor thereof, and also every person, whether duly licensed or not, who shall act as driver or as conductor of any such carriage without the consent of the proprietor thereof, shall forfeit the sum of forty shillings; and every driver or conductor charged with such offence who, when required by a justice of the peace so to do, shall not truly make known the name and place of abode of the person so suffered by him to act as driver or conductor without consent of the proprietor, and also the number of the ticket of such person (if licensed), shall be liable to a further penalty of forty shillings; and it shall be lawful for any police constable, without any warrant for that purpose, to take into custody any person unlawfully acting as a driver or as a conductor . . . , and to convey him before any justice of the peace, to be dealt with according to law, and also, if necessary, to take charge of the carriage and every horse in charge of such person, and to deposit the same in some place of safe custody until the same can be applied for by the proprietor.

Punishment for furious driving, and wilful misbehaviour.

[XXVIII.*] AND be it enacted, that every driver of a hackney carriage, or driver or conductor of a metropolitan stage carriage, who shall be guilty of wanton or furious driving, or who by carelessness or wilful misbehaviour shall cause any hurt or damage to any person or property being in any street or highway, and also every driver, conductor, or waterman who during his employment shall be drunk, or shall make use of any insulting or abusive language, or shall be guilty of any insulting gesture or any misbehaviour, shall for every such offence forfeit the sum of three pounds; or it shall be lawful for the justice before whom such complaint shall be brought, if in his discretion he shall think proper, instead of inflicting such penalty, forthwith to commit the offender to prison for any period not exceeding two calendar months, with or without hard labour, as the justice shall direct; and in every case where any such hurt or damage shall have been caused the justice, upon the hearing of the complaint, may adjudge, as and for compensation to any party aggrieved as aforesaid, a sum not exceeding ten pounds, and may order the proprietor of the hackney carriage or metropolitan stage carriage, the driver or conductor of which shall have caused such hurt or damage, forthwith to pay

Compensation for injury, &c.

[* Section 28 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).]

such sum, and also such costs as shall have been incurred, and payment thereof may be enforced against such proprietor as any penalty or sum of money may be recovered under and by virtue of this Act; and any sum which shall be so paid by the proprietor shall in like manner be recovered in a summary way before a justice of the peace from the driver or conductor through whose default such sum shall have been paid, upon proof of the payment thereof pursuant to the order of the justice, or it shall be lawful for the justice in the first instance to adjudge the amount of such compensation to be paid by each driver or conductor to the party aggrieved.

Proprietor paying compensation may recover from driver, &c.

XXIX. AND be it enacted, that it shall be lawful for the commissioners of police of the metropolis from time to time to appoint standings for hackney carriages at such places as they shall think convenient within the metropolitan police district, except the borough of Southwark, and at their discretion to alter the same, and from time to time to make regulation concerning the boundaries of the same, and the number of carriages to be allowed at any such standing, and also [Rep., Stat. Law Rev. Act., 1874 (No. 2).] to make regulations for enforcing order at the places at which metropolitan stage carriages shall call or ply for passengers, and for fixing the time during which each such carriage shall be allowed to remain at any such place; and . . . every driver or conductor of a metropolitan stage carriage who shall wilfully disregard or not conform himself to such regulations shall for every such offence forfeit the sum of forty shillings.

Regulations as to places of call, &c. of metropolitan stage carriages.

XXX. AND be it enacted, that no standing shall be appointed for hackney carriages, either within the metropolitan police district or within the city of London, by virtue of this Act or of any other Act, except in the centre part of the street, unless in the case of a street with houses only on one side of such street.

Standings to be in the centre of streets.

XXXI. AND be it enacted, that nothing herein or in any other Act contained shall be deemed or construed to authorize any hackney carriage to stand or ply for hire opposite to the General Post Office in Saint Martins le Grand, London, or any part thereof.

Hackney carriages not to stand or ply opposite General Post Office.

XXXII. AND be it enacted, that it shall be lawful for the court of mayor and aldermen of the city of London, within the city of London and the liberties thereof, and the borough of Southwark, to make regulations for enforcing order at the places at which metropolitan stage carriages shall call or ply for passengers, and for fixing the time during which each such carriage shall be allowed to remain at any such place; and every driver or conductor of a metropolitan stage carriage who shall wilfully disregard or not conform himself to such regulations shall forfeit the sum of forty shillings.

Lord mayor and aldermen to make regulations with respect to places of call, &c. of metropolitan stage carriages in the city of London and the borough of Southwark.

XXXIII. AND be it enacted, that every driver of a hackney carriage who shall ply for hire elsewhere than at some standing or place appointed for that purpose, or who by loitering or by any wilful misbehaviour shall cause any obstruction in or upon any public street, road, or place, and also every driver or conductor of any metropolitan stage carriage who by loitering or any wilful misbehaviour shall cause any obstruction [in or upon any public street, road, or place, or shall improperly delay such carriage on any journey, or wilfully deceive any person in respect to the route or destination thereof, or who shall refuse to admit and carry at the lawful fare any passenger for whom there is room, and to whose admission no reasonable objection is made, or who shall demand more than the legal fare for any passenger, or who, for the purpose of taking up or setting down a passenger, or except in case of accident or other unavoidable necessity, shall stop such carriage opposite to the end of any

Penalty on drivers of hackney carriages, or drivers or conductors of metropolitan stage carriages for loitering or causing any obstruction, refusing to take passengers, demanding illegal fares, plying for hire by making any noise, &c.

street, or upon any place where foot passengers usually cross the carriageway, or who shall ply for hire or passengers by blowing a horn, or by using any other noisy instrument within the limits of the metropolis as defined by the said Act of the second year of the reign of his late Majesty,] and every conductor of a metropolitan stage carriage who shall allow any person beside himself to ride upon the steps or in the place provided for him, and every driver of a hackney carriage, whether hired or unhired, allowing any person besides himself, not being the hirer or a person employed by such hirer, to ride on the driving box, and every driver or conductor of any metropolitan stage carriage who shall smoke whilst acting in such capacity, after an objection taken by any person riding in or upon such carriage, shall for every such offence forfeit the sum of twenty shillings.

Proprietors
may be sum-
moned to
appear, and
to produce
the driver or
conductor.

* * * * *

XXXV. AND be it enacted, that when any complaint shall be made before any justice of the peace against the driver of any hackney carriage, or the driver or the conductor of any metropolitan stage carriage, for any offence committed by him against the provisions of this Act, or of the recited Act of his late Majesty, or of any order or regulations made in pursuance of this Act, it shall be lawful for such justice, if he shall think proper, forthwith to summon the proprietor of such carriage to produce before him, or such other justice of the peace as shall be then present, the driver or conductor by whom such offence was committed, to answer such complaint; and in case such proprietor after being duly summoned shall fail to produce the driver or conductor, it shall be lawful for the justice of the peace before whom such driver or conductor should be produced (if he shall think fit) to proceed, in the absence of such driver or conductor, to hear and determine the case in the same manner as if he had been produced, and to adjudge payment by the proprietor of any penalty or sum of money and costs in which the driver shall be convicted; and any sum of money which shall be so paid by the proprietor shall be recovered in a summary way from the driver or conductor by whose default such sum shall have been paid, upon proof of payment thereof pursuant to the order of the justice, and upon proof of service of the notice herein-after mentioned: Provided always, that if the justice of the peace shall deem it proper it shall be lawful for him, when such proprietor shall fail to produce his driver or conductor, without any satisfactory excuse to be allowed by such justice, to impose a fine of forty shillings upon such proprietor, and so from time to time as often as he shall be summoned in respect of such complaint, until he shall produce his driver and conductor; and every proprietor so summoned to produce his driver or conductor shall cause to be given to such driver or conductor, or to be left at the abode specified in his licence, or (if such licence shall expire after the offence committed and before the hearing of the complaint) at his usual place of abode, a written notice of the time and place when and where such driver or conductor shall be required to attend;

Proprietors
failing so to do
may be fined.

Proprietor
when sum-
moned to give
notice to driver,
&c.

[* The limits of the metropolis were defined by 1 & 2 Will. 4. c. 22. s. 40. (which is rep., Stat. Law Rev. Act, 1874) in the following terms :

Sect. 40. And whereas letters arriving in London by the general post are now delivered without additional postage at any place comprised within a circle the radius of which is of the length of three miles, measured from the General Post Office: Be it enacted, that the circumference of the said circle shall for the purposes of this Act be deemed and called the limits of the metropolis.]

and if such driver or conductor shall not attend according to such notice, it shall be lawful for a justice of the peace to issue a warrant for his apprehension, and if after such notice any driver or conductor shall, without a reasonable excuse to be allowed by the justice, neglect or refuse to attend at the time and place therein mentioned, or (having previously left the service of the proprietor so summoned as aforesaid) shall not at the time and place of his attendance produce his licence, he shall forfeit the sum of forty shillings, and from time to time as often as he shall so neglect or refuse.

XXXVI. AND be it enacted, that it shall be lawful for any magistrate specially appointed under the authority of the said Act of the reign of his late Majesty for the purpose of hearing and determining offences against the provisions of that Act, or for such other magistrate as shall be in attendance at the office appointed in that behalf, to hear and determine any complaint for any offence against the provisions of this Act, or of any Act now in force or hereafter to be in force, wheresoever the cause of complaint may arise, within the city of London or the liberties thereof, or elsewhere within the limits of this Act, so far as the same shall relate to hackney carriages or to metropolitan stage carriages, . . . , in like manner as if such provisions had been included in the aforesaid Act.

Magistrates empowered to hear and determine complaints under this Act.

XXXVII. AND be it enacted, that upon the hearing of any complaint made under the provisions of this Act or the recited Act passed in the reign of his late Majesty, or of the orders and regulations aforesaid, it shall be lawful for the justice of the peace by whom the same shall be heard to examine and take the evidence of the informant or complainant in any dispute concerning the amount of fare paid or demanded by either party, or in any dispute between the proprietor and driver or conductor of any hackney carriage or metropolitan stage carriage concerning the wages of such driver or conductor, or in any complaint of personal injury done to the complainant by the driver of any hackney carriage or metropolitan stage carriage, or in any case in which the informant or complainant shall be entitled to no pecuniary advantage besides his costs and expences, or, being entitled to some compensation or pecuniary advantage, shall either give up all claim to the same, or shall not be the only witness in the case.

Evidence of complainant to be taken in certain cases.

XXXVIII. AND be it enacted, that all complaints under the provisions of the said recited Act of the reign of his late Majesty or of this Act, or of the orders and regulations made in pursuance of either of them, except such as shall be made by the direction of the commissioners of stamps and taxes, and except in cases where some other term of limitation is specially provided by this Act, shall be made within seven days next after the day on which the cause of complaint shall have arisen.

Complaints to be made within seven days.

XXXIX. AND be it enacted, that it shall be lawful for any justice of the peace to hear and determine all complaints under the provisions of this Act or of the said recited Act of the reign of his late Majesty, and to adjudge the payment of any penalty or of any sum of money under either of the said Acts, or of the orders and regulations made pursuant to either of them, and to order payment of the same, with or without costs, either immediately, or at such time and place, and by such instalments, as he shall think fit; and in case of nonpayment of the sum so ordered to be paid, or of any one instalment thereof, to adjudge the party making default to be imprisoned in the common gaol or house of correction for any term not exceeding two calendar months, with or

Justices may hear complaints and award penalties.

In case of nonpayment the party may be imprisoned;

or warrant
may be issued
for distress
and sale,

and commit-
ment of party
making de-
fault.

Limitation of
imprisonment
for nonpay-
ment of wages,
&c.

Decision of
justice to be
final.

In what
manner goods
distrained
shall be sold.

Service of
summonses
and other
notices.

Justice on
complaint may
issue summons
for attendance
or warrant for
apprehension.

without hard labour, such imprisonment to cease on payment of the sum so adjudged or ordered to be paid, or to issue his warrant for the levying of any such sum of money, together with the costs and expences of such warrant or of levying the same, on the goods of the party making default, and to cause sale to be made of such goods in case they shall not be redeemed within five days, rendering to the party the overplus (if any), and where goods of such party making default cannot be found sufficient to answer the penalty or sum ordered to be paid, and all such costs and expences, to commit such party to prison, there to remain for any time not exceeding two calendar months, unless such penalty or sum of money, and all such costs and expences, shall be sooner paid; and every such imprisonment shall be with or without hard labour as such justice shall direct: Provided always, that no imprisonment for nonpayment of any sum ordered to be paid on account of wages, or the earnings of any carriage, or of any deposit of money, shall be for a longer period than one calendar month, or with hard labour; and all proceedings whatsoever before any justice of the peace under any of the provisions of this Act or the recited Act of the reign of his late Majesty, and the judgment of the said justice thereon, shall be final and conclusive between the parties, and shall not be quashed or vacated for want of form, and shall not be removed by certiorari, or any other writ or process, into any superior court.

XL. AND be it enacted, that in all cases where any goods or chattels distrained or otherwise seized or taken under any of the provisions of this Act or the recited Act of the late reign are directed to be sold the same shall be sold by public auction, and notice of the time and place of such sale shall be given to the owner of such goods or chattels, or left at his usual place of abode, three days at least prior to such sale: Provided always, that if the owner of any such goods or chattels shall give his consent in writing to the sale thereof at an earlier period than is by this Act or shall be by any such notice appointed for such sale, or in any other manner than is by this Act directed, it shall be lawful to sell such goods or chattels according to such consent: Provided also, that if the owner of such goods or chattels shall, at any time before the sale thereof, pay or tender to the person who by any warrant or other process shall be directed or authorized to cause such goods or chattels to be sold the sum which he shall by such warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expences incurred, no sale of such goods or chattels shall be made.

[XLI.*] AND be it enacted, that for the purpose of serving summonses and other notices required by this or the recited Act of his late Majesty the usual place of abode of any driver, conductor, or waterman, or of any person who, having been licensed as a driver, conductor, or waterman, has neglected to return his metal ticket at the expiration of his licence, shall be deemed to be the place specified in the licence; and that it shall be lawful for any justice of the peace in all cases, upon complaint being made in respect of any matter within the meaning of this or of the recited Act of his late Majesty, or of the orders and regulations made in pursuance thereof, to issue his summons to require the attendance of the person complained of before the said justice, or any other justice, at a time and place to be appointed for that purpose, or to

* Section 41 is rep., so far as it relates to a waterman, Stat. Law Rev. Act, 1874 (No. 2).]

issue a warrant for the apprehension of such person, either in the first instance, or after the issuing and service of such summons and the non-appearance of the party summoned; and every summons or other notice required by this Act shall be deemed to be duly served, provided the same, or a copy thereof, shall be either personally served or left at the usual place of abode of the party to whom it shall be directed, or, if he shall be a party licensed under this or the recited Act of his late Majesty, then at the place of abode specified in his licence.

XLII. AND be it enacted, that every person summoned as a witness to give evidence touching any matter to be heard under this Act or the recited Act of his late Majesty who shall neglect or refuse to appear at the time and place for that purpose appointed by any justice of the peace, without a reasonable excuse to be allowed by such justice, or who shall appear but refuse to be examined or give evidence, shall forfeit the sum of five pounds.

Penalty on witnesses refusing to attend or to give evidence.

XLIII. AND be it enacted, that every summons or warrant of distress which shall be had or taken against the proprietor of a hackney carriage or metropolitan stage carriage, for the default of the driver or conductor thereof, for the recovery of any penalty, compensation, or costs under the provisions of this Act, or such rules, orders, and regulations as aforesaid, may be drawn or made out according to the several forms contained in the schedule hereunto annexed, or to the effect thereof, with such changes as the case may require; and that every order, conviction, warrant, or other proceeding which shall be drawn, had, or issued under the provisions of this Act or of the recited Act of the reign of his late Majesty, or of such rules, orders, and regulations as aforesaid, shall be good and effectual without stating the facts in evidence, or more than the matter or offence in respect whereof such order, conviction, or other proceeding as aforesaid shall have been had, made, or issued.

Certain proceedings to be drawn up according to the forms in the schedule.

Convictions, &c. need not state the facts in evidence.

XLIV. AND be it enacted, that in every case where there shall be more than one proprietor of any hackney carriage or metropolitan stage carriage it shall be sufficient, in any information, summons, order, conviction, warrant, or any other proceeding under the provisions of this Act or of the said recited Act of the reign of his late Majesty, to name one of such proprietors without reference to any other or others of them, and to describe and proceed against him as if he were sole proprietor.

Where there are more proprietors than one one alone may be proceeded against.

XLV. AND be it enacted, that it shall be lawful for any justice of the peace by whom any person shall be convicted of any offence under this Act, or under the recited Act of his late Majesty, to lessen the penalty or term of imprisonment in such manner as he may think fit.

Power to mitigate penalties.

XLVI. AND be it enacted, that all penalties or sums of money ordered and adjudged within the metropolitan police district to be paid under this Act or the recited Act of his late Majesty, and not otherwise appropriated, shall be payable to her Majesty; and that all penalties or sums of money ordered and adjudged within the city of London or the liberties thereof to be paid under this Act or the recited Act of his late Majesty, and not otherwise appropriated, shall be payable to the chamberlain of the city of London, in aid of the expences of the police of the said city.

Appropriation of penalties.

XLVII. AND be it enacted, that all actions and prosecutions which shall be brought or commenced against any person for any thing done under the authority of this Act, or of such orders and regulations as aforesaid, shall be commenced and prosecuted within three calendar months next after the fact

Limitation of actions.

Venue.
Notice of
action.

committed, and not afterwards, and shall be brought and tried in the city of London or the county of Middlesex, and not elsewhere; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and if the cause of action shall appear to arise from any matter or thing done by the authority of this Act, or of any such orders and regulations as aforesaid, or if any such action shall be brought after the expiration of such three calendar months, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such action commenced, by or on behalf of the defendant, the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if, on demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as any defendant may have for costs of suit in other cases of law; and although a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be had shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon.

Tender of
amends and
payment into
court.

Costs.

* * * * *

SCHEDULE referred to in the foregoing Act.

No. 1.

FORM of a Summons to the Proprietor of a Hackney Carriage or a Metropolitan Stage Carriage to produce the Driver or Conductor thereof to answer a Complaint.

To E.F. of, &c., proprietor of the hackney carriage, number [or the metropolitan stage carriage, number].

WHEREAS complaint hath been made by C.D. against the driver of the hackney carriage, number [or the driver or conductor of the metropolitan stage carriage, number], on the day of now last past [or instant], charging that the said driver [or conductor], on the day of now last past [or instant], (of which said carriage you were then the proprietor,) at or about the hour of , did [here state the alleged offence]: These are therefore to require you to produce the said driver or conductor before me, or such other magistrate as shall be present, at , on the day of , at of the clock in the noon, then and there to answer the said complaint.

Dated the day of

(Signed)

One of the police magistrates of the metropolis, [or One of her Majesty's justices of the peace for].

No. 2.

FORM of a Warrant of Distress for levying upon the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage the Penalty in which the Driver or Conductor thereof has been convicted.

To A. B. of, &c.

Metropolitan police district to wit. } WHEREAS C.D., the driver of the hackney carriage, number [or the driver or conductor of the metropolitan stage carriage, number], on the day of was duly convicted of a certain offence, for that [here state the offence], whereby he hath been adjudged to forfeit the sum of , over and above the sum of for the costs and charges of the informer, making together the sum of , which hath not been paid by the said driver [or conductor], nor by any person on his behalf: And whereas, according to the statute in that behalf made, the said E.F., the proprietor of the said carriage, hath been required to pay the said sum of , which he hath neglected and refused to do: Therefore I command you to levy the said sum of , by distraining the goods and chattels of the said E.F., the said proprietor; and if within the space of five days next after such distress taken the said sum of , together with the reasonable costs and charges of taking and keeping such distress, shall not be paid, then I order and direct that you shall sell and dispose of the said goods and chattels which shall be so distrained, taken, and seized as aforesaid, and shall levy and raise thereout the said sum of , and all reasonable costs and charges of taking and keeping and selling such distress, rendering the overplus (if any) to the owner of the said goods and chattels; and you are to certify to me what you shall have done by virtue of this my warrant. Given under my hand and seal the day of

(Signed)

One of the police magistrates of the metropolis,
[or
One of her Majesty's justices of the peace
for]

No. 3.

FORM of Warrant of Commitment of the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage for Want of a sufficient Distress whereon to levy the Penalty in which the Driver or Conductor of such Carriage has been convicted.

To A. B. of, &c., and to the keeper of the common gaol [or house of correction] at

Metropolitan police district to wit. } WHEREAS, &c. [proceed as in the form No. 2. to the words " which " he hath neglected and refused to do," inclusive]: And whereas it has been duly made to appear to me that no sufficient distress of the goods and chattels of the said E.F., the said proprietor, can be found whereon to levy the said sum of : Therefore I command you the said A.B. to apprehend and take the said E.F., and safely to convey him to the common gaol [or house of correction] at in the of , and there

to deliver him to the keeper thereof, together with this warrant. And I do hereby command you the said keeper to receive into your custody in the said gaol [or house of correction] him the said E.F., and him therein safely to keep for the space of _____, unless the said sum of _____ shall be sooner paid.

Given under my hand and seal the _____ day of _____

(Signed)

One of the police magistrates of the metropolis,

[or

One of her Majesty's justices of the peace
for _____].

CHAPTER LXXXIX.

AN ACT to amend the Act for the Regulation of Municipal Corporations in England and Wales. [24th August 1843.]

2 & 6 Will. 4.
c. 76.

7 Will. 4, &
1 Vict. c. 78.
s. 23.

WHEREAS by an Act passed in the fifth and sixth years of the reign of his late Majesty King William the Fourth, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," provisions were made for the election of corporate officers in certain boroughs, and for determining the times and manner of such election; but the provisions in the said Act have not in all cases been duly complied with: And whereas by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to amend an Act for the regulation of municipal corporations in England and Wales," it was among other things declared, that after the passing of that Act every application to the Court of Queen's Bench for the purpose of calling upon any person to show by what warrant he claims to exercise the office of mayor, alderman, councillor, or burgess in any borough shall be made before the end of twelve calendar months after the election, or the time when the person against whom such application shall be directed shall have become disqualified, and not at any subsequent time: And whereas doubts have arisen whether, notwithstanding the said last-mentioned enactment, applications in the nature of quo warranto may not still be successfully made against any person holding the office of mayor, on the ground that such mayor was not duly qualified to be so elected mayor by reason of some defect or informality in his previous election to the office of alderman or councillor, although more than twelve calendar months may have elapsed since such election to the office so alleged to have been informal or defective, and likewise against other corporate officers upon grounds of the like nature: And whereas also in certain boroughs the town councils elected under the said recited Act omitted to appoint as therein directed who of the aldermen first elected under that Act should go out of office at the expiration of the term therein mentioned: And whereas also in some boroughs at the said first election of aldermen after the passing of the said first-recited Act less than the full number required by the said Act were elected to such office by reason of equality of votes as to some of the persons nominated, and at the second election of aldermen under the provisions of the said first-recited Act other aldermen were elected to supply and make up such deficiency, but by inadvertence, and under a mistake of law, a greater number were elected

to such office than ought to have been so elected, and great inconvenience, vexation, and expence have been incurred and sustained by reason of the premises, insomuch that the functions of the corporate bodies in such boroughs have been and are in effect suspended; and it is expedient to provide a remedy for such mischief: And whereas the said first-recited Act requires further amendments: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 no election of any mayor of any of the boroughs named in schedules (A.) and (B.) of the said first-recited Act, or in any borough to which a charter of incorporation may have been or may be hereafter granted under the provisions of that Act and of the secondly recited Act, or either of them, . . . shall be liable to be questioned by reason of a defect in the title of such person to the office of alderman or councillor to which he may have been previously elected, unless application shall have been made to the Court of Queen's Bench, calling upon such person to show cause by what warrant he claims to exercise such office of alderman or councillor, within twelve calendar months after such his election to the said office of alderman or councillor; and that from and after the passing of this Act every election . . . to the office of mayor, alderman, councillor, or any other corporate officer, in any of the boroughs aforesaid, which shall not be . . . called in question by such application to the Court of Queen's Bench within twelve calendar months from such election, shall be deemed to have been to all intents and purposes a good and valid election.

No election of a mayor in any borough subject to recited Acts to be called in question for defect in previous election of such person as alderman or councillor, unless such previous election be questioned within 12 months from its taking place.

All elections of corporate officers not called in question within 12 months to be deemed valid.

* * * * *

AND whereas it is expedient to render certain proceedings by way of warranto and mandamus, so far as they affect corporate offices in boroughs, summary and expeditious: Be it therefore enacted, that from and after the passing of this Act, in all cases of intended application to the Court of Queen's Bench, either for a mandamus to proceed to an election of any corporate officer or officers in any of the aforesaid boroughs, or for an information of the nature of a quo warranto against any person claiming to be a corporate officer of and in any of the said boroughs, it shall be lawful for the party intending to make such application to give notice in writing thereof to the person to be affected thereby at any time not less than ten days before the making of the said application, in which notice shall be set forth the name and description of the party by whom such application will be made, together with a statement of the grounds thereof, and at the same time to deliver with such notice a copy of the affidavits whereby the application will be supported; and thereupon it shall be lawful for the said person to show cause in the first instance against such application, and if no sufficient cause be shown it shall be lawful for the said Court of Queen's Bench, on proof of the due service of such notice and statement, to grant the delivery of a copy of such affidavits as may be used for the purpose of supporting such application, to make the rule for such mandamus or information absolute, if the said court shall so think fit, in the first instance, and also, if they shall so think fit, to direct that any writ of mandamus or information ordered to be issued shall be preceptory in the first instance; and

Provision for expediting certain proceedings by way of mandamus and quo warranto.

also that the venue in any information thereby ordered to be filed shall be laid in the county of Middlesex, or in the city of London, and that the issue or issues of fact thereon, if any, shall be tried at the sittings at nisi prius of the said court at Westminster, or in London, by a jury of the same county or city respectively.

Office of treasurer to be held during the pleasure of the council of the borough.

VI. AND whereas the office of treasurer of and for the aforesaid boroughs is an office of great trust, and an annual appointment to such office is inconvenient and unnecessary: Be it therefore enacted, that so much of the said herein-before first-recited Act as provides that the council in every borough shall in every year appoint a fit person to be treasurer of such borough shall be and the same is hereby repealed, and that [Rep., Stat. Law Rev. Act, 1874 (No. 2.)] the council of every borough shall, on the ninth day of November next after the passing of this Act, or on the ninth day of November next after such borough shall be incorporated, appoint a fit person, not being a member of the council, to be the treasurer of such borough, who shall thenceforth hold his office during the pleasure of the council for the time being; and on the happening of any vacancy thereafter, by death, resignation, amotion, or otherwise, the council shall proceed to the appointment of a successor, either at any of the general quarterly meetings of the council, or at a special meeting to be convened for that purpose, so that in no case such appointment be delayed beyond twenty-one days from the happening of the vacancy.

Elections on vacancies.

VII. AND whereas inconvenience has arisen and may hereafter arise by reason that in the said first-recited Act no provision is made for the holding of the borough sessions at the time appointed by public notice for that purpose, in case of the sudden illness or unexpected and unavoidable absence of the recorder on or immediately before the day on which the sessions for any borough shall have been appointed to be held, or during the holding of such sessions; and it is desirable to provide against such inconvenience:

In case of sickness or absence the recorder may appoint a deputy recorder.

VIII. AND be it enacted, that in case of sickness or unavoidable absence the recorder of any borough shall be and he is hereby empowered, under his hand and seal, to appoint a deputy recorder, being a barrister of five years standing, to act for him at the quarter sessions then next ensuing or then being held, and not longer or otherwise: Provided nevertheless, that such sessions shall not be deemed to have been illegally held, nor the acts of any deputy recorder invalidated, by reason of the cause of the absence of the recorder not being deemed to be unavoidable within the meaning of this Act.

CHAPTER XC.

AN ACT for removing Doubts as to the Service of Clerks or Apprentices to Public Notaries, and for amending the Laws regulating the Admission of Public Notaries. [24th August 1843.]

41 Geo. 3.
(U.K.) c. 79.

WHEREAS by an Act passed in the forty-first year of the reign of his late Majesty King George the Third, intituled "An Act for the better regulation of public notaries in England," it was amongst other things enacted, that from and after the first day of August one thousand eight hundred and one no person should be sworn, admitted, and enrolled as a public notary in England unless such person should have been bound, by contract in

writing or by indenture of apprenticeship, to serve as a clerk or apprentice for and during the space of not less than seven years to a public notary or person using the art and mystery of a scrivener (according to the privilege and custom of the city of London, such scrivener being also a public notary,) duly sworn, admitted, and enrolled: And whereas doubts have arisen whether a public notary, being also an attorney, solicitor, or proctor, can have and retain any person to serve him as a clerk or apprentice in his profession or business of a public notary, and also at the same time in that of an attorney, solicitor, or proctor, and whether such service is in conformity with the provisions of the said recited Act: And whereas it is expedient to remove all such doubts with regard to persons who have served or are now serving or may hereafter serve as a clerk or apprentice in manner 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, that from and after the passing of this Act every person who has been duly admitted, sworn, and enrolled a public notary in England may take, have, and retain any clerk or apprentice to serve him under the provisions of the said recited Act or of this Act in the proper business of a public notary, or if such person is also an attorney or solicitor in any of the courts of law or equity, or a proctor in any ecclesiastical court in England or Wales, to serve him at the same time in the general business of a notary as well as that of an attorney, solicitor, or proctor; and that no person who shall have regularly and duly served any such public notary, being also an attorney, solicitor, or proctor, for the time required by the said recited Act or this Act, and be otherwise entitled to be admitted a public notary, shall be prevented or disqualified from being so admitted a public notary by reason of his having also served a clerkship to such public notary or his partner as an attorney, solicitor, or proctor during the same time or any part thereof.

Public notaries may have clerks serving them in that business: or, if also attorneys solicitors, or proctors, may have clerks serving them in their business generally.

Clerks serving notaries who are also attorneys, &c. not thereby disqualified for admission as notaries.

II. PROVIDED always, and be it enacted, that no public notary may have and retain any such clerk or apprentice to serve him, under the provisions of the said Act or of this Act, if he has been admitted, sworn, and enrolled a public notary for the purpose only of carrying on any business, or holding or exercising any office or appointment, and not as a general practitioner; nor shall any public notary be allowed to have and retain such clerk or apprentice after he shall have discontinued or left off or during such time as he shall not actually practise and carry on the profession or business of a public notary.

No public notary to retain a clerk or apprentice, unless admitted as a general practitioner, nor unless in actual practice.

III. AND whereas it is expedient to shorten the period of the service required by the said recited Act: Be it therefore enacted, that from and after the passing of this Act, in case any person shall have been or shall be bound by any contract to serve and shall have actually served as a clerk or apprentice for the term of five years any public notary as aforesaid, and shall have caused an affidavit to be made and filed as to the due execution of such contract, and shall have complied with the other provisions of the said recited Act, save as to the length of service, then and in such case every such person shall be qualified and entitled to be sworn, admitted, and enrolled a public notary to practise in England, as fully and effectually as any person having been bound and having served seven years as required by the said recited Act would be qualified and entitled to be sworn, admitted, and enrolled a public notary

Persons serving five years to a notary to be entitled to admission as notaries.

Consent of notary required if clerk has been bound for a longer time.

under and by virtue of the said recited Act: Provided always, that no person shall be entitled to be admitted and enrolled a public notary at the expiration of the term of five years, if bound for a longer time, without the consent in writing of the public notary, if living, to whom he shall have been so bound being first obtained and produced at the time of his admission, and filed with the other papers relating thereto: And provided also, that in case the affidavit required by the said recited Act as to the execution of any contract be not filed within the time required by the said Act the same may be filed by the proper officer after the expiration thereof, but the service of such clerk shall be reckoned to commence and be computed from the day of filing such affidavit, unless the master of the faculties shall otherwise order; and such service shall be as effectual, and the public notary and clerk shall be equally bound for and during the term, reckoning as aforesaid, as if such term had been originally intended and mentioned in the contract.

If affidavit as to execution of contract be not filed within time required, the service to reckon from the day of filing, unless otherwise ordered.

Master of the faculties may require testimonials of ability, &c.

IV. AND be it enacted, that the master of the faculties for the time being may make any general rule or rules requiring testimonials, certificates, or proofs as to the character, integrity, ability, and competency of any person who shall hereafter apply for admission or re-admission as a public notary to practise either in England or in any of her Majesty's foreign territories, colonies, settlements, dominions, forts, factories, or possessions, whether such person shall have served a clerkship or not, and from time to time alter and vary such rules as to the master of the faculties shall seem meet, and may admit or reject any person so applying, at his discretion, any law, custom, usage, or prescription to the contrary notwithstanding.

Proceedings in case of refusal of master of faculties to grant a faculty.

V. PROVIDED always, and be it enacted, that if the master of the faculties shall refuse to grant any faculty to practise as a public notary to any person without just and reasonable cause, then the chancellor of England or the lord keeper of the great seal for the time being, upon complaint thereof being made, shall direct the Queen's writ to the said master of the faculties to the effect and shall proceed thereon according to the intent and meaning of the Act of Parliament of the twenty-fifth year of the reign of King Henry the Eighth, intituled "An Act concerning peter-pence and dispensations," and in manner and form as is therein provided and set forth in case of the refusal of any licences, dispensations, faculties, instruments, or other writings, as fully and effectually, and with the same powers and authority, as if the same were here inserted and re-enacted.

25 Hen. 8. c. 21.

Saving the rights of Scriveners Company.

VI. PROVIDED always, and be it enacted, that nothing herein contained nor any service under this Act shall authorize any person to be admitted a public notary to practise within the jurisdiction of the Incorporated Company of Scriveners of London.

Oath on admission of notary.

VII. AND be it enacted, that from and after the passing of this Act every person to be admitted and enrolled a public notary shall, before a faculty is granted to him authorizing him to practise as such, make oath before the said master of the faculties, his surrogate or other proper officer, in substance and to the effect following:

' I A.B. do swear, that I will faithfully exercise the office of a public notary; ' I will faithfully make contracts or instruments for or between any party ' or parties requiring the same, and I will not add or diminish any thing ' without the knowledge and consent of such party or parties that may alter

the substance of the fact; I will not make or attest any act, contract, or instrument in which I shall know there is violence or fraud; and in all things I will act uprightly and justly in the business of a public notary, according to the best of my skill and ability. So help me GOD.'

VIII. AND be it enacted, that the master of the faculties for the time being, his surrogate, shall and he is hereby authorized and empowered to issue commissions to take any oaths, affidavits, affirmations, or declarations required by law to be taken before the grant of any faculty, marriage licence, or other instrument issuing from the said office of faculties; and that all oaths, affidavits, affirmations, or declarations taken before the commissioner so appointed, and the faculty, marriage licence, or other instrument granted in pursuance thereof, shall be as valid and effectual as if such oath, affidavit, affirmation, or declaration was taken before the said master or his surrogate, or thing in any Act or law to the contrary thereof notwithstanding.

X. AND be it enacted, that no person who has been admitted and enrolled as a public notary shall be liable to be struck off the rolls for or on account of defect in the articles of clerkship, or in the registry thereof, or in his service under such articles, or in his admission and enrolment, unless the application for striking him off the roll be made within twelve months from the time of his admission and enrolment; provided that such articles, registration, service, admission, or enrolment be without fraud.

AND be it enacted, that from and after the passing of this Act, in case any person shall, in his own name or in the name of any other person, make, execute, exercise, or execute or perform, any act, matter, or thing whatsoever in anywise appertaining or belonging to the office, function, or practice of a public notary, for or in expectation of any gain, fee, or reward, without being able to prove, if required, that he is duly authorized so to do, every person for every such offence shall forfeit and pay the sum of fifty pounds, to be sued for and recovered by action of debt, plaint, or information in any court of Majesty's superior courts of record at Westminster, or, if the cause of action shall have arisen in any colony or place to her Majesty belonging out of England, then in the supreme court of law of such colony or place, provided that the action for the recovery thereof shall be commenced within twelve months after the fact committed; and that, save so far as they are altered or repealed, or repugnant to the provisions of this Act, the like remedies for the recovery thereof, and all other the rules, directions, powers, and provisions contained in the said recited Act, and also in the Act passed in the third and fourth years of the reign of his late Majesty King William the Fourth, and in the first year of the reign of his late Majesty King George the Third, shall and may severally and respectively attach and be in force as fully and effectually as if the said penalties were imposed, or the said powers were given, or the same powers, rules, directions, and provisions were separately enacted, in or by this Act, or repealed and re-enacted.

Master of the faculties may issue commissions to take oaths, &c. required before grant of faculties, marriage licences, &c.

Application to strike a notary off the roll for defect in articles, &c. to be made within 12 months after admission.

Persons not duly authorized practicing as notaries to forfeit 50*l*.

Provisions of former Act, and of 3 & 4 Will. 4 c. 70. not hereby varied to be in force as if re-enacted.

C H A P T E R X C I.

AN ACT to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in Ireland. [24th August 1843.]

WHEREAS it is expedient to consolidate and amend the laws relating to loan societies in Ireland: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the several Acts herein-after mentioned shall be and the same are hereby repealed, save as herein-after otherwise provided; (that is to say,) an Act passed in the fourth year of the reign of his Majesty King George the Fourth, intituled "An Act for the amendment of the laws respecting charitable loan societies in Ireland"; an Act passed in the tenth year of the same reign, intituled "An Act to amend an Act of the fourth year of his present Majesty, for the amendment of the laws respecting charitable loan societies in Ireland"; an Act passed in the session of Parliament held 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 loan societies in Ireland"; and an Act passed in the session of Parliament held in the first and second years of the reign of her present Majesty Queen Victoria, intituled "An Act for the amendment of the laws relating to loan societies in Ireland": Provided always, that nothing in this Act contained shall extend to repeal any of the said recited Acts, so far as they or any of them repeal any former Act or Acts, or so far as respects any act, matter, or thing heretofore done under or by virtue of the said recited Acts; [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Repeal of Acts

4 Geo. 4. c. 32.

10 Geo. 4. c. 42.

6 & 7 Will. 4. c. 55.

1 & 2 Vict. c. 78.

Loan fund board established for the superintendence of all loan societies and charitable pawn offices in Ireland. Constitution of the board.

Quorum.

Lord lieutenant may remove members from board; may appoint and remove secretary, &c.

The board empowered to superintend all loan societies, &c. in Ireland.

Salaries of officers, and incidental expenses.

II. AND be it enacted, that for the general control and superintendence of all charitable loan societies and charitable pawn or deposit offices established or to be established in Ireland under the authority of the said recited Acts or this Act there shall be a board in Dublin, to be denominated "The Loan Fund Board," which board shall consist of such persons as at present constitute the loan fund board established under the authority of the said recited Act of the sixth and seventh years of his late Majesty King William the Fourth, and of such other person as shall from time to time be appointed a member of the said board by the lord lieutenant of Ireland; and at any meeting of the said board, duly convened, three members shall be competent to do and execute all acts which the said board are hereby enabled to do and execute.

III. AND be it enacted, that it shall and may be lawful for the said lord lieutenant of Ireland, at his will and pleasure, to remove from the said board any member thereof; and it shall and may be lawful for the said lord lieutenant from time to time to appoint a secretary, inspector, and such other clerk, officer, or servant as shall be necessary for the business of the said board, and to remove such secretary, inspector, or other clerk, officer, or servant, as he shall think fit.

IV. AND be it enacted, that the said loan fund board shall have power to inquire into the proceedings of all loan societies and charitable pawn or deposit offices established or to be established in Ireland under the authority of the said recited Acts or this Act, in order to ascertain whether their rules have been duly certified and enrolled, and have been and are duly observed and attended to, and whether their funds are applied to the purposes for which the same are intended; and may pay to their secretary, and to any inspector or other officers, clerks, or servants appointed as aforesaid, such salaries or other remuneration or retiring allowance as the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or

more of them, **may** from time to time direct, and also pay such further sum or sums as **may be** necessary to defray the incidental expences which shall be incurred in **carrying** into execution the purposes of this Act: Provided always, that such expenditure for incidental expences shall not in the whole in any one year exceed such sum as the commissioners of her Majesty's Treasury, or any three or more of them, shall from time to time in that behalf limit and direct.

V. **AND** be it enacted, that all sums of money payable to the said loan fund board under this Act, or which may at any time or times hereafter be appropriated to the use of the said loan fund board, either by public grant or private donations or bequest, or otherwise, shall be paid into the hands of the governor and company of the Bank of Ireland, and shall be placed to an account in the books of the said governor and company, to be intituled "The Loan Fund Board Account"; and the receipt of the cashier of the said Bank for any sum or sums of money paid into the same, and which the said cashier is hereby required to give, shall be a sufficient acquittance and discharge to the person or persons by whom the same shall have been so paid.

Funds appropriated to the use of the loan fund board to be paid into the Bank of Ireland, to the credit of loan fund board account

VI. **AND** be it enacted, that no monies shall be paid out of the funds accruing in the said account to the credit of the said loan fund board, except upon drafts signed by at least three members, and countersigned by the secretary of the said board for the time being, and in each of which drafts shall be specified the purpose to which the sum for which the same has been drawn is intended to be applied; and no such draft shall be signed or countersigned as aforesaid except at the first meeting held in each month by the said board, or at some other meeting, of which at least fourteen days notice in writing shall be given to each member of the board, in which notice the object of such meeting shall be specially stated.

No part of the funds to be paid out, except upon drafts signed by three members of the board, &c

VII. **AND** be it enacted, that the said loan fund board shall, on or before the thirty-first day of March in every year, cause a report of their own proceedings, and also of the proceedings of the several loan societies under their control and superintendence, during the year ending on the thirty-first day of December then next proceeding, to be prepared, which report shall contain an account of all monies and funds which shall have come to the hands or been placed to the credit of the said board, either from public or private sources, during the year to which such report shall relate, and shall specify the particular sources of revenue from which such monies and funds shall have arisen, and an account of all and every the monies expended or lent by the said board during the said year, and for what purposes, and upon what account respectively, and showing the balance then standing to the credit of the said board, and the amount of loans from the said board outstanding; and such annual report shall be signed by at least five members present at such board, and countersigned by the secretary, and be laid before both Houses of Parliament within one month after the same shall have been prepared, if Parliament shall be then sitting, or within one month after the commencement of the then next session.

Board to transmit an annual report and account to Parliament

VIII. **AND** be it enacted, that all actions, suits, and proceedings whatsoever at law or in equity touching or concerning any loan, contract, or agreement, or other matter or thing, to be made, done, or entered into by or with the said loan fund board, or which the said loan fund board is by this Act authorized

Board to sue and be sued in the name of their secretary.

On death or removal of secretary proceedings to be carried on by or against his successor.

to institute, or by or with the secretary thereof, in his capacity as such secretary, shall and may be instituted, carried on, and defended in the name of the secretary of the said board for the time being, for or on behalf of the said board; and all such actions, suits, and proceedings in any court of law or equity, in the name of such secretary, shall be as good and effectual to all intents and purposes as if such actions, suits, and proceedings had been commenced, prosecuted, carried on, or defended in the name of the said board, or any member or all the members of the same; and in case such secretary shall happen to die, or be removed from his office, whilst any such action, suit, or proceeding shall be depending, then and in such case such action, suit, or proceeding shall not abate by the death or removal of such secretary, but shall be carried on or defended in the name of the succeeding secretary, and shall stand to all intents and purposes in the same state and condition as it was immediately before the death or removal of such former secretary; and it shall and may be lawful for the secretary of the said board for the time being to sue and recover, for the use of the said board, upon any bond or other security executed or passed to or contract made with the secretary of the board for the time being, notwithstanding any change or changes which may have taken place in the person by whom the said office of secretary may be filled.

Loan societies and charitable pawn offices may be established, subject to the regulations provided by this Act.

IX. AND be it enacted, that it shall and may be lawful to and for any number of persons in Ireland, subject to the restrictions and regulations herein-after provided, to form themselves into a society in Ireland in any district or place in which it shall be proved to the satisfaction of the said loan fund board that such society is required, and such society shall and may raise from time to time by loans from the members of such society, or from other persons, at a rate of interest not exceeding five pounds per centum per annum, or by donations, a stock or fund for the purpose of granting loans to the industrious classes resident therein, and receiving repayment of the same by instalments, with interest as herein-after provided; and it shall be in like manner lawful for any number of persons in Ireland, subject to the restrictions and regulations herein-after provided, to form themselves into a society for the purpose of establishing or maintaining a charitable pawn or deposit office or offices in Ireland, at which money may be lent to the industrious classes resident therein upon pledges or deposits, at such rate of interest, not exceeding the rate of interest which now is or may be hereafter legally chargeable by pawnbrokers in Ireland, as the said loan fund board may from time to time appoint; and it shall and may be lawful for the members of every such society from time to time to make, subject to the restrictions herein-after contained, rules for the better government and guidance of the same, and for defining the district, by townlands or otherwise, within which the operations of the society ought to be conducted, and for fixing the charges for application papers, instalments, cards, and duplicates, and for the imposition of fines upon the several persons obtaining loans from the funds of any such society, and the officers and members thereof, offending against or violating such rules, and also from time to time to alter and amend such rules as occasion shall require, or to annul and repeal the same, and to make new rules in lieu thereof, so as such rules shall not be repugnant to the laws of this realm, nor to any of the express provisions or regulations of this Act.

Such societies empowered to make rules, &c. subject to the restrictions herein-after mentioned.

X. AND be it enacted, that three transcripts, fairly written or printed on paper or parchment, of all rules, or of any alteration or amendment thereof, made in pursuance of this Act, signed by at least three members of such society, shall be transmitted to the said loan fund board for their consideration; and in case the said board shall approve of any such rules, amendments, or alterations as shall be so transmitted to them as aforesaid, they shall cause the same to be submitted to such barrister as shall from time to time be appointed by the said board established under the authority of this Act (which barrister the said board is hereby authorized and required to appoint), for the purpose of ascertaining whether the said rules of such society, or such alterations or amendments thereof, as shall be so submitted to him, are in conformity to law and to the provisions of this Act.

Three transcripts rules of loan society transmitted to the fund board, and, if approved submit the barrister to ascertain conformity law, &

XI. AND be it enacted, that in case the said loan fund board shall disapprove of any rule made by any loan society, and submitted to them as aforesaid, or of any alteration or amendment of any such rule, such rule, or amendment or alteration thereof, shall be null and void: Provided always, that in every such case it shall be lawful for such society, or for the persons desiring to form any such intended society, within one calendar month after notice shall be given to them of such decision of the said board as aforesaid, to appeal against such decision to the lord lieutenant of Ireland and her Majesty's privy council there, who shall have power and authority on such appeal to approve or disapprove of such rule, or amendment or alteration thereof; and if they shall disapprove thereof, then and in such case the same shall be null and void to all intents and purposes; but if they shall approve thereof, then and in such case the said loan fund board shall submit the same to such barrister as aforesaid, for the purpose aforesaid, in like manner as herein-before directed in the case of rules approved of by such loan fund board.

Rules approved loan fund board void; appeal made lieutenant council

XII. AND be it enacted, that the said barrister to whom any such rule, amendment, or alteration thereof shall be transmitted shall, if required, advise with the said loan fund board on the subject of such rule, and shall give a certificate that such rules, alteration, or amendment, so submitted to him as aforesaid, is in conformity to law and to the provisions of this Act, or shall point out in what part the same are repugnant thereto, and state, in writing, on what grounds and for what reasons they are so repugnant, and how and in what manner they can be made conformable thereto; and the fee payable to such barrister for advising as aforesaid, and perusing the rules, or alterations or amendments of the rules, of each respective society, and giving such certificate as aforesaid, and stating such grounds or reasons, or suggesting such alterations as aforesaid, shall not at one time exceed the sum of one guinea, which, together with the expence of conveying the rules to and from the said loan fund board, shall be defrayed by each society respectively: Provided always, that the said barrister shall be entitled to no further fee for or in respect of any alteration or amendment of any rules upon which one fee has been already paid to the barrister within the period of three years, or for the rules of any societies at present under the loan fund board which it may be necessary to certify within six months after the passing of this Act.

Barrister certify are in form or state what they are repugnant thereto

Fee payable to barrister not to one guinea

Barrister entitled further within three years respect alterations same

XIII. AND be it enacted, that if the said rules, or such alterations or amendments as aforesaid, shall have been certified by the said barrister to be in conformity to law and the provisions of this Act, the secretary of the said

When are certified by the barrister

secretary shall annex to each transcript a certificate of approval.

Disposal of such transcripts.

Rules when so certified to be binding on societies, &c.

Form of secretary's certificate as in schedule (A.)
Production of the transcript, with certificate annexed, to be evidence of rules having been certified, society established, &c.

Loan societies may appoint officers and servants.

Clerk of petty sessions not to be appointed.

loan fund board shall thereupon annex to or write upon each of the said three transcripts so transmitted as aforesaid a certificate to the effect that the said rules, or such alterations or amendments as aforesaid, have been approved by the said loan fund board, or by the lord lieutenant, as the case may be, and duly certified by the barrister appointed in that behalf as aforesaid; and one of such transcripts, when certified by the secretary of the loan fund board as aforesaid, shall be returned to the society, and another of such transcripts so certified as aforesaid shall be retained by the said secretary for the use of the said loan fund board, and the other of such transcripts shall be transmitted by the said secretary to the clerk of the peace of the county wherein such society shall have been formed or shall be proposed to be formed, and shall be filed by such clerk of the peace with the rolls of the sessions of the peace in his custody, without fee or reward.

XIV. AND be it enacted, that all rules and alterations and amendments of rules which shall be so certified as aforesaid by the secretary of the said loan fund board shall, immediately after they have been so certified and transmitted as aforesaid, but not before, be binding on the several members and officers of the said society, and all persons borrowing money therefrom, and all other persons having an interest therein; and it shall and may be lawful for every loan society to commence operations immediately on receiving the transcript of their rules so certified, but not before; and all such rules, alterations, and amendments of rules shall on receipt thereof be printed by such loan society, and one copy shall be posted in the office of the said society, and one copy lodged with the clerk of each petty sessions in the district within which the operations of such society are to be conducted.

XV. AND be it enacted, that the certificate so to be given by the secretary of the said loan fund board shall be in the form Number 1. in the schedule (A.) to this Act annexed, or to the like effect; and that in any proceeding which may be had for the recovery of any money lent by any loan society, or any other proceeding, civil or criminal, or of what kind or nature whatsoever, the production of a transcript of the rules of such society, with such a certificate as aforesaid written thereon or annexed thereto, signed or purporting to be signed by the secretary of the loan fund board, shall be conclusive evidence of such rules, and of the same having been duly approved and certified, and that such society has been duly established, and is entitled to all the benefits of this Act, and of all other Acts which shall be then in force relating to loan societies in Ireland.

XVI. AND be it enacted, that it shall and may be lawful for every loan society whose rules shall have been so certified by the secretary of the said loan fund board, or for any committee appointed and authorized by such society in that behalf, to elect and appoint such persons into the offices of trustee, manager, treasurer, secretary, clerk, messenger, or other officer or servant, as they shall think proper and necessary to carry into execution the purposes of such society, and from time to time to remove such persons, or any of them, from their respective offices or employments, and to elect and appoint others in the room of those who shall be so removed or who shall by death or otherwise vacate such offices or employments; provided that it shall not be lawful to appoint any clerk of petty sessions to any such office or employment; and it shall and may be lawful for such society or committee,

subject to the **restrictions** in this Act mentioned, to appoint the amount of salaries or remuneration to be paid to such officers or servants as shall not, under the provisions herein contained, be prohibited from receiving the same.

XVII. AND be it enacted, that it shall not be lawful for any such society as aforesaid to pay to any clerk, officer, or servant of such society any salary or other allowance, unless the amount or maximum thereof shall have been ascertained by the rules of such society, nor to incur any expence, unless such shall be expressly provided for by the rules of the society, or shall be necessary for the due management thereof according to such rules; and it shall and may be lawful for the loan fund board constituted under this Act from time to time, as often as they shall judge it expedient so to do, to reduce prospectively the amount of any such salary or allowance, and likewise to reduce all and every or any other expence to be incurred by any such society in the management thereof, for house rent, stationery, or otherwise; and after such reduction shall have been notified to such society it shall not be lawful for them to exceed in their payments the amount of the sums so reduced; and in case the treasurer or any other officer or officers of any loan society shall pay or disburse any sum or sums of money contrary to the provisions of this Act every person so offending shall for every such offence forfeit and pay a sum of money equal in amount to the sum or sums so illegally paid or disbursed by him as aforesaid, and in addition thereto a sum not exceeding five pounds, to be recovered as herein-after mentioned; and in case any such illegal payment as aforesaid shall have been made to any clerk or other officer or servant of such loan society it shall and may be lawful for the said loan fund board, in the name of their secretary, to sue for and recover from the clerk or other officer or servant of such society by whom the same shall have been received the amount of the sum or sums which shall have been so illegally paid, together with costs of suit.

XVIII. AND be it enacted, that all monies, goods, chattels, effects, and property whatsoever belonging to such society shall be vested in the trustee or trustees of such society for the time being, for the use and benefit of such society and the respective members thereof, their respective executors and administrators, according to their respective claims and interest, and in case of the death, resignation, or removal of any trustee or trustees shall vest in the surviving or succeeding trustee or trustees for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any assignment or conveyance whatever, and also shall, for all purposes of action or suit, as well criminal as civil, in law or equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be, the property of the person or persons appointed to the office of trustee or trustees of such society for the time being, in his or their proper name or names, without further description; and such person or persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any action, suit, or prosecution, criminal as well as civil, in law or equity, touching or concerning the property or right of claim aforesaid of such society, and to sue and be sued, plead and be impleaded, in his or their proper name or names, as trustee or trustees of such society, without other description; and no suit, action, or prosecution shall be discontinued or abate by the death of such

Salaries of officers.

Societies to ascertain by their rules the amount of the salaries payable to their servants, and to limit their expences.

Loan fund board may reduce prospectively the amount of the salaries and other expences of any society.

Penalty on officers paying sums contrary to the provisions of this Act.

Recovery of sums paid to officers in excess.

Property of loan society vested in the trustees for the time being in trust for the society and its members.

Property to be laid in trustee in legal proceedings.

Trustees may sue and be sued on behalf of society.

person or persons or his or their removal from the office of trustee or trustees as aforesaid, but the same shall and may be proceeded in by the succeeding trustee or trustees in the proper name or names of such person or persons commencing the same, any law, usage, or custom to the contrary notwithstanding; and such succeeding trustee or trustees shall pay or receive like costs as if the action or suit had been commenced in his or their name or names, for the benefit of or to be reimbursed from the funds of such society.

Costs.

On failure of trustees of a society and in default of appointment of new trustees, the property to vest in the secretary of loan fund board, in trust to pay all debts, &c.

XIX. AND be it enacted, that in case all the trustees of any loan society shall be removed by death or otherwise from their trust, and no new trustee or trustees shall be appointed in their place, then and in every such case, and so often as the same shall happen, all and every the monies, goods, chattels, effects, and property whatsoever of the said society shall vest in the secretary of the said loan fund board for the time being, in trust to apply the same, under the direction of the said board, to discharge all outstanding debts and demands due by such society, and to dispose of the residue of such property to and for such purposes in furtherance of the objects of this Act and in such manner as the said loan fund board shall direct.

No manager or trustee to receive remuneration.

XX. AND be it enacted, that it shall not be lawful for any person, being a trustee, treasurer, honorary secretary, director, member of the managing committee of any such society, or having any control in the direction or management thereof, to receive, directly or indirectly, any salary or other remuneration for attendance or any other services performed for such society; and no salaried clerk or other paid officer or servant of such society shall be a member of its committee of management, or in anywise act or vote in the direction of its affairs.

No salaried officer to be member of committee of management.

Treasurer and other officers of loan societies to give security as directed by loan fund board.

XXI. AND be it enacted, that every treasurer or other officer or officers, or other person whatsoever, who is or shall be intrusted with the receipt or custody of any sum or sums of money belonging or lent to any loan society, and every other officer or servant of any loan society, shall, when thereunto required by the said loan fund board, become bound, with sufficient sureties, for the just and faithful execution of such office or trust, and the performance of the duties by the rules of such society or by this Act imposed upon him, in such sum or sums of money as to the said board shall seem reasonable and proper, and such security shall and may be given by bond or bonds in the form Number 5. in schedule (A.) to this Act annexed, or to the like effect, to the secretary of the loan fund board for the time being; and in case of forfeiture it shall be lawful for the said loan fund board, or for the society for whose security such bond or bonds shall have been given, or for the trustees or managers thereof, to sue upon such bond or bonds in the name of the secretary of the said loan fund board for the time being, and to carry on such suit at the costs and charges of and for the use of the said society, fully indemnifying and saving harmless such secretary of the loan fund board from all costs and charges of such suit or suits, or in respect thereof; and in case it shall appear to the said loan fund board in any instance that the security so found is insufficient, either as regards the solvency of the sureties, or the amount of the security, or otherwise, then and in every such case, and from time to time so often as the same shall happen, it shall be lawful for the said loan fund board to require that increased or better security be found; and in case any society shall refuse or neglect to comply with such requisition of the said board within

Form of security as in schedule (A.)

How securities shall be sued upon.

Loan fund board may require increased security to be found;

such period as the said board shall appoint in that behalf it shall be lawful for the said board to withdraw their certificate from the said society, and to proceed with regard to the same in like manner as the said board is hereby authorized to proceed with regard to any society which may have violated the provisions of this Act.

and on refusal of society may withdraw its certificate.

XXII. AND be it enacted, that where the treasurer or other officer or officers of any loan society now established shall have given security by any bond or bonds to any clerk of the peace, under the authority of the said recited Acts of the sixth and seventh years of the reign of King William the Fourth, and first and second years of the reign of Queen Victoria, or either of them, such clerk of the peace shall, on being required so to do, transmit such bond or bonds to the said loan fund board; and it shall and may be lawful for the said loan fund board, or for any society for whose security any such bond or bonds shall have been given, or for the trustees or managers of any such society, to sue upon such bond or bonds in case of the forfeiture thereof, in the name of such clerk of the peace, in like manner as the trustees of such society are by said recited Acts authorized to sue thereon; nevertheless it shall be lawful for the said loan fund board, in such cases as they may deem expedient, to require that new securities shall be perfected by a bond or bonds to be executed to the secretary of the said board in the manner directed by this Act, and hereupon such new securities shall be perfected accordingly.

Existing securities in the name of the clerk of the peace to be transmitted to loan fund board. Such securities may be sued on in name of clerk of the peace.

Loan fund board may require new securities to be given.

XXIII. AND be it enacted, that if any officer, clerk, or servant of any loan society established or acting under this Act shall refuse or neglect, when hereunto required, to account with such society, or any committee thereof, or other person or persons who shall be authorized by such society to require such account, or with the secretary or any other duly authorized officer of the said loan fund board, for any money or other property of such loan society which shall have been received by him, or shall refuse or neglect, when thereunto required, to pay or deliver to such society, or to such person or persons as shall be authorized by such society to receive the same, any money or other property of such society which then shall be or ought to be in his possession or power, every such officer, clerk, or servant of such loan society so offending as aforesaid shall for every such offence be liable to pay a sum of money equal in amount to the money or the value of the property (if any) so wrongfully retained by him, and in addition thereto a further sum not exceeding the sum of five pounds, to be recovered in manner herein-after mentioned.

Officers of a loan society refusing to account either with the society or with loan fund board, and pay over money in their hands, subject to a penalty.

XXIV. AND be it enacted, that it shall not be lawful to and for any such society to make any loan on personal security to any one individual at any one time exceeding in amount the sum of ten pounds; and that no second or other loan shall be made to the same individual, or to any person on his behalf or for his use, until the previous loan shall have been repaid.

Amount of loan not to exceed 10l.

XXV. AND be it enacted, that every note or security to be taken by any loan society established under the provisions of this Act for the repayment of any loan granted by any such society shall be in the form Number 2. in schedule (A.) hereunto annexed, or to the like effect, and blank forms for such notes shall be supplied by the said loan fund board as herein-after provided; and that no proceedings shall be had or order made for the recovery of any loan, fines, or interest under this Act, save and except where the note or security for such loan shall be in the form and on the paper supplied by the said board.

Note for securing repayment of loan shall be in form given in schedule (A.) to this Act, and forms shall be supplied by loan fund board.

No loan fund note, or bond, or security chargeable with stamp duty.

XXVI. AND be it enacted, that no note or security for the repayment of any loan made by any society established or acting under the provisions of this Act, nor any receipt or entry in any book of receipt for money lent or paid, nor any debenture or transfer, or draft or order, nor any appointment of any agent, nor any bond nor security, nor other instrument or document whatever, required or authorized to be given, issued, made, or provided in pursuance of the rules of any such society or of this Act shall be subject to or chargeable with any stamp duty whatsoever.

Amount of interest payable on loans may be received or retained at time of advance.

XXVII. AND be it enacted, that it shall and may be lawful to and for the trustees or managers of any society established or acting under the provisions of this Act to demand and receive from the person to whom any loan may be made, at the time of making the same, or to retain as discount for the same, the full amount of interest up to the time fixed for payment of the last instalment which would be due on the whole money so advanced, at a rate not exceeding four-pence in the pound for twenty weeks, and to receive the amount of the principal by instalments at such time or times and in such proportion or proportions as the said trustees or managers may think fit, and to take a note or security for the whole amount of the loan, the same to be sued for and recovered immediately on failure of the payment of any of the instalments, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts relating to usury.

Loan fund board may authorize any loan society to advance any portion of their funds in loans not exceeding 10*l.*, bearing interest, and repayable by instalments.

XXVIII. AND be it enacted, that it shall be lawful for the said loan fund board, if they shall see fit, to authorize any loan society to advance any portion of their funds, such portion to be limited by the said board, in loans not exceeding ten pounds, at a rate of interest not exceeding one penny halfpenny per month upon each pound sterling so advanced; provided that there be an interval of not less than twenty-seven days between the time of issuing such loan and the payment of the first instalment, and a similar period at the least between each other payment; and such society shall make a separate report of such loans to the said loan fund board.

* * * * *

Notes to be made payable to treasurer or secretary for the time being.

Recovery of loans before justices.

XXX. AND be it enacted, that all notes and securities entered into for the payment of such loans shall be made payable to the treasurer or secretary for the time being of the said society; and if the party or parties liable to pay the same shall fail in the payment thereof, or of any of the instalments as agreed to by the terms or conditions of the loan, according to the rules of the society, it shall and may be lawful for any one of her Majesty's justices of the peace having jurisdiction in the county, riding, city, division, or place where such party or parties or any one of them so liable shall or may happen to be or reside, or where the office of such society is situated, and such justice is hereby required, upon complaint made by or on behalf of such treasurer or secretary as aforesaid, to summon the person or persons against whom such complaint shall be made, whether he or they do or do not reside within the jurisdiction of such justice, to appear either before himself or the justices assembled at the petty sessions, either of the district in which such loan office is situate, or of the district wherein the party or any of the parties so summoned reside; and after his, her, or their appearance, or, in default thereof, upon due proof upon oath of such summons having been duly served or left at the ordinary residence of such person, such justice or justices shall proceed

to hear and determine the said complaint, and award such sum to be paid by the person or persons respectively liable to the payment of any such note or security to such treasurer or secretary as aforesaid as shall appear to such justice or justices to be due thereon, provided such note or security shall be in the form and on the paper issued by the said loan fund board as aforesaid, but not otherwise, and including all such fines as shall have been incurred under the rules of such society in respect of such note or security, together with such a sum for costs, not exceeding the sum of two shillings, as to such justice or justices shall seem meet; and if any person or persons shall refuse or neglect to pay or satisfy such sum of money as upon such complaint as aforesaid shall be adjudged such justice or justices shall, by warrant under his or their hand and seal or hands and seals, cause the same to be levied by distress and sale of the goods of the person or persons so neglecting or refusing as aforesaid, together with all costs and charges attending such distress and sale, and returning the overplus (if any) to the owner; and no such proceedings shall be removed by certiorari or otherwise into any of her Majesty's superior courts of record.

XXXI. AND be it enacted, that the summons to be issued for the recovery of any loan as aforesaid shall be in the form Number 1. contained in the schedule (B.) hereunto annexed, or to the like effect, and shall be prepared and provided by the treasurer, clerk, or other officer of such loan society; and in case the same shall be made returnable at petty sessions the clerk of such petty sessions shall enter such summons in the petty sessions book, and shall call on the same in its proper turn to be heard and disposed of, for which he shall be entitled to receive a fee of three-pence, and no more, to be paid out of the costs awarded; and if judgment shall be given upon such summons in favour of the plaintiff the warrant to be issued for the levy of any sum of money which shall by any justice or justices be adjudged to be paid as aforesaid shall be in the form Number 2. contained in the schedule (B.) hereunto annexed, or to the like effect, and for which a fee of sixpence, and no more, shall be charged by the clerk of the petty sessions, or any other person whatever.

XXXII. AND be it enacted, that it shall and may be lawful for the constable, bailiff, or any other person or persons who may be charged with the execution of any warrant under the authority of this Act to sell or cause to be sold the goods seized under such warrant, without employing a licensed auctioneer to conduct or effect such sale, and no such goods so sold shall be subject to any auction duty.

XXXIII. AND be it enacted, that it shall and may be lawful for the treasurer or secretary for the time being of any loan society established under this Act to sue for and recover, for the use of such society, the amount of any note or other security which shall have been passed or made payable to the treasurer or secretary for the time being of such society, notwithstanding any change or changes which may have taken place in the person by whom the said office of treasurer or secretary may be filled.

XXXIV. AND be it enacted, that in every case in which the execution of any note or other security issued by any loan society shall be attested by any clerk or other officer or servant of such loan society, and such clerk or other officer or servant shall afterwards be dismissed or cease to be employed by

Summons for recovery of loan may be in form in schedule (B.)
Summons to be entered by petty sessions clerk, and called on in turn.

Clerk's fee.
Warrant for recovery of loan may be in form given in schedule (B.)

Clerk's fee.

Goods seized under levy warrant may be sold by bailiff without a licensed auctioneer, and shall not be subject to auction duty.

Treasurer, &c. of any loan society may sue on securities granted to his predecessor.

If notes of a loan society are attested by a clerk afterwards dismissed, &c.

his handwriting may be proved in like manner as upon his death.

such loan society, or in case of the dissolution of such society, or of the winding up of its affairs under the authority of the loan fund board as herein-after mentioned, then and in every such case the handwriting of such attesting witness may be proved in like manner to all intents and purposes as the same might be proved in case such attesting witness were dead, and such proof shall have the like force and effect as if he were dead.

Loan societies may issue debentures, transferable by endorsement in presence of two witnesses, and registered in books of society.

XXXV. AND be it enacted, that it shall and may be lawful for every such society established or acting under this Act, which shall be desirous of raising funds for the purposes of such society or of increasing the funds of such society, to issue debentures in a form and on paper or parchment to be supplied by the said loan fund board; and the debentures issued under former Acts, or which may be issued under this Act, shall be transferable in the manner herein-after mentioned, and not otherwise; (that is to say,) by endorsement upon the said debenture, to be executed by the person or persons entitled to the sum thereby secured, in the presence of two credible subscribing witnesses, at the office of such loan society, and to be registered in the books of the loan society by whom such debenture shall be payable; and after such endorsement shall have been so executed and registered as aforesaid, but not before, the person or persons to whom such transfer shall be made shall thereupon stand possessed of and be entitled to the amount of such debenture, and of all interest, benefit, claims, and demands whatsoever due or to grow due thereon, as fully as if he or they had been the party who had originally advanced the sum secured by the said debenture; and every transfer of such debenture shall be in the form Number 4. in schedule (A.) to this Act annexed, or to the like effect; and after the thirty-first day of December after the passing of this Act no debenture shall be issued for a less sum than twenty pounds, unless it be in lieu of one previously issued.

Transfers to be in form in schedule (A.) Debentures not to be for less than 20*l*.

Trustees, &c. signing the debentures not personally liable, unless by express agreement.

XXXVI. AND be it enacted, that no treasurer, trustee, or other officer of any loan fund society subscribing a debenture shall be individually responsible in person or property for the payment of the same, or of any interest thereon, but such debenture shall be a charge on the capital and property of the society alone, unless such treasurer, trustee, or other officer shall in the instrument, or by writing at the foot or on the back thereof, declare his or their willingness to be liable in person or property for the specific sums so guaranteed.

Sums under 50*l*. deposited in any loan society payable without administration to the next of kin of deceased debenture holder.

XXXVII. AND be it enacted, that in case any debenture holder or other claimant entitled to receive any sum not exceeding fifty pounds out of the funds of any such loan society shall die it shall be lawful for the said society or the trustees thereof, and they are hereby authorized and permitted, from and after the expiration of three calendar months after the death of such debenture holder or other claimant so entitled, if they shall be satisfied that no will was made and left by such deceased person, and that no letters of administration have been or will be taken out of the goods, chattels, rights, and credits of such deceased person, to pay the same to any person or persons who shall appear to the said society, or such trustees as aforesaid, to be the persons, or one of the persons, entitled under the statute of distribution to the effects of the deceased intestate, although no letters of administration shall have been taken out; and the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person as next of kin of such deceased intestate, or as the lawful representative or representatives of

such person, against the funds of such society, or against the trustees, treasurer, or officers thereof; but nevertheless such next of kin or representatives shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

XXXVIII. AND be it enacted, that the business of any loan society in Ireland established or acting under this Act shall not, on any account or pretence whatever, be conducted, carried on, or transacted at any hotel, tavern, public house, beer shop, or house of entertainment, or in any building occupied therewith, or situate within the curtilage thereof; and any trustee, manager, officer, clerk, or servant of any such society who shall offend herein shall for every such offence forfeit a sum not exceeding the sum of ten pounds, to be recovered in the manner herein-after provided.

Business of a loan society not to be transacted at a public house, &c.

XXXIX. AND be it enacted, that the books and accounts of all loan societies in Ireland shall be kept in such manner and form as shall be directed or approved by the said loan fund board; and every loan society in Ireland, and the respective officers and servants thereof, shall from time to time, and so often as they shall be thereunto required by the said loan fund board, produce to the secretary, inspector, or other person authorized by the said board in that behalf, for his inspection and examination, all and every the books, accounts, vouchers, papers, and documents whatsoever of such loan society; and in case any officer or servant of any loan society shall, after demand made, refuse or neglect to produce to such secretary, or other authorized officer of the said loan fund board, all or any of the books, accounts, vouchers, papers, and documents of such loan society which shall be in his possession, custody, or power, or shall not duly account for the books, accounts, vouchers, papers, or documents of such loan society which may have been in his possession, custody, or power, every person so refusing or neglecting shall for every such offence forfeit and pay a sum not exceeding the sum of five pounds, to be recovered in the manner herein-after provided.

Accounts of loan societies to be kept in manner directed by loan fund board; and all their books, &c. to be produced for inspection to officer of loan fund board, upon demand, under a penalty of *5*l.**

XL. AND be it enacted, that the trustees and managers of every society established or acting under the provisions of this Act shall cause an abstract of the accounts of such society for each year to be made out, up to and ending with the thirty-first day of December, together with a statement of the funds and effects and property of every kind, and of the debts and liabilities of such society, and of the clear net profit and appropriation thereof, and of the loss (if any) for the year then ended, which abstract and statement shall be in such forms, and shall contain such particulars connected with the accounts and transactions of such society, as the said loan fund board shall from time to time direct; and a copy of such abstract and statement, duly certified to be correct by the secretary, treasurer, and at least one trustee, shall, some time in the month of January in each year, be transmitted to the said loan fund board: Provided always, that it shall be lawful for the said loan fund board, at their discretion, to require half-yearly, or quarterly, or monthly accounts from any such society as aforesaid, and thereupon such accounts shall be transmitted to the said board by such society accordingly.

Abstract of accounts to be made out yearly, and sent to loan fund board.

Board may require accounts at shorter intervals.

XLI. AND be it enacted, that in case the trustees or managers of any loan society shall be desirous of dissolving such society, or of bringing its operations to a close, and shall enter into any resolution for that purpose, the clerk of such society shall without delay transmit a notice in writing of such

Loan society intending to dissolve itself shall give three months notice of

their intention
to loan fund
board.

resolution to the secretary of the said loan fund board three calendar months at least before the period appointed for the dissolution of such society, or the close of their operations; and in case the trustees or managers of any loan society shall enter into any resolution or agreement or issue any notice with the view or for the purpose of effecting their dissolution or bringing their operations to a close, without notifying the same within ten days to the said loan fund board, or shall fix by such resolution, agreement, or notice any period sooner than three months from the time of such notification for the dissolution of such society or the close of their operations, then and in every such case all and every the capital stock, funds, and securities, and property whatsoever, of or belonging to such society or the trustees thereof shall vest in the secretary of the said loan fund board for the time being, and be disposed of, under the direction of the said board, in like manner as herein-after provided with respect to a society that shall be found to have violated their rules or the provisions of this Act.

Trustees, &c.
intending to
resign their
offices to give
three months
notice of such
intention to
loan fund
board.

XLII. AND be it enacted, that it shall not be lawful for any treasurer, trustee, member of the managing committee, or other officer exercising control in the direction or management of the affairs of any loan society, unless upon the special leave of the said loan fund board, voluntarily to resign or withdraw from such office or trust, without having given at least three calendar months notice in writing of his intention in that behalf to such loan society, and also to the said loan fund board; and that a copy of such notice be posted in a conspicuous part of the office of such loan society.

No clerk or
servant of a
loan society
to receive any
present from
a borrower or
surety, under
a penalty
of 20*l*.

XLIII. AND be it enacted, that no clerk, officer, or servant of any loan society in Ireland shall directly or indirectly have, receive, or take any bonus, gratuity, or present, either in money, goods, or labour, or otherwise howsoever, from any borrower from such loan society, or from any surety; and in case any such clerk, officer, or servant shall offend herein, or shall in any way connive at or knowingly be party to any fraud, he shall for every such offence forfeit and pay a penalty not exceeding the sum of twenty pounds, to be recovered as herein-after mentioned.

Loan societies
shall out of the
profits form a
reserve fund,
and may apply
residue of
profits to such
charitable
purposes as
they, with
approbation
of loan fund
board, shall
appoint.

XLIV. AND be it enacted, that it shall and may be lawful for every such loan society as aforesaid, or for such person or persons as shall have been duly authorized in that behalf by the rules of such society, and they are hereby required, annually to reserve a sum, not less than one tenth of their clear net profits over and above all losses, to form a fund for the security of the debenture holders, and, subject thereto, it shall be lawful for them to appropriate from time to time such portion of the residue thereof as they shall think proper to the support of any dispensary, hospital, or infirmary in the district or county in which such society shall be established, or for such other charitable or useful local purpose as they, with the approbation of the said loan fund board, shall think fit; and as well the said reserved fund, as the residue or the whole of such net profits if no part shall be so appropriated, shall be employed as part of the funds of such society, until such society, with the approbation of the said loan fund board, shall otherwise determine; provided that no part of such net profits as aforesaid shall be appropriated in any way for the advantage or benefit of any member of the society, or of the persons managing or conducting the same, or for any purpose whatsoever, except as herein-before provided: And provided also, that in case any such

society shall have been dissolved, or otherwise deprived of the benefit of this Act, the whole of the clear net profits not previously appropriated, after payment of all debts of or claims on such society, shall be appropriated to such dispensary, hospital, or infirmary, or to such other charitable or useful local purpose, as the said loan fund board shall think proper.

XLV. AND be it enacted, that in case it shall appear to the said loan fund board, after due investigation, that any such loan society as aforesaid has not adhered to its rules, or has applied any of its profits or funds, or done any matter or thing, contrary to the provisions of this Act, it shall be lawful for the said loan fund board to withdraw from such loan society the certificate so granted to them as aforesaid, and to order and direct that such society shall not continue its operations, and shall be dissolved; and the said loan fund board shall cause such their order to be published in the Dublin Gazette, and also in some newspaper circulating in the county or place in which the office of such loan society is situate, and shall also notify such their order to such loan society, and also to the clerk of the peace with whom the rules of such loan society shall be filed; and from and after the expiration of six calendar months from the first publication of such order in the Dublin Gazette, or the expiration of such extended time as the said loan fund board shall allow and appoint in that behalf (and which the said board is hereby authorized to allow and appoint), such loan society shall be dissolved, unless the order of the said board shall be reversed upon appeal, as herein-after mentioned; and upon the dissolution of such society all and every the property, monies, securities, goods, chattels, and effects which such society or any person or persons interested for them shall be seised or possessed of or entitled to at the time of such dissolution shall immediately vest in the secretary of the said loan fund board at the time being, to be applied under the directions of the said board to the payment of all the outstanding debts and liabilities of the said society, and the residue (if any) to be applied to such purposes as are herein-after in that behalf mentioned; and the said loan fund board may, if they shall so think fit, after notifying such their decision to the said society, cause the affairs of such society to be wound up, and for that purpose appoint a fit and proper person to call in and receive all outstanding debts and demands due or payable to or on account of such society, and to institute and carry on, either in his own name or in the name of the secretary of the said loan fund board, or the treasurer, trustees, or other officer or officers of such society, the necessary proceedings for that purpose; and such person shall have all the powers vested in the said treasurer, trustees, or other officer or officers of such society, under their rules or this Act, or otherwise; and after the appointment of such receiver as aforesaid it shall not be lawful for such society, or the treasurer, trustees, or any other officer or officers thereof, unless authorized in that behalf by such receiver, to receive, sue for, or recover any loan, debt, or demand due or payable to or for the use of such society; and in case after the appointment of such receiver any treasurer, clerk, or other officer or servant of such society, or other person whatsoever, by the order or for the use of such society, shall demand, receive, or sue for any loan, debt, or demand on account of such society, unless authorized as aforesaid, every person so offending shall for every such offence forfeit and pay a sum equal to the sum so demanded, received, or sued for, and in addition thereto a sum not exceeding ten pounds, to be

Loan societies violating their rules, or the provisions of this Act, may be dissolved by order of loan fund board, subject to appeal to lord lieutenant in council.

Affairs of dissolved society to be wound up.

recovered as herein-after mentioned ; and immediately upon the appointment of such receiver as aforesaid all and every the trustees, treasurer, clerk, and other officers and servants whatsoever of such loan society shall deliver to such receiver, or to such person or persons as he shall appoint, all and every the books, accounts, securities, vouchers, papers, documents, monies, goods, chattels, and effects whatsoever of or belonging to such society in their respective possession, custody, or power ; and if they or any of them, or any other person or persons whatsoever, having in his or their possession, custody, or power any such books or other of the premises aforesaid of or belonging to such society, shall refuse or neglect to deliver the same, or any of them, on demand, to such receiver or person or persons appointed by him in that behalf, every person so neglecting or refusing shall for every such offence forfeit and pay a sum not exceeding the sum of ten pounds, to be recovered in manner herein-after mentioned ; and it shall and may be lawful for any justice of the peace to issue a warrant authorizing the seizure of all and every such books and other the premises aforesaid of or belonging to such loan society, and the delivery of the same to the receiver so appointed by the said loan fund board, or such person or persons as he shall direct, and such warrant shall and may be executed according to the tenor and effect thereof ; and it shall and may be lawful for the said loan fund board, after paying all lawful debts and demands of such society, and all necessary expences incurred in winding up the affairs thereof as aforesaid, to appropriate the surplus effects and property (if any) of such loan society which may remain to the establishment of any other loan society or societies, or to increase the capital of any existing loan society or societies, in the same district or county, or to such dispensary, hospital, infirmary, or other charitable or useful local purpose as the said board shall think proper : Provided always, that it shall be lawful for any such society, within one calendar month after notice shall be given of any such decision as aforesaid to such society, to appeal against such decision to the lord lieutenant of Ireland and the privy council thereof, whose judgment in the premises shall be final and conclusive ; and provided further, that no steps shall be taken towards winding up the affairs of any such society until the expiration of one calendar month from the date of such notice, nor, if any appeal shall be lodged within that time, until judgment shall be given on such appeal against the appellants ; and provided further, that no such appeal shall be entertained unless notice in writing of such appeal shall have been transmitted to the secretary of the said loan fund board within one calendar month after the decision of the said board from which such appeal is made shall have been notified to the society preferring such appeal : Provided also, that no further loans shall be issued by such society until judgment upon such appeal be pronounced.

Appropriation
of surplus
assets.

Appeal against
order of disso-
lution.

Forms of
notes and
debentures
as in sche-
dule (A.) to
be printed by
loan fund
board, and
paper to be
marked.
Forms to be
supplied to

XLVI. AND be it enacted, that the said loan fund board shall cause a sufficient number of forms of notes and debentures to be printed according to the respective forms numbered 2. and 3. in the schedule (A.) to this Act annexed, and shall cause such forms to be printed in such manner, or with such device, cypher, letters, or numbers, as the said loan fund board shall from time to time think proper or necessary to denote and authenticate the same, and shall from time to time transmit or deliver, on payment of costs of carriage, such number of the said forms as shall be required of them to each loan society

established under this Act, upon payment for every form of such note so supplied by them of the sum of one penny, and upon payment for every form of such debenture of the sum of one shilling; and all sums received for such forms shall be carried to and made part of the funds of such loan fund board in the Bank of Ireland.

societies on demand.

XLVII. AND be it enacted, that nothing in this Act contained shall extend or be construed or taken to authorize any interference on the part of the said loan fund board, or the secretary or officers thereof, in the affairs of the London charitable association, commonly called "The Irish Reproductive Loan Fund Institution," or of any trustees or agents thereof, or of any institution or society in Ireland which is or shall be established in connexion with the said Irish Reproductive Loan Fund Institution, or to make the said institution, or any trustee or agent thereof, or any institution or society in Ireland now or to be hereafter established in connexion therewith, in any manner accountable to the said loan fund board, or to compel previous notice of the intended retirement of any trustee, agent, treasurer, member of committee, or other officer of the said institution, or of any such other institution or society in connexion therewith, or of the intended dissolution of any such last-mentioned institution or society, to be given to the said loan fund board; and that it shall not be necessary for the said institution, or any such other institution or society in Ireland which is or shall be established in connexion therewith, or the rules or fines of the said institutions, or any such other institution or society which is or shall be established in connexion therewith, to be approved or certified by the said loan fund board, or by the secretary thereof, or for any officer, treasurer, trustee, or agent of the said institution, or of any such other institution or society in connexion therewith, to give any security to the said loan fund board, any thing herein contained to the contrary hereof notwithstanding; but that the said institution, and the trustees and agents thereof, and every institution or society in Ireland now or hereafter to be established in connexion therewith, shall be wholly free and exempt from the control and interference of the said loan fund board, and shall not be required to take any number of forms from the said loan fund board in order to relieve themselves from the stamp duties or to recover any money or instalments due.

Irish Reproductive Loan Fund Institution and societies in connexion therewith to be exempt from the control of the loan fund board.

XLVIII. AND be it enacted, that the trustees and agents in Ireland of the said Irish Reproductive Loan Fund Institution, and every institution or society of persons which now is or hereafter shall be instituted or associated together in Ireland by or in connexion with the said Irish Reproductive Loan Fund Institution, for the purpose of making charitable loans of money, or for providing, by way of loan, implements of labour, seeds, or raw materials for manufacture of goods to be used or employed in any trade, shall and may lawfully exercise, use, and enjoy all the powers and authorities, rights and remedies in this Act contained, in respect to the lending out, recovering, and investing monies, and otherwise in relation to their affairs: Provided always, that the said Irish Reproductive Loan Fund Institution shall, within six calendar months after the passing of this Act, or, in the case of trustees and agents to be hereafter appointed, and of societies to be hereafter established, within three calendar months after the appointment or establishment thereof, send, under the hand and seal of their chairman, countersigned by the secretary or manager, to the secretary of the loan fund board in Dublin a written

Trustees and agents of Irish Reproductive Loan Fund Institution, and societies in connexion therewith, to have all the benefits of this Act.

List of trusts, agents, and societies to be sent to loan fund board.

list, description, or specification of all trustees and agents of the said society authorized to act in relation to the affairs of the said institution in Ireland, and of all such loan societies or institutions as now are or may hereafter be established in Ireland by or in connexion with the said Irish Reproductive Loan Fund Institution.

Certificate of chairman to be evidence of connection with Irish Reproductive Loan Fund Institution.

XLIX. AND be it enacted, that the production of a certificate, under the hand and seal of the chairman and countersigned by the secretary or manager of the said Irish Reproductive Loan Fund Institution, certifying that any person or persons is or are trustees or agents of the said institution, and authorized to act in relation to their affairs in Ireland, or that any society or institution has been established in connexion with the said Irish Reproductive Loan Fund Institution, shall be evidence before all judges and justices, and in all courts, of the fact therein certified, without further proof thereof, and it shall not be necessary to prove the signing or sealing of such certificate.

Restricting powers of said institution and its connexions as to borrowing or lending under this Act.

L. AND be it enacted, that it shall not be lawful for any trustee or agent of the said Irish Reproductive Loan Fund Institution, or for any society claiming exemption in consequence of their connexion therewith, to take or hold upon debentures or other securities, or to lend out, under the provisions of this Act, any monies, implements, goods, or effects, other than the monies, implements, goods, and effects of the said Irish Reproductive Loan Fund Institution.

Societies in connexion with the institution not entitled to benefit of this Act in certain cases.

LI. AND be it enacted, that no trustee or agent of the said institution, nor any society in connexion therewith, shall be entitled to the benefit of this Act, which shall not at the time of claiming such benefit be actually in connexion with the said Irish Reproductive Loan Fund Institution, or which shall take or hold any monies, implements, goods, or effects, other than the monies, implements, goods, and effects of the said Irish Reproductive Loan Fund Institution: Provided also, that if by any means any such connexion which shall or may at any time hereafter subsist between the said Irish Reproductive Loan Fund Institution and any loan society or institution in Ireland shall be determined or dissolved, then and so often as the same shall happen the said Irish Reproductive Loan Fund Institution shall, with all reasonable speed after such determination or dissolution, send a written notice thereof, under the hand and seal of the chairman countersigned by the secretary or manager, to the secretary of the said loan fund board in Dublin.

On discontinuance of connexion, the institution to give notice to the loan fund board in Dublin.

Irish Reproductive Loan Fund Institution to report yearly to Parliament.

LII. AND be it enacted, that the said Irish Reproductive Loan Fund Institution shall, on or before the thirty-first day of March in every year, cause a report of their own proceedings, and also an abstract of the proceedings, as required for societies certified under this Act, of the several loan societies under their control and superintendence, during the year ending the thirty-first day of December next preceding, to be prepared, which report shall contain an account of all monies and funds which shall have come to the hands or been placed to the credit of the said institution, and of the loan societies connected therewith, and of the particular sources from which derived, and of all and every the monies expended or lent during the said year, and for what purposes and upon what account respectively, and showing the balance then standing to the credit of the said institution; and such report shall be signed by the chairman and secretary of the said Irish Reproductive Loan Fund Institution, and laid before both Houses of Parliament within one month after the same shall have been prepared, if Parliament shall be then

itting, or within one month after the commencement of the then next session.

LIII. AND be it enacted, that if after the passing of this Act any person or persons, not being a society the rules whereof shall have been duly certified pursuant to the provisions of the said recited Acts or this Act, or any society established under the said Acts or this Act from which the certificate shall have been withdrawn by the said loan fund board in exercise of the powers hereby vested in them in that behalf, shall, under the false pretence of being a society so established and authorized, raise money by debentures, or issue any loan, or impose any fine, or use any other of the advantages and privileges of a loan society duly established as aforesaid, or if the managers, trustees, or officers of any society claiming exemption from the inspection and control of the said loan fund board in consequence of their connexion with the said Irish Reproductive Loan Fund Institution shall at any time raise, take up, hold, or lend out under the provisions of this Act any monies, goods, or effects other than those of the said Irish Reproductive Loan Fund Institution, then and in every such case every such person or member of such society, and every officer, clerk, and agent thereof, and every other person who shall aid or assist therein, shall for every such offence forfeit and pay any sum not exceeding twenty pounds, to be recovered as herein-after mentioned.

Societies not certified under this Act, &c. and their members and officers, prohibited from acting, under a penalty of 20l.

LIV. AND be it enacted, that all societies now or hereafter to be formed for the purpose of establishing, supporting, or conducting monts de piété or charitable pawn or deposit offices, at which money may be lent to the indigent poor upon pledge in Ireland, shall be deemed loan societies within the meaning of this Act; and all and every the powers and authorities hereby vested in the said loan fund board for the purpose of superintending and controlling loan societies in Ireland, and for enforcing the due observance of the rules, and the provisions of this Act, shall extend to and shall and may be exercised in respect of all such charitable pawn or deposit offices, and the societies or persons by whom they have been or may be established, and the trustees, conductors, managers, officers, clerks, and servants thereof respectively; and the rules framed for the management of all such institutions shall be certified by the secretary of the loan fund board, within the same period, and under pain of the same disqualifications and penalties, as are herein provided with respect to the loan societies; and all and every other the clauses and enactments herein contained, so far as the said loan fund board, having regard to the legitimate objects of such charitable pawn or deposit offices, shall deem it expedient to apply them, shall extend and be deemed and construed to extend to such charitable pawn or deposit offices as aforesaid, and to all persons interested therein; and that all such societies formed for the purpose of establishing, supporting, or conducting such charitable pawn or deposit offices, the rules whereof shall be duly certified under the provisions of this Act, shall be entitled to all and every the benefits, privileges, exemptions, and advantages which by an Act passed in the last session of Parliament, intitled "An Act to remove doubts touching the law relating to charitable pawn or deposit offices in Ireland," are conferred upon or declared to belong to such institutions or societies established for the purpose aforesaid as shall have complied with the provisions of the said recited Act of the sixth and seventh years of the reign of his late Majesty.

Monts de piété or charitable pawn or deposit offices to be deemed loan societies within and to be subject to provisions of this Act.

Their rules to be certified.

Societies whose rules shall be certified shall be entitled to benefits conferred by 5 & 6 Vict. c. 78. on societies complying with provision of 6 & 7 Will. c. 55.

Recovery of penalties imposed by the Act.

LV. AND be it enacted, that all and every the penalties and forfeitures by this Act imposed shall and may be recovered in a summary way, on conviction before a justice or justices of the peace in petty sessions for the county or place in which the offence shall have been committed, together with the costs of the proceedings for the recovery thereof, the amount whereof shall be fixed and ascertained by the justice or justices before whom such conviction shall be had ;

Penalties may be levied by distress and sale of the goods of offender.

LVI. AND be it enacted, that all and every the penalties and forfeitures imposed under the authority of this Act, together with the costs of all proceedings for the recovery thereof, may, in case of nonpayment thereof, be levied by distress and sale of the goods and chattels of the offender or person liable to pay the same, by warrant under the hand or hands of the convicting justice or justices, or any of them, or any other justice or justices of the peace for the same county or place.

Summons, information, and conviction for recovery of penalties may be in the forms given in schedule (C.)

LVII. AND be it enacted, that any justice or justices of the peace before whom any information shall be laid in writing against any person, or before whom any person shall be convicted for any offence under this Act, may cause the information, summons, and conviction to be drawn up according to the forms respectively given in schedule (C.) to this Act annexed, or any other form to the same effect, as the case may require ; and in any information, and in every conviction for any offence contrary to this Act, it shall be sufficient if the offence shall be stated in the words of this Act.

Trustees, &c. of loan societies not precluded from acting as justices in any proceeding under this Act.

LVIII. no justice of the peace who shall be a trustee or other unpaid officer or member of any loan society shall be thereby precluded from adjudicating in the matter of any loan sued for by or on behalf of such society, or of any penalty or forfeiture incurred under this Act, or from acting as such justice of the peace in any other proceeding whatsoever under this Act ;

If action brought for any trespass, &c. done in execution of the Act, plaintiff not to recover after tender of sufficient amends.

LIX. AND be it enacted, that 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 by virtue of any power or 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, or adjudication shall be had and made in and by such court as in other actions where defendants are allowed to pay money into court.

Payment into court.

Provision for places not included in any petty sessions district.

LX. AND whereas there are some places not included in any petty sessions district : Be it therefore enacted, that all and every the proceedings herein directed to be had before and the jurisdictions hereby given to the justices at petty sessions shall and may in every such place be had before and exercised by any one or more justices of the peace acting in and for such place so not included in any petty sessions district.

Notice and limitation of actions.

LXI. AND be it enacted, that no action, suit, or information of what nature soever shall be brought, commenced, or prosecuted against any person employed in the management of a loan fund acting or established under the provisions of

A.D. 1843.

6 & 7 VICTORIA, c. 91.

this Act for any thing or matter done or omitted to b
this Act, or in the execution of any power or authorit
twenty days previous notice in writing shall be given
to commence and prosecute such action, suit, informati
to the intended defendant, nor unless such action, suit,
proceedings shall be brought or commenced within s
after the act committed; and if the plaintiff shall be
suffer a discontinuance of his action, suit, informati
after the defendant shall have appeared thereto, or
against the plaintiff therein, or if upon demurrer or o
given against the plaintiff, the defendant shall h
attorney and client, and shall have such remedy for
defendants have for recovering costs of suit by law in

LXII. AND be it enacted, that in the constructio
ord lieutenant of Ireland" shall include the chief
land for the time being, and that all words import
the masculine gender only shall be understood to in
l as one matter, and several persons as well as or
l as males, and bodies corporate as well as indivic
e specially provided, or there be something in
ugnant to such construction.

SCHEDULES to which the foregoing .

SCHEDULE (A.)

No. 1.

of Certificate to be granted by the Loan Fund
or Mont de Piété, to entitle the same to the B

HIS is to certify, that the rules of the
piété, as the case may be,] hereunto annexed, numl
roved by the loan fund board, and duly certified
and that the said society is entitled to all the be
session held in the sixth and seventh years of the
tuled " An Act to consolidate and amend the la
aritable loan societies in Ireland."

By order of the loan
Signed this

Secretary t

No. 2.

of Promissory Note or Security for the Repay
a Loan Society.

demand we jointly and severally, or any two
the treasurer for the time being of the

the times and in the manner prescribed by the rules of the said society, the sum of _____ sterling, together with all fines which may be incurred by us or any of us under the rules of the said society.

Dated this _____ day of _____ 18 .

£ .

Witness.	Names.	Residence.	Occupation.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

} Borrower.
} Sureties.

No. 3.

FORM of Debenture or Security for the Payment of Money lent to a Loan Society.

THIS is to certify, that A.B. of _____ has this day deposited with C.D., the treasurer of the _____ loan society, the sum of £ _____, to be repaid out of the funds of the said society to the said A.B., his executors, administrators, or assigns, at the expiration of _____ calendar months after a demand thereof in writing shall have been made upon the treasurer of the said society, and to bear interest until repaid at the rate of _____ per centum per annum, to be paid half-yearly [or otherwise, as agreed upon]; and it is hereby declared, that the said principal sum and interest shall be a charge upon and payable out of the funds and property of the said society, and such funds and property only; and that the treasurer and other officers and members of the said society, or any of them, shall not severally or collectively be responsible for the payment thereof from or out of any other funds whatsoever.

Dated this _____ day of _____ 18 .

(Signed) _____ Trustee.
_____ Treasurer.
Entered _____ Clerk.

No. 4.

FORM of Transfer of Debenture to be endorsed thereon.

I _____, the within-named depositor [or "the assignee of the "within debenture"], do hereby transfer this debenture, with all interest due and to accrue due in respect thereof, unto _____ of _____.

Witness my hand, this _____ day of _____ 18 .

[Signature of person making the transfer.]

Executed in the presence of _____ of _____,
and _____ of _____.

N.B.—The transfer is not valid unless it shall have been executed at the office, and registered in the books of the society by which the debenture was issued.

A.D. 1843.

6 & 7 VICTOR

No. 1

**FORM of Bond to be given by the Tr
Society for the due Perf**

Know all men by these presents, that
treasurer [or clerk, &c.] of the
of _____ and E.F. of
severally held and firmly bound to G.D.
established under an Act passed in the 22
years of the reign of Queen Victoria, in
" amend the laws for the regulation of of
the sum of £ _____, to be paid to the
said, or other the secretary of the said
certain attorney, for which payment well
severally bind ourselves, and each of us
executors, and administrators, firmly by
Dated the _____ day of _____
Lord _____ . Where
duly appointed treasurer [or clerk, &c.] o
society :

Now the condition of the above-writt
hall and do justly and faithfully execut
ne said loan society, and shall and do fro
ereunto required by the said society, .
at behalf authorized, or by the loan f
er officer or officers by the said board
and true account of all monies receiv
ount of the said society, or in execut
eto, and produce and exhibit to the
ooks, accounts, vouchers, papers, and
society, or relating to the affairs ther
do and shall pay over all monies
fer or deliver all securities and effe
ging to the said society, in his han
ersons as the said society, so long
authorized to act as a loan society, .
e said society shall cease to exist c
y, then to such person or persons as
rized officer or officers thereof, shall
observe all and every the rules in f
ty, and in all other respects well a
the duties of the said office, then t
of no effect, but otherwise the same
e.

SCHEDULE (B.)

No. 1.

FORM of Loan Fund Summons.

County of _____
to wit.
The treasurer of the
loan society,
Plaintiff.

YOU are hereby required to appear personally before me, or any other justice or justices of the peace for the said county who shall be present, at _____, on the _____ day of _____ 184____, at the hour of _____ of the clock in the _____ noon of the same day, to answer the complaint of the plaintiff, and show cause why you neglect to pay him the sum of £ _____, being the amount alleged by the plaintiff to be due to him as treasurer of the said loan society on your note bearing date the _____ day of _____, and for fines incurred under the rules of the said society; and in default of your appearance at the time and place aforesaid the case will proceed in your absence as to justice shall appertain. Dated this _____ day of _____.

Defendants.

(Signed)

To the defendants above named.

Justice of the peace, &c. for the
said county.

No. 2.

WARRANT.

No. _____
County of _____
Petty sessions
to wit.
The treasurer of the
loan society,
Plaintiff.

By _____ J.P., at the petty sessions
of _____, in the county of _____.

A., borrower, of
[Place of abode.]
B., security, of
[Place of abode.]
C., security, of
[Place of abode.]
Defendant .

It appearing to me that a summons was duly served on the defendant _____, and that the defendant justly indebted to the plaintiff in the sum of _____ pounds _____ shillings and _____ pence sterling, for _____

It is therefore ordered and decreed by me, that the plaintiff do recover from the defendant the said sum, together with _____ costs. And these are therefore to authorize and command you to distrain and sell the goods and chattels of the defendant _____ and every of them, and out of the proceeds of such sale to pay the plaintiff the said sum of _____ pounds, and also to pay all costs and charges attending such distress and sale, returning the overplus (if any) to the defendant _____, or to such of them as may have been the owners of the goods so seized and sold.

Given under my hand, this _____ day of _____

J.P.

To all constables, bailiffs, and
others to whom it may concern.



SCHEDULE (C.)

No. 1.

FORM of Information for the Recovery of a Penalty or Forfeiture under the foregoing Act.

County of _____ to wit. { A.B. of _____ cometh before me, a justice of the peace for the said county, on the _____ day of _____, at _____ within the said county, and giveth me to understand and be informed that C.D. of _____ did, &c. [here describe the offence].

(Signed)

No. 2.

FORM of Summons for the Recovery of a Penalty or Forfeiture under this Act.

County of _____ to wit. { YOU are hereby required to appear personally before me, or any other justice or justices of the peace for the said county who shall be present, at _____ in the day of _____ 18 _____, at the hour of _____ of _____ noon of the same day, to answer the complaint charging that you did, &c. [here set forth the offence as stated in the information, or, if a copy of the information is served with the summons, "to answer the complaint set forth in the information with a copy which you are herewith furnished."] Dated this _____ day of _____ C.D. of _____

(Signed)

Justice of the peace for the said county.

No. 3.

FORM of a Conviction for a Penalty or Forfeiture under the foregoing Act.

County of _____ to wit. { BE it remembered, that on the _____ day of _____, before me, one of the justices of the peace for the said county, sitting at _____ in the said county, C.D. of _____, on the information of A.B. of _____, is convicted, that he did, &c., [here state the offence.] I do therefore adjudge that the said C.D. for his said offence do forfeit and pay the sum of £ _____ sterling, to be applied and disposed of as directed by the statute in that case made and provided, and that the said C.D. do further pay to the said A.B. the sum of _____ for his costs in this behalf.

Given under my hand, the day and year first above written.

(Signed) _____

CHAPTER XCII.

AN ACT for the further Amendment of an Act for the more effectual Relief of the destitute Poor in Ireland. [24th August 1843.]

WHEREAS it is expedient that certain amendments should be made in the provisions of an Act passed in the session of Parliament held in the first and second years of the reign of her present Majesty, intituled "An Act for the more effectual relief of the destitute poor in Ireland," and of an Act passed in the second year of the reign of her present Majesty 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, that whenever the net annual value of the whole of the rateable hereditaments in any union occupied by any person or persons having no greater estate or interest therein than a tenancy from year to year, or holding under any lease or agreement, leases or agreements, made after the passing of this Act, shall not exceed four pounds, or, in any electoral division situated wholly or in part within any of the boroughs named in the schedule annexed to this Act, shall not exceed eight pounds, [1] the rate in respect of such property shall, after the passing of this Act, be made on the immediate lessor or lessors of such person or persons; and if at the time of making any rate the name of the immediate lessor be not accurately known to the persons making the rate it shall be sufficient to describe him therein as "the immediate lessor," with or without any name or further addition, and such rate shall be held to be duly made on him by such description, and shall be recoverable from him accordingly, notwithstanding any error or defect in his name or description, or the entire omission of his name therein.

1 & 2 Vict.
c. 56.
2 & 3 Vict.
c. 1.

Lessors of
property of
less value
in unions
than 4*l.*, or
in certain
boroughs
than 8*l.*, to
be rated for
the same.

Recovery of
rates from
lessors by
action or civil
bill, or by
proceedings
before justices.

II. AND be it enacted, that any rate or rates made as aforesaid on any lessor in respect of any property, whether occupied by one or more occupiers, shall be recovered from him by all or any of the remedies, ways, and means herein-after mentioned; (that is to say,) by action or suit in the name of the guardians of the union against such lessor in any of the superior courts of record in Dublin, or by civil bill in the court of proper jurisdiction; or, where such lessor resides within any county in which such union or any part thereof is situate, whether the property in respect of which such rate is made be or be not within such county, the collector of the rate may, by direction of the guardians, leave at the dwelling house of such lessor a notice, bearing date the day and year of serving the same, subscribed with the name and abode of such collector, requiring payment of the rate within fifteen days from the date of such notice, and expressing that within fifteen days the money demanded may be paid to the collector at his house or office; and if such rate be not paid within such time, then it shall be lawful for such collector to prefer a complaint to any justice of the peace of the county in which the lessor may so reside, and such justice shall summon the lessor so complained against to appear before him in petty sessions and answer the said complaint, and shall at the time specified in such summons examine into the matter of such complaint on oath (which oath the justice is hereby empowered to administer),

[1] So much of section 1 as relates to the boroughs or any of them named in the schedule to this Act annexed, rep., 13 & 14 Vict. c. 69, s. 116.]

and shall direct the payment to such collector of such sum of money as he shall find due and payable as rate by such lessor, together with a sum certain and for such reasonable costs and charges as to such justice shall seem meet; and in default of the appearance of such lessor, or on his refusal or neglect forthwith to pay the sum or sums so by such justice directed to be paid, it shall be lawful for such justice, or for any justice of the peace for such county, to issue his warrant authorizing or empowering the said collector to levy the money thereby ordered to be paid by distress and sale of any goods or chattels of such lessor which may be found within any part of such county, rendering the overplus, if any, to such lessor, the necessary charges and expenses of distraining being first thereout deducted, as directed by such justice; and if sufficient distress cannot be found within the same county, then on oath thereof made before any justice of the peace of any other county in which any of the goods and chattels of such lessor may be found, (which oath such justice shall administer, and certify by indorsing in his handwriting his name on the warrant granted to make such distress,) the goods or chattels of such lessor shall be subject and liable to such distress and sale in such other county where the same may be found, and may by virtue of such warrant and distress be distrained and sold in the same manner as if the same had been found within such first-mentioned county; and in any such action or suit, or bill, or complaint before a justice of the peace against such lessor as afore-
 no lessee or occupier of the property in respect of which such lessor shall
 ted shall be disabled or prevented from giving evidence therein by reason
 s being such lessee or occupier, or of any liability to pay rate in respect
 ch property: Provided always, that no action shall be brought in any of
 uperior courts of record in Dublin without the consent of the poor law
 missioners.

I. AND be it enacted, that if such rate be not paid by such lessor within calendar months after the making thereof it shall be lawful for the guardians of the union to give notice in writing, in the same manner in which summonses may be served under the said first-recited Act, to the occupier or respective occupiers of any such property, to pay the rate due in respect of the property in his or their occupation; and after the expiration of one calendar month from the time of giving such notice it shall be lawful to recover such first-mentioned rate from every such occupier, or, in his default, from any subsequent occupier, according to the provisions of the said Act; and every occupier so paying such rate may deduct from the rent he may be then or at thereafter liable to pay in respect of any such property the whole of any amount he may have paid in respect of the same property; and if rent sufficient to cover such rate be not then or do not thereafter become due from such occupier he shall be entitled to recover the same from such lessor by civil bill; and any covenant or agreement by which any such occupier shall have been enacted or agreed to forego the deduction of any such rate shall, so far as such rate is concerned, be of no effect.

IV. AND be it enacted, that where any house is let in separate apartments or lodgings no tenant of any such apartment or lodging shall be liable to be taxed in respect thereof, but the rate shall be made in respect of the whole of such house upon the immediate lessor under whom such apartments or lodgings are held; and such rate shall be recovered from such lessor by all or any of

If rate be not paid by the lessor it may be recovered from the occupier, who may deduct from rent, or recover it from lessor by civil bill.

Agreement of occupier to waive right to deduct void.

Where houses are let in lodgings, the tenant of the whole house to be liable.

Rate not paid by lessor may be recovered from occupier, and by him deducted from rent or recovered from lessor by civil bill.

Tenements held separately with exclusive right of ingress may be rated separately, and lessor may be rated for the same.

Provisions of 3 & 4 Vict. c. 108. as to occupiers claiming to be rated not affected.

Goods found on premises, to whomsoever they belong, may be distrained.

1 & 2 Vict. c. 56. s. 106.

2 & 3 Vict. c. 1. s. 9.

the remedies, ways, and means herein-before provided for the recovery of rates where lessors may be rated: Provided always, that if such rate be not paid by such lessor within thirty-one days after the making thereof it shall be lawful for the collector to recover such rate from any person or persons in occupation of such apartments or lodgings, according to the provisions of the said first-recited Act; and every occupier of such apartment or lodging so paying such rate may deduct from the rent he may be then or next thereafter liable to pay in respect thereof the whole of any rate he may have paid in respect of the same; and if rent sufficient to cover such rate and money be not then or do not thereafter become due from such occupier, he shall be entitled to recover the same from such lessor by civil bill: Provided always, that nothing herein contained shall prevent the separate valuation and rating of such portions of a tenement as are held separately from the remainder, and to which there is an exclusive right of ingress: Provided always, that nothing herein contained shall prevent the rate in respect of such house as last aforesaid from being made under the provisions herein-before contained on the immediate lessor under whom the whole of such house is held: Provided always, that nothing herein contained shall be construed to repeal or affect the provisions of an Act of the third and fourth year of the reign of her present Majesty, intituled "An Act for the regulation of municipal corporations in Ireland," which enables any persons occupying any house, warehouse, counting-house, or shop to claim to be rated to the relief of the poor in respect of such premises respectively, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof, and to be enrolled as a burgess under the conditions provided in the said recited Act.

* * * * *

VI. AND be it enacted, that in all cases in which under the said first-recited Act or this Act it is made lawful to levy any money by distress and sale of the goods of any person, all goods and chattels, to whomsoever the same may belong, found on any premises in respect of which any person is or shall be rated as the occupier, or as occupier of which he is liable to pay the rate, shall be liable to be distrained and sold as if they were the goods and chattels of such person.

* * * * *

VIII. AND whereas by the said recited Act passed in the first and second years of her Majesty's reign the power of appeal against a rate was given in certain cases to any session of the peace to be held in the presence of the assistant barrister in and for the county in which such rate should have been made, and by the said Act passed in the second year of the reign of her Majesty it was enacted, that every such appeal should be made and heard and the matter thereof determined by any general or quarter sessions of the peace held for the county, county of a city, or county of a town in which the cause of complaint may have arisen, although such session should not be held in the presence of an assistant barrister: And whereas certain unions extend over portions of counties and portions of counties of cities and towns, and doubts have arisen whether in such case an appeal against a rate ought to be made to the sessions of the peace for the county or county of the city or town in which the workhouse of the union is situate, or to the sessions of the peace in which the rateable hereditament in respect of which the appeal is intended to be

made is situate, and it is expedient to remove such doubts: Be it enacted, that in case the rateable hereditament in respect of which any appeal against rate is intended to be brought shall be situate or arise wholly within any county at large, or wholly within any county of a city or town for which a general or quarter sessions of the peace shall be held, the appeal against such rate shall be made to the sessions of the peace of the county or county of the city or town (as the case may be) within which such hereditament shall be situate or arise; and in case such hereditament shall be situate or arise partly within a county at large and partly within a county of a city or town for which a general or quarter sessions shall be held, then to the sessions of such county at large or such county of a city or town to which the appellant shall choose to appeal.

To what sessions appeals against rates shall be made.

IX. AND whereas by the said first-recited Act it is provided, that before the first rate shall be made in any union under the provisions of the said Act, and also previously to the making of any subsequent rate upon any new valuation, the said guardians shall give such notice as the commissioners shall direct of the place and period, not to be less than twenty-one days, at and during which the valuation whereon it is proposed that a rate shall be made shall be shown at such place and during such period, by such persons as the guardians shall direct, and every ratepayer within such union shall be allowed at all times between the hours of ten and four during such period to inspect such valuation: Be it enacted, that the same shall be and is hereby repealed; and that [Rep., Stat. Law Rev. Act, 1874 (No. 2).] it shall be lawful for any person or persons affected by any rate in force in any union at all times between ten o'clock in the forenoon and four o'clock in the afternoon, Sundays excepted, to inspect every valuation on which such rate shall have been made, and to take copies thereof or extracts therefrom, without paying any thing for the same; and in case the person or persons having the custody of any such valuation refuse to permit such person or persons so affected by the rate as aforesaid to take copies thereof or extracts therefrom, the person or persons so refusing, or not permitting any such copy or extract to be made, shall for every such offence forfeit and pay any sum not exceeding ten shillings, to be recovered as penalties and forfeitures are recoverable under the said Act.

1 & 2 Vict. c. 56. s. 69. recited

and repealed: Valuation on which any rate is made may be inspected at reasonable times.

Penalty for refusing to allow persons to take copies.

X. AND be it enacted, that the provisions of the said first-recited Act by which it is required that certain particulars set forth in a form in a schedule to the said Act annexed shall be inserted in the rate book, and that the guardians or other officers competent to the making of the rate shall sign the declaration at the foot of the said form, shall be and is hereby repealed; and [Rep. Stat. Law Rev. Act, 1874 (No. 2).] that it shall be lawful for the said commissioners from time to time to prescribe the form in which rates shall be made, and the particulars which shall be contained in the rate book; and that hereafter the clerk to the guardians or other officers as aforesaid shall at the foot of every rate certify that such rate, in so far as the value of the hereditaments therein assessed is concerned, is in conformity with the valuation in force for the time being; and that after such clerk shall have so certified, if the board of guardians shall adopt such rate, the chairman of the day and two or more of the guardians present shall state at the foot thereof that they do allow the same, and shall sign such allowance, and such rate shall be deemed to have been made at the time of the signature of such allowance: Provided always, that in respect of all rate-

Repeal of 1 & 2 Vict. c. 56. s. 65. as to form of rate and declaration of guardians. Commissioners to prescribe form of rate and particulars to be entered in rate book. Clerk to certify that rate is in accordance with valuation, and guardians to allow the same.

Certain particulars to be stated in rate-book as to rateable hereditaments in boroughs subject to 3 & 4 Vict. c. 108.

able hereditaments situated in any of the boroughs named in the schedules (A.) and (B.) annexed to the Act passed in the fourth year of the reign of her present Majesty, intituled "An Act for the regulation of municipal corporations in Ireland," or in any other town to which a charter of incorporation may under the said Act be granted, the rate book shall, in addition to any other necessary particulars, contain an account of the estimated net annual value of such rateable hereditaments, and an estimate of the probable annual average cost of the landlord's repairs and landlord's insurance.

Rates for the county of Dublin to be collected as grand jury cess in any other county in Ireland.

XI. AND be it enacted, that every rate made under the authority of this or the said first-recited Act on any electoral division in the county or the county of the city of Dublin, and any money authorized and directed to be levied under any warrant for the levying of poor rate in the said county or county of the city of Dublin, shall and may be collected and levied, sued for and recovered, by such and the same ways and means, and with the like remedies and powers in case of nonpayment, as the grand jury cess or the money apportioned on the several persons liable to pay the same may be collected and levied in any other county in Ireland.

Residence defined for the purpose of charging relief to electoral divisions, or to sessions.

XII. AND be it enacted, that, for the purpose of charging the expence of relief to any electoral division, no person shall after the passing of this Act be deemed to have been resident in such electoral division, unless during the eighteen calendar months before his admission into the workhouse he have occupied some tenement within such division for twelve calendar months, or (if he have not so occupied some tenement) have usually slept within such division for the period of twelve calendar months; and the expence of the relief of all other persons who have not so occupied a tenement, or slept within such division, shall be borne by and charged against the whole union in which they are relieved; and whenever any person, after quitting the workhouse of any union, is again admitted within the space of six calendar months, the expence incurred in respect of such person shall be borne and charged in the same manner as before his so quitting the workhouse: Provided always, that every child relieved at the same time with any person liable under the provisions of the said first-recited Act to maintain such child shall be deemed to have been resident with such person, and its relief shall be charged to the electoral division or union, as the case may be, accordingly.

Appeal from the decision of guardians on the question of residence.

XIII. AND be it enacted, that if any person be described in the register book as resident in any electoral division who has not so occupied a tenement or so slept in such division as aforesaid it shall be lawful for the guardian or guardians of such electoral division, or a majority of them, or for any three or more of the ten persons rated on the largest amount of net annual value within the electoral division, with the consent in writing of the commissioners first obtained, to appeal against the decision of the board of guardians, in the same manner as any person aggrieved by an order or conviction of justices may appeal under the said first and secondly recited Acts; and if the justices and assistant barrister or recorder do not see fit to award costs to either party the guardians shall charge their costs to the whole of the union; and if the justices and assistant barrister or recorder see fit to award costs to the respondents the guardians of the union shall charge their costs to the electoral division on whose behalf the appeal is entered; and if they see fit to award costs to the appellant the guardians of the union shall pay such costs, and shall

Costs of appeal.

charge the same to the rest of the union exclusively of such electoral district.

XIV. AND be it enacted, that the guardians of any union may send any destitute poor deaf and dumb or blind child under the age of eighteen to any institution for the maintenance of the deaf and dumb or blind which may be approved of by the commissioners, with the consent of the parents or guardians of such child, and may pay the expence of its maintenance there out of the rates raised under the authority of the said first-recited Act.

Maintenance of deaf and dumb or blind children in institutions approved by the commissioners may be paid out of rates.

XV. AND be it enacted, that it shall be lawful for the guardians of any union to pay out of the rates raised under the authority of the said first-recited Act the expence incurred in conveying any destitute poor person from the workhouse of the union to any fever hospital or lunatic asylum, and in maintaining any such destitute poor person in such fever hospital.

as also conveyance of persons from workhouse to fever hospital or lunatic asylum, and maintenance there.

XVI. AND be it enacted, that it shall be lawful for the guardians of any union, if they shall think fit, subject to such regulations as the poor law commissioners may from time to time prescribe, to provide relief for poor persons affected with fever or other dangerous contagious disease, in a house or houses hired or rented for the reception and medical treatment of such poor persons during their illness and convalescence, or by appropriating for that purpose a portion or portions of the union workhouses as the guardians, with the consent of the poor law commissioners, shall consider it safe and convenient to so applied, and to charge the expence so incurred on the rates of such union.

Places for the reception of fever patients, &c. may be provided.

XVII. AND be it enacted, that it shall be lawful for the guardians of any union to pay any expence reasonably incurred in following, apprehending, or prosecuting any person guilty of any offence against the provisions of the said first-recited Act, or of any Act or Acts to amend the same.

Guardians may pay expences of prosecuting offenders.

XVIII. AND be it enacted, that it shall be lawful for two thirds of the guardians of any union, subject to the regulations of the commissioners, to be made with the consent of her Majesty's principal secretary of state for the colonial department, to assist any destitute poor person who actually is and has been for three months an inmate in the workhouse of such union, and who has been approved by the commissioners, to emigrate to a British colony, and to charge the expences of such emigration on the union or electoral division to which such destitute poor person has been chargeable, but the amount of such expences shall not in any one year exceed sixpence in the pound of the net annual value of the rateable property in the electoral division or union respectively; and it shall be lawful for two thirds of the commissioners and guardians respectively to exercise these powers although no meeting of the rate-payers of such electoral division or union have been held, any thing in the said first-recited Act to the contrary notwithstanding.

Guardians may assist destitute poor persons to emigrate.

XIX. AND be it enacted, that in case the number of the justices appointed to act as ex-officio guardians of any union be reduced by the death, removal, or disqualification of any such ex-officio guardians during the year for which he is appointed to serve, the commissioners may, by order, appoint a day before the expiration of the year on which the justices of the peace residing in the union may assemble at a meeting to appoint, in the manner provided by the said Act, another justice to serve until the next appointment of ex-officio

In case of vacancy amongst ex-officio guardians, the commissioners may appoint a day for a new election.

guardians for the same union in the place of every ex-officio guardian who has so died, been removed, or become disqualified.

Candidates nominated may refuse to serve, and their election shall not be proceeded with.

XX. AND be it enacted, that if any person put in nomination for the office of guardian in any electoral division or ward tender to the officer conducting the election of guardians his refusal, in writing, to serve such office, the election of guardians, so far as regards such person, shall be no further proceeded with in such electoral division or ward.

1 & 2 Vict.
c. 56. s. 25.

XXI. AND whereas by the said first-recited Act it is provided, that in case an election of guardians for any electoral division or for any union shall not take place in obedience to the orders of the commissioners, and in pursuance of the said Act, or in case any guardian duly elected shall neglect or refuse to act, the commissioners shall order a fresh election of guardians for such electoral division, or shall declare the place of such guardian as aforesaid to be void, as the case may be, and in such latter case shall order a fresh election of a guardian in lieu of such guardian as aforesaid: And whereas by the said secondly-recited Act the like provision is extended to wards formed for the election of guardians: And whereas it is desirable that the power to order a fresh election should be extended to all cases of vacancy in the office of guardian, but it is in certain cases expedient that a fresh election should not be ordered before the period for the next annual election: Be it therefore enacted, that in every case of vacancy in the office of guardian the commissioners shall order a fresh election, if they think fit, but not otherwise, any thing in the said Acts to the contrary notwithstanding.

2 & 3 Vict.
c. 1. s. 2.

Commissioners may order fresh election to supply vacancies when they see fit.

Persons convicted of certain offences incapable of being guardians.

XXII. AND be it enacted, that no person who has been convicted of felony, fraud, or perjury, nor any person who has been adjudged to be liable to any forfeiture for having provided, furnished, or supplied for his own profit any materials, goods, or provisions for the use of any workhouse, or for having been concerned in furnishing or supplying the same, or in any contract relating thereto, shall be capable of being elected or appointed or of acting as a guardian.

Disputes as to rights to act as elective guardians may be determined by the commissioners.

Certiorari.

XXIII. AND be it enacted, that in case any question arise as to the right of any person to act as an elective guardian it shall be lawful for the said commissioners, if they see fit, to inquire into the circumstances of the case, and to issue such order or orders therein, under their hands and seal, as they may deem requisite for determining the question; and no such order shall be liable to be removed by writ of certiorari into the Court of Queen's Bench, unless the application for such writ be made during the term next after the issuing of such order.

1 & 2 Vict.
c. 56. s. 84.

XXIV. AND whereas by the said first-recited Act it is provided, that no rate-payer shall be entitled to vote, either in person or proxy, in respect of any property not in his actual occupation, or to give any vote in addition to the vote or votes to which he would be entitled as an occupier paying rent equal to the net annual value of the property in his actual occupation, unless he or his proxy shall, one week at the least previous to the day on which he shall claim to vote, have given a statement in writing of his name and address, and the description of the property in respect of which he claims to vote, and of his interest therein, and, if such proxy shall claim to vote, the original or an attested copy of the writing appointing such proxy, to the guardians, or some person acting as the returning officer of the election of guardians: And

whereas the period of one week between the descriptions, and writings, and the day of the due examination of such statements, descriptions that no rate-payer shall be entitled to vote additional vote as aforesaid, until one calendar and description, and, in the case of a proxy, un- said original or copy of his appointment, have other person as aforesaid.

XXV. AND be it enacted, that if any person, lawfully, and with the intent of giving a greater law entitled to give, tender or forward to the ment of the grounds on which he claims to shall forge, falsify, or knowingly and fraudul- paper containing a statement of claim to vote the election of guardians, or refusal to serve conspire to forge, falsify, or so alter any such or forward to the proper officer any such paper as aforesaid, or shall wilfully suppress, carry ment of claim to vote, proxy, or nomination guardian, after the same shall be duly signed, or carry off, destroy, or deface any voting paper issued by the returning officer, he shall forfeit recovered as penalties and forfeitures under the

XXVI. AND be it declared and enacted, that the returning officer have reasonable cause to claim to vote made by any person in respect of such person, such returning officer shall not an- election in respect of such rent until such satisfaction of such returning officer of the am-

XXVIII. AND be it enacted, that the said construed as one Act, except so far as the ts may repeal or alter the provisions of any

SCHEDULE to which this

DUBLIN,
CORK,
LIMERICK,
BELFAST, and
WATERFORD

CHAPTER XCIII.

AN ACT to amend an Act of the Third and Fourth Years of Her present Majesty for the Regulation of Municipal Corporations in Ireland.

[24th August 1843.]

WHEREAS an Act was passed in the session of Parliament holden in the third and fourth years of the reign of her present Majesty, intituled "An Act for the regulation of municipal corporations in Ireland," whereby it was amongst other things enacted, that the several and respective collectors of the poor rates and of all grand jury and municipal cesses, rates, and taxes payable within any borough in which the said Act should come into operation shall, on or before the third day of September in every year, make out, or cause to be made out, according to a certain form, an alphabetical list of all persons who shall be subject to the payment of such poor rate, cesses, rates, or taxes within the limits of such borough, and within the collection of the person by whom or by whose direction the same shall be made out; and that every such collector shall sign the list so to be made out for his collection, and cause a true copy of such list to be prepared, and keep the same, to be perused by any person, without payment of any fee, at all reasonable times during the ten days next after the said third day of September, and on the same third day of September deliver the list, so signed by him as aforesaid, to the town clerk of such borough; and that such town clerk shall forthwith cause to be printed true copies of every such list, and deliver one or more of such respective printed copies to any person applying for the same, on payment of a reasonable price not exceeding one shilling for each copy: And whereas the said enactment has been found inconvenient and expensive, and it is expedient that the same should be repealed, and other provision made in lieu 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, that the herein-before recited enactment shall be and the same is hereby repealed, save and except so far as relates to any matter or thing done in pursuance thereof before the passing of this Act. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

3 & 4 Vict.
c. 108. s. 41.

Recited
enactment
repealed.

Town clerk
to prepare a
book contain-
ing the names
of persons
entitled to be
burgesses,
arranged
alphabetically,
according to
the form in
the schedule.

Separate books
to be prepared
for separate
wards.

II. AND be it enacted, that on or before the eighth day of September in every year the town clerk of any borough in which the said Act now is or hereafter shall come into operation shall, in a book to be by him provided for that purpose, enter the names of all persons who shall appear to be entitled to be enrolled as burgesses of such borough in the burgess roll then next to be made in right of inhabitancy and occupation and rating according to the provisions of the said recited Act, with the premises in respect whereof they may be so entitled; and all such names shall be arranged alphabetically, and numbered, beginning the numbers from the first name in such book, and continuing them in a regular series to the last name in such book; and such book shall be made out according to the form in the schedule (A.) to this Act annexed, with so many columns as may be necessary for the insertion of the particulars herein-after mentioned of the several cesses, rates, or taxes payable within such borough: Provided always, that in every borough divided into wards there shall be separate books for each ward, and that the names of the persons appearing to be entitled as aforesaid to be enrolled as burgesses for such borough shall be entered in the book for the ward wherein the premises by the inhabitancy, occupation, and rating whereof they may appear to be so

entitled shall be situate; and the town clerk of such borough shall, two days at the least before the said eighth day of September in every year, summon or cause to be summoned the collectors of all rates for the relief of the poor, and of grand jury and municipal cesses, and of all rates and taxes payable in respect of premises within such borough, and also the treasurer of such borough, and, if there be no treasurer, the mayor of the said borough, to attend at his office, at such time or times within the seven days next succeeding the said eighth day of September as he shall think necessary, with all necessary books, papers, vouchers, and accounts; and they and each of them shall themselves or by their sufficient deputies attend accordingly at the office of the said town clerk, and shall, in such order as the said town clerk shall direct for the more convenient despatch of business, enter in the columns of the said book appropriated to the taxes, rates, or cesses within their collection respectively the amount of the last tax, rate, or cess paid by each person named in such book, or paid on account of the premises in respect whereof such person may be entitled to be enrolled as aforesaid, and the date of such payment, and the amount of the tax, rate, or cess (if any) then due and unpaid by each such person or in respect of such premises as aforesaid, and the date when the same became due and payable, and shall sign the said columns; and on the completion of the entries so to be made in the said book the said town clerk shall cause a notice thereof to be fixed on or near the outer door of the town hall, or in some public and conspicuous place within the borough, and shall keep the said book in his said office, to be perused by any person, without payment of any fee, at all reasonable hours during the last ten days of September (Sunday excepted), and shall deliver a copy thereof, or any extract therefrom, to any person requiring the same, on payment of a reasonable price, not exceeding one halfpenny for every name, with the entries attached thereto, which may be included in such copy or extract so required; and that such copy or extracts as aforesaid shall be delivered by the town clerk within four days from the date of the application.

III. AND be it enacted, that any mayor, treasurer, or collector who shall neglect to perform the duties herein-before described shall forfeit a sum not exceeding twenty pounds, to be recovered by action in any one of the superior courts at Dublin, or by civil bill in any court of record having jurisdiction within such borough respectively, by any person who shall sue for the same, the half to be paid to the person who shall sue for the same, and the other half, after deducting the expences of so suing, to be ascertained by such court, to be paid to her Majesty, her heirs and successors.

V. AND whereas it is expedient to alter the times and periods specified and directed by the said recited Act for doing several matters thereby required or directed to be done: Be it therefore enacted, that on or before the twentieth day of September, instead of on or before the fifth day of September, as in the said Act mentioned, in every year, except the first, in which the said Act shall be or come into operation in any borough, the town clerk of such borough shall make out such lists as by the said Act directed of all persons who shall be enrolled in the burgess roll of that year within each ward of such borough, and sign the same: Provided always, that, in preparing such lists he shall exclude therefrom the name of every person who shall not be enrolled by the entries made in the book herein-before mentioned by the several

The collectors of the several taxes, and treasurer or mayor of borough, shall attend at the office of the town clerk, and insert the payments of such taxes, and the amounts remaining due, in the proper columns.

Upon completion of the entries, the town clerk to give notice thereof, and permit the book to be perused and give copies or extracts.

Penalty on mayor, &c. neglecting their duties.

The days for doing several acts required by 3 & 4 Vict. c. 108. altered.

Persons who have not paid all rates, &c. to be excluded

from burgess
lists.

collectors, treasurer, or mayor to have paid all rates, cesses, or taxes by the said Act required to be paid in order to qualify such person to be or to be enrolled as a burgess of such borough; and that he shall on the said twentieth day of September, instead of on the said fifth day of September, deliver a true copy of such lists, signed by himself, to the mayor of such borough; and that he shall himself keep such original list, to be perused by any person, without payment of any fee, at all reasonable hours between the twentieth and thirtieth days of September, instead of between the fifth and fifteenth days of September, as in the said Act mentioned; and that he shall cause a copy of all such printed lists as by the said Act he is required to cause to be fixed on or near the outer door of the town hall, or in some public and conspicuous place within the borough, on every day during the eight days next preceding the fifteenth day of September in every year, to be so fixed on every day during the eight days next preceding the first day of October in every year, instead of the eight days preceding the fifteenth day of September, as in the said Act mentioned; and that every person whose name shall be omitted in any such list as in the said Act mentioned, and who shall claim to have his name inserted on the burgess roll, shall and may give notice thereof to the town clerk (pursuant to the directions of the said Act), on or before the first day of October in every year, instead of on or before the fifteenth day of September, as in the said Act mentioned; and that every person authorized under the provisions of the said Act to object to any other person as not being entitled to have his name retained in the burgess roll for the same borough shall, on or before the first day of October, instead of on or before the fifteenth day of September, as in the said Act mentioned, in every year, give to the town clerk of such borough, and also to the person objected to, or leave at the premises in respect of which his name shall have been inserted in such list, notice thereof as in the said Act mentioned; and that the town clerk shall cause copies of all such lists of persons so claiming, and of all persons so objected to, as by the said Act he is required to cause to be fixed on or near the outer door of the town hall, or in some public and conspicuous place within the borough, during the eight days next preceding the first day of October in every year, to be so fixed during the eight days next preceding the twentieth day of October in every year, instead of the eight days next preceding the first day of October, as in the said Act mentioned; and that he shall keep a copy of the names of all persons so claiming, and a copy of the names of all persons so objected to, to be perused by any person, without payment of any fee, at all reasonable hours during the eight days (Sunday excepted) next preceding the twentieth day of October in every year, instead of during the eight days next preceding the first day of October, as in the said Act mentioned; and that the court to be holden in each borough in which the said Act shall come into or be in operation by the barrister appointed as in the said Act mentioned, or by the mayor and two assessors of the borough, for the purpose of revising the lists in the said Act mentioned, shall be holden at some time between the twentieth day of October and the tenth day of November inclusive in every year, instead of between the first and fifteenth days of October, as in the said Act mentioned; and that such court may be adjourned from time to time, so that no such adjourned court shall be holden after the said tenth day of November, instead of the said fifteenth day of October.

by the said Act provided; and that the book by the said recited Act
 are to be the burgess roll of each borough shall be completed on or before
 twentieth day of November in every year, instead of on or before the
 twenty-second day of October in every year; and that every such book shall
 be the burgess roll of the burgesses of such borough entitled to vote after the
 passing of this Act in the choice of the aldermen and councillors, assessors and
 auditors, of such borough, at any election which may take place in such
 borough between the twenty-fifth day of November inclusive in the year
 wherein such burgess roll shall have been made and the twenty-fifth day of
 November in the succeeding year, instead of between the twenty-fifth day of
 October inclusive in the year wherein such burgess roll shall have been made
 and the twenty-fifth day of October in the succeeding year, as by the said Act
 is provided, or until a new burgess roll shall have been made; and that the
 election for councillors and aldermen in the first year in which this Act shall
 come into operation in any borough shall be held on the twenty-fifth day of
 November, instead of the twenty-fifth day of October, as in the said Act
 is mentioned; and that such aldermen and councillors as are by the provisions of
 the said Act to go out of office on the twenty-fifth day of October in each
 year shall respectively after the passing of this Act go out of office on the
 twenty-fifth day of November, instead of the twenty-fifth day of October, as
 by the said Act provided; and that such aldermen and councillors as shall be
 elected to supply the vacancies so created shall be elected on the said twenty-
 fifth day of November in each year, instead of the twenty-fifth day of October,
 by the said Act provided; and that the two auditors and the two assessors
 for each borough, and the two assessors for each ward in every borough, shall,
 after the passing of this Act, be elected on the third day of December in each
 year, instead of the third day of November, as by the said Act provided; and
 that every such auditor and assessor shall continue in office until the tenth
 day of December in the year following his election, instead of until the tenth
 day of November in such year, as by the said Act provided.

V. AND be it enacted, that from and after the passing of this Act the
 council of each borough in which the said Act may now be or hereafter come
 into operation shall, on the first day of December, instead of the first day of
 November in each year, as in the said Act mentioned, elect out of the
 aldermen or councillors of such borough, in the manner in the said Act
 is directed, a fit person to be the mayor of such borough, who shall enter upon
 the office of mayor of such borough on the first day of January next following,
 instead of on the day of such election, as by the said Act provided, and shall
 continue in his office for one whole year from the said first day of January,
 instead of from the day of his election, as by the said Act provided, and until
 his successor shall have accepted the office of mayor, and shall have made and
 subscribed the declaration by law required in that behalf; and in case the
 person so elected to such office shall decline to accept the same, or having
 accepted to accept the same shall after such election die or become incapable
 of discharging the duties of such office, or cease to be an alderman or councillor
 of such borough, the council of the borough shall, within ten days thereafter,
 elect out of the aldermen or councillors of the said borough another fit person
 to be the mayor thereof for the ensuing year, or the residue thereof, as the
 council may be; and at the like times, instead of the times in the said Act men-

Time of
 election and
 entrance up-
 on office of the
 mayor
 changed.

Duration of
 office.

Election in
 case of refu-
 se to serve, or
 vacancy of
 office.

Election, &c.
of chairman
of board of
municipal com-
missioners.

When day
for election,
&c. falls
on a Sunday,
election, &c.
shall be on
Monday.

Extending
the power
of disposition
of lands
allowed to be
exercised
with the ap-
probation of
the Treasury.

Councils of
boroughs, or
commissioners
under 9 Geo. 4.
c. 82. &c.
may acquire
lands, &c.
with the con-
sent of the
Treasury.

Notice to be
given of
application
to Treasury.

tioned, the board of municipal commissioners of any borough shall elect out of the commissioners of such borough a fit person to be the chairman of such commissioners, who shall enter upon his office and continue therein at and for the like times as herein-before provided in respect of any mayor.

VI. PROVIDED, and be it enacted, that whenever any day appointed by any provision of this Act as a day of election or for doing any act shall happen to be Sunday, in every such case the election shall be holden and the act done on the following Monday.

VII. AND be it enacted, that the power of disposition allowed by the said Act over the lands, tenements, and hereditaments of any body corporate in the said Act mentioned, to be exercised with the approbation of the commissioners of her Majesty's Treasury, or any three of them, shall extend to the disposition of such lands, tenements, and hereditaments, with such approbation as aforesaid, whether by way of absolute sale or by way of exchange, mortgage, or charge, demise or lease, and to every other disposition of the same whatsoever, which shall be so approved of as aforesaid.

VIII. AND be it enacted, that in every case in which the council of any borough in Ireland, or commissioners, elected under an Act passed in the ninth year of the reign of his Majesty King George Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of cities, towns corporate, and market towns, in Ireland, in certain cases," of burghs in Ireland, shall deem it expedient to purchase or become possessed of for public purposes any lands, tenements, or hereditaments, it shall be lawful for such council or commissioners to represent the circumstances of the case to the commissioners of her Majesty's Treasury, and it shall be lawful for such council or commissioners so elected as aforesaid, with the approbation of the said commissioners of her Majesty's Treasury, or of any three of them, to purchase or become possessed of any lands, tenements, or hereditaments, in such manner and on such terms and conditions as shall have been approved of by the said commissioners as aforesaid: Provided always, that notice of the intention of the council or commissioners so elected as aforesaid to make such application as aforesaid shall be inserted once at least in the Dublin Gazette and in some local newspaper, and shall be fixed on the outer door of the town hall, or in some public or conspicuous place within the borough, one calendar month at least before such application; and a copy of the memorial intended to be sent to the said commissioners of her Majesty's Treasury shall be kept in the town clerk's office during such calendar month, and shall be freely open to the inspection of every burgess or person entitled to vote at the election of such commissioners or rate-payers of the borough at all reasonable hours during the same.

29 Geo. 3. (1.)
c. 42. s. 1.

IX. AND whereas by an Act of the Irish Parliament passed in the session of Parliament held in the twenty-ninth year of the reign of his Majesty King George the Third, intituled "An Act for the better supplying the inhabitants of certain cities and towns with water," it was enacted that the chief magistrate, aldermen, or burgesses, sheriffs, bailiffs, and common council, recorder, and representatives of every city or town in this kingdom which gives title to the see of a bishop or archbishop, except the cities of Dublin, Cork, and Limerick, together with the dean and chapter of such bishoprick, archbishoprick, and also the chief magistrate, aldermen, or burgesses, and

representatives of every town corporate, should be commissioners for the making of any watercourse, cut, *drain*, ditch, trench, dam, or passage for the purpose of conveying water to *such* city or town, with certain powers as in said Act particularly mentioned: **And** whereas by an Act of the Parliament of Ireland, passed in the thirty-fourth year of the reign of his late Majesty King George the Third, intituled "An Act to explain and amend an Act passed in the twenty-ninth year of the reign of his present Majesty, intituled, 'An Act for the better supplying the inhabitants of certain cities and towns with water,'" it was enacted, that it should be lawful for the commissioners in the said Act named, or any three of them, the dean, sub-dean, or chief magistrate of any town corporate being one, to enter into agreements with the occupier of any house in any city or town corporate (to which pipes should be brought by virtue of the said Act) for the laying of a pipe to supply the said house with water: **And** whereas it was by the said Act further enacted, that if any occupier of any such house should neglect or refuse to pay the annual rents so agreed upon for twenty-one days after personal demand, or in writing left at the usual place of abode or occupation of the person so directed to pay, it should be lawful for the said commissioners, or their officer or receiver, by warrant under the hand and seal of the chief magistrate, which warrant the chief magistrate was thereby authorized and required to grant, to enter into the house of the person so chargeable, and to distrain his goods and chattels, with certain powers of sale of the said distress as therein mentioned: **And** whereas by the said recited Act for the regulation of municipal corporations in Ireland it was amongst other things enacted, that all powers and trusts, not otherwise therein provided for, which by any Act of Parliament or otherwise are vested in or exercised by any body corporate named in the schedule (B.) to that Act annexed which shall be dissolved by virtue of that Act, or any member or members thereof, in his or their corporate capacity, or any limited number, class, or description thereof, or any person or persons elected from among or out of the members of such body corporate, or any of them, or any person or persons selected by such body corporate, or any member or members thereof, shall, upon the day on which such body corporate respectively shall be dissolved, and thenceforth until the grant of a charter of incorporation as therein-before directed, and the election of a council thereunder, or until Parliament shall otherwise provide, be exercised in manner therein-after mentioned; (that is to say,) such of the said powers as relate to the appointment of justices of the peace or magistrates, or to the appointment of other officers for the administration of justice or in anywise relating thereto, or to the appointment of constables or other persons for purposes relating to police, shall be exercised by the lord-lieutenant as if he had been named in such Act respectively, instead of such body corporate, or member or members, person or persons; and all other of the said powers not otherwise therein provided for shall be exercised one, or together with such other persons (if any) as would have been entitled to join in exercising the same if that Act had not been passed by the said commissioners: **And** whereas it is expedient to amend the said enactments: it therefore enacted, that the power and authority by the said Act of the Parliament of Ireland passed in the thirty-fourth year of the reign of his late Majesty King George the Third given to the chief magistrate of any body corporate dissolved by virtue of the said Act passed in the session of Parliament held

34 Geo. 3. (I.
c. 9. s. 1.

Sect. 2.

3 & 4 Vict.
c. 108. s. 117.

Powers given
by 34 Geo. 3.
(I.) c. 9. to
chief magis-
trates of
corporations
dissolved under

3 & 4 Vict.
c. 108. shall
until grant of
charter of in-
corporation
and election of
town council,
or until other-
wise provided
for, be exer-
cised by
chairman of
commissioners
under 9 Geo. 4.
c. 82. or of
municipal
commissioners
under
3 & 4 Vict.
c. 108., or by
justices ap-
pointed by lord
lieutenant.
3 & 4 Vict.
c. 108.
9 Geo. 4.
c. 82. s. 4.

in the third and fourth years of the reign of our sovereign lady Queen Victoria shall, until the grant of a charter of incorporation as in the said Act directed, and the election of a town council thereunder, or until Parliament shall otherwise provide, be exercised by the chairman of the commissioners elected under the said Act of the ninth year of the reign of King George the Fourth, or by the chairman of the municipal commissioners acting or to be elected in such borough in pursuance of the said recited Act for the better regulation of municipal corporations in Ireland, as the case may be, or in default of there being either of such commissioners elected in such borough then by such justice or justices of the peace, having jurisdiction within such borough or place, as for the time being shall be appointed by the said lord-lieutenant by warrant under his hand.

Sect. 11.

X. AND whereas divers provisions were made by the said recited Act in reference to and dependent upon the election of commissioners in certain boroughs under the provisions of an Act passed in the ninth year of the reign of King George the Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of cities, towns corporate, and market towns, in Ireland, in certain cases": And whereas it was by the said last-recited Act provided; that at any meeting convened as by that Act is directed for the purpose of carrying the same into execution every person who shall reside within the city, town corporate, borough, market town, or other town where such meeting shall be held, or, when the limits of any town shall not be defined, who shall reside within a certain distance in the said Act mentioned, and who shall have been assessed or charged, by the last rate made at vestry in the parish wherein such person shall dwell, for or in respect of a dwelling house or other tenement of the computed annual value, according to the said rate, of five pounds or more, shall be admitted and entitled to vote, and no other person whatsoever; and it was also provided by the said last-recited Act, that every person resident as aforesaid, who shall have been assessed or charged by a like vestry rate for or in respect of a dwelling house of the computed annual value, according to such rate, of twenty pounds or more, shall be eligible to be elected a commissioner for the purposes of the said Act at the first election of commissioners under the said Act:

So much of
the 9 Geo. 4.
c. 82. as re-
quires voters
or commis-
sioners to be
qualified by
being assessed
to vestry rate
repealed.

XII. AND be it enacted, that those parts of the said recited Act of the ninth year of the reign of King George the Fourth which make it necessary, to entitle any person to vote at any meeting convened under the provisions of the said Act, or to render any person eligible to be elected a commissioner at the first election of commissioners under the said Act, that such person shall be or have been charged or assessed, by the last rate made at vestry in the parish wherein he may dwell, for or in respect of a dwelling house or other tenement in any amount whatsoever, shall be and the same is hereby repealed, without prejudice nevertheless to any thing done or election made previous to the passing of this Act. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Qualification
of voter and
commissioner
by assessment
to and payment
of poor rate.

XIII. AND be it enacted, that at any meeting convened after the passing of this Act for the purpose of carrying the said last-recited Act into execution, or any adjournment thereof, no person shall be admitted or entitled to vote unless he shall have been rated under the Act for the more effectual relief of the destitute poor in Ireland, or any Act amending the same, by the last rate made in the union wherein he shall dwell, in respect of lands, tenements, or hereditaments of the net annual value of five pounds or upwards, nor unless he shall have paid all such poor rate as shall have become legally due

and been demanded from him; and that no person shall be eligible to be elected a commissioner at the first election of commissioners under the said Act unless he shall have been so rated to the relief of the poor, by the last rate made in the union wherein he shall dwell, in respect of lands, tenements, or hereditaments of the net annual value of twenty pounds or upwards, nor unless he shall have paid all such poor rate as shall have become legally due and been demanded from him.

XIV. AND be it enacted, that if any controversy shall arise at any such meeting or election as to the qualification, or right of voting, or eligibility of any person, such controversy shall be determined by reference to the rate book or rate books of the guardians of the poor law of the union or unions in which such city, town corporate, borough, market town, or other town is situate; and for this purpose the clerk to the guardians of each such union shall attend such meeting and election, and shall then and there produce the rate or valuation book of such union, in order that reference may be had thereto, if necessary, as aforesaid, and shall point out to the person or persons presiding at such meeting the entry in the said book of rating of the person whose vote or eligibility shall so be in controversy as aforesaid; and the person or persons so presiding at such meeting as aforesaid shall give judgment accordingly; and if any clerk of any union shall refuse or neglect to attend any such meeting or election so convened as aforesaid, he having been required to do so by a notice in writing signed by the person or persons authorized to preside at such meeting or election, or by any one of them, such notice being either served upon him personally, or left for him at the workhouse of such union, he shall, on being convicted thereof before any two or more justices of the peace, forfeit and pay any sum not exceeding twenty pounds, together with the costs of suing for and recovering or levying the same, to be recovered and levied in like manner as all other forfeitures, fines, or penalties are made recoverable and directed to be levied by the said Act.

XV. AND be it enacted, that in framing the registry, which the commissioners acting in the execution of the said Act are thereby required to keep, and from time to time to revise and amend, of householders occupying houses of the annual value of five pounds or upwards, and of householders occupying houses of the annual value of twenty pounds or upwards, such commissioners shall have regard to the valuation made for the purposes of the poor rate under the said recited Act for the more effectual relief of the destitute poor in Ireland, or any Act amending the same; and that the annual value of five pounds and upwards and the annual value of twenty pounds or upwards with reference to which such registry is to be formed shall be deemed and taken to be the net annual value as ascertained by the valuation made for the purposes of the said last-mentioned Act or Acts.

XVI. AND be it enacted, that those parts of the said recited Act which direct or require the commissioners acting in execution thereof to make a survey and valuation for the purposes of the said Act, and as direct the rates and assessments which such commissioners are authorized to levy to be apportioned in certain proportions according to such valuation, shall be and the same are hereby repealed, without prejudice nevertheless to any apportionment heretofore made, or to the recovery of any rate or assessment made thereunder. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

XVII. AND be it enacted, that from and after the passing of this Act every valuation to be at any time made by any commissioners now or hereafter acting in

Questions as to qualifications shall be decided by chairman at meeting by reference to rate-book.

Clerk to guardians to attend with rate book to assist chairman.

Clerk refusing or neglecting to forfeit for each offence 20*l.* and costs.

The registry which the commissioners are to keep of 5*l.* and of 20*l.* householders shall be framed with reference to the valuation for the poor rate.

So much of 9 Geo. 4. c. 82. as directs the commissioners to make a valuation for the purposes of the Act repealed. The poor rate valuation

shall be used
instead.

the execution of the said Act of the ninth year of King George the Fourth shall be apportioned, raised, and levied on the owners, occupiers, and tenants of the houses, shops, warehouses, cellars, mills, yards, gardens, and tenements liable to be rated and assessed under the provisions of the said Act according to the net annual value thereof respectively as the same now are or shall from time to time be hereafter valued and rated under the said recited Act for the more effectual relief of the destitute poor in Ireland, or any Act or Acts amending the same: Provided always, that nothing herein contained shall extend to or affect the provisions made by the said Act as to the relative proportions of the said rates to be imposed upon premises of different value, or any other provision of the said Act in respect of such rates, save only as herein-before provided in respect of the substitution of the valuation under the said Act for the more effectual relief of the destitute poor for a valuation to be made by the commissioners for the special purposes of the said Act of the ninth year of King George the Fourth.

Proviso.

XVIII. AND whereas certain hereditaments by the herein-before recited Act of the ninth year of King George the Fourth made chargeable for the purposes of the said Act may not be rateable for the relief of the poor, and upon that ground have not been or may not have been included in the valuation made for the purpose of poor rates; and it is expedient that all such property, although not so rateable, should be valued in like manner and upon the same scale as that which is so rateable or rated: And whereas in the valuation made for the purpose of poor rates dwelling houses may be in certain cases valued together with property not comprehended in that term, and a separate valuation of such dwelling houses is necessary for certain purposes of the said Act: Be it therefore enacted, that in all cases of property which is or shall be liable to the payment of any rate or assessment under the provisions of the herein-before recited Act, and which is or shall be by law exempted from the rate, or not rateable to or which shall not be included in the rate for the relief of the poor in the union wherein the same may be situate, and in the case of dwelling houses valued together with other property, the poor law commissioners shall cause to be made and declared separate valuations of all or any such property and dwelling houses situate in any ward or townland, or other denomination proper for that purpose within the union, in like manner as by law they now are or hereafter may be authorized, required, or directed with respect to hereditaments liable to be rated as aforesaid; and every such separate valuation of property not liable to be rated to the relief of the poor shall contain in a separate column a statement of the ground of such exemption; and all such separate valuations, when made, shall be subject in all respects to the like right of appeal, regulations, additions, or alterations, and shall be of like force and effect, under the provision of this Act, as any valuation made for the purposes of a rate for the relief of the poor, as nearly as the circumstances of the case will admit; and copies of such separate valuations shall be furnished by the clerk of the guardians of the poor of such union in the same manner and within the same period as is herein-after directed with respect to copies of the rates.

Supplemental valuations of property exempt from poor rate, but chargeable under 9 Geo. 4. c. 82., and of dwelling-houses valued with other property for the poor rate.

Copies of valuations for poor rate, and of supplemental valuations, to

XIX. AND be it enacted, that within twenty-one days after the first election of commissioners under the provisions of the said Act of the ninth year of the reign of his Majesty King George the Fourth in any city, borough,

A.D. 1843.

wherein such Act may not now be in operation, and on or before the first day of August in every year in each city, borough, or town where such Act may now or then be in operation, the clerk of the guardians of the poor of each union situate wholly or in part within such city, borough, or town, or within the limits of the jurisdiction of the said commissioners, shall make out a true and perfect copy of the then last made rate for the relief of the poor therein, and of such supplemental or separate valuations as have been directed to be made, or of so much of them or either of them as shall relate to any property liable to be rated under the provisions of the said recited Act, and as shall be required by the said commissioners, and shall deliver the same, attested and certified by him, to the said commissioners, and such clerk of the guardians of each union as aforesaid, from time to time and as often as any additions to or alterations in the said rate for the relief of the poor shall have been made, whether by appeal or otherwise, shall, within ten days after such rate and supplemental valuation shall have been so added to or altered, make true and perfect copies of such additions or alterations, and deliver the same, attested and certified by him, to the said commissioners.

XX. AND be it enacted, that the entry of such rate or supplemental valuation, or in the absence of the original such attested and certified copy of such rate or supplemental valuation, addition, or alteration as aforesaid, shall in all cases be and be deemed and taken to be conclusive evidence of all matters contained therein.

XXII. AND whereas under and by virtue of said recited Act of the third and fourth years of the reign of her present Majesty the council of any borough in Ireland, in the cases in said Act mentioned, is authorized and required from time to time to order a borough rate to be made within the borough, and for that purpose the council of such borough shall have within their borough the powers and authorities which any commissioners in any borough in Ireland have within the limits of their commission by virtue of the said recited Act of the ninth year of the reign of King George the Fourth, and shall observe and preserve the provisions thereof as if the same were therein recited: And whereas the mode prescribed for the recovery of rates under the said recited Act is distress and sale of the goods distrained for nonpayment of same, and it is expedient to extend the mode of recovery of rates, as well as those to be made under the said recited Act of the ninth year of the reign of his Majesty King George the Fourth as those to be made in pursuance of the said recited Act of the third and fourth years of the reign of her Majesty Queen Victoria: Be it therefore enacted, that it shall and may be lawful to and for the court of any borough, or the said commissioners acting under the said recited Act of the ninth year of his Majesty King George the Fourth, where any rate shall hereafter be made pursuant to said recited Acts, or either of them, shall be in arrear and unpaid by the owners, occupiers, or tenants of any hereditament on which same shall be chargeable or payable out of, and where such rate shall be in arrear shall not exceed the sum of twenty pounds, to proceed for recovery of same against the party liable by civil bill before the assistant barrister recorder having jurisdiction for trials by civil bill in the county, county of town, city, or borough where the hereditament or tenement on which said rate is in arrear is chargeable shall be situate, and such assistant barrister

recorder, as the case may be, shall have power to hold plea thereof, and the same shall and may be proceeded on in like manner in all respects, and the like decree or judgment and execution shall and may be had thereon, and also the like benefit of appeal, and of proceedings, judgment, and execution thereon, as in case of any other sum or demand which may now by law be had or used before such judge: Provided always, that in case of such civil bill proceedings by any council of any borough same shall be brought in the name, style, and title of the corporate body of such borough as plaintiffs, and in case of such proceedings by any commissioners acting under the said recited Act same shall be brought in the name of the chairman of said commissioners acting as such chairman at the time such civil bill proceeding shall be commenced, and styling him as such chairman.

* * * * *

XXIV. AND whereas there is no mayor or municipal corporation in the county of the town of Galway, and suitors in the borough court of the said town are put to serious loss and inconvenience for want of commissioners by whom affidavits may be received and bail taken in suits instituted in the said court, so much so as to render the said court nearly useless to the inhabitants of the said borough: Be it therefore enacted, that it shall and may be lawful to and for the recorder of the said borough to appoint two fit and proper persons to act as commissioners for receiving affidavits and special bail in and for the said borough court, in like manner as commissioners for similar purposes are appointed by the judges of the superior courts of record in Dublin.

Appointment of commissioners to receive affidavits and take bail in Galway borough court.
Jurisdiction of assistant barrister for Louth extended to Drogheda.

XXV. AND be it enacted, that from and after the passing of this Act the assistant barrister for the time being of the county of Louth shall have criminal jurisdiction in and for the county of the town of Drogheda as fully as he has in and for the said county of Louth, and shall and may exercise such jurisdiction together with the justices assigned to keep the peace within the said county of the town of Drogheda; and that a general sessions of the peace shall be from time to time holden in and for the said county of the town of Drogheda, either immediately before or after the sessions of the peace for the county of Louth from time to time holden under the laws now in force in the said town of Drogheda by the said assistant barrister, for the purpose of hearing and determining causes in a summary way by civil bill; and that such court of general sessions of the peace so to be holden in and for the said county of the town of Drogheda shall have all and every the jurisdictions, powers, and authorities which may by law or statute belong to any court of general sessions of the peace holden in any county of a city or county of a town or borough in Ireland.

Sessions to be held for Drogheda.

XXVI. AND whereas, by virtue of the provisions of the said recited Act for the better regulation of municipal corporations in Ireland, the body corporate named in the schedule (B.) to the said Act annexed in conjunction with the borough of Carrickfergus was dissolved on the twenty-fifth day of October one thousand eight hundred and forty-one, and the said Act then came into operation within the said borough: And whereas it was by the said recited Act provided, that on the said twenty-fifth day of October one thousand eight hundred and forty-one, in any borough named in the schedule (G.) to the said Act annexed in which there should not then have been elected commissioners under the therein recited Act of the ninth year of the reign of King George

the Fourth, there should be constituted, according to the provisions therein-after contained, a board of commissioners for the disposition of the property of the body corporate named as aforesaid in conjunction with such borough, to be called the municipal commissioners of such borough, until the grant of a charter of incorporation, or the election of commissioners under the Act of the ninth year of King George the Fourth therein mentioned: And whereas the said borough of Carrickfergus is one of the boroughs named in the said schedule (G.), and no commissioners were on the said twenty-fifth day of October one thousand eight hundred and forty-one nor are any now elected in or for such borough under the said Act of the ninth year of the reign of King George the Fourth: And whereas under the provisions of the said Act for the regulation of municipal corporations in Ireland it was among other things required, in order to entitle any person to vote at the election of municipal commissioners in any borough, that he should have been rated to the relief of the poor, in respect of premises within such borough, for the space of twelve calendar months at the least next preceding the last day of August in the said year one thousand eight hundred and forty-one: And whereas no rate for the relief of the poor was made in the union whereof the said borough of Carrickfergus is an electoral division until the seventh day of December one thousand eight hundred and forty-two, and by reason thereof the provisions of the said Act for the constitution of municipal commissioners within the said borough have been rendered ineffectual: Be it therefore enacted, that in this present year a board of municipal commissioners shall be constituted in the said borough of Carrickfergus, in like manner as such board might or ought to have been constituted therein in the said year one thousand eight hundred and forty-one, if a rate for the relief of the poor had been made in the union whereof the said borough is an electoral division twelve calendar months previous to the said last day of August in the said year one thousand eight hundred and forty-one; and that from and immediately after the appointment of such municipal commissioners under this Act all the lands, tenements, estates, and property, real or personal, which were vested in the said late dissolved body corporate named in the schedule (B.) to such recited Act annexed in conjunction with the borough of Carrickfergus, and all rents, issues, and profits that have accrued thereout since the dissolution of the said corporate body, shall become vested in the said municipal commissioners and their successors; and that the said municipal commissioners and their successors shall have such and the same estate and interest therein, and such and the same title thereto, as against all persons and bodies corporate and politic, including the Queen's most excellent Majesty, her heirs and successors, as was vested in the said late dissolved body corporate at or immediately before the dissolution thereof, subject nevertheless to the same leases, charges, and encumbrances, or such of them or such part thereof as are still subsisting, as the same were subject to in the hands of the said late dissolved body corporate: Provided always, that upon the grant of any such charter of incorporation as the said Act mentioned, or upon the election of commissioners under the Act of the ninth year of King George the Fourth, such board of commissioners shall cease, and all the said estate and any accumulation thereof shall with, without any conveyance thereof, vest in the body so incorporated,

Municipal
commissioners
for Carrick-
fergus.

or in the commissioners elected under the said Act of the ninth year of King George the Fourth where no such charter shall then have been granted, as the case may be; and in case such estate and accumulation shall so have vested in such commissioners under the said Act of the ninth year of King George the Fourth the same shall be applied by such commissioners in aid of the rates to be levied by them under the said Act, and the surplus thereof, if any, shall be applied by them for the public benefit of the inhabitants and improvement of the borough until such charter may at any time afterwards be granted; and upon the grant of any such charter, and the election of a council under its provisions, the powers of the said commissioners as to the said estate shall cease, and all the said estate and any accumulation thereof shall forthwith, without any conveyance thereof, vest in the body so incorporated.

3 & 4 Vict.
c. 108. s. 80.

What deemed
sufficient
occupation
and payment
of rates to
entitle a
person to be
enrolled on
the burgess
roll.

XXVII. AND whereas by the said first-recited Act it is enacted, that after the same should come into operation in every borough named in schedule (A.) to such Act annexed, and also in any borough named in schedule (B.) thereto annexed, or other town to which a charter of incorporation under the said Act should be granted, every man of full age who on the last day of August in any year should be an inhabitant householder, and should for six calendar months previous thereto have been resident as such within such borough, or within seven statute miles of such borough, and who should occupy within such borough any house, warehouse, counting house, or shop, which, either separately or jointly with any land within such borough occupied therewith by him as tenant or occupied by him therewith as owner, should be of the clear yearly value of not less than ten pounds, determined in manner in the said Act mentioned, should, if duly enrolled according to the provisions in such Act contained, be a burgess of such borough; provided that no such occupier should be admitted to be enrolled as a burgess unless he should have been rated to the relief of the poor under the Act made for the relief of the destitute poor in Ireland, and should have occupied such premises within the said borough, or other premises of the like nature, and rated as aforesaid, for the space of twelve calendar months at the least next preceding such last day of August: And whereas doubts have arisen how far any misnomer or inaccurate or insufficient description in a rate of the person occupying any such premises as in the said recited Act are mentioned, or any inaccurate description of the premises so occupied, has the effect of preventing any such person from being enrolled as a burgess and entitled to vote in respect of such premises in any year: Be it therefore declared and enacted, that where any person shall have occupied such premises as in the said recited Act are mentioned for twelve calendar months next previous to the last day of August in any year, and such person, being the person liable to be rated for such premises, shall have been bonâ fide called upon in respect of such premises to pay and shall have bonâ fide paid, on or before the last day of August in such year, all rates for the relief of the poor made in respect of such premises which he would be required to pay in order to be enrolled as a burgess for such borough if he had been named in such rate as the occupier of such premises, such person shall be considered as having been rated to the relief of the poor and paid all such rates in respect of such premises within the meaning of the said recited Act, and be entitled, if otherwise qualified, to be enrolled as a

burghess of such borough in respect of such premises in any year, any misnomer or insufficient description in any rate of the person so occupying or of the premises occupied notwithstanding.

XXVIII. AND whereas by the said first-recited Act it was enacted, that it should be lawful for any person whose claim shall have been rejected or name expunged at the revision of the burghess roll of any of the said boroughs to apply before the end of the term then next following to the Court of Queen's Bench in Ireland for a mandamus to the mayor for the time being of that borough to insert his name upon the burghess roll for such ward as should be named in the application, and thereupon for the court to inquire into the title of the applicant so enrolled, and if the court should award such mandamus the mayor should be bound to insert the name at the end of the burghess roll, with the addition of the ward for which such ward was so ordered to be inserted as therein mentioned, and that thereupon the person whose name should be so added to the burghess roll should be deemed a burghess, and that upon every such application the court should have power to make such order with respect to the costs as to the court shall seem fit; and by the same Act was enacted, that the right of every person who should have been admitted and enrolled upon the burghess roll might be questioned by any burghess by appeal, in like manner and subject to the like provisions as to costs and variation of the roll as were therein-before contained with respect to the appeal against the admission of any person upon the freeman's roll: Be it enacted, that if the right of any number of persons whose claims have been rejected or names expunged at the revision of any burghess roll shall have been determined on the same point or points of law, it shall be lawful for such persons to consolidate their appeals to be made under the said recited Act, and to join in an application to the Court of Queen's Bench to be made by the said Act provided; and if the right of any number of persons who shall have been admitted and enrolled upon the burghess roll shall be questioned by any burghess upon the same point or points of law, it shall be lawful for such burghess to consolidate the appeal against the right of such persons, and include the names of all such persons in the same application to the said court; and the said court shall have full power and authority to hear and determine on every such application or appeal, and make such order thereon as such court would have power to do if each of such persons whose claims shall have been so rejected or names expunged had made a separate application, and as if a separate appeal and application had been made in respect to each of such persons whose right to have been admitted and enrolled upon a burghess roll shall be questioned; and the order of the said court shall, as to the respective persons making such application and as to the respective persons whose right shall be so questioned, be carried into effect and execution in the same manner as if a separate appeal and application had been made by or in respect of each of such persons.

3 & 4 Vict.
c. 108. s. 49.

Appeals
against rejections of claims to be enrolled as burghesses, or against admissions of such claims, if involving the same points of law, may be consolidated.

XXIX. AND whereas it was by the said Act enacted, that every borough named in the schedule (A.) to the said Act annexed should be divided into the number of wards mentioned in such schedule in conjunction with the name of the borough, and that the boundaries of the several boroughs named in the schedule (A.) and of the wards into which the said boroughs named in the said schedule (A.) were to be divided, should, for the purposes of the said

3 & 4 Vict.
c. 108. s. 20.

Boundary of west ward of borough of Waterford.

Act, be taken to be according to the description of such boundaries set forth in schedule (C.) to the said Act annexed; and whereas, according to the description in the said schedule (C.) of the boundary of the west ward of the borough of Waterford, the whole space comprehended within the parliamentary boundary of such borough on the north side of the river Suir is included within the said west ward, although a part of such space is not comprehended within the general boundary of the said borough as described in the said schedule (C.), and it is expedient to correct such mistake: Be it therefore enacted, that the said west ward shall be taken to include only that part of the space on the north side of the river Suir which is comprehended in the municipal boundary of the said borough of Waterford, as if the words "within the municipal boundary" had been inserted in the description of the boundary of the said west ward contained in the said schedule (C.) instead of the words "parliamentary boundary."

Recited Acts to continue in force, except as hereby altered.

XXX. AND be it enacted, that the said recited Acts of the third and fourth years of the reign of her present Majesty and of the ninth year of the reign of King George the Fourth, and all clauses, matters, and things respectively therein contained, (save and except such parts thereof as are by this Act expressly varied, altered, or repealed,) shall be and the same is and are severally declared to be and continue in full force and effect, to all intents and purposes, and shall be as good, valid, and effectual as if the same and every of them were re-enacted in the body of this Act; and all and every the provisions of the said recited Act of the ninth year of the reign of his Majesty King George the Fourth, for the levying and recovery of the rates therein mentioned, shall apply and extend to the levy and recovery of the rates assessed and apportioned under the provisions of this Act.

Provisions of 9 Geo. 4. c. 82. as to recovery of rates to apply to rates under this Act.

3 & 4 Vict. c. 108. and this Act to be construed together. Interpretation clause in that Act to apply to this.

XXXI. AND be it enacted, that the said recited Act for the regulation of municipal corporations in Ireland and this Act shall be construed together as one Act, and that the provision made by the said Act for the regulation of municipal corporations in Ireland for the interpretation of certain words and expressions therein shall apply and extend to the like words and expressions in this Act.

* * * * *

SCHEDULE to which this Act refers.

List of Persons appearing entitled to be enrolled as Burgesses of the Borough of _____ (in the Ward of _____) in the Burgess Roll next to be made, in right of Inhabitaney and Occupation and Rating.

John Thompson, Town Clerk.

Dated this 8th September 1843.

Number.	Name.	Residence.	Situation of Qualifying Property.	Description of Property.	POOR RATE.				PAYING RATE.				And so for any other Rates or Cesses, as the Case may be.
					Amount of last Payment.	Date of last Payment.	Amount (if any) due.	Date when due.	Amount of last Payment.	Date of last Payment.	Amount (if any) due.	Date when due.	
1	Adams, John	3, John Street	3, John Street	House	£ s. d. 1 5 0	1 May	£ s. d. 1 10 0	10 June	£ s. d. 1 2 6	10 July	£ s. d. —	—	
2	Albin, William	9, Park Street	6, High Street	Shop	2 10 0	6 April	5 0 0	1 July	1 5 0	1 Jan.	1 5 0	1 July	
3	Burn, Edward	Bookerstown	10, Essex Street	Warehouse	3 5 0	1 July	-	-	0 15 0	10 July	—	—	
4	Casey, Patrick	Chapelized	12, Mount Street	Shop	3 10 0	16 Jan.	3 10 0	29 May	1 10 0	2 Feb.	1 10 0	2 May	
					Henry Johnston, Collector.				Thos. Brown, Collector.				

CHAPTER XCIV.

AN ACT 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. [24th August 1843.]

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, her Majesty hath power and jurisdiction within divers countries and places out of her Majesty's dominions: And whereas doubts have arisen how far the exercise of such power and jurisdiction is controlled by and dependent on the laws and customs of this realm, 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, that it is and shall be lawful for her Majesty to hold, exercise, and enjoy any power or jurisdiction which her Majesty now hath or may at any time hereafter 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.

The power acquired by her Majesty in countries out of her dominions shall be held on the same terms as if acquired by conquest or cession of territory.

Acts done in pursuance of such power to be of the same effect as if done under local laws.

Courts authorized to procure evidence of the existence of such power by application to secretary of state.

II. AND be it enacted, that every act, matter, and thing which may at any time be done, in pursuance of any such power or jurisdiction of her Majesty, in any country or place out of her Majesty's dominions, shall, in all courts ecclesiastical and temporal and elsewhere within her Majesty's dominions, be and be deemed and adjudged to be, in all cases and to all intents and purposes whatsoever, as valid and effectual as though the same had been done according to the local law then in force within such country or place.

III. AND be it enacted, that if in any suit or other proceedings, whether civil or criminal, in any court ecclesiastical or temporal within her Majesty's dominions, any issue or question of law or of fact shall arise for the due determination whereof it shall, in the opinion of the judge or judges of such court, be necessary to produce evidence of the existence of any such power or jurisdiction as aforesaid, or of the extent thereof, it shall be lawful for the judge or judges of any such court, and he or they are hereby authorized, to transmit, under his or their hand and seal or hands and seals, to one of her Majesty's principal secretaries of state, questions by him or them properly framed respecting such of the matters aforesaid as it may be necessary to ascertain in order to the due determination of any such issue or question as aforesaid; and such secretary of state is hereby empowered and required, within a reasonable time in that behalf, to cause proper and sufficient answers to be returned to all such questions, and to be directed to the said judge or judges, or their successors; and such answers shall, upon production thereof, be final and conclusive evidence, in such suit or other proceedings, of the several matters therein contained and required to be ascertained thereby.

Power to send persons charged with crimes in any such countries for trial to a British colony.

IV. AND whereas it may in certain cases be expedient that crimes and offences committed within such countries or places as aforesaid should be inquired of, tried, determined, and punished within her Majesty's dominions: Be it enacted, that it shall and may be lawful for any person having authority derived from her Majesty in that behalf, by warrant under his hand and seal, to cause any person charged with the commission of any crime or offence the cognizance whereof may at any time appertain to any judge, magistrate, or

other officer of her Majesty within any such country or place as aforesaid to be sent for trial to any British colony which her Majesty may by any order or orders in council from time to time appoint in that behalf; and upon the arrival of such person within such colony it shall and may be lawful for the supreme court exercising criminal jurisdiction within the same to cause such person to be kept in safe and proper custody, and, so soon as conveniently may be, to inquire of, try, and determine such crime or offence, and upon conviction of the person so charged as aforesaid to correct and punish him according to the laws in force in that behalf within such colony, in the same manner as if the said crime or offence had been committed within the jurisdiction of such supreme court: Provided always, that before any such person shall be sent for trial to any such colony as aforesaid it shall be lawful for him to tender for examination to the judge, magistrate, or other officer of her Majesty, to whom the cognizance of the crime or offence with which he is charged may appertain within the country or place where the same may be alleged to have been committed, any competent witness or witnesses, the evidence of whom he may deem material for his defence, and whom he may allege himself to be unable to produce at his trial in the said colony; and the said judge, magistrate, or other officer shall thereupon proceed in the examination and cross-examination of such witness or witnesses in the same manner as though the same had been tendered at a trial before such judge, magistrate, or other officer, and shall cause the evidence so taken to be reduced into writing, and shall transmit a copy of such evidence to the supreme court before which the trial of such person is to take place, together with a certificate under his hand and seal of the correctness of such copy; and thereupon it shall be lawful for the said supreme court, and it is hereby required, to allow so much of the evidence so taken as aforesaid as would have been admissible according to the law and practice of the said supreme court, had the said witness or witnesses been produced and examined at the trial before the said court, to be read and received as legal evidence at such trial: Provided also, that if it shall be made to appear at such trial that the laws by which the person charged with any criminal act would have been tried, had his trial taken place before a judge, magistrate, or other officer of her Majesty in the country or place in which such act may be alleged to have been committed, vary from or are inconsistent with the laws in force within such colony, in respect either of the criminality of the act charged, or of the nature or degree of the alleged crime or offence, or of the punishment to be awarded for the same, such supreme court is hereby empowered and required to admit and give effect to the laws by which such person would have been so tried as aforesaid, so far as but not further or otherwise than the same relate to the criminality of such act, or to the nature or degree of such crime or offence, or to the punishment thereof: Provided also, that nothing herein contained shall be construed to alter or repeal any law, statute, or usage by virtue of which any crime or offence committed out of her Majesty's dominions might, at the time of the passing of this Act, be tried, determined, and punished within her Majesty's dominions, any part thereof, but the same shall remain in full force and effect, any thing herein contained to the contrary notwithstanding.

AND whereas it may likewise in certain cases be expedient that the laws passed within such countries and places as aforesaid at the trial of

Before any such person shall be sent to any colony for trial he may tender to the judge sending him any material evidence that he would be unable to produce on trial, which shall be taken down and transmitted to the court of the colony, and so much thereof shall be admitted as would have been admissible if the witnesses had been produced before the court.

In case the laws of the place in which the act was committed vary from those of the colony the court may give effect to them.

Nothing herein to alter any law respecting trial within her Majesty's dominions of crimes committed out of such dominions.

Power to send persons convicted before any judge in any such country to a British colony for execution or imprisonment.

crimes and offences within the same should be carried into effect within her Majesty's dominions: Be it enacted, that if any offender shall have been sentenced to suffer death or imprisonment for or in respect of any crime or offence of which such offender shall have been lawfully convicted before any judge, magistrate, or other officer of her Majesty within any such country or place as aforesaid it shall be lawful for any person having authority derived from her Majesty in that behalf, by warrant under his hand and seal, to cause such offender to be sent to any British colony which her Majesty may by any order or orders in council from time to time appoint in that behalf, in order that the sentence so passed upon such offender may be carried into effect within the same; and the magistrates, gaolers, and other officers to whom it may appertain to give effect to any sentence passed by the supreme court exercising criminal jurisdiction within such colony are hereby empowered and required to do all acts and things necessary to carry into effect the sentence so passed upon such offender, in the same manner as though the same had been passed by such supreme court.

Power to transport convicts, and to bring them to England for that purpose.

VI. AND be it enacted, that if any offender shall have been ordered or sentenced to be transported beyond the seas by any judge, magistrate, or other officer of her Majesty within any such country or place as aforesaid, or, having been adjudged to suffer death, shall have received her Majesty's most gracious pardon upon condition of transportation beyond the seas, it shall be lawful for any person having authority derived from her Majesty in that behalf to cause such offender to be sent to any place beyond seas to which convicts may at any time be lawfully transported from any part of her Majesty's dominions, and, if there shall be no convenient means of transporting such offender without bringing him to England, to cause such offender to be brought to England in order to be transported, and to be imprisoned in any place of confinement provided under the authority of any law or statute relating to the transportation of offenders convicted in England, until such offender shall be transported or shall become entitled to his liberty; and as soon as any such offender shall have arrived at the place to which he may be transported, or, if brought to England, shall have been there imprisoned as aforesaid, all the provisions, rules, regulations, authorities, powers, penalties, matters, and things concerning the safe custody, confinement, treatment, and transportation of any offender convicted in Great Britain shall extend and be construed to extend to such offender as fully and effectually, to all intents and purposes, as if such offender had been convicted and sentenced at any session of gaol delivery holden for any county in England.

Provisions as to offenders convicted in Great Britain to apply to such convicts.

Limitation of actions.

VII. AND be it enacted, that if any suit or action shall be brought in any court within her Majesty's dominions against any person or persons for any thing done in pursuance of any such power or jurisdiction of her Majesty as aforesaid or of this Act, then and in every such case such action or suit shall be commenced or prosecuted within six months after the fact committed, and not afterwards, except where the cause of action shall have arisen out of her Majesty's dominions, and then within six months after the plaintiff or plaintiffs and defendant or defendants shall have been within the jurisdiction of the court in which the same may be brought; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have

Venue.

arisen out of her Majesty's dominions; and the defendant be entitled to the like notice, and shall have the like amendments to the plaintiff or plaintiffs, or their agent or attorney in actions brought against any justice of the peace for action of his office by an Act passed in the twenty-fourth year of King George the Second, intituled "An Act for the rendering peace more safe in the execution of their office, and for enabling justices and others acting in obedience to their warrants in every such action or suit made by the plaintiff or plaintiffs, and give the special matter in evidence; and if the defendant shall appear to have been done under the authority of any such power or jurisdiction of her Majesty as aforesaid, if any such action or suit shall be brought after the time the same, or be brought and laid in any other county than the county in which the same ought to have been brought or laid in as aforesaid, the plaintiff or plaintiffs shall be liable to pay the costs of the defendant or defendants; and if the plaintiff or plaintiffs shall discontinue any action after the defendant has appeared, or if a verdict shall pass against the plaintiff or plaintiffs, or if a demurrer judgment shall be taken against the plaintiff or plaintiffs, the plaintiff or plaintiffs shall and may recover treble the costs of the defendant or defendants, and may recover the same as any defendant or defendants in any such cases of law.

* * * * *

CHAPTER XCVI.

ACT to amend the Law respecting defamatory Words

FOR the better protection of private character, and for securing the liberty of the press, and for better preserving the said liberty, be it enacted by the Queen's Majesty, by and with the advice and consent of the Lords Spiritual, and commons, in this present Parliament assembled, and by the authority of the same, that in any action for defamation in which the defendant (after notice in writing of his intention so to plead in mitigation of damages, that he made or offered to make to the plaintiff for such defamation before the commencement of the action, or soon afterwards as he had an opportunity of doing so) shall have been commenced before there was an opportunity of offering such apology.

II. AND be it enacted, that in an action for a libel contained in any newspaper or other periodical publication it shall be competent to plead that such libel was inserted in such newspaper or other periodical publication without actual malice, and without gross negligence, before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper or other periodical

1* The Act 24 Geo. 2. c. 44. will be found in the Appen

and without negligence, and that he has published or offered to publish an apology, and upon filing such plea defendant may pay money into court as amends.

3 & 4 Will. 4. c. 42.

Plaintiff may reply to such plea.

Publishing or threatening to publish a libel, or threatening to publish or proposing to abstain from publishing any thing, with intent to extort money, &c. punishable by imprisonment and hard labour. Law as to threatening letters not affected.

Punishment for malicious publication of defamatory libel known to be false; and for malicious publication of defamatory libel.

Upon the trial of an indictment or information for a defamatory libel the defendant may plead the truth of the matters

apology for the said libel, or, if the newspaper or periodical publication in which the said libel appeared should be ordinarily published at intervals exceeding one week, had offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff in such action; and that every such defendant shall upon filing such plea be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of such libel, and such payment into court shall be of the same effect and be available in the same manner and to the same extent, and be subject to the same rules and regulations as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts herein-before required to be pleaded by such defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into court under an Act passed in the session of Parliament held in the fourth year of his late Majesty, intituled "An Act for the further amendment of the law, " and the better advancement of justice [1]"; and that to such plea to such action it shall be competent to the plaintiff to reply generally, denying the whole of such plea.

III. AND be it enacted, that if any person shall publish or threaten to publish any libel upon any other person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing, of any matter or thing touching any other person, with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, every such offender, on being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the common gaol or house of correction, for any term not exceeding three years: Provided always, that nothing herein contained shall in any manner alter or affect any law now in force in respect of the sending or delivery of threatening letters or writings.

IV. AND be it enacted, that if any person shall maliciously publish any defamatory libel, knowing the same to be false, every such person, being convicted thereof, shall be liable to be imprisoned in the common gaol or house of correction for any term not exceeding two years, and to pay such fine as the court shall award.

V. AND be it enacted, that if any person shall maliciously publish any defamatory libel, every such person, being convicted thereof, shall be liable to fine or imprisonment or both, as the court may award, such imprisonment not to exceed the term of one year.

VI. AND be it enacted, that on the trial of any indictment or information for a defamatory libel, the defendant having pleaded such plea as herein-after mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it was for the public benefit that the said matters charged should be published; and that to entitle the defendant to give evidence of the truth of such matters charged as a defence to such indictment or information it shall be necessary for the defendant, in pleading to the

[* 3 & 4 Will. 4. c. 42. s. 21. is rep., Stat. Law Rev. Act, 1874; and see now 15 & 16 Vict. c. 76. s. 70. &c.]

6
th
int
Pro
efe
ct
n
ch
lil
V
is
id
bl
th
tio
e
rt
V
ye
ab
cu
or
m
en
by
ct
th
tl
b
g
a
P
S

CHAPTER XCVIII.

AN ACT for the more effectual Suppression of the Slave Trade.

[24th August 1843.]

5 Geo. 4.
c. 118. s. 2.

WHEREAS an Act was passed in the fifth year of the reign of King George the Fourth, intituled "An Act to amend and consolidate the laws relating to the abolition of the slave trade," whereby it is enacted (among other things), that it shall not be lawful (except in such special cases as are herein-after mentioned) for any persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer, of slaves or persons intended to be dealt with as slaves; or to carry away or remove, or to contract for the carrying away or removing, of slaves or other persons as or in order to their being dealt with as slaves; or to import or bring, or to contract for the importing or bringing, into any place whatsoever, slaves or other persons as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board, of any ship, vessel, or boat, slaves or other persons for the purpose of their being carried away or removed as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board, of any ship, vessel, or boat, slaves or other persons for the purpose of their being imported or brought into any place whatsoever as or in order to their being dealt with as slaves; or to fit out, man, navigate, equip, despatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting, or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to lend or advance, or become security for the loan or advance, or to contract for the lending or advancing, or becoming security for the loan or advance, of money, goods, or effects employed or to be employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to become guarantee or security, or to contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or in any other manner to engage or to contract to engage, directly or indirectly, therein as a partner, agent, or otherwise; or to ship, tranship, lade, receive, or put on board, or to contract for the shipping, transshipping, lading, receiving, or putting on board, of any ship, vessel, or boat, money, goods, or effects to be employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to take the charge or command, or to navigate or enter and embark on board, or to contract for the taking the charge or command or for the navigating or entering and embarking on board, of any ship, vessel, or boat, as captain, master, mate, petty officer, surgeon, supercargo, seaman, marine, or servant, or in any other capacity, knowing that such ship, vessel, or boat is actually employed, or is in

the same voyage, or upon the same occasion, in respect take the charge or command, or navigate or enter an do as aforesaid, intended to be employed, in accompl or the contracts in relation to the objects which of herein-before been declared unlawful; or to insure insuring of any slaves, or any property or other su employed or intended to be engaged or employed in s objects or the contracts in relation to the objects whic have herein-before been declared unlawful: And wh from and after the commencement of this Act the p herein-before recited shall be deemed to apply to, unlawful, and to prohibit, the several acts, matters, done when committed by British subjects in foreign t belonging to the British crown, in like manner poses as if the same were done or committed by tish dominions, colonies, or settlements; and it is provisions should be made for the more effectual suppr of certain practices tending to promote and encou ted by the Queen's most excellent Majesty, by a ment of the lords spiritual and temporal, and of liament assembled, and by the authority of the sam he said Consolidated Slave Trade Act herein-before r shall, from and after the coming into operation o and and apply to British subjects wheresoever other within the dominions of the British crown or all the several matters and things prohibited b ve Trade Act or by this present Act, when commit ether within the dominions of the British crown or cept only as is herein-after excepted, shall be de fences committed against the said several Acts re dealt with and punished accordingly: Provided nev herein contained shall repeal or alter any of the provisi

II. AND be it declared and enacted, that all persons lledges for debt, and commonly called "pawns," or by hey may be called or known, shall, for the purposes of Slave Trade Act, and of an Act passed in the third a reign of King William the Fourth, intituled "An Ac slavery throughout the British colonies, for promoti manumitted slaves, and for compensating the persons services of such slaves," and of this present Act, be to be slaves or persons intended to be dealt with as slav

IV. AND whereas the provisions heretofore made determining in England of offences committed agai abolition of the slave trade in places out of this Unite found ineffectual, by reason of the difficulty of prov matters and things done elsewhere: Be it enacted, tha ment or information laid or exhibited in the Court misdemeanors or offences committed against the said

to the Court
of Queen's
Bench, on
indictments,
&c. for
offences under
recited Acts
and this Act.

present Act in any places out of the United Kingdom, and within any British colony, settlement, plantation, or territory, it shall and may be lawful for her Majesty's said court, upon motion to be made on behalf of the prosecutor or defendant, to award a writ or writs of mandamus, requiring the chief justice or other chief judicial officer in such colony, settlement, plantation, or territory, who are hereby respectively authorized and required accordingly, to hold a court, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictments or informations respectively, and in the meantime to cause public notice to be given of the holding of such courts, and summonses to be issued for the attendances of witnesses and of agents and counsel of the parties; and such examination as aforesaid shall be then and there openly and publicly taken in the said court vivâ voce, upon the respective oaths of the persons examined, and be reduced to writing, and be sent to her Majesty in her Court of Queen's Bench (in manner set forth and prescribed in an Act passed in the thirteenth year of George the Third, chapter sixty-three, intituled "An Act for establishing certain regulations for the better management of the affairs of the East India Company as well in India as in Europe"); and such depositions, being duly taken and returned according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witnesses had been present and sworn and examined vivâ voce at any trial for such misdemeanors and offences as aforesaid in her Majesty's said Court of Queen's Bench, any law or usage to the contrary thereof notwithstanding.

13 Geo. 3.
c. 63.

In cases not
prohibited
by Parliament
slaves may
be sold or
transferred.

Act not to
extend to
persons
selling shares
in existing
companies
now in posses-
sion of slaves,
or to persons
selling shares
now in their
possession and
acquired by
inheritance,
&c.

V. PROVIDED always, and be it enacted, that in all the cases in which the holding or taking of slaves shall not be prohibited by this or any other Act of Parliament, it shall be lawful to sell or transfer such slaves, any thing in this or any other Act contained notwithstanding.

VI. PROVIDED always, and be it enacted, that nothing in this Act contained shall be taken to subject to any forfeiture, punishment, or penalty any person for transferring or receiving any share in any joint stock company established before the passing of this Act in respect of any slave or slaves in the possession of such company before such time, or for selling any slave or slaves which were lawfully in his possession at the time of passing this Act, or which such person shall or may have become possessed of or entitled unto bonâ fide prior to such sale, by inheritance, devise, bequest, marriage, or otherwise by operation of law.

* * * * *

7 & 8 VICTORIA. A.D. 1844.

STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER THE NINETEENTH DAY OF
AUGUST, A.D. 1841,

IN THE FIFTH YEAR OF THE REIGN OF QUEEN VICTORIA,
AND FROM THENCE CONTINUED, BY SEVERAL PROROGATIONS, TO THE
FIRST DAY OF FEBRUARY, A.D. 1844,

BEING THE FOURTH SESSION OF THE FOURTEENTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER II.

AN ACT for the more speedy Trial of Offences committed on the High Seas.

[5th March 1844.]

WHEREAS by an Act passed in the twenty-eighth year of the reign of
King Henry the Eighth, intituled "For pirates," it was enacted, that all
reasons, felonies, robberies, murders, and confederacies thereafter to be com-
mitted in or upon the sea, or in any other haven, river, creek, or place where
no admiral or admirals have or pretend to have power, authority, or jurisdiction,
should be inquired, tried, heard, determined, and judged in such shires and
places in the realm as should be limited by the King's commission or commis-
sions to be directed for the same, in like form and condition as if any such
offence or offences had been committed or done in or upon the land; and such
commissions should be had under the King's great seal, directed to the
admiral or admirals, or to his or their lieutenant, deputy and deputies, and to
three or four other substantial persons as should be named or appointed by the
lord chancellor of England for the time being, from time to time and as often
as need should require, to hear and determine such offences after the common
course of the laws of this realm used for treasons, felonies, murders, robberies,
and confederacies of the same done and committed upon the land within this
realm: And whereas it is expedient that provision be made for the trial of
persons charged with offences so committed, without issuing any special
commission in that behalf: Be it enacted by the Queen's most excellent
Majesty, by and with the advice and consent of the lords spiritual and
temporal, and commons, in this present Parliament assembled, and by the
authority of the same, that her Majesty's justices of assize or others her
Majesty's commissioners by whom any court shall be holden under any of her
Majesty's commissions of oyer and terminer or general gaol delivery shall have
generally and jointly all the powers which by any Act are given to the com-
missioners named in any commission of oyer and terminer for the trying of
offences committed within the jurisdiction of the Admiralty of England, and
that it shall be lawful for the first-mentioned justices and commissioners, or
for one or more of them, to inquire of, hear, and determine all offences alleged
to have been committed on the high seas and other places within the jurisdic-
tion of the Admiralty of England, and to deliver the gaol in every county and
borough within the limits of their several commissions of any person committed
and imprisoned therein for any offence alleged to have been committed upon

Recital of
28 Hen. 8.
c. 15. as to
special com-
missions for
trial of offences
committed on
the high seas,
&c.

Justices of
assize or
others acting
under commis-
sions of oyer
and terminer
or gaol
delivery may
try offences
committed on
the high seas
or other
places within
jurisdiction of
Admiralty.

Costs of
prosecution
may be ordered
to be paid
under 7 Geo. 4.
c. 64.

the high seas and other places within the jurisdiction of the Admiralty of England; and all indictments found and trials and other proceedings had by and before the said justices and commissioners shall be valid; and it shall be lawful for the court to order the payment of the costs and expences of the prosecution of such offences, in the manner prescribed by an Act of the seventh year of King George the Fourth, intituled "An Act for improving the administration of criminal justice in England," in the case of felonies tried in the High Court of Admiralty.

Venue in
indictments.

II. AND be it enacted, that in all indictments preferred before the said justices and commissioners under this Act the venue laid in the margin shall be the same as if the offence had been committed in the county where the trial is had; and all material facts which in other indictments would be averred to have taken place in the county where the trial is had shall in indictments prepared and tried under this Act be averred to have taken place "on the high seas."

Where of-
fenders shall
be tried when
committed by
justices
acting under
7 Geo. 4.
c. 38.

III. AND be it enacted, that the justice or justices by whom any information shall be taken touching any offence committed within the jurisdiction of the Admiralty of England under the provisions of an Act passed in the seventh year of the reign of King George the Fourth, intituled "An Act to enable commissioners for trying offences upon the sea, and justices of the peace, to take examinations touching such offences, and to commit to safe custody persons charged therewith," if he or they shall see cause thereupon to commit such person to take his trial for such offence, shall commit him to the same prison to which he would have been committed to take his trial at the next court of oyer and terminer and general gaol delivery if the offence had been committed on land within the jurisdiction of the same justice or justices, and shall have authority to bind by recognizance all persons who shall know or declare any thing material touching the said offence to appear at the said next court of oyer and terminer and general gaol delivery, then and there to prosecute or give evidence against the party accused, and shall return all such informations and recognizances to the proper officer of the court in which the trial is to be, at or before the opening of the court; and every such offender shall be arraigned, tried, and sentenced as if the offence had been committed within the county, riding, or division for which such court shall be holden.

This Act
shall not affect
jurisdiction
of Central
Criminal
Court, nor
prevent the
issue of special
commissions.

IV. PROVIDED always, and be it declared and enacted, that nothing herein contained shall affect the jurisdiction belonging to the Central Criminal Court for the trial of persons charged with offences committed on the high seas and other places within the jurisdiction of the Admiralty of England, or to restrain the issue of any special commission under the first-recited Act for the trial of such offenders, if need shall be.

* * * * *

CHAPTER XII.

AN ACT to amend the Law relating to International Copyright.

[10th May 1844.]

WHEREAS by an Act passed in the session of Parliament held in the first and second years of the reign of her present Majesty, intituled "An Act for securing to authors in certain cases the benefit of international copy-

1 & 2 Vict.
c. 59.

D. 1844.

right," (and which Act is herein-after, for the sake of perspicuity, designated "the International Copyright Act,") her Majesty was empowered by order in council to direct that the authors of books which should after a future time, be specified in such order in council, be published in any foreign country, be specified in such order in council, and their executors, administrators, and assigns, should have the sole liberty of printing and reprinting such books within the British dominions for such term as her Majesty should by such order in council direct, not exceeding the term which authors, being British subjects, were then, (that is to say) at the time of passing the said Act, entitled to in respect of books first published in the United Kingdom; and the said Act contains divers enactments securing to authors and their representatives the copyright in the books to which any such order in council should extend: And whereas an Act was passed in the session of Parliament held in the fifth and sixth years of the reign of her present Majesty, intituled "An Act to amend the law of copyright," (and which Act is herein-after, for the sake of perspicuity, designated as "the Copyright Amendment Act,") repealing various Acts therein mentioned relating to the copyright of printed books, and extending, defining, and securing to authors and their representatives the copyright of books: And whereas an Act was passed in the session of Parliament held in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled "An Act to amend the laws relating to dramatic literary property," (and which Act is herein-after, for the sake of perspicuity, designated as "the Dramatic Literary Property Act,") whereby the sole liberty of representing or causing to be represented any dramatic piece in any place of dramatic entertainment in any part of the British dominions, which could be composed and not printed or published by the author thereof or his assignee, was secured to such author or his assignee; and by the said Act it was enacted, that the author of any such production which should thereafter be printed and published, or his assignee, should have the like sole liberty of representation until the end of twenty-eight years from the first publication thereof: And whereas by the said Copyright Amendment Act the provisions of the said Dramatic Literary Property Act and of the said Copyright Amendment Act were made applicable to musical compositions; and it was thereby enacted, that the sole liberty of representing or performing, or causing to be represented or performed, in any part of the British dominions, any dramatic piece or musical composition, should endure and be the property of the author thereof and his assigns for the term in the said Copyright Amendment Act provided for the duration of the copyright in books, and that the provisions therein enacted in respect of the property of such copyright should apply to the liberty of representing or performing any dramatic piece or musical composition: And whereas under or by virtue of four several Acts next herein-after mentioned; (that is to say,) an Act passed in the eighth year of the reign of his late Majesty King George the Third, intituled "An Act for the encouragement of the arts of designing, engraving, and etching historical and other prints, by vesting the properties thereof in the inventors or engravers during the time therein mentioned"; an Act passed in the seventh year of his late Majesty King George the Third, intituled "An Act to amend and render more effectual an Act made in the fourth year of the reign of King George the Second, for encouragement of

5 & 6 Vict.
c. 45.3 & 4 Will. 4.
c. 15.3 Geo. 2.
c. 13.7 Geo. 3.
c. 38.

17 Geo. 3.
c. 57.

6 & 7 Will. 4.
c. 59.

38 Geo. 3.
c. 71.

54 Geo. 3.
c. 56.

“ the arts of designing, engraving, and etching historical and other prints ;
 “ and for vesting in and securing to Jane Hogarth, widow, the property in
 “ certain prints ” ; an Act passed in the seventeenth year of the reign of his
 late Majesty King George the Third, intituled “ An Act for more effectually
 “ securing the property of prints to inventors and engravers, by enabling them
 “ to sue for and recover penalties in certain cases ” ; and an Act passed in the
 session of Parliament held in the sixth and seventh years of the reign of his
 late Majesty King William the Fourth, intituled “ An Act to extend the
 “ protection of copyright in prints and engravings to Ireland, ” (and which
 said four several Acts are herein-after, for the sake of perspicuity, designated
 as the Engraving Copyright Acts,) every person who invents or designs,
 engraves, etches, or works in mezzotinto or chiaro-oscuro, or from his own
 work, design, or invention causes or procures to be designed, engraved, etched,
 or worked in mezzotinto or chiaro-oscuro, any historical print or prints, or any
 print or prints of any portrait, conversation, landscape, or architecture, map,
 chart, or plan, or any other print or prints whatsoever, and every person who
 engraves, etches, or works in mezzotinto or chiaro-oscuro, or causes to be
 engraved, etched, or worked, any print taken from any picture, drawing,
 model, or sculpture, either ancient or modern, notwithstanding such print shall
 not have been graven or drawn from the original design of such graver, etcher,
 or draftsman, is entitled to the copyright of such print for the term of twenty-
 eight years from the first publishing thereof ; and by the said several
 Engraving Copyright Acts it is provided that the name of the proprietor shall
 be truly engraved on each plate, and printed on every such print, and remedies
 are provided for the infringement of such copyright : And whereas under and
 by virtue of an Act passed in the thirty-eighth year of the reign of his late
 Majesty King George the Third, intituled “ An Act for encouraging the art of
 “ making new models and casts of busts and other things therein mentioned, ”
 and of an Act passed in the fifty-fourth year of the reign of his late Majesty
 King George the Third, intituled “ An Act to amend and render more effectual
 “ an Act of his present Majesty, for encouraging the art of making new
 “ models and casts of busts and other things therein mentioned, and for
 “ giving further encouragement to such arts, ” (and which said Acts are, for
 the sake of perspicuity, herein-after designated as the Sculpture Copyright
 Acts,) every person who makes or causes to be made any new and original
 sculpture, or model or copy or cast of the human figure, any bust or part of
 the human figure clothed in drapery or otherwise, any animal or part of any
 animal combined with the human figure or otherwise, any subject, being
 matter of invention in sculpture, any alto or basso relievo, representing any of
 the matters aforesaid, or any cast from nature of the human figure or part
 thereof, or of any animal or part thereof, or of any such subject representing
 any of the matters aforesaid, whether separate or combined, is entitled to the
 copyright in such new and original sculpture, model, copy, and cast, for four-
 teen years from first putting forth and publishing the same, and for an
 additional period of fourteen years in case the original maker is living at the
 end of the first period ; and by the said Acts it is provided that the name of
 the proprietor, with the date of the publication thereof, is to be put on all
 such sculptures, models, copies, and casts, and remedies are provided for the
 infringement of such copyright : And whereas the powers vested in her

Majesty by the said International Copyright Act are ins
 Majesty to confer upon authors of books first publishe
 copyright of the like duration, and with the like remedie
 thereof, which are conferred and provided by the said C
 Act with respect to authors of books first published in th
 and the said International Copyright Act does not emp
 confer any exclusive right of representing or performing
 musical compositions first published in foreign countri
 thereof, nor to extend the privilege of copyright to prin
 published abroad; and it is expedient to vest increased p
 in this respect, and for that purpose to repeal the said Int
 Act, and to give such other powers to her Majesty, and
 provisions, as are herein-after contained: Be it therefore
 most excellent Majesty, by and with the advice and consent of
 temporal, and commons, in this present Parliament assembled,
 the same, that the said recited Act herein designated as the I
 shall be and the same is hereby repealed. [Rep., Stat.
 2).]

I. AND be it enacted, that it shall be lawful for h
 er of her Majesty in council, to direct that, as respects
 or classes of the following works, (namely,) book
 pture, and other works of art, to be defined in such
 a future time, to be specified in such order, be fir
 ign country to be named in such order, the authors,
 ravers, and makers thereof respectively, their respective
 ors, and assigns, shall have the privilege of copyright
 od or respective periods as shall be defined in such o
 ever, as to any of the above-mentioned works, the term
 ors, inventors, designers, engravers, and makers of the
 ly first published in the United Kingdom may be the
 e herein-before recited Acts respectively, or under an
 greater be passed in that behalf.

III. AND be it enacted, that in case any such order shal
 nd singular the enactments of the said Copyright Amendm
 her Act for the time being in force with relation to the
 rst published in this country, shall, from and after the ti
 a that behalf in such order, and subject to such limitation
 f the copyright as shall be therein contained, apply to
 spect of the books to which such order shall extend, a
 een registered as herein-after is provided, in such and the
 uch books were first published in the United Kingdom, s
 f the said enactments, or such parts thereof, as shall be
 rder, and save and except such of the said enactments
 elivery of copies of books at the British Museum, and to
 ne other libraries mentioned in the said Copyright Amenc

IV. AND be it enacted, that in case any such order sh
 rticles of sculpture, or to any such other works of art s
 ngular the enactments of the said Engraving Copyright
 culpture Copyright Acts, or of any other Act for the time
 elation to the copyright in prints or articles of sculpture

sculptures first published in this country shall apply to the prints, sculptures, &c. to which such order relates, if registered.

this country, and of any Act for the time being in force with relation to the copyright in any similar works of art first published in this country, shall, from and after the time so to be specified in that behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained respectively, apply to and be in force in respect of the prints, articles of sculpture, and other works of art to which such order shall extend, and which shall have been registered as herein-after is provided, in such and the same manner as if such articles and other works of art were first published in the United Kingdom, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

Her Majesty may, by order in council, direct that authors and composers of dramatic pieces and musical compositions first publicly represented and performed in foreign countries shall have exclusive rights of representation in the British dominions.

Enactments relating to similar pieces first publicly represented in this country shall apply to such pieces, if registered.

V. AND be it enacted, that it shall be lawful for her Majesty, by any order of her Majesty in council, to direct that the authors of dramatic pieces and musical compositions which shall after a future time, to be specified in such order, be first publicly represented or performed in any foreign country to be named in such order, shall have the sole liberty of representing or performing in any part of the British dominions such dramatic pieces or musical compositions during such period as shall be defined in such order, not exceeding the period during which authors of dramatic pieces and musical compositions first publicly represented or performed in the United Kingdom may for the time be entitled by law to the sole liberty of representing and performing the same; and from and after the time so specified in any such last-mentioned order the enactments of the said Dramatic Literary Property Act and of the said Copyright Amendment Act, and of any other Act for the time being in force with relation to the liberty of publicly representing and performing dramatic pieces or musical compositions, shall, subject to such limitation as to the duration of the right conferred by any such order as shall be therein contained, apply to and be in force in respect of the dramatic pieces and musical compositions to which such order shall extend, and which shall have been registered as herein-after is provided, in such and the same manner as if such dramatic pieces and musical compositions had been first publicly represented and performed in the British dominions, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

Particulars to be observed as to registry and to delivery of copies;

as to books and printed dramatic pieces or musical compositions;

VI. PROVIDED always, and be it enacted, that no author of any book, dramatic piece, or musical composition, or his executors, administrators, or assigns, and no inventor, designer, or engraver of any print, or maker of any article of sculpture, or other work of art, his executors, administrators, or assigns, shall be entitled to the benefit of this Act, or of any order in council to be issued in pursuance thereof, unless, within a time or times to be in that behalf prescribed in each such order in council, such book, dramatic piece, musical composition, print, article of sculpture, or other work of art, shall have been so registered and such copy thereof shall have been so delivered as herein-after is mentioned; (that is to say,) as regards such book, and also such dramatic piece or musical composition, (in the event of the same having been printed,) the title to the copy thereof, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the copyright thereof, the time and place of the first publication, representation, or performance thereof, as the case may be, in the foreign country named in the order in council under which the benefits of this Act shall be claimed, shall

such and the same manner as if such enactments were here expressly enacted in relation thereto, save and except that the forms of entry prescribed by the said Copyright Amendment Act may be varied to meet the circumstances of the case, and that the sum to be demanded by the officer of the said Company of Stationers for making any entry required by this Act shall be one shilling only.

As to expunging or varying entry grounded on wrongful first publication.

IX. AND be it enacted, that every entry made in pursuance of this Act of a first publication shall be prima facie proof of a rightful first publication; but if there be a wrongful first publication, and any party have availed himself thereof to obtain an entry of a spurious work, no order for expunging or varying such entry shall be made unless it be proved to the satisfaction of the court or of the judge taking cognizance of the application for expunging or varying such entry, first, with respect to a wrongful publication in a country to which the author or first publisher does not belong, and in regard to which there does not subsist with this country any treaty of international copyright, that the party making the application was the author or first publisher, as the case requires; second, with respect to a wrongful first publication either in the country where a rightful first publication has taken place, or in regard to which there subsists with this country a treaty of international copyright, that a court of competent jurisdiction in any such country where such wrongful first publication has taken place has given judgment in favour of the right of the party claiming to be the author or first publisher.

Copies of books wherein copyright is subsisting under this Act printed in foreign countries other than those wherein the books were first published shall not be imported, except with consent of registered proprietors, and shall be subject to laws of customs as to prohibited goods.

X. AND be it enacted, that all copies of books wherein there shall be any subsisting copyright under or by virtue of this Act, or of any order in council made in pursuance thereof, printed or reprinted in any foreign country except that in which such books were first published, shall be and the same are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright thereof, or his agent authorized in writing, and if imported contrary to this prohibition the same and the importers thereof shall be subject to the enactments in force relating to goods prohibited to be imported by any Act relating to the customs; and as respects any such copies so prohibited to be imported, and also as respects any copies unlawfully printed in any place whatsoever of any books wherein there shall be any such subsisting copyright as aforesaid, any person who shall in any part of the British dominions import such prohibited or unlawfully printed copies, or who, knowing such copies to be so unlawfully imported or unlawfully printed, shall sell, publish, or expose to sale or hire, or shall cause to be sold, published, or exposed to sale or hire, or have in his possession for sale or hire, any such copies so unlawfully imported or unlawfully printed, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought and prosecuted in the same courts and in the same manner, and with the like restrictions upon the proceedings of the defendant, as are respectively prescribed in the said Copyright Amendment Act with relation to actions thereby authorized to be brought by proprietors of copyright against persons importing or selling books unlawfully printed in the British dominions.

Liability of persons selling such copies or any copies unlawfully printed.

Officer of Stationers Company to deposit books,

XI. AND be it enacted, that the said officer of the said Company of Stationers shall receive at the hall of the said company every book, volume, or print so to be delivered as aforesaid, and within one calendar month after receiving

such book, volume, or print shall deposit the same in the library of the British Museum.

XII. PROVIDED always, and be it enacted, that it shall not be requisite to deliver to the said officer of the said Stationers Company any printed copy of the second or of any subsequent edition of any book or books so delivered as aforesaid, unless the same shall contain additions or alterations.

XIII. AND be it enacted, that the respective terms to be specified by such orders in council respectively for the continuance of the privilege to be granted in respect of works to be first published in foreign countries may be different for works first published in different foreign countries and for different classes of such works; and that the times to be prescribed for the entries to be made in the register book of the Stationers Company, and for the deliveries of the books and other articles to the said officer of the Stationers Company, as hereinbefore is mentioned, may be different for different foreign countries and for different classes of books or other articles.

IV. PROVIDED always, and be it enacted, that no such order in council shall have any effect unless it shall be therein stated, as the ground for issuing the same, that due protection has been secured by the foreign power so named in such order in council for the benefit of parties interested in works first published in the dominions of her Majesty similar to those comprised in such order.

V. AND be it enacted, that every order in council to be made under the authority of this Act shall as soon as may be after the making thereof by her Majesty in council be published in the London Gazette, and from the time of such publication shall have the same effect as if every part thereof were published in this Act.

VI. AND be it enacted, that a copy of every order of her Majesty in council made under this Act shall be laid before both Houses of Parliament within six weeks after issuing the same, if Parliament be then sitting, and if not, then within six weeks after the commencement of the then next session of Parliament.

XVII. AND be it enacted, that it shall be lawful for her Majesty by an order in council from time to time to revoke or alter any order in council previously made under the authority of this Act, but nevertheless without prejudice to any rights acquired previously to such revocation or alteration.

[XVIII.] PROVIDED always, and be it enacted, that nothing in this Act contained shall be construed to prevent the printing, publication, or sale of any translation of any book the author whereof and his assigns may be entitled to the benefit of this Act.

XIX. AND be it enacted, that neither the author of any book, nor the author or composer of any dramatic piece or musical composition, nor the inventor, designer, or engraver of any print, nor the maker of any article of sculpture, or of such other work of art as aforesaid, which shall after the passing of this Act be first published out of her Majesty's dominions, shall have any copyright therein respectively, or any exclusive right to the public representation or performance thereof, otherwise than such (if any) as he may become entitled to under this Act.

&c. delivered in the British Museum.

As to depositing copies of second or subsequent editions.

Different periods may be specified for continuance of privilege for different foreign countries and classes of works, and times for entries, &c. may be different.

No order to take effect unless it states that reciprocal protection is secured for parties interested in works first published in British dominions.

Orders to be published in Gazette, and to have effect as if included in this Act.

Orders to be laid before Parliament.

Orders may be revoked.

Privilege not to extend to translations.

Authors, &c. of works first published in foreign countries not entitled to copyright except under this Act.

[Section 18 is rep., 15 & 16 Vict. c. 12. s. 1., so far as the same is inconsistent with the provisions thereafter contained.]

Interpretation clause.

XX. AND be it enacted, that in the construction of this Act the word "book" shall be construed to include "volume," "pamphlet," "sheet of letter-press," "sheet of music," "map," "chart," or "plan"; and the expression "articles of sculpture" shall mean all such sculptures, models, copies, and casts as are described in the said Sculpture Copyright Acts, and in respect of which the privileges of copyright are thereby conferred; and the words "printing" and "re-printing" shall include engraving and any other method of multiplying copies; and the expression "her Majesty" shall include the heirs and successors of her Majesty; and the expressions "order of her Majesty in council," "order in council," and "order," shall respectively mean order of her Majesty acting by and with the advice of her Majesty's most honourable privy council; and the expression "officer of the Company of Stationers" shall mean the officer appointed by the said Company of Stationers for the purposes of the said Copyright Amendment Act; and in describing any persons or things any word importing the plural number shall mean also one person or thing, and any word importing the singular number shall include several persons or things, and any word importing the masculine shall include also the feminine gender; unless in any of such cases there shall be something in the subject or context repugnant to such construction.

* * * * *

CHAPTER XV.

AN ACT to amend the Laws relating to Labour in Factories. [a]
[6th June 1844.]

WHEREAS the laws relating to labour in factories require to be amended:

Restriction on powers of inspectors of factories under 3 & 4 Will. 4. c. 103. (Factory Act).
Exemption of inspectors and sub-inspectors from certain duties.

II. AND be it enacted, that after the passing of this Act no inspector of factories shall have power in that capacity to act as a magistrate, or to make rules, regulations, and orders as authorized by an Act, herein-after called "the Factory Act," passed in the fourth year of the reign of his late Majesty, and intituled "An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom," except as herein-after mentioned; and that [Rep., 37 & 38 Vict. c. 44. s. 21.] no inspector or person appointed to superintend the execution of the provisions of the Factory Act and of this Act, under the direction of an inspector, herein-after called a sub-inspector, shall be liable to serve any parochial or municipal office, so long as he shall continue to hold the office of inspector or sub-inspector.

Powers of inspectors and sub-inspectors.

III. AND be it enacted, that every inspector and sub-inspector shall have power to enter every part of any factory at any time, by day or by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a factory, and to enter any school in which children employed in factories are educated, and at all times to take with him into any factory the certifying surgeon of the district herein-after mentioned, and any constable or other peace officer whom he may need to assist him, and shall have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a

[a So much of this Act as restricts or limits the hours of the employment or labour of young persons and of females above the age of 18 years, rep., 13 and 14 Vict. c. 54. s. 1., save as therein mentioned.]

D. 1844.

factory or in such a school, or whom he shall have reason to believe to be or have been employed in a factory within two months next preceding the time when he shall require him to be examined touching any matter within the provisions of this Act, and the inspector or sub-inspector may, if he shall see fit, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every inspector and sub-inspector shall have power to examine the registers, certificates, notices, and other documents kept in pursuance of this Act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name or affix his mark to a declaration of the truth of the matters respecting which he shall have been examined, or who shall in any manner attempt to conceal or otherwise prevent any child or other person from appearing before or being examined by an inspector or sub-inspector, or who shall prevent or knowingly delay the admission of an inspector or sub-inspector to any part of a factory or school, or shall prevent an inspector or sub-inspector from examining any register, certificate, notice, or other document kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the inspector or sub-inspector in the execution of the powers intrusted to him.

Obstruction
inspectors &
sub-inspect

IV. AND be it enacted, that the provisions of an Act passed in the twenty-fourth year of the reign of King George the Second, intituled "An Act for the rendering justices of the peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants" [1], as amended by any subsequent Act, so far as they relate to rendering justices of the peace more safe in the execution of their office, shall extend to protect the inspectors and sub-inspectors in the exercise of their duties under this Act.

Protection of
inspectors &
sub-inspect
24 Geo. 2.
c. 44.

V. AND be it enacted, that a proper office, to be called "the Office of the Factory Inspectors," shall be provided in London or Westminster for the use of the inspectors, and for the preservation of the factory records, and all documents relating to the several proceedings under this Act; and one of her Majesty's principal secretaries of state shall appoint from time to time such clerks and servants as may be deemed necessary to carry on the business of the said office, and may at pleasure remove them or any of them; and the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall fix the salaries of the clerks and servants in fit proportion according to the duties they may have to perform.

Office, clerks
&c. of factor
inspectors.

VI. AND be it enacted, that one of her Majesty's principal secretaries of state, or the inspectors, with the approval of such principal secretary, from time to time may make regulations for the management of the said office, and for regulating the duties of the several inspectors and sub-inspectors, and of the clerks and servants of the said office, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations made and approved shall be binding on the said inspectors and sub-inspectors, clerks, and servants respectively.

Salaries of
clerks, &c.Regulations
for manage-
ment of the
office, and for
regulating the
duties of the
inspectors, &c.

VII. AND be it enacted, that after the passing of this Act every person, on beginning to occupy a factory, shall within one month send, addressed "To the

Persons be-
ginning to
occupy a

[1] The Act 24 Geo. 2. c. 44. will be found in the Appendix to Vol. IV.]

factory to send notice to the office of factory inspectors, containing certain particulars.

Certifying surgeons to be appointed by inspectors.

Surgical certificates of age to be according to form in schedule (A.) Validity of certificate signed by certifying surgeon.

Particulars to be registered according to form, &c. in schedule (B.) Certificate not required for persons above 16.

Certificates not given by certifying surgeon must be by duly authorized medical practitioner, and countersigned by a magistrate, according to form, &c. in schedule (A.)

Surgical certificates not to be given except on personal inspection, or elsewhere than at the factory, except for special cause.

“ Office of the Factory Inspectors, London,” a written notice, containing the name of the factory, the place, township, parish, and county where it is situated, the post office to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the factory is to be carried on.

VIII. AND be it enacted, that after the passing of this Act any inspector shall have power to appoint a sufficient number of persons practising surgery or medicine to be certifying surgeons, for the purpose of examining persons who shall be brought before them to obtain the surgical certificates of age required by the Factory Act and by this Act, and of giving the said certificates, and shall from time to time make regulations for their guidance, and shall in every such appointment specify the factories or district for which each surgeon is appointed, and may from time to time annul any such appointment, and in like manner make another or others; but every appointment of a certifying surgeon, and every order annulling such appointment, may be revoked by the secretary of state, on appeal made to him for either purpose; and the inspector of the district shall make known the name of the certifying surgeons so from time to time appointed or discontinued to the occupiers of the factories in that district in such manner as to him shall seem fit; but no surgeon, being the occupier of a factory, or having a beneficial interest in any factory, shall be a certifying surgeon.

IX. AND be it enacted, that the certificates of age required by the factory Act or by this Act, herein called surgical certificates, shall be given according to the form and directions contained in the schedule (A.) annexed to this Act; and the certificates given by any such certifying surgeon shall be as valid as if countersigned by an inspector, justice of the peace, or burgh magistrate; and the name of every person for whom a certificate of age is required by the Factory Act or by this Act, and the date of the first day of employment or re-employment of such person, shall be registered in the form and according to the directions given in the schedule (B.) annexed to this Act, before it shall be lawful to employ such person in a factory: Provided always, that no surgical certificate shall be required for any young person above the age of sixteen years.

X. AND be it enacted, that no such surgical certificate given by any person who is not an appointed certifying surgeon shall be of any force, unless it is given by a person duly authorized by an university or college, or other public body having authority in that behalf, to practise surgery or medicine, and countersigned, according to the form and directions given in the schedule (A.) to this Act annexed, by some justice of the peace, not being the occupier of a factory, and not being the father, son, or brother of the occupier of a factory; and no person shall countersign any such surgical certificate in the absence of the person named therein, or without proof that the person brought before him is the same to whom the certificate was granted.

XI. AND be it enacted, that no person shall grant any surgical certificate required by the Factory Act or by this Act, except upon personal inspection of the person named therein; and no certifying surgeon shall examine any person for the purposes of this Act, or sign or issue any such surgical certificate, elsewhere than at the factory where such person is to be employed, unless for special cause, to be allowed by an inspector; and if a certifying surgeon shall

factory situated at a greater distance than three miles oftener than once in every fortnight, unless with the consent of the occupier of the factory.

Inspectors and sub-inspectors may annul certificates in certain cases.

XIV. every inspector and sub-inspector may annul any surgical certificate granted under this Act, by writing across the surgical certificate the word "annulled," with his name, and the date of annulling such certificate; provided that . . . he shall have reason to believe the real age of the person mentioned therein to be less than that mentioned in the certificate, or provided the certifying surgeon of the district shall, upon reference made to him, deem such person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured by continued employment; and no certificate so annulled shall be valid in respect of the person named therein for the purposes of this Act from the day when the certificate shall have been so annulled; and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

How certificates of real age may be obtained when certifying surgeon refuses surgical certificate, or the same has been annulled.

XV. AND be it enacted, that in case any person shall be desirous of proving the real age of any person for whom a certifying surgeon shall have refused to grant a certificate of age for the purposes of this Act, or whose surgical certificate any inspector or sub-inspector shall have annulled, the inspector or sub-inspector shall, on demand, give to such person a requisition under his hand, in a form to be approved of by the inspectors and by the registrar general, for the production of a duly certified copy of the entry of the birth or baptism of such person; provided the party demanding the same shall declare the names of such person and of his parents, with the place where and the year in which he was born or baptized, which particulars shall be set forth in the requisition; and every party to whom such requisition shall have been given shall be entitled, upon payment of one shilling, to receive, on personal application, or on application in writing, in such form and under such regulations as shall be approved of by the inspectors and registrar general, from any minister, registrar, or other person having the care of any register of births or baptisms in which the birth or baptism of such person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar, or other person having charge of such register; and such payment of one shilling shall be instead of all other fees or payments to which such minister, registrar, or other person shall be entitled; and if the said certified copy proving the age of the person named therein to be such as to entitle him to have the surgical certificate required shall be produced to the certifying surgeon of the district, he shall examine the same, and if it shall appear to him that the said certified copy has not been altered or falsified in any manner, the certifying surgeon shall thereupon, without further fee or reward, give a surgical certificate in the form provided for that case in schedule (A.) to this Act annexed, and shall write the word "examined" upon the certified copy of the entry of the birth or baptism which he shall have received, with his signature, and the date of such signature, and shall send such certified copy by the post to the sub-inspector of the district, who shall send a receipt for the same by post to the said surgeon, and shall keep such certified copy of the entry of the birth or baptism, for future reference, if necessary; and if any inspector of factories shall require a certified copy of the entry of the birth of any person employed

Inspectors, &c. shall give requisition for production of certified copy of entry of birth or baptism;

proceedings on obtaining the same.

Inspector may on requisition obtain certified

in any factory from the office of the registrar general, he, or any person deputed by him, shall, on producing a requisition in the form herein-before provided, be entitled to examine the indexes to the registers in the general register office, and to receive such certified copy indorsed on the requisition without the payment of any fee; but no certified copy of the entry of any birth or baptism issued in consequence of any such requisition herein-before provided shall be admissible in evidence in any court or for any purpose, save for the purposes of this Act: Provided always, that in those cases in which a surgical certificate shall have been refused or annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity, the inspector or sub-inspector shall not sign the requisition herein-before mentioned, and such person shall not be employed on proof of real age only.

copy of entry of birth from office of registrar general without fee.

Inspector, &c. not to give requisition where surgical certificate has been refused or annulled on account of deficient health, &c.

Certificate to be obtained before the person is employed, and to serve only for one factory, or for factories in occupation of the same employer, if within district of certifying surgeon.

XVI. AND be it enacted, that before employing any person requiring a surgical certificate under the Factory Act as amended by this Act the occupier of the factory shall obtain the surgical certificate, save as herein-after excepted, and shall keep and be bound to produce every such certificate, when required, to the inspector or sub-inspector; and no surgical certificate shall be valid except for employment at the factory for which it was originally granted, or, if granted by a certifying surgeon, at any other factory in the occupation of the same person who is occupier of the factory for which the certificate was originally granted, provided such other factory be in the district of the certifying surgeon who granted the certificate, and the certificate be produced in the factory where the person named in the certificate is at work; and the certifying surgeon, as often as he shall visit a factory for the purpose of granting certificates, shall enter in the register of workers the date of his visit, and the other particulars set forth in the form and according to the directions given in schedule (B.) to this Act annexed.

Surgeon to enter date, &c. of visits to factories according to form, &c. in schedule (B.)

XVII. PROVIDED always, and be it enacted, that no occupier of any factory shall be liable to any penalty for employing any person in any manner not contrary to the other provisions of the Factory Act as amended by this Act, without a surgical certificate, for any time not exceeding seven working days, or, when the certifying surgeon shall reside more than three miles from the factory, for any time not exceeding thirteen working days, provided all surgical certificates for that factory be granted only by the certifying surgeon appointed for that factory; but this enactment shall not be construed to dispense with the certificate of school attendance, or to authorize the employment of any person in respect of whom the certifying surgeon shall have refused to grant such surgical certificate.

Surgical certificates may be dispensed with for 7 or in certain cases for 13 days.

Certificate of school attendance not to be dispensed with, nor employment of persons to be authorized where surgical certificate has been refused.

XVIII. all the inside walls, ceilings, or tops of rooms, whether plastered or not, and all the passages and staircases of every factory, which shall not have been painted with oil once at least within seven years, shall be limewashed once at least within every successive period of fourteen months, to date from the period when last whitewashed; and all the inside walls and ceilings or tops of rooms in which children or young persons are employed, and which are painted with oil, shall be washed with hot water and soap once at least within every successive period of fourteen months, as aforesaid.

Lime-washing and other washing of the interior of factories.

XIX. no child or young person shall be employed in any part of a factory in which the wet-spinning of flax, hemp, jute, or tow

Protection of workers in

wet-spinning
flax mills.

is carried on, unless sufficient means shall be employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

Children or
young persons
not to clean
mill-gearing
while in mo-
tion, nor to
work between
fixed and
traversing
part of self-
acting ma-
chine while
in motion.
Machinery to
be guarded.

XX. AND be it enacted, that no child or young person shall be allowed to clean any part of the mill-gearing in a factory while the same is in motion for the purpose of propelling any part of the manufacturing machinery; and no child or young person shall be allowed to work between the fixed and traversing part of any self-acting machine while the latter is in motion by the action of the steam engine, water-wheel, or other mechanical power.

XXI. AND be it enacted, that every fly-wheel directly connected with the steam engine or water-wheel or other mechanical power, whether in the engine house or not, and every part of a steam engine and water-wheel, and every hoist or teagle, near to which children or young persons are liable to pass or be employed, and all parts of the mill-gearing in a factory, shall be securely fenced; and every wheel-race not otherwise secured shall be fenced close to the edge of the wheel-race; and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam engine, water-wheel, or other mechanical power for any manufacturing process.

Notice of acci-
dents causing
bodily injury
to be given
to certifying
surgeon, and
by him to
sub-inspector.

XXII. AND be it enacted, that if any accident shall occur in a factory which shall cause any bodily injury to any person employed therein, which shall have been of such a nature as to prevent the person so injured from returning to his work in the factory before nine of the clock of the following morning, the occupier of the factory, or in his absence his principal agent, shall within twenty-four hours of such absence send a notice thereof in writing to the surgeon appointed to grant certificates of age for the district in which the factory is situated, in which notice the place of residence of the person injured, or the place to which he may have been removed, shall be stated; and the surgeon shall send a copy of such notice to the sub-inspector of the district by the first post after the receipt thereof.

Certifying
surgeon to
examine into
the causes and
extent of
accidents, and
report thereon.

XXIII. AND be it enacted, that if a certifying surgeon shall receive notice as aforesaid that an accident has occurred which has caused bodily injury to any person employed in a factory for which he has been appointed to grant certificates of age, and that it has been of such a nature as to have prevented the person so injured from returning to his work in the factory the following morning, he shall with the least possible delay proceed to the said factory, and make a full investigation as to the nature and cause of such bodily injury, and shall within the next twenty-four hours send to the inspector of the district a report thereof, a copy of which report, together with any other information which he may receive respecting the said accident, the inspector of the district shall send to the office of the factory inspectors as soon as conveniently may be; and the certifying surgeon, for the purpose of such investigations only, shall have the same power, authority, and protection as an inspector, and shall also have power to enter any room in any building to which the injured person may have been removed; and for such investigation the said surgeon shall receive a fee not exceeding ten shillings, or such part thereof, not being less than three shillings, as the inspector of the district may consider a reasonable remuneration to the surgeon for his trouble, which fee shall be paid as other expences incurred under this Act.

Powers of
surgeon for
purposes of
inspection.

Fee of
surgeon.

XXIV. AND be it enacted, that one of her Majesty's principal secretaries of state, on the report and recommendation of an inspector, may empower such inspector to direct one or more actions to be brought in the name and on behalf of any person who shall be reported by such inspector to have received any bodily injury from the machinery of any factory, for the recovery of damages for and on behalf of such person.

Inspector may be empowered by secretary of state to bring action for damages on behalf of person injured.

XXV. AND be it enacted, that any damages which shall be recovered in any action so directed to be brought shall be paid, as soon after they are received as conveniently may be, to the person in whose behalf they have been recovered, or shall be otherwise settled for the use and benefit of the said person in such manner as shall be approved of by the secretary of state; and in case a verdict shall be found for the defendant, or judgment shall be recovered against the plaintiff, or the plaintiff shall be nonsuited, the defendant shall have the like remedies for his costs against the inspector as he might have had against the plaintiff; and all charges and expences incurred in bringing any such action, beyond what are recovered from the defendant, and not otherwise provided for, shall be paid as other expences incurred under this Act are to be paid.

Application of damages when recovered.

Costs of defendant if successful.

Plaintiff's costs not recovered from defendant how to be paid.

XXVI. AND be it enacted, that the hours of the work of children and young persons in every factory . . . shall be regulated by a public clock, or by some other clock open to the public view, to be approved of in either case in writing under the hand of the inspector or sub-inspector of the district.

Hours of work of children and young persons to be regulated by clocks.

XXVII. AND be it enacted, that registers shall be kept in the factory to which they relate, by the occupier of every factory, according to the forms and directions given in schedule (B.) to this Act annexed; and every inspector shall have power to require such occupier to send to him, in such manner as may be directed in the requisition, any extracts from such registers, and any other information with relation to the persons employed in the factory, which may be requisite to facilitate the performance of the duties of such inspector in any inquiry made under the authority of the Factory Act or of this Act; but no information so sent by the occupier of any factory which is not contained in the registers, certificates, and other documents required by this Act to be received or kept shall be admissible in evidence in any proceeding against him for the recovery of any penalty; and the registers, certificates, and other documents required by this Act to be received or kept shall be forthwith produced to the inspector or sub-inspector, on his demanding to examine the same at any time when the factory is at work.

Registers to be kept in every factory according to form, &c. in schedule (B.) Extracts and other information to be sent to inspector when required.

Information how far admissible in evidence.

Registers, &c. to be produced to inspectors, &c. when required.

XXVIII. . . . such abstract of the Factory Act as amended by this Act as shall be directed by one of her Majesty's principal secretaries of state shall be fixed on a moveable board, and be hung up as soon as received by the occupier of the factory or his agent in the entrance of the factory, and in such other places as the inspector or sub-inspector of the district may direct; and notices of the names and addresses of the inspector and sub-inspector of the district in which the factory is situated, of the name and address of the surgeon who grants certificates of age for the factory, of the clock by which the hours of work in the factory are regulated, of the times of beginning and ending daily work of all persons employed in the

Such abstract of the Factory Act as amended by this Act as shall be directed by a secretary of state, and certain notices according to forms, &c. in schedule (C.), to be hung up in every factory.

factory, and any alteration thereof ^[a], of the times of the day and amount of time allowed for their several meals, of all time lost which is intended to be recovered, and of all time which shall be recovered, together with every other notice required by this Act, written or printed in legible characters, and fixed on moveable boards, (each particular notice being signed by the occupier of every factory or his agent,) shall be hung up in the entrance of the factory, where they may be easily read by the persons employed in the factory, and in such other places as the inspector or sub-inspector of the district may direct, and whence they shall not be removed while the factory is at work ; and in case any such abstract of the Factory Act as amended by this Act or notice shall become illegible in any part the occupier of the factory shall cause a new copy thereof to be provided and hung up as aforesaid ; but the notice of lost time need not remain after the whole of the lost time intended to be recovered shall have been recovered ; and every notice required to be hung up shall be in the forms and according to the directions given in the schedule (C.) hereunto annexed. ^[a]

Children of 8 years of age, with surgical certificates, may be employed in factories. Children under 8 not to be employed. Time of children's work.

^[XXIX.b] AND be it enacted, that every child who shall have completed his eighth year, and shall have obtained the surgical certificate required by this Act of having completed his eighth year, may be employed in a factory in the same manner and under the same regulations as children who have completed their ninth year ; but no child under eight years of age shall be employed in any factory.

^[XXX.b] AND be it enacted, that no child shall be employed in any factory more than six hours and thirty minutes in any one day, save as herein-after excepted, unless the dinner time of the young persons in such factory shall begin at one of the clock, in which case children beginning to work in the morning may work for seven hours in one day ; and no child who shall have been employed in a factory before noon of any day shall be employed in the same or any other factory, either for the purpose of recovering lost time or otherwise, after one of the clock in the afternoon of the same day, save in the cases when children may work on alternate days, , as herein-after provided.

How children may be employed 10 hours a day on three alternate days of the week. Attendance at school required on other days.

^[XXXI.] AND be it enacted, that in any factory in which the labour of young persons is restricted to ten hours in any one day it shall be lawful to employ any child ten hours in any one day on three alternate days of every week, provided that such child shall not be employed in any manner in the same or in any other factory on two successive days, : Provided always, that ^[b] the parent or person having direct benefit from the wages of any child so employed shall cause such child to attend some school for at least five hours between the hours of eight of the clock in the morning and six of the clock in the afternoon of the same day on each week day preceding each day of employment in the factory, unless such preceding day shall be a Saturday, when no school attendance of such child shall be required : Provided

^[a] So much of this Act as requires notice in the form given in the schedule (C.) to this Act of the hours of work of all young persons and females above the age of 18 years employed in the factory to be hung or fixed up in any factory, rep., 13 & 14 Vict. c. 54. s. 2.]

^[b] Sections 29 and 30, and the parts of section 31 inclosed in brackets, are rep., 37 & 38 Vict. c. 44. s. 21., so far as they relate to factories to which that Act applies.]

also, that on Monday in every week after that in which such child began to work in the factory, or any other day appointed for that purpose by the inspector of the district, the occupier of the factory shall obtain a certificate from a schoolmaster, according to the form and directions given in the schedule (A.) to this Act annexed, that such child has attended school as required by this Act; but it shall not be lawful to employ any child in a factory more than seven hours in any one day, until the owner of the factory shall have sent a notice in writing to the inspector of the district of his intention to restrict the hours of labour of young persons in the factory to ten hours a day, and to employ children ten hours a day; and if such occupier of a factory shall at any time cease so to employ children ten hours a day he shall not again employ any child in his factory more than seven hours in any one day until he shall have sent a further notice to the inspector in the manner herein-before provided.^a

Certificates of attendance.

Notice to be given of intention so to employ children.

[XXXII.^b] AND be it enacted, that no female above the age of eighteen years shall be employed in any factory save for the same time and in the same manner as young persons may be employed in factories; and that any person who shall be convicted of employing a female above the age of eighteen years for any longer time or in any other manner shall for every such offence be adjudged to pay the same penalty as is provided in the like case for employing a young person contrary to law: Provided always, that nothing herein or in the Factory Act contained as to certificates of age shall be taken to apply to females above the age of eighteen years.

Women above the age of 18 years to be employed as young persons. Penalty for employing them otherwise.

Provisions as to certificates of age not to apply to them.

Provision for recovering within 6 months time lost by stoppage of the machinery from want of water or from too much water.

Employment of children and young persons for that purpose.

Notices to be given.

[XXXIII.^c] AND be it enacted, that no time lost by accident or otherwise in any factory shall be made good or worked up by extension of ordinary hours of labour, save as is herein-after provided; and that in any factory in which any part of the machinery is moved by the power of water the time which shall have been lost by stoppages from want of water, or from too much water, may be recovered in manner following, within six months next after the stoppage, between the hours specified in the Factory Act as those within which time lost by drought or excess of water may be recovered; and in order to recover time so lost any child or young person may be employed one hour in each day more than the time to which the ordinary daily labour of children and young persons respectively is restricted by law, except on Saturday; but it shall not be lawful so to recover any lost time until a notice shall have been sent by post to the sub-inspector of the district in which the factory is situated, stating the intention so to recover time that has been lost, nor unless a notice according to the form and directions given in the schedule (C.) to this Act annexed shall have been previously fixed up in the entrance of the factory, and in such other places as an inspector or sub-inspector may direct; and such notice shall be kept so fixed up during the whole time while the lost time is in course of being recovered; and such notice shall be kept in a book as directed in the said schedule (C.); nor shall lost time be so recovered on two successive days, unless the amount of time recovered on any one day shall be inserted before nine of the clock in the morning of the following day in the last-mentioned notice.

^a The parts of section 31 inclosed in brackets, and section 33, are rep., 37 & 38 Vict. c. 44. s. 21., so far as they relate to factories to which that Act applies.

^b See note to title of Act.

Provision for recovering in the succeeding night time lost by partial stoppages from drought or flood.

Provisions to employment of young persons.

Notices to be given.

[XXXIV.*] AND be it enacted, that in any factory in which any part of the machinery is moved by the power of water, when the stream is so diminished by drought or swollen by flood during any part of the day that any part of the manufacturing machinery driven by the water-wheel has been stopped by reason of such drought or flood, the young persons who would have been employed at such machinery may recover such lost time during the night next following the said day, unless the said day be Saturday: Provided always, that no young person so employed in the night shall work more than five hours without an entire cessation from work of at least thirty minutes; but it shall not be lawful to recover any such lost time unless a notice according to the form and directions given in the schedule (C.) to this Act annexed shall have been previously fixed up in the entrance of the factory, and in such other places as an inspector or sub-inspector may direct, and unless such notice be kept so fixed up during the whole time while the lost time is in course of being recovered; and such notice shall be kept in a book as directed in the said schedule (C.)

Additional regulations as to meal times.

[XXXVI.*] AND be it enacted, that the times allowed for meal times as provided by the Factory Act shall be taken between the hours of half past seven in the morning and half past seven in the evening of every day, and one hour thereof at the least shall be given, either the whole at one time or at different times, before three of the clock in the afternoon; and no child or young person shall be employed more than five hours before one of the clock in the afternoon of any day without an interval for meal time of at least thirty minutes; and during any meal time which shall form any part of the hour and a half allowed for meals no child or young person shall be employed or allowed to remain in any room in which any manufacturing process is then carried on; and all the young persons employed in a factory shall have the time for meals at the same period of the day, unless some alteration for special cause shall be allowed in writing by an inspector.

Additional regulations as to holidays.

XXXVII. AND be it enacted, that each of the half holidays required by the Factory Act to be given shall comprise not less than one half of the day, and during such time no young person shall be employed in the factory; and that at least four of such half holidays shall be given between the fifteenth day of March and the first day of October in each year to every young person who shall be employed in the factory during the whole of such period; but no cessation from work shall be deemed a half holiday, unless notice of such half holiday, and of the time of such cessation from work, shall have been fixed up on the preceding day in the entrance of the factory, and in any other place that the inspector or sub-inspector may direct; and that in addition to such eight half days no child or young person shall be allowed to work in any factory on Christmas Day or Good Friday, in England or Ireland; and in Scotland no child or young person shall be allowed to work on any day the whole of which is set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory is situated.

Additional days on which children and young persons shall not work.

regulations for the at-

XXXVIII. AND be it enacted, that, save as herein otherwise provided, the parent or person having any direct benefit from the wages of any child

[* Sections 34 and 36 are rep., 37 & 38 Vict. c. 44. s. 21., so far as they relate to factories to which that Act applies.]

employed in a factory shall cause such child to attend some school on the day after the first employment of such child, and thenceforth on each working day of every week during any part of which the said child shall continue in such employment, so that on every such day, except in the cases herein-after provided, such child shall attend school during at least three hours after the hour of eight of the clock in the morning and before the hour of six of the clock in the evening: Provided always, that any child attending school after one of the clock in the afternoon shall not be required to remain in school more than two hours and a half on any one day between the first day of November and the last day of February, and no child shall be required to attend school on any Saturday, and the nonattendance of every such child shall be excused on every day on which such child shall be certified by the schoolmaster to have been prevented by sickness or other unavoidable cause from attending the school, and during any holiday or half holiday authorized by this Act, or by consent in writing of the inspector of the district in which the factory is situated, or, where the school-room is situated within the outer boundary of the factory at which such child is employed, on every day on which the school shall be closed in consequence of the said factory ceasing to be at work during the whole day.

tendance of children at school.

XXXIX. AND be it enacted, that no schoolmaster's tickets or vouchers shall be required or valid other than is herein-after provided; and that the occupier of every factory in which a child is employed shall on Monday in every week after the first week in which such child began to work in the factory, or on any other day appointed for that purpose by an inspector, obtain a certificate from a schoolmaster, according to the form and directions given in the schedule (A.) to this Act annexed, that such child has attended school as required by this Act during the foregone week; and such occupier shall keep such certificate for six months after the date thereof, and shall produce the same to any inspector or sub-inspector when required during such period, and shall, when required by the inspector for the district, pay to the schoolmaster of such child, or to such other person as the said inspector may direct, towards the expences of educating such child, such sum as the inspector may require, not exceeding two-pence per week, and shall be entitled to deduct from the wages such expences, not exceeding the rate of one twelfth part of the weekly wages of such child: Provided always, that if an inspector, on his personal examination, or on the report of a sub-inspector, shall be of opinion that any schoolmaster employed in a factory is unfit to instruct children, by reason of his incapacity to teach them to read and write, from his gross ignorance, or from his not having the books and materials necessary to teach them reading and writing, or because of his immoral conduct, or of his continued neglect to fill up and sign the certificates of school attendance required by this Act, the inspector of the district may annul any certificate granted by such disqualified schoolmaster, by a notice in writing addressed to the occupier of the factory in which the children named in the certificate are employed, or his principal agent, setting forth the grounds on which he deems such schoolmaster to be unfit; and after the date of such notice no certificate of school attendance granted by such schoolmaster shall be valid for the purposes of this Act, unless

Occupier of factory to obtain certificate of children's attendance at school, according to form, &c. in schedule (A.);

and to pay school fees.

Deduction from children's wages for the same.

Inspector may, by notice, annul the certificate of any schoolmaster found unfit,

whose certificates thenceforth shall not be valid.

Inspector to name some other school.

Appeal by schoolmaster or occupier of factory to secretary of state.

Inspector in his report to state instances of and reasons for annulling certificates.

Occupier of the factory to be liable for offences against this Act in the first instance ; but may cause the actual offender to be summoned;

and on proof of his having committed the offence without the knowledge of the occupier the penalty may be imposed on him.

Actual offender may be summoned in the first instance.

Notice to be given of complaints of employing children or young persons without precautions against wetting or without fencing machinery. Defendant to give notice of intention to

with the consent in writing of the inspector of the district ; but no inspector shall annul any such certificate unless in the aforesaid notice he shall name some other school situated within two miles of the factory where the children named in the certificate are employed : Provided also, that any schoolmaster whose certificate shall have been annulled, or the occupier of the factory in which the children named in the said certificate are employed on behalf of the schoolmaster, may appeal to the secretary of state against such decisions of the inspector, and the secretary of state may, if he think fit, rescind such decision : Provided also, that every inspector shall in his annual report to the secretary of state for the home department state the instances (if any) in which he shall have had occasion to annul any such certificate, together with the reasons which he has in each case assigned for so doing.

* * * * *

XLI. AND be it enacted, that the occupier of any factory in which any offence against this Act has been proved to have been committed, and for which a pecuniary penalty may be imposed, shall in every case (save as herein-after provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty ; but any occupier who shall have been proceeded against by any inspector or sub-inspector shall be entitled, upon complaint or information duly made by such occupier, to have any agent, servant, or workman whom he shall charge as the actual offender brought by summons before the justices at the time appointed for hearing the complaint made against him by the inspector or sub-inspector ; and if after the commission of the offence has been proved the occupier of the factory shall prove, to the satisfaction of the justices, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant, or workman had committed the offence in question without his knowledge, consent, or connivance, the said agent, servant, or workman shall be convicted of such offence, and shall pay the penalty instead of the occupier of the factory ; and the payment of such penalty and costs shall be enforced against the agent, servant, or workman in like manner as penalties are made recoverable by this Act : Provided always, that when it shall be made to appear to the satisfaction of the inspector or sub-inspector, at the time of discovering the offence, that the occupier of the factory had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the personal consent, connivance, or knowledge of the occupier, and in contravention of his orders, then the inspector or sub-inspector shall proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the occupier of the factory.

XLII. AND be it enacted, that notice in writing of an intention to prefer a complaint that a child or young person had been employed in a factory in which sufficient means had not been employed or continued for protecting the workers from being wetted, or for preventing the escape of steam into the room occupied by the workers, or that any part of the aforesaid machinery, hoist, or teagle, or wheel-race, has not been securely fenced, shall be given four days at least previous to the day fixed for hearing the complaint ; and if the party complained against intend to bring forward any millwright or other person skilled in the construction of the aforesaid machinery as a witness at the hearing of the case, he shall give notice in writing of such intention to

the inspector or sub-inspector who shall be the complainant forty-eight hours *previous to* the day fixed for hearing the case.

XLIII. AND be it enacted, that if an inspector or sub-inspector shall observe in a factory any part of the machinery of any kind or description, or any driving strap or band, not securely fenced, which he shall deem likely to cause bodily injury to any person employed in such factory, he shall give notice in writing to the occupier of such factory or his agent of such part of the machinery, or such strap or band, as he shall deem to be dangerous, according to the form and directions given in schedule (D.) to this Act annexed; and the occupier of the factory, or his agent, shall sign a duplicate copy of such notice in acknowledgment of his having received it: Provided always, that upon an application in writing made by the occupier of the factory, within fourteen days after he shall have received such notice, two arbitrators skilled in the construction of the kind of machinery to which such notice refers shall be appointed, one of whom shall be named by the occupier of the factory in the aforesaid application, and the other by the inspector of the district, with the least possible delay after he shall have received such application; and the said arbitrators shall proceed to examine the machinery alleged to be dangerous within fourteen days of the appointment of the arbitrator named by the inspector; and if the arbitrators so appointed shall not agree in opinion the said arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery; and if the said arbitrators, or any two of them, shall sign an opinion in writing addressed to the inspector of the district, that it is unnecessary or impossible to fence the machinery, or strap or band, alleged in the notice to be dangerous, the inspector of the district on receipt of the same shall cancel the said notice; and if the decision of the arbitrators shall be that it is unnecessary or impossible to fence the machinery so alleged to be dangerous the expence of such reference shall be paid as other expences under this Act, but if the decision of the arbitrators shall be that it is necessary and possible to fence the said machinery, then the expences of the reference shall be paid by the occupier of the factory, and shall be recoverable as the penalties under this Act are recoverable.

XLIV. AND be it enacted, that all complaints for offences against this Act shall be preferred within two months next after the commission of the offence, except in the case of complaints for offences punishable at discretion by fine or imprisonment, or for working on Christmas Day, Good Friday, or the sacramental fast days, or for not giving all or any of the eight half days for holidays required to be given, in each of which cases the complaints may be preferred within three months next after the commission of the offence; and no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty herein-after named for such offence, unless such repetition of offence shall have been committed after a complaint shall have been made for the previous offence, and except also for offences of employing two or more children or young persons contrary to law.

XLV. AND be it enacted, that all complaints for the enforcement of any penalty under this Act shall be heard and determined by two or more justices of the peace acting for the county or other jurisdiction wherein the offence was committed, or for any adjoining county or jurisdiction, with the like authority as though the cause of complaint had arisen within such adjoining county or jurisdiction, provided that the place of hearing the complaint in such other county or jurisdiction be not more than

call skilled witnesses.

Inspector or sub-inspector to give notice of dangerous machinery according to form, &c. in schedule (D.)

Upon application by the occupier arbitrators and umpire may be appointed to examine the machinery.

Notice may be cancelled if they decide that machinery need not or cannot be fenced.

Expences of reference.

Complaints to be preferred within two, or in certain cases within three months.

No extra penalties for repetition of offence, except after complaints, or for wrongfully employing two or more children or young persons.

Proceedings under this Act may be had before any justices.

five miles from the place where the offence was committed [Rep., 34 & 35 Vict. c. 104. s. 11.]; . . . * . . . * . . . * . . . *

What shall be sufficient description of occupier in proceedings. Service of summons.

LI. AND be it enacted, that it shall be sufficient, in any information, complaint, or other proceeding under this Act, to set forth the name of the ostensible occupier or title of the firm by which the occupier employing the workpeople of the factory may be usually known; and the service of any summons, order, or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving the same at the dwelling house of the person to whom the same shall be addressed, or, in the case of summoning or giving an order or notice to the occupier of a factory or to a schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post directed to the occupier of the factory at the factory, or to the schoolmaster at his school.

Evidence of employment contrary to this Act.

[LII.*] AND be it enacted, that in any complaint of the employment of any person in a factory otherwise than is allowed by this Act the time of beginning work in the morning which shall be stated in any notice fixed up in the factory, signed by the occupier or his agent, shall be taken to be the time when all persons in the factory, except children beginning to work in the afternoon, began work on any day subsequent to the date of such notice, so long as the same continued fixed up in the factory; and if any person shall be allowed to enter or be in any factory, except at meal times, or during the stoppage of the whole machinery of the factory, or for the sole purpose of bringing tea or other articles of food to the workers in a factory, between the hours of four and five of the clock in the afternoon, it shall be evidence, unless the contrary shall be proved, that such person was then employed in that factory; but yards, play grounds, and places open to the public view, school-rooms, waiting rooms, and other rooms belonging to the factory, in which no machinery is used or manufacturing process is carried on, shall not be taken to be any part of the factory, with reference to this enactment.

Yards, &c. belonging to the factory not to be considered as part thereof with reference to this section.

Surgical certificates and declarations as to age by certifying surgeons to be *prima facie* proof of age.

LIII. AND be it enacted, that every surgical certificate given under this Act, or which has been granted conformably to the Factory Act, and which shall not have been annulled, shall be evidence in the first instance of the age of the person named therein, but shall not protect any person, knowing such person to be of less than the age certified, from any penalty for employing or conniving at the employment of such person otherwise than is allowed by this Act; and in every proceeding on any information or complaint for employing any person contrary to this Act a declaration in writing by the certifying surgeon of the district that he has personally examined such person, and believes him to be under such age as shall be set forth in such declaration, shall be evidence, in the first instance, until the contrary shall be made to appear, that such person is under the age mentioned in such declaration.

[* So much of this Act as enacts that in any complaint of the employment of any person in a factory otherwise than is allowed by this Act the time of beginning work in the morning which shall be stated in any notice fixed up in the factory, signed by the occupier or his agent, shall be taken to be the time when all persons in the factory, except children beginning to work in the afternoon, began work on any day subsequent to the date of such notice, so long as the same continued fixed up in the factory, rep., 13 & 14 Vict. c. 54. s. 2.]

LIV. AND be it enacted, that if any inspector or sub-inspector shall make a complaint before a justice of the peace that the real age of any person who is employed in a factory without a surgical certificate is less than sixteen, the occupier of the factory in which such person is employed shall be liable to the penalties for employing persons for whom a surgical certificate is required by law without the proper surgical certificate, unless, upon the proceeding for the enforcement of such penalties, he shall prove, by an extract from a legal register of birth or baptism, that the said person had completed his sixteenth year of age.

On complaint that persons employed without certificate are under 16, age to be proved, or penalties incurred.

LV. AND be it enacted, that if an inspector or sub-inspector shall make a complaint before a justice of the peace that the real age of any person employed in a factory in a manner contrary to law is less than eighteen, the occupier of the factory in which such person is employed shall, save in the cases herein-after excepted, be liable to the penalty for employing such person, unless upon the proceeding for the enforcement of such penalties he shall prove that the said person had completed his eighteenth year.

On complaint that persons employed contrary to law are under 18, age to be proved, or penalties incurred.

LVI. AND be it enacted, that any person who shall be convicted of having employed any person in any manner contrary to the provisions of the Factory Act as amended by this Act, or for employing a child without having obtained a certificate from a schoolmaster where such certificate is required by law, such person not being the parent nor having any direct benefit from the wages of such child, shall for every such offence be adjudged to pay a penalty of not less than twenty shillings and not more than three pounds for each child or young person so illegally employed: Provided always, that if it shall be proved that such offence was committed during the night the penalty shall not be less than forty shillings nor more than five pounds.

Penalties for employing children and young persons longer than allowed by the Act

LVII. AND be it enacted, that the parent and every person having any direct benefit from the wages of any child or young person employed in any manner forbidden by the Factory Act as amended by this Act, or who shall neglect to cause such child to attend school as herein-before provided, shall be liable to a penalty of not less than five shillings and not more than twenty shillings for each offence, unless it shall appear to the justices before whom the complaint is preferred that such offence has been committed without the consent, connivance, or wilful default of such parent or person so benefited.

Penalty for such employment during the night.

Penalty on parents, &c. for allowing children to be employed contrary to this Act, or neglecting to cause them to attend school.

LVIII. AND be it enacted, that the penalty for not lime-washing the walls, passages, staircases, and ceilings or tops of rooms of a factory, within the period prescribed by this Act, or for not washing, as herein-before provided, the inside walls and ceilings or tops of rooms which are painted with oil, shall not be less than three pounds nor more than ten pounds, and not less than two pounds additional penalty for every month during which the occupier shall allow any of the said walls, passages, staircases, or ceilings or tops of rooms to remain without being lime-washed or washed as aforesaid, after being convicted of this offence.

Penalty for not lime-washing or otherwise washing the interior of the factory.

LIX. AND be it enacted, that the penalty for not fencing the several parts of the machinery, hoist or teagle, and wheel-race, required by this Act to be fenced, shall not be less than five pounds and not more than twenty pounds.

Penalty for not fencing machinery.

LX. AND be it enacted, that if any person shall suffer any bodily injury in consequence of the occupier of a factory having neglected to fence any part of the machinery, or any hoist or teagle, or any wheel-race, required by this Act to be securely fenced, or having neglected to fence any part of the machinery,

Penalty for injury caused by not fencing dangerous machinery, after notice.

Penalty or part thereof may be applied for benefit of person injured.

Proviso if notice to fence has been cancelled, or proceeding for not fencing has been heard and dismissed before any injury is inflicted.

Penalty for obstructing inspectors or sub-inspectors.

Penalty for obstructing inspectors or sub-inspectors in the night.

Offences as to falsifying certificates, registers, &c. shall be punishable by fine or imprisonment.

Penalty for offences not otherwise specified.

Penalty in case of second and subsequent convictions.

What shall not be considered as a second or subsequent offence.

or any driving strap or band, in the factory, of which he shall have received notice in writing from an inspector or sub-inspector, as herein-before provided, that the same was deemed to be dangerous, the occupier of such factory shall pay a penalty not less than ten pounds and not more than one hundred pounds; and the whole or any part of such penalty may be applied for the benefit of the injured person, or otherwise as the secretary of state shall determine; and so much of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act: Provided always, that the occupier of the factory shall not be liable to any such penalty if the notice which he shall have received from an inspector or sub-inspector shall have been cancelled as herein-before provided, or that in any proceeding against an occupier of a factory for not securely fencing that part of the machinery, hoist, teagle, or wheel-race by which such bodily injury was inflicted the complaint shall have been heard and dismissed previous to the time when such bodily injury was inflicted.

LXI. AND be it enacted, that every person convicted of wilfully obstructing an inspector or sub-inspector in the execution of any of the powers intrusted to him by the Factory Act as amended by this Act shall be liable for each offence to a penalty not less than three pounds and not more than ten pounds.

LXII. AND be it enacted, that every occupier of a factory in which an inspector or sub-inspector shall be obstructed in the night by any attempt to prevent his making a full and complete examination of all parts of the factory, and of every person employed therein, shall be liable to a penalty not less than twenty pounds and not more than fifty pounds.

LXIII. AND be it enacted, that every person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any certificate authorized or required by the Factory Act or by this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making any false or counterfeited certificate, or any false entry in any register, or any other account, paper, or notice required by this Act, and also every person convicted of wilfully making and signing a false declaration on any proceedings under this Act, shall be liable to a penalty not less than five pounds and not more than twenty pounds, or to be imprisoned for any time not more than six months in the house of correction in the county, town, or place where the offence was committed.

LXIV. AND be it enacted, that the penalty for any offence against the Factory Act as amended by this Act for which no specific penalty is herein-before provided shall be any sum not less than two pounds and not more than five pounds.

LXV. AND be it enacted, that every person who shall be convicted twice within twelve months for an offence of the same kind against the Factory Act as amended by this Act shall pay for his second offence any sum not less than one half of the highest penalty for that offence, and if convicted three times within twelve months for an offence of the same kind he shall pay not less than two thirds of the highest penalty, and if convicted more than three times within twenty-four months for an offence of the same kind he shall pay the highest penalty; but a repetition of the same kind of offence shall not be considered as the second or subsequent offences referred to in this enactment, unless such second or subsequent offences shall have been committed after a complaint has been made for the previous offences; and in any case in which

a person shall be convicted at any one time for offences against the Factory Act as amended by this Act, so that the penalties amount in the whole to more than one hundred pounds, the sum of one hundred pounds, together with all the reasonable costs and charges of such proceedings and convictions, may be paid instead of the penalties for all the offences committed by him before the day on which the last summons was taken out against him.

100% and costs may, in certain events, be paid in lieu of penalties for all offences.

LXVII. AND be it enacted, that whenever any person shall be convicted of any offence against the Factory Act as amended by this Act the clerk of the peace where such conviction shall have been filed shall, upon the request in writing of any inspector or sub-inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy; and every such copy shall be received as evidence of such conviction upon any future proceeding under this Act; and for every such copy the clerk shall be entitled to have a fee of one shilling, and no more.

How former conviction may be proved.

LXIX. AND be it enacted, that no appeal shall be allowed against any conviction under this Act, except for an offence punishable at discretion by fine or imprisonment, or when the penalty awarded shall be more than three pounds; neither shall any conviction, except as aforesaid, be removeable by certiorari or bill of advocation into any court whatever; and no information, conviction, or other proceeding on any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for the want of any averment unnecessary to be proved, or the omission of any word, or for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time, or place, where the person, time, and place intended shall have been so stated as to have been, in the opinion of the justices by whom the complaint shall have been heard, clearly understood by the person charged with such offence; and it shall not be necessary, in any information, conviction, or other proceeding under this Act, to define the processes carried on in such factory, or nature of the power by which the machinery of such factory is moved, or to set out that the factory or process or employment referred to is not within any of the cases excepted, provided that it be therein stated that such factory is a factory within this Act; and the proof of being within any such excepted case shall lie upon the party claiming the benefit of such exception.

No appeal from convictions, except in certain cases.

No conviction removeable by certiorari, &c. Informations, &c. not to be quashed for want of form.

LXX. AND be it enacted, that any person aggrieved by any such conviction for which an appeal is allowed by this Act may appeal to the next court of general or quarter sessions which shall be holden not less than twelve days after the day of the conviction for the county or other jurisdiction wherein the cause of complaint shall have arisen; provided that the person so intending to appeal shall give to the inspector or sub-inspector of the district notice in writing of such appeal, and of the cause or matter thereof, within three days after the conviction or order, and seven clear days at the least before such session, and shall also enter into a recognizance, with two sufficient sureties, before a justice of the peace for the county or other jurisdiction, seven clear days at the least before such session, conditioned personally to appear at the said session, and to try such appeal, and to abide the judgment of the court

Appeal to quarter sessions.

thereon, and to pay such costs as shall be by the court awarded; and the court at such session shall hear and determine the matter of appeal, and shall make such order thereon as to the court shall seem meet; and in case of the dismissal of the appeal or the affirmance of the conviction or order the court shall adjudge and order the party to be punished according to the conviction or to obey the order appealed against, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

Burgh magistrates in Scotland to exercise the powers of justices.

Justices and burgh magistrates disqualified to act in certain cases.

Employment of children in silk factories.

Act to be construed with 3 & 4 Will. 4. c. 103.

Meaning of "child."

"Young person."

"Parent."

Employment.

"Inspector" and "sub-inspector."

"Agent."

"Month."

LXXI. AND be it enacted, that in all cases in which a justice of the peace is required or empowered to do any thing under the Factory Act as amended by this Act, or is named therein, a burgh magistrate shall have within his jurisdiction the same powers and duties as are herein given to such justice, and shall exercise the same in Scotland; but no complaint preferred for any offence against this Act committed in a factory shall be heard by a justice of the peace or burgh magistrate, being an occupier of the factory, or being the father, son, or brother of the occupier of the factory, in which the offence set forth in the complaint shall have been committed.

LXXII. PROVIDED always, and be it enacted, that any child above eleven years of age employed solely in the winding and throwing of raw silk, and who shall have obtained the surgical certificate required by this Act of his having completed his eleventh year, may work, without any proof of having attended a school, for any time not exceeding ten hours on any working day, but not after half past four of the clock of the afternoon of any Saturday.]*

LXXIII. AND be it enacted, that the Factory Act as amended by this Act, and this Act, shall be construed together as one Act, and that so much of the Factory Act, and of any rule or regulation heretofore made by any inspector, as is inconsistent with this Act, shall be taken to be repealed; and that in this Act, unless another sense shall be plainly shown by the context, or by some positive enactment to the contrary, the word "child" shall be taken to mean a child under the age of thirteen years; and the words "young person" shall be taken to mean a person of the age of thirteen years and under the age of eighteen years; and the word "parent" shall be taken to mean parent, guardian, or person having the legal custody of any such child or young person; and any person who shall work in any factory, whether for wages or not, or as a learner or otherwise, either in any manufacturing process, or in any labour incident to any manufacturing process, or in cleaning any part of the factory, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever, save in the cases herein-after excepted, shall be deemed, notwithstanding any other description, limitation, or exception of employment in the Factory Act, to be employed therein within the meaning of this Act; and the words "inspector" and "sub-inspector" shall be taken to mean respectively an inspector and a sub-inspector of factories; and the word "agent" shall be taken to mean any person having on behalf of the occupier of any factory the care or direction thereof or of any part thereof, or of any person employed therein; and the word "month" shall be taken to mean a

]* Section 72 is rep., 13 & 14 Vict. c. 54. s. 7.; and see 37 & 38 Vict. c. 44. s. 14., which contains the following enactment:

"The enactments of the Factory Act, 1850, or any previous Act, which authorise the employment of any child in the silk manufacture during longer hours than those authorised in the case of a child in any other factory to which this Act applies, shall be repealed as from the commencement of this Act.]"

calendar month; and the words "mill-gearing" shall be taken to comprehend every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to the manufacturing processes; and the word "factory," notwithstanding any provision or exemption in the Factory Act, shall be taken to mean all buildings and premises situated within any part of the United Kingdom of Great Britain and Ireland wherein or within the close or curtilage of which steam, water, or any other mechanical power shall be used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, or tow, either separately or mixed together, or mixed with any other material or any fabric made thereof; and any room situated within the outward gate or boundary of any factory wherein children or young persons are employed in any process incident to the manufacture carried on in the factory shall be taken to be a part of the factory, although it may not contain any machinery; and any part of such factory may be taken to be a factory within the meaning of this Act; but this enactment shall not extend to any part of such factory used solely for the purposes of a dwelling house, nor to any part used solely for the manufacture of goods made entirely of any other material than those herein enumerated, nor to any factory or part of a factory used solely for the manufacture of lace, of hats, or of paper, or solely for bleaching, dyeing, printing, or calendering; and the enactments of this Act respecting the hours of labour shall not apply to any young person when employed solely in packing goods in any warehouse or part of a factory not used for any manufacturing process, or for any labour incident to any manufacturing process; and nothing in this Act contained shall extend to any young person, being a mechanic, artisan, or labourer, working only in making and repairing the machinery or any part of the factory.

"Mill-gearing."

"Factory."

What the term factory shall not include.

Regulation of hours of labour not to apply to young persons employed in packing finished goods. Exception in favour of young persons working as mechanics, &c. in repair of machinery, &c.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

CERTIFICATES.

(To be written or printed on white paper.)

Factories Regulation Act, Victoria, c.

No. _____

CERTIFICATE of age for a child to be employed in the factory of _____, situated at _____ in _____

I, _____, of _____, duly appointed a certifying surgeon, do hereby certify, that _____, son [or daughter] of _____ and _____, residing in _____, has been personally examined by me this _____ day of _____, one thousand eight hundred and _____, and that the said child has the ordinary strength and appearance of a child of at least eight years of age, and that I believe the real age of the said child to be at least eight years; and that the said child is not incapacitated, by disease or bodily infirmity, from working daily in the above-named factory for the time allowed by this Act.

(Signed)

Certifying Surgeon.

The form of surgical certificate to be given to a child who has obtained a certificate of real age shall be the same as above, omitting the words, "and that the said child has the ordinary strength and appearance of a child of at least eight years of age, and that I believe the real age of the said child to be at least eight years," and substituting these words in their place: "and that a certificate of the birth [or baptism] of the said child has been produced to me in the form required by this Act, proving that the real age of such child is at least eight years."

The form of surgical certificate to be given to children employed in silk mills in proof that a child is eleven years of age shall be the same as the above, substituting the word "eleven" for the word "eight."

(To be written or printed on coloured paper.)

Factories Regulation Act, Victoria, c.

No.—. CERTIFICATE of age for a young person to be employed in the factory of , situated at , in

I, , of , duly appointed a certifying surgeon, do hereby certify, that , son [or daughter] of and , residing in , has been personally examined by me this day of one thousand eight hundred and , and that the said young person has the ordinary strength and appearance of a young person of at least thirteen years of age, and that I believe the real age of the said young person to be at least thirteen years; and that the said young person is not incapacitated, by disease or bodily infirmity, from working daily in the above-named factory for the time allowed by this Act.

(Signed)

Certifying Surgeon.

The form of surgical certificate to be given to a young person who has obtained a certificate of real age shall be the same as above, omitting the words, "and that the said young person has the ordinary strength and appearance of a young person of at least thirteen years of age, and that I believe the real age of the said young person to be at least thirteen years," and substituting these words in their place, "and that a certificate of the birth [or baptism] of the said young person has been produced to me in the form required by this Act, proving that the real age of such young person is at least thirteen years."

The form of surgical certificate to be given in either case by any practitioner who is not a certifying surgeon must be the same as the corresponding form above given, omitting the words "duly appointed a certifying surgeon," and substituting the words "duly authorized by the university [or college, or other public body having authority in that behalf] of to practise surgery [or medicine]," and making the following addition, which must be signed by a justice of the peace or burgh magistrate:—

The child [or young person] named in the above-written certificate has been this day brought before me; and the appearance of the said child [or young person] agrees with the description therein given; and I believe the real age of the said child [or young person] to be at least [here insert the word

"eight" or "eleven" in the case of a child, or "thirteen" in the case of a young person,] years; and I declare that I have no beneficial interest in and am not the occupier of any factory, and that I am not the father, son, or brother of the occupier of any factory.

Dated this _____ day of _____
and

one thousand eight hundred

(Signed) C.D., Justice,
[or Burgh Magistrate.]

In every surgical certificate of age the day of the month on which it shall be granted shall be written in words, and not in figures.

So soon as any certificates authorized by this Act to be received as proof of the age of any persons shall be obtained by the occupier of a factory or his agent, they shall be fixed in a book, to be called "the age certificate book," in the order of the dates at which they shall have been respectively received; and such certificates shall be numbered in the order in which they are so fixed in the book; but the certificates for children shall be kept in a separate and distinct place in the said book, or in a separate book, and shall be marked with a series of running numbers distinct from that of the certificates for young persons.

So soon as any certificate of age authorized by this Act shall be obtained the number herein-before required to be set against each certificate shall be set against the name of the child or young person for whom such certificate has been granted, in the first column of the register of the persons employed required by this Act to be kept in each factory. In any silk factory in which it shall be lawful to employ children above eleven years of age for ten hours a day no certificate shall be required in proof that such children have attained the age of thirteen years, so long as such persons shall not work more than ten hours in any one day.

If a surgeon shall have refused to grant a certificate of age to any child or young person, the word "refused" shall be written in the column of the register where the numbers of the certificates are required to be inserted.

Factories Regulation Act, Victoria, c.

CERTIFICATE REFUSED.

I, _____, of _____, duly appointed a certifying surgeon,
do hereby declare, that _____, son [or daughter] of _____,
_____ of _____, has been personally examined by me this _____,
_____ one thousand eight hundred and _____, and that in
my opinion the said [child or young person] has not the ordinary strength
of appearance [of a child of at least eight years of age (or of a young
person of at least thirteen years of age) or (or and) is incapacitated by disease
or bodily infirmity from working daily in a factory for the time allowed by
the Act.]

(Signed) _____ Certifying Surgeon.

N.B.—The words within brackets shall be in the handwriting of the certifying surgeon, who shall insert the reason of his refusal, to be either on account of deficient age or of bodily infirmity, or both, as the case may be.

Factories Regulation Act, Victoria, c.

SCHOOL CERTIFICATE.

I HEREBY certify, that the under-mentioned child [or children], employed in the factory of _____, situated in _____, has [or have] attended the school kept by me at _____ for the number of hours and at the time on each day specified in the columns opposite to his [her or their] name [or names] during the week ending on Saturday the day of _____ one thousand eight hundred and _____, and that the causes of absence stated are true, to the best of my belief.

Name of child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of absence.
	Time.		Time.		Time.		Time.		Time.		
	From	To	From	To	From	To	From	To	From	To	

(Signed)

Schoolmaster [or Schoolmistress].

the

day of

18

Under the column headed "time" the periods of the day that each child attends school shall be stated, as thus, from nine to twelve, or from two to five, or any other time, as the case may be; and all the children employed in the same factory who attend school before one of the clock in the afternoon shall be entered together, distinct from those who attend school after one of the clock.

The time when each child attends school shall be stated in the column for each day, in the handwriting of the schoolmaster; and no certificate shall be valid unless the schoolmaster shall, in his own handwriting, subscribe to it his christian and surname in full.

In the case of any child who has been absent from school, the letter (A.) shall be inserted under the day or days of absence, and the cause of absence shall be inserted in the column headed "causes of absence," so far as the same can be ascertained; and when any day has been a holiday at the school the word "holiday" shall be entered in the column of the day.

All school certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called "the school certificate book," in the order of their respective dates. Copies of the above-forms may be bound together in a book for each factory.

SCHEDULE (B.)

REGISTERS.

Form for the Register of Young Persons.

List of Young Persons employed in this Factory.

No. of reference to Age Certificate Book, as required in Schedule (A).	NAMES.		Date of first day of being employed or re-employed.			When any person ceases to be employed insert opposite the name the word "Left"; and when any person completes his eighteenth year of age, the word "Eighteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

This register shall contain the names of every young person employed in the factory, to be entered successively when engaged to work, whether for the first time, or, after having left, when re-engaged to work.

At the beginning of this register shall be inserted—

1. The name of the occupier or firm.
2. The name of the factory, the place, township, parish, and county where it is situated, and the post office to which the occupier desires his letters to be directed.
3. The nature of the work carried on.
4. The nature of the moving power, the whole amount of horse power of the steam engine or water-wheel, and also the amount of horse power employed by the occupier or firm.
5. The clock by which the employment of the workers in the factory is regulated.

Every alteration in any of the above particulars shall be inserted immediately after the alteration shall have been made.

6. The holidays and half holidays which shall have been given in conformity with this Act shall be recorded together in a distinct place in this register.

7. The dates when the whole of the factory, if done at one time, and the several parts if done at different times, shall have been limewashed or painted in oil, and, when painted in oil, the dates of their having been washed as required by this Act, and the names and residences of the persons by whom the factory was limewashed or painted in oil, shall be recorded in a distinct place in this register within six days after they have been so limewashed, limewashed, or washed; and this declaration of the times of limewashing, painting, or washing shall be signed by the mill occupier or his principal agent.

8. The visits of the certifying surgeon to the factory shall be recorded in this register in the manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the surgeon shall be told that there is no child or young person in the factory to be examined at the time of his visit, he shall insert in this column the word "none."

† If none be granted, he shall insert the word "none."

FORM for the Register of Children.

To be kept in those Factories only where Children under Thirteen Years of Age are employed.

Names of the Children employed in this Factory before Twelve o'Clock at Noon, or the Morning Set.

No. of reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of first day of employment or re-employment.			When any child ceases to be employed, insert opposite its name the word "Left"; or if transferred to the Afternoon Set, the word "Changed"; or the words "Young Person," when a child completes its thirteenth year.
	Surname.	Christian Name.	Month.	Day.	Year.	

Names of the Children employed in this Factory after One o'Clock in the Afternoon, or the Afternoon Set.

No. of reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of first day of employment or re-employment.			When any child ceases to be employed, insert opposite its name the word "Left"; or if transferred to the Morning Set, the word "Changed"; or the words "Young Person," when a child completes its thirteenth year.
	Surname.	Christian Name.	Month.	Day.	Year.	

This register shall contain the names of every child under thirteen years of age employed in the factory, to be entered successively when engaged to work, whether for the first time, or, after having left, when re-engaged to work.

If any child be removed from the morning set to the afternoon set, or vice versa, the name of such child must be entered as a new comer in the register for the set to which it is removed, and the number of its certificate of age must be placed against its name, but no new certificate shall be required for such child.

If the mill occupier desires to change the time of working of the two entire sets of children at stated periods, (as for instance) to make a change every month, so that the children who worked in the morning one month shall work in the afternoon the next month, and vice versa for the other children, alternately throughout the year, it will not be necessary to enter the names of the children anew, but the mill occupier or his agent shall only be required to make and sign the following declaration, in addition to the other details herein-before required:—

1. The children entered in this register as belonging to the morning set work in this factory before twelve o'clock, and not after one o'clock, on and after the first Monday of the months of—

January, March, May, July, September, and November;

and after one o'clock, and not before twelve o'clock, on and after the first Monday of the months of—

February, April, June, August, October, and December.

2. The children entered in this register as belonging to the afternoon set work in this factory after one o'clock, and not before twelve o'clock, on and after the first Monday of the months of—

January, March, May, July, September, and November;

and before twelve o'clock, and not after one o'clock, on and after the first Monday of the months of—

February, April, June, August, October, and December.

Signature of

Occupier or agent.

When a change in the time of working of the two entire sets of children is made at other stated periods allowed by this Act the necessary alterations shall be made in the above declaration, to the satisfaction of the inspector or inspector of the district.

In any silk factory in which children above eleven years of age are employed more than seven hours in any one day a register of the names of such children shall be kept in the above form, distinct from the register of the names of the children who are employed in morning and afternoon sets.

In all mills where more than twenty children or young persons are employed an alphabetical index shall be kept, according to the first letter of the surname, of the names of all the children and young persons employed in the factory, and to each name the number of the last certificate under which the age of the child or young person is employed, or, if more than sixteen years of age, the certificate of age.

The forms contained in this schedule (B.) which shall apply to any silk factory may be bound together in one book, except the alphabetical index of reference herein-before referred to.

SCHEDULE (C.)

NOTICES to be fixed up in the Factory.

FORM for the Notice to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, the certifying Surgeon, the Clock for regulating the Factory, and the Hours of Work of all young Persons and Females employed in the Factory. [*]

Name and address of the in- specter of the district - -	}	_____
Name and address of the sub- inspector of the district - -	}	_____
Name and address of the sur- geon who grants certificates of age for the factory - -	}	_____
Clock by which the hours of work are regulated - - -	}	_____

FORM for the Notice to be fixed up of the Times allowed for Meals.

The Times allowed for Meals in this Factory.

Days of the Week.	Breakfast.		Dinner.		Tea.	
	From	To	From	To	From	To
*						

* In this space the days to which the meal hours refer shall be entered.

{ Signature of the occupier of
the factory or his agent.

These notices of the regular hours of work fixed up in a factory are not required to be altered when young persons are only employed at other hours for the recovery of lost time as authorized by this Act, provided the notice required to be fixed up when recovering lost time be fixed up, and provided on such notice it is stated at what time of the day it is intended to recover the time so lost.

[* See note to section 28.]

Form of the Notice to be fixed up when the Occupier of the Factory intends to recover all or any Part of the Time which has been lost by the Stoppage of the Machinery in the Factory, as allowed by this Act.

Account of Time lost and recovered.

TIME LOST.					TIME RECOVERED.					
Date.	Cause of loss.	Time of day when lost.	Amount lost.		Explanatory remarks.	Date.	Time of day when recovered.	Amount recovered.		Explanatory remarks.
			Hours.	Minutes.				Hours.	Minutes.	

Signature of the occupier of the factory or his agent.

No lost time is required to be entered except such as it may be intended to cover.

The entries of all the details in this notice relating to any time lost or recovered shall be made in conformity with the provisions in the Act.

Form of the Notice to be fixed up when Time has been lost by partial Stoppage of the Machinery by Drought or Floods, and is intended to be recovered during the following Night.

Notice of Time lost and recovered.

TIME LOST.					TIME RECOVERED.		
Description of room where stoppage place, and machinery stopped.	Time of the day when the stoppage took place.	Amount of time lost.		Signature of the person taking time.	Time of the night when the young persons are employed.	Amount of time recovered.	
		Hours.	Minutes.			Hours.	Minutes.

NAMES of the Females and young Persons who have lost Time by the Stoppage of the Machinery at the Dates affixed.

Date when time was lost.	Surname.	Christian Name.	Date when time was lost.	Surname.	Christian Name.

The entries of time lost, and of the names of the females and young persons who have lost time, shall be made in these notices before any part of the time can be recovered.

All notices of time lost and recovered, except when they are kept hung up in the factory, as required by this Act, shall be preserved in a book in the order of their respective dates, and be open for the examination of any inspector or sub-inspector; and all such notices shall be kept for six calendar months after the lost time entered therein shall have been recovered.

* * * * *

CHAPTER XVII.

AN ACT for giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the West Indies.

[6th June 1844.]

2 & 3 Will. 4.
c. 125.

WHEREAS by an Act passed in the session of the second and third years of the reign of his late Majesty King William the Fourth, intituled "An Act for enabling his Majesty to direct the issue of Exchequer bills to a limited amount, for the purposes and in the manner therein mentioned; and for giving relief to Trinidad, British Guiana, and St. Lucie," it was (amongst other things) enacted, that it should be lawful for the commissioners thereby appointed, or other the commissioners for the time being acting in the execution of the said Act, or any three of them, to advance and lend Exchequer bills to the amount and in the proportions therein specified to the owners of and persons interested in estates which had suffered injuries from the causes therein mentioned in the islands of Jamaica, Barbadoes, Saint Vincent, and Saint Lucie, and that the said commissioners, or any three of them, as therein mentioned, should take such security or securities as therein mentioned for the repayment of any advances or loans to be made under the said Act within ten years from the time of such advances respectively, with interest for the same in the mean time after the rate of four pounds per centum per annum, with power to the said commissioners, in default of repayment of such loans or advances, to take

possession of any of the mortgaged premises, and to sell or mortgage the same as therein mentioned; and it was enacted that all mortgages and other securities to be made in pursuance of the said Act should have such priority as therein is mentioned: And whereas by an Act passed in the session of the fifth and sixth years of the reign of his said Majesty King William the Fourth, intituled "An Act for granting relief to the Island of Dominica; and to amend an Act of the second and third years of his present Majesty, for enabling his Majesty to direct the issue of Exchequer bills to a limited amount for the purposes therein mentioned," it was (amongst other things) enacted, that it should be lawful for the commissioners acting in the execution of the said recited Act to advance Exchequer bills to a certain amount to the owners of and persons interested in the property in the said Island of Dominica which had suffered injury as therein mentioned, and that such advances should be made in the same manner in all respects as was provided by the said recited Act with regard to the advances thereby authorized to be made: And whereas by an Act passed in the session of the third and fourth years of the reign of her present Majesty, intituled "An Act to amend two Acts of his late Majesty King William the Fourth, for the relief of certain of her Majesty's colonies and plantations in the West Indies," it was (amongst other things) enacted, that it should be lawful for the commissioners for the time being acting in the execution of the said therein and herein-before recited Acts, or any three of them, with the consent in writing of the lord high treasurer for the time being, or any three or more of the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, upon any application made to them at any time before the passing of the said Act, or upon any application thereafter to be made to them, to grant any extension or enlargement of the time limited for the repayment of any loan or advance which should have been or should be made under the provisions or authority of the therein-before recited Acts, or any part of such loan or advance, for any period not exceeding ten years from the day originally fixed for the repayment thereof or the last instalment thereof, together with interest for the same as the said Act now in recital is provided, and so that every such extension of time should be made on the conditions in the said Act now in recital specified; and it was by the said Act provided, that every such application should be made not less than one year before such time or times so limited for the repayment of such loans should arrive: And whereas it is expedient that the powers of granting such extension of time should be altered, and that the said commissioners should be enabled to make such transfers of the securities made in pursuance of the said Acts, and the monies thereby secured, in manner after-mentioned: Be it therefore enacted by the Queen's most excellent Majesty, and with the advice and consent of the lords spiritual and temporal, and by the authority of the commons, in this present Parliament assembled, and by the authority of the same, that henceforth it shall and may be lawful for the said commissioners acting in the execution of the said recited Acts, or any three of them, with such consent and in all respects whatsoever as by the lastly herein-before recited Act is provided, to grant such extension of time for the repayment of such loans as aforesaid in all respects as is by the said Act provided, and under and subject to the conditions in the said last-mentioned Act specified, except that any such extension of time may be granted

5 & 6 Will. c. 51.

3 & 4 Vict. c. 40.

Commissioner enabled, at any time hereafter to grant extension of time for repayment of loans under recited Acts.

at any time hereafter, and without regard to the period at which the application for the granting thereof shall be or shall have been made, and notwithstanding the time originally fixed for the repayment of such loan shall have arrived, or that the monies so secured as aforesaid shall be actually due; and any such extension which shall be hereafter granted shall be taken to have been granted in pursuance of the powers in the said recited Acts contained in all respects whatsoever,

Grants of extension of time, &c. need not be recorded.

II. AND be it enacted, that it shall not be necessary to record, register, or enrol, in any colonial registry or elsewhere, any such grant or extension of time, or any power of sale or covenant to be entered into on the granting such extension, which may already have been made or may hereafter be made in pursuance of the said recited Acts or of this Act; but that every such grant of extension, and other instrument, power of sale, or covenant, shall in all respects have the same effect as if the same respectively had been duly registered, recorded, or enrolled on the day of the date thereof, in pursuance of any law or provision for the registering, recording, or enrolling of instruments which may be subsisting in the island or colony wherein the hereditaments to which such instruments may relate are situate.

Commissioners may transfer securities, &c.

III. AND be it enacted, that it shall be lawful for the said commissioners acting in the execution of the said recited Acts, or any three of them, to make any transfer of any sum or sums of money secured to or owing to her Majesty under or by virtue of any security made in pursuance of the said recited Acts respectively, and either before or after such sums shall be actually due, and any interest thereon which may be due, and to convey and assure the securities for the same unto or in trust for any person or persons who shall pay and discharge all principal monies due or secured by such mortgage security as aforesaid, and the interest thereon, such principal monies and interest to be paid into the Bank of England, and in all respects as by the said first-recited Act is provided with respect to the repayment of the monies to be secured by virtue of the provisions of the said Act; and upon any such transfer and disposition so to be made as aforesaid the person or persons to whom such transfer or disposition shall be made, his, her, or their heirs, executors, administrators, and assigns respectively, shall have in all respects such and the same priorities, privileges, powers, and securities as by the said recited Acts or any of them are given to her Majesty or the said commissioners, or any of them, or which her said Majesty, her heirs or successors, or the said commissioners acting in execution of the said recited Acts, would have had in case no such transfer had been made.

Conveyances, &c. may be made by three commissioners or their attorney, and shall have the same effect as if executed by her Majesty.

IV. AND be it enacted, that every conveyance, transfer, and assignment authorized by this Act may be made and executed by the commissioners for the time being acting in the execution of the said recited Acts, or by any three of them, or by any attorney or attorneys by them or any three of them appointed for that purpose by deed under their hands and seals; and every such conveyance, transfer, or assignment so made and executed shall have the same effect to all intents and purposes as if made and executed by her said Majesty, her heirs or successors.

* * * * *

CHAPTER XVIII.

AN ACT to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the East Indies.

[6th June 1844.]

WHEREAS doubts have arisen as to the proper authority by which, in certain cases, courts-martial may be appointed and convened, and the sentences thereof confirmed, in the East Indies and elsewhere; and it is important to the maintenance of good order and military discipline 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, that, any law, custom, usage, statute, regulations, articles of war, or warrant to the contrary notwithstanding, any general or other officer who may from time to time have power to appoint or convene general or district or other courts-martial for the trial of offences committed by any of the officers or soldiers in the service of her Majesty, or by any of the officers, soldiers, or followers in the service of the East India Company, not being natives of the East Indies or other places within the limits of the said company's charter, or by any of the officers, soldiers, or followers in the service of the said company, being natives of the East Indies or other places within the limits aforesaid, shall, without any further or other authority or warrant, have power and authority to appoint or convene general or district or other courts-martial (as the case may be) to be holden for the trial of offences committed by any officer, soldier, or follower in any of the said services who may be under the actual command or who may be or come within the local limits of the command of such general or other officer, although the power of such officer as to appointing or convening courts-martial might but for this Act extend to one or more of the said services only, or to some only of the forces belonging to any one or more of such services; and that in like manner any general or other officer who may from time to time have power to confirm sentences of general or district or other courts-martial for the trial of offences committed by any of the officers or soldiers in the service of her Majesty, or by any of the officers, soldiers, or followers in the service of the East India Company, not being natives as aforesaid, or by any of the officers, soldiers, or followers in the service of the East India Company, being such natives as aforesaid, shall, without any further or other authority or warrant, have power and authority to confirm sentences of general or district or other courts-martial (as the case may be) held for the trial of any officer or soldier or follower in any of the said services who may be under the actual command or who may be or come within the local limits of the command of such general or other officer, although the power of such officer, as to confirming the sentences of courts-martial, might but for this Act extend to one or more of the said services only, or to some only of the forces belonging to any one or more of such services.

II. **A**ND be it enacted, that the said several powers may be exercised as aforesaid to whichever of the presidencies of Fort William, Fort Saint George, or Bombay the offender may belong, or whether the general or other officer appointing or convening the court-martial, or confirming the sentence, may be the officer commanding in chief in India, or at the presidency to which

Any officer who may have power to convene or confirm sentences of courts-martial for trial of offences either committed by the Queen's troops, or by the East India Company's troops, not being natives of the East Indies or places within the company's charter, or by Company's troops, being natives of such places, may convene or confirm sentences of courts-martial for trial of offences committed by any troops under his actual command or within the local limits of his command, although but for this Act his powers would not have extended to such troops.

Such powers may be exercised wheresoever the offenders may be serving or the offence

may have
been com-
mitted.

the offender may belong, or at any other presidency, or may hold his command or his power to appoint, convene, or confirm the sentences of courts-martial from or under the officer commanding in chief in India, or at the presidency to which the offender may belong, or at any other presidency, or may hold such command or power from or under any other authority whatsoever, or whether the offence shall have been committed before or after the officer appointing or convening the court or confirming the sentence shall have taken the command, or before or after the offender shall have been under the command of such officer, or before or after the offender shall have been or shall have come within the local limits of the command of such officer, or wheresoever, whether within the presidency to which the offender may belong, or within any other presidency, possessions, or territories under the government of the said company, or on the high seas, or elsewhere, the offender may be serving, or the offence shall have been committed, or the court-martial shall be appointed, convened, or held.

Her Majesty
may authorize
commander-
in-chief and
general com-
manding in
each presi-
dency to
delegate
power of
confirming
sentences of
general courts-
martial.

III. AND be it enacted, that, any articles of war or usage to the contrary notwithstanding, her Majesty may grant warrants under her sign manual severally empowering the officer commanding in chief the forces in India, and the general or other officer commanding the forces at each or any of the presidencies of Fort William, Fort Saint George, and Bombay for the time being, to authorize any general or other officer not below the rank of a field officer, having the command of any body of the troops of her Majesty or of the said company serving in the possessions or territories which are or may be under the government of the said company or elsewhere, to confirm the sentences of general courts-martial which shall be holden for the trial of offences committed by any officer, soldier, or follower of or belonging to such troops; and the officer commanding in chief the forces in India, or the general or other officer commanding the forces at any of the said presidencies, being so empowered, may authorize any such general or other officer to confirm such classes of sentences only, or sentences passed for such classes of offences only, or on such classes of persons only, as he may think fit, reserving to himself the power of confirming sentences in all such cases as such general or other officer may not be authorized to confirm, or may think fit to send for the decision of such officer commanding in chief the forces in India, or of such officer commanding the forces at one of the said presidencies.

In what cases
confirmation
of officers
commanding
in presidency
to which
offender be-
longs may be
dispensed
with.

IV. AND be it enacted, that when, by any Act of Parliament or articles of war, the sentence of a court-martial is not to be carried into execution until confirmed by the general or other officer commanding in chief at the presidency in the territories subordinate to which the offender shall have been tried, with the concurrence of the governor general in council, or governor in council, or governor of such presidency, it shall not be necessary, in any such case, that a sentence so confirmed, with such concurrence, should, in addition, be reported to or approved or confirmed by the general or other officer commanding in chief the forces of the presidency to which the offender may belong; and the officer confirming the sentence, with such concurrence, and in all other cases the officer authorized under the provisions in this Act contained to confirm the sentence of any court-martial, shall have power to cause the same to be put into execution, or to suspend, mitigate, or remit the same.

Confirmation
required of
sentences of

V. AND be it enacted, that nothing in this Act contained shall empower any person not otherwise duly authorized in that behalf to confirm any

death, &c. on commissioned officers.

sentence of death, transportation, or cashiering on any commissioned officer employed upon her Majesty's staff, or serving in any of her Majesty's regular regiments; and that nothing in this Act contained shall empower any officer, other than those herein-after mentioned, to confirm the sentence of death, transportation, or cashiering on a commissioned officer of the East India Company's service; (that is to say,) the general or other officer commanding in chief at the presidency within which, or in territories subordinate to which, the offender shall have been tried, or the general commanding in chief the army to which the division, brigade, or party in which the offender may be serving shall belong or be attached.

VI. PROVIDED always, and be it enacted, that, save as herein-before is expressly provided, this Act shall not alter or affect the laws, statutes, regulations, articles of war, usages, or customs which now are or hereafter may be in force with respect to her Majesty's forces or the forces of the said East India Company, whether natives or not of the East Indies or other places within the limits of the said company's charter: Provided also, that this Act shall not be construed as declaring or interpreting the extent of her Majesty's royal prerogative, or the meaning of any former Act or of any article of war.

This Act not to affect laws, &c. now in force save as expressly provided.

VII. AND be it enacted, that the provisions of this Act shall apply to all such persons as may from time to time be liable to martial law under the provisions of any Act of Parliament or articles of war, and who may from time to time be serving or may be or come within the limits of the charter of the East India Company, construing the same as extending to all places and seas eastward of the Cape of Good Hope to the Straits of Magellan.

This Act to extend only to persons subject to martial law and being within the limits of the company's charter.

VIII. AND be it enacted, that, so far as regards officers and soldiers in her Majesty's service, this Act shall continue in force so long only as there may be in force some Act for punishing mutiny and desertion, and for the better payment of the army and their quarters.

This Act shall continue as to her Majesty's forces only during continuance of Mutiny Act.

CHAPTER XIX.

AN ACT for regulating the Bailiffs of Inferior Courts. [6th June 1844.]

WHEREAS courts are holden in and for sundry counties, hundreds, and wapentakes, honours, manors, and other lordships, liberties, and franchises, having by custom or charter jurisdiction for the recovery of debts and damages in personal actions, and in many places great extortion is practised under colour of the process of such courts: For remedy 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, that the judge of every such court shall have power to appoint a sufficient number of proper and responsible persons to act as bailiffs of the said court, and in the execution of the process thereof, and to suspend or dismiss any such bailiff for misconduct, and no bailiff so dismissed shall be qualified to be re-appointed; and the bailiffs of the court so appointed, and no other persons, save as herein-after mentioned, shall serve all summonses, and execute all orders, warrants, precepts, writs, and other processes issued out of the said court; and a list containing the name and place of abode of every such bailiff shall be put up in a conspicuous place in the said court: Provided always, that this Act shall not extend to prevent any process from being executed by any high sheriff or high bailiff, or any

Bailiffs of inferior courts to be appointed by the judges of such courts.

Not to prevent process being executed by

high sheriff,
&c.

officer appointed by Act of Parliament to perform the duties of sheriff with regard to the execution of process out of any such court, or his or their bound bailiffs or other officers.

Bailiffs to
give security.

II. AND be it enacted, that every bailiff so appointed under this Act shall give to the said judge security, in such sum and manner and form as he shall from time to time order, for the due performance of his office, and for payment of all monies received by him in the execution of his office.

Bailiffs taking
fees other
than those
allowed to be
discharged.

III. AND be it enacted, that every bailiff authorized to execute the process of any such court who shall wilfully and corruptly exact, take, or accept any fee or reward whatsoever other than and except such fees as shall be allowed by law and declared by order of the court, which shall be put up in some conspicuous place in the court, shall, upon proof thereof before the said court, be for ever incapable of serving or being employed in any office of profit or emolument of the said court.

Remedies
against
bailiffs guilty
of extortion
or misconduct.

IV. AND be it enacted, that if any bailiff acting under colour or pretence of the process of any such court shall be guilty of extortion or misconduct, or shall not duly pay or account for any money levied under process of the said court, it shall be lawful for the judge to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties, and to make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs to the parties aggrieved, as he shall think just; and in default of payment of any money so ordered to be paid within the time specified for the payment thereof it shall be lawful for the judge of the said court, by warrant under his hand and seal, to cause such sum to be levied by distress and sale of the goods of the offender, together with the reasonable charges of such distress and sale, and in default of such distress to commit the offender to the county gaol or house of correction for any time not exceeding one calendar month.

Seals of such
courts.

V. AND be it enacted, that for every such court a seal shall be made under the direction of the judge of such court, and that all summonses and other process issuing out of the said court shall be sealed or stamped with such seal; and every person who shall forge the seal or any process of the court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of the said court, knowing the same to be false, or who shall act or profess to act under or by the authority of such summons or process, knowing the same to be false, or who shall take upon himself to act as a bailiff of any such court without lawful authority, shall be guilty of felony.

Persons
forging pro-
cess, &c.
guilty of
felony.

Sale of goods
taken in
execution
not to be till
three days
after they are
taken, except
in case of
perishable
goods, or on
request of
owner.
Penalty for
assaulting

VI. AND be it enacted, that no goods which shall be taken in execution under any process of any such court shall be sold until the end of three days at least next following the day on which such goods shall have been so taken, unless such goods be of a perishable nature, or upon request in writing under the hand of the party whose goods shall have been taken; and until such sale the goods so taken shall be in the custody of the bailiff to whom the warrant of execution shall have been directed.

VII. AND be it enacted, that if any bailiff of any such court shall be assaulted while in the execution of his duty, or if any rescue shall be made or

attempted to be made of any person or goods taken or levied under process of any such court, the person offending therein, on conviction thereof before any two justices of the peace, shall be imprisoned with or without hard labour in the common gaol or house of correction for any term not exceeding three calendar months, or shall forfeit and pay such fine not exceeding five pounds as may be set upon him by the said justices of the peace; and every such fine, with the costs of conviction, in case of nonpayment thereof, shall be levied by distress and sale of the goods of the offender.

bailiffs, or
rescuing
persons or
goods taken
in execution.

VIII. AND be it enacted, that all actions and prosecutions to be commenced against any bailiff of any such court for any thing done in pursuance of his duty as such bailiff, or for such grievance, misfeasance, or nonfeasance as aforesaid, shall be laid and tried in the county where the offence was committed, and shall be commenced within three calendar months after the fact committed, and not afterwards or otherwise; and notice in writing of such action or prosecution, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of such action or prosecution; and no plaintiff shall recover in any such action if tender of sufficient amends, in the opinion of the judge who shall try such action, shall have been made before action brought, or if after action brought a sufficient sum of money, in the opinion of the judge as aforesaid, with costs, shall have been paid into court, in satisfaction of such action.

Limitation of
actions, &c.

Notice.

Tender of
amends.

Payment into
court.

IX. AND be it enacted, that in this Act the word "judge" shall be construed to mean the county clerk, under sheriff, steward, or other person, by or before whom any such court shall be holden.

Meaning of
"judge."

CHAPTER XXII.

AN ACT to amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Silver Wares in England. [4th July 1844.]

WHEREAS an Act was passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled "An Act for repealing so much of an Act of the thirty-first year of his late Majesty as inflicts capital punishment for frauds and abuses in the marking or stamping of gold or silver plate, and for inflicting another punishment for the said offence": And whereas by an Act passed in the thirty-eighth year of the reign of his said late Majesty King George the Third, intituled "An Act for allowing gold wares to be manufactured at a standard lower than is now allowed by law," it is enacted, "that from and after the said first day of October one thousand seven hundred and ninety-eight if any person shall forge, cast, or counterfeit, or cause or procure to be cast, forged, or counterfeited, the mark or stamp used or directed to be used in pursuance of this Act for the marking or stamping of gold plate by the company of goldsmiths in London or Edinburgh, or the Birmingham or Sheffield company, by the wardens or assayer or assayers at York, Exeter, Bristol, Chester, Norwich, or Newcastle-upon-Tyne, or any or either of them, or shall cast, forge, or counterfeit, or shall cause or procure to be cast, forged, or counterfeited, any mark, stamp, or impression in imitation of or to resemble any mark, stamp, or impression made or to be made with any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in

18 Geo. 3.
c. 59.

36 Geo. 3.
c. 69. s. 7.

“ London or Edinburgh, or by the said Birmingham or Sheffield companies,
 “ or by the said wardens or assayer or assayers, or any or either of them, or
 “ shall mark or stamp, or cause or procure to be marked or stamped, any
 “ wrought plate of gold, or any wares of silver, brass, or other metal gilt over
 “ and resembling plate of gold, with any mark or stamp which hath been or
 “ shall be forged or counterfeited at any time, either before, on, or after the
 “ said first day of October one thousand seven hundred and ninety-eight, in
 “ imitation of or to resemble any mark or stamp used or to be used as afore-
 “ said by the said company of goldsmiths in London or Edinburgh, or by
 “ the said Birmingham or Sheffield companies, or by the said wardens or
 “ assayer or assayers, or any or either of them, or shall transpose or remove,
 “ cause or procure to be transposed or removed, from one piece of wrought
 “ plate to another, or to any vessel of silver, brass, or other metal as aforesaid,
 “ any mark, stamp, or impression made or to be made by or with any mark or
 “ stamp used or to be used as aforesaid by the said company of goldsmiths in
 “ London or Edinburgh, or by the said Birmingham or Sheffield companies,
 “ or by the said wardens or assayer or assayers, or any or either of them, or
 “ shall sell, exchange, or expose to sale, or export out of this kingdom, any
 “ wrought plate of gold, or any vessel of silver, brass, or other metal as afore-
 “ said, with any such forged or counterfeit mark, stamp, or impression thereon,
 “ or any mark, stamp, or impression which hath been or shall be transferred
 “ or removed from any other piece of plate, knowing such mark, stamp, or
 “ impression to be forged, counterfeited, or transposed or removed as aforesaid,
 “ or shall wilfully or knowingly have or be possessed of any mark or stamp
 “ which hath been or shall be forged or counterfeit in imitation of and to
 “ resemble any mark or stamp used or to be used as aforesaid by the said
 “ company of goldsmiths in London or Edinburgh, or by the said Birmingham
 “ and Sheffield companies, or by the said wardens or assayer or assayers, or any
 “ or either of them, every such person offending in any such or either of the
 “ cases aforesaid, being thereof lawfully convicted, shall be adjudged guilty of
 “ felony, and shall be transported to such parts beyond the seas as his Majesty,
 “ with the advice of his privy council, shall direct, for the space of seven
 years”: And whereas it is expedient to simplify the said laws, and to alter
 the punishments thereby imposed, and to make further provision for preventing
 frauds and abuses in the marking of and dealing in gold and silver wares:
 Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice
 and consent of the lords spiritual and temporal, and commons, in this present Parlia-
 ment assembled, and by the authority of the same, that the said Act passed in the
 thirteenth year of the reign of his said late Majesty King George the Third, and so
 much of the said Act passed in the thirty-eighth year of the reign of his said late
 Majesty King George the Third as is herein-before recited, shall be and the same are
 hereby repealed, so far as the same relate to that part of the United Kingdom called
 England, except as to offences committed before the day on which this Act shall come
 into operation, which shall be dealt with and punished as if this Act had not been
 passed; nevertheless no Act or part of an Act repealed by the said Act passed in the
 thirteenth year of the reign of his said late Majesty King George the Third shall be
 revived by the passing of this Act. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

13 Geo. 3 c. 59.
 and 88 Geo. 3.
 c. 69. s. 7.
 repealed as to
 England.

Forging or
 counterfeiting
 any die for
 marking gold
 or silver wares,
 or knowingly
 uttering the
 same;

II. AND be it enacted, that every person who shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, any die or other instrument, or any part of any die or other instrument, provided or used or to be provided or used by the company of goldsmiths in London, or by any of the several companies of goldsmiths in the cities of York, Exeter, Bristol,

Chester, or Norwich, or the town of Newcastle-upon-Tyne, or by the companies of guardians of the standard of wrought plate in the towns of Sheffield or Birmingham respectively, for the marking or stamping of any gold or silver wares; and every person who shall mark with any such forged or counterfeit die or other instrument, or with any part of such forged or counterfeit die or other instrument as aforesaid, any ware of gold or silver, or any ware of base metal, or shall utter any such ware of gold or silver, or any such ware of base metal, so marked as aforesaid, knowing the same to be so marked as aforesaid; and every person who shall forge or counterfeit, or by any means whatever produce an imitation of, or shall utter, knowing the same to be forged or counterfeit or an imitation, any mark or part of any mark of any die or other instrument provided or used or to be provided or used as aforesaid, upon any ware of gold or silver, or any ware of base metal; and every person who shall transpose or remove, or shall utter, knowing the same to be transposed or removed, any mark of any die or other instrument provided or used or to be provided or used as aforesaid, from any ware of gold or silver to any other ware of gold or silver, or to any ware of base metal; and every person who shall without lawful excuse (the proof whereof shall lie on the party accused) have in his possession any such forged or counterfeit die or other instrument as aforesaid, or any ware of gold or silver, or any ware of base metal, having thereupon the mark of any such forged or counterfeit die or other instrument as aforesaid, or having thereupon any such forged or counterfeit mark or imitation of a mark as aforesaid, or any mark which shall have been so transposed or removed as aforesaid, knowing the same respectively to have been forged, counterfeited, imitated, marked, transposed, or removed; and every person who shall cut or sever from any ware of gold or silver any mark or any part of any mark of any die or other instrument provided or used or to be provided or used as aforesaid, with intent that such mark or such part of a mark shall or may be placed upon or joined or affixed to any other ware of gold or silver, or to any ware of base metal; and every person who shall place upon or join or affix to any ware of gold or silver, or any ware of base metal, any mark of any die or other instrument provided or used or to be provided or used as aforesaid, which shall have been cut or severed from any ware of gold or silver; and every person who shall, with intent to defraud Her Majesty, or any of the said several companies of goldsmiths and guardians respectively, or any person whatever, use any genuine die or other instrument provided or used or to be provided or used as aforesaid, and every person counselling, aiding, or abetting any such offender, shall be guilty of felony, and shall, at the discretion of the court, either be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or be imprisoned, with or without hard labour, for any term not exceeding three years.

II. AND be it enacted, that every dealer in gold or silver wares who shall buy or exchange, or expose or keep for sale, or shall export or import, or attempt to export or import, from or to England, or who shall have in his possession without lawful excuse (the proof whereof shall lie upon him) any ware of gold or silver, or any ware of base metal, having thereupon any mark of any forged or counterfeit die or other instrument as aforesaid, or any forged or counterfeit mark or imitation of a mark of any die or other instrument provided or used or to be provided or used by any of the several companies

marking wares with forged die, or uttering wares so marked;

forging any mark of any die, or uttering the same;

transposing or removing marks, or uttering mark so transposed

having in possession any such forged dies, &c. knowing the same to be forged;

cutting or severing marks with intent to affix upon other wares;

affixing any mark cut or severed from any other ware;

or fraudulently using genuine dies,

or abetting offenders;

Felony: Punishment.

Penalty on dealer selling exporting, &c. or having in his possession any wares with forged or transposed marks.

of goldsmiths and guardians aforesaid for marking gold or silver wares, or having thereupon any mark which shall have been transposed or removed thereto from any other ware of gold or silver, shall for every such ware so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to be exported or imported, or which shall so be in his possession as aforesaid, forfeit and pay the sum of ten pounds, which may be sued for and recovered by any of the several companies of goldsmiths and guardians aforesaid in manner herein-after provided.

Dealers to be exempted on giving information in certain cases.

IV. PROVIDED always, and be it enacted, that every such dealer in gold or silver wares who shall have sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or had in his possession, any such ware of gold or silver, or any such ware of base metal, having thereupon any mark of any such forged or counterfeited die or other instrument as aforesaid, or any such forged or counterfeit mark or imitation of a mark as aforesaid, or any mark which shall have been so transposed or removed thereto as aforesaid, and shall within twenty-one days next after notice thereof to him given by any of the several companies of goldsmiths or guardians as aforesaid, or left at his usual place of abode, or at any house, shop, or place where he shall carry on or transact his said trade or business, discover and make known to the company of goldsmiths or guardians in or nearest to the city, town, or place in which such person shall reside, or shall carry on or transact his said trade or business, the name and place of abode of the actual manufacturer of any such ware of gold or silver, or ware of base metal, or of the person or persons from whom such dealer in gold or silver wares bought, had, or received the same respectively, then such dealer in gold or silver wares shall be and he is hereby exempted and discharged from any penalty or forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or having in his possession, any such ware of gold or silver, or ware of base metal, as aforesaid, any thing herein-before contained to the contrary thereof notwithstanding: Provided always, that nothing herein contained shall extend to exempt any person from the legal consequences of uttering or of having in his possession any such ware as aforesaid, knowing the same to be marked with a forged or counterfeit die or other instrument, or knowing the mark thereupon to be forged, counterfeited, imitated, transposed, or removed, if such knowledge shall be duly proved in any criminal prosecution or proceeding against such person for any such offence.

Not to exempt persons from the consequences of uttering with guilty knowledge.

Where any alterations or additions are made to wares assayed and marked, the ware so altered or added to shall be again assayed, and marked as new, and duty paid upon the whole.

V. AND be it enacted, that if any ware of gold or silver which shall have been duly assayed and marked at any assay office of any of the several companies of goldsmiths or guardians aforesaid shall at any time after the passing of this Act be altered, either by any addition made thereto or otherwise, so that the character or denomination of such ware, or the use or purpose for which the same was originally made or designed, shall be changed, or if any such ware of gold or silver shall at any time after the passing of this Act have any addition made thereto, (although its character, denomination, use, or purpose shall not be changed by reason of any such addition,) the weight of which said addition shall bear a greater proportion to the original weight of such ware than four ounces weight of such addition to every pound troy weight of such original ware, every such ware so altered or added to as afore-

and upon every dealer selling, exporting, &c. such ware without the same being marked ;

such ware may be seized.

Dealers to be exempted on giving information in certain cases.

If any officer of any of the goldsmiths' companies shall mark any base metal with any die, &c. such company shall be liable to penalty of 20l. ;

the officer shall be dismissed ;

and every dealer in gold or silver wares who shall sell or exchange, or expose or keep for sale, or export or attempt to export from England, or shall have in his possession, any such ware of gold or silver which shall have been so altered, changed, or added to as aforesaid, the same, or the addition thereto, not having been so assayed and marked as aforesaid, shall for every such ware forfeit and pay the sum of ten pounds, which may be sued for and recovered by any of the several companies of goldsmiths or guardians aforesaid respectively in the manner herein-after provided ; and every such ware of gold or silver, if found at any house, shop, or place where any such dealer in gold or silver wares shall carry on or transact his trade or business, shall and may be lawfully seized by any of the several companies of goldsmiths or guardians aforesaid, and by them be dealt with as herein-after is directed.

VI. PROVIDED always, and be it enacted, that every such dealer in gold or silver wares who shall have sold or exchanged, or exposed or kept for sale, or exported or attempted to export from England, or had in his possession, any such ware of gold or silver which shall have been so altered, changed, or added to as aforesaid, the same or the addition thereto not having been so assayed and marked as aforesaid, and shall within twenty-one days next after notice thereof to him given by any of the several companies of goldsmiths or guardians aforesaid, or left at his usual place of abode, or at any house, shop, or place where he shall carry on or transact his said trade or business, discover and make known to the company of goldsmiths or guardians in or nearest to the city, town, or place in which such person shall reside, or shall carry on or transact his said trade or business, the name and place of abode of the actual manufacturer of any such ware of gold or silver as last aforesaid, or of the person or persons from whom such dealer in gold or silver wares bought, had, or received the same respectively, then such dealer in gold or silver wares shall be and he is hereby exempted and discharged from any penalty or forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or attempted to export, or having in his possession, any such ware of gold or silver as last aforesaid, any thing herein-before contained to the contrary thereof notwithstanding.

VII. AND for the further prevention of abuses in the making and assaying of gold and silver wares, be it enacted, that if any assayer or other officer of or person employed by the company of goldsmiths in London, or any of the several companies of goldsmiths of the cities of York, Exeter, Bristol, Chester, or Norwich, or of the town of Newcastle-upon-Tyne, or either of the companies of guardians of the standard of wrought plate in the towns of Sheffield or Birmingham respectively, shall mark, or permit or suffer to be marked, any ware of base metal with any die or other instrument used or to be used by any such company for marking gold or silver wares to denote that the same is of the standard allowed and required by law, every such company of goldsmiths or guardians aforesaid to which any such assayer or officer shall belong or by whom such person shall be employed shall for every such offence forfeit and pay to her Majesty the sum of twenty pounds, which may be sued for and recovered in such and the like manner as penalties recoverable under any Act in force relating to stamp duties are to be sued for and recovered by law ; and every such assayer or other officer or person employed as aforesaid, upon complaint or information made thereof by any officer of stamp duties to any

of suit, in any of her Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, in the name of any master, warden, assayer, clerk, or other officer of any of the said several companies respectively entitled to sue for or recover the same, or, where the penalty shall be forfeited to her Majesty, in the name of the attorney general, or by information in the name of any such officer, or, where the penalty shall be forfeited to her Majesty, in the name of an officer of stamp duties, before a justice of the peace, in like manner as any penalty may be recovered before any such justice by any officer of stamp duties; and every such penalty which shall be sued for and recovered in the name of any officer of the said several companies respectively shall go and be paid wholly to the company to which such officer shall belong, to be applied by such company in defraying the expences of their assay office, and of detecting and prosecuting offenders against this Act.

Upon information given upon oath against dealers suspected of having in possession illegal wares, &c. justices may grant warrants for search and seizure.

XI. AND be it enacted, that whenever any of the said several companies of goldsmiths or guardians aforesaid shall have reasonable or probable cause to suspect that any dealer in gold and silver wares hath concealed or deposited in any house, shop, or place, or hath possession of, any wares of gold or silver which ought to be marked with any of the marks provided or used or to be provided or used by any of the said companies of goldsmiths or guardians respectively for marking or stamping gold or silver wares, and not so marked, or hath concealed or deposited as aforesaid, or hath possession of, any such forged or counterfeit die or other instrument, or any ware of gold or silver, or ware of base metal, having thereupon any mark of any such forged or counterfeited die or other instrument as aforesaid, or having thereupon any forged or counterfeited mark of any die or other instrument provided or used or to be provided or used as aforesaid, or any mark which shall have been so transposed or removed thereto as aforesaid, it shall be lawful for any justice of the peace having jurisdiction where any or either of such offences shall be suspected to be committed, and such justice is hereby required, upon information or complaint made of any such reasonable or probable cause of suspicion by or on behalf of any of the several companies of goldsmiths or guardians aforesaid, and upon the oath of one or more credible person or persons, (which oath such justice is hereby empowered and required to administer,) to grant a warrant under his hand directed to any one or more of the officers of any of the several companies of goldsmiths or guardians aforesaid, together with any constable or other peace officer named in such warrant, authorizing and empowering such officer of the said companies respectively, and such constable or other peace officer as aforesaid, with necessary and proper assistance, to enter in the day-time into any such house, shop, or place as aforesaid, or any other house, shop, or place of any such suspected person, and to search the same, and to seize and take away every such forged or counterfeited die or other instrument, and every such ware as aforesaid, which shall there be found; and all constables and other peace officers shall and they are hereby required to be aiding and assisting in the execution of every such warrant as aforesaid; and every such forged and counterfeited die or other instrument, and every such ware as aforesaid, so there found, seized, and taken, shall and may be dealt with as herein-after is provided: Provided always, and it is hereby declared, that nothing in this Act contained shall authorize the search for or seizure of any wares which by the laws now in force are not required

Nothing herein to authorize the search for or

the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if, on demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as any defendant may have for costs of suit in other cases at law; and, although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be had shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon.

Costs.

Construction
and interpre-
tation of
terms.

Base metal.

Dealer.

Die.

Her Majesty.

Mark.

Ware.

XIV. AND for the better interpretation of this Act, and to avoid the frequent use of divers terms and expressions, be it enacted, that the following terms and expressions shall have the several interpretations herein-after respectively set forth; (that is to say,) the term "base metal" shall mean any metal whatsoever other than gold or silver of the respective standards required by law; and the term "dealer in gold or silver wares" shall mean and include every goldsmith and silversmith, and every worker, maker, and manufacturer of and trader and dealer in gold or silver wares; and the term "die" shall mean and include any die, plate, tool, or instrument whatever, by means whereof any mark can or shall be made upon any metal whatsoever; and the term "her Majesty" shall mean and include her Majesty, her heirs and successors; and the term "mark" shall mean and include any mark, stamp, or impression of and made with any die or other instrument, or produced by any other means whatsoever, upon any metal whatsoever; and the term "ware" shall mean and include any plate, vessel, article, or manufacture of any metal whatsoever; and whenever in this Act, with reference to any person or matter or thing, or to any persons or matters or things, the singular or plural number or the masculine gender only is expressed, such expression shall be understood to include several persons or matters or things as well as one person or matter or thing, and one person, matter, or thing as well as several persons or matters or things, females as well as males, bodies politic or corporate as well as individuals, unless it be otherwise specially provided, or the subject or context be repugnant to such construction.

XV. AND whereas all gold wares of the standard or fineness of twenty-two carats of fine gold in every pound troy assayed by any of the said companies of goldsmiths and guardians are by certain statutes now in force required to be marked with the same mark as that with which all silver wares of the standard or fineness of eleven ounces and two pennyweights assayed as aforesaid are required to be marked, (that is to say,) with the figure of the lion passant, in order to denote the standards thereof respectively, whereby great facilities to frauds are afforded, and extensive frauds have been committed by dealers in gold and silver wares; and it is expedient that all gold wares of the standard or fineness aforesaid and so assayed as aforesaid should be marked by a different mark, to denote the standard thereof, from the mark so used for the said silver wares as aforesaid: Be it therefore enacted, that from and after the first day of October one thousand eight hundred and forty-four there shall be struck or marked by the said company of goldsmiths in London, and by the several companies of goldsmiths in the cities of York, Exeter, Bristol, Chester, and Norwich, and the town of Newcastle-upon-Tyne, and the com-

After
1st Oct. 1844
gold wares
of 22 carat
standard to
be marked
with a crown

Offences of badgering, engrossing, forestalling, and regrating abolished.

whereas, notwithstanding the making of the first-recited Act, persons are still liable to be prosecuted for badgering, engrossing, forestalling, and regrating, as being offences at common law, and also forbidden by divers statutes made before the earliest of the statutes thereby repealed: For remedy thereof, and for the extension of the same remedy to Scotland and to 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, that after the passing of this Act the several offences of badgering, engrossing, forestalling, and regrating be utterly taken away and abolished, and that no information, indictment, suit, or prosecution shall lie, either at common law or by virtue of any statute, or be commenced or prosecuted against any person, for or by reason of any of the said offences or supposed offences.

Nothing in this Act to apply to spreading false rumours to keep up or lower prices, or preventing by force or threats goods from being brought to any fair or market.

IV. PROVIDED always, and be it enacted, that nothing in this Act contained shall be construed to apply to the offence of knowingly and fraudulently spreading or conspiring to spread any false rumour, with intent to enhance or decry the price of any goods or merchandize, or to the offence of preventing or endeavouring to prevent by force or threats any goods, wares, or merchandize being brought to any fair or market, but that every such offence may be inquired of, tried, and punished as if this Act had not been made.

CHAPTER XXV.

AN ACT to repeal the Duty of Excise on Vinegar, and to make the Duties and Drawbacks now payable on Flint Glass the same as on Bottle Glass. [4th July 1844.]

Makers of vinegar or acetous acid, not being retailers, to take out licence.

II. . . . every person who shall make, prepare, extract, distil, rectify, purify, or sell any liquors prepared or capable of being used or applied to the purposes of vinegar or acetous acid made for sale, not being a dealer in, retailer, or seller of such vinegar or acetous acid only, shall be deemed and taken to be a vinegar maker, and shall take out the licence now required by law in such respect, under the same rules, regulations, provisions, penalties, and forfeitures as such licences are now granted and held under.

Vinegar makers to make entry of their premises and utensils with the Excise as directed by the Acts 7 & 8 Geo. 4. c. 53.

III. PROVIDED always, and be it enacted, that every such maker of vinegar or acetous acid for sale as aforesaid shall make entry by delivering a true and particular account in writing of every house, building, room, place, still, vessel, and utensil intended to be used by him for the making or keeping of any vinegar or acetous acid for sale, in such form and manner as directed by an Act passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, intituled "An Act to consolidate and amend the laws relating to the collection and management of the revenue of excise throughout Great Britain and Ireland," and by another Act passed in the fourth and fifth years of the reign of his late Majesty King William the Fourth, intituled "An Act to amend the laws relating to the collection and management of the revenue of excise," and by another Act passed in the fourth year of the reign of her present Majesty, intituled "An Act to alter and amend certain

4 & 5 Will. 4. c. 51. and

4 & 5 Vict. c. 20.

game or rabbits in any open or inclosed land to apply to persons by night destroying game or rabbits on any public road, path, &c.

destroying any game or rabbits in any land, open or inclosed, as therein set forth, shall be applicable to and imposed upon any person by night unlawfully taking or destroying any game or rabbits on any public road, highway, or path, or the sides thereof, or at the openings, outlets, or gates from any such land into any such public road, highway, or path, in the like manner as upon any such land, open or inclosed; and it shall be lawful for the owner or occupier of any land adjoining either side of that part of such road, highway, or path where the offender shall be, and the gamekeeper or servant of such owner or occupier, and any person assisting such gamekeeper or servant, and for all the persons authorized by the said Act to apprehend any offender against the provisions thereof, to seize and apprehend any person offending against the said Act or this Act; and the said Act, and all the powers, provisions, authorities, and jurisdictions therein or thereby contained or given, shall be as applicable for carrying this Act into execution as if the same had been herein specially set forth.

* * * * *

CHAPTER XXXII.

AN ACT to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of England certain Privileges for a limited Period. [19th July 1844.]

8 & 4 Will. 4.
c. 98.

Bank of England to establish a separate department for the issue of promissory notes payable on demand;

to be called "the Issue Department." Management thereof.

Department to be kept

WHEREAS it is expedient to regulate the issue of bills or notes payable on demand: And whereas an Act was passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled "An Act for giving to the corporation of the governor and company of the Bank of England certain privileges for a limited period, under certain conditions"; and it is expedient that the privileges of exclusive banking therein mentioned should be continued to the said governor and company of the Bank of England, with such alterations as are herein contained, upon certain conditions: 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, that from and after the thirty-first day of August one thousand eight hundred and forty-four the issue of promissory notes of the governor and company of the Bank of England, payable on demand, shall be separated and thenceforth kept wholly distinct from the general banking business of the said governor and company; and the business of and relating to such issue shall be thenceforth conducted and carried on by the said governor and company in a separate department, to be called "the Issue Department of the Bank of England," subject to the rules and regulations herein-after contained; and it shall be lawful for the court of directors of the said governor and company, if they shall think fit, to appoint a committee or committees of directors for the conduct and management of such issue department of the Bank of England, and from time to time to remove the members and define, alter, and regulate the constitution and powers of such committee, as they shall think fit, subject to any bye laws, rules, or regulations which may be made for that purpose: Provided nevertheless, that the said issue department shall always be kept

notes for
gold bullion.

Bank may
require bullion
to be assayed.

On any other
banker ceasing
to issue his
own notes
the Bank may
be authorized
by order in
council to
increase
securities
in the issue
department,
and issue
additional
notes.

Restriction on
amount of
increase.

Weekly account
in form in
schedule (A.)
to be rendered
by the Bank
of England.

Bank of
England
exempted
from stamp
duty and
composition
for duty upon
their notes.

In considera-
tion of ex-
clusive
privileges
of Bank, and
freedom from
stamp duties,
Bank to allow
180,000*l.*
yearly out of
sum allowed
for charges of
management
of public debt.

notes in exchange for gold bullion, at the rate of three pounds seventeen shillings and nine-pence per ounce of standard gold: Provided always, that the said governor and company shall in all cases be entitled to require such gold bullion to be melted and assayed, by persons approved by the said governor and company, at the expence of the parties tendering such gold bullion.

V. PROVIDED always, and be it enacted, that if any banker who on the sixth day of May one thousand eight hundred and forty-four was issuing his own bank notes shall cease to issue his own bank notes, it shall be lawful for her Majesty in council at any time after the cessation of such issue, upon the application of the said governor and company, to authorize and empower the said governor and company to increase the amount of securities in the said issue department beyond the total sum or value of fourteen million pounds, and thereupon to issue additional Bank of England notes to an amount not exceeding such increased amount of securities specified in such order in council, and so from time to time: Provided always, that such increased amount of securities specified in such order in council shall in no case exceed the proportion of two thirds the amount of bank notes which the banker so ceasing to issue may have been authorized to issue under the provisions of this Act; and every such order in council shall be published in the next succeeding London Gazette.

VI. AND be it enacted, that an account of the amount of Bank of England notes issued by the issue department of the Bank of England, and of gold coin and of gold and silver bullion respectively, and of securities, in the said issue department, and also an account of the capital stock, and the deposits, and of the money and securities belonging to the said governor and company in the banking department of the Bank of England, on some day in every week to be fixed by the commissioners of stamps and taxes, shall be transmitted by the said governor and company weekly to the said commissioners, in the form prescribed in the schedule hereto annexed marked (A.), and shall be published by the said commissioners in the next succeeding London Gazette in which the same may be conveniently inserted.

VII. AND be it enacted, that from and after the said thirty-first day of August one thousand eight hundred and forty-four the said governor and company of the Bank of England shall be released and discharged from the payment of any stamp duty, or composition in respect of stamp duty, upon or in respect of their promissory notes payable to bearer on demand; and all such notes shall thenceforth be and continue free and wholly exempt from all liability to any stamp duty whatsoever.

VIII. AND be it enacted, that from and after the said thirty-first day of August one thousand eight hundred and forty-four the payment or deduction of the annual sum of one hundred and twenty thousand pounds made by the said governor and company, under the provisions of the said Act passed in the fourth year of the reign of his late Majesty King William the Fourth, out of the sums payable to them for the charges of management of the public unredeemed debt, shall cease, and in lieu thereof the said governor and company, in consideration of the privileges of exclusive banking, and the exemption from stamp duties, given to them by this Act, shall, during the continuance of such privileges and such exemption respectively, but no longer, deduct and allow to the public, from the sums now payable by law to the said governor and company for the charges of management of the public unredeemed debt, the annual sum of one hundred and eighty thousand pounds, any thing in any Act or Acts of Parliament,

banks of
issue to be
ascertained
and certified.

4 & 5 Vict.
c. 50.

Such banks
may continue
to issue notes,
but may not
exceed the
average
circulation
so certified.

Provision for
united banks
united within
12 weeks
before 27th
April 1844.

Duplicate
certificate to
be published
in the Gazette.

Gazette to
be evidence.

In case banks
having not
more than
six members
each become
united, com-
missioners of
stamps shall
certify the
amount of
bank notes
which each
bank was
authorized

next after the passing of this Act, give notice in writing to the commissioners of stamps and taxes at their head office in London of such claim, and of the place and name and firm at and under which such banker has issued such notes during the twelve weeks next preceding the twenty-seventh day of April last; and thereupon the said commissioners shall ascertain if such banker was on the sixth day of May one thousand eight hundred and forty-four carrying on the business of a banker and lawfully issuing his own bank notes in England or Wales, and if it shall so appear then the said commissioners shall proceed to ascertain the average amount of the bank notes of such banker which were in circulation during the said period of twelve weeks preceding the twenty-seventh day of April last, according to the returns made by such banker in pursuance of the Act passed in the fourth and fifth years of the reign of her present Majesty, intituled "An Act to make further provision " relative to the returns to be made by banks of the amount of their notes in " circulation"; and the said commissioners or any two of them shall certify under their hands to such banker the said average amount, when so ascertained as aforesaid; and it shall be lawful for every such banker to continue to issue his own bank notes after the passing of this Act: Provided nevertheless, that such banker shall not at any time after the tenth day of October one thousand eight hundred and forty-four have in circulation upon the average of a period of four weeks, to be ascertained as herein-after mentioned, a greater amount of notes than the amount so certified.

XIV. PROVIDED always, and be it enacted, that if it shall be made to appear to the commissioners of stamps and taxes that any two or more banks have, by written contract or agreement, (which contract or agreement shall be produced to the said commissioners,) become united within the twelve weeks next preceding such twenty-seventh day of April as aforesaid, it shall be lawful for the said commissioners to ascertain the average amount of the notes of each such bank in the manner herein-before directed, and to certify the average amount of the notes of the two or more banks so united as the amount which the united bank shall thereafter be authorized to issue, subject to the regulations of this Act.

XV. AND be it enacted, that the commissioners of stamps and taxes shall, at the time of certifying to any banker such particulars as they are herein-before required to certify, also publish a duplicate of their certificate thereof in the next succeeding London Gazette in which the same may be conveniently inserted; and the Gazette in which such publication shall be made shall be conclusive evidence in all courts whatsoever of the amount of bank notes which the banker named in such certificate or duplicate is by law authorized to issue and to have in circulation as aforesaid.

XVI. AND be it enacted, that in case it shall be made to appear to the commissioners of stamps and taxes, at any time hereafter, that any two or more banks, each such bank consisting of not more than six persons, have, by written contract or agreement, (which contract or agreement shall be produced to the said commissioners,) become united subsequently to the passing of this Act, it shall be lawful to the said commissioners, upon the application of such united bank, to certify, in manner herein-before mentioned, the aggregate of the amounts of bank notes which such separate banks were previously authorized to issue, and so from time to time; and every such certificate shall

Commissioners of stamps and taxes empowered to cause the books of bankers containing accounts of their bank notes in circulation to be inspected.

Penalty for refusing to allow such inspection.

All bankers to return names, &c. once a year to the Stamp Office.

Penalty for neglect.

Returns to be published.

Bankers to take out a separate licence for every place at which

XX. AND whereas, in order to insure the rendering of true and faithful accounts of the amount of bank notes in circulation, as directed by this Act, it is necessary that the commissioners of stamps and taxes should be empowered to cause the books of bankers issuing such notes to be inspected, as herein-after mentioned: Be it therefore enacted, that all and every the book and books of any banker who shall issue bank notes under the provisions of this Act, in which shall be kept, contained, or entered any account, minute, or memorandum of or relating to the bank notes issued or to be issued by such banker, or of or relating to the amount of such notes in circulation from time to time, or any account, minute, or memorandum the sight or inspection whereof may tend to secure the rendering of true accounts of the average amount of such notes in circulation, as directed by this Act, or to test the truth of any such account, shall be open for the inspection and examination, at all seasonable times, of any officer of stamp duties authorized in that behalf by writing signed by the commissioners of stamps and taxes or any two of them; and every such officer shall be at liberty to take copies of or extracts from any such book or account as aforesaid; and if any banker or other person keeping any such book, or having the custody or possession thereof, or power to produce the same, shall, upon demand made by any such officer, showing (if required) his authority in that behalf, refuse to produce any such book to such officer for his inspection and examination, or to permit him to inspect and examine the same, or to take copies thereof or extracts therefrom, or of or from any such account, minute, or memorandum as aforesaid kept, contained, or entered therein, every such banker or other person so offending shall for every such offence forfeit the sum of one hundred pounds: Provided always, that the said commissioners shall not exercise the powers aforesaid without the consent of the commissioners of her Majesty's Treasury.

XXI. AND be it enacted, that every banker in England and Wales who is now carrying on or shall hereafter carry on business as such shall on the first day of January in each year, or within fifteen days thereafter, make a return to the commissioners of stamps and taxes at their head office in London of his name, residence, and occupation, or, in the case of a company or partnership, of the name, residence, and occupation of every person composing or being a member of such company or partnership, and also the name of the firm under which such banker, company, or partnership carry on the business of banking, and of every place where such business is carried on; and if any such banker, company, or partnership shall omit or refuse to make such return within fifteen days after the said first day of January, or shall wilfully make other than a true return of the persons as herein required, every banker, company, or partnership so offending shall forfeit and pay the sum of fifty pounds; and the said commissioners of stamps and taxes shall on or before the first day of March in every year publish in some newspaper circulating within each town or county respectively a copy of the return so made by every banker, company, or partnership carrying on the business of bankers within such town or county respectively, as the case may be.

XXII. AND be it enacted, that every banker who shall be liable by law to take out a licence from the commissioners of stamps and taxes to authorize the issuing of notes or bills shall take out a separate and distinct licence for every town or place at which he shall, by himself or his agent, issue any

aforesaid shall be paid by the said governor and company out of their own funds ; and in case any difference shall arise between any of such bankers and the governor and company of the Bank of England in respect of the composition payable as aforesaid, the same shall be determined by the chancellor of the Exchequer for the time being, or by some person to be named by him, and the decision of the chancellor of the Exchequer, or his nominee, shall be final and conclusive : Provided always, that it shall be lawful for any banker named in the schedule hereto annexed marked (C.) to discontinue the receipt of such composition as aforesaid, but no such banker shall by such discontinuance as aforesaid thereby acquire any right or title to issue bank notes.

Bankers may discontinue receipt of composition.

Bank of England may compound with issuing banks for relinquishment of issue.

XXIV. AND be it enacted, that it shall be lawful for the said governor and company to agree with every banker who, under the provisions of this Act, shall be entitled to issue bank notes, to allow to such banker a composition at the rate of one per centum per annum on the amount of Bank of England notes which shall be issued and kept in circulation by such banker, as a consideration for his relinquishment of the privilege of issuing his own bank notes ; and all the provisions herein contained for ascertaining and determining the amount of composition payable to the several bankers named in the schedule hereto marked (C.) shall apply to all such other bankers with whom the said governor and company are hereby authorized to agree as aforesaid ; provided that the amount of composition payable to such bankers as last aforesaid shall in every case in which an increase of securities in the issue department shall have been authorized by any order in council be deducted out of the amount payable by the said governor and company to the public under the provisions herein contained : Provided always, that the total sum payable to any banker, under the provisions herein contained, by way of composition as aforesaid, in any one year, shall not exceed, in case of the bankers mentioned in the schedule hereto marked (C.), one per centum on the several sums set against the names of such bankers respectively in the list and statement delivered to the commissioners of stamps as aforesaid, and in the case of other bankers shall not exceed one per centum on the amount of bank notes which such bankers respectively would otherwise be entitled to issue under the provisions herein contained.

Limitation of compositions.

Banks exceeding six in number within London and sixty-five miles thereof may accept, &c. bills not payable to bearer on demand.

XXVI. AND be it enacted, that from and after the passing of this Act it shall be lawful for any society or company or any persons in partnership, though exceeding six in number, carrying on the business of banking in London, or within sixty-five miles thereof, to draw, accept, or endorse bills of exchange, not being payable to bearer on demand, any thing in the hereinbefore recited Act passed in the fourth year of the reign of his said Majesty King William the Fourth, or in any other Act, to the contrary notwithstanding.

Bank of England to enjoy privileges,

XXVII. AND be it enacted, that the said governor and company of the Bank of England shall have and enjoy such exclusive privilege of banking as is given by this Act, upon such terms and conditions, and subject to the termination thereof at such time and in such manner, as is by this Act provided and specified ; and all and every the powers and authorities, franchises, privileges, and advantages, given or recognized by the said recited Act passed in the fourth year of the reign of his Majesty King William the Fourth, as

SCHEDULES to which the Act refers.

SCHEDULE (A.)

Bank of England.

AN Account pursuant to the Act 7 & 8 Vict. Cap. for the Week ending
 on the day of
 Issue Department.

<p>Notes issued - - - - -</p> <p style="text-align: right;">£</p>		<p>Government debt - - - - -</p> <p>Other securities - - - - -</p> <p>Gold coin and bullion - - - - -</p> <p>Silver bullion - - - - -</p> <p style="text-align: right;">£</p>
---	--	---

Dated the _____ day of _____ 18 . _____ Cashier.

Banking Department.

<p>Proprietors capital - - - - -</p> <p>Rest - - - - -</p> <p>Public deposits (to include Exchequer, saving banks, commissioners of national debt, and dividend ac- counts) - - - - -</p> <p>Other deposits - - - - -</p> <p>Seven day and other bills - - - - -</p> <p style="text-align: right;">£</p>		<p>Government securities (in- cluding dead weight an- nuity) - - - - -</p> <p>Other securities - - - - -</p> <p>Notes - - - - -</p> <p>Gold and silver coin - - - - -</p> <p style="text-align: right;">£</p>
--	--	---

Dated the _____ day of _____ 18 . _____ Cashier.

SCHEDULE (B.)

Name and title as set forth } _____ Bank.
 in the licence - - - }
 Name of the firm - - - } _____ Firm.
 Insert head office, or prin- } _____ Place.
 cipal place of issue - - - }

AN Account pursuant to the Act 7 & 8 Vict. Cap. of the Notes of the said
 Bank in circulation during the Week ending Saturday the _____ day
 of _____ 18 .

Monday	-	-	-
Tuesday	-	-	-
Wednesday	-	-	-
Thursday	-	-	-
Friday	-	-	-
Saturday	-	-	-

_____)
 _____)
 _____)

Average of the week - _____

Sheffield Union Bank.
 John Stoveld.
 Sunderland Joint Stock Banking Company.
 Tugwell and Co.
 Union Bank of Manchester.
 Vivian, Kitson, and Co.
 Watts, Whiteway, and Co.
 J. and J. C. Wright and Co.
 Webb, Holbrook, and Spencer.

CHAPTER XXXIII.

AN ACT for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other duties. [*] [19th July 1844.]

Justices of the peace shall send precepts in form in schedule directly to guardians of unions or single parishes for the payment of police rates, &c.

WHEREAS the constitution of boards of guardians for parishes and unions of parishes for the administration of the laws for the relief of the poor in England, together with the appointment of treasurers holding funds contributed by such parishes, affords great facility for the collection of county rates, hundred rates, police rates, and other like rates, authorized to be levied in counties or parts of counties; and it is expedient to relieve high constables from the duties of collecting and paying to the county treasurer the said rates, and from attending at the quarter sessions of the peace of their several counties in certain cases, and from the performance of certain other duties at present by law imposed on them: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that as often as the justices of the peace within the respective limits of their commissions in England have made a county rate or a police rate, or any other rate which may by law be raised in like manner as county rates, or any two or more such rates, such justices assembled at their general or quarter sessions, or at any adjournment thereof, shall order precepts in the form shown in the schedule annexed to this Act, or as near thereto as may be, to be issued to the guardians of every union of parishes, of which union any parish is situate within such limits, stating the sum or sums assessed and charged for each such rate on each parish in the union, the whole of which parish is situate within such limits, and to the guardians of every single parish situate within such limits, stating the sum or sums assessed and charged on such parish for each such rate, and requiring the guardians of such union or parish respectively, within such time as may be limited in such precepts, to cause the aggregate of the said several sums so stated, to be paid by them, out of the monies held by them on behalf of each such parish, to the treasurer of the county or place for which such justices act, and may cause such precepts to be sent by post, or otherwise, to such guardians; and such precepts shall have force in every such union so far as concerns such parishes as are within the limits of the commission of the said justices, notwithstanding that the place of meeting of such guardians may not

[* Rep., so far as relates to county rates, Stat. Law Rev. Act, 1861.]

Parishes not in arrear with contributions, whose contributions are not paid over, but are applied for the use of those parishes which are in arrear, so that they have to pay the additional 1s. in every 10s., shall be reimbursed by those parishes which are in arrear.

IV. AND be it enacted, that in every case where any parish comprised in an union has, on or before the day on which any precept as aforesaid should be obeyed, contributed money sufficient to enable the guardians of the union to pay any sum or sums required by such precept in respect of such parish, as well as to provide for the immediate relief of the poor of such parish, and to satisfy all other obligations of the said guardians in respect of such parish in force on that day, and where, through the default of any other parish or parishes in the same union in contributing money to such guardians, or through the neglect of such guardians to demand sufficient contributions from any other parish or parishes in the same union, the said guardians have applied the money of such first-mentioned parish to the use of such other parish or parishes, and are thereby rendered unable to pay any money so required by such precept on behalf of such first-mentioned parish, and such parish is by reason thereof compelled to pay the additional sum of one shilling in every ten as herein-before provided, in every such case the guardians of the union shall reimburse such first-mentioned parish such additional sum, and all costs incurred by reason of the premises, out of the monies of such other parish or parishes which may next thereafter come into the hands of such guardians; and in case more than one parish be in default as aforesaid the said guardians shall charge such additional sum and costs to every such parish, in proportion to the amount of the deficiency of the contribution of each parish respectively on the day on which the said precept should have been obeyed.

Justices may issue warrants for payment to the overseers of parishes, &c. not comprised in unions, or only partly within the jurisdiction of the justices, without the intervention of the high constable, and enforce payment from them.

V. AND be it enacted, that in the case of every parish not comprised within any union, and in which the laws for the relief of the poor are not administered by a board of guardians, and in the case of every parish comprised in a union the guardians of which are not empowered to relieve the poor, and in the case of any parish comprised within a union, or in which the laws for the relief of the poor are administered by a board of guardians, of which parish a part only is situated within the limits of the commission of any justices, for which part no separate rate is levied for the relief of the poor, and in the case of every place not maintaining its own poor, but liable to the payment of county, police, or other rates as aforesaid, the justices assembled as aforesaid may,, issue their warrant to the overseers, petty constables, peace officers, or other persons empowered by law to rate and levy county, police, or other rates in such parish, part of a parish, or place, to pay to the county treasurer, or to transmit to him in such manner as the said justices may from time to time direct, within a time limited in such warrant, the county rate, police rate, or other rate or rates as aforesaid charged on them, without the agency or intervention of any high constable, and such justices may cause such warrant to be sent by post or otherwise; and in case the said overseers, petty constable, peace officer, or other person refuse or neglect to pay any such rate within the time limited in such warrant the same remedy may be had against them as now by law exists against overseers neglecting to pay on the warrant of the high constable.

Sending of precepts, &c. by post, and delivery thereof.

VI. AND be it enacted, that whenever precepts or warrants as provided by this Act are to be sent by post the clerk of the peace shall send every such precept or warrant by post as a registered letter, according to the regulations of the postmaster general in force for the time being in that behalf; and every precept or warrant delivered or tendered as a registered letter at the address

" guardians." "tration of the laws relating to the poor in England," ,
 or under any local Act; and the word "guardians" shall mean and include
 any board of guardians acting under the provisions of the said Act passed in
 the fifth year of his late Majesty King William the Fourth, and empowered
 to relieve the poor of any parish or union, and the visitors, guardians, directors,
 managers, acting guardians, vestrymen, or other officers in a union appointed
 to act in the ordering of relief of the poor from the poor rate under any
 general or local Act of Parliament; and the word "hundred" shall mean and
 include any hundred, wapentake, ward, or other district in the nature of a
 hundred, by whatever name denominated.

SCHEDULE to which this Act refers.

FORM of Precept.

County of _____
 to wit. { To the guardians of the _____ union.

THESE are to require you, the guardians of the _____ union, from and
 out of the monies paid into the hands of the treasurer of your union for the
 uses and purposes of the said union, to pay or cause to be paid, on or before
 the _____ day of _____, into the hands of A.B, treasurer of
 the said county, appointed to receive the same, the sum of _____,
 being the amount of the several and respective sums of money hereunder set
 down and expressed opposite to and against the names of the several parishes,
 townships, or places comprised within your said union, the said several sums
 being respectively charged and assessed thereon as the proportion of the
 several parishes, townships, or places towards the general county rate, at
 _____ in the pound, made at the last quarter sessions [or general
 sessions] of the peace held at _____ in and for the said county [and
 towards a police rate, at _____ in the pound, made at the same time
 and place].

[Signature of the clerk of the peace.]

NAMES OF PARISHES.	County Rate,	Police Rate,
	at in the Pound.	at in the Pound.
	£ s. d.	£ s. d.

Trustees of ancient endowed schools may apply for parliamentary aid for rebuilding, &c. and consent to such school being open to inspection.

II. AND whereas there are many endowments for the purpose of education of the poor in Great Britain of ancient date, the schools whereon have become dilapidated, and, the funds of such endowment being insufficient for the restoration thereof, application is made by the trustees, or by the persons acting in the discharge of the trusts thereof, for aid out of the said parliamentary grant, but the same hath been declined, because such applicants could not impose upon their lawful successors in the said trust the conditions which the said committee would have advised her Majesty to require to secure the due inspection of such schools, and it is expedient to enable them to do so: Be it therefore enacted, that where the major part of the trustees of any endowed school for the education of the poor duly appointed under the terms of the deed of endowment, or, when such deed cannot be found or cannot be acted upon, of the persons who shall be in the possession of the endowment, and shall be acting in the execution of the trusts or the reputed trusts thereof, shall, and in cases where there shall be a visitor of such school with the consent of such visitor in writing, apply for aid out of such parliamentary grant to enable them to rebuild, repair, or enlarge the school belonging to such endowment, or the residence of the master or mistress thereof, or to furnish such school, and shall in writing assent to the said school being open to inspection on behalf of her Majesty and her successors, if the said committee shall deem fit to advise that any such grant shall be made, it shall immediately after the making of such grant, and thenceforth from time to time, be lawful for any inspector of schools appointed by her Majesty and her successors, in conformity with the terms contained in the writing testifying such consent as aforesaid, to enter the said school at all reasonable hours in the day for the purpose of inspecting and examining the state and condition of the school and the scholars thereat, and of making such report thereon as he shall deem fit.

Death of donor within twelve calendar months not to avoid an otherwise lawful grant for site of school under 4 & 3 Vict. c. 38.

III. AND whereas by an Act passed in the fifth year of the reign of her present Majesty, intituled "An Act to afford further facilities for the conveyance and endowment of sites for schools," it is enacted, that any person, being seised in fee simple, fee tail, or for life, of and in any manor, or lands of freehold, copyhold, or customary tenure, may grant, convey, or enfranchise, and subject to the provisions therein mentioned, any quantity not exceeding one acre of land as a site for a school or otherwise, as therein likewise specified; and it is desirable to prevent any such grant, being of so limited an interest, from being defeated by the death of the grantor: Be it enacted, that where any deed shall have been or shall be executed under the powers and for the purposes contained in the said Act, without any valuable consideration, the same shall be and continue valid, if otherwise lawful, although the donor or grantor shall die within twelve calendar months from the execution thereof.

Site may be granted under the said Act to

IV. AND whereas it was provided by the said Act that grants of land or buildings, or any interest therein, for the purposes of the education of poor persons, might be made to the minister of any parish, being a corporation, and the churchwardens or chapelwardens and overseers of the poor and their successors, and it is sometimes found inexpedient or impracticable to introduce the overseers as parties to the legal estate: Be it therefore enacted, that such grants may be made to the minister and churchwardens of any parish, such

As to authentication and effect of lists, specifications, &c.

incorporated society were substituted for the name of the said charitable association : Provided always, that in lieu of the lists, descriptions, specifications, notices, and certificates, required by the said Act to be under the hand and seal of the chairman and countersigned by the secretary or manager of the said charitable association, it shall be sufficient that such lists, descriptions, specifications, notices, and certificates shall be sealed with the corporate seal of the said incorporated society ; and all such lists, descriptions, specifications, notices, and certificates, so sealed with such corporate seal, shall have the same force and effect in all respects as is by the said Act given to lists, descriptions, specifications, notices, and certificates under the hand and seal of the chairman and countersigned by the secretary or manager of the said charitable association ; and such certificate, so sealed with the said corporate seal, shall be evidence, before all judges and justices, and in all courts, of the facts therein certified, without further proof thereof, and it shall not be necessary to prove the sealing of such certificates :

* * * * *

CHAPTER XLIV.

AN ACT to facilitate the disjoining or dividing of extensive or populous Parishes, and the erecting of new Parishes, in that Part of the United Kingdom called Scotland. [19th July 1844.]

Scotch Act, 1707, c. 9.

WHEREAS by certain Acts of the Parliament of Scotland provision is made for disjoining large parishes and building and erecting new churches ; and in particular by an Act passed in the Parliament of Scotland in the year one thousand seven hundred and seven, intituled "Act anent " plantation of kirks and valuation of teinds," the lords of council and session are empowered, authorized, and appointed to judge, cognosce, and determine in all affairs and causes whatsoever which by the laws and Acts of Parliament of the Kingdom of Scotland were formerly referred to and did pertain and belong to the jurisdiction and cognizance of the commissioners formerly appointed for the plantation of kirks and valuation of teinds, as fully and freely in all respects as the said lords do or may do in other civil causes and particularly, inter alia, " to disjoin too large paroches, to erect and build new " churches, to annex and dismember churches, as they shall think fit, conform " to the rules laid down and powers granted by the nineteenth Act of the " Parliament one thousand six hundred and thirty-three, the twenty-third and " thirtieth Acts of the Parliament one thousand six hundred and ninety, and " the twenty-fourth Act of the Parliament one thousand six hundred and " ninety-three, in so far as the same stand unrepealed ; the transporting of " kirks, disjoining of too large paroches, or erecting and building of new kirks, " being always with the consent of the heritors of three parts of four at least of " the valuation of the paroch whereof the kirk is craved to be transported, or " the paroch to be disjoined and new kirks to be erected and built " : And whereas it is expedient to afford facilities and to make further provision for the disjoining or dividing of extensive or populous parishes : Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing

So much of recited Act

Stipend how
to be borne.

Patronage
when to be
vested in
trustees.

new parish shall belong to the patron of the original parish from which the same has been disjoined or divided; or, if the new parish has been disjoined or divided from more than one parish having different patrons, the patronage of such new parish shall belong to the patrons of the parishes from which the same has been disjoined or divided, and shall be exercised by them either jointly or in a certain order of rotation, as may have been agreed upon by them, or, failing of such agreement, then their respective interests in the right of patronage, and the manner of exercising the same, shall be fixed by the lords of council and session, and in either case shall be set forth in a judgment to be pronounced by the said lords of council and session in the process for erecting such new parish: Provided always, that such patron or patrons of the original parish or parishes from which the new parish has been disjoined or divided shall undertake to bear the burden of not less than one half of the stipend to be provided to the minister of such new parish: Provided also, that no patron of any of the original parishes who shall not bear the burden of one fourth part of the stipend of the minister of the new parish shall have any right or interest in the patronage of such new parish by virtue of his right of patronage in such original parish; and in every case in which the patron or patrons of the original parish or parishes shall not bear the burden of not less than one half of the stipend to be provided to the minister of the new parish the patronage of such new parish, and the right of presentation to the kirk thereof, shall belong to the person, if there be only one such person, or to the persons alternately, if there are more than one and not more than three such persons, who shall bear the burden of the whole stipend provided for the minister of such new parish at the erection thereof, and to the heirs of such person or persons; and if the persons who bear the burden of such stipend shall exceed three in number, then the patronage of such new parish, and the right of presentation to the kirk thereof, shall be vested in and be exercised by three trustees, or, in case of difference of opinion, by the majority of three trustees, who shall be chosen for their respective lives in manner following; (that is to say,) the three trustees first chosen shall be elected by a majority of votes at a meeting of the heritors of such new parish, and of the persons who are liable in payment of stipend to the minister thereof, or who have contributed the sum of five pounds towards the fund out of which any part of the stipend is provided, or towards the expence of providing the church for such new parish; and upon the death, disability, or resignation of any of the trustees so chosen another trustee in his place shall be elected for life by the heritors and kirk session of the parish; and as often as any vacancy shall happen by the death, disability, or resignation of any trustee his place shall be supplied in like manner by another trustee, to be elected for life by the heritors and kirk session of the parish: Provided always, that no person shall be qualified to hold the office of trustee who is not a member of the Church of Scotland in full communion therewith.

VI. AND whereas in some large and populous parishes which it may be considered necessary or proper to divide into two or more parishes there are a number of poor persons, the greater portion of whom reside in or near the same locality, such locality being sometimes the least wealthy, whereby the particular territorial division of such large and populous parish which would be most expedient and advantageous in other respects would operate

Church to be secured as parish church in connexion with established church, and provision made for maintenance of fabric and endowment of minister.

intimation may be made by notice in the Edinburgh Gazette, or by advertisement in one or more Edinburgh newspapers of general circulation, or in any other form or manner that may be directed by the lords of council and session in any act or acts of sederunt, or any order to be made by them for that purpose: And provided also, that the titles to the said church shall be taken and conceived so as that the said church shall be inalienably secured as the church of the said new parish in connexion with the Church of Scotland, and that due provision shall be made for the future maintenance of the fabric of the said church; and that the endowment for the minister of the said new parish shall be not less than a stipend of one hundred pounds per annum, or seven chalders of oatmeal, to be calculated at the highest fiars of the county, exclusive of the sum necessary for communion elements, with a suitable dwelling house or manse and offices and appurtenances, or a stipend of not less than one hundred and twenty pounds, or eight and a quarter chalders of oatmeal, to be calculated at the highest fiars of the county, per annum, where there shall be no such dwelling house or manse; and that such stipend of not less than one hundred pounds, or not less than one hundred and twenty pounds, shall be permanently provided and secured in all time coming for the minister of the said parish; and that if there shall be a dwelling house or manse the title to such dwelling house or manse and offices and appurtenances shall be taken and conceived so that such dwelling house or manse and offices and appurtenances shall be inalienably secured as the dwelling house or manse and offices and appurtenances for the minister of the said parish; and that due provision shall be made for the future maintenance of the fabric of such dwelling house or manse and offices and appurtenances, all to the satisfaction of the said lords of council and session; and the right of presbyteries to present to vacant parishes *jure devoluto*, according to the law of Scotland, shall have place in regard to all parishes erected *quoad sacra* as aforesaid, in the same manner as in regard to other parishes.

Manse.

Right of presbyteries to present, *jure devoluto*, to prevail.

Distribution of pews.

IX. AND be it enacted, that in every such church as aforesaid a portion of the sittings therein, to be determined by the sheriff of the county in which such church is situated, and not exceeding one tenth of the whole sittings, shall be set apart as free seats for all persons frequenting the same; and another portion of the sittings therein, not exceeding one fifth of the whole sittings, shall be let at rents not exceeding a rate to be fixed by the presbytery of the bounds; and the remaining portion of the sittings may be let in such manner as shall be agreed upon by the minister for the time being and the person or persons liable for the repair of the church and for the stipend of the minister, or, in case of not agreeing, then in such manner as shall be determined by the sheriff of the county as aforesaid: Provided always, that one pew shall be appropriated, rent-free, for the accommodation of the family of the minister, and another pew for the officiating elders; and the pew or seat rents of any such church as aforesaid may be expended and applied for the purpose of defraying the necessary expences of a precentor, a beadle or kirk officer, and other expences necessarily incurred in dispensing the ordinances of religion therein, and not otherwise provided for, and for the purpose of upholding in due repair and improving the fabric of such church, or of the dwelling house and offices of the minister, or for the relief of any person or persons who may have undertaken or become liable to uphold the same, or

Application of pew rents.

Lands of persons under disability may be burdened for endowments and repairs.

Consent of next heir not under disability required.

XI. AND be it enacted, that it shall and may be lawful for any heir of entail in Scotland to burden the lands and estate of which he or she is in possession as heir of entail aforesaid, lying within any district to be marked out and designated as aforesaid, or to give security over the same, for the annual payment out of the clear yearly rents and profits of the said lands and estate of any sum not exceeding three pounds per centum of such clear yearly rents and profits, after deducting all prior burdens and provisions, as the same shall be ascertained by an average of the five years immediately preceding such burden or security, and in no case exceeding the yearly sum of one hundred and twenty pounds, for the purpose of endowing or contributing to the endowment of such new parish as aforesaid; and also to burden such lands and estate, or give security over the same, for upholding in due repair the fabric of the church of such new parish, and the dwelling house and offices of the minister, or any of them; the sums to be expended in such repairs not exceeding in any one year one pound per centum on the amount of money originally expended in building or purchasing and completing such church, or upon the estimated value thereof when received and recognized as the church of such new parish, and one pound per centum on the amount of money originally expended in building or purchasing and completing such dwelling house and offices, or upon the estimated value thereof; and such heir of entail shall not, by reason of such acting as aforesaid, be subject to nor incur any forfeiture or irritancy under any deed of entail by virtue of which he or she may hold such lands or estate, and such burdens and securities shall be as valid and effectual against such lands and estates as if the same had not been entailed: Provided always, that no such burden or security as aforesaid shall be effectual unless the heir of entail nearest in succession, of lawful age, and not under legal disability or incapacity, shall have consented thereto, which consent may be given judicially, or by letter or other writing under the hand of such heir of entail nearest in succession: Provided also, that if such heir of entail nearest in succession as aforesaid shall be an heir of the body of the heir of entail in possession who intends to create such burden or security, then such heir of entail in possession shall, three months at least before creating the same, give notice of such his intention, in writing, to the heir of entail next entitled to succeed to the said estate after the heirs of his own body, if within Great Britain or Ireland, and, if the heir next entitled to succeed is not within Great Britain or Ireland, to his nearest male relation by the father, of lawful age, or to his known factor or attorney; and before any such burden or security as aforesaid shall be created evidence shall be produced, to the satisfaction of the said lords of council and session, that such consent as aforesaid, and such notice as aforesaid, where required, have been given, and that the means of public worship for the inhabitants of such district are wanting, and cannot be adequately provided unless the power hereby given of burdening the entailed estate shall be exercised to the extent proposed.

XII. AND whereas in some populous parishes and districts in the low country of Scotland, particularly in large towns and in the neighbourhood of cities and royal burghs, there are a great number of persons, natives of the highlands and islands of Scotland, who do not understand the English

parish quoad sacra ; and in every such case the place of worship built or provided as aforesaid may be held and appointed to be the church of such parish, and the dwelling house and appurtenances provided for the minister may be held and appointed to be the dwelling house of the minister of such parish ; and the provisions contained in the said two last-mentioned Acts may be held and taken to be sufficient provisions for upholding in repair such church and dwelling house and appurtenances, and a stipend of one hundred and twenty pounds, payable under the provisions of the said Acts, may be held to be sufficient stipend for the minister of the said parish ; and it shall and may be lawful for the minister and elders of such parish to have and enjoy the status and all the powers, rights, and privileges of a parish minister and elders of the Church of Scotland.

If any place in which a church has been erected under recited Acts is made a parish quoad omnia, such church may be appointed as the parish church.

Charge of future repairs thereof.

Stipend of minister.

Right of nomination.

Provisions of 50 Geo. 3. c. 84. and 5 Geo. 4. c. 72. not to extend to parishes erected under the present Act.

XV. AND be it enacted, that if in any case in which a place of-worship has been built, and a district has been defined and set apart, under the provisions of the said two last-recited Acts, application shall be made to the said court to erect such district alone, or such district with additions thereto, into a new parish quoad omnia, with the requisite consent of heritors, and that the said court shall give effect to such application, it shall and may be competent for the said court to declare and appoint the place of worship already erected in such district to be the church of such new parish, and to appoint and declare the dwelling house already erected for the minister to be the manse of such new parish ; and the commissioners under the said last-recited Acts shall thereupon cease to hold such place of worship and such dwelling house for the purposes of the said last-recited Acts ; and the provisions contained in the said last-recited Acts for upholding such place of worship and such dwelling house in repair shall cease and determine, and the burden of upholding the same shall fall on the parties who by the law of Scotland would be bound to uphold the church and manse of the parish if such church and manse had been appointed to be built for the newly-erected parish ; and in fixing the stipend to be paid to the minister of such newly-erected parish the said court shall compute as stipends the sum paid by authority of the said last-recited Acts to the minister in such district, which sum shall be continued to be paid to the minister of such newly-erected parish : Provided always, that the right of her Majesty, her heirs and successors, to nominate and appoint the minister to such church and district shall remain entire, notwithstanding the erection thereof into a separate parish.

XVI. AND be it enacted, that the provisions of the Act passed in the fiftieth year of the reign of his Majesty King George the Third, intituled " An Act for augmenting parochial stipends in certain cases in Scotland," and the provisions of the Act passed in the fifth year of the reign of his Majesty King George the Fourth, intituled " An Act for amending and rendering more effectual an Act for augmenting parochial stipends in certain cases in Scotland," shall not be extended to any new parishes erected under the provisions of this Act, although the stipend or endowment modified or provided for the minister of any such new parish should be less than one hundred and fifty pounds sterling.

* * * * *

Application
of funds for
benefit of
congregation,
minister, &c.

Where
doctrines, &c.
to be preached,
&c. are ex-
pressly de-
clared, such
declaration
shall be
followed
notwithstand-
ing any dif-
ferent usage.

meeting house, together with any burial ground, Sunday or day school, or minister's house, attached thereto; and any fund for the benefit of such congregation, or of the minister or other officer of such congregation, or of the widow of any such minister, shall not be called in question on account of the doctrines or opinions or mode of worship so taught or observed in such meeting house: Provided nevertheless, that where any such minister's house, school, or fund as aforesaid shall be given or created by any will, deed, or other instrument, which shall declare in express terms, or by such reference as aforesaid, the particular religious doctrines or opinions for the promotion of which such minister's house, school, or fund is intended, then and in every such case such minister's house, school, or fund shall be applied to the promoting of the doctrines or opinions so specified, any usage of the congregation to the contrary notwithstanding.

* * * * *

CHAPTER XLVI.

AN ACT to continue, until the Fifth Day of April One thousand eight hundred and forty-six, Compositions for Assessed Taxes; and to amend certain Laws relating to Duties under the Management of the Commissioners of Stamps and Taxes. [29th July 1844.]

* * * * *

Commissioners
of stamps and
taxes em-
powered to
direct within
what districts
and parishes
privileged and
other places
shall be rated
to the assessed
taxes and
property
tax, and the
taxes shall be
assessed, &c.
accordingly.

III. AND whereas difficulties have arisen in carrying into execution the several Acts relating to the duties of assessed taxes, and the duties on profits arising from property, professions, trades, and offices, in divers privileged and other places, by reason of doubts as to whether such places are extra-parochial, or included within or forming part of any parish, tithing, or place for which separate assessments of the said duties have been usually heretofore made: For remedy whereof be it enacted, that it shall be lawful for the commissioners of stamps and taxes, or any two or more of them, and they are hereby authorized and empowered, from time to time, by any order in writing under their hands, to order and direct that any privileged or other place, whether extra-parochial or not, but not being itself an entire parish, shall, for the purposes of assessing, charging, collecting, and levying the said duties respectively, and for all other the purposes of the several Acts aforesaid, be deemed to be within or part of such district or division, and within or part of such parish, tithing, ward, or place respectively, as shall appear to the said commissioners to be most convenient and proper for the purposes aforesaid, and thereupon such privileged or other place shall be deemed to be within or part of such district or division, and within or part of such parish, tithing, ward, or place, according to such order, for all the purposes aforesaid; and the said respective duties shall be assessed, charged, raised, collected, and levied within such privileged or other place, and upon the occupiers or inhabitants thereof, by or under the authority of the commissioners appointed or authorized to put in execution the said respective Acts in the district or division, and by the assessors, collectors, or other officers appointed for the parish, tithing, ward, or place, within or part of which such privileged or other place shall be by any such order as aforesaid declared or directed to be deemed to be, any law, statute, or usage to the contrary notwithstanding: Provided always, that it

determined by the said respective commissioners within their district at such time and place as they shall appoint for that purpose, of which due notice shall be given to the party assessed or charged as aforesaid.

V. AND whereas by the said Acts relating to the said respective duties the commissioners for putting the same in execution respectively are required or directed to hold certain meetings, and to appoint certain officers, and also to do and perform divers other acts, matters, and things, in the execution of the powers and provisions of the said Acts, before or upon certain days or times appointed and prescribed by the said Acts for such purposes respectively: And whereas, in cases where the said commissioners have omitted to put in execution the powers and provisions of the said Acts within or at the times so appointed and prescribed as aforesaid, doubts have arisen as to the legality of their execution of such powers and provisions at any subsequent period, and it is expedient to remove such doubts: Be it therefore enacted, that where in any case the said respective commissioners have neglected or omitted, or shall hereafter neglect or omit, to hold any meeting, or to appoint any officer, or to do or perform any other act, matter, or thing, in the execution of the powers and provisions of the said Acts respectively, within or at the time directed, appointed, or prescribed by the said Acts in that behalf, the holding of such meeting, and the appointment of such officer, and the performance of any such other act, matter, or thing as aforesaid at any other time or times shall, notwithstanding any such neglect or omission, be and be deemed to have been respectively as good, valid, and effectual to all intents and purposes as if the same respectively had been held, made, done, or performed within or at the time and according to the manner and circumstances directed, appointed, or prescribed as aforesaid, any thing in the said Acts contained to the contrary thereof notwithstanding.

Acts done by commissioners in execution of the powers of the Acts as to assessed taxes, &c. declared valid, although not done within the times prescribed for that purpose.

VI. AND whereas by the said Acts relating to the said duties respectively the commissioners acting in the execution thereof are required to direct their precepts to such inhabitants of each parish, ward, or place, and such number of them, as they shall think most convenient, to be presenters and assessors for such parish, ward, or place, requiring them to appear before the said commissioners at such place and at such time as they shall appoint, in order that such of the said inhabitants as the said commissioners shall think proper may be appointed assessors of the said several duties: And whereas it frequently happens that the persons to whom such precepts are directed wilfully disobey the same, whereby the execution of the said Acts is greatly impeded: Be it therefore enacted, that if any person to whom any such precept as aforesaid shall be directed shall wilfully neglect or refuse to appear before the said respective commissioners according to the tenor and effect thereof, or, having appeared, shall refuse to submit to be appointed an assessor of the said duties or of either of them respectively, in the manner and form by the statute in such case directed and provided, every person so offending in any such case as aforesaid shall forfeit and pay for every such offence the sum of ten pounds, to be recovered and applied in like manner as any penalty incurred under the said Acts or any of them may be recovered and applied.

Penalty on persons refusing to appear before the commissioners to be appointed assessors, or refusing to submit to be appointed, 10l.

Recital of 49 Geo. 3. c. 32. and c. 110.

VII. AND whereas by an Act passed in the forty-ninth year of the reign of King George the Third, intituled "An Act for continuing and making perpetual several duties of one shilling and sixpence, repealed by an Act of the

Recited Acts
continued.

“ frauds and abuses committed by weavers, sewers, and other persons employed
“ in the linen, hempen, union, cotton, silk, and woollen manufactures in
“ Ireland, and for the better payment of their wages”: And whereas it is
expedient that the first herein-before recited Act should be continued, with
such amendments as are herein-after contained, and that the secondly and
thirdly herein-before recited Acts should also be 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 first herein-before recited Act, except
as to such parts thereof as have been repealed by the said secondly herein-before
recited Act, and subject to the amendments herein-after contained, and the said
secondly and thirdly herein-before recited Acts, shall be continued and shall be and
remain in force from the passing of this Act for five years, and until the end of the
next session of Parliament. [Rep., Stat. Law Rev. Act., 1874 (No. 2).]

Justices
empowered to
reduce the
penalties
imposed by
the Act
5 & 6 Will. 4.
c. 27.

II. AND whereas several of the penalties imposed by the said first herein-
before recited Act for the offences therein described are directed to be not less
in amount than certain sums in the said Act respectively named, and it is
expedient that power should be given to the convicting justices still further to
lessen the same: Be it therefore enacted, that it shall be lawful for any justices
or justice or chief magistrate by whom any person shall be convicted of any
offence under the said first herein-before recited Act to award, in respect of
any offence punishable under the said Act, any penalty whatsoever, not being
greater than the maximum penalty assigned for such offence by the said Act;
and the said Act shall hereafter take effect and be continued as if no such
minimum limits as are herein-before referred to had been respectively assigned
to the penalties thereby imposed.

5 & 6 Will. 4.
c. 47. s. 9.

III. AND whereas by the said first-mentioned Act it is enacted, that for the
purposes thereof all linen which shall be sold or exposed for sale within the
custom gaps or custom gates of any fair or market on the respective fair or
market days, between the hours therein-after mentioned, (that is to say,)
between ten of the clock in the forenoon and two of the clock in the afternoon
from the twenty-fifth day of March until the twenty-fifth day of September
in each year, and between eleven of the clock in the forenoon and two of the
clock in the afternoon from the twenty-fifth day of September until the
twenty-fifth day of March in each year, shall be deemed and taken to be sold
or exposed for sale in open fair or market, and none other; any law, usage, or
custom to the contrary notwithstanding: And whereas it is expedient that
the hour of ten of the clock in the forenoon, from the twenty-fifth day of
September to the twenty-fifth day of March in each year, should be fixed,
instead of eleven of the clock in the forenoon during the like period, as the
time at which open fairs and markets should, for the purposes of the said first
herein-before mentioned Act, be deemed to commence: Be it therefore enacted,
that from and after the passing of this Act all linen that shall be sold or
exposed for sale within the custom gaps or custom gates of any fair or market
on the respective fair days, between the hour of ten of the clock in the fore-
noon and two of the clock in the afternoon, whatever may be the period of the
year, shall for the purposes of this Act be deemed and taken to be sold or
exposed for sale in open fair or market, and none other; any thing in the said
first herein-before recited Act, and any law, usage, or custom, to the contrary
notwithstanding.

All linen sold,
&c. within
the custom
gaps or gates
of any fair or
market be-
tween ten and
two o'clock
at any period
of the year,
shall be
deemed to be
sold in open
fair or market.

may establish rates of colonial postage, and alter them from time to time.

the passing of this Act, by warrant under their hands, to alter and fix any of the rates of colonial postage payable by law for the transmission of letters by the post, and to subject the same to rates of postage according to the weight thereof, and a scale of weight to be contained in such warrant, and from time to time, by warrant as aforesaid, to alter or repeal any such altered rates, and make and establish any new or other rates in lieu thereof, and the rates of colonial postage from time to time to become payable under or by virtue of any such warrant shall be charged and paid accordingly, and from time to time, by warrant as aforesaid, to appoint at what time the rates which may be payable are to be paid; and the power hereby given to alter and fix rates of postage shall extend to any increase or reduction or remission of postage.

Warrants establishing rates of colonial postage to be published in London Gazette, and laid before Parliament.

IV. AND be it enacted, that in all cases in which any rates of colonial postage shall be made payable under or by virtue of any warrant of the commissioners of her Majesty's Treasury under this Act every such warrant shall be published in the London Gazette, and shall, within fourteen days after making the same, be laid before both Houses of Parliament if then sitting, or otherwise within fourteen days after Parliament shall re-assemble: Provided that any rates made payable by any such warrant may be demanded and taken at any time after they shall have been so published in the London Gazette, although the same shall not then have been laid before Parliament.

Rates of colonial postage, where posts are established by postmaster general, to be paid over to him, and applied, after payment of expences, in improving postal communications in the colony, and the surplus for the public service of the colony.

V. AND be it enacted, that the rates of colonial postage now or hereafter payable within any of her Majesty's colonies, where posts or post communications have been or shall hereafter be established by or under the authority of her Majesty's postmaster general, shall be charged by and be paid to her Majesty's postmaster general for the time being, or his deputies or agents in such colony, and, after deducting the expences of collection and management of the post office in any such colony, and payment of the salaries and wages of the officers and servants employed in or about the same, shall be appropriated and applied, by or under the authority of the postmaster general for the time being, to the improvement and extension of the posts and post communications of the colony within which such postage shall be raised, and the surplus thereof shall be applied for the public service of such colony, and the support of the government thereof, in such manner as the commissioners of her Majesty's Treasury for the time being may from time to time by writing under their hands direct.

Repeal of part of sect. 33 of 3 & 4 Vict. c. 96.

VII. AND be it enacted, that so much of the thirty-third section of the said Act of the third and fourth years of the reign of her present Majesty, intituled "An Act for the regulation of the duties of postage," as contains the words "and where rates of postage have not hitherto been authorized by law," shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Commissioners of the Treasury may extend provisions of Post Office Acts to all or any of the colonies.

IX. AND be it enacted, that it shall be lawful for the commissioners of her Majesty's Treasury, from time to time and at all times after the passing of this Act, by warrant under their hands, to extend to all or any of her Majesty's colonies any of the enactments, clauses, and provisions (not then relating to or affecting the colonies) contained in the said last-mentioned Act, and also any of the enactments, clauses, and provisions (not then relating to or affecting the colonies) contained or which may be contained in any other of the Post Office Acts now or hereafter to be in force, and from time to time to revoke any

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.

5 & 6 Vict.
c. 109. s. 21.
(exempted
places.)

Exemptions
and dis-
qualifications
of residents
in parts of
parishes
included in
exempted
boroughs or
places.

IV. AND whereas by the said Act it is provided, that nothing therein contained shall apply to certain boroughs and places therein specified: And whereas doubts have been entertained as to the powers of the justices to appoint constables for any parish of which part shall be within and part without such exempted borough or place: Be it declared and enacted, that with respect to any such parish the exemptions provided by the said Act shall be deemed only to exempt the men residing within that part of the parish which is within such exempted borough or place from serving as constables under the said Act, or being included in any list to be made out under the said Act, and to disqualify the inhabitants of such part from voting in any division of the vestry under the said Act.

* * * * *

CHAPTER LV.

AN ACT to amend and explain the Acts for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure.]* [29th July 1844.]

4 & Vict.
c. 35.

6 & 7 Vict.
c. 23.

Provisions of
former Copy-
hold Acts
as to recovery
of expences,
costs, &c.
to be paid by
tenant who is
a trustee of
lands affected,
shall extend
to cases where
there shall
not be an
apportionment
as well as to
those where
there is.

WHEREAS an Act was passed in the session of Parliament holden in the fourth and fifth years of the reign of her present Majesty Queen Victoria, intituled "An Act for the commutation of certain manorial rights in respect of lands of copyhold and customary tenure, and in respect of other lands subject to such rights; and for facilitating the enfranchisement of such lands, and for the improvement of such tenure," and was amended and explained by an Act passed in the session of Parliament holden in the sixth and seventh years of the reign of her present Majesty; and it is expedient further to amend and explain the said Acts in certain respects: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the provisions of the aforesaid Acts, or either of them, as to the recovery of expences, costs, and charges to be paid by any tenant, being a trustee and not beneficially interested in the lands, of which he stands admitted tenant, to be affected by any commutation or enfranchisement under the aforesaid Acts or this Act, shall extend as well to cases in which there shall not be an apportionment on commutation or enfranchisement in pursuance of the said aforesaid Acts or this Act as to cases in which there shall be an apportionment on commutation or enfranchisement in pursuance thereof.

* * * * *

] * All the provisions of the Copyhold Acts which authorize commutations by schedule of apportionment, and also all the provisions which authorize commutations by a schedule to be prepared by the steward, and also all the provisions which authorize enfranchisement by schedule of apportionment, and also all the provisions which authorize the charging of enfranchisement or compensation moneys or the expences of commutations or enfranchisements upon land, are rep., 21 & 22 Vict. c. 94. s. 2.]

distress, &c.
for nonpay-
ment to rent-
charges under
6 & 7 Vict.
c. 23. and
this Act.
This Act to
be construed
as a part of
the recited
Acts.

applicable to all rent-charges granted and made payable under and by virtue of the said secondly herein-before recited Act or this Act.

VIII. AND be it enacted, that this Act shall be taken and construed to be part of the aforesaid Acts, and that all proceedings which may have been had, and all commutations and enfranchisements which may have taken place, under the said recited Acts or either of them, and all matters and things incident thereto, shall be of the same force, validity, and effect as if the provisions of this Act had been contained in the said first-recited Act.

* * * * *

CHAPTER LVI.

AN ACT concerning Banns and Marriages in certain District Churches or Chapels. [29th July 1844.]

29 Geo. 3.
c. 134. ;

1 & 2 Will. 4.
c. 38. ;

1 & 2 Vict.
c. 107. ;

3 & 4 Vict.
c. 60.

Where a district is assigned to any church or chapel under 1 & 2 Will. 4. c. 38. the church building commissioners or the bishop to decide whether banns, &c. shall be published and marriages solemnized therein.

Issue and effect of certificate in cases where it shall be determined that banns may be published and marriages solemnized.

WHEREAS an Act was passed in the fifty-ninth year of the reign of King George the Third, intituled "An Act to amend and render more effectual an Act passed in the last session of Parliament, for building and promoting the building of additional churches in populous parishes": And whereas another Act was passed in the second year of the reign of his late Majesty, intituled "An Act to amend and render more effectual an Act passed in the seventh and eighth years of the reign of his late Majesty, intituled " 'An Act to amend the Acts for building and promoting the building of " ' additional churches in populous parishes '": And whereas another Act was passed in the second year of the reign of her present Majesty, intituled "An Act to amend and render more effectual the Church Building Acts": And whereas another Act was passed in the fourth year of the reign of her said Majesty, intituled "An Act to further amend the Church Building Acts": And whereas doubts are entertained whether banns of matrimony can be published or marriages be solemnized in churches or chapels to which districts have been or may hereafter be assigned under the said recited Act passed in the second year of the reign of his late Majesty; and it is expedient to remove such doubts: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in every case in which a district has been or shall be assigned to any church or chapel under the provisions of the said last-mentioned Act it shall be lawful for her Majesty's commissioners for building new churches, with the consent of the bishop of the diocese, in every such case as has come or shall come before the said commissioners under the provisions of the said last-mentioned Act, and for the said bishop in every such other case, to determine whether banns of matrimony shall be published and marriages solemnized in any such church or chapel aforesaid or not.

II. AND be it enacted, that when and so soon as it shall be determined that banns of matrimony may be published and marriages solemnized in any such church or chapel, the bishop of the diocese within which such church or chapel shall be locally situated, whether in any parish or extra-parochial place, or otherwise, shall certify the same, and such certificate shall be kept in the chest of the church or chapel with the books of registry thereof, and a copy thereof shall be entered in the books of the registry of banns and

signed under
59 Geo. 3.
c. 134. may
be cured by
supplemental
order.

marriages may be performed in such chapel, it shall be lawful for her Majesty, by any supplemental order in council, on a representation to be made to her by the said commissioners, with the consent of the bishop of the diocese, to order that marriages may be performed thereafter in such chapel; and that all the fees arising therefrom, or a part thereof, should thereafter belong and be paid to the minister of such chapel, or after the next avoidance of the parish church, or that all or a portion of such fees should belong and be paid to the incumbent of such parish church; and all the laws in force relating to banns of marriage, and marriages in district chapels, and the registering thereof, shall apply to marriages performed under such supplemental order in council.

In any representation to the Queen in council, order in council, or other document, sections of Acts proceeded under may be referred to by numbers in Queen's printer's copies.

Every order in council under the Church Building Acts to be published in the London Gazette, and registered, with a map and description of boundaries, in diocesan registry under provisions of 3 & 4 Vict. c. 113., but the map need not be enrolled in Chancery.

6 & 7 Will. 4. c. 85. as to licensing churches, &c. for solemnization of marriages not to be affected.

V. AND be it enacted, that in any representation to her Majesty in council, or in any order of council to be made thereon, or in any other matter or thing done under their common seal by the said commissioners under the authority of the herein-before recited Acts or any other Act of Parliament, it shall be sufficient to refer to the section or sections as numbered in copies printed by the Queen's printer of the Act or Acts under the authority whereof such representation or order in council is made, or such matter or thing done, and it shall not be necessary to recite any of the provisions of such section or sections.

VI. AND be it enacted, that every order in council under the provisions of the herein-before recited Acts or any of them, or under the provisions of any other of the Church Building Acts, shall, as soon as may be after the making thereof by her Majesty in council, be inserted and published in the London Gazette in like manner as any order in council made under the Acts regulating the proceedings of the ecclesiastical commissioners of England is published in such Gazette, and it shall not be necessary to enrol in the Court of Chancery any map or plan or description of the boundaries of any division or district formed under the provisions of the herein-before recited Acts, or any other of the Church Building Acts; and a map or plan on which shall be marked such boundaries, and which shall be sealed with the common seal of the said commissioners for building new churches, and the order in council annexed thereto, shall be registered in the registry of the diocese in the manner directed by the Act passed in the fourth year of the reign of her present Majesty, intituled "An Act to carry into effect, with certain modifications, the fourth report of the commissioners of ecclesiastical duties and revenues," and shall be subject to such and the like provisions in all respects relating thereto as are contained in the same Act: Provided always, that nothing in this Act contained shall be taken to repeal or affect any of the authorities contained in an Act of Parliament passed in the seventh year of the reign of his late Majesty, intituled "An Act for marriages in England," for licensing any churches or chapels for the solemnization of marriages therein.

Power to appoint persons in holy orders to the office of church clerk, and to require such persons to act as assistant curates, if necessary.

Such persons to be liable to suspension or removal as stipendiary curates.

Appointments made otherwise than by the incumbent to be subject to his approval. Persons appointed to obtain a curate's licence before acting as such.

Appointments of assistant clergy under this Act not to exempt incumbents from the duty of providing curates in cases where they are now liable.

II. AND be it enacted, that when and so often after the passing of this Act as any vacancy shall occur in the office of church clerk, chapel clerk, or parish clerk, in any district, parish, or place, it shall be lawful for the rector or other incumbent or other the person or persons entitled for the time being to appoint or elect such church clerk, chapel clerk, or parish clerk as aforesaid, if he shall think fit, to appoint or elect a person in the holy orders of deacon or priest of the United Church of England and Ireland to fill the said office of church clerk, chapel clerk, or parish clerk; and such person so appointed or elected as aforesaid shall, when duly licensed as herein-after provided, be entitled to have and receive all the profits and emoluments of and belonging to the said office, and shall also be liable in respect thereof, so long as he shall hold the same, to perform all such spiritual and ecclesiastical duties within such district, parish, or place as the said rector or other incumbent, with the sanction of the bishop of the diocese, may from time to time require; but such person in holy orders so appointed or elected as aforesaid shall not by reason of such appointment or election have or acquire any freehold or absolute right to or interest in the said office of church clerk, chapel clerk, or parish clerk, or to or in any of the profits or emoluments thereof, but every such person in holy orders so appointed or elected as aforesaid shall at all times be liable to be suspended or removed from the said office, in the same manner and by the same authority, and for such or the like causes, as those whereby any stipendiary curate may be lawfully suspended or removed; such suspension or removal nevertheless being subject to the same power of appeal to the archbishop of the province to which any stipendiary curate is or may be entitled.

III. PROVIDED always, and be it enacted, that every such appointment or election as last aforesaid, if made by any other person or persons than the rector or other incumbent of such district, parish, or place, shall be subject to the consent and approval of such rector or other incumbent of such district, parish, or place; and that no person in holy orders so appointed or elected as aforesaid shall be competent to perform any of the duties of his said office, or any other spiritual or ecclesiastical duties, within such district, parish, or place, or to receive or take any of the profits or emoluments of his said office, unless and until he shall have duly obtained from the bishop of the diocese within which such district, parish, or place is situate such licence and authority in that behalf as are required and usual in respect of stipendiary curates; but nevertheless such licence and authority, when so obtained as aforesaid, shall entitle the person so obtaining it to hold the said office, and to receive and take the profits and emoluments thereof as aforesaid, until he shall have resigned the same, or have been so suspended or removed as aforesaid, without any annual or other re-appointment or re-election thereto.

IV. PROVIDED also, and be it enacted, that no rector or other incumbent of any district, parish, or place wherein any such person or persons shall be so employed as aforesaid, or wherein any lecturer or preacher shall have been required to undertake and perform other clerical and ministerial duties, in the manner herein-before provided, or wherein any person in holy orders shall have been appointed or elected to fill the office of church clerk, chapel clerk, or parish clerk as aforesaid, shall by reason of any such provisions be exempt from any duty or obligation of employing within the same district, parish, or place any curate or other assistant to which by any law, statute, canon, or

Power to remove person ceasing to be employed as mentioned in this Act from premises held by him in right of his employment;

VI. AND be it enacted, that in case any person, having ceased to be employed in any of the offices or duties in this Act mentioned or referred to, or having been duly suspended or removed from any such office or employment as aforesaid, shall at any time refuse or neglect to give up the possession of any house, building, land, or premises, or any part or parcel thereof, by him held or occupied by virtue or in respect of any such office or employment as aforesaid, it shall be lawful for the bishop of the diocese, upon complaint thereof to him made, to summon such person forthwith personally to appear before him, and to show cause for such refusal or neglect; and upon the failure of the person so summoned as aforesaid to obey such summons, or, upon his appearance, to show to the said bishop such cause as may be deemed by the said bishop sufficient for such refusal or neglect, the said bishop shall thereupon grant a certificate of the facts aforesaid, under his hand and seal, to the person or persons entitled to the possession of such house, building, land, or premises as aforesaid, who may thereupon go before any neighbouring justice of the peace; and such justice, upon production of such certificate, and proof of such wrongful retention of possession as aforesaid, shall and he is hereby required to issue his warrant under his hand and seal, directed to the constables or other peace officers of the district, parish, or place within which such house, building, land, or premises is or are situate, or to the constables or other peace officers of any neighbouring district, parish, or place, requiring them forthwith to expel and remove from the said house, building, land, or premises, and from every part and parcel thereof, the person so wrongfully retaining possession thereof, and to deliver the peaceable possession thereof to the person or persons so entitled to the same as aforesaid; and such constables or other peace officers shall and they are hereby required promptly and effectually to obey and execute such warrant, according to the exigency thereof, and thereupon it shall be lawful for them also to levy, upon the goods and chattels of the person so by them expelled and removed as aforesaid, the necessary costs and expences of executing such warrant, the amount whereof, in case the same shall be disputed, shall be forthwith settled and determined by the said justice of the peace by whom the said warrant was so issued as aforesaid, or by any other justice of the peace residing in or near to the said district, parish, or place, whose decision thereupon shall be final, and who is hereby authorized to make such order in that behalf as to him shall seem reasonable.

and to levy on his goods the cost of so doing.

CHAPTER LXI.

AN ACT to annex detached Parts of Counties to the Counties in which they are situated. [6th August 1844.]

WHEREAS there exist in England and Wales parts of counties detached from the main body of the county, and delay and hindrance to the administration of justice ensue, and inconvenience in other respects; and it is desirable to remedy the said evil: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 from and after the twentieth day of October next every part of any county in England or Wales which is detached from the

Detached portions of counties to be considered for all purposes as parts of the counties

Ecclesiastical jurisdiction or patronage not to be affected.

Act not to extend to alter or affect the assessment of land tax or assessed taxes in detached portions of counties, or the jurisdiction of the commissioners.

V. PROVIDED always, and be it enacted, that nothing herein contained shall alter or interfere with any ecclesiastical jurisdiction or right of patronage.

* * * * *

VII. PROVIDED always, and be it enacted, that nothing herein contained shall be construed to affect or alter the assessments of the land tax or assessed taxes in or for any such detached portion of a county, or to extend or diminish the jurisdiction of any commissioners acting therein in the execution of the Acts relating to the said taxes respectively, but that all such detached portions shall be subject in that behalf to the jurisdiction of the commissioners acting for the same county or district as they would have been subject to if this Act had not been passed; and all parishes and parts of parishes and places, and all manors, lands, tenements, and hereditaments within any such detached portion, shall continue chargeable towards raising the land tax charged upon the same county or other district to or in aid of which they have heretofore contributed a quota or portion of such land tax.

* * * * *

CHAPTER LXVIII.

AN ACT to suspend, until the Thirty-first Day of December One thousand eight hundred and forty-seven, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions, and for obtaining Returns from and the Inspection of the Registries of such Jurisdictions. [6th August 1844.]

* * * * *

Registrars of ecclesiastical courts and of dioceses to make certain returns as to ecclesiastical fees to secretary of state.

II. AND be it enacted, that the registrar of every court exercising ecclesiastical jurisdiction, and the registrar of every vicar general or diocese, shall, on or before the twentieth day of January in the year one thousand eight hundred and forty-five, make out and transmit to one of her Majesty's principal secretaries of state a true account in writing of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments respectively as shall in each of the five next preceding years, each of such years ending on the fifth day of January, have been received or become due on account of the judge of such court or vicar general, by virtue of his office as such judge or vicar general, or on account of himself, or (except of surrogates) of any other officer, clerk, or minister of such court or registry, by virtue of his office or employment, specifying the particulars of the payments, disbursements, allowances, and charges respectively constituting the difference between such gross and net amounts, and shall on or before the twentieth day of January in every succeeding year transmit a like account for the year ending on the fifth day of January in such year; and the several officers, clerks, and ministers of each of the said courts and registries shall render to the registrar thereof all such statements in writing as he may require for the purpose of preparing such account; and such registrar shall transmit the said statements to the said secretary of state at the same time with his aforesaid account; and the said secretary of state may at any time or times require that all or any of the several accounts and statements herein-before mentioned shall contain such particulars and be in such form and verified in such manner as to him may seem proper.

III. AND be it enacted, that on or before the twentieth day of January in every year the registrar of each of the said several courts and registries shall report in writing to one of her Majesty's principal secretaries of state on the state and condition of his registry, and the buildings belonging thereto, and also upon all such other matters connected with such registry, and the documents therein contained, as and in such form as the said secretary of state may from time to time require; and such secretary of state may from time to time call for further or other returns, and may also direct and cause to be made such inspection or survey of any registry as he may think fit.

IV. AND be it enacted, that the word "registrar" when used in this Act shall include all registrars and deputy registrars.

Registrars to report on state of offices and as to documents in registry to secretary of state.

Secretary of state may call for further returns and direct surveys.

Term "registrar" to include deputies.

CHAPTER LXIX.

AN ACT for amending an Act passed in the Fourth Year of the Reign of His late Majesty, intituled "An Act for the better Administration of Justice in His Majesty's Privy Council"; and to extend its Jurisdiction and Powers.

[6th August 1844.]

WHEREAS the Act passed in the fourth year of the reign of his late Majesty, intituled "An Act for the better administration of justice in his Majesty's privy council," hath been found beneficial to the due administration of justice: And whereas another Act, passed in the sixth year of the said reign, intituled "An Act to amend the law touching letters patent for inventions," hath been also found advantageous to inventors and to the public: And whereas the judicial committee acting under the authority of the said Acts hath been found to answer well the purposes for which it was so established by Parliament, but it is found necessary to improve its proceedings in some respects, for the better despatch of business, and expedient also to extend its jurisdiction and powers: And whereas by the laws now in force in certain of her Majesty's colonies and possessions abroad no appeals can be brought to her Majesty in council for the reversal of the judgments, sentences, decrees, and orders of any courts of justice within such colonies, save only of the courts of error or courts of appeal within the same, and it is expedient that her Majesty in council should be authorized to provide for the admission of appeals from other courts of justice within such colonies or possessions:

Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 it shall be competent to her Majesty, by any order or orders to be from time to time for that purpose made with the advice of her privy council, to provide for the admission of any appeal or appeals to her Majesty in council from any judgments, sentences, decrees, or orders of any court of justice within any British colony or possession abroad, although such court shall not be a court of errors or a court of appeal within such colony or possession; and it shall also be competent to her Majesty, by any such order or orders as aforesaid, to make all such provisions as to her Majesty in council shall seem meet for the instituting and prosecuting any such appeals, and for carrying into effect any such decisions or sentences as her Majesty in council shall pronounce

3 & 4 Will. 4. c. 41.

5 & 6 Will. 4. c. 23.

Her Majesty, by order in council, may provide for the admission of appeals from any court in any colony, although such court shall not be a court of error or of appeal in such colony;

and may
revoke such
orders.

Orders may
be either
general or
special.

General
orders to be
published.

Nothing
herein to
affect the pre-
sent powers
for regulating
appeals from
the colonies.

thereon: Provided always, that it shall be competent to her Majesty in council to revoke, alter, and amend any such order or orders as aforesaid, as to her Majesty in council shall seem meet: Provided also, that any such order as aforesaid may be either general and extending to all appeals to be brought from any such court of justice as aforesaid, or special and extending only to any appeal to be brought in any particular case: Provided also, that every such general order in council as aforesaid shall be published in the London Gazette within one calendar month next after the making thereof: Provided also, that nothing herein contained shall be construed to extend to take away or diminish any power now by law vested in her Majesty for regulating appeals to her Majesty in council from the judgments, sentences, decrees, or orders of any courts of justice within any of her Majesty's colonies or possessions abroad.

On petition
her Majesty
may grant an
extension of
patent term
for 14 years
in certain
cases;

as extension
for 7 years
may be granted
under
5 & 6 Will. 4.
c. 83.

Her Majesty
may grant
extension
for a lesser
term than
that prayed.

Extension
may be
granted to
original
patentee, or
his assignee,
or both
conjointly.
Disclaimer
and memo-
randum of
alteration

II. AND whereas it is expedient, for the further encouragement of inventions in the useful arts, to enable the time of monopoly in patents to be extended in cases in which it can be satisfactorily shown that the expence of the invention hath been greater than the time now limited by law will suffice to reimburse: Be it enacted, that if any person, having obtained a patent for any invention, shall before the expiration thereof present a petition to her Majesty in council, setting forth that he has been unable to obtain a due remuneration for his expence and labour in perfecting such invention, and that an exclusive right of using and vending the same for the further period of seven years, in addition to the term in such patent mentioned, will not suffice for his reimbursement and remuneration, then, if the matter of such petition shall be by her Majesty referred to the judicial committee of the privy council, the said committee shall proceed to consider the same after the manner and in the usual course of its proceedings touching patents, and if the said committee shall be of opinion, and shall so report to her Majesty, that a further period greater than seven years extension of the said patent term ought to be granted to the petitioner, it shall be lawful for her Majesty, if she shall so think fit, to grant an extension thereof for any time not exceeding fourteen years, in like manner and subject to the same rules as the extension for a term not exceeding seven years is now granted under the powers of the said Act of the sixth year of the reign of his late Majesty.

III. PROVIDED always, and be it enacted, that nothing herein contained shall prevent the said judicial committee from reporting that an extension for any period not exceeding seven years should be granted, or prevent her Majesty from granting an extension for such lesser term than the petition shall have prayed.

IV. AND whereas doubts have arisen touching the power given by the said recited Act of the sixth year of the reign of his late Majesty in cases where the patentees have wholly or in part assigned their right: Be it enacted, that it shall be lawful for her Majesty, on the report of the judicial committee, to grant such extension as is authorized by the said Act and by this Act either to an assignee or assignees, or to the original patentee or patentees, or to an assignee or assignees and original patentee or patentees conjointly.

V. AND be it enacted, that in case the original patentee or patentees hath or have departed with his or their whole or any part of his or their interest by assignment to any other person or persons, it shall be lawful for such

entee together with such assignee or assignees if part only hath been assigned, and for the assignee or assignees if the whole hath been assigned, to enter a disclaimer and memorandum of alteration under the powers of the said Act; and such disclaimer and memorandum of such alteration, having been so entered and filed as in the said recited Act mentioned, shall be valid and effectual in favour of any person or persons in whom the rights under the said letters patent may then be or thereafter become legally vested; whole

VIII. PROVIDED always, and be it enacted, that in the case of any matter being referred to the judicial committee it shall be lawful for the said committee to appoint one or other of the clerks of the privy council to take any formal proofs required to be taken in dealing with the matter or thing so referred, and shall, if they so think fit, proceed upon such clerk's report to them as if such formal proofs had been taken by and before the said judicial committee. Judi com may clerl cour take in m refer the

IX. AND be it enacted, that in case any petition of appeal whatever shall be presented, addressed to her Majesty in council, and such petition shall be lawfully lodged with the clerk of the privy council, it shall be lawful for the said judicial committee to proceed in hearing and reporting upon such appeal, without any special order in council referring the same to them, provided that her Majesty in council shall have, by an order in council in the month of November, directed that all appeals shall be referred to the said judicial committee on which petitions may be presented to her Majesty in council during the twelve months next after the making of such order; and that the said judicial committee shall proceed to hear and report upon all such appeals in the same manner as if each such appeal had been referred to the said judicial committee by a special order of her Majesty in council: Provided always, that it shall be lawful for her Majesty in council at any time to rescind any general order so made; and in case of such order being so rescinded all petitions of appeal shall in the first instance be preferred to her Majesty in council, and shall not be proceeded with by the said judicial committee without a special order of reference. Jud com may appe addr her i in ec with speci of re if a orde refer such to th mitt next shal been Nov Gen orde be r Spe the

X. AND be it enacted, that it shall be lawful for the said judicial committee to make an order or orders on any court in any colony or foreign settlement, or foreign dominion of the crown, requiring the judge or judges of such court to transmit to the clerk of the privy council a copy of the notes of evidence in any cause tried before such court, and of the reasons given by the judge or judges for the judgment pronounced in any case brought by appeal or by writ of error before the said judicial committee. Jac con ma pes cof not evi anc for giv con colc

XI. AND be it enacted, that it shall and may be lawful for the said judicial committee to make any general rule or regulation, to be binding upon all courts in the colonies and other foreign settlements of the crown, requiring the judges notes of the evidence taken before such court on any cause appealed, and of the reasons given by the judges of such court, or by any of them, for or against the judgment pronounced by such court; which notes of evidence and reasons shall by such court be transmitted to the clerk of the privy council within one calendar month next after the leave given by such court to prosecute any appeal to her Majesty in council; and such order of the said Judi com may rule bind such requi judg of ev reasc judg

committee shall be binding upon all judges of such courts in the colonies or foreign settlements of the crown.

In cases of neglect to comply with order of council in ecclesiastical or maritime causes, persons so neglecting may be punished as for contempt by sequestration.

XII. AND be it enacted, that in all causes of appeal to her Majesty in council from ecclesiastical courts, and from admiralty or vice admiralty courts, which now are or may hereafter be depending, in which any person duly monished or cited or requested to comply with any lawful order or decree of her Majesty in council, or of the judicial committee of the privy council or their surrogates, made before or after the passing of this Act, shall neglect or refuse to pay obedience to such lawful order or decree, or shall commit any contempt of the process under the seal of her Majesty in ecclesiastical and maritime causes, it shall be lawful for the said judicial committee or their surrogates to pronounce such person to be contumacious and in contempt, and, after he or she shall have been so pronounced contumacious and in contempt, to cause process of sequestration to issue under the said seal of her Majesty against the real and personal estate, goods, chattels, and effects, wheresoever lying within the dominions of her Majesty, of the person against or upon whom such order or decree shall have been made, in order to enforce obedience to the same and payment of the expences attending such sequestration and all proceedings consequent thereon, and to make such further order in respect of or consequent on such sequestration, and in respect to such real and personal estates, goods, chattels, and effects sequestrated thereby, as may be necessary, or for payment of monies arising from the same to the person to whom the same may be due, or into the registry of the High Court of Admiralty and Appeals, for the benefit of those who may be ultimately entitled thereto.

* * * * *

CHAPTER LXXI.

AN ACT for the better Administration of Criminal Justice in Middlesex.

[6th August 1844.]

WHEREAS it is desirable, for the better administration of criminal justice in the county of Middlesex, that sessions of the peace for the trial of felonies and misdemeanors committed within the said county should be holden more frequently, and that an assistant judge, of competent legal knowledge, should be appointed to preside at such sessions: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the passing of this Act there shall be holden in and for the county of Middlesex two sessions or adjourned sessions of the peace at least in every calendar month, and the first sessions holden in the months of January, April, July, and October respectively shall be the general quarter sessions of the said county.

Two sessions or adjourned sessions to be held in county of Middlesex in every month.

General quarter sessions.

General sessions.

Powers of general sessions.

II. AND be it enacted, that the second sessions, or the adjourned sessions, holden in the months of February, May, August, and November respectively, and such other sessions as the justices for the county in the first sessions holden in the month of December assembled shall from time to time appoint, shall be general sessions of the peace; and such general sessions shall have power to try and determine all appeals, and all other powers which now or shall hereafter belong to the general quarter sessions.

* * * * *

IV. AND be it enacted, that the second sessions holden in the months of January, April, July, and October shall be adjournments of the general quarter sessions.

Adjournments of general quarter sessions.

V. AND be it enacted, that after the passing of this Act it shall be lawful to begin and continue, or to continue when begun, any session of the peace for the said county so to be holden as aforesaid, until the business thereof shall be ended, notwithstanding that her Majesty's Court of Queen's Bench may sit at Westminster or elsewhere in the said county before or at the beginning or during the continuance of any such session.

Sessions may be held notwithstanding the sitting of the Court of Queen's Bench.

* * * * *

VIII. AND be it enacted, that it shall be lawful for her Majesty, her heirs and successors, by sign manual, to appoint a person, being a serjeant or barrister at law of not less than ten years standing, and in the commission of the peace for the said county, and qualified by law to act as a justice of the peace, to be the assistant judge of the said court of the sessions of the peace, which said assistant judge shall preside at the hearing of all appeals, and at the trial of all felonies and misdemeanors, in the said court, and all matters connected therewith, and shall hold his office during good behaviour; and in case of sickness or unavoidable absence, and on such other occasions as shall be allowed by one of her Majesty's principal secretaries of state, such assistant judge shall be empowered from time to time to appoint a deputy, qualified to be appointed assistant judge, who shall have power to act for him for such time as shall be in each case allowed by the secretary of state, not being in any case later than the end of the business at the session of the peace then next but one following [Rep., 37 & 38 Vict. c. 7. s. 5.]: provided always, that nothing in this Act contained shall interfere with the appointment of the chairman of the said court for all purposes except the trials of appeals and of felonies and misdemeanors, and other matters connected therewith, but such appointment shall remain in the said justices as before the passing of this Act; provided also, that the said assistant judge, so long as he shall hold the said office, shall not be eligible to sit in Parliament.

An assistant judge to be appointed to preside at the sessions, at the hearing of all appeals, and trial of felonies and misdemeanors.

Deputy.

Appointment of chairman of the court for all other purposes not affected.

Assistant judge not to sit in Parliament.

IX. AND be it enacted, that the presence of another justice of the peace shall not be essential to the formation of the court in those cases in which it is directed by this Act that the assistant judge or his deputy for the time being shall preside; but nothing in this Act contained shall lessen the jurisdiction of the justices at the said sessions.

Formation of the court by assistant judge or deputy.

Jurisdiction of justices in sessions to continue.

* * * * *

XI. AND whereas by an Act passed in the ninth year of the reign of King George the Fourth, intituled "An Act to enable the justices of the peace for Westminster to hold their sessions of the peace during term and the sitting of the Court of King's Bench," the sessions of the peace for the said city and liberty are limited to the weeks preceding the holding of each of the quarter or general sessions of the peace for the said county of Middlesex: And whereas by ancient usage and of right the justices of the peace for Middlesex have constantly holden and may hold their sessions of the peace for the said county within the said city and liberty, and the holding of sessions for the city and liberty has become unnecessary: Be it enacted, that after the session of the peace which shall be holden in and for the said city and liberty next after the passing of this Act sessions of the peace in and for the said city and liberty shall cease to be holden, and [Rep., Stat. Law Rev. Act, 1874 (No. 2).] the sessions to

9 Geo. 4. c. 9.

Middlesex sessions to be holden by adjournment in Westminster.

Inhabitants liable to serve on juries at such sessions.

12 Geo. 2. c. 29.

7 Geo. 4. c. xlii.

Justices for the county to have the sole control over the county rate.

47 Geo. 3. sess. 2. c. lxxvii.

Justices for the county to have the sole control over the court house for Westminster.

be holden in and for the said county of Middlesex shall be holden by adjournment within the said city and liberty, and shall have full jurisdiction over all things cognizable by the sessions for the said city and liberty; and that the inhabitants of the said city and liberty shall not be exempted from serving on juries at the sessions of the peace for the county of Middlesex holden within the said city and liberty.

* * * * *

XIII. AND whereas by an Act passed in the twelfth year of the reign of King George the Second, intituled "An Act for the more easy assessing, levying, and collecting county rates," it was enacted, that there should be but one rate made and assessed by the justices of the peace of the said county of Middlesex and the said city and liberties of Westminster for the several purposes enumerated in that Act: And whereas by an Act passed in the seventh year of the reign of King George the Fourth, intituled "An Act for building a new bridewell or house of correction for the said city and liberty of Westminster," a house of correction, commonly called the New Bridewell, was built out of monies charged and assessed upon the county rates, which said bridewell is much larger than is needed for the said city and liberty; but the house of correction for the county of Middlesex is so small that the prisoners therein cannot be properly classified: And whereas inconveniences arise from the present management of the county rate being vested partly in the justices for the said county and partly in the justices for the said city and liberty, and it would be a public advantage if the management of the county rate were solely in the justices of the said county, and if the said New Bridewell were made a house of correction for the whole county, and placed under the control and management of the justices of the said county: Be it enacted, that after the passing of this Act the justices for the said city and liberty shall cease to exercise any control over the county rate, and the justices of the said county shall have the sole control and management thereof; and all orders for the payment of any sums of money out of the county rate, in respect of any expenditure within the said city and liberty, shall be made by the justices for the said county upon the county treasurer, in like manner as all other orders are made by them upon him; and the said treasurer shall obey the same, and shall from time to time include the same in his accounts, and the same shall be subject to all the statutes and provisions for the regulation of the rate for the said county, and shall form part of the general expenditure for the said county.

XIV. AND be it enacted, that so much of an Act passed in the forty-seventh year of the reign of King George the Third, intituled "An Act to amend three Acts, of the eighteenth, thirty-ninth, and forty-fourth years of his present Majesty, for erecting a court house for the holding of sessions of the peace in the city of Westminster," as enacts that the court house for the said city of Westminster shall be under the sole direction and management of the justices of the peace for the time being of the city and liberty of Westminster, shall be repealed; and that after the passing of this Act the control and management of the said court house, and all the powers and provisions respecting the same, in the said Acts vested in the justices for the city and liberty, shall be vested in the justices for the said county of Middlesex, as fully as if they had been named in the said Acts.

XV. AND be it enacted, that after the passing of this Act all the powers and property in respect of the said New Bridewell by the before-mentioned Act of the seventh year of the reign of King George the Fourth vested in the justices for the said city and liberty of Westminster, and also all the furniture, goods, and chattels belonging to the said New Bridewell, shall be transferred to and vested in the justices for the said county.

Proper
the Ne
Bridew
Westm
to be v
in the j
of the c

XVI. AND be it enacted, that so much of the said Act of the seventh year of the reign of King George the Fourth as enacts that no person or persons, other than or beside the justices of the peace for the said city and liberty of Westminster, and also the commissioners for executing an Act passed in the twenty-third year of the reign of his Majesty King George the Second, intituled "An Act for the more easy and speedy recovery of small debts within the city and liberty of Westminster and that part of the duchy of Lancaster which adjoins thereto," shall have power or authority to commit any person or persons to the said New Bridewell or house of correction, or to the custody of the keeper thereof, shall be repealed; and that after the passing of this Act the said New Bridewell shall become and be a house of correction in the county of Middlesex, under the management and control of the justices of the said county; and the justices of the said county, the magistrates of the police courts, the judges of the Central Criminal Court, and all persons having by law the right to commit any offender or offenders to the house of correction at Cold Bath Fields, or to the gaol of Newgate as the common gaol of London and Middlesex, in execution of their judgments, shall have the like power of committal to the said New Bridewell which they have of committing to the said house of correction or the said gaol of Newgate: Provided always, that nothing in this Act contained shall take away the right of the justices for the said city and liberty of Westminster and the said commissioners to commit offenders to the said New Bridewell, or enable any of the aforesaid judges, justices, or other persons to commit thereto any offender for any offence committed within the city of London, or elsewhere than in the county of Middlesex.

The N
Bridew
be a ho
of corr
for the
general
manag
of coun
justices
Comm
to New
Bridew

Provis

CHAPTER LXXIV.

AN ACT to explain and amend the Act for the Government of New South Wales and Van Diemen's Land. [6th August 1844.]

WHEREAS by an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act for the government of New South Wales and Van Diemen's Land," it is amongst other things enacted, that one half of the expence of the police establishment of the colony of New South Wales (exclusive of the convict establishment) shall be defrayed out of the general

5 & 6
c. 76, a

[This Act is rep.—

by 18 & 19 Vict. c. 54. s. 2., as to so much and such parts as relate to the colony of New South Wales, and are repugnant to the reserved Bill set forth in schedule (1.) to that Act.

by 18 & 19 Vict. c. 55. s. 2., as to so much and such parts as relate to the colony of Victoria, and are repugnant to the reserved Bill set forth in schedule (1.) to that Act.]

revenue arising from taxes, duties, rates, and imposts within the said colony, and the other half shall be defrayed by assessment upon the several districts of the colony, in such proportions as shall be from time to time fixed by the governor and legislative council of the said colony: And whereas doubts have arisen as to what is the convict establishment so mentioned and referred to as aforesaid: Now therefore, for the removal of such doubts, be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the convict establishment mentioned and referred to in the said recited enactment doth comprise and shall be construed to comprise such gaols and places of safe custody only as are or as shall be maintained for the reception of convicts actually undergoing therein sentences or commuted sentences of transportation from the United Kingdom, such gaols or places of safe custody being under the superintendence of officers for that purpose appointed by or under the authority of her Majesty, and remunerated by funds for that purpose appropriated by some Act of Parliament: Provided always, that if at any time any such gaol or place of safe custody shall be used for the imprisonment of any other offenders jointly with such convicts as aforesaid, then such gaol or place of safe custody shall be taken to be a convict establishment within the meaning of this Act and the said recited Act, so far only as relates to such convicts as aforesaid.

Defining extent of convict establishment in New South Wales, mentioned in recited Act.

Proviso.

Repeal of part of 5 & 6 Vict. c. 76. s. 13.

Declaration of qualification of elective member of legislative council of New South Wales to be made in the council.

Penalty for sitting and voting without making declaration. If member not qualified, election to be void.

Provision in recited Act as to payment of sums to be levied on districts for

II. AND whereas doubts have arisen as to the manner in which the declaration required by the said recited Act to be made in certain cases by candidates at the election of a member of the legislative council is to be made by candidates not present at the election: Be it enacted, that so much of the said recited Act as renders any such candidate incapable of being elected until he shall have made such declaration shall be repealed. [Rep., Stat. Law Rev. Act, 1875.]

III. AND be it enacted, that every elective member of the said legislative council, before he shall sit or vote in the said council after the election of a speaker, shall make the said declaration in writing under his hand, by delivering to the clerk of the council, at the place where and while the council is sitting, with the speaker in the chair, a paper signed by such member containing the said declaration, and also a statement of the county or counties in which the lands or tenements are situated out of which his qualification arises, with such other description thereof as may serve to identify the same, and the nature of his estate or interest therein or in the rents and profits thereof; and the said papers shall be filed and kept by the clerk with the other records of his office; and every elective member of the said council who shall sit and vote in the said council after the election of a speaker before making such declaration as aforesaid shall be liable, for every day on which he shall so offend, to a penalty of two hundred pounds; and if he shall not be qualified according to the true intent and meaning of the said recited Act his election shall be void, and a new writ shall be issued to elect another member in his stead.

IV. AND whereas by the said recited Act it is amongst other things enacted, that the treasurer of each district council of the said colony to whom any such warrant as therein mentioned shall come shall pay the amount mentioned in the warrant out of any monies in his hands belonging to the district, or, if

re be no monies or an insufficient sum in his hands, the district council shall assess and levy the amount by a fair and equal rate upon all property within the district which the legislative council, or, until a Bill for that purpose shall have been passed by the legislative council, and assented to by the governor, with the advice of his executive council, shall declare to be liable thereunto: And whereas the said recited enactment hath, by the accidental omission therein of certain words, been rendered obscure and ineffectual for purposes thereof: Be it enacted, that the said last-recited enactment shall be repealed. [Rep., Stat. Law Rev. Act, 1875.]

expense of police establishment recited,

and repealed

AND be it enacted, that the treasurer of each district council of the colony of New South Wales to whom any such warrant as in the said recited Act mentioned shall come shall pay the amount mentioned in the warrant out of any monies in his hands belonging to the district, or, if there be no monies or an insufficient sum in his hands, the district council shall assess and levy the amount by a fair and equal rate upon all property within the district which the legislative council, or, (until a Bill for that purpose shall have been passed by the legislative council, and assented to by the governor,) which the governor, with the advice of his executive council, shall declare to be liable thereunto.

How such sums shall be paid

VI. AND whereas it is by the said Act amongst other things provided, that it shall be lawful for the governor and legislative council of the said colony, to exercise of the powers to them respectively granted by the said Act, and in any manner and subject to the rules therein-before prescribed, to repeal, vary, alter all or any part of the Acts therein recited, or any of them, or any law or ordinance made in pursuance thereof: And whereas doubts may arise whether the colony mentioned in the last said recited enactment is the colony of New South Wales or the colony of Van Diemen's Land: Be it declared and enacted, that by the colony in the said last-recited enactment mentioned is to be understood the colony of New South Wales, and not the colony of Van Diemen's Land.

5 & 6 Vict. c. 76. s. 53.

Colony in recited enactment shall mean New South Wales but not Van Diemen's Land.

VII. AND whereas by the said recited Act it is provided, that certain Bills shall in every case be reserved by the governor for the signification of her Majesty's pleasure thereon, and the intent of such provision was to ensure that such Bills as aforesaid should not be assented to by the governor without due consideration: Be it enacted, that it shall not be necessary for the governor to reserve any such Bill for the signification of her Majesty's pleasure thereon from which in the exercise of his discretion, as limited in the said recited Act, he shall declare that he withholds her Majesty's assent, or to which he shall have previously received instructions on the part of her Majesty to assent, and to which he shall assent accordingly.

Amendment of provisions of recited Act as to reserve Bills for the royal assent.

VIII. AND be it enacted, that by the word "governor," as employed in this Act, shall be understood the person for the time being lawfully administering the government of the said colony of New South Wales.

Definition of "governor" as used in this Act.

* * * * *

CHAPTER LXXXI.

AN ACT for Marriages in Ireland; and for registering such Marriages.

[9th August 1844.]

WHEREAS it is expedient to amend the law of marriages in Ireland, and to provide the means for a register of the marriages of her Majesty's subjects in that part of the United Kingdom: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the thirty-first day of March in the year one thousand eight hundred and forty-five all the rules prescribed by the rubrick concerning the solemnizing of marriages shall continue to be duly observed, except as herein-after provided, by every person in holy orders of the United Church of England and Ireland who shall solemnize any marriage in Ireland: Provided always, that the giving of notice to the registrar and the issue of the registrar's certificate for marriage without licence, as herein-after mentioned, may be used and shall stand instead of the publication of banns, to all intents and purposes, where no such publication shall have been made; and every person in holy orders of the United Church of England and Ireland shall be bound to solemnize marriage on production of such certificate, in like manner as he is required to do, by any law or canon now in force, after due publication of banns, so nevertheless that the church wherein any marriage according to the rites of the United Church of England and Ireland shall so be solemnized shall be within the district of the registrar by whom such certificate as aforesaid shall have been issued.

After 31st of March 1845 all rules prescribed by the rubrick as to marriages to continue to be observed by persons in orders solemnizing marriages.

Notice to registrar, and production of his certificate, may be used instead of banns, and marriages shall be solemnized, on production of certificate, at any church within registrar's district.

Nothing herein to affect the right of granting special or ordinary licences. Seven days' notice to be given to surrogate before grant of ordinary licence.

Entry of notices.

Copy to be sent to incumbent.

Fee for entry.

No security required from applicant before granting licence.

Notice and licence void if marriage

II. AND be it enacted, that nothing in this Act contained shall affect the right of the archbishop of Armagh and his successors, and his and their proper officers, to grant special licences to marry at any convenient time or place, or, except as herein-after provided, the right of any surrogate or other person now having authority to grant licences for marriage; provided that no surrogate or other person now having authority to grant licences for marriages shall grant any licence for marriage, not being a special licence, until seven days after notice shall have been given by one of the parties, who shall have resided for not less than seven days then next preceding in the parish named in that notice, under his or her hand, in the form of schedule (A.) to this Act annexed, or to the like effect, to such surrogate or other person having authority to grant licences as aforesaid, which notices he shall file and keep with the records of his office, and he shall also forthwith enter a true copy of such notices fairly in a book to be for that purpose furnished to him by the registrar general herein-after mentioned, to be called "the marriage notice book," which book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and such surrogate or other person shall forthwith send a copy of such notice to the incumbent or incumbents of the parish or parishes in which the parties intending marriage dwell; and for entering every such notice the surrogate or other person shall be entitled to have a fee of one shilling, over and above the accustomed fee for granting the licence; and after the said thirty-first day of March no person applying for any such licence shall be required to give any security by bond or otherwise before the grant of such licence; and whenever a marriage shall not be had within three calendar months after the notice shall have been so given to the surrogate or other person as aforesaid, the notice,

any licence which may have been granted thereupon, shall be **utterly** not solemnized within three months.

II. AND be it enacted, that nothing in this Act contained shall affect any Roman Catholic priest which may now be lawfully celebrated, Roman Catholic marriage not affected
 marriages by any Roman Catholic priest which may now be lawfully celebrated, extend to the registration of any Roman Catholic chapel, but such marriages may continue to be celebrated in the same manner and subject to the same limitations and restrictions as if this Act had not been passed.

V. AND be it enacted, that marriages between parties, both of whom are Presbyterians, may be solemnized according to the forms used by Presbyterians, either by the licence of a Presbyterian minister, or by publication of banns, as herein-after respectively mentioned, in meeting houses to be certified as herein-after mentioned, between the hours of eight in the morning and two in the afternoon, with open doors, and in the presence of two or more credible witnesses; and marriages between parties, of whom one only is a Presbyterian, may be solemnized according to the same forms, by such licence of a Presbyterian minister, in such meeting houses, between the same hours, with open doors, and in the presence of two or more credible witnesses; provided that in every case there be no lawful impediment to the marriage of such parties.

Marriages between parties, one or both of whom are Presbyterians may be solemnized, certified meeting houses under conditions here prescribed.

7. AND be it enacted, that after the said thirty-first day of March, in every year in which a marriage shall be proposed to be solemnized by a Presbyterian minister between two Presbyterians, otherwise than by licence, banns of matrimony shall be published by or in the presence of a Presbyterian minister in the Presbyterian meeting house, certified as herein-after is mentioned, frequented by the congregation of which the parties to be married shall be members, upon three Sundays preceding the solemnization of the marriage, during the time of divine service, and any such marriage by a Presbyterian minister shall be solemnized in such meeting house, and not elsewhere; and whenever it shall happen that the parties to be married by a Presbyterian minister shall be members of different congregations the banns shall in like manner be published in the certified Presbyterian meeting house frequented by the congregation of which each of the parties to be married shall be a member; and in every such last-mentioned case of publication of banns the Presbyterian minister by or in whose presence such banns shall be published shall, in writing under his hand, certify the publication thereof; and any such marriage by a Presbyterian minister shall be solemnized in one of the certified Presbyterian meeting houses where such banns shall have been published, and in no other place whatsoever; and before such marriage shall be solemnized the certificate of the Presbyterian minister by whom or in whose presence the banns shall have been published in the other certified meeting house shall be delivered to the Presbyterian minister solemnizing such marriage.

Banns to be published in case of marriage of Presbyterians otherwise than by licence.

VI. AND be it enacted, that no Presbyterian minister shall publish or allow to be published any banns of matrimony in any Presbyterian meeting house of which he is minister, unless the persons to be married shall, six days at the least before the time required for the first publication of such banns, deliver or cause to be delivered to such Presbyterian minister a notice in writing of their true christian and surnames, and of the congregation or congregations of which they shall respectively be members, and of the house or houses of their respective abodes, and of the time during which they have dwelt, inhabited, or lodged in such house or houses respectively.

Notice of the names, places of abode, congregation, and time of residence of the parties to be given to the minister six days before publication of banns.

Each presbytery to appoint ministers to certify meeting houses.

Registry of certified meeting houses.

VII. AND be it enacted, that each presbytery of Presbyterians in Ireland may from time to time, subject to the approbation of the lord lieutenant, appoint one or more ministers, who shall certify to the registrar herein-after mentioned that the meeting house to be described in every such certificate is within such presbytery, and is used as a place of public religious worship by Presbyterians in connection with such presbytery; and such minister shall deliver to the registrar such certificate, signed in duplicate by him; and the registrar shall send both certificates to the registrar general, who shall cause such meeting house to be registered accordingly in a book to be kept for that purpose at the general register office herein-after mentioned; and the registrar general shall cause to be endorsed on both certificates the date of the registry, and shall keep one certificate with the other records of the general register office, and shall return the other certificate to the registrar, who shall keep the same with the other records of his office; and the registrar shall enter the date of the registry of such meeting house in a book to be furnished to him for that purpose by the registrar general, and shall give a certificate of such registry, under his hand, on parchment or vellum, to the minister by whom the certificates shall have been signed, and shall give public notice of the registry thereof, by advertisement in some newspaper circulating within the county, and in the Dublin Gazette; and for every such entry, certificate, and publication the registrar shall receive at the time of delivery to him of the certificates the sum of one pound; and every such minister shall continue to exercise the powers given to him by this Act during the pleasure of the lord lieutenant.

Such ministers to grant licences in form in schedule (C.) for marriages to be solemnized in certified Presbyterian meeting houses.

Appeal to presbytery on refusal.

Quarterly returns of licences granted.

Minister to give security.

VIII. AND be it enacted, that every such minister so appointed and approved as aforesaid shall have authority to grant licences for marriage in any Presbyterian meeting house certified as aforesaid within his presbytery, in the form of schedule (C.) to this Act annexed, and for every such licence shall be entitled to have of the party requiring the same the sum of five shillings; and in any case in which such minister shall refuse to grant such licence the person applying for the same shall be entitled to appeal to the presbytery by which such minister shall have been appointed, which shall thereupon either confirm the refusal or direct the grant of the licence; and every such Presbyterian minister shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every licence granted by him since his last return, and of the particulars stated concerning the parties: Provided always, that no such minister shall grant any such licence until he shall have given security by his bond in the sum of one hundred pounds to the registrar general for the due and faithful execution of his office.

Before licence granted one of the parties to appear before the minister, and to take an oath, &c. as to certain particulars.

IX. AND be it enacted, that before any licence for marriage as last aforesaid shall be granted by any such Presbyterian minister one of the parties intending marriage shall appear personally before such minister, and such party shall make and subscribe an oath, or a solemn affirmation or declaration instead of taking an oath, which oath, affirmation, or declaration such minister is hereby authorized to administer, that he or she believeth that there is not any impediment of kindred or alliance or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day of the grant of such licence had his or her usual

place of abode within the presbytery within which the marriage is to be solemnized, and that they are both of the full age of twenty-one years, or, when either of the parties shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, or that such party is a widower or widow, as the case may be.

X. AND be it enacted, that the party so appearing personally before the minister authorized to grant licences as aforesaid shall, seven days before the licence shall be delivered to him, produce to such minister a certificate according to the form in schedule (D.) to this Act annexed, or to the like effect, from the minister of the congregation of which he or she shall be a member, and has been a member for at least one calendar month preceding, which certificate the minister authorized to grant licences as aforesaid shall carefully file and preserve in such place and manner as the presbytery shall direct, and shall also forthwith enter a true copy of all such certificates fairly into a book to be for that purpose furnished to him by the registrar general, to be called "the marriage notice book," which book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and for entering every such notice the minister shall be entitled to a fee of one shilling.

XI. AND be it enacted, that any person may enter a caveat with the minister so appointed and approved against the grant of a licence for the marriage of any person named therein; and if any caveat be entered with such minister, such caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no licence shall issue or be granted until the minister shall have examined into the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the licence for the said marriage, or until the caveat be withdrawn by the party who entered the same; and in cases of doubt it shall be lawful for such minister to refer the matter of any such caveat to the presbytery by which he shall have been appointed, which shall decide upon the same.

XII. AND be it enacted, that the Society of Friends commonly called Quakers, and also persons professing the Jewish religion, may continue to contract and solemnize marriage according to the usages of the said society and of the said persons respectively; and every such marriage shall be deemed good in law, provided that the parties to such marriage be both of the said society, or both persons professing the Jewish religion respectively; provided also, that notice to the registrar shall have been given, and the registrar's certificate shall have issued, in manner herein-after provided.

XIII. AND be it enacted, that in every case of marriage intended to be solemnized in Ireland after the said thirty-first day of March according to the rites of the United Church of England and Ireland, (unless by licence or by special licence, or after publication of banns,) and in every case of marriage intended to be solemnized in Ireland after the said thirty-first day of March according to the usages of the Quakers or Jews, or according to any form authorized by this Act, one of the parties shall give notice under his or her hand, in the form of schedule (A.) to this Act annexed, or to the like effect, to the registrar, appointed as herein-after is mentioned, of the district within

Person applying for a licence to produce from the minister of the congregation of which such person shall be a member a certificate in form in schedule (D.)

Caveat may be lodged with the minister against grant of licence.

Minister to decide on ground of objection. Reference to presbytery.

Marriages of Quakers and of Jews to be solemnized according to their usages.

Notice to and certificate from registrar.

Notice of any intended marriage (except by licence or banns) to be given to the registrar of the district, in form in schedule (A.)

which the parties shall have dwelt for not less than seven days then next preceding, or, if the parties dwell in the districts of different registrars, shall give the like notice to the registrar of each district, and shall state therein the name and surname and the profession or condition of each of the parties intending marriage, the dwelling place of each of them, and the time, not being less than seven days, during which each has dwelt therein, and the church or other building in which the marriage is to be solemnized, which must be within the district within which one of the parties shall have dwelt for the time last aforesaid; but if either party shall have dwelt in the place stated in the notice during more than one calendar month it may be stated therein that he or she hath dwelt there one month and upwards: Provided always, that no such notice shall be required for any marriage by a Roman Catholic priest which may now lawfully be celebrated, or when the marriage is intended to be solemnized by a Presbyterian minister between two persons, both or one of whom shall be Presbyterians, in a Presbyterian meeting house certified as aforesaid.

No notice required for marriage by Roman Catholic priest, or by Presbyterian minister in certified meeting house.
Registrar to keep notices in a book.

XIV. AND be it enacted, that the registrar shall file all such notices, and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a book, to be for that purpose furnished to him by the registrar general, to be called "the marriage notice book"; the cost of providing which shall be defrayed in like manner as the cost of providing the register book herein-after mentioned; and the marriage notice book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and for every such entry the registrar shall be entitled to have a fee of one shilling.

Notices to be sent to guardians of poor, and read at their meetings.

XV. AND be it enacted, that on the day previous to each weekly meeting of the guardians of any poor law union, or of any parish or place comprising the district for which such registrar shall act, the registrar shall transmit to the clerk to the guardians all such notices of intended marriage as he shall have received on or since the day previous to the weekly meeting immediately preceding the same; and such clerk shall read such notices immediately after the minutes of the proceedings of such guardians at their last meeting shall have been read; and such notices shall be so read three several times in three successive weeks at the weekly meetings of such guardians, unless in any case licence for marriage shall be sooner granted, and notice of such licence being granted shall have been given to such clerk: Provided also, that if it shall happen that the board of guardians of any such union, parish, or place shall not so meet, it shall be sufficient for the purposes of this Act that such notices shall be read at every meeting of such guardians which shall be held within twenty-one days from the day of such notice being entered; and if no meeting be held within twenty-one days from the day of such notice being entered, the entry of such notice shall be sufficient for the purposes aforesaid.

After seven days for marriage by licence, or twenty-one days for marriage without licence, certificate of notice to be given, upon

XVI. AND be it enacted, that after the expiration of seven days if the marriage is to be solemnized by licence, or of twenty-one days if the marriage is to be solemnized without licence, after the day of the entry of such notice, the registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form of schedule (B.) to this Act annexed, provided that no lawful impediment be shown to the satisfaction of the registrar why such certificate should not issue,

party or parties, shall be non compos mentis, or in parts beyond the seas, or shall unreasonably or from undue motives refuse or withhold his, her, or their consent to a proper marriage, then it shall be lawful for any person desirous of marrying in any of the before-mentioned cases to apply by petition to the lord chancellor or the lords commissioners of the great seal of Ireland for the time being, or master of the rolls, who shall be empowered to proceed upon such petition in a summary way; and in case the marriage proposed shall upon examination appear to be proper, the said lord chancellor, lords commissioners of the great seal for the time being, or master of the rolls, shall judicially declare the same to be so; and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father, guardian or guardians, or mother, of the person so petitioning, had consented to such marriage.

Registrar may grant licences for marriage in registered buildings in form in schedule (E.)
Quarterly return of licences granted.
Registrar to give security.

Registrar not authorized to grant licences for marriages in churches, &c. of Church of Ireland, or between Presbyterians in certified meeting houses.

Oath, &c. to be made by one of the parties before the licence is granted.

XXI. AND be it enacted, that after the said thirty-first day of March every registrar shall have authority to grant licences for marriage in any building registered as herein-after provided within his district, or in his office, in the form of schedule (E.) to this Act annexed, and for every such licence shall be entitled to have of the party requiring the same the sum of five shillings; and every registrar shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every licence granted by him since his last return, and of the particulars stated concerning the parties: Provided always, that no registrar shall grant any such licence until he shall have given security by his bond in the sum of one hundred pounds to the registrar general for the due and faithful execution of his office: Provided also, that nothing herein contained shall authorize any registrar to grant any licence for marriage in any church or chapel in which marriages may be solemnized according to the rites of the United Church of England and Ireland, or in any church or chapel belonging to the said United Church, or licensed for the celebration of divine worship according to the rites and ceremonies of the said United Church, or any licence for a marriage between two persons, both or one of whom shall be Presbyterians, in a Presbyterian meeting house certified as aforesaid.

XXII. AND be it enacted, that before any licence for marriage shall be granted by any such registrar one of the parties intending marriage shall appear personally before such registrar, and, in case the notice of such intended marriage shall not have been given exclusively to such registrar, shall deliver to him the certificate of the other registrar to whom such notice shall have been given, and such party shall make oath, or shall make his or her solemn affirmation or declaration instead of taking an oath, that he or she believeth that there is not any impediment or kindred or alliance or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day of the grant of such licence had his or her usual place of abode within the district within which such marriage is to be solemnized, and that they are both of the full age of twenty-one years, or, where either of the parties shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, or that such party is a widower or widow, as the case may be.

registered as aforesaid, each of which certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered; and the registrar shall send both certificates to the registrar general, who shall cause such building to be registered accordingly in a book to be kept for that purpose at the general register office; and the registrar general shall cause to be endorsed on both certificates the date of the registry, and shall keep one certificate with the other records of the general register office, and shall return the other certificate to the registrar, who shall keep the same with the other records of his office; and the registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the registrar general, and shall give a certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the certificates are countersigned, and shall give public notice of the registry thereof, by advertisement in some newspaper circulating within the county, and in the Dublin Gazette; and for every such entry, certificate, and publication the registrar shall receive at the time of the delivery to him of the certificates the sum of one pound.

Registry to be cancelled on disuse of building for public religious worship; but on removal of the same congregation the new place of worship may be immediately registered instead of the one disused.

XXVIII. AND be it enacted, that if at any time subsequent to the registry of any such building for solemnizing marriages therein it shall be made to appear to the satisfaction of the registrar general that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the registrar general shall cause the registry thereof to be cancelled; provided that if it shall be proved to the satisfaction of the registrar general that the same congregation use instead thereof some other such building for the purpose of public religious worship, the registrar general may substitute and register such new place of worship instead of the disused building, although such new place of worship may not have been used for that purpose during one year then next preceding; and every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the registrar general by or through the registrar of the district; and such cancelling or substitution, when made, shall be made known by the registrar general to the registrar, who shall enter the fact and the date thereof in the book provided for the registry of such buildings, and shall certify and publish such cancelling or substitution and registry in manner herein-before provided in the case of the original registry of the disused building; and for every such substitution the registrar shall receive from the party requiring the substitution the sum of one pound; and after such cancelling or substitution shall have been made by the registrar general it shall not be lawful to solemnize any marriage in such disused building, unless the same shall be again registered in the manner herein-before provided.

After notice and certificate marriages may be solemnized in such registered places by any form, between certain hours, and before registrar of district and two witnesses.

XXIX. AND be it enacted, that after the expiration of the said period of twenty-one days, or of seven days if the marriage is by licence, marriages may be solemnized in the registered building stated as aforesaid in the notice of such marriage, between and by the parties described in the notice and certificate, according to such form and ceremony as they may see fit to adopt: Provided nevertheless, that every such marriage shall be solemnized with open doors, between the hours of eight in the forenoon and two in the afternoon, in the presence of the registrar of the district in which such registered

in populous places.

is duly licensed to officiate therein according to the rites and ceremonies of the United Church of England and Ireland, or without such consent after two calendar months notice in writing given by the registrar of the diocese to such patron and incumbent respectively, the bishop of the diocese may, if he shall think it necessary for the due accommodation and convenience of the inhabitants, authorize by a licence under his hand and seal the publication of banns and solemnization of marriages in any such chapel for persons residing within a district the limits whereof shall be specified in the bishop's licence, and under such provisions as to the said bishop may seem fit and as may be specified in the said licence; and the said licence shall be construed to extend to and authorize marriages in such chapels between parties one or both of whom is or are resident within the said district: Provided always, that where the parties to any marriage intended to be solemnized after publication of banns shall reside within different ecclesiastical districts, the banns for such marriage shall be published as well in the church or chapel whercin such marriage is intended to be solemnized as in the chapel licensed under the provisions of this Act for the other district within which one of the parties is resident, and if there be no such chapel then in the church or chapel in which the banns of such last-mentioned party may be legally published: Provided also, that it shall be lawful for any patron or incumbent who shall refuse or withhold consent to the grant of any such licence to deliver to the bishop, under his or her hand and seal, a statement of the reasons for which such consent shall have been so refused or withholden; and no such licence shall be granted by any bishop until he shall have inquired into the matter of such reasons; and every instrument of consent of the patron and incumbent, or, if such consent be refused or withholden, a copy of the notice under the hand of the registrar, and every statement of reasons alleged as aforesaid by the patron or incumbent, with the bishop's adjudication thereupon under his hand and seal, shall be registered in the registry of the diocese; and thenceforth and until the said licence be revoked marriages solemnized in such chapel shall be as valid to all intents and purposes as if the same had been solemnized in the parish church, or in any chapel where marriages might heretofore have been legally solemnized.

Publication of banns where parties reside in different districts.

Patron or incumbent may object to licence, and bishop shall decide on grounds of objection.

Appropriation of fees on marriages performed in such chapels.

XXXIV. AND be it enacted, that all fees, dues, and other emoluments on account of the solemnization of marriages, which belong to the incumbent or clerk respectively of any church or chapel in any parish or district within which the solemnization of marriages shall be authorized as aforesaid, shall respectively be received, until the avoidance of such church or chapel next after the passing of this Act, for and on account of such incumbent, and, until the vacancy in the office of clerk next after the passing of this Act, for and on account of such clerk, and be paid over to them, except such portion of the fees, dues, or other emoluments as the said bishop of the diocese, with the consent of the said incumbent and clerk respectively, shall in such aforesaid licence assign to the minister and clerk respectively of the chapel in which the solemnization of marriages shall be authorized as aforesaid; and that it shall be lawful for the said bishop, in and by such licence, without any such consent, to declare that from and after such next avoidance or vacancy respectively the whole or such part of the fees, dues, and other emoluments on account of the solemnization of marriages in such last-mentioned chapel as shall be specified

a copy whereof was transmitted to the registrar, and shall also transmit to him one copy of every register book so transmitted to him of which no copy shall have been already transmitted to the registrar, having first signed his name at the foot of the last entry therein.

Registrars of dioceses to send to the register office yearly lists of licensed chapels within their districts.

XLI. AND be it enacted, that the registrar of every diocese shall, within fifteen days after the said thirty-first day of March, and also within fifteen days after the first day of January in every succeeding year, make out and send through the post office, directed to the registrar general of marriages at his office, a list of all chapels belonging to the United Church of England and Ireland within that diocese wherein marriages may lawfully be solemnized according to the rights and ceremonies of the United Church of England and Ireland, and shall distinguish in such list which have a parish, chapelry, or other recognized ecclesiastical division annexed to them, and which are chapels licensed by the bishop under this Act, and shall state therein the district for which each of such chapels is licensed according to the description thereof in the licence; and the registrar general shall in every year cause to be made out and printed a list of all such chapels, and also of all places of public worship registered under the provisions of this Act, and shall state in such list the county and registrar's district within which each chapel or registered building is situated, and shall add also the names and places of abode of the registrars; and a copy of such list shall be sent to every registrar.

List of all such chapels and all other buildings registered under this Act be printed yearly.

Marriages under this Act cognizable.

XLII. AND be it enacted, that every marriage solemnized under this Act shall be good and cognizable in like manner as marriages before the passing of this Act according to the rites of the United Church of England and Ireland.

Persons vexatiously entering caveat liable to costs and damages.

XLIII. AND be it enacted, that every person who shall enter a caveat with the registrar against the grant of any licence or issue of any certificate on grounds which the registrar general shall declare to be frivolous, and that they ought not to obstruct the grant of the licence, shall be liable for the costs of the proceedings, and for damages, to be recovered in a special action upon the case by either of the parties against whose marriage such caveat shall have been entered; and a copy of the declaration of the registrar general, purporting to be sealed with the seal of the general register office, and which seal it shall not be necessary to prove, shall be evidence that the registrar general has declared such caveat to be entered on frivolous grounds, and that they ought not to obstruct the grant of the licence.

Persons making false declarations, &c. guilty of perjury.

XLIV. AND be it enacted, that every person who shall knowingly and wilfully make any false declaration or sign any false notice or certificate required by this Act, for the purpose of procuring any marriage, and every person who shall forbid the issue of any registrar's certificate, by falsely representing himself or herself to be a person whose consent to such marriage is required by this Act, or by falsely representing himself to be acting on behalf of such person, knowing such representation to be false, shall suffer the penalties of perjury.

Persons unduly solemnizing marriages guilty of felony.

XLV. AND be it enacted, that every person who after the said thirty-first day of March shall knowingly and wilfully solemnize any marriage or pretended marriage in Ireland, unless by special licence of the archbishop of Armagh and his successors, and his or their proper officers, in any other place than a church or chapel in which marriages may be solemnized according to

or in the absence of a registrar where the presence of a registrar is necessary under this Act, or if any persons shall knowingly or wilfully after the said thirty-first day of March intermarry in any certified Presbyterian meeting house without publication of banns, or any licence, the marriage of all such persons, except in any case herein-before excepted, shall be null and void.

9 Geo. 2. (I.)
c. 11., and
28 Geo. 2. (I.)
c. 10. in part,
repealed ;
but exist-
ing enactments
respecting
degraded
clergymen not
to be affected.
If any valid
marriage be
had by means
of wilfully
false notice,
&c. the guilty
party shall
forfeit all pro-
perty accruing
thereby, on
suit of attorney
general, &c.
in Court of
Chancery, &c.
Proceedings,
&c. to be the
same as in the
like case in
England.
A general
register office
to be pro-
vided in
Dublin.
Registrar
general to be
appointed.

L. AND be it enacted, that after the said thirty-first day of March an Act passed by the Irish Parliament in the ninth year of the reign of King George the Second, intituled "An Act for the more effectual preventing clandestine marriages," and so much of an Act passed in the twenty-third year of the same reign, for explaining and making more effectual the last-recited Act, as relates to the last-recited Act, shall be repealed ; but that [Rep., Stat. Law Rev. Act, 1874 (No. 2).] nothing in this Act shall extend to repeal any enactments now in force in Ireland for preventing the performance of the marriage ceremony by degraded clergymen.

LI. AND be it enacted, that if any valid marriage shall be had under the provisions of this Act by means of any wilfully false notice, certificate, or declaration made by either party to such marriage, as to any matter to which a notice, certificate, or declaration is herein required, it shall be lawful for her Majesty's attorney general or solicitor general for Ireland to sue in the Court of Chancery or Court of Exchequer in Ireland for a forfeiture of all estate and interest in any property accruing to the offending party by such marriage ; and the proceedings thereupon and consequences thereof shall be the same as are provided in the like case with regard to marriages solemnized in England by licence before the passing of this Act according to the rites of the Church of England.

LII. AND be it enacted, that, in order to provide the means for a register of the marriages of her Majesty's subjects in Ireland who shall be married under the provisions of this Act, it shall be lawful for the lord lieutenant to provide a proper office in the city of Dublin, to be called "the General Register Office," for keeping a register of such marriages, and to appoint for the said office a registrar general of marriages in Ireland, and from time to time at pleasure to remove the said registrar general, and appoint some other person in his room.

Lord lieutenant,
&c. to appoint
officers.

LIII. AND be it enacted, that the lord lieutenant, or the registrar general, subject to the approval of the lord lieutenant, shall appoint from time to time such officers, clerks, and servants as he shall deem necessary to carry on the business of the general registry office, and at pleasure remove them or any of them ; and the lord high treasurer or commissioners of her Majesty's Treasury, or any three of them, shall fix the salary of the registrar general, , and shall fix the salaries of the officers, clerks, and servants in fit proportion, according to the duties they may have to perform.

Salaries
of registrar
general and
other officers
to be fixed.

Salaries, &c.
to be paid out
of the con-
solidated fund.

LIV. AND be it enacted, that the salaries of the registrar general, and of the said officers, clerks, and servants, and all expences of carrying on the business of the general registry office, not herein otherwise provided for, shall be paid by the said lord high treasurer or commissioners of her Majesty's Treasury out of the consolidated fund of the United Kingdom of Great Britain and Ireland.

Regulations
for conduct of
officers to be
framed under

LV. AND be it enacted, that the lord lieutenant, or the registrar general, with his approbation, from time to time may make regulations for the management of the said register office, and for the duties of the registrar general,

jurisdiction, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the person in whose custody the same ought to be; and the said justices may grant a warrant to search for such box, key, books, documents, or papers, as in the case of stolen goods, in any dwelling house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be; and the same when found shall be delivered to the person in whose custody they ought to be.

Marriage register books to be provided according to form in schedule (G.)

LXII. AND be it enacted, that the registrar general shall cause to be printed on account of the said register office a sufficient number of register books for making entries of all marriages of her Majesty's subjects in Ireland who shall be married under the provisions of this Act, according to the form of schedule (G.) to this Act annexed; and the said register books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of marriages; and every page of each of such books shall be numbered progressively from the beginning to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the book, beginning with number one; and every entry shall be divided from the following entry by a printed line.

Registrar general to furnish marriage register books and forms for certified copies to registrars and persons authorized to solemnize marriages.

LXIII. AND be it enacted, that the registrar general shall furnish to every registrar a sufficient number of marriage register books, and forms for certified copies thereof as herein-after provided, and also, on being thereunto required, shall furnish or cause to be furnished to the rector, vicar, or curate of every church and chapel in Ireland wherein marriages may lawfully be solemnized, and also to the Presbyterian minister of every certified Presbyterian meeting house, and also to every person whom the recording clerk of the Society of Friends commonly called Quakers, at their central office in Dublin, shall from time to time certify in writing under his hand to the registrar general to be a registering officer in Ireland of the said society, and also to every person whom the president for the time being of the London committee of deputies of the British Jews shall from time to time certify in writing under his hand to the registrar general to be the secretary of a synagogue in Ireland of persons professing the Jewish religion, a sufficient number in duplicate of marriage register books, and forms for certified copies thereof, as herein-after provided; and the cost of all such books and forms shall be paid by the high constable out of the county rates.

Cost thereof.

Marriage registers to be kept in duplicate.

LXIV. AND be it enacted, that every clergyman of the United Church of England and Ireland, immediately after every office of matrimony solemnized by him, shall register in duplicate in two of the marriage register books the several particulars relating to that marriage, according to the form of the said schedule (G.); and every Presbyterian minister of a certified Presbyterian meeting house, and every such registering officer of the Quakers, as soon as conveniently may be after the solemnization of any marriage between two Quakers in the district for which he is registering officer, and every such secretary of a synagogue, immediately after every marriage solemnized between any two persons professing the Jewish religion, of whom the husband shall belong to the synagogue whereof he is secretary, shall register or cause to be registered in duplicate in two of the said marriage register books the several particulars

Copies in form in schedule (F.) to be sent to registrar general quarterly.

every such entry shall be made in order from the beginning to the end of the book; and the registrar shall keep the said marriage register books with the records of his office, and shall, in the months of April, July, October, and January respectively, make, on one of the forms to be furnished to him as aforesaid by the registrar general, a true copy, certified by him as aforesaid, in the form of schedule (F.) annexed to this Act, of all the entries of marriages in the register book kept by him since the last certificate, the first of such certificates to be given in the month of July one thousand eight hundred and forty-five, and to contain all the entries made up to that time, and if there shall have been no marriage entered therein since the last certificate shall certify the fact under his hand.

Registrars to send certified copies of registers made or received by them to the General Register Office four times a year: omissions to be supplied.

LXVII. AND be it enacted, that every registrar shall four times in every year, on such days as shall be therefore named by the registrar general, send to the registrar general all the certified copies of the registers of marriages which he shall have so made or received; and the registrar general, if it shall appear, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, shall procure, as far as possible, consistently with the provisions of this Act, that the same may be remedied and supplied; and the certified copies so sent to the General Registry Office shall be thereafter kept in the said office in such order and manner as the registrar general, under the direction of the lord lieutenant, shall think fit, so that the same may be most readily seen and examined.

Searches of registers shall be allowed, and certified copies given, by incumbents, &c.

LXVIII. AND be it enacted, that every rector, vicar, or curate, or Presbyterian minister of a certified Presbyterian meeting house, and every registrar, registering officer, and secretary, who shall have the keeping for the time being of any register book of marriages wherein any marriage shall have been registered under this Act, shall at all reasonable times allow searches to be made of any register book in his keeping, and shall give a copy certified under his hand of any entry or entries in the same, on payment of the fee herein-after mentioned; (that is to say,) for every search extending over a period not more than one year the sum of one shilling, and sixpence additional for every additional year, and the sum of two shillings and sixpence for every single certificate.

Fees.

Indexes to be made at every registrar's office, searches allowed, and copies given.

LXIX. AND be it enacted, that every registrar shall cause indexes of the register books in his office to be made, and kept with the other records of his office; and that every person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand of the registrar, on payment of the fees herein-after mentioned; (that is to say,) for every general search the sum of five shillings, and for every particular search the sum of one shilling, and for every certified copy the sum of two shillings and sixpence.

Fees.

Indexes to be kept at General Register Office, searches allowed, and certified copies given.

LXX. AND be it enacted, that the registrar general shall cause indexes of all the said certified copies of the registers to be made and kept in the General Register Office; and that every person shall be entitled to search the said indexes between the hours of ten in the morning and four in the afternoon of every day, except Sundays, Christmas Day, and Good Friday, and to have a certified copy of any entry in the said certified copies of the registers; and for every general search of the said indexes shall be paid the sum of twenty

Fees.

entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and shall make the like marginal entry, attested in like manner, in the duplicate marriage register book to be made by him as aforesaid, and in every case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid, or, in case such certified copy shall have been already made, he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

Recovery of penalties before justices.

LXXVII. AND be it enacted, that all fines and forfeitures by this Act imposed, unless otherwise directed, shall be recovered before any two justices of the peace for the county, city, or place where the offence shall have happened, upon the information or complaint of any person; and if on the conviction of the offender, either on his or her confession, or by the oath of any one or more credible witness or witnesses, (which oath such justices are hereby empowered to administer,) such fines or forfeitures, with the costs of the conviction, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such justices; and for want of distress such justices may commit every such offender to the common gaol or house of correction for the county, city, or place where the offence shall be committed, without bail or mainprize, for any term not exceeding one calendar month, unless such fine and forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid; ; and no distress made by virtue of this Act shall be deemed unlawful, nor shall the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, or warrant of distress, or on account of any irregularity which shall be afterwards committed by the party distraining, but the person or persons aggrieved by such irregularity shall recover full satisfaction for the special damages sustained in an action on the case.

Prosecution for offences punishable on summary convictions to be commenced within 8 months.

LXXVIII. AND be it enacted, that the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months next after the commission of the offence.

Appeal to quarter sessions.

LXXIX. AND be it enacted, that in all cases where the sum adjudged to be paid on any such summary conviction shall exceed five pounds any person convicted may appeal to the next court of general or quarter sessions which shall be holden not sooner than twelve days after the day of such conviction for the county or other district wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizances being entered into, the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without

SCHEDULES to which this Act refers.

SCHEDULE (A.)

NOTICE of Marriage.

To A.B. [or C.D.] surrogate [or deputy surrogate], or
To the registrar, of the district of [Roscrea] in the county of [Tipperary] [as the case may be].

I HEREBY give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described; (that is to say,)

Name.	Con- dition.	Rank or condition.	Age.	Dwelling place.	Length of residence.	Church or building in which mar- riage is to be solemnized.	District and County in which the other party resides, when the parties dwell in different districts.
Lucius O'Hara	Widower	Carpenter	Of full age	High Street, Roscrea.	23 days.	Sion Chapel, Roscrea,	Maryborough, Queen's County.
Margaret Shaw	Spinster	- -	Minor	Grove Farm. Parish Mary- borough.	More than a month.	Tipperary.	

Witness my hand this [sixth] day of [May 1845].

(Signed) Lucius O'Hara.

[The particulars in this schedule to be entered according to the fact.]

SCHEDULE (B.)

[No. 14.]

REGISTRAR'S Certificate.

I [John Cox], registrar of the district of [Roscrea] in the county of [Tipperary], do hereby certify, that on the [sixth] day of [May] notice was duly entered in the marriage notice book of the said district of the marriage intended between the parties therein named and described, delivered under the hand of [Lucius O'Hara], one of the parties; (that is to say,)

Name.	Con- dition.	Rank or condition.	Age.	Dwelling place.	Length of residence.	Church or building in which mar- riage is to be solemnized.	District and County in which the other party dwells, where the parties dwell in different districts.
Lucius O'Hara	Widower	Carpenter	Of full age	High Street.	23 days.	Sion Chapel, Roscrea,	Maryborough Queen's County.
Margaret Shaw	Spinster	- -	Minor	Grove Farm.	More than a month.	Tipperary.	

SCHEDULE (D.)

PRESBYTERIAN Minister's Certificate.

I [John Mason], Presbyterian minister of _____, in the presbytery of _____, do hereby certify, that on the _____ day of _____ notice was duly entered in a book kept for that purpose in my congregation of the marriage intended between the parties therein named and described, delivered under the hand of _____, one of the parties, who is and has been for the last calendar month a member of my own congregation; (that is to say,)

Name.	Condition.	Rank or profession.	Age.	Residence.	Length of residence.	Church or building in which marriage is to be performed.	County and Parish in which the other party dwells, or where the parties dwell in different parishes, congregations, or districts.
John Brown	Widower	Mason	Full age or 21.	County Down. Parish Comber. Town Comber. Townland Comber.	2 years.	1st Presbyterian Church, Comber.	Congregation of Kilrea, County of Derry.
Mary Mahon	Spinster	Milliner	Full age.	County Derry. Parish Kilrea. Town Kilrea.			

Witness my hand, this _____ day of _____ one thousand eight hundred and _____

(Signed) [John Mason,]
Minister of the _____ congregation of _____

[The particulars in this schedule to be entered according to the fact.]

SCHEDULE (E.)

LICENCE of Marriage.

A.B., Registrar of _____, to C.D. of _____, and E.F. of _____, sendeth greeting.

WHEREAS ye are minded, as it is said, to enter into a contract of marriage under the provisions of an Act passed in the eighth year of the reign of Queen Victoria, intituled [here insert the title of this Act], and are desirous that the same may be speedily and publicly solemnized: And whereas you C.D. [or E.F.] have made and subscribed a declaration under your hand that you believe there is no impediment of kindred or alliance or other lawful hindrance to the said marriage, and that you C.D. [or E.F.] have [or has] had your [or his or her] usual place of abode for the space of fifteen days last past within the district of (_____), and [in cases where either party is under age,

SCHEDULE (G.)

1845.—MARRIAGES solemnized [at the Parish Church] in the [Parish of St. Audeon] in the City of [Dublin].

No.	When married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	27 March 1845.	Patrick Donovan. Mary O'Brien.	Of full age. Minor.	Bachelor. Spinster.	Carpenter. —	3, South Street. 17, High Street.	Peter Donovan. Laurence O'Brien.	Upholsterer. Butcher.

Married in the [parish church], according to the rites and ceremonies of the [United Church of England and Ireland, by licence], or [after banns],

By me, [William Jackson, Vicar.]

This marriage was solemnized { Patrick Donovan, } in the { Dennis Donovan.
between us, { Mary O'Brien, } presence of us, { Laurence O'Brien.

[The particulars in this schedule to be entered according to the fact.]

chargeable on any monies standing in names of national debt commissioners.

charged and chargeable upon, and the same are hereby charged and made payable out of, all or any monies standing in any account in the names of the said commissioners, or out of any monies produced by the sale of any stock or annuities, funds, or Exchequer bills, standing in their names in the books of the banks of England or Ireland respectively, as the said commissioners shall from time to time direct: Provided always, that no fractional part less than one penny shall be allowed or paid as interest upon the principal sum contained in any receipt issued under the provisions of this Act.

Depositors on making first deposit to sign declaration required by 9 Geo. 4. c. 92. s. 34., and a copy thereof to be annexed to deposit book. Punishment of actuary, &c. receiving deposits and not paying over same to managers, &c.

III. AND be it enacted, that from and after the twentieth day of November one thousand eight hundred and forty-four it shall not be lawful to receive from any depositor his or her first deposit in any savings bank without requiring him or her to sign the declaration required by the said recited Act, and in the manner therein mentioned, a copy of which declaration, with the penalty attached thereto if false, shall also be annexed to or printed at the beginning of the deposit book.

IV. AND be it enacted, that if any actuary, cashier, secretary, officer, or other person holding any situation or appointment in any savings bank shall receive any sum or sums of money from or on account of any depositor or person desirous of becoming such, or on account of such institution, and shall not, at the next day on which the said institution is opened for the receipt of deposits, or in the case of local receivers acting on behalf of any savings bank shall not within the time specified in the rules of the said institution, account for and pay over the same to the trustees or managers thereof, or to such person as may be directed by the rules of the institution, such actuary, cashier, secretary, officer, or local receiver, or other person as aforesaid, on being convicted thereof, shall be guilty of a misdemeanor.

Depositor to produce his deposit book for examination at least once a year.

V. AND be it enacted, that provision shall be made in the rules of every savings bank that every depositor therein shall, once in every year at least, cause his deposit book to be produced at the office of the said institution for the purpose of being examined.

Trust accounts.

Repayment of trust deposits.

VII. AND be it enacted, that from and after the twentieth day of November one thousand eight hundred and forty-four, when deposits shall be made by a trustee on behalf of another, the sum shall be invested in the name of such trustee and the name of the person on whose account such sum shall be so deposited; and repayment of the same or any part thereof shall not be made by the trustees or managers of any savings bank without the receipt and receipts of the said trustee and the person on whose account such deposit may have been made, or the survivor or survivors, or the executors or administrators of such survivor, whose receipt and receipts, either in person or by agent appointed by power of attorney, which power of attorney shall be valid if executed by an infant of or exceeding the age of fourteen years, shall alone be a good and valid discharge to the said trustees and managers, except in case of the insanity or imbecility of the party on whose behalf the deposit has been made, upon proof of which to the satisfaction of the said trustees or managers repayment may be made to the said trustee; and an abstract of the above provisions shall be enrolled as one of the rules of the institution: Provided always, that nothing herein contained shall extend or be construed

have been entitled if he had been legitimate.

more of the persons as in their opinion would have been entitled to the same, according to the statute of distributions, if the said depositor and such person or persons had been legitimate.

Payment may be made to married women of deposits made by them, unless husband require payment to him.

XII. AND whereas deposits in savings banks may have been made or may be made by married women, and deposits may have been made and may be made by women who may have afterwards married: Be it enacted, that it shall be lawful for the trustees or managers of any savings bank to pay any sum of money in respect of any such deposit to any such woman, unless the husband of such woman shall give to such trustees or managers notice in writing of such marriage, and shall require payment to be made to him.

Settlement of disputes between trustees and depositors, &c.

XIV. AND be it enacted, that if any dispute shall arise between the trustees and managers of any savings bank and any individual depositor therein, or any executor, administrator, next of kin, or creditor, or assignee of depositor, who may become bankrupt or insolvent, or any person claiming to be such executor, administrator, next of kin, creditor, or assignee, or to be entitled to any money deposited in such savings bank, then and in every such case the matter in dispute shall be referred in writing to the barrister at law appointed under the said recited Acts, who shall have power to proceed ex parte on notice in writing to the said trustees or managers left or sent by the said barrister to the office of the said institution; and whatever award, order, or determination shall be made by the said barrister shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal; and no submission to, or award, order, or determination of the said barrister shall be subject or liable to or charged with any stamp duty whatever.

On reference barrister may inspect books and administer oaths to witnesses.

XV. AND be it enacted, that on any such reference it shall be lawful for the said barrister, and he is hereby authorized, to inspect any book or books belonging to the said institution relating to the matter in dispute, and to administer an oath to any witness appearing before him, or to take the affirmation in cases where affirmation is allowed by law instead of oath; and if upon such oath or affirmation 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 be prosecuted and punished accordingly.

False swearing, &c. to be perjury.

Two written or printed copies of rules, &c. to be submitted to barrister for his certificate.

XIX. AND be it enacted, that two written or printed copies of all rules or alterations of rules made in pursuance of the said recited Acts or this Act, signed by two trustees, with all convenient speed after the same shall be made, altered, or amended, and so from time to time after every making, altering, or amending thereof, shall be submitted to the barrister at law appointed under the provisions of the said recited Act, for the purpose of ascertaining whether the said rules or alterations or amendments thereof are in conformity to law and with the provisions of the said Acts relating to savings banks or government annuity society; and that the said barrister shall give a certificate on each of the said written or printed copies that the same are in conformity to law and the provisions of the said last-mentioned Acts, or point out in what part or parts the said rules, alterations, or amendments, are repugnant thereto; and that the barrister for perusing the rules or alterations or amendments of the rules of such respective savings bank or government annuity

works of a noisome kind, or in which deleterious materials are used, or deleterious products are created, the health and comfort of the inhabitants are extensively impaired and endangered, it is expedient to make provision for the adoption of all such expedients as either have been or shall be devised for carrying on such businesses, so as to render them as little noisome or deleterious as possible to the inhabitants of the neighbourhood; and if there be no such expedients, or if such expedients be not available in a sufficient degree, then for the carrying on of such noisome and unwholesome businesses at safer distances from other buildings used for habitation: . . .

<i>General provisions.</i>	Now for all the several purposes above mentioned, and for the purpose of consolidating the provisions of the law relating to the construction and the use of buildings in the metropolis and its neighbourhood, be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that with regard to this Act generally, so far as relates to the operation thereof in reference to time, it shall come into operation at the following times; (that is to say,) as to the districts and the officers to be appointed in pursuance hereof on the first day of September next, and as to the buildings, streets, and other matters on the first day of January one thousand eight hundred and forty-five; and that on the said first day of January all the Acts mentioned in the schedule (A.) hereunto annexed, except so far as in the said schedule is provided, shall be and are hereby repealed. [Rep., 18 & 19 Vict. c. 122. s. 109.]
Commencement of Act.	
Repeal of Acts.	
Construction of terms.	II. AND be it declared, with regard to this Act generally, so far as relates to the construction of certain terms and expressions used therein, that the following terms and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context, or by the nature of the subject matter; (that is to say,)
Parish.	The word "parish" to include all parochial districts and extra-parochial places in which separate churchwardens, overseers, or constables are appointed; and where two parishes have been united for ecclesiastical purposes, then to include such united parishes:
Owner.	The word "owner" to apply generally to every person in possession or receipt either of the whole or of any part of the rents or profits of any ground or tenement, or in the occupation of such ground or tenement, other than as a tenant from year to year, or for any less term, or a tenant at will:
Month.	The word "month" to mean a calendar month:
Justice of peace.	The expression "justice of the peace" to mean a justice of the peace for the county, division, or liberty within which the building or other subject matter, or any part thereof, is situate; unless it be situate within the city of London or the liberties thereof, in reference to which any matter or thing elsewhere required or authorized to be done either by one or by two or more justices of the peace may be done either by the lord mayor of the city of London or by any one, two, or more justices of the peace for the said city; or unless the subject matter be situate in the district of any police court of the metropolis, in reference to which any matter or thing elsewhere required or authorized to be done by two or more justices may be done by one magistrate:
Local officers.	And, generally, whensoever the name of an officer having local jurisdiction in respect of his office is referred to, without mention of the locality to which the jurisdiction extends, such reference is to be understood to indicate the officer having jurisdiction in that place within which is situate the building or other subject matter, or any part thereof, to which such reference applies:
Singular and plural. Masculine and feminine. Individuals and bodies corporate.	And, subject as aforesaid to the context and to the nature of the subject matter, words importing the singular number are to be understood to apply to a plurality of persons or things, and words importing the masculine gender are to be understood to apply to persons of the feminine gender, and words importing an individual are to be understood to apply to a corporation or company, or other body of persons. [Rep., 18 & 19 Vict. c. 122. s. 109.]

*Buildings,
use thereof.*

Provision concerning businesses dangerous in respect of fire or explosion.

Buildings not to be erected within 50 feet of buildings used for such businesses.

New businesses not to be established within 40 feet of road or 50 of other buildings or land of other owners.

Businesses now carried on within prohibited distances not to be carried on after 20 years.
Penalty, 50*l.* a day.

Costs.

Distress ;
or imprisonment.

Regulation of offensive businesses.

LIV. AND now, for the purpose of making provision concerning businesses dangerous in respect of fire or explosion, be it enacted, with regard to the following businesses, (that is to say,) the manufacture of gunpowder or of detonating powder, or of matches ignitable by friction or otherwise, or other substances liable to sudden explosion, inflammation, or ignition, or of vitriol, or of turpentine, or of naphtha, or of varnish, or of fireworks, or painted table covers, and any other manufacture dangerous on account of the liability of the materials or substances employed therein to cause sudden fire or explosion, so far as relates to the erection of buildings in the neighbourhood of the place where any such business is carried on, and so far as relates to the carrying on of any such business in the neighbourhood of public ways or buildings, that it shall not be lawful hereafter to erect any building of any class nearer than fifty feet from any building which shall be in use for any such dangerous business ; but if a building already existing within fifty feet from any such building be hereafter pulled down, burnt, or destroyed by tempest, such building may be rebuilt ; and that it shall not be lawful for any person to establish or newly carry on any such business, either in any building or vault or in the open air, at a less distance than forty feet from any public way, or than fifty feet from any other building, or any vacant ground belonging to any other person than his landlord ; and that if any such business be now carried on in any situation within such distances, then from the expiration of the period of twenty years next after the passing of this Act it shall not be lawful to continue to carry on such business in such situations ; and that if any person erect any building in the neighbourhood of any such business contrary to this Act, then, on conviction thereof before two justices, he shall forfeit a sum not exceeding fifty pounds for every day during which such building shall so remain near to such dangerous business ; or if any person establish anew any such business, or carry on any such business contrary to this Act, then, on conviction thereof before two justices, such person shall be liable to forfeit for every day during which such business shall be so carried on a sum not exceeding fifty pounds, as the said justices shall determine, and that it shall be lawful for the justices also to award to the prosecutor such costs as shall be deemed reasonable ; and that if the offender either fail or refuse to pay such penalty and costs immediately after such conviction, then they may be levied by distress of the goods and chattels of the person convicted ; or if there be no such distress, then such person shall be committed to the common gaol or house of correction for any time not exceeding six months, at the discretion of such justices, and that by warrant under the hands and seals of two or more justices of the peace.

[LV^a.] AND now, for the purpose of making provision concerning businesses offensive or noxious, be it enacted, with regard to the following businesses, that is to say,

Blood-boiler,
Bone-boiler,
Fellmonger,

Soap-boiler,
Tallow-melter,
Tripe-boiler,

Slaughterer of cattle, sheep, or horses,

[^a Section 55 is rep., so far as it relates to the several businesses of a soap-boiler, tallow-melter, knacker, fellmonger, tripe-boiler, or slaughterer of cattle, 37 & 38 Vict. c. 67. s. 14.]

*Buildings,
use thereof.*

pend execu-
tion of order
on condition
of adoption of
means to
mitigate.

Mitigation of
penalty or
suspension of
order by
superior
courts.

Appeal to
quarter ses-
sions from
decision of
justices as to
offensive busi-
nesses.

so far as relates to the adoption of means to mitigate the injurious effects thereof, that, notwithstanding the said period of thirty years shall have expired, if it shall appear to the justices, whether at petty sessions as aforesaid, or on appeal, or on trial by jury as herein-after provided, that the party carrying on any such business shall have made due endeavours to carry on the same with a view to mitigate, so far as possible, the effects of such business, then, although he hath not adopted all or the best means available for the purpose, yet it shall be lawful for such justices assembled, and they are hereby empowered, to suspend the execution of their order or determination, upon condition that within a reasonable time, to be named, the party convicted do adopt such other or better means as to the said justices shall seem fit, or before passing final sentence, and without consulting the prosecutor, to make such order touching the carrying on of such business as shall be by the said court thought expedient for preventing the nuisance in future: Provided always, that if the matter in respect of which such penalty shall be incurred come before any superior court it shall be lawful for such court to exercise such power of mitigating such penalty, or of suspending the execution of any judgment, order, or determination in the matter, or to make such order touching the carrying on of such business, as to the court shall seem fit in the case.

LVII. AND be it enacted, with regard to any business offensive, noxious, or dangerous, and with regard to any building erected or continued within any such distance as aforesaid from any such business dangerous, noxious, or offensive, so far as relates to a conviction in respect of any such business, and to an appeal from such conviction, that if any person be dissatisfied with the decision of such justices, and if, within four days after such decision, notice be given to the party appealed against, by or on behalf of such person, of his intention to appeal, and if he enter into a recognizance, with two sufficient securities, conditioned to try such appeal, and to abide the order of the court, and pay to the party appealed against such costs (if any) as shall be awarded against him, then it shall be lawful for such party so dissatisfied to appeal against such conviction to the justices of the peace at their general quarter sessions of the peace to be holden within four months after such conviction for the place in which such premises shall be situate; and that if the premises be situate within the city of London and liberties thereof, then the appeal must be to the quarter sessions thereof, or if the premises be situate in the counties of Middlesex, Kent, or Surrey, or in the city and liberties of Westminster, or in the liberties of her Majesty's Tower of London, then to the quarter sessions thereof respectively, as the case shall be; and that if within the above-mentioned period such appellant shall have entered into such recognizance as herein required, and if within one month thereafter he give notice of the grounds of such appeal, then it shall be lawful for such justices, and they are hereby empowered, to proceed to hear and examine on oath into the causes and matters of such appeal, (which oath they are hereby empowered to administer,) and to determine the same, and to award such costs to be paid by the said parties as they think proper; and the order, judgment, and determination of the said justices in their respective sessions shall be binding and conclusive upon all parties.

Trial by jury
at quarter

LVIII. PROVIDED always, and be it enacted, that if before conviction by two such justices the party complained against desire to have the matter tried

hereby empowered and required, to make such adjournment and hold such sessions as there shall be occasion.

This Act not to authorize the carrying on of businesses contrary to statute or common law.

LX. PROVIDED always, and be it declared, with regard to any business which is contrary to any existing Act of Parliament, or otherwise contrary to law, so far as relates to the operation of this Act in that behalf, that, notwithstanding any thing in this Act contained, this Act shall not be deemed to authorize any person to carry on any such business either within such limits or otherwise, or any business which it is unlawful to carry on within any limits or in any manner contrary to any public, local, or private Act of Parliament, or otherwise contrary to law; nor to affect, abridge, or restrain the right, the duty, or the power, of any person, whether private person or public officer, to prosecute, either civilly or criminally, any person who shall carry on within the limits of this Act any offensive, noxious, or dangerous business.

Power to prosecute for carrying on such businesses not affected.

Regulation or removal of offensive business on payment of compensation. Memorial to Queen in council.

LXI. AND further, for the regulation or removal of any offensive, noxious, or dangerous business now carried on: Be it enacted, with regard to any such business, so far as relates to the purchase thereof, or of the premises wherein it shall be carried on, that if two thirds in number of the inhabitant householders of any parish in which such business shall be carried on present a memorial to her Majesty in council, stating the existence of such offensive, noxious, or dangerous business in such parish or the neighbourhood thereof, and praying the removal of such business therefrom, and thereby engaging to provide compensation to the persons carrying on the same, either at the expence of the memorialists, or by means of a rate to be levied on the inhabitants of the said parish, or such part thereof as may be affected by such business, then it shall be lawful for her Majesty to refer the matter to the lords of the committee of privy council for trade to consider the character of such business, whether it be offensive, noxious, or dangerous; and if it appear to be so, and that there are no means of rendering it otherwise by the adoption of methods available, without unreasonable sacrifice on the part of the person by whom it is carried on, then it shall be lawful for her Majesty, by order in council, to direct that the removal of such business may be purchased, either at the expence of the memorialists or by means of a rate as aforesaid, as to her Majesty shall seem fit, and also to direct the sheriff of the county or other proper person in the parish or liberty in which such business is carried on to summon a jury, according to the provisions of an Act made and passed in the fourth year 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 to Long Acre, and for other improvements in the metropolis," to determine what compensation shall be paid to the party carrying on such business for the removal thereof, and to the owner and occupier of the premises for the restriction of the use of his buildings for such purpose; and that if within three months after the verdict of such jury shall be given, and judgment thereon, the inhabitants of such parish or neighbourhood pay or tender such compensation, then within three months from the payment or tender of such compensation it shall cease to be lawful for the party carrying on such business to continue the same, and for any owner or occupier thereof either to carry on or to permit to be carried on such business in the same or any part of the same premises.

Order for purchase or removal at expence of memorialists or by rate.

Compensation how to be determined.

4 & 5 Vict. c. 12.

Business not to be carried on after 3 months from payment or tender of compensation.

Funds for defraying compensation

LXII. AND be it enacted, with regard to the funds for defraying such compensation, so far as relates to the raising thereof, that if her Majesty shall by

Date of Act.	Title of Act.	Extent of Repeal.
2d.—50 Geo. III. c. 75. (1810.)	An Act to amend an Act of the fourteenth year of his present Majesty, for the better regulation of buildings and party walls, and for the more effectually preventing mischiefs by fire, within the cities of London and Westminster, by permitting John's patent tessera to be used in covering of houses and buildings within the places therein mentioned.	ment of servants for carelessly firing a house (§ 84), and to the attendance of peace and parish officers at fires (§ 85), and to legal proceedings in respect of accidental fires (§ 86); and any other part of the said Act, so far as it is necessary for giving full effect to the respective purposes of such several unrepealed sections. Wholly.
3d.—3 & 4 Vict. c. 85. (1840.)	An Act for the regulation of chimney sweepers and chimneys.	So much thereof as relates to the construction and regulation of chimneys and flues within the limits of this Act.

[Rep., 18 & 19 Vict. c. 122, s. 109.]

* * * * *

SCHEDULE (C.)—PART I.—(See § 5.)

RULES for determining the Classes and Rates to which Buildings are to be deemed to belong for the purposes of this Act, and the thicknesses of the walls of buildings of such rates.

Classes of Buildings.

For the purposes of this Act, all buildings of whatever kind, subject to the provisions thereof, are to be deemed to belong to one or other of the following three classes; that is to say,

First Class.

If a building be built originally as a dwelling house, or be occupied or intended to be occupied as such, then it is to be deemed to belong to the first or dwelling house class.

Second Class.

If a building be built originally as a warehouse, storehouse, granary, brewery, distillery, manufactory, workshop, or stable, or be occupied or intended to be occupied as such, or for a similar purpose, then it is to be deemed to belong to the second or warehouse class.

Third Class.

If a building be built originally as a church, chapel, or other place of public worship, college, hall, hospital, theatre, public concert room, public ball room, public lecture room, public exhibition room, or occupied or intended to be occupied as such, or for a similar purpose, or otherwise used or intended to be used, either temporarily or permanently, for the assemblage of persons in large numbers, whether for public worship, business, instruction, debate, diversion, or resort, then it is to be deemed to belong to the third or public building class.

Alteration of Class.

And if any room, whether constructed within any other building or not, and whether included in the aforesaid classes or not, be used at any time for the public or general congregation of persons, then the building containing such room is to be deemed a building of the third or public building class.

Or if a building originally built, or subsequently altered so as to bring it within any one class, be subsequently converted into or used as a building of another class, then it is to be deemed to belong to such other class; and as to it all the conditions prescribed with regard to buildings of the same rate of such other class must be fulfilled as if it had been originally built of such class, subject nevertheless to such modifications as shall be sanctioned by the official referees on a special supervision thereof.

Or if a building be used partly as a dwelling house and partly for any purpose which would bring it within the second or warehouse class, then it is to be deemed to

Reference to arbitration to increase the purchase money in certain cases.

Option not to be exercised while revised scale is in force.

Existing railways not to be subjected to revision or purchase. As to branches of existing railways.

Notice of revision or purchase not to be given till funds for guarantee or purchase are provided by Parliament. Bills empowering exercise of option not to be introduced without notice to company affected.

Accounts to be kept by railways liable to revision or purchase.

and on behalf of her Majesty, upon giving to the said company three calendar months notice in writing of their intention, and upon payment of a sum equal to twenty-five years purchase of the said annual divisible profits, estimated on the average of the three then next preceding years: Provided that if the average rate of profits for the said three years shall be less than the rate of ten pounds in the hundred it shall be lawful for the company, if they shall be of opinion that the said rate of twenty-five years purchase of the said average profits is an inadequate rate of purchase of such railway, reference being had to the prospects thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said company: Provided also, that such option of purchase shall not be exercised, except with the consent of the company, while any such revised scale of tolls, fares, and charges shall be in force.

III. PROVIDED always, and be it enacted, that the option of revision or purchase shall not be applied to any railway made or authorized to be made by any Act previous to the present session; and that no branch or extension of less than five miles in length of any such line of railway shall be taken to be a new railway within the provisions of this Act; and that the said option of purchase shall not be exercised as regards any branch or extension of any railway without including such railway in the purchase, in case the proprietors thereof shall require that the same be so included.

IV. AND whereas it is expedient that the policy of revision or purchase should in no manner be prejudged by the provisions of this Act, but should remain for the future consideration of the legislature, upon grounds of general and national policy: And whereas it is not the intention of this Act that under the said powers of revision or purchase, if called into use, the public resources should be employed to sustain an undue competition against any independent company or companies: Be it enacted, that no such notice as herein-before mentioned, whether of revision or purchase, shall be given until provision shall have been made by Parliament, by an Act or Acts to be passed in that behalf, for authorizing the guarantee or the levy of the purchase money herein-before mentioned, as the case may be, and for determining, subject to the conditions herein-before mentioned, the manner in which the said options or either of them shall be exercised; and that no Bill for giving powers to exercise the said options, or either of them, shall be received in either House of Parliament unless it be recited in the preamble to such Bill that three months notice of the intention to apply to Parliament for such powers has been given by the said lords commissioners to the company or companies to be affected thereby.

V. AND be it enacted, that, from and after the commencement of the period of three years next preceding the period at which the option of revision or purchase becomes available full and true accounts shall be kept of all sums of money received and paid on account of any railway within the provisions herein-before contained, (distinguishing, if the said railway shall be a branch railway or one worked in common with other railways, the receipts, and giving an estimate of the expences on account of the said railway, from those on account of the trunk, line, or other railways,) by the directors of the company to whom such railway belongs or by whom the same may be worked; and

The fare or charge for each third class passenger by such train shall not exceed one penny for each mile travelled :

Each passenger by such train shall be allowed to take with him half a hundred weight of luggage, not being merchandize or other articles carried for hire or profit, without extra charge ; and any excess of luggage shall be charged by weight, at a rate not exceeding the lowest rate of charge for passengers luggage by other trains :

Children under three years of age accompanying passengers by such train shall be taken without any charge, and children of three years and upwards, but under twelve years of age, at half the charge for an adult passenger :

And with respect to all railways subject to these obligations which shall be open on or before the first day of November next these obligations shall come into force on the said first day of November ; and with respect to all other railways subject to these obligations they shall come into force on the day of opening of the railway, or the day after the last day of the session in which the Act shall be passed by reason of which the company will become subject thereunto, which shall first happen.

Penalty for non-compliance 20*l.* a day.

VII. AND be it enacted, that if any railway company shall refuse or wilfully neglect to comply with the provisions of this Act as to the said cheap trains within a reasonable time, or shall attempt to evade the operation of such order, such company shall forfeit to her Majesty a sum not exceeding twenty pounds for every day during which such refusal, neglect, or evasion shall continue.

Board of Trade to have a discretionary power of allowing alternative arrangements, except as to amount of fares to be charged.

VIII. PROVIDED always, and be it enacted, that, except as to the amount of fare or charge for each passenger by such cheap trains, which shall in no case exceed the rates herein-before in such case provided, the lords of the said committee shall have a discretionary power, upon the application of any railway company, of dispensing with any of the conditions herein-before required in regard to the conveyance of passengers by such cheap trains as aforesaid, in consideration of such other arrangements, either in regard to speed, covering from the weather, seats, or other particulars, as to the lords of the said committee shall appear more beneficial and convenient for the passengers by such cheap trains under the circumstances of the case, and shall be sanctioned by them accordingly ; and any railway company which shall conform to such other conditions as shall be so sanctioned by the lords of the said committee shall not be liable to any penalty for not observing the conditions which shall have been so dispensed with by the lords of the said committee in regard to the said cheap trains and the passengers conveyed thereby.

IX. AND be it enacted, that no tax shall be levied upon the receipts of any railway company from the conveyance of passengers at fares not exceeding one penny for each mile by any such cheap train as aforesaid.

Exemption from tax on receipts from such cheap trains. Where companies run trains on Sunday cheap carriages to be likewise provided on stopping trains.

X. AND be it enacted, that whenever any railway company subject to the herein-before mentioned obligation of running cheap trains shall, from and after the days herein-before specified on which the said obligation is to accrue, run any train or trains on Sundays for the conveyance of passengers, it shall, under the obligations contained in its Act or Acts of Parliament, and with the immunities applicable by law to carriers of passengers by railway, by such train each way, on every Sunday, as shall stop at the greatest number of

destination at the public expence, children under three years of age so entitled being taken free of charge, and children of three years of age or upwards, but under twelve years of age, so entitled being taken at half the price of an adult; and such soldiers, marines, and privates of the militia or police force, and their wives, widows, and children so entitled, being conveyed in carriages which shall be provided with seats, with sufficient space for the reasonable accommodation of the persons conveyed, and which shall be protected against the weather; provided that every officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge, and every soldier, marine, private, wife, or widow shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge, all excess of the above weights of personal luggage being paid for at the rate of not more than one halfpenny per pound, and all public baggage, stores, arms, ammunition, and other necessaries and things, (except gunpowder and other combustibile matters, which the company shall only be bound to convey at such prices and upon such conditions as may be from time to time contracted for between the secretary at war and the company,) shall be conveyed at charges not exceeding two-pence per ton per mile, the assistance of the military or other forces being given in loading and unloading such goods.

Companies to allow lines of electrical telegraph to be established for her Majesty's service, and afford facilities for using the same.

Right of user by company.

Electrical telegraphs established by companies or private parties to be open to the public.

XIII. AND whereas electrical telegraphs have been established on certain railways, and may be more extensively established hereafter, and it is expedient to provide for their due regulation: Be it enacted, that every railway company, on being required so to do by the lords of the said committee, shall be bound to allow any person or persons authorized by the lords of the said committee, with servants and workmen, at all reasonable times to enter into or upon their lands, and to establish and lay down upon such lands adjoining the line of such railway a line of electrical telegraph for her Majesty's service, and to give to him and them every reasonable facility for laying down the same, and for using the same for the purpose of receiving and sending messages on her Majesty's service, subject to such reasonable remuneration to the company as may be agreed upon between the company and the lords of the said committee, or in case of disagreement as may be settled by arbitration: Provided always, that, subject to a prior right of use thereof for the purposes of her Majesty, such telegraph may be used by the company for the purposes of the railway, upon such terms as may be agreed upon between the parties, or, in the event of difference, as may be settled by arbitration.

XIV. AND be it enacted, that where a line of electrical telegraph shall have been established upon any railway by the company to whom such railway belongs, or by any company, partnership, person or persons, otherwise than exclusively for her Majesty's service, or exclusively for the purposes of the railway, or jointly for both, the use of such electrical telegraph, for the purpose of receiving and sending messages, shall, subject to the prior right of use thereof for the service of her Majesty and for the purposes of the company, and subject also to such equal charges and to such reasonable regulations as may be from time to time made by the said railway company, be open for the sending and receiving of messages by all persons alike, without favour or preference.

* * * * *

instruments purporting to give a security for the repayment of the principal sums borrowed at certain dates, and for the payment of interest thereon in the meantime: And whereas such loan notes or other securities issued otherwise than under the provision of some Act or Acts of Parliament have no legal validity, and it is expedient that the issue of such illegal securities should be stopped; : Be it enacted, that from and after the passing of this Act any railway company issuing any loan note or other negotiable or assignable instrument purporting to bind the company as a legal security for money advanced to the said railway company, otherwise than under the provisions of some Act or Acts of Parliament authorizing the said railway company to raise such money and to issue such security, shall for every such offence forfeit to her Majesty a sum equal to the sum for which such loan note or other instrument purports to be such security:

Issue of loan notes and other securities by railway companies, otherwise than under authority of Acts of Parliament, prohibited.

* * * * *

Register of loan notes and other securities to be kept and to be open to inspection.

XXI. AND be it enacted, that a register of all such loan notes or other instruments shall be kept by the secretary; and such register shall be open, without fee or reward, at all reasonable times, to the inspection of any shareholder or auditor of the undertaking, and of every person interested in any such loan note or other instrument, desirous of inspecting the same.

Remedy for recovery of tithe rent charged on land taken by railways.

XXII. AND whereas the remedies now in force for the recovery of tithe commutation rent-charges are in many instances ineffectual for such parts thereof as are charged upon lands taken for the purposes of a railway, and it is therefore expedient to extend the said remedies when the said rent-charges may have been duly apportioned: Be it enacted, that in all cases in which any such rent-charge, or part of any rent-charge, has been or hereafter shall be duly apportioned under the provisions of the Acts for the commutation of tithes in England and Wales upon lands taken or purchased by any railway company for the purposes of such company, or upon any part of such lands, it shall be lawful for every person entitled to the said rent-charge or parts of such rent-charge, in case the same has been or shall be in arrear and unpaid for the space of twenty-one days next after any half-yearly day fixed for the payment thereof, to distrain for all arrears of the said rent-charge upon the goods, chattels, and effects of the said company, whether on the land charged therewith, or any other lands, premises, or hereditaments of such company, whether situated in the same parish or elsewhere, and to dispose of the distress when taken, and otherwise to demean himself in relation thereto, as any landlord may for arrears of rent reserved on a lease for years: Provided always, that nothing herein contained shall give or be construed to give a legal right to such rent-charge, when but for this Act such rent-charge was not or could not be duly apportioned.

* * * * *

Recovery and application of penalties.

XXIV. AND be it enacted, that all penalties under this Act for the application of which no special provision is made shall be recovered in the name and for the use of her Majesty, and may be recovered in any of her Majesty's courts of record, or in the Court of Session or in any of the sheriff courts in Scotland.

Interpretation of Act.

XXV. AND be it enacted, that where the word "railway" is used in this Act it shall be construed to extend to railways constructed under the powers

granted under or by virtue of the said Act of the twenty-sixth year of King George the Third, authorizing any person to keep or use any house or place for the purpose of slaughtering or killing any horse or other cattle, (not killed for butchers meat,) shall be granted, and shall continue in force, for a period not exceeding one year from the date at which the same was granted, determinable as herein-after provided: Provided nevertheless, that in the case of the renewal of any such licence to any person to whom any such licence may have been previously granted as aforesaid, it shall not be necessary for such person to obtain or produce to the justices at such general quarter sessions of the peace a certificate under the hands and seals of the minister, churchwardens, overseers, or householders, as required by the said last-mentioned Act.

Justices in quarter sessions may cancel licences.

. II. AND be it enacted, that it shall be lawful for the justices assembled at any general quarter sessions of the peace to be holden for any county, upon application and complaint made to them in writing by any person, and upon due proof being made to them that the party so complaining had given fourteen days previous notice in writing thereof to the clerk of the peace for such county, and also to the party complained against, and upon due proof to their satisfaction that any person so licensed as aforesaid has been guilty of any breach or violation of the said two several herein-before recited Acts or either of them, or of this Act, or any part or parts thereof respectively, to cancel and wholly put an end to any and every licence which may have been granted to the person or persons so complained against, and from thenceforth the same shall be of no force or effect.

Persons wantonly or cruelly ill-treating any horse, &c. to be liable to penalty.

III. AND be it enacted, that if any such licensed or other person shall wantonly or cruelly beat, ill-treat, abuse, wound, or torture any horse or other cattle in any house, pound, stable, or other place in the occupation or use of such licensed person, every such person shall for every such offence, on conviction thereof, forfeit and pay a sum of money not exceeding five pounds.

Power for constables to enter licensed places.

IV. AND be it enacted, that it shall be lawful for any constable from time to time, and as often as he shall think fit, at all reasonable times in the day-time, by authority of this Act, either alone or accompanied by any inspector appointed or to be appointed under the first-recited Act, to enter upon and view and inspect all and every the houses, stables, sheds, yards, grounds, and premises for the keeping of which any such licence shall have been granted as aforesaid, and also to inspect or take an account of all or any of the horses or other cattle which shall from time to time be found upon such premises or any part thereof.

Penalty for obstructing inspectors.

V. AND be it enacted, that in case any person to whom any such licence shall be granted as aforesaid, or any other person, shall at any time or in any manner obstruct, hinder, molest, or assault any such inspector whilst in the discharge of his duty, or the exercise of his power or authority under or by virtue of the said first-recited Act or of this Act, every such offender shall for every such offence, on conviction thereof, forfeit and pay such a sum of money, not exceeding ten pounds, as any two or more justices before whom such offender shall be brought shall deem fit.

Penalty on inspector neglecting his duty.

VI. AND be it enacted, that in case any such inspector shall at any time be guilty of any neglect or violation of the duty required of him by law, then and in every such case such inspector shall, upon conviction, forfeit and pay for every such offence a sum of money not exceeding ten pounds.

or division ; the word " horse " shall include mare, gelding, mule, pony, colt, or filly ; the word " cattle " shall include bull, ox, cow, steer, heifer, calf, ass, sheep, lamb, goat, pig, or any other domestic animal ; the word " constable " shall include headborough, peace officer, or police officer ; and every word importing the singular number only shall extend and be applied to several persons and things as well as to one person or thing ; and every word importing the masculine gender only shall extend to a female as well as a male.

CHAPTER LXXXIX.

AN ACT for auditing the Accounts of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

[9th August 1844.]

2 & 3 Will. 4. c. 1.

Commissioners for auditing the public accounts shall audit the accounts of the commissioners of woods, &c.

Accounts when audited to be kept of record in the Land Revenue Record Office.

WHEREAS an Act was passed in the second year of the reign of his late Majesty, intituled " An Act for uniting the office of surveyor general of his Majesty's works and public buildings with the office of the commissioners of his Majesty's woods and forests and land revenues ; and for other purposes relating to the land revenues " : And whereas doubts have arisen as to the powers vested in the commissioners for examining and auditing the public accounts of the kingdom, in examining and auditing the accounts referred to them under the said Act, and also the several accounts of other monies under the control and management of the first-mentioned commissioners : Be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said commissioners for auditing the public accounts of the kingdom shall examine, try, and audit the accounts of all monies which by any Act of Parliament are or shall be under the control and management of the commissioners of her Majesty's woods, forests, land revenue, works, and buildings, and in examining, trying, and auditing any of the said accounts . . . shall have all the powers which are vested in them under . . . any law, usage, custom, or otherwise howsoever : . . .

II. AND be it enacted, that every general account of the land revenue of the crown referred or which may be referred by the first-recited Act to the commissioners for auditing the public accounts of the kingdom, after the same shall have been audited, declared, and enrolled in the office of her Majesty's remembrancer of the Court of Exchequer, [Rep., Stat. Law Rev. Act, 1874 (No. 2).] shall be delivered by the said commissioners of audit, so audited and declared, together with the several detailed and subsidiary accounts of the receivers, surveyors, rangers, gavellers, stewards, bailiffs, collectors, or other local officers for the time being charged or intrusted with the receipt or collection of rents or other monies, dues, royalties, or revenues of the crown, (which are or may be mentioned or referred to in such general account,) to the keeper of land revenue records and enrolments, not later than three years after the declaration of the said general account, unless by special direction of the commissioners of her Majesty's Treasury any of the said accounts shall be kept for a longer time, not more than seven years, for comparison with the accounts of following years ; and such general and detailed and subsidiary accounts, and the declara-

Judgments,
&c. not to
be docketed
re-docketed,
or revived
under pro-
visions of
recited Acts
after 1st
November
1844.

Re-docketing
and revival
books to be
closed and
handed over
to officer ap-
pointed under
this Act, and
to be deemed
books under
this Act.

Judgments
re-docketed or
revived under
9 Geo. 4.
c. 35. to be
deemed to be
registered
under this
Act, and to
operate from
dates of re-
docketing and
entering as
if registered
under this
Act, and to
be subject to
provisions for
re-registration.
Judgments
or rules for
judgment not
to affect lands,
&c. as against

the same should be re-docketed, or a revival thereof entered, in the manner therein mentioned: And whereas it is expedient to make further provisions for the protection of purchasers against judgments, and against crown debts and lis pendens, and to establish one office in Dublin in which alone purchasers, and heirs, executors, or administrators, may find all judgments which would bind lands in the hands of a purchaser, or give a preference against heirs, executors, or administrators in the administration of their ancestors, testators, or intestates effects: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 from and after the first day of November in the year one thousand eight hundred and forty-four no judgment of any superior court of record, or rule for such judgment, shall be docketed or entered under the provisions of the said Act of the third year of the reign of his late Majesty King George the Second; and that from and after that day no such judgment, nor any revival of any such judgment, shall be re-docketed or entered under the said provisions of the said Act of the ninth year of the reign of his late Majesty King George the Fourth; and that all books of or for such re-docketings or entries under either of the said Acts shall on the first day of November in the year one thousand eight hundred and forty-four be finally closed, without prejudice to the operation of any judgment which shall have been in that time docketed and entered, or re-docketed or entered in the book of revivals, under the provisions of either of the said recited Acts, except so far as any such judgment may be affected by the provisions herein-after contained; and that upon the close of the said first day of November in the year one thousand eight hundred and forty-four all the said re-docketing and revival books kept under the provisions of the said last-mentioned Act in every of the said superior courts of common law in Ireland shall, by the officer having in each of such courts respectively the custody of the same, be handed over to the officer to be appointed under this Act; and that such books, when so handed over, shall be forthwith deposited by the said last-mentioned officer in the office to be established under this Act, and shall be considered as part of the books to which access is to be had for the charge of three shillings or of one shilling, as herein-after provided; and that all judgments which have already been or on or before the first day of November one thousand eight hundred and forty-four shall be re-docketed or entered as revived in the said books, under the provisions of the said Act of the ninth year of the reign of his late Majesty King George the Fourth, shall be deemed to be registered under the provisions of this Act, and shall operate from the time of such re-docketing or entry after the revival precisely as if the same had been registered under the authority of this Act, but with the benefit of its actual priority as the same existed before the passing of this Act, and shall be subject to the provision herein-after contained with respect to the re-registering.

II. AND be it enacted, that no judgment of the said superior courts respectively, or rule for such judgment, already docketed under the said first-recited Act, and which has not already been or shall not on or before the said first day of November one thousand eight hundred and forty-four be re-docketed or entered after revival under the said Act of the ninth year of the reign of his late Majesty King George the Fourth, shall, after the first day of November

court under
3 & 4 Vict.
c. 105. not to
affect lands,
&c. as against
purchasers, &c.
unless memo-
randum of par-
ticulars be left
with officer
under this
Act, and
registered.

shall from and after the first day of November one thousand eight hundred and forty-four affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until such a memorandum or minute thereof, containing the name or title of the cause or matter in which the same shall have been made or pronounced, and the names and the usual or last known place of abode, and the title, trade, or profession, of the plaintiff, if there be such, and of the defendant or person whose estate is intended to be affected thereby, and the court in which such judgment, rule, or order shall have been pronounced, and the date of the same, and the amount of the debt, damages, costs, and monies thereby recovered or ordered to be paid, shall be left with the officer appointed under this Act, who shall forthwith enter the same in manner aforesaid; and such officer shall be entitled for every such entry to the sum of five shillings.

Fee for entry.

The date when
memorandum
of particulars
is left with
officer to be
entered in
the book.

V. AND be it enacted, that, in addition to the entry by the said last-mentioned Act or by this Act required to be made in a book of the particulars to be contained in every memorandum or minute of any judgment, decree, rule, or order, or other matter, such officer so to be appointed as aforesaid shall insert in such book the year and the day of the month when every such memorandum or minute is so left with him.

Judgments,
decrees, orders,
&c. after
twenty years
not to affect
lands, &c. as
against pur-
chasers, &c.
unless fresh
memorandum
is left with
officer and
entered by him
within 20 years
before pur-
chase, &c.

VI. AND be it enacted, that all judgments already re-docketed or entered after revival, or which on or before the first day of November one thousand eight hundred and forty-four shall be re-docketed or entered after revival, under the said Act of the ninth year of his late Majesty King George the Fourth, shall, after the expiration of twenty years from the date of such re-docket or entry, and all judgments which, having been entered or docketed under the said Act of the third year of his late Majesty King George the Second only, shall be registered under the provisions of this Act, and all judgments of the superior courts respectively which shall for the first time be docketed or registered under the provisions of this Act, shall respectively after the expiration of twenty years from the date of such registry under this Act, and all decrees or orders in any court of equity, rules in any court of common law, and orders in bankruptcy or lunacy, which since the passing of the said recited Act of the third and fourth years of the reign of her present Majesty have been or shall be registered under the provisions therein mentioned, or which shall be registered under the provisions of this Act, and all judgments, rules, and orders of any inferior courts which shall be registered under the provisions of this Act, shall, after the expiration of twenty years from the date of the entry thereof under the said last-mentioned Act or under the provisions of this Act (as the case may be), be null and void against lands, tenements, and other hereditaments, as to purchasers, mortgagees, or creditors, unless and until a like memorandum or minute as was required in the first instance be again left with such officer to be appointed under this Act within twenty years before the execution of the conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right to the estate or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within twenty years before the right of such creditor accrued, and so toties quoties at the expiration of every succeeding twenty years; and such officer as aforesaid shall forthwith re-enter the same in like manner as the same was originally entered; and such officer shall be entitled for any such re-entry to the sum of one shilling. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Re-registration
every 20 years.

Fee for re-
entering.

An original
entry under
3 Geo. 2. (1.)
c. 7. or this Act
to be deemed
binding upon
purchasers,
&c. claiming
under any
deed executed

VII. PROVIDED always, and be it enacted, that an original entry under the said first-recited Act or under this Act shall be deemed binding, without any re-docket or registry under the said Act of the ninth year of his said late Majesty King George the Fourth or under this Act, on all purchasers and mortgagees who claim or shall claim under any conveyance, settlement, mortgage, lease, or other deed or instrument, vesting or transferring the legal or equitable right, title, estate, or interest in or to any such purchaser or mort-

Fee for entry.

Re-registration
of lis pendens
every 20 years.

Recognizances,
crown debts
or bonds, &c.
or acceptance
of office,
making officer's
lands liable
under
21 & 22 Geo. 3.
(L.) c. 20.
not to affect
lands, &c.
as against
purchasers,
&c. unless
registered
under this Act.

Fee for entry.

All persons
to be at
liberty to
search all
books handed
over or kept
under this
Act.

Fee for search.

forthwith enter the same particulars in a book as aforesaid, in alphabetical order, by the name of the person whose estate is intended to be affected by such lis pendens, and which book is to be intituled "The Index to Lis Pendens"; and such officer shall be entitled for every such entry to the sum of two shillings and sixpence; and the provisions herein-before contained in regard to the re-registering of judgments every twenty years, and the operation thereof, and the fee payable to the officer thereon, shall extend to every case of lis pendens which shall be re-registered under the provisions of this Act.

XI. AND be it enacted, that from and after the first day of November in the year one thousand eight hundred and forty-four no judgment, statute, or recognizance which shall hereafter be obtained or entered into in the name or upon the proper account of her Majesty, her heirs or successors, or inquisition upon which any debt shall hereafter be found due to her Majesty, her heirs or successors, or obligation or specialty which shall hereafter be made to her Majesty, her heirs or successors, or any acceptance of office which shall hereafter be accepted by officers whose lands shall thereby become liable for the payment and satisfaction of arrearages under the provisions of an Act passed in a session of Parliament holden in the twenty-first and twenty-second years of the reign of his late Majesty King George the Third, intituled "An Act for the more speedy and effectual recovery of the King's debts," shall affect any lands, tenements, or hereditaments, as to purchasers or mortgagees, unless and until a memorandum or minute, containing the name and the usual or last known place of abode, and the title, trade, or profession, of the person whose estate is intended to be affected thereby, and also in the case of any such judgment the court and the title of the cause in which such judgment shall have been obtained, and the date of such judgment, and the amount of the debt, damages, and costs thereby recovered, and also in the case of a statute or recognizance the sum for which the same was acknowledged, and before whom the same was acknowledged, and the date of the same, and also in the case of an inquisition the sum thereby found to be due, and the date of the same, and also in the case of an obligation or specialty the sum in which the obligor shall be bound, or for which the obligation or specialty shall be made, and the date of the same, and also in the case of acceptance of office the name of the office, and the time of the officer accepting the same, shall be left with such officer acting under this Act as aforesaid, who shall forthwith enter the same particulars in a book, to be intituled "The Index to Debtors and Accountants to the Crown," in alphabetical order, by the name of the person whose estate is intended to be affected by such judgment, statute, or recognizance, inquisition, obligation, or specialty, or the acceptance of any office; and such officer shall be intituled for every such entry to the sum of two shillings and sixpence; and all persons shall be at liberty to search the said book, and also the other books which are to be handed over as aforesaid to the officer to be appointed under this Act, and also all the books which are to be kept under the provisions of this Act, or any or either of the said books, on payment of the sum of three shillings until the year one thousand eight hundred and sixty-three, and after that period for the charge of one shilling, and no more, whether some only or all of the said books shall be searched, and no multiplication of books is to increase the fee.

other lands liable.

her heirs or successors, to levy the whole of any debt or demand which may at any time be due from any such debtor or accountant to the crown out of or from any other lands, tenements, or hereditaments which would have been liable thereto in case no such certificate had been granted, and no such discharge had been obtained.

Searches to be made only at office established under this Act.

XVII. : Provided always, that from and after the first day of November one thousand eight hundred and forty-five no search shall be made for any of the matters authorized to be registered under this Act, except at the office to be established under the provisions of this Act.

Duplicate books may be made out, if necessary.

XXI. AND be it enacted, that it shall be lawful for the lord chancellor, the chief justice, the master of the rolls, the chief justice of the Common Pleas, and the chief baron of the Exchequer in Ireland, or the majority of them, at any time hereafter, in case they shall deem it fit, to direct that duplicate copies shall for the purposes of this Act be made of the said books by this Act directed to be handed over to the officer appointed under this Act, or of the books directed to be by the said officer kept under the provisions of this Act, or of any of such books, and thereupon the said officer to be appointed under this Act shall have such duplicate copies forthwith made out, and shall for that purpose employ a fit and proper clerk or clerks, and shall pay the expences of making out such book or books out of the fees received or to be received under the provisions of this Act; and said officer shall be entitled to credit for such payments in passing his accounts under the provisions herein-after contained, after the same shall be directed by the judges aforesaid.

A registrar of judgments to be appointed for purposes of this Act.

[XXII.] AND whereas by the said Act passed in the third and fourth years of the reign of her present Majesty it was provided that the entries for the purpose of the registration of decrees, rules, and orders as therein mentioned should be made by an officer to be appointed as therein mentioned, and the registrations which may be made under this Act render it expedient to make further and other provisions upon this subject: Be it therefore enacted, that the officer constituted by the said last-mentioned Act shall cease to act from the first day of November one thousand eight hundred and forty-four; and it shall be lawful for the lord chancellor, the lord chief justice, the master of the rolls, the lord chief justice of the Common Pleas, and the lord chief baron in Ireland, or the majority of them, and they are hereby required, forthwith, and from time to time when occasion shall require, to appoint an officer, to be called the "registrar of judgments," whose duty it shall be to attend daily in his office, and to superintend the business thereof, and to sign a certificate of all searches issuing from said office, and to receive and account for all fees payable under this Act, in manner herein-after directed; and it shall also be lawful for the lord chancellor, the lord chief justice, the master of the rolls, the lord chief justice of the Common Pleas, and the lord chief baron, or the majority of them, and they are hereby required, forthwith, and from time to time as occasion may require, to appoint two assistant clerks, whose duty it

Duties of registrar.

Two assistant clerks to be appointed.

Their duties.

[* Section 22 is rep., so far as relates to the appointment and duty of assistant clerks, 34 & 35 Vict. c. 72. s. 1.]

Pleas, and the lord chief baron, or the majority of them, on complaint and inquiry as aforesaid, to inflict upon such registrar or clerk for any minor offence such punishment by way of fine as they or the majority of them shall deem expedient.

Duties to be performed by officers in person.

Deputy may in certain cases be appointed.

XXXII. AND be it enacted, that from and after the commencement of this Act the registrar and clerks appointed under this Act shall respectively perform their duties in person, except only in case of absence under the sanction herein-after provided; (that is to say,) in case of illness or other necessary or proper cause of absence it shall be lawful for the said registrar or assistant clerks, or either or any of them, from time to time as occasion may require, to appoint a deputy, (such deputy, and also the occasion for such appointment, to be first approved of by the lord chancellor, upon a petition being verified,) for such time and under such regulations as the lord chancellor shall direct; and no such appointment of a deputy shall continue for any longer time than shall be allowed and specified in and by the order which shall be made on such petition; and that such deputy shall be paid, out of the salary of such registrar or clerk, such sum as shall be directed by the said order; and that at all times during the temporary absence of the said registrar under such permission as aforesaid the signature of his deputy shall be good and valid to any search or other document requiring the signature of such registrar.

Registrar and clerks not to practise as barristers, attorneys, &c.

Officers so doing shall be dismissed.

XXXIII. AND be it enacted, that every person who shall at any time after the passing of this Act be appointed to be registrar or clerk of or in the office established under this Act shall be and he is hereby declared to be incapable of practising as a barrister, or as an attorney or solicitor, or as agent or clerk of an attorney or solicitor, of any court of law or equity in Ireland, either separately or in partnership with any other, or in the name of any other person or persons, during such time as such person shall hold the situation, office, or employment of registrar or clerk in such office; and if the said registrar or clerks, or any of them, shall, contrary to the true intent and meaning of this Act, so practise as such barrister, attorney, solicitor, agent, or clerk, while he shall hold such situation, office, or employment under this Act, the lord chancellor shall, on sufficient proof of the same, dismiss the person so offending from his office or employment, and the person so dismissed shall be rendered incapable of ever after holding any office or employment in any of the said courts.

8 Geo. 1. (1.)
c. 4.

XXXIX. AND whereas by an Act passed in the eighth year of the reign of his Majesty King George the first, intituled "An Act for the more effectual quieting and securing possessions, and preventing vexatious suits at law," it was amongst other things provided, that all actions and suits in law or in equity for recovery of any debt due by single bill, or bond under hand and seal, or by judgment, statute staple, statute merchant, or recognizance, should after the lapse of time therein mentioned be barred, unless upon certain proceedings being taken, or payments or satisfaction being made, as therein respectively mentioned: And whereas since the passing of the said Act certain other statutes have been passed for the limitations of actions upon judgments and other charges upon land, bonds, and other specialties and recognizances: And whereas doubts have been entertained whether the provisions of the said

commissioners into circumstances of all turnpike trusts, their debts, &c.

condition, and circumstances of the several turnpike trusts lying or partly lying within each of the said counties respectively, and shall examine and ascertain the amount, nature, and value of all debts due or claimed to be due by or from any turnpike trust which shall have been contracted under the powers and in conformity with the provisions of any Act of Parliament relating to such trust, and shall inquire how much of such debts consists of unpaid interest, and for what period such interest shall be in arrear, and all such other particulars respecting the same, and respecting the administration of such trusts and the roads comprised in the same respectively, as the said commissioners shall deem necessary in order to the execution of the several powers and duties hereby vested in them [Rep., Stat. Law Rev. Act, 1874 (No. 2).];

Commissioners to ascertain and estimate all debts ;

IX. AND be it enacted, that so soon as the said examination and inquiry into the affairs and finances of any of the said trusts respectively shall have been made as aforesaid, and all such evidence as the said commissioners shall deem necessary shall have been heard and received touching the same, the said commissioners shall forthwith proceed to determine respecting the claims of the several persons being or claiming to be mortgagees or creditors of such trust, and shall estimate and determine the fair and actual value of every one hundred pounds of debt secured by mortgage or assignment of or other charges on the tolls of such trust, and also the value, if any, of every one hundred pounds of interest remaining due upon any such mortgage debts, excluding nevertheless all such interest as shall have been due and in arrear for more than six years previous to the first day of August in this present year, which said last-mentioned interest the said commissioners shall in all cases deduct and disallow; and as to any turnpike trusts wherein are comprised any roads or portions of roads locally situated in two or more counties, the said commissioners shall decide in what manner and according to what proportions the debts outstanding upon such trusts shall be apportioned and made chargeable upon each of such counties respectively, and the said commissioners shall thereupon make their award in writing under their hands and seals, and shall specify therein the names of all such persons as they shall have determined to be entitled to any monies, in respect of principal or interest, as mortgagees or creditors of such trust, together with the sums to which in the judgment of the said commissioners the said persons shall be respectively entitled, according to the value of their respective debts [Rep., Stat. Law Rev. Act, 1874 (No. 2).];

and to award the sums due, and names of persons to whom due.

Commissioners to report result of awards to secretary of state.

XXI. AND be it enacted, that the said commissioners, so soon as they shall have made the said examination and inquiry herein-before directed to be made into the condition, circumstances, and affairs of the several turnpike trusts in all or any of the said six counties, and so soon as they shall have estimated and ascertained the sums payable to the several creditors of the said trusts respectively, and shall have made or caused to be made the several awards concerning the same, shall make a full and particular report, under their hands and seal, to one of her Majesty's principal secretaries of state, and shall therein specify in detail the sums by them or by their authority awarded to be due and payable to the several creditors of each of the said trusts respectively, and also the total or aggregate sums which they shall have determined to be chargeable in respect of such debts to or upon each of the said counties respectively, and shall also make such further report or returns respecting any other matters and things thereto appertaining as the said commissioners shall deem necessary, or as one of her Majesty's said principal secretaries of state shall require [Rep., Stat. Law Rev. Act, 1874 (No. 2).];

Sums awarded to be paid by public works loan commissioners.

XXII. AND be it enacted, that when the said commissioners shall have made their report of the sums awarded to be paid to the said creditors in respect of their said debts and interest, and such report shall have been approved of by one of her Majesty's principal secretaries of state, then it shall be lawful for the commissioners for carrying into execution an Act passed in the second session of the fifth year of the reign of her present Majesty, intituled, "An Act to authorize 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 to amend the Acts authorizing the issue of Exchequer bills for the like purposes," (and which said commissioners are herein-after designated as the public works loan commissioners,) in manner after mentioned, to cause to be paid the several sums of money so fixed by such awards respectively to the parties entitled to receive the same under the said awards, together with interest

5 & 6 Vict. c. 9.

Commissioners for the reduction of the national debt to furnish annual account of fund for audit.

Amount paid by public works loan commissioners under this Act, in respect of each county, with interest, to be repaid by annuity for thirty years, charged on county roads fund, and rates in aid thereof, herein-after mentioned.

All local turnpike Acts to be repealed, and provisions of this Act for management of turnpikes to come into operation from a day to be declared by commissioners.

Justices in quarter sessions to elect members of county roads board.

XXVIII. AND be it enacted, that the commissioners for the reduction of the national debt shall cause to be made up, for examination and audit, an annual account to the thirty-first day of December in each year of the receipts, payments, and balances on the said account so directed to be kept by them in respect of the said "South Wales Turnpike Trust Fund" as aforesaid, and shall deliver the same to the commissioners for auditing the public accounts.

XXIX. AND be it enacted, that an account shall be made up on the twenty-fifth day of March and the twenty-ninth day of September in every year of the monies which shall have been paid by the said public works loan commissioners as aforesaid, together with interest thereon from the respective days of payment up to the said twenty-fifth day of March or the twenty-ninth day of September, as the case may be, distinguishing the same so as to show the amount paid to creditors on tolls within each of the aforesaid counties respectively, together with such interest as aforesaid; and thereupon the said commissioners for carrying this Act into execution, in consideration of the sums so respectively paid to the creditors on the tolls of each of the said counties respectively, together with such interest as aforesaid, shall charge the county roads fund herein-after mentioned, and the rates to be levied in aid thereof as after mentioned, with the payment to the said public works loan commissioners, on account of the South Wales Turnpike Trust Fund, of such an annuity as shall be equal to five pounds and five shillings for every sum of one hundred pounds so paid as aforesaid by the last-named commissioners, together with such interest as aforesaid, in respect of each separate county, and so in proportion for any fractional part of one hundred pounds paid, such annuity to be payable from the said twenty-fifth day of March or the twenty-ninth day of September up to which such account shall have been made, for the term of thirty years, and to be paid half-yearly, and without deduction, on the twenty-fifth day of March and the twenty-ninth day of September in every year, and the first payment to be made on such of the said half-yearly days of payment as shall next happen after such charge shall have been made, and so as the county roads fund aforesaid, and such rates in aid thereof as aforesaid, of each county, be charged with such an annuity as aforesaid in respect of the sums paid to the creditors on the tolls within that county, and such interest thereon as aforesaid, and no more.]Rep., Stat. Law Rev. Act, 1874 (No. 2).]

XXXIV. AND be it enacted, that all local Acts of Parliament for making, repairing, or regulating any turnpike road or roads within any of the said counties respectively shall, so far as relates to the several turnpike roads locally situated within the said counties respectively, be repealed by virtue of this Act; and the repeal of every such local Act respectively shall date and take effect from and after such day as the said commissioners, by order under their hands and seal, and whereof notice shall twice be published in the London Gazette, shall appoint and declare with respect to such local Act or Acts as shall be specified in such order respectively; and the provisions of this Act herein-after contained for consolidating the several trusts in each of the said counties, and for altering and remodelling the management of the same, shall thenceforward come into full operation and effect: Provided always, that the repeal of the said Acts shall not have the effect of reviving any former Acts which have been repealed by those Acts or any of them, but such former Acts shall continue repealed in the same manner as if this Act had not been passed.

XXXV. AND be it enacted, that the said commissioners shall, so soon as the said inquiry herein-before directed to be made into the debts and circumstances of the several turnpike trusts shall have been completed, cause a notice in writing to be addressed to the clerk of the peace of each of the said counties respectively, and her Majesty's justices of the peace acting in and for each of the said counties respectively shall, at their general quarter sessions of the peace to be held for such county next after the date of such notice, or, if the

General Turnpike Acts or any of them, to any trustees or commissioners acting in execution of any local Act for regulating any turnpike roads, shall, except so far as the same are varied, altered, or repealed by this Act, or are repugnant or contradictory thereto, apply to all persons who shall be members of any of the said county roads boards, and also, so far as the same shall be found applicable, to all members of any district boards to be constituted by virtue of this Act in manner herein-after provided.

Roads and property of trusts vested in county roads boards.

XLII. AND be it enacted, that all and every turnpike roads and road regulated by any local Act to be repealed in pursuance of this Act, and all turnpikes, toll houses, gates, weighing machines, carts, watch-boxes, lamps, lamp posts, and other erections and buildings on the said roads which shall have been erected under the powers of the said local Acts or any of them, or of any former Acts for the making or repairing of the said roads respectively, or of the said General Turnpike Acts, shall from and after the repeal of the said local Acts respectively be and remain vested in the several county roads boards acting in and for the several counties wherein such roads respectively shall lie, in like manner and to the same extent as they are now respectively vested in the trustees acting in execution of such local Acts ; and all the estate, right, title, and interest of the several trustees acting in execution of the said local Acts to be repealed in pursuance of this Act of and in all lands, houses, quarries, gravel pits, or other hereditaments whatsoever purchased for widening, improving, altering, or repairing the said roads or any of them, and of and in all estates devised or settled in trust for the repair of the said roads or any of them, or charged with any payments in respect thereof, shall from and after the repeal of the said local Acts respectively be and remain vested in the county roads boards of the several counties in which the said turnpike roads shall respectively lie : Provided always, that where any such turnpike road or roads shall lie, as to part thereof, in any two or more counties, such estate, right, title, and interest shall be divided and apportioned between them according to such rules and proportions, and on such principles of division, as the said commissioners shall determine.

Apportionment between two or more counties.

Materials to be the property of the county to which they shall be adjudged by commissioners to belong. Property how to be laid in indictments.

XLIII. AND be it enacted, that all materials, and all tools or implements, purchased or provided for the repair of any turnpike road or roads regulated by any local Act to be repealed in pursuance of this Act, and which at the time of the repeal of the said Acts respectively shall belong to the trustees acting in the execution thereof, shall from thenceforth belong to and be the property of the county roads board or boards of the county or counties which the said commissioners shall, by their order, determine to be entitled to the same, or shall be divided between any two or more such boards in such proportion as the said commissioners shall determine ; and [Rep., Stat. Law Rev. Act, 1874 (No. 2).] in any action, suit, or other proceeding brought or instituted by or on behalf of any county roads board for or in respect of or in anywise relating to the said roads, materials, or other estate or effects, or any other property, real or personal, which shall hereafter belong to any county roads board, or in any bill of indictment preferred by or by the direction of any county roads board against any person or persons who shall dig up, break or pull down, take or carry away, spoil, injure, or destroy, any of the said roads, lands, materials, or other estate and effects or other property as aforesaid, it shall be sufficient to state generally such roads, lands, materials, or other estate, effects, or property to be the property of such county roads board, and it shall not be necessary to specify the names of any member or members of the same.

move or take
away toll gates.

proper, to cause any of the toll gates, toll bars, or toll houses, or other erections or buildings appertaining thereto, already erected or to be hereafter erected in, upon, across, or on the side of any of the said turnpike roads, to be removed to and erected in, upon, across, or on the side of such other parts of the said turnpike roads or any of them, or otherwise wholly to be removed or taken away, as the said county roads board shall respectively from time to time order and direct.

Rates of toll
to be taken
under this Act.

L. AND be it enacted, that from and after the repeal of the said local Acts respectively it shall be lawful for the county roads board of any of the said counties respectively, or their respective lessees, collectors, or agents, and they are hereby authorized, to demand, receive, and take, on or at the side of the said several turnpike roads in their respective counties, before the horse or other animal, carriage or other vehicle, in respect of which any toll shall be payable shall be allowed to pass through any gate or bar erected or to be erected upon, across, or on the side of the said roads, the several tolls specified in the second schedule hereto annexed, subject to the restrictions and exemptions in this Act mentioned, and also to the restrictions, exemptions, and provisions in the said General Turnpike Acts mentioned, except so far as the same are varied, altered, or repealed by this Act: Provided always, that the same rate or rates of toll for every horse or other animal not drawing, and for every horse or other animal drawing any carriage or vehicle of the same class or description, according to the said second schedule, shall, subject as herein-after is mentioned, be respectively taken and received at every gate and bar within the same county.

Equal rates
to be taken
at all gates in
same county.

Difference of
rates according
to breadth
of wheels
abolished.

LI. AND be it enacted, that from and after the repeal of the said local Acts respectively no higher or different rate of toll shall in any case be taken or demanded upon any turnpike roads within any of the said counties respectively by reason of any regulation or distinction relating to the breadth, size, form, or construction of the wheels of any carriage, cart, or other vehicle used or employed upon such roads, but one and the same uniform rate of toll, according to the second schedule hereunto annexed, and subject to the provisions and exemptions of this Act, shall in all cases be taken in respect of each several description of carriage or vehicle in the said second schedule mentioned, without reference to the dimensions or construction of the wheels thereof, any thing contained in the said General Turnpike Acts or in any other Act to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to repeal, vary, alter, or affect any regulations in the said General Turnpike Acts or any of them contained with respect to any additional tolls or penalties thereby imposed or made chargeable on any carriage, cart, or other vehicle by reason of or in proportion to the weights carried or conveyed in any such carriage, cart, or other vehicle respectively.

What tolls to
be cleared
by payment
of one toll.

LII. AND be it enacted, that from and after the repeal of the said local Acts respectively when any toll shall have been once taken in respect of any horse or other animal not drawing, or of any horse or other animal drawing any carriage or vehicle, at any toll gate or bar within any of the said counties, no toll shall thereafter be taken in respect of the same horse or other animal, or in respect of the same carriage or other vehicle, on the same day, (to be computed from twelve of the clock of the night to twelve of the clock in the next succeeding night,) for repassing through the same gate or bar, or for

by, the owner of any such agricultural produce, and which shall not have been bought, sold, or otherwise profitably exchanged or disposed of, nor be going to be bought, sold, or otherwise profitably exchanged or disposed of, or for any sheep going to be washed or returning therefrom, or for any horse or other animal drawing or not drawing which shall not go or pass more than three hundred yards along or upon such turnpike road, whether the whole or any part of such three hundred yards shall have been traversed before passing through any gate or bar, or shall be traversed after passing through the same.

Exemptions not to be defeated on account of regulations as to breadth of wheels, or as to weight.

LVIII. AND be it enacted, that none of the said exemptions from toll in the said General Turnpike Acts or in this Act contained shall be in anywise qualified, restrained, or taken away by reason of any regulation or distinction with respect to the size, form, construction, or dimensions of the wheels of any carriage, cart, or other vehicle used or employed upon any turnpike roads within the limits of this Act; or by reason of any regulations as to weight contained in the said General Turnpike Acts or any of them.

Lime to be used as manure to be charged half toll.

LIX. AND be it enacted, that from and after the repeal of the said local Acts respectively it shall not be lawful to demand or take on any turnpike road within any of the said counties respectively, for or in respect of any horse or other animal employed in carrying, drawing, or conveying any lime to be used for the purposes of manure, more than one half of the tolls which would be otherwise payable in respect of such horse or other beast drawing any such carriage or vehicle, according to the said second schedule to this Act annexed.

Toll not to be taken or money laid out on repair of roads within limits of towns.

LX. AND be it enacted, that from and after the repeal of the said local Acts respectively no toll shall be taken, and no money arising from tolls on any turnpike roads shall be laid out, on any road or roads, or part of any road or roads, which by or under any local Act of Parliament in force for the time being for the improvement of any city, borough, or town, or any part or parts thereof, is or are repaired or maintained by any commissioners or trustees for executing such local Act, nor in paving, repairing, or cleansing any street, road, or highway within the limits of any city or market or borough town for which there shall not be any such local Act as aforesaid, and which said limits shall be fixed and determined for the purposes of this Act, with respect to every such city or market or borough town respectively, by the said commissioners upon the report and recommendation of the county roads board acting in and for the county to which any such city or market or borough town shall belong; and no street, road, or highway comprised within such limits, or maintained by any such local commissioners as aforesaid, shall be deemed or held to be a turnpike road to any intent or purpose within the meaning of this Act.

Toll tables to be affixed at all gates.

LXI. AND be it enacted, that the county roads board of each of the said counties respectively shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every toll gate and toll bar within such county, a table, painted in distinct and legible black letters on a board with a white ground, or in white letters on a board with a black ground, containing at the top thereof the name of the gate or bar at which the same shall be put up, and also a list of all the tolls payable at such gate or bar under the authority of this Act; and such table shall specify the several sorts or

referred to, at some convenient place or places within each of the said counties respectively, and may adjourn themselves to meet at any other place or places within such counties respectively, and at such time or times, as the said county roads boards, or the major part of the members thereof present at any meeting respectively, shall appoint; and all acts, orders, proceedings, matters, and things by this Act authorized or directed to be done by the said county roads boards, or by the said General Turnpike Acts authorized or directed to be done by any trustees or commissioners of turnpike roads, shall and may, except so far as the same are altered, varied, or repealed by this Act, be made, done, and exercised by the major part of the members of the said county roads boards who shall be present at the respective meetings to be held by virtue of this Act, or of the said General Turnpike Acts, the whole number present together at any such meeting of any county roads board not being less than five: Provided always, that at any meeting of any county roads board which shall be held for the purpose of letting to farm the tolls of any district or districts of any county such tolls may be lawfully let, and all acts and proceedings relating to such letting of tolls at such meeting shall be valid and effectual, although not more than three members of such county roads board shall be present at such meeting; and the time and manner of holding and convening and also of giving notice of any special or extraordinary meeting of such board which it may be thought necessary to hold upon any emergency shall be regulated as nearly as may be according to the provisions and regulations of the said General Turnpike Acts with respect to the like meetings of trustees or commissioners of any turnpike roads.

Power of adjournment.

Majority of members present may act.

Five to be the quorum.

Three to be quorum when tolls are to be let.

Extraordinary meetings.

Tolls may be let at any meeting without putting them up at the sum before realised.

Annual general meeting of each county roads board for auditing accounts.

Meetings to be fixed so as to allow

LXIV. AND be it enacted, that whenever any tolls shall hereafter be let to farm by virtue of the powers given by this or by any other Act or Acts of Parliament, it shall not be necessary, in the notice to be given according to the provisions of the said General Turnpike Acts previously to such letting, to specify the sum which the said tolls shall have produced during any time previous to such letting, nor to state that the said tolls will be put up at the sum which they were let for or produced during any such previous time; and the county roads board acting in and for each county may and they are hereby authorized to let such tolls at every general meeting to be held in pursuance of this Act for the best price they may then be enabled to obtain for the same, without being compelled to put up the said tolls at the sum for which they were at any previous time let, or to have any second or other meeting for letting the same, any law or custom to the contrary notwithstanding.

* * * * *

LXVII. AND be it enacted, that the several county roads boards of and for each of the said counties respectively shall and they are hereby required to hold one general meeting in every year in each of the said counties, for auditing and examining the accounts relating to the several roads under their management, on some day or days to be appointed for the same by each county roads board respectively at their first meeting to be held after the passing of this Act, or at some subsequent regular meeting of the said board, and which said annual general meeting shall always take place in each of the said counties respectively in the months of January or February in each year; and the times of holding such annual general meetings in the said counties respectively shall be so fixed and arranged with reference one to another as to

examine accounts at annual meetings ;

prepare statements and estimates :

transmit statements and estimates to secretary of state, to be laid before Parliament ;

prepare estimates of improvements, and report as required.

Books to be kept by county boards ;

books to be evidence ; and to be open to inspection of members and ratepayers.

Penalty for refusing inspection.

inspect and examine all the accounts, books, and other documents of or relating to the same, and shall attend the said annual general meetings of the said county roads boards in each of the said counties respectively, and shall examine, audit, and check, and ascertain the legality of, all accounts, bills, charges, and vouchers which shall be presented to or laid before such county roads boards at such annual general meetings, and shall also prepare and submit to them, at such meetings, a general statement of the debts, revenue, and expenditure incurred or received in and for the year preceding on account of the several turnpike roads within each of the said counties respectively ; and shall also prepare and submit to the said county roads boards respectively, at such meetings, an estimate of the revenue and expenditure on account of the said roads to be received or incurred in and for the ensuing year, specifying in such statements and estimates the amount and proportion of revenue and expenditure received or incurred or to be received or incurred in respect of the several districts to be constituted by virtue of this Act in each of the said counties respectively, according to the provisions herein-after contained, and shall sign such statements and estimates respectively ; and so soon as the said statements and estimates shall have been submitted to and examined by such county roads boards shall transmit the same or copies thereof to one of her Majesty's principal secretaries of state, to be by him laid before both Houses of Parliament, according to the provisions of the said General Turnpike Acts, and shall also cause the same to be published in one or more of the newspapers circulating in the county ; and shall also from time to time, and whenever he shall be required by any county roads board so to do, prepare and submit to such county roads board an estimate or estimates of the probable expence to be incurred in respect of any proposed improvement, alteration, or work relating to the roads under the management of such board, and shall make such further reports from time to time to the said county roads board, or to the said secretary of state, respecting the management and administration of any roads hereby placed under his charge or control, as he shall be required by them or any of them to do.

LXXI. AND be it enacted, that every county roads board shall cause a book to be kept by their clerk, in which such clerk shall enter or cause to be entered true and regular accounts of all sums of money received and expended for the purposes of this Act, and of the several matters for which such sums of money shall have been received or expended ; and the said board shall cause notes, minutes, or copies, as the case may require, of all the orders and proceedings of such board at the several meetings thereof to be duly entered in books to be from time to time provided for that purpose, and such books shall be evidence in all proceedings at law or in equity, without further proof of the contents thereof, and shall at all seasonable times be open to the inspection of all members of such boards and of all district boards within the same county, and of every person paying any rate by this Act authorized to be made, without any fee being demanded for such inspection ; and all such members and persons respectively shall be entitled, at seasonable times, to take copies or extracts from the said books, without paying any fee for the same ; and if, on request made for that purpose, the clerk of any county roads board shall refuse to permit any of such members or persons respectively to inspect

full and particular report in writing to the commissioners for carrying this Act into execution respecting the several matters herein-before directed to be examined and considered by them, together with such other recommendations and suggestions as may be necessary for any other purposes of this Act, or as they may deem essential to the due execution thereof. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Commissioners to make orders respecting roads to be maintained as turnpike roads, or discontinued, and as to formation of districts.

LXXVII. AND be it enacted, that the said commissioners shall, upon due consideration of such reports and recommendations respectively, make such determination respecting the premises as to them shall seem meet, and shall, by their orders to be made under their hands and seal, direct, with respect to each of the said counties respectively, what portions of the said roads regulated by or comprised in any local Act as aforesaid shall thereafter continue to be maintained as turnpike roads, and also what portion thereof (if any) shall be wholly rejected and discontinued as turnpike roads; and the said commissioners shall also, by their said order, direct such and so many districts as in their judgment shall be necessary to be formed and constituted in each of the said counties respectively in which they shall deem the formation of such districts to be expedient for the separate management and repair of the several turnpike roads within the said districts, according to the regulations herein-after contained: Provided always, that in case in any of the said counties the said commissioners shall not deem it expedient to constitute any such division of districts as aforesaid, then the management and repair of all the turnpike roads within such county, and all powers and things necessary thereto, shall belong and shall be carried on, done, and executed by or under the direction of the county roads board of such county.

Plans of county roads and districts to be made by authority of commissioners.

LXXVIII. AND be it enacted, that the said commissioners, in pursuance of their said orders as aforesaid, shall cause a map or plan to be made for each of the said counties, wherein shall be distinctly set out and delineated the several roads thereafter to be maintained in and for such county as turnpike roads, as well as the several districts into which such county shall be divided, and to which the said turnpike roads shall thenceforth respectively be annexed and belong; and the said map or plan, or a copy thereof, stamped with the seal of the said commissioners, shall be deposited with the clerk of every county roads board respectively, and shall be received as evidence, and shall be referred to, in all suits, controversies, and disputes touching the limits, boundaries, situation, or classification of any such roads or districts respectively: Provided always, that the said map or plan may be altered or amended by authority of one of her Majesty's principal secretaries of state, if it should become necessary so to do, through the operation of any of the provisions herein-after contained.

Plans may be amended.

Roads discontinued as turnpike roads to become highways.

LXXIX. AND be it enacted, that all such roads or portions of roads within any of the said counties respectively as the said commissioners by their order as aforesaid shall direct to be discontinued as turnpike roads shall thenceforth cease to be repaired or maintained as such, and no tolls shall be collected thereon, and all toll gates or toll bars now standing thereon shall be removed, and the said roads shall thenceforth be repaired and maintained according to the laws for the time being in force relating to highways, or by the parties otherwise liable by law to repair the same.

County roads boards to make special reports in certain cases

LXXX. AND be it enacted, that it shall be lawful for the said county roads boards respectively, at any of their regular meetings to be held under the authority of this Act, with the aid and advice of the said general superin-

shall reside within such district, and who in his own right or in right of his wife shall be the owner or occupier, or shall be in the actual possession of the rents or profits, of any lands, tenements, or hereditaments, whether freehold or copyhold, within the county wherein such district is situated, which shall be rated or rateable to the relief of the poor in the parishes or places in which the same shall lie at not less than eighty pounds per annum, shall be duly qualified to be and be capable of being appointed a member of such board; and whenever any of the said persons who shall have been so nominated and appointed by the said commissioners as aforesaid shall die or resign, or shall absent himself for twelve months from the meetings of the said board, or shall cease to be qualified in respect of residence and estate or interest as aforesaid, then the other members of such board shall elect other fit and proper persons, qualified as herein-before described, to be members of such board in their stead; and whenever any of such last-mentioned persons shall die or resign, or be absent as aforesaid, or shall cease to be qualified as aforesaid, the vacancy or vacancies thereby occasioned shall be from time to time supplied by election in like manner; and all her Majesty's justices of the peace residing within or acting at any petty sessions within any such district shall be ex-officio members of such district roads board.

If any county is not divided into districts, additional members of county roads board shall be appointed.

Manner of choosing additional members.

LXXXIII. AND be it enacted, that in case in any of the said counties the said commissioners shall not deem it expedient to constitute any such division of districts for the purpose of district management as aforesaid, then the said commissioners shall, by their order as aforesaid, nominate and appoint certain persons, not less than six nor more than twelve in number, to be additional members of the county roads board of such county, who shall be chosen in manner following; that is to say, an equal number of such persons shall be chosen in respect of each hundred of such county, and shall be persons resident within such hundred respectively, and qualified in respect of property in such county in like manner as is herein-before provided with respect to the qualification of members of district boards; and whenever any of the persons who shall have been so nominated by the said commissioners as aforesaid shall die or resign, or shall cease to be qualified in respect of residence and estate or interest as aforesaid, then the said county roads board shall elect other fit and proper persons, resident and qualified as herein-before described, in their stead, and all other vacancies which shall thereafter occur shall be from time to time supplied by election in like manner; provided that among the persons so from time to time constituted as additional members of such county road boards there shall always be two persons at least, resident and qualified as aforesaid, for and in respect of each hundred of such county.

Persons hereafter chosen as members of district boards, or additional members of county roads boards, shall cease to be members by rotation, and their vacancies shall be filled up.

LXXXIV. AND be it enacted, that the persons who shall hereafter be appointed as members of district boards, or as additional members of county roads boards in counties having no district boards, shall after certain periods cease to be members of the same respectively by rotation, and the vacancies thereby occasioned shall in either case be supplied from time to time in manner following; that is to say, of the persons who shall have been originally nominated by the said commissioners as members thereof respectively three persons (who shall be selected by ballot) shall at the expiration of three years from the time of such nomination cease to be such members, and at the expiration of four years from the said time a like number of such persons (to

orders for the removal of any such clerk, and whenever any such clerk shall be removed, or shall die or resign, or refuse to act, may at any subsequent meeting appoint some other fit and proper person in his stead.

Powers and
duties of
district boards.

LXXXVII. AND be it enacted, that the district roads board for each district respectively shall have power to direct and superintend all matters and things relating to the maintaining, repairing, and draining of the several turnpike roads within such district, and also the maintaining and repairing the turnpike gates, toll bars, and toll houses belonging to the same, and also the execution of any work or improvement which shall respectively have been placed under the direction and superintendence of such district roads board by the county roads board acting in and for the same county, and to direct and superintend the expenditure of all monies, and the use and application of all materials and things, which shall be appropriated to such district by the order of the said county roads board; and the acts, orders, regulations, and proceedings of such district roads boards, as to all the matters and things aforesaid, shall be binding and effectual; and such districts roads boards shall cause accounts to be kept of the expenditure and application of such monies and materials as aforesaid, and of all debts incurred by them, and of the balance of money and materials remaining at their disposal, and the clerk of any district roads board, shall, as often as he shall be required so to do, deliver or transmit such accounts to the said general superintendent of county roads, to be by him submitted to the county roads board of such county.

Money and
materials to
be placed at
the disposal
of district
boards.

LXXXVIII. AND be it enacted, that it shall be lawful for the county roads board of each county, by their order, to assign and place to the credit or at the disposal of the several district roads boards in each county respectively such sum or sums of money out of the county toll fund herein-after mentioned; and such quantity of materials or other necessary things purchased out of the said county toll fund, as the said general superintendent, by his estimate, to be laid before the said county roads board at their annual general meeting as herein-before provided, shall certify to be necessary and sufficient for the ordinary maintenance and repairs of the several turnpike roads within such districts respectively; and it shall also be lawful for the said county roads board, by their order as aforesaid, to place under the control and superintendence of the said district roads boards respectively, subject to the restrictions and limitations herein-before made and provided, any works or improvements to be done or executed in or upon any of the roads within such districts respectively; and, for the purpose of enabling them to carry on and execute such works and improvements, to place to their credit or at their disposal such monies, materials, and other things as aforesaid, as the said general superintendent, by his estimate, shall certify to be necessary and sufficient for the performance thereof.

First and
other meetings
of district
boards.

LXXXIX. AND be it enacted, that the several district roads boards to be appointed and constituted in manner aforesaid shall meet first at such time and place as the said commissioners shall, by their order, appoint for them respectively, and shall from time to time hold other meetings not less in number than six in each year, for executing the several powers and duties hereby vested in them, at such times, and at such convenient place or places within their respective districts, as the said commissioners, upon the report and recommendation of the county roads board acting in and for the county

together with all exceptions, restrictions, penalties, and clauses thereto relating, be applicable, except so far as the same may be varied, altered, or repealed by this Act, to all members of county roads boards and district roads boards respectively appointed under or acting in execution of this Act.

Members of county and district boards may act as justices.

XCIH. PROVIDED always, and be it enacted, that no person shall be incapable of acting as a justice of the peace in any matter relating to the execution of this Act by reason of his being a member of any county roads board, or of any district roads board.

Application of tolls.

XCIV. AND be it enacted, that from and after the repeal of the said local Acts respectively the tolls to be collected on the several turnpike roads in each and every of the said counties by virtue of this Act shall be respectively accounted for and paid to the treasurer of the county roads board, and shall form in each county one common fund, to be called the "County Roads Fund," and the said county roads fund shall be administered and applied, subject to the provisions and restrictions herein-before contained, by the said county roads board, and shall be applicable in the first place to the payment of such annuity as shall be charged upon such county roads fund, and such rates as aforesaid, according to the provisions herein-before contained; and the treasurer of every county roads board respectively is hereby directed and required, from and out of the first monies which shall come to his hands, to pay such annuity so charged as aforesaid when and as the same shall become due according to this Act; and, subject to such payment, the said county roads fund shall be applicable to the repair, maintenance, management, and improvement of the several turnpike roads within such county, and to the salaries of the officers of the several county and district boards respectively, and to such other just and necessary expences as may be incurred in and about the management of the said turnpike roads, and in execution of the powers and provisions of this Act.

County roads fund.

Application thereof.

If county roads fund prove insufficient for the purposes required, county roads board shall certify the amount required to quarter sessions.

XCV. AND be it enacted, that in case it shall appear to any county roads board acting in and for any of the said counties respectively, at the annual general meeting of such board to be held under this Act, upon comparing the estimated receipts and expenditure of and for such county in respect of turnpike roads for the year next ensuing which shall be made out and submitted to such board by the said general superintendent as aforesaid, that the said county roads fund will in the year next ensuing be insufficient for the several purposes to which the same is by this Act made applicable, such county roads board shall thereupon proceed to determine what amount of money will be necessary and sufficient, in addition to such county roads fund, to meet and supply the several purposes aforesaid; and the said county roads board shall then certify the sum of money necessary as aforesaid by a certificate in writing, to be signed by the chairman of the said board at their said meeting, and which shall be forthwith transmitted by the clerk of such board to the clerk of the peace or deputy clerk of the peace for such county; and the said clerk of the peace, or his deputy, shall produce the said certificate to the justices of the peace for such county at their general quarter sessions assembled which shall be held next after he shall have received the same:

Justices in quarter sessions to make a county road

XCVI. AND be it enacted, that the justices of such county in such general quarter sessions assembled shall, for the purpose of raising the monies specified in such certificate, make a fair and equal rate, to be called the "County Road

within the limits of their own commission, and such rate may be levied and collected by the like methods and subject to the same right of appeal, as are applicable to any county rate collected within the parts of any county liable to the same ;

Power to inspect rates and returns relating to liberties, &c.

C. AND be it enacted, that the treasurer of any of the said counties, or any person having an order for that purpose under the hand of such treasurer, may inspect any liberty rate, or rate in the nature of a county rate, made or to be made for any liberty or franchise locally situate within such county, and may also inspect any returns relating to any of the parishes or places the inhabitants of which shall be liable to be rated as aforesaid, which have been or are to be delivered in pursuance of any of the Acts relating to county rates, and may take copies or extracts of or from any such rates or returns, without payment of any fee or reward ; and if any person having the custody of any such rate or return shall wilfully neglect or refuse to permit any such treasurer or other person authorized as aforesaid to inspect the same, or to take copies of or extracts from the same, for two days after such order shall have been produced and shown to him, or a copy thereof left at his usual place of abode, he shall, on conviction thereof before any two justices of the peace, forfeit and pay for every such offence such sum, not exceeding ten pounds, as they shall think meet.

Occupier paying road rate may deduct it from rent paid to his landlord.

CI. AND whereas it is expedient that the charge to be created in respect of such county road rate should be imposed upon the owners and proprietors of land within the said counties respectively : Be it therefore enacted, that any person who shall occupy any lands or tenements in any of the said counties, or in any liberty or franchise locally situated therein, having any interest not amounting to a freehold interest in the same, and not being tenant thereof for any term exceeding thirty years certain from the commencement of such term, who shall be called upon to pay any monies in respect of such rate, shall be entitled to demand a receipt in writing for the same, and upon producing such receipt shall be entitled to deduct from the rent next payable to the landlord or person under whom he holds or occupies such lands or tenements so much as he shall have paid on account of such rate during the same period in respect of which such rent shall be due and payable, and such landlord or other person shall allow such deduction upon receipt of the residue of the said rent ; and such occupier, lessee, or tenant shall be acquitted and discharged of so much money as he shall have paid in respect of such rate, in the same manner as if the same had been actually paid to such landlord or other person.

Road rate to be paid over by county treasurer to treasurer of county roads board, and applied as part of county roads fund.

CII. AND be it enacted, that the treasurer of any county in which such rate shall have been levied as aforesaid shall, so soon as the same shall have been collected, pay over all monies received in respect of the same to the treasurer of the county roads board acting in and for such county, and such monies when so paid over shall form a part of the county roads fund for such county, and shall be applicable as such to the several purposes to which the said county roads fund is herein-before directed to be applied.

County roads board may make orders on parishes to carry or draw materials for turnpike roads.

CIII. AND be it enacted, that it shall be lawful for any county roads board, at any regular meeting held under this Act, if in their judgment, with reference to the state of the county roads fund, and the state and condition of the roads in their county, or otherwise, it shall be necessary or expedient so to do, to determine what proportion, if any, of the carriage or haulage of materials

for seven days after he shall have received notice of the same, shall for every such offence forfeit and pay a sum not exceeding forty shillings.

CVI. AND whereas a certain public bridge called the Llandilo Rhywns Bridge has been erected over the river Towey in the county of Caermarthen, and the same has been maintained and repaired under the provisions of a certain local Act of Parliament to be repealed in pursuance of this Act as aforesaid: And whereas a certain other bridge over the same river called the Towey Suspension Bridge, and in the same county, has been erected and maintained under the provisions of a certain other local Act to be in like manner repealed: Be it enacted, that all debts due to any mortgagees or creditors in respect of the said bridges or either of them, or secured upon the tolls thereof respectively, shall be dealt with, estimated, and redeemed by the said commissioners in manner herein-before directed with respect to the debts of all turnpike trusts in the said county, but that from and after the repeal of the said last-mentioned local Acts respectively the same shall become to all intents and purposes county bridges, and shall be repaired and maintained by and at the charge of the said county of Caermarthen, in like manner as any county bridges ought now by law to be maintained and repaired.

Llandilo
Rhywns
Bridge and
Towey Sus-
pension Bridge
to become
county bridges.

CVII. AND whereas a certain public bridge called "The Wych Tree Bridge" in the said county of Glamorgan has been erected and maintained under the provisions of a certain local Act of Parliament to be repealed in pursuance of this Act: Be it enacted, that all debts due to any mortgagees or creditors in respect of the said bridge, or secured upon the tolls thereof, shall be dealt with, estimated, and redeemed by the said commissioners in manner aforesaid, but that from and after the repeal of the said last-mentioned local Act the said last-mentioned bridge shall become to all intents and purposes a county bridge, and shall be repaired and maintained by and at the charge of the said county of Glamorgan, in like manner as any county bridges ought now by law to be repaired and maintained.

Wych Tree
Bridge to
become a
county bridge.

* * * * *

CIX. AND whereas a certain public bridge called the Loughor Bridge has been erected over a certain river or estuary called the Loughor river, which divides the said county of Caermarthen from the said county of Glamorgan, and the same has been maintained and repaired under the provisions of a certain local Act of Parliament to be repealed in pursuance of this Act: And whereas the said last-mentioned bridge is useful and beneficial to both of the said last-mentioned counties respectively: Be it therefore enacted, that all debts due to any mortgagees or creditors in respect of the said last-mentioned bridge, or secured upon the tolls thereof, shall be dealt with, estimated, and redeemed as aforesaid by the said commissioners; and when the total amount or value of the said debts shall have been by them fixed and determined a sum equal to one fourth part thereof shall be charged by the said commissioners, according to the provisions of this Act, upon the said county of Glamorgan, and the residue thereof shall be charged in like manner upon the said county of Caermarthen; and after the said local Act regulating the said last-mentioned bridge shall have been repealed as aforesaid the said bridge, so soon as it shall have been certified under the hand of the general superintendent of county roads to be appointed under this Act to be in good and sufficient repair, which repair, if required, shall be done at the cost and charge of the said county of

Loughor
Bridge to be
maintained
as a county
bridge be-
tween the
counties of
Glamorgan and
Caermarthen
jointly.

part of the said repairs or of the expence thereof shall be thereafter required to be done or contributed by any person or persons, or by the inhabitants of any parish or place, heretofore liable or accustomed to repair the same.

Act not to apply to Hay Bridge, nor to Haverfordwest or Boughrood Bridges.

CXI. AND be it enacted, that nothing in this Act contained shall extend or apply to a certain bridge erected over and across the river Wye called the Hay Bridge, and which is situated on or between the confines of the said county of Radnor and of the said county of Brecknock, nor to a certain other bridge lately erected over and across the river Dungleddau at or in the town and county of Haverfordwest, nor to a certain other bridge erected over and across the said river Wye called the Boughrood Bridge, and which is situated on or between the confines of the said county of Brecknock and of the said county of Radnor, nor to any local Act or Acts of Parliament for making, erecting, maintaining, or regulating the said last-mentioned bridges respectively, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

10 Geo. 4. c. iv.

Provision as to portion of road in Rhayader and Llangerrig trust.

4 & 5 Will. 4. c. xxxi.

No tolls to be taken.

Recovery and application of penalties.

Interpretation of Act.

CXII. AND whereas a certain portion of road heretofore made and maintained under a certain local Act of Parliament passed in the fourth year of the reign of King George the Fourth, intituled "An Act for making and maintaining a road from Rhayader in the county of Radnor to Llangerrig in the county of Montgomery," is locally situated in the said last-mentioned county of Montgomery: Be it enacted, that from and after the repeal of the said last-mentioned local Act the said last-mentioned portion of road shall, for the purpose of this Act, and for the purpose of maintaining the same, be annexed to and become part of the next adjoining district of roads of and belonging to the said county of Montgomery; and all the powers, clauses, and provisions of an Act passed in the session held in the fourth and fifth years of the reign of King William the Fourth, intituled "An Act for improving and maintaining certain roads in the counties of Montgomery, Merioneth, Salop, and Denbigh," shall apply to and include such last-mentioned portion of road, in like manner as if the same had been expressly mentioned and comprised in the said Act: Provided always, that it shall not be lawful for the trustees or other persons acting in execution of the said last-recited Act to erect or maintain any toll gate or toll bar, or to collect or cause to be collected any toll, upon, across, or at the side of the said portion of road, any thing in the said last-recited Act to the contrary notwithstanding.

CXIII. AND be it enacted, that all fines and penalties imposed by this Act shall be recovered and applied in the same manner as fines and penalties imposed by the said General Turnpike Acts or any of them; and the several clauses and provisions in the said last mentioned Acts contained respecting the recovery and application of penalties shall be applicable for the purposes of this Act as if the same were expressly re-enacted herein.

CXIV. AND be it enacted, that in construing this Act the following words and expressions shall have the several meanings herein after assigned to them.

- An Act passed in the fourth year of the reign of King George the Fourth, intituled "An Act to explain and amend an Act passed in the third year of the reign of his present Majesty, to amend the general laws now in being for regulating turnpike roads in that part of Great Britain called England."
- An Act passed in the session held in the seventh and eighth years of the reign of King George the Fourth, intituled "An Act to amend the Acts for regulating turnpike roads in England."
- An Act passed in the ninth year of the reign of King George the Fourth, intituled "An Act to amend the Acts for regulating turnpike roads."
- An Act passed in the session held in the first and second years of the reign of King William the Fourth, intituled "An Act to amend the Acts for regulating turnpike roads in England, so far as they relate to certain exemptions from toll."
- An Act passed in the session held in the second and third years of the reign of King William the Fourth, intituled "An Act to explain certain provisions in local Acts of Parliament relating to double toll on turnpike roads."
- An Act passed in the session held in the third and fourth years of King William the Fourth, intituled "An Act requiring the annual statements of trustees or commissioners of turnpike roads to be transmitted to the secretary of state, and afterwards laid before Parliament."
- An Act passed in the session held in the fourth and fifth years of the reign of King William the Fourth, intituled "An Act to amend an Act of the third year of King George the Fourth, for regulating turnpike roads in England, so far as the same relates to the weights to be carried upon waggons with springs."

SECOND SCHEDULE.

RATE of Toll to be taken in the Counties to which this Act refers.

		£	s.	d.
For every horse or other beast drawing any coach, chariot, berlin, landau, landaulet, barouche, chaise, phaeton, vis-a-vis, calash, curricule, car, chair, gig, hearse, caravan, litter, or any such like carriage	-	-	-	-
	-	0	0	6
For every horse or other beast, except asses, drawing any waggon, wain, cart, or other such like carriage	-	-	-	-
	-	0	0	4
For every ass drawing any cart, carriage, or other vehicle	-	0	0	2
For every horse or mule, laden or unladen, and not drawing	-	0	0	1½
For every ass, laden or unladen, and not drawing	-	0	0	0½
For every drove of oxen, cows, or neat cattle, the sum of ten-pence per score, and so in proportion for any greater or less number.				
For every drove of calves, hogs, sheep, or lambs, the sum of five-pence per score, and so in proportion for any greater or less number.				
For every carriage drawn or impelled by steam, or other power other than animal power, having two wheels	-	-	-	-
	-	0	1	0
And for every such last-mentioned carriage having more than two wheels	-	-	-	-
	-	0	2	0

Districts to be assigned to coroners.

V. AND be it enacted, that the justices in general or quarter session assembled shall assign one of such districts to each of the persons holding the office of coroner in such county, and upon the death, resignation, or removal of any such person each of his successors, and also every other person thereafter elected into the office of coroner in such county, shall be elected to and shall exercise the office of coroner, according to the provisions of this Act, and shall reside within the district in and for which he shall be so elected, or in some place wholly or partly surrounded by such district, or not more than two miles beyond the outer boundary of such district.

Coroner to reside in or near his district.

Provision for continuance of existing districts.

VI. AND be it enacted, that whenever it shall appear to her Majesty, with the advice aforesaid, and shall be set forth in the said order in council, that any such county has been customarily divided into districts for the purpose of holding inquests during the space of seven years before the passing of this Act, and it shall seem expedient to her Majesty, with the advice aforesaid, that the same division of the county be made under this Act, each of such districts shall be assigned to the coroner usually acting in and for the same district before the passing of this Act; but if it shall appear expedient to her Majesty, with the advice aforesaid, that a different division of such county be made, and any such coroner shall present a petition to her Majesty, praying for compensation to him for the loss of his emoluments arising out of such change, it shall be lawful for her Majesty, with the advice aforesaid, to order the lord high treasurer or commissioners of her Majesty's Treasury to assess the amount of compensation which it shall appear to him or them ought to be awarded to such coroner, and the amount of such compensation shall be paid by the treasurer of the county to such coroner, his executors or administrators, out of the county rate.

Compensation to coroner on alteration of district.

List to be made of places in each district, specifying place for court for election of coroner, and polling places.

VII. AND be it enacted, that such justices so assembled as aforesaid shall order a list to be prepared by the clerk of the peace for their respective counties of the several parishes, townships, or hundreds, as the case may be, in each and every of the several districts into which the respective counties shall be divided under the authority of this Act, specifying in such list the place within each district at which the court for the election of coroner is to be holden, and also the place or places at which the poll shall be taken, inserting the parishes, townships, and places for each of such polling places, and shall cause such order to be enrolled among the records of the county.

Detached parts to form parts of counties by which they are surrounded, or of counties with which they have the longest common boundaries.

VIII. AND be it enacted, that all isolated or detached parts of counties shall be considered, for the purposes of this Act, as forming a part of that county, riding, or division respectively whereby such isolated or detached parts shall or may be wholly surrounded, but if any such isolated or detached part shall be surrounded by two or more counties, ridings, or divisions, then as forming part of that county, riding, or division with which such isolated or detached part shall have the longest common boundary.

Election of coroner for any district to be held in the district.

Coroner to be chosen by majority of qualified electors resident in district.

IX. AND be it enacted, that from and after the time when any county shall have been so as aforesaid divided every election of a coroner for any such district shall be held at some place within the district in which he shall be elected to serve the office of coroner; and that every person to be so elected shall be chosen by a majority of such persons residing within such district as shall at the time of such election be duly qualified to vote at the elections of coroners for the said county.

X. AND be it enacted, that from and after the division of any counties as aforesaid into coroners districts, upon every election to be made of any coroner or coroners for any county the sheriff of the county where such election shall be made shall hold a court for the same election at some convenient place within the district for which the election of coroner shall take place, on some day to be by him appointed, which day shall not be less than seven days nor more than fourteen days after the receipt of the writ de coronatore eligendo; and in case the said election be not then determined upon the view, with the consent of the electors there present, but that a poll shall be demanded for determination thereof, then the said sheriff, or in his absence his under sheriff, shall adjourn the same court to eight of the clock in the forenoon of the next day but one, unless such next day but one shall be Saturday or Sunday, and then of the Monday following; and the said sheriff, or in his absence the under sheriff, with such others as shall be deputed by him, shall then and there proceed to take the said poll in some public place or places by the same sheriff, or his under sheriff as aforesaid in his absence, or others appointed for the taking thereof as aforesaid; and such polling shall continue for two days only, for eight hours in each day; and no poll shall be kept open later than four of the clock in the afternoon of either of the said days.*]

Sheriff to hold a special court for election of coroner.

If election not determined on the view, poll to be taken.

Duration of poll.

Places for taking the poll at elections for coroners.

XI. AND be it enacted, that for more conveniently taking the poll at all elections of coroners under the authority of this Act the poll for the election of the coroner in each district shall be taken at the place to be appointed for holding the court for such election, and at such other places within the same district as may for the time being be appointed by the quarter sessions.

Polling booths.

XII. AND be it enacted, that at every contested election of coroner for any district of the said county the sheriff, under sheriff, or sheriff's deputy shall, if required by or on the behalf of any candidate on the day fixed for the election, and, if not so required, may, if it shall appear to him expedient, cause a booth or booths to be erected for taking the poll at the court or principal place of election, and also at each of the polling places within the district herein-before directed to be used for the purposes of such election, and shall cause to be affixed on the most conspicuous part of each of the said booths the names of the several parishes, townships, and places for which such booth is respectively allotted; and no person shall be admitted to vote at any such election in respect of any property situate in any parish, township, or place, except at the booth so allotted for such parish, township, or place, and if no booth shall be allotted for the same then at any of the booths for the same districts; and in case any parish, township, or place, or part of any parish, township, or place, shall happen not to be included in any of the districts, the votes in respect of property situate in any parish, township, or place, or any part of any parish, township, or place, so omitted, shall be taken at the court or principal place of election for such district of the said county.

No voter to poll out of the district where his property lies. In case of a parish not included in any district.

XIII. AND for the more due and orderly proceeding in the said poll, be it enacted, that the said sheriff, or in his absence the under sheriff, or such as he shall depute, shall appoint such number of clerks as to him shall seem meet and convenient for the taking thereof, which clerks shall take the said poll in the presence of the said sheriff, or his under sheriff, or such as he shall depute; and

Poll clerks to be appointed and sworn.

* So much of this Act as authorizes the polling at elections for coroners to continue for two days, rep., 23 & 24 Vict. c. 116. s. 2.]

before they begin to take the said poll every clerk so appointed shall by the said sheriff, or his under sheriff, or such as he shall depute as aforesaid, be sworn truly and indifferently to take the same poll, and to set down the names of each elector, and the place of his residence, and for whom he shall poll, and to poll no elector who is not sworn, if required to be sworn by the candidates or either of them; and which oaths of the said clerks the said sheriff, or his under sheriff, or such as he shall depute, shall have authority to administer; and the sheriff, or in his absence his under sheriff, as aforesaid, shall appoint for each candidate such one person as shall be nominated to him by each candidate to be inspector of every clerk who shall be appointed for taking the poll; and every elector, before he is admitted to poll at the same election, shall, if required by or on behalf of any candidate, first take the oath herein-after mentioned; which oath the said sheriff, by himself or his under sheriff, or such sworn clerk by him appointed for taking the said poll as aforesaid, shall have authority to administer; (that is to say,)

Inspectors of
poll clerks.

Electors to
be sworn if
required by
candidates.

Oath.

‘ I SWEAR [or, being one of the people called Quakers, or entitled by law to make affirmation, solemnly affirm], that I am a freeholder of the county of _____, and have a freehold estate, consisting of _____, lying at _____ within the said county; and that such freehold estate has not been granted to me fraudulently or colourably on purpose to qualify me to give my vote at this election; and that the place of my abode is at _____ [and, if it be a place consisting of more streets or places than one, specifying what street or place]; that I am twenty-one years of age, as I believe; and that I have not been before polled at this election [adding, except in cases of solemn affirmations] ‘ So help me GOD.’

Punishment
for perjury or
subornation
of perjury.

XIV. AND be it enacted, that every elector or other person who shall wilfully and falsely take the said oath or affirmation hereby appointed to be taken by the electors as aforesaid shall for every such offence incur the penalties by law inflicted on persons guilty of perjury; and every person who shall unlawfully and corruptly procure or suborn any freeholder or other person wilfully and falsely to take the said oath or affirmation in order to be polled shall for every such offence incur such pains and penalties as are by law inflicted on persons guilty of subornation of perjury.

Custody of
poll books,
and final
declaration
of the poll.

XV. AND be it enacted, that the poll clerks shall, at the close of the poll, enclose and seal their several books, and shall publicly deliver them, so enclosed and sealed, to the sheriff, under sheriff, or sheriff's deputy presiding at such poll, who shall give a receipt for the same; and every such deputy who shall have received any such poll books shall forthwith deliver or transmit the same, so enclosed and sealed, to the sheriff or his under sheriff, who shall receive and keep all the poll books unopened until the reassembling of the court on the day next but one after the close of the poll, unless such next day but one shall be Sunday, and then on the Monday following, when he shall openly break the seals thereon, and cast up the number of votes as they appear on the said several books, and shall openly declare the state of the poll, and shall make proclamation of the person chosen, not later than two of the clock in the afternoon of the said day.

Expences of
sheriff, &c.
to be paid

XVI. AND be it enacted, that all the reasonable costs, charges, and expences which the said sheriff, or his under sheriff or other deputy, shall expend or be liable to in and about the providing of poll books, booths, and clerks, (such

clerks to be paid not more than one guinea each for each day,) for the purpose of taking the poll at any such election, shall be borne and paid by the several candidates at such election in equal proportions.

XVII. AND whereas great difficulty and delay is frequently occasioned by the non-attendance of jurors and witnesses summoned to attend the coroner on taking an inquest: Be it therefore enacted, that if any person, having been duly summoned as a juror or witness to give evidence upon any coroner's inquest, as well of liberties and franchises contributing to the county rates as of counties, cities, and boroughs, shall not, after being openly called three times, appear and serve as such juror, or appear and give evidence on such inquest, every such coroner shall be empowered to impose such fine upon every person so making default as he shall think fit, not exceeding forty shillings; and every such coroner shall make out and sign a certificate, containing the name and surname, the residence, and trade or calling of every such person so making default, together with the amount of the fine imposed, and the cause of such fine, and shall transmit such certificate to the clerk of the peace for the county, riding, division, or place in which such defaulter shall reside, on or before the first day of the quarter session of the peace then next ensuing, and shall cause a copy of such certificate to be served upon the person so fined, by leaving it at his residence twenty-four hours at the least before the first day of the said next quarter session of the peace; and every such clerk of the peace shall copy the fine or fines so certified on the roll on which all fines and forfeitures imposed at such quarter session of the peace shall be copied, and the same shall be estreated, levied, and applied in like manner, and subject to the like powers, provisions, and penalties in all respects, as if such fine or fines had been part of the fines imposed at such quarter session: Provided always, that nothing herein contained shall be construed to affect any power now by law vested in the coroner for compelling any person to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of court in not so appearing and giving evidence, or otherwise.

XVIII. AND be it enacted, that from and after the passing of this Act, in all cases in which any person shall be charged by any coroner's inquisition with the commission of any crime, and shall be subsequently put upon his trial, either on such inquisition, or in pursuance of any bill of indictment found for the same, the coroner before whom such inquisition shall have been found shall be wholly incompetent to act as an attorney in prosecution or defence of such person for such crime, either by himself or his partner (directly or indirectly); and that in all cases in which it shall appear to the judge before whom such person shall be tried that any coroner shall have so acted, contrary to the provision and intention of this Act, such judge shall impose upon every coroner so offending such penalty, not exceeding fifty pounds, as the said judge shall in his discretion think fit.

XIX. AND be it enacted, that every coroner elected under the authority of this Act, although such coroner may be designated as the coroner for any particular district of a county, and may be elected by the electors of such district, and not by the freeholders of the county at large, shall for all purposes whatsoever, except as herein-after mentioned, be considered as a coroner for the whole county, and shall have the same jurisdiction, rights, powers, and

by the candidates equally.

Coroners may fine persons for non-attendance as jurors and witnesses.

Coroner to certify fines to the clerk of the peace;

who shall enter them on the roll of fines imposed at quarter sessions.

Levy of fines.

Proviso.

Coroner not to act professionally in prosecutions where he shall have sat as coroner in the same case.

Penalty.

Coroner, although elected for a district, shall be considered as coroner for the whole county.

authorities throughout the said county as if he had been elected one of the coroners of the said county by the freeholders of the county at large.

nt and
coroners
pt during
, &c.
oner for
er dis-
or in case
cancy in
ice,)
d inquests
within the
ct to
they
have been
ed or
d.
er hold-
quest
ere to
r the
n.

XX. AND be it enacted, that, except as aforesaid, every coroner for any county, or any district thereof, or his deputy, after he shall, in pursuance of the provisions of this Act, have been assigned to or elected by the electors of any particular district, shall, except during illness or incapacity or unavoidable absence as aforesaid of any coroner for any other district, or during a vacancy in the office of coroner for any other district, hold inquests only within the district to or for which he shall have been assigned or elected: Provided always, that the coroner who shall, by himself or deputy, hold any inquest in any other district save that to which he shall have been assigned or elected aforesaid shall, in his inquisition to be returned on such inquest, certify the cause of his attendance and holding such inquest; which certificate shall be conclusive evidence of the illness or incapacity or unavoidable absence as aforesaid of the coroner in whose stead he shall so attend, or of there being a vacancy in the office of coroner for the district in which such inquest shall be holden.

ees may
coroners
paid
travelling
ices
h no
sition
be taken.

XXI. AND whereas doubts have arisen as to the power of the justices to order the payment of allowances for travelling in any case where an inquisition has not been taken, although such coroner has been compelled to travel from his usual place of abode for the purpose of taking an inquisition: Be it therefore enacted, that it shall and may be lawful for the justices of the peace in their general or quarter sessions assembled for the county, riding, division or liberty where such inquisition would have been taken, or the major part of them, if they shall see fit, to order the payment of such allowances for travelling to any coroner who shall show, to the satisfaction of the said justices, that he had been compelled, in the discharge of his office, to travel from his usual place of abode for the purpose of taking an inquisition, but which, in the exercise of his discretion, he deemed to be unnecessary, and declined to take.

vers to
id as
k when
act for
Es.

XXII. AND whereas, in cases where the sheriff is a party, or otherwise qualified to act, and in various other cases, writs and processes in civil actions and suits, and also extents and other process where the Queen is interested are frequently directed to and executed by the coroner in the place and stead of the sheriff, but the coroner is not in any such case allowed any fee or reward for the execution of any such writs, process, or extents: Be it therefore enacted, that in all cases where any writ, process, or extent whatsoever shall be directed to and executed by any coroner or coroners in the place or stead of any sheriff or sheriffs, such coroner or coroners shall have and receive such the same poundage fees or other compensation or reward for executing the same as the sheriff or sheriffs, if he or they had executed the same, would have been entitled to receive for so doing, and shall also have such and the same right to retain, and all other remedies for the recovery of the same, as the sheriff or sheriffs would have had in whose place and stead such coroner or coroners shall have been substituted; and if the fees or compensation payable to the sheriffs shall at any time after the passing of this Act be increased by any Act of Parliament or otherwise, that in every such case the coroner or coroners shall be entitled to such increased fees or compensation.

Vict.

XXIII. AND whereas by an Act passed in the sixth year of the reign of Her Majesty Queen Victoria, intituled "An Act for the more convenient holding

“ coroners inquests,” it was enacted, that for the purpose of holding coroners inquests every detached part of a county, riding, or division shall be deemed to be within that county, riding, or division by which it is wholly surrounded, or, where it is partly surrounded by two or more counties, within that one with which it has the longest common boundary :

XXIV. AND be it enacted, that the treasurer of every county shall keep an account of all expences occasioned to such county by any inquest in or with respect to any such detached part of any other county, and shall twice in every year send a copy of such account to the treasurer of the other county to which such detached part belongs ; and the treasurer of such other county shall, out of the monies in his hands as treasurer, pay the same to the order of the treasurer sending the account, with all reasonable charges of making and sending the account ; and in case any difference shall arise concerning the said account, and such difference shall not be adjusted by agreement, it shall be lawful for either of the parties to apply to the justices of assize of the last preceding circuit or of the next succeeding circuit, or to one of such justices, who shall, by writing under their or his hands or hand, nominate a barrister at law, not having any interest in the question, to arbitrate between the parties ; and such arbitrator may, if he shall see fit, adjourn the hearing from time to time, and require all such further information to be afforded by either of the parties as shall appear to him necessary, and shall by his award in writing determine the matters in difference, and his award shall be final and conclusive between the parties ; and such arbitrator shall also assess the costs of the arbitration, and shall direct by whom and out of what fund the same shall be paid.

Expences occasioned to any county by inquest in or with respect to any detached part of any other county to be repaid by such other county. Settlement of account in case of difference.

XXV. AND be it enacted, that no coroner of the Queen’s household and the verge of the Queen’s palaces, nor any coroner of the Admiralty, nor any coroner of the city of London and borough of Southwark, or of any franchises belonging to the said city, nor any coroner of any city, borough, town, liberty, or franchise which is not contributory to the county rates, or within which such rates have not been usually assessed, shall be entitled to any fee, recompence, or benefit given to or provided for coroners by this Act ; but that it shall be lawful for all such coroners as are last mentioned to have and receive all such fees, salaries, wages, and allowances as they were entitled to by law before the making of this Act, or as shall be given or allowed to them by the person or persons by whom they have been or shall be appointed.

Coroners for particular places excepted out of this Act.

XXVI. AND be it enacted, that the provisions of this Act touching the allowance for the travelling expences of coroners shall be deemed and taken to extend to coroners appointed and acting for the jurisdiction of the Cinque Ports, any thing herein-before contained to the contrary notwithstanding.

Provisions as to travelling expences to extend to the Cinque Ports.

[XXVII.] AND be it enacted, that nothing in this Act contained touching the divisions of counties into districts, or the appointment or election of coroners, shall extend to the county of Chester, or any county palatine, city, borough, town, liberty, franchise, part, or place, the appointment or election of coroner whereof takes place by law otherwise than under the writ de coronatore eligendo.

To what places this Act shall not extend.

[* So much of this Act as exempts the county of Chester from the provisions of this Act, rep., 23 & 24 Vict. c. 116. s. 7.]

ng of
ty."

counties
rk and
n.

ffect
yal
ative,
r issuing
e coro-
do.

extend
o
nd.

XXVIII. AND be it enacted, that in construing this Act the word "county" shall be taken to mean county, riding, or division of a county in which for which a separate coroner has been customarily elected; and that in the counties of York and Lincoln all things herein-before directed to be done and with respect to the justices in general or quarter sessions assembled, and their clerk, shall be done by and with respect to the justices of the counties of York and Lincoln in general gaol sessions assembled, and by the clerk.

XXIX. PROVIDED always, and be it declared and enacted, that nothing herein contained shall be construed to abridge or affect the royal prerogative or the authority of the lord chancellor, for issuing a writ de coronatore eligendo as fully as if this Act had not been passed.

XXX. AND be it enacted, that this Act shall extend only to England.

* * * * *

CHAPTER XCIV.

AN ACT to explain and amend an Act for making better Provision for the Spiritual Care of populous Parishes. [9th August 1844]

Vict.

e right
tronage
strict or
arish
recited
vested
crown,
Majesty
nominate
ters to
p by
nt under
gu
d.

WHEREAS an Act was passed in the last session of Parliament, intituled "An Act to make better provision for the spiritual care of populous parishes"; and it is expedient to explain and amend certain of the provisions of the said Act: Be it enacted by the Queen's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons, in this present Parliament assembled, and by the authority of the same, that wherever any right of patronage of any district or new parish constituted under the authority of the said Act, and nomination of minister or perpetual curate thereof, shall be assigned to or vested in or be exercised by her Majesty, according to or under the provisions of the said Act, it shall be lawful for her Majesty to nominate to the bishop of the diocese a spiritual person to be licensed to such district or new parish as minister or perpetual curate thereof, as the case may be, by warrant under the royal sign manual; and such warrant shall be full and sufficient authority to such bishop to license such spiritual person accordingly.

e right
tronage
ted in
shop, he
icense,
any
ng per-
curacy.

II. AND be it declared and enacted, that wherever any right of patronage of any such district or new parish shall in like manner be assigned to or vested in or may be exercised by any bishop, it shall be lawful for such bishop to license a spiritual person to such district or new parish as minister or perpetual curate thereof, as the case may be, in the same manner, mutandis, as he may now by law license a spiritual person to any perpetual curacy.

s for
nt.
or
e.

III. PROVIDED always, and be it enacted, that no fee whatever shall be payable for or in respect of any such warrant as aforesaid; and that a fee of not more than one pound, and no more, shall be receivable by the secretary of any bishop, and in respect of each and every licence granted by such bishop of a spiritual person as minister or perpetual curate of any such district or new parish as aforesaid, or of any building licensed by such bishop within any such district for the performance of divine service, pursuant to the provisions of the

Act; and no further or larger fee or gratuity shall be receivable by any person whomsoever for or in respect of the making, issuing, or granting of any such licence as aforesaid.

IV. AND be it declared and enacted, that wherever any incumbent or patron to whom, according to the provisions of the said recited Act, it shall be necessary to transmit or deliver the draft of any scheme proposed to be laid before her Majesty in council, shall be beyond the seas, it shall be and be deemed to be a sufficient compliance with such provisions to leave such draft, in the case of an incumbent, at the house of residence belonging to his benefice or church, or if there be no such house of residence then at his last usual place of abode in England, and in the case of a patron at his last usual place of abode in England: Provided always, that in any such case of an absent incumbent or patron such scheme shall not be laid before her Majesty in council until after the expiration of two calendar months from the day on which the draft thereof shall have been so left, unless such incumbent and patron shall in the meantime consent to the same.

Service of scheme under recited Act where incumbent or patron is absent from England.

Scheme not to be laid before her Majesty in council for two months after such service.

Service where incumbent is incapacitated or benefice sequestered.

V. AND be it declared and enacted, that in the case of any such incumbent being an idiot or lunatic or of unsound mind, or of any benefice or church being under sequestration, or of the duties thereof being performed by a curate duly appointed in consequence of the suspension or the reputed incapacity of the incumbent thereof, it shall be and be deemed to be a sufficient compliance with the same provisions to deliver or transmit the draft of any such scheme to the committee of such idiot, lunatic, or person of unsound mind, or to the sequestrator, or to such curate of such benefice or church, as the case may be; and the consent of such committee, sequestrator, or curate shall be deemed to be the consent of the incumbent, within the meaning of the said Act.

VI. AND be it declared and enacted, that in any case in which the patronage of any church or chapel of any parish, chapelry, or district is or shall be vested in and exercised by the inhabitants generally of such parish, chapelry, or district, or by any body or class of persons exceeding five in number, it shall be and be deemed to be a sufficient compliance with the same provisions to deliver or transmit the draft of any such scheme to one of such patrons, and to the churchwardens or chapelwardens of any such church or chapel, as the case may be; and such churchwardens or chapelwardens, or one of them, shall thereupon cause notice of the contents of such draft to be given to such patrons, and shall ascertain their objections, if any, or their consent to such scheme, in such manner as the Ecclesiastical Commissioners for England shall direct, and such churchwardens or chapelwardens, or one of them, shall communicate the same to the said commissioners or to the bishop of the diocese; and the said commissioners shall not lay such scheme before her Majesty in council until after the expiration of two calendar months from the day on which such draft shall have been so delivered or transmitted, unless such consent shall in the meantime be given.

Service where patrons are numerous.

VII. AND be it declared and enacted, that in the construction of the said recited Act the words "goods and chattels" shall be construed to extend to and comprehend all personal estate and property whatsoever; and the word "testament" shall be construed to extend to and comprehend any will or testamentary paper whatsoever, including under such definition the execution

Construction of certain terms in 6 & 7 Vict. c. 87.

by any such will, testament, or testamentary paper of any appointment, in pursuance of any power, howsoever conferred or acquired.

final map
plan may
registered
and of
f.

VIII. AND be it declared and enacted, that, notwithstanding any thing in the said recited Act contained, it shall be lawful to transmit the original map or plan annexed to any scheme laid before her Majesty in council under the provisions of the said recited Act to be registered in the registry of the diocese, instead of a copy thereof, as provided by the same Act.

lands of
riots may
varied by
same within
months
a first
see of
minister of
district.

IX. AND be it declared and enacted, that it shall be lawful, by the authority in the said recited Act provided, at any time or times within twelve months after the date of the licence of the minister first licensed to any separate district constituted under the provisions of the same Act, to alter the bounds of such district, although any alteration be not required with a view to the constituting of another separate district: Provided always, that the scheme making any such alteration shall be subject to all the provisions in the said Act and in this Act contained relating to schemes for constituting separate districts thereunder; and that any portion of any such separate district which by any such alteration as aforesaid shall become detached or excluded therefrom shall to all intents and purposes again belong to and form part of the parish, chapelry, or district out of which such portion was taken upon such separate district being originally constituted, or to and of any new district, as shall be determined by the like authority.

of souls
to be
sted by
same until
minister is
need.

X. AND be it declared and enacted, that in the case of any district constituted under the provisions of the said recited Act nothing contained in the scheme or order for constituting the same shall in any manner whatever affect any parish, chapelry, or district, as to the pastoral superintendence of the inhabitants thereof or otherwise, until a minister shall have been duly licensed to such newly constituted district.

in of
at or con-
ance as
chedule.

XI. AND be it enacted, that any grant, conveyance, or assurance which shall be made to the said commissioners by deed, under the authority of the said recited Act, of any lands, tithes, tenements, or other hereditaments, may be made according to the form in the schedule hereunto annexed contained, or near thereto as the circumstances of the case will admit; and every such conveyance and assurance shall be valid and effectual in the law to all intents and purposes.

• • • • •

SCHEDULE.

I [or We, or the corporate title, if a corporation], under the authority of the Acts passed in the sessions of Parliament held in the sixth and seventh, seventh and eighth years of the reign of her present Majesty, intituled respectively, "An Act to make better provision for the spiritual care of populous parishes," and "An Act to explain and amend an Act to make better provision for the spiritual care of populous parishes," do by these presents freely and voluntarily, and without any valuable consideration, give, grant, convey, and assure to the Ecclesiastical Commissioners for England all [describe the premises to be conveyed], and all [my, or our, or the] right, title, interest [of, if a corporation,] to and in the same and every part thereof

hold to the said commissioners and their successors for the purpose of [describe the particular purpose, being some purpose within the provisions of the said Acts, or say, generally, for the purposes of the said Acts]. In witness whereof, &c.

CHAPTER XCV.

AN ACT to amend an Act of the Ninth Year of King George the Fourth, for the Preservation of the Salmon Fisheries in Scotland.

[9th August 1844.]

WHEREAS an Act was passed in the ninth year of the reign of his Majesty King George the Fourth, intituled "An Act for the preservation of the salmon fisheries in Scotland": And whereas it is expedient to prevent the destruction of salmon, or fish of the salmon kind, in the sea or shores thereof: And whereas doubts are entertained of the provisions of the said Act being applicable to the sea or sea shore: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 if any person not having a legal right or permission from the proprietor of the salmon fishery shall from and after the passing of this Act wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, in or from any river, stream, lake, water, estuary, firth, sea loch, creek, bay, or shore of the sea, or in or upon any part of the sea, within one mile of low-water mark, in Scotland, any salmon, grilse, sea trout, whitling, or other fish of the salmon kind, such person shall forfeit and pay a sum not less than ten shillings and not exceeding five pounds for each and every such offence, and shall, if the sheriff or justices shall think proper, over and above, forfeit each and every fish so taken, and each and every boat, boat tackle, net, or other engine used in taking, fishing for, or attempting to take fish as aforesaid; and it shall be lawful for any person employed in the execution of this Act to seize and detain all fish so taken, and all boats, tackle, nets, and other engines so used, and to give information thereof to the sheriff or any justice of the peace, and such sheriff or justice may give such orders concerning the immediate disposal of the same as may be necessary.

II. AND be it enacted, that the regulations as to the recovery and application of penalties and the apprehension of offenders, and all other enactments and provisions of the said recited Act, shall extend and apply to what is herein above enacted, and this Act shall be construed and applied in the same manner and in all respects as if it had formed part of the said recited Act.

III. AND be it enacted, that nothing herein contained shall be construed as depriving any proprietor of salmon fishery of any right now by law vested in such proprietor to prevent any person from fishing either within or beyond the limits specified in this Act.

IV. AND be it enacted, that nothing herein contained shall affect the rights or property of the crown.

9 Geo. 4.
c. 39.

Persons, &c.
fishing for
salmon in any
river, &c. in
Scotland, or
within one
mile of the
shore, not
having a legal
right or per-
mission, liable
to penalty.

Provisions of
recited Act
extended to
this Act.

Saving rights
of proprietors
to prevent per-
sons from
fishing.

Saving rights
of the crown.

CHAPTER XCVI.

AN ACT to amend the Law of Insolvency, Bankruptcy, and Execution.]*

[9th August 1844.]

* * * * *

LVII. AND whereas it is expedient to limit the present power of arrest upon final process: Be it enacted, that from and after the passing of this Act no person shall be taken or charged in execution upon any judgment obtained in any of her Majesty's superior courts, or in any county court, court of requests, or other inferior court, in any action for the recovery of any debt wherein the sum recovered shall not exceed the sum of twenty pounds, exclusive of the costs recovered by such judgment. [Rep., 32 & 33 Vic. c. 83. s. 20.]

upon
cess
tion
not
costs
l.

* * * * *

LX. AND be it enacted, that whenever the judge of any such court shall have made an order for the payment of money the amount shall be recoverable in case of default or failure of payment thereof forthwith, or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the party against whom such order shall be made; and the clerk of the said court, at the request of the party prosecuting such order, shall issue under the seal of the court, a writ of fieri facias, as a warrant of execution to one of the bailiffs of the court, who by such warrant shall be empowered to levy, by distress and sale of the goods and chattels of such party within the jurisdiction of the said court, such sum of money as shall be so ordered, and also the costs of the execution; and all constables and other peace officers within their several jurisdictions shall aid in the execution of every such warrant.

it of
of
fieri
order,
1
be
the

LXI. AND be it enacted, that if the judge of any such court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue against the party until after default in payment of some instalment according to such order, and execution or successive executions may then issue for the whole of the said sum of money and costs then remaining unpaid, or for each successive instalment and costs remaining from time to time unpaid, as the judge shall order, either at the time making the original order, or at any subsequent time, under the seal of the court.

if
by
the,
a
the

LXII. AND be it enacted, that if it shall at any time appear to the satisfaction of the judge of any such court, by the oath or affirmation of any person or otherwise, that any defendant is unable, from sickness or unavoidable accident, to pay and discharge the debt or damages recovered against him, any instalment thereof ordered to be paid as aforesaid, it shall be lawful:

1 in
secs.

* By 9 & 10 Vict. c. 95. s. 6. it is enacted, that as soon as a court shall have been established in any district under that Act, and also at the time mentioned in any order which shall have been made as in that Act mentioned for holding any of the courts mentioned in either of the schedules (A.) and (B.) annexed to that Act as a county court under that Act, the several provisions and enactments of this Act, and of the Acts 8 & 9 Vict. c. 127., and of every other Act of Parliament theretofore passed, so far as the same respectively relate to or affect the jurisdiction and practice of the courts established or ordered to be holden as a county court, or give jurisdiction to any court or to any commissioner of the Court of Bankruptcy with respect to judgments or orders obtained in the court so established or ordered to be holden as a county court, shall be repealed.]

the judge, in his discretion, to suspend or stay any judgment, order, or execution given, made, or issued in such action for such time as the judge shall think fit, and so from time to time until it shall appear, by the like proof as aforesaid, that such temporary cause of disability has ceased.

LXIII. AND be it enacted, that in or upon every such warrant of execution issued against the goods and chattels of any person whomsoever the clerk of the court shall cause to be inserted or endorsed the sum of money and costs adjudged, with the increased costs allowed for such execution; and if the party against whom such execution shall be issued shall, before an actual sale of the goods and chattels, pay or cause to be paid or tendered unto the clerk of the said court, or to the bailiff holding the warrant of execution, such sum of money and costs as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt or damages and costs, together with such fees as shall have been lawfully incurred by him in the suit on which such execution issued, the execution shall be superseded.

Execution to be superseded on payment of debt and costs.

LXIV. AND be it enacted, that in case any bailiff of any such court who shall be employed to levy any execution against goods and chattels shall, by wilful or notorious neglect or connivance or omission, lose the opportunity of levying any such execution, then, upon complaint of the party aggrieved by reason of such neglect, connivance, or omission, (and the fact alleged being proved to the satisfaction of the court out of which execution issued, on the oath of any credible witness,) the judge shall order such bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution issued, and the bailiff shall be liable thereto; and upon demand made thereof, and on his refusal so to pay and satisfy the same, it may be recovered against him by such ways and means as are provided for the recovery of debts adjudged in the said court.

Bailiffs made answerable for neglect to levy.

LXV. AND be it enacted, that if any bailiff or officer of any such court, acting under colour or pretence of the process of the said court, shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of the court, it shall be lawful for the judge to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any suit before him may be enforced, and to make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as he shall think just; and in default of payment of any money so ordered to be paid the same may be recovered by such ways and means as are provided for the recovery of debts adjudged in the said court.

Remedies against bailiffs and other officers for extortion, &c.

LXVI. AND be it enacted, that every sale of goods which shall be taken in execution under process issuing from any such court for the recovery of small debts shall be taken to be within all the provisions of an Act passed in the eighth year of the reign of King George the Fourth, intituled "An Act to extend the provisions of an Act made in the fifty-seventh year of King George the Third, for regulating the costs of certain distresses."

Sale of goods taken in execution under process of small debts court to be within the provisions of 7 & 8 Geo. 4. c. 17.

LXVII. AND be it enacted, that no landlord of any tenement let at a weekly rent shall have any claim or lien upon any goods taken in execution

Landlord's lien for rent restricted.

under the process of any court of law for more than four weeks arrears of rent; and if such tenement shall be let for any other term less than a year the landlord shall not have any claim or lien on such goods for more than the arrears of rent accruing during four such terms or times of payment.

items as to
to be taken
in execution
of process
for small debts
to be indicated
by
the court.

LXVIII. AND be it enacted, that if any claim shall be made to or in respect of any goods or chattels taken in execution under the process of any court for the recovery of small debts, 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 for the clerk of the court out of which such execution issued, upon application of the officer charged with the execution of such process, either before or after any action brought against such officer, to issue a summons calling before the court out of which such execution issued both the party issuing such process and the party making such claim, and thereupon any action which shall have been brought in any of her Majesty's superior courts at Westminster, or in the Court of Common Pleas at Lancaster, or in any local or inferior court, 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 judge of the court for the recovery of small debts out of which such execution issued shall adjudicate upon such claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to him shall seem fit; and such order shall be enforced in like manner as any order made in any suit brought in such court.

of actions
ought
where in
effect of
the claims.

process not
lawful for
want of form.

LXIX. AND be it enacted, that where any distress shall be made for a sum of money to be levied by virtue of this Act the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity which shall afterwards be committed by the party so distraining; but the person aggrieved by such irregularity may recover full satisfaction of the special damage in an action upon the case.

* * * * *

appointment
of barristers
attorneys
assessors
in inferior
courts.

as in
rule (B.)

LXXII. AND whereas there are divers courts of requests and other inferior courts for the recovery of small debts not presided over by a barrister or attorney at law as judge or assessor: Be it enacted, that it shall be lawful for the commissioners of any such court, if they shall think fit, with the approval of one of her Majesty's principal secretaries of state, to appoint any person being a barrister who shall have practised as a barrister for at least seven years then last past, or an attorney at law of one of the superior courts of common law at Westminster, or of the Court of Common Pleas at Lancaster who shall have practised as an attorney for at least ten years, to be assessor of such court, and to direct what fees shall be paid to such assessor by the suitors of such court, not exceeding the fees in the schedule marked hereunto annexed; and it shall be lawful for the said secretary of state to remove any such assessor for incompetence or misbehaviour: Provided always that no assessor so to be appointed shall be deemed to be entitled to any

pen^sation for the loss of his office, or for any diminution in the value thereof, by reason of the passing of any general Act for the recovery of small debts.

LX XIII. AND be it enacted, that in construing this Act the word "judge," as applied to any court for the recovery of small debts, shall mean and include the county clerk, judge, steward, and assessor, or the person holding or presiding in such court; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and bodies corporate as well as individuals; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; (unless, in the cases above specified, a different construction shall be provided, or the construction be repugnant to the subject matter or context;) and the provisions of this Act shall be construed by analogy to the law of bankruptcy, except where otherwise therein . . . expressed, and in the most beneficial manner for promoting the ends intended by this Act.

Construction of the Act.

SCHEDULE.

SCHEDULE (B.)

Assessor's Fees.		s.	d.
For every summons	- - - -	-	1 0
For every hearing or trial	- - - -	-	2 6
For every order, decree, or judgment	- - - -	-	1 0

CHAPTER XCVII.

AN ACT for the more effectual Application of Charitable Donations and Bequests in Ireland. [9th August 1844.]

WHEREAS it is expedient that the pious intentions of charitable persons should not be defeated by the concealment and misapplication of their donations and bequests to public and private charities in Ireland: And whereas the provisions of the Act passed by the Parliament of Ireland in the third year of his late Majesty King George the Third, intituled "An Act for the better discovery of charitable donations and bequests," and of the Act passed by the Parliament of Ireland in the fortieth year of the reign of his said late Majesty King George the Third, intituled "An Act to amend an Act passed in the third year of his present Majesty King George the Third, intituled 'An Act for the better discovery of charitable donations and bequests,'" have been found insufficient for such purposes; and it is expedient and necessary that provision should be made for the better management of such charitable donations and bequests as have been heretofore made,

3 Geo. 3. (1.) c. 18.
40 Geo. 3. (1.) c. 75.

[This Act is rep., 30 & 31 Vict. c. 54 s. 1., as to any of its provisions inconsistent with that Act: it is also rep., 34 & 35 Vict. c. 102. s. 2., as to any of its provisions inconsistent with that Act.]

and such as hereafter may be made: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 from and after the commencement of this Act the herein-before recited Acts shall be repealed [Rep., Stat. Law Rev. Act, 1874 (No. 2).],

Commissioners
Charitable
Donations
and Bequests
for Ireland

II. AND be it enacted, that the master of the rolls in the High Court of Chancery of Ireland for the time being, the chief baron of the Court of Exchequer in Ireland for the time being, and the judge of her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout Ireland for the time being, together with ten other proper and discreet persons, to be from time to time appointed by her Majesty in council, by warrant under the sign manual, of which ten persons five and not more than five shall at all times be persons professing the Roman Catholic religion, shall be one body politic and corporate, by the name of "The Commissioners of Charitable " Donations and Bequests for Ireland," and by that name shall have perpetual succession and a common seal, and by that name may sue and be sued.

Commissioners

III. AND be it enacted, that the said commissioners shall be at all times removable by her Majesty in council, by warrant under the sign manual; and that whenever, by death, resignation, removal, or otherwise, any person shall cease to be a commissioner under this Act, it shall be lawful for her Majesty, by warrant as aforesaid, to appoint one other person instead of the person so ceasing to be such commissioner; and every appointment of the said commissioners and their successors shall be published in the Dublin Gazette.

Commissioners

V. AND be it enacted, that at each meeting of the said commissioners the said master of the rolls, or in his absence the said chief baron of the Court of Exchequer, or in his absence the said judge of the Prerogative Court, if present, and, in the absence of all, the senior commissioner in the order of appointment, shall preside; and the chairman at all such meetings shall not only vote as a commissioner, but, in case of the equality of votes, shall have also the casting or decisive vote.

Commissioners
Protestant
Nonconformists

VI. PROVIDED always, and be it enacted, that the consideration of all charitable donations and bequests, and of matters relating to them, in which any question shall arise before the said commissioners concerning the usages or discipline of the United Church of England and Ireland, or of any body of Protestant Nonconformists, shall be referred to a committee of the said commissioners consisting of those commissioners who are Protestants; and that the consideration of all charitable donations and bequests, and of matters relating to them, in which any question shall arise before the said commissioners concerning the usages or discipline of the Church of Rome, shall be referred to a committee of the said commissioners consisting of those commissioners who profess the Roman Catholic religion; and that whenever, by reason of reference to or intendment of any usage of any such church or body, or any district or division, in use according to the discipline of any such church or body, the object of the donation, devise, or bequest shall not be defined with legal certainty in the deed or will creating the trust, the committee to which the same shall be referred shall certify to the commissioners who is, according to the uses and intendment of such church or body, the person for the time being intended to take the benefit of such donation, devise, or bequest,

Commissioners

or *other* particular facts concerning the usages or discipline of such church or body necessary to be known for the due administration of the trust according to the true intent and meaning of the donor; and the commissioners shall receive every such certificate as evidence of the facts certified, and shall give effect to such donation, devise, or bequest accordingly, so far as the same may be lawfully executed according to the provisions of this Act: Provided always, that nothing herein contained shall be construed to limit or affect the jurisdiction of any court of law or equity.

VII. AND be it enacted, that it shall be lawful for the lord lieutenant or other chief governors of Ireland, with the consent and approbation of the commissioners of her Majesty's Treasury, from time to time to appoint during his pleasure a secretary or secretaries to the said commissioners, and also such officers, clerks, and servants as may be necessary for the purposes of this Act; and the said commissioners of her Majesty's Treasury shall fix the salary or salaries of the said secretary or secretaries, officers, clerks, and servants in fit proportion, according to the duties which they from time to time may have to perform.

Appointment
of officers.

VIII. AND be it enacted, that the salaries of the said secretaries, officers, clerks, and servants, and also the necessary expences of carrying on the business of the said commissioners of charitable donations and bequests for Ireland, not herein otherwise provided for, shall be paid by the commissioners of her Majesty's Treasury out of the consolidated fund of the United Kingdom of Great Britain and Ireland.

Salaries and
expences.

IX. AND be it enacted, that one of the secretaries, or some other officer of the said commissioners, shall make minutes of the proceedings of the said commissioners at their several meetings, and shall keep a book, in which he shall enter a fair copy of such minutes, and the names of the commissioners present; and the fair copy of the minutes of the proceedings of each meeting shall be read at the next meeting of the commissioners, and if approved as correct shall be signed by the chairman of the meeting at which they shall be so read.

Minutes of
proceedings
to be kept.

X. AND be it enacted, that the commissioners shall, once at least in every year, and also whenever her Majesty's pleasure shall be signified to them in that behalf, report to her Majesty their proceedings under this Act; and a copy of every such report shall be communicated to both Houses of Parliament within six weeks after the same shall be made, if Parliament be then sitting, or if not then within six weeks next after the next meeting of Parliament.

Commissioners
to report to
her Majesty.
Reports to be
laid before
Parliament.

XI. AND be it enacted, that from and after the first publication in the Dublin Gazette of the appointment of the commissioners of charitable donations and bequests for Ireland under this Act the property, estate, and effects, rights, claims, titles, and possessions, of what nature or kind soever, of or belonging or which of right ought to belong to the said body politic and corporate created by the said recited Act of the fortieth year of King George the Third, and vested in the said body by virtue of the said Act or otherwise, shall vest in and devolve upon the commissioners of charitable donations and bequests for Ireland created by this Act, subject to such trusts and conditions, liabilities, contracts, and engagements, as the same shall then be subject and liable to.

Property, &c.
belonging to
body corporate
created by
recited Act
40 Geo. 3. (1.)
c. 75. vested in
commissioners
under this Act.

oners
 or
 of
 , &c.
 &c.

XII. AND be it enacted, that the said commissioners of charitable donations and bequests for Ireland may sue for the recovery of every charitable donation, devise, or bequest intended to be applied in Ireland which shall be withheld, concealed, or misapplied, and shall apply the same, when recovered, to charitable and pious uses, according to the intention of the donor or donors; and the said commissioners shall be empowered to deduct out of all such charitable donations, devises, and bequests as they shall recover all the costs, charges, and expences which they shall be put to in the suing for a recovery of the same: Provided always, that no information shall be filed, petition presented, or other proceeding at law or in equity undertaken or prosecuted, by the said commissioners, until the same shall be submitted and allowed by her Majesty's attorney or solicitor general for Ireland, and such allowance certified by him.

* * * * *

oners
 &c.
 onnt
 by
 ary.

XIV. AND be it enacted, that no sum shall be paid by the said commissioners of charitable donations and bequests for Ireland to any attorney or solicitor, as and for costs, charges, or expences, unless the amount of such payment shall first have been approved of by the commissioners of her Majesty's Treasury; and before any such sum shall be allowed by the said commissioners of the Treasury on such account as aforesaid the particulars of all such costs, charges, and expences shall be laid before them.

r
 y
 r
 ands,
 ners,
 r
 ad
 in
 , &c.
 of
 -
 ul.
 ne,
 us

XV. AND be it enacted, that every person or body corporate having in his, her, or their own right any estate or interest, in possession, reversion, remainder, of or in any lands, tenements, or hereditaments, or any property or in any goods or chattels, shall have full power, at his, her, and their will and pleasure, by deed duly executed, and attested by two credible witnesses, or his or her last will in writing, duly executed according to law, to give a grant to and vest in the said commissioners of charitable donations and bequests for Ireland, and their successors, all such his, her, or their estate, interest, or property in such lands, tenements, hereditaments, goods, and chattels, or any part or parts thereof, in trust for building, enlarging, upholding, or furnishing any chapel or place of religious worship of persons professing the Roman Catholic religion, or in trust for any archbishop or bishop or other person in holy orders of the Church of Rome officiating in any district, having pastoral superintendence of any congregation of persons professing the Roman Catholic religion, and for those who shall from time to time so officiate or shall succeed to the same pastoral superintendence, or for building a residence for his and their use; and such estate, interest, or property in such lands, tenements, or other hereditaments, goods and chattels, shall vest in and be holden by the said commissioners, subject to the trusts of such deed or will respectively, without any writ or licence other than this Act: Provided always, that nothing herein contained shall be construed to render lawful a donation, devise, or bequest to or in favour of any religious order, community, or society of the Church of Rome bound by monastic or religious vows prohibited by an Act passed in the tenth year of the reign of King George the Fourth, intituled "An Act for the relief of his Majesty's Roman Catholic subjects," or to or in favour of any member or members thereof.

XVI. AND be it enacted, that after the commencement of this Act every donation, devise, or bequest for pious or charitable uses in Ireland shall

to create or convey any estate in lands, tenements, or hereditaments for uses, unless the deed, will, or other instrument containing the same shall be executed three calendar months at the least before the death of the person executing the same, and unless every such deed or instrument, not being a will, shall be duly registered in the office for registering deeds in the City of Dublin within three calendar months after the execution thereof.

such trusts to be executed 3 months before death of donor, &c. and registered.

II. AND be it enacted, that it shall not be lawful for any such archbishop, or person in holy orders of the Church of Rome to alien, set, or in any manner demise for any period whatever such lands, tenements, hereditaments, or any part thereof, or in any manner whatever to charge or burden the same, or any property enjoyed by him under this Act, but that charges and incumbrances upon such lands, tenements, and hereditaments, or other property, and all conveyances, gifts, grants, demises, or sub-demises of the same or any part thereof, made or to be made by any such archbishop, bishop, or other person in holy orders of the Church of Rome, shall be utterly void: Provided always, that it shall and may be lawful for the said archbishop, bishop, or other person in holy orders of the Church of Rome to grant such leases as herein-after are mentioned.

Roman Catholic archbishops, &c. not to alien or demise lands, &c. enjoyed by them under this Act.

VIII. AND be it enacted, that it shall and may be lawful for the said commissioners of charitable donations and bequests for Ireland, from time to time, by deed under the common seal of the said commissioners, to demise or lease the said lands, tenements, or hereditaments, or any part thereof, by and with the consent of the said archbishop, bishop, or other person in holy orders of the Church of Rome, or those who respectively shall succeed them as aforesaid, testified by his or their being a party to and executing such lease, for any term not exceeding twenty-one years, unless on building lease, in which case such lease may be granted for any term not exceeding one hundred years: Provided always, that the said lease shall take effect in possession, and either in reversion or by way of future interest, and that there be made payable out of the estate or interest thereby created the best yearly rent that can be lawfully obtained for the same, without any fine, premium, or foregift for making thereof being paid or payable to the said commissioners, or to the said archbishop, bishop, or other person in holy orders of the Church of Rome; provided that there be contained in every such demise or lease a covenant for the payment of the rent thereby reserved, and a condition for re-entry on non-payment of the rent or any part thereof for twenty-one days next after the same shall become due, and so that the lessee or lessees therein named do execute a counterpart of the said demise or lease, and be not in any manner liable to be punished for committing waste.

Reservation of power to lease as herein-after mentioned.

Commissioners of charitable donations, &c. may lease said lands, &c. with consent of archbishop, &c. of Church of Rome.

XIX. AND be it enacted, that from and after the commencement of this Act the vicar general or his surrogate, and the registrar of the Prerogative Court, shall make a return upon oath to the commissioners of charitable donations and bequests for Ireland, between the first day of July and the first day of November in every year, of every charitable devise or bequest contained in any will which shall be entered in the office of such vicar general, surrogate, or registrar, which return shall likewise contain the name of the testator, the name or names of the person or persons to whom probate of any such will, or letters of administration with such will annexed, shall be granted, with the date of such will, probate, or administration; which return shall be lodged

Vicar general and registrar of Prerogative Court to make return to commissioners of charitable donations, &c. of every charitable devise, &c. contained in any will entered in the office of such

ur general,

with one of the secretaries of the said commissioners; and every such officer as aforesaid who shall neglect to make such return as aforesaid shall forfeit the sum of five pounds sterling, to be recovered by any person who shall sue for the same by civil bill; and the person or persons to whom the probate of any such will or letters of administration as aforesaid shall be granted shall, within three calendar months next after obtaining the same, publish in the Dublin Gazette, three times successively, every charitable devise or bequest contained in such will, the name of the testator and date of such will or codicil, and the name of the person or persons to whom such charitable devise or bequest is given and bequeathed, and the name of the person or persons appointed by the testator for the management and direction thereof; and the expenses of such publication shall be paid by the said executors or administrators out of the said respective charities; and every such person or persons who shall neglect to publish the same in manner herein required shall forfeit for every such neglect the sum of five pounds sterling, to be recovered by any person who shall sue for the same, by any action of debt, bill, plaint, or information in any of her Majesty's courts of record.

particulars to be published in Dublin Gazette.

accounts of the commissioners to be audited by the chief or second remembrancer of the Exchequer in Ireland;

XX. AND be it enacted, that the accounts of the said commissioners of the sums passing through their hands arising from charitable donations and bequests shall, from and after the commencement of this Act, be from time to time audited and declared by the chief remembrancer or second remembrancer of the Court of Exchequer in Ireland; and that the said commissioners shall cause the said accounts of charitable donations and bequests in Ireland shall cause the said accounts to be made out in such form as the said chief or second remembrancer shall direct, and shall send the same to him, with proper vouchers for their receipts and payments; and the said chief remembrancer or second remembrancer after examining each account rendered to him as aforesaid, with the documents annexed thereto, shall settle and declare the same, and shall lodge such account, when so settled and declared, with the clerks of her Majesty's privy council in Ireland, who shall send one copy thereof to the said commissioners of charitable donations and bequests for Ireland, and keep one other copy thereof in the privy council office in Ireland.

may examine persons on oath respecting such accounts.

XXI. AND be it enacted, that it shall be lawful for the said chief remembrancer or second remembrancer to call before him and examine on oath any person whom he may deem it necessary to examine on the matter of such accounts; and every person who on such examination on oath shall wilfully make any false statement shall be deemed guilty of perjury.

commencement of Act, &c. otherwise provided by Act.

XXII. AND be it enacted, that this Act shall commence from and after the first day of January one thousand eight hundred and forty-five; and nothing herein contained shall be taken to avoid or render unlawful any donation, devise, or bequest which but for this Act would be lawful, except to the time within which the deed, will, or instrument containing any such donation, devise, or bequest for pious or charitable uses is herein-before required to be executed and registered.

* * * * *

detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he give sufficient security, by way of recognizance or otherwise, to the satisfaction of such justices, for his appearance before two justices on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security; but if upon the return of such warrant, or if by the admission of such putative father, it appear that no sufficient security can be had, then any such two justices may, if they see fit, by warrant under their hands and seals, cause such putative father to be committed to the common gaol or house of correction of the county, city, borough, or place where they have jurisdiction, there to remain without bail or mainprize for any term not exceeding three calendar months, unless such sum and costs, and all reasonable charges attending the said distress, together with the costs and charges attending the commitment and conveying to gaol or to the house of correction, and of the persons employed to convey thither, be sooner paid and satisfied: Provided always, that if the woman have allowed the weekly payment to be in arrear for more than thirteen successive weeks, without application to a justice, the man shall not be called upon to pay more than the amount due for thirteen weeks in discharge of the whole debt, and no warrant of distress shall be issued for more than the amount of arrears for thirteen weeks payment in discharge of the whole arrears or debt. [Rep., 35 & 36 Vict. c. 65. s. 2.]

reviso.

applications
sessions
be made
within forty
days after
service of
summons on
putative
father.
appeal to
quarter ses-
sions by puta-
tive father.

IV. AND be it enacted, that the justices in petty session as aforesaid may adjourn the hearing of the case as often as to them may seem fit; but no order shall be made unless applied for at such petty sessions within the space of forty days from the service of the summons after the birth of the bastard child on the person alleged to be the father of such bastard child; and within twenty-four hours after the adjudication and making of any order against the putative father as aforesaid such putative father give notice of appeal to the mother of the bastard child, and also within seven days give sufficient security, by recognizance or otherwise, for the payment of costs, to the satisfaction of some one justice of the peace, it shall be lawful for such putative father to appeal to the general quarter sessions of the peace to be holden at the period of fourteen days next after the making of the said order for the county, city, borough, or place for which such petty session may have been held; and the justices in such quarter sessions assembled, or the recorder of the case may be, shall thereupon hear and determine such appeal, and may order such costs to be paid by either party as to them or him may seem fit.

money under
order to
be paid to
mother or to
person ap-
pointed by
the justices.

V. AND be it enacted, that all money payable under any order as aforesaid shall be due and payable to the mother of the bastard child in respect of the time and so long as she lives and is of sound mind, and is not in any gaol or prison, or under sentence of transportation; and after the death of the mother of such bastard child, or whilst such mother is of unsound mind, or confined in any gaol or prison, or under sentence of transportation, any two justices may, if they see fit, by order under their hands and seals from time to time appoint some person who, with his own consent, shall have the custody of such bastard child, so long as such bastard child is not chargeable to any parish or union, and any two such justices may revoke the appointment of such person, and may appoint another person in his stead; and every person so appointed to have the custody of a bastard child shall, so long as such child is not chargeable to any parish or union, be empowered to make application for the recovering of all payments becoming due under the order of the justices of petty session as aforesaid, in the same manner as the mother of such bastard child might have done; and the clerk to the justices making any order against the putative father of a bastard child, or appointing any person to have the custody of such child, as herein-before provided, shall as soon as may be send by

ians to
oor
an
itices
l of
ers.
ance
tices
quired.

ration

o. 3.

o as to
stice-
) sea
.

slavery
iticeship
ed.

subject to a board of guardians under the provisions of the first-recited Act but it shall be lawful for the guardians of such union or parish respectively to bind any such poor child to be an apprentice, and in such case the indentures of apprenticeship shall be executed by the said guardians, and shall not need to be allowed, assented to, or executed by any justice or justices of the peace, and the guardians shall have all the powers for binding or assigning any such apprentice which are now possessed by overseers, and shall cause apprentices so bound or assigned by them to be registered by their clerks according to the form prescribed by the statute of the forty-second year of the reign of King George the Third relating to the registration of parish apprentices, so far as the same may be applicable to such binding or assignment: Provided always, that nothing herein contained shall directly or indirectly interfere with the provisions of any Act of Parliament relating to apprentices to be bound to the sea service.

XIII. AND be it enacted, that after the passing of this Act so much of any Act of Parliament, whether general or local, as compels any person to receive any poor child as an apprentice, shall be and is hereby repealed.

XIV. AND whereas by the said first-recited Act it is provided, that in every case of an election of guardians under the said Act, or whenever the consent of owners of property or rate-payers in any parish or union may be required for any of the purposes of the said Act, the owner, as well as the rate-payer in respect of any property in such parish or union, shall be entitled to vote, and the owner shall have the same number and proportion of votes respectively as is provided for inhabitants and other persons in and by an Act made and passed in the fifty-eighth year of the reign of his late Majesty King George the Third, intituled "An Act for the regulation of parish vestries," and in and by an Act to amend the same, made and passed in the fifty-ninth year of the said late Majesty; and the rate-payers under two hundred pounds shall each have a single vote; and the rate-payers rated at two hundred pounds or more but under four hundred pounds, shall each have two votes; and the rate-payers rated at four hundred pounds or more shall each have three votes. And whereas it is expedient that the number and proportion of votes of owners of property and of rate-payers respectively should be assimilated: Be it enacted, that so much of the said Act as is above recited relating to the number and proportion of votes of owners of property and of rate-payers respectively shall be the same is hereby repealed; and that [Rep., Stat. Law Rev. Act, 1874 (No. 10)] in all cases in which by the said Act, or by any Act amending or extending the same, owners of property and rate-payers are entitled to vote, every owner of property and rate-payer shall have respectively the same number and proportion of votes, according to the scale following; (that is to say,) if the property in respect of which he is entitled to vote be rated upon a rateable value of more than fifty pounds, he shall have one vote; if such rateable value amount to fifty pounds and be less than one hundred pounds, he shall have two votes; if it amount to one hundred pounds and be less than one hundred and fifty pounds, he shall have three votes; if it amount to one hundred and fifty pounds and be less than two hundred pounds, he shall have four votes; if it amount to two hundred pounds, and be less than two hundred and fifty pounds, he shall have five votes; and if it amount to or exceed two hundred and fifty pounds, he shall have six votes.

l of
th of
Will. 4.
s. 40.
ites to
r of
of
and
yers.
s of
ty and
yers
ac-
g to the
erein
th.

put to them or any of them touching the matter of any such objection; and such clerk shall retain in the said book the name of all persons to whom an objection has been duly made, and of all persons objected to, unless the persons objecting have appeared in support of his objection, and established such objection, and when the name of any person has been duly objected to such clerk shall require proof of the right of such person to vote as owner; and in any case any matter be adduced in support of the objection, and the right of the person objected to be not proved to the satisfaction of such clerk, he shall expunge the name of such person from such book; and such clerk shall have power to adjourn from time to time, and administer an oath to the overseers of any parish, and to all persons attending before him claiming a right to vote as owners or objecting to such right, and to all witnesses who may be tendered or examined on either side; and such clerk shall write his initials against every name struck out, and sign his name to every page of the said book, and the persons whose names as owners are retained by such clerk in such book shall be the only persons entitled to vote in such parish as owners of property for the year following the twenty-fifth of March next ensuing. Provided always, that the said commissioners may, if they see fit, by order under their hands and seal, direct the guardians of such parish or union to appoint some person, other than the clerk to such guardians, as a paid officer to hear and decide the matter of such objections as aforesaid, who shall have all such powers as are herein-before given to the clerk, and perform all such duties as are herein-before imposed on the clerk in that behalf: . . .

XVI. AND whereas by the said first-recited Act it is provided that no person shall be deemed a rate-payer, or be entitled to vote, or do any other act, matter, or thing as such, under the provisions of that Act, unless he shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such rate-payer, and shall have paid the parochial rates and assessments made and assessed upon him for the period of one whole year, as well as those due from him at the time of so voting or acting, except such as shall have been made or become due within six months immediately preceding such voting or acting: Be it enacted, that such parochial rates and assessments shall be deemed to extend only to rates made for the relief of the poor.

XVII. AND whereas in the said first-recited Act it is provided, that the guardians of the poor elected under the provisions of that Act shall go out of office, and guardians for the ensuing year shall be chosen within fourteen days next after the twenty-fifth day of March in every year: And whereas such period hath been found to be too short, and it is expedient to extend the same: Be it therefore enacted, that the period within which the annual election of guardians shall take place shall be extended to the period of forty days next after the said twenty-fifth day of March, . . .

XVIII. AND be it enacted, that it shall be lawful for the said commissioners, having due regard to the relative population or circumstances of any parish included in a union, to alter the number of guardians to be elected in such parish, without such consent as is required by the said first-recited Act.

XIX. AND be it enacted, that in every case in which a parish in which guardians are to be elected under the provisions of the said first-recited Act contains more than twenty thousand persons, according to the enumeration

ayment of
parochial rates
required by
§ 5 Will. 4.
76. s. 40.
extend
only to poor
relief.

annual elec-
tion of
guardians to
take place
within forty
days after
the 25th of
March.
The number of
guardians may
be altered by
the commissioners
with reference
to population,
without con-
sent required
by § 4 & 5
Will. 4. c. 76.
In parishes of
more than

Relief to
widows in
certain cases.

XXVI. AND be it enacted, that in the case of any person being a widow having a legitimate child dependent on her for support, and no illegitimate child born after the commencement of her widowhood, and who at the time of her husband's death was resident with him in some place other than the parish of her legal settlement, and not situated in any union in which such parish is comprised, it shall be lawful for the guardians of such parish or union, if they see fit, to grant relief to such widow, although not residing in such parish or union: Provided always, that, notwithstanding any thing herein contained, the guardians of any union or parish, and the overseers of any parish, in which such widow may be resident or may require relief, shall be and remain liable to relieve such widow in the same manner as any other person requiring relief in such union or parish.

Proviso.

* * * * *

Guardians to
apply money
raised for
emigration.

XXIX. AND be it enacted, that the guardians of any parish or union constituted by the said commissioners shall apply all money raised or borrowed for the purpose of defraying the expences of emigration in such parish or in any parish within such union, subject to the conditions and restrictions imposed by the said first-recited Act.

Cost of obtain-
ing sites of
workhouses,
or additions
thereto, in the
metropolitan
police district,
city of Lon-
don, and
parish of
Liverpool.

XXX. AND be it enacted, that in addition to the principal sum or sums of money which guardians are empowered by the said first-recited Act to raise or borrow for the purpose of purchasing, hiring, building, enlarging, or altering workhouses, or buildings to be converted into workhouses, the guardians of any parish or union any part of which is situated within the metropolitan police district, or the city of London, or the select vestry of the parish of Liverpool, may, with the consent of the poor law commissioners, also raise or borrow and charge the future poor rates of such parish or union with such further or other sum or sums of money as may be or may have been necessary for the purchase of any land, or interest in land, required as the site of such workhouse, or of any additions to any such workhouse.

Burials of
paupers.

XXXI. AND be it declared and enacted, that it shall be lawful for guardians, or where there are no guardians for the overseers, to bury the body of any poor person which may be within their parish or union respectively, and to charge the expence thereof to any parish under their control to which such person may have been chargeable, or in which he may have died, or otherwise in which such body may be; and unless the guardians, in compliance with the desire expressed by such person in his lifetime, or by any of his relations, or for any other cause, direct the body of such poor person to be buried in the churchyard or burial ground of the parish to which such person has been chargeable (which they are hereby authorized to do), every dead body which the guardians or any of their officers duly authorized shall direct to be buried at the expence of the poor rates shall (unless the deceased person or the husband or wife or next of kin of such deceased person have otherwise desired) be buried in the churchyard or other consecrated burial ground in or belonging to the parish, division of parish, chapelry, or place in which the death may have occurred; and in all cases of burial under the direction of the guardians or overseers as aforesaid the fee or fees payable by the custom of the place in which the burial may take place, or under the provisions of any Act of Parliament, shall be paid out of the poor rates, for the burial of each such body, to the person or persons who by such custom or under such Act.

same being certified, to the person or persons authorized to receive the same; and if any such money, books, deeds, papers, goods, or chattels be not duly paid or delivered over as herein-before directed, the said auditor, or any auditor subsequently appointed, shall proceed, as soon as may be, to enforce the payment or delivering over of the same; and all monies so certified to be due by such auditor shall be recoverable as so certified from all or any of the persons making or authorizing the illegal payment, or otherwise answerable for such monies, and shall be recovered on the application of such auditor, or of any such auditor subsequently appointed, or by any person for the time being entitled or authorized to receive the same, in the same manner as penalties and forfeitures may be recovered under the provisions of the said first-recited Act; and the expences attending such proceeding or recovery shall (except so far as the same may be paid by the person against whom the proceedings have been taken) be repaid to such auditor by the guardians of the parish or union, or by the district board of the district to which the proceedings may respectively relate, and shall be charged in their accounts in such manner and in such proportions as the said commissioners may direct; and if any person from whom any such books, deeds, papers, goods, or chattels may be due neglect or refuse to deliver over the same to the person for the time being entitled or authorized to receive the same, the person so neglecting or refusing shall be liable, on the complaint of any such auditor for the time being, or of the person entitled or authorized to receive the same, to the penalties and proceedings provided in the case of overseers refusing or neglecting to pay and deliver over to their successors any sum or sums of money, goods, chattels, and other things, in their hands; and any churchwarden, surveyor of the highways, overseer, or other officer of a parish or union, who shall wilfully authorize or make an illegal or fraudulent payment from the church rate, highway rate, or other public fund of a parish or union, or shall unlawfully make any entry in his accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the poor rate, or disallowed or surcharged in the accounts of any parish or union by such auditor, shall, upon conviction thereof before any two justices, forfeit and pay for every such offence any sum not exceeding twenty pounds, and also treble the amount of such payment or of the sum so entered in his accounts.

Penalty on officers wilfully authorizing or making illegal payments or entries.

Rate books, &c. to be made up seven days before the audit day.

Notice of time and place of audit.

Inspection of books.

XXXIII. AND be it enacted, that seven clear days at least before the day fixed for the audit of accounts the overseers or other officers employed in any parish in carrying the laws for the relief of the poor into execution, and every collector or assistant overseer acting for such parish, shall cause their rate books and other accounts to be made up and balanced; and the books so made up shall forthwith be deposited at the house within the parish of some one of such overseers or other officers, or of such collector or assistant overseer, or at some other house within the parish; and notice shall forthwith be affixed at the usual place or places of giving parish notices, stating the time and place of audit, as notified by the auditor, and the place where the books are deposited; and such books shall on each of such days be open between the hours of eleven and three for the inspection of every person liable to be rated to the relief of the poor; and such auditor shall give or send by post or otherwise to the said overseers or other officers fourteen days notice of the said audit; but it shall

court, and shall be reimbursed all such costs and charges as he may incur in such defence out of the poor rates of the union or parish respectively interested in the decision of the question, unless the said court make any order to the contrary; and that on the removal of such allowance, disallowance, or surcharge the said court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such court that the decision of the said auditor was erroneous, they shall, by rule of the court, order such sum of money as may have been improperly allowed, disallowed, or surcharged to be paid to the party entitled thereto by the party who ought to repay or discharge the same; and they may also, if they see fit, by rule of the court, order the costs of the person prosecuting such certiorari to be paid by the parish or union to which such accounts relate, as to such court may seem fit; which rules of court respectively shall be enforced in like manner as other rules of the said court are enforceable.

Or persons aggrieved may apply to commissioners, who may issue orders for determining questions.

XXXVI. PROVIDED always, and be it enacted, that it shall be lawful for any person aggrieved as aforesaid by any allowance, disallowance, or surcharge, in lieu of making application to the Court of Queen's Bench for a writ of certiorari, to apply to the said commissioners to inquire into and to decide upon the lawfulness of the reasons stated by the auditor for such allowance, disallowance, or surcharge, and it shall thereupon be lawful for the said commissioners to issue such order therein, under their hands and seal, as they may deem requisite for determining the question.

* * * * *

Accounts to be rendered when commissioners direct, not less often than half-yearly.

XXXVIII. AND be it enacted, that so much of the said first-recited Act as provides that accounts shall be made and rendered not less frequently than once in every quarter shall be and is hereby repealed; and such accounts shall be made and rendered at such times and as often as the said commissioners may direct, but not less often than once in every half year.

Taxation and allowance of law bills by clerk of the peace or his deputy.

XXXIX. AND be it enacted, that on application of any overseer, or of any board of guardians, or of any attorney at law, it shall be the duty of the clerk of the peace of the county or place, or his deputy, if thereunto required, to tax any bill due to any solicitor or attorney in respect of business performed on behalf of any parish or union situate wholly or in part within such county or place; and the allowance of any sum on such taxation shall be *prima facie* evidence of the reasonableness of the amount, but not of the legality of the charge; and the clerk of the peace shall be allowed for such taxation after the rate to be fixed from time to time by the master of the Crown Office, and declared by an order of the said commissioners; and if any such bill be not taxed before it is presented to the auditor, the auditor's decision on the reasonableness as well as the legality of the charges shall be final.

Allowance for taxation.

Parishes and unions may, within certain limits, be combined into school districts.

XL. AND be it enacted, that it shall be lawful for the said commissioners, as and when they may see fit, by order under their hands and seal, to combine unions, or parishes not in union, or such parishes and unions, into school districts, for the management of any class or classes of infant poor not above the age of sixteen years, being chargeable to any such parish or union, who are orphans, or are deserted by their parents, or whose parents or surviving parent or guardians are consenting to the placing of such children in the school of such district; but the said commissioners shall not include in any such

proper, for the purpose of being used or rendered suitable for the relief and management of the poor to be received into such school or asylum; and the said commissioners may,, alter the district for which such district board was originally constituted, by adding thereto or taking therefrom any parish or parishes, union or unions, as aforesaid; and the said commissioners shall have the same powers for regulating the proceedings of any district board or of any committee thereof, and for directing and regulating the appointment, duties, remuneration, and removal of paid officers to be appointed by any district board, as they have with respect to the proceedings of boards of guardians, or with respect to paid officers to be appointed by any board of guardians; and every such board for a school district shall appoint, with the consent of the bishop of the diocese, at least one chaplain of the Established Church as one of the paid officers aforesaid, who shall be empowered to superintend the religious instruction of all the infant poor being under the control of such district board; and it shall be lawful for the said commissioners to issue rules and regulations for the government of any such school or asylum, and the inmates thereof, as if such school or asylum were a workhouse; and any orders or regulations of the said commissioners made in pursuance of this Act shall be enforced in the same manner and by the same penalties as if the same were an order or regulation made in pursuance of the said first-recited Act: Provided always, that no rules, orders, or regulations of the said commissioners, nor any regulations made by such district board, shall oblige any inmate of any such school or asylum to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in any religious creed other than that professed by the parents or surviving parent of such child, and to which such parents or surviving parent may object, or, in the case of an orphan or deserted child, to which his next of kin may object: Provided also, that it shall be lawful at all reasonable times of the day, according to rules and regulations to be made for this purpose by the said board, for any minister of the religious persuasion professed by an adult inmate, or of the religious persuasion in which any child has been brought up, or in which the parents, or surviving parent, or next of kin, as the case may be, may desire such child to be instructed, to visit the school or asylum, at the request of such adult inmate, for the purpose of affording to him religious assistance, or to visit such child for the purpose of instructing such child in the principles of his religion: Provided also, that it shall be lawful at all times for any inspector of schools appointed by her Majesty in council to visit such schools, and to examine into the proficiency of the scholars therein.

Alteration of districts.

Regulation of proceedings and officers of district boards.

Appointment of chaplains for school districts.

Rules for schools and asylums.

Proviso as to attendance at religious worship and religious instruction.

Visitation of schools and asylums by ministers not of Established Church.

Inspection of schools.

Powers of district board for purchasing and hire of land, &c.

XLIV. AND be it enacted, that for the purpose of providing a building for such school or asylum it shall be lawful for such district board, subject to the order of the said commissioners, to exercise the powers given to boards of guardians by the said first-recited Act or any other Act or Acts for the purchase and hire of lands and buildings, and to borrow, in like manner as is provided in the said first-recited Act or in any other Act or Acts, such sum or sums of money as may be necessary for the purpose of purchasing any site, or purchasing, hiring, or building, and of fitting up and furnishing such building or buildings as aforesaid, and to charge the future poor rates of the parishes or unions, or parishes and unions, so combined as aforesaid, with the payment of

averages last declared for every such union, and by such parishes in the proportion of the average expenditure of every such parish for the like period and purposes as those to which the declared averages of such unions shall relate; and the said commissioners shall from time to time, by order under their hands and seal, ascertain and declare the proportion and rates of contribution in the above respects of every such parish and union; and that*] all other expences incurred in the relief of the children under the management of such district board shall be separately charged by such district board to the parish or union from which each such child may be sent.

Distribution
of charges
for district
asylums.

XLVIII. AND be it enacted, that the expences incurred by every such district board in the purchase or hire of any building or buildings, or in erecting, repairing, adding to, or fitting up any building as an asylum, and in the purchase of utensils and materials for the employment of the inmates of such asylum, and other objects and things necessary for the relief of such inmates, and the salaries of the officers and servants of the establishment, and all other expences incurred by such district board in the relief of the poor, or in the management of such asylum, or incidental to the discharge of the duties of such district board, shall be charged by such district board upon the parishes or unions, or parishes and unions, comprised in such district, in proportion to the annual value of messuages, lands, tenements, and hereditaments upon which such parishes and the parishes combined in such unions are respectively assessed to the county or borough rate, or other rate in the nature of a county or borough rate; and where any parish or place comprised in such district does not contribute in respect of the whole thereof to any county or borough rate, the said expences shall be paid by such parish or place in proportion to the net annual value of all the property therein assessed to the rates for the relief of the poor; and any information necessary for the distribution of such charge shall be furnished, on demand of such district board or of the said commissioners, by every parish officer, and by every clerk of the peace, town clerk, or other like officer of any county, city, town, or borough, or other place raising rates in the nature of county or borough rates.

Appointment,
&c. of auditors
for district
boards.

XLIX. AND be it enacted, that the poor law commissioners shall appoint some person, being at the time the auditor of some parish or union situated within the district for which any district board for any school or asylum may be appointed, who shall be the auditor of such district, and shall be empowered and required to audit the accounts of each district board, and of the officers of such district board; and the salary of every such auditor of a district shall be paid by the district board thereof; and the said commissioners shall have the same powers for regulating the duties and remuneration of such auditors as they have with respect to paid officers appointed by any board of guardians; and it shall be lawful for the said commissioners, as they may see fit, to

* The portion of section 47 inclosed in brackets, providing for the contributions of the unions and parishes comprised in any school district, is rep., 13 & 14 Vict. c. 11. s. 1.; and so much of section 47 of this Act, and of the Act 13 & 14 Vict. c. 11., as provides for payment by unions as herein and therein mentioned of expences incurred by any district board in the purchase or hire of any land or buildings for a school, or in erecting, repairing, adding to, or fitting up any building, and the salaries of the officers and servants of the establishment, and other common charges of the school, is rep., 30 & 31 Vict. c. 6. s. 47., as far as those provisions relate to a district in the metropolis as defined by that Act.]

Police to
conduct poor
persons to
asylums.

district; and it shall be lawful for any constable of the metropolitan police, or of the police of the city of London, or any constable of the police acting under the chief constable of any county, district, or division, or any constable of the city, towns, or boroughs respectively named in the schedule marked (B.) annexed to this Act, personally to conduct any such poor person found wandering abroad within any district to any asylum established in such district in pursuance of this Act, and such poor person shall, if there be room in such asylum, be temporarily relieved therein; and the serjeant of police or constable conducting such poor person shall sign his name in a column, headed to the following effect, in a book to be kept, in such form and manner as the said commissioners may from time to time direct, by some officer of every such asylum, in which shall be entered the alleged names of all poor persons admitted:

Book to be
signed by
police.

‘ **W**E, the undersigned constables of the metropolitan police [or of the police of the city of London, or constable, &c., as the case may be], do severally declare, so far as each of us is concerned therein, that we have conducted the poor persons (whose alleged names are set opposite our respective signatures) to the asylum of _____ district, the said poor persons having been by us found wandering abroad, and apparently destitute, and not having committed or being charged with any offence punishable by law, within our knowledge.’

Regulations
with respect
to poor persons
admitted into
asylums.

And every such book, purporting to be signed and to be certified at the foot of the page by the officer keeping the same, shall be received in all courts of justice as sufficient evidence of the fact that the poor persons described therein were chargeable to the said district at the time of their admission, and, if not contradicted by other evidence, of such other particulars as are therein duly recorded; and all poor persons admitted into any such asylum shall, if they desire it, be relieved with food and lodging for the night succeeding such admission; but no such poor person shall be detained against his will for any longer space of time than until the ordinary hour of breakfast of the day next succeeding his admission, and four hours afterwards, unless such poor person, since his admission, have become lawfully punishable for misbehaviour within such asylum, in which case it shall be lawful to detain such poor person for a space of time sufficient for such punishment; but no poor person shall be punished for any offence or misbehaviour in any asylum by confinement for any longer space of time than twenty-four hours, and such longer space of time as may be necessary in order to have such person before a justice of the peace; and if any poor person so admitted as aforesaid shall be disabled by sickness, or shall be unwilling to depart from such asylum, he may receive relief therein, if he consent to remain, and conform to the rules of the house, until the next meeting of the district board or of some committee, (which such district board, subject to the rules of the said commissioners, is hereby authorized to appoint,) who shall give such directions respecting such poor person as they may deem right, by discharging him from such asylum, with a direction to apply for relief in the district where he has dwelt, or otherwise as to them may seem fit: Provided always, that, except under a medical certificate of sickness, it shall not be lawful for the officers of any such asylum to relieve any poor person for a longer period continuously in such asylum than is sufficient to enable his case to be decided by the district board or committee

be deemed
to be situate
in every
parish of an
union, &c.
Registry of
births and
deaths therein.

union or parish, and every such district school, shall be considered as situated in the parish to which each poor person respectively to be relieved, removed, or buried, or otherwise concerned in any such purpose, is or has been chargeable: Provided always, that every birth and death within any such workhouse or building shall be registered in the parish or place in which such workhouse or building is locally situated; and all fees for registering births and deaths in any such workhouse or building shall be charged by the guardians to the parish or union to which the person dying or the mother of the child respectively is chargeable.

Committal of
offenders in
workhouses
to the gaol
of the place
to which the
offenders
belong.

LVII. AND be it enacted, that if any person be convicted before any justice or justices of any offence committed in any workhouse, while maintained therein, or of absconding from any workhouse, and carrying away clothes or other property therefrom, and be liable to be committed for such offence to any gaol or house of correction, it shall be lawful for the justice or justices before whom such person is convicted to commit such person to the common gaol or house of correction of the county or place in which the parish is situated to which such person at the time of the commission of the offence was chargeable, notwithstanding that such workhouse may not be situated in such county or place, and notwithstanding that such justices may not be justices of such county or place; and if such person have not goods or money within such county or place sufficient to bear the charges of himself and those who convey him, then such charges shall be defrayed at the expence of the county, place, or parish, according to the provisions of an Act passed in the twenty-seventh year of the reign of King George the Second, intituled "An Act for the better securing to constables and others the expences of conveying offenders to gaol; and for allowing the charges of poor persons bound to give evidence against felons"; provided that in cases of such conviction and committal as aforesaid all further proceedings in respect thereof may be taken, and the costs and charges of such proceedings, and for the maintenance of such offender in such gaol or house of correction, shall be payable, in like manner and under the like authority as such proceedings would have been taken, or as such costs and charges would have been payable, in case the offence had been committed within the parish or place to which such offender was chargeable at the time when he committed such offence.

Cost of
removal
thither.

27 Geo. 2.
c. 8.

55 Geo. 3.
c. 137.

LVIII. AND whereas by the said Act passed in the fifty-fifth year of the reign of King George the Third, it is enacted, that if any person or persons shall desert or run away from any workhouse or workhouses, and carry away with him, her, or them any clothes, linen, or other goods as aforesaid, such person or persons, being thereof lawfully convicted, either by the confession of such party or parties, or by the oath or oaths of one or more credible witness or witnesses, before any justice or justices of the peace, shall by such justice or justices of the peace be forthwith committed to the common gaol or house of correction, there to remain without bail or mainprize for the space of three calendar months; and it is further enacted, that in case any person or persons maintained in any public workhouse or workhouses established for the relief, maintenance, and employment of the poor shall refuse to work at any work, occupation, or employment suited to his, her, or their age, strength, and capacity, or shall be guilty of drunkenness or other misbehaviour, every such person or persons,

or security was given, or the addition of any parish to or the separation of any parish from such union since the giving of such security.

Poor law commissioners, on application of board of guardians, may direct appointment of paid collector of poor rates.

Other powers of appointment to cease.

Penalty on overseers neglecting to obtain a supply of funds for the relief of the poor.

In what manner guardians under local Acts shall conduct their proceedings.

Parishes with guardians under local Acts, with a population exceeding 20,000, not to be united without consent of guardians;

except for providing asylums for destitute houseless poor, and for audit of accounts.

Parishes, with a population exceeding

LXII. AND be it enacted, that if the board of guardians of any parish or union make application to the said commissioners to direct the appointment of a paid collector of the poor rates in such parish or union, or in any parish or parishes of such union, it shall be lawful for the said commissioners, by order under their hands and seal, to direct the said board of guardians to appoint such a collector; and the said commissioners shall have the same powers with respect to such collectors as are given to them by the said first-recited Act with respect to paid officers; and all powers of the inhabitants of any parish in vestry assembled, or of justices of the peace, or of any persons, other than the board of guardians of such parish or union, to appoint any collector for any such parish as aforesaid, and (except when otherwise directed by the said commissioners) all appointments under such powers, shall cease.

LXIII. AND be it enacted, that if the overseers of any parish wilfully neglect to make or collect sufficient rates for the relief of the poor, or to pay such monies to the guardians of any parish or union as such guardians may require, and if by reason of such neglect any relief directed by the board of guardians to be given to any poor person be delayed or withheld during a period of seven days, every such overseer shall upon conviction thereof forfeit and pay for every such offence any sum not exceeding twenty pounds.

LXIV. AND be it enacted, that the guardians of every parish or union acting under any local Act for the relief of the poor shall hold their meetings once in every fortnight, or oftener, and in all matters concerning the relief of the poor shall act as a board at a meeting, and not individually; and whenever under any such local Act there is no person particularly designated or authorized to act as chairman, such guardians shall elect and appoint annually, and from time to time as vacancies may occur, a chairman and vice chairman of such board, and shall at any meeting at which no chairman or vice chairman is present elect a temporary chairman to preside at that meeting: [Provided always, that when the relief of the poor has been hitherto administered in any parish by guardians appointed under a local Act, and not by overseers of the poor, if such parish, according to the last enumeration of the population published by authority of Parliament, contain more than twenty thousand persons, it shall not be lawful for the said commissioners, after the passing of this Act, without the consent in writing of two thirds at least of such guardians, to declare such parish to be united with any other parish for the administration of the laws for the relief of the poor, any thing in the said first-recited Act to the contrary notwithstanding*]; provided, however, that nothing herein contained shall prevent the said commissioners from including any such last-mentioned parish in a district for providing and managing an asylum for the temporary relief of and setting to work of destitute houseless poor, or from including such parish in a district for the audit of accounts, under the provisions of this Act, except as herein-after enacted.

[LXV*.] PROVIDED always, and be it enacted, that where any parish which is not governed by a board of guardians constituted under the said first-

* So much of section 64 as prevents the union of parishes governed by local Acts, without consent of the guardians, and section 65, are rep., 30 & 31 Vict. c. 6. s. 78., so far as they relate to the metropolis as defined by that Act.]

boards of guardians, although no certified attornies, notwithstanding 6 & 7 Vict. c. 73.

first-recited Act or under any local Act, or to any district board, if duly empowered by such board, to make or resist any application, claim, or complaint, or to take and conduct any proceedings on behalf of such board before any justice or justices of the peace at petty or special sessions or out of sessions, although such clerk or officer be not an attorney or solicitor, or have not obtained a stamped certificate in pursuance of the provisions of the said Act.

Certificates of chargeability according to form in schedule (C.) Admission of documents in evidence.

LXIX. AND be it enacted, that it shall be lawful for any board of guardians or district board, at any meeting thereof, to make a certificate in the form or to the effect contained in the schedule of this Act marked (C.), and that every such certificate, and every copy of a minute of any order, complaint, claim, application, or authority of any such board of guardians or district board, purporting respectively to be signed by the presiding chairman of such guardians or district board, and to be sealed with their seal, and to be countersigned by their clerk, shall, unless the contrary be shown, be taken to be sufficient proof of the truth of all the statements contained in such certificate, and of the directions respecting such order, complaint, claim, or application having being given as alleged in the copy of such minute, and shall be received in evidence accordingly by and before all courts of justice and all justices, without any proof of the signatures or of the official characters of the persons signing the same, or of such seal, or of such meeting; and that for the purpose of making any order of removal or other order no further or other evidence of chargeability than such certificate shall be required, provided that every such order bear date within twenty-one days next after the day of the date of such certificate.

Justices at petty sessions, or out of sessions, may summon witnesses, and compel them to attend and give evidence.

LXX. AND be it enacted, that in any proceedings to be had before justices in petty or special sessions, or out of sessions, under the provisions of this Act or of any of the Acts required to be construed as one Act herewith, if any party to such proceedings request that any person be summoned to appear as a witness in such proceedings, it shall be lawful for any justice to summon such person to appear and give evidence upon the matter of such proceedings; and if any person so summoned neglect or refuse to appear to give evidence at the time and place appointed in such summons, and if proof upon oath be given of personal service of the summons upon such person, and that the reasonable expences of attendance were paid or tendered to such person, it shall be lawful for such justice, by warrant under his hand and seal, to require such person to be brought before him, or any justices before whom such proceedings are to be had; and if any person coming or brought before any such justices in any such proceedings refuse to give evidence thereon, it shall be lawful for such justices to commit such person to any house of correction within their jurisdiction, there to remain without bail or mainprize for any time not exceeding fourteen days, or until such person shall sooner submit himself to be examined, and in case of such submission the order of any such justice shall be a sufficient warrant for the discharge of such person.

LXXI. AND whereas it is provided by the said first-recited Act that all rules, orders, and regulations made by the said commissioners under the authority of the said Act shall be as valid and binding, and shall be obeyed and observed, as if the same were specifically made by and embodied in the said Act; but no sufficient provision is made for bringing such orders to the

“clerk of the peace” shall be taken to mean the clerk of the peace or other officer discharging any of the duties of clerk of the peace for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, town, cinque port, or town corporate, and the words “licensed minister” in the said first-recited Act, and “minister” in this Act, shall be construed to mean and include every person in holy orders and also every person teaching or preaching in any congregation for religious worship whose place of meeting is certified and recorded according to law, and, except where it is otherwise expressly provided, all provisions in any Act now passed or hereafter to be passed, relating to the officers of boards of guardians constituted under the provisions of the said first-recited Act, or the workhouses under the management of such guardians, shall apply to the officers appointed by any district board, and to all workhouses under the management of any district board.

Provisions as to officers, &c. of guardians to apply to officers, &c. of district boards.

Act limited to England and Wales.

LXXV. AND be it enacted, that this Act shall extend only to England and Wales.

• • • • •

SCHEDULES referred to in the foregoing Act.

• • • • •

SCHEDULE (B.)

City, Towns, and Boroughs.

LIVERPOOL.	LEEDS.
MANCHESTER.	BIRMINGHAM.
BRISTOL.	

SCHEDULE (C.)

THE board of guardians of the poor of the _____ union [or part of _____] do hereby certify, that on the _____ day of _____ A.B. and his wife C.B., and his child E.B., became chargeable to the parish of _____ in the said union [or to the said union].

In testimony whereof the common seal of the said guardians is hereunto affixed at a meeting of their board this _____ day of _____ 18

(L.S.) (Signed) W.J., presiding chairman of the said Board
(Countersigned) C.D., clerk [or acting as clerk] to the board of guardians of _____

and such default shall be reported by the foreman to the Court of Queen's Bench, and unless the same shall be excused on the ground of illness, or on some good and substantial reason, to the satisfaction of the court, such fine and penalty shall be by the said court confirmed and declared absolute, and recovered and applied in the same manner as fines and penalties imposed on jurors for any defaults or misbehaviour may now by law be recovered and applied; and if the foreman shall fail to call over the jury at the times herebefore appointed, or to report the absence of any juror upon such call, he shall incur a penalty of forty shillings for each such default, to be in like manner recovered and applied: Provided always, that nothing herein contained shall limit or affect the authority of the said court to enforce the attendance of a grand juror as said court may now enforce such attendance.

Appointment of county officers.
 Grand jury shall appoint secretary.

IV. AND be it enacted, that upon the death, resignation, or removal of the present secretary of the grand jury it shall be lawful for the grand jury at such presenting term to appoint a proper person to act as their secretary; the present secretary of the grand jury, or any secretary who shall be appointed hereafter under the provisions of this Act, shall continue to act as such until he shall be removed by the grand jury, or until another person, duly qualified, shall be in like manner appointed; and if any person appointed secretary shall happen to die, the clerk of the peace or his known deputy is hereby required to act as such until the last day of the ensuing presenting term; and for performing all and singular the duties of such secretary such clerk of the peace or his said deputy shall be entitled to receive a rateable proportion of the salary of such secretary for the time during which he shall have performed such duties; but in case of the illness of the secretary it shall and may be lawful for such secretary to appoint a deputy, for whom he shall be responsible, and who shall perform the duties of said secretary during his illness: Provided always, that it shall not be lawful to appoint or continue joint secretaries more than one person as secretary in the said county.

Secretary shall not be so the clerk of the peace, &c.
 Penalty for neglect of duty.

V. AND be it enacted, that it shall not be lawful for the same person to be appointed, after the first day of January one thousand eight hundred and forty-five, secretary of the grand jury and clerk of the peace, or clerk of the crown, or treasurer of any county, or collector of grand jury cess, or inspector of gaols; and in case the secretary of the grand jury shall at any time refuse or neglect to perform any of the duties imposed upon him by the provisions of this Act, such secretary, being convicted thereof before the judge of the Court of Queen's Bench, shall for such refusal or neglect forfeit any sum not exceeding fifty pounds, at the discretion of such judge; and no presentment shall be made of any salary to him.

Lord lieutenant in council shall require grand jury to divide the county into road districts, and fix salaries of surveyors.
 Grand jury shall fix boundaries of districts.

VI. AND be it enacted, that it shall be lawful for the lord lieutenant in council, at any time and from time to time hereafter, to require and direct the grand jury of the said county, at the Easter or Michaelmas next following the making of such order, to divide the said county into as many road districts as in and by such order shall be directed, or to alter the boundaries of such districts, and fix and declare the salary of the surveyors to be appointed for each district, and the scale by which such salary shall be at any time determined; and the said grand jury shall thereupon declare and define in the presentment the boundary of each such district, and set forth the townships or denominations to be contained therein; provided, however, that no boundary shall be altered so as to include or exclude any township or hamlet, or any part of a township or hamlet, which has been included or excluded in any presentment made by the grand jury of the said county, at any time before the making of such order.

nuisance or injury to any road, or any other offence of like nature, and the result of such prosecution, and the proceedings therein, and generally on all matters and things relating to the office of surveyor, or which may be given to him in charge by the grand jury or finance committee.

Surveyors
may be dis-
missed by
lord lieutenant
or grand jury.

IX. AND be it enacted, that any surveyor appointed under this Act may be at any time suspended or dismissed or his salary withheld for neglect or misconduct, at the pleasure of the lord lieutenant of Ireland, or by the grand jury at any presenting term; and in such case, and on every other vacancy however occasioned, the grand jury at the next presenting term shall appoint a successor from and out of the persons who shall be from time to time certified to be qualified as aforesaid: Provided always, that in case of inability or other unavoidable cause, proved on oath to the satisfaction of the grand jury or of any three justices of the peace for the said county, such surveyor may depute another person, duly certified as herein-before mentioned, to act for him; and such deputy shall be removable in like manner as his principal.

Appointment
of deputies.

On death,
resignation,
or dismissal
of present
collectors,
grand jury
shall appoint
collectors for
each barony.

X. AND be it enacted, that upon the death, removal, or resignation of any of the present collectors the grand jury of the said county shall at any presenting term appoint a proper person, not being a magistrate or attorney, to be collector for each barony in such county, to collect all money which shall be presented to be raised on such barony or any parish or townland thereof, and also the proportion which such barony may be liable to pay towards the money presented to be raised on the county at large; and every such collector shall have all power and authority and shall exercise and perform all duties now or hereafter to be by law required of any high constable or collector. Provided always, that if any such collector shall happen to die before he shall have collected the whole of the money presented to be raised as aforesaid on such barony for which he shall be collector, or if any case of vacancy shall occur, or if any collector shall become incapable of performing his duty by illness or otherwise, it shall be lawful for the finance committee for the county to appoint another fit and proper person to be collector pro tempore until a collector shall be appointed by the grand jury as aforesaid.

Appointment
of collectors
pro tempore.

Collectors
shall enter
into security.

XI. PROVIDED always, and be it enacted, that no person shall act as collector unless he shall have given security before the acting foreman of the grand jury at some presenting term, or before some justice of the peace, being a member of the finance committee (if such collector shall have been appointed by the finance committee), by two sufficient sureties, to be approved of by the grand jury or finance committee, joining with him in executing a bound warrant of attorney, without stamp, to confess judgment to the secretary of the grand jury, conditioned for his duly collecting and paying into the lord lieutenant of Ireland, to the credit of the finance committee, from time to time, so long as he shall continue collector, or till the grand jury shall otherwise determine, all such public money as he is or shall be required to collect, and that he shall at no time retain in his possession a larger sum than one hundred pounds, and it shall be lawful for the grand jury to fix a sum not exceeding five shillings in the pound on the amount of the collection to be paid to each of the present collectors for his trouble therein, and a sum not exceeding one penny in the pound on the amount of the collection to be paid to each collector hereafter to be appointed for his trouble therein: Provided always

Grand jury
may fix the
poundage to
be allowed.

Proviso.

the whole sum required for such purpose, and to direct in and by such presentment that the same shall be raised off the county by such half-yearly sum or instalments, and in such proportions, as to such grand jury may seem expedient, and the same shall be so raised accordingly: Provided always, that it shall be lawful for any subsequent grand jury to present that any of the said instalments shall be increased to any sum that shall be found necessary or proper.

Scient and
immodious
ions
uses to
provided.

XIV. AND be it enacted, that if, in any town or place at which the lord lieutenant hath directed or may hereafter direct that a quarter sessions of the peace, or any adjournment thereof, shall be holden for the despatch of civil or criminal business, there be not a sufficiently commodious or convenient sessions house, it shall be lawful to and for the said lord lieutenant to direct an architect or engineer as he shall deem advisable to prepare such specifications, maps, plans, sections, and elevations as may be necessary for the erection of a sessions house, therein expressing the nature and probable expence of the works, and the materials proper to be employed, and the same shall be delivered to the secretary of the grand jury, who shall lay the same, together with the copy of the warrant of the lord lieutenant, before the grand jury at the presenting term next after the time at which he shall receive the same, and the grand jury shall examine such specifications, maps, plans, sections, elevations, and such others as may be laid before them, and either adopt the same, or make such alterations therein as they may think proper, or reject the same, and shall present that a proper and sufficient sessions house shall be provided or built in such town or place within the period of one year from the last day of such presenting term, and that a sum not exceeding one thousand pounds shall be levied off the county for that purpose at one time or by instalments to be completed within the period of five years; and the architect or engineer shall thereupon prepare a proper form of tender for the execution of such work, and shall deliver the same to the secretary of the grand jury, who shall forthwith advertise for tenders for the execution thereof, and shall lay the same, together with the presentment, and the specifications, maps, plans, sections, and elevations, as approved of by the grand jury, before the next adjourned presentment sessions holden for the county at large; and the tenders that shall be made for the execution of such works shall be opened at such sessions, and dealt with in all respects in like manner as any other tender for a work approved of and presented is: Provided always, that if such presentment shall not be made, and a valid contract for executing such work shall not be entered into, within the period of two calendar months from the last day of the presenting term in which such warrant shall have been laid before the grand jury, it shall be lawful for the lord lieutenant to direct the commissioners of public works in Ireland to build or provide such sessions house; and on the production to the grand jury at any presenting term of the certificate of the secretary of the commissioners that a sum not exceeding the sum of one thousand pounds has been expended in building such sessions house and purchasing a site for the same, or for either of such purposes, the grand jury shall and they are hereby required to present the sum so certified to be levied off such county in satisfaction of the sum so expended: Provided also, that in case the said commissi-

ommissioners
public
works to build
sessions houses
certain
s.

every part thereof respectively, and for obtaining the full possession and seisin thereof, and a good title thereto, in the said commissioners, and with an authority subject to all the same rules, regulations, conditions, and jurisdictions as in and by the said Act provided concerning any premises to be purchased by such commissioners, and the valuation under the aforesaid Act of the seventh year of his late Majesty King George the fourth reign; and the said commissioners shall in that behalf have, possess, and exercise all and every the like powers and authorities as by the said Act are granted to and vested in the commissioners therein mentioned; and it shall be lawful for any such or any subsequent grand jury to present the sum or sums agreed upon or fixed as the purchase money of such premises, and the costs attending such purchase, to be levied off such county, either at one time or by half-yearly instalments, in such manner as they may think proper; and such presentment may be made without any previous application to any presentment sessions.

presentment
rent of
land and
houses
sessions.

XVII. AND be it enacted, that it shall be lawful for the grand jury of the said county, and they are hereby required, to present at each presenting term, without previous application at presentment sessions, to be raised upon such county, all such sum or sums of money as shall be necessary for paying such rent or rents of any court house or sessions house, or their appurtenances respectively, as now are or shall at any time hereafter be payable for the same.

rent of old
court houses.

XVIII. AND be it enacted, that it shall be lawful for the commissioners appointed as aforesaid by any grand jury of the said county to sell and dispose or to authorize the sale and disposal of any old court house or sessions house belonging to the said county in which the sessions have been discontinued or have ceased to be held, together with the ground or site on which the same is built, according to the title or interest which the county may have in the same, and also to sell and dispose of or to authorize the sale and disposal of all or any part of the materials of which such old court house or sessions house may be composed; and the money arising therefrom shall be paid to the credit of the finance committee of such county, and applied to defray the purchase money of any premises required for the erection of a new court house, or to the erection of such new court house, or such other purposes connected with the county at large as any other public money raised off such county, and coming to the credit of such finance committee, may be applied.

application
proceeds
&c.

presentment
fuel, &c.
court
sessions.

XIX. AND be it enacted, that it shall be lawful for the grand jury of the said county, at any presenting term, without any previous application at presentment sessions, to present, to be levied off such county at large, a reasonable sum or sums as they shall think proper for providing fuel or light for each and every or any court house or sessions house in or belonging to such county; provided that no sum so presented shall be paid by the finance committee of such county until the person to whom any such sum so presented for fuel shall be payable under such presentment shall prove, to the satisfaction of the said finance committee, by an affidavit sworn by him before some justice of the peace, or by other evidence, that the sum required to be paid hath been duly expended in the purchase of fuel for the use of such court house or sessions house, pursuant to such presentment, and that the whole of such fuel hath been consumed in the said court house or sessions house, and

ment of all monies raised by virtue of any presentment for such fever hospital or dispensary, as well as of all monies actually received from private subscription or donation for the use of such fever hospital or dispensary, since the date of such last application or establishment, shall have been laid before the presentment sessions ensuing the disbursement thereof, and such certificate and account, verified upon the oath of such treasurer, shall, together with the application for a presentment for such fever hospital or dispensary, have been allowed and approved of at such sessions, it shall be lawful for the grand jury of the said county at any presenting term to present, to be raised off the said county, or any barony or baronies thereof, as to such grand jury shall seem fit, in case of a fever hospital a sum not exceeding double the amount, and in the case of a dispensary a sum not exceeding the amount, of such private subscriptions or donations so received, to be paid to the treasurer of such fever hospital or dispensary, and applied, (under the direction of the subscribers, any annual sum of not less than one guinea, or such committee of them, not fewer in number than five, as they shall appoint for that purpose at any general meeting of such subscribers,) together with the monies received from private subscription and donation, in fitting up and supporting such fever hospital or dispensary, and in providing medicine and medical and surgical assistance for the poor of such place and its neighbourhood: provided also, that no such presentment shall be made unless it shall appear by the certificate of such treasurer, verified as aforesaid, that the medical attendant, if appointed after the first day of January one thousand eight hundred and forty-five, resided since the creation of such dispensary or hospital, or since the last presenting term, (as the case may be,) at or within one statute mile of such dispensary or hospital.

presentment
erection
fever
hospitals.

XXIV. AND be it enacted, that whenever it shall be made appear by such presentment on oath to the grand jury of the said county that there has been actually received from private subscriptions or donations any sum or sums of money for the purpose of erecting any house to be applied to the reception of fever patients, and either connected with any local dispensary or not, as the case may happen, and upon a certificate by one or more physicians that there is a necessity for providing accommodation for such patients, it shall and it is lawful for such grand jury to present, to be raised off such county at any presentment session, any sum not exceeding double the amount of the sum or sums so raised from private donation or subscription, and actually received by the treasurer, to be applied together with the monies so received by private donation or subscription, in erecting such house for fever patients, in such manner as the subscribers, or such committee of them, not fewer than five, as they shall appoint for that purpose at any general meeting of such subscribers, shall in their discretion deem most advisable: Provided always that the affidavit and certificate herein mentioned shall, together with the application for such presentment, have also been laid before the presentment sessions and approved thereat: Provided also, that an account of the receipts and expenditure of such fever hospital from the time of its establishment to the time of the first presentment required, and afterwards from the time of each presentment required till the time when any further presentment is required, shall, together with an application for the sum so proposed to be presentmented, be laid before the presentment sessions to be holden under this Act for

con-
solidated fund
arising
therefrom

provisions of the said last-recited Act, or any Act amending the same, lawfully ordered and directed any sum or sums of money to be advanced, issued, and paid, out of the growing produce of the said consolidated fund arising in Ireland, for the purpose of erecting and establishing, opening, carrying on, enlarging, maintaining, or supporting, any such asylum, the grand jury of the said county shall and they are hereby required (after any such asylum shall be fit for the reception of such lunatic poor) to present, at each presenting term, without any previous application at presentment sessions, such sums of money, to be levied off such county at large, as shall be necessary for the repayment of any such sum or sums so advanced, or any part thereof, on such times and in such proportions as shall be directed and ascertained by any order or orders to be made by such lord lieutenant in council as aforesaid.

presentment
or purchase
of money
lands, &c.

XXX. AND be it enacted, that in each and every case when the commissioners appointed for the general control and correspondence, and for superintending and directing the erection, establishment, and regulation of district lunatic asylums, shall have rented or purchased any houses, buildings, lands, tenements, or hereditaments, on the site or sites of which it shall be proposed to erect or maintain any such asylum for the said county, it shall be lawful for the grand jury of the said county, and such grand jury are hereby required at the presenting term next ensuing the day or time when such purchase shall be made or such rent shall become due, or as soon after as shall be required, and so from time to time whenever the case shall happen, to present, without any previous application to presentment sessions, to be levied off such county at large, such sum or sums of money as they shall be directed to present by any lord lieutenant of Ireland in council as aforesaid, for the purpose of completing such purchase or paying such rent or rents.

presentment
coroners.

[XXXI.*] AND be it enacted, that it shall be lawful for the grand jury of the said county, at each presenting term, to present any sum not exceeding the whole the sum of one hundred pounds for each and every coroner in the said county, to be levied off such county at large, or any barony therein, as the grand jury shall think advisable; and such grand jury shall apportion the whole of such sum so presented among the several coroners of such county according to the number of inquests which may appear to have been respectively held upon the body of any person by each of such coroners since the date of the last application for a presentment; and such sums shall be paid to the coroners respectively who shall have held such inquests, and for which such sums shall have been presented: Provided always, that no coroner shall receive more than at the rate of one pound ten shillings for each inquest held by him.

presentment
coroners.

[XXXII.*] PROVIDED always, and be it enacted, that it shall not be lawful for any grand jury to make any presentment for any such remuneration to any such coroner, unless, together with the application for the same at the county presentment sessions, there be laid before such sessions a certificate in each inquest respectively taken by such coroner, made and signed by the coroner, in the form following:

[* So much of this Act as relates to the payment of coroners and the summoning and payment of medical witnesses, *rep.*, 9 & 10 Vict. c. 37. s. 1., but see s. 47.]

of the under secretary, of the amount of the sum or sums so paid and advanced out of the consolidated fund for the superannuation of such constables, to present (without previous application to presentment sessions) one moiety of such sum or sums so paid, advanced, and certified as aforesaid, to be levied off such county or barony; and the same when levied shall be paid over in such manner and to such bank or person as the commissioners of her Majesty's Treasury, or any three or more of them, shall direct.

Presentment
for super-
annuation
allowances to
magistrates
and con-
stabulary.

XXXVIII. AND be it enacted, that it shall be lawful for the grand jury of the said county, and they are hereby required, to present, (without previous application to presentment sessions,) to be raised off the county at large, such yearly allowance, superannuation, compensation, gratuity, or remuneration as the lord lieutenant or other chief governor or governors of Ireland for the time being shall order, or at any time have ordered, to be paid by such county, or such proportion thereof as he or they shall direct or have directed to be paid, to any magistrate, inspector, deputy inspector, county inspector, sub-inspector, chief constable, constable, or sub-constable, who has been or shall hereafter be superannuated by virtue of the provisions of any Act or Acts now in force authorizing such lord lieutenant or other chief governor or governors to grant such superannuation; and such allowance, superannuation, compensation, gratuity, or remuneration shall be presented during the life of each person so entitled thereto, on proof to the grand jury from time to time that such person is living.

Presentment
for special
constables
under
2 & 3 Will. 4.
c. 108.

XXXIX. AND be it enacted, that when in the said county any special constable shall have been appointed by virtue of an Act of the second and third year of the reign of his late Majesty King William the Fourth, intituled "An Act for amending the laws in Ireland relative to the appointment of special constables, and for the better preservation of the peace," and the justices of the peace of such county, acting at a special sessions held for that purpose, or the major part of them, shall, in pursuance of the powers given to them by the said Act, have made any order or orders upon the finance committee for the payment to such special constables of a reasonable allowance for their trouble and loss of time, or to defray expences incurred in providing staves or other necessary articles for such special constables, it shall and may be lawful for the grand jury of such county, and such grand jury is hereby required, to present, (without previous application to presentment sessions,) to be raised off such county at large, or any barony thereof, within which such special constables may have served, the amount of all sums paid by the finance committee pursuant to such order or orders.

Presentment
for expenses
of, and allow-
ances to,
prosecutors
and witnesses.

XL. AND be it enacted, that where any person shall have been tried for any felony or misdemeanor whatsoever committed or alleged to have been committed in the said county of Dublin, it shall be lawful for the court before whom such person shall have been tried, in case it shall appear that there was a reasonable ground of prosecution, and cause for the same being defrayed by the county of Dublin, to order the finance committee of the said county to pay to the prosecutor, upon his application, such sum of money as to such court shall seem reasonable, not exceeding the expences which it shall appear to the court that such prosecutor may have bonâ fide incurred in carrying on such prosecution; and in case such prosecutor shall appear to the court to be in poor circumstances, such court may make a further reasonable allowance to

person on conviction may be liable to be transported ; such sum raised off such county, or any barony thereof, as such grand jury oper, and to be paid to any prosecutor or prosecutors of such tforesaid ; and such presentment may be made during the time transacting the criminal business of such county.

Do be it enacted, that upon the removal of any prisoner apprehending to law in any other part of the United Kingdom, and charged with a crime committed within the said county of Dublin, it shall be lawful for the grand jury of the said county, upon being satisfied that such sum is reasonable in amount, and fairly chargeable upon the said county to repay, out of any funds to their credit, the expences attending the removal of such prisoner ; and the grand jury of the said county shall, at the next presenting term, present the amount so paid to be raised off the county ; and such presentment shall be made without any previous presentment sessions.

Do be it enacted, that all county and other officers and persons specified in the schedule No. 15. to this Act annexed shall, from the first day of January one thousand eight hundred and forty-five, be remunerated for their respective duties, services, and expences by the grand jury, payable half-yearly by the finance committee, by equal moieties, presenting the amount mentioned in the said schedule ; and the grand jury presenting term shall and may present (without previous application sessions) for each such officer, to be raised off the county the amount of such annual salary as shall be agreed upon by said grand jury ; provided always, that in case of any negligent or insufficient discharge of such officer or officers it shall and may be lawful to and for any grand jury by express sanction of the court, but not otherwise, to present any sum or amount less than the annual salary by this Act specified to be paid to any such officer, or to withhold and refuse to make any presentment whatever for such officer or officers [Rep., 8 & 9 Vict. c. 81. s. 10.] : Provided always, that in case of any vacancy occurring in the said offices, as set forth in schedule No. 15. of this Act, or by death or otherwise, the person or persons appointed to fill the same shall all be paid according to schedule (S.) in the Act of the sixth year of King William the Fourth, chapter one hundred and

Do be it enacted, that before any clerk of the crown or clerk of the peace or other officer in the said schedule set forth shall be entitled to receive any salary, it is hereby provided, he shall at each presenting term lay before the grand jury an account, verified on oath, and sworn and read in open court, setting forth the total amount of his fees and other emoluments, and the several sums paid and received under each separate head of such account, and the rates of fees or remunerations received on each ; and it shall be lawful for any grand jury to present any salary to be paid to any clerk or other officer unless it shall appear to them that he has given security, by depositing in the sum of one thousand pounds, for the due and faithful discharge of his office of clerk of the peace, and that such recognizance has been taken, witnessed or recorded.

Do be it enacted, that in case at any time a special commission shall be granted within the said county for the trial of offenders, the grand jury,

hills, building and repairing bridges, gulleys, &c. on public roads, either on county or barony.

as herein-after directed, to present such sum or sums of money as may be necessary for lowering any hill, or filling up any hollow, or both, on any public road, and for making the road thereon, with stones and gravel, or for building, rebuilding, repairing, altering, or enlarging any bridge, pipe, arch, or gullet, built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe, or gullet, or for building or repairing any wall or part of a wall necessary to the support of or to prevent any steep banks of earth from falling upon any such road, or for erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes on the side of any public road, to be raised either off the county at large, or off the barony or baronies in which the same may be locally situate.

Where road or stream is a boundary between Dublin and another county, neither county to present for more than half the expense of repair, &c.

No payment to be allowed in one county unless there has been a presentment in the other.

Presentments on baronies for widening, narrowing, and repairing roads and filling up ditches.

Barony pounds.

Presentment for parish pounds.

Sum presented to be levied on parish.

Presentment on barony for making and repairing footpaths along roads.

Presentment on barony for repairs of roads and footpaths by contract

LIV. AND be it enacted, that where a river or stream or where any road is the boundary between the county of Dublin and any other county, so as that one side of such road shall be in the said county and the other side in another county, it shall not be lawful for the grand jury of either county to present, to be raised on either county, or upon any barony of either county, more than one half of the sum required for building, rebuilding, repairing, enlarging, or altering any bridge, pipe, arch, or gullet over such stream or river, or for repairing, making, or widening any such road; and no application for payment on account of any such presentment shall be allowed, unless an equal sum shall have been presented to be raised for the said work on the adjoining county, or some barony thereof.

LV. AND be it enacted, that it shall be lawful for the grand jury to present any part of any public road to be widened to any breadth not more than fifty feet in the clear, or to narrow such roads as the surveyor may report to be unnecessarily wide, and to present all such sum or sums of money as shall be necessary for widening and fencing the same, or for gravelling, macadamizing, paving, fencing, repairing, or otherwise improving any part of any public road, or for filling up any grips or trenches on the sides of any public road, and making sufficient fences instead thereof, or for filling dikes or holes on the sides of any public road, or turning the backs of ditches to any road, or for making, widening, or deepening drains on the side of any such road, and carrying off the water therefrom, or for making any barony pounds, to be levied off the barony or baronies where the same shall be situate, and, on a requisition signed by any twenty rate-payers in any parish, to present any sum not exceeding twenty pounds for erecting a parish pound within any such parish, and such pound when so made shall be to all intents and purposes a good, sufficient, and lawful pound, and the sum so presented shall be apportioned and levied upon such parish.

LVI. AND be it enacted, that it shall be lawful for the grand jury of the said county, at any presenting term, to present any footpath to be made or repaired along the side of any road for which they may have authority to make presentment, and to present such sum or sums of money as may be necessary for making or repairing the same, to be levied off the barony or baronies in which such footpath shall be locally situate.

LVII. AND be it enacted, that it shall be lawful for the grand jury of the said county to present any public road within such county, or any part of such public road, or any footpath upon the side of such road, to be gravelled or repaired with broken stone, or the battlements of any bridge upon such road

Presentment for stopping up old road.

LXI. AND be it enacted, that it shall be lawful for the grand jury of the said county, after application made and approved of at the preceding presentment sessions, to present any old road in the said county which may appear to them to be useless to be stopped up, to every which presentment it shall be lawful for any person to enter a traverse at the then or the next presenting term ; and if such traverse shall not be tried within a year after such presentment shall be made, and a verdict had in favour of such traverse, the presentment shall stand good and valid to all intents and purposes.

Traverse.

Commissioners of public works under 1 & 2 Will. 4. c. 33. may on application of postmaster general repair post roads.

LXII. AND whereas it is expedient that provision should be made for the more speedy and effectual repair of roads upon which her Majesty's mails are carried: Be it therefore enacted, that it shall be lawful for the commissioners acting under and in execution of an Act passed in the first and second years of the reign of his said late Majesty, intituled "An Act for the extension and " promotion of public works in Ireland," or any other Act for amending the same, upon the application of her Majesty's postmaster general for the time being, setting forth and describing the line of any such road, or the portion of any such road, in the said county of Dublin, which may stand in need of repair, by and with the consent of the lord lieutenant or other chief governor or governors of Ireland, to cause such road, or such portion thereof as shall be described in such application, and any or every bridge, arch, or pipe, gullet, or wall thereon, to be forthwith put into good and sufficient repair accordingly, under the superintendence of one of the county surveyors:

Where commissioners of public works agree to grant half of expence of public works, on presentment for the other half, commissioners may execute works, or allow grand jury to do so.

LXIII. AND be it enacted, that in all cases in which, under the powers vested in them by law in that behalf, the commissioners of public works in Ireland shall agree with the grand jury of the county of Dublin to grant one moiety of the expence of any road or other public work, on such grand jury bearing the payment of the other moiety thereof by presentment, it shall and may be lawful to and for the said commissioners either to execute the said work by persons employed by them, or to permit such grand jury to cause the same to be executed in the manner required by the said recited Act or this Act in other public works of the like nature: Provided always, that it shall not be lawful for such grand jury in any case to make a presentment for payment of such moiety, except after and upon an application for such work duly made to and approved at a presentment sessions in the manner required by the said Act.

Powers of commissioners of public works on undertaking repair and maintenance of roads.

LXIV. AND be it enacted, that whenever the said commissioners of public works in Ireland shall, under the provisions of this Act, or of the said Act of the first and second of William the Fourth, intituled "An Act for the extension and promotion of public works in Ireland," have undertaken the repair and maintenance of any public road, it shall and may be lawful for the said commissioners at all times thereafter to exercise all and every the same powers and authorities which are herein vested in any surveyor or contractor of the said county roads, or otherwise howsoever, or as the said commissioners, by the Act of the sixth of George the Fourth, chapter one hundred and one, intituled "An Act to provide for the repairing, maintaining, and keeping in " repair certain roads and bridges in Ireland," are invested with, as far as the said commissioners may consider the same or any of them necessary for the preservation and good order of such roads, and the removal of all nuisances

respectively holden, and such presentment shall appoint the last meeting of such sessions to be holden at the county court house of Kilmainham for the county at large; and it also shall be lawful for the grand jury at every such presenting term to direct by presentment what number of copies of the schedules of applications to be made at each such sessions shall be printed and distributed by the secretary of the grand jury.

Collectors shall make returns to grand jury of one hundred highest cess-payers in each district, or of whole number if less than 100.

LXIX. AND for the purpose of enabling the grand jury to prepare such list of cess-payers as herein-after mentioned, be it enacted, that every high constable or other collector of money levied by grand jury presentment shall, on the day when the grand jury shall be first impannelled at Michaelmas term next after the passing of this Act, and at each succeeding presenting term, deliver to the secretary of the grand jury a return of the names and places of residence of the one hundred persons, being males of full age, if so many there be, and if not, then of the whole number of persons resident or in actual occupation of lands, houses, or tenements in each district in said county, who, not being in holy orders, nor any minister of religion, and not being justices of the peace, shall have been charged with and shall have paid for land or houses actually occupied by them the highest sum or sums for grand jury rates or cess for and in respect of any lands or houses in such district under the last previous applotment, and that in such list he shall set forth the sum so paid by each such cess-payer respectively, and shall classify them according to the amount paid by each, and that the secretary shall immediately lay such return before the grand jury.

Grand jury shall fix number of cess-payers to be associated with justices, not less than five nor more than twelve, for each district; and shall reduce list furnished by collectors to treble that number.

LXX. AND be it enacted, that every such grand jury as aforesaid shall fix and determine the number of persons, not being more than twelve nor less than five, proper, with reference to the extent and circumstances of each district, to be associated with the justices at the presentment sessions to be holden therein for the purposes of this Act, and shall from the return aforesaid make out a list of treble the number so determined upon of persons, with their additions and abode, who, being males of full age, resident on and in actual possession of lands, houses, or tenements within such district respectively, shall, according to the return aforesaid, have paid the highest sum or sums for grand jury rates under the last previous applotment in each such district respectively: Provided always, that at every presenting term after the first day of January one thousand eight hundred and forty-five, except the first, the grand jury shall before they shall make out such list strike out of the return aforesaid the names of one half of the persons whose names appeared on the list made at the then preceding presenting term, selecting in the first instance the names of the cess-payers who were associated and acted with the justices at the presenting sessions.

Choice out of list as reduced of persons who shall be associated with the justices to constitute presentment sessions for each district,

LXXI. AND be it enacted, that the grand jury shall then cause the name of every person in such list for each district to be written upon separate pieces of parchment or card, as nearly as may be of equal size, with his respective additions and abode, which shall be put into a box for that purpose provided by the secretary of the grand jury; and the acting foreman shall in open court draw out one after another such number of the said cards or pieces of parchment as the said grand jury may have fixed and determined to be the proper number of cess-payers to be associated with the said justice or justices at each such sessions respectively; and such number of the said cess-payers so

gullet, or for building or repairing any wall or part of a wall necessary for the support of or to prevent any steep banks of earth from falling upon any such road, or in erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes lying on the side of any public road, or for maintaining any dispensary.

LXXXV. AND be it enacted, that the applications for any new works which it is proposed to charge upon two or more baronies in different presentment sessions districts of the said county, but not upon the county at large, shall and may be made at the presentment sessions holden for the barony off which it is proposed that the larger portion of the expence of such work is to be raised, without making the same at the presentment sessions for each of such baronies.

LXXXVI. AND be it enacted, that every application to be made at presentment sessions shall be lodged with the secretary of the grand jury twenty-one days at least before the day appointed for the holding of the first presentment sessions in such county next before each presenting term; and such secretary shall keep an office open for the purpose of receiving such applications during ten days immediately preceding the last day upon which such applications are required to be lodged with the secretary; and the said applications shall be open to public inspection without fee or reward; and such secretary shall, on the receipt of each application, endorse or cause to be endorsed thereupon the time when the same is lodged, and number and arrange all such applications, as the works therein comprised may be proposed to be defrayed by the county at large or by any barony thereof, and shall make an abstract thereof and an index thereto, referring to the numbers which he shall mark on each application, and cause the same to be printed and distributed, and a copy thereof posted in each district; and such secretary shall produce and deliver all the applications which shall have been lodged with him or delivered at his office as aforesaid at the sessions proper, as herein-before provided, for the consideration of the same, together with the abstract thereof and the index thereto.

LXXXVII. AND be it enacted, that the district surveyor shall examine all the applications so lodged with the secretary of the grand jury as aforesaid; and in case no application shall have been made for the necessary surface repairs of any public road or footpath, or for keeping up any public road or footpath during the ensuing year, or the keeping open of any drain adjoining any public road, or any other public work which to the said surveyor shall appear necessary, or likely to become necessary during the ensuing year, it shall be lawful and he is hereby required to make application for the same in the manner herein-after appointed at the next presentment sessions to be holden for the county at large or barony by which the expence of such work ought to be defrayed; and it shall not be necessary for the said surveyor to lodge any application made by him with the secretary of the grand jury, but such application, being delivered to the chairman at such sessions, shall be dealt with thereat in all respects in the same manner as the other applications which shall have been lodged with the secretary of the grand jury.

LXXXVIII. AND be it enacted, that every application to presentment sessions for any presentment other than a public work shall be made by or on behalf of the person or persons requiring such presentment; and every application to any such sessions for any public work shall be made by two persons paying

In case of works in more than one barony, presentments to be made in barony in which larger part of the work is situate.

Applications shall be lodged with secretary twenty-one days before presentment sessions.

Secretary shall have an abstract and index printed, and posted in district.

District surveyor may make application at sessions for necessary works not otherwise applied for, without previously lodging application.

Manner and form of applications.

refuse to
approve of
necessary
work.

Inquiry by
jury.

Grand jury
may be
directed to
present.

Memorialist
to deposit a
sum as security
for costs.

Sessions may
approve of
contract for
repair of
roads, &c. for
five years.

In cases of
absence or
death of party
making the
application,
sessions shall
decide.

Secretary
shall have
schedules of
approved
applications
printed, and

such sessions for such work to present a memorial to the judges of the Court of Queen's Bench at the presenting term for the county, stating such application, and the disapproval thereof at the presenting sessions, and praying that the judges may direct the grand jury to make a presentment for such work; and such memorial shall be lodged with the secretary of the grand jury at least six days before the first day of such presenting term, and the person presenting such memorial shall also cause to be inserted in some newspaper published or circulated in the county notice of his intention to apply at the next presenting term for such order, and such notice shall be published at least three times before the first day of such presenting term; and upon proof that such memorial and notices were lodged and published as hereby required it shall be lawful for the judges of the Court of Queen's Bench, or any of them, to cause a jury to be impannelled to try and inquire whether such work is a proper one to be executed, and, if so, to ascertain and state the expence thereof; and if the jury shall find that such work is a proper work to be executed it shall be lawful for the judge, if he shall think fit, to direct the grand jury to present that such work shall be done, either for the sum stated by the jury to be sufficient for the execution thereof, or such lesser sum as they shall think proper, or to refuse to make such presentment: Provided always, that no such memorial shall be proceeded upon unless the memorialist shall, at the time of lodging such memorial with the secretary, deposit with him the sum of twenty pounds as a security for such costs and expences as the judge shall direct to be paid thereout to any person or persons who may appear to oppose such application, or any witness summoned to attend on the hearing of the application.

LXXXI. AND in order to lessen the expence of keeping public roads in repair, and to obviate the necessity of making frequent applications to presentment sessions, be it enacted, that whenever any application shall be made in the manner herein-before provided for gravelling or repairing with small stones any public road, or for keeping open the drains on the side of any public road, or for gravelling or repairing any footpath on the sides of any such road, or for repairing the battlements of any bridge upon any such road, the justices and cess-payers associated in the business of such sessions shall consider whether it may not be proper to contract for keeping such road or footpath in repair; and if they shall be of that opinion, they shall fix and determine the period, being not more than five years, for which it is expedient that a contract should be made for that purpose; and the surveyor shall insert such period in his specification and form of tender for such works.

LXXXII. AND be it enacted, that in case any person who shall have signed any application in pursuance of this Act shall die, or be prevented by sickness or any unavoidable necessity from appearing at such sessions, it shall be lawful for the justice or justices and cess-payers thereat, or for the grand jury, to examine any other person or persons who shall have knowledge of the matter, and to decide upon such application, anything herein contained to the contrary notwithstanding.

LXXXIII. AND be it enacted, that so soon as may be possible after the presentment sessions shall have been holden at all the places and times appointed therefor in such county the secretary of the grand jury shall prepare and make schedules of the contents of all applications, save and except the

applications to be certified as herein-after provided, approved of wholly or in part, and which may have been delivered to him for such purpose by the chairman at each sessions, including in one schedule all such applications for works proposed to be charged and raised on the county at large, and in other separate schedules (videlicet, one for each barony,) all such applications for works proposed to be levied upon each barony, arranging all such applications in alphabetical order, and noting on the face of each schedule the particulars of the decision of the presentment sessions on each application; and such secretary shall forthwith cause copies of such schedules to be printed and distributed in such manner as shall have been authorized and directed by grand jury presentment at the presenting term immediately preceding; and the said secretary shall deliver a copy of such schedules to the high sheriff of the county for the time being, and to each surveyor, and shall, on the day when the grand jury shall next impanelled as herein-after directed, deliver one copy of the said printed schedules, together with the several printed applications, with any specifications, maps, plans, sections, or elevations of the works to which such application shall relate, which shall have been prepared by the surveyor, annexed thereto, to the foreman of such grand jury, and shall also deliver another copy of the said schedules to the judges of the Court of Queen's Bench; and the said secretary shall keep another copy of the said schedules in his office, for the inspection of the public, during three complete days at least immediately before the day when such grand jury shall be first impanelled, as herein-after provided.

shall lay same before high sheriff surveyor grand jury and Queen Bench.

LXXIV. AND be it enacted, that the grand jury shall, upon being impanelled and sworn as aforesaid, forthwith proceed to transact in open court all such business relating to presentments for raising money, public works, contracts, or the fiscal concerns of the county, as may be appointed for them, and to consider and decide upon all applications which shall be made for presentments, as herein-before provided, in the order in which the same shall be entered in the schedules to be prepared as aforesaid, beginning with the applications for works to be defrayed by the county at large, altering, where they may deem it necessary, the amount or time for executing each work, and examining all maps, plans, estimates, and specifications relating to each application; and the said grand jury shall be attended by their secretary and by the district surveyors, and shall hear and receive, and direct to be read aloud in open court, the several reports and certificates of any such surveyor, and shall have power and authority, at their discretion, to receive and obtain all legal and pertinent evidence which shall be tendered to them for or against the making any presentment, or in anywise relating thereto, or concerning any public work, or the execution of the same, if made wholly or in part at the expence of the county or any portion of the county, or any contract of or in respect of any of the matters aforesaid, and shall make presentments for all matters and things hereby directed to be presented for, specifying, in all presentments for county works, the maximum amount which shall be raised for the execution of such work, and whether such amount is to be raised off the county at large, or off any barony or parish or other denomination thereof, as the case may be; and the said grand jury shall sit de die in diem until all the business which may come before them of the nature hereby described be despatched; and if the whole of such business shall be concluded before the

Grand jury to consider and decide on all applications, and amount time for execution of work

and receive

Grand jury shall in presentments specify maximum amount, how it shall be raised

day appointed for fiatting the presentments, then the said grand jury may adjourn to such day ; and every grand juror who shall not attend pursuant to such adjournment may be fined by the judge for such non-attendance in any sum not exceeding ten pounds, at the discretion of the said judge.

Grand jury shall not make presentments, unless on application approved of at sessions, except in cases specially excepted, and in case of sudden damage.

LXXXV. AND be it enacted, that it shall not be lawful for any grand jury of the said county, any law, usage, or custom to the contrary notwithstanding, to make a presentment for any public work whatsoever, or for raising any money, for which an application shall not have been made and approved at sessions, either wholly or in part, as herein-before provided, save and except such presentments as may be herein specially excepted, and also save and except such presentments as may be necessary for the immediate repairs of sudden breaches or damages in roads, bridges, gulleys, walls, or buildings, which have happened so recently as not to admit of the proper applications having been made in manner before provided ; which fact, together with the necessity for the immediate execution of such repairs, shall be proved before the grand jury upon oath ; and in such case, although such application as aforesaid shall not have been lodged or approved as aforesaid, such grand jury shall nevertheless have power and authority to present for such repair any sum of money in such case necessary, and to authorize and empower any of the district surveyors to advertise for contracts for the execution of such work, such contracts to be laid before the next district sessions, or to execute such works, and account for the execution to the finance committee, as to such grand jury shall seem fit ; and the finance committee of the county shall, out of any monies to their credit available to the general purposes of the county, advance to such surveyor from time to time the monies, not exceeding the sum presented for such repairs, which may be required therefor ; and such monies so advanced shall be replaced by the monies raised and levied under the presentment which the grand jury have been herein-before authorized to make for such purpose.

Secretary shall advertise for tenders for contracts.

LXXXVI. AND be it enacted, that the secretary of the grand jury shall, immediately after the fiatting day of each presenting term, upon being furnished by each surveyor with the specification or form of tender for the execution of any such work as aforesaid, and the maps, plans, sections, and elevations belonging thereto, notify, by public advertisement or otherwise, in such manner as the grand jury shall have directed, his readiness to receive sealed tenders and proposals for the execution of such work during such period as shall have been appointed by the same authority for the reception of the same, and the time to which such sessions has adjourned for the opening of such tenders and proposals, and that forms thereof may be obtained at his office or elsewhere ; and such secretary shall accordingly cause to be printed and prepared a sufficient number of forms of such tenders and proposals, and furnish to any person who shall demand the same a copy thereof, receiving therefor the reasonable cost of preparing the same, not exceeding the sum of three-pence, and also take such other means as the grand jury shall direct for placing such forms within reach of persons who may have occasion to use them ; and each of such tenders and proposals shall be returned to him sealed or in an envelope, and shall contain a statement of the lowest sum for which the party making such proposal is willing to contract for the performance of the work or works specified and described in such notification, and shall be subscribed with the name, description, and residence of the party so desirous to enter

Forms to be provided.

Tenders shall be delivered in sealed envelopes.

Particulars to be contained therein.

into such contract, and also the names, descriptions, and residences of not less than two sufficient persons willing to be bound jointly and severally with him for the due and faithful performance of the said contract within the time and in the manner thereby prescribed, in a penal sum, double the amount of the said sum mentioned in such tenders and proposals, if the said sum shall not exceed one thousand pounds, but if such shall exceed one thousand pounds then in a penal sum exceeding the sum mentioned in such tenders and proposals by one thousand pounds in addition thereto; and all maps, plans, sections, and specifications relating to any such work prepared by the surveyor shall be open to public inspection in the office of such secretary, without fee or reward.

LXXXVII. AND be it enacted, that at the meeting of each such adjourned presentment sessions as aforesaid the secretary of the grand jury shall in open court produce, duly numbered and arranged, and with the seals unbroken, all the tenders and proposals which may have been delivered to him, and shall open consecutively all those relating to the same public work; and so soon as the lowest proposal made for the performance of each such work shall be ascertained, the party making such proposal, and his surety, shall be called; and if the said party and his sureties shall appear, and shall satisfy the justices and cess-payers at such sessions, upon oath or otherwise, of the sufficiency and ability of each and every of them to answer and make good the penalty therein—before specified for the nonperformance of such contract, and that such proposal has not been made for any unfair or fraudulent purpose, and shall thereupon enter into security for the due performance of such contract, conditioned in such penalty as aforesaid, in the form set forth for that purpose in the schedule No. 13., such proposal shall be accepted, and the party making the same shall be declared entitled to execute the work to which such proposal may refer, unless there shall appear some reason for rejecting it; but if the party making such proposal, and his sureties, shall not appear when called, or shall fail to satisfy the justices and cess-payers at such sessions in any of the particulars aforesaid, or shall decline to enter into such security as aforesaid, or if the presentment sessions shall see cause to reject it, then and in such case the proposal of the party making default as aforesaid shall be deemed null and void to all intents and purposes whatsoever, and the next lowest proposal shall be ascertained and dealt with in the same manner, and so on till the said security shall be entered into and the contract duly completed: Provided always, that if no proposal shall be made in respect of any work within the time limited for receiving such proposals, or if no proposal or tender shall be approved of by the presentment sessions, it shall and may be lawful for the said presentment sessions, if they think proper, to give such work in charge to the district surveyor, with power to expend a sum not exceeding the maximum fixed as aforesaid; and such surveyor shall cause such work to be executed, and shall account for the execution thereof to the finance committee in manner herein-after directed.

At a
sessi
tend
be o
cons

If
is
pr
ap
by
wo
be
cha
dist
sur

LXXXVIII. AND be it enacted, that such security so to be entered into by contractors under this Act, and their sureties, shall be a recognizance to her Majesty, her heirs and successors, and of like force, validity, and effect as other recognizances made to the Queen's Majesty; and at such adjourned presentment sessions any justices present, or the chairman, are and is hereby authorized

Cont
secur

to take such recognizance; and the secretary of the grand jury shall prepare the same, and come provided therewith, so as to prevent delay; and the expence of preparing the same, not exceeding six-pence, shall be defrayed by the party or parties entering therinto; and such recognizance shall be preserved in custody of such secretary until the condition of such recognizance shall have been fulfilled, and shall then be delivered up to the contractor or contractors therein named, or to any person by him or them duly authorized, to be cancelled.

Secretary shall keep book with particulars of contracts.

LXXXIX. AND be it enacted, that the secretary of the grand jury shall have charge of all such contracts as aforesaid, and shall provide and keep a book in which he shall insert an abstract of all such contracts, setting out the names of the several contractors, and the particulars of each contract; and, in the case of roads for the keeping in repair of which contracts may be or shall have been made, setting out the places whence and to which each road contracted for leads, and at what milestone, mearing, or noted place each road or part of a road under the charge of such contractor commences and ends, or the names of the occupiers of the lands where his contract commences and ends, and the number of perches of road included in each contract, and the rate per perch at which each contract has been entered into, and the whole annual sum which each contractor is to be paid, and the period for which each contract is made; and all contracts so entered in such book shall be numbered, and every such book shall have an alphabetical index referring to the number of each contract.

Mode of payment.

Grand jury shall appoint finance committee.

XC. AND be it enacted, that it shall be lawful for the grand jury at each presenting term, and they are hereby required, to appoint a finance committee, consisting of not more than twelve nor fewer than seven persons, residents within the county or city of Dublin, and being occupiers or owners of lands or houses within the county of the value of fifty pounds at the least; and such persons shall constitute the finance committee of the county, and shall have full power and authority to do, execute, and perform all such matters and things as the finance committee are by this Act authorized to do; and in default of the grand jury at any presenting term so appointing a finance committee it shall and may be lawful to and for the judges of the Court of Queen's Bench, and they are hereby required, to make such appointment.

Appointment by Queen's Bench on default.

Meetings of finance committee.

XCI. AND be it enacted, that the finance committee of the said county shall hold their first meeting at such time and place as shall be appointed by the grand jury, whereof public notice shall be given in such manner as shall be directed by the said grand jury, and shall meet from time to time, and adjourn from place to place, as they shall think proper, and as occasion shall require; and at all meetings three members shall constitute a quorum; and one of the members present shall be appointed chairman, and shall be entitled to vote on all questions, and in case of an equal division of votes upon any subject such chairman shall have an additional or casting vote; and the secretary of the grand jury shall attend the meetings of the finance committee, and shall act as their secretary, and make minutes of their proceedings, and render them such assistance from time to time as they may direct.

Three a quorum.

Secretary of grand jury to attend.

District sessions shall appoint road wardens.

XCII. AND be it enacted, that the justices and associated rate-payers at each adjourned district presentment sessions shall appoint two fit and proper persons to act as road wardens for such district until the next adjourned district

presentment sessions, or until others shall be appointed for such district; and it shall be the business and duty of such road wardens, within their respective districts, to examine into and report upon the state of the roads and other county works, whether in progress of repair or otherwise, to the presentment sessions, to the grand jury, and the finance committee, and to abate nuisances, and prosecute persons guilty of any offence against this Act.

XCIII. AND be it enacted, that immediately before the closing of each adjourned presentment sessions, whether for any district or for the county at large, the secretary of the grand jury shall prepare a list of the sums payable to each contractor, with a statement of the nature of the contracts entered into at such sessions, and setting forth likewise the amount which any district surveyor may be authorized at such sessions to expend upon any road or work, and the chairman shall certify the accuracy of the same by his signature; and such lists so certified shall be laid before the finance committee at their first meeting, and a copy thereof shall be entered on the minutes, together with a copy of all other presentments made by the grand jury, and filed by the court, under the authority of this or any other Act, and of the names of the persons in whose favour such presentments may have been made; and it shall be lawful for the finance committee from time to time, and as the funds of the county admit, to make orders for the payment of all persons entitled to payment under presentments of the grand jury made by the authority of this or any other Act; and every order shall be signed by the chairman for the time being of the finance committee, and two other members thereof, and countersigned by the secretary of the grand jury, and by him delivered to the person entitled to the same.

Chairman of each presentment sessions certify each or of persons Cert to be before comm

Finance committee for

XCIV. AND be it enacted, that any person who may contract for the execution of any work under this Act shall on the completion of such work, or whensoever by the terms of such contract he may be entitled to payment, give notice, in form schedule No. 11. or 12., as the case may be, to the district surveyor, and also to one of the road wardens, fifteen days at the least before the day appointed for the next meeting of the finance committee, of his intention to make application for payment, and to require such district surveyor or road warden to examine and report upon the execution of such work or performance of such contract; and such contractor shall also lodge with the secretary of the grand jury, fifteen days at least before the next meeting of the finance committee, a similar notice of his intention to apply for payment; and the secretary of the grand jury shall arrange all such notices, and annex to each the number by which the contract in respect whereof such notice or certificate may be given is distinguished in the book of abstracts which such secretary is hereby directed to keep, and endorse on such notice the date of the lodgment of the same; and such secretary shall lay all such notices before the finance committee, who shall examine into all such applications for payment, and inspect the notices and certificates, and examine the district surveyor or road warden, and all other persons whom they may think it necessary to examine, for the purpose of ascertaining the due execution of the work or matter contracted for, which examination may be upon oath in cases in which the finance committee deem it necessary or advisable; and the chairman of the finance committee is hereby authorized to administer the oath; and the said finance committee, upon being satisfied that the party so applying is justly

Contractor desired pay give district surveyor road and of g

Notice laid finance committee apply exam

Finance committee on behalf satisfied

to execution
of work, may
give order
for payment.

entitled to payment, may give an order for the payment of the whole or such portion of the sum in consideration whereof the contract may have been made as they shall deem just and right.

If finance
committee re-
fuse payment,
contractor
may appeal
by memorial
to Court of
Queen's Bench.

XCV. AND be it enacted, that if at any time the finance committee shall refuse to order payment to the contractor according to the terms of his contract, or to any other person engaged in the execution of any county work under the authority of this Act, and who on the due execution thereof would be entitled to such payment, they shall set forth the grounds of such refusal; and if such contractor or other person shall feel himself aggrieved thereby it shall be lawful for such person to present a memorial to the judges of the Court of Queen's Bench at the next Easter or Michaelmas term, stating the terms of his contract or the circumstances of his case, and the refusal by such finance committee to order payment, and praying that the judges may direct the grand jury to cause inquiry to be made into the facts stated in such memorial; and such memorial shall be lodged with the secretary of the grand jury at least one month before the first day of such term; and such secretary shall make known the same to the finance committee; and upon proof that such memorial was so lodged it shall be lawful for the judges of the Court of Queen's Bench, if they shall see reason so to do, to cause a jury to be impanelled to try and inquire whether or not such sum was rightly due to such contractor according to the terms of his contract; and if the jury shall find in the affirmative it shall be lawful for the judges of the Court of Queen's Bench to order the payment of such sum, not exceeding the amount of the contract, as to them shall seem just and proper; and it shall be lawful for the finance committee, at their next meeting, and they are hereby required, on a copy of the order for such payment being produced, to sign an order for the amount specified in such presentment: Provided always, that no memorial shall be proceeded upon, unless the memorialists shall, at the time of lodging such memorial with the secretary, deposit with him the sum of ten pounds as a security for such costs and expences as the judges may direct to be paid thereout to any person who may appear to oppose such application, or any witness summoned to attend on the hearing of the application.

Court may
hold examina-
tion by jury,
and make
order for
payment.

Memorialist
to deposit a
sum as security
for costs.

Finance
committee,
twenty-one
days before
each presenting
term, shall
make up half-
yearly county
accounts, and
each barony
account shall
be kept
separate.

XCVI. AND be it enacted, that at least twenty-one days previous to the commencement of the presenting term in each year a special meeting of the finance committee shall be called by the secretary, for the purpose of making up the county accounts for the preceding year; and a separate account shall be kept and made out and balance struck for each barony, and a statement shall be made of the sums not paid on account of presentments, and of the amount not received on account of the assessment upon each barony; and the finance committee shall classify the amounts paid by them during the year, according to the purposes for which the payments were made; and the accounts when made up shall be signed by the chairman of the finance committee, and shall be laid before the grand jury on the first day of the then ensuing presenting term; and such accounts shall recite the authority under which each payment shall have been made, and a copy or abstract thereof shall be printed with the abstract of presentments; and it shall be lawful for the grand jury to present any balance which after examination of the accounts may appear to be due by the county at large or any barony, such balance to be raised off the county at large or such barony respectively: Provided

Presentment
for balance
due from
county or
barony.

always, that the accounts of the finance committee shall be transmitted by the secretary to the proper office, and shall be examined and audited in the same manner and subject to the same regulations as the accounts of county treasurers, under and by virtue of an Act passed in the first year of her present Majesty's reign, intituled "An Act to provide more effectual means to make treasurers of counties and counties of cities in Ireland account for public monies, and to secure the same."

Account audited 7 Will. 1 Vict.

XCVII. AND be it enacted, that the clerk of the crown for the said county of Dublin shall, within fourteen days after the fiatting day of each presenting term, deliver to the secretary of the grand jury, without fee or reward, a copy, tested upon oath, and signed by himself, of all presentments which have been made and fiatated at such presenting term, and likewise copies of all series discharged and remaining undischarged, distinguishing the same; and the secretary of the grand jury shall from such copy forthwith make out an estimate of the amount to be raised in each barony or portion of a barony or parish in the county during the ensuing year under the authority of the baronial or local presentments made during such presenting term, and to meet the probable baronial expenditure during the ensuing year, and also of the amount to be raised upon each such barony respectively to defray its proportion of the general county charges under the authority of the presentments upon the county at large made during such term, and to meet the probable expenditure on the county at large during the ensuing year, and shall lay the same before the finance committee at their first meeting; and the finance committee shall consider and revise such estimate, and shall then declare and strike the amount to be levied off each barony and parish or denomination during the ensuing year, as well on account of the baronial charges as upon account of charges upon the county at large.

Mode of raising county — Clerk of crown, fourteen after his make a list of presentments. Secretaries shall make out est.

and the committee shall a proper be raised each barony &c.

XCVIII. AND whereas a valuation of the county of Dublin is now in progress under the provisions of an Act passed in the sixth and seventh year of his late Majesty King William the Fourth, intituled "An Act to consolidate and amend the several Acts for the uniform valuation of lands and tenements in Ireland," but it is necessary to make provision for the apportionment of the county charges upon each barony, and of the baronial charges upon each parish in the said county, until the period when such valuation shall be completed: Be it enacted, that for the purpose of enabling the finance committee to make such apportionment the secretary of the grand jury shall obtain from the clerks of the several poor law unions, the whole or any portion of which may be situate within the county of Dublin, a return of the amount of the last valuation made by the guardians of each union respectively of every parish and townland within such union which is situate in the said county of Dublin, which return the clerk of every such union is hereby required to make, and to certify under his hand to be correct; and the amount set forth in such certificate as the value of every parish or townland shall be taken to be the value of such parish or townland for the applotment or apportionment of the county charges under this Act: Provided always, that nothing herein contained shall authorize or empower the finance committee to make or apportion the county charges according to such valuation for any longer period than until the survey and valuation under the said Act, or any Act to amend the same, shall be completed, and a copy thereof inserted in the Dublin Gazette as directed in said Acts; and that from and after the first day of the presenting term next following such publication all county cess charges whatsoever, and all grand jury charges or rates imposed or to be imposed on the said county of Dublin by presentments of the grand jury, or to be raised off such county, or any barony, parish, or townland thereof, and all parish rates imposed or to be imposed, or levied or to be levied, under the authority of any Act or Acts, shall be assessed and levied off such county, and off every barony, parish, or townland therein, according to the proportions specified in such Act; any law, usage,

Until valuation under 6 & 7 c. 84. complete apportionment of baronial charges to be according to poor valuation

On completion of valuation charges assessed according to proportions specified in recited Act

or custom, or any former assessment or valuation, to the contrary in anywise notwithstanding. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Finance committee shall issue warrant to collector for levying the sums to be raised.

Warrant to remain in force for two years;

a transcript to be sent to the churchwardens.

A meeting to be convened for appointing applotters.

Sum required to be applotted on houses, &c. according to their value ;

and levied accordingly.

If no applotment made within 20 days, collector shall himself applot.

Houses of less than 5l. annual value not liable.

Grand jury cess may be levied by distress.

XCIX. AND be it enacted, that the finance committee, having duly ascertained the proportion of the county charges to be raised upon each barony, parish, or denomination according to such valuation, shall issue their warrant, under the hand and seal of the chairman of the committee, and countersigned by the secretary of the grand jury, to the several collectors, for levying and collecting the sums to be raised off each parish, which warrant shall set forth the amount to be raised off such barony, parish, or denomination by virtue of the presentments by the grand jury, with any uncollected arrears of the last warrant, and shall remain in force and effect for the term of two years next after the date thereof, notwithstanding the death, resignation, or removal of the person to whom it was addressed ; and shall authorize any collector for the time being to execute the same, unless the sums required by such warrant to be levied shall have been received, or unless the grand jury shall have re-presented the same ; and the person to whom such warrant is directed shall, within ten days after he has received the same, deliver or send to the churchwardens of each parish or denomination of land contained in such warrant, or in case there be no churchwarden of the same then to any principal residing inhabitant, a transcript of the said warrant, setting forth the sum he is required to levy upon the said parish or denomination, and to desire that the sum may be applotted thereon ; and every person who shall receive such account is hereby required, under the penalty of ten pounds, to be recovered by civil bill by any person who shall sue for the same, to post up within six days after the receipt thereof, on the door of the church or the usual place for posting notices in said parish or denomination, a notice signed by himself, setting forth that the landholders and householders of (here insert the name of parish, &c.) are hereby required to meet at (place of meeting), on the (here insert a day, not less than ten days or more than twenty from the date of such notice), to choose two or more persons to applot the sum of (here insert the sum), required to be levied upon such parish or denomination by the warrant of the finance committee of the county ; and at such meeting the landholders and householders then present shall choose two or more persons to be applotters ; and the persons so chosen shall, within fourteen days from the time they shall be so chosen, applot the sum so to be levied upon such parish, townland or denomination, fairly and justly according to the relative annual value of the several lands, tenements, and houses therein contained, stating as accurately as they can the name of the occupier of each house or tenement, and shall make oath before any justice of the peace for such county that they have made the said applotment justly, according to the best of their skill, without favour, affection, or malice, the jurat of which oath shall be endorsed on the applotment ; and such applotters shall deliver such applotment, so verified upon oath, to the person empowered to collect such grand jury cess, under the penalty of forfeiting for every day they shall omit to deliver the same, after the said fourteen days, the sum of twenty shillings, to be recovered by civil bill by any person who shall sue for the same ; and the collector, on receiving such full and sufficient applotment, is hereby required and authorized to levy the said money according thereto ; and in case no full and sufficient applotment shall be returned within twenty days after the time fixed for the appointment of the applotters, then in such case it shall be lawful for such collector himself to applot the sum required by the warrant to be levied off such parish or denomination on the several lands, premises, and houses therein, according to the best of his judgment [Rep., Stat. Law Rev. Act, 1874 (No. 2).] : Provided always, that no house shall be liable to county cess, the yearly value of which shall not be at the least five pounds.



CI. AND be it enacted, that every person duly authorized to levy any grand jury cess off any barony, as soon as he shall have received or shall have made the applotment of such cess, shall forthwith proceed to collect and levy

one moiety thereof according to such applotment, and the other moiety thereof after six calendar months from the date of such warrant; and each of such moieties may be levied by distress and sale of any goods and chattels of every person refusing to pay the proportion therein applotted for him or her to pay which may be found on the premises chargeable, rendering to the owner the overplus, if any, after deducting the expences of distraining, not exceeding twelve-pence in the pound on the sum for which such distress may have been made; or in case the collector shall not think it expedient to proceed by distress, then and in such case such collector shall leave or cause to be left at the dwelling house or usual place of residence of the party chargeable for or in respect of such premises a notice, bearing date the day and year of serving the same, subscribed with the name and abode of such collector, requiring payment of the sum or moiety of the sum applotted within six days from the date of the notice, and expressing that within six days the money demanded may be paid to the collector at his house or office; and if such money be not so paid within such time then it shall be lawful for such collector to prefer a complaint to any justice of the peace for the county in which the party may reside, and such justice shall summon the party so complained against to appear before him and answer the said complaint, and shall, at the time specified in such summons, examine into the matter of such complaint on oath, (which oath the justice is hereby empowered to administer,) and shall direct the payment to be made to a collector of such money as he shall find due and payable under such applotment by the party complained against, together with a sum certain as aforesaid for such reasonable costs and charges as to such justice shall seem meet; and in default of the appearance of such party, or upon his or her refusal or neglect forthwith to pay the sum or sums so by such justice directed to be paid, it shall and may be lawful for such justice, or for any justice of the peace for the county, to issue his warrant authorizing and empowering the said collector to levy the money thereby ordered to be paid by distress and sale of the goods or chattels of the party so complained against which may be found within any part of such county, rendering the overplus, if any, to him or her, the necessary charges and expences of distraining being thereout first deducted, as directed by such justice; and if sufficient distress cannot be found within the same county, then, on oath thereof made before any justice of the peace for any other county in which any of the goods and chattels of such party may be found, (which oath such justice shall administer, and certify by endorsing in his handwriting his name on the warrant granted to make such distress,) the goods or chattels of such party so refusing or neglecting to pay as aforesaid shall be subject and liable to such distress and sale in such other county where the same may be found, and may by virtue of such warrant and certificate be distrained and sold in the same manner as if the same had been found within such first-mentioned county.

Distress to be levied on premises chargeable;

or collector may summon defaulter before a justice;

who may issue warrant of distress on the goods of the defaulter in the county.

Warrant may be extended to other counties.

CII. AND be it enacted, that the sum or proportion of grand jury cess to be raised off each barony under the warrant of the finance committee, and applotted for any person to pay, shall be a charge upon the lands and premises, houses and tenements, mentioned in such warrant and applotment, and shall be paid and payable by the person or persons occupying the premises respectively at the time such cess is levied thereout, although such person or persons did not occupy the same at the time such cess was imposed, and, when

Cess shall be a charge on lands, &c., and shall be paid by person in occupation when levy made.

Sums not exceeding 50*l.* recoverable before civil bill court.

the sum payable by any person or persons does not exceed fifty pounds, may be sued for by civil bill, in the name of the collector, before the chairman of the sessions of the county of Dublin, or assistant barrister having jurisdiction to hear and determine causes by civil bill in the county, place, or district in which the person liable to pay the same resides.

Collectors shall pay into the Bank the sums received each month, and shall furnish finance committee with statements, vouchers of payments, &c.

CIII. AND be it enacted, that every person duly authorized to collect and levy the grand jury cess aforesaid shall on or before the first day of each month, or so often as he shall have received one hundred pounds, pay into the Bank of Ireland, to the credit of the finance committee, the sums he may have received up to such period, and shall furnish to the secretary of the grand jury an account of the sums so received, setting forth particularly any sums received on account of arrears of cess, and shall, at all times when required so to do, exhibit to the finance committee any books, applotments, accounts, or vouchers which they may require; and any collector receiving any sums of money, under colour of his warrant, otherwise than according to the applotment, or neglecting or refusing to furnish to the finance committee such information, accounts, and vouchers as they may at any time require, or not using due diligence in the collection of the county rate, may be suspended or dismissed from his office by such finance committee; and immediately upon his suspension or dismissal he shall deliver up to the secretary of the grand jury his warrant, applotment, and all other papers, accounts, or documents of or belonging to his office as collector; and if any such person shall refuse or neglect to deliver up such warrant, applotment, papers, accounts, and documents, when required to deliver them by an order of the finance committee, it shall be lawful for the finance committee to direct the secretary of the grand jury to summon such person before any justice of the peace for the said county, who may commit such person to the county gaol, there to be detained till such documents be delivered up: Provided always, that no collector shall be dismissed as aforesaid without a special summons of the said finance committee by the secretary of the grand jury, and that at such special meeting not less than five members do constitute a quorum.

Collectors improperly collecting, or not using due diligence, may be dismissed.

Collector's fees shall be added to sum to be applotted.

CIV. AND be it enacted, that it shall be lawful for the finance committee to add to the amount of the warrant issued by them in respect of each barony the amount of the collector's fees upon the sums to be collected for such barony, and the same shall be collected and paid into bank by each collector, together with the sums presented by the grand jury; and when one moiety of the sum to be collected shall have been paid in it shall be lawful for the finance committee to give an order for one half the amount of his fees to the collector having so paid in the moiety of his collection; and on the finance committee being duly satisfied of the diligence and assiduity of the collector in completing his collection as far as possible it shall be lawful for such finance committee to give an order for the fees due on the balance of the sum collected.

How fees shall be paid.

Notices of applications under this Act, how to be promulgated.

CV. AND be it enacted, that a notice in writing of every application for any work intended to be made at any presentment sessions holden under the provisions of this Act, or for any payment, shall be affixed, by or on behalf of the person or persons intending to make such application, on or immediately adjacent to the doors of every police station or barrack within such parish or parishes wherein the work to which such applications shall relate is proposed to be executed, and at the places (if any) appointed by the grand jury for

posting notices herein ; and such notices shall be so affixed at the time by this Act directed ; and a copy of every such notice shall be delivered to the clerk of the petty sessions of the district where the work for which such application is intended to be made or the greater portion thereof is to be performed ; and the notice of every such application shall be delivered to the district surveyor *ten days* before the day appointed for holding presentment sessions previous to each presenting term : Provided always, that the delivery of any such notice to the baronial high constable fifteen days before the day appointed for holding such sessions shall be deemed to be due notice to the said surveyor ; and any baronial high constable to whom any such notice may be delivered shall transmit the same to the said surveyor within five days after he shall have received the same ; and it shall not be necessary to deliver any such notice, other than the application itself, to the secretary of the grand jury.

CVI. AND be it enacted, that the secretary of the grand jury shall cause to be printed, immediately after the adjourned presentment sessions for the county at large, an abstract book of all presentments made during the preceding presenting term, and also of all contracts entered into at the adjourned presentment sessions, arranging such presentment sessions and contracts under their respective heads, distinguishing the presentments upon each barony, or in such manner as the grand jury shall direct, classifying imperative presentments separately, and shall cause to be appended to said book an abstract of the accounts of the finance committee, as laid before the grand jury at the preceding presenting term, and an abstract also of the applotment made by the finance committee for the ensuing levy.

CVII. AND be it enacted, that every contractor for the execution of any county work under the authority of this Act shall pay his labourers or artificers in money, and at intervals of not more than twenty-one days ; and every contractor shall directly or indirectly pay any labourer in goods, or in any manner otherwise than in money, or shall directly or indirectly attempt to persuade or induce any labourer in the employment of such contractor to take goods in lieu of such wages, or to expend his wages in any particular shop or for any particular purpose, he shall be liable to be summoned before the justices assembled at any petty sessions, on complaint of the party aggrieved, or any other person, and such justices are hereby authorized to hear such complaint, and adjudicate thereon ; and if such contractor shall be convicted thereof he shall forfeit and pay such sum not exceeding five pounds as to such justices shall seem fit ; and if any contractor shall neglect to pay any labourer in his employment at intervals of not more than twenty-one days all wages that may be due to him, save and except the earnings of one whole week, he shall be liable to be summoned before the justices assembled at any petty sessions, on complaint of the party aggrieved, for recovery of any wages or money payable to any person employed by them in the execution of such works, so as the sum demanded do not exceed six pounds, and such justices assembled as aforesaid are hereby authorized and required to hear such complaint, and adjudicate thereon ; and it shall be no defence to such complaint that such contractor has not himself received any payment upon foot of his contract ; and the decision of such justices shall be final, and the sum adjudged to be due shall be levied, by warrant of distress under hand and seal of any two such justices, off the goods and chattels of such contractor.

Secretary shall cause abstracts of presentments and contracts to be printed with an abstract of accounts of finance committee, and of applotment

Contractor shall pay labourers in money, at intervals of not more than 21 days. Penalty for paying or attempting to pay in goods.

Contractor may be summoned for non-payment of wages.

Contractor neglecting to perform contract may, with his sureties, be summoned before petty sessions.

CVIII. AND be it enacted, that if in the opinion of the district surveyor or any road warden the contractor for any county work shall be guilty of neglect or inattention in the performance of his contract, it shall be lawful for such surveyor or road warden to summon the said contractor and his sureties before the justices at petty sessions of the district in which such work may be situate; and if such charge of neglect or inattention be established before such justices, it shall be lawful for them to make an order directing the said contractor and his sureties to complete his contract within a period to be stated in such order; and if at the expiration of such period the district surveyor or road warden shall still see reason for being dissatisfied with the manner in which such work has been executed, it shall be lawful for them again to summon the contractor and his sureties before the justices at petty sessions, and the justices shall thereupon proceed to inquire into and finally adjudicate upon the complaint; and if it shall appear that such work has been insufficiently executed, and contrary to the terms of the contract, it shall be lawful for such justices, having ascertained the amount which it may require for the completion of such work according to the contract, to authorize such surveyor or road warden to complete the same, and to levy such amount by warrant of distress upon the goods of such contractor or his sureties.

Surveyor or road warden may be authorized to complete the works.

Any two justices at petty sessions may order sums not exceeding twenty pounds for repair of sudden damage to bridge, or ten pounds to road, &c.

CIX. AND be it enacted, that any two justices of the peace at petty sessions in the said county may, under their hands and seals, order any sum not exceeding twenty pounds to be expended in repairing any bridge, or any sum not exceeding ten pounds to be expended in repairing any public road, or any pier or quay on the bank of any navigable lake or river, now or hereafter to be built by grand jury presentment, which may be suddenly damaged, provided it shall appear, upon the view of both of them, that the repairs of such bridge or road or such pier or quay cannot be delayed until the next presenting term without prejudice to the public; and it shall be lawful for such justices to appoint a proper person or persons to repair the same; and the grand jury of the said county is hereby empowered to present, without previous application at presentment sessions, at the next presenting term, the sum so expended in repairing any such bridge or road which is liable to be repaired by the county at large to be levied on such county at large, and any sum so expended in repairing any road or work herein directed to be repaired by any barony to be levied on the barony wherein the same is situate, and any sum so expended in repairing any such pier or quay to be levied on the county at large; and the sum so presented in the said several cases shall be paid to the person or persons so appointed by such justices to make such repairs, upon his or their producing such order under the hands and seals of the said justices, and also a certificate under the hand of the district surveyor, that the sum specified in such order appears to have been faithfully and honestly expended pursuant thereto: Provided always, that the same justices of the peace shall not make or sign more than one order for the expenditure of any sum as aforesaid for the reparation of the like sudden damage between the termination of one presenting term and the commencement of another.

Sums expended to be presented.

Penalty for giving money for any appointment.

CX. AND be it enacted, that if any person shall, at any time after the first day of January one thousand eight hundred and forty-five, by himself, his friends or agents, directly or indirectly give or promise to give any money, or

any security for money, or other consideration, to any person or persons, in order to procure the appointment to the office of clerk of the peace, secretary of the grand jury, surveyor, or any other office or employment in this Act mentioned, or in order to procure the resignation of any person or persons holding such office, or in order to influence the votes of the persons who may have the appointment to such office, he shall be incapable of holding any such office or employment, and shall forfeit for every such offence a sum of one hundred pounds to any person who will sue for the same; and such sum may be recovered by civil bill before the chairman of Kilmainham, or by action in any of the superior courts; and every person appointed to any such offices at any time after the first day of January one thousand eight hundred and forty-one shall, at the presenting term next after his appointment, subscribe in open court before the foreman of the grand jury, and deliver to him, a declaration in the form in schedule No. 16. to this Act annexed, and the same shall be preserved by the clerk of the crown among the records of the county; and no presentment shall be made for any salary to any such officer until he shall have so subscribed and delivered such declaration.

Declaration to be made by person appointed

CXI. AND be it enacted, that nothing in this Act contained shall be construed to limit or affect the powers, duties, or authorities of grand juries to make any presentments which they are authorized or required to make under and by virtue of an Act passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled "An Act for consolidating the laws relating to prisons in Ireland": Provided always, that it shall not be lawful for any grand jury to make any presentment under the provisions of the said recited Act for any salary or compensation to any keeper, turnkey, or matron of any gaol, penitentiary, bridewell, or house of correction, or for building, rebuilding, altering, enlarging, or repairing any gaol, bridewell, house of correction, or other prison, (except in the case of repairs made under the provisions of the said recited Act, in consequence of any fire or other sudden accident which may happen to any such gaol, bridewell, house of correction, or other prison,) unless application for such presentment shall have been made and approved at presentment sessions in the manner herein-before directed and provided: Provided also, that all contracts which any grand jury is authorized to make or enter into under the provisions of the said recited Act shall be made by sealed tenders and proposals, to be delivered, opened, and dealt with, and security to be taken, in like manner as herein-before provided with respect to other contracts for public works, any thing in the said recited Act to the contrary notwithstanding: Provided also, that no such contract shall be entered into, nor any presentment made thereupon, save upon and after an application made and approved at presentment sessions, as herein-before directed.

Power reserved to presentment under 7 Geo 4. c. 74.

Presentment to be applied at session

Contract to be made tender.

CXII. AND be it enacted, that it shall be lawful for any grand jury at any presenting term to re-present any such sums of money as now are or at any time hereafter shall be unpaid or in arrear out of any denomination or barony, to be raised and levied on such denominations or barony upon which the same was originally required by the warrant of the finance committee to be levied, and to present all such sums of money which have hitherto been or which shall at any time hereafter remain unpaid on account of the absconding or insolvency of any collector or other person empowered to receive or collect public money

Power to re-present arrears by barony or unpaid defalcation collector.

Application
of money
subsequently
recovered from
collector, &c.

who is or shall be insolvent, without prejudice to the liability of such collector or of his sureties, to be raised and levied either upon the county or upon the barony in which the same was before levied, as they shall think fit, which sums shall be levied in the same manner, and subject to the same rules, regulations, provisions, and powers, as any money to be levied by virtue of this Act is to be subject; and in case any money so in arrear or so detained by any collector or other person empowered to collect or receive public money shall be thereafter recovered it shall be paid to the credit of the finance committee; and such money so paid, and any balance, arrears of or surplus on the salary of any county officer, and all other such like surplus and balances of money raised by authority of this Act, or which may any how arise to the credit of the finance committee, shall be applicable to defray the expences of any public work, or any county charge whatsoever which the grand jury are authorized to present under the provisions of this Act, and shall be presented by the grand jury for such of the said purposes as to them shall seem expedient: Provided always, that such sum shall be applied to the credit of the barony off which it was originally levied: Provided also, that before it shall be lawful for any grand jury to re-present any sum of money as unpaid or in arrear out of any barony or denomination it shall be made to appear by affidavit of the collector to such grand jury that such sum is actually in arrear and unpaid by such barony or denomination respectively, and that it could not have been levied from the persons or out of the lands or houses charged with or liable to pay the same.

County
buildings may
be insured, and
premiums, &c.
presented.

CXIV. AND be it enacted, that it shall be lawful for the secretary of the said county for the time being to effect a policy or policies of insurance against fire on any public building or other public property which he shall be directed by the grand jury to insure, and for such sum as he shall be so directed; and such policy shall vest in the secretary for the time being, and the sum thereby secured shall be payable to him as part of the public fund of such county, and shall be lodged by him to the credit of the finance committee, and shall be applied to public purposes, from time to time, as the grand jury shall direct, by any presentment, sanctioned and approved of by the judges of the Court of Queen's Bench at the presenting term at which such presentment may be made; and the grand jury shall have the power, without any previous application at the sessions, and are hereby required, to present, to be levied off the county at large, the premium and other charges payable on such policy, and for continuing the same; and the finance committee shall from time to time pay such premium.

5 & 6 Vict.
c. 96.

CXVII. AND whereas that part of the road from the city of Dublin to Kingstown and Bray, commencing at the bridge usually called Macartney's Bridge, in the city of Dublin, and ending at the Cross of the Blackrock, was situate within the city of Dublin, and was repaired by presentment of the grand jury of the said city, until the passing of an Act of the fifth and sixth years of her Majesty's reign, intituled "An Act to alter the number and define the boundaries of the several baronies of the county of Dublin," whereby the district through which the said road passed was made and constituted a separate barony in the county of Dublin, by the name of the barony of Dublin:

And whereas from the great traffic on the said road it requires frequent and expensive repairs, the cost of which, the barony of Dublin being of small extent and value, would prove burdensome upon the inhabitants thereof: And whereas a great portion of the said road is bounded on one side by the barony of Rathdown, and it is just and reasonable that the inhabitants of the city of Dublin and the inhabitants of the barony of Rathdown, as well as those of the barony of Dublin, should contribute towards the repairs of the said road: Be it enacted, that it shall and may be lawful to and for the grand jury of the city of Dublin at any Easter term, conjointly with the grand jury of the county of Dublin, to enter into a contract with the Board of Public Works in Ireland, or any other parties, for the maintenance and repair of the said road for any period not exceeding five years, and for such term annually as shall be agreed upon between the said grand juries and the said board of works or parties aforesaid; and that the amount of such contract shall be divided annually into three parts; and the grand jury of the said city of Dublin is hereby required to present at each Easter term the one third of such amount to be expended annually during the continuance of such contract upon the city of Dublin, and the grand jury of the said county is hereby required to present at each presenting term for the county one third of such amount to be raised upon the barony of Rathdown, and the remaining third upon the barony of Dublin, any thing herein or in any other Act contained to the contrary notwithstanding.

Expenses of repairing & from Dublin to Blackrock to be raised one third of the city, one third of the barony of Rathdown, one third of the barony of Dublin. Grand jury of city and county to be into contract for repairs.

CXVIII. AND if it should happen that at any Easter term the two grand juries should not agree as to the estimate or contract laid before them at such Easter term, or that they should omit or neglect to present as aforesaid, be it further enacted, that it shall and may be lawful for the lord lieutenant in council, upon a requisition signed by the foreman on behalf of either grand jury, to make such order to the commissioners of public works for the repair of all that portion of said road herein-before recited, and which shall be deemed necessary to be repaired by said lord lieutenant in council; and that the grand jury of the county of Dublin, together with the grand jury of the city, are hereby required to present at each Easter term any sum or sums so expended by said commissioners of public works, according to the proportions therein-before directed.

In case of neglect of grand jury commissio of works to repair road on order of lord lieute and grand juries to present expen thereof.

CXIX. AND be it enacted, that during the continuance of the said contract or contracts as aforesaid a statement and account of the actual condition of the said road, and of the expenditure of all monies received by parties so contracting, shall be laid by the commissioners of public works, (or by some person acting on their behalf, and authorized by them,) or by such other parties contracting as aforesaid, before the united grand juries of the county of Dublin and county of the city of Dublin, upon some day to be by them appointed in each Easter term for that purpose; and said commissioners of public works, or some person acting on their behalf, or other parties so contracting, shall attend before the said grand juries at each Easter term, and give whatever information they or either of them (the said grand jury) may deem necessary relative to such statement and account.

Parties contracting & repairs of road to be statement account, to attend grand jury

CXX. AND be it enacted, that in all cases where by this or any Act or Acts now in force in Ireland repayment is to be made by grand jury presentment of any money advanced out of the consolidated fund, or from any other public

Payment of money raised by presentment for repayment

of sums advanced out of consolidated fund.

fund, the same shall from and after the passing of this Act be paid and payable unto such bank or person, and in such manner, as the lord high treasurer, or the commissioners of her Majesty's Treasury, or any three of them, shall from time to time think fit to direct and appoint.

Court shall make order for such sums to be levied if grand jury refuse to present.

CXXI. AND be it enacted, that in case the grand jury at any presenting term shall neglect or refuse duly to present any money which, under the provisions of this Act, or of any Act now in force in Ireland, or of any Act passed or to be passed in this present session of Parliament, such grand jury may be required to present at such presenting term upon the certificate of the chief or under secretary of the said lord lieutenant or other chief governor or governors of Ireland, or otherwise, for the purpose of reimbursing or replacing any monies issued out of the consolidated fund of the United Kingdom of Great Britain and Ireland, the court shall have power to make an order directing the sum or sums which ought to have been so presented to be raised and levied as if the same had been so presented; and such order shall have the force and effect of a presentment, and the treasurer of the county or finance committee shall insert the sum mentioned in such order in the warrant, and the same shall be apportioned, raised, and levied, and applied in like manner, to all intents and purposes, as if the same had been duly presented by such grand jury.

Compensation for malicious injury.

CXXII. AND be it enacted, that from and after the commencement of this Act, in all cases of maliciously or wantonly setting fire to, burning, or destroying any house, outhouse, or other building, or any haggard, corn, hay, straw, or turf, or of maliciously setting fire to, burning, or sinking any boat or barge laden or unladen, or of maliciously killing, maiming, houghing, or injuring any horse, mule, ass, or swine, or any horned cattle or sheep, or of maliciously damaging, injuring, or destroying any bank, gate, lock, weir, sluice, bridge, dam, or other work, belonging to any person, public canal or navigation, any person or persons injured by any such offence, and intending to apply for compensation for any loss or damage sustained thereby, shall serve notice in writing of such injury and of such his or their intention upon the high constable of the barony, and the churchwardens of the parish, and at the nearest police station, or, if there be no churchwarden or high constable, then upon two of the principal inhabitants of the parish wherein such offence shall have been committed, within six days at least after the commission of the same; and shall lodge with the high constable or secretary of the grand jury, in like manner and time as applications for presentments for public works are herein-before directed to be lodged, an application setting forth the loss or damage occasioned by such offence, and stating the time and place when and where such injury was done, the particular property consumed, injured, or destroyed, and the amount of damage thereby sustained, and by what number of persons, and whom, by name and description, such injury was done, if such offender or offenders shall be known, and if not, stating such particulars respecting such offender and offenders as may be known; and like notices shall be posted of such application as herein-before prescribed in cases of other applications to presentment sessions; and such application shall be scheduled by the secretary of the grand jury, and by him dealt with in all respects as other applications under this Act; and the presentment sessions shall examine into the serving and posting the notices of such application, and into the merits of the same,

Notice of intended application to be given within six days to churchwardens.

Application to be made to sessions, and disposed of by grand jury.

and the chairman shall endorse their opinion thereupon, and such secretary shall deliver such application so endorsed to the grand jury at the next presenting term; and the said grand jury shall examine into the matter of such application, upon the oath of the party injured, or such other evidence as can be produced touching the said offence; and the said grand jury shall, on the consideration of the said matter, either disallow such application altogether, or present such sum or sums of money as the person or persons so injured ought to receive for such injury or damage, to be levied off the county at large, or such barony, parish, district, townland, or sub-denomination thereof; and the grand jury shall direct.

CXXIII. AND be it enacted, that every application under this Act for compensation for loss or damage occasioned by any malicious injury as aforesaid shall be made at the presentment sessions which shall be holden next before the presenting term after the commission of such offence for the barony where the same shall have been committed, unless any such malicious injury shall have been done after the day appointed for holding the first presentment sessions before the next presenting term, or so near the day of holding the same that such application for compensation cannot be duly lodged as hereinbefore directed; in either of which cases the person or persons so injured shall make such application at the presentment sessions which shall be holden for the barony where such offence shall have been committed before the presenting term which shall take place next after that following the commission of such offence, and the notices of such applications shall be posted accordingly; and it shall not be lawful for any grand jury to make any presentment for compensation for malicious injury under the provisions of this Act, except at the presenting term next ensuing to the presentment sessions where application shall have been made therefor.

CXXIV. PROVIDED always, and be it enacted, that every person or persons who shall under the provisions of this Act apply for compensation for any loss or damage occasioned by malicious injury as aforesaid shall, within three days after the commission of the said injury, unless prevented by illness or other sufficient cause, give in his, her, or their examination, or that examination upon oath shall be given by his, her, or their servant or servants who had the care of his, her, or their property so injured, before some justice of the peace of the county, thereby specifying whether he, she, or they do know the person or persons who committed the said injury, or any of them; and in such case such examinant or examiners shall be bound by recognizance to prosecute such offender or offenders, by indictment or otherwise, according to the laws of this kingdom.

CXXV. AND be it enacted, that all such applications whatsoever for compensation for loss or damage sustained by malicious injury shall be laid by the acting clerk of the crown before the judges of the Court of Queen's Bench on the first day of the next presenting term; and in case any person paying grand jury cess for the said county, or any barony chargeable with the sum presented by the grand jury, upon any such application shall be desirous of opposing any such presentment, or in case any person whose application for compensation shall have been disallowed by the grand jury shall wish to have his or their application re-considered, such cess-payer or person or persons applying for compensation shall be heard; and in either of such cases the

Applicati
to sessio
when to
made.

Persons i
jured to
in exami
tions wit
three day
and decl
whether
know th
party co
mitting
damage.

Exam
shall be
over to
cute off

When p
sentment
opposed
applicati
disallowe
jury may
sworn by
of Queen's
Bench to t
the matter

and present-
ment dis-
charged,
altered, or
fiated accord-
ingly.

judges, if they shall so think fit, shall direct a jury to be forthwith impanelled to try the matter of such presentment or application respectively at nisi prius, and according as the issue shall be found for or against such cess-payer the judges shall discharge, alter, or fiat such presentment; and in case of application disallowed, if the issue shall be found for the person or persons applying for compensation, the judges of the said court shall direct the grand jury for the time being to make presentment thereupon accordingly, otherwise such application shall be discharged; and all verdicts of juries impanelled as aforesaid to try any such issues shall be final and conclusive to all persons whatsoever; and it shall be lawful for the said judges to award, by rule for that purpose, costs to the parties for whom the issue shall be found against the other party or parties respectively, in any sum not exceeding ten pounds sterling; and the said judges are hereby empowered to direct and issue forthwith an order or orders in the nature of an execution against such last-mentioned party or parties respectively, which said order or orders the sheriff of such county is hereby required to execute, in the same manner as in cases of execution against the chattels and effects of defendants.

No present-
ment for com-
pensation to
be removed by
certiorari, or
quashed for
want of form.

No traverse
shall be al-
lowed, save as
herein directed,
nor any action
for damage be
brought by
person injured
against
magistrate or
inhabitants
of parish.

Mode of
obtaining
compensation
for injury
committed
near boundary
of the county.

CXXVI. AND be it enacted, that no presentment for compensation for loss or damage as aforesaid shall at any time be removed by certiorari, nor shall any such presentment be at any time quashed for any informality, imperfection, or defect in form whatsoever; and no traverse, save as herein-before directed, shall be allowed or received to any presentment, nor shall any action or suit for the recovery of any satisfaction or damages sustained by reason of any injury for which the person or persons injured thereby may be entitled to apply for compensation under the provisions of this Act be brought or prosecuted against any chief or other magistrate, or any inhabitant or inhabitants of any parish, or other person or persons whatsoever, any Act or Acts now or heretofore in force in Ireland to the contrary notwithstanding.

CXXVII. PROVIDED also, and be it enacted, that in case such burning or other malicious injury as aforesaid shall be committed on the verge or within the distance of one mile of the boundary between the said county of Dublin and any one or more counties, the person or persons who shall sustain such injury may apply for compensation in the manner herein-before directed in either or any one of such counties; and such application, if made in the county of Dublin, shall be made in the manner herein-before directed, but if in any other county in the manner authorized and directed by any Act or Acts in reference to such county; and all proceedings shall be taken thereupon as herein-before provided with respect to other applications for damages for malicious injury; and in case any sum or sums of money shall be presented by the grand jury of the county where such application shall be made, or shall be finally awarded by the verdict of any jury, as and for compensation to the person or persons applying as aforesaid, the judge at the assizes of such county, or at the presenting term for the county of Dublin, shall have power and authority to apportion the amount of such compensation amongst such counties or any baronies thereof, and shall direct the proportion of the same which shall be paid by them respectively, and shall certify the same accordingly; and such presentment shall thereupon be diminished, or presentment made, according to the proportion which the said judge shall direct to be paid by such county; and the grand jury or grand juries of the said other county or

Costs of
unsuccessful
traverse, &c.

Notice of
traverse, &c.

Presentments
for new roads,
&c. may be
traversed for
damages by
occupiers, &c.
of lands
affected.

Presentment
for amount
of damages.

Contractor
and surveyors
may take
materials for
roads, &c.

not having complied with the terms of his agreement, or with the provisions of this Act; and the court at each presenting term is hereby authorized and required to try the truth of the fact by a jury, in the same manner as any traverse within the jurisdiction ought to be tried; and it shall not be lawful for the clerk of the crown or clerk of the peace to take any fee in respect of such traverse, and costs shall be paid by the party against whom such traverse shall be found: Provided always, that although there shall be verdict against such traverse, yet if the court shall be of opinion that there was reasonable and probable grounds for traversing such presentments, or the application of such contractor, the costs shall be paid by the finance committee from and out of the county monies to their credit; and the grand jury shall present the same, without previous application to presentment sessions: Provided also, that every person intending to traverse any presentment or payment for which it is by this Act required that application shall be made at the presentment sessions shall give notice in writing of such intention to the secretary of the grand jury within two days after the first day of such sessions, and the same or any other presentment shall be traversed only at the presenting term at which the presentment shall be made.

CXXXV. AND be it enacted, that it shall be lawful for any occupier or owner of the ground through which any new road is to be made, or into which any old road is to be widened, to traverse the presentment for the same for damages at such presenting term aforesaid, having given like notice to the chairman of the presenting sessions, and to the secretary of the grand jury, previous to the commencement of such presenting term, of the amount of damage intended to be claimed, which traverse or traverses shall be tried then or at the ensuing presenting term, upon the entry in the crown book of the presentment and traverse, without making up any record; and the jury which shall try such traverse shall be sworn true verdict to give, whether any and what damages will occur thereby to the traverser, taking into consideration any collateral advantages which may result or accrue to such traverser by reason thereof, and making abatement accordingly; and it shall be lawful for the grand jury to present, without previous application at presentment sessions, such sum or sums of money so found for damages, to be raised off the county or off the barony respectively in which the traverser shall have made it appear that he or she sustained the damages, and to such latter presentment no traverse shall be allowed or received; and upon the damages so found being presented for the use of such traverser, or deposited for his or their use with the secretary of the county, it shall be lawful for the contractor to proceed in the execution of the presentment without the interruption of any person.

CXXXVI. AND be it enacted, that every district surveyor, and every contractor for any work to be executed by grand jury presentment, shall have power and authority to dig for, raise, and carry away, in or out of any lands, not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, any gravel, stones, sand, or other materials, whether the same be found in the same or any adjoining county, which may be wanted for the building, rebuilding, enlarging, or repairing any bridge, arch, gullet, pipe, or wall, or for the making, repairing, or preserving any road or footpath; and such surveyor or contractor is hereby

Name and residence of owner to be painted on carts, &c.
Double rein to cart, &c. drawn by horse, &c.

Proceedings against offenders.

in all cases where it is practicable, take and go on the right-hand side of such persons; and on every cart, car, or other carriage without springs on any road upon which her Majesty's mails are conveyed in coaches, or any other road being a county road, the name and surname and residence of the owner of such vehicle shall be painted in white roman letters one inch long at the least; and every car or cart drawn by one horse, mule, or ass shall have a double rein extending back to such car or cart; and if any person shall wilfully refuse or neglect to drive or pass in manner aforesaid, or if any person shall drive any vehicle on any such road, whereon the name of the owner is not painted, or without a double rein as aforesaid, it shall and may be lawful for any magistrate, constable, or turnpike keeper to stop and detain such offender, and the vehicle and animal or animals on which or with which such offender shall be, and forthwith to carry or convey such offender before any justice of the peace for the county where such offence shall be committed, or for any person whatsoever to lodge information against such offender before any such justice; and upon being convicted thereof upon the oath of one credible witness every such person so offending shall forfeit and pay any sum not exceeding five shillings, to be levied by distress and sale of the goods and chattels of such offender, or by distress and sale of the carriage and horse or horses or other beasts, and the goods therein or thereon, wherewith such offender shall have been travelling at the time of such offence, such distress to be made under the hand and seal of such justice, rendering the overplus, (if any,) after deducting the said fine and expences of such distress and sale, to the owner or owners, on demand, one half of the amount of the penalties so levied to be paid to the informer, and the remaining half to the dispensary of the district, or such other charitable purpose as the justices shall direct; and if distress sufficient for such penalty or penalties shall not have been seized or found it shall and may be lawful for such justice, and he is hereby empowered and required, to commit such offender so convicted to the common gaol for any time not exceeding one calendar month, unless such offender shall sooner pay and satisfy the damages which shall happen in consequence of any such neglect or default as aforesaid.

No house to be built within twenty feet of centre of road, &c.

No windmill within 200 or limekiln within 100 feet of centre of public road. Buildings may be pulled down.
What deemed to be the centre of the road.

[CXXXIX.*] AND be it enacted, that no house or part of a house shall be built within twenty feet of the centre of any road, or within ten feet of the side thereof, (except in the streets of corporation or market towns, or except where a house now stands,) and that if any person shall offend herein every such person shall, upon conviction before any justice of the peace, forfeit and pay a sum not exceeding ten pounds, and a further sum not exceeding ten shillings for every week after such conviction, until the same shall be pulled down or removed; and no windmill shall be built within two hundred feet, and no limekiln within one hundred feet, of the centre of any public road; and it shall be lawful for any justices, at a general sessions of the peace, to direct any house, limekiln, or windmill built or building contrary to this Act to be pulled down, and to issue their orders to any constable or constables for that purpose, which order every sub-inspector or head or other constable shall aid and assist in executing; and the centre of the road, for the purposes of this Act, shall be deemed to be the centre of the part thereof made with gravel or small stones.

[* See note to title of Act.]

of any such road, or take away any earth, clay, scrapings, stones, or gravel therefrom; or make any drain, gutter, sink, or watercourse across, or otherwise break up or upon the surface of any road or footpath; or shall load or drive any car or carriage with timber, boards, or iron laid across, so as that either end may project more than thirty inches beyond the wheels and sides of the carriage; or shall draw any timber or millstone along any part of a public road without being supported by wheels from touching the same; or shall neglect to cut or clip the hedges at the side of any public road at a height not exceeding five feet, timber trees therein excepted, within ten days after being noticed so to do by any justice of the peace for the said county, district surveyor, or road warden, provided that no such notice shall be given from the first day of April to the first day of September; or, being a blacksmith, and having a shop or forge with a window fronting any road, shall neglect, after it becomes twilight, to bar and prevent light from such shop shining into such road; every person so offending shall, upon conviction by the oath of one credible witness before any justice of the peace within his jurisdiction, or upon the view of any such justice, forfeit a sum not exceeding ten shillings for every such offence; and it shall be lawful for such justice, by warrant under his hand and seal, to empower such district surveyor or road warden to fill up any ditch or drain which shall be scoured, deepened, or widened, or to scour any drains which have been filled on the side of any road without such direction or consent as aforesaid; and to scour or deepen any drain or ditch, or remove any way or passage, leading from any road into any adjoining land, or to any house, which may obstruct the free passage of the water, and to re-make the same by building a gutter, sewer, or arch therein; and to remove any brick or lime kilns, weeds or vegetables for making ashes, which shall be burning, or any flax which shall be steeped or drying, within one hundred feet of the centre of any public road; and to pull down any sign-post, may-pole, or may-bush; and to pull down or fill up and level any wall, drain, or ditch, which shall be built or made or begun to be built or made contrary to this Act; and to have removed the carcase of any dead beast which shall remain in or near any public road contrary to this Act; and to have every such hedge effectually clipped and cut, timber trees alone excepted; and to levy the expence of so doing by distress and sale of the goods of the offender, or of the occupier of the lands wherein such way, passage, or drain shall be, rendering the overplus (if any) to the owner, after deducting the sum of one shilling in the pound for the expence and trouble of taking such distress.

liable to penalty.

Surveyor under warrant of justice may fill up or deepen ditches, &c.;

or remove nuisances;

and levy expenses.

Dirt, clay, &c. on public road may be taken away, &c. and appropriated by any one having permission of the surveyor; also corn laid on road to be winnowed, sacks and cloths;

[CXLI*.] AND be it enacted, that all dirt, dung, turf, straw, rubbish, and scouring, and all clay, stones, bricks, sand, or lime, which shall be laid on any public road, or within thirty feet of the centre thereof, without such consent or direction as aforesaid, shall be and is hereby declared to be forfeited; and it shall be lawful for any person whatsoever, having obtained permission from the surveyor or a road warden, or one justice of the peace for the county, to take, carry away, and convert the same to his or her own use, as also all corn which shall be laid on any public road for the purpose of being winnowed, or shall be winnowing thereon, or remain there after having been winnowed thereon, together with the sacks or winnowing cloths whereon the same may happen to be, and all flax which shall be beating on any public road, or to be

[* See note to title of Act.]

Penalty on persons convicted of neglect.

fill up such pit or hole; and every person who shall be convicted of such neglect, on the oath of one credible witness, before any justice of the peace of the county at petty sessions, or chief magistrate of the town where the offence shall be committed, shall for every such offence forfeit and pay a sum not exceeding ten shillings,

Surveyor or contractor not liable to penalty for acts done in discharge of duty, &c.;

but fineable in certain cases.

[CXLIV.*] PROVIDED always, and be it enacted, that nothing hereinbefore contained shall render any district surveyor, or any contractor for any public work under this Act, liable to any penalty for any act done or performed by the said surveyor, or in the discharge of the duties of his office, or by any such contractor in the due and necessary execution or performance of his contract; but if any such surveyor or contractor shall lay or cause to be laid any heap of stones, gravel, rubbish, or other matter whatever, upon any public road, and allow the same to remain there at night, to the danger or personal damage of any person passing thereon, all due and reasonable precaution not having been taken by the said surveyor or contractor to prevent any such danger or damage, such surveyor or contractor shall forfeit for every such offence any sum not exceeding forty shillings.

Surveyors or contractors may require owners of land to prune trees injuring roads;

owners on default to be summoned before petty sessions.

Justices may order trees to be pruned, and, on default of owner, surveyor, &c. may do it, and recover cost by distress.

Pruning only to be required between certain dates.

Penalty on persons obstructing surveyors, contractors, or officers, or injuring county works.

[CXLV.*] AND be it enacted, that if any district surveyor or contractor for the repairing of any public road in the said county shall think that any obstruction is caused in any public road by any trees, so as to occasion danger to the public, it shall be lawful for such surveyor or contractor, and they are hereby, each or either of them, authorized, to require the owner of the land on which such trees are growing to cause such trees to be pruned or lopped, so as that such road may not be prejudiced or obstructed by the same; and if such owner shall not comply with such request within ten days it shall and may be lawful for such surveyor or contractor, and they are hereby respectively authorized and required, to summon such owner before the justices assembled at any petty sessions for such county, to show cause why he has not complied with such request; and if such justices shall order and direct that such trees shall be pruned or lopped, and if the said owner shall not obey such order within ten days after the making of the same, it shall and may be lawful for such surveyor or contractor to prune or lop such trees, and to remove such obstruction as aforesaid, to the best of their skill and judgment; and the said surveyor or contractor shall be reimbursed by the said owner what charges and expences he shall be at in pruning or lopping such trees; and it shall be lawful for such justices at petty sessions as aforesaid to direct such charges and expences to be levied by distress and sale of the goods and chattels of such owner, in such manner as other distresses and sales for forfeitures are authorized and directed to be levied by virtue of this Act: Provided always, that no person shall be compelled, nor any such surveyor or contractor permitted, to cut or prune any hedge at any other time than between the last day of September and the last day of March.

[CXLVI.*] AND be it enacted, that if any person shall wilfully prevent, assault, or threaten to assault any surveyor, contractor, collector, or other county officer in the execution of his duty, or any person or persons employed by proper authority in surveying or measuring or laying out any line intended for a new road, or if any person shall wilfully destroy, pull up, deface, or injure any surveyor's instruments or implements used in public works, or any mile-

[* See note to title of Act.]

The party distraining not to be a trespasser in consequence of any irregularity.

Satisfaction for damages may be recovered by action on the case.

General issue.

Avowry.

Treble costs.

Justices not to take money for affidavits. False swearing punishable as perjury.

Presentment for expenses of prosecution.

Money to be in present currency. Schedules part of Act. Forms may be altered.

Notices, &c. not to be impeached on technical grounds.

Form of conviction.

CL. AND be it enacted, that when any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers ab initio on account of any subsequent irregularity on the part of the party or parties distraining, but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damages in any action on the case.

[CLI.] AND be it enacted, that if any person shall be sued, molested, or troubled for putting into execution any of the powers contained in this Act, or for doing any act, matter, or thing pursuant thereto, such person shall and may plead the general issue, and give the special matter in evidence, and may avow the taking of any distress on the acting finance committee and justice's warrant merely, without going into other title or authority; and if the plaintiff or plaintiffs shall be nonsuited, and judgment given against him, her, or them, upon demurrer or otherwise, or a verdict pass for the defendant or defendants, or a dismiss upon a civil bill, such defendant or defendants shall have his, her, or their treble costs, to be recovered by such method and manner whereby law costs are given to defendants;

CLII. AND be it enacted, that it shall not be lawful for any justice of the peace or any other person to demand or take any sum of money or any reward for swearing any affidavit to be made by virtue of this Act; and if any person shall wilfully swear or affirm or declare falsely in any oath or affirmation or declaration made or taken by authority or under any of the provisions of this Act, every such person, being thereof convicted, shall be adjudged guilty of wilful and corrupt perjury, and incur the pains and penalties in such case by law provided; and it shall and may be lawful for any grand jury, without any previous application to presentment sessions, to make such presentments for defraying the prosecution of such delinquent as to them may seem fitting and expedient.

CLIII. AND be it enacted, that the several sums of money in this Act mentioned shall be deemed to be the present lawful money of Great Britain and Ireland; and the schedules annexed to this Act shall be deemed and taken to be part thereof, and the forms therein contained shall be made use of in all cases to which such forms shall be applicable: Provided always, that it shall and may be lawful to erase or alter any words in such forms, so as to make them applicable to any particular case, without materially altering the substance, but no further; and that no notice, recognizance, warrant, traverse, presentment, or other proceeding or matter whatsoever, served, made, taken, or had under this Act, shall be impeached on any technical or formal grounds, or for any informality, provided it shall be in substance conformable to the provisions of this Act.

CLIV. AND for the more easy and speedy conviction of offenders against this Act, be it enacted, that any justice or justices of the peace before whom any person or persons shall be convicted of any offence against this Act shall

[* Section 151 is rep., so far as it relates to plea of general issue, Stat. Law Rev. Act, 1874 (No. 2).]

include a justice or magistrate of police; and the word "petty sessions" shall be deemed or taken to include a police divisional office; and every word importing the singular number shall extend and be applied to several persons, animals, or things, as well as to one person, animal, or thing; and every word importing the masculine gender shall extend and be applied to a female as well as to a male; unless the contrary thereof shall be expressed, or that any such construction as aforesaid shall be inconsistent with or repugnant to the context.

* * * * *

SCHEDULES to which the foregoing Act refers.

SCHEDULE No. 1.

DECLARATION of Justices.

I A.B. of [here insert the name and place of abode of the justice taking this declaration] do declare, that I am a justice of the peace of the county of Dublin, and that I will truly, faithfully, and impartially do and perform all such acts, matters, and things as I am authorized to do and perform by and under the provisions of an Act passed in the _____ year of the reign of her Majesty Queen Victoria, intituled [here set out the title of this Act]; and that I will, without favour, affection, hatred, or malice or ill-will, diligently inquire into and impartially and honestly judge and determine, according to the evidence, and to the best of my judgment and ability, upon the several applications and other matters which may be brought before me under the authority of the said Act. Witness my hand.

SCHEDULE No. 2.

DECLARATION of associated Cess-payers.

I A.B. of [here insert the name and place of abode of the cess-payer taking this declaration] do declare, that I will truly, faithfully, and impartially do and perform all such acts, matters, and things as I am authorized to do and perform by and under the provisions of an Act passed in the _____ year of the reign of her Majesty Queen Victoria, intituled [here set out the title of this Act]; and that I will, without favour, affection, hatred, or malice or ill-will, diligently inquire into and impartially and honestly judge and determine, according to the evidence, and to the best of my judgment and ability, upon the several applications and other matters which may be brought before me under the authority of the said Act. Witness my hand

SCHEDULE No. 3.

FORM of Application for making a new Line of Road.

County of } WE, _____ of _____, and _____ of _____, do
 } certify, that in our opinion it would be useful to make a new line
 of road from _____ to _____, between
 and _____, and that such new line of road is
 perches in length, and that said perches are in the townland [or townlands]
 of _____, in the barony or baronies] of _____, in this
 county; and we propose that presentment for such purpose be made under and

SCHEDULE No. 6.

FORM of Application for making or repairing Footpaths.

County of } WE,
 } of , and
 , do certify, that in our opinion it is necessary
 to make [or repair] perches of footpath on the road from
 to , between and , all in the
 barony of , in this county; and we propose that the expence
 of the aforesaid work shall not exceed pounds, and shall be
 defrayed by the county at large [or barony or half barony of];
 and that presentment for such purpose may be made under and by virtue of
 the section of the chapter of [here set out the reign], being
 an Act for [here set out the title of this Act].

(Signed) A.B.
 C.D.

SCHEDULE No. 7.

FORM of Application for Presentments to fill Grips or Trenches on the Sides
 of the Road, and making sufficient Fences instead thereof.

County of } WE
 } of , and
 , do certify, that we have measured
 perches of the road from to , between
 and , all in the barony of , in this county, where
 there are perches of immediately adjoining the said
 road, of the average breadth of and depth of ,
 which are open and dangerous for passengers and travellers, and that it is
 necessary for the safety and security of the public frequenting such road to
 fill up the same, and to make a sufficient fence instead thereof; and we propose
 that the expence of the aforesaid work shall not exceed pounds,
 and shall be defrayed by the county at large [or barony or half barony
 of]; and that presentment for such purpose may be made
 under and by virtue of the section of the chapter
 of [here set out the reign], being an Act for [here set out the title of this
 Act].

(Signed) A.B.
 C.D.

SCHEDULE No. 8.

FORM of Application for filling Dikes or Holes on the Sides of Roads.

County of } WE,
 } of , and
 , do hereby certify, that it is necessary for the
 security of travellers to fill up the dikes [or holes] immediately adjoining
 perches of the road from to ,
 between and , all in the barony of ,
 in this county; and we propose that the expence of the said work shall not
 exceed pounds, and shall be defrayed by the county at large [or the
 barony or half barony of]; and that presentment for such pur-
 pose may be made under and by virtue of the section of the

SCHEDULE No. 12.

FORM of Application for Payment by a Contractor for Works of Maintenance.

County of } WHEREAS at the term in the year , by
 } virtue of the section of the chapter of
 [here set out the reign], being an Act for [here set out the title of this Act],
 perches of the road from to ,
 between and , in the barony of , in this
 county, were presented to be kept in repair for years, by contract,
 at the yearly sum of : And whereas I contracted for the same :
 Now this is to certify, that the said perches and every part thereof
 have been kept in good and sufficient repair and condition since the com-
 mencement of my contract, in conformity with the presentment and specifica-
 tion ; and that the said perches, and every part thereof, are now
 in good and complete repair and condition, and that the said
 perches are free from nuisances ; and I hereby apply for payment of the sum
 of , for keeping the said perches in repair for
 months.

(Signed) A B.
 C.D.

SCHEDULE No. 13.

FORM of Recognizance for Execution of Contract.

BE it remembered, that on the day of
 in the year A. B. of in the county of
 , C.D. of in the county of ,
 and E.F. of in the county of , came before
 me [one of the justices, or chairman, as the case may be,] at a presenting
 sessions held at in the county of and
 acknowledged themselves to be held and firmly bound to our sovereign lady
 the Queen, her heirs and successors, in the sum of pounds, to
 which payment they bind themselves, their heirs, executors, and administra-
 tors, and their estates, jointly and severally : Whereas the above-bounden
 A.B. has become contractor for the execution of a certain public work, that is
 to say [mention it], and the said C.D. and E.F. have become his sureties for
 the due execution of such work : Now the condition of the foregoing recogni-
 zance is, that if the said A.B. shall within the time mentioned in such contract
 well and truly execute such work in the manner required and agreed on by
 such contract, then the foregoing recognizance to be void, otherwise to remain
 in full force and effect.

SCHEDULE No. 14.

GENERAL Form of Presentment for County Works.

County of Dublin, } WE present, to be raised off the county at large [or off the
 to wit. } barony of or the baronies of and
 as the case may be], a sum not exceeding pounds,
 to be expended in [here insert the object of the presentment, and the nature
 of the work, as particularly as shall seem necessary], according to the plan,
 specification, and estimate laid before us and the court, and approved of.

1 & 2 Geo. 4.
c. 112.

of officers, assistants, and clerks were formed for the offices of the said several courts, and for the taxation of bills of costs in common law business, and regulations were made for providing the necessary number of fitting and competent persons to do the business of writing, copying, and engrossing in every such office respectively, the salaries and expences of which establishments and business were by the said Acts charged upon the consolidated fund: And whereas by an Act passed in the first and second years of the reign of his said Majesty King George the Fourth, intituled "An Act to grant for the term of " five years additional stamp duties on certain proceedings in the courts of " law, and to repeal certain other stamp duties, in Ireland," which term has been since extended from time to time by subsequent Acts, certain stamp duties therein specified, to be denoted " Law Fund," were granted to meet the charge upon the consolidated fund created by the salaries and expences so made payable thereout by the said herein-before recited Acts for and in respect of the offices of the said courts of law, and also to meet certain other charges for salaries, allowances, and compensations to the judges and officers of the said courts in lieu of certain fees which were then abolished: And whereas the income produced by the said Law Fund stamp duties has never been sufficient to meet the said charges for which it was intended to form a provision, and by making a new arrangement as to the business to be transacted in the said offices a very considerable saving in the expences chargeable in respect thereof upon the consolidated fund may be effected: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 from and after the eleventh day of October one thousand eight hundred and forty-four the several offices created by the said first-recited Act of the first and second years of the reign of King George the Fourth, and all appointments made under or by virtue of the said Act, or by virtue of the said recited Act of the fifth year of the reign of King George the Fourth, shall be and the same are hereby abolished, save and except the offices of taxing officers and their clerk, and of crier, tipstaff, and serjeant-at-arms in the several courts, which shall remain as heretofore. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

Offices, &c.
abolished.

Exception.

New officers
in common
law courts
in Ireland,
to perform
duties pre-
scribed by
schedules (A.),
(B.), and (C.)

III. AND be it enacted, that from and after the said eleventh day of October one thousand eight hundred and forty-four there shall be in each of the said superior courts of common law in Ireland, to conduct the civil business thereof, one principal officer, to be called the master of such court, and the following other officers; (that is to say,) one clerk of the rules and one clerk of the writs, appearances, and seal; the said principal and other officers to discharge the several duties prescribed for them respectively in this Act, and in the schedules severally marked (A.), (B.), and (C.) to this Act annexed; and the said officers to have to aid them in the discharge of the said duties the several assistants and clerks in the said schedules respectively set forth [Rep., Stat. Law Rev. Act, 1874 (No. 2).]; and that the said principal and other officers, and the said assistants and clerks [Rep., Stat. Law Rev. Act, 1874 (No. 2).], shall hold their offices or employments during good behaviour, and shall be responsible for the due and efficient performance of the duties prescribed for them by this Act and the schedules hereto annexed, and that the said principal and other officers, and assistants and clerks, shall be entitled to receive the several and respective salaries in that behalf set forth in the said schedules to this Act annexed. [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

to be on stamps, to produce stamped paper to officers.

impressed with the stamp duty payable thereon ; and no such officer, assistant, or clerk shall be bound to commence such business, or to take any step towards the execution thereof, until such stamped paper shall have been deposited with him.

What writs, &c. shall be prepared in offices at expense of consolidated fund.

Other writs, &c. to be prepared by attornies at expense of parties, and brought to office to be entered, sealed, &c.

Writing clerks to be employed for preparing enrolments and office copies.

X. AND whereas it is just and expedient that, except as herein-after mentioned, all such writs and other writings as have been hitherto prepared, engrossed, and written in the offices of the general clerks and other assistants to the principal officer in each court, at the charge of the consolidated fund, shall in future be prepared, engrossed, or written by the attornies requiring them, at the charge of the party or parties for whose benefit, advantage, or purpose they are so required : Be it therefore enacted, that from and after the commencement of this Act no writs or other writings shall be prepared, engrossed, or written in any of the offices of the said courts at the charge of the consolidated fund, save and except the making up, entry, and enrolment of judgments, and such office copies or extracts as may be required of any pleadings, affidavits, writs, or other documents, matters, or things, which, having been previously filed, deposited, enrolled, or recorded in the office, shall be in the custody of the officer of the court ; but that when any such writs and other writings shall be brought to the office properly prepared the proper officer shall and he is hereby required, without unnecessary delay, to examine, enter, sign, seal, attest, or record the same, as the case may require.

XI. AND be it enacted, that for the purpose of preparing enrolments of judgments, and such office copies or extracts as may be required of such pleadings, affidavits, writs, records, or documents, matters, or things, as shall be in the custody of the officer, it shall and may be lawful for the master of each court, and he is hereby required, to employ writing clerks, who shall be paid, according to the quantity of their writing, at the rate of three halfpence per office sheet of seventy-two words, such payment to be charged in the incidental expences of the court in the manner herein-after provided.

* * * * *

Payments in and out of court to be entered by masters in proper books. All monies deposited in court by suitors to be paid into the Bank of Ireland.

XV. AND be it enacted, that after the said eleventh day of October one thousand eight hundred and forty-four the master of each of the said courts respectively shall cause all and every sum or sums of money paid into the said courts by or on behalf of the suitors in either of those courts to abide the event of the suit, or for any other purpose whatsoever, and all payments thereout, to be entered in proper books to be kept for that purpose, and shall, as soon as conveniently may be, pay all and every such sum or sums of money into the Bank of Ireland, to the credit of the proper cause or matter ; and when and so often as it shall and may be necessary to pay out or disburse any of the monies so lodged in bank, the court shall by its order direct such payment or disbursement, and the master of each of the said courts respectively shall and he is hereby authorized and required to draw on the said governor and company of the Bank of Ireland for any sum or sums of money so ordered to be paid out or disbursed ; and the said governor and company of the Bank of Ireland are hereby authorized and required to pay all such sums of money as may so be drawn for, in pursuance of such order, by the masters of the said courts respectively.

How payments out shall be made.

* * * * *

All offices in the courts shall be executed in person, except in cases of illness or leave of absence, and then by deputy appointed with consent of the chief justice, &c.

XXIV. AND be it enacted, that from and after the commencement of this Act every officer or assistant of any of the said several courts whose duty it is to sign or attest any writ, pleading, or document shall respectively execute the duty of his office in person, except only in case of sickness or occasional absence, or under the sanction herein-after provided; (that is to say,) that it shall and may be lawful for the chief justice or chief baron of the court to which such officer or assistant shall belong, or in his absence the next senior judge or baron of the said court then in Dublin, on the application of the master, to grant to any such officer or assistant leave of absence for any period which the said judge or baron shall consider reasonable; and that in any such case it shall and may be lawful to and for such officer or assistant, by deputation in writing under his hand and seal, by and with the consent in writing of the chief justice or chief baron of the court to which such officer or assistant shall belong, or, in the absence of such chief justice or chief baron, then of the next senior judge of the said court then in Dublin, to appoint a deputy to execute the duties of such officer or assistant during such period as shall be specified in such deputation; and the name of such deputy, and the approbation of such chief justice, chief baron, or judge, and the time for which such appointment is to continue, shall be specified and set forth in such deputation, and such deputation shall be signed or endorsed by such chief justice, chief baron, or judge; and the period mentioned in such deputation may, on the application of the master, be afterwards prolonged, if necessary, by such officer or assistant, with the approbation of such chief justice, chief baron, or judge, by endorsement of the said officer or assistant, and of the said chief justice, chief baron, or judge, upon such deputation: Provided always, that such deputation shall not be liable to or chargeable with any stamp duty whatsoever.

Signature of pleadings, &c. in temporary absence of officers.

XXV. AND whereas inconvenience may arise from the temporary absence of any of the officers or assistants whose duty it is, under the direction in the schedule to this Act annexed, to sign any writ, pleading, or instrument, unless provision be made for such contingency: Be it therefore enacted, that at all times the signature of the master shall be good and valid in lieu of the signature of any of the officers or assistants, and that in the temporary absence of the master the Acts and signature of his principal assistant shall be good and valid to any pleading, proceeding, or instrument requiring the signature or superintendence of said master.

Master may employ assistants or clerks who may have leisure in other departments of his office.

XXVI. AND whereas it may so happen that occasionally or at certain periods of the year the assistants or clerks in some of the said offices may not have sufficient occupation in the business strictly belonging to their offices respectively, whilst at the same time there may be an undue or unusual pressure of business upon the assistants and clerks in some other of the said offices, or some business of an occasional nature which the master may be required or find necessary to have performed in the discharge of his duty as principal officer, and it is expedient to provide against the necessity of employing extra or additional clerks in such cases: Be it therefore enacted, that it shall and may be lawful for the master of each court respectively, and he is hereby required, in the exercise of his superintendence, in every such case as is hereby contemplated to order, direct, and cause any of the said assistants and clerks attached to the court of which he is master, who may not have sufficient occupation at any time or times as herein-before mentioned in

Administration of affidavits, &c. to persons confined by illness or in custody.

XXIX. AND be it enacted, that to provide for cases in which it may be necessary to administer affidavits or affirmations to persons confined by illness, or detained in prison in the city of Dublin, or within ten miles thereof, it shall be the duty of the officers and assistants hereby authorized to take affidavits or affirmations, under such regulations as to rotation as the master of their court shall make, to proceed, when required, within reasonable hours on business days, to the place in which the person to be sworn or affirmed shall be so confined, and there to administer such affidavit or affirmation: Provided always, that no officer or assistant shall be required to administer any affidavit or affirmation at any other place or time than at his office, and during office hours, except in the cases of illness or custody hereby contemplated, and then only upon the production of a proper certificate of such custody, or in the case of illness the certificate of a duly qualified medical man, stating the inability of the person requiring to be sworn or affirmed to attend at the office without danger to the life or health of such person, and that the illness of such person is not of an infectious or contagious nature: Provided also, that any expence of carriage hire to be incurred by such officer or assistant in attending as aforesaid shall be previously defrayed by the persons requiring such attendance.

Certificate to be produced in such cases.

Cost of attendance.

The judge opening the court on the first day of term shall examine the state of the records there.

XXX. AND be it enacted, that in each and every of the said several courts, on the first day of each and every term, the judge who shall open the court on that day shall immediately after the opening the same satisfy himself, so far as he can by personal inspection, that the records of each and every of the said courts respectively are duly and regularly kept and preserved, so as to be safe, dry, sound, and legible, and in such order and arrangement, and with such means of reference to the same, that all persons having occasion to inspect the same respectively shall and may have easy access thereto, and the said judge shall report to the other judges of the court the result of such examination; and if there shall be any default or error therein, the same shall be (as soon as may be) examined into by the court, and shall be rectified as soon as possible.

Officers of the courts not to practice as barristers or attorneys,

under penalty of dismissal.

XXXI. AND be it enacted, that every person hereby appointed, or who shall at any time after the passing of this Act be appointed, to be an officer, assistant, or clerk of or in any of the offices in the said several courts in this Act, and the schedules thereto annexed, mentioned and specified, shall be and is hereby declared to be incapable of practising as a barrister, or as an attorney or solicitor, or as agent or clerk of any attorney or solicitor, in any court of law or equity in Ireland, either separately or in partnership with any other, or in the name of any other person or persons, during such time as such person shall hold the situation, office, or employment of an officer, assistant, or clerk in any of the said offices; and if any officer, assistant, or clerk shall so practise as such barrister, attorney, solicitor, agent, or clerk, while he shall hold the situation, office, or employment to which he shall have been appointed, contrary to the true intent and meaning of this Act, the chief justice or chief baron of the court in which such person shall be employed shall, on sufficient proof of the same, dismiss the person so offending from his office or employment; and the person so dismissed shall be rendered incapable of ever after holding any office or employment in any of the said courts.

principles of taxation, to be prepared and varied from time to time.

and allowances and charges it may in future be reasonable and proper for the taxing officers or officer to allow in their or his taxation of costs in common law business, and also from time to time to vary such table or tables, and to make such rules as may appear to them proper to regulate the principles upon which such taxation shall in future be conducted, and that all such fees, allowances, and charges shall be payable in British currency.

Pursuivant of the Court of Exchequer abolished; and his duties transferred to the serjeant-at-arms.

XL. AND whereas the office of pursuivant of the said Court of Exchequer has been held by Boyle Keller esquire, under letters patent, for upwards of twenty-one years past, and the amount of fees and emoluments, as well as the business of the said office, have of late years been greatly diminished, and it is expedient to abolish the said office: Be it therefore enacted, that from and after the day appointed for the commencement of this Act the said office of pursuivant of the said Court of Exchequer shall be and the same is hereby abolished [Rep., Stat. Law Rev. Act, 1874 (No. 2).]; : Provided always, that all such writs of attachment and other process which have heretofore been usually issued and directed to the said pursuivant shall and may be issued and directed to the serjeant-at-arms of the said Court of Exchequer.

SCHEDULES referred to and made Part of the foregoing Act.

SCHEDULE (A.)

DESCRIBING the several Officers in the Civil Side of the Court of Queen's Bench in Ireland, their Assistants and Clerks [Rep., Stat. Law Rev. Act, 1874 (No. 2).], and the Duties . . . of such Officers, Assistants, and Clerks respectively [Rep., Stat. Law Rev. Act, 1874 (No. 2).].

PRINCIPAL DEPARTMENT.

MASTER . . .—To exercise the general superintendence directed by this Act; to file and keep all pleadings, affidavits, and other documents requiring to be filed, and not hereby expressly referred to any other officer; to examine into, mark, and sign all judgments, assignments, satisfactions, revivals, . . . of judgments; to entertain and report upon all references; to strike special juries; to cause to be kept books containing proper entries of the marking, satisfaction, and assignment of judgments, and all such books as may be necessary for the due discharge of the business specially referred to him; to check the making of negative searches, and to sign the certificates thereof, [until Parliament shall otherwise provide for the discharge of such duties,] [Rep., Stat. Law Rev. Act, 1874 (No. 2).] and all certificates respecting the matters hereby specially referred to him as his immediate business; to prepare or cause to be prepared all enrolments of the records in the civil side of the court; to cause all transcripts of records for trial at nisi prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official business whatsoever of or belonging to the offices of the court, which it is not the proper duty of the other officers to do -

SCHEDULE (B.)

DESCRIBING the several Officers of the Court of Common Pleas in Ireland, their Assistants and Clerks [Rep., Stat. Law Rev. Act, 1874 (No. 2).], and the Duties . . . of such Officers, Assistants, and Clerks respectively [Rep., Stat. Law Rev. Act, 1874 (No. 2).].

PRINCIPAL DEPARTMENT.

THE MASTER . . . —To exercise the general superintendence directed by this Act; to file and keep all pleadings, affidavits, and other documents requiring to be filed, and not hereby expressly referred to any other officer; to examine into, mark, and sign all judgments, assignments, satisfactions, revivals, . . . of judgments; to entertain and report upon all references; to strike special juries; to cause to be kept books containing proper entries of the marking, satisfaction, and assignment of judgments, and all such books as may be necessary for the due discharge of the business specially referred to him; to check the making of negative searches, and to sign the certificates thereof, [until Parliament shall otherwise provide for the discharge of such duties,] [Rep., Stat. Law Rev. Act, 1874 (No. 2).] and all certificates respecting the matters hereby specially referred to him as his immediate business; to prepare or cause to be prepared all enrolments of the records of the court; to cause all transcripts of records for trial at nisi prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official business whatsoever of or belonging to the offices of the court, which it is not the proper duty of the other officers to do - - -

PRINCIPAL ASSISTANT . . . —To examine and sign records, enrolments, and writs after judgment, and to aid the master in the business of marking satisfaction and assignment of judgments, and in all matters respecting judgments generally [Rep., Stat. Law Rev. Act, 1874 (No. 2).] - - -

PLEADING DEPARTMENT.

PLEADINGS ASSISTANT . . . —To receive, file, and make entries of pleadings and documents, to attest copies thereof, and to attend generally to all business connected therewith [Rep., Stat. Law Rev. Act, 1874 (No. 2).] - - -

RECORD DEPARTMENT.

RECORD ASSISTANT . . . —To have the care and custody of the records and judgment rolls of the said court, and of the books of record, containing entries of judgments, satisfactions, and assignments, and all matters relating thereto; to enter upon the roll the abstracts of satisfactions and assignments; to compile and number the rolls in correspondence with the entries relating thereto, so that they may be easy of reference, and to produce the same for public information within the hours fixed by the master; to aid the master in checking searches; and to do all such acts as properly belong to his office [Rep., Stat. Law Rev. Act, 1874 (No. 2).] - - -

FIRST CLERK [] to make entries in books relating to judgments [Rep., Stat. Law Rev. Act, 1874 (No. 2).] - - -

PRINCIPAL DEPARTMENT—continued.

signed ; and generally to do or cause to be done all official business whatsoever of or belonging to the officers of the court, which it is not the proper duty of the other officers of the said court to do

PRINCIPAL ASSISTANT . . .—To examine and sign records, enrolments, and writs after judgment, and to aid the master in the business of marking satisfaction and assignment of judgments, and in all matters respecting judgments generally [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

PLEADING DEPARTMENT.

PLEADINGS ASSISTANT . . .—To receive, file, and make entries of pleadings and documents, to attest copies thereof, and to attend generally to all business connected therewith [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

RECORD DEPARTMENT.

RECORD ASSISTANT . . .—To have the care and custody of the judgment rolls of the said court, and of the books of record, containing entries of judgments, satisfactions, and assignments, and all matters relating thereto; to enter upon the roll the abstracts of satisfactions and assignments; to compile and number the rolls in correspondence with the entries relating thereto, so that they may be easy of reference, and to produce the same for public information within the hours fixed by the master; to aid the master in checking searches; and to do all such acts as properly belong to his office [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

FIRST CLERK . . .—To make entries in books relating to judgments [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

RULES DEPARTMENT.

CLERK OF THE RULES . . .—Performing the present duties of the office [Rep., Stat. Law Rev. Act, 1874 (No. 2).]

WRIT, APPEARANCE, AND SEAL DEPARTMENT.

CLERK OF WRITS, APPEARANCES, AND SEAL . . .—To enter and seal all writs that issue from and are returnable into the court; to receive, file, and enter affidavits upon which fiats are granted for writs to hold to bail; to receive, file, and enter all returned writs; . . . ; to seal all records and other documents requiring to be sealed, according to the practice heretofore observed; to register in a book, similar to that hitherto kept in the seal office, attornies licences; to furnish and attest copies of the said several matters, and to do all such acts as properly belong to said offices

Regulations
as to taking,
&c. spawn,

and unseason-
able fish.
Regulations
as to nets,
&c. in mill
pools, &c.

As to eel weirs.

Regulations
against fishing
with lights, &c.
at night.

openings, and the removal of obstructions, and directing certain acts, matters, and things to be done, and prohibiting other acts, matters, and things to be done, during and in relation to such weekly close seasons respectively; and also all and singular the regulations of the said last-recited Act prohibiting any person wilfully taking, selling, purchasing, or having in his possession the spawn, smelts, or fry of salmon, or of trout, or of eels, or in any way or by any device wilfully obstructing the passage of the said smelts or fry, or injuring or disturbing any such spawn or fry, or any spawning bed, bank, or shallow where the same may be; and also all and singular the regulations of the said Act prohibiting any person wilfully taking, killing, destroying, exposing to sale, or having in his possession, any red, black, foul, unclean, or unseasonable salmon or trout; and also all and singular the regulations of the said Act prohibiting any person, in any season of the year, in any mill pool or mill dam, or in any works appurtenant to any mill or factory, or in any of the water-courses leading the water to or from such mill or factory, placing, laying, setting, or drawing any net, grate, creel, or other engine, or using any means or device whatsoever, (save and except rod and line used subject to the provisions of the said Act,) for the purpose of taking, destroying, or obstructing any salmon or other fish, or the fry thereof; and also all and singular the regulations of the said Act prohibiting the proprietor or tenant of any eel weir taking or suffering to be taken therein any salmon or trout, or salmon or trout fry, or spent salmon; and also all and singular the regulations of the said last-recited Act prohibiting, between sun-set and sun-rise, the having or using any light or fire, spear, gaff, strokeall, or other such instrument, with intent to take salmon or other fish in or on the banks of any lake or river, or chasing, injuring, or disturbing spawning fish or fish on spawning beds, or attempting to catch fish in such places, (except with rod and flies only within the lawful period,) or damming or teeming or emptying any river or mill-race for the purpose of taking or destroying any salmon or trout, or the fry thereof.

III. AND whereas by the said last-recited Act it is provided, that the commissioners for the execution of the said Act may, if they shall so think fit, decide that the period by the said Act appointed for the close time for the fisheries in particular localities shall cease, and that such other period as shall be fixed upon by the said commissioners as the close time for any of such fisheries respectively shall be kept and observed in lieu thereof, or to alter the period within which it shall not be lawful to hang any coghill or other nets in the gaps, eyes, or sluices of eel or other weirs, or make use of fixed engines for taking eels: And whereas it is expedient for such purpose to extend to the inspectors of fisheries appointed by the said commissioners the power to hear and receive evidence, and to examine and inquire into the subject of such fisheries: Be it therefore enacted, that it shall and may be lawful for any inspector of fisheries by the said commissioners duly appointed, at the direction and by the order of the said commissioners, to attend at any meeting by the said commissioners convened respecting the fisheries in any particular locality; and that the said inspector of fisheries shall hear and receive all such pertinent evidence as shall be offered to him upon the subject of the said fisheries, and shall examine and inquire into the same upon oath (which oath the said inspector is hereby authorized and empowered to administer), or

Inspector of
fisheries
empowered
to receive
evidence to
enable com-
missioners to
alter the close
seasons, &c.
in any river
or district.

lished as
decisions as to
close time.

decision of the said commissioners respecting the close time of any district, lake, or river.

Use of seine
nets for catch-
ing herrings,
lawful.

VII. AND whereas it is enacted by the said Act of the fifth and sixth of her present Majesty, that no person shall, at any time between sun-rise and sun-set, set, either in the sea or within the tide-way in any estuary, any sea net for the catching of herrings, or any trammel net, or leave any drag or other net in the water, between sun-rise and sun-set, except stake or fixed nets for the catching of salmon as therein-after provided, and save also seines or drift nets for pilchards or fish other than herrings: And whereas it has been found expedient to permit, under certain restrictions, the use of seine nets for the taking of herrings: Be it therefore enacted, that, notwithstanding any thing in the said recited Act to the contrary, it shall and may be lawful to and for all persons to use seine nets for the catching of herrings, save and except in such places and at such times as shall or may hereafter be forbidden by any bye law, rule, or regulation, to be hereafter made by the said commissioners.

When the
commissioners
have defined
the mouth of
any river, a
copy of such
definition to
be deposited
with the clerk
of the peace;
and a certified
copy thereof
to evidence.

VIII. AND whereas by the said Act of the sixth year of her present Majesty the commissioners for the execution thereof are authorized and empowered to define the mouths of rivers under the circumstances and for the purposes therein mentioned; and it is expedient to provide for the due publication of all definitions to be so made by the said commissioners, and proof thereof in all courts of law or justice: Be it therefore enacted, that when and so soon as the said commissioners shall and may from time to time define the mouth or entrance of any river, under the provisions of the said Act, a copy of the definition to be so made shall be deposited with the clerk or clerks of the peace for the county or counties in which the mouth or entrance of such river as so defined shall be situated; and in all cases when it shall hereafter become necessary to prove such definition in any court of law or justice or elsewhere, a copy, obtained from the office of any clerk of the peace with whom the same may be lodged, and certified by him to be a true copy thereof, shall be received and taken as full and sufficient evidence of the existence of such definition.

* * * * *

Provision as to the mode of proceeding in cases of applications by women who are pregnant.

whom any application shall be made by any such woman being pregnant shall summon the man to appear at some petty session at which he usually acts to be held on a day after the time when the said mother shall expect the child to be born, provided that if on such day the woman shall not have been delivered, or the justices shall be satisfied that she has been delivered at so short a period before such day that she cannot appear at the said session, it shall be lawful for the justices thereat to adjourn the hearing of the said case until some other day, and so from time to time until the child shall have been born, and the woman shall be able to attend at the said session; and it shall be lawful for the justices at their petty session to make an order in respect of any such application so made by such woman so pregnant to a justice as aforesaid, if she apply at such petty session within the space of two calendar months from the birth of the child, although more than forty days shall have elapsed from the time when the summons was served upon the alleged father, or was left at his last place of abode.

Putative father may abandon his appeal, and his recognizance shall not be estreated.

V. AND be it enacted, that if at any time before the hearing of the appeal the putative father who shall have entered into any such recognizance shall give notice in writing of his abandonment of the appeal to the mother of the child in whose favour the order shall have been made, and to the justice or justices before whom the said recognizance shall have been taken, and shall pay or tender to the said mother all sums then due under the said order, and such costs and expences as she shall have incurred by reason of such notice of appeal, the said recognizance so entered into by the said putative father shall not be estreated, nor in any manner put in force or otherwise proceeded with.

7 & 8 Vict. c. 101. s. 3.

VI. AND whereas by the said recited Act it is enacted, that where any woman shall apply to the justices at a petty session for an order upon the person whom she shall allege to be the father of her bastard child, such justices shall hear the evidence of such woman, and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the said mother be corroborated in some material particular by other testimony, to the satisfaction of the said justices, they may make such order as is therein set forth: And whereas power is thereby given to the putative father to appeal to the general quarter sessions of the peace against such order, but it is not therein set forth what evidence the said general quarter sessions shall or may hear on the trial of such appeal, and doubts have been raised as to whether the said mother can be heard by the said court of quarter sessions: Be it therefore enacted, that on the trial of any such appeal before any court of quarter sessions the justices therein assembled, or the recorder, (as the case may be,) shall hear the evidence of the said mother, and such other evidence as she may produce, and any evidence tendered on behalf of the appellant, and proceed to hear and determine the said appeal in other respects according to law, but shall not confirm the order so appealed against unless the evidence of the said mother shall have been corroborated in some material particular by other testimony, to the satisfaction of the said justices in quarter session assembled, or the said recorder.

The evidence of the mother of the bastard child, &c. to be received by the court of quarter sessions, on appeal against the order in bastardy; but order not to be confirmed unless her evidence is corroborated.

Parties may be heard at the petty

VII. AND be it enacted, that it shall be lawful for any woman who shall apply to the justices at any petty session for any such order as aforesaid to be

Interpretation
of the word
"recorder."

XI. AND be it enacted, that in the said first-recited Act and in this Act the word "recorder" shall be taken to apply to any person who shall preside as the judge at any court of general or quarter session held for any city, borough, liberty, or other place of limited jurisdiction.

* * * * *

CHAPTER XI.

AN ACT for assigning Sheriffs in Wales.

[8th May 1845.]

Sheriffs to be
appointed in
Wales in the
same manner
as in England.

WHEREAS it is convenient that the sheriffs in each of the shires in Wales be nominated and appointed in like manner as is used in other parts of England: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the passing of this Act the sheriffs in each shire in Wales shall be assigned, ordained, nominated, and appointed at the same time and place, and in like manner and form, as is used according to law for sheriffs in the shires of England.

* * * * *

CHAPTER XV.

AN ACT to repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licence to be taken out by all Auctioneers in the United Kingdom.

[8th May 1845.]

6 Geo. 4.
c. 81.

WHEREAS by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act to repeal several duties payable on excise licences in Great Britain and Ireland, and to impose other duties in lieu thereof, and to amend the laws for granting excise licences," a certain duty of excise is imposed for and upon every licence to be taken out by every person exercising or carrying on the trade or business of an auctioneer, or selling any goods or chattels, lands, tenements, or hereditaments, by auction; and by a regulation in the said last-recited Act, and by certain other Acts relating to the duties of stamps, auctioneers are required in certain cases to take out separate and distinct licences for selling particular goods and chattels by auction, in addition to their auctioneer's licence: And whereas certain duties of excise upon the purchase money arising or payable by virtue of any sale at auction in Great Britain and Ireland are imposed and regulated by several Acts; (that is to say,) by an Act passed in the forty-third year of the reign of his late Majesty King George the Third, intituled "An Act to repeal the duties of excise payable in Great Britain, and to grant other duties in lieu thereof"; and by another Act passed in the forty-fifth year of the reign of his said Majesty King George the Third, intituled "An Act for granting to his Majesty several additional duties of excise in Great Britain"; and by another Act passed in the fifty-fourth year of the reign of his said Majesty King George the Third, intituled "An Act to grant to his Majesty duties upon auctions in Ireland, in lieu of former duties thereon, and to provide for the regulating and securing the collection of the said duties, and to prevent frauds therein"; and by another Act passed in the

43 Geo. 3.
c. 69.

45 Geo. 3.
c. 80.

54 Geo. 3.
c. 82.

an auctioneer as aforesaid without taking out such licence as by this Act directed, shall (except as herein-after in this Act mentioned) forfeit one hundred pounds: Provided always, that auctioneers who have licences in force at the passing of this Act, and which licences do not expire until the fifth day of July now next ensuing, shall not be required to take out the licence by this Act directed for the purpose of carrying on the business of an auctioneer until ten days before the expiration of their current licences, but that every such auctioneer may, at any time within the last quarter of the current year to expire on the said fifth day of July, take out the licence by this Act directed, on payment of a fourth part of the duty imposed on such last mentioned licence; but [Rep., Stat. Law Rev. Act, 1875.] that on every such licence taken out after the said fifth day of July, at whatever period of the year, the full duty of excise by this Act imposed shall be paid, any other Act or Acts to the contrary thereof notwithstanding.

Auctioneer's
licence not
necessary in
certain cases.

6 Geo. 4.
c. 48.

7 Will. 4 &
1 Vict. c. 41.

Repeal of
6 Geo. 4.
c. 81. s. 8.,

and of enact-
ments requiring
separate
licences for
sale of plate,
patent medi-
cines, or other
articles.

V. AND be it enacted, that it shall not be necessary for any person selling any goods or chattels by auction in any of the cases herein-after mentioned to take out the licence by this Act required: Any person selling any goods or chattels by auction under a distress for nonpayment of rent or tithes to less amount than twenty pounds; or under authority of an Act passed in the sixth year of the reign of his said late Majesty King George the Fourth, intituled "An Act to alter and amend an Act passed in the thirty-ninth and "fortieth year of King George the Third, for the recovery of small debts in "Scotland"; or under authority of an Act passed in the seventh year of the reign of his said Majesty King William the Fourth and the first year of the reign of her said Majesty, intituled "An Act for the "more effectual recovery of small debts in the sheriff courts, and for regulating "the establishment of circuit courts for the trial of small debt causes by the "sheriffs in Scotland"; or under authority of any other Act or Acts of Parliament now in force in which the like exemption as by the Act specified is given to the proper officer of court executing the process of such court to sell the effects seized by him by auction without taking out or having any licence as an auctioneer, provided the sum for which such process is enforced is under twenty pounds.

VI. AND be it enacted, that so much of the said recited Act of the sixth year of the reign of his said late Majesty King George the Fourth as enacts "that every person "exercising or carrying on the trade or business of an auctioneer, or selling any goods "or chattels, lands, tenements, or hereditaments, by auction, shall, over and above any "licence to him or her granted as an auctioneer, take out such licence as is required by "law to deal in or retail, or to vend, trade in, or sell, any goods or commodities, for the "dealing in or retailing, or vending, trading in, or selling of which an excise licence is "specially required, before he or she shall be permitted or authorized to sell such goods "or commodities by auction; and if any such person shall sell any such goods or com- "modities as aforesaid by auction without having taken out such licence as aforesaid "for that purpose, he or she shall be subject and liable to the penalty in that behalf "imposed upon persons dealing in or retailing, vending, trading, or selling, any such "goods or commodities without licence, notwithstanding any licence to him or her "before granted as aforesaid for the purpose of exercising or carrying on the trade or "business of an auctioneer, or selling any goods or chattels, lands, tenements, or "hereditaments, by auction, any thing herein contained to the contrary notwithstand- "ing," together with the proviso thereto attached, and[*] so much of any other Act or Acts of Parliament by which it is required that a separate and distinct licence shall be taken out by any auctioneer selling by auction gold or silver plate, or patent medicines, or any other articles, are hereby repealed; and any

[* Section 6, so far as it relates to the repeal of part of 6 Geo. 4. c. 81., is rep., Stat. Law Rev. Act, 1875.]

CHAPTER XVI.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature. [8th May 1845.]

WHEREAS it is expedient to comprise in one general Act sundry provisions relating to the constitution and management of joint stock companies, usually introduced into Acts of Parliament authorizing the execution of undertakings of a public nature by such companies, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for ensuring greater uniformity in the provisions themselves: 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, that this Act shall apply to every joint stock company which shall by any Act which shall hereafter be passed be incorporated for the purpose of carrying on any undertaking, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the company which shall be incorporated by such Act, and to the undertaking for carrying on which such company shall be incorporated, so far as the same shall be applicable thereto respectively; and such clauses and provisions, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form part of such Act, and be construed together therewith as forming one Act.

Act to apply to all companies incorporated by Acts hereafter to be passed.

Interpretations in this Act:

"The special Act":

"Prescribed":

"The undertaking."

Interpretations in this and the special Act:

Number:

Gender:

"Lands":

II. AND with respect to the construction of this Act, and of other Acts to be incorporated therewith, be it enacted as follows:

The expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed incorporating a joint stock company for the purpose of carrying on any undertaking, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose" in the special Act had been used; and the expression "the undertaking" shall mean the undertaking or works, of whatever nature, which shall by the special Act be authorized to be executed.

III. THE following words and expressions both in this and the special Act shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include the singular number;

Words importing the masculine gender only shall include females:

The word "lands" shall extend to messuages, lands, tenements, and hereditaments, of any tenure:

*Distribution
of capital.*

VII. ALL shares in the undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

Shares to be
personal
estate.
Shareholders.

VIII. EVERY person who shall have subscribed the prescribed sum or upwards to the capital of the company, or shall otherwise have become entitled to a share in the company, and whose name shall have been entered on the register of shareholders herein-after mentioned, shall be deemed a shareholder of the company.

Registry of
shareholders.

IX. THE company shall keep a book, to be called the "Register of Shareholders"; and in such book shall be fairly and distinctly entered, from time to time, the names of the several corporations, and the names and additions of the several persons, entitled to shares in the company, together with the number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares, and the surnames or corporate names of the said shareholders shall be placed in alphabetical order; and such book shall be authenticated by the common seal of the company being affixed thereto; and such authentication shall take place at the first ordinary meeting, or at the next subsequent meeting of the company, and so from time to time at each ordinary meeting of the company.

Addresses of
shareholders.

X. IN addition to the said register of shareholders, the company shall provide a book, to be called the "Shareholders Address Book," in which the secretary shall from time to time enter in alphabetical order the corporate names and places of business of the several shareholders of the company, being corporations, and the surnames of the several other shareholders, with their respective christian names, places of abode, and descriptions, so far as the same shall be known to the company; and every shareholder, or if such shareholder be a corporation the clerk or agent of such corporation, may at all convenient times peruse such book gratis, and may require a copy thereof or of any part thereof; and for every hundred words so required to be copied the company may demand a sum not exceeding sixpence.

Certificates
of shares to
be issued to
the share-
holders.

XI. ON demand of the holder of any share the company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the company affixed thereto; and such certificate shall specify the share in the undertaking to which such shareholder is entitled; and the same may be according to the form in the schedule (A.) to this Act annexed, or to the like effect; and for such certificate the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed then a sum not exceeding two shillings and sixpence.

Certificate to
be evidence.

XII. THE said certificate shall be admitted in all courts as prima facie evidence of the title of such shareholder, his executors, administrators, successors, or assigns, to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

Certificate to
be renewed
when de-
stroyed.

XIII. IF any such certificate be worn out or damaged, then, upon the same being produced at some meeting of the directors, such directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate, and of the share therein mentioned, shall be at the time vested; or if such certificate be lost or

*Transfer of
shares.*

mission shall be authenticated by a declaration in writing as herein-after mentioned, or in such other manner as the directors shall require; and every such declaration shall state the manner in which and the party to whom such share shall have been so transmitted, and shall be made and signed by some credible person before a justice, or before a master or master extraordinary of the High Court of Chancery; and such declaration shall be left with the secretary, and thereupon he shall enter the name of the person entitled under such transmission in the register of shareholders; and for every such entry the company may demand any sum not exceeding the prescribed amount, and where no amount shall be prescribed then not exceeding five shillings; and until such transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the undertaking, nor to vote in respect of any such share as the holder thereof.

*Proof of
transmission
by marriage,
will, &c.*

XIX. IF such transmission be by virtue of the marriage of a female shareholder, the said declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or an official extract therefrom, shall, together with such declaration, be produced to the secretary; and upon such production in either of the cases aforesaid the secretary shall make an entry of the declaration in the said register of transfers.

*Company not
bound to
regard trusts.*

XX. THE company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the company, or if it stands in the names of more parties than one the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the company have had notice of such trusts; and the company shall not be bound to see to the application of the money paid upon such receipt.

*Payment of
calls.*

And with respect to the payment of subscriptions and the means of enforcing the payment of calls, be it enacted as follows:

*Subscriptions
to be paid
when called
for.*

XXI. THE several persons who have subscribed any money towards the undertaking, or their legal representatives, respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the company, at such times and places as shall be appointed by the company; and with respect to the provisions herein or in the special Act contained for enforcing the payment of calls, the word "shareholder" shall extend to and include the legal personal representatives of such shareholder.

*Power to
make calls.*

XXII. IT shall be lawful for the company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit, provided that twenty-one days notice at the least be given of each call, and that no call exceed the prescribed amount, if any, and that successive calls be

*Nonpayment
of calls.*

Forfeiture of
shares for
nonpayment
of calls.

Notice of
forfeiture to
be given be-
fore declara-
tion thereof.

XXIX. If any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the directors, at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which such call was payable forfeited, and that whether the company have sued for the amount of such call or not.

XXX. BEFORE declaring any share forfeited the directors shall cause notice of such intention to be left at or transmitted by the post to the usual or last place of abode of the person appearing by the register of shareholders to be the proprietor of such share; and if the holder of any such share be abroad, or if his usual or last place of abode be not known to the directors, by reason of its being imperfectly described in the shareholders address book, or otherwise, or if the interest in any such share shall be known by the directors to have become transmitted otherwise than by transfer, as herein-before mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted or may for the time being belong shall not be known to the directors, the directors shall give public notice of such intention in the London or Dublin Gazette, according as the company's principal place of business shall be situate in England or Ireland, and also in some newspaper, as after mentioned; and the several notices aforesaid shall be given twenty-one days at least before the directors shall make such declaration of forfeiture.

Forfeiture to
be confirmed
by a general
meeting.

XXXI. THE said declaration of forfeiture shall not take effect, so as to authorize the sale or other disposition of any share, until such declaration have been confirmed at some general meeting of the company, to be held after the expiration of two months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of.

Sale of for-
feited shares.

XXXII. AFTER such confirmation as aforesaid it shall be lawful for the directors to sell the forfeited share, either by public auction or private contract, and, if there be more than one such forfeited share, then either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold.

Evidence as
to forfeiture
of shares.

XXXIII. A declaration in writing, by some credible person not interested in the matter, made before any justice, or before any master or master extraordinary of the High Court of Chancery, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner herein-before required, shall be sufficient evidence of the facts therein stated; and such declaration, and the receipt of the treasurer of the company for the price of such share, shall constitute a good title to such share; and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase; and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

*Power
to borrow
money.*

*Evidence of
authority for
borrowing.*

XL. WHERE by the special Act the company shall be restricted from borrowing any money on mortgage or bond until a definite portion of their capital shall be subscribed or paid up, or where by this or the special Act the authority of a general meeting is required for such borrowing, the certificate of a justice that such definite portion of the capital has been subscribed or paid up, and a copy of the order of a general meeting of the company authorizing the borrowing of any money, certified by one of the directors or by the secretary to be a true copy, shall be sufficient evidence of the fact of the capital required to be subscribed or paid up having been so subscribed or paid up, and of the order for borrowing money having been made; and upon production to any justice of the books of the company, and of such other evidence as he shall think sufficient, such justice shall grant the certificate aforesaid.

*Mortgages
and bonds to
be stamped.*

XLI. EVERY mortgage and bond for securing money borrowed by the company shall be by deed under the common seal of the company, duly stamped, and wherein the consideration shall be truly stated; and every such mortgage deed or bond may be according to the form in the schedule (C.) or (D.) to this Act annexed, or to the like effect.

*Rights of
mortgagees.*

XLII. THE respective mortgagees shall be entitled one with another to their respective proportions of the tolls, sums, and premises comprised in such mortgages, and of the future calls payable by the shareholders, if comprised therein, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of priority of the date of any such mortgage, or of the meeting at which the same was authorized.

*Application
of calls, not-
withstanding
mortgages.*

XLIII. No such mortgage (although it should comprise future calls on the shareholders) shall, unless expressly so provided, preclude the company from receiving and applying to the purposes of the company any calls to be made by the company.

*Rights of
obligees.*

XLIV. THE respective obligees in such bonds shall, proportionally according to the amount of the monies secured thereby, be entitled to be paid, out of the tolls or other property or effects of the company, the respective sums in such bonds mentioned, and thereby intended to be secured, without any preference one above another by reason of priority of date of any such bond, or of the meeting at which the same was authorized, or otherwise howsoever.

*Register of
mortgages
and bonds.*

XLV. A REGISTER of mortgages and bonds shall be kept by the secretary, and within fourteen days after the date of any such mortgage or bond an entry or memorial, specifying the number and date of such mortgage or bond, and the sums secured thereby, and the names of the parties thereto, with their proper additions, shall be made in such register; and such register may be perused at all reasonable times by any of the shareholders, or by any mortgagee or bond creditor of the company, or by any person interested in any such mortgage or bond, without fee or reward.

*Transfers of
mortgages
and bonds to
be stamped.*

XLVI. ANY party entitled to any such mortgage or bond may from time to time transfer his right and interest therein to any other person; and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated; and every such transfer may be according to the form in the schedule (E.) to this Act annexed, or to the like effect.

*Power
to borrow
money.*

*Arrears of
interest, when
to be enforced
by appoint-
ment of a
receiver.*

*Arrears of
principal
and interest.*

*Appointment
of receiver.*

*Access to
account
books by
mortgagees.*

Loans.

*Power to
convert loan
into capital.*

*New shares to
be considered
same as
original shares.*

pay the principal and interest due at the expiration of such notice on such mortgage or bond.

LIII. WHERE by the special Act the mortgagees of the company shall be empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due on such mortgages, by the appointment of a receiver, then, if within thirty days after the interest accruing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts of law or equity, require the appointment of a receiver, by an application to be made as herein-after provided; and if within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior courts of law or equity, may, if his debt amount to the prescribed sum alone, or, if his debt does not amount to the prescribed sum, he may, in conjunction with other mortgagees whose debts, being so in arrear, after demand as aforesaid, shall, together with his, amount to the prescribed sum, require the appointment of a receiver, by an application to be made as herein-after provided.

LIV. EVERY application for a receiver in the cases aforesaid shall be made to two justices, and on any such application it shall be lawful for such justices, by order in writing, after hearing the parties, to appoint some person to receive the whole or a competent part of the tolls or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the tolls or sums aforesaid, be fully paid; and upon such appointment being made all such tolls and sums of money as aforesaid shall be paid to and received by the person so to be appointed; and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed; and after such interest and costs, or such principal, interest, and costs, have been so received, the power of such receiver shall cease.

LV. AT all seasonable times the books of account of the company shall be open to the inspection of the respective mortgagees and bond creditors thereof, with liberty to take extracts therefrom, without fee or reward.

And with respect to the conversion of the borrowed money into capital, be it enacted as follows:

LVI. It shall be lawful for the company, if they think fit, unless it be otherwise provided by the special Act, to raise the additional sum so authorized to be borrowed, or any part thereof, by creating new shares of the company, instead of borrowing the same, or, having borrowed the same, to continue at interest only a part of such additional sum, and to raise part thereof by creating new shares; but no such augmentation of capital as aforesaid shall take place without the previous authority of a general meeting of the company.

LVII. THE capital so to be raised by the creation of new shares shall be considered as part of the general capital, and shall be subject to the same provisions in all respects, whether with reference to the payment of calls, or

*Consolidation
of shares.*Register of
stock.

LXIII. THE company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for the purpose, and to be called "The Register of Holders of Consolidated Stock," and such book shall be accessible at all reasonable times to the several holders of shares or stock in the undertaking.

Proprietors
of stock
entitled to
dividends,
and to the same
privileges as
owners of
corresponding
amounts of
shares.

LXIV. THE several holders of such stock shall be entitled to participate in the dividends and profits of the company, according to the amount of their respective interests in such stock; and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively the same privileges and advantages, for the purpose of voting at meetings of the company, qualification for the office of directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the company, but so that none of such privileges or advantages, except the participation in the dividends and profits of the company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively.

Application
of capital.

LXV. AND be it enacted, that all the money raised by the company, whether by subscriptions of the shareholders, or by loan or otherwise, shall be applied, firstly, in paying the costs and expences incurred in obtaining the special Act, and all expences incident thereto, and, secondly, in carrying the purposes of the company into execution.

*General
Meetings.*Ordinary
meetings to
be held half-
yearly.

And with respect to the general meetings of the company, and the exercise of the right of voting by the shareholders, be it enacted as follows:

LXVI. THE first general meeting of the shareholders of the company shall be held within the prescribed time, or if no time be prescribed within one month after the passing of the special Act, and the future general meetings shall be held at the prescribed periods, and if no periods be prescribed in the months of February and August in each year, or at such other stated periods as shall be appointed for that purpose by an order of a general meeting; and the meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings"; and all meetings, whether ordinary or extraordinary, shall be held in the prescribed place, if any, and if no place be prescribed, then at some place to be appointed by the directors.

Business at
ordinary
meetings.

LXVII. No matters, except such as are appointed by this or the special Act to be done at an ordinary meeting, shall be transacted at any such meeting, unless special notice of such matters have been given in the advertisement convening such meeting.

Extraordinary
meetings.

LXVIII. EVERY general meeting of the shareholders, other than an ordinary meeting, shall be called an "Extraordinary Meeting"; and such meetings may be convened by the directors at such times as they think fit.

Business at
extraordinary
meetings.

LXIX. No extraordinary meeting shall enter upon any business not set forth in the notice upon which it shall have been convened.

Extraordinary
meetings may
be required by
shareholders.

LXX. It shall be lawful for the prescribed number of shareholders, holding in the aggregate shares to the prescribed amount, or, where the number of shareholders or amount of shares shall not be prescribed, it shall be lawful for twenty or more shareholders holding in the aggregate not less than one tenth of the capital of the company, by writing under their hands, at any time to require the directors to call an extraordinary meeting of the company; and

*General Meetings.**Manner of voting.*

LXXVI. THE votes may be given either personally or by proxies, being shareholders, authorized by writing according to the form in the schedule (F.) to this Act annexed, or in a form to the like effect, under the hand of the shareholder nominating such proxy, or if such shareholder be a corporation, then under their common seal; and every proposition at any such meeting shall be determined by the majority of votes of the parties present, including proxies, the chairman of the meeting being entitled to vote, not only as a principal and proxy, but to have a casting vote if there be an equality of votes.

Regulations as to proxies.

LXXVII. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the secretary of the company the prescribed period, or, if no period be prescribed, not less than forty-eight hours before the time appointed for holding the meeting at which such proxy is to be used.

Votes of joint shareholders.

LXXVIII. IF several persons be jointly entitled to a share, the person whose name stands first in the register of shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first-named shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

Votes of lunatics and minors, &c.

LXXIX. IF any shareholder be a lunatic or idiot, such lunatic or idiot may vote by his committee; and if any shareholder be a minor he may vote by his guardian or any one of his guardians; and every such vote may be given either in person or by proxy.

Proof of a particular majority of votes only required in the event of a poll being demanded.

LXXX. WHENEVER in this or the special Act the consent of any particular majority of votes at any meeting of the company is required in order to authorize any proceeding of the company, such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting; and if such poll be not demanded, then a declaration by the chairman that the resolution authorizing such proceeding has been carried, and an entry to that effect in the book of proceedings of the company, shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favour of or against the same.

*Appointment and rotation of Directors.**Number of directors. Power to vary the number of directors.*

And with respect to the appointment and rotation of directors, be it enacted as follows:

LXXXI. THE number of directors shall be the prescribed number.

LXXXII. WHERE the company shall be authorized by the special Act to increase or to reduce the number of the directors it shall be lawful for the company, from time to time, in general meeting, after due notice for that purpose, to increase or reduce the number of the directors within the prescribed limits, if any, and to determine the order of rotation in which such reduced or increased number shall go out of office, and what number shall be a quorum at their meetings.

Election of directors.

LXXXIII. THE directors appointed by the special Act shall, unless thereby otherwise provided, continue in office until the first ordinary meeting to be held in the year next after that in which the special Act shall have passed; and at such meeting the shareholders present, personally or by proxy, may either continue in office the directors appointed by the special Act, or any number of them, or may elect a new body of directors, or directors to supply

*Appointment
and rotation
of Directors.*

At the end of the second year the prescribed number, and if no number be prescribed one half of the remaining number of such directors, to be determined in like manner, shall go out of office :

At the end of the third year the prescribed number, and if no number be prescribed the remainder of such directors, shall go out of office :

And in each instance the places of the retiring directors shall be supplied by an equal number of qualified shareholders ; and at the first ordinary meeting in every subsequent year the prescribed number, and if no number be prescribed one third of the directors, being those who have been longest in office, shall go out of office, and their places shall be supplied in like manner ; nevertheless every director so retiring from office may be re-elected immediately or at any future time, and after such re-election shall, with reference to the going out by rotation, be considered as a new director : Provided always, that if the prescribed number of directors be some number not divisible by three, and the number of directors to retire be not prescribed, the directors shall in each case determine what number of directors, as nearly one third as may be, shall go out of office, so that the whole number shall go out of office in three years.

*Supply of
occasional
vacancies in
office of
directors.*

LXXXIX. If any director die, or resign, or become disqualified or incompetent to act as a director, or cease to be a director by any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place some other shareholder, duly qualified, to be a director ; and the shareholder so elected to fill up any such vacancy shall continue in office as a director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

*Powers
of Directors.*

*Powers of
the company
to be exer-
cised by the
directors.*

And with respect to the powers of the directors, and the powers of the company to be exercised only in general meeting, be it enacted as follows :

XC. THE directors shall have the management and superintendence of the affairs of the company, and they may lawfully exercise all the powers of the company, except as to such matters as are directed by this or the special Act to be transacted by a general meeting of the company ; but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this and the special Act ; and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting.

*Powers of
the company
not to be
exercised by
the directors.*

XCI. EXCEPT as otherwise provided by the special Act, the following powers of the company, (that is to say,) the choice and removal of the directors, except as herein-before mentioned, and the increasing or reducing of their number, where authorized by the special Act, the choice of auditors, the determination as to the remuneration of the directors, auditors, treasurer, and secretary, the determination as to the amount of money to be borrowed on mortgage, the determination as to the augmentation of capital, and the declaration of dividends, shall be exercised only at a general meeting of the company.

*Proceedings
of Directors.*

And with respect to the proceedings and liabilities of the directors, be it enacted as follows :

*Proceedings
of Directors.*

writing, and under the common seal of the company, and in the same manner may vary or discharge the same :

With respect to any contract which, if made between private persons, would be by law required to be in writing, and signed by the parties to be charged therewith, then such committee or the directors may make such contract on behalf of the company in writing, signed by such committee or any two of them, or any two of the directors, and in the same manner may vary or discharge the same :

With respect to any contract which, if made between private persons, would by law be valid although made by parol only, and not reduced into writing, such committee or the directors may make such contract on behalf of the company by parol only, without writing, and in the same manner may vary or discharge the same :

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be ; and on any default in the execution of any such contract, either by the company or any other party thereto, such actions or suits may be brought, either by or against the company, as might be brought had the same contracts been made between private persons only.

*Proceedings
to be entered
in books, and
to be evidence.*

XCVIII. THE directors shall cause notes, minutes, or copies, as the case may require, of all appointments made or contracts entered into by the directors, and of the orders and proceedings of all meetings of the company, and of the directors and committees of directors, to be duly entered in books, to be from time to time provided for the purpose, which shall be kept under the superintendence of the directors ; and every such entry shall be signed by the chairman of such meeting ; and such entry, so signed, shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such respective meetings having been duly convened or held, or of the persons making or entering such orders or proceedings being shareholders or directors or members of committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed, until the contrary be proved.

*Informalities
in appointment
of directors
not to in-
validate pro-
ceedings.*

XCIX. ALL acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding it may be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

*Directors not to
be personally
liable.*

C. No director, by being party to or executing in his capacity of director any contract or other instrument on behalf of the company, or otherwise lawfully executing any of the powers given to the directors, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever ; and the bodies or goods or lands of the directors shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as directors ; and the directors, their heirs, executors, and administrators, shall be indemnified out of the capital of the company for all payments made or liability incurred

*Indemnity of
directors.*

*Accountability
of officers.*

Security to
be taken
from officers
intrusted with
money.

Officers to
account, on
demand.

CIX. BEFORE any person intrusted with the custody or control of monies, whether treasurer, collector, or other officer of the company, shall enter upon his office, the directors shall take sufficient security from him for the faithful execution of his office.

CX. EVERY officer employed by the company shall from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account, in writing under his hand, of all monies received by him on behalf of the company; and such account shall state how, and to whom, and for what purpose, such monies shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the directors, or to any person appointed by them to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts.

Summary
remedy against
parties failing
to account.

CXI. If any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for three days after being thereunto required he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters, and things, in his possession or power, relating to the execution of this or the special Act, or any Act incorporated therewith, or belonging to the company, then, on complaint thereof being made to a justice, such justice shall summon such officer to appear before two or more justices at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or in his absence, upon proof that such summons was personally served upon him, or left at his last known place of abode, such justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any monies of the company are in the hands of such officer, or owing by him to the company, such justices may order such officer to pay the same; and if he fail to pay the amount it shall be lawful for such justices to grant a warrant to levy the same by distress, or, in default thereof, to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same be sooner paid.

Officers re-
fusing to
deliver up
documents, &c.
to be im-
prisoned.

CXII. If any such officer refuse to make out such account in writing, or to produce and deliver to the justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power, belonging to the company, such justices may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts, if any, in his possession or power, relating to such accounts, and have delivered up all books, papers, writings, property, effects, matters, and things, if any, in his possession or power, belonging to the company.

Where officer
about to
abscond, a
warrant may
be issued in
the first in-
stance.

CXIII. PROVIDED always, that if any director or other person acting on behalf of the company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the justice before whom the complaint is made, instead of issuing his summons, to

aforsaid, he shall forfeit to such shareholder for every such offence a sum not exceeding five pounds.

Dividends.

Previously to declaration of dividends a scheme to be prepared.

And with respect to the making of dividends, be it enacted as follows :

CXX. PREVIOUSLY to every ordinary meeting at which a dividend is intended to be declared the directors shall cause a scheme to be prepared, showing the profits, if any, of the company for the period current since the preceding ordinary meeting at which a dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the purposes of dividend, among the shareholders, according to the shares held by them respectively, the amount paid thereon, and the periods during which the same may have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to such scheme.

Dividend not to be made so as to reduce capital.

CXXI. THE company shall not make any dividend whereby their capital stock will be in any degree reduced: Provided always, that the word "dividend" shall not be construed to apply to a return of any portion of the capital stock, with the consent of all the mortgagees and bond creditors of the company, due notice being given for that purpose at an extraordinary meeting to be convened for that object.

Power to directors to set apart a fund for contingencies.

CXXII. BEFORE apportioning the profits to be divided among the shareholders the directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing, or improving the works connected with the undertaking, or any part thereof, and may divide the balance only among the shareholders.

Dividend not to be paid unless all calls paid.

CXXIII. No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

Bye Laws.

Power to make bye laws for the officers of the company.

And with respect to the making of bye laws, be it enacted as follows :

CXXIV. IT shall be lawful for the company from time to time to make such bye laws as they think fit, for the purpose of regulating the conduct of the officers and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever, and from time to time to alter or repeal any such bye laws, and make others, provided such bye laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye laws shall be reduced into writing, and shall have affixed thereto the common seal of the company; and a copy of such bye laws shall be given to every officer and servant of the company affected thereby.

Fines for breach of such bye laws.

CXXV. IT shall be lawful for the company, by such bye laws, to impose such reasonable penalties upon all persons, being officers or servants of the company, offending against such bye laws, as the company think fit, not exceeding five pounds for any one offence.

Bye laws to be so framed as that penalties may be mitigated.

CXXVI. ALL the bye laws to be made by the company shall be so framed as to allow the justice before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, if such justice shall think fit.

Evidence of bye laws.

CXXVII. THE production of a written or printed copy of the bye laws of the company, having the common seal of the company affixed thereto, shall

Costs to be
in the dis-
cretion of the
arbitrators.

CXXXIII. EXCEPT where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of and attending every such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators or their umpires, as the case may be.

Submission
to arbitration
to be made
rule of court.

CXXXIV. THE submission to any such arbitration may be made a rule of any of the superior courts, on the application of either of the parties.

Notices.

And with respect to the giving of notices, be it enacted as follows :

Service of
notices upon
company.

CXXXV. ANY summons or notice, or any writ, or other proceeding, at law or in equity, requiring to be served upon the company, may be served by the same being left at, or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

Service by
company on
shareholders.

CXXXVI. NOTICES requiring to be served by the company upon the shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice; and in proving such service it shall be sufficient to prove that such notice was properly directed, and that it was so put into the post office.

Notices to
joint pro-
priators of
shares.

CXXXVII. ALL notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whichever of the said persons shall be named first in the register of shareholders; and notice so given shall be sufficient notice to all the proprietors of such share.

Notices by
advertisement.

CXXXVIII. ALL notices required by this or the special Act, or any Act incorporated therewith, to be given by advertisement, shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the company's principal place of business shall be situated.

Authentication
of notices.

CXXXIX. EVERY summons, notice, or other such document, requiring authentication by the company, may be signed by two directors, or by the treasurer or the secretary of the company, and need not be under the common seal of the company, and the same may be in writing or in print, or partly in writing and partly in print.

Proof of
debts in
bankruptcy.

CXL. AND be it enacted, that if any person against whom the company shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary or treasurer of the company, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, to represent the company, and act in their behalf, in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the company.

Tender of
amends.

CXLI. AND be it enacted, that if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in

*Recovery of
damages and
penalties.*

of business of the company, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner herein-before required.

*Penalty for
defacing boards
used for such
publication.*

CXLVI. If any person pull down or injure any board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the purpose of publishing any bye law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expences attending the restoration of such board.

*Penalties to
be summarily
recovered
before two
justices.*

CXLVII. EVERY penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices; and on complaint being made to any justice he shall issue a summons, requiring the party complained against to appear before two justices at a time and place to be named in such summons; and every such summons shall be served on the party offending, either in person, or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for two justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them, and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such justices shall think fit.

*Penalties
may be levied
by distress.*

CXLVIII. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress; and such justices, or either of them, shall issue their or his warrant of distress accordingly.

*Imprisonment
in default
of distress.*

CXLIX. It shall be lawful for any such justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture, and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the justice, for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of distress it shall appear to the justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such justice whereon to levy such penalty or forfeiture, and costs, he may, if he thinks fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the justice, then such justice shall, by warrant,

*Recovery of
damages and
penalties.*

**Transient
offenders.**

CLVI. IT shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before some justice, without any warrant or other authority than this or the special Act; and such justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

**Form of
conviction.**

CLVII. THE justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule (G.) to this Act annexed.

**Proceedings
not to be
quashed for
want of form,
&c.**

CLVIII. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

Appeal.

**Parties
allowed to
appeal to
quarter ses-
sions on giving
security.**

CLIX. IF any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

**Court to make
such order as
they think
reasonable.**

CLX. AT the quarter sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

*Access to
special Act.*

**Copies of
special Act to
be kept and
deposited, and
allowed to be
inspected.**

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows:

CLXI. THE company shall, at all times after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to her Majesty, or some of them; and where the undertaking shall be a railway, canal, or other like undertaking, the works of which shall not be confined to one town or place, shall also, within the space of such six months, deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend, and in the office of the town clerk of every burgh or city into which

executors, administrators, and assigns, [or successors and assigns,] subject to the several conditions on which I held the same at the time of the execution hereof; and I the said do hereby agree to take the said share [or shares] [or stock], subject to the same conditions. As witness our hands and seals, the of

SCHEDULE (C.)

FORM of Mortgage Deed.

"The Company."
 Mortgage, number £
 BY virtue of [here name the special Act], we, "The Company," in consideration of the sum of £
 paid to us by A.B. of , do assign unto the said A.B. his executors, administrators, and assigns, the said undertaking, [and (in case of such loan shall be in anticipation of the capital authorized to be raised by future calls on shareholders,] and all the tolls and sums of money arising in virtue of the said Act, and all the estate, right, title, and interest of the company in the same, to hold unto the said A.B., his executors, administrators, and assigns, until the said sum of £
 interest for the same at the rate of % for every one hundred pounds by the year, be satisfied [the principal sum to be repaid at the end of years from the date hereof (in case any period be agreed upon for that purpose)], [at , or any place of payment other than the principal office of the company]. Given under our common seal this day of in the year of our Lord

SCHEDULE (D.)

FORM of Bond.

"The Company."
 Bond, number £
 BY virtue of [here name the special Act], we, "The Company," in consideration of the sum of £
 hand paid by A.B. of , do bind ourselves and our successors unto the said A.B., his executors, administrators, and assigns, to the penal sum of £
 The condition of the above obligation is such, that if the said A.B. shall pay to the said A.B., his executors, administrators, and assigns, (in case any other place of payment than the principal office of the company be intended),] on the day of which will be in the year one hundred and , the principal sum of £
 pounds, together with interest for the same at the rate of % per centum per annum, payable half-yearly on the day of and day of

CHAPTER XVII.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated in Scotland, carrying on Undertakings of a public Nature in Scotland.

[8th May 18

WHEREAS it is expedient to comprise in one general Act sundry provisions relating to the constitution and management of joint stock companies usually introduced into Acts of Parliament authorizing the execution of undertakings of a public nature by such companies in Scotland, and that as well for the purpose of avoiding the necessity of repeating such provisions in several Acts relating to such undertakings as for ensuring the provisions themselves: Be it therefore enacted by the authority of the same, that this Act shall apply to every company in Scotland which shall by any Act of Parliament after be passed be incorporated for the purpose of carrying on such undertaking, and this Act shall be incorporated with such Act, and the provisions of this Act, save so far as they shall be varied by such Act, shall apply to the company which shall be incorporated, and to the undertaking for carrying on which such company shall be incorporated, so far as the same shall be applicable thereto respectively, and the enactments and provisions, as well as the enactments and provisions of other Act which shall be incorporated with such Act, shall form part of such Act, and be construed together therewith.

Act to apply to all companies in Scotland incorporated by Acts hereafter to be passed.

Interpretations in this Act:

"The special Act:"

"Prescribed:"

"The undertaking."

Interpretations in this and the special Act:

Number:

Gender:

"Lands:"

II. AND with respect to the construction of this Act, and of other Acts which shall be incorporated therewith, be it enacted as follows:

The expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed incorporating or constituting a joint stock company for the purpose of carrying on any undertaking, and in which this Act shall be so incorporated as aforesaid; and the word "prescribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed instead of the word "prescribed" the expression "prescribed for that purpose" in the special Act had been used; and the expression "the undertaking" shall mean the undertaking or works, of whatever nature, which shall be authorized by the special Act to be executed.

III. THE following words and expressions both in this and the special Act shall have the several meanings hereby assigned to them, unless the context require something in the subject or the context repugnant to such construction; (and it is so say,)

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include the feminine gender:

The word "lands" shall extend to houses, lands, tenements, and any description or tenure:

progression, beginning with number one; and every such share shall be distinguished by its appropriate number.

VII. ALL shares in the undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

VIII. EVERY person who shall have subscribed the prescribed sum upwards to the capital of the company, or shall otherwise have become entitled to a share in the company, and whose name shall have been entered on the register of shareholders herein-after mentioned, shall be deemed a shareholder of the company, and shall be entitled to have one share therein allotted to him in respect of every sum of the prescribed amount so subscribed by him.

IX. THE company shall keep a book, to be called the "Register of Shareholders"; and in such book shall be fairly and distinctly entered, from time to time, the names of the several corporations, and the names and additions of the several persons, entitled to shares in the company, together with the number of shares to which such shareholders shall be respectively entitled, and the amount of the sum paid for each share by its number, and the amount of the sum due for such shares; and the surnames or corporate names of the several shareholders shall be placed in alphabetical order; and such book shall be sealed with the common seal of the company being affixed thereto, and the sealing shall take place at the first ordinary meeting, or at the next subsequent meeting of the company, and so from time to time at each ordinary meeting of the company.

X. IN addition to the said register of shareholders, the company shall provide a book, to be called the "Shareholders Address Book," in which the secretary shall from time to time enter in alphabetical order the corporate names and places of business of the several shareholders of the company, be they corporations, and the surnames of the several other shareholders, with their respective christian names, places of abode, and descriptions, so far as the same shall be known to the company; and every shareholder, or if such shareholder be a corporation the clerk or agent of such corporation, may at convenient times peruse such book gratis, and may require a copy thereof, and for every hundred words so required to be copied a copy of such company may demand a sum not exceeding sixpence.

XI. ON demand of the holder of any share the company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the company affixed thereto; and such certificate shall specify the share in the company to which such shareholder is entitled; and the same may be in the form in the schedule (A.) to this Act annexed, or to the like effect; and if such certificate the company may demand any sum not exceeding a certain amount, or if no amount be prescribed then a sum not exceeding sixpence and sixpence.

XII. THE said certificate shall be admitted in all courts of law as evidence of the title of such shareholder, his executors, administrators, successors, or assigns, to the share therein specified; and the production of such certificate shall not prevent the holder of any share from claiming the same.

XIII. IF any such certificate be worn out or damaged, the company, when being produced at some meeting of the directors, such directors

transfer of shares.
—
closing of transfer books.

XVIII. It shall be lawful for the directors to close the register of transfer for the prescribed period, or if no period be prescribed then for a period exceeding fourteen days previous to each ordinary meeting, and they may close a day for the closing of the same, of which seven days notice shall be given by advertisement in some newspaper as after mentioned; and any transfer made during the time when the transfer books are so closed shall, as between the company and the party claiming under the same, but not otherwise, be considered as made subsequently to such ordinary meeting.

transmission of shares by other means than transfer to be authenticated by a declaration.

XIX. If the interest in any share have become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than a transfer according to the provisions of this or the special Act, such transmission shall be authenticated by a declaration in writing as hereinbefore mentioned, or in such other manner as the directors shall require; and such declaration shall state the manner in which and the party to whom the share shall have been so transmitted, and shall be made and signed by some credible person before a sheriff or justice; and such declaration shall be produced to the secretary, and thereupon he shall enter the name of the party so entitled under such transmission in the register of shareholders; and for the purpose of such entry the company may demand any sum not exceeding the prescribed amount, and where no amount shall be prescribed then not exceeding five shillings; and until such transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the undertaking, nor to vote in respect of any share as the holder thereof.

of transmission by marriage, &c.

XX. If such transmission be by virtue of the marriage of a female shareholder, the said declaration shall contain a copy of the register of such marriage, or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, or the probate of the will or the letters of administration, or an official copy thereof, obtained from any prerogative court if granted in England, or from the testamentary or testamentary court if expedient in Scotland, or an official extract thereof, shall, together with such declaration, be produced to the secretary; and upon such production in either of the cases aforesaid the secretary shall make an entry of the declaration in the said register of transfers.

company not bound to receive trusts.

XXI. The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares shall be subject; and the receipt of the party in whose name any such shares stand in the books of the company, or if it stands in the names of more than one the receipt of the party first named in the register of shareholders, and then surviving, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of any such share, notwithstanding any trust to which such share may then be subject, and whether or not the company have had notice of such trusts; and the company shall not be bound to see to the application of the money paid in respect of such receipt.

Payment of calls.
 Matter to be proved in action for calls.

XXVIII. ON the trial or hearing of such action or suit it shall be sufficient to prove that the defender at the time of making such call was a holder of one share or more in the undertaking, and that such call was in fact made and such notice thereof given as is directed by this or the special Act; and it shall not be necessary to prove the appointment of the directors who made such call, nor any other matter whatsoever; and thereupon the company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed, or that calls amounting to more than the sum prescribed for the total amount of calls in one year had been made within that period.

Proof of proprietorship.

XXIX. THE production of the register of shareholders shall be prima facie evidence of such defender being a shareholder, and of the number and amount of his shares.

Nonpayment of calls.
 Forfeiture of shares for nonpayment of calls.

And with respect to the forfeiture of shares for nonpayment of calls, be enacted as follows :

XXX. IF any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the directors, at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which such call was payable to be forfeited, and that whether the company have sued for the amount of such call or not.

Notice of forfeiture to be given before declaration thereof.

XXXI. BEFORE declaring any share forfeited the directors shall cause notice of such intention to be left at or transmitted by the post to the usual or last place of abode of the person appearing by the register of shareholders to be the proprietor of such share; and if the holder of any such share be absent, or if his usual or last place of abode be not known to the directors, by reason of its being imperfectly described in the shareholders address book, or otherwise, or if the interest in any such share shall be known by the directors to have become transmitted otherwise than by transfer, as herein-before mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted or may for the time being belong shall not be known to the directors, the directors shall give public notice of such intention in the Edinburgh Gazette, and also in some newspaper as after mentioned; and several notices aforesaid shall be given twenty-one days at least before the directors shall make such declaration of forfeiture.

Forfeiture to be confirmed at a general meeting.

XXXII. THE said declaration of forfeiture shall not take effect, so as to authorize the sale or other disposition of any share, until such declaration have been confirmed at some general meeting of the company, to be held within the expiration of two months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the company to confirm such forfeiture at any general meeting, and by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of.

Sale of forfeited shares.

XXXIII. AFTER such confirmation as aforesaid it shall be lawful for the directors to sell the forfeited share, either by public auction or private contract, and, if there be more than one such forfeited share, then either separately

Power
to borrow
money.

Company
borrow
on mortgage
and.

Power to
pay.

Power of
attorney for
borrowing.

Mortgages
by deed
stamped.

Priority of
mortgages.

Priority of
debts, not-
standing
mortgages.

Mortgages
personal
estate.

And with respect to the borrowing of money by the company on mortgage or bond, be it enacted as follows :

XL. IF the company be authorized by the special Act to borrow money on mortgage or bond, it shall be lawful for them, subject to the restrictions contained in the special Act, to borrow on mortgage or bond such sums of money as shall from time to time, by an order of a general meeting of the company be authorized to be borrowed, not exceeding in the whole the sum prescribed by the special Act, and for securing the repayment of the money so borrowed with interest, to mortgage the undertaking, and the future calls on the shareholders, or to give bonds in manner herein-after mentioned.

XLI. IF, after having borrowed any part of the money so authorized to be borrowed on mortgage or bond, the company pay off the same, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; but such power of re-borrowing shall not be exercised without the authority of a general meeting of the company, unless the money be re-borrowed in order to pay off any existing bond or security.

XLII. WHERE by the special Act the company shall be restricted in borrowing any money on mortgage or bond until a definite portion of the capital shall be subscribed or paid up, or where by this or the special Act the authority of a general meeting is required for such borrowing, the certificate of a sheriff that such definite portion of the capital has been subscribed or paid up, and a copy of the order of a general meeting of the company authorizing the borrowing of any money, certified by one of the directors or by the secretary to be a true copy, shall be sufficient evidence of the fact of the capital required to be subscribed or paid up having been so subscribed or paid up, and of the order for borrowing money having been made; and upon production of the order for borrowing money having been made; and upon production of any sheriff of the books of the company, and of such other evidence as he may think sufficient, such sheriff shall grant the certificate as aforesaid.

XLIII. EVERY mortgage and bond for securing money lent to the company shall be by deed under the common seal of the company, and stamped, and wherein the consideration shall be truly stated. Every mortgage deed or bond may be according to the form in the Schedule (D.) to this Act annexed, or to the like effect; and every such deed shall have the full effect of an assignation in security duly executed.

XLIV. THE respective mortgagees shall be entitled one with another to their respective proportions of the tolls, sums, and premises comprised in the mortgages, and of the future calls payable by the shareholders, if contained therein, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of priority of the date of any such mortgage, or of the meeting at which the same was authorized.

XLV. No such mortgage (although it should comprise future calls on the part of the shareholders) shall, unless expressly so provided, preclude the company from receiving and applying to the purposes of the company any calls to be made by the company.

XLVI. ALL mortgages and money lent on mortgage to the company shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

date of such mortgage or bond, demand payment of the principal money there secured, with all arrears of interest, upon giving six months previous notice for that purpose; and in the like case the company may at any time pay the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or bond creditor shall be delivered to the secretary or left at the principal office of the company and if given by the company shall be given either personally to such mortgagee or bond creditor or left at his residence, or if such mortgagee or bond creditor be unknown to the directors, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the Edinburgh Gazette, and in some newspaper, as after mentioned.

LV. If the company shall have given notice of their intention to pay any such mortgage or bond at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable on such mortgage or bond, unless, on demand of payment made pursuant to such notice, or at any time thereafter, the company shall refuse to pay the principal and interest due at the expiration of such notice on such mortgage or bond.

LVI. WHERE by the special Act the mortgagees of the company shall be empowered to enforce the payment of the arrear of interest, or the arrears of principal and interest, due on such mortgages, by the appointment of a judicial factor, then, if within thirty days after the interest accruing upon any such mortgage or bond has become payable, and after demand thereof in writing the same be not paid, the mortgagee may, without prejudice to his right to sue for the interest so in arrear in any competent court, require the appointment of a judicial factor, by an application to be made as herein-after provided and if within six months after the principal money owing upon any such mortgage or bond has become payable, and after demand thereof in writing the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any competent court, may, if his debt amount to the prescribed sum alone, or, if his debt do not amount to the prescribed sum, he may, in conjunction with other mortgagees whose debts, being so in arrear, after demand as aforesaid shall, together with his, amount to the prescribed sum, require the appointment of a judicial factor, by an application to be made as herein-after provided.

LVII. EVERY application for a judicial factor in the cases aforesaid shall be made to the Court of Session, and on any such application so made, and after hearing the parties, it shall be lawful for the said court, by order in writing to appoint some person to receive the whole or a competent part of the tolls and sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the tolls and sums aforesaid, be fully paid; and upon such appointment being made such tolls and sums of money as aforesaid shall be paid to and received by the person so to be appointed; and the money so to be received shall be so managed as to be received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on which behalf such judicial factor shall have been appointed; and after such inter-

*Consolidation
of shares.*

Power to
consolidate
shares into
stock.

LXIV. IT shall be lawful for the company from time to time, with the consent of three fifths of the votes of the shareholders present in person or by proxy at any general meeting of the company, when due notice for that purpose shall have been given, to convert or consolidate all or any part of the shares then existing in the capital of the company, and in respect whereof the whole money subscribed shall have been paid up, into a general stock, to be divided amongst the shareholders according to their respective interests therein.

Proprietors
of stock may
transfer the
same.

LXV. AFTER such conversion or consolidation shall have taken place the provisions contained in this or the special Act which require or imply that the capital of the company shall be divided into shares of any fixed amount and distinguished by numbers, shall, as to so much of the capital as shall have been so converted or consolidated into stock, cease and be of no effect; and the several holders of such stock may thenceforth transfer their respective interests therein, or any parts of such interests, in the same manner as if the shares in the capital of the company might be transferred under the provisions of this or the special Act; and the company shall cause an entry to be made in some book, to be kept for that purpose, of every such transfer; and on every such entry they may demand any sum not exceeding the prescribed amount or if no amount be prescribed a sum not exceeding two shillings and sixpence.

Register of
stock.

LXVI. THE company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for the purpose, and to be called "The Register of Holders of Consolidated Stock," and such book shall be accessible at all reasonable times to the several holders of shares or stock in the undertaking.

Proprietors
of stock
entitled to
dividends, and
the same
privileges as
holders of
corresponding
amounts of
shares.

LXVII. THE several holders of such stock shall be entitled to participate in the dividends and profits of the company, according to the amount of their respective interests in such stock; and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively the same privileges and advantages, for the purpose of voting at meetings of the company, qualification for the office of directors, and for other purposes, as if they had respectively the same amount of shares as they have been conferred by shares of equal amount in the capital of the company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the company, shall be conferred by any part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively.

Application
of capital.

LXVIII. AND be it enacted, that all the money raised by the company, whether by subscriptions of the shareholders, or by loan or otherwise, shall be applied, firstly, in paying the costs and expenses incurred in obtaining the special Act, and all expenses incident thereto, and, secondly, in carrying into effect the purposes of the company into execution.

*General
Meetings.*

Ordinary
meetings to
be held half-
yearly.

And with respect to the general meetings of the company, and the exercise of the right of voting by the shareholders, be it enacted as follows:

LXIX. THE first general meeting of the shareholders of the company shall be held within the prescribed time, or if no time be prescribed within one month after the passing of the special Act, and the future general meetings

*Appointment
and rotation
of Directors.*

*Shareholder
of an incor-
porated joint
stock com-
pany not dis-
qualified by
reason of
contracts.*

*Rotation of
Directors.*

for the company, or if such director at any time cease to be a holder of the prescribed number of shares in the company, then in any of the cases aforesaid the office of such director shall become vacant, and thenceforth he shall cease from voting or acting as a director.

XCI. PROVIDED always, that no person, being a shareholder or member of any incorporated joint stock company, shall be disqualified or prevented from acting as a director by reason of any contract entered into between such joint stock company and the company incorporated by the special Act; but such director, being a shareholder or member of such joint stock company, shall vote on any question as to any contract with such joint stock company.

XCI. THE directors appointed by the special Act, and continued in office as aforesaid, or the directors elected to supply the places of those retiring as aforesaid, shall, subject to the provision herein-before contained for increasing or reducing the number of directors, retire from office at the times and in the proportions following, the individuals to retire being in each instance determined by ballot among the directors, unless they shall otherwise agree; (which is to say,)

At the end of the first year after the first election of directors the prescribed number, and if no number be prescribed one third of such directors, to be determined by ballot among themselves, unless they shall otherwise agree, shall go out of office :

At the end of the second year the prescribed number, and if no number be prescribed one half of the remaining number of such directors, to be determined in like manner, shall go out of office :

At the end of the third year the prescribed number, and if no number be prescribed the remainder of such directors, shall go out of office :

And in each instance the places of the retiring directors shall be supplied by an equal number of qualified shareholders; and at the first ordinary meeting in every subsequent year the prescribed number, and if no number be prescribed one third of the directors, being those who have been longest in office, shall go out of office, and their places shall be supplied in like manner; and nevertheless, every director so retiring from office may be re-elected immediately or at any future time, and after such re-election shall, with reference to the going out by rotation, be considered as a new director: Provided always that if the prescribed number of directors be some number not divisible by three, and the number of directors to retire be not prescribed, the directors shall in each case determine what number of directors, as nearly one third as may be, shall go out of office, so that the whole number shall go out of office in three years.

*Supply of
vacancies in
office of
Directors.*

XCII. If any director die or resign, or become disqualified or incompetent to act as a director, or cease to be a director by any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place some other shareholder, qualified, to be a director; and the shareholder so elected to fill up any vacancy shall continue in office as a director so long only as the person whose place he shall have been elected would have been entitled to continue had he remained in office.

*Powers of
Directors.*

And with respect to the powers of the directors and the powers of the company to be exercised only in general meetings, be it enacted as follows

XCIII. THE directors shall have the management and superintendence of the affairs of the company, and they may lawfully exercise all the powers of the company, except as to such matters as are directed by this or the special Act to be transacted by a general meeting of the company; but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this and the special Act; and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting.

*Powers of
Directors.*

*Powers of
the company
to be exercised
by the direc-
tors.*

XCIV. EXCEPT as otherwise provided by the special Act, the following powers of the company, (that is to say,) the choice and removal of the directors, except as herein-before mentioned, and the increasing or reducing of their number, where authorized by the special Act, the choice of auditors, the determination as to the remuneration of the directors, auditors, treasurer, and secretary, the determination as to the amount of money to be borrowed on mortgage, the determination as to the augmentation of capital, and the declaration of dividends, shall be exercised only at a general meeting of the company.

*Powers of
the company
not to be
exercised by
the directors.*

And with respect to the proceedings and liabilities of the directors, be it enacted as follows:

*Proceedings
of Directors.*

XCV. THE directors shall hold meetings at such times as they shall appoint for the purpose, and they may meet and adjourn as they think proper from time to time, and from place to place; and at any time any two of the directors may require the secretary to call a meeting of the directors; and in order to constitute a meeting of directors, there shall be present at the least the prescribed quorum, and when no quorum shall be prescribed there shall be present at least one third of the directors; and all questions at any such meeting shall be determined by the majority of votes of the directors present, and in case of an equal division of votes the chairman shall have a casting vote, in addition to his vote as one of the directors.

*Meetings of
directors.*

XCVI. AT the first meeting of directors held after the passing of the special Act, and at the first meeting of the directors held after each annual appointment of directors, the directors present at such meeting shall choose one of the directors to act as chairman of the directors for the year following such choice, and shall also, if they think fit, choose another director to act as deputy chairman for the same period; and if the chairman or deputy chairman die or resign, or cease to be a director, or otherwise become disqualified to act, the directors present at the meeting next after the occurrence of such vacancy shall choose some other of the directors to fill such vacancy; and every such chairman or deputy chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such death, resignation, removal, or disqualification had not happened.

*Permanent
chairman of
directors.*

XCVII. IF at any meeting of the directors neither the chairman nor deputy chairman be present, the directors present shall choose some one of their number to be chairman of such meeting.

*Occasional
chairman of
directors.*

XCVIII. IT shall be lawful for the directors to appoint one or more committees, consisting of such number of directors as they think fit, within the prescribed limits, if any, and they may grant to such committees respectively

*Committees
of directors.*

proceedings of
Directors.

members of
committees.
meetings of
committees.

power on behalf of the company to do any acts relating to the affairs of the company which the directors could lawfully do, and which they shall from time to time think proper to intrust to them.

XCIX. THE said committees may meet from time to time, and may adjourn from place to place, as they think proper, for carrying into effect the purposes of their appointment; and no such committee shall exercise the powers intrusted to them except at a meeting at which there shall be present the prescribed quorum, or if no quorum be prescribed then a quorum to be fixed for that purpose by the general body of directors; and at all meetings of the committees one of the members present shall be appointed chairman; and all questions at any meeting of the committee shall be determined by a majority of votes of the members present, and in case of an equal vote the chairman shall have a casting vote, in addition to his ordinary vote as a member of the committee.

contracts by
committees
directors,
may be
entered into.

C. THE power which may be granted to any such committee, as well as the power of the directors to make contracts on behalf of the company, may lawfully be exercised as follows:

With respect to any contract which, if made between the company and another party, would be by law required to be by deed or by agreement in writing, and which is to be charged therewith, then the directors may make such contract on behalf of the company either under the common seal of the company, or by the signature of the chairman of the committee, or any two of them, or any two of the directors, in any manner which may vary or discharge the same:

With respect to any contract which, if made between the company and another party, would by law be valid although made by parol only, then such committee or the directors may make such contract on behalf of the company by parol only, without writing, in any manner which may vary or discharge the same:

And all contracts made according to the provisions hereof shall be effectual in law, and shall be binding upon the company, and all other parties thereto, their heirs, executors, or assigns, in any case which may be; and on any default in the execution of any contract made by the company, or any other party thereto, such as to be brought, either by or against the company, as might be brought if no such contracts had been made between private persons only.

proceedings
to be entered
in books, and
to be evidence.

CI. THE directors shall cause notes, minutes, or extracts, to be made, and require, of all appointments made or contracts entered into, and of the orders and proceedings of all meetings of the directors and committees of directors, to be duly entered in books, from time to time provided for the purpose, which shall be under the superintendence of the directors; and every such entry shall be signed by the chairman of such meeting; and such entry, so signed, shall be evidence in all courts, and before all judges, justices, and officers, in any such respective meetings having been duly convened or called, or in making or entering such orders or proceedings being signed by the chairman or members of committee respectively, or of the signature of the chairman of the fact of his having been chairman, all of which shall be presumed, until the contrary be proved.

CII. ALL acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding it may be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

*Proceedings of
Directors.*

*Informalities
in appointment
of directors
not to in-
validate pro-
ceedings.*

CIII. No director, by being party to or executing in his capacity of director any contract or other instrument on behalf of the company, or otherwise lawfully executing any of the powers given to the directors, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the directors shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as directors; and the directors, their heirs, executors, and administrators, shall be indemnified out of the capital of the company for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them; and the directors for the time being of the company may apply the existing funds and capital of the company for the purposes of such indemnity, and may, if necessary for that purpose, make calls of the capital remaining unpaid, if any.

*Directors not
to be per-
sonally liable.*

*Indemnity of
directors.*

And with respect to the appointment and duties of auditors, be it enacted as follows:

Auditors.

CIV. EXCEPT where by the special Act auditors shall be directed to be appointed otherwise than by the company, the company shall, at the first ordinary meeting after the passing of the special Act, elect the prescribed number of auditors, and if no number is prescribed two auditors, in like manner as is provided for the election of directors; and at the first ordinary meeting of the company in each year thereafter the company shall in like manner elect an auditor to supply the place of the auditor then retiring from office, according to the provision herein-after contained; and every auditor elected as herein-before provided, being neither removed nor disqualified, nor having resigned, shall continue to be an auditor until another be elected in his stead.

*Election of
auditors.*

CV. WHERE no other qualification shall be prescribed by the special Act, every auditor shall have at least one share in the undertaking; and he shall not hold any office in the company, nor be in any other manner interested in its concerns, except as a shareholder.

*Qualification
of auditors.*

CVI. ONE of such auditors (to be determined in the first instance by ballot between themselves, unless they shall otherwise agree, and afterwards by seniority,) shall go out of office at the first ordinary meeting in each year; but the auditor so going out shall be immediately re-eligible, and after any such re-election shall, with respect to the going out of office by rotation, be deemed a new auditor.

*Rotation of
auditors.*

CVII. If any vacancy take place among the auditors in the course of the current year, then at any general meeting of the company the vacancy may, if the company think fit, be supplied by election of the shareholders.

*Vacancies in
office of
auditor.*

auditors.

—
 ire of
 ing to
 auditor.
 rery of
 ace sheet,
 by
 stors to
 tors.
 r of
 tors.

ers of
 tors.

ountability
 f officers.

irity to
 ken
 a action
 sted
 i money.

ers to
 unt on
 and.

mary
 edy against
 ies falling
 account.

CVIII. THE provision of this Act respecting the failure of an ordinary meeting at which directors ought to be chosen shall apply, *mutatis mutandis*, to any ordinary meeting at which an auditor ought to be appointed.

CIX. THE directors shall deliver to such auditors the half-yearly or periodical accounts and balance sheet, fourteen days at the least before the ensuing ordinary meeting at which the same are required to be produced to the shareholders, as herein-after provided.

CX. IT shall be the duty of such auditors to receive from the directors the half-yearly or other periodical accounts and balance sheet required to be presented to the shareholders, and to examine the same.

CXI. IT shall be lawful for the auditors to employ such accountants or other persons as they may think proper, at the expence of the company, to audit the same; and they shall either make a special report on the said accounts, or simply confirm the same; and such report or confirmation shall be read, together with the report of the directors, at the ordinary meeting.

And with respect to the accountability of the officers of the company, the following enactments are enacted as follows :

CXII. BEFORE any person intrusted with the custody or control of the company's moneys, whether treasurer, collector, or other officer of the company, shall enter upon his office, the directors shall take sufficient security from him for the due execution of his office.

CXIII. EVERY officer employed by the company shall from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand, of all monies received by him on behalf of the company; and such account shall state how, and to whom, and for what purpose, such monies shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the directors, or to any person appointed by them to receive the same, all monies which shall appear to be owing upon the balance of such accounts.

CXIV. IF any such officer fail to render such account, or to produce, or to deliver up all the vouchers and receipts relating to, the same in his possession or power, or to pay the balance thereof when thereunto required, or to deliver, or three days after being thereunto required he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers, books, writings, property, effects, matters, and things, in his possession or power, relating to the execution of this or the special Act, or any Act incorporated with therewith, or belonging to the company, then, on complaint thereunto made to the sheriff or a justice, such sheriff or justice shall summon such officer to appear before such sheriff, if the summons or order be issued by a sheriff, or before two or more justices, if the summons or order be issued by a justice, at a time and place to be set forth in such summons or order; and upon answer such charge; and upon the appearance of such officer, or in his absence upon proof that such summons or order was personally served upon him, or left at his last known place of abode, such sheriff or justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any monies

the company are in the hands of such officer, or owing by him to the company, such sheriff or justices may order such officer to pay the same; and if he fail to pay the amount it shall be lawful for such sheriff or justices to grant a warrant to levy the same by pouncing and sale, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months.

*Accountability
of officers.*

CXV. If any such officer refuse to produce and deliver to the said sheriff or justices the several vouchers and receipts relating to his accounts, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power, belonging to the company, such sheriff or justices may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts, if any, in his possession or power, relating to such accounts, and have delivered up all books, papers, writings, property, effects, matters, and things, if any, in his possession or power, belonging to the company.

*Officers re-
fusing to
deliver up
documents,
&c. to be
imprisoned.*

CXVI. PROVIDED always, that if any director or other person acting on behalf of the company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the sheriff or justice before whom the complaint is made, instead of issuing his summons or order, to issue his warrant for the bringing such officer before the sheriff, to answer to the charge, as herein-before directed, if the warrant has been issued by the sheriff, or before any justice if the warrant shall have been issued by a justice; and it shall be lawful for the justice before whom such officer may be brought either to discharge such officer, if he thinks there is no sufficient ground for his detention, or to order such officer to be detained in custody, so as to be brought before two justices, at a time and place to be named in such order, unless such officer give surety, to the satisfaction of such justice, for his appearance before such justices to answer the complaint of the company.

*Where officer
about to
abscond, a
warrant may
be issued in
the first in-
stance.*

CXVII. No such proceeding against or dealing with any such officer as aforesaid shall deprive the company of any remedy which they might otherwise have against such officer, or any surety of such officer.

*Sureties not
to be dis-
charged.*

And with respect to the keeping of accounts, and the right of inspection thereof by the shareholders, be it enacted as follows:

Accounts.

CXVIII. THE directors shall cause full and true accounts to be kept of all sums of money received or expended on account of the company by the directors, and all persons employed by or under them, and of the matters and things for which such sums of money shall have been received, or disbursed and paid.

*Accounts to
be kept.*

CXIX. THE books of the company shall be balanced at the prescribed periods, and if no periods be prescribed, fourteen days at least before each ordinary meeting; and forthwith on the books being so balanced an exact balance sheet shall be made up, which shall exhibit a true statement of the capital stock, credits, and property of every description belonging to the company, and the debts due by the company, at the date of making such balance sheet, and a distinct view of the profit or loss which shall have arisen on the transactions of the company in the course of the preceding half year; and previously to each ordinary meeting such balance sheet shall be examined

*Books to be
balanced.*

Accounts:

by the directors, or any three of their number, and shall be signed by chairman or deputy chairman of the directors.

Section of
books by
shareholders
inspected
18.

CXX. THE books so balanced, together with such balance sheet as aforesaid shall for the prescribed periods, and if no periods be prescribed, for four days previous to each ordinary meeting, and for one month thereafter, be open for the inspection of the shareholders at the principal office or place of business of the company; but the shareholders shall not be entitled at any time, except during the periods aforesaid, to demand the inspection of the books, unless in virtue of a written order signed by three of the directors.

Balance sheet
to be produced
at the meeting.

CXXI. AND be it enacted, that the directors shall produce to the shareholders assembled at such ordinary meeting the said balance sheet as aforesaid applicable to the period immediately preceding such meeting, together with the report of the auditors thereon, as herein-before provided.

Book-keeper
to be appointed
18.

CXXII. THE directors shall appoint a book-keeper to enter the accounts aforesaid in books to be provided for the purpose; and every such book-keeper shall permit any shareholder to inspect such books, and to take copies or entries therefrom, at any reasonable time during the prescribed periods, and if no periods be prescribed during one fortnight before and one month after every ordinary meeting; and if he fail to permit any such shareholder to inspect such books, or take copies or extracts therefrom, during the periods aforesaid, he shall forfeit to such shareholder for every such offence a sum not exceeding five pounds.

Dividends.

And with respect to the making of dividends, be it enacted as follows:

Provisionally
to be made
18.

CXXIII. PREVIOUSLY to every ordinary meeting at which a dividend is intended to be declared the directors shall cause a scheme to be prepared showing the profits, if any, of the company for the period current since the preceding ordinary meeting at which a dividend was declared, and a statement of the same, or so much thereof as they may consider applicable to the purposes of dividend, among the shareholders, according to the shares held by them respectively, the amount paid thereon, and the periods during which the same may have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to the scheme.

Dividend not
to be made so
as to reduce
capital.

CXXIV. THE company shall not make any dividend whereby their capital stock will be in any degree reduced: Provided always, that the word "dividend" shall not be construed to apply to a return of any portion of the capital stock, with the consent of all the mortgagees and bond creditors of the company, due notice being given for that purpose at an extraordinary meeting to be convened for that object.

Provision
for contingencies.

CXXV. BEFORE apportioning the profits to be divided among the shareholders the directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing, or improving the works connected with the undertaking, or any part thereof, and may divide the balance only among the shareholders.

Dividend not
to be paid
until all
debts are
paid.

CXXVI. No dividend shall be paid in respect of any share until all the debts then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

Bye Laws.

And with respect to the making of bye laws, be it enacted as follows:

CXXVII. IT shall be lawful for the company from time to time to make such **bye laws** as they think fit, for the purpose of regulating the conduct of the **officers** and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever, and from time to time to alter or repeal any such bye laws, and make others, provided such bye laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye laws shall be reduced into writing, and shall have affixed thereto the common seal of the company, and a copy of such bye laws shall be given to every officer and servant of the company affected thereby.

Bye Laws.

Power to make bye laws for the officers of the company.

CXXVIII. It shall be lawful for the company, by such bye laws, to impose such **reasonable** penalties upon all persons, being officers or servants of the company, offending against such bye laws, as the company think fit, **not exceeding five pounds** for any one offence.

Fines for breach of such bye laws.

CXXIX. ALL the bye laws to be made by the company shall be so framed as to allow the sheriff or justices before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, if such sheriff shall think fit.

Bye laws to be so framed as that penalties may be mitigated.

CXXX. THE production of a written or printed copy of the bye laws of the company, having the common seal of the company affixed thereto, shall be sufficient evidence of such bye laws in all cases of prosecution under the same.

Evidence of bye laws.

And with respect to the settlement of disputes by arbitration, be it enacted as follows :

Arbitration.

CXXXI. WHEN any dispute directed by this or the special Act, or any Act incorporated therewith, to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an arbitrator to whom such dispute shall be referred; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

Appointment of arbitrators when questions are to be determined by arbitration.

CXXXII. If before the matters so referred shall be determined any arbitrator appointed by either party die, or become incapable or refuse or for seven days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbitrator may proceed ex parte; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, or disability as aforesaid.

Vacancy of arbitrator to be supplied.

XXXIII. WHERE more than one arbitrator shall have been appointed such arbitrators shall, before they enter upon the matters so referred to them, nominate and appoint by writing under their hands an umpire to decide any such matters on which they shall differ; and if such umpire shall die, refuse or for seven days neglect to act, they shall forthwith after such death, refusal, or neglect appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

XXXIV. If in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitrators neglect to appoint an umpire, it shall be lawful for the lord ordinary, on the application of either party to such arbitration, to appoint an umpire; and the decision of such umpire on the matters on which the arbitrators shall have decided shall be final.

XXXV. THE said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose, and may also grant diligence for the recovery of such documents as either party may require, or for citing witnesses; and, on application to the lord ordinary, letters of supplement, or such other writ as may be necessary shall be issued by the lord ordinary, in support of such diligence.

XXXVI. EXCEPT where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of and attending such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators or the umpire, as the case may be.

And with respect to the giving of notices, be it enacted as follows:

XXXVII. ANY summons or notice, or any writ, or other proceeding in law or in equity, requiring to be served upon the company, may be served in the same being left at or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

XXXVIII. NOTICES requiring to be served by the company upon the shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the post directed according to the registered address or other known address of the shareholder, within the period as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice; and in proof of such service it shall be sufficient to prove that such notice was properly directed, and that it was so put into the post office.

XXXIX. ALL notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whoever of the said persons shall be named first in the register of shareholders, and notice so given shall be sufficient notice to all the proprietors of such share.

CXL. ALL notices required by this or the special Act, or any Act incorporated therewith, to be given by advertisement, shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed

newspaper cease to be published, in a newspaper circulating in the district within which the company's principal place of business shall be situated.

CXLI. EVERY summons, demand, or notice, or other such document, requiring authentication by the company, may be signed by two directors, or by the treasurer or the secretary of the company, and need not be under the common seal of the company, and the same may be in writing or in print, or partly in writing and partly in print.

CXLII. AND be it enacted, that if any person against whom the company shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary or treasurer of the company, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, to represent the company, and act in their behalf, in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the company.

CXLIII. AND be it enacted, that if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defender, by leave of the court where such action shall be pending, at any time before the record is closed, to pay into court such sum of money as he shall think fit; and thereupon such proceedings shall be had as in other cases where defenders are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, be it enacted as follows:

CXLIV. IN all cases where any damages, costs, or expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by the sheriff; and if the amount so ascertained be not paid by the company or other party liable to pay the same within seven days after demand, the amount may be recovered by pointing and sale of the goods of the company or other party liable as aforesaid; and the sheriff shall, on application, issue his warrant accordingly.

CXLV. IF sufficient goods of the company cannot be found whereon to levy any such damages, costs, or expences, payable by the company, the same may, if the amount thereof do not exceed twenty pounds, be recovered by pointing and sale of the goods of the treasurer of the company; and the sheriff, on application, shall issue his warrant accordingly; but no such pointing and sale shall be executed against the goods of such treasurer unless seven days previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress or pointing and sale as aforesaid, he may retain the amount so paid by him, and all costs and expences occasioned thereby, out of any money belonging to the company coming into his custody or control, or he may sue the company for the same.

Notices.

Authentication of notices.

Proof of debts in bankruptcy.

Tender of amends.

Payment into court.

Recovery of damages and penalties.

Provision for ascertainment of damages not otherwise provided for.

Enforcement by distress, &c.

Distress, &c. against the treasurer.

Notice to treasurer.

Reimbursement of treasurer.

y of
and
ice.
-
if
ig
s
a
of
&c.

CXLVI. WHERE in this or the special Act, or any Act incorporated therewith, any question of expences, charges, or damages is referred to the determination of any sheriff or justices, it shall be lawful for the sheriff or justice, upon the application of either party, to summon the other party to appear before such sheriff, or before two justices, as the case may require, at such time and place to be named in such summons; and upon the appearance of such parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such sheriff, or such two justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of such sheriff or justices, and he or they shall determine the amount thereof.

on
es.

CXLVII. THE company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any bye law of the company affecting more than the shareholders, officers, or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be put up on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or to which reference is made; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner herein-before required.

or
boards
such
in.

CXLVIII. If any person pull down or injure any board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the purpose of publishing any bye law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expences attending the restoration of such board.

to
trily
riff
stices.

CXLIX. EVERY penalty or forfeiture imposed by this or the special Act, or any bye law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before the sheriff or two justices; and on complaint being made to any sheriff or justice he shall issue an order, requiring the party complained against to appear before him, if the order be issued by a sheriff, or before two or more justices, if the order be issued by a justice, 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 the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such order, it shall be lawful for any sheriff or two 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 upon the oath of one credible witness or more, it shall be lawful for such sheriff or justice to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the recovery of the same as such sheriff or justices shall think fit.

CL. IF forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by pointing and sale; and such sheriff or justices, or either of them, shall issue his or their warrant of pointing and sale accordingly.

Recovery of damages and penalties.

Penalties to be levied by distress.

Imprisonment in default of distress.

CLII. It shall be lawful for any such sheriff or justices to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of pointing and sale to be issued for levying such penalty or forfeiture, and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the sheriff or justices, for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of pointing and sale it shall appear to the sheriff or justices, by the admission of the offender or otherwise, that no sufficient pointing and sale can be had within the jurisdiction of such sheriff or justices whereon to levy such penalty or forfeiture, and costs, he or they may, if he or they think fit, refrain from issuing such warrant; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the sheriff or justices, then such sheriff or justices shall, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture, and costs, be sooner paid and satisfied.

CLII. WHERE in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by pointing and sale, such sum of money shall be levied by pointing and sale of the goods and effects of the party liable to pay the same, and the overplus arising from the sale of such goods and effects, after satisfying such sum of money and the expences of the pointing and sale, shall be returned, on demand, to the party whose goods shall have been seized.

Distress, &c. how to be levied.

CLIII. No pointing and sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser or wrongdoer, on account of any defect or want of form in the summons, conviction, warrant, or other proceeding relating thereto; but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action before the sheriff court.

Distress, &c. not unlawful for want of form, &c.

CLIV. THE sheriff or justices by whom any such penalty or forfeiture shall be imposed, where the application thereof is not otherwise provided for, may award not more than one half thereof to the informer, and shall award the remainder to the kirk session of the parish in which the offence shall have been committed, for the benefit of the poor of such parish.

Application of penalties.

CLV. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before the sheriff or justices, unless the complaint respecting such offence shall have been made before such sheriff or some justice within six months next after the commission of such offence.

Penalties to be sued for within six months.

CLVI. IF, through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this or the special Act, or

Damage to be made good in addition to penalty.

covery of
ages and
sallica.

any Act incorporated therewith, any damage to the property of the company shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damage shall, in case of dispute, be determined by the sheriff or justices by whom the party incurring such penalty shall have been convicted; and on nonpayment of such damages, on demand, the same shall be levied by pointing and distress, and such sheriff or justices shall issue his or their warrant accordingly.

ty on
ices
g default.

CLVII. It shall be lawful for any sheriff or justice to summon any person to appear before him as a witness in any matter in which such sheriff or justice, or two or more justices, shall have jurisdiction, under the provisions of this or the special Act, or any Act incorporated therewith, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expences, any person appearing shall refuse to be examined upon oath or to give evidence before such sheriff or justice, or justices, every such person shall forfeit a sum not exceeding five pounds for every such offence.

lent
ers.

CLVIII. It shall be lawful for any officer or agent of the company, and any persons called by him to his assistance, to seize and detain any person who shall be found committing any offence against the provisions of this or the special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before the sheriff or a justice, without any warrant or authority than this or the special Act; and such sheriff or justice shall proceed with all convenient despatch in the matter of the complaint against such offender.

edings
will need
in
5.

CLIX. ANY sheriff to whom any application is authorized to be made before whom any judicial proceedings shall in consequence take place or be necessary, under or by virtue of this or the special Act, or any Act incorporated therewith, shall and he is hereby authorized and required summarily to attend before him all parties who appear to him to be interested therein, and to proceed forthwith to hear *vivâ voce*, and pronounce judgment regarding the matters mentioned in such application or proceeding, or to do the same in the matters and things required by this Act to be done by him, without writing, in the ordinary course of the roll of causes before him, and without written pleadings, or a written record, or reducing any evidence which may be led by either of the parties to writing, unless and except where the said sheriff or justice shall consider that the matters mentioned in such application or proceeding shall with more advantage be decided with written pleadings and with a written record, in which case he shall proceed to make up a record, and bring the matters to a conclusion with all convenient despatch; and the order and judgments of the said sheriff, when pronounced without a record, shall be final and conclusive, and not subject to review by suspension or advocacy, or reduction, on any ground whatever.

of
tion.

CLX. THE sheriff or justice, or justices, before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule (G.) to this Act annexed.

CLXI. NO proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by suspension or otherwise into any superior court.

Recovery of damages and penalties.

Proceedings not to be quashed for want of form, nor removed by suspension. Power of appeal to sheriff.

CLXII. IN all cases which may come before any sheriff substitute under this or the special Act, or any Act incorporated therewith, in which written pleadings shall have been allowed, and a written record shall have been made up, and where the evidence which has been led by the parties shall have been reduced to writing, but in no other case whatever, it shall be competent for any of the parties thereto, within seven days after a final judgment shall have been pronounced by such sheriff substitute, to appeal against the same to the sheriff of the county, by lodging a minute of appeal with the sheriff clerk of such county, or his depute; and the said sheriff shall thereupon review the proceedings of the said sheriff substitute, and whole process, and, if he think proper, hear the parties vivâ voce thereon, and pronounce judgment; and such judgment shall in no case be subject to review by suspension or advocacy, or to reduction, on any ground whatever.

CLXIII. IF any party shall feel aggrieved by any determination or adjudication of any justice, or two or more justices, with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

Parties allowed to appeal from justices to quarter sessions, on giving security.

CLXIV. AT the quarter sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

Court to make such order as they think reasonable.

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows:

CLXV. THE company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to her Majesty, or some of them; and where the undertaking shall be a railway, canal, or other like undertaking, the works of which shall not be confined to one town or place, shall also within the space of such six months deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend, and in the office of the town clerk of every burgh or city into which

Access to special Act.

Copies of special Act to be kept and deposited, and allowed to be inspected.

s to
Act.

or within one mile of which the works shall extend, a copy of such special Act, so printed as aforesaid; and the said clerks of the peace and town clerks shall receive, and they and the company respectively shall retain, the copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner and under the like terms and under the like penalty for default as is provided in the case of certain plans and sections by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to compel clerks of the peace and town clerks for counties and other persons to take the custody of such documents," which Act shall be directed to be deposited with them under the standing order of either House of Parliament."

s. &
c. 83.

on
y fail-
cep
dit
ries.

CLXVI. If the company shall fail to keep or deposit as herein-before mentioned any of the said copies of the special Act, they shall forfeit two pounds for every such offence, and also five pounds for every day after the first day during which such copy shall be not so kept or deposited.

* * * * *

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

FORM of Certificate of Share.

"The _____ Company."

Number _____

THIS is to certify, that A.B., of _____, is the proprietor of _____ share number _____ of "The _____ Company," according to the regulations of the said company. Given under the common seal of the said company, the _____ day of _____ in the year _____

Lord _____

SCHEDULE (B.)

FORM of Transfer of Shares or Stock.

I _____, of _____, in consideration of the sum of _____ paid to me by _____, of _____, do hereby transfer to the said _____ share [or shares], numbered _____ in the undertaking called "The _____ Company," [or _____ pounds consolidated stock in the undertaking called "The _____ Company," standing (or part of the stock standing) in my name in the _____ of the company,] to hold unto the said _____, his executors, administrators, and assigns, [or successors and assigns,] subject to the conditions on which I held the same at the time of the execution hereof. I the said _____ do hereby agree to take the said share [or _____] [or stock], subject to the same conditions. [Here insert testing clause according to the form of the law of Scotland, if executed in Scotland, and if executed in England, the form of attestation usual in England.]

SCHEDULE (C.)

FORM of Mortgage Deed.

“The _____ Company.”
 Mortgage, number _____ £
 By virtue [here name the special Act], we, “The _____ Company,”
 in consideration of the sum of _____ pounds paid to us
 by A.B. of _____, do assign unto the said A.B., his
 executors, administrators, and assignees, the said undertaking, [and (in case
 such loan shall be in anticipation of the capital authorized to be raised) all
 future calls on shareholders,] and all the tolls and sums of money arising by
 virtue of the said Act, and all the estate, right, title, and interest of the com-
 pany in the same, to hold unto the said A.B., his executors, administrators,
 and assigns, until the said sum of _____ pounds, together with
 interest for the same at the rate of _____ for every one hundred
 pounds by the year, be satisfied [the principal sum to be repaid at the end of
 _____ years from the date hereof (in case any period be agreed upon
 for that purpose), at _____, or any place of payment other than
 the principal office of the company]. In witness whereof, &c. [Here insert
 the testing clause of deeds executed in Scotland.]

SCHEDULE (D.)

FORM of Bond.

“The _____ Company.”
 Bond, number _____ £
 By virtue of [here name the special Act], we “The
 _____ Company,” in consideration of the sum of _____ pounds
 to us in hand paid by A.B. of _____, do bind ourselves
 and our successors unto the said A.B., his executors, administrators, and assigns,
 in the sum of _____ pounds, to be repaid to the
 said A.B., his executors, administrators, or assigns, at
 (in case any other place of payment than the principal office of the company
 be intended), on the _____ day of _____ which
 will be in the year one thousand eight hundred and _____, with a
 fifth part more of liquidate penalty in case of failure, together with interest for
 the same at the rate of _____ pounds per centum per annum,
 payable half-yearly on the _____ day of _____
 and _____ day of _____ . In witness
 whereof, &c. [Here insert the testing clause of deeds executed in Scotland.]

SCHEDULE (E.)

FORM of Transfer of Mortgage or Bond.

I A.B. of _____, in consideration of the sum of _____
 paid to me by G.H. of _____, do hereby transfer to the said
 G.H., his executors, administrators, and assigns, a certain bond [or mortgage]
 number _____, made by “The _____ Company” to
 _____, bearing date the _____ day of _____.

commons, in this present Parliament assembled, and by the authority of the same, that this Act shall apply to every undertaking authorized by any Act which shall hereafter be passed, and which shall authorize the purchase or taking of lands for such undertaking, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

Acts hereafter to be passed.

And with respect to the construction of this Act and of Acts to be incorporated therewith, be it enacted as follows:

Interpretations in this Act:

II. THE expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed which shall authorize the taking of lands for the undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose in the special Act" had been used; and the expression "the works" or "the undertaking" shall mean the works or undertaking, of whatever nature, which shall by the special Act be authorized to be executed; and the expression "the promoters of the undertaking" shall mean the parties, whether company, undertakers, commissioners, trustees, corporations, or private persons, by the special Act empowered to execute such works or undertaking.

"Special Act:"

"Prescribed:"

"The works:"

"Promoters of the undertaking."

III. THE following words and expressions, both in this and the special Act, shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction; (that is to say,)

Interpretations in this and the special Act:

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number:

Number:

Words importing the masculine gender only shall include females:

Gender:

The word "lands" shall extend to messuages, lands, tenements, and hereditaments, of any tenure:

"Lands:"

The word "lease" shall include an agreement for a lease:

"Lease:"

The word "month" shall mean calendar month:

"Month:"

The expression "superior courts" shall mean her Majesty's superior courts of record at Westminster or Dublin, as the case may require:

"Superior courts:"

The word "oath" shall include affirmation in the case of Quakers, or other declaration lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

"Oath:"

The word "county" shall include any riding or other like division of a county, and shall also include county of a city or county of a town:

"County:"

The word "sheriff" shall include under sheriff, or other legally competent deputy; and where any matter in relation to any lands is required to be done by any sheriff, or by any clerk of the peace, the expression "the sheriff," or the expression "the clerk of the peace," shall in such case

"The sheriff:"

"The clerk of the peace:"

be construed to mean the sheriff or the clerk of the peace of the county, city, borough, liberty, cinque port, or place where such lands shall be situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one county, city, borough, liberty, cinque port, or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any county, city, borough, liberty, cinque port, or place where any part of such lands shall be situate:

Justices:— The word "justices" shall mean justices of the peace acting for the county, city, liberty, cinque port, or place where the matter requiring the assistance of any such justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands, being the property of one and the same party, situate not wholly in one county, city, borough, liberty, cinque port, or place, the word shall mean a justice acting for the county, city, borough, liberty, cinque port, or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall require to be done by two justices, the expression "two justices" shall be understood to mean two justices assembled and acting together.

Two justices:— Where under the provisions of this or the special Act, authorized therewith, any notice shall be required to be given to the owner of any lands, or where any Act shall be authorized to be done with the consent of any such owner, the word "owner" shall be understood to mean any person or corporation who, under the provisions of this or the special Act, would be enabled to sell or dispose of the lands, or the promoters of the undertaking:

Owner:— The expression "the Bank" shall mean the Bank of England, and shall relate to monies to be paid or deposited in respect of lands situate in England, and shall mean the Bank of Ireland, and shall relate to monies to be paid or deposited in respect of lands situate in Ireland.

The Bank:— IV. AND be it enacted, that in citing this Act in other Acts of Parliament, and in legal instruments it shall be sufficient to use the expression "the Lands Clauses Consolidation Act, 1845."

V. AND whereas it may be convenient in some cases to incorporate in Acts of Parliament hereafter to be passed some portion only of the provisions of this Act: Be it therefore enacted, that for the purpose of making any such Act, or any part of such Act, to be incorporated in any other Act, or any part of such Act, it shall be sufficient in any such Act to enact that the clauses of this Act with respect to the matter so proposed to be incorporated, (described in such matter as it is described in this Act in the words introductory to such enactment with respect to such matter,) shall be incorporated with such other Act, and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein, and as if reference to the matter to which such Act shall relate.

And with respect to the purchase of lands by agreement, be it enacted as follows:

Purchase of lands by agreement:— VI. SUBJECT to the provisions of this and the special Act it shall be lawful for the promoters of the undertaking to agree with the owners of any lands

in which portions of this Act may be incorporated in other Acts.

Purchase of lands by agreement.

reference to clause

by the special Act authorized to be taken, and which shall be required for the purposes of such Act, and with all parties having any estate or interest in such lands, or by this or the special Act enabled to sell and convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

*Purchase of
lands by
agreement.*

lands by
agreement.

VII. It shall be lawful for all parties, being seised, possessed of, or entitled to any such lands, or any estate or interest therein, to sell and convey or release the same to the promoters of the undertaking, and to enter into all necessary agreements for that purpose; and particularly it shall be lawful for all or any of the following parties so seised, possessed, or entitled as aforesaid so to sell, convey, or release; (that is to say,) all corporations, tenants in tail or for life, married women seised in their own right or entitled to dower, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate in dower, or to any lease for life, or for lives and years, or for years, or any less interest; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life, or for lives and years, or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians, on behalf of their wards, and as to such committees, on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this or the special Act if they had respectively been under no disability, and as to such trustees, executors, and administrators, on behalf of their cestuique trusts, whether infants, issue unborn, lunatics, femmes covert, or other persons, and that to the same extent as such cestuique trusts respectively could have exercised the same powers under the authority of this and the special Act if they had respectively been under no disability.

Parties under
disability
enabled to sell
and convey.

VIII. THE power herein-after given to enfranchise copyhold lands, as well as every other power required to be exercised by the lord of any manor pursuant to the provisions of this or the special Act, or any Act incorporated therewith, and the power to release lands from any rent, charge, or incumbrance, and to agree for the apportionment of any such rent, charge, or incumbrance, shall extend to and may lawfully be exercised by every party herein-before enabled to sell and convey or release lands to the promoters of the undertaking.

Parties under
disability to
exercise
other powers.

IX. THE purchase money or compensation to be paid for any lands to be purchased or taken from any party under any disability or incapacity, and not having power to sell or convey such lands except under the provisions of this or the special Act, and the compensation to be paid for any permanent damage or injury to any such lands, shall not, except where the same shall have been determined by the verdict of a jury, or by arbitration, or by the valuation of

Amount of
compensation
in case of
parties under
disability to
be ascertained
by valuation,
and paid into
the Bank.

Case of
de by
ement.

--

a surveyor appointed by two justices under the provision herein-after contained shall be less than shall be determined by the valuation of two able practising surveyors, one of whom shall be nominated by the promoters of the undertaking, and the other by the other party, and if such two surveyors agree in the valuation, then by such third surveyor as any two justices upon application of either party, after notice to the other party, for that purpose nominate; and each of such two surveyors, if they agree, or if not the surveyor nominated by the said justices, shall annex to the valuation a declaration in writing, subscribed by them or him, of the correctness thereof, and all such purchase money or compensation shall be deposited in the bank for the benefit of the parties interested, in manner herein-after mentioned.

Vendor
tely en-
lands
sold
& rents.

X. It shall be lawful for any person seised in fee of or entitled to the possession of absolutely for his own benefit any lands authorized to be purchased under the purposes of the special Act to sell and convey such lands or any part thereof unto the promoters of the undertaking in consideration of an annual charge payable by the promoters of the undertaking, but, except as aforesaid, the consideration to be paid for the purchase of any such lands, or for any interest done thereto, shall be in a gross sum. [Rep., 23 & 24 Vict. c. 106. s. 1.]

Int of
o be
d on

XI. THE yearly rents reserved by any such conveyance shall be charged with the tolls or rates, if any, payable under the special Act, and shall be lawfully secured in such manner as shall be agreed between the parties, and shall be paid by the promoters of the undertaking as such rents become payable, and if at any time any such rents be not paid within thirty days after they become payable, and after demand thereof in writing, the person to whom such rent shall be payable may either recover the same from the promoters of the undertaking, with costs of suit, by action of debt in any of the superior courts, or it shall be lawful for him to levy the same by distress of the lands and chattels of the promoters of the undertaking.

to
se lands
d for
nal
moda-

XII. IN case the promoters of the undertaking shall be empowered under the special Act to purchase lands for extraordinary purposes, it shall be lawful for all parties who, under the provisions herein-before contained, were enabled to sell and convey lands, to sell and convey the lands so authorized to be purchased for extraordinary purposes.

Priority
id re-
se
lands.

XIII. It shall be lawful for the promoters of the undertaking to purchase lands which they shall have so acquired for extraordinary purposes, in such manner, and for such considerations, and to such purposes, as the promoters of the undertaking may think fit, and again to purchase other lands for the like purposes, and afterwards sell the same, and so from time to time; but the total quantity of land to be held at any one time by the promoters of the undertaking for the purposes aforesaid shall not exceed the prescribed quantity.

Int on
ue from
cited
s.

XIV. THE promoters of the undertaking shall not, by virtue of this Act, be enabled to purchase land for extraordinary purposes, purchase more than the prescribed quantity from any party under legal disability, or who would not be enabled to sell and convey such lands except under the powers of this and the special Act, and if the promoters of the undertaking purchase the said quantity from any party under such legal disability, and afterwards sell the whole or any part of the land so purchased, it shall not be lawful for any party under legal disability to sell to the promoters of the undertaking any other lands in lieu of the land so sold or disposed of by them.

XV. NOTHING in this or the special Act contained shall enable any municipal corporation to sell for the purposes of the special Act, without the approbation of the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three of them, any lands which they could not have sold without such approbation before the passing of the special Act, other than such lands as the company are by the powers of this or the special Act empowered to purchase or take compulsorily.

Municipal corporations not to sell without the approbation of the Treasury.

And with respect to the purchase and taking of lands otherwise than by agreement, be it enacted as follows:

Purchase of lands otherwise than by agreement.

XVI. WHERE the undertaking is intended to be carried into effect by means of a capital to be subscribed by the promoters of the undertaking, the whole of the capital or estimated sum for defraying the expences of the undertaking shall be subscribed under contract binding the parties thereto, their heirs, executors, and administrators, for the payment of the several sums by them respectively subscribed, before it shall be lawful to put in force any of the powers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of land for the purposes of the undertaking.

Capital to be subscribed before compulsory powers of purchase put in force.

XVII. A certificate under the hands of two justices, certifying that the whole of the prescribed sum has been subscribed, shall be sufficient evidence thereof; and on the application of the promoters of the undertaking, and the production of such evidence as such justices think proper and sufficient, such justices shall grant such certificate accordingly.

A certificate of two justices to be evidence that the capital has been subscribed.

XVIII. WHEN the promoters of the undertaking shall require to purchase or take any of the lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the promoters of the undertaking, and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof; and every such notice shall state the particulars of the lands so required, and that the promoters of the undertaking are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

Notice of intention to take lands.

XIX. ALL notices required to be served by the promoters of the undertaking upon the parties interested in or entitled to sell any such lands shall either be served personally on such parties or left at their last usual place of abode, if any such can after diligent inquiry be found, and in case any such parties shall be absent from the United Kingdom, or cannot be found after diligent inquiry, shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

Service of notices on owners and occupiers of lands.

XX. If any such party be a corporation aggregate such notice shall be left at the principal office of business of such corporation, or, if no such office can after diligent inquiry be found, shall be served on some principal member, if any, of such corporation, and such notice shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

Service of notice on a corporation aggregate.

Purchase of lands otherwise than by agreement.

If parties fail to treat, or in case of dispute, question to be settled as after mentioned.

Disputes as to compensation, where the amount claimed does not exceed 50*l.*, to be settled by two justices.

Compensation exceeding 50*l.* to be settled by arbitration or jury, at the option of the party claiming compensation.

Method of proceeding for settling disputes as to compensation by justices.

Appointment of arbitrators when questions are to be determined by arbitration.

XXI. IF for twenty-one days after the service of such notice any party shall fail to state the particulars of his claim in respect of any such or to treat with the promoters of the undertaking in respect thereof, or if the party and the promoters of the undertaking shall not agree as to the amount of the compensation to be paid by the promoters of the undertaking for the interest in such lands belonging to such party, or which he is by this special Act enabled to sell, or for any damage that may be sustained by him by reason of the execution of the works, the amount of such compensation shall be settled in the manner herein-after provided for settling cases of disputed compensation.

XXII. IF no agreement be come to between the promoters of the undertaking and the owners of or parties by this Act enabled to sell and convey or release any lands taken or required for or injuriously affected by the execution of the undertaking, or any interest in such lands, as to the value of such or of any interest therein, or as to the compensation to be made in respect thereof, and if in any such case the compensation claimed shall not exceed fifty pounds, the same shall be settled by two justices.

XXIII. IF the compensation claimed or offered in any such case shall exceed fifty pounds, and if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice in writing to the promoters of the undertaking, before they have issued their warrant to the sheriff to summon a jury in respect of such lands, under the provisions hereinafter contained, stating in such notice the nature of the interest in respect of which such party claims compensation, and the amount of the compensation claimed, the same shall be so settled accordingly; but unless the party claiming compensation shall as aforesaid signify his desire to have the question of compensation settled by arbitration, or if when the matter shall have been referred to arbitration the arbitrators or their umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury, in the manner herein-after provided.

XXIV. IT shall be lawful for any justice, upon the application of either party with respect to any question of disputed compensation by this special Act, or any Act incorporated therewith, authorized to be settled by two justices, to summon the other party to appear before two justices, at such time and place to be named in the summons, and upon the appearance of both parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such justices to hear and determine the question, and for that purpose to examine such parties or any of them and their witnesses, upon oath, and the costs of every such inquiry shall be in the discretion of such justices, and they shall settle the amount thereof.

XXV. WHEN any question of disputed compensation by this or the special Act, or any Act incorporated therewith, authorized or required to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of either party, shall nominate and appoint an arbitrator, to whom such dispute shall be referred; and every appointment of an arbitrator shall be made on the part of the promoters of the undertaking under the hands of the said promoters, or of two of them, or of their secretary or clerk, and on the part of any

party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation; and such appointment shall be delivered to the arbitrator, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

*Purchase of
lands other-
wise than by
agreement.*

XXVI. If before the matters so referred shall be determined any arbitrator appointed by either party die, or become incapable, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed ex parte; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability as aforesaid.

*Vacancy of
arbitrator to
be supplied.*

XXVII. WHERE more than one arbitrator shall have been appointed such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this or the special Act; and if such umpire shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

*Appointment
of umpire.*

XXVIII. If in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, the Board of Trade in any case in which a railway company shall be one party to the arbitration, and two justices in any other case, shall, on the application of either party to such arbitration, appoint an umpire; and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

*Board of
Trade, in case
of railway com-
panies, and two
justices in any
other case, em-
powered to
appoint an
umpire on
neglect of the
arbitrators.*

XXIX. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitration, under the provisions of this or the special Act, in the same manner as if such arbitrator had not been appointed.

*In case of
death of single
arbitrator,
the matter to
begin de
novo.*

XXX. If where more than one arbitrator shall have been appointed either of the arbitrators refuse or for seven days neglect to act, the other arbitrator

*If either
arbitrator
refuse to act,
the other to
proceed ex
parte.*

urchase of
nds other-
se than by
reement.

rbitrators
to make
award
in twenty-
days, or ex-
ted time, the
ter to go
the umpire.

er of
trators
all for
s, &c.

itratior
mpire to
e a de-
tion.

s of
ration
to be
e.

rd to be
ered to
romoters
e under-
g.

mission
be made
s of court.
rd not
through
in form.

noters of
nder-
ig to give
e before
noning
y.

may proceed ex parte, and the decision of such other arbitrator shall be effectual as if he had been the single arbitrator appointed by both parties.

XXXI. IF where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the date which the last of such arbitrators shall have been appointed, or within such extended time (if any) as shall have been appointed for that purpose by the court, such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

XXXII. THE said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

XXXIII. BEFORE any arbitrator or umpire shall enter into the consideration of any matters referred to him, he shall in the presence of a justice of the peace and subscribe the following declaration; that is to say,
' I A.B. do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Act [naming the special Act].
' Made and subscribed in the presence of _____'
And such declaration shall be annexed to the award when made; and any arbitrator or umpire having made such declaration shall wilfully act contrary thereto he shall be guilty of a misdemeanor.

XXXIV. ALL the costs of any such arbitration, and incident thereto, shall be settled by the arbitrators, shall be borne by the promoters of the undertaking, unless the arbitrators shall award the same or a less sum than shall have been offered by the promoters of the undertaking, in which case each party shall bear his own costs incident to the arbitration, and the costs of the arbitrators shall be borne by the parties in equal proportions.

XXXV. THE arbitrators shall deliver their award in writing to the promoters of the undertaking, and the said promoters shall retain the same, and shall forthwith, on demand, at their own expence, furnish a copy thereof to the other party to the arbitration, and shall at all times, on demand, produce the said award, and allow the same to be inspected or examined by such person as may be appointed by him for that purpose.

XXXVI. THE submission to any such arbitration may be made at any of the superior courts, on the application of either of the parties.

XXXVII. No award made with respect to any question referred to arbitration under the provisions of this or the special Act shall be set aside on account of irregularity or error in matter of form.

XXXVIII. BEFORE the promoters of the undertaking shall issue a warrant for summoning a jury for settling any case of disputed compensation, they shall give not less than ten days notice to the other party of their intention to cause such jury to be summoned; and in such notice the promoters of the undertaking shall state what sum of money they are willing to give for the interest in such lands sought to be purchased by them from such person, and for the damage to be sustained by him by the execution of the work.

XXXIX. IN every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury the promoters of the undertaking shall issue their warrant to the sheriff, requiring him to summon a jury for that purpose, and such warrant shall be under the common seal of the promoters of the undertaking if they be a corporation, or if they be not a corporation under the hands and seals of such promoters or any two of them; and if such sheriff be interested in the matter in dispute such application shall be made to some coroner of the county in which the lands in question, or some part thereof, shall be situate; and if all the coroners of such county be so interested such application may be made to some person having filled the office of sheriff or coroner in such county, and who shall be then living there, and who shall not be interested in the matter in dispute; and with respect to the persons last mentioned preference shall be given to one who shall have most recently served either of the said offices; and every ex-sheriff, coroner, or ex-corumer shall have power, if he think fit, to appoint a deputy or assessor.

*Purch
lands
wise th
agree*

—
Warrant
summon
jury to
addresse
the sheri
or in eet
cases to
ner, or t
sheriff o
coroner.

XL. THROUGHOUT the enactments contained in this Act relating to the reference to a jury, where the term "sheriff" is used, the provisions applicable thereto shall be held to apply to every coroner or other person lawfully acting in his place; and in every case in which any such warrant shall have been directed to any other person than the sheriff such sheriff shall, immediately on receiving notice of the delivery of the warrant, deliver over, on application for that purpose, to the person to whom the same shall have been directed, or to any person appointed by him to receive the same, the jurors book and special jurors list belonging to the county where the lands in question shall be situate.

*Provisio
applicat
sheriff t
to coron
other pe
acting in
of sheri*

XLI. UPON the receipt of such warrant the sheriff shall summon a jury of twenty-four indifferent persons, duly qualified to act as common jurymen in the superior courts, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than fourteen nor more than twenty-one days after the receipt of such warrant, and such place not being more than eight miles distant from the lands in question, unless by consent of the parties interested, and he shall forthwith give notice to the promoters of the works of the time and place so appointed by him.

*Jury to
summon*

XLII. OUT of the jurors appearing upon such summons a jury of twelve persons shall be drawn by the sheriff, in such manner as juries for trials of issues joined in the superior courts are by law required to be drawn; and if a sufficient number of jurymen do not appear in obedience to such summons the sheriff shall return other indifferent men, duly qualified as aforesaid, of the bystanders, or others that can speedily be procured, to make up the jury to the number aforesaid; and all parties concerned may have their lawful challenges against any of the jurymen, but no such party shall challenge the array.

*Jury to
impanel.*

XLIII. THE sheriff shall preside on the said inquiry, and the party claiming compensation shall be deemed the plaintiff, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law; and if either party so request in writing, the sheriff shall summon before him any person considered necessary to be examined as a witness touching the matters in question; and on the like request the sheriff shall order the jury, or any six

*Sheriff to
preside.*

*Witnesses
summoned*

View by;

ass of
other-
an by
nent.

on
ad
if

or more of them, to view the place or matter in controversy, in like manner as views may be had in the trial of actions in the superior courts.

XLIV. IF the sheriff make default in any of the matters herein-before required to be done by him in relation to any such trial or inquiry, he shall forfeit fifty pounds for every such offence, and such penalty shall be recoverable by the promoters of the undertaking by action in any of the superior courts; and if any person summoned and returned upon any jury under the special Act, whether common or special, do not appear, or if appear and he refuse to make oath, or in any other manner unlawfully neglect his duty, he shall, unless he show reasonable excuse to the satisfaction of the court, forfeit a sum not exceeding ten pounds, and every such penalty shall be applied in satisfaction of the same so far as the same will extend; and in addition to the penalties imposed upon every such juryman shall be subject to the same penalties as if such jury had been returned for the trial in any of the superior courts.

on
default.

XLV. IF any person duly summoned to give evidence, and to whom a tender of his reasonable expences shall be made, shall not appear at the time and place specified in the summons, or if any person, whether summoned or not, or any witness refuse to be examined on oath touching the subject matter in dispute, every person so offending shall forfeit to the party aggrieved a sum not exceeding ten pounds.

f

XLVI. NOT less than ten days notice of the time and place of the trial shall be given in writing by the promoters of the undertaking to the party concerned.

erty
fault,
jury
proceed,
penalty
de-
l by
be

XLVII. IF the party claiming compensation shall not appear at the time appointed for the inquiry such inquiry shall not be further proceeded with, and the compensation to be paid shall be such as shall be ascertained by a jury appointed by two justices in manner herein-after provided.

XLVIII. BEFORE the jury proceed to inquire of and assess the amount of the loss or damage in respect of which their verdict is to be given the jury shall take the oath that they will truly and faithfully inquire of and assess the amount of the loss or damage; and the sheriff shall administer such oaths, and shall administer the oaths of all persons called upon to give evidence.

be
pur-
lands,
to
sed
ly.

XLIX. WHERE such inquiry shall relate to the value of lands to be purchased, and also to compensation claimed for injury done or to be done to lands held therewith, the jury shall deliver their verdict separately for the amount of money to be paid for the purchase of the lands required for the works, and for any interest therein belonging to the party with whom the question of disputed compensation shall have arisen, or which under the provisions of the special Act contained he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the lands of such owner, or otherwise injuriously affecting such lands, and for the exercise of the powers of this or the special Act, or any Act incorporated with the special Act, in relation to the lands therewith.

and
it to
ded.

L. THE sheriff before whom such inquiry shall be held shall give judgment for the purchase money or compensation assessed by such jury.

and judgment shall be signed by the sheriff, and being so signed shall be kept by the clerk of the peace among the records of the general or quarter sessions of the county in which the lands or any part thereof shall be situate in respect of which such purchase money or compensation shall have been awarded; and such verdicts and judgments shall be deemed records, and the same or true copies thereof shall be good evidence in all courts and elsewhere; and all persons may inspect the said verdicts and judgments, and may have copies thereof or extracts therefrom, on paying for each inspection thereof one shilling, and for every one hundred words copied or extracted therefrom sixpence, which copies or extracts the clerk of the peace is hereby required to make out, and to sign and certify the same to be true copies.

*Purchase of
lands other
wise than by
agreement*
—

LII. ON every such inquiry before a jury, where the verdict of the jury shall be given for a greater sum than the sum previously offered by the promoters of the undertaking, all the costs of such inquiry shall be borne by the promoters of the undertaking; but if the verdict of the jury be given for the same or a less sum than the sum previously offered by the promoters of the undertaking, or if the owner of the lands shall have failed to appear at the time and place appointed for the inquiry, having received due notice thereof, one half of the costs of summoning, impannelling, and returning the jury, and of taking the inquiry and recording the verdict and judgment thereon, in case such verdict shall be taken, shall be defrayed by the owner of the lands, and the other half by the promoters of the undertaking, and each party shall bear his own costs, other than as aforesaid, incident to such inquiry.

*Costs of the
inquiry how
to be borne.*

LIII. THE costs of any such inquiry shall, in case of difference, be settled by one of the masters of the Court of Queen's Bench of England or Ireland, according as the lands are situate, on the application of either party, and such costs shall include all reasonable costs, charges, and expences incurred in summoning, impannelling, and returning the jury, taking the inquiry, the attendance of witnesses, the employment of counsel and attornies, recording the verdict and judgment thereon, and otherwise incident to such inquiry.

*Particulars
of the costs.*

LIIII. If any such costs shall be payable by the promoters of the undertaking, and if within seven days after demand such costs be not paid to the party entitled to receive the same, they shall be recoverable by distress, and on application to any justice he shall issue his warrant accordingly; and if any such costs shall be payable by the owner of the lands, or of any interest therein the same may be deducted and retained by the promoters of the undertaking, out of any money awarded by the jury to such owner, or determined by the valuation of a surveyor under the provision herein-after contained; and the payment or deposit of the remainder, if any, of such money shall be deemed payment and satisfaction of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined the excess shall be recoverable by distress, and on application to any justice he shall issue his warrant accordingly.

*Payment of
costs.*

LIV. If either party desire any such question of disputed compensation as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, be given to the promoters of the undertaking before they have issued their warrant to the sheriff; and for that purpose the promoters of the undertaking shall by their warrant to the sheriff require him to nominate a special jury for such

*Special jury
to be sum-
moned at the
request of
either party.*

of
her-
n by
nt.

trial; and thereupon the sheriff shall, as soon as conveniently may be after receipt by him of such warrant, summon both the parties to appear before him, by themselves or their attorneys, at some convenient time and place appointed by him, for the purpose of nominating a special jury (not being more than five nor more than eight days from the service of such summons); and at the place and time so appointed the sheriff shall proceed to nominate and strike a special jury, in the manner in which such juries shall be required by the laws for the time being in force to be nominated or struck by the proper officers of the superior courts, and the sheriff shall appoint a day, not later than the eighth day after striking of such jury, for the parties or their attorneys to appear before him to reduce the number of such jury, and thereof shall give four days notice to the parties; and on the day so appointed the sheriff shall proceed to reduce the said special jury to the number of twenty, in the manner used and accustomed by the proper officers of the superior courts.

LIV. THE special jury on such inquiry shall consist of twelve of the names of the twenty who shall first appear on the names being called over, the parties having their lawful challenges against any of the said jurymen; and if a full jury do not appear, or if after such challenges a full jury do not remain, then upon the application of either party, the sheriff shall add to the list of names of the special jury the names of any other disinterested persons qualified to act as special common jurymen, who shall not have been previously struck off the aforesaid list, and who may then be attending the court, or can speedily be procured as to complete such jury, all parties having their lawful challenges against such persons; and the sheriff shall proceed to the trial and adjudication of the matters in question by such jury; and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable, as herein-before provided in the case of a trial by common jury.

juries

of

of

of

r.

ion

to

for

by

s.

LVI. ANY other inquiry than that for the trial of which such special jury may have been struck and reduced as aforesaid may be tried by such jury provided the parties thereto respectively shall give their consent to such trial.

LVII. NO jurymen shall, without his consent, be summoned or required to attend any such proceeding as aforesaid more than once in any year.

LVIII. THE purchase money or compensation to be paid for any land which shall be purchased or taken by the promoters of the undertaking from any party who, by reason of absence from the kingdom, is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury as herein-before provided, after due notice thereof, and the compensation to be paid for any permanent injury to such lands, shall be such as shall be determined by the valuation of such able practical surveyor as two justices shall nominate for that purpose herein-after mentioned.

to

o

LIX. UPON application by the promoters of the undertaking to two justices and upon such proof as shall be satisfactory to them that any such party who, by reason of absence from the kingdom, is prevented from treating, or cannot after diligent inquiry be found, or that any such party failed to appear at the time appointed for the inquiry before a jury as aforesaid, after due notice to him for that purpose, such justices shall, by writing under their hands, nominate an

practical surveyor for determining such compensation as aforesaid, and such surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing, subscribed by him, of the correctness thereof.

Purchase lands otherwise the agreement

LX. BEFORE such surveyor shall enter upon the duty of making such valuation as aforesaid he shall, in the presence of such justices, or one of them, make and subscribe the declaration following at the foot of such nomination ; (that is to say,)

Declaration to be made the surveyor

‘ I A. B. do solemnly and sincerely declare, that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me. A. B. Made and subscribed in the presence of .’

And if any surveyor shall corruptly make such declaration, or having made such declaration shall wilfully act contrary thereto, he shall be guilty of a misdemeanor.

LXI. THE said nomination and declaration shall be annexed to the valuation to be made by such surveyor, and shall be preserved together therewith by the promoters of the undertaking, and they shall at all times produce the said valuation and other documents, on demand, to the owner of the lands comprised in such valuation, and to all other parties interested therein.

Valuation to be produced to owner of lands on demand.

LXII. ALL the expences of and incident to every such valuation shall be borne by the promoters of the undertaking.

Expences to be borne promoter

LXIII. IN estimating the purchase money or compensation to be paid by the promoters of the undertaking, in any of the cases aforesaid, regard shall be had by the justices, arbitrators, or surveyors, as the case may be, not only to the value of the land to be purchased or taken by the promoters of the undertaking, but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such other lands by the exercise of the powers of this or the special Act, or any Act incorporated therewith.

Purchase money or compensation how to be estimated.

LXIV. WHEN the compensation payable in respect of any lands, or any interest therein, shall have been ascertained by the valuation of a surveyor, and deposited in the Bank under the provisions herein contained, by reason that the owner of or party entitled to convey such lands or such interest therein as aforesaid could not be found or was absent from the kingdom, if such owner or party shall be dissatisfied with such valuation it shall be lawful for him, before he shall have applied to the Court of Chancery for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the promoters of the undertaking, to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly, in the same manner as in other cases of disputed compensation herein-before authorized or required to be submitted to arbitration.

Where compensation absent party has been terminated by a surveyor the party have the same submitted arbitrator

LXV. THE question to be submitted to the arbitrators in the case last aforesaid shall be, whether the said sum so deposited as aforesaid by the promoters of the undertaking was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

Question to be submitted to the arbitrators.

LXVI. If the arbitrators shall award that a further sum ought to be paid or deposited by the promoters of the undertaking, they shall pay or deposit,

If further awarded, promoters to

phase of
of other-
than by
ment.

omit
within
rs.
of the
tion.

ensation
ect of
&c. taken
riously
d, for
satis-
shall
ve
made,
settled
itration
y, at
tion of
ty
ng com-
ion.

ation of
ensation.

use
or com-
ion pay-
parties
liability,
iting
l, to
sited
Bank.

as the case may require, such further sum within fourteen days after making of such award, or in default thereof the same may be enforced by attachment, or recovered, with costs, by action or suit in any of the superior courts.

LXVII. If the arbitrators shall determine that the sum so deposited is sufficient, the costs of and incident to such arbitration, to be determined by the arbitrators, shall be in the discretion of the arbitrators; but if the arbitrators shall determine that a further sum ought to be paid or deposited by the promoters of the undertaking, all the costs of and incident to such arbitration shall be borne by the promoters of the undertaking.

LXVIII. If any party shall be entitled to any compensation in respect of any lands, or of any interest therein, which shall have been taken or injuriously affected by the execution of the works, and for which the promoters of the undertaking shall not have made satisfaction under the provisions of this or the special Act, or any Act incorporated therewith, and if the compensation claimed in such case shall exceed the sum of fifty pounds, the party may have the same settled either by arbitration or by the verdict of a jury, as he shall think fit; and if such party desire to have the same settled by arbitration, it shall be lawful for him to give notice in writing to the promoters of the undertaking of such his desire, stating in such notice the nature of the interest in such lands in respect of which he claims compensation, and the amount of the compensation so claimed therein; and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and shall enter into a written agreement for that purpose within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided; and if the party so entitled as aforesaid desire to have such question of compensation settled by jury, it shall be lawful for him to give notice in writing of such his desire to the promoters of the undertaking, stating such particulars as shall be required, and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and enter into a written agreement for that purpose, they shall, within twenty-one days after the receipt of such notice, issue their warrant to the sheriff to summon a jury for settling the same in the manner herein provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of compensation so claimed, and the same may be recovered by him, with costs, by action in any of the superior courts.

And with respect to the purchase money or compensation coming to any person having limited interests, or prevented from treating, or not making title, the provisions enacted as follows:

LXIX. IF the purchase money or compensation which shall be payable in respect of any lands, or any interest therein, purchased or taken by the promoters of the undertaking from any corporation, tenant for life or for years, a married woman seised in her own right or entitled to dower, guardian or committee of lunatic or idiot, trustee, executor or administrator, or person having a partial or qualified interest only in such lands, and not entitled to convey the same except under the provisions of this or the special Act, and if compensation to be paid for any permanent damage to any such lands, shall exceed the sum of two hundred pounds, the same shall be paid

Bank, in the name and with the privity of the accountant general of the Court of Chancery in England, if the same relate to lands in England or Wales, or the accountant general of the Court of Exchequer in Ireland, if the same relate to lands in Ireland, to be placed to the account there of such accountant general, ex parte the promoters of the undertaking, (describing them by their proper name,) in the matter of the special Act, (citing it,) pursuant to the method prescribed by any Act for the time being in force for regulating monies paid into the said courts; and such monies shall remain so deposited until the same be applied to some one or more of the following purposes; (that is to say,)

Application of compensation.

In the purchase or redemption of the land tax, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, or purposes; or

Application of monies deposited.

In the purchase of other lands to be conveyed, limited, and settled upon the like uses, trusts, and purposes, and in the same manner, as the lands in respect of which such money shall have been paid stood settled; or

If such money shall be paid in respect of any buildings taken under the authority of this or the special Act, or injured by the proximity of the works, in removing or replacing such buildings, or substituting others in their stead, in such manner as the Court of Chancery shall direct; or

In payment to any party becoming absolutely entitled to such money.

LXX. SUCH money may be so applied as aforesaid upon an order of the Court of Chancery in England or the Court of Exchequer in Ireland, made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied it may, upon the like order, be invested by the said accountant general in the purchase of three per centum consolidated or three per centum reduced bank annuities, or in government or real securities, and the interest, dividends, and annual proceeds thereof paid to the party who would for the time being have been entitled to the rents and profits of the lands.

Order for application, and investment meanwhile.

LXXI. If such purchase money or compensation shall not amount to the sum of two hundred pounds, and shall exceed the sum of twenty pounds, the same shall either be paid into the Bank, and applied in the manner herein-before directed with respect to sums amounting to or exceeding two hundred pounds, or the same may lawfully be paid to two trustees, to be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled; and in case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such monies, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees; but such last-mentioned application of the monies shall not be made unless the promoters of the undertaking approve thereof, and of the trustees named for the purpose; and the money so paid to such trustees, and the produce arising therefrom, shall be by such trustees applied in the manner herein-before directed with respect to money paid into the Bank, but it shall not be necessary to obtain any order of the court for that purpose.

Sums from 20l. to 200l. to be deposited, or paid to trustees.

LXXII. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands

Sums not exceeding

Application of compensation.

201. to be paid to parties.

All sums payable under contract with persons not absolutely entitled, to be paid into Bank, or to trustees.

Court of Chancery may direct application of money in respect of leases or reversions as they may think just.

Upon deposit being made, the owners of the lands to convey, or in default the lands to vest in the promoters of the undertaking upon a deed poll being executed.

in respect whereof the same shall be payable, for their own use and benefit, in case of the coverture, infancy, idiocy, lunacy, or other incapacity of such parties, then such money shall be paid, for their use, to the respective husbands, guardians, committees, or trustees of such persons.

LXXIII. ALL sums of money exceeding twenty pounds which shall be payable by the promoters of the undertaking in respect of the taking, using, or interfering with any lands under a contract or agreement with any person, shall not be entitled to dispose of such lands, or of the interest therein, contracted to be sold by him, absolutely for his own benefit, shall be paid to the Bank or to trustees in manner aforesaid; and it shall not be lawful for the contracting party not entitled as aforesaid to retain to his own use any of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the passing of the bill authorizing the taking of such lands, but all such monies shall be deemed to have been contracted to be paid for and on account of the taking, using, or interfering with any such lands, as well in possession as in remainder, reversion, or expectancy: Provided always, that it shall be in the discretion of the Court of Chancery in England or the Court of Exchequer in Ireland, or the respective trustees, as the case may be, to allot to any tenant for life, or for any other partial or qualified estate, for his own use, a portion of the sum so payable to the Bank or to such trustees as aforesaid, as compensation for any inconvenience, or annoyance which he may be considered to sustain in consequence of the taking, using, or interfering with any such lands, independently of the actual value of the lands to be taken, and of the damage occasioned to the lands held therewith, by reason of the taking of such lands, and the making of the works.

LXXIV. WHERE any purchase money or compensation paid into the Bank under the provisions of this or the special Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or of any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the Court of Chancery in England or the Court of Exchequer in Ireland, on the petition of any party interested in such money, to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said court may think fit; and the said court may also order that the same shall be paid to the parties interested in such money, or to such of them as the said court may consider will give to the parties interested in such money the same benefit as they might lawfully have had from the lease, estate, or reversion, in respect of which such money shall have been paid, or as near thereto as may be.

LXXV. UPON deposit in the Bank in manner herein-before provided, of the purchase money or compensation agreed or awarded to be paid in respect of any lands purchased or taken by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, the owner of such lands, including in such term all parties by this Act entitled to sell or convey lands, shall, when required so to do by the promoters of the undertaking, duly convey such lands to the promoters of the undertaking, as they shall direct; and in default thereof, or if he fail to adduce a good title to such lands to their satisfaction, it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll under their common seal, if they be a corporation, or if they be not a corporation under the name

seals of the promoters, or any two of them, containing a description of the lands in respect of which such default shall be made, and reciting the purchase or taking thereof by the promoters of the undertaking, and the names of the parties from whom the same were purchased or taken, and the deposit made in respect thereof, and declaring the fact of such default having been made, and such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of or capable of being sold and conveyed by the party between whom and the promoters of the undertaking such agreement shall have been come to, or as between whom and the promoters of the undertaking such purchase money or compensation shall have been determined by a jury, or by arbitrators, or by a surveyor appointed by two justices, as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the promoters of the undertaking; and as against such parties, and all parties on behalf of whom they are herein-before enabled to sell and convey, the promoters of the undertaking shall be entitled to immediate possession of such lands.

*Application
compensati*

LXXVI. If the owner of any such lands purchased or taken by the promoters of the undertaking, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof refuse to accept the same, or neglect or fail to make out a title to such lands, or to the interest therein claimed by him, to the satisfaction of the promoters of the undertaking, or if he refuse to convey or release such lands as directed by the promoters of the undertaking, or if any such owner be absent from the kingdom, or cannot after diligent inquiry be found, or fail to appear on the inquiry before a jury, as herein provided for, it shall be lawful for the promoters of the undertaking to deposit the purchase money or compensation payable in respect of such lands, or any interest therein, in the Bank, in the name and with the privity of the accountant general of the Court of Chancery in England or the Court of Exchequer in Ireland, to be placed, except in the cases herein otherwise provided for, to his account there, to the credit of the parties interested in such lands, (describing them, so far as the promoters of the undertaking can do,) subject to the control and disposition of the said court.

Where party
refuse to
convey, or
not show ti
or cannot b
found, the
purchase
money to b
deposited.

LXXVII. UPON any such deposit of money as last aforesaid being made the cashier of the Bank shall give to the promoters of the undertaking, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what and for whose use (described as aforesaid) the same shall have been received, and in respect of what purchase the same shall have been paid in; and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll under their common seal if they be a corporation, or if they be not a corporation under the bands and seals of the said promoters, or any two of them, containing a description of the lands in respect whereof such deposit shall have been made, and declaring the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of the parties for whose use and in respect whereof such purchase money or compensation shall have been deposited shall vest

Upon depo
being made
receipt to b
given, and
the lands to
vest in the
moters upo
deed poll b
executed.

*Application of
compensation.*

Application
of monies
so deposited.

absolutely in the promoters of the undertaking, and as against such they shall be entitled to immediate possession of such lands.

LXXVIII. UPON the application by petition of any party making the money so deposited as last aforesaid, or any part thereof, or to the in respect whereof the same shall have been so deposited, or any part of the lands, or any interest in the same, the said Court of Chancery in England or the Court of Exchequer in Ireland may, in a summary way, as to such as shall seem fit, order such money to be laid out or invested in the public service, or may order distribution thereof, or payment of the dividends thereof, according to the respective estates, titles, or interests of the parties making the application, and may make such other orders as to such court shall seem fit.

Party in pos-
session to be
deemed the
owner.

LXXIX. IF any question arise respecting the title to the lands in respect whereof such monies shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands, as being the owners thereof, or in receipt of the rents of such lands, as being entitled thereto at the time when such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the court; and unless the contrary be shown as aforesaid the parties so in possession, and all parties claiming under them, or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividends and interest of the annuities or securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in cases
of money
deposited.

LXXX. IN all cases of monies deposited in the Bank under the provisions of this or the special Act, or an Act incorporated therewith, except where the monies shall have been so deposited by reason of the wilful refusal of the party entitled thereto to receive the same, or to convey or release the same, in respect whereof the same shall be payable, or by reason of the wilful refusal of any party to make out a good title to the land required, it shall be the duty of the Court of Chancery in England or the Court of Exchequer in Ireland to order the costs of the following matters, including therein all reasonable expenses and expences incident thereto, to be paid by the promoters of the undertaking (that is to say,) the costs of the purchase or taking of the lands, or which have been incurred in consequence thereof, other than such costs as are otherwise provided for, and the costs of the investment of such monies in government or real securities, and of the reinvestment thereof in the purchase of other lands, and also the costs of obtaining the proper orders for the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such monies shall be invested, and of the payment out of court of the principal of such monies, or of the dividends thereon the same shall be invested, and of all proceedings relating thereto, except such as are occasioned by litigation between adverse claimants, provided always, that the costs of one application only for reinvestment shall be allowed, unless it shall appear to the Court of Chancery in England or the Court of Exchequer in Ireland that it is for the benefit of the parties interested in the said monies that the same should be invested in the purchase of lands in different sums and at different times, in which case it shall be lawful for the court, if it think fit, to order the costs of any such investment to be paid by the promoters of the undertaking.

And with respect to the conveyances of lands, be it enacted as follows :

LXXXI. CONVEYANCES of lands to be purchased under the provisions of this or the special Act, or any Act incorporated therewith, may be according to the forms in the schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the circumstances of the case will admit, or by deed in any other form which the promoters of the undertaking may think fit ; and all conveyances made according to the forms in the said schedules, or as near thereto as the circumstances of the case will admit, shall be effectual to vest the lands thereby conveyed in the promoters of the undertaking, and shall operate to merge all terms of years attendant by express declaration, or by construction of law, on the estate or interest so thereby conveyed, and to bar and to destroy all such estates tail, and all other estates, rights, titles, remainders, reversions, limitations, trusts, and interests whatsoever, of and in the lands comprised in such conveyances, which shall have been purchased or compensated for by the consideration therein mentioned ; but although terms of years be thereby merged, they shall in equity afford the same protection as if they had been kept on foot, and assigned to a trustee for the promoters of the undertaking to attend the reversion and inheritance.

*Conveyance
Form of con-
veyances.*

LXXXII. THE costs of all such conveyances shall be borne by the promoters of the undertaking ; and such costs shall include all charges and expences, incurred on the part as well of the seller as of the purchaser, of all conveyances and assurances of any such lands, and of any outstanding terms or interest therein, and of deducing, evidencing, and verifying the title to such lands, terms, or interests, and of making out and furnishing such abstracts and attested copies as the promoters of the undertaking may require, and all other reasonable expences incident to the investigation, deduction, and verification of such title.

*Costs of con-
veyances.*

LXXXIII. IF the promoters of the undertaking and the party entitled to any such costs shall not agree as to the amount thereof, such costs shall be taxed by one of the taxing masters of the Court of Chancery, or by a master in Chancery in Ireland, upon an order of the same court, to be obtained upon petition in a summary way by either of the parties ; and the promoters of the undertaking shall pay what the said master shall certify to be due in respect of such costs to the party entitled thereto, or in default thereof the same may be recovered in the same way as any other costs payable under an order of the said court, or the same may be recovered by distress in the manner hereinbefore provided in other cases of costs ; and the expence of taxing such costs shall be borne by the promoters of the undertaking, unless upon such taxation one sixth part of the amount of such costs shall be disallowed, in which case the costs of such taxation shall be borne by the party whose costs shall be so taxed, and the amount thereof shall be ascertained by the said master, and deducted by him accordingly in his certificate of such taxation.

*Taxation of
costs of con-
veyances.*

And with respect to the entry upon lands by the promoters of the undertaking, be it enacted as follows :

LXXXIV. THE promoters of the undertaking shall not, except by consent of the owners and occupiers, enter upon any lands which shall be required to be purchased or permanently used for the purposes and under the powers of this or the special Act, until they shall either have paid to every party having any interest in such lands, or deposited in the Bank, in the manner herein

*Entry on
lands.*

*Payment of
price to be
made previous
to entry,
except to
survey, &c.*

their direction, a receipt for such money, specifying therein for what purpose and to whose credit the same shall have been paid in.

LXXXVII. THE money so deposited as last aforesaid shall remain in the Bank, by way of security to the parties whose lands shall so have been entered upon for the performance of the condition of the bond to be given by the promoters of the undertaking, as herein-before mentioned, and the same may, on the application by petition of the promoters of the undertaking, be ordered to be invested in bank annuities or government securities, and accumulated; and upon the condition of such bond being fully performed it shall be lawful for the Court of Chancery in England or the Court of Exchequer in Ireland, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the promoters of the undertaking, or if such condition shall not be fully performed it shall be lawful for the said court to order the same to be applied, in such manner as it shall think fit, for the benefit of the parties for whose security the same shall so have been deposited.

LXXXVIII. If at any time the company be unable, by reason of the closing of the office of the accountant general of the Court of Chancery in England or the Court of Exchequer in Ireland, to obtain his authority in respect of the payment of any sum of money so authorized to be deposited in the Bank by way of security as aforesaid, it shall be lawful for the company to pay into the Bank to the credit of such party or matter as the case may require, (subject nevertheless to being dealt with as herein-after provided, and not otherwise,) such sum of money as the promoters of the undertaking shall, by some writing signed by their secretary or solicitors for the time being addressed to the governor and company of the Bank in that behalf, request, and upon any such payment being made the cashier of the Bank shall give a certificate thereof; and in every such case, within ten days after the re-opening of the said accountant general's office, the solicitor for the promoters of the undertaking shall there bespeak the direction for the payment of such sum into the name of the accountant general, and upon production of such direction at the Bank of England the money so previously paid in shall be placed to the credit of the said accountant general accordingly, and the receipt for the said payment be given to the party making the same in the usual way, for the purpose of being filed at the Report Office.

LXXXIX. If the promoters of the undertaking or any of their contractors shall, except as aforesaid, wilfully enter upon and take possession of any lands which shall be required to be purchased or permanently used for the purposes of the special Act, without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands or such deposit by way of security as aforesaid, the promoters of the undertaking shall forfeit to the party in possession of such lands the sum of ten pounds, over and above the amount of any damage done to such lands by reason of such entry and taking possession as aforesaid, such penalty and damage respectively to be recovered before two justices; and if the promoters of the undertaking or their contractors shall, after conviction in such penalty as aforesaid, continue in unlawful possession of any such lands, the promoters of the undertaking shall be liable to forfeit the sum of twenty-five pounds for every day they or their contractors shall so remain in possession as aforesaid, such

*Entry on
lands.*

Deposit to remain as a security, and to be applied under the direction of the court.

The company may pay the deposit mon into the Bank by way of security du the time th the office of the account general is closed.

Penalty on the promot of the und taking ente upon lands without cc sent before payment o the purcha money.

throw the piece of land so left into such adjoining land, by removing the fences and levelling the sites thereof, and by soiling the same in a sufficient and workmanlike manner.

*Intersected
lands.*

XCIV. IF any such land shall be so cut through and divided as to leave on either side of the works a piece of land of less extent than half a statute acre, or of less value than the expence of making a bridge, culvert, or such other communication between the land so divided as the promoters of the undertaking are, under the provisions of this or the special Act, or any Act incorporated therewith, compellable to make, and if the owner of such lands have not other lands adjoining such piece of land, and require the promoters of the undertaking to make such communication, then the promoters of the undertaking may require such owner to sell to them such piece of land; and any dispute as to the value of such piece of land, or as to what would be the expence of making such communication, shall be ascertained as herein provided for cases of disputed compensation; and on the occasion of ascertaining the value of the land required to be taken for the purposes of the works the jury or the arbitrators, as the case may be, shall, if required by either party, ascertain by their verdict or award the value of any such severed piece of land, and also what would be the expence of making such communication.

*Promoters of
the under-
taking may
insist on pur-
chase where
expence of
bridges, &c.
exceeds the
value.*

And with respect to copyhold lands, be it enacted as follows:

XCV. EVERY conveyance to the promoters of the undertaking of any lands which shall be of copyhold or customary tenure, or of the nature thereof, shall be entered on the rolls of the manor of which the same shall be held or parcel; and on payment to the steward of such manor of such fees as would be due to him on the surrender of the same lands to the use of a purchaser thereof he shall make such enrolment; and every such conveyance, when so enrolled, shall have the like effect, in respect of such copyhold or customary lands, as if the same had been of freehold tenure, nevertheless, until such lands shall have been enfranchised by virtue of the powers herein-after contained, they shall continue subject to the same fines, rents, heriots, and services as were theretofore payable and of right accustomed.

Copyholds.

*Conveyances
of copyhold
lands to be
enrolled.*

XCVI. WITHIN three months after the enrolment of the conveyance of any such copyhold or customary lands, or within one month after the promoters of the undertaking shall enter upon and make use of the same for the purposes of the works, whichever shall first happen, or if more than one parcel of such lands holden of the same manor shall have been taken by them, then within one month after the last of such parcels shall have been so taken or entered on by them, the promoters of the undertaking shall procure the whole of the lands holden of such manor so taken by them to be enfranchised, and for that purpose shall apply to the lord of the manor whereof such lands are holden to enfranchise the same, and shall pay to him such compensation in respect thereof as shall be agreed upon between them and him, and if the parties fail to agree respecting the amount of the compensation to be paid for such enfranchisement the same shall be determined as in other cases of disputed compensation; and in estimating such compensation the loss in respect of the fines, heriots, and other services payable on death, descent, or alienation, or any other matters which would be lost by the vesting of such copyhold or customary lands in the promoters of the undertaking, or by the enfranchisement of the same, shall be allowed for.

*Copyhold
lands convey
to the pro-
moters to be
enfranchised.*

*Compensati-
on for enfranchi-
ment.*

Copyholds.

Lord of the manor to enfranchise on payment of compensation.

Enfranchisement by deed poll in certain cases.

Apportionment of copyhold rents.

Common lands.

Compensation for common lands, where held of a manor, &c. how to be paid.

Lord of the manor, &c. to convey to the promoters of the undertaking, on receiving com-

XCVII. UPON payment or tender of the compensation so agreed upon or determined, or on deposit thereof in the Bank in any of the cases herein-before in that behalf provided, the lord of the manor whereof such copyhold or customary lands shall be holden shall enfranchise such lands, and the lands so enfranchised shall for ever thereafter be held in free and common soccage; and in default of such enfranchisement by the lord of the manor, or if he fail to adduce a good title thereto to the satisfaction of the promoters of the undertaking, it shall be lawful for them, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect of the enfranchisement whereof such compensation shall have been deposited as aforesaid shall be deemed to be enfranchised, and shall be for ever thereafter held in free and common soccage.

XCVIII. IF any such copyhold or customary lands be subject to any customary or other rent, and part only of the land subject to any such rent be required to be taken for the purposes of the special Act, the apportionment of such rent may be settled by agreement between the owner of the lands and the lord of the manor on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement, then the same shall be settled by two justices; and the any copyhold or customary lands taken by virtue of this or the apportionment of such rents, shall not affect in other r by or under which any such copyhold or customary lands : purposes shall be held; and if any of the lands so required any portion of the rents to which they were subject joint lands, such last-mentioned lands shall be charged with the such rents; and with reference to any such apportioned ren manor shall have all the same rights and remedies over tl such apportioned rent shall have been assigned or attri previously over the whole of the lands subject to such ren such rents.

And with respect to any such lands being common or waste lands, be it enacted as follows:

XCIX. THE compensation in respect of the right in the soil of any lands subject to any rights of common shall be paid to the lord of the manor, in case he shall be entitled to the same, or to such party, other than the commoners, as shall be entitled to such right in the soil; and the compensation in respect of all other commonable and other rights in or over such lands, including therein any commonable or other rights to which the lord of the manor may be entitled, other than his right in the soil of such lands, shall be determined and paid and applied in manner herein-after provided with respect to common lands the right in the soil of which shall belong to the commoners; and upon payment or deposit in the Bank of the compensation so determined all such commonable and other rights shall cease and be extinguished.

C. UPON payment or tender to the lord of the manor, or such other party as aforesaid, of the compensation which shall have been agreed upon or determined in respect of the right in the soil of any such lands, or on deposit thereof in the Bank in any of the cases herein-before in that behalf provided, such lord of the manor, or such other party as aforesaid, shall convey such

lands to the promoters of the undertaking, and such conveyance shall have the effect of vesting such lands in the promoters of the undertaking, in like manner as if such lord of the manor, or such other party as aforesaid, had been seised in fee simple of such lands at the time of executing such conveyance; and in default of such conveyance it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect whereof such last-mentioned compensation shall have been deposited as aforesaid shall vest absolutely in the promoters of the undertaking, and they shall be entitled to immediate possession thereof, subject nevertheless to the commonable and other rights theretofore affecting the same, until such rights shall have been extinguished by payment or deposit of the compensation for the same in manner herein-after provided.

Common law
—
compensation for
his interest.

Deed poll to
executed in
certain cases

CI. THE compensation to be paid with respect to any such lands, being common lands, or in the nature thereof, the right to the soil of which shall belong to the commoners, as well as the compensation to be paid for the commonable and other rights in or over common lands the right in the soil whereof shall not belong to the commoners, other than the compensation to the lord of the manor, or other party entitled to the soil thereof, in respect of his right in the soil thereof, shall be determined by agreement between the promoters of the undertaking and a committee of the parties entitled to commonable or other rights in such lands, to be appointed as next herein-after mentioned.

Compensati
for common
lands where
not held of
a manor ho
to be ascer
tained.

CII. It shall be lawful for the promoters of the undertaking to convene a meeting of the parties entitled to commonable or other rights over or in such lands to be held at some convenient place in the neighbourhood of the lands, for the purpose of their appointing a committee to treat with the promoters of the undertaking for the compensation to be paid for the extinction of such commonable or other rights; and every such meeting shall be called by public advertisement, to be inserted once at least in two consecutive weeks in some newspaper circulating in the county or in the respective counties and in the neighbourhood in which such lands shall be situate, the last of such insertions being not more than fourteen nor less than seven days prior to any such meeting; and notice of such meeting shall also, not less than seven days previous to the holding thereof, be affixed upon the door of the parish church where such meeting is intended to be held, or if there be no such church some other place in the neighbourhood to which notices are usually affixed; and if such lands be parcel or holden of a manor, a like notice shall be given to the lord of such manor.

A meeting o
the parties
interested to
be convened

CIII. It shall be lawful for the meeting so called to appoint a committee, not exceeding five in number, of the parties entitled to any such rights; and at such meeting the decision of the majority of the persons entitled to commonable rights present shall bind the minority and all absent parties.

Meeting to
appoint a
committee.

CIV. It shall be lawful for the committee so chosen to enter into an agreement with the promoters of the undertaking for the compensation to be paid for the extinction of such commonable and other rights, and all matters relating thereto, for and on behalf of themselves and all other parties interested therein; and all such parties shall be bound by such agreement; and it shall be lawful for such committee to receive the compensation so agreed to be paid,

Committee
to agree wi
the promot
of the unde
taking.

lands. and the receipt of such committee, or of any three of them, for such compensation shall be an effectual discharge for the same; and such compensation, when received, shall be apportioned by the committee among the several persons interested therein, according to their respective interests, but the promoters of the undertaking shall not be bound to see to the apportionment or to the application of such compensation, nor shall they be liable for the misapplication or nonapplication thereof.

to CV. If upon such committee being appointed they shall fail to agree with *an* the promoters of the undertaking as to the amount of the compensation to be *cases.* paid as aforesaid, the same shall be determined as in other cases of disputed compensation.

the CVI. If, upon being duly convened by the promoters of the undertaking, *the* no effectual meeting of the parties entitled to such commonable or other rights *defined* shall take place, or if, taking place, such meeting fail to appoint such *eyor.* committee, the amount of such compensation shall be determined by a surveyor, to be appointed by two justices, as herein-before provided in the case of parties who cannot be found.

ment CVII. UPON payment or tender to such committee, or any three of them, *ma-* or if there shall be no such committee then upon deposit in the Bank in the *ble* manner provided in the like case of the compensation which shall have been *cers,* agreed upon or determined in respect of such commonable or other rights, it *to* shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect of which such compensation shall have been so paid or deposited shall vest in the promoters of the undertaking freed and discharged from all such commonable or other rights, and they shall be entitled to immediate possession thereof; and it shall be lawful for the Court of Chancery in England or the Court of Exchequer in Ireland, by an order to be made upon petition, to order payment of the money so deposited to a committee to be appointed as aforesaid, or to make such other order in respect thereto, for the benefit of the parties interested, as it shall think fit.

in And with respect to lands subject to mortgage, be it enacted as follows: *7c.*

CVIII. It shall be lawful for the promoters of the undertaking to purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of the special Act, and that whether they shall have previously purchased the equity of redemption of such lands or not, and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party, and whether he be in possession of such lands by virtue of such mortgage or not, and whether such mortgage affect such lands solely, or jointly with any other lands not required for the purposes of the special Act; and in order thereto the promoters of the undertaking may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months additional interest, and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the promoters of the undertaking, or as they shall direct; or the promoters of the undertaking may give notice in writing to such mortgagee that they will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving

such notice; and if they shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the promoters of the undertaking to the mortgagee of the principal money due on such mortgage, and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expences, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the promoters of the undertaking, or as they shall direct.

Lands
mortgage

CIX. If, in either of the cases aforesaid, upon such payment or tender any mortgagee shall fail to convey or release his interest in such mortgage as directed by the promoters of the undertaking, or if he fail to adduce a good title thereto to their satisfaction, then it shall be lawful for the promoters of the undertaking to deposit in the Bank, in the manner provided by this Act in like cases, the principal and interest, together with the costs, if any, due on such mortgage, and also, if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at that time become due; and it shall be lawful for them, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them; and thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee, and of all persons in trust for him, or for whom he may be a trustee, in such lands, shall vest in the promoters of the undertaking, and they shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession.

Deposit of mortgage money or refusal to accept.

CX. If any such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands, or the compensation to be made by the promoters of the undertaking in respect thereof, shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the promoters of the undertaking on the other part; and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation; and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the promoters of the undertaking to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the promoters of the undertaking, or as they shall direct.

Sum to be paid when mortgage exceeds value of lands.

CXI. If upon such payment or tender as aforesaid being made any such mortgagee fail so to convey his interest in such mortgage, or to adduce a good title thereto to the satisfaction of the promoters of the undertaking, it shall be lawful for them to deposit the amount of such value or compensation in the Bank, in the manner provided by this Act in like cases; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon; and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of

Deposit of such sum refused on tender.

entitled to immediate possession thereof; nevertheless every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money, or the residue thereof, (as the case may be,) and the interest thereof respectively, upon and out of the residue of such mortgaged lands, or the portion thereof not required for the purposes of the special Act, as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands originally comprised in such mortgage.

Lands in mortgage.
 Powers of mortgagee for recovery of residue of mortgage deb

CXIV. PROVIDED always, that in any of the cases herein-before provided with respect to lands subject to mortgage, if in the mortgage deed a time shall have been limited for payment of the principal money thereby secured, and under the provisions herein-before contained the mortgagee shall have been required to accept payment of his mortgage money, or of part thereof, at a time earlier than the time so limited, the promoters of the undertaking shall pay to such mortgagee, in addition to the sum which shall have been so paid off, all such costs and expences as shall be incurred by such mortgagee in respect of or which shall be incidental to the re-investment of the sum so paid off, such costs, in case of difference, to be taxed, and payment thereof enforced, in the manner herein provided with respect to the costs of conveyances; and if the rate of interest secured by such mortgage be higher than at the time of the same being so paid off can reasonably be expected to be obtained on re-investing the same, regard being had to the then current rate of interest, such mortgagee shall be entitled to receive from the promoters of the undertaking, in addition to the principal and interest herein-before provided for, compensation in respect of the loss to be sustained by him by reason of his mortgage money being so prematurely paid off, the amount of such compensation to be ascertained, in case of difference, as in other cases of disputed compensation; and until payment or tender of such compensation as aforesaid the promoters of the undertaking shall not be entitled, as against such mortgagee, to possession of the mortgaged lands under the provision herein-before contained.

Compensation to be made in certain cases if mortgage paid off before the stipulated time.

And with respect to lands charged with any rent service, rent-charge, or chief or other rent, or other payment or incumbrance not herein-before provided for, be it enacted as follows:

Rent charges.

CXV. If any difference shall arise between the promoters of the undertaking and the party entitled to any such charge upon any lands required to be taken for the purposes of the special Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of the special Act, the same shall be determined as in other cases of disputed compensation.

Consideration to be paid for release of lands from rent-charges.

CXVI. If part only of the lands charged with any such rent service, rent-charge, chief or other rent, payment, or incumbrance, be required to be taken for the purposes of the special Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement the same shall be settled by two justices; but if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party

Release of part of land from charge.

not-charges.

entitled to such charge to release therefrom the lands required, on condition in consideration of such other lands remaining exclusively subject to the charge thereof.

posit in
s of refusal
release.

CXVII. UPON payment or tender of the compensation so agreed to be determined to the party entitled to any such charge as aforesaid, such party shall execute to the promoters of the undertaking a release of such charge, and if he fail so to do, or if he fail to adduce good title to such charge to the satisfaction of the promoters of the undertaking, it shall be lawful for the promoters to deposit the amount of such compensation in the Bank, in the manner before provided in like cases, and also, if they think fit, to execute a deed duly stamped, in the manner herein-before provided in the case of the release of lands by them, and thereupon the rent service, rent-charge, chief rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

arge to
stinue on
is not
en.

CXVIII. IF any such lands be so released from any such charge or incumbrance, or portion thereof, to which they were subject jointly with other lands, such last-mentioned lands shall alone be charged with the whole of such charge, or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies as if he were entitled to the charge of such last-mentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge; and if upon any such charge or portion of charge being so released, the deed or instrument creating or transferring such charge be tendered to the promoters of the undertaking for the purpose, they or two of them shall subscribe, or if they be a corporation shall affix their names to a memorandum of such release endorsed on such deed or instrument, stating what part of the lands originally subject to such charge was so released, what part purchased by virtue of the special Act, and if the land subject to such charge, what proportion of such charge shall be so released, and how much thereof continues payable, or if the whole of such charge have been released from the whole of such charge, the lands are thenceforward to remain exclusively chargeable with such charge; and a memorandum shall be made and executed at the expense of the promoters of the undertaking, and shall be evidence in all courts of law and equity of the facts therein stated, but not so as to exclude any other facts.

Leases.

ere part
y of lands
er lease
on, the
t to be
ortioned.

And with respect to lands subject to leases, be it enacted

CXIX. IF any lands shall be comprised in a lease under the special Act, unexpired, part only of which lands shall be required for the purposes of the special Act, the rent payable in respect of the lands so required shall be apportioned between the lands so required and the lands not so required; and such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled, the apportionment shall be made by the Justices; and after such apportionment the lessee of such lands shall be liable for future accruing rent, be liable only to so much of the rent as shall be apportioned in respect of the lands not required for the purposes of the special Act; and as to the lands not so required, and as again

Leases.



shall have all the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which shall not be required for the purposes of the special Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

Tenants to be compensated.

CXX. EVERY such lessee as last aforesaid shall be entitled to receive from the promoters of the undertaking compensation for the damage done to him in his tenancy by reason of the severance of the lands required from those not required, or otherwise by reason of the execution of the works.

Compensation to be made to tenants from year to year, &c.

CXXI. If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year or from year to year, and if such person be required to give up possession of any lands so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by an in-coming tenant, and for any loss or injury he may sustain, or if a part only of such lands be required, compensation for the damage done to him in his tenancy by severing the lands held by him, or otherwise injuriously affecting the same; and the amount of such compensation shall be determined by two justices, in case the parties differ about the same; and upon payment or tender of the amount of such compensation all such persons shall respectively deliver up to the promoters of the undertaking, or to the person appointed by them to take possession thereof, any such lands in their possession required for the purposes of the special Act.

Where greater interest claimed than from year to year, lease or grant to be produced.

CXXII. If any party, having a greater interest than as tenant at will, claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the promoters of the undertaking may require such party to produce the lease or grant in respect of which such claim shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the promoters of the undertaking, such lease or grant, or such best evidence thereof, be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

Limit of time for compulsory purchase.

CXXIII. AND be it enacted, that the powers of the promoters of the undertaking for the compulsory purchase or taking of lands for the purposes of the special Act shall not be exercised after the expiration of the prescribed period, and if no period be prescribed not after the expiration of three years from the passing of the special Act.

Interests omitted to be purchased.

And with respect to interests in lands which have by mistake been omitted to be purchased, be it enacted as follows:

Purchase by promoters of the undertaking, after entry on lands of interests the purchase whereof may have been omitted by mistake.

CXXIV. If at any time after the promoters of the undertaking shall have entered upon any lands which under the provisions of this or the special Act, or any Act incorporated therewith, they were authorized to purchase, and which shall be permanently required for the purposes of the special Act, any party shall appear to be entitled to any estate, right, or interest in or charge affecting such lands which the promoters of the undertaking shall through mistake or inadvertence have failed or omitted duly to purchase or to pay

Interests omitted to be purchased.

compensation for, then, whether the period allowed for the purchase of lands shall have expired or not, the promoters of the undertaking shall remain in the undisturbed possession of such lands, provided within six months after notice of such estate, right, interest, or charge, in case the same shall not be disputed by the promoters of the undertaking, or in case the same shall be disputed then within six months after the right thereto established by law in favour of the party claiming the same, the promoters of the undertaking shall purchase or pay compensation to such party, or also pay to such party, or to any other party who thereto, full compensation for the mesne profits or interests accrued to such parties respectively in respect thereof between the entry of the promoters of the undertaking of the payment of such purchase money or compensation for the undertaking, so far as such mesne profits or interests in law or equity; and such purchase money or compensation on or awarded and paid in like manner as according to the Act the same respectively would have been agreed upon in case the promoters of the undertaking had purchased such interest, or charge before their entering upon such lands, the circumstances will admit.

Mesne profits to be accounted for.

How value of such interests and mesne profits shall be estimated.

CXXXV. IN estimating the compensation to be given for the purchase of the lands mentioned, or any estate or interest in the same, thereof, the jury, or arbitrators, or justices, as the case may be, shall estimate the same according to what they shall find to have been the value of such estate or interest, and profits, at the time such lands were purchased by the promoters of the undertaking, and without regard to the works made in the said lands by the promoters of the undertaking, though the works had not been constructed.

Promoters of the undertaking to pay the costs of litigation as to such interests.

CXXXVI. IN addition to the said purchase money, and before the promoters of the undertaking are entitled to any such estate, interest, or charge, or to have the same extinguished for their benefit, they shall, when the right to any such estate, interest, or charge shall have been disputed by the promoters of the undertaking, in favour of the party claiming the same, pay the full costs of any proceedings at law or in equity for the determination of the same to the parties with whom any such litigation has taken place; and such costs and expences shall, in all such cases, be disputed, be settled by the proper officer of the court in which the litigation took place.

Sale of superfluous land.

And with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act, or any other Act, which shall not be required for the purposes of the Act, the following shall be observed:

Lands not wanted to be sold within 10 years after expiration of time limited for completion of works, or in default to vest

CXXXVII. WITHIN the prescribed period, or if no period be prescribed, then within ten years after the expiration of the time limited by the Act for the completion of the works, the promoters of the undertaking shall sell and dispose of all such superfluous lands, and apply the proceeds arising from such sales to the purposes of the special Act, and the residue thereof all such superfluous lands remaining unsold at

period shall thereupon vest in and become the property of the owners of the lands adjoining thereto, in proportion to the extent of their lands respectively adjoining the same.

Sale of superfluous land.

in owners of adjoining lands.

CXXVIII. BEFORE the promoters of the undertaking dispose of any such superfluous lands they shall, unless such lands be situate within a town, or be lands built upon or used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed; or if such person refuse to purchase the same, or cannot after diligent inquiry be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit.

Lands not in a town or built upon, &c. to be offered to owner of lands from which they were originally taken, or to adjoining owners.

CXXIX. If any such persons be desirous of purchasing such lands, then within six weeks after such offer of sale they shall signify their desire in that behalf to the promoters of the undertaking; or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease; and a declaration in writing made before a justice by some person not interested in the matter in question, stating that such offer was made, and was refused, or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

Right of pre-emption to be claimed within six weeks from offer.

Evidence of refusal, &c. to exercise right.

CXXX. If any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the promoters of the undertaking do not agree as to the price thereof, then such price shall be ascertained by arbitration, and the costs of such arbitration shall be in the discretion of the arbitrators.

Differences as to price to be settled by arbitration.

CXXXI. UPON payment or tender to the promoters of the undertaking of the purchase money so agreed upon or determined as aforesaid they shall convey such lands to the purchasers thereof, by deed under the common seal of the promoters of the undertaking if they be a corporation, or if not a corporation under the hands and seals of the promoters of the undertaking, or any two of the directors or managers thereof acting by the authority of the body; and a deed so executed shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate which shall so have been purchased by him; and a receipt under such common seal, or under the hands of two of the directors or managers of the undertaking, as aforesaid, shall be a sufficient discharge to the purchaser of any such lands for the purchase money in such receipt expressed to be received.

Lands to be conveyed to the purchasers.

CXXXII. In every conveyance of lands to be made by the promoters of the undertaking under this or the special Act the word "grant" shall operate as express covenants by the promoters of the undertaking, for themselves and

Effect of the word "grant" in conveyances

super-
land.

their successors, or for themselves, their heirs, executors, administrators, and assigns, as the case may be, with the respective grantees therein named, and the successors, heirs, executors, administrators, and assigns of such grantees, according to the quality or nature of such grants, and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance; (that is to say,)

A covenant that, notwithstanding any act or default done by the promoters of the undertaking, they were at the time of the execution of such conveyance seised or possessed of the lands or premises thereby granted for an indefeasible estate of inheritance in fee simple, free from all incumbrances done or occasioned by them, or otherwise for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them :

A covenant that the grantee of such lands, his heir administrators, and assigns, (as the case may be,) same against the promoters of the undertaking, as all other persons claiming under them, and be i harmless by the promoters of the undertaking an all incumbrances created by the promoters of the undertaking :

A covenant for further assurance of such lands, at the expence of such grantee, his heirs, successors, executors, administrators, or assigns, (as the case may be,) by the promoters of the undertaking, or their successors, and all other persons claiming under them :

And all such grantees, and their several successors, heirs, ex trators, and assigns respectively, according to their resp nature, and the estate or interest in such conveyance express may in all actions brought by them assign breaches of c might do if such covenants were expressly inserted in such c

imple-
works,
re shall
od any
y of
: and
ste
by lands
ken.

CXXXIII. AND be it enacted, that if the promoters of the undertaking become possessed by virtue of this or the special Act, or any Act incorporated therewith, of any lands charged with the land tax, or liable to be assessed to the poor's rate, they shall from time to time, until the works shall be completed and assessed to such land tax or poor's rate, be liable to make good the deficiency in the several assessments for land tax and poor's rate by reason of such lands having been taken or used for the purposes of the works; and such deficiency shall be computed according to the rental at which such lands, with any building thereon, were valued or rated at the time of the passing of the special Act; and on demand of such deficiency the promoters of the undertaking, or their treasurer, shall pay all such deficiencies to the collector of the said assessments respectively; nevertheless, if at any time the promoters of the undertaking 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.

r may
med.

ces.
—
of
pon
a.

CXXXIV. AND be it enacted, that any summons or notice, or any writ or other proceeding at law or in equity, requiring to be served upon the promoters of the undertaking, may be served by the same being left at or transmitted through the post directed to the principal office of the promoters of the undertaking, or one of the principal offices where there shall be more than one, or

being given or transmitted through the post directed to the secretary, or in case there be no secretary the solicitor of the said promoters.

CXXXV. AND be it enacted, that if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defendant, by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

Tender of amends.

Payment into court.

And with respect to the recovery of forfeitures, penalties, and costs, be it enacted as follows:

Recovery of penalties.

CXXXVI. EVERY penalty or forfeiture imposed by this or the special Act, or by any bye law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices; and on complaint being made to any justice he shall issue a summons, requiring the party complained against to appear before two justices at a time and place to be named in such summons; and every such summons shall be served on the party offending, either in person, or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for any two justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such justices shall think fit.

Penalties to be summarily recovered before two justices.

CXXXVII. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress; and such justices, or either of them, shall issue their or his warrant of distress accordingly.

Penalties to be levied by distress.

CXXXVIII. WHERE in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty, costs, or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expences of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

Distress how to be levied.

CXXXIX. THE justices by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award not more than one half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence

Application of penalties.

every of
parishes.

shall have been committed to be applied in aid of the poor's rate of such parish,

as
t the
rer.

CXL. If any such sum shall be payable by the promoters of the undertaking, and if sufficient goods of the said promoters cannot be found whereon to levy the same, it may, if the amount thereof do not exceed twenty pounds, be recovered by distress of the goods of the treasurer of the said promoters, and the justices aforesaid, or either of them, on application, shall issue their or his warrant accordingly; but no such distress shall issue against the goods of such treasurer unless seven days previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress as aforesaid, he may retain the amount so paid by him, and all costs and expences occasioned thereby, out of any money belonging to the promoters of the undertaking coming into his custody or control, or he may sue them for the same.

to
rer.

directment
surer.

is not
ful for
if form,

CXLI. No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

ies to
d for
six
s.

CXLII. NO person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before a justice, unless the complaint respecting such offence shall have been made before such justice within six months next after the commission of such offence.

y on
see mak-
ault.

CXLIII. It shall be lawful for any justice to summon any person to appear before him as a witness in any matter in which such justice shall have jurisdiction, under the provisions of this or the special Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expences, or if any person appearing shall refuse to be examined upon oath or to give evidence before such justice, every such person shall forfeit a sum not exceeding five pounds for every such offence.

of
ion.

CXLIV. THE justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule (C.) to this Act annexed.

dings
be
d for
'form,

CXLV. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

ocal.
allowed
d to

CXLVI. If any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such

party may appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

quarter sessi
on giving
security.

CXLVII. At the quarter sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

Court to
make such
order as
they think
reasonable.

CXLVIII. PROVIDED always, and be it enacted, that notwithstanding any thing herein or in the special Act, or any Act incorporated therewith, contained, every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied, in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third year of the reign of her present Majesty, intituled "An Act for regulating the police courts in the metropolis"; and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal and upon the same terms as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expences, as he or they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

Receiver of
metropolis
police distr
to receive
penalties in
curred with
his district.

2 & 3 Vict
c. 71.

CXLIX. AND be it enacted, that any person who upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

Persons
giving fals
evidence li
to penaltie
of perjury

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows:

Access
special A

CL. THE company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a

Copies of
special Ac
be kept an

is to
Act.
—
d, and
to be
d.

copy of the special Act, printed by the printers to her Majesty, or so
them; and where the undertaking shall be a railway, canal, or other
undertaking, the works of which shall not be confined to one town or
shall also within the space of such six months deposit in the office of
the clerks of the peace of the several counties into which the works
extend a copy of such special Act, so printed as aforesaid; and the said
of the peace shall receive, and they and the company respectively shall
the said copies of the special Act, and shall permit all persons interest
inspect the same, and make extracts or copies therefrom, in the like m
and upon the like terms and under the like penalty for default
provided in the case of certain plans and sections by an Act passed in th
year of the reign of her present Majesty, intituled "An Act to compel
" of the peace for counties and other persons to take the custody o
" documents as shall be directed to be deposited with them under the sta
" orders of either House of Parliament."

s. &
s. 63.

CLI. If the company shall fail to keep or deposit, as herein-before
tioned, any of the said copies of the special Act, they shall forfeit t
pounds for every such offence, and also five pounds for every day after
during which such copy shall be not so kept or deposited.

on
to keep
it
ies.
to
o
l

CLII. AND be it enacted, that this Act shall not extend to Scotland.

* * * * *

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM of Conveyance.

I , of , in consideration of t
of paid to me [or, as the case may be, into the Bank of E
[or Bank of Ireland], in the name and with the privity of the acc
general of the Court of Chancery, ex parte "the promoters of the undert
[naming them], or to A.B., of , and C.D. of
two trustees appointed to receive the same], pursuant to the [here na
special Act], by the [here name the company or other promoters of the
taking], incorporated [or constituted] by the said Act, do hereby con
the said company [or other description], their successors and assign
[describing the premises to be conveyed], together with all ways, right
appurtenances thereto belonging, and all such estate, right, title, and i
in and to the same as I am or shall become seised or possessed of, or am
said Act empowered to convey, to hold the premises to the said comp
other description], their successors and assigns, for ever, according to th
intent and meaning of the said Act. In witness whereof I have h
set my hand and seal, the day of in the year
Lord ;

SCHEDULE (B.)

FORM of Conveyance on Chief Rent.

I _____, of _____, in consideration of the rent-charge to be paid to me, my heirs and assigns, as herein-after mentioned, by "the promoters of the undertaking" [naming them], incorporated [or constituted] by virtue of the [here name the special Act], do hereby convey to the said company [or other description], their successors and assigns, all [describing the premises to be conveyed], together with all ways, rights, and appurtenances thereunto belonging, and all my estate, right, title, and interest in and to the same and every part thereof, to hold the said premises to the said company [or other description], their successors and assigns, for ever, according to the true intent and meaning of the said Act, they the said company [or other description], their successors and assigns, yielding and paying unto me, my heirs and assigns, one clear yearly rent of _____, by equal quarterly [or half-yearly, as agreed upon,] portions, henceforth, on the [stating the days], clear of all taxes and deductions. In witness whereof I hereunto set my hand and seal, the _____ day of _____ in the year of our Lord _____.

SCHEDULE (C.)

FORM of Conviction.

to wit.

BE it remembered, that on the _____ day of _____ in the year of our Lord _____ A.B. is convicted before us C., D., two of her Majesty's justices of the peace for the county of _____, [here describe the offence generally, and the time and place when and where committed], contrary to the [here name the special Act]. Given under our hands and seals, the day and year first above written.

C., D.

CHAPTER XIX.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a public Nature in Scotland. [8th May 1845.]

WHEREAS it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament relative to the acquisition of lands in Scotland required for undertakings or works of a public nature, and the compensation to be made for the same, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for ensuring greater uniformity in the provisions themselves: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 this Act shall apply to every undertaking in Scotland authorized by any Act of Parliament which

This Act to apply to all undertakings in Scotland authorized by Acts to be hereafter passed.

shall hereafter be passed, and which shall authorize the taking of lands for such undertaking, and this Act shall be incorporated with such Act; and all the provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

ns And with respect to the construction of this Act, and other Acts to be incorporated therewith, be it enacted as follows :

11: II. THE expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed, and which shall authorize the taking of lands for the undertaking to which the same relates, and with " which this Act shall be so incorporated as aforesaid; and the word "prescribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose in the special Act" had been used; and the expression " the works" or "the undertaking" shall mean the works or undertaking, of whatever nature, which shall by the special Act be authorized to be executed; and the expression "the promoters of the undertaking" shall mean the parties, whether company, undertakers, commissioners, trustees, corporations, or private persons, by the special Act empowered to execute such works or undertaking.

ns III. AND be it enacted, that the following words and expressions both in 16 this and the special Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction; (that is to say.)

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include the singular number :

Words importing the masculine gender only shall include females :

The word "lands" shall extend to houses, lands, tenements, and heritages, of any description or tenure :

The word "lease" shall include a missive of lease :

The word "month" shall mean calendar month :

The "lord ordinary" shall mean the lord ordinary of the Court of Session in Scotland officiating on the bills in time of vacation, or the junior lord ordinary, if in time of session, as the case may be :

The word "oath" shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath :

The word "county" shall include any ward or other county :

The word "sheriff" shall include the sheriff substitute :

The word "justices" shall mean justices of the peace acting in the place of the sheriff, or place where the matter requiring the

such justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands, being the property of one and the same party, situate not wholly in any one county, city, liberty, or place, the same shall mean a justice acting for the county, city, liberty, or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two justices, the expression "two justices" shall be understood to mean two or more justices assembled and acting together.

"Two]

Where under the provisions of this or the special Act, or any Act incorporated therewith, any notice shall be required to be given to the owner of any lands, or where any Act shall be authorized or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any person or corporation, or trustees or others, who, under the provisions of this or the special Act, would be enabled to sell and convey lands to the promoters of the undertaking:

"Ownr

The expression "the Bank" shall mean any one of the incorporated or chartered banks in Scotland.

"The B

IV. AND be it enacted, that in citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Lands Clause Consolidation (Scotland) Act, 1845."

Short ti
of the A

V. AND whereas it may be convenient in some cases to incorporate with Acts of Parliament hereafter to be passed some portion only of the provisions of this Act: Be it therefore enacted, that for the purpose of making any such incorporation it shall be sufficient in any such Act to enact that the clauses of this Act with respect to the matter so proposed to be incorporated, (describing such matter as it is described in this Act in the words introductory to the enactment with respect to such matter,) shall be incorporated with such Act; and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

Form in
portions
this Act
be incorp
with oth
Acts.

And with respect to the purchase of lands by agreement, be it enacted as follows:

Purcha
lands
agrees

VI. SUBJECT to the provisions of this and the special Act, it shall be lawful for the promoters of the undertaking to agree with the owners of any lands by the special Act authorized to be taken, and which shall be required for the purposes of such Act, and with all parties having any right or interest in such lands, or by this or the special Act enabled to sell and convey the same, for the absolute purchase of any such lands, or such parts thereof as they shall think proper, and for the purchase of all rights and interests in such lands of what kind soever.

Power to
purchase
lands by
agreements

VII. IT shall be lawful for all parties, being possessed of any lands, or any such right or interest therein, to contract for, sell, convey, and dispose of such lands, or of such right therein, to the promoters of the undertaking, and to enter into all necessary agreements for these purposes; and particularly it shall be lawful for the parties following so to do; (that is to say,) all corporations, heirs of entail, life-renters, or persons holding any other partial or qualified

Parties w
disability
enabled to
and conve

e of
by
nt.

estate or interest, married women seised in their own right or entitled to terce or dower, or any other right or interest, husbands, tutors, curators, and other guardians for infants, minors, lunatics or idiots, fatuous or furious persons, or for persons under any other disability or incapacity, judicial factors, trustees or feoffees in trust for charitable or other purposes, executors, and administrators; and the power so to contract for, sell, convey, and dispose of as aforesaid may lawfully be exercised by all such parties, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion or expectancy after them, and as to such married women as if they were sole, and as to such tutors, curators, guardians, judicial factors, and trustees, on behalf of those for whom they respectively act, whether infants, minors, issue unborn, bankrupts, lunatics, idiots, fatuous and furious persons, married women, or other incapacitated persons, and that to the same extent as such infants, minors, bankrupts, lunatics, idiots, fatuous and furious persons, married women, and other incapacitated persons respectively could have exercised the same power under the authority of this and the special Act if they had respectively been under no disability.

der
may
ther

VIII. THE power herein-after given to discharge any lands from feu duties or casualties of superiority, as well as every other power required to be exercised by any superior pursuant to the provisions of this or the special Act, or any Act incorporated therewith, and the power to discharge lands from any rent, payment, charge, feu duties, ground annuals, or other real burdens or incumbrances, and to agree for the apportionment of any such rent, payment, charge, feu duties, ground annuals, or other real burdens and incumbrances, shall extend to and may lawfully be exercised by every party herein-before enabled to contract for, sell, dispose of, or convey lands or rights or interests therein to the company.

f
ion,
der
to
ined
on,
nto

IX. THE purchase money or compensation to be paid for any lands, or any rights or interests therein, to be purchased or taken from any party under any disability or incapacity, and not having power to sell or convey such lands, or rights or interests therein, except under the provisions of this or the special Act, and the compensation to be paid for any permanent damage or injury to any such lands, shall not, except where the same shall have been determined by the sheriff, or by the verdict of a jury, or by arbitration, or by the valuation of a valuator appointed by the sheriff under the provision herein-after contained, be less than shall be determined by the valuation of two able practical valutors, one of whom shall be nominated by the promoters of the undertaking, and the other by the other party, and if such two valutors cannot agree in the valuation, then by such third valuator as the sheriff shall, upon application of either party, after notice to the other party, for that purpose nominate; and each of such two valutors, if they agree, or if not, then the valuator nominated by the said sheriff, shall annex to the valuation a declaration in writing, subscribed by them or him, of the correctness thereof; and all such purchase money or compensation shall be deposited in the Bank, for the benefit of the parties interested, in manner herein-after mentioned.

ndor
nds
ld

X. IT shall be lawful for all parties entitled to dispose of absolutely any lands authorized to be purchased for the purposes of the special Act to convey such lands or any part thereof unto the promoters of the undertaking in.

consideration of an annual feu duty or ground annual payable by the promoters of the undertaking.

Purchase
lands by
agreement

XI. THE feu duties or ground annuals stipulated by any such conveyance shall be charged on the tolls or rates, if any, payable under the special Act, and shall be otherwise secured in such manner as shall be agreed between the parties, and shall be paid by the promoters of the undertaking as such feu duties or ground annuals become payable; and if at any time the same be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such feu duties or ground annuals shall be payable may either recover the same from the promoters of the undertaking, with expences of suit, by action in any competent court, or it shall be lawful for him to levy the same by poinding and sale of the goods and effects of the promoters of the undertaking.

Payment of
feu duties,
&c. to be
charged on
tolls.

XII. IN case the promoters of the undertaking shall be empowered by the special Act to purchase lands for extraordinary purposes, it shall be lawful for all parties who, under the provisions herein-before contained, would be enabled to sell, feu, and convey lands, to sell, feu, and convey the lands so authorized to be purchased for extraordinary purposes.

Power to
purchase l
required fo
additional
commodati

XIII. IT shall be lawful for the promoters of the undertaking to sell the lands which they shall have so acquired for extraordinary purposes, or any part thereof, in such manner, and for such considerations, and to such persons, as the promoters of the undertaking may think fit, and again to purchase other lands for the like purposes, and afterwards sell the same, and so from time to time; but the total quantity of land to be held at any one time by the promoters of the undertaking for the purposes aforesaid shall not exceed the prescribed quantity.

Authority t
sell and re-
purchase su
lands.

XIV. THE promoters of the undertaking shall not, by virtue of the power to purchase land for extraordinary purposes, purchase or acquire more than the prescribed quantity from any party under legal disability, or who would not be able to sell or convey such lands except under the powers of this and the special Act; and if the promoters of the undertaking purchase or acquire the said quantity of land from any party under such legal disability, and afterwards sell or dispose of the whole or any part of the land so purchased, it shall not be lawful for any party being under legal disability to sell or convey to the promoters of the undertaking any other lands in lieu of the land so sold or disposed of by them.

Restraint o
purchase fr
incapacitat
persons.

XV. WHERE the undertaking is intended to be carried into effect by means of a capital to be subscribed by the promoters of the undertaking, the whole of the capital of the company or estimated sum for defraying the expences of the undertaking shall be subscribed under contract binding the parties thereto, their heirs, executors, and administrators, for the payment of the several sums by them respectively subscribed, before it shall be lawful to put in force any of the powers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of land for the purposes of the undertaking.

Capital to b
subscribed
before com-
pulsory pov
of purchase
put in force

XVI. A certificate under the hands of the sheriff, certifying that the whole of the prescribed sum has been subscribed, shall be sufficient evidence thereof; and on the application of the promoters of the undertaking, and the production of such evidence as such sheriff thinks proper and sufficient, such sheriff shall grant such certificate accordingly.

A certificat
of the sherif
be evidence
that the cap
has been
subscribed.

purchase of lands otherwise than by agreement.

And with respect to the purchase and taking of lands otherwise than by agreement, be it enacted as follows :

notice of lands.

XVII. WHEN the promoters of the undertaking shall require to purchase any of the lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this or the special Act to sell and convey the same, or their rights and interests therein, or such of the said parties as shall, after diligent inquiry, be known to the promoters of the undertaking, and by such notice shall demand from such parties the particulars of their interest in such lands, and of the claims made by them in respect thereof; and every such notice shall state the particulars of the lands so required, and that the promoters of the undertaking are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

notice of persons and interests of

XVIII. ALL notices required to be served by the promoters of the undertaking upon the parties interested in or entitled to sell any such lands shall either be served personally on such parties, or left at their last usual place of abode, if any such can after diligent inquiry be found; and in case any such parties shall be absent from the United Kingdom, or cannot be found after diligent inquiry, such notices, when the same are to be given to an owner of lands, shall be served on the factor or agent, if any, of such owner, and shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

parties fail to state, or to answer, or to be named.

XIX. IF for twenty-one days after the service of such notice any such party shall fail to state the particulars of his claim in respect of any such land, or to treat with the promoters of the undertaking in respect thereof, or if such party and the promoters of the undertaking shall not agree as to the amount of the compensation to be paid by the promoters of the undertaking for the interest in such lands belonging to such party, or which he is by this or the special Act enabled to sell, or for any damage that may be sustained by him by reason of the execution of the works, the amount of such compensation shall be settled in the manner herein-after provided for settling cases of disputed compensation.

reference to arbitration.

XX. IF no agreement be come to between the promoters of the undertaking and the owners of or parties by this or the special Act enabled to sell and convey any lands taken or required for or injuriously affected by the execution of the undertaking, or any interest in such lands, as to the value of such lands or of any interest therein, or as to the compensation to be made in respect thereof, it shall be lawful for the parties to refer the same to arbitration.

not being by sheriff, or by the sheriff.

XXI. IF the compensation claimed and disputed shall not exceed fifty pounds, unless both parties agree to refer such compensation to arbitration, the same shall be settled by the sheriff.

XXII. IT shall be lawful for the sheriff, upon the application of either party with respect to any such question of disputed compensation, to issue an order for the other party to appear before such sheriff, at a time and place to be named in the order; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the order, it shall be lawful for

such sheriff to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, upon oath, without written pleadings or reducing the evidence to writing; and the expences of every such inquiry, excepting the remunerative expences of the sheriff, shall be in the discretion of such sheriff, and he shall settle the amount thereof; and the determination of the sheriff upon such question shall be final and conclusive, and not subject to review or appeal in any form or court whatever.

*Purchas
lands of
wise the
agrees*

XXIII. If the compensation claimed or offered in any case shall exceed fifty pounds, and if the party claiming such compensation desire to have the same settled by arbitration, and signify such desire to the promoters of the undertaking, before they have presented their petition to the sheriff to summon a jury in respect of such lands, under the provisions herein-after contained, by a notice in writing, stating in such notice the nature of the interest in such lands in respect of which he claims compensation, and the amount of the compensation so claimed, and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and shall enter into a written agreement for that purpose, then, within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein-after provided.

*Where
compensat
claimed
ceeds 50
may be
by arbit
if claim
so desir*

XXIV. WHEN any question of disputed compensation by this or the special Act, or any Act incorporated therewith, authorized or required to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbiter, each party, on the request of the other party, shall nominate and appoint an arbiter, to whom such dispute shall be referred; and every appointment of an arbiter shall be made on the part of the company under the hand of the secretary or any two of the directors of the company, and on the part of any other party under the hand of such party, or if such party be a company or corporation under the hand of the proper officer or person authorized by such company or corporation; and such appointment shall be delivered to the arbiters, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matters so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbiter, such other party fail to appoint an arbiter, then upon such failure the party making the request, and having himself appointed an arbiter, may appoint such arbiter to act on behalf of both parties, and such arbiter may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbiter shall be final.

*Appointm
of arbiters
when ques
are to be d
termined by
arbitration.*

XXV. If before the matters so referred shall be determined any arbiter appointed by either party die, or become incapable, the party by whom such arbiter was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other

*Vacancy of
arbiter to be
supplied.*

Purchase of lands otherwise than by agreement.

Appointment of oversman.

arbiter may proceed *ex parte*; and every arbiter so to do shall have the same powers and authorities as were in the said Act in relation to an arbiter at the time of such his death or disability as aforesaid.

XXVI. WHERE more than one arbiter shall have been appointed, the arbiters shall, before they enter upon the matters referred to them, and appoint by writing under their hands an oversman to determine the matters on which they shall differ, or which shall be referred to him by the provisions of this or the special Act; and if such oversman shall become incapable to act, they shall forthwith after such appointment appoint another oversman in his place; and the decision of such oversman on the matters on which the arbiters shall differ shall be final.

Lord ordinary empowered to appoint an oversman on neglect of the arbiters.

XXVII. IF in either of the cases aforesaid the said arbiters shall neglect to appoint an oversman, it shall be lawful for the Lord Ordinary, on application of either party to such arbitration, to appoint an oversman to determine the decision of such oversman on the matters on which the arbiters shall differ, or which shall be referred to him under this or the special Act, and his decision shall be final.

In case of death of single arbiter, the matter is *begin de novo*.

XXVIII. IF when a single arbiter shall have been appointed, and he shall die or become incapable to act before he shall have determined the matters referred to him, the matters shall be determined by another arbiter appointed by the provisions of this or the special Act, in the same manner as if no arbiter had been appointed.

If either arbiter refuse to act, the other to proceed *ex parte*.

XXIX. IF when more than one arbiter shall have been appointed, and either of the arbiters refuse or for seven days neglect to act, the matters shall be determined by the other arbiter, or, if there be no other arbiter, by the provisions of this or the special Act, and the decision of such arbiter shall be final, as if he had been the single arbiter appointed by both parties.

If arbiters fail to make their award within 21 days or extended time, the matter to go to the umpire.

XXX. IF where more than one arbiter shall have been appointed, and either of them shall refuse or neglect to act as aforesaid, or shall fail to make their award within twenty-one days after the expiration of the last of such arbiters shall have been appointed, or within the time as shall have been appointed for that purpose by both parties, or by the provisions of this Act, the matters referred to them shall be determined by another arbiter appointed as aforesaid.

Power of arbiters to call for books, &c.

XXXI. THE said arbiters or their oversman may call for and examine any documents in the possession or power of either party, or may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer oaths for that purpose, and take all evidence competent according to the law of Scotland.

Costs of arbitration how to be borne.

XXXII. ALL the expences of any such arbitration, and of the appointment of an oversman, as the case may be, shall be borne by the promoters of the undertaking, unless the arbiters or the oversman shall determine otherwise, or a less sum than shall have been offered by the parties, in which case each party shall be liable for the expences incident to the arbitration; and in all cases the expences of the arbiters, of the oversman, as the case may be, and of recording the decision in the books of the council and session, shall be borne by the parties to the undertaking.

XXXIII. THE arbiters shall make their decret arbitral or award in writing, and shall cause the same to be recorded in the books of council and session, or shall deliver the same to the promoters of the undertaking, to be by them so recorded, and the said promoters shall, on demand, at their own expence, furnish an extract thereof from the said books to the other party to the arbitration; and extracts of decreets arbitral or awards shall bear faith in all courts and cases the same as the original writings, unless the originals be improved.

XXXIV. No award made with respect to any question referred to arbitration under the provisions of this or the special Act shall be set aside for irregularity or error in matter of form.

XXXV. If the party claiming compensation shall not, as herein-before provided, signify his desire to have the question of such compensation settled by arbitration, or if, when the matter shall have been referred to arbitration, the arbiters or their umpire shall for three months have failed to make their or his award, the question of such compensation shall be settled by the verdict of jury, as herein-after provided.

XXXVI. BUT if any party entitled to any compensation in respect of any such lands or interest therein, exceeding fifty pounds as aforesaid, shall desire to have the amount of such compensation determined by a jury, it shall in like manner be lawful for him to give notice in writing to the promoters of the undertaking of such his desire, stating in such notice the nature of the interest in such lands in respect of which he claims compensation, and the amount of the compensation so claimed by him; and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and shall enter into a written agreement for that purpose, then, within twenty-one days after the receipt of any such notice from any party so entitled, they shall, unless the question shall previously have been agreed to be settled by arbitration, present their petition to the sheriff to summon a jury for settling the same in the manner herein-after provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of compensation so claimed, and the same may be recovered by him, with costs, by action in any competent court.

XXXVII. BEFORE the promoters of the undertaking shall present their petition for summoning a jury for settling any case of disputed compensation they shall give not less than ten days notice to the other party of their intention to cause such jury to be summoned; and in such notice the promoters of the undertaking shall state what sum of money they are willing to give for the interest in such lands sought to be purchased by them from such party, and for the damage to be sustained by him by the execution of the works.

XXXVIII. IN every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury the promoters of the undertaking shall present their petition to the sheriff to summon a jury for that purpose; and such petition shall, if the promoters be a company or corporation, be signed by the secretary or proper officer or person authorized by such company or corporation, and if they be not a company or corporation such petition shall be signed by the promoters, or any two of them, if more than one.

Purchase lands otherwise than agree-

Award to recorded i books of council a session, c delivered the prom

Award n be set as for error form.

If matter not refer to arbitra or award made witi limited tin compensa to be setti by a jury.

Party claim compensati may require jury to be summoned.

Promoters of the under-taking to give notice before summoning a jury.

Petition for summoning jury to be addressed to the sheriff.

release of
the other-
wise than by
warrant.

men to
be summoned.
of
jury.

to be
summoned.

if to
be.

by jury.

jury on
for de-

summoned to
be examined.

jury on
summoned
in default.

party
in default
of jury
summoned to
appear, but
refused to
appear, the
summons
deter-
mined
by
the court
to be

XXXIX. UPON the receipt of such petition as aforesaid the sheriff shall summon a jury of twenty-five indifferent persons, duly qualified to act as common jurymen for the trial of civil causes in the Court of Session, to meet at a time and place to be named by the sheriff in the warrant for that purpose.

XL. NOT less than ten days notice of the time and place of the inquiry shall be given in writing by the promoters of the undertaking to the other party, or to his known agent.

XLI. OUT of the jurors appearing upon such summons a jury of thirteen persons shall be drawn by ballot; and if a sufficient number of jurymen do not appear in obedience to such summons the sheriff shall return other indifferent men, duly qualified as aforesaid, of the bystanders, or others that can speedily be procured, to make up the jury to the number aforesaid; and all parties concerned may have their lawful challenges for cause against any of the jurymen; and each party may have three peremptory challenges.

XLII. THE sheriff shall preside on the said inquiry; and the party claiming compensation shall be deemed the pursuer, and the proceedings at such trials shall be conducted in like manner as in criminal trials; and, if either party so request, the sheriff shall order the jury, or any seven or more of them, to view the place or matter in controversy.

XLIII. IF any person summoned and returned upon any jury under this or the special Act, whether common or special, do not appear, or if appearing he refuse to make oath, or in any other manner unlawfully neglect his duty, he shall, unless he show reasonable excuse to the satisfaction of the sheriff, forfeit a sum not exceeding ten pounds; and every such penalty shall be applied in satisfaction of the costs of the inquiry, so far as the same will extend; and, in addition to the penalty hereby imposed, every such jurymen shall be subject to the same regulations, pains, and penalties as if such jury had been returned for the trial of a civil cause in the Court of Session.

XLIV. IF either party so request in writing, the sheriff shall summon before him any person considered necessary to be examined as a witness touching the matters in question.

XLV. IF any person duly summoned to give evidence upon any such inquiry, and to whom a tender of his reasonable expences shall have been made, fail to appear at the time and place specified in the summons, without sufficient cause, or if any person, whether summoned or not, who shall appear as a witness refuse to be examined on oath touching the subject matter in question, every person so offending shall forfeit to the party aggrieved a sum not exceeding ten pounds, and, in addition to the penalty hereby imposed, shall be subject to the same regulations, pains, and penalties as if such witness, having been duly summoned, had failed to appear, or having appeared had refused to be examined, in any other cause.

XLVI. IF the party claiming compensation shall not appear at the time appointed for the inquiry such inquiry shall not be further proceeded in, but the compensation to be paid shall be such as shall be ascertained by a valuator appointed by the sheriff in manner herein-after provided.

XLVII. BEFORE the jury proceed to inquire of and assess the compensation or damage in respect of which their verdict is to be given they shall make oath that they will truly and faithfully inquire of and assess such compensation or damage; and the sheriff shall administer such oaths, as well as the oaths of all persons called upon to give evidence.

XLVIII. WHERE such inquiry shall relate to the value of lands to be purchased, and also to compensation claimed for injury done or to be done to the lands held therewith, the jury shall deliver their verdict, by a majority of their number, separately for the sum of money to be paid for the purchase of the lands required for the works, or of any interest therein belonging to the party with whom the question of disputed compensation shall have arisen, or which under the provisions herein contained such party is entitled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, to be sustained by the owner of the lands by reason of severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such lands by the exercise of the powers of this or the special Act, or any Act incorporated therewith: Provided always, that if the parties agree to dispense with such separation the verdict may be returned for one sum.

XLIX. THE sheriff before whom such inquiry shall be held shall give judgment for the purchase money or compensation assessed by such jury; and the verdict and judgment shall be signed by the sheriff, and being so signed shall be kept by the clerk of the sheriff court among the records of that court; and such verdicts and judgments shall be deemed records, and the same or official copies thereof shall be good evidence in all courts and elsewhere; and all persons may inspect the said verdicts and judgments, and may have copies thereof or extracts therefrom, on paying for each inspection thereof one shilling, and for every one hundred words copied or extracted therefrom sixpence.

L. ON every such inquiry before a jury all the expences of such inquiry shall be borne by the promoters of the undertaking, unless the verdict of the jury be given for the same or a less sum than the sum previously offered by the promoters of the undertaking, or unless the owner of or party interested in the lands shall have failed to appear at the time and place appointed for the inquiry, having received due notice thereof, in either of which cases one half of the expences of the promoters of the undertaking shall be defrayed by the owner of or party interested in the lands.

LI. THE expences of any such inquiry shall, in case of difference, be settled by the sheriff on the application of either party; and such expences shall include all reasonable charges and expences incurred in summoning, impanneling, and returning the jury, taking the inquiry, the attendance of witnesses, the employment of counsel and agents, recording the verdict and judgment thereon, and otherwise incident to such inquiry, including the remuneration to the sheriff for his time and labour, and his reasonable travelling expences, which remuneration for time and labour, exclusive of travelling expences, shall be five guineas and no more for any inquiry as aforesaid, whether with or without a jury, unless such inquiry shall occupy more than one day or period of eight hours, in which case there shall be paid to the sheriff a sum of five guineas for each day or period of eight hours the inquiry may occupy, including the time necessarily occupied in travelling to and from the place of trial: Provided always, that the time occupied in travelling shall not in reference to any inquiry be computed at more than two days; and in all cases of inquiry as aforesaid before the sheriff, with or without a jury, the remuneration or expences of the sheriff shall be borne by the promoters of the undertaking.

Purchase of lands otherwise than agreement

Sums to be paid for purchase of lands and for damage, to be assessed separately;

Verdict and judgment to be recorded

Expences of the inquiry how to be borne.

Particulars of the expences.

shall be payable by the promoters of the undertaking
 after demand such expenses be not paid to the parties
 they shall be recoverable by pointing and
 the sheriff he shall issue his warrant accordingly ; and
 to be payable by the owner of the lands, or of
 may be deducted and retained by the promoters
 any money awarded by the jury to such owners
 determined by the valuation of a valuator under the
 act ; and the payment or deposit of the remainder
 shall be deemed payment and satisfaction of the
 claims shall exceed the amount of the money
 the excess shall be recoverable by pointing
 the sheriff he shall issue his warrant accordingly
 to enquire any such question of disputed compen-
 sation a special jury, such question shall be
 tried on such desire, if coming from the other party,
 before the undertaking before they have presented their
 claim for that purpose the promoters of the undertaking
 shall require him to nominate a special jury
 the sheriff shall, as soon as conveniently may be
 done, summon both the parties to appear before
 him at some convenient time and place appointed
 by him for nominating a special jury (not being less
 than six such summons) ; and at the place and
 time so appointed he shall proceed to nominate a special jury, in
 accordance with the laws for the time being in
 force in this behalf in other cases, and the sheriff shall
 require his agents to appear before him to reduce the
 names of the special jury to writing ; and he shall
 give four days notice to the parties ; and he
 shall proceed to reduce the said special jury to writing
 in the manner used and accustomed in reducing
 a jury.

On such inquiry shall consist of thirteen
 persons to be called over, the names of whom shall
 be written on the names being called over, the
 names of the said jurors ; and if any challenge
 be made against any of the said jurors ; and if
 after such challenges a full jury do not remain
 to try the cause, the sheriff shall add to the list
 of names the names of such other disinterested persons
 qualified to act as jurors, who shall not have
 been previously struck off the list, or who shall
 be attending the court, or can speedily be procured,
 and all parties having their lawful challenges
 exhausted shall proceed to the trial and adjudication
 by such jury ; and such trial shall be attended
 with the same incidents and consequences, and the like
 penalties as are herein-before provided in the case of a trial by
 common jury.

And in any case where the trial of which such special
 jury shall be reduced as aforesaid may be tried by such
 special jury, the promoters and the parties thereto
 respectively shall give their consent to such



by
 five
 to be
 under
 and
 forms
 under
 to be

LVI. THE purchase money or compensation to be paid for any lands to be purchased or taken by the promoters of the undertaking from any party who, by reason of absence from the kingdom, is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury, after due notice thereof, and the compensation to be paid for any permanent injury to such lands, shall be such as shall be determined by the valuation of such valuator as the sheriff shall nominate for that purpose, as herein-after mentioned.

Purchase of lands otherwise than by agreement.

Compensation to absent parties to be determined by a valuator appointed by the sheriff.

Sheriff to nominate a valuator.

LVII. UPON application by the promoters of the undertaking to the sheriff, and upon such proof as shall be satisfactory to him that any such party is, by reason of absence from the kingdom, prevented from treating, or cannot after diligent inquiry be found, or that any such party failed to appear on such inquiry before a jury as aforesaid, after due notice to him for that purpose, such sheriff shall, by writing under his hand, nominate a valuator for determining such compensation as aforesaid, and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing, subscribed by him, of the correctness thereof.

Declaration to be made by the valuator.

LVIII. BEFORE such valuator shall enter upon the duty of making such valuation as aforesaid he shall, in the presence of such sheriff, make and subscribe the oath following at the foot of such nomination; (that is to say)

‘ I A.B. do solemnly swear, that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me. So help me GOD. A.B.
Sworn and subscribed in the presence of

And if any valuator shall corruptly make such oath, or having made such oath shall wilfully act contrary thereto, he shall be guilty of and incur the pains of perjury.

LIX. THE said nomination and declaration shall be annexed to the valuation to be made by such valuator, and shall be preserved together therewith by the promoters of the undertaking, and they shall at all times produce the said valuation and other documents, on demand, to the owner of the lands comprised in such valuation, and to all other parties interested therein.

Valuation, &c. to be produced to the owner of the lands on demand.

LX. ALL the expences of and incident to every such valuation shall be borne by the promoters of the undertaking.

Expence to be borne by the promoters.

LXI. IN estimating the purchase money or compensation to be paid by the promoters of the undertaking, in any of the cases aforesaid, regard shall be had not only to the value of the land to be purchased or taken by the promoters of the undertaking, but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such lands by the exercise of the powers of this or the special Act, or any other Act incorporated therewith.

Purchase money and compensation, how to be estimated.

LXII. ON estimating the purchase money or compensation to be paid by the promoters of the undertaking in any of the cases aforesaid, the sheriff, arbiters, valuator, or jury, as the case may be, shall apportion the said compensation among the parties who may be interested in the said lands as joint owners or lessees, or as holding some security or burden or claim thereon or interest therein, and who shall have been parties to the said trial or arbitration or valuation: Provided always, that nothing herein contained

Compensation may be apportioned among different parties.

Purchase of lands otherwise than by agreement.

Where compensation to absent party has been determined by a valuator, the party may have the same submitted to arbitration.

shall prevent any person having a separate interest from having the same separately tried.

LXIII. WHEN the compensation payable in respect of any lands, or any interest therein, shall have been ascertained by the valuation of a valuator, and deposited in the Bank under the provisions herein contained, by reason that the owner of or party entitled to convey such lands or such interest therein as aforesaid could not be found or was absent from the kingdom, and if such owner or party shall be dissatisfied with such valuation, it shall be lawful for him, before he shall have applied to the Court of Session for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the promoters of the undertaking, to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted to and settled by arbitration in the manner herein-before provided for settling disputes by arbitration.

Question to be submitted to the arbiters.

LXIV. THE question to be submitted to the arbiters in the case last aforesaid shall be, whether the said sum so deposited as aforesaid by the promoters of the undertaking was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

If further sum awarded, promoters to pay or deposit same within 14 days.

LXV. IF the arbiters shall decide that a further sum ought to be paid or deposited by the promoters of the undertaking, they shall pay or deposit, as the case may require, such further sum within fourteen days after the making of such decret arbitral or award, or in default thereof the same may be enforced by diligence, or recovered, with expences, by action in any competent court.

Expences of the arbitration.

LXVI. IF the arbiters shall determine that the sum so deposited was sufficient, the expences of and incident to such arbitration, to be determined by the arbiters, shall be in the discretion of the arbiters; but if the arbiters shall determine that a further sum ought to be paid or deposited by the promoters of the undertaking, all the expences of and incident to the arbitration shall be borne by the promoters of the undertaking.

Application of compensation.

And with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title, be it enacted as follows :

Purchase money or compensation payable to parties under disability, amounting to 200*l.*, to be deposited in the Bank.

LXVII. THE purchase money or compensation which shall be payable in respect of any lands, or any interest therein, purchased or taken by the promoters of the undertaking from any corporation, heir of entail, life-renter, married woman seised in her own right or entitled to terce or dower or any other right or interest, husband, tutors, curators, or other guardians for any infant, minor, lunatic, or idiot, fatuous or furious person, or for any person under any other disability or incapacity, judicial factor, trustee, executor, or administrator, or person having a partial or qualified interest only in such lands, and not entitled to sell or convey the same except under the provisions of this or the special Act, or the compensation to be paid for any permanent damage to any such lands, shall, if it amount to or exceed the sum of two hundred pounds, the same shall be paid into the Bank, to the intent that such monies shall be applied, under the authority of the Court of Session, to some one or more of the following purposes; (that is to say,)

Application of monies deposited.

In the purchase or redemption of the land tax, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall

have been paid, or affecting other lands settled therewith on the same heirs, or for the same trusts or purposes, or affecting succeeding heirs of entail in any such lands, whether imposed and constituted by the entailer, or in virtue of powers given by the entail, or in virtue of powers conferred by any Act of Parliament;

Application of compensation.

In the purchase of other lands to be conveyed, limited, and settled upon the same heirs, and the like trusts and purposes, and in the same manner, as the lands in respect of which such money shall have been paid stood settled; or

If such monies shall be paid in respect of any buildings taken under the authority of this or the special Act, or injured by the proximity of the works, or in removing or replacing such buildings, or substituting others in their stead, in such manner as the said court shall direct; or

In payment to any party becoming absolutely entitled to such money.

LXVIII. SUCH money may be so applied as aforesaid upon an order of the Court of Session, made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied it shall be retained in the Bank at interest, or shall be laid out and invested in the public funds or in heritable securities, and the interest, dividends, and annual proceeds thereof shall from time to time, under the like order, be paid to the party who would for the time being have been entitled to the rents and profits of the lands.

Order for application, and investment meanwhile.

LXIX. If such purchase money or compensation shall not amount to the sum of two hundred pounds, and shall exceed the sum of twenty pounds, the same shall either be paid into the Bank, and applied in the manner herein-before directed with respect to sums amounting to or exceeding two hundred pounds, or the same may lawfully be paid to two trustees, to be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the parties so entitled; and in case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such monies, such nomination may lawfully be made by their respective husbands, guardians, tutors, curators, judicial factors, or trustees; but such last-mentioned application of the monies shall not be made unless the promoters of the undertaking approve thereof, and of the trustees named for the purpose; and the money so paid to such trustees, and the produce arising therefrom, shall, at the expence of the promoters of the undertaking, be by such trustees applied in the manner herein-before directed with respect to money paid into the Bank, but it shall not be necessary to obtain any order of court for that purpose.

Sums from 20l. to 200l. to be deposited, or paid to trustees.

LXX. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or in case of the coverture, infancy, idiotcy, lunacy, or other incapacity of any such parties, then such money shall be paid, for their use, to the respective husbands, guardians, tutors, curators, judicial factors, or trustees of such persons.

Sums not exceeding 20l. to be paid to parties.

LXXI. ALL sums of money exceeding twenty pounds which may be payable by the promoters of the undertaking in respect of the taking, using,

All sums payable under contract with

LXXIV. UPON deposit in the Bank in manner herein-before provided of the purchase money or compensation agreed or awarded to be paid in respect of any lands purchased or taken by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, the owner of such lands, including in such term all parties by this Act enabled to sell or convey lands, shall, when required so to do by the promoters of the undertaking, duly convey such lands to the promoters of the undertaking, or as they shall direct; and in default thereof, or if he fail to adduce a good title to such lands, it shall be lawful for the promoters of the undertaking, if they think fit, to expedite an instrument under the hands of a notary public, containing a description of the lands in respect of which such default shall be made, and reciting the purchase or taking thereof by the promoters of the undertaking, and the names of the parties from whom the same were purchased or taken, and the deposit made in respect thereof, and declaring the fact of such default having been made; and such instrument shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of or capable of being sold and conveyed by the party between whom and the promoters of the undertaking such agreement shall have been come to, or as between whom and the promoters of the undertaking such purchase money or compensation shall have been determined by the sheriff, by a jury, or by arbiters, or by a valuation appointed by the sheriff, as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the promoters of the undertaking; and as against such parties, and all parties on behalf of whom they are herein-before enabled to sell and convey, the promoters of the undertaking shall be entitled to immediate possession of such lands; and such instrument, being registered in the register of sasines in manner herein-after provided in regard to conveyances of lands, shall have the same effect as a conveyance so registered.

Application of compensation.

Upon deposit being made, the owners of the lands to convey, or in default the lands to vest in the promoters of the undertaking, upon a notarial instrument being executed.

LXXV. If the owner of any such lands purchased or taken by the promoters of the undertaking, or of any interest therein, on tender of the purchase-money or compensation either agreed or awarded to be paid in respect thereof refuse to accept the same, or neglect or fail to make out a title to such lands, or to the interest therein claimed by him, to the satisfaction of the promoters of the undertaking, or if he refuse or is unable validly to convey such lands as directed by the promoters of the undertaking, or to discharge or obtain a discharge of any burden or incumbrance thereon which was not specially excepted from discharge, or if any such owner be absent from the kingdom, or cannot after diligent inquiry be found, or fail to appear on the inquiry before a jury, as herein provided for, it shall be lawful for the promoters of the undertaking to deposit the purchase money or compensation payable in respect of such lands, or any interest therein, in the Bank, to be placed, except in the cases herein otherwise provided for, to an account to be opened in the name of the parties interested in such lands, (describing them, so far as the promoters of the undertaking can do,) subject to the control and disposition of the Court of Session.

Where parties refuse to convey, or do not show title, or cannot be found, the purchase money to be deposited.

LXXVI. UPON any such deposit of money as last aforesaid being made the cashier or other proper officer of such Bank shall give to the promoters of the undertaking, or to the party paying in such money by their direction, a receipt

Upon deposit being made, a receipt to be given, and the lands to

Application of compensation.

vest in the promoters, upon a notarial instrument being executed.

for such money, specifying therein for what and for whose use (described as aforesaid) the same shall have been received, and in respect of what purchase the same shall have been paid in ; and it shall be lawful for the promoters of the undertaking, if they think fit, to expedite an instrument under the hands of a notary public, containing a description of the lands in respect whereof such deposit shall have been made, and declaring the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such instrument shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein ; and thereupon all the estate and interest in such lands of the parties for whose use and in respect whereof such purchase money or compensation shall have been deposited shall vest absolutely in the promoters of the undertaking, and as against such parties they shall be entitled to immediate possession of such lands ; and such instrument, being registered in the register of sasines in manner herein-after directed in regard to conveyances of lands, shall have the same effect as a conveyance so registered.

Application of monies so deposited.

LXXVII. UPON the application by petition of any party making claim to the money so deposited as last aforesaid, or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court of Session may, in a summary way, as to such court shall seem fit, order such money to be laid out or invested in the public funds, or on heritable securities, or may order distribution thereof, or payment of the dividends thereof, according to the respective estates, titles, or interests of the parties making claim to such money or lands, or any part thereof, and may make such other order in the premises as to such court shall seem fit.

Party in possession to be deemed to be the owner.

LXXVIII. If any question arise respecting the title to the lands in respect whereof such monies shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands, as being the owners thereof, at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the court ; and unless the contrary be shown as aforesaid the parties so in possession, and all parties claiming under them, or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividends or interest of the annuities or securities purchased therewith, and the same shall be paid and applied accordingly.

Expences in cases of money deposited.

LXXIX. IN all cases of monies deposited in the Bank under the provisions of this or the special Act, or any Act incorporated therewith, except where such monies shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to feu or convey the lands in respect whereof the same shall be payable, or by reason of his refusal or inability to discharge or obtain a discharge of any burden on such lands which was not specially excepted from discharge, or by reason of the failure or neglect of any party to make out a good title to the land required, it shall be lawful for the Court of Session to order the expences of the following matters, including therein all reasonable charges and expences incident thereto, to be paid by the promoters of the undertaking ; (that is to say,) the expence of the purchase or taking of the lands, or which shall have been incurred in consequence thereof, other than such expences as are herein otherwise provided for, and the expence

of the investment of such monies in government or real securities, and of the re-investment thereof in the purchase of other lands, and of re-entailing any of such lands, and incident thereto, and also the expence of obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such monies shall be invested, and for the payment of the principal of such monies, or of the securities whereon the same shall be invested, and of all proceedings relating thereto, except such as are occasioned by litigation between adverse claimants: Provided always, that the expence of one application only for re-investment in land shall be allowed, unless it shall appear to the Court of Session that it is for the benefit of the parties interested in the said monies that the same should be invested in the purchase of lands in different sums and at different times, in which case it shall be lawful for the court, if it think fit, to order the expences of any such investments to be paid by the promoters of the undertaking.

*Application of
compensation.*

And with respect to the conveyances of lands, be it enacted as follows:

Conveyances.

LXXX. FEUS and conveyances of lands so to be purchased as aforesaid may be according to the form in the schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the circumstances of the case will admit; which feus and conveyances, being duly executed, and being registered in the particular register of sasines kept for the county, burgh, or district in which the lands are locally situated, or in the general register of sasines for Scotland kept at Edinburgh, within sixty days from the last date thereof, which the respective keepers of the said registers are hereby authorized and required to do, shall give and constitute a good and undoubted right and complete and valid feudal title in all time coming to the promoters of the undertaking, and their successors and assigns, to the premises therein described, any law or custom to the contrary notwithstanding: Provided always, that it shall not be necessary for the promoters of the undertaking to record in any register of sasines any feus or conveyances in their favour which shall contain a procuratory of resignation or precept of sasine, or which may be completed by infestment; and the title of the company under such last-mentioned feus or conveyances shall be regulated by the ordinary law of Scotland, until the said feus or conveyances, or the instruments of sasine thereon, shall have been recorded in a register of sasines.

*Form of con-
veyances.*

LXXXI. THE expences of all conveyances of lands shall be borne by the promoters of the undertaking; and such expences shall include all charges and expences, incurred on the part as well of the seller as of the purchaser, of all conveyances of any such lands, and of any interests therein, and of establishing the title to such lands, and all other reasonable expences incident to the investigation of such title.

*Expences of
conveyances.*

LXXXII. If the promoters of the undertaking and the party entitled to any such expences shall not agree as to the amount thereof, such amount shall be ascertained and decerned for by the lord ordinary, on a summary petition presented to him by the party entitled to recover the same; and the promoters of the undertaking shall pay to the party entitled thereto what the said lord ordinary shall decree for or in respect of such expences, or in default thereof the same may be recovered in the same way as any other expences payable under an order or decree of the court, or the same may be recovered by

*Taxation of
expences of
conveyances.*

A.D. 1845.

in the manner herein-before provided in other cases of
the expense of taxing such expenses shall be borne by the
undertaking, unless upon such taxation one sixth part of the
expenses shall be disallowed, in which case the expenses of
or incident to the application to the lord ordinary, shall
by whose expenses shall be so taxed, and the amount
obtained by the said lord ordinary, and
payment or decerniture.

shall
ways

the entry upon lands by the promot
as follows:

promoters of the undertaking shall not,
occupiers, enter upon any lands which sh
presently used for the purposes and ur
, until they shall either have paid to e
lands, or deposited in the Bank in t
se money or compensation agreed or a
tively for their respective interests t
purpose merely of surveying and takin
or boring to ascertain the nature (r
of the works, it shall be lawful for the
ving not less than three nor more th
or occupiers thereof, to enter upon su
ing compensation for any damage the
s thereof.

And also, that if the promoters of the
g upon and using any such lands bef
to or an award made or verdict giv
n to be paid by them in respect of s
otars of the undertaking to deposit in
fter mentioned, either the amount of
by any party interested in or entitled
shall not consent to such entry, or such
by the sheriff in the manner herein-l
cannot be found, be determined to be
t therein which such party is entitled
o, if required so to do, to give to such p
tary or proper officer or person auth
r corporation, or if they be not a comp
promoters, or any two of them, if mc
s, to be approved of by the sberiff in
l to the sum so to be deposited, for
a deposit in the Bank for the ben
s, as the case may require, under the
purchase money or compensation a
l be determined to be payable by the
of the lands so entered upon, toget
five pounds per centum per annum
until such purchase money or comp
deposited in the Bank for the ben

interested in such lands, under the provisions herein contained; and upon such deposit by way of security being made as aforesaid, and such bond being delivered or tendered to such non-consenting party as aforesaid, it shall be lawful for the promoters of the undertaking to enter upon and use such lands, without having first paid or deposited the purchase money or compensation in other cases required to be paid or deposited by them before entering upon any lands to be taken by them under the provisions of this or the special Act.

*Entry on
lands.*

LXXXV. THE money so to be deposited as last aforesaid shall be paid into the Bank, to be placed to an account to be opened in the name of the parties interested in or entitled to sell and convey the lands so to be entered upon, and who shall not have consented to such entry, subject to the control and disposition of the Court of Session; and upon such deposit being made the cashier or other proper officer of the Bank shall give to the promoters of the undertaking, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what purpose and to whose credit the same shall have been paid in.

*Deposit to be
paid into Bank
and cashier
to give a
receipt.*

LXXXVI. THE money so deposited as last aforesaid shall remain in the Bank, by way of security to the parties whose lands shall so have been entered upon for the performance of the bond to be given by the promoters of the undertaking, as herein-before mentioned, and the same may, on the application by petition of the promoters of the undertaking, be ordered to be invested in the public funds or upon heritable securities, and accumulated; and upon the conditions of such bond being fully performed it shall be lawful for the Court of Session, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the promoters of the undertaking, or if such conditions shall not be fully performed it shall be lawful for the said court to order the same to be applied, in such manner as it shall think fit, for the benefit of the parties for whose security the same shall so have been deposited.

*Deposit to
remain as a
security, and
to be applied
under the
direction of
the court.*

LXXXVII. If the promoters of the undertaking or any of their contractors shall, except as aforesaid, wilfully enter upon and take possession of any lands which shall be required to be purchased or permanently used for the purposes of the special Act, without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands or such deposit by way of security as aforesaid, the promoters of the undertaking shall forfeit to the party in possession of such lands the sum of ten pounds, over and above the amount of any damage done to such lands by reason of such entry and taking possession as aforesaid, such penalty and damage respectively to be recovered before the sheriff; and if the promoters of the undertaking or their contractors shall, after conviction in such penalty as aforesaid, continue in unlawful possession of any such lands, the promoters of the undertaking shall be liable to forfeit the sum of twenty-five pounds for every day they or their contractors shall so remain in possession as aforesaid, such penalty to be recoverable by the party in possession of such lands, with expences, by action in any competent court: Provided always, that nothing herein contained shall be held to subject the promoters of the undertaking to the payment of any such penalties as aforesaid, if they shall bonâ fide and without collusion

*Penalty on
the promoters
of the under-
taking entering
upon lands
without con-
sent, before
payment of
the purchase
money.*

A.D. 1845.

communication between the land so divided as the promoters of taking are, under the provisions of this or the special Act, or any porated therewith, compellable to make, and if the owner of such not other lands adjoining such piece of land, and require the promoters to make such communication, then the promoters of taking may require such owner to sell to them such piece of land as to the value of such piece of land, or as to what would be the expence of making such communication, shall be ascertained as hereinafter provided; and on the occasion of ascertaining the value of such land required to be taken for the purposes of the Act, the jury, or the arbiters, as the case may be, shall, if required, ascertain by their verdict or award the value of such land, and also what would be the expence of making such communication.

And with respect to such lands as shall be of the nature of copyhold, it enacted as follows:

XCIII. THE promoters of the undertaking may convene a meeting of the parties entitled to any rights of property or servitude, or other right over such lands, to be held at some convenient place in the neighbourhood of the lands, for the purpose of their appointing a committee to treat of the undertaking for the compensation to be paid for such rights; and every such meeting shall be called by advertisement, to be inserted once at least in two consecutive weeks in some newspaper circulating in the county or in the respective counties or boroughs in which such lands shall be situate, the last of such advertisements being not more than fourteen nor less than seven days prior to the meeting; and notice of such meeting shall also, not less than seven days before the holding thereof, be affixed upon the door of the church or chapel in which such meeting is intended to be held, or, if there be no church or chapel in the neighbourhood to which notices are to be affixed, upon some such lands be part of a barony a like notice shall be affixed; and the superior lord or baron.

XCIV. THE meeting so called may appoint a committee, not exceeding in number, of the parties entitled to any such rights; and at such meeting the majority of the persons entitled to such rights shall bind the minority and all absent parties; but such meeting shall be effectual for the purpose unless five at least of the parties entitled to such rights be present, or be so many as five in all of the parties entitled to such rights.

XCV. It shall be lawful for the committee so chosen to enter into an agreement with the promoters of the undertaking for the compensation to be paid for the execution of such rights, and all matters relating thereto, on behalf of themselves and all other parties interested therein, and the committee shall be bound by such agreement; and it shall be lawful for the committee to receive the compensation so agreed to be paid, and to distribute the same among the several persons interested in such compensation, when received, and to apportion the same among them, for such compensation shall be apportioned by the committee among the several persons interested according to their respective interests, but the promoters of the undertaking shall not be liable to pay the same.

Common lands.
 shall not be bound to see to the apportionment or to the application of such compensation, nor shall they be liable for the misapplication or nonapplication thereof.

Disputes to be settled as in other cases.

XCVI. IF upon such committee being appointed they shall fail to agree with the promoters of the undertaking as to the amount of the compensation to be paid as aforesaid, the same shall be determined as in other cases of disputed compensation, the said committee being deemed and held to be the proprietors of the said rights, with reference to all proceedings for ascertaining the value thereof.

If no committee be appointed, the amount to be determined by a valuator.

XCVII. IF, upon being duly convened by the promoters of the undertaking, no effectual meeting of the parties entitled to such rights shall take place, or if, taking place, such meeting fail to appoint such committee, the amount of such compensation shall be determined by a valuator, to be appointed by the sheriff, as herein-before provided in the case of parties who cannot be found.

Upon payment of compensation payable to commoners, the lands to vest.

XCVIII. UPON payment or tender to such committee, or any three of them, or if there shall be no such committee then upon deposit in the Bank in the manner provided in the like case of the compensation which shall have been agreed upon or determined in respect of such rights, and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a disposition, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect of which such compensation shall have been so paid or deposited shall vest in the promoters of the undertaking freed and discharged from all such rights, and they shall be entitled to immediate possession thereof; and it shall be lawful for the Court of Session, by an order made upon petition, to order payment of the money so deposited as aforesaid, and to make such other order in respect thereto, for the benefit of the parties interested, as it shall think fit.

Lands in mortgage.

And with respect to lands subject to any security by real lien, wadset, heritable bond, redeemable bond of annuity, or other right in security, be it enacted as follows:

Power to redeem heritable securities.

XCIX. IT shall be lawful for the promoters of the undertaking to purchase or redeem the interest of any holder of any security upon such lands the whole or part of which may be required for the purposes of the special Act, and that whether such promoters shall have previously purchased the right to such lands under burden of the security thereon or not, and whether the holder of such security be entitled thereto in his own right or in trust for any other party, and whether he be in possession of such lands by virtue of such security or not, and whether such security affect such lands solely, or jointly with any other lands not required for the purposes of the special Act; and in order thereto the promoters of the undertaking may pay or tender to the holder of such security the principal and interest due on such security, together with his expences and charges, if any, and also six months additional interest, and thereupon such holder shall immediately convey his interest in the lands comprised in such security to the promoters of the undertaking, or as they shall direct; or the promoters of the undertaking may give notice in writing to such holder that they will pay off the principal and interest due on such security at the end of six months, computed from the day of giving such notice; and if they shall have given any such notice, or if the party entitled to the lands under burden of such security shall have given six months notice of his inten-

tion to redeem the same, then at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the promoters of the undertaking to the holder of such security of the principal money thereon due, and the interest which would become due at the end of six months from the time of giving either of such notices, together with his expences and charges, if any, such holder shall convey or discharge his interest in the lands comprised in such security to the promoters of the undertaking, or as they shall direct.

Lands in mortgage.

C. IF, in either of the cases aforesaid, upon such payment or tender any holder of such securities shall fail to convey or discharge his interest therein as directed by the promoters of the undertaking, or if he fail to adduce a good title thereto, then it shall be lawful for the promoters of the undertaking to deposit in the Bank, in the manner provided by this Act in like cases, the principal and interest, together with the expences, if any, due on such security, and also, if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at that time become due; and it shall be lawful for them, if they think fit, to expedite an instrument under the hands of a notary public, duly stamped, and to register the same, in the manner herein-before provided in the case of the purchase of lands by them; and thereupon, as well as upon such conveyance by the holder of the security, if any such be made, all the estate and interest of such holder, and of all persons in trust for him, or for whom he may be a trustee, in such lands, shall vest in the promoters of the undertaking, and they shall be entitled to immediate possession thereof in case such holder were himself entitled to such possession.

Deposit of money on refusal to accept redemption.

CI. IF any such lands subject to such security as aforesaid shall be of less value than the principal, interest, and expences secured thereon, the value of such lands, or the compensation to be made by the promoters of the undertaking in respect thereof, shall be settled by agreement between the holder of such security and the party claiming or entitled to the lands under burden on the one part, and the promoters of the undertaking on the other part; and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation; and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the promoters of the undertaking to the holder of the security, in satisfaction of his claim, so far as the same will extend; and upon payment or tender thereof such holder shall, at the expence of the promoters of the undertaking, dispoise and assign his debt, so far as paid, and his security, and all his interest in such lands, to the promoters of the undertaking, or as they shall direct, and thereupon the party claiming or entitled to the said lands under burden of the security shall cease to be interested in or have any right thereto, or to any part thereof.

Sum to be paid when security exceeds value of lands.

CII. IF upon such payment or tender as aforesaid being made any holder of such security fail so to convey his interest therein, or to adduce a good title thereto to the promoters of the undertaking, it shall be lawful for them to deposit the amount of such value or compensation in the Bank, in the manner provided by this Act in like cases; and every such payment or deposit shall be accepted by the holder of the security in satisfaction of his claim, so far as the same will extend, and shall be a full discharge of the lands from all money due thereon; and it shall be lawful for the promoters of the undertaking to

Deposit of money when refused on tender.

thereon, and shall bar the claim of the party claiming or entitled to the said lands under burden of the security; and it shall be lawful for the promoters of the undertaking, if they think fit, to expedite an instrument under the hands of a notary public, duly stamped, and to register the same, in the manner herein-before provided in the case of the purchase of lands by them; and thereupon such lands shall become absolutely vested in the promoters of the undertaking, as to all such right and interest as were then vested in the holder of such security, or any person in trust for him, and in case such holder were himself entitled to such possession they shall be entitled to immediate possession thereof; nevertheless every such holder shall have the same powers and remedies for recovering or compelling payment of his claim, or the residue thereof, (as the case may be,) and the interest thereof respectively, upon and out of the residue of the lands subject to such security, or the portion thereof not required for the purposes of the special Act, as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands originally comprised in such security.

Lands in mortgage.

CV. PROVIDED always, that in any of the cases herein-before provided with respect to lands subject to securities, if in the deed or instrument creating the same a time shall have been limited within which the holder of the security shall not be obliged to receive payment of the principal money thereby secured, and under the provisions herein-before contained the holder of the security shall have been required to accept payment of his claim, or of part thereof, at a time earlier than the time so limited, the promoters of the undertaking shall pay to the holders of the security, in addition to the sum which shall have been so paid off, all such expences as shall be incurred by him in respect of or which shall be incidental to the re-investment of the sum so paid off, such expences, in case of difference, to be taxed, and payment thereof enforced, in the manner herein provided with respect to the expences of conveyances.

If sums secured paid off before the stipulated time, promoters to pay expences incidental to re-investment.

CVI. IF the rate of interest secured by such deed be higher than at the time of the same being so paid off can reasonably be expected to be obtained on re-investing the same, regard being had to the then current rate of interest, the holder of such security shall be entitled to receive from the promoters of the undertaking, in addition to the principal and interest herein-before provided for, compensation in respect of the loss to be sustained by him by reason of his claim being so prematurely paid off, the amount of such compensation to be ascertained, in case of difference, as in other cases of disputed compensation; and until payment or tender of such compensation as aforesaid the promoters of the undertaking shall not be entitled, as against such holder, to possession of the lands under the provision herein-before contained.

Compensation in respect of loss of interest.

And with respect to any lands which shall be charged with any feu duty, ground annual, casualty of superiority, or any rent or other annual or recurring payment or incumbrance not herein-before provided for, be it enacted as follows =

Lands subject to rent-charges.

CVII. It shall be lawful for the promoters of the undertaking to enter upon and continue in possession of such lands, without redeeming the charges thereon, provided they pay the amount of such annual or recurring payment when due, and otherwise fulfil all obligations accordingly, and provided they shall not be called upon by the party entitled to the charge to redeem the same.

Company to continue the payment of feu duties, &c.

And with respect to lands subject to leases, be it enacted as follows :

CXII. If any lands shall be comprised in a lease or missive of lease for a term of years unexpired, part only of which lands shall be required for the purposes of the special Act, the rent payable in respect of the lands comprised in such lease or missive of lease shall be apportioned between the lands so required and the residue of such lands; and such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement between the parties such apportionment shall be settled by the sheriff; and after such apportionment the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of the special Act; and as to the lands not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease or missive of lease; and all the obligations, conditions, and agreements of such lease or missive of lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which shall not be required for the purposes of the special Act, in the same manner as they would have been in case such part only of the land had been included in the lease or missive of lease.

Lands subject to leases.

Where part only of lands under lease taken, the rent to be apportioned.

CXIII. EVERY such lessee as last aforesaid shall be entitled to receive from the promoters of the undertaking compensation for the damage done to him in his tenancy by reason of the severance of the lands required from those not required, or otherwise by reason of the execution of the works.

Tenants to be compensated.

CXIV. If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year or from year to year, and if such person be required to give up possession of any lands so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any incoming tenant, and for any loss or injury he may sustain, or if a part only of such lands be required, compensation for the damage done to him in his tenancy by the severing of the lands held by him, or otherwise injuriously affecting the same; and the amount of such compensation shall be determined by the sheriff, in case the parties differ about the same; and upon payment or tender of the amount of such compensation all such persons shall respectively deliver up to the promoters of the undertaking, or to the person appointed by them to take possession thereof, any such lands in their possession required for the purposes of the special Act.

Compensation to be made to tenants for a year, &c.

CXV. If any party, having a greater interest than as tenant for a year or from year to year, claim compensation in respect of any unexpired term or interest under any lease, missive of lease, or grant of any such lands, the promoters of the undertaking may require such party to produce the lease, missive of lease, or grant in respect of which such claim shall be made, or other legal evidence thereof in his power; and if, after demand made in writing by the promoters of the undertaking, such lease, missive of lease, or grant, or other legal evidence thereof, be not produced within twenty-one days, the party so

Where greater interest claimed than from year to year the lease or missive to be produced.

ceedings at law or in equity for the determination or recovery of the same to the parties with whom any such litigation in respect thereof shall have taken place; and such expences shall, in case the same shall be disputed, be settled by the proper officer of the court in which such litigation took place.

And with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the purposes thereof, be it enacted as follows:

Sale of superfluous lands.

CXX. WITHIN the prescribed period, or if no period be prescribed within ten years after the expiration of the time limited by the special Act for the completion of the works, the promoters of the undertaking shall absolutely sell and dispose of all such superfluous lands in such manner as they may deem most advantageous, and apply the purchase money arising from such sales to the purposes of the special Act; and in default thereof all such superfluous lands remaining unsold at the expiration of such period shall thereupon vest in and become the property of the owners of the lands adjoining thereto, in proportion to the extent of their lands respectively adjoining the same.

Lands not wanted to be sold within 10 years after expiration of time limited for completion of works, or in default to vest in owners of adjoining lands.

CXXI. BEFORE the promoters of the undertaking dispose of any such superfluous lands they shall, unless such lands be situate within a town, or be lands built upon, or be used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed; or if such person refuse to purchase the same, or cannot after diligent inquiry be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit.

Lands not in a town or built upon, &c. to be offered to owner of lands from which they were severed, or to adjoining owners.

CXXII. IF any such persons be desirous of purchasing such lands, then within six weeks after such offer of sale they shall signify their desire in that behalf to the promoters of the undertaking; or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease; and a declaration in writing made before the sheriff by some person not interested in the matter in question, stating that such offer was made, and was refused, or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

Right of pre-emption to be claimed within six weeks from offer.

Evidence of refusal, &c. to exercise right.

CXXIII. IF any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the promoters of the undertaking do not agree as to the price thereof, then such price shall be ascertained by arbitration, and the expences of such arbitration shall be in the discretion of the arbiters.

Differences as to price to be settled by arbitration.

*of super-
us lands.*

to be
tyed to
urchasers.

CXXIV. UPON payment or tender to the promoters of the purchase money so agreed upon or determined as aforesaid, the promoters shall convey such lands to the purchasers thereof, by deed under the common seal of the promoters of the undertaking, if they be a corporate corporation under the hands of the promoters of the undertaking, or of the directors or managers thereof acting by the authority of a general meeting, and a deed so executed shall be effectual to vest the lands comprised in the purchase in the purchaser of such lands for the estate which shall so have been agreed upon by him; and a receipt under such common seal, or under the hands of the directors or managers of the undertaking, as aforesaid, shall be a discharge to the purchaser of any such lands for the purchase money, and a receipt expressed to be received.

t of word
ome" in
yances.

CXXV. AND be it enacted, that in every conveyance of lands made by the promoters of the undertaking under this or the special Act, the words "dispose" shall operate as a clause of absolute warranty and guarantee of the undertaking, for themselves and their successors, and their heirs, executors, administrators, and assigns, as the case may be, and the respective disponees therein named, and the successors, heirs, executors, administrators, and assigns of such disponees, according to the nature of such conveyances, and of the estate or interest therein, shall be thereby conveyed, except so far as the same shall be restrained or qualified by express words contained in such conveyance.

iorities
be
ed.

CXXVI. AND be it enacted, that the rights and titles of the promoters of the undertaking in and to any lands taken and used for the purposes of this Act shall, unless otherwise specially provided for, in no manner diminish the right of superiority in the same, which shall remain in the person granting such rights and titles; but in the event of any lands so taken or taken being a part or portion of other lands held by the same person, the same titles, the said company shall not be liable for any such casualties to the superiors thereof, nor shall the said company be bound to enter with the said superiors: Provided always, that before the commencement of any lands full compensation shall be made to the superiors of all loss which they may sustain by being deprived of any lands in any way or wise by reason of any procedure under this Act.

comple-
f works,
ters shall
good any
ncy of
ix, poor's
e. caused
ds being

CXXVII. AND be it enacted, that if the promoters of the undertaking become possessed by virtue of this or the special Act, or of any other Act, or of any lands charged with the land tax, or liable to the poor's rate or prison assessment, they shall from the time when such works shall be completed and assessed to such land tax, or to the poor's rate or prison assessment, be liable to make good the deficiency in the payments for land tax and poor's rate and prison assessment on any lands having been taken or used for the purposes of this Act, and the deficiency shall be computed according to the rental at which any building thereon, were valued or rated at the time of the commencement of this special Act; and on demand of such deficiency the promoters of the undertaking, or their treasurer, shall pay all such deficiencies to the superiors of the said assessments respectively; nevertheless, if at any time the promoters of the undertaking think fit to redeem such land tax,

accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

And with respect to the giving of notices, be it enacted as follows :

CXXVIII. ANY summons or notice, or any writ or other proceeding at law or equity, required to be served upon the promoters of the undertaking, may be served by the same being left at or transmitted through the post, directed to the principal office of the promoters of the undertaking, or one of the principal offices where there shall be more than one, or being given personally, or transmitted through the post, directed to the secretary, or in case there be no secretary then by being given to the solicitor of the said promoters.

Notices.

Service of notices upon the promoters of the undertaking.

CXXIX. AND be it enacted, that if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defender, by leave of the court where such action shall be pending, at any time before the record is closed, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defenders are allowed to pay money into court.

Tender of amends.

Payment into court.

And with respect to the recovery of forfeitures, penalties, and expences, be it enacted as follows :

Recovery of penalties.

CXXX. EVERY penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before the sheriff or two justices; and on complaint being made to any sheriff or justice he shall issue an order, requiring the party complained against to appear before himself, if the order be issued by a sheriff, or before two or more justices, if the order be issued by a justice, 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 the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such order, it shall be lawful for any sheriff or two 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 upon the oath of one credible witness or more, it shall be lawful for such sheriff or justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such expences attending the conviction as such sheriff or justices shall think fit.

Penalties to be summarily recovered before the sheriff or two justices.

CXXXI. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such expences as aforesaid, be not paid, the amount of such penalty and expences may be levied by pouncing and sale; and such sheriff or justices shall issue his or their warrant of pouncing and sale accordingly.

Penalties to be levied by pouncing and sale.

CXXXII. If any such sum shall be payable by the promoters of the undertaking, and if sufficient goods of the said promoters cannot be found whereon to levy the same, it may, if the amount thereof do not exceed twenty

Pouncing, &c. against the treasurer.

of pounds, be recovered by pointing and sale of the goods of the said promoters, and the sheriff, on application, shall issue his writ accordingly; but no such pointing and sale shall be executed against such treasurer unless seven days previous notice in writing of the amount so due, and demanding payment thereof, have been sent to the treasurer, or left at his residence; and if such treasurer pay the amount of such pointing and sale as aforesaid, he may retain the amount so paid, and all expences occasioned thereby, out of any money which may be received by the promoters of the undertaking coming into his custody or control, and shall sue the promoters of the undertaking for the same.

c. CXXXIII. WHERE in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by pointing and sale, such sum shall be levied by pointing and sale of the goods and effects of the party liable to pay the same; and the overplus arising from the sale of such goods and effects, after satisfying such sum of money, and the expences of such pointing and sale, shall be returned, on demand, to the party whose goods and effects have been seized.

t
n. CXXXIV. No pointing and sale made by virtue of this or any Act incorporated therewith, shall be deemed unlawful, notwithstanding any defect or want of form in the summons, conviction, warrant, or writ relating thereto, but all persons aggrieved by such defect or want of form may recover full satisfaction for the special damage in any sheriff court.

CXXXV. THE sheriff or justices by whom any such pointing and sale shall be imposed, where the application thereof is not otherwise provided for, may award not more than one half thereof to the informer, and the remainder to the kirk session, or treasurer or collector of the poor, of the parish in which the offence shall have been committed, for the benefit of the poor of such parish.

CXXXVI. No person shall be liable to the payment of the forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before the sheriff, unless the complaint respecting such offence shall have been made to the sheriff or some justice within six months next after the commission of the offence.

CXXXVII. THE sheriff or justice or justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up in the form in the schedule (C.) to this Act annexed.

CXXXVIII. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated, nor shall the same be removed by suspension or otherwise, unless by order of a sheriff court.

CXXXIX. IN all cases which may come before any sheriff court by virtue of this or the special Act, or any Act incorporated therewith, pleadings shall have been allowed, and a written record shall be kept up, and where the evidence which has been led by the parties shall be reduced to writing, but in no other case whatever, it shall

any of the parties thereto, within seven days after a final judgment shall have been pronounced by such sheriff substitute, to appeal against the same to the sheriff of the county, by lodging a minute of appeal with the sheriff clerk of such county or his depute; and the said sheriff shall thereupon review the proceedings of the said sheriff substitute, and whole process, and, if he think proper, hear the parties vivâ voce thereon, and pronounce judgment; and such judgment shall in no case be subject to review by suspension or advocacy, or by reduction, on any ground whatever.

Appeal.

CXL. If any party shall feel aggrieved by any determination or adjudication of any justice or two or more justices with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

Parties allowed to appeal from justices to quarter sessions, on giving security.

CXLI. At the quarter sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the expences, both of the adjudication and of the appeal, as they may think reasonable.

Court to make such order as they think reasonable.

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows:

Access to special Act.

CXLII. THE company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to her Majesty, or some of them; and where the undertaking shall be a railway, canal, or other like undertaking, the works of which shall not be confined to one county, shall also within the space of such six months deposit in the office of each of the sheriff clerks of the several counties into which the works shall extend a copy of such special Act, so printed as aforesaid; and the said sheriff clerks shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner and upon the like terms and under the like penalty for default as is provided in the case of certain plans and sections by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to compel clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament."

Copies of special Act to be kept and deposited, and allowed to be inspected.

7 Will. 4. &
1 Vict. c. 83.

Penalty on
company
failing to
keep and
deposit Act.

CXLIII. If the company shall fail to keep or deposit, as mentioned, any of the said copies of the special Act, they shall be liable to a fine of five pounds for every such offence, and also five pounds for every day during which such copy shall be not so kept or deposited.

* * * * *

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM of Conveyance.

I _____, of _____, in consideration of _____ paid to me [or, as the case may be, into the Bank (or to A.B. of _____, and C.D. of _____ trustees appointed to receive the same)], pursuant to an Act passed, &c., by the [here name the company], incorporated by the Statute in that behalf made, do hereby sell, alienate, dispone, convey, assign, and make over, from and successors, to the said company, their successors and assigns, according to the true intent and meaning of the said Act, all _____ premises to be conveyed], together with all rights and powers thereto belonging, and all such right, title, and interest in and to the _____ my foresaids are or shall become possessed of, or are by the said _____ to convey. [Here insert the conditions (if any) of the conveyance, and a registration clause for preservation and diligence, and a testing clause according to the form of the law of Scotland.]

SCHEDULE (B.)

FORM of Conveyance in consideration of Feu Duty or Rent

I _____, of _____, in consideration of _____ or rent to be paid to me, my heirs and assigns, as herein-after provided, do hereby dispone, convey, and assign, from and successors, to the said company, their successors and assigns, according to the true intent and meaning of the said Act, all _____ premises to be conveyed], together with all rights and powers thereto belonging, and all my right, title, and interest in and every part thereof, they the said company, their successors and assigns, yielding and paying unto me, my heirs and assignees, one _____ duty or rent of _____, by equal half-yearly payments, the [stating the days. Here insert conditions of the conveyance, and a registration clause for preservation and diligence, and a testing clause according to the form of the law of Scotland].

SCHEDULE (C.)

FORM of Conviction before
to wit.

BE it remembered, that on the _____ day of _____ in the
year of our Lord _____ A.B. is convicted before me C., the sheriff [or
before us D., E., two of her Majesty's justices of the peace] for the county
of _____, [here describe the offence generally, and the time and place
when and where committed], contrary to the [here name the special Act].
Given under my hand, [or under our hands,] the day and year first above
written.

C.
D.
E.

CHAPTER XX.

AN Act for consolidating in One Act certain Provisions usually inserted in
Acts authorizing the making of Railways. [8th May 1845.]

WHEREAS it is expedient to comprise in one general Act sundry pro-
visions usually introduced into Acts of Parliament authorizing the
construction of railways, and that as well for the purpose of avoiding the
necessity of repeating such provisions in each of the several Acts relating to
such undertakings, as for ensuring greater uniformity in the provisions them-
selves: And whereas a Bill is now pending in Parliament, intituled "An Act
"for consolidating in one Act certain provisions usually inserted in Acts
"authorizing the taking of lands for undertakings of a public nature," and
which is intended to be called "The Lands Clauses Consolidation Act, 1845":
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, that this Act shall apply to every
railway which shall by any Act which shall hereafter be passed be authorized
to be constructed, and this Act shall be incorporated with such Act; and all
the clauses and provisions of this Act, save so far as they shall be expressly
varied or excepted by any such Act, shall apply to the undertaking authorized
thereby, so far as the same shall be applicable to such undertaking, and shall,
as well as the clauses and provisions of every other Act which shall be incor-
porated with such Act, form part of such Act, and be construed together there-
with as forming one Act.

This Act to
apply to all
railways
authorized by
Acts hereafter
to be passed.

And with respect to the construction of this Act and of other Acts to be
incorporated therewith, be it enacted as follows:

Interpretations
in this Act:

II. THE expression "the special Act" used in this Act shall be construed to
mean any Act which shall be hereafter passed authorizing the construction of
a railway, and with which this Act shall be so incorporated as aforesaid; and
the word "prescribed" used in this Act, in reference to any matter herein
stated, shall be construed to refer to such matter as the same shall be prescribed
or provided for in the special Act; and the sentence in which such word shall

"Special
Act:"

"Prescribed:"

	occur shall be construed as if instead of the word "prescribed" the
"The lands:"	expression "the lands" shall mean the lands which shall by the
"The undertaking:"	be authorized to be taken or used for the purposes thereof; and the
	"the undertaking" shall mean the railway and works, of whatever
	by the special Act authorized to be executed.
Interpretations in this and the special Act:	III. THE following words and expressions, both in this and the
Number:	shall have the meanings hereby assigned to them, unless there
	in the subject or context repugnant to such construction; (that
	Words importing the singular number only shall include the plural
	and words importing the plural number only shall include also
	number:
Gender:	Words importing the masculine gender only shall include fem
"Lands:"	The word "lands" shall include messuages, lands, tenements
	ments, of any tenure:
"Lease:"	The word "lease" shall include an agreement for a lease:
"Toll:"	The word "toll" shall include any rate or charge or other pa
	under the special Act for any passenger, animal, carriage, g
	dize, articles, matters, or things, conveyed on the railway:
"Goods:"	The word "goods" shall include things of every kind con
	railway:
"Month:"	The word "month" shall mean calendar month:
"Superior courts:"	The expression "superior courts" shall mean her Majesty's
	of record at Westminster or Dublin, as the case may requ
"Oath:"	The word "oath" shall include affirmation in the case of Q
	declaration lawfully substituted for an oath in the ca
	persons exempted by law from the necessity of taking an
"County:"	The word "county" shall include any riding or other lil
	county, and shall also include county of a city or county
"The sheriff:"	The word "sheriff" shall include under sheriff or other l
	deputy; and where any matter in relation to any lands
	done by any sheriff or clerk of the peace, the expression
"The clerk of the peace:"	the expression "the clerk of the peace," shall in such
	to mean the sheriff or the clerk of the peace of the cour
	liberty, cinque port, or place where such lands shall b
	the lands in question, being the property of one and t
	situate not wholly in one county, city, borough, liberty
	place, the same expression shall be construed to mean t
	of the peace of any county, city, borough, liberty, cinc
	where any part of such lands shall be situate:
"Justice:"	The word "justice" shall mean justice of the peace actin
	city, borough, liberty, cinque port, or place where the
	the cognizance of any such justice shall arise, and
	interested in the matter; and where such matter shall
	lands, being the property of one and the same party,
	in any one county, city, borough, liberty, cinque port,
	a justice acting for the county, city, borough, liber
	place where any part of such lands shall be situate, a
	interested in such matter; and where any matter (

or required to be done by two justices, the expression "two justices" shall be understood to mean two justices assembled and acting together :

"Two justices:"

Where under the provisions of this or the special Act any notice shall be required to be given to the owner of any lands, or where any act shall be authorized or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any person or corporation who, under the provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company :

"Owner:"

The expression "the company" shall mean the company or party which shall be authorized by the special Act to construct the railway :

"The company:"

The expression "the railway" shall mean the railway and works by the special Act authorized to be constructed :

"The railway:"

The expression "the Board of Trade" shall mean the lords of the committee of her Majesty's privy council appointed for trade and foreign plantations :

"Board of Trade:"

The expression "the Bank" shall mean the Bank of England, where the same shall relate to monies to be paid or deposited in respect of lands situate in England, and shall mean the Bank of Ireland where the same shall relate to monies to be paid or deposited in respect of lands situate in Ireland :

"The Bank:"

The expression "turnpike road" shall, when applied to any road in Ireland, include any road upon which her Majesty's mails are or shall be carried in mail carriages, or such other roads as the commissioners of public works in Ireland shall consider to require arches of greater width or height than by this Act is required for public carriage roads :

"Turnpike road," Ireland:

The expression "surveyor," applied to a road or highway, shall, as to railways in Ireland, include the county surveyor :

"Surveyor," Ireland:

The expression "overseers of the poor," when applied to Ireland, shall include the poor law guardians of the electoral division, and the clerk of the guardians of the union, through which such railway may pass.

"Overseers of the poor," Ireland.

IV. AND be it enacted, that in citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Railways Clauses Consolidation Act, 1845."

Short title of the Act.

V. AND whereas it may be convenient in some cases to incorporate with Acts hereafter to be passed some portion only of the provisions of this Act: Be it therefore enacted, that for the purpose of making any such incorporation it shall be sufficient in any such Act to enact that the clauses of this Act with respect to the matter so proposed to be incorporated, (describing such matter as it is described in this Act in the words introductory to the enactment with respect to such matter,) shall be incorporated with such Act, and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

Form in which portions of this Act may be incorporated in other Acts.

alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

Construction of railway.

IX. THE said clerks of the peace, parish clerks, and postmasters shall receive the said plans and sections of alterations, and copies and extracts thereof respectively, and shall retain the same, as well as the said original plans and sections, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner and upon the like terms and under the like penalty for default as is provided in the case of the original plans and sections by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to compel clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament."

Clerks of the peace, &c. to receive plans of alterations, and allow inspection.

7 Will. 4. & 1 Vict. c. 83.

X. TRUE copies of the said plans and books of reference, or of any alteration or correction thereof, or extract therefrom, certified by any such clerk of the peace, which certificate such clerk of the peace shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

Certified copies of plans, &c. to be evidence.

XI. IN making the railway it shall not be lawful for the company to deviate from the levels of the railway, as referred to the common datum line described in the section approved of by Parliament, and as marked on the same, to any extent exceeding in any place five feet, or, in passing through a town, village, street, or land continuously built upon, two feet, without the previous consent in writing of the owners and occupiers of the land in which such deviation is intended to be made; or in case any street or public highway shall be affected by such deviation, then the same shall not be made without the like consent of the trustees or commissioners having the control of such street or public highway, or, if there be no such trustees or commissioners, without the like consent of two or more justices of the peace in petty sessions assembled for that purpose, and acting for the district in which such street or public highway may be situated, or without the like consent of the commissioners for any public sewers, or the proprietors of any canal, navigation, gas works, or water-works, affected by such deviation: Provided always, that it shall be lawful for the company to deviate from the said levels to a further extent without such consent as aforesaid, by lowering solid embankments or viaducts, provided that the requisite height of headway as prescribed by Act of Parliament be left for roads, streets, or canals passing under the same: Provided also, that notice of every petty sessions to be holden for the purpose of obtaining such consent of two justices as is herein-before required shall, fourteen days previous to the holding of such petty sessions, be given in some newspaper circulating in the county, and also be affixed upon the door of the parish church in which such deviation or alteration is intended to be made, or, if there be no church, some other place to which notices are usually affixed.

Limiting deviation from datum line described on sections, &c.

Proviso.

Proviso.

XII. BEFORE it shall be lawful for the company to make any greater deviation from the level than five feet, or, in any town, village, street, or land continuously built upon, two feet, after having obtained such consent as aforesaid, it shall be incumbent on the company to give notice of such intended deviation by public advertisement, inserted once at least in two newspapers, or twice at least in one newspaper, circulating in the district or neighbourhood

Public notice to be given previous to making greater deviations.

struction
 railway.
 —
 to the
 s of
 ing lands
 eal to
 ard of
 against
 levia-

where such deviation is intended to be made, three weeks commencing to make such deviation; and it shall be lawful for any lands prejudicially affected thereby, at any time before the making of such deviation, to apply to the Board of Trade ten days notice to the company, to decide whether, having regard to the interests of such applicants, such proposed deviation is proper, and it shall be lawful for the Board of Trade, if they think fit, to question accordingly, and by their certificate in writing either to refuse the making of such deviation, or to authorize the making thereof with any such modification as shall seem proper to the Board; and after any such certificate shall have been given by the Board, it shall not be lawful for the company to make such deviation, except in accordance with such certificate.

is, tun-
 ke. to
 de as
 d on
 ited

XIII. WHERE in any place it is intended to carry the railway by arches or other viaduct, as marked on the said plan or section, it shall be made accordingly; and where a tunnel is marked on the said plan or section as intended to be made at any place, the same shall not be made, unless the owners, lessees, and occupiers of the lands through which the tunnel is intended to be made shall consent that the same may be made.

ing
 ions from
 mts,
 s, &c.

XIV. It shall not be lawful for the company to deviate from the said plan or section, in making any cutting, or a viaduct, or an embankment, or any other engineering works described in the said plan or section, except within the following limits, and subject to the following conditions; (that is to say,)

Subject to the above provisions in regard to altering levels, it shall be lawful for the company to diminish the inclination or gradient of any cutting, or a viaduct, or an embankment, to any extent, and to increase the said inclination or gradient to any extent, (that is to say,) in gradients of an inclination not exceeding one hundred, to any extent not exceeding ten feet per mile, or to any extent which shall be certified by the Board of Trade as being consistent with the public safety, and not prejudicial to the interests of the public; and in gradients of or exceeding the inclination of one hundred, to any extent not exceeding three feet per mile, or to any extent which shall be so certified by the Board of Trade as aforesaid.

It shall be lawful for the company to diminish the inclination or gradient described in the said plan to any extent which shall be certified by such certificate as aforesaid from the Board of Trade:

It shall be lawful for the company to make a tunnel, or a cutting, or a viaduct, or an embankment, instead of a cutting, or a viaduct, or an embankment, if authorized by such certificate as aforesaid from the Board of Trade.

al
 tions.

XV. It shall be lawful for the company to deviate from the said plan or section, on the plans so deposited, provided that no such deviation shall be made to a greater distance than the limits of deviation delineated on the said plans, nor to a greater extent in passing through a town or village, or a town or village continuously built upon than ten yards, or elsewhere than ten yards from the said line, and that the deviation shall not be made to extend into the lands of any

lessee, or occupier, whose name is not mentioned in the books of reference, without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake shall have been certified in manner herein or in the special Act provided for in cases of unintentional errors in the said books of reference.

*Construction
of railway.*

XVI. SUBJECT to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the company, for the purpose of constructing the railway, or the accommodation works connected therewith, herein-after mentioned, to execute any of the following works ; (that is to say,)

Works to be executed.

They may make or construct, in, upon, across, under, or over any lands, or any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences, as they think proper ;

Inclined planes, &c.

They may alter the course of any rivers not navigable, brooks, streams, or watercourses, and of any branches of navigable rivers, such branches not being themselves navigable, within such lands, for the purpose of constructing and maintaining tunnels, bridges, passages, or other works over or under the same, and divert or alter, as well temporarily as permanently, the course of any such rivers or streams of water, roads, streets, or ways, or raise or sink the level of any such rivers or streams, roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper ;

Alteration of course of rivers, &c.

They may make drains or conduits into, through, or under any lands adjoining the railway, for the purpose of conveying water from or to the railway ;

Drains, &c.

They may erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences, as they think proper ;

Warehouses, &c.

They may from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead ; and

Alterations and repairs.

They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway :

General power.

Provided always, that in the exercise of the powers by this or the special Act granted the company shall do as little damage as can be, and shall make full satisfaction, in manner herein and in the special Act, and any Act incorporated therewith, provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

Proviso as to damages.

XVII. It shall not be lawful for the company to construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work, or to construct any railway or bridge across any creek, bay, arm of the sea, or navigable river, where and so far up the same as the tide flows and reflows, without the previous consent of her Majesty, her heirs and successors,

Works below high-water mark not to be executed without the consent of the commissioners of woods, &c. and of the lords of the admiralty.

XX. IT shall not be lawful for the company to lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas company or society, or to cause any road to be lowered for the purposes of the railway, without leaving a covering of not less than eighteen inches from the surface of the road over such mains or pipes.

Construction of railway.

Pipes not to be laid contrary to any Act, and 18 inches surface road to be retained.

XXI. THE company shall make good all damage done to the property of the water or gas company or society by the disturbance thereof, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with the mains, pipes, or works of such water or gas company or society, or with the private service pipes of any person supplied by them with water.

Company to make good all damage.

XXII. If it shall be necessary to construct the railway or any of the works over any mains or pipes of any such water or gas company or society, the company shall, at their own expence, construct and maintain a good and sufficient culvert over such main or pipe, so as to leave the same accessible for the purpose of repairs.

When railway crosses pipes, company to make a culvert.

XXIII. If by any such operations as aforesaid the company shall interrupt the supply of any water or gas, they shall forfeit twenty pounds for every day that such supply shall be so interrupted, and such penalty shall be appropriated to the benefit of the poor of the parish in which such obstruction shall occur, in such manner as the overseers of the poor of the parish shall direct.

Penalty for obstructing supply of gas or water.

XXIV. If any person wilfully obstruct any person acting under the authority of the company in the lawful exercise of their power in setting out the line of the railway, or pull up or remove any poles or stakes driven into the ground for the purpose of so setting out the line of the railway, or deface or destroy any marks made for the same purpose, he shall forfeit a sum not exceeding five pounds for every such offence.

Penalty for obstructing construction of railway.

And whereas there are large tracts of land in Ireland subject to flood and injury by water, and the rivers, streams, and watercourses are in many places obstructed by shoals, insufficient bridges, culverts, weirs, and other works, whereby the waters thereof are elevated above their natural level: And whereas an Act of Parliament was passed in the second year of the reign of his late Majesty King William the Fourth, intituled "An Act to empower landed proprietors in Ireland to sink, embank, and remove obstructions in rivers": And whereas another Act was passed in the sixth year of the reign of her present Majesty, intituled "An Act to promote the drainage of lands, and improvement of navigation and water power in connexion with such drainage, in Ireland"; and by the said last-mentioned Act public commissioners were appointed to carry the said last-recited Act into execution: And whereas it is essential, for carrying into effect the purposes of the said Acts, and for the improvement of agriculture, that ample provision be made in all railway works in Ireland for the free and uninterrupted passage of the waters at such level as will be sufficient not only for the present but all future discharge of the waters from lands crossed by or being on either side of such works, and that the bridges of railways crossing all watercourses, rivers, lakes, or estuaries which are or hereafter may be made navigable shall be so constructed as to admit of the commodious navigation of the same: Therefore, with respect to the provision to be made for the drainage of land in Ireland

Drainage of lands in Ireland.

1 & 2 Will. 4. c. 57.

5 & 6 Vict. c. 89.

*Drainage of
lands in
Ireland.*

The company from time to time to submit to the drainage commissioners in Ireland plans, &c. of the portion of the railway which they are about to execute.

which may be crossed by the railway, and for the protection of the lands connected therewith, be it enacted as follows :

XXV. IF the special Act shall authorize the construction of a railway in Ireland, the company shall and they are hereby required, from time to time before proceeding to construct any portion of the railway, to submit to the commissioners acting in execution of the said Act of the sixth year of the present Majesty, or any Act amending the same, such plans, sections, and surveys as shall be necessary to enable the said commissioners to ascertain the number and adequacy of the waterways of all bridges, culverts, tunnels, watercourses, and other works across the line of such portion of the railway, for the free and uninterrupted discharge of the waters of the lands crossed by or lying on either side of or near the railway, and to ascertain as shall in the opinion of the said commissioners be sufficient for the present and prospective drainage and improvement of such lands, and to ascertain the rivers, lakes, estuaries, or watercourses, which are now or may hereafter (being made navigable) upon the height and adequacy of all bridges, culverts, tunnels, or other works crossing the same, for the commodious navigation thereof.

Such commissioners to investigate and report on the works necessary for drainage.

XXVI. THE said commissioners shall and they are hereby required to prevent any unnecessary delay, to investigate, by such means as to them shall appear to be the most adequate, the adequacy of all such works for such purposes as aforesaid, and to certify, by a writing under their hands, or the hands of any one of them, the number, situation, and least possible dimensions as to breadth, height, and height of the several openings of such bridges, culverts, tunnels, and other works connected with such portion of the railway as aforesaid, and to certify, if necessary for the passage of water, or for navigation under or across the same, the height of any way ; and it shall not be lawful for the company to proceed with the construction of any of the works connected with any portion of the railway until the company first obtained such a certificate as aforesaid respecting such portion of the railway, under the hands of the said commissioners or any one of them as aforesaid ; nor shall the company be at liberty to deviate from the said certificate in respect to such works, nor to execute the same otherwise than in conformity therewith, without the previous approbation in writing of the said commissioners.

Summary application to the Court of Chancery to enforce the execution of such works.

XXVII. IT shall be lawful for the said commissioners to apply in a summary way to the Court of Chancery, complaining of the part of the company to submit such plans, sections, and surveys, or of the omission to comply with the said certificate, or of the omission to construct any bridge, culvert, tunnel, or other works for the passage of water, or for navigation, in such manner as shall be so certified by the said commissioners ; and it shall be lawful for the said court to direct such works to be constructed by the company, in such manner as shall be so certified by the said commissioners, and to the said court shall be lawful for the said court to direct the company or other persons to do or proper, and to make from time to time such further orders as shall be proper, and to restrain the company or any other persons from proceeding with the construction of any works connected with such portion of railway, except in conformity with the said certificate of the said commissioners, and to issue any writ or order for the purpose aforesaid ; and such court shall have power to award costs to be paid by such company or persons.

XXVIII. NOTHING in this or the special Act shall extend or be construed to prejudice or affect the powers or authorities of the commissioners acting in execution of the said Act of the sixth year of her present Majesty, but all such powers shall be in full force as to the formation of any cut, river, or watercourse across the railway, but such powers shall not be exercised so as to prevent or obstruct the working or using of the railway.

Drainage of lands in Ireland.

Saving of the powers of the drainage commissioners.

XXIX. AND whereas it is expedient to encourage the establishment of manufactories to be worked by water power in Ireland: Be it therefore enacted, that whenever it may be requisite for the formation of a watercourse for manufacturing purposes to construct an arch, culvert, tunnel, or watercourse beneath or an aqueduct above any railway in Ireland, and that differences shall have arisen between the directors of such railway and the person interested in obtaining the water power, either as to the manner in which such works shall be executed, or the amount of compensation which should be paid, it shall be lawful to refer the questions in issue to the commissioners acting under the said recited Act of the fifth and sixth years of the reign of her Majesty Queen Victoria, and their decision thereon shall be final and conclusive; and if the said commissioners shall be of opinion that the proposed works can be executed without injury to the railway, and if they shall think proper so to do, they may undertake the execution of so much of the said works as shall be in connexion with such railway, at the expence of the parties for whose benefit the watercourse shall be made, with the same powers and authorities as are given by the said Act for the execution of any works for drainage.

The drainage commissioners in Ireland to have power to decide questions as to the execution of works, or to execute works, for carrying watercourses across the railway.

And with respect to the temporary occupation of lands near the railway during the construction thereof, be it enacted as follows:

Temporary use of lands.

XXX. SUBJECT to the provisions herein and in the special Act contained, it shall be lawful for the company, at any time before the expiration of the period by the special Act limited for the completion of the railway, to enter upon and use any existing private road, being a road gravelled or formed with stones or other hard materials, and not being an avenue or a planted or ornamental road, or an approach to any mansion house, within the prescribed limits, if any, or, if no limits be prescribed, not being more than five hundred yards distant from the centre of the railway as delineated on the plans; but before the company shall enter upon or use any such existing road they shall give three weeks notice of their intention to the owners and occupiers of such road, and of the lands over which the same shall pass, and shall in such notice state the time during which, and the purposes for which, they intend to occupy such road, and shall pay to the owners and occupiers of such road, and of the lands through which the same shall pass, such compensation for the use and occupation of such road, either in a gross sum of money or by half-yearly instalments, as shall be agreed upon between such owners and occupiers respectively and the company, or in case they differ about the compensation the same shall be settled by two justices, in the same manner as any compensation not exceeding fifty pounds is directed to be settled by the said Lands Clauses Consolidation Act.

Company may occupy temporarily private roads within five hundred yards of the railway.

Notice to be given;

and compensation paid.

XXXI. It shall be lawful for the owners and occupiers of any such road, and of the lands over which the same passes, within ten days after the service of the aforesaid notice, by notice in writing to the company to object to the

Power to owners and occupiers of road and land

accident to the railway requiring immediate reparation) give three weeks notice in writing to the owners and occupiers of such lands of their intention to enter upon the same for such purposes; and in case the said lands are required for any of the other purposes herein-before mentioned the company shall (except in the cases aforesaid) give ten days like notice thereof; and the company shall in such notices respectively state the substance of the provisions herein-after contained respecting the right of such owner or occupier to require the company to purchase any such lands, or to receive compensation for the temporary occupation thereof, as the case may be.

*Temporary use-
of lands.*

XXXIV. THE said notice shall either be served personally on such owners and occupiers, or left at their last usual place of abode, if any such can after diligent inquiry be found; and in case any such owner shall be absent from the United Kingdom, or cannot be found after diligent inquiry, shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

*Service of
notices on
owners and
occupiers of
lands.*

XXXV. IN any case in which a notice of three weeks is herein-before required to be given it shall be lawful for the owner or occupier of the lands therein referred to, within ten days after the service of such notice, by notice in writing to the company, to object to the company making use of such lands, either on the ground that the lands proposed to be taken for the purposes aforesaid, or some part thereof, or of the materials contained therein, are essential to be retained by such owner in order to the beneficial enjoyment of other neighbouring lands belonging to him, or on the ground that other lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such purposes by the company; and upon objection being so made such proceedings may be had as herein-after mentioned.

*Power to
owner to
object that
lands are
essential to be
retained, or
other lands
ought to be
taken.*

XXXVI. IF the objection so made be on the ground that the lands proposed to be taken, or some part thereof, or of the materials contained therein, are essential to be retained by the owner in order to the beneficial enjoyment of other neighbouring lands belonging to him, it shall be lawful for any justice, on the application of such owner, to summon the company to appear before two justices at a time and place to be named in the summons, such time not being later than the expiration of the said twenty-one days notice; and on the appearance of the company, or in their absence, upon proof of due service of the summons, it shall be lawful for such justices to inquire into the truth of such ground of objection; and if it appear to such justices that for some special reason, to be stated in the order after mentioned, the lands so proposed to be taken, or any part thereof, or of the materials contained therein, are essential to be retained by the owner of such lands in order to the beneficial enjoyment of other neighbouring lands belonging to him, and ought not therefore to be taken or used by the company, it shall be lawful for such justices, by writing under their hands, to order that the lands so proposed to be taken, or some part thereof, or of the materials contained therein, to be specified in such order, shall not be taken or used by the company; and after service of such order on the company it shall not be lawful for them to take or use, without the previous consent in writing of the owner thereof, any of the lands or materials which by such order they are ordered not to take or use.

*Power to
two justices
to order that
the lands and
materials shall
not be taken.*

XXXVII. IF the objection so made as aforesaid be on the ground that other lands lying contiguous to those proposed to be taken, and being sufficient in

*Power to
justices to
order other*

Temporary use
of lands.

lands to be
taken.

quantity, and such as the company are herein-before authorized to use for the purposes aforesaid, would be more fitting to be used by the company, and if in such case the company shall refuse to occupy such other lands in lieu of those mentioned in the notice, it shall be lawful for any justice, on the application of such owner or occupier, to summon the company and the owners and occupiers of such other lands to appear before two justices at a time and place to be named in such summons, such time not being more than fourteen days after such application nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such justices to determine summarily which of the said lands shall be used by the company for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

Power to the
justices to
summon other
owners before
them.

XXXVIII. IF in the case last mentioned it shall appear to such justices, upon the inquiry before them, that the lands of any other party not summoned before them, being sufficient in quantity, and such as the company are herein-before authorized to take or use for the purposes aforesaid, would be more fitting to be used by the company than the lands of the person who shall have been so summoned as aforesaid, it shall be lawful for the said justices to adjourn such inquiry, and to summon such other person to appear before them at any time, not being more than fourteen days from such inquiry nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, on proof of due service of the summons, it shall be lawful for such justices to determine finally which lands shall be used for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

The company
to give sureties,
if required.

XXXIX. BEFORE entering, under the provisions herein-before contained, upon any such lands as shall be required for spoil banks or for side cuttings, or for obtaining materials or forming roads as aforesaid, the company shall, if required by the owner or occupier thereof, seven days at least before the expiration of the notice to take such lands as herein-before mentioned, find two sufficient persons, to be approved of by a justice, in case the parties differ, who shall enter into a bond to such owner or occupier, in a penalty of such amount as shall be approved of by such justice, in case the parties differ, conditioned for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

Company to
separate the
lands before
using them.

XL. BEFORE the company shall use any such lands for any of the purposes aforesaid they shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner, in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads, and in case of any difference between the owners or occupiers of such roads and lands and the company as to the necessity for such fences and gates, such fences and gates as any two magistrates shall deem necessary for the purposes aforesaid, on application being made to them in like manner as herein-before is provided in respect to the use of such roads.

XLI. THAT if any land shall be taken or used by the company, under the provisions of this or the special Act, for the purpose of getting materials therefrom for the construction or repair of the railway, or the accommodation works connected therewith, they shall work the same in such manner as the surveyor or agent of the owner of such land shall direct, or, in case of disagreement between such surveyor or agent and the company, in such manner as any justice shall direct, on the application of either party, after notice of the hearing the application shall have been given to the other party.

Temporary use of lands.

Lands taken for getting materials, &c. to be worked as the surveyor of owner may direct.

XLII. In all cases in which the company shall in exercise of the powers aforesaid enter upon any lands for the purpose of making spoil banks or side cuttings thereon, or for obtaining therefrom materials for the construction or repair of the railway, it shall be lawful for the owners or occupiers of such lands, or parties having such estates or interests therein as, under the provisions in the said Lands Clauses Consolidation Act mentioned, would enable them to sell or convey lands to the company, at any time during the possession of any such lands by the company, and before such owners or occupiers shall have accepted compensation from the company in respect of such temporary occupation, to serve a notice in writing on the company requiring them to purchase the said lands, or the estates and interests therein capable of being sold and conveyed by them respectively; and in such notice such owners or occupiers shall set forth the particulars of such their estate or interest in such lands, and the amount of their claim in respect thereof; and the company shall thereupon be bound to purchase the said lands, or the estate and interest therein capable of being sold and conveyed by the parties serving such notice.

Owners of lands may compel company to purchase lands so temporarily occupied.

XLIII. In any of the cases aforesaid, where the company shall not be required to purchase such lands, and in all other cases where they shall take temporary possession of lands by virtue of the powers herein or in the special Act granted, it shall be incumbent on the company, within one month after their entry upon such lands, upon being required so to do, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands, and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier, or to the owner of the lands, as the case may require, a rent, to be fixed by two justices in case the parties differ, and shall also within six months after they shall have ceased to occupy the said lands, and not later than six months after the expiration of the time by the special Act limited for the completion of the railway, pay to such owner and occupier, or deposit in the Bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise, as regards the said lands, of the powers herein or in the special Act granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

Compensation to be made for temporary occupation.

XLIV. THE amount and application of the purchase money and other compensation payable by the company in any of the cases aforesaid shall be determined in the manner provided by the said Lands Clauses Consolidation Act for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

Purchase money or compensation to be ascertained and applied under the Lands Clauses Act.

Lands for additional stations.

Land to be taken for additional stations, &c.

XLV. AND be it enacted, that it shall be lawful for the company, in addition to the lands authorized to be compulsorily taken by them under the powers of this or the special Act, to contract with any party willing to sell the same for the purchase of any land adjoining or near to the railway, not exceeding in the whole the prescribed number of acres, for extraordinary purposes; (that is to say,)

For the purpose of making and providing additional stations, yards, wharfs, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods or cattle to be conveyed upon the railway, and for the erection of weighing machines, toll houses, offices, warehouses, and other buildings and conveniences:

For the purpose of making convenient roads or ways to the railway, or any other purpose which may be requisite or convenient for the formation or use of the railway.

Crossing of roads, and construction of bridges.

Crossing of roads.

And with respect to the crossing of roads, or other interference therewith, be it enacted as follows:

XLVI. If the line of the railway cross any turnpike road or public highway, then (except where otherwise provided by the special Act) either such road shall be carried over the railway, or the railway shall be carried over such road, by means of a bridge, of the height and width and with the ascent or descent by this or the special Act in that behalf provided; and such bridge, with the immediate approaches, and all other necessary works connected therewith, shall be executed and at all times thereafter maintained at the expence of the company: Provided always, that, with the consent of two or more justices in petty sessions, as after mentioned, it shall be lawful for the company to carry the railway across any highway, other than a public carriage road, on the level.

Level crossings

Provision in cases where roads are crossed on a level.

XLVII. If the railway cross any turnpike road or public carriage road on a level, the company shall erect and at all times maintain good and sufficient gates across such road, on each side of the railway, where the same shall communicate therewith, and shall employ proper persons to open and shut such gates; and such gates shall be kept constantly closed across such road on both sides of the railway, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross such railway; and such gates shall be of such dimensions and so constructed as when closed to fence in the railway, and prevent cattle or horses passing along the road from entering upon the railway; and the person intrusted with the care of such gates shall cause the same to be closed as soon as such horses, cattle, carts, or carriages shall have passed through the same, under a penalty of forty shillings for every default therein: Provided always, that it shall be lawful for the Board of Trade, in any case in which they are satisfied that it will be more conducive to the public safety that the gates on any level crossing over any such road should be kept closed across the railway, to order that such gates shall be kept so closed, instead of across the road, and in such case such gates shall be kept constantly closed across the railway, except when engines or carriages passing along the railway shall have occasion to cross such road, in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road.

XLVIII. WHERE the railway crosses any turnpike road on a level adjoining to a station, all trains on the railway shall be made to slacken their speed before arriving at such turnpike road, and shall not cross the same at any greater rate of speed than four miles an hour; and the company shall be subject to all such rules and regulations with regard to such crossings as may from time to time be made by the Board of Trade.

Crossing of roads, and construction of bridges.

As to crossing of turnpike roads adjoining stations.

XLIX. EVERY bridge to be erected for the purpose of carrying the railway over any road shall (except where otherwise provided by the special Act) be built in conformity with the following regulations; (that is to say,)

Construction of bridges carrying railway over roads.

The width of the arch shall be such as to leave thereunder a clear space of not less than thirty-five feet if the arch be over a turnpike road, and of twenty-five feet if over a public carriage road, and of twelve feet if over a private road:

The clear height of the arch from the surface of the road shall not be less than sixteen feet for a space of twelve feet if the arch be over a turnpike road, and fifteen feet for a space of ten feet if over a public carriage road; and in each of such cases the clear height at the springing of the arch shall not be less than twelve feet:

The clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private carriage road:

The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a turnpike road, one foot in twenty feet if over a public carriage road, and one foot in sixteen feet if over a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the descent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

L. EVERY bridge erected for carrying any road over the railway shall (except as otherwise provided by the special Act) be built in conformity with the following regulations; (that is to say,)

Construction of bridges carrying roads over railway.

There shall be a good and sufficient fence on each side of the bridge of not less height than four feet, and on each side of the immediate approaches of such bridge of not less than three feet:

The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a turnpike road, and twenty-five feet if a public carriage road, and twelve feet if a private road:

The ascent shall not be more than one foot in thirty feet if the road be a turnpike road, one foot in twenty feet if a public carriage road, and one foot in sixteen feet if a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the ascent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

LI. PROVIDED always, that in all cases where the average available width for the passage of carriages of any existing roads within fifty yards of the points of crossing the same is less than the width herein-before prescribed for bridges over or under the railway the width of such bridges need not be greater than such average available width of such roads, but so nevertheless that such

The width of the bridges need not exceed the width of the existing roads in certain cases.

*Crossing of
roads, and
construction
of bridges.*

Bridges to be
widened in
certain cases.

bridges be not of less width, in the case of a turnpike road or public carriage road, than twenty feet: Provided also, that if at any time after the construction of the railway the average available width of any such road shall be increased beyond the width of such bridge on either side thereof, the company shall be bound, at their own expence, to increase the width of the said bridge to such extent as they may be required by the trustees or surveyors of such road, not exceeding the width of such road as so widened, or the maximum width herein or in the special Act prescribed for a bridge in the like case over or under the railway.

Existing
inclinations
of roads
crossed or
diverted need
not be im-
proved.

LII. PROVIDED also, that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same, or the inclination of such portion of any road as may require to be altered, or for which another road shall be substituted, shall be steeper than the inclination herein-before required to be preserved by the company, then the company may carry any such road over or under the railway, or may construct such altered or substituted road, at an inclination not steeper than the said mesne inclination of the road so to be crossed, or of the road so requiring to be altered, or for which another road shall be substituted.

Before roads
interfered with,
others to be
substituted.

LIII. IF, in the exercise of the powers by this or the special Act granted, it be found necessary to cross, cut through, raise, sink, or use any part of any road, whether carriage road, horse road, tramroad, or railway, either public or private, so as to render it impassable for or dangerous or extraordinarily inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a sufficient road to be made instead of the road to be interfered with, and shall at their own expence maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Penalty for
not substituting
a road.

LIV. IF the company do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid, they shall forfeit twenty pounds for every day during which such substituted road shall not be made after the existing road shall have been interrupted; and such penalty shall be paid to the trustees, commissioners, surveyor, or other person having the management of such road, if a public road, and shall be applied for the purposes thereof, or in case of a private road the same shall be paid to the owner thereof; and every such penalty shall be recoverable with costs by action in any of the superior courts.

Party suffering
damage from
interruption of
road to re-
cover in an
action on
the case.

LV. IF any party entitled to a right of way over any road so interfered with by the company shall suffer any special damage by reason that the company shall fail to cause another sufficient road to be made before they interfere with the existing road, it shall be lawful for such party to recover the amount of such special damage from the company, with costs, by action on the case in any of the superior courts, and that whether any party shall have sued for such penalty as aforesaid or not, and without prejudice to the right of any party to sue for the same.

Roads inter-
fered with to
be restored,
or others
permanently
substituted,
within a limited
time.

LVI. IF the road so interfered with can be restored compatibly with the formation and use of the railway, the same shall be restored to as good a condition as the same was in at the time when the same was first interfered with by the company, or as near thereto as may be; and if such road cannot

be restored compatibly with the formation and use of the railway, the company shall cause the new or substituted road, or some other sufficient substituted road, to be put into a permanently substantial condition, equally convenient as the former road, or as near thereto as circumstances will allow; and the former road shall be restored, or the substituted road put into such condition as aforesaid, as the case may be, within the following periods after the first operation on the former road shall have been commenced, unless the trustees or parties having the management of the road to be restored by writing under their hands consent to an extension of the period, and in such case within such extended period; (that is to say,) if the road be a turnpike road, within six months, and if the road be not a turnpike road, within twelve months.

Crossing of roads, and construction of bridges.

LVII. If any such road be not so restored, or the substituted road so completed as aforesaid, within the periods herein or in the special Act fixed for that purpose, the company shall forfeit to the trustees, commissioners, surveyor, or other person having the management of the road interfered with by the company, if a public road, or if a private road to the owner thereof, five pounds for every day after the expiration of such periods respectively during which such road shall not be so restored or the substituted road completed; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

Penalty for failing to restore or substitute road.

LVIII. If in the course of making the railway the company shall use or interfere with any road, they shall from time to time make good all damage done by them to such road; and if any question shall arise as to the damage done to any such road by the company, or as to the repair thereof by them, such question shall be referred to the determination of two justices; and such justices may direct such repairs to be made in the state of such road, in respect of the damage done by the company, and within such period, as they think reasonable, and may impose on the company, for not carrying into effect such repairs, any penalty not exceeding five pounds per day as to such justices shall seem just; and such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the company, if a public road, and be applied for the purposes of such road, or if a private road the same shall be paid to the owner thereof: Provided always, that in determining any such question with regard to a turnpike road the said justices shall have regard to and shall make full allowance for any tolls that may have been paid by the company on such road in the course of the using thereof.

Company to repair roads used by them.

LIX. WHEN the company shall intend to apply for the consent of two justices, as herein-before provided, so as to authorize them to carry the railway across any highway other than a public carriage road on the level, they shall, fourteen days at least previous to the holding of the petty sessions at which such application is intended to be made, cause notice of such intended application to be given in some newspaper circulating in the county, and also to be affixed upon the door of the parish church of the parish in which such crossing is intended to be made, or, if there be no such church, some other place to which notices are usually affixed; and if it appear to any two or more justices acting for the district in which such highway at the proposed crossing thereof is situate, and assembled in petty sessions, after such notice as

Proceedings on application to justices to consent to level crossings over highways other than public carriage roads.

, consistently with a due regard to the public
 ried across such highway on the level, it shall
 consent that the same may be so carried

feel aggrieved by the determination of such
 tion as aforesaid, it shall be lawful for such
 ect to the like conditions as are herein-after
 in respect of penalties and forfeitures, to appeal
 ounty or place in which the cause of appeal
 e lawful for the justices in such quarter sessions,
 , either to confirm or quash the determination,
 regard to the method of carrying the railway
 d as to them shall seem fit, and to make such
 of the original application and of the appeal as

ross any highway other than a public carriage-
 hall at their own expence make and at all times
 d descents and other convenient approaches,
 s, and shall, if such highway be a bridleway,
 good and sufficient gates, and if the same shall
 nt gates or stiles, on each side of the railway,
 nicate therewith.

shall cross any highway on the level the com-
 t ascents and descents or other convenient
 s, fence, gates, and stiles as they are herein-
 l be lawful for two justices, on the application
 f any two householders within the parish or
 l be situate, after not less than ten days notice
 company to make such ascent and descent or
 ls, fences, gates, or stiles as aforesaid, within a
 rpose by such justices; and if the company fail
 y shall forfeit five pounds for every day that
 be lawful for the justices by whom any such
 re whole or any part thereof to be applied, in
 n as they think fit, in executing the work in
 is incurred.

s or trustees of any turnpike road, or the
 hend danger to the passengers on such road in
 htened by the sight of the engines or carriages
 , shall be lawful for such commissioners, or
 ng fourteen days notice to the company, to
 th respect thereto; and if it shall appear to
 er might be obviated or lessened by the con-
 ature of a screen near to or adjoining the side
 or them, if they shall think fit, to certify the
 executed by the company for the purpose of
 er, and by such certificate to require the com-
 .hin a certain time after the service of such
 re said board.

LXIV. WHERE by any such certificate as aforesaid the company shall have been required to execute any such work in the nature of a screen, they shall execute and complete the same within the period appointed for that purpose in such certificate; and if they fail so to do they shall forfeit to the said commissioners, or trustees, or surveyor, five pounds for every day during which such works shall remain uncompleted beyond the period so appointed for their completion; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

Penalty for failing to construct screens.

LXV. WHERE, under the provisions of this or the special Act, or any Act incorporated therewith, the company are required to maintain or keep in repair any bridge, fence, approach, gate, or other work executed by them, it shall be lawful for two justices, on the application of the surveyor of roads, or of any two householders of the parish or district where such work may be situate, complaining that any such work is out of repair, after not less than ten days notice to the company, to order the company to put such work into complete repair, within a period to be limited for that purpose by such justices; and if the company fail to comply with such order they shall forfeit five pounds for every day that they fail so to do; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be applied, in such manner and by such persons as they think fit, in putting such work into repair.

Construction of bridges.

Justices to have power to order repair of bridges, &c.

LXVI. AND whereas expence might frequently be avoided, and public convenience promoted, by a reference to the Board of Trade upon the construction of public works of an engineering nature connected with the railway, where a strict compliance with the provisions of this or the special Act might be impossible, or attended with inconvenience to the company, and without adequate advantage to the public: Be it enacted, that in case any difference in regard to the construction, alteration, or restoration of any road or bridge, or other public work of an engineering nature, required by the provisions of this or the special Act, shall arise between the company and any trustees, commissioners, surveyors, or other persons having the control of or being authorized by law to enforce the construction of such road, bridge, or work, it shall be lawful for either party, after giving fourteen days notice in writing of their intention so to do to the other party, to apply to the Board of Trade to decide upon the proper manner of constructing, altering, or restoring such road, bridge, or other work; and it shall be lawful for the Board of Trade, if they shall think fit, to decide the same accordingly, and to authorize, by certificate in writing, any arrangement or mode of construction in regard to any such road, bridge, or other work which shall appear to them either to be in substantial compliance with the provisions of this and the special Act, or to be calculated to afford equal or greater accommodation to the public using such road, bridge, or other work; and after any such certificate shall have been given by the Board of Trade the road, bridge, or other work therein mentioned shall be constructed by the company in conformity with the terms of such certificate, and being so constructed shall be deemed to be constructed in conformity with the provisions of this and the special Act: Provided always, that no such certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private rights or interests will not be injuriously affected thereby.

Board of Trade empowered to modify the construction of certain roads, bridges, &c. where a strict compliance with the Act is impossible or inconvenient.

Authentication
of certificates
of the Board
of Trade,
service of
notices, &c.

LXVII. AND be it enacted, that all regulations, certificates, notices, and other documents in writing, purporting to be made or issued by or by the authority of the Board of Trade, and signed by some officer appointed for that purpose by the Board of Trade, shall, for the purposes of this and the special Act, and any Act incorporated therewith, be deemed to have been so made and issued, and that without proof of the authority of the person signing the same, or of the signature thereto, which matters shall be presumed until the contrary be proved; and service of any such document, by leaving the same at one of the principal offices of the railway company, or by sending the same by post addressed to the secretary at such office, shall be deemed good service upon the company; and all notices and other documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by post addressed to, the office of the Board of Trade in London.

*Works for
protection and
accommodation
of lands.*

And with respect to works for the accommodation of lands adjoining the railway, be it enacted as follows:

LXVIII. THE company shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway; (that is to say,)

Gates,
bridges, &c.:

Such and so many convenient gates, bridges, arches, culverts, and passages, over, under, or by the sides of or leading to or from the railway, as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made; and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed, or during the formation thereof:

Fences:

Also sufficient posts, rails, hedges, ditches, mounds, or other fences, for separating the land taken for the use of the railway from the adjoining lands not taken, and protecting such lands from trespass, or the cattle of the owners or occupiers thereof from straying thereout, by reason of the railway, together with all necessary gates, made to open towards such adjoining lands, and not towards the railway, and all necessary stiles; and such posts, rails, and other fences shall be made forthwith after the taking of any such lands, if the owners thereof shall so require, and the said other works as soon as conveniently may be:

Drains:

Also all necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the railway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be; and such works shall be made from time to time as the railway works proceed:

Watering
places.

Also proper watering places for cattle where by reason of the railway the cattle of any person occupying any lands lying near thereto shall be deprived of access to their former watering places; and such watering places shall be so made as to be at all times as sufficiently supplied with water as theretofore, and as if the railway had not been made, or as nearly so as may be; and the company shall make all necessary water-courses and drains for the purpose of conveying water to the said watering places:

Provided always, that the company shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway, nor to make any accommodation works with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of the making them.

Works for protection and accommodation of lands.

LXIX. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof, or respecting the maintaining thereof, the same shall be determined by two justices; and such justices shall also appoint the time within which such works shall be commenced and executed by the company.

Differences as to accommodation works to be settled by justices.

LXX. If for fourteen days next after the time appointed by such justices for the commencement of any such works the company shall fail to commence such works, or having commenced shall fail to proceed diligently to execute the same in a sufficient manner, it shall be lawful for the party aggrieved by such failure himself to execute such works or repairs; and the reasonable expences thereof shall be repaid by the company to the party by whom the same shall so have been executed; and if there be any dispute about such expences the same shall be settled by two justices: Provided always, that no such owner or occupier or other person shall obstruct or injure the railway, or any of the works connected therewith, for a longer time, nor use them in any other manner, than is unavoidably necessary for the execution or repair of such accommodation works.

Execution of works by owners on default by the company.

LXXI. If any of the owners or occupiers of lands affected by such railway shall consider the accommodation works made by the company, or directed by such justices to be made by the company, insufficient for the commodious use of their respective lands, it shall be lawful for any such owner or occupier, at any time, at his own expence, to make such further works for that purpose as he shall think necessary, and as shall be agreed to by the company, or, in case of difference, as shall be authorized by two justices.

Power to owners of land to make additional accommodation works at their own expence.

LXXII. If the company so desire, all such last-mentioned accommodation works shall be constructed under the superintendence of their engineer, and according to plans and specifications to be submitted to and approved by such engineer; nevertheless the company shall not be entitled to require either that plans should be adopted which would involve a greater expence than that incurred in the execution of similar works by the company, or that the plans selected should be executed in a more expensive manner than that adopted in similar cases by the company.

Such works may, at company's desire, be constructed under the superintendence of their engineer.

LXXIII. THE company shall not be compelled to make any further or additional accommodation works for the use of owners and occupiers of land adjoining the railway after the expiration of the prescribed period, or, if no period be prescribed, after five years from the completion of the works, and the opening of the railway for public use.

Accommodation works not to be required after prescribed period, &c.

LXXIV. UNTIL the company shall have made the bridges or other proper communications which they shall under the provisions herein or in the special Act, or any Act incorporated therewith, contained, have been required to make between lands intersected by the railway, and no longer, the owners and occupiers of such lands, and any other persons whose right of way shall be affected by the want of such communication, and their respective servants, may at all times freely pass and repass, with carriages, horses, and other

Owners to be allowed to cross the railway until accommodation works are made.

animals, directly (but not otherwise) across the part of the railway made in or through their respective lands, solely for the purpose of occupying the same lands, or for the exercise of such right of way, and so as not to obstruct the passage along the railway, or to damage the same; nevertheless, if the owner or occupier of any such lands have in his arrangements with the company received or agreed to receive compensation for or on account of any such communications, instead of the same being formed, such owner or occupier, or those claiming under him, shall not be entitled so to cross the railway.

Penalty on persons omitting to fasten gates.

LXXV. If any person omit to shut and fasten any gate set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands as soon as he and the carriage, cattle, or other animals under his care have passed through the same, he shall forfeit for every such offence any sum not exceeding forty shillings.

Branch railways.

Power to parties to make private branch railways communicating with the railway.
5 & 6 Vict. c. 55.

LXXVI. AND be it enacted, that this or the special Act shall not prevent the owners or occupiers of lands adjoining to the railway, or any other persons, from laying down, either upon their own lands or upon the lands of other persons, with the consent of such persons, any collateral branches of railway to communicate with the railway, for the purpose of bringing carriages to or from or upon the railway, but under and subject to the provisions and restrictions of an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act for the better regulation of railways, and for the conveyance of troops"; and the company shall, if required, at the expence of such owners and occupiers and other persons, and subject also to the provisions of the said last-mentioned Act, make openings in the rails, and such additional lines of rail as may be necessary for effecting such communication, in places where the communication can be made with safety to the public, and without injury to the railway, and without inconvenience to the traffic thereon; and the company shall not take any rate or toll or other monies for the passing of any passengers, goods, or other things along any branch so to be made by any such owner or occupier or other person; but this enactment shall be subject to the following restrictions and conditions; (that is to say,)

Restrictions and conditions.

No such branch railway shall run parallel to the railway:

The company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere, nor upon any inclined plane or bridge, nor in any tunnel:

The persons making or using such branch railways shall be subject to all bye laws and regulations of the company from time to time made with respect to passing upon or crossing the railway and otherwise; and the persons making or using such branch railways shall be bound to construct, and from time to time, as need may require, to renew, the offset plates and switches, according to the most approved plan adopted by the company, and under the direction of their engineer.

Working of mines.

Company not to be entitled to minerals, unless expressly purchased.

And with respect to mines lying under or near the railway, be it enacted as follows:

LXXVII. THE company shall not be entitled to any mines of coal, ironstone, slate, or other minerals under any land purchased by them, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of the works, unless the same shall have been expressly purchased;

and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

*Working of
mines.*

LXXVIII. If the owner, lessee, or occupier of any mines or minerals lying under the railway, or any of the works connected therewith, or within the prescribed distance, or, where no distance shall be prescribed, forty yards therefrom, be desirous of working the same, such owner, lessee, or occupier shall give to the company notice in writing of his intention so to do, thirty days before the commencement of working; and upon the receipt of such notice it shall be lawful for the company to cause such mines to be inspected by any person appointed by them for the purpose; and if it appear to the company that the working of such mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for such mines or any part thereof to such owner, lessee, or occupier thereof, then he shall not work or get the same; and if the company, and such owner, lessee, or occupier, do not agree as to the amount of such compensation, the same shall be settled as in other cases of disputed compensation.

Mines lying near the railway not to be worked if the company are willing to make compensation for them.

LXXIX. If before the expiration of such thirty days the company do not state their willingness to treat with such owner, lessee, or occupier for the payment of such compensation, it shall be lawful for him to work the said mines or any part thereof for which the company shall not have agreed to pay compensation, so that the same be done in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the district where the same shall be situate; and if any damage or obstruction be occasioned to the railway or works by improper working of such mines, the same shall be forthwith repaired or removed, as the case may require, and such damage made good, by the owner, lessee, or occupier of such mines or minerals, and at his own expence; and if such repair or removal be not forthwith done, or, if the company shall so think fit, without waiting for the same to be done by such owner, lessee, or occupier, it shall be lawful for the company to execute the same, and recover from such owner, lessee, or occupier the expence occasioned thereby, by action in any of the superior courts.

If company are not willing to make compensation, owner may work the mines.

Damage or obstruction to railway caused by improper working to be made good.

LXXX. If the working of any such mines under the railway or works, or within the above-mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees, and occupiers of such mines, and whose mines shall extend so as to lie on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway, or water level shall be of greater dimensions or section than the prescribed dimensions and sections, and where no dimensions shall be described not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon.

Mining communications between mines lying on both sides of railway.

LXXXI. The company shall from time to time pay to the owner, lessee, or occupier of any such mines extending so as to lie on both sides of the railway all such additional expences and losses as shall be incurred by such owner,

Company to make compensation for injury done to mines;

reasonable charges in respect thereof as they may from time to time determine upon, not exceeding the tolls by the special Act authorized to be taken by them.

Passengers and goods on railway.

LXXXVII. It shall be lawful for the company from time to time to enter into any contract with any other company, being the owners or lessees or in possession of any other railway, for the passage over or along the railway by the special Act authorized to be made of any engines, coaches, waggons, or other carriages of any other company, or which shall pass over any other line of railway, or for the passage over any other line of railway of any engines, coaches, waggons, or other carriages of the company, or which shall pass over their line of railway, upon the payment of such tolls and under such conditions and restrictions as may be mutually agreed upon; and for the purpose aforesaid it shall be lawful for the respective parties to enter into any contract for the division or apportionment of the tolls to be taken upon their respective railways.

Company empowered to contract with other companies.

LXXXVIII. PROVIDED always, that no such contract as aforesaid shall in any manner alter, affect, increase, or diminish any of the tolls which the respective companies, parties to such contracts, shall for the time being be respectively authorized and entitled to demand or receive from any person or any other company, but that all other persons and companies shall, notwithstanding any such contract, be entitled to the use and benefit of any of the said railways, upon the same terms and conditions, and on payment of the same tolls, as they would have been in case no such contract had been entered into.

Contracts not to affect persons not parties thereto.

LXXXIX. NOTHING in this or the special Act contained shall extend to charge or make liable the company further or in any other case than where, according to the laws of the realm, stage coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the company of any protection or privilege which common carriers or stage coach proprietors may be entitled to; but, on the contrary, the company shall at all times be entitled to the benefit of every such protection and privilege.

Company not to be liable to a greater extent than common carriers.

XC. AND whereas it is expedient that the company should be enabled to vary the tolls upon the railway so as to accommodate them to the circumstances of the traffic, but that such power of varying should not be used for the purpose of prejudicing or favouring particular parties, or for the purpose of collusively and unfairly creating a monopoly, either in the hands of the company or of particular parties: It shall be lawful, therefore, for the company, subject to the provisions and limitations herein and in the special Act contained, from time to time to alter or vary the tolls by the special Act authorized to be taken, either upon the whole or upon any particular portions of the railway, as they shall think fit; provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton per mile or otherwise, in respect of all passengers, and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of railway under the same circumstances; and no reduction or advance in any such tolls shall be made either directly or indirectly in favour of or against any particular company or person travelling upon or using the railway.

Power to vary tolls.

Tolls to be charged equally under like circumstances.

XCI. AND whereas authority has been given by various Acts of Parliament to railway companies to demand tolls for the conveyance of passengers and goods, and for other services, over the fraction of a mile, equal to the toll which they are authorized to demand for one mile: Therefore, in cases in which any railway shall be amalgamated with any other adjoining railway or railways, such tolls shall be calculated and imposed at such rates as if such amalgamated railways had originally formed one line of railway.

XCII. IT shall not be lawful for the company at any time to demand or take a greater amount of toll, or make any greater charge for the carriage of passengers or goods, than they are by this and the special Act authorized to demand; and upon payment of the tolls from time to time demandable all companies and persons shall be entitled to use the railway, with engines and carriages properly constructed as by this and the special Act directed, subject nevertheless to the provisions and restrictions of the said Act of the sixth year of her present Majesty, intituled "An Act for the better regulation of railways, and for the conveyance of troops," and to the regulations to be from time to time made by the company by virtue of the powers in that behalf hereby and by the special Act conferred upon them.

XCIII. A LIST of all the tolls authorized by the special Act to be taken, and which shall be exacted by the company, shall be published by the same being painted upon one toll board or more in distinct black letters on a white ground, or white letters on a black ground, or by the same being printed in legible characters on paper affixed to such board, and by such board being exhibited in some conspicuous place on the stations or places where such tolls shall be made payable.

XCIV. THE company shall cause the length of the railway to be measured, and milestones, posts, or other conspicuous objects to be set up and maintained along the whole line thereof, at the distance of one quarter of a mile from each other, with numbers or marks inscribed thereon denoting such distances.

XCV. No tolls shall be demanded or taken by the company for the use of the railway during any time at which the boards herein-before directed to be exhibited shall not be so exhibited, or at which the milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any person wilfully pull down, deface, or destroy any such board or milestone, he shall forfeit a sum not exceeding five pounds for every such offence.

XCVI. THE tolls shall be paid to such persons, and at such places upon or near to the railway, and in such manner and under such regulations, as the company shall, by notice to be annexed to the list of tolls, appoint.

XCVII. IF, on demand, any person fail to pay the tolls due in respect of any carriage or goods, it shall be lawful for the company to detain and sell such carriage, or all or any part of such goods, or, if the same shall have been removed from the premises of the company, to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls, and out of the monies arising from such sale to retain the tolls payable as aforesaid, and all charges and expences of such detention and sale, rendering the overplus, if any, of the monies arising by such sale, and such of the carriages or goods as shall remain unsold, to the person entitled thereto, or it shall be lawful for the company to recover any such tolls by action at law.

XCVIII. EVERY person being the owner or having the care of any carriage or goods passing or being upon the railway shall, on demand, give to the collector of tolls, at the places where he attends for the purpose of receiving goods or of collecting tolls for the part of the railway on which such carriage or goods may have travelled or be about to travel, an exact account in writing signed by him of the number or quantity of goods conveyed by any such carriage, and of the point on the railway from which such carriage or goods have set out or are about to set out, and at what point the same are intended to be unloaded or taken off the railway; and if the goods conveyed by any such carriage, or brought for conveyance as aforesaid, be liable to the payment of different tolls, then such owner or other person shall specify the respective numbers or quantities thereof liable to each or any of such tolls.

Passengers and goods on railway.
—
Account of lading, &c. to be given.

XCIX. If any such owner or other such person fail to give such account, or to produce his way-bill or bill of lading, to such collector or other officer or servant of the company demanding the same, or if he give a false account, or if he unload or take off any part of his lading or goods at any other place than shall be mentioned in such account, with intent to avoid the payment of any tolls payable in respect thereof, he shall for every such offence forfeit to the company a sum not exceeding ten pounds for every ton of goods, or for any parcel not exceeding one hundred weight, and so in proportion for any less quantity of goods than one ton, or for any parcel exceeding one hundred weight, (as the case may be,) which shall be upon any such carriage; and such penalty shall be in addition to the toll to which such goods may be liable.

Penalty for not giving account of lading, &c.

C. If any dispute arise concerning the amount of the tolls due to the company, or concerning the charges occasioned by any detention or sale thereof under the provisions herein or in the special Act contained, the same shall be settled by a justice; and it shall be lawful for the company in the meanwhile to detain the goods, or (if the case so require) the proceeds of the sale thereof.

Settlement of disputes as to amount of tolls chargeable.

CI. If any difference arise between any toll collector or other officer or servant of the company and any owner of or person having the charge of any carriage passing or being upon the railway, or of any goods conveyed or to be conveyed by such carriage, respecting the weight, quantity, quality, or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or examination such goods appear to be of greater weight or quantity or of other nature than shall have been stated in the account given thereof, then the person who shall have given such account shall pay, and the owner of such carriage, or the respective owners of such goods, shall also, at the option of the company, be liable to pay, the costs of such measuring and examining; but if such goods appear to be of the same or less weight or quantity than and of the same nature as shall have been stated in such account, then the company shall pay such costs, and they shall also pay to such owner of or person having charge of such carriage, and to the respective owners of such goods, such damage (if any) as shall appear to any justice, on a summary application to him for that purpose, to have arisen from such detention.

Differences as to weights, &c.

CII. If at any time it be made to appear to any justice, upon the complaint of the company, that any such detention, measuring, or examining of any carriage or goods, as herein-before mentioned, was without reasonable ground,

Toll collector to be liable for wrongful detention of goods.

Passengers and goods on railway.

or that it was vexatious on the part of such collector or other officer, then the collector or other officer shall himself pay the costs of such detention and measuring, and the damage occasioned thereby; and in default of immediate payment of any such costs or damage the same may be recovered by distress of the goods of such collector, and such justice shall issue his warrant accordingly.

Penalty on passengers practising frauds on the company.

CIII. If any person travel or attempt to travel in any carriage of the company, or of any other company or party using the railway, without having previously paid his fare, and with intent to avoid payment thereof, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceed in any such carriage beyond such distance, without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence forfeit to the company a sum not exceeding forty shillings.

Detention of offenders.

CIV. If any person be discovered, either in or after committing or attempting to commit any such offence as in the preceding enactment mentioned, all officers and servants and other persons on behalf of the company, or such other company or party as aforesaid, and all constables, gaolers, and peace officers, may lawfully apprehend and detain such person until he can conveniently be taken before some justice, or until he be otherwise discharged by due course of law.

No person to carry or require company to carry dangerous goods on railway.

Penalty for sending such goods by railway without giving notice to company.

Company may refuse or open parcels.

CV. No person shall be entitled to carry, or to require the company to carry, upon the railway, any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which in the judgment of the company may be of a dangerous nature; and if any person send by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, at the time of so sending, he shall forfeit to the company twenty pounds for every such offence; and it shall be lawful for the company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Delivery of offices, books, &c. in possession or custody of toll collector at removal, &c.

CVI. If any collector of tolls or other officer employed by the company be discharged or suspended from his office, or die, abscond, or absent himself, and if such collector or other officer, or the wife, widow, or any of the family or representatives of any such collector or other officer, refuse or neglect, after seven days notice in writing for that purpose, to deliver up to the company, or to any person appointed by them for that purpose, any station, dwelling house, office, or other building, with its appurtenances, or any books, papers, or other matters belonging to the company in the possession or custody of any such collector or officer at the occurrence of any such event as aforesaid, then, upon application being made by the company to any justice, it shall be lawful for such justice to order any constable, with proper assistance, to enter upon such station or other building, and to remove any person found therein, and to take possession thereof, and of any such books, papers, or other matters, and to deliver the same to the company, or any person appointed by them for that purpose.

CVII. AND be it enacted, that the company shall every year cause an annual account in abstract to be prepared, showing the total receipts and expenditure of all funds levied by virtue of this or the special Act for the year ending on the thirty-first day of December or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the directors, or some of them, and by the auditors, and shall, if required, transmit a copy of the said account, free of charge, to the overseers of the poor of the several parishes through which the railway shall pass, and also to the clerks of the peace of the counties through which the railway shall pass, on or before the thirty-first day of January then next; which last-mentioned account shall be open to the inspection of the public at all seasonable hours, on payment of the sum of one shilling for every such inspection: Provided always, that if the said company shall omit to prepare or transmit such account as aforesaid, if required so to do by any such clerk of the peace or overseers of the poor, they shall forfeit for every such omission the sum of twenty pounds.

Annual account to be made up, and a copy transmitted to the clerk of the peace, &c.

And with respect to the regulating of the use of the railway, be it enacted as follows:

Bye Laws.

CVIII. It shall be lawful for the company, from time to time, subject to the provisions and restrictions in this and the special Act contained, to make regulations for the following purposes; (that is to say,)

Company to regulate the use of the railway.

For regulating the mode by which and the speed at which carriages using the railway are to be moved or propelled;

For regulating the times of the arrival and departure of any such carriages;

For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry;

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages;

For preventing the smoking of tobacco, and the commission of any other nuisance, in or upon such carriages, or in any of the stations or premises occupied by the company;

And generally for regulating the travelling upon or using and working of the railway:

But no such regulation shall authorize the closing of the railway, or prevent the passage of engines or carriages on the railway, at reasonable times, except at any time when in consequence of any of the works being out of repair, or from any other sufficient cause, it shall be necessary to close the railway or any part thereof.

CIX. FOR better enforcing the observance of all or any of such regulations it shall be lawful for the company, subject to the provisions of an Act passed in the fourth year of the reign of her present Majesty, intituled "An Act for regulating railways," to make bye laws, and from time to time to repeal or alter such bye laws, and make others, provided that such bye laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye laws shall be reduced into writing, and shall have affixed thereto the common seal of the company; and any person offending against any such bye law shall forfeit for every such offence any sum not exceeding five pounds, to be imposed

Power to make regulations by bye laws, subject to 8 & 4 Vict. c. 97.

Laws.
 by the company in such bye laws as a penalty for any such offence; and if the infraction or non-observance of any such bye law or other such regulation as aforesaid be attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, it shall be lawful for the company summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such bye law.

*ation
: bye*
 CX. THE substance of such last-mentioned bye laws, when confirmed or allowed according to the provisions of any Act in force regulating the allowance or confirmation of the same, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed and continued on the front or other conspicuous part of every wharf or station belonging to the company, according to the nature or subject matter of such bye laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby; and such boards shall from time to time be renewed as often as the bye laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such bye law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

*ye laws
inding
parties.*
 CXI. SUCH bye laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such bye laws it shall be sufficient to prove that a printed paper or painted board, containing a copy of such bye laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be.

*ing of
way.*
 And with respect to leasing the railway, be it enacted as follows:

*ons to
ained in
xecuted
ise of
to lease*
 CXII. WHERE the company shall be authorized by the special Act to lease the railway or any part thereof to any company or person, the lease to be executed in pursuance of such authority shall contain all usual and proper covenants on the part of the lessee for maintaining the railway, or the portion thereof comprised in such lease, in good and efficient repair and working condition during the continuance thereof, and for so leaving the same at the expiration of the term thereby granted, and such other provisions, conditions, covenants, and agreements as are usually inserted in leases of a like nature.

*in the
y may
cised
lessees.*
 CXIII. SUCH lease shall entitle the company or person to whom the same shall be granted to the free use of the railway or portion of railway comprised therein, and during the continuance of any such lease all the powers and privileges granted to and which might otherwise be exercised and enjoyed by the company, or the directors thereof, or their officers, agents, or servants, by virtue of this or the special Act, with regard to the possession, enjoyment, and management of the railway, or of the part thereof comprised in such lease, and the tolls to be taken thereon, shall be exercised and enjoyed by the lessee, and the officers and servants of such lessee, under the same regulations and restrictions as are by this or the special Act imposed on the company and their directors, officers, and servants; and such lessee shall, with respect to the railway comprised in such lease, be subject to all the obligations by this or the special Act imposed on the company.

And with respect to the engines and carriages to be brought on the railway, be it enacted as follows :

CXIV. EVERY locomotive steam engine to be used on the railway shall, if it use coal or other similar fuel emitting smoke, be constructed on the principle of consuming and so as to consume its own smoke ; and if any engine be not so constructed the company or party using such engine shall forfeit five pounds for every day during which such engine shall be used on the railway.

Carriages and engines.

Engines to consume their smoke.

CXV. No locomotive or other engine, or other description of moving power, shall at any time be brought upon or used on the railway unless the same have first been approved of by the company ; and within fourteen days after notice given to the company by any party desirous of bringing any such engine on the railway the company shall cause their engineer or other agent to examine such engine, at any place within three miles distance from the railway, to be appointed by the owner thereof, and to report thereon to the company ; and within seven days after such report, if such engine be proper to be used on the railway, the company shall give a certificate to the party requiring the same of their approval of such engine ; and if at any time the engineer or other agent of the company report that any engine used upon the railway is out of repair, or unfit to be used upon the railway, the company may require the same to be taken off, or may forbid its use upon the railway until the same shall have been repaired to the satisfaction of the company, and upon the engine being so repaired the company shall give a certificate to the party requiring the same of their approval of such engine ; and if any difference of opinion arise between the company and the owner of any such engine as to the fitness or unfitness thereof for the purpose of being used on the railway, such difference shall be settled by arbitration.

Engines to be approved by the company, and certificate of approval given.

Unfit engines to be removed.

CXVI. If any person, whether the owner or other person having the care thereof, bring or use upon the railway any locomotive or other engine, or any moving power, without having first obtained such certificate of approval as aforesaid, or if, after notice given by the company to remove any such engine from the railway, such person do not forthwith remove the same, or if, after notice given by the company not to use any such engine on the railway, such person do so use such engine, without having first repaired the same to the satisfaction of the company, and obtained such certificate of approval, every such person shall in any of the cases aforesaid forfeit to the company a sum not exceeding twenty pounds ; and in any such case it shall be lawful for the company to remove such engine from the railway.

Penalty on persons using improper engines.

CXVII. No carriage shall pass along or be upon the railway (except in directly crossing the same, as herein or by the special Act authorized,) unless such carriage be at all times, so long as it shall be used or shall remain on the railway, of the construction and in the condition which the regulations of the company for the time being shall require ; and if any dispute arise between the company and the owner of any such carriage as to the construction or condition thereof, in reference to the then existing regulations of the company, such dispute shall be settled by arbitration.

Carriages to be constructed according to company's regulations.

CXVIII. THE regulations from time to time to be made by the company respecting the carriages to be used on the railway shall be drawn up in writing, and be authenticated by the common seal of the company, and shall be applicable alike to the carriages of the company and to the carriages of other

Regulations to be in writing, and to apply also to company's carriages.

Carriages and engines.

Penalty on persons using improper carriages.

Owner's name, &c. to be registered, and exhibited on carriages, if required.

Owner to allow carriages to be weighed, &c.

On non-compliance carriage may be removed.

Carriages improperly loaded, or suffered to obstruct the road, may be unloaded or removed.

Company not to be liable for damage, except wilful damage, &c. by such unloading, &c.

Owners of engines, &c. liable for damage done by engines, &c. or by servants.

companies or persons using the railway; and a copy of such regulations shall, on demand, be furnished by the secretary of the company to any person applying for the same.

CXIX. If any carriage, not being of such construction or in such condition as the regulations of the company for the time being require, be made to pass or be upon any part of the railway (except as aforesaid), the owner thereof, or any person having for the time being the charge of such carriage, shall forfeit to the company a sum not exceeding ten pounds for every such offence, and it shall be lawful for the company to remove any such carriage from the railway.

CXX. THE respective owners of carriages using the railway shall cause to be entered with the secretary or other officer of the company appointed for that purpose the names and places of abode of the owners of such carriages respectively, and the numbers, weights, and gauges of their respective carriages; and such owners shall also, if so required by the company, cause the same particulars to be painted in legible characters on some conspicuous part of the outside of every such carriage, so as to be always open to view; and every such owner shall, whenever required by the company, permit his carriage to be weighed, measured, or gauged at the expence of the company.

CXXI. If the owner of any carriage fail to comply with the requisitions contained in the preceding enactment, it shall be lawful for the company to refuse to allow such carriage to be brought upon the railway, or to remove the same therefrom until such compliance.

CXXII. If the loading of any carriage using the railway be such as to be liable to collision with other carriages properly loaded, or to be otherwise dangerous, or if the person having the care of any carriage or goods upon the railway suffer the same or any part thereof to remain on the railway so as to obstruct the passage or working thereof, it shall be lawful for the company to cause such carriage or goods to be unloaded and removed in any manner proper for preventing such collision or obstruction, and to detain such carriage or goods, or any part thereof, until the expences occasioned by such unloading, removal, or detention be paid.

CXXIII. THE company shall not be liable for any damage or loss occasioned by any such unloading, removal, or detention as aforesaid, except for damage wilfully or negligently done to any carriage or goods so unloaded, removed, or detained; nor shall they be liable for the safe custody of any such carriage or goods so detained, unless the same be wrongfully detained by them, and then only for so long a time as the same shall have been so wrongfully detained.

CXXIV. THE respective owners of engines and carriages passing or being upon the railway shall be answerable for any trespass or damage done by their engines or carriages, or by any of the servants or persons employed by them, to or upon the railway, or the machinery or works belonging thereto, or to or upon the property of any other person; and every such servant or other person may lawfully be convicted of such trespass or damage before any two justices of the peace, either by the confession of the party offending, or upon the oath of some credible witness; and upon such conviction every such owner shall pay to the company, or to the person injured, as the case may be, the damage to be ascertained by such justices, so that the same do not exceed fifty pounds.

CXXV. It shall be lawful for any owner of an engine or carriage who shall pay the amount of any damage caused by the misfeasance or negligence of any servant or other person employed by him to recover the amount so paid by him from such servant or other person, by the same means as the company are enabled to recover the amount of such damage from the owner of any engine or carriage.

Owners may recover from servants amounts paid for damage caused by their negligence.

And with respect to the settlement of disputes by arbitration, be it enacted as follows:

Arbitration.

CXXVI. WHEN any dispute authorized or directed by this or the special Act, or any Act incorporated therewith, to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall nominate and appoint an arbitrator to whom such dispute shall be referred; and every appointment of an arbitrator shall be made on the part of the company under the hand of the secretary or any two of the directors of the company, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation; and such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matters so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

Appointment of arbitrators when questions are to be determined by arbitration.

CXXVII. IF before the matters so referred shall be determined any arbitrator appointed by either party die, or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed ex parte; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or incapacity as aforesaid.

Vacancy of arbitrator to be supplied.

CXXVIII. WHERE more than one arbitrator shall have been appointed such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under this or the special Act; and if such umpire shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

Appointment of umpire.

either of the cases aforesaid the said arbitrators shall refuse, or for seven days after request of either party to such arbitration neglect to act, the Board of Trade shall, on the application of either party, appoint an umpire; and the decision of such umpire in which the arbitrators shall differ, or which shall be referred to him, or the special Act, shall be final.

Where a single arbitrator shall have been appointed such arbitrator become incapable to act before he shall have made his award, the decision referred to him shall be determined by arbitration, under the provisions of the special Act, in the same manner as if such arbitrator had died.

Where more than one arbitrator shall have been appointed either shall refuse or for seven days neglect to act, the other arbitrator shall act, and the decision of such other arbitrator shall be as if it had been the single arbitrator appointed by both parties.

Where more than one arbitrator shall have been appointed, if either of them shall refuse or neglect to act as aforesaid, such arbitrator shall fail to make their award within twenty-one days after the day of such arbitrators shall have been appointed, or within such time as may be appointed for that purpose by both parties, and under their hands, the matter referred to them shall be determined by an umpire to be appointed as aforesaid.

The said arbitrators or their umpire may call for the production of any papers in the possession or power of either party which they or he may require for determining the question in dispute, and may examine any witnesses on oath, and administer the oaths necessary for that purpose.

Before any arbitrator or umpire shall enter into the consideration of any matter referred to him he shall, in the presence of a justice, make and subscribe the following declaration; that is to say, I do hereby solemnly and sincerely declare, that I will faithfully and honestly, to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Act [naming the special Act].

' A.B.

Witness my hand and seal in the presence of _____, and the signature of the arbitrator shall be annexed to the award when made; and if any arbitrator having made such declaration shall wilfully act contrary to the same he shall be guilty of a misdemeanor.

EXCEPT where by this or the special Act, or any Act incorporated with this Act, shall be otherwise provided, the costs of and attending every such arbitration shall be determined by the arbitrators, shall be in the discretion of the arbitrators.

It shall be lawful for any person to make a submission to any such arbitration may be made a rule of court, or the application of either of the parties. Any award made with respect to any question referred to arbitration shall be valid notwithstanding any provisions of this or the special Act shall be set aside for error in matter of form.

AND be it enacted, that any summons or notice, or any writ or process at law or in equity, requiring to be served upon the com-

*Recovery of
damages and
penalties.*

determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the cost of every such inquiry shall be in the discretion of such justices, and they shall determine the amount thereof.

*Publication
of penalties.*

CXLIII. THE company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or by any bye law of the company affecting other persons than the shareholders, officers, or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner herein-before required.

*Penalty for
defacing boards
used for such
publication.*

CXLIV. IF any person pull down or injure any board put up or affixed as required by this or the special Act for the purpose of publishing any bye law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expences attending the restoration of such board.

*Penalties to be
summarily
recovered
before two
justices.*

CXLV. EVERY penalty or forfeiture imposed by this or the special Act, or by any bye law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices; and on complaint being made to any justice he shall issue a summons, requiring the party complained against to appear before two justices at a time and place to be named in such summons; and every such summons shall be served on the party offending, either in person, or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for any two justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such justices shall think fit.

*Penalties to be
levied by
distress.*

CXLVI. IF forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress; and such justices, or either of them, shall issue their or his warrant of distress accordingly.

*Imprisonment
in default of
distress.*

CXLVII. IT shall be lawful for any such justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the justice, for his appearance before him on the day appointed for such return such day not being more than eight days from the time of taking such

*Recovery of
damages and
penalties.*

able excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expences, or if any person appearing shall refuse to be examined upon oath or to give evidence before such justice, every such person shall forfeit a sum not exceeding five pounds for every such offence.

*Transient
offenders.*

CLIV. It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special Act, and whose name and residence shall be unknown to such officer or agent, and convey him with all convenient despatch before some justice, without any warrant or other authority than this or the special Act; and such justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

*Form of
conviction.*

CLV. THE justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule to this Act annexed.

*Proceedings
not to be
quashed for
want of
form, &c.*

CLVI. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

Appeal.

*Parties al-
lowed to appeal
to quarter
sessions, on
giving security.*

CLVII. IF any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

*Court to make
such order as
they think
reasonable.*

CLVIII. AT the quarter sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

*Receiver of
metropolitan
police district
to receive
penalties
incurred
within his
district.*

CLIX. PROVIDED always, and be it enacted, that notwithstanding any thing herein or in the special Act, or any Act incorporated therewith, contained, every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof

SCHEDULE referred to by the foregoing Act.

to wit.

BE it remembered, that on the _____ day of _____ in the year of our Lord _____ A.B. is convicted before us, C., D., two of her Majesty's justices of the peace for the county of _____, [here describe the offence generally, and the time and place when and where committed], contrary to the [here name the special Act]. Given under our hands and seals, the day and year first above written.

C.
D.

CHAPTER XXVI.

AN ACT to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland. [30th June 1845.]

Prohibition of fishing for trout, &c. by means of nets in any rivers, &c. in Scotland, except in case of proprietors, &c. or persons having permission from them.

WHEREAS it is expedient that provision should be made for preventing the destruction of trout and other fresh-water fish by nets in the rivers, waters, and lochs of 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, that it shall not be lawful for any person whatsoever, not being the proprietor of the land through or by which any river or water flows, or on which any loch is wholly or partially situated, or not having a right there to fish for trout or fresh-water fish, or not having a written permission from some such proprietor or person entitled to fish as aforesaid, at any time after the passing of this Act to fish for trout or other fresh-water fish in any such river, water, or loch in Scotland, with any net of any kind or description; and if any person, not being a proprietor or having right or permission as aforesaid, shall wilfully take, fish for, or attempt to take, or aid and assist in taking or fishing for or attempting to take or fish for, in or from any such river, water, or loch, any trout or other fresh-water fish, by or with any net of any kind or description, such person shall forfeit and pay any sum not exceeding five pounds for every such offence, besides forfeiting the trout or fish taken, and also every boat or net in or by which the same may have been taken or attempted to be taken, and shall also pay the full expences of the conviction.

Penalty for trespassing on any ground or river to fish with net.

II. AND be it enacted, that if any person shall trespass upon any ground, enclosed or unenclosed, or in or upon any river, water, or loch, with intent to take with any net any trout or other fresh-water fish, such person shall forfeit and pay a sum not exceeding five pounds for every such offence.

Possession of nets evidence of intent.

III. AND be it enacted, that if any such trespasser shall have in his possession any net of any description whereby trout or other fresh-water fish may be taken or killed, the possession thereof shall be held to be sufficient evidence of the intent of such trespasser to commit such offence.

Persons trespassing may be seized.

IV. AND be it enacted, that it shall be lawful for any person, without any warrant or other authority than this Act, brevi manu, to seize and detain any person who shall be found committing any offence against this Act, and to

justiciary, or, where there are no circuit courts, to the High Court of Justiciary at Edinburgh, in the manner, and by and under the rules, limitations, conditions, and restrictions, contained in an Act passed in the twentieth year of the reign of his Majesty King George the Second, for taking away and abolishing heritable jurisdiction in Scotland, with this variation, that such person shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or forfeiture and expences awarded against him by the sentence appealed from, in the event of the appeal being dismissed or not insisted in, together with any additional expences that may be awarded by the court on deciding or dismissing the appeal; and it shall not be competent to appeal from or bring the judgment of any sheriff acting in the execution of this Act under review by advocacy or suspension, or by reduction, or in any other way than as herein provided.

VIII. AND be it enacted, that all penalties and forfeitures imposed under the authority of this Act shall, when levied, be paid, the one half thereof to the prosecutor, and the other half to the poor of the parish within which the offence shall have been committed.

IX. AND be it enacted, that no prosecution or other proceeding whatever shall be brought or commenced against any person for any offence against this Act, unless the same shall be commenced within six calendar months after such offence shall have been committed.

X. AND be it enacted, that the words "river," "water," or "loch" occurring in this Act shall mean and include any stream, burn, mill-pool, mill-lead, mill-dam, sluice, pond, cut, canal, and aqueduct, and every other collection or run of water in which trouts and other fresh-water fish breed, haunt, or are found or preserved; that the word "sheriff" shall mean the sheriff of the county in which the offence happens or case arises, and shall include the sheriff substitutes of such sheriffs; that the singular shall include the plural number, and words importing the plural number shall include the singular; and words importing the masculine gender shall include females.

XI. AND be it enacted, that nothing herein contained shall affect any Act of Parliament, general or local, passed for the preservation of the salmon fisheries in Scotland, or in relation to the fishing of salmon or fish of the salmon kind in Scotland.

* * * * *

CHAPTER XXVIII.

AN ACT to empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates, and Charges on different Parts of their Navigations. [30th June 1845.]

WHEREAS by divers Acts of Parliament various canal companies and the commissioners or trustees of several navigable rivers have been authorized and empowered to levy and receive certain tolls, rates, and charges for the use of their respective canals and navigations, which tolls, rates, and charges are for the most part required to be levied at one uniform rate per ton or per mile throughout the entire length of the said navigations and rivers respectively, without regard to any difference of circumstances which may

aid canal, navigation, branches, railways, or tramways respectively, and all goods, animals, articles, and things, of a like description, and conveyed or propelled in a like boat, barge, or other vessel passing along or using the portion of the said canal, navigation, branches, railways, or tramways, under the like circumstances; and that all tolls and charges for haulage or for the use of any such canal, navigation, branches, railways, or tramways, or for the supply of any haulage, trackage, or other power to be supplied by any such company, commissioners, trustees, or lessees, shall be at all times charged equally to all persons, and at the same rate, whether per mile, or per ton per mile, or otherwise, in respect of all goods, animals, articles, and things, of a like description, and conveyed in a like boat or vessel, drawn or propelled by a like power, and passing along or using the same portion of any such canal, navigation, branches, railways, or tramways, under the like circumstances; and no reduction or advance of tolls or charges for the use of any such canal, navigation, branches, railways, or tramways, or for the supply of any haulage, trackage, or other power, shall be made by the said companies, commissioners, trustees, or lessees, directly or indirectly, in favour of or against any particular company or vessel passing along or using the same portion of such canal, navigation, branches, railways, or tramways.

PROVIDED always, and be it enacted, that this Act shall not apply to any canal or navigation the property wherein is vested in shareholders, until a meeting of the shareholders thereof shall have been duly convened, in such manner as meetings are by their respective Acts of incorporation or settlement called to be called, or are usually called, and it shall have been determined by a majority of two thirds of the votes of the shareholders in such meeting assembled, either in person or by proxy (where by such Acts of incorporation or settlement voting by proxy is allowed), to adopt the powers hereby granted, in those cases where such navigations are vested in commissioners or trustees, without the assent of shareholders or proprietors, until a special meeting of such commissioners or trustees shall have been duly convened, in such manner as special meetings are by the respective Acts for regulating such navigations required to be called, or are usually called, and it shall have been determined by a majority of such commissioners or trustees in such meeting assembled to adopt the powers by this Act granted, or to any canal or navigation the property wherein is vested in one or more owner or owners, proprietor or proprietors, until the owner or owners, proprietor or proprietors thereof shall determine to exercise the powers and provisions hereby granted, nor in either case until notice of such determination and intention shall have been inserted in the London Gazette in respect of canals or navigations in England or Wales, in the Edinburgh Gazette in respect of canals or navigations in Scotland, and in the Dublin Gazette in respect of canals or navigations in Ireland, and in some newspaper circulating in the county or counties wherein such canal or navigation, or some part thereof, shall pass, one month at the least previously to the exercise of such powers, whereupon, or immediately after the expiration of such notice, every such company, and all such commissioners, trustees, or owners and proprietors, or their respective committees, directors, or agents, or their agents by them duly authorized in manner aforesaid, may from time to time put in force and exercise the said powers or any of them in such manner by this Act authorized.

Canal companies subject to a limitation of profits, already reached, not to raise their dues.

V. PROVIDED also, and be it enacted, that where in any canal or navigation Act there shall have been inserted any special provision, which shall be still in force and unrepealed, whereby the amount of the annual dividends, interest, or profits to be shared or divided amongst the proprietors or shareholders of such canal or navigation shall have been limited not to exceed a certain per-centage or amount, and the maximum of such per-centage or amount shall have been attained at the time of the passing of this Act, it shall not be lawful for the company of proprietors, trustees, or undertakers of any such canal or navigation to avail themselves of any of the powers of this Act for the purpose of raising or increasing the tonnage rates, tolls, or duties which on the first day of January immediately before the passing of this Act were charged or levied upon any boats, barges, or other vessels carried upon or passing along such canal or navigation, or any part thereof.

Act not to exempt any canal, &c. from any general Act.

VI. AND be it enacted, that nothing herein contained shall be construed to exempt any canal or navigation company who shall adopt the powers of this Act from the operation of any general Act, regulating the manner of charging tolls and other charges upon canals and navigations in respect of passengers, goods, animals, articles, and things, of a like description, which may be passed in the course of any future session of Parliament.

* * * * *

CHAPTER XXX.

AN ACT to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for the better Administration of Justice in His Majesty's Privy Council."

[30th June 1845.]

& 4 Will. 4.
41. s. 22.

WHEREAS by an Act passed in the session held in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled "An Act for the better administration of justice in his Majesty's privy council," after reciting that various appeals to his Majesty in council from the courts of Suddur Dewanny Adawlut at the several presidencies of Calcutta, Madras, and Bombay, in the East Indies, had been admitted by the said courts, and the transcripts of the proceedings in appeal had been from time to time transmitted under the seal of the said courts through the East India Company, then called the United Company of Merchants of England trading to the East Indies, to the office of his Majesty's said privy council, but that the suitors in the causes so appealed had not taken the necessary measures to bring on the same to a hearing, it was enacted that it should be lawful for his Majesty in council to give such directions to the said company and other persons, for the purpose of bringing to a hearing before the judicial committee of the privy council the several cases appealed or thereafter to be appealed to his Majesty in council from the several courts of Suddur Dewanny Adawlut in the East Indies, and for appointing agents and counsel for the different parties in such appeals, and to make such orders for the security and payment of the costs thereof as his said Majesty in council should think fit, and thereupon such appeals should be heard and reported on to his Majesty in council, and should be by his Majesty in council determined, in the same manner, and the judgments, orders,

6 Geo. 4.
c. 40.

48 Geo. 3.
c. 96.

7 Geo. 4.
c. 63.

9 Geo. 4.
c. 40.

“ amending an Act of the last session of Parliament, relating to the building
“ repairing, and enlarging of certain gaols and houses of correction, and the
“ procuring information as to the state of all other gaols and houses of correc-
“ tion in England and Wales,” the justices of the peace assembled at any
general or quarter sessions to be holden for any county were authorized, in
certain cases, and under the restrictions therein mentioned, to borrow on
mortgage of the rate of such county any sum or sums of money not exceeding
in the whole the principal sum of money that might then be outstanding on
the securities theretofore granted under the said first-recited Act, and there-
with to discharge the whole or any part of the money for which such securities
should have been given: And whereas by an Act passed in the sixth year of
the reign of his said Majesty King George the Fourth, intituled “ An Act to
“ enable justices of the peace in England, in certain cases, to borrow money on
“ mortgage of the rate of the county, riding, or place for which such justices
“ shall be then acting,” the justices of the peace assembled at any general or
quarter sessions to be holden for any county were authorized, in certain cases,
and under the restrictions therein mentioned, to borrow on mortgage of the
rate of such county any sum or sums of money not exceeding in the whole the
principal sum of money that might then be outstanding on the securities
theretofore granted under the provisions of the said recited Acts of the fourth
and fifth years of the reign of his said Majesty King George the Fourth, or of
either of them, or under the provisions of an Act passed in the forty-eighth
year of the reign of his Majesty King George the Third, intituled “ An Act
“ for the better care and maintenance of lunatics, being paupers or criminals,
“ in England,” or under the provisions of any other Act or Acts, and there-
with to pay off and discharge the whole or any part of the money for which
such securities should have been given; and by the same now reciting Act
some of the restrictions imposed by the said herein-before recited Acts upon
the power thereby given to borrow money on mortgage of the rate of any
county as aforesaid were repealed: And whereas by an Act passed in the
seventh year of the reign of his said Majesty King George the Fourth, intituled
“ An Act to provide for repairing, improving, and rebuilding shire halls,
“ county halls, and other buildings for holding the assizes and grand sessions,
“ and also judges lodgings, throughout England and Wales,” the justices of
the peace in quarter sessions assembled were authorized, under the restrictions
therein mentioned, from time to time to borrow and take up on mortgage of
the rate of any county such sum of money and for such purposes as therein
mentioned, and to secure every such sum of money so borrowed upon the
credit of the said rates; and by the now reciting Act the said recited Act of
the sixth year of the reign of his said Majesty King George the Fourth, and
the several clauses, powers, and provisions therein contained relating to the
paying off of any debt or debts, and the borrowing of any money for such
purposes, were made applicable to the paying off any money borrowed under
the provisions or for the purposes of the now reciting Act: And whereas by
an Act passed in the ninth year of the reign of his said Majesty King George
the Fourth, intituled “ An Act to amend the laws for the erection and regula-
“ tion of county lunatic asylums, and more effectually to provide for the care
“ and maintenance of pauper and criminal lunatics, in England,” the justices
of the peace within the respective limits of their commission, assembled in

poses aforesaid, upon terms advantageous to the said rate-payers; and it is therefore expedient that so much of the said several recited Acts as authorizes the justices of the peace to borrow money on mortgage of county rates for any other purpose than that of paying off or discharging money which at the time of the passing of this Act hath been borrowed on mortgage of the rates of any county should be repealed, so far as relates to the county of Middlesex; and that the justices of the peace for the same county should be authorized to borrow on mortgage of the rates of the same county such sums of money as may be hereafter required for the purposes mentioned in the said several herein-before recited Acts of the fourth, seventh, and ninth years of the reign of his said Majesty King George the Fourth, and the said Act passed in the session of Parliament holden in the fourth and fifth years of the reign of her present Majesty respectively, (other than for paying off or discharging money hereafter to be borrowed on mortgage of the rates of the same county,) without being subject to the restrictions by the same several Acts and the said recited Act passed in the session of Parliament holden in the fifth and sixth years of the reign of her present Majesty respectively imposed upon the powers thereby given to borrow money for the purposes aforesaid, but subject to such other restrictions as are herein-after imposed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said several recited Acts as authorizes the justices of the peace for any county to borrow money on mortgage of the rates to be raised upon such county for any purpose, (other than the purpose of paying off or discharging any money which at the time of the passing of this Act hath been borrowed on mortgage of the rates of such county,) so far as the said several recited Acts respectively relate to the said county of Middlesex, shall be and the same is hereby repealed [Rep., Stat. Law Rev. Act, 1875].

So much of the recited Acts as authorizes the borrowing of money on mortgage of the rates repealed, so far as relates to the county of Middlesex.

Justices for the county of Middlesex may borrow money on mortgage of the county rate, for building or repairing shire halls, &c. under 7 Geo. 4. c. 63., or county bridges, &c. under 4 & 5 Vict. c. 59., by instrument in form in schedule;

II. AND be it enacted, that from time to time, when any estimate shall have been approved by the justices of the peace for the said county of Middlesex in general quarter sessions assembled for the building or rebuilding, repairing, or enlarging any gaol or house of correction in and for the said county, under the powers of the said recited Act of the fourth year of the reign of his said Majesty King George the Fourth, and also [Rep., Stat. Law Rev. Act, 1875.] when any estimate shall have been approved by the justices of the peace for the said county in general or quarter sessions assembled for the building or rebuilding, repairing, improving, or enlarging any shire hall, county hall, or other building in and for the said county, under the powers of the said recited Act of the seventh year of the reign of his said Majesty King George the Fourth, and also when it shall seem necessary and expedient to the justices of the peace for the said county in general or quarter sessions assembled to borrow and take up on mortgage of the rates to be raised upon the said county any money, in order to defray the charge and costs of carrying the said recited Act of the ninth year of the reign of his said Majesty King George the Fourth, relating to county lunatic asylums, into execution, so far as the same relates to the said county, [Rep. Stat. Law Rev. Act, 1875.], and also when any estimate shall have been approved by the justices of the peace for the said county in general or quarter sessions assembled for the upholding, maintaining, supporting, altering, widening, repairing, improving, or rebuilding of any county bridge or bridges, or the approaches thereto, or the land arches connected therewith, which the said county is legally bound to repair or maintain, it shall and may be lawful for the justices of the peace for the said county in general or quarter sessions assembled from time to time to borrow and take up at interest on mortgage of the rate of the said county, by instrument in the form contained in the

and Ireland, which hath proposed and agreed to lend and hath now actually paid to the treasurer of the said county of Middlesex, upon the credit of the said rates, to defray the expence of [state the purpose to which the money is to be applied] ; and we do hereby confirm and establish the same unto the said , his executors, administrators, and assigns, for securing the repayment of the said sum of , and interest for the same after the rate of for every one hundred pounds for a year ; and do order the treasurer for such county of Middlesex to pay the interest of the said sum of , or of so much thereof as shall from time to time remain undischarged, half-yearly on the day of and the day of in every year, as the same shall become due, until the principal shall be discharged, pursuant to the directions of the said Act ; and to pay one equal thirtieth part or share of the said principal sum of to the said , his executors, administrators, and assigns, on the day of , which will be in the year of our Lord one thousand eight hundred and , and one other equal thirtieth part or share of the said principal sum on the day of in each and every succeeding year, until the whole of the said sum of shall be fully paid and discharged, pursuant to the directions of the said Act. As witness our hands and seals, the day and year first above written.

Signed, sealed, and delivered }
in the presence of }

CHAPTER XXXIII.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways in Scotland.

[21st July 1845.]

WHEREAS it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament authorizing the construction of railways in Scotland, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings, as for ensuring greater uniformity in the provisions themselves: And whereas a Bill is now pending in Parliament, intituled "An Act for consolidating in one Act certain provisions usually inserted in " Acts authorizing the taking of lands for undertakings of a public nature in " Scotland," and which is intended to be called "The Lands Clauses Consolidation (Scotland) Act, 1845": Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 provisions of this Act shall apply to every railway in Scotland which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act ; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other

This Act to apply to all railways in Scotland authorized by Acts hereafter to be passed.

Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

And with respect to the construction of this Act, and other Acts to be incorporated therewith, be it enacted as follows :

II. THE expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction of a railway, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose in the special Act" had been used; and the expression "the lands" shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression "the undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed.

III. THE following words and expressions both in this and the special 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,)

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include also the singular number :

Words importing the masculine gender only shall include females :

The word "lands" shall include lands, houses, tenements, and heritages, of any tenure :

The word "lease" shall include a missive or an agreement for a lease :

The word "toll" shall include any rate or charge or other payment payable under the special Act for any passenger, animal, carriage, goods, merchandize, articles, matters, or things, conveyed on the railway :

The word "month" shall mean calendar month :

The "lord ordinary" shall mean the lord ordinary of the Court of Session in Scotland officiating on the bills in time of vacation, or the junior lord ordinary, if in time of session, as the case may be :

The word "oath" shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath :

The word "county" shall include any ward or other like division of a county :

The word "sheriff" shall include the sheriff substitute :

The word "justice" shall mean justice of the peace acting for the county, city, or place where the matter requiring the cognizance of any such justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands, being the property of one and the same party, situate not wholly in any one county, city, or place, shall mean a justice acting for the county, city, or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two justices, the expression "two justices" shall be understood to mean two or more justices assembled and acting together :

Interpretations
in this Act:

"Special
Act:"

"Prescribed:"

"The lands:"

"The under-
taking."

Interpretations
in this and
the special
Act:

Number:

Gender:

"Lands:"

"Lease:"

"Toll:"

"Month:"

"Lord or-
dinary:"

"Oath:"

"County:"

"Sheriff:"

"Justice:"

"Two jus-
tices:"

- Where under the provisions of this or the special Act any notice shall be required to be given to the owner of any lands, or where any act shall be authorized or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any person or corporation who, under the provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company :
- " Owner: " The Bank: " The company: " The railway: " Board of Trade: "
- The expression "the bank" shall mean any one of the incorporated or chartered banks in Scotland :
- The expression "the company" shall mean the company or party which shall be authorized by the special Act to construct the railway :
- The expression "the railway" shall mean the railway and works by the special Act authorized to be constructed :
- The expression "the Board of Trade" shall mean the lords of the committee of her Majesty's privy council appointed for trade and foreign plantations.

Short title of the Act.

IV. AND be it enacted, that in citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Railways Clauses Consolidation (Scotland) Act, 1845."

Form in which portions of this Act may be incorporated in other Acts.

V. AND whereas it may be convenient in some cases to incorporate with Acts hereafter to be passed some portion only of the provisions of this Act : Be it therefore enacted, that for the purpose of making any such incorporation it shall be sufficient in any such Act to enact that the clauses of this Act with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act, in the words introductory to the enactment with respect to such matter,) shall be incorporated with such Act ; and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

Construction of railway.

The construction of the railway to be subject to the provisions of this Act and the Lands Clauses Consolidation (Scotland) Act.

And with respect to the construction of the railway and the works connected therewith, be it enacted as follows :

VI. IN exercising the power given to the company by the special Act to construct the railway, and to take lands for that purpose, the company shall be subject to the provisions and restrictions contained in this Act and in the said Lands Clauses Consolidation (Scotland) Act ; and the company shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the railway, or injuriously affected by the construction thereof, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties, by reason of the exercise, as regards such lands, of the powers by this or the special Act, or any Act incorporated therewith, vested in the company ; and, except where otherwise provided by this or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by the said Lands Clauses Consolidation Act for determining questions of compensation with regard to lands purchased or taken under the provisions thereof ; and all the provisions of the said last-mentioned Act shall be applicable to determine the amount of any such compensation, and to enforcing the payment or other satisfaction thereof.

VII. 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, described on the plans or books of reference mentioned in the special Act, or in the schedule to the special Act, it shall be lawful for the company, after giving ten days notice to the owners of the lands affected by such proposed correction, to apply to the sheriff for the correction thereof; and if it shall appear to such sheriff that such omission, mis-statement, or erroneous description arose from mistake, he shall certify the same accordingly, and 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 in the office of the principal sheriff clerk in every county in which the lands affected thereby shall be situate, and shall also be deposited with the schoolmasters of the several parishes (or in royal burghs with the town clerk) in which the lands affected thereby shall be situate; and such certificate shall be kept by such sheriff clerks, schoolmasters, and other persons respectively along with the other documents to which they relate; and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and it shall be lawful for the company to make the works in accordance with such certificate.

Construction of railway.

Errors and omissions in plans to be corrected.

VIII. IT shall not be lawful for the company to proceed in the execution of the railway, unless they shall have previously to the commencement of such work deposited in the office of the principal sheriff clerk in every county in or through which the railway is intended to pass a plan and section of all such alterations from the original plan and section as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section of the railway, and shall also have deposited with the schoolmasters of the several parishes, (or in royal burghs with the town clerk,) in or through which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited.

IX. THE said sheriff clerks, schoolmasters, and town clerks shall receive the said plans and sections of alterations, and copies and extracts thereof respectively, and shall retain the same, as well as the said original plans and sections, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner and upon the like terms and under the like penalty for default as is provided in the case of the original plans and sections by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to compel clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament."

Sheriff clerks, &c. to receive plans of alterations, and allow inspection.

7 Will. 4. & 1 Vict. c. 83.

X. TRUE copies of the said plans and books of reference, or of any alteration or correction thereof, or extract therefrom, certified by any such sheriff clerk in Scotland, which certificate such sheriff clerk shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

Certified copies to be evidence.

XI. IN making the railway it shall not be lawful for the company to deviate from the levels of the railway, as referred to the common datum line described in the section approved of by Parliament, and as marked on the same, to any

Limiting deviation from datum line described on sections, &c.

duction of
highway.

extent exceeding in any place five feet, or, in passing through a town, village, street, or land continuously built upon, two feet, without the previous consent in writing of the owners and occupiers of the land in which such deviation is intended to be made; or in case any street or public highway shall be affected by such deviation, then the same shall not be made without the consent of the trustees or commissioners having the control of such street or public highway, or, if there be no such trustees or commissioners, without the consent of the sheriff, or without the consent of the trustees or commissioners for any public sewers, or the proprietors of any canal, navigation, gas works, or water-works, affected by such deviation: Provided always, that it shall be lawful for the company to deviate from the said levels to a further extent without such consent as aforesaid, by lowering solid embankments or viaducts, provided that the requisite height of headway as prescribed by Act of Parliament be left for roads, streets, or canals passing under the same: Provided also, that notice of every application to the sheriff for the purpose of considering the matter shall, fourteen days previous to such application, be given in some newspaper circulating in the county, and also be affixed upon the door of the parish church in which such deviation or alteration is intended to be made, or, if there be no church, some other place to which notices are usually affixed.

c notice
given
as to
ig greater
ions.

XII. BEFORE it shall be lawful for the company to make any greater deviation from the level than five feet, or, in any town, village, street, or land continuously built upon, two feet, after having obtained such consent as aforesaid, it shall be incumbent on the company to give notice of such intended deviation by public advertisement, inserted once at least in two newspapers, or twice at least in one newspaper, circulating in the district or neighbourhood where such deviation is intended to be made, three weeks at least before commencing to make such deviation; and it shall be lawful for the owner of any lands prejudicially affected thereby, at any time before the commencement of the making of such deviation, to apply to the Board of Trade, after giving ten days notice to the company, to decide whether, having regard to the interests of such applicant, such proposed deviation is proper to be made; and it shall be lawful for the Board of Trade, if they think fit, to decide such question accordingly, and by their certificate in writing either to disallow the making of such deviation, or to authorize the making thereof, either simply, or with any such modification as shall seem proper to the Board of Trade; and after any such certificate shall have been given by the Board of Trade it shall not be lawful for the company to make such deviation, except in conformity with such certificate.

r to
s of
ing lands
eal to
of Trade
it such
ious.

e,
le, &c.
made
oked
posited

XIII. WHERE in any place it is intended to carry the railway on an arch or arches or other viaduct, as marked on the said plan or section, the same shall be made accordingly; and where a tunnel is marked on the said plan or section as intended to be made at any place, the same shall be made accordingly, unless the owners, lessees, and occupiers of the land in which such tunnel is intended to be made shall consent that the same shall not be so made.

ng
ions
adients,
, &c.

XIV. It shall not be lawful for the company to deviate from or alter the gradients, curves, tunnels, or other engineering works described in the said plan or section, except within the following limits, and under the following conditions; (that is to say,)

Subject to the above provisions in regard to altering levels, it shall be lawful for the company to diminish the inclination or gradients of the railway to any extent, and to increase the said inclination or gradients as follows; (that is to say,) in gradients of an inclination not exceeding one in a hundred, to any extent not exceeding ten feet per mile, or to any further extent which shall be certified by the Board of Trade to be consistent with the public safety, and not prejudicial to the public interest; and in gradients exceeding the inclination of one in a hundred, to any extent not exceeding three feet per mile, or to any further extent which shall be so certified by the Board of Trade as aforesaid :

Construction of railway.

It shall be lawful for the company to diminish the radius of any curve described in the said plan to any extent which shall leave a radius of not less than half a mile, or to any further extent authorized by such certificate as aforesaid from the Board of Trade :

It shall be lawful for the company to make a tunnel, not marked on the said plan or section, instead of a cutting, or a viaduct instead of a solid embankment, if authorized by such certificate as aforesaid from the Board of Trade.

XV. It shall be lawful for the company to deviate from the line delineated on the plans so deposited, provided that no such deviation shall extend to a greater distance than the limits of deviation delineated upon the said plans, nor to a greater extent in passing through a town than ten yards, or elsewhere to a greater extent than one hundred yards from the said line, and that the railway by means of such deviation be not made to extend into the lands of any person, whether owner, lessee, or occupier, whose name is not mentioned in the books of reference, without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake shall have been certified in manner herein or in the special Act provided for in cases of unintentional errors in the said book of reference.

Lateral deviations.

XVI. SUBJECT to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the company, for the purpose of constructing the railway, or the accommodation works connected therewith, herein-after mentioned, to execute any of the following works; (that is to say,)

Works to be executed.

They may make or construct, in, upon, across, under, or over any lands, or any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences, as they think proper ;

Inclined planes, &c.

They may alter the course of any rivers not navigable, canals, brooks, streams, or watercourses, and of any branches of navigable rivers, such branches not being themselves navigable, within such lands, for the purpose of constructing and maintaining tunnels, bridges, passages, or other works over or under the same, and divert or alter, as well temporarily as permanently, the course of any such rivers or streams of water, roads, streets, or ways, or raise or sink the level of any such rivers or streams,

Alteration of course of rivers, &c.

<i>Construction of railway.</i>	roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper ;
Drains, &c.	They may make drains or conduits into, through, or under any lands adjoining the railway, for the purpose of conveying water from or to the railway ;
Warehouses, &c.	They may erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences, as they think proper ;
Alterations and repairs.	They may from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead ; and
General power.	They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway :

Provido as to damages. Provided always, that in the exercise of the powers by this or the special Act granted the company shall do as little damage as can be, and shall make full satisfaction, in manner herein and in the special Act, and any Act incorporated therewith, provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

Works on the shore of the sea, &c. not to be constructed without the authority of the commissioners of woods and forests and commissioners of the Admiralty.

XVII. It shall not be lawful for the company to construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work, or to construct any railway or bridge across any creek, bay, arm of the sea, or navigable river, where and so far up the same as the tide flows and reflows, without the previous consent of her Majesty, her heirs and successors, to be signified in writing under the hands of two of the commissioners of her Majesty's woods, forests, land revenues, works, and buildings, and of the lord high admiral of the United Kingdom of Great Britain and Ireland, or the commissioners for executing the office of the lord high admiral aforesaid for the time being, to be signified in writing under the hand of the secretary of the Admiralty, and then only according to such plan and under such restrictions and regulations as the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, and the said lord high admiral, or the said commissioners, may approve of, such approval being signified as last aforesaid ; and where any such work, railway, or bridge shall have been constructed it shall not be lawful for the company at any time to alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals ; and if any such work, railway, or bridge shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, or the said lord high admiral, or the said commissioners for executing the office of lord high admiral, to abate and remove the same, and to restore the site thereof to its former condition, at the costs and charge of the company ; and the amount thereof may be recovered in the same manner as a penalty is recoverable against the company.

Alteration of water and gas pipes, &c.

XVIII. It shall be lawful for the company, for the purpose of constructing the railway, to raise, sink, or otherwise alter the position of any of the water-courses, water pipes, or gas pipes belonging to any of the houses adjoining or near to the railway, and also the mains and other pipes laid down by any company or society who may furnish the inhabitants of such houses or places with water or gas, and also to remove all other obstructions to such construction, so as the same respectively be done with as little detriment and

*Temporary
use of lands.*

essential to be retained by such owner in order to the beneficial enjoyment of other neighbouring lands belonging to him, or on the ground that other lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such purposes by the company; and upon objection being so made such proceedings may be had as herein-after mentioned; and if in such case the company shall refuse to occupy such other lands in lieu of those mentioned in the notice, it shall be lawful for the sheriff, on the application of such owner or occupier, to summon the company and the owners and occupiers of such other lands to appear before him at a time and place to be named in such summons, such time not being more than fourteen days after such application nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such sheriff to determine summarily which of the said lands shall be used by the company for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

Power to the
sheriff to
summon other
owners before
him.

XXXI. IF in the case last mentioned it shall appear to such sheriff, upon the inquiry before him, that the lands of any other party not summoned before him, being sufficient in quantity, and such as the company are herein-before authorized to take or use for the purposes aforesaid, would be more fitting to be used by the company than the lands of the person who shall have been so summoned as aforesaid, it shall be lawful for the said sheriff to adjourn such inquiry, and to summon such other person to appear before him at any time, not being more than fourteen days from such inquiry nor less than seven days from the service of such summons; and on the appearance of the parties, or in the absence of any of them, on proof of due service of the summons, it shall be lawful for such sheriff to determine finally which lands shall be used for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

The company
to give
sureties, if
required.

XXXII. BEFORE entering, under the provisions herein-before contained, upon any such lands as shall be required for spoil banks or for side cuttings, or for obtaining materials or forming roads as aforesaid, the company shall, if required by the owner or occupier thereof, seven days at least before the expiration of the notice to take such lands as herein-before mentioned, find two sufficient persons, to be approved of by the sheriff, in case the parties differ, who shall enter into a bond to such owner or occupier, in a sum to such amount as shall be approved of by the sheriff, in case the parties differ, for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

Company to
separate the
lands before
using them.

XXXIII. BEFORE the company shall use any such lands for any of the purposes aforesaid they shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner, in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads, and in case of any difference between the owners or occupiers of such roads and lands and the company as to the necessity for such fences and gates, such fences and gates as any two justices

shall deem necessary for the purposes aforesaid, on application being made to them in like manner as herein-before is provided in respect of the use of such road.

Temporary use of lands.

XXXIV. THAT if any land shall be taken or used by the company, under the provisions of this or the special Act, for the purpose of getting materials therefrom for the construction or repair of the railway, or the accommodation works connected therewith, they shall work the same in such manner as the surveyor or agent of the owner of such land shall direct, or, in case of disagreement between such surveyor or agent and the company, in such manner as any justice shall direct, on the application of either party, after notice of the hearing of the application shall have been given to the other party.

Lands taken for getting materials, &c. to be worked as surveyor of owner shall direct.

XXXV. IN all cases in which the company shall in exercise of the powers aforesaid enter upon any lands for the purpose of making spoil banks or side cuttings thereon, or for obtaining therefrom materials for the construction or repair of the railway, it shall be lawful for the owners or occupiers of such lands, or parties having such interests therein as, under the provisions in the said Lands Clauses Consolidation Act mentioned, are capable of being by them sold or conveyed to the company, at any time during the possession of any such lands by the company, and before such owners or occupiers shall have accepted compensation from the company in respect of such temporary occupation, to serve a notice in writing on the company, requiring them to purchase the said lands, or interests therein capable of being sold and conveyed by them respectively; and in such notice such owners or occupiers shall set forth the particulars of such their interest in such lands, and the amount of their claim in respect thereof; and the company shall thereupon be bound to purchase the said lands, or the interest therein capable of being sold and conveyed by the parties serving such notice.

Owners of lands may compel company to purchase lands so temporarily occupied.

XXXVI. IN any of the cases aforesaid, where the company shall not be required to purchase such lands, and in all other cases where they shall take temporary possession of lands by virtue of the powers herein or in the special Act granted, it shall be incumbent on the company, within one month after their entry upon such lands, upon being required so to do, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands, and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier, or to the owner of the lands, as the case may require, a rent, to be fixed by the sheriff in case the parties differ, and shall also within six months after they shall have ceased to occupy the said lands, and not later than six months after the expiration of the time by the special Act limited for the completion of the railway, pay to such owner and occupier, or deposit in the Bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise, as regards the said lands, of the powers herein or in the special Act granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

Compensation to be made for temporary occupation.

XXXVII. THE amount and application of the purchase money and other compensation payable by the company in any of the cases aforesaid shall be

Purchase-money or compensation

to be ascertained and applied under the Lands Clauses Act.

Lands for additional stations.

Land to be taken for additional stations, &c.

determined in the manner provided by the said Lands Clauses Consolidation Act for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

XXXVIII. AND be it enacted, that it shall be lawful for the company, in addition to the lands authorized to be compulsorily taken by them under the powers of this or the special Act, to contract with any party willing to sell the same for the purchase of any land adjoining or near to the railway, or to any other railway communicating therewith, and on which the traffic thereupon may pass, and in any town or city adjoining to or near such railways, not exceeding in the whole the prescribed number of acres, for extraordinary purposes; (that is to say,)

For the purpose of making and providing additional stations, yards, wharfs, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods or cattle to be conveyed upon the railway, and for the erection of weighing machines, toll houses, offices, warehouses, and other buildings and conveniences;

For the purpose of making convenient roads or ways to the railway, or any other purpose which may be requisite or convenient for the formation or use of the railway.

And with respect to the crossing of roads, or other interference therewith, be it enacted as follows:

Crossing of roads, and construction of bridges.

Crossing of roads.

XXXIX. IF the line of the railway cross any turnpike road or public highway, then, except where otherwise provided by the special Act, either such road shall be carried over the railway, or the railway shall be carried over such road, by means of a bridge, of the height and width and with the ascent or descent by this or the special Act in that behalf provided; and such bridge, with the immediate approaches, and all other necessary works connected therewith, shall be executed and at all times thereafter maintained at the expence of the company: Provided always, that, with the consent of the sheriff or two or more justices, as after mentioned, it shall be lawful for the company to carry the railway across any highway, other than a public carriage road, on the level.

Level crossings.

Provision in cases where roads are crossed on a level.

XL. IF the railway cross any turnpike road or public carriage road on a level, the company shall erect and at all times maintain good and sufficient gates across such road, on each side of the railway, where the same shall communicate therewith, and shall employ proper persons to open and shut such gates; and such gates shall be kept constantly closed across such road on both sides of the railway, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross such railway; and such gates shall be of such dimensions and so constructed as when closed to fence in the railway, and prevent cattle or horses passing along the road from entering upon the railway; and the person intrusted with the care of such gates shall cause the same to be closed as soon as such horses, cattle, carts, or carriages shall have passed through the same, under a penalty of forty shillings for every default therein: Provided always, that it shall be lawful for the Board of Trade, in any case in which they are satisfied that it will be more conducive to the public safety that the gates on any level crossing over any such road should be kept closed across the railway, to order that such gates shall be kept so closed, instead of across the road, and in such case such gates shall be kept

constantly closed across the railway, except when engines or carriages passing along the railway shall have occasion to cross such road, in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road.

Crossing of roads, and construction of bridges.

XLI. WHERE the railway crosses any turnpike road on a level adjoining to a station, all trains on the railway shall be made to slacken their speed before arriving at such turnpike road, and shall not cross the same at any greater rate of speed than four miles an hour; and the company shall be subject to all such rules and regulations with regard to such crossings as may from time to time be made by the Board of Trade.

As to crossing of turnpike roads adjoining stations.

XLII. EVERY bridge to be erected for the purpose of carrying the railway over any road, except as otherwise provided by the special Act, shall be built in conformity with the following regulations; (that is to say,)

Construction of bridges carrying railway over roads.

The width of the arch shall be such as to leave thereunder a clear space of not less than thirty-five feet if the arch be over a turnpike road, and of twenty-five feet if over a public carriage road, and of twelve feet if over a private road:

The clear height of the arch from the surface of the road shall be not less than sixteen feet for a space of twelve feet if the arch be over a turnpike road, and fifteen feet for a space of ten feet if over a public carriage road; and in each of such cases the clear height at the springing of the arch shall not be less than twelve feet:

The clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private carriage road:

The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a turnpike road, one foot in twenty feet if over a public carriage road, and one foot in sixteen feet if over a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the descent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

XLIII. EVERY bridge erected for carrying any road over the railway shall, except as otherwise provided by the special Act, be built in conformity with the following regulations; (that is to say,)

Construction of bridges carrying roads over railway.

There shall be a good and sufficient fence on each side of the bridge of not less height than four feet, and on each side of the immediate approaches of such bridge of not less than three feet:

The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a turnpike road, and twenty-five feet if a public carriage road, and twelve feet if a private road:

The ascent shall not be more than one foot in thirty feet if the road be a turnpike road, one foot in twenty feet if a public carriage road, and one foot in sixteen feet if a private carriage road, not being a tramroad or railroad, or if the same be a tramroad or railroad the ascent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

hat in all cases where the average available
ges of any existing roads within fifty yards of
is less than the width herein-before prescribed
railway the width of such bridges need not be
ilable width of such roads, but so nevertheless
width, in the case of a turnpike road or public
t: Provided also, that if at any time after the
average available width of any such road shall
th of such bridge on either side thereof, the
heir own expence, to increase the width of the
hey may be required by the trustees or surveyors
he width of such road as so widened, or the
the special Act prescribed for a bridge in the
lway.

if the mesne inclination of any road within two
point of crossing the same, or the inclination of
ay require to be altered, or for which another
ll be steeper than the inclination herein-before
he company, then the company may carry any
ailway, or may construct such altered or substi.
ot steeper than the said mesne inclination of th
e road so requiring to be altered, or for whic
ed.

the powers by this or the special Act granted,
ut through, raise, sink, or use any part of any
rse road, tramroad, or railway, either public or
assable for or dangerous to passengers or car-
d to the use thereof, the company shall, before
operations, cause a sufficient road to be made
erfered with, and shall at their own expence
d in a state as convenient for passengers and
ed with, or as nearly so as may be.

not cause another sufficient road to be so made
y such existing road as aforesaid, they shall
y day during which such substituted road shall
road shall have been interrupted; and such
ustees, commissioners, surveyor, or other person
road, if a public road, and shall be applied for
of a private road the same shall be paid to the
h penalty shall be recoverable, with costs, by

ed to a right of way over any road so interfered
ffer any special damage by reason that the
other sufficient road to be made before they
d, it shall be lawful for such party to recover
age from the company, with expences, by action
amage claimed exceeds twenty-five pounds, or
amage claimed does not exceed twenty-five
y party shall have sued for such penalty as

aforesaid or not, and without prejudice to the right of any party to sue for the same.

Crossing of roads, and construction of bridges.

XLIX. If the road so interfered with can be restored compatibly with the formation and use of the railway, the same shall be restored to as good a condition as the same was in at the time when the same was first interfered with by the company, or as near thereto as may be; and if such road cannot be restored compatibly with the formation and use of the railway, the company shall cause the new or substituted road, or some other sufficient substituted road, to be put into a permanently substantial condition, equally convenient as the former road, or as near thereto as circumstances will allow; and the former road shall be restored, or the substituted road put into such condition as aforesaid, as the case may be, within the following periods after the first operation on the former road shall have been commenced, unless the trustees or parties having the management of the road to be restored by writing under their hands consent to an extension of the period, and in such case within such extended period; (that is to say,) if the road be a turnpike road, within six months, and if the road be not a turnpike road, within twelve months.

Roads interfered with to be restored, or others permanently substituted, within a limited time.

L. If any such road be not so restored, or the substituted road so completed as aforesaid, within the periods herein or in the special Act fixed for that purpose, the company shall forfeit to the trustees, commissioners, surveyor, or other person having the management of the road interfered with by the company, if a public road, or if a private road to the owner thereof, twenty pounds for every day after the expiration of such periods respectively during which such road shall not be so restored or the substituted road completed; and it shall be lawful for the sheriff or justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

Penalty for failing to restore or substitute road.

LI. If in the course of making the railway the company shall use or interfere with any road, they shall from time to time make good all damage done by them to such road; and if any question shall arise as to the damage done to any such road by the company, or as to the repair thereof by them, the same shall be determined by the sheriff or two justices; and such sheriff or justices may direct such repairs to be made in the state of such road, in respect of the damage done by the company, and within such period, as they think reasonable, and may impose on the company, for not carrying into effect such repairs, any penalty, not exceeding five pounds per day, as to such sheriff or justices shall seem just; and such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the company, if a public road, and be applied for the purposes of such road, or if a private road the same shall be paid to the owner thereof: Provided always, that in determining any such question with regard to a turnpike road the said sheriff or justices shall have regard to and make full allowance for any tolls that may have been paid by the company on such road in the course of the using thereof.

Company to repair roads used by them.

LII. If the railway shall cross any highway other than a public carriage-way on the level, the company shall at their own expence make and at all times maintain convenient ascents and descents and other convenient approaches, with handrails and other fences, and shall, if such highway be a bridleway, erect and at all times maintain good and sufficient gates, and if the same shall

Company to make sufficient approaches and fences to highways, other than public carriage roads, crossing on the level.

ment gates or stiles on each side of the railway, and to provide and maintain the same, and to erect and maintain thereon any gates or stiles therewith.

The company shall intend to apply for the consent of the justices before provided, so as to authorize them to cross any highway other than a public carriage road on the ground at least previous to the time at which such crossing is made, cause notice of such intended application to be circulating in the county, and also to be affixed to the church of the parish in which such crossing is intended to be made; and if there be no such church, some other place to which it shall appear to the sheriff, or to any two or more justices of the district in which such highway at the place where such notice as aforesaid, that the railway may be carried over the same, to the public safety and convenience, be carried, it shall be lawful for such sheriff or justices to order that the same be so carried accordingly.

The company shall cross any highway on the level the company may think fit, and by such ascent and descents or other convenient approaches, as they are herein-before required to be made, and the sheriff or two justices, on the application of any two householders within the parish or district in which such highway situate, after not less than ten days notice to the company to make such ascent and descent or other approaches, gates, or stiles as aforesaid, within a period to be appointed by such sheriff or justices; and if the company fail to do so, they shall forfeit five pounds for every day that the same shall be so carried; and it shall be lawful for the sheriff or justices by whom such order shall be made, to order the whole or any part thereof to be carried by such person as they think fit, in executing the penalty was incurred.

The trustees of any turnpike road, or the surveyor thereof, shall not be liable to the passengers on such road in consequence of any obstruction or hindrance occasioned by the sight of the engines or carriages of the railway, if it shall be lawful for such commissioners or justices, on giving fourteen days notice to the company, to apply to the justices to inspect thereto; and if it shall appear to the said justices that the same shall be obviated or lessened by the construction of a screen near to or adjoining the side of such road, they shall think fit, to certify the works necessary to be done by the company for the purpose of obviating or lessening the same, and such certificate to require the company to execute the same within the time after the service of such certificate, to be

such certificate as aforesaid the company shall have done, and if they shall not do such work in the nature of a screen, they shall be liable to the passengers on such road in consequence of any obstruction or hindrance occasioned by the sight of the engines or carriages of the railway, and if they shall do so, they shall forfeit to the commissioners five pounds for every day during which such works shall not be done, and the period so appointed for their completion;

and that without proof of the authority of the person signing the same, or of the signature thereto, which matters shall be presumed until the contrary be proved; and service of any such document, by leaving the same at one of the principal offices of the railway company, or by sending the same by post addressed to the secretary at such office, shall be deemed good service upon the company; and all notices and other documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by post addressed to, the office of the Board of Trade in London.

*Works for
accommodation
and protection
of lands.*

Works to be
erected for the
accommodation
of adjoining
lands.
Gates,
bridges, &c. :

And with respect to works for the accommodation of lands adjoining the railway, be it enacted as follows:

LX. THE company shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway; (that is to say)

Such and so many convenient gates, bridges, arches, culverts, and passages over, under, or by the sides of or leading to or from the railway, as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made; and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed, or during the formation thereof:

Fences:

Also sufficient posts, rails, hedges, ditches, mounds, or other fences, for separating the land taken for the use of the railway from the adjoining lands not taken, and protecting such lands from trespass, or the cattle of the owners or occupiers thereof from straying thereout, by reason of the railway, together with all necessary gates, made to open towards such adjoining lands, and not towards the railway, and all necessary stiles; and such posts, rails, and other fences shall be made forthwith after the taking of any such lands, if the owners thereof shall so require, and the said other works as soon as conveniently may be:

Drains:

Also all necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the railway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be; and such works shall be made from time to time as the railway works proceed:

Watering
places.

Also proper watering places for cattle, where by reason of the railway the cattle of any person occupying any lands lying near thereto shall be deprived of access to their former watering places; and such watering places shall be so made as to be at all times as sufficiently supplied with water as theretofore, and as if the railway had not been made, or as nearly so as may be; and the company shall make all necessary water-courses and drains for the purpose of conveying water to the said watering places:

Provided always, that the company shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway, and that the company may, in lieu of such accommodation works, make compensation to the owners and occupiers of the lands for the want thereof, in such manner as may be agreed upon between the company

*Works for
accommodation
and protection
of lands.*

through their respective lands, solely for the purpose of occupying the same lands, or for the exercise of such right of way, and so as not to obstruct the passage along the railway, or to damage the same; nevertheless, if the owner or occupier of any such lands have in his arrangements with the company received or agreed to receive compensation for or on account of any such communications, instead of the same being formed, such owner or occupier, or those claiming under him, shall not be entitled so to cross the railway.

*Materials, &c.
to vest in
company for
purposes of
prosecution.*

LXVII. DURING the execution of any contract made with the company the works in course of being done under such contract, and all the materials of every description brought upon or near such works for the purpose of being used in the execution of such contract, shall, in all proceedings instituted by them for the purpose of protecting the same, or by the public prosecutor for the purpose of punishment on account of offences committed against the same, be held to be the property of the company.

*Penalty on
persons
omitting to
fasten gates.*

LXVIII. If any person omit to shut and fasten any gate set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands as soon as he and the carriage, cattle, or other animals under his care have passed through the same, he shall forfeit for every such offence any sum not exceeding forty shillings.

*Branch
railways.*

*Power to
parties to
make private
branch rail-
ways com-
municating
with the
railway.
5 & 6 Vict.
c. 55.*

LXIX. AND be it enacted, that this or the special Act shall not prevent the owners or occupiers of lands adjoining to the railway, or any other persons, from laying down, either upon their own lands or upon the lands of other persons, with the consent of such persons, any collateral branches of railway to communicate with the railway, for the purpose of bringing carriages to or from or upon the railway, but under and subject to the provisions and restrictions of an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act for the better regulation of railways, and for the conveyance of troops"; and the company shall, if required, at the expence of such owners and occupiers and other persons, and subject also to the provisions of the said last-mentioned Act, make openings in the rails, and such additional lines of rail as may be necessary for effecting such communication, in places where the communication can be made with safety to the public, and without injury to the railway, and without inconvenience to the traffic thereon; and the company shall not take any rate or toll or other monies for the passing of any passengers, goods, or other things along any branch so to be made by any such owner or occupier or other person; but this enactment shall be subject to the following restrictions and conditions; (that is to say,)

*Restrictions
and conditions.*

No such branch railway shall run parallel to the railway:

The company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere, nor upon any inclined plane or bridge, nor in any tunnel:

The persons making or using such branch railways shall be subject to all bye laws and regulations of the company from time to time made with respect to passing upon or crossing the railway and otherwise; and the persons making or using such branch railways shall be bound to construct, and from time to time, as need may require, to renew, the offset plates and switches, according to the most approved plan adopted by the company, and under the direction of their engineer.

*Working of
mines.*

—
Mining com-
munications
between mines
lying on both
sides of railway.

the company to execute the same, and recover from such owner, lessee, or occupier the expence occasioned thereby, by action in any competent court.

LXXIII. IF the working of any such mines or minerals under the railway or works, or within the above-mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees, and occupiers of such mines, and whose mines shall extend so as to be on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway, or water level shall be of greater dimensions or section than the prescribed dimensions and sections, and where no dimensions shall be prescribed not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon.

Company to
make com-
pensation for
injury done
to mines;

LXXIV. THE company shall from time to time pay to the owner, lessee, or occupier of any such mines extending so as to be on both sides of the railway all such additional expences and losses as shall be incurred by such owner, lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway; and if any dispute or question shall arise between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expences, the same shall be settled as in other cases of disputed compensation.

and also to
owner, &c. of
surface for
damage caused
by any airway
or other
work made
necessary by
the railway.

LXXV. IF any loss or damage be sustained by the owner or occupier of the lands lying over any such mines the working whereof shall have been so prevented as aforesaid, (and not being the owner, lessee, or occupier of such mines,) by reason of the making of any such airway or other work as aforesaid, which or any like work would not have been necessary to be made but for the working of such mines having been so prevented as aforesaid, the company shall make full compensation to such owner or occupier of the surface lands for the loss or damage so sustained by him.

Power to the
company to
enter and
inspect the
working of
mines.

LXXVI. FOR better ascertaining whether any such mines are being worked or have been worked so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked or are supposed so to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery connected with such mines belonging to the owner, lessee, or occupier of such mines, upon payment of the reasonable cost of using and working the same, and of any loss thereby occasioned to the working of the mines, or otherwise, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked or about so to be.

LXXXVIII. No tolls shall be demanded or taken by the company for the use of the railway during any time at which the boards herein-before directed to be exhibited shall not be so exhibited, or at which the milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any person wilfully pull down, deface, or destroy any such board or milestone, he shall forfeit a sum not exceeding five pounds for every such offence.

LXXXIX. THE tolls shall be paid to such persons, and at such places upon or near to the railway, and in such manner and under such regulations, as the company shall, by notice to be annexed to the list of tolls, appoint.

XC. IF, on demand, any person fail to pay the tolls due in respect of any carriage or goods, it shall be lawful for the company to detain and sell such carriage, or all or any part of such goods, or, if the same shall have been removed from the premises of the company, to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls, and out of the monies arising from such sale to retain the tolls payable as aforesaid, and all charges and expences of such detention and sale, rendering the overplus, if any, of the monies arising by such sale, and such of the carriages or goods as shall remain unsold, to the person entitled thereto, or it shall be lawful for the company to recover any such tolls by action at law.

XCI. EVERY person being the owner or having the care of any carriage or goods passing or being upon the railway shall, on demand, give to the collector of tolls, at the places where he attends for the purpose of receiving goods or of collecting tolls for the part of the railway on which such carriage or goods may have travelled or be about to travel, an exact account in writing signed by him of the number or quantity of goods conveyed by any such carriage, and of the point on the railway from which such carriage or goods have set out or are about to set out, and at what point the same are intended to be unloaded or taken off the railway; and if the goods conveyed by any such carriage, or brought for conveyance as aforesaid, be liable to the payment of different tolls, then such owner or other person shall specify the respective numbers or quantities thereof liable to each or any of such tolls.

XCII. IF any such owner or other such person fail to give such account, or to produce his way-bill or bill of lading, to such collector or other officer or servant of the company demanding the same, or if he give a false account, or if he unload or take off any part of his lading or goods at any other place than shall be mentioned in such account, with intent to avoid the payment of any tolls payable in respect thereof, he shall for every such offence forfeit to the company a sum not exceeding ten pounds for every ton of goods, or for any parcel not exceeding one hundred weight, and so in proportion for any less quantity of goods than one ton, or for any parcel exceeding one hundred weight, (as the case may be,) which shall be upon any such carriage; and such penalty shall be in addition to the toll to which such goods may be liable.

XCIII. IF any dispute arise concerning the amount of the tolls due to the company, or concerning the charges occasioned by any detention or sale thereof under the provisions herein or in the special Act contained, the same shall be settled by the sheriff or by two justices; and it shall be lawful for the company in the meanwhile to detain the goods, or (if the case so require) the proceeds of the sale thereof.

Collection of tolls.

Tolls to be taken only whilst board exhibited and milestones set up.

Penalty for defacing boards or milestones.

Tolls to be paid as directed by the company.

In default of payment of tolls, goods, &c. may be detained and sold;

or tolls recovered by action.

Account of lading, &c. to be given.

Penalty for not giving account of lading, &c.

Settlement of disputes as to amount of tolls chargeable.

Collection of
tolls.
—
Differences as
weights, &c.

XCIV. If any difference arise between any toll collector or other officer or servant of the company and any owner of or person having the charge of any carriage passing or being upon the railway, or of any goods conveyed or to be conveyed by such carriage, respecting the weight, quantity, quality, or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or examination such goods appear to be of greater weight or quantity or of other nature than shall have been stated in the account given thereof, then the person who shall have given such account shall pay, and the owner of such carriage, or the respective owners of such goods, shall also, at the option of the company, be liable to pay, the costs and examining; but if such goods appear to be of the same quantity than and of the same nature as shall have been stated in the account, then the company shall pay such costs, and the owner of or person having charge of such carriage, and owners of such goods, such damage (if any) as shall appear to a justice of the peace, on a summary application to him or them to have arisen from such detention.

If collector
be liable
for
wrongful
detention of
goods.

XCIV. If at any time it be made to appear to any such sheriff or justices, upon the complaint of the company, that any such detention, measuring, or examining of any carriage or goods, as herein-before mentioned, was without reasonable ground, or that it was vexatious on the part of such collector or other officer, then the collector or other officer shall himself pay the costs of such detention and measuring, and the damage occasioned thereby; and in default of immediate payment of any such costs or damage the same may be recovered by pointing and sale of the goods of such collector, and such sheriff or justices shall issue his or their warrant accordingly.

Liability on
passengers
for
not
paying
fares on the
company.

XCVI. If any person travel or attempt to travel in any carriage of the company, or of any other company or party using the railway, without having previously paid his fare, and with intent to avoid payment thereof, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceed in any such carriage beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence forfeit to the company a sum not exceeding forty shillings.

Penalty on
offenders.

XCVII. If any person be discovered, either in or after committing or attempting to commit any such offence as in the preceding enactment mentioned, all officers and servants and other persons on behalf of the company, or such other company or party as aforesaid, and all constables, gaolers, and peace officers, may lawfully apprehend and detain such person until he can conveniently be taken before the sheriff or some justice, or until he be otherwise discharged by due course of law.

Person to
carry or require
to be carried
by
railway.
Penalty on
offenders.
Penalty for
not marking such

XCVIII. No person shall be entitled to carry, or to require to be carried, upon the railway, any aquafortis, oil of vitriol, gun matches, or any other goods which in the judgment of the company are of a dangerous nature; and if any person send by the railway any such goods without distinctly marking their nature on the outside of the

taining the same, or otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, at the time of so sending, he shall forfeit to the company twenty pounds for every such offence; and it shall be lawful for the company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

XCIX. If any collector of tolls or other officer employed by the company be discharged or suspended from his office, or die, abscond, or absent himself, and if such collector or other officer, or the wife, widow, or any of the family or representatives of any such collector or other officer, refuse or neglect, after seven days notice in writing for that purpose, to deliver up to the company, or to any person appointed by them for that purpose, any station, dwelling house, office, or other building, with its appurtenances, or any books, papers, or other matters belonging to the company in the possession or custody of any such collector or officer at the occurrence of any such event as aforesaid, then, upon application being made by the company to the sheriff or to any two justices, it shall be lawful for such sheriff or justices to order any constable, with proper assistance, to enter upon such station or other building, and to remove any person found therein, and to take possession thereof, and of any such books, papers, or other matters, and to deliver the same to the company, or any person appointed by them for that purpose.

C. AND be it enacted, that the company shall every year cause an annual account in abstract to be prepared, showing the total receipts and expenditure of all funds levied by virtue of this or the special Act for the year ending on the thirty-first day of December or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the directors or some of them, and by the auditors, and shall, if required, transmit a copy of the said account, free of charge, to the sheriff clerks of the counties through which the railway shall pass, on or before the thirty-first day of January then next; and the copy of such account shall be open to the inspection of the public at all seasonable hours, on payment of the sum of one shilling for every such inspection: Provided always, that if the said company shall omit to prepare or transmit such account as aforesaid, if required so to do by any such sheriff clerk, they shall forfeit for every such omission the sum of twenty pounds.

And with respect to the regulations of the use of the railway, be it enacted as follows:

CI. IT shall be lawful for the company from time to time, subject to the provisions and restrictions in this and the special Act contained, to make regulations for the following purposes; (that is to say,)

For regulating the mode by which and the speed at which carriages using the railway are to be moved or propelled;

For regulating the times of the arrival and departure of any such carriages;

For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry;

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages;

goods by rail-
way without
giving notice to
company.
Company may
refuse or
inspect parcels.

Delivery of
offices, books,
&c. in
possession or
custody of
toll collector
at removal, &c.

Annual
account to
be made up,
and a copy
transmitted
to the sheriff
clerk.

Bye Laws.

Company to
regulate the
use of the
railway

the part of the lessee for maintaining the railway, or the portion thereof comprised in such lease, in good and efficient repair and working condition during the continuance thereof, and for so leaving the same at the expiration of the term thereby granted, and such other provisions, conditions, obligations, and agreements as are usually inserted in leases of a like nature.

executed in exercise of power to lease the railway.

CVI. Such lease shall entitle the company or person to whom the same shall be granted to the free use of the railway or portion of railway comprised herein, and during the continuance of any such lease all the powers and privileges granted to and which might otherwise be exercised and enjoyed by the company, or the directors thereof, or their officers, agents, or servants, by virtue of this or the special Act, with regard to the possession, enjoyment, and management of the railway, or of the part thereof comprised in such lease, and the tolls to be taken thereon, shall be exercised and enjoyed by the lessee, and the officers and servants of such lessee, under the same regulations and restrictions as are by this or the special Act imposed on the company, and on the directors, officers, and servants; and such lessee shall, with respect to the railway comprised in such lease, be subject to all the obligations by this or the special Act imposed on the company.

Powers vested in the company to be exercised by the lessee.

and with respect to the engines and carriages to be brought on the railway, shall be subject to the provisions enacted as follows:

Carriages and engines.

VII. EVERY locomotive steam engine to be used on the railway shall, if it consumes coal or other similar fuel emitting smoke, be constructed on the principle of consuming and so as to consume its own smoke; and if any engine be not so constructed the company or party using such engine shall forfeit five pounds for every day during which such engine shall be used on the railway.

Engines to consume their smoke.

VIII. No locomotive or other engine, or other description of moving machinery, shall at any time be brought upon or used on the railway unless the same shall have first been approved of by the company; and within fourteen days after notice given to the company by any party desirous of bringing any such engine on the railway the company shall cause their engineer or other agent to examine such engine, at any place within three miles distance from the railway, and to report thereon to the company; and to report thereon to the company; and within seven days after such report, if such engine be proper to be used on the railway, the company shall give a certificate to the party requiring the use of their approval of such engine; and if at any time the engineer or other agent of the company report that any engine used upon the railway is out of repair, or unfit to be used upon the railway, the company may require the engine to be taken off, or may forbid its use upon the railway until the same shall have been repaired to the satisfaction of the company, and upon the engine being so repaired the company shall give a certificate to the party requiring the same of their approval of such engine; and if any difference of opinion shall arise between the company and the owner of any such engine as to the fitness or unfitness thereof for the purpose of being used on the railway, the same difference shall be settled by arbitration.

Engines to be approved by the company, and certificate of approval given.

IX. If any person, whether the owner or other person having the care and management thereof, bring or use upon the railway any locomotive or other engine, or any machinery, or any power, without having first obtained such certificate of approval as aforesaid, or if, after notice given by the company to remove any such engine from the railway, such person do not forthwith remove the same, or if, after

Unfit engines to be removed.

Penalties on persons using improper engines.

CXVI. THE company shall not be liable for any damage or loss occasioned by any such unloading, removal, or detention as aforesaid, except for damage wilfully or negligently done to any carriage or goods so unloaded, removed, or detained; nor shall they be liable for the safe custody of any such carriage or goods so detained, unless the same be wrongfully detained by them, and then only for so long a time as the same shall have been so wrongfully detained.

Company not to be liable for damage, except wilful damage, by unloading, &c.

CXVII. THE respective owners of engines and carriages passing or being upon the railway shall be answerable for any damage done by their engines or carriages, or by any of the servants or persons employed by them, to or upon the railway, or the machinery or works belonging thereto, or to or upon the property of any other person.

Owners of engines, &c. liable for damage done by engines, &c. or by servants.

CXVIII. It shall be lawful for any owner of any engine or carriage who shall pay the amount of any damage caused by the misfeasance or negligence of any servant or other person employed by him to recover the amount so paid by him from such servant or other person.

Owners may recover from servants amounts paid for damage caused by their negligence.

And with respect to the settlement of disputes by arbitration, be it enacted as follows :

Arbitration.

CXIX. WHEN any dispute directed by this or the special Act, or any Act incorporated therewith, to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbiter, each party, on the request of the other party, shall nominate and appoint an arbiter to whom such dispute shall be referred; and every appointment of an arbiter shall be made on the part of the company under the hand of the secretary or any two of the directors of the company, and on the part of any other party under the hand of the proper officer or person authorized by such company or corporation; and such appointment shall be delivered to the arbiter, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matters so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbiter, such last-mentioned party fail to appoint such arbiter, then upon such failure the party making the request, and having himself appointed an arbiter, may appoint such arbiter to act on behalf of both parties, and such arbiter may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbiter shall be final.

Appointment of arbiters where questions are to be determined by arbitration.

CXX. IF before the matters so referred shall be determined any arbiter appointed by either party die, or become incapable to act, the party by whom such arbiter was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbiter may proceed ex parte; and every arbiter so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbiter at the time of such his death or incapacity as aforesaid.

Vacancy of arbiter to be supplied.

the original decreets arbitral or awards themselves, except where the originals are offered to be improven.

CXXIX. No award made in respect to any question referred to arbitration under the provisions of this or the special Act shall be set aside for irregularity or error in matter of form.

Award not to be set aside for matter of form.

CXXX. AND be it enacted, that any summons or notice, or any writ or other proceeding at law, requiring to be served upon the company, may be served by the same being left at or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

Service of notices upon company.

CXXXI. AND be it enacted, that if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defender, by leave of the court where such action shall be pending, at any time before the record is closed, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defenders are allowed to pay money into court.

Tender of amends.

Payment into court.

And with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff or to justices, be it enacted as follows:

Recovery of damages and penalties.

CXXXII. In all cases where any damages, charges, or expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by the sheriff; and if the amount so ascertained be not paid by the company or other party liable to pay the same within seven days after demand, the amount may be recovered by poinding and sale of the goods of the company or other party liable as aforesaid; and the sheriff shall, on application, issue his warrant accordingly.

Provision for ascertainment of damages otherwise provided for.

Enforcement by poinding and sale.

CXXXIII. If sufficient goods of the company cannot be found whereon to levy any such damages, charges, or expences payable by the company, the same may, if the amount thereof do not exceed twenty pounds, be recovered by poinding and sale of the goods of the reasurer of the company; and the sheriff, on application, shall issue his warrant accordingly; but no such poinding and sale shall be executed against the goods of such treasurer unless seven days previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress or poinding and sale as aforesaid, he may retain the amount so paid by him, and all expences occasioned thereby, out of any money belonging to the company coming into his custody or control, or he may sue the company for the same.

Poinding and sale against the treasurer.

Notice to treasurer.

Reimbursement of treasurer.

CXXXIV. WHERE in this or the special Act, or any Act incorporated therewith, any question of damages, charges, expences, or other matter, is

Method of proceeding before the

Recovery of damages and penalties.

sheriff or justices in questions of damages, &c.

referred to the determination of any sheriff or justices, it shall be lawful for the sheriff or any justice, upon the application of either party, to order the other party to appear before such sheriff if the order shall be issued by the sheriff, or before two justices if the order shall have been issued by a justice, at a time and place to be named in such summons; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such sheriff or such two justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the expences of every such inquiry shall be in the discretion of such sheriff or justices, and he or they shall determine the amount thereof.

Publication of penalties.

CXXXV. THE company shall publish the short particular offences for which any penalty is imposed by this or the special Act incorporated therewith, or by any bye law of the company or of any other persons than the shareholders, officers, or servants of the company, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and cause such board to be hung up or affixed on some conspicuous principal place of business of the company, and where any bye law of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applied or have reference; and such particulars shall be renewed as often as the board or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner herein-before required.

Penalty for defacing boards used for such publication.

CXXXVI. IF any person pull down or injure any board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the purpose of publishing any bye law or penalty, or shall obliterate any letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expences attending the restoration of such board.

Penalties to be summarily recovered before the sheriff or two justices.

CXXXVII. EVERY penalty or forfeiture imposed by this or the special Act, or by any bye law made in pursuance thereof, the recovery of which is otherwise provided for, may be recovered by summary proceeding before the sheriff or two justices; and on complaint being made to any sheriff or justice, he shall issue an order, requiring the party complained against to appear before himself if the order be issued by a sheriff, or before two or more justices if the order be issued by a justice, 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 the same with some inmate at his usual place of abode, and upon the appearance of the party complained against, or in his absence, upon proof of the due service of such order, it shall be lawful for any sheriff or justice to proceed to the hearing of the complaint; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for the sheriff or justices to convict the offender, and upon such conviction to order the offender to pay the penalty or forfeiture incurred, as well as the expences attending the conviction as such sheriff or justices shall think

CXXXVIII. IF forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such expences as aforesaid, be not paid, the amount of such penalty and expences shall be levied by pointing and sale; and such sheriff or justices, or either of them, shall issue his or their warrant of pointing and sale accordingly.

Recovery of damages and penalties.

Penalties may be levied by pointing and sale.

Imprisonment in default of sufficient pointing.

CXXXIX. IT shall be lawful for any such sheriff or justices to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of pointing and sale to be issued for levying such penalty or forfeiture and expences, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the sheriff or justices, for his appearance before him or them on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of pointing and sale it shall appear to the sheriff or justices, by the admission of the offender or otherwise, that no sufficient pointing and sale can be had within the jurisdiction of such sheriff or justices whereon to levy such penalty or forfeiture and expences, he or they may, if he or they think fit, refrain from issuing such warrant; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the sheriff or justices, then such sheriff or justices shall, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture and expences be sooner paid and satisfied.

CXL. WHERE in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by pointing and sale, such sum of money shall be levied by pointing and sale of the goods and effects of the party liable to pay the same; and the overplus arising from the sale of such goods and effects, after satisfying such sum of money, and the expences of the pointing and sale, shall be returned, on demand, to the party whose goods shall have been seized.

Pointing and sale how to be made.

CXLI. No pointing and sale made by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser or wrongdoer, on account of any defect or want of form in the summons, conviction, warrant, or other proceeding relating thereto, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action before the sheriff court.

Pointing not unlawful for want of form, &c.

CXLII. THE sheriff or justices by whom any such penalty or forfeiture shall be imposed, where the application thereof is not otherwise provided for, may award not more than one half thereof to the informer, and shall award the remainder to the kirk session, or treasurer or collector of the funds for the poor, of the parish in which the offence shall have been committed, for the benefit of the poor of such parish.

Application of penalties.

CXLIII. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before the sheriff or justices,

Penalties to be sued for within six months.

*Recovery of
damages and
penalties.*

Damage to
be made good
in addition
to penalty.

unless the complaint respecting such offence shall have been made to the sheriff or some justice within six months next after the commission of the offence.

CXLIV. IF, through any act, neglect, or default, on account of which any person shall have incurred any penalty imposed by this or the special Act, or any Act incorporated therewith, any damage to the property of such person shall have been committed by such person, he shall be liable to pay such damage as well as to pay such penalty; and the amount of such damage shall, in case of dispute, be determined by the sheriff or justice; and if the party incurring such penalty shall have been convicted of such offence on nonpayment of such damages, on demand, the same shall be recoverable by distress, pointing and sale, and such sheriff or justices shall issue his writ accordingly.

Penalty on
witnesses
making default.

CXLV. IT shall be lawful for any sheriff or justice to summon any person to appear before him as a witness in any matter in which such person is a party, or two or more justices shall have jurisdiction under the provisions of the special Act, or any Act incorporated therewith, at a time and place as is mentioned in such summons, and to administer to him an oath to answer truthfully in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed in such summons, or having been paid or tendered a reasonable sum for his attendance, any person appearing shall refuse to be examined upon oath or affirmation before such sheriff or justice or justices, every such person shall be liable to a penalty not exceeding five pounds for every such offence.

Transient
offenders.

CXLVI. IT shall be lawful for any officer or agent of the sheriff to call any persons called by him to his assistance, to seize and detain any person who shall be found committing any offence against the provisions of the special Act, or any Act incorporated therewith, and whose name and address shall be unknown to such officer or agent, and convey him with all convenient despatch before the sheriff or a justice, without any warrant, and with authority than this or the special Act; and such sheriff or justice shall send him with all convenient despatch in the matter of the complaint, and shall deliver the offender.

Proceedings
by sheriff
need not be
in writing.

CXLVII. ANY sheriff to whom any application is authorized by this or the special Act, and before whom any judicial proceeding shall in consequence of such application become necessary under or by virtue of this or the special Act, or any Act incorporated therewith, shall and he is hereby authorized and required to call before him all parties who appear to him to be interested in such matters, to proceed forthwith to hear *vivâ voce*, and pronounce judgment in such matters mentioned in such application or proceedings, or to do such other matters and things required by this Act to be done by him, in the ordinary course of the roll of causes before him, and to reduce his pleadings or a written record, or reducing any evidence which is taken, either of the parties to writing, unless and except where the sheriff shall consider that the matters mentioned in such application or proceedings may with more advantage be decided with written pleadings and evidence, and shall send a record, in which case he shall proceed to make up a record, and shall send the matters to a conclusion with all convenient despatch; and such judgments of the said sheriff when pronounced without a record shall be as valid as if they were so pronounced with a record.

and conclusive, and not subject to review by suspension or advocacy, or to reduction, on any ground whatever.

Recovery of damages and penalties.

CXLVIII. THE sheriff or justice or justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule to this Act annexed.

Form of conviction.

CXLIX. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by suspension or otherwise into any superior court.

Proceedings not to be quashed for want of form, &c.

CL. IN all cases which may come before any sheriff substitute under this or the special Act, or any Act incorporated therewith, in which written pleadings shall have been allowed, and a written record shall have been made up, and where the evidence which has been led by the parties shall have been reduced to writing, but in no other case whatever, it shall be competent for any of the parties thereto, within seven days after a final judgment shall have been pronounced by such sheriff substitute, to appeal against the same to the sheriff of the county, by lodging a minute of appeal with the sheriff clerk of such county, or his depute; and the said sheriff shall thereupon review the proceedings of the said sheriff substitute and whole process, and, if he think proper, hear the parties vivâ voce thereon, and pronounce judgment; and such judgment shall in no case be subject to review by suspension or advocacy, or to reduction, on any ground whatever.

Appeal.

Power of appeal from sheriff substitute to sheriff in certain cases.

CLI. IF any party shall feel aggrieved by any determination or adjudication of any justices with respect to any matter under the provisions of this or the special Act, or any Act incorporated therewith, he may, unless otherwise specially provided, appeal to the general quarter sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

Parties allowed to appeal from justices to quarter sessions, on giving security.

CLII. AT the quarter sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the expences, both of the adjudication and of the appeal, as they may think reasonable.

Court to make such order as they think reasonable.

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows:

Access to special Act.

CLIII. THE company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a

Copies of special Act to be kept and

effectually given therein and infetment obtained by producing to a notary public the warrants of sasine and relative writs, as now in use to be produced at taking infetment, and by expeding and recording in the general register of sasines, or the particular register of sasines applicable to the lands contained in the warrant of infetment, in manner herein-after directed, an instrument of sasine, setting forth that sasine had been given in the said lands, and subscribed by the said notary public and witnesses, according to the form and as nearly as may be in the terms of schedule (B.) hereto annexed; and such form of infetment shall be effectual, whether the lands lie contiguous or discontiguous, or are held by the same or by different titles, or of one or more superiors, or whether the deed entitling the party to obtain infetment be dated prior or subsequent to the present Act, or whether the precept of sasine therein be in the form heretofore in use, or in the form authorized by the present Act.

II. AND be it enacted, that from and after the said first day of October every such instrument of sasine shall be recorded in manner heretofore in use with regard to instruments of sasine, and the keepers of the registers of sasines are hereby required to receive and register the same accordingly; and such instrument of sasine, being so recorded, shall in all respects have the same effect as if sasine had been taken and an instrument of sasine duly recorded according to the law and practice heretofore in use.

Instruments of sasine to be entered and recorded.

III. AND be it enacted, that from and after the said first day of October every such instrument of sasine may be competently and effectually recorded at any time during the life of the party in whose favour such instrument has been expedite, but the date of presentment and entry set forth on any such instrument by the keeper of the record shall be taken to be the date of the instrument of sasine and infetment.

May be recorded at any time, but the date of the presentment to be the date of the infetment.

IV. AND be it enacted, that in case of any error or defect in any such instrument of sasine, or in the recording thereof, it shall be competent of new to make and record an instrument of sasine, which shall have effect from the date of the recording thereof, as if no previous instrument or instruments had been made or recorded.

In case of error or defect, another instrument may be recorded.

V. AND be it enacted, that in all deeds containing a precept of sasine such precept may be in the form and as nearly as may be in the terms of the schedule (A.) hereto annexed, and the instrument of sasine on any such deed shall be in the form and as nearly as may be in the terms of the said schedule (B.) hereto annexed, which precepts and instruments of sasine respectively shall be as valid and effectual as the precepts and instruments of sasine heretofore in use.

Forms of the precept and instrument of sasine.

* * * * *

VII. AND whereas it is not hereby intended to make any alterations in the law with regard to instruments of sasine and instruments of recognition and sasine of subjects held burgage, or by any similar mode of tenure known and effectual in law, excepting as after specified: Be it enacted, that the forms and modes of registration of these instruments shall continue the same as at present, excepting only that the same shall be valid and effectual, if attested by the town clerk as a notary, without the addition of his docquet, and by the witnesses, and that the delivery of symbols may lawfully be given, either on

Forms, &c. of burgage sasines to continue as at present, except as herein specified.

extract of a deed (as the case may be), granted by C.D. of Y., esquire, and bearing date as in the precept of sasine herein-after inserted, [here describe also any connecting deed or writ, or extract thereof, in virtue of which the sasine is to be given to A.B.] by which disposition the said C.D. sold, alienated, and disposed to the said A.B. [or, to E.F. (as the case may be)] and his heirs and assigns, [here insert the destination, if any,] heritably and irredeemably, [or redeemably, or in life-rent, or otherwise, (as the case may be,)] all and whole [here insert the description of the subjects conveyed; and if the disposition by C.D. was not to A.B. himself, but is vested in him as assignee, heir, or adjudger, or otherwise, in whole or in part, state the successive transferees, and the way in which he has right thereto], which disposition contains an obligation to infest [here state whether a se or de se, or both or either (as the case may be),] and a precept of sasine in the following terms [here insert the precept, which may be either according to the form at present in use, or according to the abbreviated form in schedule (A.)], in virtue of which precept I hereby give sasine [or life-rent sasine, or sasine in life-rent and fee respectively] to the said A.B. of the lands and others above described. [If the precept of sasine contains a reference to a real burthen, or to any conditions or qualifications of the right, or to a power of redemption, then add, "but always under the burden of the real right, &c. before specified."]

In witness whereof I have subscribed these presents, written on this and the preceding pages by G.H., my clerk, before these witnesses, the said G.H. and J.K., accountant in Edinburgh.

(Signed) L.M., Notary Public.

G.H., Witness.

J.K., Witness.

CHAPTER XXXVII.

AN ACT to regulate the Issue of Bank Notes in Ireland, and to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of Ireland for the Public Service. [21st July 1845.]

WHEREAS by an Act passed in the Parliament of Ireland in the twenty-first and twenty-second years of the reign of his Majesty King George the Third, intituled "An Act for establishing a bank by the name of the "governors and company of the Bank of Ireland," it was amongst other things enacted, that from and after the passing of that Act it should not be lawful for any body politic or corporate erected or to be erected, other than the corporation thereby intended to be created and erected into a national bank, or for any other persons whatsoever united or to be united in covenants or partnership exceeding the number of six persons, to borrow, owe, or take up any sum or sums of money on their bills or notes payable at demand, or at any less time than six months from the borrowing thereof, under a penalty or forfeiture by such persons, bodies politic or corporate, of treble the sum or sums so to be borrowed or taken upon such bill or bills, note or notes, one moiety thereof to be paid to the informer, and the other to the use of his Majesty, his heirs and successors, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Dublin: And

21 & 22 Geo. 3.
(I.) c. 16.

whereas, in pursuance of the powers in the said Act of Parliament a charter of incorporation was granted to certain persons, by the name of the governor and company of the Bank of Ireland: And whereas

1 & 2 Geo. 4.
c. 72.

passed in the first and second years of the reign of his Majesty King the Fourth, intituled "An Act to establish an agreement with the governor and company of the Bank of Ireland for advancing the sum of five hundred thousand pounds Irish currency, and to empower the said governor and company to enlarge the capital stock or fund of the said Bank to one million pounds," it was enacted, that it might be lawful for any persons in Ireland united or to be united in society or partnership, and having their establishments in houses of business at any place not more than fifty miles distant from Dublin, to borrow, owe, or take up any sum of money on their bills or notes payable on demand, and to make and issue such notes or bills accordingly, payable on demand at any place not exceeding the distance of fifty miles from Dublin, all the individuals and such societies or partnerships being liable and responsible for the due payment of such bills or notes; but nothing therein contained was to extend or construed to extend to authorize any persons exceeding six in number, whether bodies politic or corporate, residing or having their establishments or houses of business within the distance of fifty miles from Dublin, to make or issue any bill or bills of exchange, or any promissory note or notes, contrary to the provisions of the said in part recited Act of the twenty-first and twenty-second years of the reign of King George the Third: And whereas by an Act passed in the sixth year of the reign of his Majesty King George the Fourth, intituled "An Act for the better regulation of copartnerships of bankers in Ireland," and by another Act passed in the first year of the reign of his late Majesty King William the Fourth, intituled "An Act to explain two Acts of his present Majesty, for establishing an agreement with the governor and company of the Bank of Ireland for advancing the sum of five hundred thousand pounds Irish currency, and for the better regulation of copartnerships of certain bankers in Ireland," such copartnerships of bankers established at places beyond the distance of fifty miles from Dublin were authorized to transact certain matters of business by agents in Dublin within the distance of fifty miles thereof: And whereas the said governor and company at different times advanced, for the public service, to his Majesty King George the Third, the several sums of six hundred thousand pounds, and one million two hundred and fifty thousand pounds, late Irish currency, and in respect thereof the said governor and company were entitled to certain annuities payable at the receipt of the said sums in Dublin: And whereas by an Act passed in the forty-eighth year of the reign of his said Majesty King George the Third, intituled "An Act to amend and extend the provisions of several Acts for establishing the Bank of Ireland, and for empowering the governor and company of the said Bank to receive the sum of one million two hundred and fifty thousand pounds towards the service of the year one thousand eight hundred and eighty-one amongst other things enacted, that at any time after the first day of January in the year of our Lord one thousand eight hundred and eighty-one, to be published in the Dublin Gazette by the lord lieutenant or other chief governor or governors of Ir-

6 Geo. 4.
c. 42.

11 Geo. 4. &
1 Will. 4.
c. 32.

48 Geo. 3.
c. 103.

corporation of the Bank was to be dissolved; and upon repayment by Parliament to the said governor and company of the Bank of Ireland, or their successors, of the said several sums of six hundred thousand pounds, five hundred thousand pounds, and one million two hundred and fifty thousand pounds, and also of all arrears of the several annuities payable in respect of the said three several capital sums, if any such arrear should then be due, or at any time previous to the said first day of January one thousand eight hundred and thirty-seven, upon like repayment by and with the desire and consent of the said governor and company, to be signified by them by their petition in writing sealed with their common seal, and addressed to the lord lieutenant or other chief governor or governors of Ireland for the time being, then and in such case the said several annuities should, from and after the expiration of twelve months after such notice published, cease and determine, and the said corporation should be dissolved: And whereas in pursuance of the said recited Act passed in the first and second years of the reign of his Majesty King George the Fourth, intituled "An Act to establish an agreement with the governor and company of the Bank of Ireland for advancing the sum of five hundred thousand pounds Irish currency, and to empower the said governor and company to enlarge the capital stock or fund of the said Bank to three millions," the said governor and company of the Bank of Ireland advanced for the public service, to his Majesty King George the Fourth, the sum of five hundred thousand pounds late Irish currency, at interest, making, with the said three several sums of six hundred thousand pounds, five hundred thousand pounds, and one million two hundred and fifty thousand pounds, late Irish currency, previously advanced, the sum of two million eight hundred and fifty thousand pounds, equal to two million six hundred and thirty thousand seven hundred and sixty-nine pounds four shillings and eight-pence sterling money of the United Kingdom of Great Britain and Ireland: And whereas by an Act passed in the third and fourth years of the reign of her present Majesty, intituled "An Act to regulate the repayment of certain sums advanced by the governor and company of the Bank of Ireland for the public service," it was amongst other things enacted, that from and after the passing of the said Act there should be paid and payable, but subject to the condition of redemption therein-after contained, at the receipt of her Majesty's Exchequer in Dublin, to the governor and company of the said Bank of Ireland, out of the consolidated fund of the United Kingdom of Great Britain and Ireland, an interest or annuity of one hundred and fifteen thousand three hundred and eighty-four pounds twelve shillings and four-pence, money of the United Kingdom, being a sum equal to the several annuities and interest theretofore payable in respect of the principal money due to the said governor and company as aforesaid, by two equal half-yearly payments, without any defalcation or abatement, on the fifth day of January and the fifth day of July in each year, the first payment of the said interest or annuity to be made on the fifth day of January in the year one thousand eight hundred and forty-one; and it was by the last-mentioned Act further provided, that the said last-mentioned annuity should be redeemable at any time after the first day of January one thousand eight hundred and forty-one, on six months notice to the said governor and company, and on repayment to them of the said several sums of six hundred thousand pounds,

1 & 2 Geo. 4.
c. 72.

3 & 4 Vict.
c. 75.

five hundred thousand pounds, one million two hundred and fifty thousand pounds, and five hundred thousand pounds, late Irish currency, together with all arrears of the said annuity of one hundred and fifteen thousand pounds, and five hundred and eighty-four pounds twelve shillings and four-pence: And whereas the last-mentioned annuity has, by consent of the said governor and company, been reduced to an annuity of ninety-two thousand and seventy-eight shillings and five-pence of British currency: And whereas it is expedient that the exclusive privilege of banking granted to the said governor and company by the said recited Act of the Parliament of Ireland, and by any other Act or Acts of Parliament now in force, should cease, but that the said governor and company should continue a corporation, with full authority to carry on the business of bankers, subject to the provisions herein-after contained; and the said governor and company of the said Bank of Ireland have agreed to continue the management in Ireland of so much of the public debt of the United Kingdom as shall for the time being require to be transacted in Ireland, and of all loans and other creations of stock or annuities at any time be made in Ireland, and of any public annuities for life or years which may be payable in Ireland, free of all charge and expense whatsoever for such management, or for their trouble in the payment of the principal of the said public debt or annuities from time to time during the continuance of the said corporation under the provisions of this Act; and it is further agreed that the said governor and company shall continue to pay the said annuity of ninety-two thousand and seventy-six pounds, six shillings and five-pence, being an annual interest at and after the rate of five and a half per centum per annum, for and in respect of the said capital sum of two million six hundred and thirty thousand seven hundred and eighty pounds four shillings and eight-pence, and that the repayment of the said mentioned sum shall be postponed till the expiration of six months after the date to be given by the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland to the said governor and company of their intention to pay off the same, or by the said governor and company to the said commissioners of her Majesty's Treasury requiring payment of the same: And such notice not to be given by either party before the first day of January next following: And whereas by an Act passed in the seventh and eighth years of the reign of her Majesty, intituled "An Act to regulate the issue of bank notes, and for giving to the governor and company of the Bank of England certain privileges for a limited period," and by an Act enacted, that from and after the passing of that Act no person, other than the said banker who on the sixth day of May one thousand eight hundred and thirty-four was lawfully issuing his own bank notes, should make or issue any other bank notes in any part of the United Kingdom: And whereas it is expedient that the said Act should be repealed, and the issue of bank notes by the said governor and company of the said Bank of Ireland, and by such other bankers as are now by law authorized to issue bank notes in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons, in this present Parliament assembled, and by the authority of the same, that from and after the sixth day of December one thousand eight hundred and forty-five so much of the said recited Act of the Parliament of Ireland as is contained in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second years of the reign of his Majesty King George the Fourth as prohibits any body politic or corporate erected or to be erected,

7 & 8 Vict.
c. 32. s. 10.

21 & 22 Geo. 3.
(1). c. 16.
repealed in
part.

the governor and company of the Bank of Ireland, or for any other persons whatsoever united or to be united in covenants or partnership exceeding the number of six persons, to borrow, owe, or take up any sum or sums of money on their bills or notes payable at demand, or at any less time than six months from the borrowing thereof, shall be and the same is hereby repealed; and that from and after the said sixth day of December one thousand eight hundred and forty-five [Rep., Stat. Law Rev. Act, 1875.] it shall and may be lawful for any persons exceeding six in number united or to be united in societies or partnerships, or for any bodies politic or corporate, to transact or carry on the business of bankers in Ireland at Dublin, and at every place within fifty miles thereof, as freely as persons exceeding six in number united as aforesaid may lawfully carry on the same business at any place in Ireland beyond the distance of fifty miles from Dublin: Provided always, that every member of any such society, partnership, bodies politic or corporate, shall be liable and responsible for the due payment of all the debts and liabilities of the corporation or copartnership of which such person shall be a member, any agreement, covenant, or contract to the contrary notwithstanding.

Banking co-partnerships, &c. may carry on business in Dublin or within 50 miles thereof.

Members to be individually liable.

II. AND be it enacted, that from and after the passing of this Act the repayment of the said sum of two million six hundred and thirty thousand seven hundred and sixty-nine pounds four shillings and eight-pence shall be and the same is hereby made chargeable upon the consolidated fund of the United Kingdom of Great Britain and Ireland until Parliament shall otherwise provide, and there shall be paid and payable, but subject to the condition of redemption hereinafter contained, at the receipt of her Majesty's Exchequer in Dublin, to the governor and company of the said Bank of Ireland, out of the consolidated fund of the United Kingdom of Great Britain and Ireland, in respect of the said capital sum of two million six hundred and thirty thousand seven hundred and sixty-nine pounds four shillings and eight-pence so now due by the public to the said governor and company, the aforesaid annuity of ninety-two thousand and seventy-six pounds eighteen shillings and five-pence, being an interest or annuity at and after the rate of three pounds ten shillings per centum per annum, in the now lawful currency of the United Kingdom, by two equal half-yearly payments, without any defalcation or abatement, on the fifth day of January and the fifth day of July in each year. [Rep., 28 & 29 Vict. c. 16. s. 1.]

Repayment of capital sum advanced by Bank of Ireland for public service charged on consolidated fund, &c.

IV. AND be it enacted, that at any time after the first day of January which will be in the year of our Lord one thousand eight hundred and fifty-five, upon twelve months notice, to be published in the Dublin Gazette by order of the lord-lieutenant or other chief governor or governors of Ireland, that the said corporation of the Bank is to be dissolved, and upon repayment by Parliament to the said governor and company of the Bank of Ireland, or their successors, of the said sum of two million six hundred and thirty thousand seven hundred and sixty-nine pounds four shillings and eight-pence, together with all arrears of interest or annuity due in respect thereof, then and in such case the said interest or annuity shall, from and after the expiration of twelve months after such notice published, cease and determine, and the said corporation shall be dissolved.

Bank of Ireland may be dissolved on 12 months notice after 1st of January 1855, and repayment of capital sum advanced, and arrears of annuity.

VI. AND whereas by an Act passed in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled "An Act for giving to the corporation of the governor and company of the Bank of England certain privileges for a limited period, under certain conditions," it was enacted, that from and after the first day of August one thousand eight hundred and thirty-four, unless and until Parliament should otherwise direct, a tender of a note or notes of the governor and company of the Bank of

s & 4 Will. c. 98. s. 6.

present Majesty, intituled "An Act to make further provisions relative to the returns to be made by banks of the amount of their notes in circulation"; and the said commissioners, or any two of them, shall certify under their hands to such banker the average amount, when so ascertained as aforesaid, omitting the fractions of a pound, if any; and it shall be lawful for every such banker to continue to issue his own bank notes after the sixth day of December one thousand eight hundred and forty-five, to the extent of the amount so certified, and of the amount of the gold and silver coin held by such banker, in the proportion and manner herein-after mentioned, but not to any further extent; and from and after the sixth day of December one thousand eight hundred and forty-five it shall not be lawful for any banker to make or issue bank notes in Ireland, save and except only such bankers as shall have obtained such certificate from the commissioners of stamps and taxes.

4 & 5 Vict.
c. 50.

Such banks
may continue
to issue.

Prohibition
of issue by
uncertified
bankers.

IX. PROVIDED always, and be it enacted, that if it shall be made to appear to the commissioners of stamps and taxes that any two or more banks have, by written contract or agreement, (which contract or agreement shall be produced to the said commissioners,) become united within the year next preceding such first day of May one thousand eight hundred and forty-five, it shall be lawful for the said commissioners to ascertain the average amount of the notes of each such bank in the manner herein-before directed, and to certify a sum equal to the average amount of the notes of the two or more banks so united as the amount which the united bank shall thereafter be authorized to issue, subject to the regulations of this Act.

Provision for
banks united
within 12
months before
1st May, 1845.

X. AND be it enacted, that the commissioners of stamps and taxes shall, at the time of certifying to any banker such particulars as they are herein-before required to certify, also publish a duplicate of their certificate thereof in the next succeeding Dublin Gazette in which the same may be conveniently inserted; and the Gazette in which such publication shall be made shall be conclusive evidence in all courts whatsoever of the amount of bank notes which the banker named in such certificate or duplicate is by law authorized to issue and to have in circulation as aforesaid, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such banker, as herein provided.

Duplicate of
certificate to
be published in
the Gazette.

Gazette to be
evidence.

XI. AND be it enacted, that in case it shall be made to appear to the commissioners of stamps and taxes, at any time hereafter, that any two or more banks have, by written contract or agreement, (which contract or agreement shall be produced to the said commissioners,) become united subsequently to the passing of this Act, it shall be lawful to the said commissioners, upon the application of such united bank, to certify, in manner herein-before mentioned, the aggregate of the amount of bank notes which such separate banks were previously authorized to issue under the separate certificates previously delivered to them, and so from time to time; and every such certificate shall be published in manner herein-before directed; and from and after such publication the amount therein stated shall be and be deemed to be the limit of the amount of bank notes which such united bank may have in circulation, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such banker, as herein provided.

In case banks
become
united, com-
missioners to
certify the
amount of
bank notes
which each
bank was
authorized
to issue; and
united bank
may issue
the aggregate
amount.

XII. AND be it enacted, that it shall be lawful for any banker in Ireland who under the provisions of this Act is entitled to issue bank notes to contract

Banks entitled
to the privilege
of issuing

notes of such banker in circulation during the said four weeks, distinguishing the bank notes of five pounds and upwards, and the notes below five pounds, and the average amount of gold and silver coin respectively held by such banker at each of the head offices or principal places of issue in Ireland of such banker during the said four weeks, and also the amount of bank notes which such banker is, by the certificate published as aforesaid, authorized to issue under the provisions of this Act; and every such account shall be verified by the signature of such banker or his chief cashier, or in the case of a company or partnership by the signature of the chief cashier or other officer duly authorized by the directors of such company or partnership, and shall be made in the form to this Act annexed marked (A.); and if any such banker shall neglect or refuse to render any such account in the form and at the time required by this Act, or shall at any time render a false account, such banker shall forfeit the sum of one hundred pounds for every such offence.

Accounts to be in form in schedule (A.)

XVII. AND be it enacted, that all bank notes shall be deemed to be in circulation from the time the same shall have been issued by any banker, or any servant or agent of such banker, until the same shall have been actually returned to such banker, or some servant or agent of such banker.

What shall be deemed to be bank notes in circulation.

XVIII. AND be it enacted, that from the returns so made by each banker to the commissioners of stamps and taxes the said commissioners shall, at the end of the first period of four weeks after the said sixth day of December one thousand eight hundred and forty-five, and so at the end of each successive period of four weeks, make out a general return in the form to this Act annexed marked (B.) of the monthly average amount of bank notes in circulation of each banker in Ireland during the last preceding four weeks, and of the average amount of all the gold and silver coin held by such banker during the same period, and certifying, under the hand of any officer of the said commissioners duly authorized for that purpose, in the case of each such banker, whether such banker has held the amount of coin required by law during the period to which the said return shall apply, and shall publish the same in the next succeeding Dublin Gazette in which the same can be conveniently inserted.

Commissioners of stamps to make monthly returns in form in schedule (B.)

XIX. AND be it enacted, that for the purpose of ascertaining the monthly average amount of bank notes of each banker in circulation, the aggregate of the amount of bank notes of each such banker in circulation at the close of the business on the Saturday in each week during the first complete period of four weeks next after the sixth day of December one thousand eight hundred and forty-five shall be divided by the number of weeks, and the average so ascertained shall be deemed to be the average of bank notes of each such banker in circulation during such period of four weeks, and so in each successive period of four weeks; and the monthly average amount of gold and silver coin respectively held as aforesaid by such banker shall be ascertained in like manner from the amount of gold and silver coin held by such banker at the head offices or principal places of issue of such banker in Ireland, as after mentioned, at the close of business on such day in each week; and the monthly average amount of bank notes of each such banker in circulation during any such period of four weeks is not to exceed a sum made up by adding the amount certified by the commissioners of stamps and taxes as

Mode of ascertaining the average amount of bank notes of each banker in circulation, and coin held, during each period of four weeks after 6th December 1845.

forfeit the sum of one hundred pounds: Provided always, that the said commissioners shall not exercise the powers aforesaid without the consent of the commissioners of her Majesty's Treasury.

XXII. AND be it enacted, that every banker in Ireland, other than the Bank of Ireland, who is now carrying on or shall hereafter carry on business as such, shall, on the first day of January in each year, or within fifteen days thereafter, make a return to the commissioners of stamps and taxes, at their office in Dublin, of his name, residence, and occupation, or, in the case of a company or partnership, of the name, residence, and occupation of every person composing or being a member of such company or partnership, and also the name of the firm under which such banker, company, or partnership carry on the business of banking, and of every place where such business is carried on; and if any such banker shall omit or refuse to make such return within fifteen days after the said first day of January, or shall wilfully make other than a true return of the persons as herein required, every banker so offending shall forfeit or pay the sum of fifty pounds; and the said commissioners of stamps and taxes shall on or before the first day of March in every year publish in the Dublin Gazette a copy of the return so made by every banker.

All bankers in Ireland to return their names, &c. once a year to the stamp office in Dublin.

Returns to be published.

XXIII. AND be it enacted, that if the monthly average circulation of bank notes of any banker, taken in the manner herein directed, shall at any time exceed the amount which such banker is authorized to issue and to have in circulation under the provisions of this Act, such banker shall in every such case forfeit a sum equal to the amount by which the average monthly circulation, taken as aforesaid, shall have exceeded the amount which such banker was authorized to issue and to have in circulation as aforesaid.

Penalty on banks issuing in excess.

XXIV. AND be it enacted, that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of any sum or sums of money, or any orders, notes, or undertakings in writing, being negotiable or transferable, for the delivery of any goods, specifying their value in money, less than the sum of twenty shillings in the whole, heretofore made or issued or which shall hereafter be made or issued in Ireland, shall from and after the first day of January one thousand eight hundred and forty-six be and the same are hereby declared to be absolutely void and of no effect, any law, statute, usage, or custom to the contrary thereof in anywise notwithstanding; and that if any person or persons shall after the first day of January one thousand eight hundred and forty-six, by any art, device, or means whatsoever, publish or utter in Ireland any such notes, bills, drafts, or engagements as aforesaid, for a less sum than twenty shillings, or on which less than the sum of twenty shillings shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same in Ireland, every such person shall forfeit and pay for every such offence any sum not exceeding twenty pounds nor less than five pounds, at the discretion of the justice of the peace who shall hear and determine such offence.

Notes for less than 20s. not negotiable in Ireland.

XXV. AND be it enacted, that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or trans-

Promissory notes, bills of exchange, &c.

So much of this Act as prohibits the drawing, making, and issuing, or restrains imposes any penalty for or on account of the publishing, uttering, or negotiating

of or in

negotiable,
for 20s. and
above, and
less than 5l.,
to be drawn
in certain
form.

ferable, for the payment of twenty shillings, or any sum of money above that sum and less than five pounds, or on which twenty shillings, or above that sum and less than five pounds, shall remain undischarged, and which shall be issued within Ireland at any time after the first day of January one thousand eight hundred and forty-six, shall specify the names and places of abode of two persons respectively to whom or to whose order the same shall be made payable, and shall bear date before or at the time of drawing or issuing, and not on any day subsequent thereto, and shall be made payable within the space of twenty-one days next after the date thereof, and shall not be transferable or negotiable after the time hereby limited for payment thereof; and that every endorsement to be made thereon shall be made before the expiration of that time, and to bear date at or not before the time of the drawing thereof, and shall specify the name and place of abode of the person or persons to whom or to whose order the money contained in every such note, bill, draft, or undertaking is to be paid; and that the signing of every such note, bill, draft, or undertaking, and also of every such endorsement, shall be attested by one subscribing witness at the least; and which said notes, bills, drafts, or undertakings in writing, may be made or drawn in any words to the purport or effect as set out in the schedules to this Act, and shall be marked (D.) and (E.); and that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, and on which payment of twenty shillings, or any sum of money above that sum and less than five pounds, or in which twenty shillings, or above that sum and less than five pounds, shall remain undischarged, and which shall be issued within Ireland at any time after the said first day of January one thousand eight hundred and forty-six in any other manner than as aforesaid, and any endorsement on any such note, bill, draft, or other undertaking to be made thereon under this Act, other than as aforesaid, shall and the same are hereby declared to be absolutely void, any law, statute, usage, or custom to the contrary notwithstanding; provided that nothing in this Act contained shall be construed to extend to any such bank notes as are lawfully issued by any banker in Ireland authorized by this Act to issue, or to the issue of bank notes.

Penalty on
persons, other
than bankers
hereby au-
thorized,
issuing notes
payable on
demand for
less than 5l.

XXVI. AND be it enacted, that if any body politic or corporate person or persons shall from and after the said first day of January one thousand eight hundred and forty-six make, sign, issue, or re-issue in any promissory note payable on demand to the bearer thereof for any sum of money less than the sum of five pounds, except the bank notes which are hereby authorized to continue to issue bank notes as aforesaid, then and in either of such cases every such body politic or corporate

Ireland of any promissory or other note (not being a note payable to the bearer on demand), bill of exchange, draft, or undertaking in writing, being negotiable or transferable, for the payment of twenty shillings or above that sum and less than five pounds, or on which twenty shillings or above that sum and less than five pounds shall remain undischarged, made, drawn, or endorsed in any other manner than is authorized by this Act, or which requires or directs that all such notes, bills, drafts, or undertakings as aforesaid which shall be issued in Ireland, shall be made, drawn, or endorsed according to the forms contained in the schedules to this Act, rep., 27 & 28 V. c. 1. (temp.)]

or persons so making, signing, issuing, or re-issuing any such promissory note as aforesaid, except as aforesaid, shall for every such note so made, signed, issued, or re-issued forfeit the sum of twenty pounds.

[XXVII.] AND be it enacted, that if any body politic or corporate or person or persons shall from and after the passing of this Act publish, utter, or negotiate in Ireland any promissory or other note (not being the bank note of a banker hereby authorized to continue to issue bank notes), or any bill of exchange, draft, or undertaking in writing, being negotiable or transferable, for the payment of twenty shillings, or above that sum and less than five pounds, or on which twenty shillings, or above that sum and less than five pounds, shall remain undischarged, made, drawn, or endorsed in any other manner than as is herein-before directed, every such body politic or corporate or person or persons so publishing, uttering, or negotiating any such promissory or other note (not being such bank note as aforesaid), bill of exchange, draft, or undertaking in writing as aforesaid, shall forfeit and pay the sum of twenty pounds.

Penalty on persons, other than bankers hereby authorized, uttering or negotiating notes, bills of exchange, &c transferable, for payment 20s. or above and less than

XXVIII. PROVIDED always, and be it enacted, that nothing herein contained shall extend to prohibit any draft or order drawn by any person on his banker, or on any person acting as such banker, for the payment of money held by such banker or person to the use of the person by whom such draft or order shall be drawn.

Act not to prohibit checks on bankers.

XXIX. AND be it enacted, that all pecuniary penalties under this Act may be sued or prosecuted for and recovered for the use of her Majesty, in the name of her Majesty's attorney general or solicitor general in Ireland, or of the solicitor of stamps in Ireland, or of any person authorized to sue or prosecute for the same by writing under the hands of the commissioners of stamps and taxes, or in the name of any officer of stamp duties, by action of debt, bill, plaint, or information, in the Court of Exchequer in Dublin, or by civil bill in the court of the recorder, chairman, or assistant barrister within whose local jurisdiction any offence shall have been committed, in respect of any such penalty, or, in respect of any penalty not exceeding twenty pounds, by information or complaint before one or more justices or justices of the peace in Ireland, in such and the same manner as any other penalties imposed by any of the laws now in force relating to the duties under the management of the commissioners of stamps; and it shall be lawful in all cases for the commissioners of stamps and taxes, either before or after any proceedings commenced for recovery of any such penalty, to mitigate or compound any such penalty, as the said commissioners shall think fit, and to stay any such proceedings after the same shall have been commenced, and whether judgment may have been obtained for such penalty or not, on payment of part only of any such penalty, with or without costs, or on payment only of the costs incurred in such proceedings, or of any part thereof, or on such other terms as such commissioners shall judge reasonable: Provided always, that in no such proceeding as aforesaid shall any essoin, protection, wager of law, nor more than one imparlance, be allowed; and all pecuniary penalties imposed by or incurred under this Act, by whom or in whose name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the use of her Majesty, and shall be

Mode of enforcing penalties.

Application of penalties.

A.D. 1845.

8 & 9 VICTORIA, c. 37.

SCHEDULES referred to in the foregoing

SCHEDULE (A.)

Name and title set forth in licence - - -
 Name of the firm - - - - -
 Head offices or principal places of issue - - -

Amount of Notes in circulation on } £5 and upwards
 Saturday the day of . } Under £5 -
 Total -

Amount of Gold and Silver Coin held at the head Office of Issue at the close of business on—

	Head Office at .		Head Office at .		Head Office at
	Gold.	Silver.	Gold.	Silver.	Gold.
Monday the					
Tuesday the					
Wednesday the					
Thursday the					
Friday the					
Saturday the					

Total amount of Coin held at the close of business on Saturday the day of 18 .

Gold	-	-	-	£
Silver	-	-	-	£
Total	-	-	-	£

[To be inserted in the account at the end of each period]

Amount of Notes authorized by certificate - - -
 Average amount of Notes in circulation } £5 and upwards
 during the four weeks ending as above } Under £5
 Average amount of Coin held during the said } Gold
 four weeks - - - - - } Silver
 Total -

I, _____ being the [banker, chief cashier, as the case may be], do hereby certify, that the above is a true and correct statement of the amount of notes in circulation, and of the coin held by the said bank at the close of business on the day of _____ 1845.

(Signed) _____

Dated this _____ day of _____ 18 .

SCHEDULE (D.) [1]

[Place] [Day] [Month] [Year]
 Twenty-one days after date I promise to pay A.B. of [place], or his order,
 the sum of _____, for value
 received by _____
 Witness, E.F. C.D.

And the Endorsement, toties quoties.
 [Day] [Month] [Year]
 Pay the contents to G.H. of [place], or his order.
 Witness, J.K. A.B.

SCHEDULE (E.) [1]

[Place] [Day] [Month] [Year]
 Twenty-one days after date pay to A.B. of [place], or his order, the sum
 of _____, value received, as advised
 by _____
 To E.F. of [place]. C.D.
 Witness, G.H.

And the Endorsement, toties quoties.
 [Day] [Month] [Year]
 Pay the contents to J.K. of [place], or his order.
 Witness, L.M. A.B.

CHAPTER XXXVIII.

AN ACT to regulate the Issue of Bank Notes in Scotland.

[21st July 1845.]

WHEREAS by an Act made and passed in the eighth year of the reign of
 her Majesty, intituled "An Act to regulate the issue of bank notes, and
 " for giving to the governor and company of the Bank of England certain
 " privileges for a limited period," it was enacted, that from and after the
 passing of that Act no person, other than a banker who on the sixth day of
 May one thousand eight hundred and forty-four was lawfully issuing his own
 bank notes, should make or issue bank notes in any part of the United
 Kingdom: And whereas it is expedient to regulate the issue of bank notes by
 such bankers as are now by law authorized to issue the same 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, that
 every banker claiming to be entitled to issue bank notes in Scotland shall,
 within one month next after the passing of this Act, give notice in writing to
 the commissioners of stamps and taxes, at their head office in London, of such
 claim, and of the place and name and firm at and under which such banker

7 & 8 Vict.
 c. 32. s. 10.

Bankers
 claiming to
 be entitled
 to issue ba
 notes in Sc
 land to giv
 notice to
 commission
 of stamps
 and taxes.

[* See note to section 25.]

Commissioners of banks and on of

Vict.

banks continue

tion of uncer- nks.

in for nited 2 before , 1845.

e of e to bed asette.

to be

anks m- s to is f

has issued such notes in Scotland during the year next preceding the of May one thousand eight hundred and forty-five; and thereupon commissioners shall ascertain if such banker was on the sixth day of thousand eight hundred and forty-four, and from thence up to the first day of May one thousand eight hundred and forty-five, carrying on the business of a banker and lawfully issuing his own bank notes in Scotland, and if it appear, then the said commissioners shall proceed to ascertain the average amount of the bank notes of such banker which were in circulation during the period of one year preceding the first day of May one thousand eight hundred and forty-five, according to the returns made by such banker in pursuance of the Act passed in the fourth and fifth years of the reign of her Majesty, intituled "An Act to make further provision relative to the regulation of the amount of the notes to be made by banks of the amount of their notes in circulation"; and the said commissioners, or any two of them, shall certify under their hand and seal the average amount when so ascertained as aforesaid, omitting fractions of a pound, if any; and it shall be lawful for every such banker to continue to issue his own bank notes after the sixth day of December one thousand eight hundred and forty-five, to the extent of the amount so ascertained and of the amount of gold and silver coin held by such banker at the time of the issue of such notes, in the proportion and amount herein-after mentioned, but not to any further extent; and from and after the sixth day of December one thousand eight hundred and forty-five it shall be lawful for any banker to make or issue bank notes in Scotland, except only such bankers as shall have obtained such certificate of the said commissioners of stamps and taxes.

II. PROVIDED always, and be it enacted, that if it shall be made known to the commissioners of stamps and taxes that any two or more banks have entered into a written contract or agreement, (which contract or agreement shall be produced to the said commissioners,) become united within the year next preceding the first day of May one thousand eight hundred and forty-five, it shall be lawful for the said commissioners to ascertain the average amount of the notes of such bank in the manner herein-before directed, and to certify a sum equal to the average amount of the notes of the two or more banks so united, and the amount which the united bank shall thereafter be authorized to issue, subject to the regulations of this Act.

III. AND be it enacted, that the commissioners of stamps and taxes, at the time of certifying to any banker such particulars as they are here-before required to certify, also publish a duplicate of their certificate thereof in the next succeeding London Gazette in which the same may be conveniently inserted; and the Gazette in which such publication shall be made shall be conclusive evidence in all courts whatsoever of the amount of bank notes of the banker named in such certificate or duplicate is by law authorized to be in circulation, and to have in circulation as aforesaid, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such banker, as herein provided.

IV. AND be it enacted, that in case it shall be made known to the commissioners of stamps and taxes, at any time hereafter, that any two or more banks have, by written contract or agreement, (which contract or agreement shall be produced to the said commissioners,) become united within the year next preceding the first day of May one thousand eight hundred and forty-five, it shall be lawful for the said commissioners to ascertain the average amount of the notes of such bank in the manner herein-before directed, and to certify a sum equal to the average amount of the notes of the two or more banks so united, and the amount which the united bank shall thereafter be authorized to issue, subject to the regulations of this Act.

the passing of this Act, it shall be lawful to the said commissioners, upon the application of such united bank, to certify in manner herein-before mentioned the aggregate of the amount of bank notes which such separate banks were previously authorized to issue under the separate certificates previously delivered to them, and so from time to time; and every such certificate shall be published in manner herein-before directed; and from and after such publication the amount therein stated shall be and be deemed to be the limit of the amount of bank notes which such united bank may have in circulation, exclusive of an amount equal to the monthly average amount of the gold and silver coin held by such bank, as herein provided.

bank notes which each bank was authorized to issue; an united bank may issue the aggregate amount.

V. AND be it enacted, that all bank notes to be issued or re-issued in Scotland shall be expressed to be for payment of a sum in pounds sterling, without any fractional parts of a pound; and if any banker in Scotland shall from and after the sixth day of December one thousand eight hundred and forty-five make, sign, issue, or re-issue any bank note for the fractional part of a pound sterling, or for any sum together with the fractional part of a pound sterling, every such banker so making, signing, issuing, or re-issuing any such note as aforesaid shall for each note so made, signed, issued, or re-issued forfeit or pay the sum of twenty pounds.

Issue of notes for fractional parts of a pound prohibited.

VI. AND be it enacted, that from and after the sixth day of December one thousand eight hundred and forty-five it shall not be lawful for any banker in Scotland to have in circulation, upon the average of a period of four weeks, to be ascertained as herein-after mentioned, a greater amount of notes than an amount composed of the sum certified by the commissioners of stamps and taxes as aforesaid, and the monthly average amount of gold and silver coin held by such banker at the head office or principal place of issue of such banker during the same period of four weeks, to be ascertained in manner herein-after mentioned.

Limitation of bank notes which banks may have in circulation.

VII. AND be it enacted, that every banker who after the sixth day of December one thousand eight hundred and forty-five shall issue bank notes in Scotland shall, on some one day in every week after the thirteenth day of December one thousand eight hundred and forty-five, (such day to be fixed by the commissioners of stamps and taxes,) transmit to the said commissioners a just and true account of the amount of bank notes of such banker in circulation at the close of the business on the next preceding Saturday, distinguishing the notes of five pounds and upwards, and the notes below five pounds, and also an account of the total amount of gold and silver coin held by such banker at the head office or principal place of issue in Scotland of such banker at the close of business on each day of the week ending on the same Saturday, and also an account of the total amount of gold and silver coin in Scotland held by such banker at the close of business on that day; and on completing the first period of four weeks, and so on completing each successive period of four weeks, every such banker shall annex to such account the average amount of bank notes of such banker in circulation during the said four weeks, distinguishing the bank notes of five pounds and upwards and the notes below five pounds, and the average amount of gold and silver coin respectively held by such banker at the head office or principal place of issue in Scotland of such banker during the said four weeks, and also the amount of bank notes which such banker is, by the certificate published as aforesaid in the London

Issuing bank to render accounts weekly of notes in circulation, and coin held;

and to still averages of four weeks

Accounts to
be in form in
schedule (A.)

Gazette, authorized to issue under the provisions of this Act; and every such account shall specify the head office or principal places of issue in Scotland of such banker, and shall be verified by the signature of such banker or his chief cashier, or in case of a company or partnership by the signature of the chief cashier or other officer duly authorized by the directors of such company or partnership, and shall be made in the form to this Act annexed marked (A.); and if any such banker shall neglect or refuse to render any such account in the form and at the time required by this Act, or shall at any time render a false account, such banker shall forfeit the sum of one hundred pounds for every such offence.

What shall
be deemed
to be bank
notes in cir-
culation.

VIII. AND be it enacted, that all bank notes shall be deemed to be in circulation from the time the same shall have been issued by any banker, or any servant or agent of such banker, until the same shall have been actually returned to such banker, or some servant or agent of such banker.

Commissioners
of stamps and
taxes to make
monthly
returns in form
in schedule (B.)

IX. AND be it enacted, that from the returns so made by each banker to the commissioners of stamps and taxes the said commissioners shall, at the end of the first period of four weeks after the said sixth day of December one thousand eight hundred and forty-five, and so at the end of each successive period of four weeks, make out a general return in the form to this Act annexed marked (B.) of the monthly average amount of bank notes in circulation of each banker in Scotland during the last preceding four weeks, and of the average amount of all the gold and silver coin held by such banker, and certifying, under the hand of any officer of the said commissioners duly authorized for that purpose, in the case of each such banker, whether such banker has held the amount of coin required by law during the period to which the said return shall apply, and shall publish the same in the next succeeding London Gazette in which the same can be conveniently inserted.

Mode of ascer-
taining the
average
amount of
bank notes of
each banker in
circulation,
and coin
held, during
each period of
four weeks after
6th December
1845.

X. AND be it enacted, that for the purpose of ascertaining the monthly average amount of bank notes of each banker in circulation, the aggregate of the amount of bank notes of each such banker in circulation at the close of the business on Saturday of each week during the first complete period of four weeks next after the sixth day of December one thousand eight hundred and forty five shall be divided by the number of weeks, and the average so ascertained shall be deemed to be the average of bank notes of each such bank in circulation during such period of four weeks, and so in each successive period of four weeks; and the monthly average amount of gold and silver coin respectively held as aforesaid by such banker shall be ascertained in like manner from the amount of gold and silver coin held by such banker at the head office or principal place of issue in Scotland of such banker at the close of business on Saturday in each week during the same period; and the monthly average amount of bank notes of each such banker in circulation during any such period of four weeks is not to exceed a sum made up by adding the amount certified by the commissioners of stamps and taxes as aforesaid and the monthly average amount of gold and silver coin held by such banker as aforesaid during the same period.

In taking the
account of
coin held by
bankers,
in respect
of which notes

XI. AND be it enacted, that in taking account of the coin held by any such banker as aforesaid with respect to which bank notes to a further extent than the sum certified as aforesaid by the commissioners of stamps and taxes may, under the provisions of this Act, be made and issued, no amount of silver coin

exceeding one fourth part of the gold coin held by such banker as aforesaid shall be taken into account, nor shall any banker be authorized to make and issue bank notes in Scotland on any amount of silver coin held by such banker exceeding the proportion of one fourth part of the gold coin held by such banker as aforesaid.

may be issued,
silver coin
not to exceed
the proportion
of one fourth
of gold.

XII. AND whereas, in order to ensure the rendering of true and faithful accounts of the amount of bank notes in circulation, and the amount of gold and silver coin held by each banker, as directed by this Act, it is necessary that the commissioners of stamps and taxes should be empowered to cause the books of bankers issuing such notes, and the gold and silver coin held by such bankers as aforesaid, to be inspected as herein-after mentioned: Be it therefore enacted, that all and every the book and books of any banker who shall issue bank notes under the provisions of this Act, in which shall be kept, contained, or entered any account, minute, or memorandum of or relating to the bank notes issued or to be issued by such banker, or of or relating to the amount of such notes in circulation from time to time, or of or relating to the gold and silver coin held by such banker from time to time, or any account, minute, or memorandum the sight or inspection whereof may tend to secure the rendering of true accounts of the average amount of such notes in circulation and gold and silver coin held as directed by this Act, or to test the truth of any such account, shall be open for the inspection and examination at all reasonable times of any officer of stamp duties authorized in that behalf by writing signed by the commissioners of stamps and taxes, or any two of them; and every such officer shall be at liberty to take copies of or extracts from any such book or account as aforesaid, and to inspect and ascertain the amount of any gold or silver coin held by such banker; and if any banker or other person keeping any such book, or having the custody or possession thereof or power to produce the same, shall, upon demand made by any such officer, showing (if required) his authority in that behalf, refuse to produce any such book to such officer for his inspection and examination, or to permit him to inspect and examine the same, or to take copies thereof or extracts therefrom, or of or from any such account, minute, or memorandum as aforesaid, kept, contained, or entered therein, or if any banker or other person having the custody or possession of any coin belonging to such banker shall refuse to permit or prevent the inspection of such gold and silver coin as aforesaid, every such banker or other person so offending shall for every such offence forfeit the sum of one hundred pounds: Provided always, that the said commissioners shall not exercise the powers aforesaid without the consent of the commissioners of her Majesty's Treasury.

Commissioners
of stamps and
taxes em-
powered to
cause the books
of bankers
containing
accounts of
their bank
notes in cir-
culation, and
of coin held, to
be inspected.

Penalty for
refusing to
allow such
inspection.

XIII. AND be it enacted, that every banker in Scotland who is now carrying on or shall hereafter carry on business as such, other than the Bank of Scotland, the Royal Bank of Scotland, and the British Linen Company, shall, on the first day of January in each year, or within fifteen days thereafter, make a return to the commissioners of stamps and taxes, at their head office in London, of his name, residence, and occupation, or, in the case of a company or partnership, of the name, residence, and occupation of every person composing or being a member of such company or partnership, and also the name of the firm under which such banker, company, or partnership carry on the business of banking, and of every place where such business is carried on; and if any such banker, company, or partnership shall omit or refuse to make such return within fifteen

All bankers
in Scotland
to return their
names, &c. once
a year to the
stamp office.

days after the said first day of January, or shall wilfully make other return of the persons as herein required, every banker, company, or partnership carrying on the business of bankers within such town or place, shall so offending shall forfeit or pay the sum of fifty pounds; and the commissioners of stamps and taxes shall on or before the first day of January in every year publish in some newspaper circulating within each town or place respectively in which the head office or principal place of issue of any banker be situated a copy of the return so made by every banker, company, or partnership carrying on the business of bankers within such town or place respectively, as the case may be.

XIV. AND be it enacted, that if the monthly average circulation of bank notes of any banker, taken in the manner herein directed, shall at any time exceed the amount which such banker is authorized to issue and to have in circulation under the provisions of this Act, such banker shall in such case forfeit a sum equal to the amount by which the average monthly circulation, taken as aforesaid, shall have exceeded the amount which such banker was authorized to issue and to have in circulation as aforesaid.

XV. AND whereas by an Act passed in the third and fourth year of the reign of his late Majesty King William the Fourth, intituled "An Act giving to the corporation of the governor and company of the Bank of England certain privileges for a limited period, under certain conditions," it was enacted, that from and after the first day of August one thousand seven hundred and thirty-four, unless and until Parliament should otherwise enact, a tender of a note or notes of the governor and company of the Bank of England, expressed to be payable to bearer on demand, should be valid as a tender to such amount for all sums above five pounds on all occasions on which any tender of money may be legally made, so long as the Bank of England should continue to pay on demand their said notes in coin; provided always, that no such note or notes should be deemed a tender of payment by the governor and company of the Bank of England, or any branch bank of the said governor and company: And whereas it has since that time have arisen as to the extent of the said enactment: For removal of doubts, it is enacted and declared, that nothing in the said last-recited Act shall extend or be construed to extend to make the tender of a note or notes of the governor and company of the Bank of England a legal tender in Scotland: Provided always, that nothing in this Act contained shall be construed to prohibit the circulation in Scotland of the notes of the governor and company of the Bank of England, as heretofore.

XVI. AND be it enacted, that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of any sum or sums of money, or of any goods, specifying their value in money, and made or issued in Scotland, shall from and after the first day of January one thousand eight hundred and forty-six be and be absolutely void and of no effect, any law, statute, or ordinance, contrary thereof in anywise notwithstanding.

forty-six, by any art, device, or means whatsoever, publish or utter in Scotland any such notes, bills, drafts, or engagements as aforesaid, for a less sum than twenty shillings, or on which less than the sum of twenty shillings shall be due, and which shall be in anywise negotiable or transferable, or shall negotiate or transfer the same in Scotland, every such person shall forfeit and pay for every such offence any sum not exceeding twenty pounds nor less than five pounds, at the discretion of the justice of the peace who shall hear and determine such offence.

XVII. AND be it enacted, that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of twenty shillings, or any sum of money above that sum and less than five pounds, or on which twenty shillings, or above that sum and less than five pounds, shall remain undischarged, and which shall be issued within Scotland at any time after the first day of January one thousand eight hundred and forty-six, shall specify the names and places of abode of the persons respectively to whom or to whose order the same shall be made payable, and shall bear date before or at the time of drawing or issuing thereof, and not on any day subsequent thereto, and shall be made payable within the space of twenty-one days next after the day of the date thereof, and shall not be transferable or negotiable after the time hereby limited for payment thereof, and that every endorsement to be made thereon shall be made before the expiration of that time, and to bear date at or not before the time of making thereof, and shall specify the name and place of abode of the person or persons to whom or to whose order the money contained in every such note, bill, draft, or undertaking is to be paid; and that the signing of every such note, bill, draft, or undertaking, and also of every such endorsement, shall be attested by one subscribing witness at the least; and which said notes, bills of exchange, or drafts, or undertakings in writing, may be made or drawn in words to the purport or effect as set out in the schedules to this Act annexed marked (C.) and (D.); and that all promissory or other notes, bills of exchange, or drafts, or undertakings in writing, being negotiable or transferable, for the payment of twenty shillings, or any sum of money above that sum and less than five pounds, or in which twenty shillings, or above that sum and less than five pounds, shall remain undischarged, and which shall be issued in Scotland at any time after the said first day of January one thousand eight hundred and forty-six in any other manner than as aforesaid, and also every indorsement on any such note, bill, draft, or other undertaking to be negotiated under this Act, other than as aforesaid, shall and the same are hereby declared to be absolutely void, any law, statute, usage, or custom to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this clause contained shall be construed to extend to any such bank notes as shall be lawfully issued by any banker in Scotland authorized by this Act to continue the issue of bank notes. [Rep., 26 & 27 Vict. c. 105. s. 1. (temp.)]

Promissory notes, bills of exchange, &c. negotiable or transferable, for 20s. and above, and less than 5l., to be drawn in certain form.

XVIII. AND be it enacted, that if any body politic or corporate or any person or persons shall from and after the said first day of January one thousand eight hundred and forty-six make, sign, issue, or re-issue in Scotland any promissory note payable on demand to the bearer thereof for any sum of money less than the sum of five pounds, except the bank notes of such bankers as are hereby authorized to continue to issue bank notes as aforesaid, then and in either of such cases every such body politic or corporate or person or persons so making, signing, issuing, or re-issuing any such promissory note as aforesaid, except as aforesaid, shall for every such note so made, signed, issued, or re-issued forfeit the sum of twenty pounds.

Penalty on persons, other than bankers hereby authorized, issuing notes payable on demand for less than 5l.

XIX. AND be it enacted, that if any body politic or corporate or person or persons shall from and after the passing of this Act publish, utter, or negotiate in Scotland any promissory or other note, (not being the bank note of a banker hereby authorized to continue to issue bank notes,) or any bill of exchange, draft, or undertaking in writing, being negotiable or transferable, for the payment of twenty shillings, or above that sum and less than five

Penalty on persons, other than bankers hereby authorized, uttering or negotiating notes, bills of exchange, &c.

include corporations ; and that the word " coin " shall mean the coin of this realm ; and that the singular number in this Act shall include the plural, and the plural number the singular, except where there is anything in the context repugnant to such construction ; and that the masculine gender in this Act shall include the feminine, except where there is anything in the context repugnant to such construction.

* * * * *

SCHEDULE (C.)^[*]

[Place] [Day] [Month] [Year]
 Twenty-one days after date I promise to pay to A.B. of [place], or his order,
 the sum of _____, for value
 received by _____

Witness, E.F.

C.D.

And the Endorsement, toties quoties.

[Day] [Month] [Year]
 Pay the contents to G.H. of [place], or his order.

Witness, J.K.

A.B.

SCHEDULE (D.)^[*]

[Place] [Day] [Month] [Year]
 Twenty-one days after date pay to A.B. of [place], or his order, the sum
 of _____, value received, as advised
 by _____

To E.F. of [place].

E.D.

Witness, G.H.

And the Endorsement, toties quoties.

[Day] [Month] [Year]
 Pay the contents to J.K. of [place], or his order.

Witness, L.M.

A.B.

CHAPTER XXXIX.

AN ACT to amend the Law of Arrestment of Wages in Scotland.

[21st July 1845.]

WHEREAS an Act was passed in the sixth year of the reign of his late
 Majesty King George the Fourth, intituled " An Act to alter and amend
 " an Act passed in the thirty-ninth and fortieth years of King George the
 " Third, for the recovery of small debts in Scotland " : And whereas another
 Act was passed in the first year of the reign of her present Majesty, intituled
 " An Act for the more effectual recovery of small debts in the sheriffs courts,
 " and for regulating the establishment of circuit courts for the trial of small
 " debt causes by the sheriffs, in Scotland " : And whereas it is expedient that
 the said Acts should be amended, as regards the arrestment of wages : Be it
 therefore enacted by the Queen's most excellent Majesty, by and with 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 from
 and after the passing of this Act it shall not be lawful or competent to arrest
 wages upon the dependence of any action raised by virtue of the said recited
 Acts, any thing therein contained to the contrary notwithstanding.

6 Geo. 4.
c. 48.7 Will. 4. &
1 Vict. c. 41.Arrestment
of wages not
competent on
dependence
of action
raised by virtue
of recited
Acts.

[* Schedules (C.) and (D.) are rep., 26 & 27 Vict. c. 105. s. 1. (temp.)]

officers, with reasonable allowances for their trouble, and to take such security from any of them for their intrusions, and for the faithful discharge of their duty, as may be deemed expedient; and no person acting as such trustee, clerk, collector, treasurer, superintendent, surveyor, or other officer, shall directly or indirectly have or hold any share or interest in any contract for making or repairing any of the said highways, bridges, or ferries, under a penalty of twenty pounds.

Officers not to be interested in contracts.

V. AND be it enacted, that all such trustees may pursue and be pursued in the name of their clerk or treasurer for the time being; and no action or process shall cease by the death or removal of such clerk or treasurer, but shall be continued in the name of the clerk or treasurer for the time.

Trustees may pursue and be pursued in the name of their clerk, &c.

VI. AND be it enacted, that all such trustees shall cause a book or books to be kept, in which shall be entered all the minutes of their orders and proceedings, as also true and regular accounts of all service performed and of all money received and expended on account of the highways, bridges, and ferries under their charge, specifying the sums applied to ordinary repairs, and to improvements of each highway, bridge, and ferry, and to management and expences, and the sums due and not recovered, as also the amount of debt and interest thereof; and such accounts for the year current at the passing of this Act shall be made up in each county or district of a county, and shall be audited and signed by two of the said trustees, or by their preses, if more than two be present, within a year after the passing of this Act; and the accounts so made up, audited, and signed shall include all transactions preceding the period of one month before the time at which they are so signed; and similar accounts shall be annually thereafter made up, and shall in like manner be audited and signed within one month from the time to which they are so made up; and after the first year from and after the passing of this Act it shall not be lawful for any person whatsoever to act in any way in the collection of another year's conversion until such accounts shall have been made up, audited, and signed as above directed.

Books of minutes and accounts to be kept and audited.

VII. AND be it enacted, that any person, having performed service or paid the conversion in money or assessment for the past or current year, may see and take a copy of the said accounts or any part thereof, on paying one shilling to the clerk or treasurer for each time of inspection; and an abstract of such accounts shall be printed and published annually in at least one newspaper usually circulated in the county or district where the road or roads or principal part thereof shall be, within one month after the said accounts are audited and signed as aforesaid; and any clerk or treasurer neglecting to make up or refusing or not permitting inspection of such accounts as aforesaid, or failing to print and publish the abstract thereof as aforesaid, shall forfeit and pay a sum not exceeding five pounds to any such person who shall prosecute for the same, with the expences of process or proceedings.

Permission to inspect accounts.

Abstract to be published.

Penalty on officers for default.

VIII. AND be it enacted, that it shall not be lawful to commence any legal process or proceeding for the recovery of any sum due or leviable as conversion of statute service, or assessment in lieu of such conversion, for making or maintaining any highway, bridge, or ferry, after six months from the time when the said sum shall have become leviable; and in all cases previous demand shall be made thirty days before commencing such process or proceeding.

Proceedings for recovery of sums due as conversion of statute service to be commenced within six months.

Mode of
recovering
conversion
money.

7 Will. 4. &
1 Vict. c. 41.

No imprison-
ment for non-
performance
of statute
labour, &c.

No person
liable to work
or pay who
does not pos-
sess lands,
&c. valued
at 2l. yearly.

Power to
exempt persons
who do not
possess lands,
&c. valued
above 5l.

Proprietors
in certain cases
to be assessed
instead of
tenants.

IX. AND be it enacted, that it shall be competent to recover any sum under one hundred pounds Scots due or leviabie as aforesaid for making or repairing any highway, bridge, or ferry, according to the provisions of an Act passed in the seventh year of King William the Fourth and in the first year of Queen Victoria, intituled "An Act for the more effectual recovery of small debts in the sheriff courts, and for regulating the establishment of circuit courts for the trial of small debt causes by the sheriffs, in Scotland," any thing to the contrary in any local Act notwithstanding: Provided always, that nothing herein contained shall in any way alter or affect any enactment or provision in any local Act relative to warrants for poinding for the purpose aforesaid, or any proceeding consequent thereon, saving and excepting that it shall not be competent after the passing of this Act to imprison any person for nonperformance of statute labour, or nonpayment of the conversion thereof or assessment in lieu of such conversion.

X. AND be it enacted, that from and after this present year one thousand eight hundred and forty-five it shall not be lawful to require any person, not being the proprietor or occupier of lands, buildings, or other heritable subjects of the yearly value of two pounds or more, to work or perform statute service on any highway, bridge, or ferry, or to exact or levy money from any such person as conversion of statute service, or otherwise for making or maintaining any highway, bridge, or ferry; and all warrants for poinding or imprisonment, and other legal proceedings whatsoever, against any such person as aforesaid, on account of nonperformance of such work or service, or nonpayment of such money or conversion, are hereby prohibited and discharged, saving and excepting such proceedings as shall have been commenced before the last day of December one thousand eight hundred and forty-five, which, notwithstanding any thing herein contained, may be continued and carried on in all respects as if this Act had not been passed.

XI. AND be it enacted, that it shall and may be lawful for all such trustees, at a general meeting assembled, on previous notice of such purpose being given as above directed, from time to time to fix and determine any amount of yearly value of lands, buildings, and other heritable subjects, not under two pounds and not above five pounds, to the proprietors and occupiers of which such trustees shall think fit to extend the said exemption in any county or district of a county; and it shall not thereafter be lawful to require any person, not being the proprietor or occupier of lands, buildings, or other heritable subjects of a yearly value above the amount so fixed, to work or perform statute service on any highway, bridge, or ferry, or to exact or levy money from any such person as conversion of statute service, or otherwise for making or maintaining any highway, bridge, or ferry.

XII. AND be it enacted, that in all cases in which, by authority of any local Act now in force, money as conversion of statute service, or assessment in lieu thereof, is authorized to be assessed on lands, buildings, or other heritable subjects, and is payable in whole or in part by the occupiers or tenants of such lands, buildings, or other heritable subjects, it shall and may be lawful to assess upon and recover from the proprietor of any such lands, buildings, or other heritable subjects such money, or part thereof, as the trustees appointed by such local Act may think proper, so payable by any occupier or tenant thereof, who is not occupier or tenant or proprietor of lands, buildings, or

heritable subjects of the yearly value in the whole of two pounds: Provided always, that if all the lands, buildings, or other heritable subjects belonging to such proprietor shall not be of the yearly value of two pounds, no part of such money shall be assessed upon or recovered from such proprietor.

XIII. AND be it enacted, that in all cases in which any sum of money heretofore exigible as conversion of statute service, or assessment in lieu thereof, shall under this Act cease to be so exigible, it shall be lawful for all such trustees at a general meeting assembled to assess in any county or district of a county any sum not exceeding the amount of the conversion or other money which by reason of this Act shall cease to be exigible, and to cause the same to be levied upon all lands, buildings, and other heritable subjects not herein-before exempted from assessment, or to be added to the sums otherwise assessable by any local Act, and that notwithstanding the rate of assessment should be thereby raised above the maximum amount authorized by such local Act; and all such sums so assessed or added shall be levied and applied in the same manner as the money might have been levied and applied in lieu of which the said sums are assessed; and all such sums shall be payable, one half by the owners, and the other half by the occupiers, of the lands, buildings, or other heritable subjects so assessed; and it shall be competent to levy from the occupiers the half payable by the owners, and such occupiers shall be entitled to deduct such half from the rent payable to the owners or other parties having right to such rent.

Assessments
ceasing by
this Act may
be levied in
any county
upon all lands,
&c. not herein-
before
exempted.

XIV. AND whereas it is expedient to abolish the personal performance of statute service, and the levying of the conversion thereof in money, or any assessment in lieu of such conversion, as a poll tax: Be it enacted, that from and after this present year one thousand eight hundred and forty-five it shall and may be lawful for all such trustees at a general meeting assembled, if they shall think fit, to order and direct that in any county or district of a county all such performance of statute service, and all such levying of conversion or assessment in lieu thereof, shall cease and determine.

Trustees
may order
performance
of statute
service, and
levying of con-
version money
or assessment
as a poll tax,
to cease.

XVII. AND be it enacted, that all liferenters and wadsetters shall be deemed and held to be proprietors for all the purposes of this Act; and that where any house has been or shall be built by any tenant under a building lease, such tenant, and his heirs and assignees, shall for the purposes of this Act be deemed and taken to be proprietor of such house.

Liferenters,
wadsetters,
&c. to be held
proprietors.

XVIII. AND be it enacted, that it shall be lawful for all such trustees, or any person authorized by them, to search for, dig, and carry away materials for making or repairing any highway, bridge, or ferry, or for building, making, or repairing any work connected therewith, from any common land, open uncultivated land, or waste, or to deposit mud or rubbish thereon, without paying any surface damages or any thing for such materials, except for stone to be used for building, and to carry the same through the ground of any person; such trustees, or other persons authorized by them, filling up the pits or quarries, levelling the ground wherefrom such materials shall be taken, or fencing off such pits or quarries, so that the same shall not be dangerous to any person or cattle, and paying for or tendering the damage done by going through and over any inclosed or arable lands for or with such materials, mud, or rubbish, such damages to be ascertained as herein-after mentioned;

Power to get
materials.

and also that it shall be lawful for such trustees, and other persons by them, as aforesaid, to search for, dig, and carry away any such materials from or out of the inclosed land of any person where the same may be found, and to land or carry the same through or over the ground of any person, such materials not being required for the private use of the owner or occupier of such land, and such land or ground not being an orchard, garden, lawn, or nursery for trees, planted walk or avenue to any house, or land planted as an ornament or shelter to a house, unless the same has been previously in use to be taken by the said trustees,) and to take, on the satisfaction for stones to be used for building, and for other purposes, to the lands from whence such materials shall be taken, and the land over or on which the same shall be carried or land shall be taken, at a rate to be judged reasonable; and in case such trustees and the proprietor of such lands shall differ as to the amount of such payments, it shall be competent to the sheriff or justice of the shire wherein the place from whence such materials shall be taken, on application of either party, with inducements of six days, to determine all questions as to the amount of such payments, and the expences attending the same: Provided always, that notice of such materials from any inclosed land from which the same shall be taken have been in use to be taken fourteen days previous to the taking of the same by two trustees, shall be given to or left at the use of the proprietor and occupier of the land or quarry from whence the same shall be taken, the same, or his or her known agent, to appear before the justices of the peace acting for the shire where the same shall be taken, to show cause why such materials shall not be so taken, and if the proprietor, occupier, or agent shall attend pursuant to such notice, neglect or refuse to appear, (proof on oath in such cases being given in service of such notice,) such sheriff or justices shall make order on the trustees to take such materials, or make such order as shall be thought fit.

action.

to be before materials are from

ty on g away als ded for ing rays, es, or s, &c.

r to use ing id as a rary during re,

of enation.

XIX. AND be it enacted, that it shall not be lawful for any person to take away any materials which shall have been procured for the making or repairing any highway, bridge, or ferry, or for any other purpose, out of any quarry which shall have been opened by such trustees, for the purpose of getting materials, so as to interrupt or hinder the carrying on by such trustees; and every person so offending shall be liable to a penalty of five pounds, or to be imprisoned for three months, or to both, at the discretion of the justices of the peace.

XX. AND be it enacted, that it shall be lawful for any person to take any materials from any inclosed land, or from any quarry, for the purpose of making a road through the grounds adjoining to any ruinous house, or for any other purpose, (not being an orchard, garden, lawn, or nursery for trees,) to be made use of for any house, or nursery for trees, whilst the old road is repairing or widening, and the proprietor and occupier of such grounds for the time being shall be liable to sustain; and in case such trustees and such proprietor shall differ as to the amount of such damages, it shall be competent to the justices of the peace for the shire where such damages shall be incurred, on the application of either party, to determine all questions as to the amount of such damages, and the expences attending the same: Provided always, that notice of such materials from any inclosed land from which the same shall be taken have been in use to be taken fourteen days previous to the taking of the same by two trustees, shall be given to or left at the use of the proprietor and occupier of the land or quarry from whence the same shall be taken, the same, or his or her known agent, to appear before the justices of the peace acting for the shire where the same shall be taken, to show cause why such materials shall not be so taken, and if the proprietor, occupier, or agent shall attend pursuant to such notice, neglect or refuse to appear, (proof on oath in such cases being given in service of such notice,) such sheriff or justices shall make order on the trustees to take such materials, or make such order as shall be thought fit.

days, to hear and determine all questions as to the amount of such damages, and the expences attending the same.

XXI. AND be it enacted, that it shall be lawful for all such trustees to make sufficient side drains on any highway, with power to conduct the water therefrom into any adjoining land, ditch, or watercourse, (such land not being site of any house or garden,) in such manner as shall be least injurious to the proprietor or occupier of such land, the said side drains to be maintained at the expence of the trustees.

Trustees to
make side
drains.

XXII. AND be it enacted, that it shall be lawful for all such trustees to make sufficient ditches along the side of any highway, provided that if the land is inclosed on the side of such highway such ditch shall be made on the field side of the fence, and also to make proper ditches and outlets from the said side ditches through any lands adjoining any such highway, (not being the site of any house or garden,) in such manner as shall be least injurious to the proprietor and occupier of such land; and the occupier of such land (unless such land be uninclosed and waste) shall be obliged in all time thereafter to keep clear such side ditches and other ditches or outlets, as well as all such ditches already made along the sides of any highway, when so required by the said trustees or their surveyor; and in case the proprietor or occupier shall neglect or refuse to cleanse such side ditches or other ditches or outlets, when duly required by such trustees or surveyors, such trustees or surveyors are hereby empowered to cleanse such side ditches or other ditches or outlets, and levy the expence thereof from the occupier of such grounds: Provided always, that nothing herein contained shall prohibit any proprietor or occupier from substituting, to the satisfaction of the trustees, any other equal effectual ditch or outlet in place of that constructed by the trustees.

Trustees
may make
ditches.

XXIII. AND be it enacted, that it shall be lawful for any such trustee or surveyor of any highway, or other person authorized by the said trustees, brevi manu, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever, laid or left upon any such road or footpath, or on any side drain or ditch of such road, and to sell or otherwise dispose of the same as a forfeiture in such manner as the trustees shall direct, unless such matter or thing shall be previously redeemed by the owner thereof by payment of the penalty in such case enacted: Provided always, that the proprietor or occupier of any lands or houses may lay down any materials for building or repairing any house or wall immediately adjoining any highway, such materials occupying one fourth part of such road only, and such proprietor or occupier giving three days previous notice in writing to the clerk or surveyor of the road, and erecting such fence round such materials, and fixing and lighting lamps thereon, in such manner as the trustees may require.

Timber,
stones, &c.
left on roads
may be seized.

XXIV. AND be it enacted, that if any person shall fill up or obstruct any ditch at the side of any highway, or any ditch used for conveying water from the said road, or any side drain thereof, or ditch or drain under the same, or shall encroach by making any dwelling house or other building, or any hedge, ditch, or other fence, or in any other manner whatever, on any highway, or shall make any drain, gutter, sink, or watercourse across, under, or upon, or shall turn or conduct any drain or water across, under, or upon, or in any way break up the surface of any highway, without the consent in writing of the trustees of such highway, or of their surveyor, such person shall forfeit for

Penalties on
persons
making en-
croachments.

cart, horse, or other beast on such road, conveying any iron bar or rod, tree, wood, stone, basket, or pannier, or any other matter or thing, except hay and straw, suffer the same to project by more than thirty inches from the side of such horse or other beast, or more than one foot laterally beyond the wheels of such carriage, or so as in any manner to obstruct or impede the passage of any person, or any horse, beast, or carriage travelling along such highway; or if any person shall carry any timber or other article above twenty-five feet long on any cart or carriage not having more than two wheels; or if any hawker, higgler, gipsy, or other person shall pitch any tent or encamp upon or by the sides of any part of any highway; or if any person occupying or using a blacksmith's shop, foundry, smelting house, iron or brass work, boiler-making work glass work, soda, soap, or chemical work, shall not, by good and close shutters, every evening after it becomes twilight, or otherwise, bar and prevent the light from such shop shining into or upon such road, and from being dangerous or detrimental to travellers; or if any person shall make or assist in making any fire or fires commonly called bonfires, or shall set fire to or let off or throw any squib, rocket, serpent, or other firework whatsoever, within one hundred feet of the centre of such road, or shall discharge any gun, pistol, or other firearms, fly kites, or bait or run for the purpose of baiting any bull, or play at football, tennis, fives, cricket, or any other game or games, upon such road, or on the side or sides thereof, or in any exposed situation near thereto, to the annoyance of any passenger or passengers; or if any person shall leave any waggon, cart, or other carriage whatever upon such road or on the side or sides thereof, without any proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such waggon or other carriage during the time of loading or unloading the same, or of taking refreshments, as near to one side of such road as conveniently may be, either with or without any horse or beast of draught harnessed or yoked thereto; or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish, or other matter or thing whatsoever, upon such road or on the side or sides thereof, or the footpaths or causeways adjoining; or shall hang or lay any linen clothes or other such article on any hedge or fence of any such road; or shall suffer any water, filth, dirt, or other offensive matter or thing whatsoever to run or flow into or upon such road or footpaths from any house, building, erection, lands, or premises adjacent thereto; or if any person driving any pigs or swine upon such road shall suffer such pigs or swine to root up or damage such road, or the fences, hedges, banks, or copse on either side thereof respectively; or if any person shall, after having blocked or stopped any cart, waggon, or other carriage in going up a hill or rising ground, cause or suffer to be or remain on such road the stone or other thing with which such cart or other carriage shall have been blocked or stopped; or if any person shall pull down, damage, injure, or destroy any lamp or lamp post put up, erected, or placed in or near the side of any highway, or shall extinguish the light of any such lamp; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding fifty shillings, over and above the damages occasioned thereby.

lation
revers.

XXVII. AND be it enacted, that if the driver of any cart, wagon, or other such carriage on any highway shall ride on the shafts, or in any part of such carriage, without having and holding reins attached to the bridle of each beast of draught drawing such cart or carriage, or at any time leave the same travelling on any such road without a person to guide the beast or beasts of draught drawing the same, or allow to go at large any dog that may be attending him, or his cart, or other such carriage, or shall not chain or fasten the same to the cart, or carriage, or if the driver of any sort of carriage shall not stand on the left or near side of such road on meeting or on being overtaken by another carriage or any rider, or shall wilfully prevent any other person from passing his carriage, such driver shall for every such offence forfeit a sum not exceeding five pounds over and above the damages occasioned.

ity in
of one
r taking
re of
than
arts, &c.

XXVIII. AND be it enacted, that if one person act as the driver of more than two carts, waggons, or other such carriages on any highway, or shall hinder of two carts, waggons, or other such carriages, under the management of one person, shall be drawn by more than one horse, or if the driver of a hinder cart, waggon, or carriage shall not be attached by a rein to the cart which shall be foremost, and follow in the same line as the horse drawing such hinder cart not being permitted to be further in front than six feet, the owner or driver of every such waggon or carriage shall for each transgression in any of the points aforesaid pay a sum not exceeding forty shillings.

ren
drive
&c.

XXIX. AND be it enacted, that no waggon or cart travelling on any highway shall be driven by any person who shall not be of the full age of twenty years, under a penalty for each such offence not exceeding forty shillings to be paid by the owner of such waggon or cart.

ms
ng up
for
pipes
water, &c.
repair
; and in
it trustees
do so at
expence.

XXX. AND be it enacted, that if the causeways and footpaths on any highway, or any part of such highway, shall be opened up by any person without the leave of the said trustees, or otherwise having authority so to do, for the laying of pipes for water, gas, tunnels, or railroads, or for any other purpose whatever, and the same shall not be immediately thereafter repaired, and rendered completely sufficient and good by the person or persons opening up the same, to the satisfaction of the said trustees or their surveyor, the said trustees or their surveyor shall have full power and authority to be authorized to execute the necessary repairs on the part or parts of such highway or footpath so opened up, and to restore the same completely, and the expence thereof against the person or persons opening up the same shall be ascertained by an account under the hands of the said trustees or their surveyor, or of their clerk or surveyor; and if any injury shall happen to the public from the operations of the persons opening up the same as aforesaid, such persons shall be solely liable for the same, and shall be relieved from all expences attending the same, and from all expences attending the same in all cases where any injury shall arise to any highway from the opening up of a conduit, pipe, water, matter, or thing whatsoever being conveyed under, or upon, or by any thing done upon any part of any such highway by any person having leave or otherwise entitled so to do, and such injury shall be immediately repaired to the satisfaction of the trustees,

surveyor are hereby authorized to repair the same, and charge the expence thereof as aforesaid against the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept.

XXXI. AND be it enacted, that, if the surveyor of any highway, or any contractor or other person employed on such road, shall lay on any part of any such road any heap of stones or other materials for the repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such materials, or shall lay on any such road any matter or thing, or shall knowingly permit to remain on any part of any such road any matter or thing, which may endanger the safety of any passenger, or shall dig any pit or make any cut on any highway without sufficiently fencing the same, such person shall for every such offence forfeit and pay a sum not exceeding five pounds, over and above the damages occasioned thereby, and expences; and it shall be lawful for any person travelling along any highway to prosecute for such sum, damages, and expences, in manner herein-after provided: Provided always, that it shall be lawful for any such surveyor, contractor, or other person to have on any such road, during daylight, any trestles or bars in any such manner as the trustees of such road may judge necessary to prevent interruption of the work during the repairing of the road, or to prevent carts or carriages from running in tracks injurious to the road: Provided also, that such trestles or bars shall at all times be placed in such manner as not to be more inconvenient to passengers than may be necessary to prevent interruption to the work, or to prevent carts or carriages from running in tracks injurious to the road.

Surveyors, &c.
not to leave
materials un-
necessarily
on the roads.

XXXII. AND be it enacted, that if the proprietor or occupier of any lands adjacent to any highway shall dig any pit or make any cut upon or within twelve feet of the side of any such road, and shall leave the same unfenced so as to be dangerous to travellers, and shall not fence the same when required so to do by any two of the trustees of such road, or any procurator fiscal of the shire within which the said pit or cut is situated, such proprietor or occupier shall forfeit and pay a sum not exceeding five pounds for every day such pit or cut shall continue to be unfenced beyond three days after notice shall have been given as aforesaid, and it shall be lawful, after such notice, for the said trustees or procurator fiscal to cause the same to be fenced at the expence of such proprietor or occupier.

Proprietors
to fence pits
made near
the roads.

XXXIII. AND be it enacted, that if any horse, cattle, ass, sheep, swine, or other beast of any kind shall be pastured, or left or permitted to remain, or found straying, on any highway, or the sides thereof, (except on such parts of any road as pass through or over any common or waste ground, or land not inclosed, unless it be arable on one side,) the person so pasturing or leaving such beast, or permitting the same to remain, or the person having the charge of such beast, or the owner thereof if such person cannot be found, shall forfeit and pay a sum not exceeding five shillings for every such beast; and it shall be lawful for any trustee of such highway, or the surveyor of such trustees, or any other person authorized by them, brevi manu, to seize and detain the same until such penalty and the expences of process and proceeding shall be paid; and in case the said penalty and expences shall not be paid within three days after notice of such detention shall be given at the parish church nearest to the place where such animal shall be found, the said surveyor or other person

No animal to
be pastured
on the roads,
or sides thereof.

Animals may
be seized;

and sold for
payment of
penalty.

to stop, and permit the name to be read or uncovered by any person requiring him so to do, shall over and above forfeit for every such offence any sum not exceeding forty shillings.

XXXVIII. AND be it enacted, that it shall be lawful for the procurator fiscal and for all such trustees, or any person authorized by them, or for any one of their number, to prosecute for any expences, penalty, forfeiture, or fine imposed by this or any Act made for making or maintaining any highway, bridge, or ferry, and to recover the same, before the sheriff or the justices of the peace of the shire in which the same shall have become due or been incurred, or where the offender shall reside, subject to appeal in manner herein after mentioned; and it shall be lawful for the said trustees to allow the expences of such prosecutions to be defrayed out of the funds of the trust.

Trustees may prosecute before sheriff and justices at the expence of the trust.

XXXIX. AND be it enacted, that all expences, penalties, forfeitures, and fines imposed by this or any such Act as aforesaid (excepting such penalties as are herein otherwise directed to be recovered and applied) shall, after hearing the party complained of, or on the nonappearance of such party, after summons, on an induciæ of six days, personally, or at the dwelling place of such party, (of which the oath of one witness, or an execution of citation without witnesses, shall be sufficient evidence,) upon proof of the fact before the sheriff or justices of the peace for the shire in which the same shall have become due or been incurred, or where the offender shall reside, either by the confession of the party offending or by the oath of any one credible witness, or other competent evidence, be levied, together with the expences of the prosecution and conviction, by pointing and sale of the goods and effects of the party offending, by warrant under the hand of such sheriff or justices (which warrant such sheriff or justices are hereby empowered to grant); and the surplus, (if any,) after deducting such expences, penalties, forfeitures, and fines, and the expences of the proceedings and charges of such pointing and sale, shall be returned to the owner of such goods and effects; and in case the same shall not be forthwith paid upon conviction, then it shall be lawful for such sheriff or justices to order the offender so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of pointing, unless the offender shall give sufficient security, to the satisfaction of and to the amount fixed by such sheriff or justices, for his or her appearance before such sheriff or justices on such day as shall be appointed for the return of such warrant of pointing, which security the said sheriff or justices are hereby empowered to take by bond of caution or otherwise; but if upon the return of such warrant it shall appear that no sufficient goods and effects can be found, then it shall be lawful for the said sheriff or justices, in all cases where the penalties sought to be recovered shall exceed the sum of forty shillings, and they are hereby authorized and required, by warrant under their hand, to cause such offender to be committed to the common gaol or house of correction of the shire where the offender shall be or reside, there to remain for any time not exceeding four months, unless such expences, penalties, forfeitures, and fines, and the expences of the proceedings, shall be sooner paid; and in all cases where the penalties awarded shall be less than the sum of forty shillings the said sheriff or justices may, when no effects can be found as above, commit the offender to prison for any time not exceeding two months, unless the said penalties, fines, and expences shall be sooner paid; and the monies arising by

Proceedings for recovering penalties, &c.

such penalties, forfeitures, and fines respectively, if not otherwise applied by this Act, or the Act under which the same shall be incurred, or in so far as not directed by the sheriff or justice towards the expences of the proceedings, shall be paid to the making and maintaining the roads, or to their treasurer, and disposed of for the purposes of such roads.

recovery of
penalties by
summary
process.

XL. AND be it enacted, that it shall be lawful for the sheriff or justice, before whom any complaint for the recovery of any penalties, forfeitures, or fines may be brought, to proceed, if he or she think fit, in a summary way, and to grant warrant for bringing the complainant upon before him for examination, and after hearing confession or probation by the oath of any credible witness or credible evidence, to proceed to determine thereon, without any written record of evidence, and to grant warrant for levying the same by pointing and sale, and in the case of a return of no effects, or if it shall appear to the satisfaction of such sheriff or justice that no sufficient evidence is found, for commitment of the offender as above enacted; but a record shall be preserved of the charge and of the judgment passed.

attendance
of witnesses.

XLI. AND be it enacted, that if any person shall be summoned to give evidence before any sheriff or before any justice of the peace in any matter contained in any Act relating to highways, bridges, or ferries, and shall refuse or neglect to appear at the time and place for that purpose without a reasonable excuse for such refusal or neglect, then such person shall forfeit for every such offence any sum not exceeding five pounds; and there shall be no objection to any witness that such witness shall have appeared in pursuance of such citation, or without having been regularly cited.

power to
apprehend,
i.e. unknown
persons
committing
offences.

XLII. AND whereas offences may be committed against the Acts for making and maintaining highways, bridges, or ferries, the names of which are unknown to the surveyors or other officers: Be it therefore enacted, that it shall be lawful for any of the trustees of any highway, or any surveyor or their surveyors or other officers respectively, and such other persons as they shall think fit, to call to their assistance, or for any person seen committing against this or any such Act, without any warrant, in the authority than this Act, *brevi manu*, to seize and detain any person who shall commit any such offence, and take such person before the sheriff or any neighbouring justice of the peace, or to the place where the offence shall have been committed or where such person shall be seized and apprehended, who shall forthwith examine and disclose the name of such person till caution *de judicio sisti* be found, or shall proceed in any other way above directed, as the case may seem to require.

appeal from
justices to
quarter
sessions.

XLIII. AND be it enacted, that any person who shall be aggrieved by any judgment or proceedings of any justice of the peace in the execution of this Act, for which no appeal is hereby provided, may, within three months after such judgment or proceedings, but not afterwards, appeal to the justices of the peace at the next quarter sessions, the appellant giving fifteen days previous notice to the opposite party, and to the clerk of the said justice of the

justices of the peace, and finding caution to pay the expences of such appeal ; and where by this Act the adjudging of any penalty, forfeiture, or fine, or the determining the amount of any payment, damages, or expences, or any other matter, is committed to any justice or justices of the peace, or to the sheriff, or to the justices of the peace assembled in their quarter sessions, originally or by appeal, all judgments, determinations, and proceedings of such justice or justices not appealed from as aforesaid, and of such sheriff or quarter sessions, shall be final and conclusive, and shall not be subject to review by advocacy or suspension, or by reduction, or by any process of law or court whatsoever, any law or usage to the contrary notwithstanding.

Judgment of justice not appealed from, or of sheriff or quarter sessions, to be final.

XLIV. AND be it enacted, that all warrants, interlocutors, judgments, and sentences of sheriffs and justices, issued or pronounced under the authority of this Act, may be enforced against the person or effects of any party or witness in any other county, as well as in the county where the same are issued or pronounced : Provided always, that such warrants, interlocutors, judgments, and sentences shall be endorsed by the sheriff or a justice of the peace of such other county ; and such endorsement shall be sufficient authority to the constables or sheriff's officers of the original county, or of such other county, to put the same to execution within such other county.

Warrants, &c. may be enforced in any other county.

XLV. nothing contained herein or in any local Act shall render it incompetent for any sheriff to hear and determine any civil causes or prosecutions for penalties, forfeitures, and fines, on account of any of the matters herein-before or in any local Act enacted, according to the provisions of an Act passed in the seventh year of King William the Fourth and in the first year of Queen Victoria, intituled " An Act for the more effectual recovery of small debts in the sheriff courts, and for regulating the establishment of circuit courts for the trial of small debt causes by the sheriffs in Scotland."

Saving of jurisdiction of sheriffs to hear civil causes for penalties under 7 Will. 4. & 1 Vict. c. 41.

XLVI. AND be it enacted, that all civil causes, petitions, complaints, and processes whatsoever, and prosecutions or proceedings, for expences, penalties, forfeitures, and fines imposed by this Act or any local Act, or for any damages incurred or any wrongs done or injuries suffered in any matter thereto relating, or for any thing done in pursuance of any of the powers by this or any such Act given and granted, shall be commenced within six calendar months after the penalty, forfeiture, fine, or damage shall have been incurred, or wrong done or injury suffered, or fact committed, and not afterwards : Provided always, that nothing in this clause contained shall apply to or affect in any way what is above enacted concerning processes and proceedings for the recovery of any sum due or leivable as the conversion of statute service, and the expences thereof.

Proceedings for penalties to be taken within six months.

XLVII. AND be it enacted, that nothing in this Act contained shall be construed to extend or apply to the middle district in the county of Edinburgh.

Proviso.

Act not to extend to middle district in county of Edinburgh.

and enacted that any bye laws, rules, and regulations so to be made and published shall be made equally applicable to and binding on all companies and persons so using such last-mentioned boats, barges, or other vessels.

III. AND be it enacted, that it shall also be lawful for any such company, trustees, or undertakers to purchase and provide and use boats and other vessels, and also horses, steam or other power, and machinery, for hauling, tracking, and towing, upon their own canals, rivers, or navigations, or upon any other canals, rivers, or navigations communicating therewith, either directly or by means of any intermediate canal, river, or navigation, and to employ a sufficient number of competent persons for those purposes, and to demand and receive for the use of such boats, and for such hauling, tracking, or towing, such reasonable hire or remuneration as shall be fixed by the respective committees, directors, or managers of such canals or navigations, or as shall be agreed upon between them and any person desiring the use of any such boats or vessels, or requiring such hauling, tracking, or towing.

Companies may provide boats and power for hauling and tracking vessels.

IV. PROVIDED always, and be it enacted, that all charges to be made by any such company for the carriage of any such goods, wares, merchandize, articles, or things, or for the use of their boats and other vessels, or for the supply of haulage, trackage, or other power, shall be at all times charged equally to all persons, and after the same rate, whether per mile, or per ton per mile, or otherwise, in respect of all goods, wares, merchandize, articles, and things, of a like description, and conveyed or propelled in a like boat or vessel at the same rate of speed, and passing along the same portion of any such canal or navigation under the like circumstances, and no reduction or advance in any of such charges shall be made, either directly or indirectly, in favour of or against any particular company or person passing along, or using, or sending goods, wares, merchandize, articles, or things along, the same portion of any such canal or navigation under the like circumstances.

Tolls, &c. to be charged equally to all persons.

V. AND be it enacted, that any canal or navigation company exercising the powers by this Act granted shall have all the same powers and remedies for recovering any sum or sums of money which shall or may become due and owing to such company as carriers, or for the use of any boats or vessels, or for the supply of any haulage, trackage, or other power, by virtue of this Act, as are given to them respectively by their said several Acts of Parliament in reference to the tolls and duties thereby made payable, or they may, at their option, sue for and recover such charges, or any part thereof, in any of the superior courts; and such company may in like manner be sued for any loss sustained by any person or persons employing the said company as carriers, or for any neglect or misconduct of such company or their servants in respect of their conduct as carriers by virtue of this Act; and such company may prosecute any indictment or other proceeding at law in respect of any offence arising or being committed in the course of such carrying or other proceeding under this Act; and it shall be sufficient if any goods or other things which are set out in any indictment shall be described and laid to be the property of the said company.

Company may sue and be sued as carriers, and may prefer indictments.

VI. PROVIDED always, and be it enacted, that nothing herein contained shall in any case extend to charge or make liable any such company further or in any other case than where, according to the laws of this realm for the

Provisions in force relating to common carriers to

collect the tolls so let, shall be deemed collectors of the tolls so let, and they shall have the same powers to collect and recover such tolls, and be subject to the same rules, duties, and penalties in reference thereto, as if they had been appointed for that purpose by the company demising the same.

X. AND be it enacted, that if any such lease shall become void or voidable, according to any stipulations therein contained for that purpose, by reason of the failure on the part of the lessee to comply with any of the terms of such lease, or if all or any part of the rent thereby reserved shall be in arrear or unpaid for twenty-one days after the same shall become payable, then, upon application made by the company who shall have demised the same to a justice, it shall be lawful for such justice to order any constable, with proper assistance, to enter upon any toll house, dwelling house, office, weighing machine, or other building, with the appurtenances, belonging to the lessors, and remove from the same the lessee or collector or other person found therein together with his goods, and take possession thereof and of all property found therein belonging to the lessors, and deliver the same to them or any person appointed by them for that purpose.

Lessee making default to be removed.

XI. AND be it enacted, that upon such possession being obtained it shall be lawful for the company having made such demise to determine the lease (if any) previously subsisting, and the same shall accordingly be utterly void, except as to the remedies of the lessors for payment of the rent due, or in respect of any unperformed or broken obligations or conditions on the lessee's part, all which remedies shall remain in full force; and in every such case, either during such proceedings or on the termination thereof, the company may again let the tolls to the same or any other person, or cause them to be collected in the same manner as if no such former lease had been made relative thereto.

Company may in such case determine lease;

and relet tolls.

XII. PROVIDED always, and be it enacted, that this Act shall not apply to any canal or navigation the property wherein is vested in shareholders, nor shall the powers of leasing herein-before contained be exercised by any such canal or navigation company, until a meeting of the shareholders thereof shall have been duly convened, in such manner as meetings are by their respective Acts of incorporation or settlement required to be called or are usually called, and it shall have been determined by a majority of two thirds of the votes of the shareholders in such meeting assembled, either in person or by proxy, where by such Acts of incorporation or settlement voting by proxy is allowed, to adopt the powers and provisions hereby granted, or such and so many of them as it shall at such meeting be determined shall be adopted, or to grant or accept any such lease, nor to any canal or navigation the property wherein is vested in one or more owner or owners, proprietor or proprietors, unless the owner or owners, proprietor or proprietors thereof shall determine to adopt the powers and provisions hereby granted, nor in either case until public notice of any such determination and intention shall have been inserted in the London Gazette in respect of canals or navigations in England or Wales, in the Edinburgh Gazette in respect of canals or navigations in Scotland, and in the Dublin Gazette in respect of canals or navigations in Ireland, and in some newspaper circulating in the county or counties wherein such canal or navigation, or some part thereof, shall pass, one month at the least previously to the exercise of any such powers, whereupon, or immediately after the expiration of such notice, every such company, or their respective committees, directors, or

Act not to apply until a meeting of shareholders, or until owners have determined to adopt it, and notices have been duly published.

from time to time be made by such lord lieutenant or other chief governor or governors or by the inspector general of the said constabulary force, under the control and directions of the said lord lieutenant or other chief governor or governors; and such constables may in like manner, by any such order, be reduced in number, or wholly removed from the neighbourhood of such works; and the head and other constables so appointed shall, during the period of such employment, have the same amount of pay and allowances, and the same rights, powers and authorities, privileges, and advantages, and be subject to the same provisions and enactments, rules, regulations, and orders, and be in all respects in the same situation in the county, county of a city, or county of a town in which they shall be stationed, as far as the circumstances of the case will admit, as if they had been appointed to and formed part of the constabulary force established in and for such county, county of a city, or county of a town.

II. AND be it enacted, that the inspector general of the said constabulary force, with the assistance of the receiver of the said force, shall from time to time, or as often as he shall think convenient, prepare and certify under his hand a detailed account of the expence incurred for the pay, salary, clothing and equipment, lodging, and other allowances of such men so appointed and employed as aforesaid, which expence, when approved and certified by the chief or under secretary of such lord lieutenant or other chief governor or governors, the said company or parties, or their agent, shall, upon demand, pay to the said receiver, to be placed to the credit of the county, county of a city, or county of a town, in which such constables as aforesaid shall have been so employed.

Expence of additional head and other constables to be paid by the company or parties carrying on such works.

III. AND be it enacted, that in all cases where the company or other parties carrying on such public work shall refuse or neglect, during fourteen days next after demand thereof, to pay any such expence, or any part thereof, as shall have been so certified and approved as aforesaid, the same shall and may be sued for in any of the superior courts, at the suit of her Majesty's attorney general for Ireland, as a debt due to her Majesty, or, upon production of such account, so certified and approved, before any two justices of the county, county of a city, or county of a town, in which such constables shall have been so employed as aforesaid; and upon proof on oath of such demand made as aforesaid of such company or parties, or any officer superintending such public works, and upon the application of the said receiver of the constabulary force, or any person by him authorized in writing, it shall be lawful for such justices, by their warrant under their hands and seals, (which they are hereby authorized and required to grant,) to cause the amount of such account to be levied, together with the expences of levying the same, by distress and sale of the goods and chattels of the company or other parties carrying on such public works as aforesaid; and the surplus, if any, arising from such distress and sale, after deducting the amount of such account, together with the reasonable expences attendant on such distress and sale, shall be rendered to the said company or parties.

If the company or parties neglect to pay the expence, it may be recovered at the suit of her Majesty's attorney general for Ireland, or by distress and sale of the goods of the company.

* * * * *

therein mentioned as to the mode of repayment of such loan, and also subject to an absolute power of sale of the hereditaments charged with any such loan, to be vested in her Majesty, her heirs and successors, in manner therein mentioned: And whereas by an Act passed in the seventh year of the reign of her present Majesty, intituled "An Act for giving additional powers to the commissioners for the relief of certain of her Majesty's colonies and plantations in the West Indies," after repealing and altering certain of the provisions contained in the last-recited Act respecting the granting of extension of time, it was by the Act now in recital enacted, that it should be lawful for the commissioners acting in the execution of the said recited Acts, or any three of them, to make any transfer of any sum of money secured to her Majesty by virtue of any security made in pursuance of the said recited Acts respectively, and any interest thereon, and to convey the said principal monies secured by such mortgage security as aforesaid, and pay all principal monies secured by such mortgage security as aforesaid, and the interest thereon, in manner therein mentioned: And whereas it is expedient to make some further provisions for facilitating the recovery of the principal and interest of any loans made or to be made in pursuance of the said recited Acts or any of them, and for making transfers of the securities for the same or any part thereof, and also to enable the said commissioners for the time being to compound any debts due to them or to her Majesty in respect of any such loans as aforesaid: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the commissioners for the time being acting in the execution of the said recited Acts, or any of the said Acts, or any person or persons for the time being acting under their direction, or any commissioners in aid appointed as by the said first-recited Act is mentioned, from time to time to make sale of all or any part of any hereditaments which have been or shall be taken possession of by them or him for nonpayment of any principal or interest, in pursuance of the provisions in that behalf in the said Act of the second and third years of the reign of his said late Majesty King William the Fourth contained, and (as regards any principal monies due) whether judgment shall have been entered up or not, as by the said last-mentioned Act is provided: Provided always, that no such sale shall be made unless for at least three calendar months previously to such sale there shall have been inserted in the London Gazette, and in such public newspaper or newspapers in the colony where the property shall be situated as the said commissioners shall direct, a notice of the intention of the commissioners to exercise their power of sale; and any such sale may be made at any time after such three months notice shall have been given; and any such sale may be made subject to such special conditions as to the title, or the deeds, copies, or other evidences to be produced, the evidence relating to the identity of the property sold, and the mode and times of payment of the money, as the said commissioners, or the persons acting under their direction, or the said commissioners in aid, shall think fit; and any contract for sale may be altered or rescinded by the said commissioners, or such persons respectively as aforesaid, in such manner in all respects as they shall think fit; and any part of the purchase money may be left on the security of all or any part of the heredita-

7 & 8 Vict.
c. 17.

If default be made in payment of loans or interest, premises mortgaged and taken possession of under recited Acts may be sold, on certain conditions.

in writing of the lord high treasurer for the time being, or the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three of them, by warrant under his or their hand or hands, to compound any debt or debts on account of any loan or advance made or hereafter to be made under or in pursuance of the said recited Acts or any of them, and to stay any proceedings for the recovery of the same, upon payment of such sum or sums of money, and upon such terms and conditions, as they may think fit, such sum or sums of money to be paid into the Bank of England in all respects as by the said first-recited Act is provided with respect to the repayment of the monies to be secured by virtue of the provisions of that Act; and that upon any such payment being duly made as aforesaid it shall be lawful for the said commissioners acting in execution of the said recited Acts to make and execute such releases and reconveyances of the debt which shall have been so compounded as aforesaid, and the interest thereof, and the securities for the same, as if the full amount of the debt so compounded, and all interest for the same, had been duly paid and discharged.

consent of
Treasury.

IV. AND be it enacted, that any act, matter, or thing hereby authorized to be done may be done by any three of the said commissioners for the time being, and that the execution of any deed or instrument, either in pursuance of this Act or of any of the said recited Acts, and whether already executed or hereafter to be executed, referring to or reciting any warrant, authority, or assent of the lord high treasurer, or of three of the commissioners of her Majesty's Treasury, either made in pursuance of this Act or of any of the said recited Acts, shall be evidence of such authority or assent; and the execution of any deed or other instrument, already executed or hereafter to be executed, purporting to be executed by the said commissioners or any three of them, shall be taken as evidence that such commissioners so executing were duly appointed.

Three com-
missioners
may act.

V. AND be it enacted, that all and every the several clauses, powers, provisions, enactments, penalties, and restrictions in the said Acts contained, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if all such clauses, powers, provisions, and enactments were herein repeated and set forth.

Provisions of
recited Acts
to extend to
this Act.

* * * * *

CHAPTER LVI.

AN ACT to alter and amend an Act passed in the Third and Fourth Year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to enable the Owners of Settled Estates to defray the Expences of draining the same by way of Mortgage. [31st July 1845.]

WHEREAS by an Act passed in the third and fourth year of the reign of her present Majesty Queen Victoria, intituled "An Act to enable the owners of settled estates to defray the expences of draining the same by way of mortgage," after reciting that whereas much of the land in England and Ireland would be rendered permanently more productive by improved draining, and nevertheless, by reason of the great expence thereof, proprietors having a

3 & 4 Vict
c. 55.

limited interest in such land were often unable to execute such draining, and that it was expedient, as well for the more abundant production of food as for the increased employment of farming labourers, and the extended investment of capital in the permanent improvement of the soil, that such proprietors should be relieved from such disability, due regard being had to the interests of those entitled in remainder, it was amongst other things enacted, that it should be lawful for any tenant for life, or for term of years, as therein mentioned, entitled to any lands in England or Ireland, or such guardian or guardians as therein mentioned, to apply by petition to her Majesty's Court of Chancery or Exchequer in England or Ireland for leave to make permanent improvement in the lands to which he or she should be so entitled, by draining; and by the said Act provision is made for the charging the cost of such draining on the lands so drained, and otherwise as in the said Act is mentioned: And whereas the advantages contemplated by the said recited Act are diminished by reason of the costs attending the making such application and such charge as by the said Act is provided; and it is therefore, and for other reasons, expedient that the provisions of the said Act should be repealed, and should be re-enacted, with such modifications, extensions, and alterations as are 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, that, subject to any proceedings under the said recited Act which at the time of the passing of this Act shall be pending, the said recited Act shall be and is hereby repealed. [Rep., Stat. Law Rev. Act, 1875.]

Recited Act repealed.

Tenants by curtesy, trustees, &c. may petition the Court of Chancery for leave to make permanent improvements by draining, &c. in lands in their possession.

III. AND be it enacted, that any person entitled in possession to any land as tenant by the curtesy, or for his own life, or any other life or lives, or for years determinable on any life or lives, or any infant entitled as aforesaid by his guardian or next friend, or any idiot or lunatic entitled as aforesaid by the committee of his estate, or any married woman entitled as aforesaid for her separate use by her next friend, or the husband of any married woman entitled as aforesaid in her right, or any feoffees or trustees for any charitable (or other) purposes, or any ecclesiastical or other corporation aggregate or sole, or any mortgagee or incumbrancer in fee in possession of the land mortgaged or incumbered, or any person entitled in fee to any equity of redemption, and in possession of the land mortgaged, shall be at liberty to apply to the High Court of Chancery, by petition to the lord chancellor or the master of the rolls, for leave to make any permanent improvements in the land to which such person or corporation shall be so entitled, or any part thereof, by draining the same with tiles, stones, or other durable materials, or by warping, irrigation, or embankment in a permanent manner, or by erecting thereon any buildings of a permanent kind incidental or consequential to such draining, warping, irrigation, or embanking, and immediately connected therewith, and shall in such petition be at liberty to pray that the expence of making any such permanent improvement may be made a charge on the inheritance of the land under the provisions of this Act.

Such petition to be referred to the master, who shall report thereupon.

IV. AND be it enacted, that upon the presentation of any such petition as aforesaid it shall be lawful for the court, without requiring the attendance of any counsel or solicitor, to refer it to one of the masters of the said court to make all necessary and proper inquiries, and consider all such estimates and

valuations as shall be produced before him in relation to the matter of such petition, and thereupon to report whether in his opinion it will be beneficial to all persons interested in the land that such permanent improvements should be made under the provisions of this Act.

V. AND be it enacted, that such report shall be filed in the report office of the said court, and if no special application to review the same shall be made within fourteen days after the filing thereof, it shall be lawful for the said court, upon the petition of the party obtaining the same, and without the attendance of any counsel or solicitor, to confirm the said report absolutely, and thereupon to authorize or permit such permanent improvements to be made; and the master may thereupon certify that any person advancing money for the purpose of making such permanent improvements of the land under the provisions of this Act will, upon its appearing to the said master that such sum of money has been fully expended in making such improvements, or in paying the expence of obtaining the authority of the said court, become and be entitled to a charge on the land for the repayment of the money advanced, with interest; provided that upon application to the court to confirm the master's report it shall be lawful for the court, if in its opinion the case shall appear to require the same, to refer it back to the master to review his report, or to receive fresh evidence in support of the master's finding, or otherwise for the purpose of ascertaining in a more satisfactory manner whether it is proper to make the improvements proposed under the provisions of this Act.

Master's report to be filed, and on confirmation thereof by the court, improvements may be made.

Certificate to be issued by the master that persons advancing money for improvements will become entitled to a charge on the estate.

The court may refer the case back to the master.

VI. AND be it enacted, that the master, having granted such certificate as aforesaid, is to be at liberty to inquire and state what expences have been incurred in and about the application to the court, and making the necessary surveys, valuations, and estimates, and also to inquire and state what sums of money have been actually expended in such improvements; and the master, being satisfied as to the amount of such expences, may endorse upon the said certificate that it hath been made to appear to him that the whole or such part of the monies so advanced as aforesaid as upon the evidence shall appear to have been so advanced hath been fully expended in manner aforesaid, and upon such endorsement being made the inheritance of the said lands shall thereupon become and be charged with the payment of the said sum, with interest as from the time when the same was advanced; and such charge shall have priority over other charges, except tithe commutation rent-charges, and any quit or chief rents incident to tenure; and a memorial of every such certificate, charging hereditaments in the counties of Middlesex and Yorkshire in England, or any hereditaments in Ireland, may in all respects be registered as deeds are now registered in Middlesex, Yorkshire, and Dublin respectively, and without payment of any fee.

After endorsement of master's certificate inheritance to become charged with expences incurred.

Registry of memorial of certificate affecting lands in Middlesex, Yorkshire, or Ireland.

VII. AND be it enacted, that such certificate as aforesaid shall be filed in the report office, and a duplicate thereof, signed by the master, shall be delivered to the person advancing the money, and shall be legal evidence of his title to the money; and the security shall take effect as from the granting of the certificate.

Certificate to be filed in the report office, and duplicate to be evidence.

VIII. AND be it enacted, that the money so to be advanced, or so much thereof as shall from time to time remain unpaid, shall bear interest at such rate as shall be agreed upon, not exceeding the rate of five per centum per

Money advanced to bear interest not exceeding five per cent.

annum, from the time when the same shall be advanced, and such interest shall be payable half-yearly.

principal to be repaid by equal annual instalments.

IX. AND be it enacted, that the principal money so to be advanced shall be repaid by equal annual instalments; and such annual instalments shall be payable in the case of improvements by drainage, warping, irrigation, or embankment, not less than twelve nor more than eighteen in number, and shall, in the case of improvements by the erection of buildings, be not less than fifteen nor more than twenty-five in number.

person in possession of lands charged and to pay interest and annual instalments of principal, during continuance of title.

X. AND be it enacted, that any person on whose petition such charge shall be made, and every succeeding tenant for life or other person having a limited interest in the lands charged, shall be bound to pay the interest and instalments which become from time to time due and payable during the continuance of his title to the land, and on the termination of such title or otherwise the inheritance shall remain chargeable with no more than six months arrears of interest then due, and one half of the last instalment then due, and the interest and instalments thereafter to be paid.

buildings or works, &c. for which obligation to be kept in repair tenant for life, &c.

XI. AND be it enacted, that every tenant for life or other person having a limited interest shall be bound to keep in repair any buildings or works for irrigation constructed under the provisions of this Act, and as if he were tenant for life or other person having a limited interest for waste.

lord chancellor, &c. to make orders for facilitating proceedings.

XII. AND be it enacted, that for the simplifying the mode of application to the court, and the rendering the same inexpensive, it shall be the duty of the high chancellors of Great Britain and of Ireland respectively, or the commissioners or keepers of the great seal respectively, or the master of the rolls of England and Ireland respectively, to make such orders and provisions as they may think proper for the mode of application to the court,

consent of occupier requisite for improvements lands held by him.

XIII. PROVIDED always, and be it enacted, that where any land is proposed to be drained or otherwise improved or built upon, and is in the actual occupation of any person, the consent of the occupier shall be necessary in order to give validity to the application in respect of the land, any thing herein-before contained to the contrary notwithstanding.

appointment of surveyors and other persons to report or give evidence.

XIV. AND be it enacted, that it shall be lawful for the high chancellors of Great Britain and of Ireland respectively, or the commissioners or keepers of the great seal respectively, or the master of the rolls of England and Ireland respectively, from time to time to appoint such persons as they shall think fit, to take the evidence of the surveyors appointed to the court; and that it shall be lawful for the high chancellors of Great Britain and of Ireland respectively, and the commissioners or keepers of the great seal respectively, from time to time to appoint such persons as they shall think fit, to report to or give evidence before the court, and that the persons so appointed shall be referred to as persons appointed to report to or give evidence before the court:

* * * * *

CHAPTER LXI

AN ACT to make certain further Provisions for the Consolidation of Turnpike Trusts in South Wales. [31st July 1845.]

WHEREAS an Act was passed in the last session of Parliament intituled "An Act to consolidate and amend the laws relating to turnpike trusts in South Wales": And whereas in pursuance of the said Act certain commissioners have been appointed to execute the powers and authorities thereby conferred, and to carry the same into execution; but the powers of the said commissioners will cease and determine by virtue of the said Act on the twenty-ninth day of September next: And whereas it is necessary that provision should be made for carrying certain parts of the said Act into effect after such commission shall have expired, and also that some further enactments should be made for more fully accomplishing the objects of 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, that from and after the passing of this Act the pieces of road in the schedule marked (A.) to this Act annexed shall become and shall respectively be managed and maintained as part of the county roads of the counties in which they are respectively situate.

7 & 8 Vict.
c. 91.

Roads in
Sched. (A.) to
become county
roads.

II. AND whereas the several pieces of road mentioned in schedule (B.) to this Act annexed have heretofore been repaired and maintained as parts of certain turnpike trusts which extend respectively into two or more counties: And whereas it is expedient that such pieces of road should continue to be repaired and maintained under one uniform management, as heretofore: Be it therefore enacted, that the several pieces of road mentioned in the schedule marked (B.) to this Act annexed shall be and shall respectively be managed and maintained, and for the purposes of this Act and the above-recited Act be considered, as part of the county roads of the several counties therein specified respectively.

Roads in
Sched. (B.) to
become county
roads.

III. AND whereas by an Act passed in the eleventh year of the reign of King George the Fourth, intituled "An Act for more effectually repairing and improving several roads in the counties of Brecon, Radnor, and Glamorgan, and for making and maintaining several new branches of road to communicate therewith," the trustees for carrying the said Act into execution were empowered, amongst other things, to make and construct a certain line or branch of road commencing at or near Tavern-y-Prydd on the turnpike road leading from Builth to Llandovery, and thence crossing the rivers Dulas and Irvon, to Pontrhydverre, and from thence to the turnpike road leading from the confines of the county of Caermarthen to Llandovery, and which said new line of road would extend through the several parishes of New Church, Llangammarch, and Llanwrtid, subject to the provisions and regulations of the said Act: And whereas the said line of road has not yet been made, but the same, if now constructed, would afford a complete communication between Builth and Llandovery, and would be otherwise beneficial to the said county of Brecknock: Be it therefore enacted, that, subject to the provisions and restrictions contained in the said first-recited Act, all the powers conferred upon the said last-mentioned trustees by the said last-recited Act, so far as relates to the construction of the said last-mentioned line of road, shall be

11 Geo. 4 and
1 Will. 4.
c. xxviii.

Powers to
make branch
road in Breck-
nockshire under
last-recited

Act vested in
county roads
board, &c.

and the same are hereby vested in the county roads board of the said county of Brecknock, provided that such last-mentioned powers be exercised and the said line of road be constructed and made within five years from the passing of this Act; and such road, when completed, shall be managed and maintained as part of the county roads of the county of Brecon.

7 & 8 Vict.
c. 91. s. 60.

IX. AND whereas by the said first-recited Act it is amongst other things enacted, that no toll shall be taken, and that no money arising from tolls on any turnpike roads shall be laid out in paving, repairing, or cleansing any street, road, or highway within the limits of any city or market or borough town for which there shall not be any local Act, and which said limits shall be fixed and determined, for the purposes of this Act, with respect to every such city or market or borough town respectively, by the said commissioners, upon the report and recommendation of the county roads board acting in and for the county to which any such city or market or borough town shall belong: And whereas the limits of the several cities and market and borough towns which are subject to the powers and provisions of the said Act have been fixed and determined by the said commissioners in the manner by the said Act prescribed; but it is expedient that power should be vested in some competent authority to vary or extend such limits in any particular case, from time to time, as circumstances may require: Be it enacted, that after the termination of the said commission it shall be lawful for one of her Majesty's principal secretaries of state, if he shall think fit, by order under his hand, upon the recommendation of the county roads board acting in and for the county to which any such city or market or borough town shall belong, from time to time to vary or extend the limits which shall have been fixed and determined for the same respectively by the said commissioners as aforesaid.

Secretary of
state may
extend or vary
the limits of
towns fixed
under recited
Act after the
commission has
terminated.

Waggons on
springs not to
be liable to toll
as caravans,
unless employ-
ed to convey
passengers for
hire.

11 Geo. 4. &
1 Will. 4. c. 16.
(private.)

Carmarthen
county roads
board may
carry out
agreement

XI. AND whereas doubts have arisen as to the description of carriages which may be liable to toll according to the provisions of the said recited Act under the denomination of caravans: Be it enacted, that no waggon, wain, cart, or other such like carriage shall be liable to toll as a caravan by reason of its being constructed on springs, unless the same shall be customarily employed in the conveyance of passengers for hire.

XII. AND whereas under and by virtue of an Act passed in the eleventh year of the reign of King George the Fourth, intituled "An Act for inclosing lands within the several parishes of Kidwelly, St. Mary Kidwelly, Saint Ishmael, and Pembrey, in the county of Carmarthen," a certain agreement was entered into between the commissioners for carrying out the said inclosure and the trustees of the Kidwelly trust, for constructing a line of turnpike road along a certain embankment across the Gwendraeth Fawr river in the said county: And whereas such agreement has been only partially carried into effect: And whereas the Act constituting the said Kidwelly trust has been recently repealed under the powers conferred by the herein-before first-recited Act: And whereas it is expedient to vest in the county roads board of the said county power to complete and carry out the said agreement in like manner as it might have been had the said Kidwelly trust continued to exist: Be it therefore enacted, that the said county roads board of the said county may, if they shall think it expedient so to do, complete and carry out the said

agreement with the commissioner acting under the Kidwelly Inclosure Act, in like manner as the trustees of the Kidwelly Turnpike Trust might have done ; and that such road along the said embankment, when completed, shall become and be a part of the county roads of the said county of Carmarthen.

under last-recited Act, for construction of a certain road, which shall become a county road.

XIV. AND be it enacted, that the words used in this Act shall be construed according to the same rules of interpretation as are prescribed in the said recited Act.

As to interpretation of Act.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

1.—A piece of road leading out of the present turnpike road from Llandowror to Haverfordwest, at or near a place called Tavernspite, in the county of Pembroke, and joining a certain other turnpike road leading from Llandowror to Hobbs Point, at or near a place called the Red Roses, in the county of Carmarthen.

2.—A piece of road lying between Carmarthen bridge and the toll gate now called Pensarn Gate.

3.—A piece of road lying between the northern end of the bridge over the Towy at or near Llangathen and the main road from Carmarthen to Llandilo Fawr near the Broad Oak.

4.—So much of the road leading from Carmarthen to Lampeter as lies between the main turnpike road from Carmarthen to Llandilo and Glangwilly Bridge.

SCHEDULE (B.)

1.—A portion of the turnpike road between the towns of Brecon and Hay, of the length of half a mile or thereabouts, and lying within the county of Radnor, as part of the county roads of the county of Brecknock.

2.—All those parts of the turnpike road leading from Neath to Merthyr Tydvil towards Abergavenny, as far as Rhydyblew, which lie in the counties of Brecknock and Monmouth respectively, as part of the county roads of the county of Glamorgan.

3.—Two several portions of turnpike road lying in the county of Hereford, and situate respectively between the termination of the Mortimer's Cross Trust and New Radnor, and also so much of the turnpike road between Knighton and Walton as lies in a certain detached part of the county of Hereford, as parts of the county of Radnor.

acting or employed as aforesaid to fix any object, post, stone, or mark within any walled garden, orchard, or pleasure ground, without the consent of the owner or occupier thereof: Provided also, that such surveyor or other persons so appointed or employed as aforesaid shall do as little damage as may be in the execution of the several powers to them granted by this Act, and shall make satisfaction to the owner or occupier, as the case may require, of such land, or the owner of any trees which shall be in any way injured, for all damages to be sustained in the execution of any of the powers of this Act, in case the same shall be demanded; and in case of dispute between the said surveyor or other persons appointed or employed as aforesaid, on the one hand, and the owner or occupier, as the case may be, on the other hand, as to the amount of damage sustained, the same shall be ascertained and determined by any two or more justices of the peace, in petty sessions assembled, of the county in which the lands or trees may be situate.

Satisfaction to be made for damage.

II. AND be it enacted, that if any person shall resist or wilfully obstruct or hinder any surveyor or other person employed or assisting in the execution of any survey under the provisions of this Act, or shall take away or displace, or wilfully deface or destroy, any stone, post, mark, or object which shall be set up and placed for the purposes of any such survey, every person so offending shall for every such offence forfeit and pay any sum not exceeding ten pounds, in the discretion of the justices before whom such offender shall be convicted.

Penalty on persons obstructing survey or removing marks.

III. AND be it enacted, that all damages awarded or agreed to be paid to any owner or occupier of land, or owner of trees, for any injury sustained under the provisions of this Act, shall be paid out of any aids granted by Parliament for making or completing a geological survey of the United Kingdom.

Damages to be paid out of aids granted by Parliament for making geological survey.

IV. AND be it enacted, that all penalties and forfeitures inflicted or imposed by this Act may be recovered in a summary way by the order and adjudication of any two justices of the peace for the county or place in which such penalty shall be incurred, on complaint to them for that purpose exhibited, and shall afterwards be levied, as well as the costs of proceedings for the recovery thereof, in case of nonpayment, by distress, pouncing, or other legal process, and sale, of the goods and chattels of the offender or person liable to pay the same, by warrant of such justices; and such justices are hereby authorized and empowered to summon before them any witness, and to examine such witness upon oath or affirmation of and concerning all offences, penalties, and forfeitures under this Act, and to hear and determine the same; and the overplus (if any) of the money so levied or recovered, after discharging the fine, penalty, or forfeiture for which such warrant or other legal process shall be issued, and the costs and expences of recovering and levying the same, shall be returned, upon demand, to the owner of the goods or chattels so seised or distrained; and in case such penalties or forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justices to order the offender so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, or pouncing, or other legal process, unless the offender shall give security, to the satisfaction of such justices, for his appearance before such justices on such day as shall be appointed for the return of such warrant of distress, or pouncing, or other legal process, such day not being more than seven days from the time of taking any such security,

Recovery of penalties.

“ take out any licence to retail spirits in the house or on the premises of such
 “ retailer, or in any house or on any premises within one quarter of a mile of
 “ the house or premises of such retailer, other than a licence to retail spirits
 “ in quantities not less at one time than one pint, and to be consumed else-
 “ where than in the house or on the premises of such retailer ; and any licence
 “ to retail spirits in any other manner, granted after the passing of this Act
 “ to any such grocer or person so licensed as aforesaid, shall be wholly null
 “ and void to all intents and purposes whatsoever” : And whereas it is
 expedient that so much of the said Act as is above recited should be repealed,
 and that all excise licences to persons in Ireland to deal in or sell coffee, tea,
 cocoa nuts, chocolate, or pepper, or to retail spirits in the house or on the
 premises of such retailer, or to be consumed elsewhere than in the house or on
 the premises where sold, should be granted in the same manner and at the
 same rates of duty as if so much of the said Act as is above recited had not
 been enacted : Be it enacted by the Queen’s most excellent Majesty, by and with
 the advice and consent of the lords spiritual and temporal, and commons, in this
 present Parliament assembled, and by the authority of the same, that from and
 after the commencement of this Act so much of the said Act as is above recited shall be
 repealed ; and that [Rep., Stat. Law Rev. Act, 1875.] the excise licence to persons
 in Ireland trading in or selling coffee, tea, cocoa nuts, chocolate, or pepper, and
 the excise licence to persons in Ireland to be retailers of spirits, not being
 retailers of spirits after mentioned, to be drunk or consumed in or upon the
 house or premises where sold, and the excise licence to retailers of spirits in
 Ireland, being duly licensed to trade in, vend, and sell coffee, tea, cocoa nuts,
 chocolate, or pepper, and not selling spirits in any greater quantity at one
 time than two quarts, or any spirits to be consumed in the house or on the
 premises of such retailer, shall be severally granted in like manner and at the
 same rates of duty respectively, and under the same regulations, as the same
 are respectively applicable thereto and directed by an Act passed in the sixth
 year of the reign of his late Majesty King George the Fourth, intituled “ An
 “ Act to repeal several duties payable on excise licences in Great Britain and
 “ Ireland, and to impose other duties in lieu thereof, and to amend the laws
 “ for granting excise licences,” and by another Act of the third and fourth
 years of the reign of his late Majesty King William the Fourth, intituled “ An
 “ Act to amend the laws relating to the sale of wine, spirits, beer, and cider by
 “ retail in Ireland,” and by the said Act of the sixth and seventh years of the
 reign of his late Majesty King William the Fourth, save and except so much
 of the said last-mentioned Act as is above recited and hereby repealed,

Sect. 8
recited,
repealed

Excise l
for the
spirits in
land to
granted
provisio
6 Geo. 4
and
3 & 4 W
c. 68. an
unrepea
parts of
6 & 7 W
c. 86.

II. AND whereas the said Act passed in the sixth year of the reign of King
 George the Fourth, and the licence therein mentioned to retailers of spirits in
 Ireland, being duly licensed to trade in, vend, and sell coffee, tea, cocoa nuts,
 chocolate, or pepper, and not selling spirits in any greater quantity at one
 time than two quarts, or any spirits to be consumed in the house or on the
 premises of such retailer, require that the spirits sold under such licence shall
 be consumed elsewhere than in the house or on the premises of such retailer :
 Be it enacted, that from after the passing of this Act it shall be lawful for any
 justice of the peace, or any chief or other constable, or overseer, within the
 limits of his jurisdiction, to enter into any house or place kept by such retailer

6 Geo. 4.

Justices
peace, co
stables, o
overseers

III. AND be it enacted, that for the purposes of this Act the said commissioners of public works in Ireland for the time being, and their successors, shall be a corporation by the name or style of "The Commissioners of Public Works" in Ireland," and by that name, for the purposes of this Act, shall have perpetual succession and a common seal, to be by them made, and from time to time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all courts and before all justices and others, and in that capacity shall be deemed promoters of the undertaking authorized to be executed by this Act.

Commissioners of public works to be a corporation for the purposes of this Act.

IV. AND be it enacted, that in order to enable the said commissioners of public works in Ireland to purchase and provide the buildings, lands, tenements, and hereditaments which may be required for the said colleges and the sites thereof, it shall be lawful for the said commissioners, with the approval of the commissioners of her Majesty's Treasury, to contract and agree with any person or persons, or body or bodies corporate, for the purchase or renting of any buildings, lands, tenements, or hereditaments required for such colleges or the sites thereof, and also for the purchase of any subsisting leases, terms, estates, or interests therein, or charges thereon; and the buildings, lands, tenements, or hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for her Majesty, her heirs and successors, in such manner and form as the said commissioners of her Majesty's Treasury shall direct.

Power to commissioners of public works to purchase rent buildings, lands, &c. which may be required for said colleges.

V. AND be it enacted, that the "Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, except the clauses with respect to the purchase and taking of lands otherwise than by agreement: Provided always, that all things by the said Act required or authorized to be done by the promoters of the undertaking may be done by any two of the commissioners of public works in Ireland, subject to the approval of the commissioners of her Majesty's Treasury in the cases provided by this Act.

Lands Clauses Consolidation Act, 1845, except as to taking of lands otherwise than by agreement, to be incorporated with this Act.

VI. AND be it enacted, that it shall be lawful for the said commissioners of public works, if they shall be so directed by the commissioners of her Majesty's Treasury, to employ the county surveyor, or any other competent surveyor or architect, to make a survey and estimate of any of the said proposed works, and to prepare such plan, section, or specification thereof as may be necessary, and send the same to the commissioners of her Majesty's Treasury for their approval; and if the said commissioners of her Majesty's Treasury shall think fit to authorize the work in any such plan, section, or specification, or any modification thereof which they may think proper, to be undertaken, they shall, by warrant under their hands, direct the said commissioners of public works to execute such work, at and for an amount not exceeding a sum to be specified in such warrant; and the said commissioners of public works shall, upon receipt of such warrant, forthwith cause the construction of the work mentioned therein to be proceeded with.

Commissioners of public works to obtain surveys, plans, and specifications, and submit same to Treasury.

On approval of Treasury, works to be executed.

VII. AND be it enacted, that the said commissioners of public works shall cause detailed accounts in writing of their proceedings under this Act, of the several sums received by them as such commissioners for the purposes of this Act, and of the sums expended by them for such purposes, and the mode of such expenditure, and the several works made or in progress under this Act, to be made up to the thirty-first day of December in each year; and such

Commissioners of public works to lay accounts before Parliament.

Commissioners to account to Treasury when required, and to obey directions of Treasury.

accounts shall be laid before both houses of Parliament within six weeks thereafter, if Parliament be then sitting, or if not, then within six weeks after the first meeting of Parliament subsequent to the thirty-first day of December; and the said commissioners shall, as often as they shall be required so to do by the commissioners of her Majesty's Treasury, transmit to the said commissioners of the Treasury like accounts, made up to such period as the said commissioners of the Treasury shall direct; and it shall be lawful for the said commissioners of her Majesty's Treasury to give such directions as they shall think proper, defining the duties of the said commissioners of public works in the execution of this Act: and the said commissioners of public works shall observe all such directions as aforesaid which shall from time to time be signified to them by the said commissioners of her Majesty's Treasury.

Provisions of 1 & 2 Will. 4. c. 33. as to proceedings in actions by and against the commissioners of public works shall extend to proceedings in respect of matters under this Act.

VIII. AND be it enacted, that the several enactments contained in an Act passed in the second year of the reign of his late Majesty, intituled "An Act for the extension and promotion of public works in Ireland," which affect or relate to any action or suit to be commenced against the commissioners for the execution of the last-recited Act, or their secretary, or any person or persons, for any thing done by virtue of or in pursuance of the last-recited Act, or any proceedings in any such action or suit, or any limitation of time for the commencing thereof, or any costs thereof, or any evidence to be given therein, or any notice of action or suit or satisfaction or tender thereof, or any action or suit to be commenced by the said commissioners, or any proceedings therein, or the said commissioners suing or being sued in the name of their secretary, or any abatement or discontinuance of any such action or suit, or to the court in which, or to the terms or conditions on which, any such action or suit shall be brought against the said commissioners, collectively or individually, or their secretary, shall be held to apply to and extend to any action or suit to be commenced against the commissioners of public works in Ireland, or their secretary, or any person or persons, for any thing done by virtue of or in pursuance of this Act, or to any proceedings in any such action or suit, or to the limitation of time for the commencing thereof, or to any costs thereof, or to any notice of any such action or suit, or to any evidence to be given therein, or to any action or suit to be commenced by the said commissioners of public works in the execution of this Act, or on account of or in pursuance of this Act, or to any proceedings in any such action or suit, or to the said commissioners suing or being sued in the name of their secretary for the time being, or to any abatement or discontinuance of any such action or suit, or to the court in which, or to the terms or conditions on which, any such action or suit shall be brought against the said commissioners of public works, collectively or individually, or against their secretary.

Restraint on alienation of property by colleges.

IX. AND be it enacted, that it shall not be lawful for any college within the provisions of this Act to alien, mortgage, charge, or demise any lands, tenements, or hereditaments to which it may become entitled, unless with the approval of the commissioners of her Majesty's Treasury, except by way of lease for any term not exceeding thirty-one years from the time when such lease shall be made, in and by which there shall be received and made payable, during the whole of the term thereby granted, the best yearly rent that can reasonably be gotten for the same, without any fine or foregift.

X. PROVIDED always, and be it enacted, that no college shall be entitled to the benefit of this Act, or deemed to be within the provisions thereof, unless it be declared and provided, in and by the letters patent constituting such college, that the visitor or visitors of the said college shall be such person or persons as it shall please her Majesty, her heirs and successors, from time to time to appoint, by any warrant or warrants under the sign manual, to execute the office of visitor; and that all the statutes, rules, and ordinances concerning the government and discipline of such colleges shall be made or approved by her Majesty, her heirs and successors; and that the president, vice president, and professors shall hold their several offices during the pleasure of her Majesty, her heirs and successors; and that the sole power of appointing the president and vice president shall be vested in her Majesty, her heirs and successors, and that the power of appointing the professors shall be vested in her Majesty, her heirs and successors, until the end of the year one thousand eight hundred and forty-eight, and afterwards as shall be otherwise provided by Parliament, or, in default of any provision to the contrary, in her Majesty, her heirs and successors.

Visitors of the new colleges.

Statutes, &c.

Appointment, &c. of president, &c.

XI. AND be it enacted, that all the statutes, rules, and ordinances which shall be made or approved from time to time by her Majesty, her heirs and successors, concerning the government and discipline of the said colleges respectively, which shall be in force at the beginning of every session of Parliament, and which shall not have been before that time laid before Parliament, shall from time to time, within six weeks after the beginning of every such session, be laid before both houses of Parliament by one of her Majesty's principal secretaries of state.

Statutes made for the government and discipline of the colleges to be laid before Parliament.

XII. AND be it enacted, that the said commissioners of her Majesty's Treasury shall be empowered, by warrant under the hands of any three or more of them, to charge the said consolidated fund of the said United Kingdom, (after providing for all preceding charges, but having preference for all future charges,) and to direct to be issued or paid thereout by four equal quarterly payments, on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October in every year, such sums of money as shall be needed for defraying the several stipends which shall be by her Majesty appointed to be paid to the president and vice-president, and to such professors in the several faculties of arts, law, and physic as shall be from time to time established by her Majesty, her heirs and successors, and to the bursar, registrar, librarian, and other office bearers and servants, in each of the said colleges, and for defraying the expence of such prizes and exhibitions as shall be by her Majesty, her heirs and successors, awarded for the encouragement and reward of students in each of the said colleges, not exceeding in any one year the sum of seven thousand pounds for every such college, or the sum of twenty-one thousand pounds in the whole, the first instalment for each college to become due and payable on such of the said quarterly days of payment as shall first happen next after the grant of the letters patent for the establishment of such college.

Grant of 21,000*l.* annually out consolidated fund for endowing new colleges.

XIII. AND be it declared and enacted, that it shall be lawful for the professors in each of the said colleges, in addition to the stipends with which they shall be so respectively endowed, to demand and receive from the students in the said colleges such reasonable fees for attendance on their lectures, and for

Fees may be taken by professors for lectures in addition to their stipends, and

manner, but shall be revocable at any time, and may be forth
y the president of the college in case of any misbehaviour of
master of a boarding house, or of the students under his care,
opinion of the president and a majority of the professors of the
be punished by immediate revocation of such licence.

XVII. AND be it enacted, that it shall be lawful for any person
aving power to make an absolute disposition thereof to give,
queath, or assure, by any deed, will, or other instrument suffici
eate or convey an estate therein, any messuages, lands, teneme
taments, or any estate therein, or any interest arising ther
oney, chattels, and effects, to any trustee or trustees willing
ust, or to the commissioners of charitable donations and beque
nd their successors, in trust for founding and endowing halls for
students in any of the said colleges, and by such deed, will,
establish rules or to specify the authority for establishing
bserved by the students admitted to the benefits of such found
specify the authority by which the observance of such rules is to
rovided always, that no such hall shall be recognized by any
colleges unless the instrument of foundation shall provide that s
also the appointment from time to time of the principal or other
ng chief authority in such hall, shall be of no force until a
erson or persons appointed or to be appointed as aforesaid by
er heirs and successors, to execute the office of visitor of the sai

XVIII. AND for the encouragement of persons willing to found
halls for the reception of students in the said colleges as af
eclared and enacted, that if her Majesty, her heirs and succe
eased, by letters patent under the great seal of Ireland, to in
number of persons willing to found and endow any such hall or
said, such incorporated hall shall be deemed a public work for
of which the commissioners of public works in Ireland may mak
the meaning of an Act passed in the second year of the rei
Majesty, intituled "An Act for the extension and promotion of
in Ireland," and of all Acts passed or to be passed for th
hereof; and that it shall be lawful for the commissioners of
n Ireland to make loans to such incorporated bodies respec
extension and promotion of such foundations, according to the pr
ast-recited Acts.

XIX. AND be it enacted, that it shall be lawful for any perso
aving power to make an absolute disposition thereof to give,
queath, or assure, by any deed, will, or other instrument suffic
reate or convey an estate therein, any messuages, lands, teneme
taments, or any estate therein, or interest arising thereout, c
hattels, and effects, to any trustee or trustees willing to accep
to the commissioners of charitable donations and bequests in
their successors, in trust for establishing and maintaining lect
forms of religious instruction for the use of such students of th
respectively as shall be desirous of receiving the same, subject t
tions, consistent with the intentions of the donor thereof, as sha
the governing body of the college, and approved by her Majesty,

successors : Provided always, that no such gift shall take effect unless it shall have been accepted by the governing body of the college, and unless her heirs and successors, shall have signified her or their assent to the regulations according to which such gift is to be applied.

XX. AND be it enacted, that every such college which shall be so established, and endowed under this Act shall once at least in every year, lay before her Majesty's pleasure shall be signified in that behalf to the said Majesty their proceedings ; and a copy of every such report shall be printed, and both houses of Parliament within six weeks after the same shall be made, if Parliament be then sitting, or if not, then within six weeks after the next meeting of Parliament.

* * * * *

CHAPTER LXVIII.

AN ACT to stay Execution of Judgment for Misdemeanors upon Error. [3.]

WHEREAS it is expedient to make provision for staying execution of judgment upon prosecution for misdemeanor while the same is depending to reverse such judgment ; Be it therefore enacted by her most excellent Majesty, by and with 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 in every case of judgment for a misdemeanor, where the defendant or defendants shall have obtained a writ of error to reverse such judgment, execution thereupon shall be stayed until such writ of error shall be finally determined ; and in case the writ of error shall be reversed, the defendant or defendants shall be imprisoned under such execution, or any fine shall have been levied, either in whole or in part, in pursuance of such execution, the said defendant or defendants shall be entitled to be discharged from such execution, and to receive back any money levied on account of such execution, and the person or persons in whose possession the same shall be, shall be determined as aforesaid : Provided always, that no execution shall be stayed unless and until the defendant or defendants shall become bound by recognizance, to be acknowledged before the judges of her Majesty's Court of Queen's Bench, or one of the judges there appointed to take special bail in actions depending in the superior courts, in two sufficient sureties, to be approved of by such judge or commissioner, for such sum as such judge or commissioner shall direct, to prosecute such writ of error with effect, and in case the judgment shall be affirmed, forthwith to deliver the said defendant or defendants to prison, according to the said judgment, and the said judgment shall have been adjudged [Rep., Stat. Law Rev. Act, 1875.] ; and the said recognizance shall, after justification of bail, be filed of record in the Court of Queen's Bench, in like manner and upon payment of the like fees as in the case of other recognizances filed in the crown office in that court, and the said judge or commissioner shall have the like powers in respect of the justifying such bail in such court, and the examination of the sureties, and the like rules shall apply, as in and about the said special bail in actions depending in such court : Provided always, that in case of any defendant under legal disability it shall be sufficient

as to reports Majesty, laid Parlia-

tion on ents for neanors stayed, rties to harged, s levied epaid, writ of as been ed.

lant to nto izance.

to be approved of by such judge or commissioner, shall become bound by recognizance on the behalf of such defendant, to be acknowledged and conditioned as aforesaid.

II. AND be it enacted, that the clerk of the crown in the said Court of Queen's Bench shall for the purposes herein-after mentioned make out and deliver to the defendant or defendants, or his or their lawful attorney, certificates in writing under his hand that such recognizance is duly filed of record in such court, upon payment of the like fee as for other certificates delivered at the crown office; and any such certificate, when duly verified by affidavit to be made before one of the judges of the superior courts of common law, or a commissioner duly authorized, shall be a sufficient warrant to every gaoler or other person having custody of such defendant or defendants in execution of such judgment to discharge him or them out of custody, and also to every person having in his possession the whole or any part of any fine levied in execution of such judgment to authorize and require the repayment thereof to the defendant or defendants; but no person who shall have received any such money, and have paid it over to any other person, according to the course of the Exchequer, shall be liable to repay to the defendant or defendants any part of the money so paid over.

Certificate of recognizance being duly filed.

IV. AND be it declared and enacted, that when the judgment shall have been for payment of a fine, and imprisonment until such fine be paid, either with or without imprisonment for a certain time, and the defendant or defendants shall have paid the fine, or the same or any part thereof shall have been levied, and shall have been received back, under the provisions herein-before contained, and the judgment upon writ of error brought shall be affirmed, the defendant or defendants shall not be entitled, by reason of such payment as aforesaid, to be discharged from imprisonment, notwithstanding the expiration of any certain time of imprisonment for which the original judgment shall have been given, until the fine shall be again paid.

Payment and recovery of a fine not to prevent imprisonment till fine again paid, if judgment be affirmed.

VI. AND be it enacted, that this Act shall not extend to Scotland.

Act not to extend to Scotland.

CHAPTER LXIX.

AN ACT to amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland.

[31st July 1845.]

WHEREAS by an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act to promote the drainage of lands, and improvement of navigation and water power in connexion with such drainage, in Ireland," it is amongst other things enacted, that if the proprietors of two thirds or more in extent of the lands proposed to be drained or improved by drainage under the provisions of the said Act should have assented in writing to the execution of the proposed works, the commissioners acting in execution of said Act should make and sign a

5 & 6 Vict. c. 89.

commissioners: And whereas it is expedient and just that the monies to be charged upon lands by any such award as aforesaid shall take priority and have effect as to such lands from the date of the said declaration in and by the said Act authorized, instead of the date of the said award; and for the more effectual attainment and extension of the benefits likely to arise from the said Act it is expedient to facilitate the raising of monies for the purposes thereof, and to amend the said Act in certain other respects 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, that in the case of all loans to be effected and declarations to be made by the said commissioners after the passing of this Act, under the provision of said recited Act or this Act, the respective sums of money which, by the award to be made by the said commissioners, shall be specified as the proportions or contributions payable in respect of the several parcels or portions of the land drained or improved by drainage, or by any works under the said Act or this Act, towards the total amount of the sums expended in and about such drainage or improvements as aforesaid, with interest for such respective sums of money at the rate not exceeding five pounds per centum per annum, shall from the date of such declaration be charged on such several parcels or portions of the land so drained or improved as aforesaid, and that in preference to and with priority over all incumbrances on such land, save only that any quit or chief rent issuing thereout, or other incumbrance thereon, previously to the date of the memorandum of the registry of such declaration, as by this Act authorized and directed to be made by the said commissioners, shall have priority to such respective sums of money so charged to the extent of the value (as stated by the said commissioners in any such declaration) of such land before the improvements were commenced, but no further; and the same respective sums of money, with such interest for the same as aforesaid, shall also be charged upon so much of any other land situate within one mile of any part of the lands so drained or improved, and settled with the lands so drained or improved to the same uses, intents, and purposes, by virtue of limitations contained in the same instrument or the same set of instruments, as the said commissioners shall by the said award, or any instrument under their hands and seals, and enrolled in the rolls office, direct, limit, and appoint, having regard to the sufficiency of the said lands to satisfy and secure the charge thereon, but subject, as to such other land as aforesaid, not being part of the lands so drained or improved, to the full amount of all incumbrances affecting the same prior to the registry of the memorandum of such declaration.

Apportioned expences of works under recited Acts and this Act to be charged on lands improved as from date of declaration of commissioners;

and, subject to prior charges, upon lands within one mile of lands improved, and settled to same uses.

II. AND be it enacted, that the provisions in the said recited Act and this Act contained, relating to the charge of any monies or interest on land situate within one mile of any part of the land drained or improved, shall be deemed and construed to extend and apply to all land belonging to the same proprietor as the land so drained or improved, situate within one mile of any part of the lands so drained and improved, for all his estate and interest existing at the time of such declaration of the said commissioners as aforesaid.

Provisions in recited Act as to charge on lands to apply to all land of the same proprietor within one mile of the improved land.

III. AND be it enacted, that if any proprietor shall prefer to give other security in lieu of the lands so situate within one mile of the lands drained or

Proprietor may give other security

of land
ate.

improved as aforesaid, such security shall be given within a time by public notice by the commissioners previous to the date of the aforesaid, any thing in the said Act to the contrary notwithstanding.

hole of
ada
sible
se de-
f in the
ation.

IV. AND be it enacted, that the extent of the w which, under the provisions of said Act or this with the monies expended in pursuance of the entered, stated, or described in every such declar tioned, to be made by said commissioners ; and w finally settled a copy thereof shall be printed, and the peace, as in said Act directed.

ommis-
s to
memor-
n as to
subject to
ation to
own up
m in
ile (B.)
gistered
istry of
in Dublin.

V. AND be it enacted, that so soon as convenier of any such declaration as in and by the said recit as aforesaid the said commissioners shall draw up i in writing, setting forth therein the several lands a city or town, and barony or parish in which the shall be the subject of or contained in such decla the proprietors of such lands respectively, and w ment shall be signed and sealed by the said comm in the schedule marked (B.) to this Act annexed circumstances of the case will admit ; and the sai same time sign and seal a memorial of such r directed to the registrar for registering deeds, conv and cause the memorial of such instrument to b registry of deeds in the city of Dublin ; and the r his and their assistant, deputies, and other officer required to receive and register the same in such deeds or instruments are registered in said office, of such instruments in the abstract books and ind rials registered and kept in the said offices, subject as may now be lawfully demanded and received up of deeds in the said office.

* * * * *

peal
st decla-
, unless
in writing
en to
issioners
21 days
declara-

VII. AND be it enacted, that no appeal to a any declaration to be made by the said commissi notice in writing of such appeal be lodged with t missioners at their office in Dublin, within twei publication of such declaration.

r to
w money
r interest,
ng exe-
i of
on
pal sum
wed for
money to
ured in
way as
pal sum.

VIII. AND be it enacted, that when the said t to borrow or raise at interest or shall have borrow the powers for that purpose given by the said rec and may be lawful for the said commissioners, include in such loan as well the principal sum es interest which may be agreed to be paid thereon such loan and the making of the award relative loan may have been contracted, such interest t otherwise as the said commissioners shall think fi for payment of interest shall be secured in like of which the interest shall have been so provided

IX. AND be it enacted, that from and after the passing of this Act it shall not be necessary that any transfer of the right or interest in or to any sum secured by any certificate heretofore issued or hereafter to be issued under the said recited Act or this Act shall be in any specified form; and that every person who shall be entitled to the money secured by any such certificate may transfer his right and interest to the principal sum and interest money thereby secured to any person by endorsement thereon; and that all rights and remedies of the person so endorsing in, to, or in respect of such certificate shall, after such endorsement, be vested in the person to whom such transfer shall be made; and that it shall not be necessary that the said transfer or endorsement shall be produced or certified to the secretary of the said commissioners, or for the said secretary to make an entry thereof, as in and by the said recited Act directed.

Certificates of loans may be transferred by endorsement.

X. AND be it enacted, that it shall and may be lawful for the said commissioners, in any case where they shall so deem fit, to make any certificate or set of certificates granted under the said Act or this Act for the whole of the monies required to be borrowed for such case payable at any time (to be fixed as herein-after provided) intervening between two periods to be stated in such certificates; and it shall be lawful for the said commissioners to alter the form of the certificate provided by the said Act to suit the circumstances of each case, and such certificate so varied shall be equally good and effectual as if the same were according to the form by said Act prescribed.

Commissioners may make certificates payable within certain periods.

XI. AND be it enacted, that where more than one certificate for any such case shall be so issued and made payable between two such periods as afore-said, the commissioners shall, as soon as may be convenient after the final settlement of their award, give notice in the Dublin Gazette, and in such other newspapers and by such other means as they shall think fit, to the holders of such certificates, of their intention, on a day and hour in said notice to be fixed, not sooner than fourteen days from the publication thereof, to hold a ballot for the purpose of determining the order in which such certificates shall be paid off; and upon the day and at or after the hour named the commissioners shall accordingly proceed to make such ballot in presence of such (if any) the holders of such certificates, or their agents or representatives, as shall attend at such ballot, and if none of such persons shall attend then in the absence of such persons; and the result of such ballot shall be recorded in the office of the said commissioners, and noted upon all such of the said certificates as shall be then or subsequently produced to the said commissioners; and such record and notification shall be signed by the secretary for the time being of said commissioners, and all such certificates shall be paid off in the order so to be determined by such ballot.

Commissioners to determine by ballot the order in which certificates shall be paid.

XII. AND be it enacted, that in all cases of certificates issued in the mode herein-before prescribed, and also in all cases where, pursuant to the provisions of the said recited Act, the commissioners are empowered or required to borrow money at a lower rate of interest than the certificates which for the time being shall be in force shall bear, and shall issue like certificates at such reduced rate of interest, it shall and may be lawful for the said commissioners, and they are hereby required, to publish a notice or notices in the Dublin Gazette, and in such other newspapers as they shall deem fit, fixing a time, not sooner than six months from the date of such notice, when the principal money secured by

The commissioners may, on notice, pay off certificates.

any or the whole of such certificates shall become payable, in the order in which, in pursuance of the provisions of this Act, such certificates shall have been made payable; and the certificates to become payable shall be described by the name of the work for which they have been issued, and the number, letter, or number, fixed by said commissioners on such certificates; and it shall be the duty of said commissioners, at the expiration of the time in such notice appointed, to pay off the monies due on account of such certificates named in such notice, from and after the expiration of the time appointed by said notice, and the principal monies secured by such certificates shall cease to be a lien on the lands of the proprietors.

commissioners
at their
expense.

XIII. AND be it enacted, that it shall be lawful for the said commissioners from time to time to invest in any of the public or government securities, in their names as such commissioners, or in the name of the secretary for the time being, for the benefit of the parties interested therein (but without risk to the said commissioners,) any sums of money remaining unapplied for the purposes of the said recited Act or this Act which may remain remaining unapplied.

sue
and.

XIV. AND be it enacted, that the said commissioners may sue and be sued in the name of the secretary of the said public works in Ireland for the time being for and on behalf of the said commissioners; and that in all indictments or criminal or civil actions, the name of the commissioners of drainage shall be a sufficient description of the said commissioners; and that no such action or suit at law shall abate or be discontinued by the death or removal of such secretary for the time being shall always be deemed the plain defendant in such action or suit (as the case may be).

orders
clarify
&c.

XV. AND be it enacted, that it shall and may be lawful for the said commissioners, in making any declaration or award, or doing any other thing authorized by this Act or the said recited Act, to do so in and according to the maps, plans, and schedules, or otherwise, as they may think best.

of pro-
visions
(A.)

XVI. AND be it enacted, that the assents of proprietors and persons interested in the said recited Act shall be in the form in the schedule annexed, or as near thereto as the circumstances of each case may require; and that the assent of every proprietor given under his hand and seal to all intents and purposes, be conclusive against and binding on the proprietor of and all persons interested in the lands of such proprietor of which such assent shall be given, and also upon and against the said persons respectively.

of
com-
to
of

XVII. AND be it enacted, that the production of such assents to the office of the said commissioners shall be deemed and taken as sufficient proof of law and equity as good and sufficient proof thereof, and of the execution thereof, without any further or other evidence of the execution thereof.

give

XVIII. AND be it enacted, that every clerk, collector, receiver, or other person to be appointed or employed under the said recited Act, shall be required so to do by the said commissioners, give such notice as shall be determined on by the commissioners acting under the said recited Act and this Act, conditioned for the due performance of such duties and works for which such person or persons shall be appointed or employed.

so appointed or employed as aforesaid, or in such other condition as the commissioners of drainage may think proper and require; and each security shall and may be sued upon and enforced by the secretary of commissioners of public works for the time being for and on behalf of the said commissioners of drainage.

XIX. AND be it enacted, that the respective sums of money which shall become chargeable under any award to be made by the said commissioners in respect of any district as to which the said commissioners have heretofore made a declaration, and as to which money has been borrowed and taken up by them for the execution of any work in such district, shall, for the purpose of securing the money so borrowed and taken up by the said commissioners, be charges on the lands to become chargeable therewith as in said Act mentioned, but with priority over all charges created on such lands after the passing of this Act.

Seci
sums
adva

XX. AND be it enacted, that the extent in value of the land drained or improved before the improvements were effected in said Act mentioned shall be construed, deemed, and taken to be the value thereof before the improvements were commenced.

Valt
befor
men
men

XI. AND be it enacted, that the said recited Act shall continue and be in full force and effect, save and except so far as the same is altered by or inconsistent with this Act, and that the said recited Act and this Act shall be construed together as one Act; and that in the construction of this Act, except where the nature of the provision or the context of this Act shall exclude such construction, the words "lands," "river," "person" or "persons," "proprietor" or "proprietors," "quit or chief rent," and "counties," shall be construed to extend and be applied as in said recited Act is directed and provided; and every word importing the singular number only shall extend and be applied to several persons and things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; the words "said commissioners" shall mean the commissioners or any two of them acting in execution of the said recited Act and this Act; and the word "proprietor" in the said recited Act and this Act, in addition to the meanings in the said recited Act applied to it, shall also mean the reputed proprietor.

Inter
of A

* * * * *

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A)

Drainage Acts, Vict. c. .

ASSENT.

District of

WHEREAS, under the provisions of an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act to promote the drainage of lands, and improvement of navigation and water power in connexion with such drainage, in Ireland," and of another Act passed in the eighth and

CHAPTER LXX.

AN ACT for the further Amendment of the Church Building Acts.

[31st July 1845.]

WHEREAS an Act was passed in the fifty-eighth year of the reign of his Majesty King George the Third, intituled "An Act for building and promoting the building of additional churches in populous parishes": And whereas another Act was passed in the fifty-ninth year of the reign of his said Majesty King George the Third, intituled "An Act to amend and render more effectual an Act passed in the last session of Parliament, for building and promoting the building of additional churches in populous parishes": And whereas another Act was passed in the third year of the reign of his Majesty King George the Fourth, intituled "An Act to amend and render more effectual two Acts, passed in the fifty-eighth and fifty-ninth years of his late Majesty, for building and promoting the building of additional churches in populous parishes": And whereas another Act was passed in the fifth year of the reign of his said Majesty King George the Fourth, intituled "An Act to make further provision, and to amend and render more effectual three Acts, passed in the fifty-eighth and fifty-ninth years of his late Majesty and in the third year of his present Majesty, for building and promoting the building of additional churches in populous parishes": And whereas another Act was passed in the session of Parliament holden in the seventh and eighth years of the reign of his said Majesty King George the Fourth, intituled "An Act to amend the Acts for building and promoting the building of additional churches in populous parishes": And whereas another Act was passed in the session of Parliament holden in the first and second years of the reign of his late Majesty King William the Fourth, intituled "An Act to amend and render more effectual an Act passed in the seventh and eighth years of the reign of his late Majesty, intituled 'An Act to amend the Acts for building and promoting the building of additional churches in populous parishes'": And whereas another Act was passed in the session of Parliament holden in the second and third years of the reign of his said late Majesty, to render more effectual the aforesaid Act passed in the fifty-ninth year of the reign of his Majesty King George the Third: And whereas another Act was passed in the session of Parliament holden in the first year of the reign of her present Majesty Queen Victoria, intituled "An Act to prolong for ten years her Majesty's commission for building new churches": And whereas another Act was passed in the session of Parliament holden in the first and second years of the reign of her said Majesty Queen Victoria, intituled "An Act to amend and render more effectual the Church Building Acts": And whereas another Act was passed in the session of Parliament holden in the second and third years of the reign of her present Majesty, intituled "An Act to make better provision for the assignment of ecclesiastical districts to churches or chapels augmented by the governors of the bounty of Queen Anne; and for other purposes": And whereas another Act was passed in the session of Parliament holden in the third and fourth years of the reign of her present Majesty, intituled "An Act to further amend the Church Building Acts": And whereas another Act was passed in the session of Parliament holden in the seventh and eighth years of the reign of her present Majesty, intituled "An Act concerning banns and marriages in certain district churches and chapels":

58 Geo
c. 45.59 Geo
c. 184.8 Geo.
c. 73.5 Geo.
c. 1037 & 8
c. 73.1 & 2
c. 82.2 & 3
c. 61.7 Will
1 Vict1 & 2
c. 107.2 & 3
c. 49.3 & 4
c. 60.7 & 8
c. 56.

situate, and to any two incumbents of parishes situate within such archdeaconry, and to any two laymen nominated by the churchwardens of such old or existing church, who are hereby required to nominate for such purpose two fit persons not claiming any such pew or seat as aforesaid; and such commission shall direct the commissioners thereby appointed to inquire into the rights of persons, if any, who claim to hold any such pews or seats as aforesaid; and the said commissioners, or any three or more of them, of whom the said archdeacon shall be one, shall, as soon as conveniently may be, proceed to examine into such claims, after giving fourteen days previous notice thereof, by affixing a copy of such commission on the church door of such new church; and such notice, signed by such archdeacon, shall specify the day and time and place on which such examination is to be made; and after making an examination into such claims the commissioners so appointed, or the majority of them, shall, under their hands transmit in writing to the said bishop the names and residences of the persons who have substantiated their claims to such pews or seats, and if the said bishop is satisfied therewith he shall assign, under his hand and seal, to such parties respectively, convenient pews or seats in such new church, and such seats so assigned shall be held and enjoyed by the parties entitled to the same in as free and ample a manner as the pews or seats to which they had or would have been entitled in such old or existing church; and if any party shall find himself aggrieved by the finding of such commission the bishop of the diocese shall have power to afford redress, by allotting to such party seats in such new church, if the justice of the case shall in his judgment require it; and the old or existing church, if such bishop shall think fit, may thereupon be wholly or partly pulled down, under a faculty to be granted for that purpose; and the said bishop shall in that case take care that all tombstones, monuments, and monumental inscriptions in such church so pulled down are as far as may be preserved by the churchwardens, at the expence of the parish, or if it shall seem fit to the said bishop the same shall be transferred to the church so substituted as aforesaid, at the expence of the said parish or district parish, or ancient or parochial chapelry, as the case may be; provided that in case such new church shall have been built wholly or in part out of the funds placed at the disposal of her Majesty's said commissioners under the provisions of the herein-before recited Acts or any of them, and such transfer shall have been made, rents for the pews or seats in such new church shall only be fixed by her Majesty's said commissioners under the provisions of such Acts for that number of seats therein which shall exceed the number of seats provided in such old or existing church: Provided always, that nothing herein contained shall authorize the substitution of any new church in lieu of the old or existing church as aforesaid, when the advowson of or right of nomination to such new church shall belong to any other body or person than to the patron of such old or existing church, without the consents in writing of the patron and incumbent or minister of such new church.

II. AND be it enacted, that the rector, vicar, perpetual curate, or minister of such old or existing church next succeeding after such transfer, and his successors, shall be and is hereby declared to be the rector, vicar, perpetual curate, or minister, as the case may be, of such new church; and the body or person who for the time being would have had a right of presenting or appointing the incumbent or minister of such old or existing church, in case such transfer

the new church, on the same terms as the old or

Old church may be pulled down, &c.
Tombstone &c. to be preserved or transferred new church

Incumbent of old church and his successors to be incumbents new church
Right of presentation

had not been made, shall in lieu thereof, when any vacancy occurs and the like right of presenting or appointing the incumbent of such new church as such body or person would have had with old or existing church.

* * * * *

IV. AND be it enacted, that where any part of the cathedral has been accustomed to be used as a parochial church, it shall be the duty of His Majesty's said church building commissioners, with consent of the commissioners for England, and with the consents of the bishop of the diocese and of the dean and chapter of such cathedral church, and with the consent also of the patron and of the incumbent or minister of such church, to transfer the rights, emoluments, tithes, and other endowments (if any) particularly specified belonging to the incumbent of such church to the parish church which has been or hereafter may be built, and which is to be the parish church; and in case of such transfer the same provisions hereinafter contained, touching the rights and privileges, succession and appointment of the incumbent or minister of such new church, and the performance of the duties therein, and the examination into the claims of parties claiming pews or seats by faculty or prescription in the old parish church, and the assignment of pews or seats to those who have substantiated such claims in the church before mentioned, shall apply to such new church which after the transfer shall become the parish church in lieu of the former parish church, and to such cathedral; and such new church and the incumbent thereof shall, from and immediately after such transfer, be and shall be in all respects to the same ordinary and other ecclesiastical jurisdiction and superintendence as the old parochial church and the incumbent thereof respectively were or otherwise would have been subject to, and the part of the cathedral church so vacated shall thenceforth remain to be part of the cathedral church itself, in the same manner as if it had never been used as a parochial church, and shall thenceforth be subject to the same control and superintendence, and to the same laws and regulations as exist and are in force with respect to the cathedral church and the parish shall thenceforth be exempt from all further liability (if any) for the same in repair: Provided always, that the party or parties liable for the repair of the said part of the said cathedral church, whilst it is used as a parochial church, shall continue to be liable to the repairs of the said church.

V. AND be it enacted, that where at the passing of this Act any consecrated church in one of two parishes which may have been united for years next before the passing of this Act united, or reputed to be united, for ecclesiastical purposes, and where a new church has been or hereafter be built wholly or in part out of any funds at the disposal of His Majesty's said commissioners in the said parish in which there is no church as aforesaid, the whole of such parish may, after the building of such new church, be disunited for ecclesiastical purposes from the said cathedral church and may be formed into a separate and distinct parish for such purposes, with the same consents, in the same manner, and under and subject to the same provisions and consequences as are mentioned and contained in the

before recited Acts or any of them, or in this Act, relative to the formation of a distinct and separate parish, where the same is formed out of one parish not united with another parish.

VI. AND be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, that in all cases not otherwise expressly provided for two fit persons shall be annually appointed churchwardens for the church of every district chapelry or consolidated chapelry already or hereafter to be formed under the provisions of the herein-before recited Acts or any of them, or this Act, such persons residing within the district chapelry or consolidated chapelry; and the first appointment of two such persons shall, with respect to the church of any district chapelry or consolidated chapelry already formed as aforesaid, take place within two calendar months after the passing of this Act, and with respect to a chapelry district or consolidated chapelry to be hereafter formed as aforesaid, within two calendar months after the formation of the same; and the first appointment of such persons, in either of such cases, shall take place at a meeting of the minister of such church and the householders of the district, to be summoned in all respects as such minister shall direct; and every subsequent appointment shall take place at the usual period of appointing parish officers, at a meeting to be summoned in all respects as if such district were a parish and such meeting were a parish vestry meeting; and in each such case one of such persons shall be chosen by the then incumbent or minister serving such church, and the other by the householders, or the majority of such householders, residing in such district chapelry or consolidated chapelry; and the two persons, when so appointed and elected churchwardens, shall appear and be admitted according to law, and shall collect and receive the rents of the pews and seats in every such church, and pay the stipend or salary assigned by her Majesty's said commissioners to the minister and clerk of such church, if the said commissioners have fixed the rents for the same, or assigned such stipend or salary, and shall also do, perform, and execute all lawful acts, matters, and things necessary for and concerning the management, good order, and decency of behaviour to be kept and observed in such church by the congregation thereof, and for the recovery of such pew rents, if in arrear; and the money given at the offertory at such church shall be disposed of by the minister and churchwardens of such church, in the same manner as the money given at the offertory at any parish church is by law directed to be disposed of by the minister and churchwardens of such parish; and the persons so to be appointed and chosen churchwardens shall continue in their said office until others shall be appointed and chosen in like manner in their stead.

Appo
of chl
ward:
distr:
chape
conso
chape

VII. AND be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, that in all cases not otherwise expressly provided for two fit and proper persons shall be annually appointed churchwardens for any new church (without a district) already built or hereafter to be built upon a site whereof her Majesty's said commissioners shall have accepted the conveyance under the provisions of the herein-before recited Acts; and the first appointment of such persons shall take place within two calendar months after the passing of this Act with respect to a church already built and consecrated, and within two months after the consecration of a church to be so hereafter built; and the next appointment of such persons, in

App
of cl
ward
new
(wit
distr
site
has
acce
by t
mist

shall contain a description of such boundaries as may appear advisable to her Majesty's said commissioners for such consolidated chapelry, ; and if thereupon her Majesty in council shall think fit to order such consolidated chapelry to be so formed, such order shall be good and valid for the purpose of forming the same, ; and (save and except in those cases where at the time of such consolidation such church was either the church of a rectory or vicarage, and then the said church shall retain its original character,) the church of such consolidated chapelry shall be deemed a perpetual curacy, and shall be considered in law as a benefice presentative, so far only as that the licence thereto shall operate in the same manner as institution to any benefice, and shall render void other livings, in like manner as institution to any benefice, and the spiritual person serving the same shall be deemed the incumbent thereof, with exclusive cure of souls therein, and shall have perpetual succession, and shall be and is hereby declared to be a body politic and corporate, and he and his successors may receive, take, and hold such endowments in lands or tithes, or both, or any such augmentation, as shall be granted to him or them, in the same manner as any other incumbent is by law entitled to do; and every such incumbent shall be subject to all jurisdictions and laws, ecclesiastical or common, and to all provisions contained in any Acts of Parliament in force relating to such persons, and the church of every such consolidated chapelry shall be subject to the jurisdiction of the bishop within whose diocese and archdeaconry the communion table of such church shall be locally situated, and to all the laws in force concerning presentation and appointment to benefices and churches, and all other laws relating to the holding the same: Provided always, that where at the time of forming such consolidated chapelry the said church shall be full, the spiritual person filling such church shall be and remain incumbent of the said church and also of the whole consolidated chapelry.

X. AND be it enacted, that banns of marriage may be published, and marriages, christenings, churchings, and burials performed, in the church of every such consolidated chapelry so formed; and, notwithstanding any thing contained in the herein-before recited Act passed in the fifty-ninth year of the reign of his late Majesty King George the Third to the contrary thereof, the fees arising therefrom shall, unless voluntarily relinquished by them or either of them, belong to the incumbent and clerk respectively of the parishes out of which such consolidated chapelry shall have been formed under the provisions of this Act, during their respective incumbencies, or during the time the clerk shall retain his situation; and the incumbent of such consolidated chapelry formed under this Act shall keep an account of the fees so received, and shall every year pay over the same to such incumbents and clerks respectively who would have been entitled to them if such consolidated chapelry had not been formed; and after the next avoidance of such respective incumbencies, and after the situations of such respective clerks shall have become vacant, such fees shall belong and be paid to the incumbent of such consolidated chapelry and the clerk of the church thereof.

XI. AND be it enacted, that where the church of such consolidated chapelry shall have been built wholly or in part by means of the funds placed by Parliament at the disposal of her Majesty's said commissioners, it shall be lawful for them, with the consent of the bishop of the diocese, to apply the provisions

ontained in the herein-before recited Acts passed in the fifty-eighth and fifty-ninth years of the reign of his late Majesty King George the Third, the reservation of pew rents, and the assignment thereof of a stipend to the minister and a salary to the clerk, to the church of any such chapelry, and to the incumbent and clerk thereof

XII. AND be it enacted, that it shall be lawful for the Commissioners to make a grant out of the available moneys towards the erection of new churches in aid of the intended to be made the church of any consolidation of the parish or extra-parochial place where the population may not amount to four thousand persons, where there may be church accommodation for more than the wants of such parish or extra-parochial place, provided that such chapelry to be formed under the provisions of this Act shall consist of at least four thousand persons, with church accommodation for not more than one fourth of the inhabitants thereof.

XIII. AND be it enacted, that in all cases the freehold of any church of which her Majesty's said commissioners shall accept a conveyance under the provisions of the said Acts or any of them (as to any church not yet consecrated or unseparated,) shall vest in the incumbent for the time being, and the freehold of every burial ground of which the commissioners have accepted or shall accept a conveyance under the said Acts or any of them shall, after the consecration or unseparation, vest in the incumbent for the time being, in each such burial ground shall belong, or if there shall be no such body or person as the said commissioners shall direct the bishop of the diocese in such special case direct the incumbent, and from and after that time then in the said church, and to the inhabitants of the place for which such burial ground shall be freehold of any house, garden, and appurtenances, and the glebe of the spiritual person serving any church, and the said commissioners may have accepted or shall hereafter accept a conveyance under the provisions of the herein-before recited Acts, and the incumbent or minister of such church for the time being, shall do nothing in this Act contained shall authorize or empower any person under any church.

XIV. AND whereas it is by the said herein-before recited Acts in the fifty-ninth year of the reign of his late Majesty King George the Third that where the said commissioners should make a grant of land for cemeteries not within the bounds of the parish or place provided, such cemeteries should, after consecration, be reserved for the use of which they should have been reserved, and whereas it is expedient that the said commissioners should be empowered declaring that such land as shall be approved of by the said Commissioners as a new or additional burial ground or burial grounds in any parish or parishes for the use of which they shall be authorized to make a grant within the bounds of such parish or parishes, and that the purchase of such land shall have b

commissioners: Be it therefore enacted, that where any land shall have been purchased or obtained for any new or additional burial ground not within the bounds of the parish or parishes for the use of which the same shall have been so purchased or obtained, it shall be lawful for the said commissioners, if they shall think fit, in accepting a conveyance of such land for the purposes aforesaid, under the provisions of the herein-before recited Acts or any of them, to declare in such conveyance, or by any other instrument under their common seal, that such land shall, after the consecration thereof for the purposes aforesaid, be and be deemed to be part of the parish or parishes for the use of which such land shall have been so purchased or obtained, and, after consecration, such land shall be part of such parish or parishes accordingly for the purposes aforesaid.

XV. AND be it enacted, that when any district parish has been or shall hereafter be formed under the provisions of the herein-before recited Acts passed in the fifty-eighth year of the reign of his late Majesty King George the Third, it shall be lawful for the incumbent of the parish out of which such district parish shall have been formed to resign voluntarily, with the consent of the bishop of the diocese, the church of such district parish, and such resignation shall have the same effect as the avoidance or resignation of the parson's church, with respect to the performance of the offices of the church in such district parish; and thereupon such district parish, and the church thereof, shall be a perpetual curacy and benefice, and shall be subject to the same laws as are in force with respect to district parishes where the avoidance or resignation of the church of the original parish shall have taken place.

XVI. AND be it enacted, that, any thing in the herein-before recited Acts passed in the third and fourth year of her present Majesty to the contrary notwithstanding, it shall be lawful for her Majesty's said commissioners at any time to alter the boundaries of a distinct and separate parish, district parish, district chapelry, or consolidated chapelry, although five years may not have elapsed since the description of such boundaries has been registered in the registry of the diocese; provided that such alteration of boundaries shall be subject to the same provisions, except as herein excepted as are contained relative thereto in the herein-before recited Acts.

XVII. AND be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, that the church of any district chapelry formed or to be hereafter formed under the provisions thereof, although such church may not have been augmented by the governors of the bounty of Queen Anne, and also any church now or hereafter to be augmented by any order of her Majesty in council ratifying any scheme of the ecclesiastical commissioners for England, and with a district chapelry assigned thereto, shall be and is hereby declared to be a perpetual curacy and benefice, and the licence thereto shall operate in the same manner as institution to a benefice, and the minister duly nominated and licensed thereto, and his successors, shall not be a stipendiary curate, but shall be and be esteemed in law to be a perpetual curate, and body politic and corporate, with perpetual succession, and he and his successors may receive, take, and hold to him and themselves all such lands, tithes, and rent-charges as shall be granted or purchased for him or them by the said ecclesiastical commissioners

exchange for other land and hereditaments, and otherwise, and with other powers and authorities, in all respects, according to the rules, orders, and constitutions for the time being in force for the management of the bounty of Queen Anne, as if the money so appropriated had been originally provided or appropriated by the said governors, out of the funds at their disposal, for the benefit and augmentation of the same benefice.

XXI. AND be it enacted, that in all cases in which money shall be payable to the governors of the bounty of Queen Anne under the provision last hereinbefore contained, such money shall be paid to the treasurer for the time being of the said governors; and the receipt or receipts of such treasurer shall be an effectual discharge or effectual discharges for so much money as in such receipt or receipts shall be expressed to the person or persons paying the same; and after obtaining such receipt or receipts the person or persons paying such money shall be absolutely discharged from all liability touching such money, and from all trusts relating thereto.

XXII. AND be it enacted, that where her Majesty's said commissioners shall have already formed or shall hereafter form any distinct and separate parish, district parish, or district chapelry, under the provisions of the hereinbefore recited Acts or any of them, or this Act, out of any parish or extra-parochial place, it shall be lawful for the Court of Chancery, any thing in the hereinbefore recited Acts to the contrary notwithstanding, on a petition being presented to the said court by any two persons resident in any such parish or extra-parochial place, (such petition to be presented, heard, and determined according to the provisions of an Act passed in the fifty-second year of the reign of his late Majesty King George the Third, intituled "An Act to provide a summary remedy in cases of abuses of trusts created for charitable purposes,") to apportion between the remaining part of such parish or place and the distinct and separate parish, or district parish, or district chapelry, any charitable devises, bequests, or gifts which shall have been made or given to or for the use of any such parish or extra-parochial place, or the produce thereof, and in any such case to direct that the distribution of the proportions of such devises, bequests, or gifts, or the produce thereof, as shall be so apportioned shall be made and distributed by the incumbent or spiritual person serving the church, or by the churchwardens of any such distinct and separate parish, district parish, or district chapelry, either jointly or severally, as the said Court of Chancery may think expedient; and it shall also be lawful for the said Court of Chancery to apportion between the remaining part of such parish or place as aforesaid, and such separate divisions or districts, any debts or charges which may have been before the period of such apportionment contracted or charged upon the credit of any church rates in such parish or place; and all such apportionments shall be registered in the registry of the diocese in which such parish or place shall be locally situate, and duplicates thereof shall be deposited with the churchwardens of such parish or place, and of each such division or district as aforesaid, and in all such cases the costs shall be at the discretion of the said court; and such apportioned debts or charges shall be raised and paid by the parish or place in which they may be apportioned in such and the like manner as the entirety was to be raised and paid, or in such manner and under such provisions and conditions as the said court shall direct, and when any securities may have been given for the same the court

Such purchase money to be paid to the treasurer of Queen Anne's bounty, whose receipt shall be a valid discharge.

Apportionment of bequests, &c., and also of debts, between original parish and district formed thereout, to be made by the Court of Chancery, on petition presented under 52 Geo. 3. c. 101.

thereof: And whereas it is desirable to extend the provisions herein-before recited to other cases than those mentioned in the said Act: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, the recited Act, and all the provisions therein contained, shall apply and extend not only to the lands in the said Act specified, but to all lands belonging or which hereafter may belong to parishes, or to the surveyor of the highways, for the purposes aforesaid, which have been or hereafter shall be lawfully used for the purpose of obtaining materials for the repair of the highways in such parish, the materials in which lands have been or hereafter may be exhausted.

Provisions of recited Act as to sale of lands allotted for repair of highways when materials are exhausted, extended to all lands held for that purpose.

II. AND be it enacted, that the said Act and this Act shall be construed together as one Act.

Recited Act and this Act to be construed together.

* * * * *

CHAPTER LXXIV.

AN ACT to amend an Act of the Seventh Year of King William the Fourth, for preventing the advertising of Foreign and other illegal Lotteries; and to discontinue certain Actions commenced under the Provisions of the said Act. [31st July 1845.]

WHEREAS by an Act passed in the seventh year of the reign of his late Majesty King William the Fourth, intituled "An Act to prevent the advertising of foreign and other illegal lotteries," it is enacted, that if any person shall print or publish, or cause to be printed or published, any advertisement or other notice of or relating to the drawing or intended drawing of any foreign lottery, or of any lottery or lotteries not authorized by some Act or Acts of Parliament, or if any person shall print or publish, or cause to be printed or published, any advertisement or other notice of or for the sale of any ticket or tickets, chance or chances, or of any share or shares of any ticket or tickets, chance or chances, or of in any such lottery or lotteries as aforesaid, or any advertisement or notice concerning or in any manner relating to any such lottery or lotteries, or any ticket, chance, or share, tickets, chances, or shares, thereof or therein, every person so offending shall for every such offence forfeit the sum of fifty pounds, to be recovered, with full costs of suit, by action of debt, bill, plaint, or information in any of his Majesty's courts of record in Westminster or Dublin respectively, or in the Court of Session in Scotland, one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety thereof to the use of the person who shall inform or sue for the same: And whereas the printers, publishers, and proprietors of divers newspapers have inadvertently printed and published some advertisements or notices of or relating to the matters in the said Act mentioned, or some of them, and many actions, suits, informations, and prosecutions have been brought and commenced against such printers, publishers, and proprietors, or some of them, by persons who sue, inform, and prosecute, as well on their own behalf as on behalf of her Majesty, to recover various penalties incurred or alleged to have been incurred under the provisions of the said Act; and it is expedient that all

6 & 7 Will. 4. c. 66.

further proceedings in such actions, suits, informations, and should be prevented, and such other provision made in relation otherwise as is herein-after mentioned:

Fines, &c. incurred under recited Act to go wholly to her Majesty.

III. AND be it enacted, that from and after the passing of this Act penalties, and forfeitures imposed by or incurred or which may under the said recited Act shall go and be applied to the use of her heirs and successors.

Fines, &c. may be sued for in the name of the attorney or solicitor general in England or Ireland, or her Majesty's advocate for Scotland, &c. in the Court of Exchequer in each country, and not otherwise.

IV. PROVIDED always, and be it enacted, that from and after this Act every such fine, penalty, or forfeiture may be sued or prosecuted in the name of her Majesty's attorney general or solicitor general or Ireland, or of her Majesty's advocate general or solicitor general or of the solicitor of stamps and taxes in England or Scotland, or of the solicitor of stamps in Ireland, or of any person to be authorized to prosecute for the same by writing under the hands of the controller of stamps and taxes, or in the name of any officer of stamp duties of debt, bill, plaint, or information, in the Court of Exchequer at London in respect of any fine, penalty, or forfeiture incurred in England, or in the Court of Exchequer in Dublin in respect of any fine, penalty, or forfeiture incurred in Ireland, and in the Court of Exchequer in Scotland in respect of any fine, penalty, or forfeiture incurred in Scotland; and, except before provided, it shall not be lawful for any person other than the person so named to inform, sue, or prosecute for any such fine, penalty, or forfeiture. Provided always, that in no such proceeding as aforesaid shall protection, wager at law, nor more than one imparlance, be allowed.

CHAPTER LXXV.

AN ACT to amend an Act passed in the Session of Parliament Sixth and Seventh Years of the Reign of Her present Majesty, "An Act to amend the Law respecting defamatory Words"

6 & 7 Vict. c. 96. s. 2.

WHEREAS by an Act passed in the session of the sixth and seventh years of the reign of her present Majesty, "An Act to amend the law respecting defamatory amongst other things, enacted and provided, that the for a libel contained in any public newspaper or other may plead certain matters therein mentioned, and may be at liberty to pay into court a sum of money by injury sustained by the publication of such libel; and enacted, that such payment into court shall be of available in the same manner and to the same extent same rules and regulations as to payment of costs as except so far as regards the pleading of the additic required to be pleaded by such defendant, as if action excepted from the personal actions in which it is allowed in court under an Act passed in the session of Parliament of his late Majesty, intituled "An Act for the further

3 & 4 Will. 4. c. 42.

“ and the better advancement of justice ” : And whereas the said Act of the fourth year of the reign of his late Majesty relates only to proceedings in the superior courts in England, but by an Act passed in the session of Parliament held in the third and fourth years of the reign of her present Majesty, intituled “ 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 advancement of justice, in Ireland,” a like provision is made for payment of money into court in all personal actions pending in any of the superior courts in Ireland as is contained in the said Act of the fourth year of the reign of his late Majesty in regard to actions pending in the superior courts in England, with a like exception of actions for libel; and it is expedient to prevent any doubts as to the application of the said recited Act of the sixth and seventh years of the reign of her present Majesty to actions pending in the superior courts in Ireland which may be created by reason of the omission of a reference in the last-mentioned Act to the said Act of the third and fourth years of the reign of her present Majesty: Be it therefore enacted and declared by the Queen’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that when in any action pending in the superior courts in Ireland for a libel contained in any public newspaper or other periodical publication the defendant shall plead the matters allowed to be pleaded by the said first-mentioned Act, and shall on filing such plea pay money into court as provided by such Act, such payment into court shall be of the same effect, and be available in the same manner and to the same extent, and be subject to the same rules and regulations now in force or hereafter to be made as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts so required to be pleaded by such defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into court under the said recited Act of the third and fourth years of the reign of her present Majesty. [¶]

II. AND be it declared and enacted, that it shall not be competent to any defendant in such action, whether in England or in Ireland, to file any such plea, without at the same time making a payment of money into court by way of amends as provided by said Act, but every such plea so filed without payment of money into court shall be deemed a nullity, and may be treated as such by the plaintiff in the action.

[¶ By 3 & 4 Vict. c. 105. s. 46., (which is rep., Stat. Law Rev. Act, 1875.) it was enacted as follows; “it shall be lawful for the defendant in all personal actions, (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation, or debauching of the plaintiff’s daughter or servant,) by leave of any of the said superior courts where such action is pending, or a judge of any of the said superior courts, to pay into court a sum of money by way of compensation or amends, in such manner, and under such regulations as to the payment of costs and the form of pleading, as the said judges, or such eight or more of them as aforesaid, shall, by any rules or orders by them to be from time to time made, order and direct.” See now 16 & 17 Vict. c. 113. s. 75. &c.]

3 & 4 Vict.
c. 105. s. 46.

In actions for libels in news papers, &c. in Ireland, when defendant pleads matters allowed by 6 & 7 Vict. c. 96. and pays money into court, such payment shall be of same effect as if actions for libel had not been excepted from 3 & 4 Vict. c. 105. s. 46.

Defendant not to file such plea either in England or in Ireland without paying money into court, by way of amends.

make any appraisement or valuation chargeable by law with any stamp duty.

* * * * *

IV. AND whereas under or by virtue of the said several recited Acts certain duties have been granted and are now payable in Great Britain and Ireland respectively upon legacies, and doubts have been entertained whether certain gifts by will or testamentary instrument are legacies liable to the said duties, and it is expedient to remove such doubts: Be it therefore enacted, that from and after the passing of this Act every gift by any will or testamentary instrument of any person, which by virtue of any such will or testamentary instrument is or shall be payable or shall have effect or be satisfied out of the personal or moveable estate or effects of such person, or out of any personal or moveable estate or effects which such person hath had or shall have had power to dispose of, or which gift is or shall be payable or shall have effect or be satisfied out of or is or shall be charged or rendered a burden upon the real or heritable estate of such person, or any real or heritable estate, or the rents or profits thereof, which such person hath had or shall have had any right or power to charge, burden, or affect with the payment of money, or out of or upon any monies to arise by the sale, burden, mortgage, or other disposition of any such real or heritable estate, or any part thereof, whether such gift shall be by way of annuity or in any other form, and also every gift which shall have effect as a donation mortis causa, shall be deemed a legacy within the true intent and meaning of all the several Acts granting or relating to duties on legacies in Great Britain and Ireland respectively, and shall be subject and liable to the said duties accordingly: Provided always, that no sum of money which by any marriage settlement is or shall be subjected to any limited power of appointment to or for the benefit of any person or persons therein specially named or described as the object or objects of such power, or to or for the benefit of the issue of any such person or persons, shall be liable to the said duties on legacies under the will in which such sum is or shall be appointed or apportioned in exercise of such limited power.

Certain gifts by will or testamentary instrument to be deemed legacies under Legacy Duty Acts.

Exemption of sums appointed by will in exercise of power given by marriage settlement.

V. AND whereas an Act was passed in the last session of Parliament, intituled "An Act to regulate the issue of bank notes, and for giving to the governor and company of the Bank of England certain privileges for a limited period," and certain penalties are thereby imposed for offences against the provisions of the same Act, and it is expedient to provide for the recovery and application of such penalties: Be it therefore enacted, that from and after the passing of this Act all pecuniary penalties imposed by or incurred under the said last-recited Act may be sued or prosecuted for and recovered, for the use of her Majesty, in the name of her Majesty's attorney general or solicitor general, or of any person authorized to sue or prosecute for the same by writing under the hands of the commissioners of stamps and taxes, or in the name of any officer of stamp duties, by action of debt, bill, plaint, or information, in the Court of Exchequer at Westminster, in such and the same manner as any penalties imposed by any of the laws now in force relating to the duties under the management of the said commissioners; and it shall be lawful in all cases for the said commissioners, either before or after any proceedings commenced for recovery of any such penalty, to mitigate or compound any such penalty as they shall think fit, and to stay any such proceedings after

7 & 8 Vict. c. 32.

Recovery of penalties under last-recited Act.

Penalties may be mitigated or compounded.

III. PROVIDED always, and be it enacted, that where the subject relates to the alleged improper or imperfect execution of any work by a manufacturer or his agent, such piece of work shall be produced at adjudication, or if not produced shall be deemed and taken to be sufficiently and properly executed.

IV. AND be it enacted, that if any manufacturer or agent shall refuse to deliver such ticket to such workman as aforesaid with the same so given out, and if such workman shall complain thereof to any justice of the peace having jurisdiction in the place where the materials shall be delivered out or where the workman shall reside, such justice may summon such manufacturer or agent to attend before two justices, at a time to be appointed for hearing the complaint, and set forth in the summons the person to whom such summons so directed appears according to the tenor thereof, or if he does not appear, and the due service of the summons shall be proved, the said justices may proceed to hear and determine the complaint, and if such neglect or refusal as aforesaid be proved, either by the confession of the party complained against, or by the oath of the complainant or of one or more credible witness or witnesses, such justices may convict such offender upon such conviction adjudge him to pay such penalty, not exceeding two pounds, together with the costs attending the conviction, as such justices shall think fit, and the party so adjudged to pay such penalty and costs shall pay the same accordingly: Provided always, that in all convictions of a person under this Act one at least of the convicting or adjudicating justices shall be a person not engaged in any manufacture, trade, occupation, or employment to which this Act extends, and shall not be the father, son, or brother of such person.

V. AND be it enacted, that if any of the parties to the said complaint shall make oath before any justice having cognizance of such complaint that she believes that the attendance of any person as a witness will be necessary to the hearing of such complaint, such justice may summon such person, having been paid or tendered a reasonable sum for his expences, to give evidence on oath, at a time and place set forth in the said summons, and if any person so summoned shall not appear at the time and place so set forth in the said summons, and shall not make excuse for the default to the satisfaction of the justices there present, and if the due service of the summons shall be proved, or if such person appearing according to the summons shall be examined as a witness, then such justices may adjudge such person making default in appearing or refusing to give evidence to pay such penalty, not exceeding two pounds, as such justices shall think fit, and the party so adjudged to pay such penalty shall pay the same accordingly.

VI. AND be it enacted, that every summons required by this Act shall be served by delivering the same to the person summoned, or by leaving the same at his or her usual place of abode, twenty-four hours at least before the time appointed by the summons for such person to appear.

VII. AND be it enacted, that if any such penalty or costs so adjudged to be paid is not paid immediately upon adjudication, the justices may issue their warrant to distrain and sell the goods and chattels of the person so adjudged to pay the same, for the amount thereof, with the proceeds of such distress, after paying the penalty and costs, and

of such distress and sale, shall be paid over to the person convicted; and the said penalty shall be paid over to the sheriff or other proper officer of the county, city, borough, or place in which such conviction shall take place, for her Majesty's use, and shall be returned to the court of quarter sessions, in pursuance of the provisions of an Act passed in the third year of the reign of King George the Fourth, intituled "An Act for the more speedy return and levy of distresses, and penalties, and forfeitures, and recognizances estreated."

VIII. AND be it enacted, that no order or conviction, or proceeding in writ of certiorari or otherwise into any of her Majesty's superior courts of law, or that when any distress shall have been made for levying any money under the provisions of this Act the distress itself shall not be deemed unlawful, nor shall the making the same a trespasser, on account of any defect or want of summons, warrant, conviction, warrant of distress, or other proceeding in relation thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity afterwards committed, but the person aggrieved by such irregularity may recover full satisfaction of special damage (if any) by action on the case.

IX. AND be it enacted, that the word "manufacturer" in this Act shall be understood to mean any person furnishing the materials of which are wrought into hosiery goods, to be sold or disposed of on his own account; and the word "agent" to include any person conveying or delivering to the workman, and the word "workman" any person actually employed in the manufacture of the same.

SCHEDULE

If the material to be manufactured be into stockings :

Gauge :
 Ribbed or plain :
 What kind of material :
 Size :
 Jacks in width :
 Mark :
 Length of leg :
 Length of foot :
 Narrowings in leg :
 Narrowings in heel :
 Narrowings in gusset :
 Narrowings in toe :
 Dumps or clocks :
 Bound heels or toes :
 Wrought heels or cut :
 Wrought feet or cut :
 Turnings in leg :
 Weltd or not :
 Weight per dozen :

Price per dozen pair of making legs :
Price per dozen pair of making feet :
Name of party putting out the work :
Name of artificer.

If the material to be manufactured be into socks :

Gauge :
Ribbed or plain :
What kind of material :
Size :
Jacks in width :
Mark :
Length of leg with top :
Length of foot :
Narrowings in heel :
Narrowings in gusset :
Narrowings in toe :
Cut or wrought heels :
Cut or wrought feet :
Price per dozen pair :
Name of party putting out the work :
Name of artificer.

If the material to be manufactured be into gloves :

Gauge :
Ribbed or plain :
What kind of material :
Size :
Jacks in width of hand :
Jacks in width of finger :
Mark :
Length of hand :
Length of finger :
What kind of welts :
Plaited or not :
What figure in back of hand :
Weight per dozen :
Price per dozen pair of making hands :
Price per dozen pair of making fingers :
Name of party putting out the work :
Name of artificer.

If the material to be manufactured be into shirts :

Gauge :
Ribbed or plain :
What kind of material :
Size :
Jacks in width of body :
Jacks in width of sleeve :
Mark :
Length of body :
Length of sleeve :

Fashioned or not :
 Weltd or not :
 Weight per dozen :
 Price per dozen of making bodies :
 Price per dozen pair of making sleeves :
 Name of party putting out the work :
 Name of artificer.

If the material to be manufactured be into caps :

Gauge :
 Ribbed or plain :
 Material :
 Jacks in width :
 Fashion :
 Striped or plain :
 Weight per dozen :
 Price per dozen :
 Name of party putting out the work :
 Name of artificer.

If the material to be manufactured be into any other description

Gauge :
 Length :
 Width :
 Weight :
 Price :
 Fashion :
 Name of party putting out the work :
 Name of artificer.

CHAPTER LXXX.

AN ACT for regulating the Criminal Jurisdiction of Assistant B...
 certain Counties of Cities and Counties of Towns in Ireland.

[4th A

WHEREAS by an Act passed in the session of Parliament
 third and fourth years of the reign of her present Maje
 4 Vict. " An Act for the regulation of municipal corporations in I
 08. c. 163. among other things, enacted, that it shall be lawful for her M
 shall be pleased, upon the petition of the council of any boroug
 city of Dublin, as therein mentioned, to grant that a separate cou
 sessions of the peace, or a court of record, for the trial of civil
 thenceforward be holden in and for such borough; and it is
 t. 173. enacted, that after the first day of January therein mentioned
 assigned or hereafter to be assigned to keep the peace in and for
 which any borough is situated, to which her Majesty shall not
 that a separate court of sessions of the peace shall be holden in
 same, shall exercise the jurisdiction of justices of the peace in
 borough, as fully as by law they and each of them can or ought
 for the said county: And whereas her Majesty has not hitherto

any such separate court of quarter sessions of the peace should be holden in any of the counties of cities or counties of towns in the schedule to this Act annexed named: And whereas doubts have arisen as to whether the said counties of cities and counties of towns are included in the said last-recited provision of the said recited Act; and it is expedient to provide for the holding of general or quarter sessions of the peace in and for the said counties of cities and counties of towns: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 from and after the passing of this Act, and until her Majesty shall be pleased to grant that a separate court of general or quarter sessions of the peace shall be holden in and for the said counties of cities or counties of towns respectively as aforesaid, the respective assistant barristers for the time being of the respective counties named in the first column of the schedule to this Act annexed shall be justices of the peace in and for the respective counties of cities and counties of towns named in the second column of the said schedule in conjunction with such respective counties at large in the said schedule, and whereof they respectively are or shall be assistant barristers; and that the said assistant barristers shall have in the said counties of cities and counties of towns all such and the same powers, privileges, and authorities respectively as they respectively have in and for the said respective counties in the said first column mentioned, and shall and may exercise such jurisdiction, powers, and authorities either alone or together with the justices assigned to keep the peace within the said respective counties of cities and counties of towns; and that a general or quarter sessions of the peace shall be from time to time holden in and for the said respective counties of cities and counties of towns, on the day next but one before the commencement of or immediately after the termination of the general or quarter sessions of the peace or any adjournment thereof, for the division of the said respective counties at large within which or next adjacent whereto the said respective counties of cities or counties of towns are situate; and that from and after the passing of this Act such general or quarter sessions of the peace so to be holden respectively in and for the said counties of cities and counties of towns, and also all adjourned sessions thereof, shall, as to all matters and things arising within such counties of cities and counties of towns respectively, or within five hundred yards of the boundaries thereof, have, use, and exercise all and every the same jurisdictions, powers, and authorities, as fully and effectually to all intents and purposes, as any general or quarter sessions of the peace holden in and for any county at large can or may have, use, or exercise in respect of matters and things arising within such county at large, and also all such further and other jurisdictions, powers, or authorities as were by any Act or Acts of Parliament now in force at any time heretofore granted to or vested in the general or quarter sessions of the peace of the said counties of cities or counties of towns respectively, of right holden within the said counties of cities and counties of towns respectively before the passing of the said herein-before in part recited Act passed in the said third and fourth years of the reign of our said lady the Queen; and the jurors returned to serve at each of such general or quarter sessions of the peace, or adjournment thereof, for such respective counties of cities and counties of towns shall be returned from the

Assistant barristers for the counties named in the schedule shall be justices of the peace for the counties of cities and towns therein named in conjunction with such counties respectively;

and general or quarter sessions of the peace shall be held for such counties of cities and towns.

Powers of sessions.

Jurors.

manner aforesaid: And whereas it is expedient to alter and amend the said enactment, in so far as it empowers the lord lieutenant or other chief governor or governors of Ireland to direct, by his warrant, that the sum or sums of money so required by the said commissioners should be advanced to the said commissioners out of the produce of the consolidated fund of Great Britain and Ireland, and to substitute new provisions in lieu thereof, therefore enacted by the Queen's most excellent Majesty, by and with the consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, save and except as to things heretofore done under the said recited enactment, so much thereof as relates to the power of the lord lieutenant or other chief governor or governors of Ireland to direct, by his warrant, that the sum or sums of money so required by the said commissioners should be advanced and paid to the said commissioners out of the produce of the consolidated fund shall be and the same is hereby repealed. [Rep., Stat. Law Rev. Act 1845, c. 81.]

II. AND be it enacted, that from and after the passing of this Act, the application of the said commissioners, setting forth what sum will be necessary and necessary from time to time for the purposes in the said recited Act mentioned, it shall be lawful to and for the lord high treasurer, or any two or more of the commissioners of her Majesty's Treasury, or any three of them, by and with the approbation of the lord lieutenant or other chief governor or governors of Ireland for the time being, by his or their warrant in writing, to direct that the sum or sums of money so required by the said commissioners appointed under the said Act passed in the first and second years of the reign of our said Majesty King William the Fourth shall be paid and advanced to the said named commissioners out of the produce of the consolidated fund of Great Britain and Ireland, to be applied, by the direction of the said last-mentioned commissioners, in the manner and for the purposes in the said recited enactment mentioned.

III. PROVIDED always, and it is hereby declared and enacted, that it shall be lawful to and for the lord high treasurer, or the controller of her Majesty's Treasury, or any three of them, in and by an Act of Parliament authorizing or directing such advance as aforesaid, to declare on what terms the same shall be made, and to fix and appoint how, and in what manner, and at what time or times, and by what instalments, and with what interest, if any, the same is to be levied and repaid to the consolidated fund.

IV. AND whereas divers sums of money have been from time to time advanced to the said county of Dublin, and may hereafter be advanced from her Majesty's Exchequer, by the authority of the commissioners of her Majesty's Treasury, or the lord lieutenant or other chief governor or governors of Ireland, for the purposes of the said county of Dublin; and it is expedient that the same should be made with as little delay as possible, and should not be postponed by reason of any preference given to local claims over the claims of her Majesty's Exchequer: Be it therefore enacted, that it shall be lawful to and for the lord lieutenant or other chief governor or governors of Ireland, at the expiration of each previous term, to cause an estimate to be made of the probable sum which in the course of the then ensuing year will be payable by the said county of Dublin, or any barony, portion of a parish, or other denomination of land in the said county, to the consolidated fund, or to her Majesty's Exchequer, for or on account of any such sums, together with any arrears or sums then remaining due and payable to the said county of Dublin, or any barony, portion of a parish, or other denomination of land in the said county, to the consolidated fund, or to her Majesty's Exchequer.

as salary for the housekeeper of the county court-house at Green & city of Dublin; and it shall be lawful for the finance committee being to pay to the said county officers respectively, by half-yearly as the same shall respectively become due, the amount of such sala ing to the true intent and meaning of the said Act.

IX. AND be it enacted, that it shall be lawful to and for the 1 mittee of the said county of Dublin, if they shall deem it expedient balance or county funds at their disposal, from time to time to discharge any sums expended by any person in repairing any sud to bridges, roads, or other county works under the provisions of t in reference to such sudden damage, on the production to them of trate's order duly authorizing such repairs, and the certificate of surveyor that a sum not exceeding the sum specified in such order faithfully and honestly expended pursuant thereto; and the grand said county is hereby empowered to present all sums so paid by t committee at the next presenting term, without previous applica sentment sessions.

X. AND be it enacted, that so much of the said recited Act as empowe jury, with the sanction of the Court of Queen's Bench, to present, in case or insufficient discharge of duty on the part of any county officer, any s the annual salary specified therein to be paid to such officer, or to withh to make presentment for such officer, shall be and is hereby repealed. Law Rev. Act, 1875.]

XI. AND be it enacted, that from and after the passing of this and may be lawful for the grand jury of the said county, at any term, by a resolution, to be signed by the foreman, with the expr of the Court of Queen's Bench in Ireland, to direct that the paym salary of any county officer who may be guilty of any negligent or discharge of his duty shall be either wholly or in part withheld, such regulations for the paying or suspending the payment of th any part of the salaries of any of such county officers, as the said with the express approval of the said Court of Queen's Bench, expedient.

XII. AND be it enacted, that this Act shall be read and interpre junction with the said recited Act, in such and the same manne same was incorporated therein and part thereof.

* * * * *

CHAPTER LXXXIII.

AN ACT for the Amendment and better Administration of the Law to the Relief of the Poor in Scotland. [4th Aug

WHEREAS it is expedient that the laws relating to the relief o in Scotland should be amended, and that provision should b the better administration thereof: Be it enacted by the Queen's mo Majesty, by and with the advice and consent of the lords spiritua poral, and commons, in this present Parliament assembled, and by th of the same, that the following words and expressions, when used i shall in the construction thereof be interpreted as follows, except nature of the provision or the context of the Act shall exclude or b

sioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them; and such secretary shall find sufficient security for his intrusions and management, to the satisfaction of the said board, and shall be liable to be removed by her Majesty on the recommendation of the said board; and the sheriffs of the said three sheriffdoms of Perth, Renfrew, and Ross and Cromarty shall each receive the sum of one hundred pounds sterling per annum, in addition to their present salaries, so long as they continue to act as members of the said board.

Security by and removal of secretary.

Payment to sheriffs acting as members of board.

V. AND be it enacted, that the said board of supervision shall meet at Edinburgh in the court room of the first division of the Court of Session upon the twentieth day of August 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, and shall thereafter hold two general meetings in each year, one upon the first Wednesday in February, and the other upon the first Wednesday in August; and at such first meeting, and at all other meetings to be held in pursuance of this Act, three shall be sufficient to act; and the said board shall have power to adjourn for such time and to such place as they shall see fit; and it shall be lawful for the said board to hold special or pro re natâ meetings, which may be called by the secretary, provided that such notice shall be given in writing by the secretary as the board shall direct; and that all notices of special or pro re natâ meetings shall specify the business or matter on which such meetings are called; and it shall be the duty of the paid member of the said board not only to attend at the general and the special or adjourned meetings, but to give regular attendance for the purpose of conducting the business of the said board; and the board shall have chambers in Edinburgh at which the ordinary business of the board shall be conducted, and at which the meetings of the board may be held.

Meetings of the board.

Paid member of board of supervision to attend regularly.

VI. AND be it enacted, that the said board shall have power, as often as they may deem fit, to appoint any two or more of their number as a committee for the purposes of this Act, 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 of supervision; and such committee shall be bound to report to the board at such time or times as the board shall direct, and failing such direction shall report to the said board at its next general statutory meeting.

Board may name committees.

VII. AND be it enacted, that it shall be lawful for the said board from time to time, as they shall see occasion, to make general rules and regulations for conducting the business of the said board, and for exercising the powers and authorities thereof, and to alter such rules and regulations: Provided always, that such rules and regulations and alterations, or a copy thereof, shall be transmitted to one of her Majesty's principal secretaries of state, for his sanction and approval, and for such additions or alterations as he may deem necessary; and no rules or regulations or alterations as aforesaid shall be effectual, except such as shall have been approved of by the said secretary of state, who shall be understood to have approved of all such rules and regulations and alterations aforesaid as shall have been transmitted for his sanction and approval if no intimation to the contrary be made to the board of super-

Board may make general rules.

Approval, &c. by secretary of state.

surveyor, or two or more of such persons, to act as a commissioner or commissioners for the purpose of conducting any special inquiry for a period not exceeding forty days, and to report thereon; and the said board shall delegate to every person so appointed for the purpose of conducting such inquiry all such of the powers of the said board as they may deem necessary or expedient for summoning or examining witnesses and havers, and otherwise conducting such inquiry; and every such appointment shall be subject to the approval of one of her Majesty's said secretaries of state, or of her Majesty's said advocate; and every person so appointed as aforesaid to conduct any special inquiry shall, before he enter on the execution of his duties, take an oath de fidei administratione officii, which oath may be administered to him by any member of the board, or any one of the judges of the Court of Session, or the sheriff of any county; and it shall not be necessary to notify the appointment of any such commissioner otherwise than by intimating the same by letter under the hand of the secretary, or of any member of the board, to the sheriff of the county within which the inquiry in question is to be made; and every such commissioner shall be reimbursed by the said board for all expences necessarily incurred by him in conducting such inquiry, and shall also receive such reasonable remuneration for his time and trouble as may have been agreed upon between him and the said board, and approved of by her Majesty's said secretary of state or advocate; and failing of any such agreement the amount of the remuneration shall be fixed by the lord high treasurer, or the commissioners of her Majesty's Treasury, or by such person or persons as he or they shall name.

XII. AND be it enacted, that it shall be lawful for the said board of supervision, in any case where they see fit, to order and allow such expences of witnesses, and such expences of or concerning the production of any books, contracts, agreements, accounts, or writings, or copies thereof, to or before the said board or committee thereof or commissioner, as such board may deem reasonable; and such expences so ordered and allowed shall be deemed part of the incidental expences attending the execution of this Act, and be paid accordingly.

Board may allow expences of witnesses, &c.

XIII. AND be it enacted, that if any person, upon any examination on oath under the authority of this Act, shall wilfully give false evidence, he shall be deemed guilty of perjury, and shall be liable to the pains and penalties thereof; and in case any person shall wilfully refuse to attend in obedience to any summons of the said board of supervision or committee thereof, or member or commissioner authorized or appointed by the board as aforesaid, or to give evidence, or shall wilfully refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be required to be produced before the said board or committee, or member or commissioner, or shall wilfully neglect or disobey any of the orders of the said board or committee, or member or commissioner, or be guilty of any contempt of the said board or committee, or member or commissioner, such person, being thereof lawfully convicted, shall forfeit and pay for the first offence any sum not exceeding five pounds, for the second and every subsequent offence any sum not exceeding twenty pounds nor less than five pounds.

Penalties on parties giving false evidence, or refusing to obey summons of the board.

XIV. AND be it enacted, that the said board of supervision shall be and is hereby empowered from time to time to appoint all such clerks, messengers,

Power of board to appoint clerks, &c.

and subject in every respect to the provisions and regulations hereby made and provided in relation to combinations of parishes; and such resolution shall be forthwith published in such manner as the said board of supervision shall direct.

XVII. AND be it enacted, that in every burghal parish or combination of parishes there shall be a parochial board of managers of the poor; and the whole administration of the laws for the relief of the poor shall be under the direction and control of such parochial board, on whom shall devolve all the powers and authorities hitherto exercised by or vested in the magistrates of burghs in that behalf, or any other body or persons administering or entitled to administer the laws for the relief of the poor in any burgh or burghal parish; and until it shall have been resolved, as herein-after provided, to raise the funds requisite for the relief of the poor of such parish or combination by assessment, the board shall, in the case of a burghal parish, where there is no combination of parishes, consist of the persons who, if this Act had not been passed, would have been entitled to administer the laws for the relief of the poor in such parish, and shall, in the case of a combination of parishes, consist of the persons who, if this Act had not been passed, would have been entitled to administer the laws for the relief of the poor in the several parishes of which the combination is composed, or of such committees of their number as they may think proper to appoint; and when in any burghal parish or combination in which it shall have been resolved, as herein-after provided, to raise the funds requisite for the relief of the poor by assessment, the parochial board of such parish or combination shall be constituted and chosen as follows; (that is to say,) the persons assessed for the support of the poor within the parish or combination shall elect, in manner after mentioned, to be members of the parochial board, such number of managers, not being more than thirty, as the said board of supervision, having due regard to the population and other circumstances of every such parish or combination, may from time to time fix, and possessing such qualification by the ownership or occupancy of lands and heritages of a certain annual value within the parish or combination as the said board of supervision, having due regard to the population and other circumstances of every such parish or combination, may from time to time fix, such qualification being in no case fixed at a higher annual value than fifty pounds, to be ascertained in manner herein-after provided in regard to the qualification of voters; and the magistrates of the burgh shall nominate four persons to be members of the parochial board, and the kirk session of each parish shall nominate not exceeding four members of such kirk session to be members of the parochial board: Provided always, that those parishes only shall be held to be separate parishes which at the date of this Act are separate parishes for the purposes of settlement and relief of the poor; and that where there shall be in any such parish two or more kirk sessions the members of such several kirk sessions shall meet together and nominate not exceeding four of their number to be members of the parochial board.

XVIII. AND be it enacted, that where in any burghal parish or combination it shall have been so resolved to raise the funds requisite for the relief of the poor by assessment, and where the persons from whom such assessment is to be levied, and the amount payable by each, shall have been ascertained or determined as herein-after provided, the board of supervision shall fix a day

Parochial boards of managers of the poor in burghal parishes or combinations.

Constitution of boards where funds are raised by assessment.

Board of supervision to fix the day for the first election by persons assessed of

re mem-
f paro-
board.

l of office
mbers of

of voting
stions
ghal
ies or
nations.
shall be
d to vote,

er of
to which
erson
e entitled.

.o.

of
vision
lvide
al
ies or
nations
ards or
ns for
us.

for the persons so assessed to elect such number of managers, duly to be members of the parochial board as shall be regulated by the supervision as aforesaid, and shall also fix a day or days for the and the kirk session or kirk sessions to nominate the persons to respectively nominated to be members of the parochial board managers and members, being elected or nominated, shall be en for the period of one year, and may be re-elected or re-appointed.

XIX. AND be it enacted, that in all cases of the election of man poor of any burghal parish or combination under this Act the v given or taken, collected and returned, in such manner and und lations as the board of supervision shall direct; and in every every person assessed for the support of the poor in such parish tion shall be entitled to vote, whether such assessment be made ownership or occupancy of lands and heritages, or in respect o substance; and it is hereby declared that the owners of lands s the annual value of which shall be under twenty pounds shall h vote; the owners of lands and heritages the annual value of w twenty pounds but under forty pounds, two votes; the owners heritages the annual value of which shall be forty pounds but pounds, three votes; the owners of lands and heritages the an which shall be sixty pounds but under one hundred pounds, fo owners of lands and heritages the annual value of which shall be pounds but under five hundred pounds, five votes; the owners heritages the annual value of which shall be five hundred pounds six votes; and that all persons assessed as the occupants of lands or assessed on means and substance, shall each have the same nu as an owner of lands and heritages assessed to the same amount of the poor would have; and when any occupant shall also b lands and heritages, and assessed in both capacities, he shall be e as well in respect of his ownership as of his occupancy; and wh who is assessed on his means and substance shall also be an c and heritages, and assessed as such, he shall be entitled to v respect of his ownership as of his means and substance: Provide no person shall for himself have more than six votes in all, and shall be entitled to vote who shall have been exempted from p rates or assessment for relief of the poor on the ground of in or who shall not have paid all such rates and assessments ase due from him at the time of so voting.

XX. AND be it enacted, that for the purpose of conducting managers of the poor it shall be lawful for the board of superv any burghal parish or combination into such and so many wa as they may deem expedient, and to determine and apportion managers to be elected by every such ward or division, having the population and the value of property therein: Provided person shall be entitled to vote for the managers of the poor in or division unless he reside therein, or have a right to vote i ownership or occupancy of lands and heritages within such w nor shall any person give in any one ward or division, in respe or occupancy of lands and heritages, a greater number of ve

entitled to in respect of lands and heritages in such ward or division; nor shall any person give in the whole of the wards or divisions into which a parish may be divided a greater number of votes than he would be entitled to have given if the parish had not been so divided.

XXI. AND be it enacted, that for the purpose of ascertaining the number of votes to which each person is entitled the books of the collector of the assessment for the poor shall be taken as the evidence of the annual value of the lands and heritages assessed, and of the amount for which each person is assessed.

Books of collectors to be evidence of value of lands assessed, &c.

XXII. AND be it enacted, that in every parish not being a burghal parish, and not being part of any combination as aforesaid, there shall be in like manner a parochial board for the management of the poor of such parish, and the whole administration of the laws for the relief of the poor shall be under the direction and control of such parochial board, who shall have and exercise all the powers and authorities hitherto exercised by or vested in the heritors and kirk session, or in the heritors, kirk session, and magistrates, or any other body or persons administering or entitled to administer the laws for the relief of the poor in such parish, by virtue of any law or usage; and such parochial board shall be constituted as follows; (that is to say,) in every such parish as aforesaid in which the funds requisite for the relief of the poor shall be provided without assessment the parochial board shall consist of the persons who, if this Act had not been passed, would have been entitled to administer the laws for the relief of the poor in such parish; and in every such parish as aforesaid in which it shall have been resolved, as herein-after provided, to raise the funds requisite for the relief of the poor by assessment, the parochial board shall consist of the owners of lands and heritages of the yearly value of twenty pounds and upwards, and of the provost and bailies of any royal burgh, if any, in such parish, and of the kirk session of such parish, and of such number of elected members, to be elected in manner after mentioned, as shall be fixed by the board of supervision: Provided always, that no provost or bailie or elder of the kirk session shall, as such, be a member of such parochial board unless he is assessed for the poor; and provided also, that not more than six members of the kirk session shall, as such, be members of such parochial board; and if the kirk session shall consist of more than six members it shall be lawful for such kirk session from time to time to nominate six of its members to be members of the parochial board, for such time as to the kirk session shall seem fit; and it shall be competent for any heritor, being a member of the parochial board, to appoint, as heretofore, by a writing under his hand, any other person to be his agent or mandatory to act and vote for him at such board; and such appointment shall remain in force till recalled; and such writing of appointment is hereby declared to be valid and lawful, although the paper whereon it is written should not be stamped.

Parochial boards in parishes not burghal or combined.

Constitution of boards where funds are raised by assessment.

Heritors may appoint agents to act for them at such boards.

XXIII. AND be it enacted, that in every such parish as aforesaid in which it shall have been resolved to raise the funds for relief of the poor by assessment, and in which the persons from whom such assessment is to be levied, and the amount payable by each, have been ascertained or determined as herein-after provided, it shall and may be lawful for the persons so assessed, not being owners of lands and heritages of the yearly value of twenty pounds, or provost or bailies of any royal burgh in such parish, or members of the kirk session,

Elected members of parochial boards in such parishes.

Period of office
of elected
members.

Elected mem-
bers how to be
appointed.

Number of
votes to which
each person
shall be entitled.

Proviso.

and as such members of the parochial board, to elect a number to be members of the parochial board of such parishes, to be determined and fixed from time to time by the board of supervisors, the number being had to the amount of the population, the number of other members of the parochial board, and the special wants of each particular parish; and the said board of supervisors shall cause notice to be given for the said persons to meet and choose such number of members of the parochial board as shall have been fixed by the board of supervisors; and such elected members, being so appointed, shall hold office for the period of one year, and may be re-elected: Provided, that no person shall be entitled to act as an elected member until he has paid the poor, and pay assessment to the parish.

XXIV. AND be it enacted, that on the day so to be appointed for the supervision as aforesaid, and on the same day in each such parish, as soon thereafter as may be, to be fixed by the board of supervisors, the persons assessed as aforesaid shall meet for the purpose of electing members of the parochial board; and if they shall not meet, or if they shall not elect members, then it shall and may be lawful for the board of supervisors to appoint in manner after mentioned, or in case of his absence, any person appointed by the parochial board to act for the purpose of writing and collect the votes of the persons entitled to vote, and to declare (according to the number prescribed by the board of supervisors) those persons to be elected members who shall appear to have the most votes, and in the event of an equality the person paying the least amount of assessment shall be preferred; and at every such meeting, the lands and heritages within the parish under twenty pounds yearly value shall each have one vote, and tenants or occupants of lands and heritages assessed upon means and substance, if assessed to the value of ten pounds or more, is assessed upon an owner of lands and heritages of the value of ten pounds, shall each have one vote; and if assessed to an amount less than ten pounds but under forty pounds, shall each have two votes; and that assessed on an owner of lands and heritages of the value of forty pounds but under sixty pounds, shall each have three votes; and that assessed on an owner of lands and heritages of the value of sixty pounds but under one hundred pounds, shall each have four votes; and that equal to that assessed on an owner of lands and heritages of one hundred pounds but under five hundred pounds, shall each have five votes; and if equal to that assessed on an owner of lands and heritages of a yearly value of five hundred pounds or more, shall each have six votes; and the books of the collector of the assessment in each parish shall be taken to be conclusive for the purpose of ascertaining the number of votes to which each person shall be entitled in respect of the ownership of lands and substance, upon which he is assessed; and when a person is assessed as owner is assessed also as occupier, or on means and substance, shall be entitled to vote as well in respect of such ownership and substance, as of his being such owner: Provided always, that no person shall have more than six votes, and that no owner of lands and heritages of a yearly value of twenty pounds or upwards, and no person

of the kirk session, being a member of the parochial board, and no person who shall have been exempted from the payment of his rates or assessments for the relief of the poor on the ground of inability to pay, or who shall not have paid all such rates and assessments assessed upon and due from him, shall be entitled to vote; and for the purpose of conducting the election it shall be lawful for the board of supervision to divide any parish into such and so many districts or divisions as they may deem expedient, and to determine and apportion the number of elected members to be elected by every such district or division, subject to the like conditions and restrictions as are hereinbefore provided in regard to the election of managers in burghal parishes or combinations.

Parish may be divided into districts for elections.

XXV. AND be it enacted, that in cases of lands and heritages being owned or occupied by any corporation, or any joint stock or other company, or by joint owners or joint occupants, no member of such corporation, or proprietor of or interested in such joint stock or other company, and no such joint owner or joint occupant, shall, as such, be entitled to vote at the election of any member of a parochial board of any parish or combination; but any member or officer of such corporation, joint stock or other company, or any one of such joint owners or joint occupants, whose name shall be entered by order of such corporation or company, or the governing body thereof, or of such joint owners or joint occupants, in the books of the parish or combination, in the manner that may be directed by the board of supervision, and who shall have complied with the regulations regarding voting, shall be entitled to vote, in the same manner as if he were the owner or occupant of such lands and heritages.

In cases of corporations or joint stock companies, or joint owners, who entitled to vote.

XXVI. AND be it enacted, that in all meetings and matters under this Act the husbands of owners of lands and heritages shall be entitled to vote and act in right of their wives.

Husbands may vote in right of their wives.

XXVII. AND be it enacted, that any dispute which may arise as to the validity of the election of any person to be a member of the parochial board of any parish or combination shall be determined by the sheriff of the county in which such parish or combination, or the greater portion of them, may be situate, upon petition in a summary manner; and the said sheriff shall hear the parties, and investigate the matter in such way as he may think proper, and shall have power to call for such evidence, and for the production of such documents, as he may think necessary, provided that no written pleadings shall be allowed, and no record shall be made of the proceedings; and the decision by the said sheriff shall be final, and shall not be liable to appeal, or to suspension, advocacy, or reduction, or any other form of review; and it shall be lawful for the said sheriff to order the expences of all such proceedings to be paid by such parties and in such manner as to him may seem equitable: Provided always, that it shall not be lawful for any person to question the validity of any election under this Act, unless a notice in writing of his intention so to do be served on the returning officer at the time of making the return, or within forty-eight hours from the time when such return shall have been made.

Disputes as to elections to be determined by sheriff.

XXVIII. AND be it enacted, that in the event of any disputed election of any parochial board, or of any member or members of any parochial board, the persons whose names are returned by the returning officer as having the majority of votes shall be entitled to sit and act as elected members of such

In case of disputed election, party returned may act till dispute is determined.

more than fourteen days thereafter, consider and determine as to the mode of raising the funds requisite for the relief of the poor in the parish or combination.

raising funds for relief of poor.

XXXIII. AND be it enacted, that it shall be lawful for the parochial board of any parish or combination assembled at such meeting, or at any adjournment thereof, or for the parochial board of any parish or combination at any meeting of such board called for that purpose, and of which due notice shall have been given, by letter, advertisement, or otherwise, to all the persons entitled to attend, to resolve that the funds requisite for the relief of the poor persons entitled to relief from the parish or combination, including the expences connected with the management and administration thereof, shall be raised by assessment; and if the majority of such meeting shall resolve that the funds shall be raised by assessment, such resolution shall be final, and shall be forthwith reported to the board of supervision, and it shall not be lawful to alter or depart from such resolution without the consent and authority of the board of supervision previously had and obtained.

Parochial boards may resolve that the funds shall be raised by assessment.

Such resolution to be final, and not altered without consent of board of supervision.

XXXIV. AND be it enacted, that when the parochial board of any parish or combination shall have resolved to raise by assessment the funds requisite, such board shall, either at the same meeting or at an adjournment thereof, or at a meeting to be called for the purpose, resolve as to the manner in which the assessment is to be imposed; and it shall be lawful for any such board to resolve that one half of such assessment shall be imposed upon the owners, and the other half upon the tenants or occupants, of all lands and heritages within the parish or combination, rateably according to the annual value of such lands and heritages, or to resolve that one half of such assessment shall be imposed upon the owners of all lands and heritages within the parish or combination, according to the annual value of such lands and heritages, and the other half upon the whole inhabitants, according to their means and substance, other than lands and heritages situated in Great Britain or Ireland, or to resolve that such assessment shall be imposed as an equal percentage upon the annual value of all lands and heritages within the parish or combination, and upon the estimated annual income of the whole inhabitants from means and substance, other than lands and heritages situated in Great Britain or Ireland [Rep., 24 & 25 Vict., c. 37.]; and when the parochial board shall have resolved on the manner in which the assessment is to be imposed, such resolution shall be forthwith reported to the board of supervision for approval; and if the manner of assessment so resolved upon shall be approved by the board of supervision, the same shall be adopted and acted upon in such parish or combination, and shall not be altered or departed from without the sanction of the board of supervision; and if the board of supervision shall disapprove of the manner of assessment so resolved upon as aforesaid, the parochial board shall, upon such disapproval being intimated, forthwith meet and resolve upon another mode of imposing the assessment consistent with law, and shall report such resolution to the board of supervision; and the manner of imposing the assessment so resolved upon shall be adopted and acted upon in such parish or combination, and shall not be altered or departed from without the sanction of the board of supervision.

Modes of imposing assessment.

Mode resolved upon to be approved by board of supervision.

XXXV. AND be it enacted, that if at the date of this Act an assessment for the poor shall in any parish or parishes be imposed according to the provisions of any local Act, or according to any established usage, it shall be lawful for the parochial board or boards of such parish or parishes to resolve that the

Assessment heretofore imposed according to local Act or established usage

continue
no im-
d.

assessment in such parish or parishes shall be imposed according to the resolution established by such local Act or usage; and such resolution, if approved by the board of supervision, shall continue to be acted upon in such parishes, and shall not be altered or departed from without the sanction of the board of supervision.

ere half of
assessment is
posed on
ers, and
on occu-
s, parochial
ds may
sify lands;
rate the
nts of
1 class
rdingly.
ual value
to be
lated.

XXXVI. AND be it enacted, that where the one-half of any assessment is imposed on the owners, and the other half on the tenants or occupiers of lands and heritages, it shall be lawful for the parochial board, with the concurrence of the board of supervision, to determine and direct that the lands and heritages may be distinguished into two or more separate classes, and that a rate of assessment upon the tenants or occupants of each class be made, and that such rate of assessment upon the tenants or occupants of each class be such as may seem just and equitable.

es or
ries.

XXXVII. AND be it enacted, that in estimating the annual value of lands and heritages, the same shall be taken to be the rent at which such lands and heritages might in their actual state be let from year to year, under deduction of the average cost of the repairs, insurance, and other expenses, if an owner were to maintain such lands and heritages in their actual state, and all the public charges payable in respect of the same: Provided always that any land or quarry shall be assessed unless it has been worked during the year preceding the day on which the assessment may be levied.

to be made
early or
yearly
persons
e to as-
sent, with
to be
d from

XXXVIII. AND be it enacted, that when the parochial board or combination shall have resolved as aforesaid to raise by rates or funds requisite, and when the manner in which the assessment shall have been fixed, and the sum to be so raised for the year then ensuing shall have been ascertained, such parochial board or combination shall cause to be forthwith made up a book containing a roll of the names of the persons, distinguishing the sums assessed in respect of owners or means and substance; and the book or roll so made up shall be used in levying the assessment for the year or half year then ensuing.

ectors to be
inted.

ector may
to collector.

XXXIX. AND be it enacted, that when the parochial board or combination shall have resolved as aforesaid to raise by rates or funds requisite, and when the manner in which the assessment shall have been fixed, and the sum to be so raised for the year then ensuing shall have been ascertained, such parochial board or combination shall cause to be forthwith made up a book containing a roll of the names of the persons, distinguishing the sums assessed in respect of owners or means and substance; and the book or roll so made up shall be used in levying the assessment for the year or half year then ensuing. And the parochial board or combination shall appoint one or more fit and qualified persons to be collectors of the assessments, and shall fix the amount to be given to every such collector; and it shall be lawful for the parochial board or combination to appoint the same person who is an inspector of the assessment, and to fix the amount of remuneration to be given to such person for the performance of the additional duties of a collector of the assessment.

unt of
ment
ble by
person to
intimated.

XXXIX. AND be it enacted, that as soon as may be after a roll is made up as aforesaid the collector shall intimate to the persons liable by the roll the amount of the sum to be levied from him, and the time when the same shall be payable.

chial
ds to fix
ally the
unt of
ment,
make
ll of

XL. AND be it enacted, that before the expiration of one year after the first assessment under the provisions of this Act shall have been made in any parish or combination, and thereafter, the parochial board of every such parish or combination shall cause to be made up a roll of the names of the persons liable to the assessment, and shall determine the amount of assessment for the year or half year then ensuing.

ensuing, and shall make up or cause to be made up a book containing a roll of the persons liable in payment of such assessment, and of the sums to be levied from each of such persons; and the roll so made up shall be the rule for levying the assessment for the year or half year then next ensuing; and the collector shall forthwith intimate to each person the amount of the sum to be levied from him, and the time when the same is payable: Provided always, that it shall be lawful for the parochial board of any such parish or combination, if there shall have been found to exist any error in the sum or sums to be levied by way of assessment, or any omissions or surcharges in respect of the persons liable to pay the same, to cause such error, omission, or surcharge to be corrected at their next or any subsequent meeting after such error, omission, or surcharge shall have been discovered: Provided also, that nothing herein contained shall preclude any person who considers himself aggrieved by such assessment from his remedy by law, in the like form and on the same ground as at the date of the passing of this Act was competent to any party who considered himself aggrieved by assessment imposed under the statutes then in force for relief of the poor, but to the extent and effect only of exempting himself from payment of any surcharge which may have been made upon him.

ratepayers,
and sums to be
levied from
each.

Power to
correct errors.

Remedy of per-
sons aggrieved
by assessment.

XLII. AND be it enacted, that if the assessment imposed for any year or half year shall, from any unforeseen or other circumstances, prove insufficient, it shall be lawful for the parochial board of such parish or combination to meet and impose such further and additional assessment as may be sufficient to raise the sum required.

If assessment
insufficient, fur-
ther assessment
may be made.

XLII. AND be it enacted, that it shall be lawful for the parochial board of any parish or combination to exempt from payment of the assessment or any part thereof, to such an extent as may seem proper and reasonable, any persons or class of persons on the ground of inability to pay.

Power to
exempt from
assessment on
the ground
of inability
to pay.

XLIII. AND be it enacted, that where the one half of any assessment is imposed on the owners, and the other half on the tenants or occupants, of lands and heritages, it shall be competent for the collector of such assessment to levy the whole thereof from the tenants or occupants, who shall be entitled to recover one half thereof from the owners, or to retain the same out of their rents, on production of a receipt granted by the collector of such assessment.

Power to
levy assessment
on owner from
tenant, who
may retain it
out of rent.

XLIV. AND be it enacted, that in all landward as well as all burghal parishes and combinations, where houses have been or shall be built by the tenant of any land held under a building lease upon such land, the tenant and his heirs and assignees in such lease shall for the purposes of this Act be deemed and taken to be the owners of such houses.

Long lease-
holders under
building leases
to be considered
owners.

XLV. AND be it enacted, that in cases where any canal or railway shall pass through or be situate in more than one parish or combination, the proportion of the annual value thereof on which such assessment shall be made for each such parish or combination shall be according to the number of miles or distance which such canal or railway passes through or is situated in each parish or combination in proportion to the whole length.

Canals and
railways
how to be
assessed.

XLVI. AND be it enacted, that the owners and occupiers of lands and heritages shall not be liable to be assessed in respect of such lands and heritages for the relief of the poor in more than one parish or combination.

The same
property not
to be assessed
in more than
one parish, &c.

ics
iduals
essed
es, &c.,
ct of
nd
ce de-
m oc-
r of
from
in such
&c.,
part-
individ-
not
there.
nd
ce not
essed
than
sh, &c.

o
parish,
assa-
respect
s and
ce.

nd
se
Of.
e

of
ay be

se of
on
e
de.

ent
id at
d in
fixed :
to be
an error
mer.

held
fit of
re
ered
ested
arso-
rds.

XLVII. AND be it enacted, that if in any parish an assessment is imposed on means and substance, any individual shall occupy any lands and heritages, or any business in any premises within such parish or combination and the partners thereof, and such individual, shall be assessed on such parish or combination on their or his means and substance, or relating to such occupancy, trade, or business, although such person or persons of such company, nor such individual, should be assessed on such parish or combination; and such company and partners shall not be liable to be assessed on the same means and substance in any other parish or combination; and if any person shall be assessed on such parish or combination upon his means and substance, other than that derived from or relating to the occupancy of lands and heritages, or the carrying on of trade or business within such parish or combination, such person shall not be assessed on the same means and substance in any other parish or combination; and if any person shall reside in and be liable to be assessed as assessed in more than one parish, it shall be optional to such person to elect in which of such parishes he shall be assessed on his means and substance derived from and relating to the occupancy of lands and heritages, or the carrying on of trade or business in any particular parish.

XLVIII. AND be it enacted, that no person shall be assessed on such parish or combination on his means and substance, if the annual value thereof in whole shall exceed thirty pounds.

XLIX. AND be it enacted, that clergymen shall be exempt from assessment of the poor in respect of their stipends.

L. AND be it enacted and declared, that the privilege of exemption from payment of assessments in the city of Edinburgh, possessed by the members of the College of Justice and officers of the same, shall not be applicable to assessments imposed and levied for the purpose of the poor under the authority of this Act.

LI. AND be it enacted, that where any assessment is imposed by the parochial board of any parish or combination, the same shall be payable at the time or times and in the proportions directed by the parochial board; and no assessment shall be rendered void on account of any mistake or variance in the Christian or in the name of any person chargeable therewith, but all assessments shall be effectual against the person intended to be charged, and payment of the same.

LII. AND be it enacted, that where any property, whether heritable or moveable, or any revenues, shall at the time of the passing of this Act belong to or be vested in the heritors and kirk session, or the magistrates, or magistrates and town council, or commissioners, trustees, or other persons on behalf of the heritors, or session, or magistrates, or magistrates and town council, or the Parliament, or under any law or usage, or in virtue of any Act of Parliament, or otherwise, for the use or benefit of the poor of such parish or combination, from and after a time to be fixed by the board of such parish or combination, the same shall be liable to be assessed on such parish or combination as if the same were the property of the poor of such parish or combination.

the parochial board of each such parish, or of the combination in which such parish or burgh may be respectively, to receive and administer such property and revenues, and the right thereto shall be vested in such parochial board; and the said heritors and kirk session, magistrates, town council, commissioners, trustees, or other persons are hereby authorized and required either to continue to hold all such property and revenues for the behoof of such parochial board, or to make, grant, subscribe, and deliver such dispositions, assignments, and conveyances of all such property and revenues as may be necessary to enable such parochial board to administer the same for behoof of the poor of such parish or combination.

LIII. AND be it enacted, that all and every sums or sum of money or other funds which have been or may hereafter be given, mortified, or bequeathed for the use of the poor, and which shall become vested in the parochial board of any parish or combination, and whereof the annual proceeds are to be applied for behoof of the poor, shall, if not specially directed to be otherwise invested, be, without delay, either lodged in a chartered bank, or placed at interest on government or heritable security, or in the stock of one or more of the chartered banks in Edinburgh; and the board of supervision is hereby authorized and empowered to require returns to be made to them from time to time, as they shall deem expedient, as to all such money or funds.

Funds given for use of poor to be invested.

Board of supervision may require returns.

LIV. AND be it enacted, that in all parishes in which it has been agreed that an assessment should be levied for the relief of the poor, all monies arising from the ordinary church collections shall, from and after the date on which such assessment shall have been imposed, belong to and be at the disposal of the kirk session of each parish: Provided always, that nothing herein contained shall be held to authorize the kirk session of any parish to apply the proceeds of such church collections to purposes other than those to which the same are now in whole or in part legally applicable, or to deprive the heritors of their right to examine the accounts of the kirk session, and to inquire into the manner in which the funds have been applied: Provided also, that the session clerk or other officer to be appointed by the kirk session shall be bound to report annually, or oftener if required, to the board of supervision, as to the application of the monies arising from church collections; and if such session clerk or other officer shall refuse to make such report when required he shall be liable to a penalty not exceeding five pounds.

Church collections in assessed parishes.

LV. AND be it enacted, that the inspector of the poor in each parish or division of a parish for which he may be appointed shall have the custody of and be responsible for all books, writings, accounts, and other documents whatsoever relating to the management or relief of the poor in such parish or division of a parish; and it shall be the duty of the said inspector to inquire into and make himself acquainted with the particular circumstances of the case of each individual poor person receiving relief from the poor funds, and to keep a register of all such persons, and of the sums paid to them, and of all persons who have applied for and been refused relief, and the grounds of refusal, and to visit and inspect personally, at least twice in the year, or oftener if required by the parochial board or board of supervision, at their places of residence, all the poor persons belonging to the parish or division of the parish in the receipt of parochial relief, provided that such poor persons be resident within five miles of any part of such parish or division of a parish,

Duties of inspectors of the poor.

parochial board and to the board of supervision for the management of the poor, in conformity with the provisions of this Act, may receive from the said boards respectively as the said boards may direct: Provided that in extensive parishes or divisions of parishes the duties of the poor may be performed by assistants, to be appointed and paid by the parishes, whose conduct and accuracy the inspector shall be required to report to the board of supervision.

It is enacted, that if any inspector of the poor shall neglect to perform the duties of his office, or shall, in the opinion of the board of supervision, be unfit or incompetent to discharge the same, it may be lawful for the said board of supervision to suspend or dismiss such inspector; and the parishes for which such person is inspector may employ any other person to perform the duties of such inspector so suspended or dismissed.

It is enacted, that in case it shall be necessary for the board of supervision, or on behalf of any parish or combination of parishes, to sue for the relief of the poor, such action may be brought in the name of the board of such parish or combination, and in such action no right against any parochial board it shall be necessary to sue the members of the parochial board as defendants; and the plaintiff in such action to call any inspector of the poor of such parish or combination, and such inspector shall be bound to attend in support of the parochial board; and all orders, writs, and other proceedings, served or obtained in such action, shall be binding on and conclusive against the parochial board or combination for which he is an inspector; and the costs of such proceedings shall be carried on in name of the inspector. It is also enacted, that all actions brought by the board of supervision in his official character shall be commenced in the name of the board, notwithstanding the death, resignation, or removal of the inspector, upon notice given to such superintendent.

It is enacted, that in every case in which a person shall be declared insane or fatuous in any parish or combination of parishes, the board of such parish or combination shall have power at any time when such person is declared insane or fatuous to provide that such insane or fatuous person shall be committed to an asylum or establishment legally authorized for the reception of such persons.

It is enacted, that for more effectually administering the relief of the helpless and indigent poor, and also for the better relief of the weak and infirm, who, from a weakness or facility of mind, or from any other cause, are unable or unfit to take care of themselves, that poorhouses should be erected in every case in which a parish or combination of parishes shall be so ordered.

contains more than five thousand inhabitants, according to the enumeration of the population then last published by authority of Parliament, it shall be lawful for the parochial board of any such parish or combination to take into consideration the propriety of erecting a poorhouse for such parish or combination, or of altering or enlarging any existing poorhouse; and if after full time and opportunity given for deliberate consideration the said parochial board shall be satisfied of the propriety of erecting a poorhouse, or of enlarging any existing poorhouse, and shall come to a resolution to that effect, such resolution shall be forthwith reported to the board of supervision, and if approved of by the board of supervision the same shall be carried into execution by the said parochial board.

LXI. AND be it enacted, that, with the concurrence of the board of supervision had and obtained thereto, it shall be lawful for the parochial boards of any two or more contiguous parishes to agree to build a common poorhouse for such two or more parishes; and the expence of maintaining and erecting such poorhouse shall be borne by such parishes in such proportions as shall be agreed on by the parochial boards of the said parishes respectively: Provided always, that if any such agreement for the purpose of building a poorhouse has once been effected, it shall not be lawful for any one or more of the parishes to withdraw from such agreement without the consent of the board of supervision previously had and obtained.

Parishes may unite for the purpose of building poorhouses.

LXII. AND be it enacted, that for the purpose of erecting new poorhouses, and for enlarging, altering, or repairing any existing poorhouse, the parochial board in any parish or combination is hereby authorized and empowered to borrow money; and for the more effectual securing the repayment of the sum borrowed, with interest, it shall be lawful for the said parochial board to burden or charge the future assessments for the poor in such parish or combination with the amount of the money so borrowed: Provided always, that the principal sum so borrowed shall in no case exceed three times the amount of the assessment raised for the relief of the poor during the year immediately preceding that in which the money is borrowed; and that any loan of money borrowed for the purposes aforesaid shall be repaid by annual instalments of not less in any one year than one tenth of the sum borrowed, exclusive of the payment of the interest on the same: Provided also, that no further or other sum shall be borrowed or chargeable on the poor assessment, for the purposes aforesaid, until the whole of the money last borrowed, with interest on the same, shall have been paid off.

Power to borrow money for building poorhouses.

LXIII. AND be it enacted, that from and after the passing of this Act no new poorhouse shall be built, nor shall any existing poorhouse be enlarged or altered, nor shall it be lawful to impose an assessment or borrow money for such purposes, unless the plan of such new poorhouse, or of such proposed enlargements or alterations, shall have been submitted to and approved by the board of supervision, and signed, subscribed, or endorsed by at least three of the members of the said board in attestation of their approval.

Plans for poorhouses to be approved by board of supervision.

LXIV. AND be it enacted, that in every case in which a poorhouse already exists, or shall be built or enlarged or altered under the provisions of this Act, the parochial board or boards shall frame rules and regulations for the management of such poorhouse, and for the discipline and treatment of the inmates thereof, and for the admission of any known minister of the religious per-

Parochial boards to frame rules for regulation of poorhouses.

have a settlement in the parish or combination, if he be in other respects legally entitled to parochial relief, be bound to furnish him with sufficient means of subsistence until the next meeting of the parochial board, and such board shall continue to afford to such poor person such interim maintenance as may be adjudged necessary until the parish or combination to which such poor person belongs be ascertained, and his claim upon such parish or combination admitted or otherwise determined, or until he shall be removed; and every inspector of the poor or other officer to whom application shall be made by or on behalf of any poor person for parochial relief shall be bound to return an answer to such application within twenty-four hours from the time when it was made: Provided always, that if the necessary means of support are afforded to the applicant in the meantime, such inspector or other officer may delay giving a final answer to such application for any period which to him may seem necessary for prosecuting his inquiries: Provided also, that such poor person shall be bound to give to the inspector and parochial board of the parish or combination to which he has applied for relief all information and assistance which it is in his power to give for the purpose of ascertaining the parish or combination to which he belongs, and every other matter regarding his case which the inspector may desire to ascertain, and shall be bound to answer upon oath, if required, all such questions as may be put to him before any justice of the peace or magistrate, and in case of false swearing shall be liable to be prosecuted for perjury.

which they apply, until their parishes, &c. can be ascertained.

Persons applying to give all information required.

False swearing punishable as perjury.

LXXI. AND be it enacted, that where in any case relief shall be afforded to a poor person found destitute in a parish or combination, it shall be lawful for the parochial board of such parish or combination to recover the monies expended in behalf of such poor person from any parish or combination within Scotland to which he may ultimately be found to belong, or from his parents or other persons who may be legally bound to maintain him: Provided always, that in all cases in which relief shall be afforded by one parish or combination to a poor person having a settlement in another parish or combination, written notice of such poor person having become chargeable shall be given to the inspector of the poor of the parish or combination to which such poor person belongs; and the parish or combination affording relief shall not be entitled to recover for any charges or expences incurred in respect of such poor person, except from and after the date of such notice.

Expences may be recovered from parish of settlement.

Notice of persons having become chargeable to be given to parish of settlement.

LXXII. AND be it enacted, that if within a reasonable time after notice the parish or combination to which such poor person shall as aforesaid have been ascertained to belong shall not remove such poor person, or shall not make provision to the satisfaction of the parish or combination which has given the notice for the constant weekly subsistence of such poor person, it shall be lawful for the parish or combination which has given the notice to cause such poor person to be removed to the parish or combination to which he belongs, at the expence of such last-mentioned parish or combination, unless such poor person shall, owing to sickness or infirmity, be incapable of being removed, in which case the parish or combination in which he is shall be bound to relieve him, and shall be entitled to recover from the parish or combination to which he belongs the amount so expended, provided that such amount does not exceed the rate expended for relief of other poor persons in the parish so relieving such poor person.

If parishes do not provide for removal of their poor from other parishes after notice, parishes giving notice may remove them, and recover expences from parishes chargeable with relief.

if refused
may ap-
to sheriff.

LXXIII. AND be it enacted, that if relief shall be refused to any person who shall have made application for relief, for such poor person to apply to the sheriff of the parish or combination from which such poor person has relief, or of such parish or combination, is situate, and the sheriff shall be of opinion that such poor person is, upon the application, entitled to relief, make an order upon the inspector of the parish or combination, directing him to afford relief to such poor person meantime until such inspector or other officer shall be appointed by the said sheriff, and to be intimated to such poor person in writing a statement in writing showing the reasons why relief was refused, which statement the said poor person shall appoint to be answered, and shall, if required, make a record to be made up, and a proof to be led by the said poor person lawful for the sheriff, if he shall see fit, to direct the said poor person to be continued until a final judgment shall be given on the merits of the case: Provided always, that the said provisions shall be construed to enable the said sheriff to direct the relief which may be afforded, or to interfere with the relief to be given in any individual case.

shall be
iff when
unt of
f is con-
ed in-
uate.

LXXIV. AND be it enacted, that in every case where relief shall be granted to any person who shall lodge or cause to be lodged a complaint with the board of supervision, which board shall and is hereby required, without delay, to inquire into the nature and grounds of the complaint; and if upon the grounds of such complaint are well founded, the said person shall be removed, then the said board shall by a minute of the board such poor person has a just cause of complaint from which he claims relief, and a certificate of the board and signified by the secretary, shall, if required, be granted to such person, and upon the production or exhibition of the same thereof such poor person shall forthwith, and without delay, be entitled to the benefit of the poor's roll in the parish or combination in which he shall be lawful for the board of supervision, after the same shall be commenced by or on behalf of such poor person, and in the interim alimant as to the said board shall seem just, and in such action, which award the parochial board of supervision in the parish or combination shall be bound to obey.

action to
relative
relief, unless
consent
ward of
revision.

LXXV. PROVIDED always, and be it enacted, that no person shall be entitled for any court of law to entertain or decide any application for relief granted by parochial boards, unless the said court shall previously have declared that there is a just cause of complaint as provided.

sement
evidence
ve years.

LXXVI. AND be it enacted, that from and after the first day of January next ensuing, no person shall be held to have acquired a settlement in any parish or combination by residence therein unless such person shall have resided continuously in such parish or combination, and shall not have been without having recourse to common begging, either

and without having received or applied for parochial relief; and no person who shall have acquired a settlement by residence in any parish or combination shall be held to have retained such settlement if during any subsequent period of five years he shall not have resided in such parish or combination continuously for at least one year: Provided always, that nothing herein contained shall be held to affect those persons who, previous to the passing of this Act, shall have acquired a settlement by virtue of a residence of three years, and shall have become proper objects of parochial relief.

[LXXVII.] AND be it enacted, that if any poor person born in England, Ireland, or the Isle of Man, and not having acquired a settlement in any parish or combination in Scotland, shall be in the course of receiving parochial relief in any parish or combination in Scotland, then and in such case it shall be lawful for the sheriff or any two justices of the peace of the county in which such parish or any portion thereof is situate, and they are hereby authorized and required, upon complaint made by the inspector of the poor or other officer appointed by the parochial board of such parish or combination that such poor person has become chargeable to such parish or combination by himself or his family, to cause such person to be brought before them, and to examine such person or any witness, on oath, touching the place of the birth or last legal settlement of such person, and to take such other evidence or other measures as may by them be deemed necessary for ascertaining whether he has gained any settlement in Scotland; and if it shall be found by such sheriff or justices that the person so brought before them was born either in England or Ireland or the Isle of Man, and has not gained any settlement in Scotland, and has actually become chargeable to the complaining parish or combination by himself or his family, then such sheriff or justices shall and they are hereby empowered, by an order of removal under their hands, which order may be drawn up in the form of the schedule (A.) hereunto annexed, to cause such poor person, his wife, and such of his children as may not have gained a settlement in Scotland, to be removed by sea or land, by and at the expence of the complaining parish, to England or Ireland or the Isle of Man respectively, according as such poor person shall belong to England, Ireland, or the Isle of Man: Provided always, that no person shall be so removed until there has been obtained a certificate, on soul and conscience, by a regular medical practitioner, setting forth that the health of such person, his wife and children as aforesaid, is such as to admit of such removal: Provided also, that nothing herein contained shall prevent any parochial board or their inspector from making arrangements for the due and proper removal of such poor persons either by land or water, provided the arrangement be made with the consent of such poor persons themselves.

Removal of
English, Irish,
and Isle of Man
paupers.

LXXVIII. AND be it enacted, that every officer, constable, or other person to whom any such order of removal shall be delivered for the purpose of being carried into execution shall and may by virtue thereof detain and hold in safe custody every poor person mentioned in any such order, until such poor person shall have arrived at the place to which he is ordered to be removed, and shall and may for that purpose, in every county and place through which he shall

Removing
officers to have
powers of
constables.

[* Section 77 is rep., 25 & 26 Vict. c. 113. s. 8., in so far as inconsistent with the provisions of that Act.]

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 or forfeiture incurred, as well as such expences as the sheriff shall think fit, and to grant warrant for imprisoning the offender until such penalty or forfeiture and expences shall be paid: Provided always, that such warrant shall specify the amount of such penalty or forfeiture and expences, and shall also specify a period at the expiration of which the party shall be discharged, notwithstanding such penalty or forfeiture or expences shall not have been paid, and shall in no case exceed three calendar months.

LXXXII. AND be it enacted, that the sheriff by whom any penalty or forfeiture shall be imposed by virtue of this Act, the application whereof is not herein otherwise provided for, shall award such penalty or forfeiture to the poor of the parish or combination in which the offence shall have been committed, and shall order the same to be paid over to the inspector of the poor or other officer for that purpose; 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 of the offence for which it has been incurred.

Application of penalties.

Penalties to be prosecuted for within six months.

* * * * *

LXXXIV. AND be it enacted, that if any person who shall be summoned as a witness to give evidence before any sheriff in any matter in which such sheriff shall have jurisdiction under the provisions of this Act shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, or appearing shall refuse to be examined upon oath or to give evidence before such sheriff, every such person shall forfeit a sum not exceeding five pounds for every such offence, over and above any other punishment to which such person may by law be liable for every such refusal.

Penalty on witnesses making default.

LXXXV. AND be it enacted, that no proceeding for the recovery of penalties or forfeitures in pursuance of this Act shall be set aside for want of form, or on the ground of no record having been made, nor shall the same be removed by suspension, advocacy, appeal, or otherwise into or be in any manner subject to review or reduction by any superior court.

Informalities.

LXXXVI. AND be it enacted, that all actions on account of any thing done in the execution of this Act shall be brought before the sheriff court, and every such action shall be commenced within three calendar months after the fact committed, and notice in writing of such action, and of the cause thereof, shall be given to the defender one calendar month at least before the commencement of the action; and no pursuer shall recover in any action for irregularity or wrongful proceedings if tender of sufficient amends shall be made by or on behalf of the party who shall have committed or caused to be committed any such irregularity or wrongful proceedings before such action shall have been brought, or if during the dependence of such action a tender shall be made of sufficient amends, and of all charges and expences which the pursuer may already at the time of such tender being made have incurred in prosecuting such action.

Limitation of actions, &c.

Tender of amends.

LXXXVII. AND be it enacted, that in case any parochial board shall refuse or neglect to do what is herein or otherwise by law required of them, or in case any obstruction shall arise in the execution of this Act, it shall be lawful

Provision for refusal or neglect of parochial boards.

become and is now actually chargeable to the parish of _____, to be removed, with J.H. his wife and K.L.M. his children, and conveyed to England, &c., in pursuance of the provisions of an Act made and passed in the eighth and ninth years of the reign of Queen Victoria, intituled [title of this Act].

(Signed)

CHAPTER LXXXV.

AN ACT for the Management of the Customs.

[4th August 1845.]

* * * * *

II. AND be it enacted, that it shall be lawful for her Majesty from time to time to appoint, under the great seal of the United Kingdom, any number of persons not exceeding thirteen to be commissioners of her Majesty's customs, for the collection and for the management of the customs in and throughout the whole of the United Kingdom, and of any of her Majesty's possessions abroad; and that each of such commissioners, when so appointed, shall have and hold his office during her Majesty's pleasure.

Appointment of commissioners of customs.

III. AND be it enacted, that the said commissioners so appointed or to be appointed by her Majesty shall, in all matters and things relating to the execution of their duties, be subject to the authority, directions, and control of the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, and shall obey such orders and instructions as shall from time to time be issued to them by the said commissioners of her Majesty's Treasury under the hands of three or more of them.

Commissioners to be subject to the control of the Treasury.

CHAPTER XCVI.

AN ACT to restrict the Powers of selling or leasing Railways contained in certain Acts of Parliament relating to such Railways.

[4th August 1845.]

WHEREAS provisions have been introduced in various Acts of Parliament, during the present session of Parliament, relating to railways, giving to railway companies general powers of granting or accepting a lease, sale, or transfer of their own or other lines of railway; and it is expedient that such powers should be restrained: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 it shall not be lawful for the company of proprietors of any railway, by virtue of any powers contained in any Act passed in the present session, to make or grant, or for any other railway company or party, by virtue of any such powers, to accept, a sale, lease, or other transfer of any railway, unless under the authority of a distinct provision in some Act of Parliament to that effect, specifying by name the railway to be so leased, sold, or transferred, and the company or party by whom such lease, sale, or transfer may be respectively made, granted, or accepted.

No railway company to grant or accept a sale, lease, or other transfer of any railway, unless under a distinct provision of an Act, specifying the parties.

CHAPTER XCIX.

AN ACT to amend an Act of the Tenth Year of His late Majesty the Fourth, for consolidating and amending the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, and Chases; and for other Purposes relating to the said Land

[4th A.]

Geo. 4.
c. 23.

. 28.

. 30.

61.

WHEREAS by an Act passed in the tenth year of the reign of King George the Fourth, intituled "An Act to consolidate the laws relating to the management and improvement of woods, forests, parks, and chases, of the land revenue of the survey of the Exchequer in England, and of the land revenue of the crown in Ireland, and for extending certain provisions relating to the isles of Man and Alderney," it was (amongst other things) that it should be lawful for the commissioners for the time being of His Majesty's woods, forests, and land revenues, as therein is mentioned, to time to time to demise and lease, or to enter into any contract or agreement for demising and leasing, any part or parts of the possessions and lands of the crown to which the now reciting Act related, to any person or persons, body or bodies politic, corporate, or collegiate, for any term not exceeding ninety-nine years from the time of making such lease or agreement, to say, amongst other hereditaments, of land or ground proper for the building of any houses or other buildings thereupon, with or without curtilages, and other appurtenances to be used therewith, and where the lessee or intended lessee should covenant or agree to erect a building thereon of greater yearly value than such land or ground; and it was further enacted, that in every lease to be granted under the power therein given there should be reserved and made payable, during the term thereby granted, such clear yearly rent as to the said commissioners should seem a reasonable rent or consideration for such lease, without taking the same, except as therein-before mentioned; and it was further enacted, that in any lease to be granted under any of the powers therein-before mentioned, of any land or ground, tenements, or hereditaments, where, at the time of such lease, (or, if such lease should be granted in pursuance of any agreement, at the time when such agreement should have been made) there should not be any substantial building or buildings upon the land to be demised, and the lessee or lessees should agree to erect on such land any building or buildings of greater yearly value than the value of the land demised or agreed to be demised, it should be lawful to reserve a rent or other consideration, not exceeding the first three years of the term thereof, the nominal rent, or such other rent only as to the said commissioners should seem a reasonable rent or consideration for such lease, being of his Majesty's woods, forests, and land revenues should seem a reasonable rent or consideration for such lease, without taking the same, except as therein-before mentioned; and it was further enacted, that before the making or entering into any agreement for making any lease by the said commissioners of his Majesty's woods, forests, and land revenues, under the powers therein-before mentioned, of any part or parts of the possessions and land revenues of the crown proposed to be leased, where the same should be capable of such valuation, an estimate of the value thereof, should be taken and made as therein-before mentioned: And whereas by an Act passed in the second year

his late Majesty King William the Fourth, intituled "An Act for uniting the office of surveyor general of his Majesty's works and public buildings with the office of the commissioners of his Majesty's woods, forests, and land revenues, and for other purposes relating to the land revenues," it was enacted, that the persons to be appointed as therein mentioned, and their successors, should be called "the commissioners of his Majesty's woods, forests, land revenues, works, and buildings," and that all Acts of Parliament, deeds, bonds, contracts, agreements, and other instruments, in which the commissioners of his Majesty's woods, forests, and land revenues, or the surveyor-general of his Majesty's works and public buildings, were named or mentioned, should apply to the commissioners for the time being of his Majesty's woods, forests, land revenues, works, and buildings, so to be appointed as therein mentioned, as if such last-mentioned commissioners had been originally named and made parties to such Acts of Parliament, deeds, bonds, contracts, agreements, and other instruments, instead of the commissioners of his Majesty's woods, forests, and land revenues, and the surveyor-general of his Majesty's works and public buildings: And whereas an Act was passed in the third and fourth year of the reign of his late Majesty King William the Fourth, intituled "An Act to extend and enlarge the powers of the commissioners of his Majesty's woods, forests, land revenues, works, and buildings in relation to the management and disposition of the land revenue of the crown in Scotland": And whereas it is expedient that the said powers of leasing contained in the said recited Acts should be altered 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, that from and after the passing of this Act, in the execution of the powers of leasing or agreeing to lease in the said recited Acts contained of any land or ground by the said Acts authorized to be leased for any term not exceeding ninety-nine years, it shall be lawful for the commissioners of her Majesty's woods, forests, land revenues, works, and buildings, for the time being, to demise and lease, or to enter into any contract or agreement for demising and leasing, all the estate, right, title, and interest of her Majesty, her heirs and successors, in right of her crown, of and in any portions of the shore of the sea or any arms thereof, or of navigable rivers or lands, derelict or gained, or which may hereafter become derelict or be gained, from the sea or any arms thereof, or navigable rivers, as by the said recited Acts is provided with regard to land or ground thereby authorized to be leased for any term not exceeding ninety-nine years as aforesaid, except that when the lessee or lessees shall covenant and agree to make any embankments, or do other acts, in the opinion of the said commissioners necessary or expedient for the reclaiming any such land, or to construct or erect wharfs, docks, or other works thereon, or on any part thereof, to the satisfaction of the said commissioners, and for the permanent improvement of the value of the said land, it shall not be necessary that such lessee or lessees should agree or enter into any contract to erect on such land, or any part thereof, any building or buildings, other than and except as aforesaid.

II. AND be it enacted, that when any leases shall be granted or agreements entered into after the passing of this Act, in pursuance of the powers in the said recited Acts or this Act contained, of any land or ground, and whereon

2 & 3 Will. 4.
c. 1.

3 & 4 Will. 4.
c. 69.

Commissioners of woods, &c. may demise or lease any portion of the shore of the sea or navigable rivers, or lands derelict or gained from the sea, or hereafter to become so, for any term not exceeding 99 years, where lessee shall covenant to embank or to construct docks, &c. thereon, without requiring any covenant for the erection of any other buildings.

When any persons have erected buildings on

being, in the execution of the powers contained in the said Act passed in the tenth year of King George the Fourth, to accept a surrender of any lease of any of the possessions or land revenues of the crown, and to grant separate leases of the hereditaments so surrendered, for the residue of the term for which such surrendered hereditaments were held, and to apportion the rent reserved in or by any such surrendered lease, as they shall think fit; and any leases which may heretofore have been made on any such surrender as aforesaid, and which might have been made if this Act had passed, are (so far as relates to any question as to the validity of any such surrender and re-grant) hereby confirmed.

any lease, and grant separate leases of the hereditaments surrendered, and apportion the rent reserved by the surrendered lease.

VII. AND be it enacted, that whenever a surrender shall be made of any existing lease, for the purpose of taking a new lease or leases by virtue of this Act, the new lease or leases shall be taken to be a renewal of the surrendered lease, within the scope and meaning of the sixth section of an Act passed in the fourth year of the reign of King George the Second, intituled "An Act for the more effectual preventing frauds committed by tenants, and for the more easy recovery of rents and renewal of leases," so far as to render unnecessary the surrender of any under-leases previously to the granting of such new lease or leases, and to give full effect to such new lease in all respects, notwithstanding any under-lease or under-leases may not be surrendered.

New leases shall be deemed a renewal of the surrendered leases within 4 Geo. 2. c. 28. s. 6., so as to render the surrender of under-leases unnecessary.

VIII. AND whereas in many of the leases of crown lands there is contained a covenant on the part of the lessee to insure the buildings therein against fire in the names of the commissioners for the time being of her Majesty's woods, forests, land revenues, works, and buildings, and in many cases such covenants have not been strictly observed, by reason of the changes of the said commissioners, or otherwise; and it is expedient that the lessees should be relieved from the forfeiture incurred by such non-observance of covenants, and that some provision should be made for facilitating the due observance thereof in future: Be it enacted, that where in any lease heretofore made, or which shall at any time hereafter be made, in pursuance of the powers in the said Act of the tenth year of King George the Fourth or in this Act contained, there shall be contained a covenant on the part of the lessee to insure against fire the buildings erected, or the hereditaments therein comprised, it shall be lawful for the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, for the time being, or any two of them, at their discretion, to release by licence or waiver, as herein-before is provided, the tenant or lessee from any such covenant, whether default has been made in the same or not, or for any particular breach thereof; and where any such insurance is covenanted to be made in the names of the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, for the time being, or in the joint names of the same commissioners and any other person or persons, or otherwise, it shall be lawful for the said commissioners for the time being, or any two of them, at their discretion, to designate in writing any person or persons in whose name or names such insurance is to be made in lieu of the names of the said commissioners for the time being; and the name or names of such person or persons shall be in all respects equivalent to the names of the said commissioners for the time being, for the purposes of any such insurance and covenant, and shall so continue until such designation as aforesaid shall be revoked in writing, and a new person or persons appointed

Commissioners may relieve tenants from forfeiture for breach of covenants to insure;

and may designate in writing any persons in whose names such insurance is to be made instead of in the names of the commissioners;

consideration for the purchase or redemption of such land tax, in ignorance of the exception in the said Act of the thirty-eighth year of the reign of his said Majesty King George the Third herein-before referred to; and it is expedient that the commissioners of her Majesty's woods, forests, land revenues, works, and buildings, for the time being, should be empowered to reimburse such tenants or lessees, their executors, administrators, or assigns, as after mentioned, and that thereupon such crown lands as aforesaid should become exempt from land tax: Be it therefore enacted, that in any case where any tenant or lessee of any part of the possessions of the crown to which the said Act of the tenth year of King George the Fourth or this Act relates shall have transferred, or at any time hereafter shall transfer, any sum or sums of stock into the names of the commissioners for the reduction of the national debt, for the purpose of purchasing or redeeming the land tax on the crown lands of which such person was or shall be such tenant or lessee, and such attempted purchase or redemption shall be invalid or doubtful under the aforesaid provision of the said Act of the thirty-eighth year of King George the Third, it shall be lawful for the commissioners of her Majesty's woods, forests, land revenues, works, and buildings, for the time being, with the consent in writing of the lord high treasurer for the time being, or of any three of the commissioners of her Majesty's Treasury for the time being, by and out of the annual income of the land revenues of the crown, to purchase and cause to be transferred to any such lessee or tenant as aforesaid, his executors, administrators, or assigns, so much stock as, under all the circumstances of the case, shall, in the judgment of the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, be a due compensation for the stock so transferred by such tenant or lessee; and upon the execution by the party to whom such stock shall be so transferred of an instrument in writing acknowledging the transfer thereof, (to be enrolled in the office of land revenue records and enrolments,) the lands on which the land tax shall have been so attempted to be purchased or redeemed by such tenant or lessee as aforesaid shall become and be absolutely freed and discharged of and from the payment of the land tax, and all arrears thereof: Provided always, that during the continuance of the estate of any such tenant or lessee, his executors, administrators, or assigns, by whom such attempted purchase or redemption of land tax as aforesaid shall have been made, her Majesty, her heirs and successors, shall have and be entitled to a rent-charge to be issuing out of such lands the land tax whereof shall have been so redeemed, equal in amount to the land tax redeemed; and such rent shall be payable yearly, and shall be recovered by distress as in case of rent reserved on lease.

* * * * *

CHAPTER C.

AN ACT for the Regulation of the Care and Treatment of Lunatics.

[4th August 1845.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act an Act passed in the session of Parliament holden in the second and third years of the reign of his late Majesty King William the Fourth, intituled "An Act for

Where a tenant of crown lands transfers any stock for purchase or redemption of land tax on such lands in ignorance of the exception in 38 Geo. 3. c. 60., the commissioners may transfer to such tenant so much stock as shall be a compensation for the stock transferred by such tenant, &c.

Lands to be thereupon discharged from land tax; but the crown to be entitled to a rent-charge equivalent thereto during the continuance of the tenancy.

Repeal of 2 & 3 Will. 4. c. 107.

this Act, the yearly salary of one thousand and five hundred pounds,

IV. AND be it enacted, that as often as any commissioner appointed by this Act or to be appointed under this present provision shall die, or be removed for ill-behaviour, or be disqualified, or resign, or refuse to act, or become unable by illness or otherwise to perform the duties or exercise the powers of this Act, the lord chancellor shall appoint a person to be a commissioner in the room of the commissioner who shall die, or be removed, or be disqualified, or resign, or refuse or become unable to act as aforesaid, but so that every person so appointed in the room of a physician shall be a physician or surgeon, and every person so appointed in the room of a barrister of five years standing at the bar and upwards shall be a practising barrister of not less than five years standing at the bar, and every person appointed in the room of any other commissioner shall be neither a physician nor a surgeon, nor a practising barrister; and until such appointment it shall be lawful for the continuing commissioners or commissioner to act as if there were no such vacancy.

In case of death, disqualification, refusal, or inability of commissioners, others to be appointed.

V. AND be it enacted, that any superannuation allowance to be granted to any commissioner appointed or to be appointed under this Act shall be granted only in respect of services performed under this Act, and shall be subject to the provisions of an Act passed in the fourth and fifth years of his late Majesty King William the Fourth, intituled "An Act to alter, amend, and consolidate the laws for regulating the pensions, compensation, and allowances to be made to persons in respect of their having held civil offices in his Majesty's service," so far as such provisions relate to officers and clerks who had entered or might enter the public service subsequent to the fourth day of August one thousand eight hundred and twenty-nine.

Superannuation allowances to commissioners.

4 & 5 Will. 4. c. 24.

VI. AND be it enacted, that every person hereby or hereafter appointed a commissioner under this Act shall, before he acts in the execution of his duty as a commissioner, take an oath to the following effect; (that is to say,)

Commissioners to take the following oath.

I A.B. do swear, that I will discreetly, impartially, and faithfully execute all the trusts and powers committed unto me by virtue of an Act of Parliament made in the ninth year of the reign of her Majesty Queen Victoria, intituled [here insert the title of the 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 on me by the said Act). So help me GOD.'

Which oath it shall be lawful for the lord chancellor to administer to every such commissioner; and any three of the commissioners who shall have previously taken the oath are hereby authorized to administer such oath to any other commissioner.

VII. AND be it enacted, that the commissioners shall cause to be made a seal of the commission, and shall cause to be sealed or stamped therewith all licences, orders, and instruments granted or made, or issued, or authorized by the commissioners, in pursuance of this Act, except such orders or instruments as are herein-after required or directed to be given or signed and sealed by one commissioner or two commissioners; and all such licences, orders, and instruments, or copies thereof, purporting to be sealed or stamped with the seal of

Commissioners to have a common seal.

Documents to be sealed.

Evidence of documents.

the commission, shall be received as evidence of the same respectively having been granted, made, issued, or authorized by the commissioners, without any further proof thereof; and no such licence or instrument, or copy thereof, shall be valid, or have any force or effect, unless the same shall be so sealed or stamped as aforesaid.

commissioners
of a per-
manent chair-

VIII. AND be it enacted, that the commissioners or any five of them, as soon as may be after the passing of this Act, meet at the usual place of business now occupied or used by the metropolitan commissioners for lunacy, or at such other place as the lord chancellor shall direct, and one of the same commissioners (not being a physician or a barrister receiving a salary by virtue of this Act) to be the permanent chairman of the commission, and in case such permanent chairman, or any other permanent chairman, shall thereafter be elected in pursuance of this provision, shall die, or become incapable to act as chairman, or shall cease to be a commissioner, and as often as the same shall happen the commissioners for the time being, any five of them, at any meeting to be specially summoned for that purpose, shall elect another person to be the permanent chairman of the commission, in the place of the chairman who shall so die, or decline or become incapable to act, or cease to be a commissioner as aforesaid; and in case the permanent chairman for the time being shall be absent from any meeting, it shall be lawful for the majority of the commissioners present at any such meeting to elect a chairman for that meeting; and in all cases every question shall be decided by a majority of voters, (the chairman, whether permanent or temporary, having a vote,) and in the event of an equality of votes the chairman for the time being shall have an additional or casting vote.

appointment of
secretary.

IX. AND be it enacted, that Robert Wilfred Skeffington Lutwidge, of Lincoln's Inn, esquire, shall be the secretary to the commissioners for lunacy, and the said Robert Wilfred Skeffington Lutwidge, and [Rep., Stat. Law Rev. 1875.] every secretary to be hereafter appointed, shall be removable from his office by the lord chancellor, on the application of the commissioners; and as often as the said Robert Wilfred Skeffington Lutwidge, or [Rep., Stat. Law Rev. 1875.] any secretary to be appointed under this present provision, shall resign or be removed from his office, the commissioners, with the assent of the lord chancellor, shall appoint a person to be secretary in the place of the said Robert Wilfred Skeffington Lutwidge, or other [Rep., Stat. Law Rev. 1875.] the secretary who shall die or resign or be removed as aforesaid, and that the secretary for the time being shall, in the performance of all his duties, and in all respects, be subject to the inspection, direction, and control of the commissioners; and that there shall be paid to the secretary for the time being,, the yearly salary of eight hundred

salary.

annuation
allowance to
secretary.

X. AND be it enacted, that any superannuation allowance to be paid to any secretary appointed or to be appointed under this Act shall be payable only in respect of services performed under this Act, and shall be subject to the provisions of an Act passed in the fourth and fifth years of his late Majesty King William the Fourth, intituled "An Act to alter, amend, and amend the laws for regulating the pensions, compensation, and allowances made to persons in respect of their having held civil offices in his Majesty's service," so far as such provisions relate to officers and clerks

Will. 4.

entered or might enter the public service subsequent to the fourth day of August one thousand eight hundred and twenty-nine.

XI. AND be it enacted, that it shall be lawful for the commissioners to appoint, during pleasure, any two persons as clerks to the commissioners, and to allow to such two clerks any such yearly or other salaries (not exceeding in the whole the yearly sum of two hundred pounds for such two clerks) as the commissioners shall think proper; and further, that it shall be lawful for the commissioners, at any time hereafter, in case they shall find it expedient so to do, for the due performance of the business of the commission, with the consent of the lord high treasurer or of the commissioners of her Majesty's Treasury,, to appoint one or two other clerks, (in addition to the two clerks firstly herein-before mentioned,) and to allow to such one or two additional clerk or clerks any such yearly or other salaries as the commissioners shall think fit (not exceeding in the whole the yearly sum of two hundred pounds);

Power for the commissioners to appoint two clerks, with salaries.

Appointment and salaries of additional clerks.

XII. AND be it enacted, that every person appointed to be secretary or clerk as aforesaid shall, before he shall act as such secretary or clerk, take the following oath, to be administered by any one of the commissioners:

Secretary and clerks to take an oath.

I A.B. do swear, that I will faithfully execute all such trusts and duties as shall be committed to my charge as secretary to the commissioners in lunacy [or as clerk to the commissioners in lunacy, as the case may be]; 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). So help me GOD.

XIV. AND be it enacted, that it shall be lawful for the commissioners (if and when they shall think fit) to grant a licence to any person to keep a house for the reception of lunatics, or of any sex or class of lunatics, within the places following; (that is to say,) the cities of London and Westminster, the county of Middlesex, the borough of Southwark, and the several parishes and places herein-after mentioned; (that is to say,) Brixton, Battersea, Barnes, Saint Mary Magdalen Bermondsey, Christ Church Clapham, Saint Giles Camberwell, Dulwich, Saint Paul Deptford, Gravenay, Kew Green, Kennington, Saint Mary Lambeth, Mortlake, Merton, Mitcham, Saint Mary Newington, Norwood, Putney, Peckham, Saint Mary Rotherhithe, Roehampton, Streatham, Stockwell, Tooting, Wimbledon, Wandsworth, and Walworth, in the county of Surrey; Blackheath, Charlton, Deptford, Greenwich, Lewisham, Lee, Southend, and Woolwich, in the county of Kent; and East Ham, Layton, Laytonstone, Low Layton, Plaistow, West Ham, and Walthamstow, in the county of Essex; and also within every other place (if any) within the distance of seven miles from any part of the said cities of London or Westminster, or of the said borough of Southwark; all which cities, county, borough, parishes, and places aforesaid shall be and are hereafter referred to as the immediate jurisdiction of the commissioners.

Places within which commissioners are to grant licences (herein referred to as their immediate jurisdiction).

XV. AND be it enacted, that the commissioners or some five of them shall meet at the usual office or place of business which shall for the time being be occupied or used by the said commissioners, or at such other place as the lord chancellor may direct, on the first Wednesday in the months of February, May, July, and November in every year, in order to receive applications from

Commissioners to hold quarterly and special meetings for granting licences.

shall, within fourteen days from the date of their respective appointments, be published by the clerk of the peace of the county or borough for which they shall be respectively appointed in some newspaper commonly circulated within the same county or borough, and shall, within three days from the date of their respective appointments, be sent by the clerk of the peace to the commissioners; and every clerk of the peace making default in either of the respects aforesaid shall for every such default forfeit a sum not exceeding two pounds.

the peace in a newspaper, and to be sent to the commissioners.

Penalty for default.

XX. AND be it enacted, that every such visitor as aforesaid, being a physician, surgeon, or apothecary, shall be paid, out of the monies or funds herein-after mentioned, for every day during which he shall be employed in executing the duties of this Act, such sum as the justices of the county or borough shall in general or quarter sessions direct.

Every visitor, being a physician, surgeon, or apothecary, to be remunerated.

XXI. AND be it enacted, that the clerk of the peace, or some other person to be appointed by the justices for the county or borough in general or quarter sessions, shall act as clerk to the visitors so appointed as aforesaid, and such clerk shall summon the visitors to meet at such time and place, for the purpose of executing the duties of this Act, as the said justices in general or quarter sessions shall appoint; and every such appointment, summons, and meeting shall be made and held as privately as may be, and in such manner that no proprietor, superintendent, or person interested in or employed about or connected with any house to be visited shall have notice of such intended visitation; and such clerk to the visitors shall, at their first meeting, take the oath required by this Act to be taken by the secretary of the commissioners, *mutatis mutandis*, such oath to be administered by one of the visitors, being a justice; and the name, place of abode, occupation, and profession of the clerk to the visitors (whether the same shall be the clerk of the peace or any other person) shall within fourteen days after the appointment be published by the clerk of the peace for the county or borough in some newspaper commonly circulated therein, and within three days from the date of the appointment be communicated by the said clerk of the peace to the commissioners; and every clerk of the peace making default in either of the respects aforesaid shall for every such default forfeit a sum not exceeding two pounds; and every such clerk to the visitors shall be allowed such salary or remuneration for his services (to be paid out of the monies or funds herein-after mentioned) as the justices for the county or borough shall in general or quarter sessions direct.

Clerk of the peace, or some other person, to be appointed to be clerk to visitors.

Meetings of visitors to be summoned privately.

Oath to be taken by clerk.

Name, &c. of clerk to be published in newspaper, and sent to commissioners.

Penalty for default.

Salary of clerk.

XXII. AND be it enacted, that if the clerk of any visitors shall at any time desire to employ an assistant in the execution of the duties of his office, such clerk shall certify such desire and the name of such assistant to one of the visitors, being a justice; and if such visitor shall approve thereof he shall administer the following oath to such assistant:

Provision for assistant to clerk of visitors.

‘ I A.B. do solemnly swear, that I will faithfully keep secret all such matters
‘ and things as shall come to my knowledge in consequence of my employ-
‘ ment as assistant to the clerk of the visitors appointed for the county [or
‘ borough] of _____, by virtue of an Act of Parliament passed in the
‘ ninth year of the reign of her Majesty Queen Victoria, intituled [here insert
‘ the title of the Act], unless required to divulge the same by legal authority.
‘ So help me GOD.’

Oath of assistant

And such clerk may thereafter, at his own cost, employ such assistant.

also a statement of the number of patients proposed to be received into such house, and whether the licence so applied for is for the reception of male or female patients, or of both, and if for the reception of both, of the number of each sex proposed to be received into such house, and of the means by which the one sex may be kept distinct and apart from the other; and such notice, plan, and statement, when sent to the clerk of the peace, shall be laid by him before the justices of the county or borough at such time as they shall take into their consideration the application for such licence: Provided always, that it shall be lawful for any person to whom a licence shall be granted to remove the superintendent named in the notice, and at any time or times to appoint another superintendent, upon giving a notice containing the true christian and surname and occupation of the new superintendent to the commissioners or the visitors of the house, as the case may require:

Superintendent may be removed, and another appointed, on notice.

XXVI. AND be it enacted, that no addition or alteration shall be made to, in, or about any licensed house, or the appurtenances, unless previous notice in writing of such proposed addition or alteration, accompanied with a plan of such addition or alteration, to be drawn upon the scale aforesaid, and to be accompanied by such description as aforesaid, shall have been given by the person to whom the licence shall have been granted to the commissioners or to the clerk of the peace, as the case may be, and the consent in writing of the commissioners, or of two of the visitors, as the case may be, shall have been previously given.

No addition or alteration to be made to licensed house, without notice to and approval of commissioners or visitors.

XXVII. AND be it enacted, that if any person shall wilfully give an untrue or incorrect notice, plan, statement, or description of any of the things hereinbefore required to be included in any notice, plan, or statement, he shall be guilty of a misdemeanor.

Giving untrue notice, &c. to be a misdemeanor.

XXVIII. AND be it enacted, that in every case in which a licence for the reception of lunatics shall after the passing of this Act be granted by any justices the clerk of the peace for the county or borough shall, within fourteen days after such licence shall have been granted, send a copy thereof to the commissioners; and any clerk of the peace omitting to send such copy within such time shall for every such omission forfeit a sum not exceeding two pounds.

A copy of every licence granted by justices to be sent to the commissioners.

Penalty on clerk for default.

XXIX. AND be it enacted, that in every case in which any person shall apply for the renewal of a licence already granted or hereafter to be granted, such person, if applying to the commissioners, shall with such application transmit to the commissioners, and if applying to any justices shall with such application transmit to the clerk of the peace for the county or borough, and also at the same time to the commissioners, a statement, signed by the person so applying, containing the names and number of the patients of each or either sex then detained in such house, and distinguishing whether such patients respectively are private or pauper patients; and any person who shall hereafter obtain the renewal of a licence without making such return or returns shall for every such offence forfeit the sum of ten pounds; and any person who shall make any such return untruly shall be guilty of a misdemeanor.

Every person applying for the renewal of a licence to furnish a statement of the number and class of patients then detained.

Penalty for default, 10l.

Making untrue return to be a misdemeanor.

XXX. AND be it enacted, that every licence shall, as nearly as conveniently may be, be according to the form in the schedule (A.) annexed to this Act, and shall be stamped with a ten shilling stamp, and shall be under the seal of the

Licences to be in form in schedule (A.), with 10s. stamp, &c.

wise as aforesaid as such monies shall be inadequate to pay ; and also that it shall be lawful for the justices in general or quarter sessions assembled, if they shall think fit, from time to time to order to be advanced out of the rates or funds of such county or borough, to the clerk of the peace, such sum or sums of money as to such justices may appear requisite and reasonable, for or towards the payment or discharge of any such salary, remuneration, costs, charges, or expences as last aforesaid ; and every such sum of money as aforesaid shall be paid and advanced out of the rates or funds of such county or borough by the treasurer thereof, and shall be allowed in his accounts, on the authority of the aforesaid order by the justices for the payment or advance thereof.

XXXIX. AND be it enacted, that if any person to whom a licence shall have been granted under this Act shall by sickness or other sufficient reason become incapable of keeping the licensed house, or shall die before the expiration of the licence, it shall be lawful for the commissioners, or for any three justices for the county or borough, as the case may be, if they shall respectively think fit, by writing endorsed on such licence, under the seal of the commissioners or under the hands of such three justices, to transfer the said licence, with all the privileges and obligations annexed thereto, for the term then unexpired, to such person as shall at the time of such incapacity or death be the superintendent of such house, or have the care of the patients therein, or to such other person as the commissioners or such justices respectively shall approve, and in the meantime such licence shall remain in force and have the same effect as if granted to the superintendent of the house ; and in case a licence has been or shall be granted to two or more persons, and before the expiration thereof any or either of such persons shall die, leaving the other or others surviving, such licence shall remain in force and have the same effect as if granted to such survivors or survivor.

Provision for transfer of licence in case of incapacity or death of person licensed.

Licence granted to two or more to remain in force for benefit of survivors.

XL. AND be it enacted, that if any licensed house shall be pulled down or occupied under the provisions of any Act of Parliament, or shall by fire, tempest, or other accident be rendered unfit for the accommodation of lunatics, or if the person keeping such house shall desire to transfer the patients to another house, it shall be lawful for the commissioners, (if the new house shall be within their immediate jurisdiction,) at any quarterly or other meeting, or for any two or more of the visiting justices for the county or borough within which the new house is situate, as the case may be, upon the payment to the secretary of the commissioners or the clerk of the peace, as the case may be, of not less than one pound for the licence, (exclusive of the sum to be paid for the stamp,) to grant to the person whose house has been so pulled down, occupied, or so rendered unfit, or who shall desire to transfer his patients as aforesaid, a licence to keep such other house for the reception of lunatics, for such time as the commissioners or the said justices, as the case may be, shall think fit : **Provided** always, that the same notice of such intended change of house, and the same plans and statements and descriptions of and as to such intended new house, shall be given as are required when application is first made for a licence for any house, and shall be accompanied by a statement in writing of the cause of such change of house ; and that, except in cases in which the change of house is occasioned by fire or tempest, seven clear days previous notice of the

In case of a licensed house being taken for public purposes, or accidentally rendered unfit, or of the keeper wishing to transfer his patients to a new house, a licence to transfer may be given.

Notices to be given in such cases.

intended removal shall be sent, by the person to whom the licence for keeping the original house shall have been granted, to the person who signed the order for the reception of each patient, not being a pauper, or the person by whom the last payment on account of such patient shall have been made, and to the relieving officer or overseer of the union or parish to which each patient being a pauper is chargeable, or the person by whom the last payment on account of such patient shall have been made.

Power of revocation of licences granted by justices, on recommendation of justices.

XLI. AND be it enacted, that if a majority of the justices of any county or borough in general or quarter sessions assembled shall recommend to the lord chancellor that any licence granted by the justices for such county or borough, , shall be revoked, it shall be lawful for the lord chancellor to revoke the same by an instrument under his hand and seal, such revocation to take effect at a period to be named in such instrument, not exceeding two calendar months from the time a copy or notice thereof shall have been published in the London Gazette; and a copy or notice of such instrument of revocation shall be published in the London Gazette, and shall before such publication be transmitted to the person to whom such licence shall have been granted, or to the resident superintendent of the licensed house, or be left at the licensed house: Provided always, that in case of any such revocation being recommended to the lord chancellor, notice thereof in writing shall, seven clear days previously to the transmission of such recommendation to the lord chancellor, be given to the person the revocation of whose licence shall be recommended, or to the resident superintendent of the licensed house, or shall be left at the licensed house.

Power of revocation and of prohibition of renewal of licences granted by the commissioners or by justices, on recommendation of commissioners.

XLII. AND be it enacted, that if the commissioners shall recommend to the lord chancellor that any licence granted either by the commissioners or by any justices, , shall be revoked or shall not be renewed, it shall be lawful for the lord chancellor, by an instrument under his hand and seal, to revoke or prohibit the renewal of such licence; and in the case of a revocation the same shall take effect at a period to be named in such instrument, not exceeding two calendar months from the time a copy or notice thereof shall have been published in the London Gazette; and a copy or notice of such instrument of revocation shall be published in the London Gazette, and shall before such publication be transmitted to the person to whom such licence shall have been granted, or to the resident superintendent of the licensed house, or shall be left at the licensed house: Provided always, that in case of any such revocation or prohibition to renew being recommended to the lord chancellor, notice thereof in writing shall, seven clear days previously to the transmission of such recommendation to the lord chancellor, be given to the person the revocation or prohibition of renewal of whose licence shall be recommended, or to the resident superintendent of the licensed house, or shall be left at the licensed house.

Hospitals receiving lunatics to have their regulations printed and hung up, and sent to commissioners, and to have a resident

XLIII. AND be it enacted, that the regulations as to lunatics of every hospital in which lunatics are or shall be received shall be printed, and complete copies thereof shall be sent to the commissioners, and also kept hung up in the visitors room of such hospital; and that every such hospital shall have a physician, surgeon, or apothecary resident therein, as the superintendent and medical attendant thereof; and such superintendent shall immediately after the passing of this Act (or immediately after the establishment of such hospital,

as the case may be,) apply to the commissioners to have such hospital registered, and thereupon such hospital shall be registered in a book to be kept for that purpose by the commissioners; and in case the superintendent of any such hospital shall at any time omit to have copies of such regulations sent or hung up as aforesaid, or to apply to have such hospital registered as aforesaid, he shall for every such omission forfeit a sum not exceeding twenty pounds.

medical attendant, and to be registered. Penalty on superintendent for default.

XLIV. AND be it enacted, that after the passing of this Act it shall not be lawful for any person to receive two or more lunatics into any house, unless such house shall be an asylum or an hospital registered under this Act, or a house for the time being duly licensed under this Act, and any person who shall receive two or more lunatics into any house other than a house for the time being duly licensed as aforesaid, or an asylum or an hospital duly registered under this Act, shall be guilty of a misdemeanor.

Two or more lunatics not to be received into any house, except an asylum or hospital registered, or house licensed under this Act. Persons offending to be guilty of a misdemeanor.

XLV. AND be it enacted, that no person (not a pauper), whether being or represented to be a lunatic, or only a boarder or lodger, in respect of whom any money shall be received or agreed to be received for board, lodging, or any other accommodation, shall be received into or detained in any licensed house, and no person (not a pauper) shall be received into or detained as a lunatic in any hospital, without an order under the hand of some person, according to the form and stating the particulars required in schedule (B.) annexed to this Act, nor without the medical certificates, according to the form in schedule (C.) annexed to this Act, of two physicians, surgeons, or apothecaries, who shall not be in partnership, and each of whom shall separately from the other have personally examined the person to whom it relates, not more than seven clear days previously to the reception of such person into such house or hospital, and shall have signed and dated the same on the day on which such person shall have been so examined [Rep., 16 & 17 Vict. c. 96. s. 3.];

No person (not a pauper) to be received into a licensed house or hospital for lunatics without an order and medical certificates.

XLVIII. AND be it enacted, that no pauper shall be received into or detained in any licensed house, or any hospital, without an order and statement, according to the form and stating the particulars required in schedule (D.) annexed to this Act, under the hands of one justice or an officiating clergyman, with the relieving officer or one of the overseers of the union or parish from which such pauper shall be sent, (which said justice, or which said clergyman and relieving officer or overseer, as the case may be, shall have personally examined such pauper previously to signing such order,) nor without a medical certificate, according to the form in the said schedule (D.) annexed to this Act, and dated not more than seven clear days previously to the reception of such pauper into such house or hospital; and every such certificate shall be signed by a physician, surgeon, or apothecary, (not being the medical officer of such parish or union,) on the day whereon he shall examine such pauper [Rep., 16 & 17 Vict. c. 96. s. 3.];

No pauper to be received into a licensed house or hospital for lunatics without an order and medical certificate.

L. AND be it enacted, that every proprietor or superintendent who shall receive any patient into any licensed house or any hospital shall, within two days after the reception of such patient, make an entry with respect to such patient in a book to be kept for that purpose, to be called "The Book of Admissions," according to the form and containing the particulars required in schedule (E.) annexed to this Act, so far as he can ascertain the same, except as to the form of the mental disorder, and except also as to the discharge or death of the patient, which shall be made when the same shall happen; and every person who shall so receive any such patient, and shall not within two days thereafter make such entry as aforesaid, (except as aforesaid,) shall forfeit a sum not exceeding two pounds; and every person who shall knowingly and willingly in any such entry untruly set forth any of the particulars shall be guilty of a misdemeanor.

Every person receiving a person as a lunatic into any house or hospital to make an entry thereof in book of admissions, in form in schedule (E.)

Penalty for default.

Making untrue entry to be a misdemeanor.

superintendent of any such house or hospital who shall neglect to make such entry or transmit such notice or notices, or shall therein set forth any thing untruly, shall be guilty of a misdemeanor.

LV. AND be it enacted, that in case of the death of any patient in any licensed house or any hospital, a statement of the cause of the death of such patient, with the name of any person present at the death, shall be drawn up and signed by the medical attendant of such house or hospital, and a copy thereof, duly certified by the proprietor or superintendent of such house or hospital, shall by him be transmitted to the commissioners, and also to the person signing the order for such patient's confinement, and to the registrar of deaths for the district, and if such house be within the jurisdiction of any visitors, then also to the clerk of such visitors, within forty-eight hours after the death of such patient; and every medical attendant, proprietor, or superintendent who shall neglect or omit to draw up, sign, certify, or transmit such statement as aforesaid shall for every such neglect or omission forfeit and pay a sum not exceeding fifty pounds.

In case of the death of patient, a statement of the cause of death to be transmitted to the commissioners &c. and, if within the jurisdiction of any visitor to the clerk of the visit also. Penalty for neglect.

LVI. AND be it enacted, that if any superintendent, officer, nurse, attendant, servant, or other person employed in any licensed house or registered hospital shall in any way abuse or ill-treat any patient confined therein, or shall wilfully neglect any such patient, he shall be deemed guilty of a misdemeanor; and that in the event of the release of any person from confinement in any asylum or private house who shall consider himself to have been unjustly confined, a copy of the certificates and order upon which he has been confined shall at his request be furnished to him or to his attorney by the clerk to the commissioners, without any fee or reward for the same; and it shall be lawful for the home secretary, on the report of the commissioners or visitors of any asylums, to direct her Majesty's attorney general to prosecute on the part of the crown any person who shall have been concerned in the unlawful taking or confinement of any of her Majesty's subjects as an insane patient, and likewise any person who shall have been concerned in the neglect or ill-treatment of any patient or person so confined.

Abuse, ill-treatment, & wilful neglect of a patient, be a misdemeanor. Copies of certificates, &c. to be furnished on request to parties released. Prosecution for unlawful confinement &c.

LVII. AND be it enacted, that in every house licensed for one hundred patients or more there shall be a physician, surgeon, or apothecary, resident as the superintendent or medical attendant thereof; and that every house licensed for less than one hundred and more than fifty patients (in case such house shall not be kept by or have a resident physician, surgeon, or apothecary,) shall be visited daily by a physician, surgeon, or apothecary; and that every house licensed for less than fifty patients (in case such house shall not be kept by or have a resident physician, surgeon, or apothecary,) shall be visited twice in every week by a physician, surgeon, or apothecary: Provided always, that it shall be lawful for the visitors of any licensed house to direct that such house, and for the commissioners to direct that any licensed house, shall be visited by a physician, surgeon, or apothecary at any other time or times, not being oftener than once in every day.

Houses having 100 patients have a resident medical attendant, and houses having less than 50 be visited by a medical attendant.

LVIII. PROVIDED always, and be it enacted, that when any house is licensed to receive less than eleven lunatics it shall be lawful for any two of the commissioners, or any two of the visitors of such house, if they shall respectively so think fit, by any writing under their hands, to permit that such house shall be visited by a physician, surgeon, or apothecary at such intervals

The commissioners and visitors, in houses licensed for less than 10 persons, may lessen the number of medical visits.

commissioners, and if not, twice at least in every year ; and every hospital in which lunatics shall be received shall, without any previous notice, be visited by two at least of the said commissioners (one of whom shall be a physician or surgeon, and the other a barrister,) once at least in every year ; and every such visit shall be made on such day or days, and at such hours of the day, and for such length of time, as the visiting commissioners shall think fit, and also at such other times (if any) as the said commissioners in lunacy shall direct ; and such visiting commissioners, when visiting such house or hospital, may and shall inspect every part of such house or hospital, and every outhouse, place, and building communicating with such house or hospital, or detached therefrom, but not separated by ground belonging to any other person, and every part of the ground or appurtenances held, used, or occupied therewith, and see every patient then confined in such house or hospital, and inquire whether any patient is under restraint, and why, and inspect the order and certificates or certificate for the reception of every patient who shall have been received into such house or hospital since the last visit of the commissioners, and in the case of any house licensed by justices shall consider the observations made in the visitors book for such house by the visitors appointed by the justices, and enter in the visitors book of such house or hospital a minute of the then condition of the house or hospital, and of the patients therein, and the number of patients under restraint, with the reasons thereof, as stated, and such irregularity (if any) as may exist in any such order or certificates as aforesaid, and also whether the previous suggestions (if any) of the visiting commissioners or visitors have or have not been attended to, and any observations which they may deem proper as to any of the matters aforesaid or otherwise, and also, if such visit be the first after the granting a licence to the house, shall examine such licence, and, if the same be in conformity with the provisions of this Act, sign the same, but if it be informal enter in such visitors book in what respect such licence is informal : Provided also, that it shall be lawful for the lord chancellor, on a representation by the commissioners setting forth the expediency of such alteration, by any writing under his hand, to direct that any house licensed by justices shall (during such period as he shall therein specify, or until such his direction shall be revoked,) be visited by the commissioners once only in the year, and also to direct that any house licensed by the commissioners, and not receiving any pauper patients therein, shall (during such period as he shall therein specify, or until such his direction shall be revoked,) be visited by the commissioners twice only in the year.

LXII. AND be it enacted, that every licensed house within the jurisdiction of any visitors appointed by justices shall be visited by two at least of the said visitors (one of whom shall be a physician, surgeon, or apothecary,) four times at the least in every year, on such days, and at such hours in the day, and for such length of time, as the said visitors shall think fit, and also at such other times (if any) as the justices by whom such house shall have been licensed shall direct ; and such visitors when visiting any such house may and shall inspect every part of such house, and every house, outhouse, place, and building communicating therewith, or detached therefrom, but not separated by ground belonging to any other person, and every part of the ground or appurtenances held, used, or occupied therewith, and see every patient then confined therein, and inquire whether any patient is under restraint, and why, and

Licensed houses not within the immediate jurisdiction of the commissioners to be inspected four times a year at least by the visitors, and particulars entered in visitors' book.

inspect the order and certificates or certificate for the reception of every patient who shall have been received into such house since the last visit of the visitors, and enter in the visitors' book a minute of the then condition of the house, of the patients therein, and the number of patients under restraint, with the reasons thereof as stated, and such irregularity (if any) as may exist in any such order or certificates as aforesaid, and also whether the previous suggestions (if any) of the visitors or visiting commissioners have or have not been attended to, and any observations which they may deem proper as to any of the matters aforesaid or otherwise.

The proprietor or superintendent of every house and hospital to show every part and every patient to the visiting commissioners and visitors.

LXIII. AND be it enacted, that the proprietor or superintendent of every licensed house or hospital shall show to the commissioners and visitors respectively visiting the same every part thereof respectively, and every person detained therein as a lunatic; and every proprietor or superintendent of any licensed house or any hospital who shall conceal or attempt to conceal, or shall refuse or wilfully neglect to show, any part of such house or hospital, or any house, outhouse, place, or building communicating therewith, or detached therefrom, but not separated as aforesaid, or any part of the ground or appurtenances held, used, or occupied therewith, or any person detained or being therein, from any visiting commissioners or visitors, or from any person authorized under any power or provision of this Act to visit and inspect such house or hospital, or the patients confined therein or any of them, shall be guilty of a misdemeanor.

Inquiries to be made by the commissioners and visitors on their several visitations.

LXIV. AND be it enacted, that the visiting commissioners and visitors respectively, upon their several visitations to every licensed house and to every hospital, shall inquire when divine service is performed, and to what number of the patients, and the effect thereof; and also what occupations or amusements are provided for the patients, and the result thereof; and whether there has been adopted any system of non-coercion, and, if so, the result thereof; and also as to the classification of patients; and also as to the condition of the pauper patients (if any) when first received; and also as to the dietary of the pauper patients (if any); and shall also make such other inquiries as to such visiting commissioners or visitors shall seem expedient; and every proprietor or superintendent of a licensed house or an hospital who shall not give full and true answers, to the best of his knowledge, to all questions which the visiting commissioners and visitors respectively shall ask in reference to the matters aforesaid shall be guilty of a misdemeanor.

Proprietors, &c. not answering to be guilty of a misdemeanor.

LXV. AND be it enacted, that upon every visit of the visiting commissioners to any licensed house or to any hospital, and upon every visit of the visitors to any licensed house, there shall be laid before such visiting commissioners or visitors, (as the case may be,) by the proprietor or superintendent of such licensed house or of such hospital, a list of all the patients then in such house or hospital, (distinguishing pauper patients from other patients, and males from females, and specifying such as are deemed curable,) and also the several books by this Act required to be kept by the proprietor or superintendent and by the medical attendant of a licensed house or an hospital, and also all orders and certificates relating to patients admitted since the last visitation of the commissioners or visitors, (as the case may be,) and also, in the case of licensed house, the licence then in force for such house, and also all such other orders, certificates, documents, and papers relating to any of the patients

Books and documents to be produced to visiting commissioners and visitors.

any time received into such licensed house or hospital as the visiting commissioners or visitors shall from time to time require to be produced to them; and the said visiting commissioners or visitors, as the case may be, shall sign the said books as having been produced to them.

LXVI. AND be it enacted, that there shall be hung up in some conspicuous part of every licensed house a copy of the plan given to the commissioners or justices on applying for the licence for such house; and that there shall be kept in every licensed house and in every hospital in which lunatics shall be received a Queen's printer's copy of this Act, bound up in a book to be called "The Visitors' Book," and that the said visiting commissioners and visitors, respectively shall at the time of their respective visitations enter therein the result of the inspections and inquiries herein-before directed or authorized to be made by them respectively, with such observations (if any) as they shall think proper; and that there shall also be kept in every such house and hospital a book to be called "The Patients' Book," and that the said visiting commissioners and visitors respectively shall at the times of their respective visitations enter therein such observations as they may think fit respecting the state of mind or body of any patient in such house or hospital.

A book to be kept, called "The Visitors' Book," in which the result of inspection and inquiries shall be entered;

and a book called "The Patients' Book," for observations as to state of patients.

LXVII. AND be it enacted, that the proprietor or resident superintendent of every licensed house and of every hospital shall, within three days after every such visit by the visiting commissioners as aforesaid, transmit a true and perfect copy of the entries made by them in "The Visitors' Book," "The Patients' Book," and "The Medical Visitation Book" respectively (distinguishing the entries in the several books) to the commissioners, and shall, within three days after every such visitation by the visitors, transmit a true and perfect copy of the entries made by them as aforesaid (distinguishing as aforesaid) to the commissioners, and also to the clerk of the visitors; and the copies so transmitted to the clerk of the visitors of all such entries relating to any licensed house, and made since the grant or last renewal of the licence thereof, shall be laid before the justices on taking into consideration the renewal of the licence to the house to which such entries shall relate; and every such proprietor or superintendent as aforesaid who shall omit to transmit, as herein-before directed, a true and perfect copy of every or any such entry as aforesaid shall for every such omission forfeit a sum not exceeding ten pounds.

Proprietor or resident superintendent to transmit copies of all entries by visitors and visiting commissioners to the clerk of the visitors and to the commissioners.

LXVIII. AND be it enacted, that the commissioners visiting any house licensed by justices shall carefully consider and give special attention to the state of mind of any patient therein confined, as to the propriety of whose detention they shall doubt (or as to whose sanity their attention shall be specially called), and shall, if they shall think that the state of mind of such patient is doubtful, and that the propriety of his detention requires further consideration, make and sign a minute thereof in the patients' book of such house; and a true and perfect copy of every such minute shall, within two clear days after the same shall have been made, be sent by the proprietor or superintendent of such house to the clerk of the visitors of such house, and such clerk shall forthwith communicate the same to the said visitors, or some two of them, (of whom a physician, surgeon, or apothecary shall be one,) and such visitors shall thereupon immediately visit such patient, and act as they shall see fit; and every such proprietor or superintendent who shall omit to send a true and perfect copy, as herein-before directed, of every or any such

Commissioners visiting a house licensed by justices to make an entry in the patients' book as to the state of mind of any doubtful patient, and the same to be sent to the clerk of the visitors, who are thereupon to visit such patient.

writing under the hands respectively of such clergyman and overseer or of such justices, direct that any pauper patient belonging to such parish or union, and detained in any licensed house or any hospital, shall be discharged or removed therefrom, and may direct the mode of such discharge or removal; and if a copy of such minute or such writing be produced to the proprietor or superintendent of such licensed house or such hospital, he shall forthwith discharge or remove such patient, or cause or suffer such patient to be discharged or removed accordingly.

LXXV. PROVIDED always, nevertheless, and be it enacted, that no patient shall be discharged or removed, under any of the powers herein-before contained, from any licensed house or any hospital, if the physician, surgeon, or apothecary by whom the same shall be kept, or who shall be the regular medical attendant thereof, shall by writing under his hand certify that in his opinion such patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the commissioners visiting such house, or the visitors of such house, shall, after such certificate shall have been produced to them, give their consent in writing that such patient shall be discharged or removed; provided that nothing herein contained shall prevent any patient from being transferred from any licensed house or any hospital to any other licensed house or any other hospital, or to any asylum, but in such case every such patient shall be placed under the control of an attendant belonging to the licensed house, hospital, or asylum to or from which he shall be about to be removed, for the purpose of such removal, and shall remain under such control until such time as such removal shall be duly effected.

LXXVI. AND be it enacted, that it shall be lawful for any two or more of the commissioners to make visits to any patient detained in any house licensed by the commissioners, on such days and at such hours as they shall think fit; and if after two distinct and separate visits so made (seven days at least to intervene between such visits) it shall appear to such visiting commissioners that such patient is detained without sufficient cause, it shall be lawful for the commissioners, if they shall think fit, to make such order as to the commissioners shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

LXXVII. AND be it enacted, that it shall be lawful for any two or more of the commissioners, of whom one shall be a physician and one a barrister, to make special visits to any patient detained in any house licensed by the justices or in any hospital, on such days and at such hours as they shall think fit; and if after two distinct and separate visits so made it shall appear to such visiting commissioners that such patient is detained without sufficient cause, they may make such order as to them shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

LXXVIII. AND be it enacted, that it shall be lawful for any two or more of the visitors of any licensed house, of whom one shall be a physician, surgeon, or apothecary, to make special visits to any patient detained in such house, on such days and at such hours as they shall think fit; and if after two distinct and separate visits so made it shall appear to such visitors that such patient is detained without sufficient cause, they may make such order as to them shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

No patient to be removed under any of the preceding powers, if certified to be dangerous, unless the commissioners or visitors consent, or for the purpose of transfer to some other licensed house or asylum, &c.

Commissioners may visit and discharge any patient confined in a house licensed by themselves.

Two commissioners may make special visits to and discharge any patient confined in a house licensed by justices, or in a hospital.

Similar powers for two visitors as to patients confined in houses within their jurisdiction.

order, and on payment to him of a sum not exceeding seven shillings for his trouble, make search amongst the returns made to him in pursuance of this Act whether the person inquired after is or has been within the then last twelve calendar months confined in any licensed house within the jurisdiction of such visitor; and if it shall appear that such person is or has been so confined the said clerk shall deliver to the person so applying a statement in writing, specifying the situation of the house in which the person so inquired after appears to be or to have been confined, and of the name of the proprietor or resident superintendent thereof, and also the date of the admission of such person into such licensed house, and (in case of his having been removed or discharged) the date of his removal or discharge therefrom.

as to per
confined
licensed
houses
his juris
diction.

LXXXIV. AND be it enacted, that if any person shall apply to any commissioner in order to be informed whether any particular person is confined in any licensed house, or in any hospital, asylum, or other place by this Act made subject to the visitation of the commissioners, such commissioner, if he shall think it reasonable to permit such inquiry to be made, shall sign an order to the secretary of the commissioners, and the secretary shall, on the receipt of such order, and on payment to him of a sum not exceeding seven shillings,

Power
commit
to give
order t
secreta
commi.
to sear
give in
mation
any pe
person
has be
twelve
confine
house
hospi

make search amongst the returns made in pursuance of this Act, or of any of the Acts hereby repealed, whether the person inquired after is or has been within the last twelve calendar months confined in any house, hospital, asylum, or place by this Act made subject to the visitation of the commissioners; 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 house, hospital, asylum, or place in which the person so inquired after appears to be or to have been confined, and also (so far as the said secretary can ascertain the same from any register or return in his possession) the name of the proprietor, superintendent, or principal officer of such house, hospital, asylum, or place, and also the date of the admission of such person into such licensed house, hospital, asylum, or other place, and (in case of his having been removed or discharged) the date of his removal or discharge therefrom.

LXXXV. AND be it enacted, that it shall be lawful for any one of the commissioners, as to patients confined in any house, hospital, or other place (not being a gaol) hereby authorized to be visited by the commissioners, and also for any one of the visitors of any licensed house, as to patients confined in such house, at any time to give an order in writing under the hand of such one commissioner or visitor for the admission to any patient 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 proprietor or superintendent of any such house, hospital, or place 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 for every such refusal, prevention, or obstruction forfeit a sum not exceeding twenty pounds.

Any c
confine
or visi
give an
for the
admissi
any pat
any frie
relation,
person r
by a frie
relation.

Penalty f
refusing
admission

being a pauper) into a licensed house; and that every person (except a person deriving no profit from the charge, or a committee appointed by the lord chancellor,) who shall receive to board or lodge in any unlicensed house, not being a registered hospital or an asylum, or take the care or charge of, any one patient as a lunatic or alleged lunatic, shall, within seven clear days after so receiving or taking such patient, transmit to the secretary of the commissioners a true and perfect copy of the order and medical certificates on which such patient has been so received, and a statement of the date of such reception, and of the situation of the house into which such patient has been received, and of the christian and surname and occupation of the occupier thereof, and of the person by whom the care and charge of such patient has been taken; and every such patient shall at least once in every two weeks be visited by a physician, surgeon, or apothecary not deriving, and not having a partner, father, son, or brother who derives, any profit from the care or charge of such patient; and such physician, surgeon, or apothecary shall enter in a book, to be kept at the house or hospital for that purpose, to be called "The Medical Visitation Book," the date of each of his visits, and a statement of the condition of the patient's health, both mental and bodily, and of the condition of the house in which such patient is, and such book shall be produced to the visiting commissioner on every visit, and shall be signed by him as having been so produced; and the person by whom the care or charge of such patient has been taken, or into whose house he has been received as aforesaid, shall transmit to the secretary of the commissioners the same notices and statements of the death, removal, escape, and re-capture of such lunatic, and within the same periods, as are herein-before required in the case of the death, removal, escape and re-capture of a patient (not being a pauper) received into a licensed house; and that every person who shall receive into an unlicensed house, not being a registered hospital nor an asylum, or take the care or charge of any person therein as a lunatic, without first having such order and medical certificates as aforesaid, or who, having received any such patient, shall not within the several periods aforesaid transmit to the secretary of the commissioners such copy, statement, and notices as aforesaid, or shall fail to cause such patient to be so visited by a medical attendant as aforesaid, and every such medical attendant who shall make an untrue entry in the said medical visitation book, shall be guilty of a misdemeanor.

XCI. AND be it enacted, that the secretary to the commissioners shall preserve every copy transmitted as aforesaid of the order and certificates for the reception of any patient as a lunatic into an unlicensed house, and every statement and notice which may be transmitted to such secretary with respect to any such patient as aforesaid, and shall enter the same (in such form as the private committee shall direct) in a book to be kept for that purpose, to be called "The Private Register," and such private register shall be kept by such secretary in his own custody, and shall be inspected only by the members for the time being of the said private committee, and by such other persons as the lord chancellor shall by writing under his hand appoint.

XCII. AND be it enacted, that it shall be lawful for any one member of the said private committee, on the direction of such committee, or of any two members thereof, (of whom the one member aforesaid may be one,) at all reasonable times to visit every or any unlicensed house in which one patient

tificates as aforesaid, and under certain obligations.

Copy of the order and certificates, &c. with respect to lunatics received into unlicensed houses to be entered in a private register.

Members of the private committee to visit unlicensed houses where

gle patients
received,
to report.

only is received as a lunatic, (unless such patient be deriving no profit from the charge, or by a committee of the lord chancellor,) and to inquire and report to the said private committee the treatment and state of health, both bodily and mental, of every such patient; and a copy of every or any such report shall be entered in a book to be kept for that purpose, by the secretary of the committee; and thereof shall, if such private committee think it expedient, be laid before the lord chancellor.

is lord
chancellor on
his report,
and the repre-
sentation of the
private com-
mittee, may
order any
patient to be
removed from
any unlicensed
house.

XCIII. AND be it enacted, that it shall be lawful for the lord chancellor, on the representation of the said private committee, or of a report made as last aforesaid as to any patient received as a lunatic in an unlicensed house as aforesaid, to make an order that such lunatic shall be removed from such house, and from the care and charge under whose care and charge such lunatic may be; and that such lunatic in such house, or in such care or charge, within ten days after a copy of such order shall have been left at the residence of such person, shall be guilty of a misdemeanor.

commissioners
inquire
and report if
property of
lunatics be not
duly protected
and applied
to their
maintenance.

XCIV. AND be it enacted, that whenever the commissioners shall have reason to suppose that the property of any person detained as a lunatic is not duly protected, or that the income of such person is not applied for his maintenance, such commissioners shall inquire and report thereon to the lord chancellor, and shall apply to the lord chancellor for his order relative thereto as they shall think proper, and report thereon to the lord chancellor.

the lord
chancellor may
direct the
secretary in
reference to re-
port as to the
income of any
person detained
as a lunatic, and
may appoint
guardians of
the person and
estate, and
direct the
application of
the income.

XCv. AND be it enacted, that when any person shall be taken charge of as a lunatic upon an order and certificate made by the lord chancellor, in pursuance of the provisions of this Act as last aforesaid, and such person shall have been detained as a lunatic for more than three months then last past, or shall have been the subject of an order made by the commissioners in pursuance of the provision lastly hereinbefore enacted, it shall be lawful for the lord chancellor to direct that one or more guardians of the person and estate of such lunatic shall be appointed, and thereupon one of the said masters of the High Court shall be appointed guardian of such person, and shall take such evidence and call for such documents as such master shall seem necessary to satisfy him with respect to the property of such lunatic, and shall report thereon to the lord chancellor, and a copy of such report shall be filed with the secretary of lunatics; and it shall be the duty of the lord chancellor from time to time to make orders for the appointment of a receiver, or otherwise for the protection, care, and management of the person and estate of any such person who shall by any such report as last aforesaid be found to be a lunatic, and such guardian shall have the same powers and authorities as a receiver of the estate of the person of a lunatic found such by inquisition now has, and also to make orders for the application of the income of such lunatic, or a sufficient part thereof, for the support, and in payment of the costs, charges, and expenses of the protection, care, and management of the person and estate of such lunatic, also as to the investment or other application for the use of the overplus, if any, of such income, for the use of such lunatic.

lord chancellor shall from time to time in each case seem fit : Provided always, that such protection, care, and management shall continue only during such time as such lunatic shall continue to be detained as a lunatic upon an order and certificates or certificate as aforesaid, and for such further time, not exceeding six months, as the lord chancellor may fix : Provided also, that it shall be lawful for the lord chancellor in any such case, either before or after directing such inquiry by such master as aforesaid, and whether such master shall have made a report as aforesaid or not, to direct a commission in the nature of a writ de lunatico inquirendo to issue, to inquire of the lunacy of such person.

XCVI. AND be it enacted, that such masters shall have power, in the prosecution of all inquiries and matters which may be referred to them as aforesaid or otherwise under this Act, to summon persons before them, and to administer oaths, and take evidence, either vivâ voce or on affidavit, and to require the production of books, papers, accounts, and documents ; and that the lord chancellor may by any order (either general or particular) refer to the said masters any inquiries under the provisions of this Act relating to the person and estate of any lunatic as to whom a report shall be made by a master as aforesaid, in like manner as inquiries relating to the persons and estates of lunatics found such by inquisition are now referred to them.

Masters in lunacy to have all necessary powers of inquiry, and to make inquiries referred to them.

* * * * *
XCIX. AND be it enacted, that every proprietor and superintendent of a licensed house or registered hospital, and every other person hereby [or by any of the Acts herein-before repealed] authorized to receive or take charge of a lunatic upon an order, and who shall receive [or has received] a proper order, in pursuance of this Act, [or any of the said repealed Acts,] accompanied with the required medical certificates or certificate, for the reception or taking charge of any person as a lunatic, and the assistants and servants of such proprietor, superintendent, or other person, shall have power and authority to take charge of, receive, and detain such patient, until he shall die, or be removed or discharged by due authority, and in case of the escape at any time or times of such patient to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid ; and in every writ, indictment, information, action, and other proceeding which shall be preferred or brought against any such proprietor, superintendent, or other person authorized as aforesaid, or against any assistant or servant of any such proprietor, superintendent, or authorized person, for taking, confining, detaining, or retaking any person as a lunatic, the party complained of may plead such order and certificates or certificate in defence to any such writ, indictment, information, action, or other proceeding as aforesaid, and such order and certificates or certificate shall, as respects such party, be a justification for taking, confining, detaining, or retaking such lunatic or alleged lunatic.

Proprietors, superintendents, and other authorized persons, may, on proper orders and certificates, receive, detain, and retake patients, and may plead the orders and certificates in bar of all proceedings at law.

C. AND be it enacted, that it shall be lawful for the commissioners, or any two of them, and also for the visitors of any licensed house, or any two of such visitors, from time to time, as they shall see occasion, to require, by summons under the common seal of the commission, if by the commissioners, and if by

Commissioners and visitors may summon witnesses to give evidence.

[* The words inclosed in brackets, which were inadvertently repealed by the Stat. Law Rev. Act, 1875, are printed in anticipation of their being revived.]

two only of the commissioners or by two visitors or two justices of the peace, or by the seals of such two commissioners or two visitors or two justices of the peace, (as the law will permit,) any person to appear before them touching any matters respecting which such commissioners or visitors or justices of the peace are by this Act authorized to inquire (and if such person or persons are not present, or if such person or persons or visitors are hereby empowered to administer oaths, and if such person or persons do not appear before such commissioners or visitors or justices of the peace, and if such person or persons shall not assign some reasonable excuse for not appearing, and if such person or persons and refuse to be sworn or examined, shall, on the oath of one of her Majesty's justices for the county or county town, or at the place at which such person shall have been by such commissioners or visitors or justices of the peace summoned to give evidence is situate, shall for every such offence be liable to a fine not exceeding fifty pounds.

Penalty for non-attendance, &c.

Provision for payment of expenses of witnesses.

CI. AND be it enacted, that it shall be lawful for any commissioners or visitors who shall summon any person to appear before them, or for any justice of the peace to direct the secretary of the commissioners or visitors, or any justice of the peace, in any case may be, to pay to such person all reasonable expenses incurred by such person in attendance in pursuance of such summons, and to be taken into account in the execution of this Act, and to be taken into account in the execution of this Act.

Upon complaint made of any offence against this Act, justices of the peace may require the attendance of the person charged, and may adjudge the person charged.

CII. AND be it enacted, that every complaint made against this Act, where any pecuniary penalty is provided for (except when hereby otherwise provided for,) shall be taken into consideration, and when any person shall be charged upon an offence against this Act, such justice of the peace may require such person to appear at a time and place to be named in such summons, and if such person shall not appear accordingly, and upon proof of the due service of such summons, such justice of the peace may either proceed to hear and determine the matter personally, or by leaving the same at his last or next ordinary residence, or by issuing a warrant for apprehending such person, and such justice of the peace, or any two justices shall and may execute such warrant, and may arrest such person pursuant to such summons, or upon such warrant, or upon the non-appearance of every such complaint or information, and may proceed to the recovery of the penalty thereon as such justices shall think proper; and such justices may, if they shall think fit, reduce the amount of the penalty imposed for such offence to any sum not exceeding one-half of the amount thereof, and shall and may issue a warrant for levying such penalty or reduced penalty, and may issue a summons, warrant, and hearing, and all incidental proceedings, and the seizure and sale of the goods and chattels of the person so charged, and the lawful for any such two justices to order any person so charged to be kept in the custody of any constable or other person, and to be conveniently made to such warrant of distress, and to give security, to the satisfaction of such justice of the peace, or otherwise, for his appearance before such justice of the peace appointed for the return of such warrant of distress, and if such person does not appear within seven days from the time of taking any such warrant of distress, it shall appear

Litigation, recovery, and application of penalties.

be had whereupon to levy the said penalty, and such costs and charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such justices, either by the confession of the offender or otherwise, that the offender hath not sufficient goods and chattels whereupon the said penalty, costs, and charges may be levied, such justices shall and may, by warrant under their hands and seals, commit such offender to the common gaol or house of correction for any term not exceeding three calendar months, unless such penalty, and all such costs and charges as aforesaid, shall be sooner paid; and all such penalties, when recovered, shall be paid, when the complaint or information shall be laid or brought by or by the direction of the commissioners, to the secretary of the commissioners, and when the complaint or information shall be laid or brought by the direction of any visitors, to the clerk of the peace for the county or borough, to be by him applied and accounted for as herein-before directed with respect to monies received for licences granted by the justices of such county or borough; and the overplus (if any) arising from such distress and sale, after payment of the penalty and all costs and charges as aforesaid, shall be paid, upon demand, to the owner of the goods and chattels so distrained.

CIII. AND be it enacted, that the justices before whom any person shall be convicted of any offence against this Act for which a pecuniary penalty is imposed may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as the case may require; and that no conviction under this Act shall be void through want of form:

Form of conviction before justices.

BE it remembered, that on the _____ day of _____ in the year of our Lord _____, at _____, in the county [or borough] of _____, A.B. was convicted before us _____, of her Majesty's justices of the peace for the said county [or borough], for that he the said _____ did _____; and we the said _____ adjudge the said _____ for his offence to pay the sum of _____

CIV. PROVIDED always, and be it enacted, that any person who shall think himself aggrieved by any order or determination of any justices under this Act may, within four calendar months after such order made or given, appeal to the justices at general or quarter sessions, the person appealing having first given at least fourteen clear days notice in writing of such appeal, and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a recognizance before some justice, with two sufficient sureties, conditioned to try such appeal, and to abide the order and award of the said court thereupon; and the said justices at general or quarter sessions, upon the proof of such notice and recognizance having been given and entered into, shall in a summary way hear and determine such appeal, or, if they think proper, adjourn the hearing thereof until the next general or quarter sessions, and, if they see cause, may mitigate any penalty to not less than one fourth of the amount imposed by this Act, and may order any money to be returned which shall have been levied in pursuance of such order or determination, and shall and may also award such further satisfaction to be made to the party injured, or such costs to either of the parties, as they shall judge reasonable and proper; and all such determinations of the said justices at general or quarter sessions shall be final, binding, and conclusive upon all parties, to all intents and purposes whatsoever.

Appeal to quarter sessions.

Limitation of actions, &c.

CV. AND be it enacted, that if any action of person for any thing done in pursuance of this repealed, the same shall be commenced with after the release of the party bringing the act in the county or borough where the cause of elsewhere; and the defendant in every such plead specially or the general issue not guilty, matter in evidence at any trial to be had the done in pursuance and by the authority of appear to be so done, or that such action or su county or borough than as aforesaid, or shall n the time before limited for bringing the same, for the defendant; and upon a verdict being be nonsuited, or discontinue his action or su appeared, or if upon demurrer judgment sha then the defendant shall recover double costs, vering the same as any defendant hath or may

Double costs.

Offenders to be prosecuted, and penalties sued for by the secretary of the commissioners and the clerk of any visitors, and by no person without the authority of the commissioners or visitors, or consent of attorney general, &c.

CVI. AND be it enacted, that it shall be commissioners, on their order, to prosecute an the provisions of this Act, and to sue for an any person is made liable by this Act; a recovered by such secretary shall be paid to h and that it shall be lawful for the clerk o to prosecute any person for any offence a Act committed within the jurisdiction of su recover any penalty to which any person v visitors is made liable by this Act; and a vered by any such clerk shall be paid to h clerk of the peace for such county or broug peace applied and accounted for as herein-b monies received for licences by such clerk of lawful for any one to prosecute any person fo sions of this Act, or to sue for any penalty to v by this Act, except by order of the commissio diction in the place where the cause of prosot been incurred, or with the consent of her Majes general for England for the time being.

* * * * *

no person to be punishable for omitting to send any copy, &c., if he prove that such copy, &c. as put in the act, or left at the proper place.

CVIII. AND be it enacted, that when any pe under the provisions of this Act, for omitting list, notice, statement, or other document herei mitted or sent by such person, and such person of one witness upon oath that the copy, list, no respect of which such proceeding is taken was p (in case of documents required to be transmitt or a clerk of the peace) left at the office of the c the peace, and shall have been properly address all further proceeding in respect of such omission

* The words inclosed in brackets, which were in Law Rev. Act, 1875, are printed in anticipation of t

CIX. AND be it enacted, that the costs, charges, and expences incurred by or under the authority or order of the commissioners in proceedings under this Act shall be paid by the secretary of the commissioners, ; and that the costs, charges, and expences incurred by or under the order of any visitors in proceedings under this Act shall be paid by the clerk of the peace of their county or borough, and included by him in the account of receipts and payments herein-before directed to be kept by him.

Costs incurred by the commissioners to be paid by their secretary, and costs incurred by visitors by the clerk of the peace.

CX. AND be it enacted, that two or more of the commissioners, one at least of whom shall be a physician or surgeon, and one at least a barrister, shall and may, once or oftener in each year, on such day or days, and at such hours of the day, and for such length of time, as they shall think fit, visit every asylum for lunatics, and every gaol in which there shall be or alleged to be any lunatic, and shall inquire whether the provisions of the law have been carried out as to the construction of each asylum visited, and as to its visitation and management, and also as to the regularity of the admissions and discharges of patients therein and therefrom; and whether divine service is performed therein; and whether any system of coercion is in practice therein, and the result thereof; and as to the classification or nonclassification of patients therein, and the number of attendants on each class; and as to the occupations and amusements of the patients, and the effects thereof; and as to the condition, as well mental as bodily, of the pauper patients when first received; and also as to the dietary of the pauper patients; and shall also make such other inquiries as to every or any such asylum, and all such inquiries as to the lunatics in any gaol, as to such visiting commissioners shall seem meet.

Commissioners to visit asylums and gaols.

CXII. AND be it enacted, that it shall be lawful for the lord chancellor, in the case of any lunatic under the care of a committee appointed by the lord chancellor, and for the lord chancellor or her Majesty's principal secretary of state for the home department, in the case of any lunatic under the care of any person receiving or taking the charge of such one lunatic only, and deriving no profit from the charge, and in the case of any person confined as a state lunatic, or as a lunatic under the order of any criminal court of justice, and in the case of every other person detained or taken charge of as a lunatic, or represented to be a lunatic, or to be under any restraint as a lunatic, at any time, by an order in writing under the hand of the lord chancellor or the said secretary of state, as the case may be, directed to the commissioners or any of them, or to any other person, to require the persons or person to whom such order shall be directed, or any of them, to visit and examine such lunatic or supposed lunatic, and to make a report to the lord chancellor, or to her Majesty's principal secretary of state for the home department, of such matters as in such order shall be directed to be inquired into.

Provision for the visitation of lunatics under the care of committees, and also of state and criminal lunatics, and other lunatics not comprised in the preceding provisions, and report to lord chancellor or secretary of state for the home department.

CXIII. AND be it enacted, that it shall be lawful for the lord chancellor or her Majesty's principal secretary of state for the home department to employ any commissioner appointed under this Act, or other person, to inspect or inquire into the state of any asylum, hospital, gaol, house, or place, wherein any lunatic, or person represented to be 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, and not being a commissioner, may be

Power for the lord chancellor and secretary of state for the home department to authorize a special visitation of any place where a

“ Clerk of the peace ” shall mean every clerk of the peace and person acting as such, and every deputy duly appointed :

“ Medical attendant ” shall mean every physician, surgeon, and apothecary, who shall keep any licensed house, or shall in his medical capacity attend any licensed house, or any asylum, hospital, or other place, where any lunatic shall be confined :

“ Justice ” shall mean a justice of the peace :

“ Asylum ” shall mean any lunatic asylum already erected and established under an Act passed in the forty-eighth year of the reign of his late Majesty King George the Third, intituled “ An Act for the better care 48 Geo. 3. c. 96.

“ and maintenance of lunatics, being paupers or criminals, in England,” or erected and established or hereafter to be erected and established under, or which have been made subject or liable to any of the provisions of, an Act passed in the ninth year of the reign of his late Majesty King 9 Geo. 4. c. 40.

George the Fourth, intituled “ An Act to amend the laws for the erection “ and regulation of county lunatic asylums, and more effectually to provide for the care and maintenance of pauper and criminal lunatics, in “ England,” or hereafter to be erected and established under the provisions of any Act for the erection or regulation of county or borough lunatic asylums :

“ Hospital ” shall mean any hospital or part of an hospital or other house or institution (not being an asylum) wherein lunatics are received, and supported wholly or partly by voluntary contributions, or by any charitable bequest or gift, or by applying the excess of payments of some patients for or towards the support, provision, or benefit of other patients :

“ Licensed house ” shall mean a house licensed under the provisions of this Act, or of some Act hereby repealed, for the reception of lunatics :

“ Oath ” shall mean an oath, and every affirmation or other declaration or solemnity lawfully substituted for an “ oath ” in the case of Quakers or other persons exempted by law from the necessity of taking an oath :

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

CXV. AND be it enacted, that for the purposes of this Act every borough and county shall include every place situate within the limits of such borough or county, and not having a separate commission of the peace; and for the purposes of this Act every place situate within the limits of any borough or county, and not having a separate commission of the peace, shall be within the jurisdiction of the justices of such borough or county; and that the justices of every borough shall, for the purposes of this Act, assemble in special sessions at such times as the quarter sessions for such borough shall be holden; and that all acts herein-before required to be done by the justices of counties in general or quarter sessions assembled may be done by the justices of boroughs at such special sessions.

Boroughs and counties to comprise all places therein not having separate commissions of the peace.

Borough justices to assemble in special sessions for purposes of this Act, at times of holding quarter sessions.

* * * * *
CXVII. AND be it enacted, that this Act shall extend only to England and Wales.
* * * * *

Act to extend only to England and Wales.

fore

n 80.

(unac
nd fo
led,]

the c
posed
the
red t
ined

in th
me,
tend
und p

in th
r ou
ar o

SCHEDULE (F.). Section 52.

NOTICE of Admission.

I HEREBY give you notice, that A.B. was received into a private [or pauper] patient on the [] day of [] and I hereby transmit a copy of the order and medical certificate which he was received.

Subjoined is a statement with respect to the mental condition of the above-named patient.

(Signed) Superintendent [or proprietor]

Dated this [] day of [] hundred and []

STATEMENT.

I HAVE this day seen and personally examined the patient named in the above notice, and hereby certify that he [or she] is [] and that his [or her] condition is []

(Signed) Medical Officer

Dated this [] day of [] and []

SCHEDULE (G. 1). Section 54.

REGISTER OF DISCHARGES AND DEATHS.

Date of discharge or death.	Date of last admission.	No. in register of patients.	Christian and surname at length.	Sex and Class.				Discharged.				Died.		Assigned cause of death.	Age at death.		Observations.		
				Private.		Pauper.		Reco- vered.	Believed.		Not improved.	M.	F.		M.	F.		M.	F.
				M.	F.	M.	F.		M.	F.									
1846: Sept. 1	1846: Jan. 3	1	William Johnson	-	-	1	-	-	-	1	-	-	-	-	-	-	-		
1848: Dec. 2	1848: June 9	4	William Johnson	-	-	1	-	-	-	1	-	-	-	-	-	-	-		
1853: June 8	1852: May 6	7	William Johnson	-	-	1	-	-	-	-	-	-	-	1	-	-	27	Phtthisis -	

SCHEDULE (G. 2). Section 5

FORM of Notice of Discharge or D

I HEREBY give you notice, that patient, received into this house [or hospital] on the was discharged therefrom recovered, [or relieved, or authority of , [or died therein day of

(Signed) Super of p

Dated this day of dred and

In case of death, add "and I further certify, the death of the said ; and that the the said [ascertained by post n was

* * * * *

SCHEDULE (I). Section

FORM of Summons.

WE, the commissioners in lunacy [or we whose seals affixed, being two of the commissioners in l under or by virtue of an Act passed in the reign of her present Majesty, intituled [here ins hereby summon and require you personally to ap in the parish of , in the county of next the day of , at the noon of the same day, and then and testify the truth touching certain matters rela said Act.

Scaled with the common seal of the commi under our hands and seals], this year of our Lord one thousand eight hundred an

CHAPTER CV

AN ACT to amend the Law of Real Property.

BE it enacted by the Queen's most exceller advice and consent of the lords spiritual a this present Parliament assembled, and by th follows; (that is to say,

* * * * *

II. THAT after the said first day of October one thousand eight hundred and forty-five all corporeal tenements and hereditaments shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery;

Immediate freehold of corporeal tenements to lie in grant as well as in livery.

III. THAT a feoffment made after the said first day of October one thousand eight hundred and forty-five, other than a feoffment made under a custom by an infant, shall be void at law, unless evidenced by deed; and that a partition and an exchange of any tenements or hereditaments, not being copyhold, and a lease, required by law to be in writing, of any tenements or hereditaments, and an assignment of a chattel interest, not being copyhold, in any tenements or hereditaments, and a surrender in writing of an interest in any tenements or hereditaments, not being a copyhold interest, and not being an interest which might by law have been created without writing, made after the said first day of October one thousand eight hundred and forty-five, shall also be void at law, unless made by deed: Provided always, that the said enactment, so far as the same relates to a release or a surrender, shall not extend to Ireland.

Feoffments, partitions, exchanges, leases, assignments, and surrenders (subject to certain exceptions) to be by deed.

Proviso.

IV. THAT a feoffment made after the said first day of October one thousand eight hundred and forty-five shall not have any tortious operation; and that an exchange or a partition of any tenements or hereditaments, made by deed executed after the said first day of October one thousand eight hundred and forty-five, shall not imply any condition in law; and that the word "give" or the word "grant," in a deed executed after the same day, shall not imply any covenant in law in respect of any tenements or hereditaments, except so far as the word "give" or the word "grant" may by force of any Act of Parliament imply a covenant.

Feoffments not to operate by wrong, nor exchanges or partitions to imply any condition, or the words "give" and "grant" any covenant, except by force of any Act of Parliament.

V. THAT under an indenture executed after the first day of October one thousand eight hundred and forty-five an immediate estate or interest in any tenements or hereditaments, and the benefit of a condition or covenant respecting any tenements or hereditaments, may be taken, although the taker thereof be not named a party to the same indenture; also, that a deed executed after the said first day of October one thousand eight hundred and forty-five, purporting to be an indenture, shall have the effect of an indenture, although not actually indented.

Strangers may take immediately under an indenture; and a deed purporting to be an indenture shall take effect as such.

VI. THAT after the first day of October one thousand eight hundred and forty-five a contingent, an executory, and a future interest, and a possibility coupled with an interest, in any tenements or hereditaments of any tenure, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent, into or upon any tenements or hereditaments in England, of any tenure, may be disposed of by deed; but that no such disposition shall by force only of this Act defeat or enlarge an estate tail; and that every such disposition by a married woman shall be made conformably to the provisions relative to dispositions by married women of an 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

Contingent and other like interests, and rights of entry, shall be alienable by deed, saving estates tail.

Dispositions by married women to be conformable to 3 & 4 Will. 4. c. 74. or 4 & 5 Will. 4. c. 92.

[* Section 3, so far as the same refers to the relation of landlord and tenant in Ireland, is rep., save so far as same relates to feoffments, partitions, and exchanges, 23 & 24 Vict. c. 154, s. 104.]

“ for the substitution of more simple modes of assurance
Act passed in the fourth and fifth years of the reign of
intituled “ An Act for the abolition of fines and r
“ substitution of more simple modes of assurance, in L

married women
y disclaim
ates or inter-
s in lands in
gland by
d made
ormably to
: 4 Will. 4.
74.

contingent re-
minders pro-
ted as from
Dec. 1844
inst the
mature
ure of a
ceding
ate.

han the re-
sion on a
se is gone
; next
ate to be
sed the
sion.

VII. THAT after the first day of October one thousand
forty-five an estate or interest in any tenements or her
of any tenure, may be disclaimed by a married wo
every such disclaimer shall be made conformably to t
said Act for the abolition of fines and recoveries, and
more simple modes of assurance.

VIII. THAT a contingent remainder existing at any
day of December one thousand eight hundred and fi
created before the passing of this Act, shall be deem
of taking effect, notwithstanding the determination
or merger, of any preceding estate of freehold, in
respects as if such determination had not happened.

IX. THAT when the reversion expectant on a lea
after the passing of this Act, of any tenements or her
shall after the said first day of October one thousand
five be surrendered or merge, the estate which shall
as against the tenant under the same lease the next
tenements or hereditaments shall, to the extent
preserving such incidents to and obligations on the
the surrender or merger thereof would have subsist
expectant on the same lease.

tent of Act.

X. THAT this Act shall not extend to Scotland.

CHAPTER CVII.

AN ACT for the Establishment of a Central Asylum
with Offences in Ireland; and to amend the Ac
of Offences by Insane Persons, and the Acts
Insane Poor, in Ireland; and for appropriati
the City of Cork to the Purposes of a District

WHEREAS it is expedient that one central a
Dublin should be provided for the cur

Commissioners
public
rks in
land to be
stees for
viding
ldings and
da neces-
y for the
abishment
re of a
tral asylum
criminal
atics.
mmisaiomers
public works
be a cor-
ation for

lunatics: Be it enacted by the Queen's most ex
the advice and consent of the lords spiritual and
this present Parliament assembled, and by the
the commissioners of public works in Ireland
trustees for the purpose of purchasing or providin
any buildings, lands, tenements, or hereditament
the said central asylum, and the site thereof, and
therewith, and for erecting thereon suitable
enlarging, improving, upholding, and furnishing t

II. AND be it enacted, that for the purposes
sioners of public works in Ireland for the time
shall be a corporation, by the name or style of “

Works in Ireland," and by that name, for the purposes of this Act, shall have perpetual succession and a common seal, to be by them made and from time to time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all courts, and before all justices and others, and in that capacity shall be deemed promoters of the undertaking authorized to be executed by this Act.

III. AND be it enacted, that in order to enable the said commissioners of public works in Ireland to purchase and provide the buildings, lands, tenements, and hereditaments which may be required for the said central asylum and the site thereof, it shall be lawful for the said commissioners, with the approval of the commissioners of her Majesty's Treasury, to contract and agree with any person or persons, or body or bodies corporate, for the purchase or renting of any buildings, lands, tenements, or hereditaments required for such central asylum, or the site thereof, and the premises to be occupied therewith, and also for the purchase of any subsisting leases, terms, estates, or interests therein, or charges thereon; and the buildings, lands, tenements, or hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for her Majesty, her heirs and successors, in such manner and form as the said commissioners of her Majesty's Treasury shall direct.

IV. AND be it enacted, that in order to enable the said commissioners of public works to purchase and provide the said buildings, lands, tenements, and hereditaments, the "Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, except the clauses with respect to the purchase and taking of lands otherwise than by agreement: Provided always, that all things by the said Act required or authorized to be done by the promoters of the undertaking may be done by any two of the commissioners of public works in Ireland, subject to the approval of the commissioners of her Majesty's Treasury, in the cases provided by this Act.

V. AND be it enacted, that it shall be lawful for the said commissioners of public works, if they shall be so directed by the commissioners of her Majesty's Treasury, to employ any competent surveyor or architect to make a survey and estimate of the said proposed work, and to prepare such plan, section, or specification thereof as may be necessary, and send the same to the commissioners of her Majesty's Treasury, for their approval; and if the said commissioners of her Majesty's Treasury shall think fit to authorize the work in any such plan, section, or specification, or any modification thereof which they may think proper, to be undertaken, they shall, by warrant under their hands, direct the said commissioners of public works to execute such work, at and for an amount not exceeding a sum to be specified in such warrant; and the said commissioners of public works shall upon receipt of such warrant forthwith cause the construction of the work mentioned therein to be proceeded with.

VI. AND be it enacted, that the said commissioners of public works shall cause accounts in writing of the several sums received by them as such commissioners for the purposes of this Act, and the sums expended by them for such purposes, and the mode of such expenditure, to be made up to the thirty-first day of December in each year, or to such period as the commissioners of her Majesty's Treasury shall direct; and the said commissioners shall, as often

the purposes of this Act.

Power to commissioners of public works to purchase or rent buildings, lands, &c., which may be required for such central asylum.

Lands Clauses Consolidation Act, 1845, except as to purchase of lands otherwise than by agreement, incorporated with this Act.

Commissioners of public works to obtain surveys, plans, and specifications, and submit same to the Treasury. On approval of Treasury, works to be executed.

Commissioners of public works to lay accounts before the commissioners of the Treasury.

Commissioners
obey
actions of
Treasury.

as they shall be required so to do by the commissioners of her Majesty's Treasury, transmit to the said commissioners of the Treasury the said directions, and it shall be lawful for the said commissioners of her Majesty's Treasury to give such directions as they shall think proper, defining the duties of the said commissioners of public works in the execution of this Act; and the said commissioners of public works shall observe all such directions as aforesaid, and shall from time to time be signified to them by the said commissioners of her Majesty's Treasury.

Provisions of
2 Will. 4.
3. as to
actions, &c. by
the said
Commissioners
of public works,
shall apply
to proceedings
in respect of
things done
under this Act.

VII. AND be it enacted, that the several enactments contained in the several Acts passed in the session of Parliament holden in the first and second years of the reign of his late Majesty King William the Fourth, intituled "An Act for the extension and promotion of public works in Ireland," which affect any action or suit to be commenced against the commissioners for the execution of the last-recited Act, or their secretary, or any person or persons, for any thing done by virtue of or in pursuance of the last-recited Act, or in any such action or suit, or any limitation of time for the commencing thereof, or any costs thereof, or any evidence to be given therein, or any abatement or discontinuance of any such action or suit, or any tender thereof, or any satisfaction, or any action or suit, or any proceedings therein, or any proceedings against the said commissioners suing or being sued in the name of their secretary, or any abatement or discontinuance of any such action or suit, or to the terms or conditions on which, any such action or suit shall be brought against the said commissioners, collectively or individually, or their secretary, shall be held to apply to and extend to any action or suit to be commenced against the commissioners of public works in Ireland, or their secretary, or any person or persons, for any thing done by virtue of or in pursuance of this Act, or to any proceedings in any such action or suit, or to any limitation of time for the commencing thereof, or to any costs thereof, or to any evidence to be given therein, or to any abatement or discontinuance of any such action or suit, or any tender thereof, or any satisfaction, or any action or suit, or any proceedings therein, or any proceedings against the said commissioners suing or being sued in the name of their secretary for the time being, or any abatement or discontinuance of any such action or suit, or to the terms or conditions on which, any such action or suit shall be brought against the said commissioners of public works, collectively or individually, or their secretary.

2 Geo. 4.
5. s. 16.

VIII. AND whereas by an Act passed in the session of Parliament in the first and second years of the reign of his late Majesty King William the Fourth, intituled "An Act to make more effectual provision for the management of asylums for the lunatic poor, and for the custody of persons charged with offences, in Ireland," it is amongst other things enacted, that it should be lawful for the lord lieutenant or other chief governor of Ireland for the time being to give such order for the safe custody of persons found insane as in the said Act mentioned, during the pleasure of the lord lieutenant or other chief governor or governors of Ireland for the time being, in such place and in such manner as should seem fit; and it is by this Act provided and enacted, that whenever and as soon as there shall be an asylum built or maintained, either wholly or in part, in any county

. 10.

a city, or county of a town, wherein such prisoner as therein mentioned should be tried or found insane as therein mentioned, then and from thenceforth such insane person should without delay be removed to such asylum as therein mentioned, and should be kept therein so long as such prisoner should be detained in custody: Be it enacted, that whenever and as soon as the said central asylum shall be erected, and fit for the reception of criminal lunatics, it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland to order and direct that all criminal lunatics then in custody in any lunatic asylum or gaol, or who shall thereafter be in custody, shall be removed without delay to such central asylum, and shall be kept therein so long as such criminal lunatics respectively shall be detained in custody.

When central asylum has been erected, lord lieutenant may order the removal of criminal lunatics to such asylum.

IX. AND be it enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being to nominate and appoint such persons as he or they shall think fit and proper to be governor, physician, surgeon, apothecary, matron, keepers, officers, and servants of said central asylum; and also that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland, by and with the advice of her Majesty's privy council in Ireland, from time to time to make, frame, and establish any rules and regulations which may be necessary or proper for the good conduct and management of the said central asylum, and from time to time to revoke, alter, or make new such rules and regulations.

Lord lieutenant to appoint the officers and servants of central asylum, and lord lieutenant and council to make rules and regulations for the government thereof.

X. AND whereas by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to make more effectual provision for the prevention of offences by insane persons in Ireland," it is amongst other things enacted, that if any person should be discovered and apprehended in Ireland under circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, it should be lawful for any two justices of the peace of the county, county of a city, county of a town, city or town, and liberties, before whom such person might be brought, to call to their assistance any legally qualified physician, surgeon, or apothecary; and if upon view and examination of the said person so apprehended, or from other proof, the said justices should be satisfied that such person was a dangerous lunatic or a dangerous idiot, it should be lawful for the said justices, by warrant under their hands and seals, to commit such person to the gaol of such county, county of a town, city or town, and liberties, there to be kept in strict custody until or unless such person should be discharged in manner by the said Act provided: Be it enacted, that it shall not be lawful for the said justices to commit such person to gaol unless information on the oath of one or more credible witness or witnesses shall have been made before the said justices, stating facts from which it shall appear that such person was discovered and apprehended under circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, and that such person is a dangerous lunatic or a dangerous idiot; and such justices shall, if they shall so think fit, bind the person or persons swearing such information to appear at the next commission or assizes, or general or quarter sessions of the peace, whichever may first occur, which information shall be returned to the clerk of crown or peace; and the judges presiding at

1 & 2 Vict.
c. 27. s. 1.

Justices not to commit dangerous lunatics to gaol except upon information on oath.

Justices may bind persons giving such information to appear at next

tes or
rter
ions, where
case may
quired
.

such commission, or the judge of assize, or assistant
the case may be, shall, if they shall consider it ne
into the case, and report to the lord lieutenant or
governors of Ireland for the time being whether such
them to be a dangerous lunatic or dangerous idiot.

2 Vict.
7. c. 2.

XI. AND whereas by the said Act it is also among
that it should be lawful for the lord lieutenant or
governors of Ireland for the time being, if he or th
direct, by warrant under his or their hand or ha
might be detained in custody in any gaol by virt
aforesaid should be removed to the lunatic asylum e
in part for the county, county of a city, or county o
person should be in custody ; and every such person
under confinement in every asylum to which such p
until it should be duly certified to the said lord
governor or governors, by two physicians or sur
physician, that such person had become of sound
lord lieutenant or other chief governor or governors
issue his or their warrant to the keeper or other pers
such asylum, directing that such person should be e
that whenever it shall be duly certified to the sai
chief governor or governors, in manner aforesaid,
become of sound mind, or has ceased to be or is no
dangerous idiot, it shall and may be lawful for th
other chief governor or governors, and he and they is
to issue his or their warrant to the keeper or other
any such asylum, directing that such person shall be

d lieutenant
discharge
erson com-
ed as a
gerous
tic who is
certified
im to have
me of
id mind, or
ave ceased
e a danger-
lunatic.

d lieutenant
direct per-
under
ence of im-
jurement or
portation,
become
ne, to be
ved to
ral asylum.

h persons,
n certified
ave become
und mind,
e sent back
rison, or
harged, if
ded to
harge.

XII. AND be it enacted, that whenever and as
asylum shall be erected and fit for the reception of l
for the said lord lieutenant or other chief governor o
shall so think fit, to direct, by warrant under his or
any person who may be under any sentence of impris
in any gaol or place of confinement, or in any distri
of whom it shall be certified by two physicians or s
physician, that such person is or has become insane
said central asylum ; and every such person so rem
confinement in said asylum so long as such person
continued in custody, or until it shall be duly certi
tenant or other chief governor or governors, by two
a surgeon and physician, that such person has becom
upon the said lord lieutenant or other chief govern
authorized, if such person shall remain subject to b
issue his or their warrant to the keeper or other pers
such asylum, directing that such person shall be
other place of confinement from which he or she sha
such person shall be entitled to his or her discharg
accordingly.

XIII. AND whereas by the said Act passed in the session of Parliament holden in the first and second years of the reign of his late Majesty King George the Fourth it is amongst other things enacted, that at any time after the passing of the said Act it should and might be lawful for the lord lieutenant or other chief governor or governors of Ireland, by and with the advice and consent of his Majesty's privy council in Ireland, to direct and order that any number of asylums for the lunatic poor in Ireland should be erected and established in and for such districts in Ireland as to the said lord lieutenant or other chief governor or governors and privy council should seem expedient; and that every such district should and might consist either of the whole of two or more counties, or of one or more county or counties and one or more county or counties of cities or towns, or of one county or county of a city or county of a town only, and no more, but should not in any case include part only of any county, county of a city or town; and that all lunatic poor within every such district respectively should be maintained and taken care of in the asylum belonging to such district; and that every such asylum established or to be established for any district consisting of more than one county, or one county of a city or county of a town, should be sufficient to contain such number of lunatic poor, not being less than one hundred nor more than one hundred and fifty in any one asylum, as should seem expedient to such lord lieutenant or other chief governor or governors and privy council; and that where any such district should consist of only one county or county of a city or county of a town, and no more, every such asylum should be sufficient to contain such number of lunatic poor, not being less than fifty, as should seem expedient to such lord lieutenant or other chief governor or governors and privy council: And whereas the said Act was amended by an Act passed in the seventh year of the reign of his said late Majesty, intituled "An Act for the further amendment of an Act of the first and second years of his present Majesty, for the establishment of asylums for the lunatic poor in Ireland": And whereas several such asylums have been erected and established, and the said asylums are capable of affording accommodation for a larger number of lunatic poor than the number limited by the said two last-recited Acts as the number which it is lawful under the provisions of such Acts to maintain and take care of within any one lunatic asylum: And whereas by an Act passed in the first year of the reign of his late Majesty King William the Fourth, intituled "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 appropriating the 'Richmond Lunatic Asylum in Dublin for the purposes of a district lunatic 'asylum,'" the said Richmond Lunatic Asylum was empowered to receive, maintain, and take care of within the said asylum any number of lunatic poor for the reception and accommodation of whom the said asylum should or might afford space or capacity: And whereas it is expedient to remove the limitation as to the number of lunatic poor which other district lunatic asylums now erected and established, or hereafter to be erected and established, may respectively receive, maintain, and take care of, and to extend the provisions of the said last recited Act to the said other district lunatic asylums: Be it enacted, that from and after the passing of this Act any enactment or provision contained in the said recited Act of the session holden in the first and second years of his late Majesty King George the Fourth, or in any other Act or Acts, whereby the

1 & 2 Geo. 4.
c. 33. s. 2.

7 Geo. 4. c. 14.

1 Will. 4. c. 13.

Repeal of provisions restricting number of lunatic poor to be maintained in district asylums.

et
ic asylums
receive as
patients
y can
moderate,
ire and
enance of
shall be
ded for as
fore.

num
er admis-
to be
by lord
nant.

s. 4. c. 14.

lieutenant
take
in coun-
the
ement of
t lunatic
na.

number of lunatic poor to be maintained and taken care of in a d
asylum is in any manner limited or restricted, shall be and the sa
ingly hereby repealed; and that, notwithstanding any thing in t
mentioned Act, or in any other Act or Acts, to the contrary, it sh
be lawful to receive, maintain, and take care of, within every
lunatic asylum, any number of lunatic poor whatsoever, for the
accommodation of whom such asylum shall or may afford space
and that the care, maintenance, superintendence, and expenditu
be or become requisite for or in respect of all such lunatic
defrayed, raised, and provided for in all respects as the care,
superintendence, and expenditure requisite for or in respect of
number of lunatic poor as before the passing of this Act it was
been lawful to maintain and take care of in such lunatic asy
ought to have been defrayed, raised, and provided for: Provide
that the maximum number of lunatics admissible into such a
tively shall first be fixed and determined from time to time by
tenant or other chief governor or governors of Ireland.

XIV. AND whereas by the said Act passed in the seventh ye
of his late Majesty King George the Fourth it was among
enacted, that it should and might be lawful for the lord lieu
chief governor or governors of Ireland, by and with the advice
his Majesty's privy council in Ireland, from time to time as
whenever and so often as should seem expedient to him or th
direct and order that any asylum or asylums for the lunatic
should be erected and established in any place or in and for
Ireland, in lieu of or in addition to any asylum or asylums ex
authority of the therein and herein-before recited Act of the
years of King George the Fourth, and from time to time to al
district or places in or for which any such asylum or asylums
or shall be erected under the authority of the said recited Ac
in recital: And whereas the said Act does not provide for th
extension of said district asylums: And whereas the pre
tion in district asylums for pauper lunatics is insufficient, an
that further accommodation should be provided, so as to enab
to be received into said asylums as soon as may be after they
insanity, without which it is frequently found impossible to
Be it enacted, that if it shall be deemed necessary, at any
enlarge or extend the buildings of any district asylum for t
Ireland, or the out-offices thereof, or to procure more ground
be enjoyed therewith, then and in every such case it shall e
to and for the lord lieutenant or other chief governor or go
by and with the advice of her Majesty's privy council in Ire
time, and whenever it shall seem expedient to him or ther
and order that such enlargement or extension shall be made
ground as may be required shall be obtained, or, where it sh
or impracticable to erect or obtain additional buildings adj
district asylum or asylums, then that additional buildings,
or necessary to be enjoyed therewith, shall be erected, est
purchased within the same district, and as near as conv

such asylums respectively; and such additional buildings and ground shall be held in connexion with and as part of the asylum for the district in which said additional buildings or ground shall be situate; and every order in council to be made for any such purposes shall be published in the Dublin Gazette.

XV. AND be it enacted, that in order to provide for the more effectual treatment of pauper lunatics by a better classification of the same, it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland, by and with the advice and consent of her Majesty's privy council in Ireland, from time to time and at all times, whenever and so often as shall seem expedient to him or them so to do, to direct and order that any existing asylum or additional buildings which may be made to existing asylums under the provisions of this Act shall and may be exclusively appropriated for the sole and exclusive reception, custody, and treatment of a particular class of the said pauper lunatics, distinguishable by the nature and character of the disease, and whether recent in its origin or chronic, or whether considered curable or incurable, or to direct and order that a provincial asylum for the lunatic poor shall be erected, established, and maintained in and for any or each of the provinces of Ireland, to be so appropriated to any particular class or classes of lunatic poor of such province as aforesaid, such provincial asylums to be in addition to any district asylum or asylums erected or to be erected under said recited Acts or any of them, and from time to time to make rules and orders for the government and control thereof, and for the admission of lunatics thereto; and with the view to make room in any such district lunatic asylum appropriated for the treatment and reception of recent and curable cases for patients deemed capable of cure, it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland from time to time to cause to be removed from such district lunatic asylum, to such other asylum connected with such district, and appropriated specially for chronic cases or cases apprehended to be incurable, any lunatics who shall be certified by the committee of management, the manager, and by the medical officer, of such first-mentioned district asylum, as a proper patient to be removed to an asylum for chronic lunatics for such district, or connected therewith.

XVI. AND be it enacted, that all enactments contained in the said Acts of the first and second years of the reign of his late Majesty King George the Fourth, and of the seventh year of the reign of his said late Majesty, and of the eleventh year of the reign of his said late Majesty, and in any Act or Acts amending the same or any of them, shall and may from time to time and as occasion may require, so far as the same are applicable, and not repugnant to the provisions hereof, be extended, applied, used, exercised, and enforced, to and in respect of any asylums, buildings, or ground which may be erected, purchased, or rented under the provisions of this Act, save and except as to such central asylum first herein mentioned; and that the expence of erecting, establishing, and maintaining every district asylum for the lunatic poor in Ireland, and every asylum which under the provisions of this Act shall be so exclusively appropriated for the reception of a particular class or description of pauper lunatics, together with the ground so rented or purchased, or the buildings so to be erected or obtained, adjoining to or in connexion therewith respectively, shall be raised in such manner as is directed by said Acts or any of them; and that every such asylum shall be subject to all such rules and

Asylums or additional buildings may be appropriated for the exclusive reception of particular classes of pauper lunatics, distinguishable by the character of the disease.

Provincial asylums may be established and appropriated to particular classes.

Removal of patients from one asylum to another.

Provisions of recited Acts to apply to this Act;

but not to central asylum.
Expence of erecting, &c. district asylums, &c.

or form part of any new district for any such asylum, any thing in the said recited enactment to the contrary notwithstanding.

XIX. AND be it enacted, that from and after the first day of September next the Cork Lunatic Asylum shall and may be and become a district lunatic asylum for the county of Cork and the county of the city of Cork, and for such other county or counties, if any, as from time to time may, under the provisions of the said Act of the first and second years of his late Majesty King George the Fourth, or any Act amending same, be constituted, together with the said county of Cork and county of the city of Cork, a district for a lunatic asylum; and that all rules, orders, regulations, rights, powers, authorities, privileges, liabilities, provisoes, and enactments, contained in the said Act of the first and second years of King George the Fourth, and of any Act or Acts amending same, and of this Act, shall and may from time to time, as occasion may require, be extended, applied, used, exercised, and enforced, to and in respect of the district so constituted, in like manner to all intents and purposes as in the case of any district lunatic asylum created or established by or subject to the provisions of the said recited Act, or any Act amending same, or this Act.

Cork Lunatic Asylum shall become a district lunatic asylum for the county and the city of Cork, and for such other counties, if any, as shall be added thereto.

XX. AND be it enacted, that from and after the said day it shall and may be lawful for the grand juries of the county of the city of Cork and of the county of Cork, and of each other county, if any, which may or shall from time to time constitute part of or be included in the district belonging to the said asylum, and such grand juries are hereby respectively required, to present, to be raised off the said city and each such county respectively, any sum or sums of money requisite to pay the expences of the said asylum, as well those of any building, alteration, or reparation thereof, or of the purchase of any ground or property for the purposes thereof, as those of the maintenance, clothing, and other charges of the patients therein, in like manner, with the same authorities, and under the same regulations and restrictions, as are provided in and by the said Act of the first and second years of his late Majesty's reign with respect to any district lunatic asylum, or any Act or Acts amending same, or in and by an Act passed in the session of Parliament holden in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled "An Act to consolidate and amend the laws relating to the presentment of public money by grand juries in Ireland."

Grand juries of Cork, &c. shall make presentments for support of such asylum,

in manner provided by recited Acts and

6 & 7 Will. 4. c. 116.

XXI. AND be it enacted, that from and after the said first day of September the said asylum, and the ground and soil where the same stands, and the several materials and appurtenances, shall be and become vested in such commissioners as have been or shall, pursuant to the provisions of the said recited Act of the first and second years of his Majesty, be nominated and appointed for the district to which the said asylum shall belong, or any three of them, and to their heirs and successors, in trust for and to the uses and purposes of the said asylum as such district lunatic asylum.

Asylum to be vested in commissioners to be appointed under 1 & 2 Geo. 4. c. 85.

XXII. AND be it enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being, by and with the advice of her Majesty's privy council in Ireland, to make and found such rules and regulations for the holding of lectures by the medical

Lord lieutenant may make rules and regulations for the holding of lectures by

SCHEDULE No. 1.
REGISTRY OF ADMISSIONS.
REGISTER of Patients.*

No. in order of admission.	Date of admission.	Christian and surname at length.	Sex.		Age.	Condition as to marriage.			Condition of life, and previous occupation.	Previous place of abode.	County, union, or parish to which belonging.	By whose authority sent.	Dates of medical certificates, and by whom signed.	Form of mental disorder.	Supposed cause of insanity.	Bodily condition, and name of disease, if any.	Epileptica.	Congenital idiots.	Duration of existing attack.			Number of previous attacks.	Age on first attack.	Date of discharge or death.	Discharged.				Observations.								
			M.	F.		Married.	Single.	Widowed.											Years.	Months.	Weeks.				Recovered.	Believed.	Not improved.	Died.									
1	1846: Jan. 8	William Johnson	1	-	38	-	1	-	Carpenter	-	-	-	-	-	-	-	-	-	-	-	4	-	3	17	1846: Sept. 1	1	-	-	-	-							
2	1846: June 9	William Johnson	1	-	35	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	7	-	3	-	1846: Dec. 2	1	-	-	-	-							
3																																					
4	1848: May 6	William Johnson	1	-	39	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	4	-	1848: June 8	-	-	-	-	-	-						
5																																					
6																																					
7																																					
8																																					

* In the case of an asylum receiving both private and pauper patients, a separate register in the above form to be kept for each class.

the reign of her present Majesty, intituled "An Act to amend an Act of the sixth year of her present Majesty, intituled 'An Act to regulate the Irish fisheries,' and to empower the constabulary force to enforce certain provisions respecting the Irish fisheries": And whereas it is expedient, for the better regulation and improvement of the said fisheries, to give further power and additional means for the purpose of more effectually carrying out the provisions of the said Acts, and to amend the said recited Acts in the several particulars 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, that it shall and may be lawful to and for the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, by warrant under the hands of any three or more of them, if they shall so think fit, to appoint one person to be a commissioner of fisheries, to be associated with the commissioners of public works in Ireland for the time being, and with them be a commissioner for the execution of the said recited Acts and this Act during pleasure, and to remove such commissioner, and to appoint another in the stead of the person so removed or dying or resigning [Rep., 9 & 10 Vict. c. 86. s. 3.] ;

7 & 8 Vict. c. 108.

Treasury may appoint an additional commissioner of fisheries in Ireland.

II. AND be it enacted, that if any person shall after the twentieth day of August one thousand eight hundred and forty-five fish with or use any stake weir, stake net, bag net, fixed net, or any contrivance for placing or erecting any net or engines, which under the provisions of the said first-recited Act are prohibited to be placed or erected in any part of any estuary or the mouth or tidal part of any river where the breadth of the channel at low water of spring tides is less than three quarters of a mile statute measure, or which are prohibited to be placed or erected within the space of one statute mile seaward, coastwards, or inwards from or on either side of the mouth or entrance of any river into the sea, the inland portion of which river is frequented by salmon, and the breadth of which mouth, as now or hereafter to be defined by the said commissioners, is less than half a mile statute measure at low water of spring tides, any person so offending shall be subject and liable to such and the same penalty and penalties as by said first-mentioned Act the person or persons erecting or placing such weirs, nets, or contrivance for placing or erecting nets, are subject and liable to; and upon proof that any such weir, net, or contrivance has been so used or fished it shall be lawful for the justices at petty sessions, or other the persons having jurisdiction to enforce the provisions of the said recited Acts or this Act, to direct the same to be forfeited and removed, and the materials thereof to be disposed of and dealt with in such and the same manner as by said first-recited Act is provided and directed in cases of the seizure of illegal nets, or legal nets when used contrary to law.

The use of illegal weirs and nets to be subject to the same penalties as the erection thereof.

III. AND whereas, notwithstanding the provisions of the said first-recited Act with regard to the erection and use of stake weirs, stake nets, bag nets, fixed nets, and contrivances for fixing or placing nets, the same or some parts thereof are in many instances erected and used in places prohibited by the said recited Act by parties who have no title so to do; and it is expedient, for the protection of public rights, and to prevent disputes, that the said commissioners should have power to suspend the use of such weirs, nets, and contrivances, and remove the same, in all cases where it shall appear to them that the same or any part thereof are illegally erected, placed, or used; and that the said commissioners should for such purposes have and use the same

powers and authorities with respect to such weirs or any part thereof, as they are now authorized under the Acts to use and exercise in cases of weirs or nets and contrivances in the manner as in their judgment to be injurious and

Commissioners
suspend
use of and
use illegal
weirs and nets
contrivances
abated.

Be it therefore enacted, that it shall be lawful for the Commissioners upon and after complaint being made to them in writing making the same, and setting forth the circumstances of the stake weir, stake net, bag net, fixed net, or contrivance which is or shall be so erected or used contrary to the provisions of the Acts or this Act, to summon before them the party or parties to attend at some place near or convenient to the weir, net, or contrivance may be so erected and used; and the Commissioners shall accordingly, at the time and place mentioned in the summons upon proof of the personal service of such summons, and if such summons having been left at or on board the vessel or residence known residence, of the party or parties complained of, such pertinent evidence as may be adduced before the Commissioners by the party making such complaint, as well as the evidence of the party of; and if after hearing all such evidence the said Commissioners shall think fit and right, it shall and may be lawful to and for the said Commissioners to make an order or decision in writing under their hands and seals that such stake weir, stake net, bag net, fixed net, or contrivance thereof, is a nuisance, and shall be abated and removed, and the Commissioners are hereby empowered, by warrant under their hands and seals to authorize any person to abate and remove any such stake weir, net, fixed net, or contrivance, or any part thereof, and the party or parties appearing to the said Commissioners to be liable for the same; and, subject to the appeal herein-after provided, to and for the said Commissioners to order and direct the sale of such weir, net, or contrivance, or any part thereof, and the produce arising from such sale applied in satisfaction of the first-mentioned Act provided in cases of illegal nets, or used, for fishing: Provided always, that nothing in this Act shall extend to any case where the party who erected or used such stake weir, bag net, fixed net, or contrivance acted under a claim of right, that he had a right to do the act complained of, and that the said Commissioners, give security, in such manner as the said Commissioners may think fit, not exceeding one hundred pounds as the said Commissioners may think fit, conditioned to appeal to the judges of assize within such time and manner and subject to such regulations as are contained in the Acts of appeals against any order or decision of the said Commissioners aforesaid, and upon such appeal to establish or prove that he had a right or title to erect or use such weir, net, or part thereof, at the time or in the place where the same was erected or used; and it shall be lawful for such Commissioners to hear and decide such matter as aforesaid, as if the same were an order or decision made by the said Commissioners, and in case of a nuisance of such weir, net, or contrivance, or any part thereof, to certify under their or his hands or hand the

going pro-
visions not to
be where
the com-
missioners
gives
power to
judge
size as to
to erect
weirs,

Commission
appeal.

party had or had not established or proved before them or him such right or title as aforesaid.

IV. PROVIDED always, and be it enacted, that if any person shall think himself aggrieved by any such order or decision of the said commissioners such person may appeal to the next going judges of assize at the assizes to be held for the county, county of the city or town, in which or on the shore or boundary of which any such weir, net, or contrivance shall have been so erected or used, provided such assizes shall be held at any time not less than thirty-one days after the time the said commissioners shall have made any such order or decision; and in case such assizes shall be held within thirty-one days from the time of such order or decision, such appeal shall be made to the assizes to be held in and for such county, county of a city or town, next after such first assizes; and that no such appeal shall be allowed, received, heard, or determined, unless the party appealing shall, within twenty-one days from the date of such order or decision of the said commissioners, give notice in writing to the said commissioners of his intention to try such appeal; and it shall be lawful to and for the said judges of assize or one of them to try the subject matter of the said appeal, and decide whether the party appealing had a right to erect or use such weir, net, or contrivance, or any part thereof, at the time or in the place where the same may have been so erected or used: Provided always, that in case of such appeal being made, and notice given as aforesaid, the materials of such weir, net, or contrivance, or any part thereof, as the case may be, shall be deposited in the custody of such officer or men of the coast guard or constabulary, or with such other party or person as the said commissioners may direct or appoint for the purpose, there to remain and be kept until the matter of such appeal shall be decided as aforesaid, or until the time for prosecuting the same shall have expired, and if such decision shall be in favour of the appellant such materials shall thereupon be returned to such appellant.

V. AND whereas under the provisions of the said first-recited Act the right to use stake weirs, stake nets, bag nets, and other fixed nets in the sea and tide-ways along the coast of Ireland is defined and declared, and certain persons are therein mentioned and specified as the persons entitled to exercise such right as aforesaid: Be it therefore enacted, that if any person or persons, other than the persons entitled to exercise such right as aforesaid under the provisions of the said first-recited Act, shall erect, use, or fish with any stake weir, stake net, bag net, fixed net, or contrivance for placing or erecting nets, on any parts of the coast of Ireland, or in the sea or tide-ways adjoining the same, he or they shall for each offence forfeit and pay a sum not exceeding ten pounds, and such weir, net, or contrivance shall also be forfeited, and ordered by the magistrate before whom such person or persons may be convicted to be removed, at the expence of the offender, and the materials thereof disposed of in like manner as by said first-recited Act is directed in cases of illegal nets used, or legal nets used illegally, for fishing.

VI. AND be it enacted, that if, after any such order or decision of the said commissioners as is in this Act herein-before authorized to be made, unless and until the same shall be reversed on appeal, any person shall again erect or use any such stake weir, stake net, bag net, fixed net, or contrivance, or any part thereof, as aforesaid, in or adjoining or contiguous to any place where it may

Appeal to judges of assize against order of commissioners.

Custody of materials, &c. pending appeal.

No persons other than those entitled under 5 & 6 Vict. c. 106. shall use nets, &c. on the coast of Ireland. Penalty.

Persons re-erecting or using weirs, &c. decided to be illegal to be subject to a penalty for

r the
y

have been ordered and decided by the said commis-
net, or contrivance, or any part thereof, should be
contrary to the provisions of the said first-recited
re-erect, or use any such weir, net, or contrivance
conviction under the said Act of any person for ere-
using or fishing with, any such weir, net, or contri-
in the same place, or in, adjoining, or contiguous
person shall, in addition to the penalties in and b
prescribed, forfeit and pay a sum not exceeding tw
such weir, net, or contrivance, or any part thereof
erected or used; and it shall be lawful to and for
warrant under their hands and seals, from time
such weir, net, or contrivance, or any part there
erected or used, to abate and remove the same.

tioners
or weirs
moved.

tion to
sent
for
ation
cious
) legal
weirs,
No-
of 6 & 7
c. 116.

VII. AND be it enacted, that in all cases of malic-
or destroying any weir, net, or other contrivance,
taking fish, any person injured by any such offe
for compensation for any loss or damage sustained
notices, lodging the like application, and taking li
the nature of the case will admit,) as in and by an
Parliament holden in the sixth and seventh ye
Majesty King William the Fourth, intituled "An
" the laws relating to the presentment of publi
" Ireland," are respectively required in cases of
for malicious injuries under the said last-mentio
make application at presentment sessions as in a
as to cases of malicious injuries; and such applic
and dealt with at such presentment sessions in
directed with regard to applications for compens
shall and may be lawful for the grand jury of th
county of a town, in or on the shores or boundary
such injury shall have been sustained, and such gr
either to disallow such application altogether, or
money as the person or persons so injured ough
damage, to be levied off such county, or such bar
, &c.
or sub-denomination thereof, as the grand jury s
that such application and presentment shall be
traverse and all other proceedings, and be subje
provisions, as by the said Act of the sixth and s
the Fourth any application or presentment for
injuries is subject and liable to under the said A
and provisions were herein repeated.

try to
te.

, &c.

fin-
e on
) of
more
appli-
ay be
any
ty,
amount
may be

VIII. AND be it enacted, that in case such malic-
be committed on the verge or within the distanc
of any two or more counties, the person or p
injury may apply for compensation in the man
either or any one of such neighbouring countie
taken thereupon as herein-before provided, and
sixth and seventh years of King William the

any sum or sums of money shall be presented by the grand jury of the county where such application shall be made, or shall be finally awarded by the verdict of any jury, as and for compensation to the person or persons applying as aforesaid, the judge at the assizes of such county shall have power and authority to apportion the amount of such compensation amongst such neighbouring counties, and to direct the proportion of the same which shall be paid by such counties respectively, and shall certify the same accordingly, and such presentment shall thereupon be diminished, or presentment made, according to the proportion which the said judge shall direct to be paid by such county; and the grand jury or grand juries of the said other neighbouring county or counties respectively shall and they are hereby required, on the production of the certificate of such judge declaring the proportion to be paid by such county or counties, to present such proportion to be raised in the manner mentioned in the said Act of the sixth and seventh years of King William the Fourth, and paid to the person so applying: Provided always, that no such presentment as aforesaid shall be considered as conferring or confirming any title in or upon the party making such application as aforesaid.

apportioned by a judge of assize between the counties liable.

IX. AND be it enacted, that in all cases where the said commissioners, under the provisions of the said first-recited Act, have heretofore defined or may hereafter define the mouth or entrance into the sea of any river, it shall and may be lawful for the said commissioners, in addition to such definition and determination as aforesaid, to define and determine the points of termination of the respective distances prescribed by the said first-recited Act, and to illustrate and show by a map or plan, or otherwise as they may consider best, the said points of termination, and the space or spaces within which it is by the provisions of the said first-recited Act prohibited to erect or use certain fishing weirs, nets, or engines, or to use or practise certain modes of fishing.

Commissioners, on defining distances from mouths of rivers, may define also the distances within which weirs, &c. are prohibited.

X. AND whereas it is found expedient to give additional powers to enforce the strict observance of the weekly and other close times and seasons in and by the said first-recited Act required to be observed and kept: Be it therefore enacted, that it shall and may be lawful for all officers and men of the navy or coast guard service, and of the constabulary, and for any person appointed by or acting under the authority of the said commissioners, when and as often as they or any of them shall, in any fishing weir, net, or contrivance, during the weekly or other close time or season, (as fixed under the provisions of the said first-recited Act,) find any passage shut, closed, or obstructed, or during such close time in any place find any net or other contrivance placed or used where the same are now by law or may hereafter be prohibited by the said commissioners, in pursuance of the powers in them vested, or shall at any time find any obstruction in the Queen's share or free gap through or over any fishing or other weir, or in the sluice passages appurtenant to any mill or factory at any time when the sluice gate of same shall be open, then and so often to open such passages and remove all such obstructions, doing no unnecessary damage, and to seize and remove all nets or parts of nets which may be found so as aforesaid placed or used contrary to the provisions of the said first-recited Act or this Act: Provided always, that nothing herein contained or done in pursuance of the same shall exempt any person from the penalties and forfeitures in and by the said first-recited Act

Additional powers for enforcing observance of the weekly and other close times.

said first-recited Act mentioned, any bye law authorizing the use between sunrise and sunset of any trammel or other net on any part of the coasts of Ireland, or the islands lying off the same, where such trammel or other nets may, in the opinion of the said commissioners, be used during the daytime without injury to the fisheries.

during the day-time.

XVI. AND be it enacted and declared, that nothing in the said first-recited Act shall be construed to protect, as an exclusive right or private property, any oyster bed or oyster fishery lying below the level of the lowest water of spring tides, or to subject any person to be deemed guilty of or to be indicted for larceny for taking oysters from any such oyster bed or fishery, unless such oyster bed or fishery shall be legally possessed and enjoyed by some person by virtue of charter, grant, patent, or Act of Parliament, in and by which such oyster bed or fishery is specially granted, and the limits thereof accurately described, or unless the same has been held and enjoyed by prescription as an exclusive right and private property, within limits clearly defined.

Oyster beds below lowest water of spring tide not to be deemed private property, unless held by charter or prescription.

[XVII.] AND whereas the cultivation and improvement of the oyster fisheries may be greatly promoted by the formation and protection of artificial oyster beds or layings of oysters on the shore, above the level of the lowest water of spring tides, and for this purpose it is expedient to permit the formation and cultivation of such oyster beds, and to provide for the protection of the same in such and the same manner as by the said first-recited Act is provided for the making and protection of bait beds: Be it therefore enacted, that it shall and may be lawful for the owner or occupier of any land bordering on the sea, or any estuary, with the permission in writing of the said commissioners, or for any person or persons, with the consent of such owner or occupier, and with the permission in writing of the said commissioners, to form or plant any oyster bed or laying on the shore adjacent to such lands, and between high and lowest water mark of spring tides, and it shall be lawful for the several persons forming or planting any such oyster bed or laying to hold the same as private property, and to exercise an exclusive control over the same, and such oyster beds shall be entitled to the like protection as by said Act is provided in case of any other oyster beds or layings being the exclusive property of any person: Provided always, that the forming and planting of such oyster beds as aforesaid shall not give any exclusive right or title to the occupancy of the said shore, except for the purpose aforesaid, or to the appropriation of any public banks or beds at present resorted to for oysters, but that the rights herein-before granted and conferred are to be considered as exclusively applying to places where no such public oyster beds at present exist; saving to the Queen's most excellent Majesty, and all the subjects of this realm, the free and full exercise and enjoyment of all other rights of fishing or other rights whatsoever in or along the said shore, subject to the provisions herein and in said recited Acts or any of them contained.

Power to make private oyster beds, between high and lowest water mark of spring tides, in places where no public oyster beds at present exist.

XIX. AND be it enacted, that for the purpose of replenishing and supplying such artificial oyster beds or layings, or other beds and layings the exclusive property of any person or persons, but for no other purpose whatsoever, it shall

Power to dredge for oysters from public beds to

[* So much of this Act, and of any Act amending or extending the same, as relates to the granting of licences to form oyster beds or layers, rep., 29 & 30 Vict. c. 97. s. 1.]

apply private
beds, during
the close
season.

and may be lawful for any person to dredge for and take oyster natural public bed lying below the level of the lowest water of during such part only of the close season, as now fixed or hereafter under the provisions of said first-recited Act, as the said commissioners upon inquiry think fit to appoint for such purpose, for or in any place : Provided always, that if any oysters dredged or taken during of the close season shall be brought to shore, or sold or offered found in the possession of any person on land, or be used for any other than the replenishing or supplying any such artificial or other bed every person so offending shall forfeit all such oysters, and be liable to the same penalties and forfeitures as by said first-recited Act prescribed in cases of offences against the provisions of the said Act for the observance of the close season in respect to oysters.

Commissioners
may make bye
laws for regu-
lation of oyster
fisheries.

XX. AND be it enacted, that it shall and may be lawful for the commissioners from time to time to make and ordain, in the manner under the powers and regulations in the said first-recited Act prescribed by bye laws, rules, and regulations as to them the said commissioners shall think expedient to prevent the destruction or removal from the natural beds of unsizeable oysters, and to fix by any such bye laws, rules, or regulations the size or dimensions of the smallest oysters which may be removed from the beds, and to appoint such means to be adopted in the dredging of the oysters on the fishing grounds as will secure the return of oysters of less dimensions than those to be so fixed, and during the close time, or in places where in pursuance of said second-recited Act the taking of oysters shall be prohibited for a certain period, to prohibit any person from taking oysters, and to make such other rules and regulations as shall seem fit for the increase, improvement, and protection of the oyster fisheries.

Proprietors of
oyster beds
may appoint
water bailiffs.

XXI. AND be it enacted, that it shall and may be lawful for any proprietor or tenant of any oyster bed or laying, or for any associate or person interested in the protection and improvement of any oyster fishery, to appoint water bailiffs in the same manner and subject to the same restrictions as are provided for in and by the said first-recited Act and this Act are provided for by the said Act of water bailiffs, any person or persons to be a water bailiff for the protection of any such oyster fishery, and for the observance of the provisions of the said recited Acts and this Act in respect to the bye laws, rules, and regulations now or hereafter made by the commissioners in relation thereto ; and the water bailiffs appointed shall have and may exercise and use all and every the authorities, and have the same privileges, as by the said Act are vested in or given to the water bailiffs appointed thereunder, so far as the same may be necessary for the purpose.

Decisions and
orders of
commissioners
shall be recorded,
and copies to
be preserved.

XXII. AND be it enacted, that all orders and decisions, definitions, which shall be made, pronounced, or given by the commissioners under the provisions of the said recited Acts shall be recorded in the office of the said commissioners, and a copy of every such decision, judgment, or definition (as the case may be) shall be kept by the clerk or clerks of the peace for the county or counties

or the sea bordering on which or any part of which, the same shall relate or apply; and in all cases where it shall hereafter become necessary to prove any such order, decision, judgment, or definition in any court of law or justice, or elsewhere, a copy obtained from the office of any clerk of the peace with whom the same may be lodged, and certified by him to be a true copy thereof, shall be received and taken as full and sufficient evidence of the existence of any such order, decision, judgment, or definition; and any such order or decision, judgment, or definition shall not be quashed, set aside, or adjudged void or insufficient for want of form only, and shall not be liable to be removed by certiorari or otherwise into her Majesty's Court of Queen's Bench, or any other of her Majesty's courts of record in Dublin.

Orders not to be quashed for want of form, &c.

XXIII. AND be it enacted, that the several penalties, forfeitures, and expences directed or empowered to be imposed, levied, recovered, or enforced under the provisions of the said recited Act of the seventh and eighth years of the reign of her present Majesty or this Act, or by any bye law, rule, or regulation made or to be made by the said commissioners in pursuance of the said recited Acts or this Act, may be recovered, levied, enforced, and applied in like manner and by such ways and means as are provided by the said first-recited Act of the fifth and sixth years of the reign of her present Majesty as to the penalties, forfeitures, and expences imposed or provided thereby.

Penalties and forfeitures under 7 & 8 Vict. c. 108. and this Act, and bye laws, to be recovered and applied as directed by 5 & 6 Vict. c. 106.

XXIV. AND be it enacted, that the said commissioners shall, as to all matters and things done or to be done under the provisions of the said Act of the seventh and eighth years of her Majesty, or this Act, have, use, and exercise the like powers and authorities and have the like privileges as are by the said first-recited Act of the fifth and sixth years of her Majesty vested in or given to the commissioners of public works, or any of them, under the said first-recited Act.

Commissioners to have same powers, &c. under 7 & 8 Vict. c. 108. and this Act as under 5 & 6 Vict. c. 106.

XXV. AND be it enacted, that the said herein-recited Acts of the fifth and sixth years of her Majesty's reign and of the seventh and eighth years of her Majesty's reign shall continue and be in full force and effect, save and except so far as the same are or either of them is altered by or inconsistent with any of the provisions of this Act, and that the said Acts and this Act shall be construed together as one Act;

This Act to be construed with recited Acts.

[XXVI.*] AND be it enacted, that the word "salmon" in the said recited Acts and this Act shall also mean and be construed to extend to and include the fish called pollen or fresh-water herring, and the fry and spawn thereof; and all the provisions of the said recited Acts and this Act for the protection and regulation of the salmon fisheries shall extend to and include such pollen, save and except that the close season for said pollen shall be the same as that fixed by said first-recited Act for trout, unless such close season for pollen shall be altered by the said commissioners in pursuance of the powers vested in them for altering the close time of any district, lake, or river; and during the open fishing time for such pollen it shall be lawful that the same may be fished for or taken by such nets or other means as the said commissioners shall authorize, sanction, or direct.

"Salmon" to include pollen or fresh-water herring.

Close time for pollen to be the same as for trout.

Pollen may be fished for with nets.

* * * * *

[* The several interpretation clauses contained in the several Acts relating to engines used in the fisheries of Ireland are rep., 13 & 14 Vict. c. 88. s. 1.]

manner as might have been done by such justices, mayors, sheriffs, bailiffs, or other head officers, and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and to arrest, search, and bring before a justice of peace all such persons found therein as might have been arrested therein by such justice of peace had he been personally present; and all such persons shall be dealt with according to law, as if they had been arrested in such house, room, or place by the justice before whom they shall be so brought; and any such warrant may be in the form given in the first schedule annexed to this Act.

IV. AND be it enacted, that the owner or keeper of any common gaming house, and every person having the care or management thereof, and also every banker, croupier, and other person who shall act in any manner in conducting the business of any common gaming house, shall, on conviction thereof by his own confession, or by the oath of one or more credible witnesses, before any two justices of the peace, beside any penalty or punishment to which he may be liable under the provisions of the said Act of King Henry the Eighth, be liable to forfeit and pay such penalty, not more than one hundred pounds, as shall be adjudged by the justices before whom he shall be convicted, or, in the discretion of the justices before whom he shall be convicted, may be committed to the house of correction, with or without hard labour, for any time not more than six calendar months; and on nonpayment of any penalty so adjudged, and of the reasonable costs and charges attending the conviction, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of one of the convicting justices: Provided always, that nothing herein contained shall prevent any proceeding by indictment against the owner or keeper or other person having the care or management of a common gaming house; but no person who shall have been summarily convicted of any such offence shall be liable to be proceeded against by indictment for the same offence.

V. AND be it enacted, that it shall not be necessary, in support of any information for gaming in, or suffering any games or gaming in, or for keeping or using, or being concerned in the management or conduct of, a common gaming house, to prove that any person found playing at any game was playing for any money, wager, or stake.

VI. AND be it enacted, that if any superintendent belonging to the metropolitan police force shall report in writing to the commissioners of police of the metropolis that there are good grounds for believing, and that he does believe, that any house, room, or place within the metropolitan police district is kept or used as a common gaming house, it shall be lawful for either of the said commissioners, by order in writing, to authorize the superintendent to enter any such house, room, or place, with such constables as shall be directed by the commissioner to accompany him, and, if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who shall be found therein, and to seize all tables and instruments of gaming found in such house or premises, and also to seize all monies and securities for money found therein.

VII. AND be it enacted, that it shall be lawful for the police superintendent making such entry as aforesaid in obedience to any such order of one of the commissioners of police of the metropolis, with the assistance of any constable

Warrant may be in form in schedule.

Penalties on gaming house keepers, &c. convicted before justices.

Saving for proceedings for indictment; but persons summarily convicted not to be liable to indictment.

Proof of playing for money, &c. not necessary in support of informations for gaming.

Commissioners of police may authorize superintendents and constables to enter gaming houses in metropolitan police district, &c.

Police superintendents may search for and seize

intending to apply for a licence or the transfer of a licence to sell exciseable liquors by retail to be drunk or consumed on the premises, or as near thereto as the case will allow; and every such billiard licence shall be in the form given in the third schedule annexed to this Act, and shall continue in force in the counties of Middlesex and Surrey from the fifth day of April, and elsewhere from the tenth day of October, after the granting thereof, for one whole year thence respectively next ensuing, and no longer; and the clerk of the justices shall be entitled to demand and receive from every person licensed under this Act, for the petty constable or other peace officer, for serving notices and other services required of him, the sum of one shilling, and for the clerk of the justices, for the licence, the sum of five shillings; and every clerk who shall demand or receive from any person for such fees more than the said sums, being together six shillings, shall for every such offence, on conviction before one justice, forfeit and pay the sum of five pounds.

Licence to be in form in schedule. Duration of licence.

Fees for licence.

Penalty for taking larger fees.

XI. AND be it enacted, that after the fifth day of April in the year one thousand eight hundred and forty-six in the counties of Middlesex and Surrey, and elsewhere after the tenth day of October next after the passing of this Act, every house, room, or place kept for public billiard playing, or where a public billiard table or bagatelle board, or instrument used in any game of the like kind, is kept, at which persons are admitted to play, except in houses or premises specified in any licence granted under an 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," herein-after called a victualler's licence, shall be licensed under this Act; and after the said fifth day of April in Middlesex and Surrey, and elsewhere after the said tenth day of October, every person keeping any such public billiard table or bagatelle board, or instrument used in any game of the like kind, for public use, without being duly licensed so to do, and not holding a victualler's licence for the house or premises where such billiard table, bagatelle board, or other instrument as aforesaid is kept or used, and also every person licensed under this Act who shall not during the continuance of such billiard licence put and keep up the words "licensed for billiards," legibly printed in some conspicuous place near the door and on the outside of the house specified in the licence, shall be liable to be proceeded against as the keeper of a common gaming house, and, besides any penalty or punishment to which he may be liable if convicted of keeping a common gaming house, shall, on conviction of keeping such unlicensed billiard table, bagatelle board, or other instrument as aforesaid, by his own confession, or by the oath of one or more credible witnesses, before any police magistrate or any two justices of the peace, be liable to pay such penalty, not more than ten pounds for every day on which such billiard table, bagatelle board, or instrument as aforesaid shall be used, as shall be adjudged by the magistrate or justices before whom he shall be convicted, or, in the discretion of the magistrate or justices, may be committed to the house of correction, with or without hard labour, for any time not more than one calendar month; and on nonpayment of any penalty so adjudged, and of the reasonable costs and charges of the conviction, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the magistrate or one of the convicting justices; but no person who shall have been summarily convicted

Places kept for public billiard tables to be licensed;

except places licensed under 9 Geo. 4. c. 61.

Penalty for keeping public table without licence, or without putting up notice.

Persons summarily

shall not admit any such constable or officer of police into such house, room, or place, shall, on conviction thereof before a police magistrate or any two justices of the peace, be deemed guilty of an offence against the tenor of his licence, whether the same be a billiard licence or a victualler's licence,

XV. AND be it enacted, that an Act passed in the sixteenth year of the reign of King Charles the Second, and an Act passed by the Parliament of Ireland in the tenth year of the reign of King William the Third, each of such Acts being intituled "An Act against deceitful, disorderly, and excessive gaming," and so much of an Act passed in the ninth year of the reign of Queen Anne, and of an Act passed by the Parliament of Ireland in the eleventh year of the same reign, each of such Acts being intituled "An Act for the better preventing of excessive and deceitful gaming," as was not altered by an Act passed in the sixth year of the reign of his late Majesty, intituled "An Act to amend the law relating to securities given for considerations arising out of gaming, usurious, and certain other illegal transactions," and so much of an Act passed in the eighteenth year of the reign of King George the Second, intituled "An Act to explain, amend, and make more effectual the laws in being to prevent excessive and deceitful gaming, and to restrain and prevent the excessive increase of horse races," as relates to the first-recited Act of Queen Anne, or as renders any person liable to be indicted and punished for winning or losing, at play or by betting, at any one time, the sum or value of ten pounds, or within the space of twenty-four hours the sum or value of twenty pounds, shall be repealed [Rep., Stat. Law Rev. Act, 1875],

Repeal of 16 Cha. 2. c. 7. and 10 Will. 3. (1.) c. ii.; and of so much of 9 Ann. c. 19. and 11 Ann. (1.) c. 5. as was not altered by 5 & 6 Will. 4. c. 41.; and of part of 18 Geo. 2. c. 84.

XVII. AND be it enacted, that every person who shall, by any fraud or unlawful device or ill practice in playing at or with cards, dice, tables, or other game, or in bearing a part in the stakes, wagers, or adventures, or in betting on the sides or hands of them that do play, or in wagering on the event of any game, sport, pastime, or exercise, win from any other person to himself, or any other or others, any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and, being convicted thereof, shall be punished accordingly.

Winning money, &c. by cheating at play, or by sharing stakes, or by betting or wagering on the event of any game, to be punished as obtaining money by false pretences.

XVIII. AND be it enacted, that all contracts or agreements, whether by parole or in writing, by way of gaming or wagering, shall be null and void; and that no suit shall be brought or maintained in any court of law or equity for recovering any sum of money or valuable thing alleged to be won upon any wager, or which shall have been deposited in the hands of any person to abide the event on which any wager shall have been made: Provided always, that this enactment shall not be deemed to apply to any subscription or contribution, or agreement to subscribe or contribute, for or towards any plate, prize, or sum of money to be awarded to the winner or winners of any lawful game, sport, pastime, or exercise.

Contracts by way of gaming to be void, and wagers or sums deposited with stakeholders not to be recoverable at law. Saving for subscriptions for prizes to winners of lawful games.

XIX. AND whereas many important questions are now tried in the form of feigned issues, by stating that a wager was laid between two parties interested in respectively maintaining the affirmative and the negative of certain propositions; but such questions may be as satisfactorily tried without such form: Be it therefore enacted, that in every case where any court of law or equity may desire to have any question of fact decided by a jury it shall be lawful for such court to direct a writ of summons to be sued out, by such person or persons as such court shall think ought to be plaintiff or plaintiffs, against such person or persons as such court shall think ought to be defendant or defendants therein, in the form set forth in the second schedule to this Act

Proceedings under feigned issues abolished.

Court may direct summons in form in schedule to

ued out
decision of
ctions.

annexed, with such alterations or additions as such court may think fit, and thereupon all the proceedings shall go on and be brought to a conclusion in the same manner as is now practised in proceedings under a feigned issue.

peal to
rter ses-
ss.

XX. AND be it enacted, that any person who shall be summarily convicted under this Act may appeal to the next general or quarter session of the court to be holden for the county or place wherein the cause of complaint shall have arisen, provided that such person at the time of the conviction, or within eight hours thereafter, shall enter into a recognizance, with two or more sufficient securities, conditioned personally to appear at the said session for the hearing of the appeal, and to abide the further judgment of the court at such session; and he shall pay such costs as shall be by the last-mentioned court awarded, and it shall be lawful for the magistrate or justices by whom such conviction shall have been made to bind over the witnesses who shall have been examined under the said sufficient recognizances to attend and be examined at the hearing of the appeal, and that every such witness, on producing a certificate of being bound over under the hand of the said magistrate or justices, shall be allowed a reasonable gratification for his or her time, trouble, and expences in attending the hearing of the appeal, and compensation shall be paid in the first instance by the treasurer of the county or place, in like manner as in cases of misdemeanor, under the provisions of the Act passed in the seventh year of the reign of King George the fourth, intituled "An Act for improving the administration of criminal justice in England," and in case the appeal shall be dismissed, and the conviction affirmed, the reasonable expences of all such witnesses who shall be aforesaid, to be ascertained by the court, shall be repaid to the appellant by the appellant.

itnesses to
bound over
appear on
peal, and
be paid
pences under
Geo. 4.
64.

appeal
dismissed,
pences to be
paid by
pellant.

istress not
lawful for
ant of form,
c.

XXI. AND be it enacted, that when any distress shall be made by virtue of a warrant of any justice under this Act, and such distress shall not be deemed unlawful, nor shall any party making the same be liable to be taken as a trespasser, on account of any defect or want of form in the summons, warrant of apprehension, conviction, warrant of distress, or any proceeding relating thereto, nor shall such party be deemed to be liable to be taken as a trespasser at the beginning on account of any irregularity which shall be committed by him, but all persons aggrieved by such defect or irregularity shall recover full satisfaction for the special damage by an action on the case in any of her Majesty's courts of record.

plaintiff not
recover
her tender
of amends.

XXII. AND be it enacted, that no plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made by virtue of the execution of this Act, or in, under, or by virtue of any warrant or process given, if tender of sufficient amends shall have been made, by the party who shall have committed such irregularity, trespass, or other wrongful proceeding, before such action brought; and in case such tender shall have been made it shall be lawful for the defendant in any such action to leave of the court where such action shall depend, at any time before the trial or judgment, to pay into court such sum of money as he shall think fit, and such such proceeding, order, and adjudication shall be had and done in such court as in other actions where defendants are allowed to tender amends to the plaintiff.

ayment into
court.

imitation
of actions, &c.

XXIII. AND be it enacted, that no action, suit, or information shall be brought in any court, or other proceeding, of what nature soever, shall be brought against any person for any irregularity, trespass, or other wrongful proceeding made by virtue of the execution of this Act, or in, under, or by virtue of any warrant or process given, if tender of sufficient amends shall have been made, by the party who shall have committed such irregularity, trespass, or other wrongful proceeding, before such action brought; and in case such tender shall have been made it shall be lawful for the defendant in any such action to leave of the court where such action shall depend, at any time before the trial or judgment, to pay into court such sum of money as he shall think fit, and such such proceeding, order, and adjudication shall be had and done in such court as in other actions where defendants are allowed to tender amends to the plaintiff.

for any thing 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 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.

XXIV. AND be it enacted, that in Ireland the term "metropolitan police force," and the terms "commissioners of the police of the metropolis," and the terms "metropolitan police district," shall mean and include respectively the Dublin metropolitan police force, the commissioners of police of Dublin metropolis, and the police district of Dublin metropolis.

Interpretation of "metropolitan police force," &c. in Ireland.

XXV. AND be it enacted, that no information, conviction, or other proceeding before or by any justice or justices under this Act shall be quashed or set aside, or adjudged void or insufficient, for want of form, or be removed by certiorari into her Majesty's Court of Queen's Bench.

Conviction, &c. not to be quashed for informality, &c.

* * * * *

The FIRST SCHEDULE to which the foregoing Act refers.

FORM of Warrant.

County of } To the constable

WHEREAS it appears to me, J.P., one of the justices of our lady the Queen assigned to keep the peace in the said county, by the information on oath of A.B. of , in the county of , yeoman, that the house [room or place] known as [here insert a description of the house, room, or place, by which it may be readily known and found,] is kept and used as a common gaming house within the meaning of an Act passed in the year of the reign of her Majesty Queen Victoria, intituled [here insert the title of this Act]:

This is, therefore, in the name of our lady the Queen, to require you, with such assistants as you may find necessary, to enter into the said house [room or place], and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and there diligently to search for all instruments of unlawful gaming which may be therein, and to arrest, search, and bring before me, or some other of the justices of our lady the Queen assigned to keep the peace within the county of , as well the keepers of the same as also the persons there haunting, resorting, and playing, to be dealt with according to law; and for so doing this shall be your warrant.

J.P. (L.S.)

Given under my hand and seal at , in the county of , this day of , in the year of the reign of

boroughs in certain cases to levy borough rates, and also watch rates, for the purposes of the said Act: And whereas the powers and directions given by the said Act, and certain other Acts relating thereto, for the levying, assessing, and collecting such borough rates and watch rates, are found to be insufficient for that purpose: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in every case in which any parish or place liable to support its own poor, or any extra-parochial place, shall lie partly within and partly without any such borough, and the council of such borough hath appointed or hereafter shall appoint one or more persons to act as overseer or overseers within that part of such parish or place, or those parts of such parishes or places, which is or are within the same borough, for making, levying, and collecting borough rates or watch rates made or hereafter to be made therein, the person or persons so appointed shall be empowered to levy and raise, by an equal rate or assessment upon all the property within each of the parts of parishes or places respectively for which he or they shall be so appointed which, if such part were a parish maintaining its own poor, would be rateable to the relief of the poor, such sums of money as shall be required in order to raise the several sums assessed upon such parts of parishes or places respectively, or to reimburse such person or persons as aforesaid such sums of money as he or they shall have paid for any borough rate or watch rate made or hereafter to be made by the council of the borough wherein such part of a parish or place, or parts of parishes and places, respectively, shall be situated; such rate or assessment, or respective rates or assessments, to be paid by the occupier or occupiers for the time being of such rateable property as aforesaid; and that the person or persons so appointed or to be appointed to act as such overseer or overseers for the purposes aforesaid shall have and exercise, in and for the purpose of making, levying, and collecting every such rate or assessment as aforesaid, all the powers which by the laws now or hereafter to be in force overseers of the poor have or may have for making, assessing, collecting, and recovering rates for the relief of the poor within their several parishes; and every such rate or assessment made or to be made by any person or persons appointed or to be appointed to act as overseer or overseers of the part of any parish or place within any such borough shall, for the purposes of this Act, be called a district rate. [Rep., Stat. Law Rev. Act, 1875.]

Overseers appointed for parts of parishes and places within boroughs to assess and raise the sums to be levied upon such parts for borough or watch rates.

Assessments to be called district rates.

II. AND be it enacted, that no such district rate, nor any [Rep., Stat. Law Rev. Act, 1875.] separate rate made by overseers of the poor for raising a watch rate as herein-after is mentioned, shall be demanded, collected, or payable, until the same shall have been allowed by two or more justices of the peace usually acting in and for such borough, and shall also have been published in like manner as rates for relief of the poor are by law required to be allowed and published.

District rates, and separate watch rates made by overseers of the poor as hereinafter mentioned, not to be collected until allowed by justices and published.

III. PROVIDED always, and be it enacted, that any person who shall think himself aggrieved by any such district rate as aforesaid, or [Rep., Stat. Law Rev. Act, 1875.] by any separate rate to be made by any overseers of the poor for raising a watch rate as herein-after is mentioned, may appeal to the recorder of the borough in which such rate has been made, at the next quarter session for the same borough, or, in case there shall be no recorder in such borough, to the justices at the next court of quarter sessions for the county within which such borough is situated, or whereunto it is adjacent; and such recorder or justices respectively shall hear and determine the same, and shall award relief in the premises as in the case of an appeal against any rate made for the relief of the poor.

Persons aggrieved may appeal.

IV. AND be it enacted, that every such district rate as aforesaid made for the purpose of raising money to pay or reimburse any borough rate or watch rate charged by the council of the borough upon such part of a parish or place, and [Rep., Stat. Law Rev. Act, 1875.] every separate rate to be made by overseers of the poor for raising a watch rate as herein-after mentioned, may be at such amount or

District and separate watch rates to be sufficient to raise the amount required.

but not to exceed 2d. in the pound of the annual value.

Collectors to account.

Surplus of district rate to be paid to the treasurer.

Separate rate made by overseers for raising watch rates to be accounted for, and surplus paid to the treasurer.

Persons rated may be excused on account of poverty.

Where part only of a parish or place situate in a borough is liable to watch rate, overseers to assess and raise the sum required upon the part liable,

rate in the pound as may be necessary for raising the sum or respective sums so charged by such council, so that no such district rate, or [Rep., Stat. Law Rev. Act, 1875.] rate for raising a watch rate, exceed two-pence in the pound of the annual value of property rateable thereunto, beyond the rate in the pound at which the council of the same borough shall have computed the general borough rate or [Rep., Stat. Law Rev. Act, 1875.] watch rate so laid or charged by them; and that the person or persons collecting such district rate shall be liable to account as an officer appointed by the council of the borough in or for any part of which he shall act, and shall be liable to the same penalties, remedies, and proceedings in all respects, for refusing or neglecting to account and pay over the monies from time to time remaining in his hands, to which other officers appointed by the council are liable; and in case of there being a surplus in the hands of such person or persons arising from any district rate, above the amount for raising which such district rate was made, then such surplus shall be paid to the treasurer of the borough fund, to the credit of the place within and for which such district rate was made, and go in part of the next rate of the like denomination to be made and laid on such place by the council of such borough [Rep., Stat. Law Rev. Act, 1875.]; and in regard to separate rates made by overseers of the poor for raising watch rates as is herein-after mentioned, such overseers shall account for the money collected under or by virtue of such separate rates in like manner as for money collected under rates made for the relief of the poor; and in case of there being a surplus in the hands of such overseer arising from any such separate rate made for raising a watch rate, above the amount to raise which such separate rate was made, then such surplus shall be paid to the treasurer of the borough fund, to the credit of the place within and for which such separate rate was made, and go in part of the next watch rate to be made and laid on such place by the council of such borough.

V. AND be it enacted, that it shall be lawful for the council of the borough in which any district rate, or [Rep., Stat. Law Rev. Act, 1875.] any separate rate to be made by overseers of the poor for raising a watch rate as herein-after mentioned, shall be made, or for any committee of the council appointed for that purpose, on application by or on behalf of any person rated in any such district rate, or [Rep., Stat. Law Rev. Act, 1875.] rate for raising a watch rate, to be discharged therefrom, and on proof of his or her inability, through poverty, to pay the amount charged upon him or her by such district rate, or [Rep., Stat. Law Rev. Act, 1875.] rate for raising a watch rate, to order that such person shall be excused from the payment of such district rate, or [Rep., Stat. Law Rev. Act, 1875.] rate for raising a watch rate, and to strike out his or her name therefrom; and the sum at which such person was so rated in such district rate, or [Rep., Stat. Law Rev. Act, 1875.] rate for raising a watch rate, shall not thereafter be collected, nor shall any person be charged therewith, or in any manner called or liable to account for the same, or for omitting to collect or receive the same.

VI. AND be it enacted, that in every case in which a part only of any parish or place liable to maintain its own poor, and situated within any borough, shall be liable to watch rate, the overseers of the poor of such parish or place shall not pay the amount of any watch rate charged by the council of such borough upon such parish or place out of money collected from any rates or rates for the relief of the poor, but shall make a separate rate or assessment upon the part or parts only of such parish or place liable to watch rates for raising and paying the same watch rate, which rate shall be made in like

manner, and under like regulations, and with like means and remedies for recovery thereof, as are herein contained in relation to district rates.

in like manner
as a district
rate.

VII. AND be it enacted, that it shall be lawful for the person or persons appointed or to be appointed to act as overseer or overseers for making, levying, and collecting borough rates and watch rates in the parts of parishes or places situate within the limits and jurisdiction of any city or borough as aforesaid, or any of them, and [Rep., Stat. Law Rev. Act, 1875.] for the overseers of the poor making any separate rate or assessment for the purpose of raising the amount of any watch rate, by warrant from any two justices of the peace usually acting in and for the borough wherein the parishes [Rep., Stat. Law Rev. Act, 1875.], parts of parishes or places, in or for which any district rate, or [Rep., Stat. Law Rev. Act, 1875.] rate for raising a watch rate, may be made, shall be situated, to levy upon every person who shall refuse to pay the amount assessed or charged upon him or her by any such district rate, or [Rep., Stat. Law Rev. Act, 1875.] rate for raising a watch rate, according as they shall be assessed, the amount so assessed or charged upon him, her, or them, together with the costs and charges of recovering and enforcing payment of the same, to be ascertained by such justices, by distress and sale of the offender's goods, rendering to the parties the overplus; and in default of such distress it shall be lawful for any two such justices of the peace to commit him or them to the common gaol or used for the same borough, there to remain, without bail or mainprize, until payment of the said amount and arrearages.

Recovery
of rates by
distress, &c.

* * * * *

CHAPTER CXII.

AN ACT to render the Assignment of satisfied Terms unnecessary.

[8th August 1845.]

WHEREAS the assignment of satisfied terms has been found to be attended with great difficulty, delay, and expence, and to operate in many cases to the prejudice of the persons justly entitled to the lands to which they relate: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 every satisfied term of years which, either by express declaration or by construction of law, shall upon the thirty-first day of December one thousand eight hundred and forty-five be attendant upon the inheritance or reversion of any lands shall on that day absolutely cease and determine as to the land upon the inheritance or reversion whereof such term shall be attendant as aforesaid, except that every such term of years which shall be so attendant as aforesaid by express declaration, although hereby made to cease and determine, shall afford to every person the same protection against every incumbrance, charge, estate, right, action, suit, claim, and demand as it would have afforded to him if it had continued to subsist, but had not been assigned or dealt with, after the said thirty-first day of December one thousand eight hundred and forty-five, and shall for the purpose of such protection be considered in every court of law and of equity to be a subsisting term.

Satisfied terms
of years
attendant on
inheritance,
&c. of land,
on 31st Dec.
1845, to cease,
but to afford
the same
protection as
if still subsist-
ing but not
assigned or
dealt with.

II. AND be it enacted, that every term of years now subsisting or hereafter to be created, becoming satisfied after the said thirty-first day of December

Terms becom-
ing satisfied,
and attendant

shall henceforth take judicial notice of the signature of any of the equity or common law judges of the superior courts at Westminster, provided such signature be attached or appended to any decree, order, certificate, or other judicial or official document.

signatures of equity or common law judges, attached to decrees, &c.

III. AND be it enacted, that all copies of private and local and personal Acts of Parliament not public Acts, if purporting to be printed by the Queen's printers, and all copies of the journals of either House of Parliament, and of royal proclamations, purporting to be printed by the printers to the crown or by the printers to either House of Parliament, or by any or either of them, shall be admitted as evidence thereof by all courts, judges, justices, and others, without any proof being given that such copies were so printed.

Copies of private Acts, printed by Queen's printer, and of journals of Parliament, and proclamations, printed by Queen's or Parliamentary printer, admissible.

IV. PROVIDED always, and be it enacted, that if any person shall forge the seal, stamp, or signature of any such certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or of any certified copy of any document, bye law, entry in any register or other book, or other proceeding as aforesaid, or shall tender in evidence any such certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or any certified copy of any document, bye law, entry in any register or other book, or of any other proceeding, with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, whether such seal, stamp, or signature be those of or relating to any corporation or company already established, or to any corporation or company to be hereafter established, or if any person shall forge the signature of any such judge as aforesaid to any order, decree, certificate, or other judicial or official document, or shall tender in evidence any order, decree, certificate, or other judicial or official document, with a false or counterfeit signature of any such judge as aforesaid thereto, knowing the same to be false or counterfeit, or if any person shall print any copy of any private Act or of the journals of either House of Parliament, which copy shall falsely purport to have been printed by the printers to the crown, or by the printers to either House of Parliament, or by any or either of them, or if any person shall tender in evidence any such copy, knowing that the same was not printed by the person or persons by whom it so purports to have been printed, every such person shall be guilty of felony, and shall upon conviction be liable to transportation for seven years, or to imprisonment for any term not more than three nor less than one year, with hard labour: Provided also, that whenever any such document as before mentioned shall have been received in evidence by virtue of this Act, the court, judge, commissioner, or other person officiating judicially who shall have admitted the same shall, on the request of any party against whom the same is so received, be authorized, at its or at his own discretion, to direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person, until further order touching the same shall be given, either by such court, or the court to which such master or other officer belonged, or by the persons or person who constituted such court, or by some one of the equity or common law judges of the superior courts at Westminster, on application being made for that purpose.

Persons forging seal, stamp, or signature of certain documents, or printing any private Act, &c. with false purport, guilty of felony.

Documents received in evidence under this Act may be impounded until further order, at request of party against whom admitted, &c.

V. AND be it enacted, that this Act shall not extend to Scotland.

Extent of Act.

* * * * *

CHAPTER CXIV.

AN ACT for the Abolition of certain Fees in Criminal Proceedings

[8th A

5 Geo. 3.
c. 50.

Extension of provisions of recited Act respecting the discharge of prisoners without payment of fees of persons charged with felony, &c. against whom a bill is found, or who are acquitted, or discharged for want of prosecution.

WHEREAS an Act was passed in the fifty-fifth year of the reign of George the Third, intituled "An Act for the abolition of certain fees connected with the gaols in England," and doubts have been expressed as to the extent and meaning of the said Act, and it is expedient that the same should be explained and amended: Be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the provisions of the said Act respecting the discharge of certain prisoners without payment of any fee do and shall extend to all persons who now are or hereafter shall be charged with or indicted for any felony, or as an accessory thereto, or with or for any misdemeanour or offence against the law of England, and that no court of criminal jurisdiction in England, against whom no bill or indictment shall be found by the grand jury, or who on his, her, or their behalf shall be acquitted, or who shall be discharged by proclamation for want of prosecution, and that it is not and shall not be lawful to demand or take from any such persons any fee for their appearance to the indictment or information, or for allowing them to plead thereto, or for recording their appearance, or for discharging any recognizance taken from any such persons, or for their bail, or sureties for them.

Compensation for fees abolished not to be paid to officers appointed after passing of recited Act.

II. **AND** whereas by the said Act it was provided that the clerks of the peace, or clerks of the court, and their deputies, should receive the amount of the fees theretofore payable to them respectively, and that the amount of the fees theretofore payable to them respectively should be abolished by the said Act out of the rates of the county, district, riding, or division, or out of the public stock of the city, town, corporation, port, liberty, franchise, or place, of which they were severally the clerks, and that it enacted, that no such payment shall be made out of any such rates, or out of the public stock, in satisfaction of any of the fees abolished by the said Act, to any such clerk, assize, clerk of the peace, or clerk of the court appointed after the passing of this Act, or to their or any of their deputies.

CHAPTER CXV.

AN ACT for the Appointment of a Taxing Master for the High Court of Chancery in Ireland.

[8th A

The taxation of costs in the high Court of Chancery in Ireland to be conducted by a Taxing Master, who shall discharge his duties in person, and all his duties shall be moveable for his conduct.

WHEREAS it is expedient to appoint a new officer for the taxation of costs in the high Court of Chancery in Ireland: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from the first day of November one thousand eight hundred and twenty-two, the taxation of costs in the high Court of Chancery in Ireland shall be conducted by an officer to be denominated "the Taxing Master," who shall discharge his duties in person, and shall during his good behaviour, and shall discharge his duties in person, and shall where otherwise provided by this Act, and may be removed from his office by the lord chancellor of Ireland for misconduct; and the business

acted by such taxing master shall be the taxing of costs as aforesaid, and also such other business (if any) connected with the Court of Chancery in Ireland as the lord chancellor, with the advice and consent of the master of the rolls in Ireland for the time being, shall from time to time by any order direct; and the places, times, and manner in which the same shall be conducted shall be such as the lord chancellor shall from time to time by any order direct; and from and after the commencement of this Act no such costs shall be taxed by any other officer or person whomsoever.

II. AND be it enacted, that the lord chancellor shall have power to appoint some fit and competent person to be the first taxing master under this Act, being a barrister at law of not less than ten years standing at the bar, or being a solicitor who shall for not less than ten years have practised as a solicitor of the said court; and that as often as the said taxing master so to be appointed, or any of his successors, shall die or resign, or be removed from his office, the lord chancellor shall have power to appoint a taxing master, qualified as aforesaid, in the room of the taxing master who shall so die, resign, or be removed.

Lord chancellor to appoint the taxing master, and his successors.

III. AND be it enacted, that in case of absence from illness or other reasonable cause it shall be lawful for any taxing master under this Act to appoint a deputy, such deputy, and also the occasion for such appointment, being first approved by the lord chancellor; and that in case any taxing master under this Act, being absent as aforesaid, shall neglect to appoint such deputy, or to renew the appointment of a deputy, the lord chancellor may appoint a deputy; and every deputy to be appointed as aforesaid shall have all the powers and authorities of his principal, and shall be paid such sum, out of the salary of his principal, as the lord chancellor shall direct.

Appointment of deputy in case of absence.

IV. AND be it enacted, that it shall be lawful for every such taxing master under this Act to administer the oaths and take the affirmations and attestations of honour which he may from time to time be required to administer and take by any order made by the lord chancellor, with the advice and consent of the master of the rolls for the time being.

Taxing master may administer oaths and take affirmations.

V. AND be it enacted, that all persons swearing, affirming, or attesting before any taxing master under this Act shall be liable to all such penalties, punishments, and consequences, for any wilful and corrupt false swearing or perjury, as if the matters sworn, affirmed, or attested had been sworn, affirmed, or attested before the High Court of Chancery, or any of the masters in ordinary thereof.

Persons swearing before taxing master subject to penalties for perjury.

VI. AND be it enacted, that every taxing master under this Act shall be entitled to receive such annual salary, not exceeding one thousand pounds, as the commissioners of her Majesty's Treasury shall direct; and such taxing master may appoint, to assist him in his business, two clerks, and as many more as the lord chancellor, with the consent of the said commissioners of her Majesty's Treasury, shall from time to time by any order direct; and every such taxing master may from time to time remove such clerk or clerks, and fill up all vacancies in the office of such clerks, whether occasioned by death, resignation, or removal; and the said clerks shall respectively receive such salaries as may be directed by the commissioners of her Majesty's Treasury: Provided always, that no clerk shall be appointed by a taxing master to fill

Salary of taxing master.

Taxing master may appoint and remove clerks and fill up vacancies.

Salaries of clerks.

it be made to appear to their satisfaction that such person is removed as aforesaid, and if they see fit, they may make and i under their hands and seals to remove such person forthwith at such union or parish.

Persons executing warrants of removal to have the authority of constables in every place through which they pass.

III. AND be it enacted, that every person to whom any wa pursuance of this Act shall be delivered for the purpose of bei execution shall detain and hold in safe custody every poor per therein, until such poor person have arrived at the place t ordered to be removed, and shall for that purpose, in every co through which he may pass in the due execution of such war exercise the powers with which a constable is by law inv standing such person may not otherwise be empowered to act for such county or place.

Expences of removal incurred by guardians or overseers of certain parishes to be repaid out of county rate or borough fund.

V. AND be it enacted, that in the case of any parish not in containing a population exceeding thirty thousand persons ac last census published by the authority of Parliament, if the overseers on whose complaint such warrant of removal w or send to the clerk of the peace of the county or to the the borough in which such parish is situate such warrant of r panied with an affidavit, sworn before some justice of the peac or borough, (who shall be authorized to administer the same,) of the expences bonâ fide incurred and paid by such guardians account of such removal under such warrant as aforesaid, and of the several items comprised in such amount, such clerk of lay the same before the justices of the peace assembled at the or adjournment thereof holden for such county next after he l same, and such town clerk shall lay the same before the council at their quarterly meeting held next after he has received the said justices and council of such borough respectively shall, if in force in regard to such removal have been duly complied amount of such expences to be paid out of the county rate county, or out of the borough fund of such borough, as the cas

4 & 5 Will. 4. c. 76., and amending Acts, and this Act, to be construed as one Act.

VII. AND be it enacted, that the said Act of the fifth year King William the Fourth, "for the amendment and better a " the laws relating to the poor in England and Wales," and a and extend the same, and the present Act, except so far as t any former Act are altered, amended, or repealed by any subs be construed as one Act; and that in this Act, or any of th word "county" shall mean and include any county, divisio riding, or liberty, having a separate commission of the peace; Act the word "borough" shall mean any borough having a s quarter sessions.

Interpretation of certain terms.

Forms in schedule (C.) may be used in proceedings under this Act.

VIII. AND be it enacted, that in all proceedings under thi sufficient in the law to use, with such changes only as the f may require, the forms contained in the schedule marked annexed, for the purposes in the titles to such forms respectiv

* * * * *

CHAPTER CXVIII.

AN ACT to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution, of the Powers of general and local Inclosure Acts; and to provide for the Revival of such Powers in certain cases.

[8th August 1845.]

WHEREAS it is expedient to facilitate the inclosure and improvement of commons and other lands now subject to rights of property which obstruct cultivation and the productive employment of labour, and to facilitate such exchanges of lands, and such divisions of lands intermixed or divided into inconvenient parcels, as may be beneficial to the respective owners; and it is also expedient to provide remedies for the defective or incomplete execution, and for the non-execution, of powers created by general and local Acts of inclosure, and to authorize the revival of such powers in certain cases:

Appointment of commissioners.

Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 it shall be lawful for one of her Majesty's principal secretaries of state to appoint any two fit persons to be commissioners under this Act, and at pleasure to remove the commissioners so appointed, or either of them; and upon every vacancy in the office of such commissioner some other fit person shall be appointed to such office in like manner; and the commissioners so to be appointed shall, with the first commissioner of her Majesty's woods, forests, land revenues, works, and buildings, for the time being, be the commissioners for carrying this Act into execution [Rep., Stat. Law Rev. Act, 1875.];

Style of commissioners.

II. such commissioners shall be styled "The Inclosure Commissioners for England and Wales," and shall have their office in London or Westminster, and they, or any two of them, may sit from time to time, as they deem expedient, as a board of commissioners for carrying this Act into execution;

Common seal.

and the commissioners shall cause to be made a seal of the said board, and shall cause to be sealed therewith all awards and orders made or confirmed by

Evidence of awards, &c.

the commissioners in pursuance of this Act; and all such awards and orders and other instruments proceeding from the said board, or copies thereof, purporting to be sealed with the seal of the said board, shall be received in evidence

Awards, &c. to be of no force, unless sealed.

without any further proof thereof; and no award or order of the commissioners under the authority of this Act shall be of any force unless the said shall be sealed as aforesaid.

Commissioners to make annual reports;

III. AND be it enacted, that the commissioners shall from time to time give to any one of her Majesty's principal secretaries of state such information respecting their proceedings as such principal secretary of state shall require and shall in the month of January in every year send to one of the principal secretaries of state a general report of their proceedings, specifying the applications which may have been made to them under the provisions of this Act,

. the cases in which they shall be of opinion that proposed inclosures would be expedient; and their report shall separately distinguish all such proposed inclosures as relate to lands situate within fifteen miles of the city of London, and within respective distances of other cities or towns as herein-after mentioned shall state in each such case the special grounds on which they shall be of opinion that such inclosure shall be expedient; and such report shall state the extent of the land proposed

Power to
summon
witnesses,
administer
declarations,
all for court
rolls, &c.

Attendance of
witnesses, &c.
before valuers.

Proviso.

Commissioners
may delegate
powers to
assistant
commissioners.

Descriptions
of land sub-
ject to be
enclosed under
this Act.

Wales shall be open to the use and inspection of maps for England and Wales, or any person by them made, or of extracts from such awards, apportionment maps as the commissioners shall require shall be for the purposes of this Act; and that the commissioner or any assistant commissioner may, by summons under the seal of the commissioner, require the attendance of any person whom he may think fit to examine upon any matter proposed to be enclosed or other proceeding under the Act, and also make any inquiries and call for any answers to any questions put to him in relation to the matter, and also administer or receive declarations from any persons upon declaration, and cause to be produced to him all court rolls, and all rate books, instruments, and other public writings, maps, plans, and any parish, or copies thereof respectively, in any matter; and the commissioners may, when they are acting in the matter of an inclosure under this Act, require the attendance of any person who is a valuer, or a person acting in the matter of an inclosure under this Act, and require the valuer to certify to the commissioners as persons necessary for the matter of such inclosure, and cause the valuer, upon declaration, all such court rolls, rate books, plans, and surveys, or copies thereof, as aforesaid; and any person acting in the matter of an inclosure under this Act may also administer oaths, and examine upon declaration all such persons who are summoned by the commissioners, and who voluntarily attend before him as witnesses in such matter, that no such person shall be required to attend upon any summons unless the reasonable charges of his attendance are paid or tendered to him; and no such person shall be liable, in obedience to any such summons, to travel to any place other than the place of his abode.

X. AND be it enacted, that the commissioners may, by order in writing under the seal of the commissioners, or to any one or more of them, delegate to any person or persons named in such order, given to the commissioners as the commissioners may think fit, all or any of the powers and authorities conferred upon the commissioners by this Act, (and the power so delegated may be exercised under the seal of the commissioners,) and the power so delegated may be exercised under such regulations as the commissioners shall think fit, and the commissioners may at any time recall or alter all or any of the powers so delegated, and notwithstanding the delegation the delegation had been made; and all acts done by any person in pursuance of such delegated power shall be as valid as if they had proceeded from the commissioners, and no person shall be liable to be punished in like manner.

XI. AND be it enacted, that all such lands as are subject to any rights of common (that is to say,) all lands subject to any rights of common, whether such rights may be exercised or enjoyed only during limited times, or subject to any suspension or restriction whatsoever in the enjoyment thereof; all gated and stinted pastures, and all lands the soil or of some part thereof is in the owners of

gates or stints, or any of them; and also all gated and stinted pastures in which no part of the property of the soil is in the owners of the cattle gates or other gates or stints, or any of them; all land held, occupied, or used in common, either at all times or during any time or season, or periodically, and either for all purposes or for any limited purpose, and whether the separate parcels of the several owners of the soil shall or shall not be known by metes or bounds or otherwise distinguishable; all land in which the property or right of or to the vesture or herbage, or any part thereof, during the whole or any part of the year, or the property or right of or to the wood or underwood growing and to grow thereon, is separated from the property of the soil; and all lot meadows and other lands the occupation or enjoyment of the separate lots or parcels of which is subject to interchange among the respective owners in any known course of rotation or otherwise, shall be land subject to be inclosed under this Act.

XII. PROVIDED always, and be it enacted, that no waste land of any manor on which the tenants of such manor have rights of common, nor any land whatsoever subject to rights of common which may be exercised at all times of every year for cattle levant and couchant upon other land, or to any rights of common which may be exercised at all times of every year, and which shall not be limited by number or stints, shall be inclosed under this Act without the previous authority of Parliament in each particular case, as herein-after provided: Provided also, that neither this Act, nor any thing which may be done under or by virtue thereof, shall authorize to be made any embankment, erection, or encroachment, without the consent of the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland, and, where the consent of any grantee of the office of admiral or vice admiral might have been required by law if this Act had not been passed, the consent also of such grantee, in or upon the shore of any harbour, or the bank of any navigable river so far as the tide flows up the same, or shall give to or confer upon any person any right, title, estate, or interest to or in any such embankment, erection, or encroachment already made, other than what he may legally have at the time of the passing of this Act, or confer upon any person whatsoever any right, title, estate, or interest whatsoever in any lands or soil whereon the tide of the sea flows and re-flows.

[XIII.] PROVIDED also, and be it enacted, that no part of the New Forest in the county of Southampton, or of the forest of Dean in the county of Gloucester, shall be land subject to be inclosed under this Act.

XIV. PROVIDED also, and be it enacted, that no lands situate within fifteen miles of the city of London, or within two miles of any city or town of ten thousand inhabitants, or within two miles and a half of any city or town of twenty thousand inhabitants, or within three miles of any city or town of thirty thousand inhabitants, or within three miles and a half of any city or town of seventy thousand inhabitants, or within four miles of any city or town of one hundred thousand inhabitants, shall be subject to be inclosed under the provisions of this Act without the previous authority of Parliament in each particular case, as herein-after provided; and in all such cases the number of inhabitants shall be ascertained by the then last Parliamentary census thereof,

Wastes of manors and lands subject to indefinite common rights at all times not to be inclosed without previous direction of Parliament. Embankments, &c. not to be made on shores of harbours, &c. without the consent of the Admiralty, &c.

No person to acquire a right to land whereon the tide flows.

New Forest and Forest of Dean excepted.

Land within 15 miles of London, or within certain distances of large towns, not to be inclosed without the previous direction of Parliament in each particular case.

¶ Section 13, so far as relates to the portions of the Forest of Dean called Walmore Common in the parish of Westbury on Severn, and the Bearce Common in the parish of St. Briavel's, is rep., 29 & 30 Vict. c. 70. s. 1.]

have exceeded fourteen years from the commencement thereof, the person who shall for the time being be entitled to the said land, common, or common right, or manor, in reversion immediately expectant on the term created or agreed to be created by such lease or agreement for a lease respectively, or subject to the tenancy from year to year at will or sufferance, shall be deemed for the purposes of this Act to be the person interested as aforesaid in respect of such land, common, or common right, or manor; and in every case in which any such land, common, or common right, or manor, as aforesaid, shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease in which a rent less than two thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded fourteen years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease shall, jointly with the person who shall be liable to the payment of such rent of such land, common, or common right, or manor, be deemed for the purposes of this Act to be the person interested in respect of such land, common, or common right, or manor respectively; and in every case in which any person shall be in possession or enjoyment or receipt of the rents or profits of any such land, common, or common right, or manor, under any sequestration, extent, elegit, or other writ of execution, or as a receiver under any order of a court of equity, the person who but for such writ or order would have been in possession, enjoyment, or receipt of the rents and profits, shall, jointly with the person in possession, enjoyment, or receipt by virtue of such writ or order, be deemed for the purposes of this Act to be the person interested in respect of such land, common, or common right, or manor respectively.

XVII. AND be it enacted, that whenever her Majesty shall be interested in land as aforesaid the first commissioner of her Majesty's woods, forests, land revenues, works, and buildings, for the time being, or in case her Majesty shall be so interested in right of the duchy of Lancaster the chancellor of the duchy of Lancaster, shall for the purposes of this Act, and to the extent of such respective interest, be substituted for the person interested as aforesaid.

Where the crown is interested, who shall be substituted.

XVIII. AND be it enacted, that whenever the duke of Cornwall shall be interested in land as aforesaid the lord warden of the Stannaries shall for the purposes of this Act, and to the extent of such interest, be substituted instead of the person interested as aforesaid.

Where duke of Cornwall is interested, who shall be substituted.

XIX. AND be it enacted, that whenever an interest in land according to the provisions of this Act shall be vested in several persons as co-trustees or in joint tenancy, such persons shall for the purposes of this Act be considered as jointly interested, and entitled to one vote only in respect of their joint interest; but any one or more of such persons may, unless the other or others of them shall dissent therefrom, act or vote under this Act; and the majority in number of any such persons may, notwithstanding any dissent of the minority, act or vote under this Act in the same manner as if all such persons had concurred; and whenever several persons as tenants in coparcenary or in common shall be so interested, each coparcener or tenant in common shall for the purposes of this Act, and to the extent of the value of his respective undivided share, be deemed separately interested and entitled to vote as if he were tenant in severalty.

Provision for persons jointly interested.

Coparceners and tenants in common.

estimated, regard being had to the circumstances of each particular case: Provided always, that in every case in which such assistant commissioner shall have directed in what manner such proportional value shall be estimated under the power herein-before contained he shall specially report to the commissioners the circumstances under which it shall have become necessary to exercise such power, and the directions he shall have given in the exercise thereof.

XXIII. AND be it enacted, that the proportional value of the interest of the lord of a manor interested as lord in any land subject to be inclosed under this Act, or, in case there shall be several lords of a manor or lords of several manors so interested in any land subject to be inclosed under this Act, the proportional value of the respective interests of such lords, shall for the purposes aforesaid be estimated in such manner as the commissioners may direct.

Proportional interests of lords of manors to be estimated as commissioners may direct.

XXIV. AND be it enacted, that the commissioners shall frame, and cause to be printed and circulated as they shall see occasion, forms indicating the particulars of the information to be furnished to the commissioners by persons proposing to inclose land under the provisions of this Act, with reference to the extent and nature of the land to be inclosed, to the mines, minerals, or valuable strata (if any) under the same, to the questions of boundary (if any) concerning such land, or such mines, minerals, or strata, to the numbers and occupations of the inhabitants of the parish or place, to its vicinity to or distance from any city or town or populous district, to the parties interested in the proposed inclosure, and the numbers who have assented to or dissented from the application, to the nature of the rights which require the intervention of the commissioners or the interference of Parliament, to the supposed advantages of the proposed inclosure, to the allotments (if any) proposed to be made for exercise and recreation and for the labouring poor, and to the allotment (if any) agreed on or proposed to be made to the lord of the manor, in case the lord of the manor shall be entitled to the soil of the land proposed to be inclosed, in respect of his right and interest therein, and such other information as in the judgment of the commissioners may assist them in forming an opinion on such application, and also such other forms as the commissioners may deem requisite or expedient for facilitating proceedings under this Act.

Commissioners to frame forms, indicating particulars of information to be given by persons proposing to inclose, &c.

XXV. AND be it enacted, that any persons interested in land subject to be inclosed, and proposing to inclose the same under this Act, may make application to the commissioners, according to the form which may have been circulated as aforesaid by the commissioners, to certify in their annual general report the expediency of such inclosure, ; and in case the commissioners shall, on the statements contained in such application, think that the inclosure of such land, or of some part thereof, may be found to be expedient, they shall refer such application to an assistant commissioner, who shall inspect the land proposed to be inclosed, and inquire into the correctness of the statements in such application, and otherwise into the expediency of the proposed inclosure; and such assistant commissioner shall hold a meeting or meetings, to hear any objections which may be made to the proposed inclosure, and any information or evidence which may be offered in relation thereto, and may adjourn such meetings respectively, and shall cause notice to be given on the church door of the parish in which the land proposed to be inclosed, or the greater part

Upon application to the commissioners, an assistant commissioner to inquire into the expediency of proposed inclosure.

Application not to be referred to assistant commissioner unless applicants represent one third in value of the interests in the lands.
Assistant commissioner to report on application.

thereof, shall be situate, and also a like notice to be of the time and place of every such meeting, four every such meeting (meetings by adjournment only excepted) notwithstanding, that it shall not be lawful for the commissioner to the assistant commissioner, nor for the assistant commissioner to take any further proceedings upon any such application made to appear to them or him respectively that the application represent at least one third in value of the interests therein proposed to be inclosed.

XXVI. AND be it enacted, that the assistant commissioner shall be referred shall report in writing the result of his inquiries as to the statement; and in his opinion as to the expediency or inexpediency of such with the reasons for such opinion; and in case he shall be of opinion that it is expedient he may specify any terms or conditions which he shall think to be proper for the protection of any public property or peculiar rights, in relation to the land proposed to be inclosed, and shall annex to his report a map or sketch of the land, and in case he shall be of opinion that allotments for the labouring poor should be made in the land, he shall show the place in which it shall appear to be made.

Commissioners, if they are of opinion that inclosure would be expedient, shall embody the conditions of the proposed inclosure in a provisional order;

XXVII. AND be it enacted, that if on the report of the commissioner, or after any further inquiries they shall be of opinion thereto, the commissioners shall be of opinion, that it is expedient, health, comfort, and convenience of the inhabitants of the villages, or populous places in or near any part thereof, to be inclosed, or any part thereof, shall be situate, the proprietors of the land to which such application is made, or proposed inclosure would be expedient, the commissioners under their seal, shall set forth the terms and conditions, and shall be of opinion that the inclosure should be made, and the situation of the allotments (if any) which should be appropriated for the purposes of enclosure for the labouring poor, and, in case the lord of the manor of the land proposed to be inclosed, shall specify the residue of the land which, after providing for the necessary expences, in case the expences shall, under the provisions contained, be so directed to be paid by sale of the land, or allotments to be made for public purposes, shall be made in respect of his right and interest in the land, and inclusively of his right or interest in all or any other substrata under such land, or inclusively of pasturage which may have been usually enjoyed by the lord or any other right or interest of such lord in the land, in case may appear to the commissioners to require to be made with the approbation of the commissioners, made, shall be any mineral property, or any rights in the land, or other rights which shall be made.

proper to be specially provided for upon such inclosure, or to be excepted from the operation thereof, shall specify the provisions or exceptions which should be made in that behalf; and the commissioners shall thereupon cause notice to be given of their intention to certify in their annual general report the expediency of the proposed inclosure, but upon the terms and conditions in such order expressed, and in case the consents required by this Act should be given within the time in such notice specified, or within any enlarged time which the commissioners may allow for that purpose; and the commissioners shall cause to be deposited for inspection a copy of such provisional order in the parish or place in which the land proposed to be inclosed, or some part thereof, shall be situate, and may, in case they shall think fit, cause meetings to be holden by an assistant commissioner for the purpose of taking consents or dissents, or of ascertaining the interests of consenting or dissenting parties, or give such directions as to the mode of taking and verifying consents as they shall think fit; and in case it shall appear to the satisfaction of the commissioners that persons the aggregate amount of whose interests in the land proposed to be inclosed shall not be less in value than two thirds of the whole interest in such land, and the other persons, if any, whose consents may be necessary under the provisions herein-after contained, shall have consented to such inclosure, upon the terms and conditions in such order expressed, then,, the commissioners shall in their next annual general report certify their opinion that the proposed inclosure would be expedient, with such particulars in relation thereto, or to the terms and conditions aforesaid, as they shall think necessary; : Provided always, that where the freemen, burgesses, or inhabitant householders of any city, borough, or town shall be entitled to rights of common or other interests in the land proposed to be inclosed, the commissioners shall not certify the expediency of the proposed inclosure, or proceed further under this Act, unless it shall appear to the commissioners that two thirds in number of such of the freemen and burgesses so entitled as may be resident in such city, borough, or town, or within seven miles thereof, or of such inhabitant householders, as the case may be, shall have consented to such inclosure, on the terms and conditions in their provisional order specified; and in case two thirds in number of such resident freemen and burgesses, or of such inhabitant householders, shall have so consented, such consent shall be deemed the consent of the class of freemen, burgesses, or inhabitant householders, as the case may be, so entitled.

and deposit a copy for inspection, and give directions for taking consents.

If persons entitled to two thirds of the interest in the land consent, commissioners shall in their next report certify that inclosure would be expedient.

As to consent of freemen, &c. of any city, &c. entitled to rights of common.

XXVIII. AND be it enacted, that when it shall appear to the commissioners that land proposed to be inclosed under this Act shall be in part a tract of open and common arable, meadow, or pasture lands or fields, and in part a tract of common or waste lands subject to rights of common, or shall otherwise consist of separate and distinct tracts subject to separate and distinct rights or classes of rights, and the persons interested in one of such tracts shall not be all interested in the other of them, it shall be lawful for the commissioners to ascertain whether persons interested in each of such tracts whose interests shall not be less than two thirds in value of the whole interest therein shall consent to the proposed inclosure, on the terms and conditions in their provisional order specified; and in case it shall thereupon appear that such proportion in value of the persons interested in any such tract as afore-

Where land consists of separate tracts, subject to separate rights, separate consents shall be required for each tract.

said shall not have consented, the said commissioners shall r
certify in their annual general report the e:
inclosure thereof, unless or until persons interested therein w
not be less than two thirds shall have consented thereto.

Consent of
the lord of
the manor,
where land
proposed to be
inclosed is
waste of any
manor, or
land within
any manor to
the soil of
which the lord
is entitled in
right of his
manor.

XXIX. PROVIDED always, and be it enacted, that when t
such application shall relate shall be the waste of any man
any manor to the soil of which the lord of such manor al
right of his manor, then, unless there shall be more than on
in such manor, according to the definition of this Act,
shall not proceed to an inclosure on such application, or cer
general report the expediency thereof, unless the person int
subject to be inclosed as aforesaid in right of such man
under this Act, shall consent to such inclosure; and where
than one person interested in such manor the commission
to an inclosure, or certify as aforesaid the expediency
persons, or the majority of such persons in respect of i
their dissent within the time limited by the commissioner

Allotments
for exercise
and recreation
may be re-
quired as
conditions of
inclosure.

XXX. AND be it enacted, that in the provisional order
concerning the inclosure under the provisions of this Act
any manor on which the tenants of such manor have rig
any other land subject to rights of common which m
times of the year for cattle levant and couchant, or to
which may be exercised at all times of the year, an
limited by number or stints, it shall be lawful for the co
and in their provisional order to specify, as one of the t
such inclosure, the appropriation of an allotment for t
and recreation for the inhabitants of the neighbourh
quantity herein-after mentioned applicable to each cas
the land to be inclosed shall be situate in any parish
according to the then last previous parliamentary ce
exceed ten thousand persons, ten acres; where the la
situate in any parish the population of which accord
amount to or exceed five thousand persons and be
persons, eight acres; and where the land to be inclos
parish the population of which according to such c
exceed two thousand persons and be less than fi
acres; and in every case, except as aforesaid, not exc
in the provisional order for such inclosure the cor
required the appropriation of an allotment for the
recreation, the commissioners shall in their annu
grounds on which they shall have abstained from re

If such allot-
ments are not
required,
commissioners
to state the
reason in their
report.

Allotments
for labouring
poor may be
required as
conditions of
inclosure.

XXXI. AND be it enacted, that in the provisic
sioners concerning the inclosure under the provision
land of any manor on which the tenants of s
common, or of any land whatsoever subject to
may be exercised at all times of the year for c
aforesaid, or to any rights of common which may
the year, and which shall not be limited by numbe
for the commissioners to require and specify as on

of such inclosure the appropriation of such an allotment for the labouring poor as the commissioners shall think necessary, with reference to the circumstances of each particular case, such allotment, nevertheless, to be subject to a rent charge, to be payable thereout to any person or persons who may be entitled to allotments under such inclosure as herein-after provided; and if in the provisional order for such inclosure the commissioners shall not have required the appropriation of an allotment for the labouring poor, the commissioners shall in their annual general report state the grounds on which they shall have abstained from requiring such appropriation.

If such allotments are not required, commissioners to state the reason in their report.

XXXII. AND be it enacted, that in case by any Act of Parliament hereafter to be passed it shall be enacted that the inclosures the expediency of which shall have been certified by the commissioners in their annual general report as aforesaid, or any of them, be proceeded with, the same shall in every case be proceeded with and completed according to the provisions of this Act, and on the terms and conditions in the provisional order of the commissioners specified in that behalf; and every such Act of Parliament hereafter to be passed containing such enactment as aforesaid shall be deemed a public general Act.

Inclosures certified by commissioners to be proceeded with, on passing of Acts approving the same. Such Acts to be deemed public general Acts.

XXXIII. AND be it enacted, that as soon as conveniently may be after the passing of any Act of Parliament by which any inclosure shall be directed to be proceeded with under the provisions of this Act, the commissioners shall call a meeting of the persons interested in the land to be inclosed, of which twenty-one days notice shall be given by advertisement, to be held for appointing a valuer to divide, set out, and allot such land, or so much thereof as shall not be directed to be set out for public purposes, among the persons interested therein, and to set out, divide, and improve, in such manner as herein-after mentioned, so much thereof as shall be directed to be set out for public purposes; and the commissioners, if they shall so think fit, may appoint an assistant commissioner to be present and to preside at such meeting, and to take the votes of the persons present thereat; and the persons, or their agents, present at the meeting, or the majority in number, and the majority in respect of interest, may appoint a valuer; and in case the majority in number and the majority in respect of interest shall not agree upon the appointment, then the commissioners shall appoint a valuer: Provided always, that no person shall in anywise act as an assistant commissioner in an inclosure under this Act, or be appointed a valuer, in such inclosure, who shall be interested in such inclosure, or shall be the agent ordinarily intrusted with the care, superintendence, or management of the estate of any person so interested.

If Act be passed directing an inclosure to be proceeded with, a meeting shall be called, to appoint a valuer to divide and set out the land to be inclosed.

Appointment of valuer.

XXXIV. AND be it enacted, that at the meeting for appointing a valuer, or at some other meeting called by the commissioners for the purpose, the persons present, by themselves or their agents, at such meeting, or the majority in number and in respect of interest of such persons, may resolve upon instructions to the valuer, not inconsistent with the terms and conditions of the provisional order of the commissioners, and of any Act hereafter to be passed by which the inclosure may have been authorized, for the appropriation of parts of the land proposed to be inclosed for such public purposes as herein-after mentioned, or any of them; that is to say, for the formation of public roads and ways; for widening or improving existing public roads and ways; for a supply of stone, gravel, or other materials for the repairs of the roads and ways

Meeting of persons interested may resolve upon instructions to valuer,

for appropriation of parts of land to be inclosed for public purposes;

within the parish in which such land shall be such public drains, watercourses, or embankments the health and advantage of such parish or the nation or improvement of public ponds, wells, and of exercise and recreation for the inhabitants of tments or field gardens for the labouring poor; for poor or other inhabitants of such parish; for land enlarging any burying ground; for the site of any house, school, workhouse, or garden to be attached any other purpose of public utility or convenience or accommodation of the persons interested and also upon instructions to such valuer for improvement on the land to be inclosed of priveways, common ponds, ditches, watercourses, em and fences, or any of them, or any other works t land, or for the convenience of the occupiers thereof; and also for the adoption and use, for t of a copy of any map or plan which shall have be and seal of the tithe commissioners of the land map or plan of the accuracy of which the inclo satisfied, or for making any new survey, map, o matters and things which may be proper to be inclosure; and also for the raising and payment such inclosure, either by sale of part of the land p such rate as herein-after provided, as to the pers or such majority as aforesaid, shall seem fit; and value as aforesaid may make any agreement with of such valuer for the duties to be performed by such instructions, and such agreement (if any), s and shall be sent by the assistant commissioner ing, or otherwise by the chairman of the meeting sioners; and it shall be lawful for the commiss protection of the rights of all persons interested disallow such instructions, in whole or in part, therein or additions thereto, not inconsistent wit such provisional order and Act as aforesaid, an agreement, as they shall think proper; and in c been so resolved upon, and sent to the commis disallow the instructions so resolved upon and s commissioners to frame such instructions as they sistent with the terms and conditions of such p aforesaid; and in case no such agreement shall ment sent shall have been disallowed, it shall b to make such order for the payment of the valu and a copy, under the seal of the commissioners, same shall have been allowed, altered, or framed to the valuer, with a copy of such provisional . . . as aforesaid; and the valuer shall in his observe and obey the directions and declaratio Act, and instructions respectively.

information
and, &c.
name of
pieces of
lands;

use of
, &c. of
commissioners,
&c.;

or raising
rates;

may make
agreement with
r as to his
ent.
provisions
agreement
submitted
commissioners;
who
allow,
or dis-
allow the same.

fault or
allow-
of in-
structions or
ment.
commissioners
make in-
structions and
payment of
t.

XXXV. AND be it enacted, that the said valuer, upon the hearing and determining of any contested claim or objection, or upon awarding any costs, as herein-after mentioned, shall, if he think proper, or if the persons interested shall in their instructions to the valuer so direct, be assisted by an assistant commissioner, specially appointed as an assessor, ; and the determinations of the said valuer as to all such contested claims and objections, and costs, shall be made pursuant to and in conformity with the decisions of such assessor: Provided nevertheless, that such assessor shall not interfere further in the execution of this Act than in settling what contested claims shall be allowed or disallowed, and what costs, if any, shall be allowed to or paid by any parties making or objecting to such claims.

Valuer may be assisted by an assistant commissioner, as assessor, in determining contested claims or objections, and awarding costs.

XXXVI. PROVIDED always, and be it enacted, that if the commissioners shall alter or add to the instructions to the valuer which shall have been resolved upon at a meeting of the persons interested as aforesaid, or shall disallow any such instructions and frame other instructions in lieu thereof, the commissioners shall cause to be deposited for inspection, as herein-before directed with respect to the provisional order, a copy of the instructions so altered, or of the instructions so added to with the additions, or of the instructions so framed by the commissioners, as the case may be, and shall call a meeting, with fourteen days notice, of the persons interested as aforesaid, for the consideration thereof; and if such altered instructions, or such additions to the instructions, or the instructions so framed by the commissioners, as the case may be, shall not be approved by the majority in number and the majority in respect of interests of the persons present at such meeting or at some adjournment thereof, or at some other meeting of the persons interested as aforesaid, called with such notice as aforesaid, such inclosure shall not be proceeded with unless and until some instructions to the valuer, resolved upon or approved by the majority in number and the majority in respect of interests at some meeting of the persons interested as aforesaid, called with such notice as aforesaid, or at some adjournment thereof, shall be finally allowed by the commissioners.

Alterations in the instructions to valuer by commissioners not to be acted upon unless sanctioned by a majority of the persons interested.

XXXVII. AND be it enacted, that at the meeting for appointing a valuer, or at some other meeting called by the commissioners for this purpose, it shall be lawful for the persons, or their agents, present at such meeting, or the majority in number, and the majority in respect of interest, (if they shall so think fit,) to appoint a surveyor for the purposes of such inclosure, to assist or act under the directions of the valuer in the admeasurement, mapping, and setting out of the lands to be inclosed.

A surveyor may be appointed where the parties interested think fit.

XXXVIII. AND be it enacted, that no valuer shall be capable of acting until he shall have made and subscribed, before the said commissioners, or some assistant commissioner, justice of the peace, or master extraordinary in chancery, the following declaration; (that is to say,)

Declaration to be made by valuer.

I do solemnly declare, that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, perform all the duties of a valuer in the inclosure of _____, according to the provisions of an Act passed in the _____ year of the reign of her Majesty Queen Victoria, intituled _____
Which declaration it shall be lawful for the commissioners, or any assistant commissioner, justice, or master extraordinary in chancery, to administer; an

ten pounds; all which said penalties and forfeitures as penalties and forfeitures are recoverable and

aries subject
same
regulations
if returned
any court
West-
minster.
costs of
stermination
jury.

XLII. AND be it enacted, that every such shall also be subject to the same regulations, jury and jurymen had been returned for the t her Majesty's courts of record at Westminster.

XLII. AND be it enacted, that in every case shall be given in favour of the person who sha be summoned, all the costs of summoning witnesses shall be defrayed by the commission inclosure in the matter of which the question and expences shall be settled and determin sioner as aforesaid ; but if the verdict of the person, the said costs and expences shall be d case such costs and expences shall not be paid the same within ten days after the same sha same shall and may, by warrant of the com or persons whomsoever, be levied by distress have requested such jury to be summoned in ratepayers of any parish in vestry assembled by him shall be repaid to him by the overseer of the poor's rate, and shall be allowed in acc

security for
costs to be
taken by the
commissioners.

XLIII. AND be it enacted, that every per shall require a jury to be summoned as afore the commissioners shall be obliged to issue th such jury, enter into a bond, with two suffici in a sufficient penalty, to prosecute the com costs and expences of summoning and retur verdict, and of the summoning and attend costs and expences shall fall upon them.

persons dis-
satisfied with
stermination
of commis-
sioners as to
boundaries may
appeal to
court of
Queen's Bench
within six
months ;

XLIV. AND be it enacted, that any perso of the said commissioners or assistant comm daries, who shall be dissatisfied with such de the time herein-before limited, have given writing of his intention to apply to the C before mentioned, may, within six calendar the said boundaries, move the Court of Q determination of the commissioners or ass into the said court, the party making such such notice of his intention as aforesaid) eig to the said commissioners ; and in case of re the said court therein shall be final and conc parish or manor ; and after the expiration months the determination of the commission not be removed or removeable by certiorari, soever, into any of her Majesty's courts of re and no certiorari shall be allowed to remo party prosecuting the certiorari shall befo recognizance before one of the justices of

not after-
wards.

appellant to
enter into
recognizance.

Delivery of
objections to
claims.

Claims to be
heard and
determined
by valuer,
subject to
appeal to
commissioners.

Valuer may
award costs :

which may be
levied by
distress ;

or recovered
by action.

Valuer may
pay certain
expences.

the delivery of objections to claims as the com-
stances of each inclosure shall think reasonable,
direct, or in case no direction shall have been
this behalf, then such time as the valuer shall think
in any case than twenty-one days after such notice
every person who shall object to a claim shall deliver
to the valuer, and also deliver a copy of such objections
abode of the claimant or his agent, within the time limited
objections to claims as aforesaid ; and no objections
received by the valuer after the time so limited
to claims, unless for some special cause to be
and after the time limited for the delivery of such
valuer shall cause fourteen days notice to be given
the meeting for the examination of such claims and
parties concerned therein ; and at such meeting the valuer
examine into and determine such claims, and make such order
the same, in whole or in part, and make such order as shall
appear just ; and in case any doubts or difficulties arise in
claims, or any differences shall happen between the parties
their respective claims, or the relative proportions of the same,
the valuer shall determine the same, and shall make such order
him shall appear just, which order shall be final, unless the
dissatisfied with the determination of the valuer, he may
herein-after provided, of his desire to have the same
determined by the commissioners or an assistant commissioner
commissioner shall think fit to revise such determination
herein-after contained ; and in case the valuer shall determine
claim which shall have been objected to as above, and no
shall have been made to any claim, shall see that the same
be lawful for the valuer, upon application, to award costs, if
he shall think reasonable to be paid to the party who shall
determination shall have been made, and by whom the same
tion shall have been disallowed ; and in case the party who
costs shall neglect or refuse to pay the same within the time
days thereafter, the valuer shall, by warrant under the hand
any person or persons whomsoever, cause such warrant to be
and if there shall be no goods or chattels whereof the same
lawful for the persons in whose favour such warrant shall be
the same by action of debt or on the case, in which the plaintiff
for the plaintiff to declare that the defendant is liable for the
specified in the order of adjudication made by the valuer, and
of such order, without setting forth any other particulars.
Provided always, that the valuer may pay the expenses of the
of the production of any writings, maps, plans, or other documents
where such witnesses shall attend, or such other expenses as
thereof, shall be produced before such valuer, and the valuer
information or guidance of the valuer, (and in case of any
difference,) such last-mentioned expenses shall be paid by the
expences of the inclosure.

XLIX. PROVIDED also, and be it enacted, that nothing in this Act contained shall extend to enable the valuer, or the commissioners, or any assistant commissioner, to determine the title of any lands, or to determine any right between any parties contrary to the actual possession of any such party, (except in cases of encroachment as herein-after mentioned,) but in case the valuer, or the commissioners or assistant commissioner, shall be of opinion against the rights of the party in possession, they or he shall forbear to make any determination thereupon until the possession shall have been given up by such party, or recovered from him in due course of law, or, where the circumstances shall admit, such valuer, or the commissioners or assistant commissioner, may declare what right is appendant or appurtenant to any land or hereditament, or otherwise declare by any sufficient description the rights of the owner for the time being of any land or hereditament, without declaring by name who may be the actual owner of such land or hereditament.

Titles not to be determined by valuer, commissioner or assistant commissioner

L. AND be it enacted, that all encroachments and inclosures, other than inclosures duly authorized by the custom of any manor of which such land shall be parcel, or otherwise according to law, which shall have been made by any person from or upon any part of the land proposed to be inclosed within twenty years next before the first meeting for the examination of claims in the matter of the inclosure thereof, whether any americiament, rent, or money payment or acknowledgment shall or shall not have been paid or made in respect of the same, to or for the use of the lord of the soil or any other person, shall be deemed parcel of the land subject to be inclosed, and shall be divided, allotted, and inclosed accordingly: Provided always, that in case, under the circumstances of any such encroachment or inclosures, it shall appear to the commissioners just or reasonable that rights or interests in the lands to be inclosed should be allowed to the persons in possession of such encroachments or inclosures, it shall be lawful for the commissioners, either in the instructions to the valuer, or by any subsequent order under their seal, to direct what rights and interests, either absolute or for any limited terms or estates, should be allowed in respect of such encroachments, and the valuer shall allow and declare such rights accordingly: Provided also; that it shall be lawful for the several persons who shall be in possession of any such encroachments or inclosures, or in the receipt of the rent thereof, at the time of the determination of claims under this Act, to take down or remove all such buildings, fences, and other erections as shall then be thereon, and to convert the materials thereof to their own use, within two calendar months after notice in writing signed by the valuer given to such respective persons, or posted on the church door; and in case any dispute or difference shall arise touching any such encroachments or inclosures, or as to the extent thereof, such dispute or difference shall be determined by the valuer.

Encroachment within twenty years.

LI. PROVIDED also, and be it enacted, that in case any such land shall have been taken or used, at any time before such first meeting for the examination of claims, for the erection of a school-house or the appurtenances thereto, or for other such purposes as in the opinion of the commissioners shall be charitable or parochial purposes, such land so taken, or the erections made thereon, shall not be taken or deemed to be of the nature of an encroachment within the meaning of this Act; but where such land shall have been so taken for the purposes aforesaid within twenty years next before such first meeting for the

Land taken for school-houses or other charitable or parochial purposes, not to be deemed encroachments.

determinations of such valuer shall have been made without due consideration of the legal rights of the parties interested, or shall be erroneous, then and in any such case the commissioners shall forthwith give notice, in such manner as they shall think fit, appointing some convenient place and time for holding a meeting to hear and determine the claim or matter which shall be so desired to be reheard, or all or any of the claims or matters which shall be mentioned in the said schedule, as the commissioners shall think fit; and the commissioners, or any assistant commissioner specially empowered for that purpose, shall rehear and determine such claim or matter; and the determination of the commissioners or such assistant commissioner shall be final and conclusive, and shall be binding on the valuer acting in the matter of such inclosure, unless any party dissatisfied therewith shall try his right by an issue at law, as herein-after provided.

Decision of commissioners &c. to be final unless any party tries his right by an issue at law.

LVI. PROVIDED always, and be it enacted, that if any person claiming to be interested in any land proposed to be inclosed under this Act shall be dissatisfied with any determination of the commissioners or assistant commissioner concerning any claim or interest in or to the land proposed to be inclosed under the powers herein-before contained, and shall cause notice in writing of such dissatisfaction to be delivered to the commissioners within thirty days next after notice of such determination shall have been given to the several parties or persons specially interested, if any such there be, it shall be lawful for such person so dissatisfied, and giving such notice as aforesaid, to bring an action upon a feigned issue against the person in whose favour such determination shall have been made, or against the commissioners, and to proceed to a trial at law at the then next assizes, or at the assizes immediately following such next assizes, to be holden for the county wherein the land relating to which such dispute shall arise shall be situate; and the defendant in such action shall, upon being served with the usual process therein, appear thereto, and accept one or more issue or issues, whereby such claim, and the right and interest thereby insisted upon, may be tried and determined, such issue to be settled by the proper officer of the court in which the said action shall be commenced, in case the parties shall differ about the same; and the verdict given upon the trial of such action shall be binding and conclusive upon all parties thereto, unless the court wherein such action shall be brought shall set aside such verdict, and order a new trial to be had; and after such verdict shall be given, and final judgment obtained thereon, the commissioners shall act in conformity thereto, and allow or disallow the claim thereby determined, according to the event of such trial; and the costs attending any such action shall abide the event of the trial.

Appeal against decision of commissioners or assistant commissioner by trial at assizes.

LVII. PROVIDED always, and be it enacted, that if no such notice of dissatisfaction shall be given, or if no such action at law shall be commenced as aforesaid, or if any such action shall be commenced, and the plaintiff therein shall not proceed to trial within the time herein-before limited for that purpose, unless the court for sufficient cause put off the trial, then the determination of the said commissioners or assistant commissioner shall be final and conclusive.

Decision of commissioners, &c. if not appealed against, or if appeal not prosecuted, shall be conclusive.

LVIII. AND be it enacted, that if any person, plaintiff or defendant in any action to be brought as aforesaid, shall die pending the same, such action shall not abate by reason thereof, but may be proceeded in as if no such event had

Actions not to abate by deaths of parties.

LXI. AND be it enacted, that it shall be lawful for the valuer acting in the matter of any inclosure to set out and make such common ponds, ditches, watercourses, embankments, tunnels, and bridges, of such extent and form, and in such situations, as he shall deem necessary, and as shall not be inconsistent with the terms and conditions and instructions herein-before mentioned, in the land to be inclosed, and also to enlarge, cleanse, or alter the course of and improve any of the existing ditches or watercourses, embankments, tunnels, or bridges, as well in and over the same land as also in any ancient inclosures or other lands in the parish or respective parishes in which the land to be inclosed may be situate, as the valuer shall deem necessary, making such satisfaction to the proprietors of such ancient inclosures or lands, for the damage done thereby, as the valuer shall think just; and the expence of making and enlarging, altering, and cleansing such ponds, ditches, watercourses, embankments, tunnels, and bridges, when the same shall be first done in pursuance of this Act, if not otherwise provided for, shall be raised and paid in the same manner as the other expences of the inclosure; but all such ponds, ditches, watercourses, embankments, tunnels, and bridges shall at all times afterwards be repaired, cleansed, and maintained by such persons and in such manner as the valuer shall direct; provided that no watercourse be diverted or turned without the consent in writing of the person interested in the land from which the same may be diverted, and of the person interested in the lands into which the same may be turned, or to the prejudice of any person interested in such watercourse, except with his consent in writing; and that no ditch or watercourse, embankment, tunnel, or bridge, be enlarged or altered on any land other than the land to be inclosed, without the consent in writing of the person interested in such land.

Power to valuer to make watercourses, &c.

Expence of making, &c. and of maintaining such works.

LXII. AND be it enacted, that in the first place the valuer acting in the matter of any inclosure shall and may, before he shall proceed to make any of the divisions and allotments of the land to be inclosed, in pursuance of or in any manner not inconsistent with the instructions given to such valuer as aforesaid, set out and make public roads and ways, and widen public roads and ways, in or over the land to be inclosed, and stop up, divert, or alter any of the roads or ways passing through the land to be inclosed, or through any old inclosures in the parish or respective parishes in which the land to be inclosed shall be situate; and the soil of such of the roads and ways so to be discontinued and stopped up as pass through the lands to be inclosed shall be deemed part of the lands to be inclosed: Provided always, that nothing herein contained shall authorize the altering or diverting any turnpike road, unless the consent of the majority of the trustees of such turnpike road, assembled at a public meeting called for that purpose, be first obtained: Provided also, that before any public road or way shall be discontinued, diverted, stopped up, or altered by the valuer acting in the matter of any inclosure, the valuer shall cause to be affixed at each end of such road or way a notice to the effect that the same is intended to be discontinued, stopped up, diverted, or altered, as the case may be, from and after a day to be mentioned in such notice; and the valuer shall also cause the same notice to be given by advertisement for four successive weeks, and also on the church door on the four Sundays of the said four successive weeks; and after the said several notices shall have been so given such road or way shall, from and after the day in such notice

Power to set out, stop up, divert, or alter roads and ways.

As to turnpike roads.

Notices to be given.

mentioned, be deemed to be discontinued, stopped up, as the case may be, subject, however, to any appeal mentioned.

appeal to quarter sessions.

LXIII. AND be it enacted, that it shall be lawful for any person or persons to appeal to the quarter sessions, within three calendar months after the first Sunday on which such road or way shall be discontinued, stopped up, or altered, as the case may be, of the church door of the intention that such road or way should be discontinued, stopped up, or altered, as the case may be, thereof, by appeal to the justices of the peace for the county, riding, division, or other jurisdiction in which the road or way so discontinued, stopped up, or altered, or the greater part thereof, shall be situate, upon giving ten clear days notice in writing of such appeal, together with a plan of the grounds thereof; but it shall not be lawful to proceed in support of such appeal unless such notice shall be given as aforesaid, nor on any hearing of such appeal, unless any other grounds of appeal than those set forth in the notice so given be proved as aforesaid.

ground of appeal.

LXIV. AND be it enacted, that in case of any appeal to the quarter sessions shall, for the purpose of determining whether a road or way shall be discontinued, stopped up, or altered, as the case may be, the party appealing would be thereby injured or aggrieved, twelve disinterested men out of the persons returned as a jury at such quarter sessions; and if after hearing the evidence on both sides the said jury shall return a verdict that such road or way may beneficially to the public be discontinued, stopped up, or altered, and that the party appealing would not be injured or aggrieved thereby, the said court shall dismiss such appeal, and shall order the said appeal to be paid by the appellant to the costs thereof recoverable in the same manner as any penalties or fines recoverable under this Act; but if the said jury shall return a verdict that such road or way is not unnecessary, and that the same could not be discontinued, stopped up, diverted, or altered, as the case may be, without the party appealing would be injured or aggrieved thereby, the said court shall order that such road or way shall not be discontinued, stopped up, diverted, or altered, as the case may be, and in case the same shall have been discontinued, stopped up, diverted, or altered, the said court shall make order that the same be restored to its original state, and shall award to the appellant the costs of such appeal, and such costs shall be paid by the appellant, and to be raised for the expences of the inclosure of the highway in case in which any such appeal as aforesaid shall be made, by the highways of any parish or place, under the authority of such parish in vestry assembled, or, where there is no vestry in such place, under the direction of the inhabitants or vestry rates assembled at any meeting of which four clear days notice given by advertisement and on the church door of the intention that such appeal should be dismissed, the costs of prosecuting such appeal shall be awarded to be paid by the appellant to the costs of the highway rate of such parish or place.

costs of appeal to be raised by the surveyor of highways.

public carriage to be used.

LXV. AND be it enacted, that such public roads or ways as aforesaid shall be well and sufficiently fenced.

persons interested in the land to be inclosed, and within such time, as the valuer acting in the matter of such inclosure shall direct; and the valuer shall form and complete such parts of the said public roads and ways as shall be newly made; and every such public road and way to be set out and made under this Act shall be of the width required by the Act of the sixth year of King William the Fourth, intituled "An Act to consolidate and amend the laws relating to highways in that part of Great Britain called England," for a road or way of the like description which may be dedicated to the use of the public.

Width of public roads.
5 & 6 Will. 4.
c. 50.

LXVI. AND be it enacted, that the expences attending the purchasing of the soil of all such public roads and ways as aforesaid, and the making, the stopping up, discontinuing, diverting, widening, and altering of such roads and ways, and the money compensation in respect thereof, upon any inclosure, shall be paid in such manner as the expences of such inclosure shall be directed to be paid.

Expences of making and altering public roads.

LXVII. AND be it enacted, that when and so soon as two or more of her Majesty's justices of the peace for the county, riding, division, or jurisdiction in which the lands to be inclosed shall be situate shall certify any of the public roads and ways to be set out in pursuance of this Act on any inclosure to be sufficiently formed and completed, such roads shall thenceforth be kept in repair by such persons and in such manner as the public roads within the said parish are or ought by law to be kept in repair; and every such certificate shall, at the quarter sessions of the peace to be holden for the said county, riding, division, or jurisdiction next after the date thereof, be filed of record by the clerk of the peace.

Public roads to be repaired as other public roads in the parish, after certificate of completion given by two justices.

LXVIII. AND be it enacted, that the valuer acting in the matter of any inclosure shall and may set out such private or occupation roads and ways through the lands to be inclosed as he shall think requisite, for the use of the persons interested in such lands or any of them; and any expences which the valuer may incur relative to the setting out or formation or completion of such private roads and ways, or any of them, shall, unless the valuer shall otherwise direct, be paid in the same manner as the other expences of the inclosure; and such expences of the formation and completion of such private roads and ways as the valuer shall direct shall be borne by, and after the formation and completion of such private roads and ways the same shall be maintained and kept in repair by and at the expence of the owners and proprietors for the time being of the land inclosed, or such of them, and in such shares and proportions, and in such manner, as the valuer shall direct; and after such private roads and ways shall have been set out and made the grass and herbage arising thereon shall for ever belong to and be for the use of such persons interested in the lands to be inclosed as the valuer shall direct, and in the absence of such direction shall belong to the proprietors of the land to be inclosed which shall next adjoin the said roads and ways on either side thereof as far as the crown of the road; and after such setting out as aforesaid all private or occupation roads or ways over, through, and upon the lands to be inclosed which shall not be set out as aforesaid shall be for ever stopped up and extinguished.

Private roads.

Expences of making and maintaining the same.

LXIX. AND be it enacted, that it shall be lawful for the valuer acting in the matter of any inclosure; before the making of the award, when the com-

Rights of common over lands to be

nclosed may
e suspended
efore making
be award.

Cattle depas-
ured after
uch sus-
ension may be
mpounded.

Course of
usbandry
may be
irected.

ompenation
r growing
ops, &c.

missioners shall think necessary for the purpose under their seal authorize or direct, by notice or any part of the rights of sheepwalk, common land to be inclosed, or any part thereof, to be ex the exercise thereof to be suspended during such such notice, and from the time mentioned in such extinguished or suspended accordingly; and if, after the extinguishment of any such rights of sheep as aforesaid, any person shall permit his horses, depasture upon any of the lands over which such extinguished, it shall be lawful for the valuer inclosure, or any other person by his order, (in hand,) or any of the persons interested in such thereof, to distrain such horses, cattle, sheep, or contrary to such order, and to impound the same shall pay to the person so distraining such sum by writing under his hand have previously or lings for each horse or head of cattle, and five sh so distrained; and in case the same shall not be the same shall have been impounded the valuer the same by way of penalty, as herein-after men

LXX. AND be it enacted, that it shall be lawf matter of any inclosure, at such time as he sha church door, to direct the course of husbandry an that shall be observed upon the land to be inclo inclosure thereof shall be completed, as well wi ploughing, sowing, fallowing, manuring, and tillin feeding of the commonable lands and fallows o to direct such recompence to be made as he sh injured by such directions, all which direction parties interested, their farmers and tenants; an pecuniary penalties on every person not conform shall think necessary, not exceeding the sum of case of cross-cropping, or withholding from th manure, or ten pounds in any other case, for a determine, in all cases where the tenant is entitl the manure arising from the lands in his occup sum of money such tenant shall be compensated given up by him; and such penalties and oth recovered in the same manner as by this Act penalties.

LXXI. AND be it enacted, that the valuer a inclosure shall by writing under his hand order shall be made to the owner of any crops growing or lease, or according to the customary mode of in which the land to be inclosed shall be situate, of the division, allotment, and inclosure, for the whom the land on which such crops are growing what recompence in money shall be paid, and

occupier of land, as well for the ploughing, tilling, cultivating, manuring, or folding any land to be inclosed, for the benefit accruing thereby to the person to whom such land shall be allotted, or for any loss or disadvantage which any tenant or occupier may sustain by the loss of his following or way-going crops upon the land to be inclosed; and if in any of the said cases the money to be paid for such recompence be not paid at the time and in the manner ordered by the valuer, then the same may be recovered by the person entitled thereto, from the person liable to pay the same, in the same manner as penalties and forfeitures are recoverable under this Act.

LXXII. AND be it enacted, that the valuer acting in the matter of any inclosure shall allot to the surveyor of the highways for the time being of the parish in which the land proposed to be inclosed, or any part thereof, shall be situate, and to his successors for ever, such part of the land proposed to be inclosed as by the instructions given to such valuer shall have been directed to be appropriated for supplying stone, gravel, or other materials for the repairs of roads and ways, as aforesaid, or in case no such instructions shall have been given in this behalf, and the valuer shall think an allotment necessary for the purposes aforesaid, such part as the valuer shall think fit; and such allotments shall be inclosed and fenced as the valuer shall direct, and shall from the confirmation of the award be vested in the surveyor of the highways within the said parish for the time being, in trust for the purposes aforesaid; and the grass and herbage of such allotments shall belong to such persons as by the valuer shall be directed, and if he shall make no such direction then such surveyor shall from time to time let any such allotment, reserving the right to get and take away such stone, gravel, and other materials when and as he shall think fit, for the most money that can be obtained for the same, and shall apply the rents and profits towards the repairs of the public roads or highways within the said parish; and the said surveyor shall account for such rents and profits in the same manner as he is by law accountable for other monies that shall come to his hands in the capacity of surveyor of the highways, and shall be subject to the like penalties for the neglect thereof.

Allotments
for repair of
roads.

LXXIII. AND be it enacted, that the valuer acting in the matter of any inclosure shall and may, in pursuance of the directions of or in any manner not inconsistent with the directions of the provisional order of the commissioners, or any Act hereafter to be passed, or the instructions given to such valuer as aforesaid, set out and allot such part of the lands to be inclosed as by such provisional order or Act or instructions respectively shall have been directed to be appropriated as a place of exercise and recreation for the inhabitants of the said parish and neighbourhood; and such allotment shall, unless the same shall be otherwise awarded under the provision herein-after contained, be made and awarded to the churchwardens and overseers for the time being of the parish in which the same shall be situated, and shall be held by the churchwardens and overseers for the time being of the said parish for the purposes aforesaid, and shall be in the first instance fenced, and, where occasion shall require, drained and levelled by the valuer, the expence in such case to be considered part of the expences of the inclosure, or shall be fenced by any person to whom adjoining land shall be allotted, as the valuer may direct; and the fences of such allotment shall for ever afterwards be repaired and maintained, and the surface thereof kept drained and level, by such

Allotments
for places of
exercise and
recreation;

times used for exercise and recreation by the inhabitants of the parish and neighbourhood, and, subject to such obligations, the herbage of such land shall belong to the person to whom such land shall be so allotted.

shall be entitled to the herbage.

LXXV. AND be it enacted, that every allotment which shall be made and awarded for the labouring poor may be so awarded subject to and chargeable with a clear rent-charge or clear rent-charges, not exceeding in the whole the net annual value of the allotment in its actual condition at the time of making the same; and every such rent-charge shall be deemed at the time of the confirmation of the award to be of the value of such number of imperial bushels, and decimal parts of an imperial bushel, of wheat, barley, and oats, as the same would have purchased at the average prices during the seven years ending on the Thursday next before Christmas Day one thousand eight hundred and thirty-five, as the same were ascertained by the advertisement inserted in the London Gazette under the provisions of the Act of the seventh year of King William the Fourth, intituled "An Act for the commutation of tithes in England and Wales," in case one third part of such rent-charge had been invested in the purchase of wheat, one third part thereof in the purchase of barley, and the remaining third part thereof in the purchase of oats, and the respective quantities of wheat, barley, and oats so ascertained shall be stated in the award; and every such rent-charge shall be paid by equal half-yearly payments on the first day of July and the first day of January, the first of such half-yearly payments to be made on the first of such half-yearly days after the expiration of three years from the date of the confirmation of such award; and such sum of money shall be payable in respect of such yearly rent-charge as according to the prices ascertained by the then next preceding advertisement for the purposes of the said Act of the seventh year of King William the Fourth would have been payable in respect of a rent-charge of like amount charged on lands under the provisions of such Act; and the sum of money thenceforth payable in respect of such rent-charge charged under the provisions of this Act shall vary so as always to consist of the price of such number of bushels, and decimal parts of a bushel, of wheat, barley, and oats respectively, according to the next preceding advertisement for the time being, in like manner as if the same had been a rent payable under the provisions of the said Act of the seventh year of King William the Fourth; and the persons entitled to any rent-charge charged under the provisions of this Act shall have the same powers and remedies for enforcing payment thereof, in all respects, as are by the said Act of the seventh year of King William the Fourth, or by any Act for amending the same, given to the persons entitled to rent-charges charged under the said Act of the seventh year of King William the Fourth for recovering and enforcing payment of such last-mentioned rent-charges; and nothing herein or in such award contained shall render any person personally liable to the payment of any rent-charges to be charged under the provisions of this Act: Provided always, that when such allotment, or any part thereof, shall be let and occupied as gardens under the provisions herein-after contained, the person for the time being entitled to the rent-charge charged thereon shall not distrain for such rent-charge on the occupiers of such gardens, but the person so entitled may, in case such rent-charge shall be in arrear, give notice to the occupiers of such gardens, and to the allotment wardens, or any of them, and shall thenceforth, until the arrears of such rent-

Allotments for the labouring poor may be made subject to a corn rent-charge, to vary and be recoverable as a tithe rent-charge.

6 & 7 Will. 4.
c. 71.

shall have been claimed and allowed under the provisions herein-before contained.

LXXVIII. AND be it enacted, that where any allotments shall be made for the labouring poor, under the provisions herein-before contained, subject to any rent-charge or rent-charges, such rent-charge or rent-charges may be allotted to any person or persons who may elect to receive the same in full or in part of his or their allotment or allotments, and in case no person shall so elect to receive the same, then to such persons and in such shares as the valuer may think convenient, for the purpose of equalizing allotments or otherwise; and it shall be lawful for the valuer, for the purposes of allotment under this clause, to estimate the value in fee simple of every such rent-charge to be four fifths only of the value of an allotment of land equal in net annual value to such rent-charge.

The rent-charges payable out of allotments for the labouring poor to be allotted to persons entitled to allotments. Value of rent-charge how to be estimated.

LXXIX. AND be it enacted, that when any person to whom any allotment shall be made or land assigned in exchange by virtue of this Act shall hold such land, or the land in respect of which such allotment or exchange is made, under different titles or for different estates, and, as to copyhold or customary land, by separate quit rents, the valuer in the matter of the inclosure shall ascertain and distinguish the land held for each of such estates and under each of such titles respectively, and shall accordingly set out distinct and several allotments for such respective lands, and distinguish the several estates holden by several and distinct quit rents.

Separate allotments to be made in respect of separate titles.

LXXX. AND be it enacted, that in case any number of the persons interested in the land to be inclosed shall desire to have their allotments thrown together, and distinguished by metes and bounds, but not fenced from each other, and of such their desire shall give notice in writing to the valuer acting in the inclosure, such valuer shall set out the several allotments of such persons so giving notice as aforesaid by metes and bounds, but in one parcel of land, and without requiring them to make any subdivision fences or other fences, save such ring or outer fences as may be necessary, or as the valuer may direct to be made, for dividing the said parcel of land from the residue of the land so to be inclosed.

Several allotments may by consent be thrown together, and set out by metes and bounds, without being subdivided by fences.

LXXXI. PROVIDED always, and be it enacted, that it shall not be lawful for the said valuer to allot to any other person than the proprietor thereof any land (other than encroachments and inclosures not authorized by law made within twenty years next before the first meeting for the examination of claims as aforesaid) which may be cultivated as orchard or garden, or on which any building may have been erected, or which may have been inclosed by virtue of any agreement between the proprietor thereof and the persons having right of common over the same, without the consent in writing of such proprietor.

Cultivated land and buildings, and inclosed land, (other than encroachments within 20 years,) not to be allotted to any other person than the proprietor, without his consent.

LXXXII. AND be it enacted, that the valuer, in making the several allotments hereby directed, shall have due regard as well to the situation of the respective houses or homesteads of the persons interested in the land to be inclosed as to the quantity and quality of the land to be allotted to them respectively, so far as may be consistent with the general convenience of such persons, and that such valuer in making the said allotments shall have particular regard to the convenience of the persons interested in respect of the smallest estates in the land subject to be inclosed under this Act.

Regard to be had to the situation of the homesteads of the persons interested, and especially to the convenience of the persons having the smallest estates.

Valuation of allotments.

Rent.

Wardens to pay rates, &c.

Buildings not to be erected or used for dwellings on allotments.

Determination of tenancy on nonpayment of rent, &c.

Compensation to tenant for crops, &c.

Recovery of possession from tenants holding over, or from persons unlawfully entering.

obligatory on the allotment wardens during five years from the date that during such shorter period as the commissioners shall direct: Provided that the gardens so to be let shall be let free of all tithe or tithe rent (if any,) rates, taxes, and assessments whatsoever, and shall before letting thereof, and once at least in every ten years after such first be valued by a competent person to be appointed by the allotment wardens for that purpose, who shall estimate the full rent which the same would be worth to be let by the year for farming purposes, all tithes or tithe rates, taxes, and assessments, being borne by the landlord, and such valuation by solemn declaration under the statute; and the rent of the same gardens respectively shall be let shall be not below the value of the land according to the last of such valuations; and the allotment wardens shall, for the purposes of all rates and taxes, be deemed to be the owners of such allotment, and shall pay all rates and taxes, tithes and assessments, in respect thereof: Provided always, that no building shall ever shall, under any such letting as aforesaid or otherwise, on any such garden or on a such allotment; and in case any such building shall be erected on any such allotment contrary to this provision, the allotment wardens shall demolish the same, and sell and dispose of the materials thereof, and the proceeds of such sale shall be applicable in like manner as the rents of

CX. AND be it enacted, that if the rent reserved upon the letting of any such garden by the allotment wardens shall at any time be in arrear, or if at any time during the tenancy, being not less than three months after the commencement thereof, it shall appear to the allotment wardens that the occupier of such garden shall not have duly observed the conditions of his tenancy, or shall have gone to reside more than one mile from the parish, then and in every such case the allotment wardens shall give notice upon such occupier, or in case he shall have gone to reside more than one mile from the parish shall affix the same to the door of the church of the parish in which the tenancy at the expiration of one month after such notice shall have been so served or affixed, and thereupon such tenancy shall be determined: Provided always, that in every such case the allotment wardens shall allow to their incoming tenant shall pay to the occupier whose tenancy shall be so determined a fair recompence in money for any crops or produce (not prohibited by the terms of such tenancy) which may be grown or produced at the time of such determination, and for any manure laid on the garden, or any benefit accruing from the manuring of such garden, or for any other thing which their incoming tenant; and the justices to whom application shall be made for a warrant to give possession of such garden shall settle the amount of such recompence, in case the parties differ about the same, and shall issue such warrant until the same shall have been paid or secured, or until such occupier be absent) until the payment thereof shall be made to the satisfaction of such justices.

CXI. AND be it enacted, that in case upon the determination of any such tenancy as aforesaid the occupier of any such garden shall not deliver up possession thereof, or if any other person shall take, or hold possession of any such garden, or shall do any other thing, the allotment wardens may recover possession

the majority in value of the owners of stints at direct that any buildings for the shelter or stall-erected thereon, such field reeve or reeves shall or repair such buildings, or cause such buildings to such direction, and let the same from year to year, as aforesaid, for any term of years, and shall rec such rents shall be applicable in the first place to rates herein-after authorized to be raised on the applicable, and the residue (if any) shall be paid proportion to the respective liability of their stint

vision
rateable
rease or
diminution
rights of
ture.

CXIX. AND be it enacted, that when it shall value of the owners of stints present at any annual of the pasture would admit of an increase of the thereon, or would require a diminution of such lawful for such majority of the owners so present number of stock or animals to be admitted to the several rights be increased, or, as the case may such extent as they shall think fit: Provided happen that the right of any such owner shall n rateable increase or diminution, such annual mo such owner in lieu of increase of his right, or, as such owner in lieu of the diminution of his award, or in case the person to or on whom s awarded or charged shall think the sum awa charged excessive, then as any two justices complaint of such person, and after summons of field reeves of such pasture, (which may be in t Act,) and on hearing in a summary way t reasonable and order to be paid; and such ord schedule to this Act; and every such money increase of right shall be paid annually by the raised by the rate made for the expences of s money charged on any such owner shall be rec stints is hereby made recoverable; and all aforesaid shall be payable on the first Monday

expences
management
regulated
stures to
raised by
es on
ners.

CXX. AND be it enacted, that all salaries an other persons, and all expences in and about regulated pasture, and the repairs and erection directions of such meetings of owners as afo such regulated pasture, shall be paid and d respective stints therein; and for that purpo reeve or one of the field reeves, under the di owners, from time to time to make a rate on sum as the majority of owners present at su and every such rate shall be apportioned and the rule of rating established for such regula the field reeve on demand thereof, and, in c within fourteen days after demand thereof, and it shall be lawful for any field reeve to e

ner not to
chase
ls in the
ish for
an years
r the
rd.

ms in
pect of
ries of
stant com-
sioners, &c.,
y be charged
persons
rested in
d to be
losed, and
ll be paid
ommis-
ners and
ried to con-
dated fund.

CXXIX. AND be it enacted, that no valuer who shall be appointed in the matter of any inclosure shall be capable of being a juror within the parish in which the lands to be inclosed, or any lands to be situate, until the expiration of seven years after the expiration of the award in such inclosure.

CXXX. AND be it enacted, that it shall be lawful for any person or persons having regard to the time and labour and expences of the commissioners and all other persons, if any, specially employed in or about any inclosure, exchange, division, or other proceeding under this Act, by any order under their hands and seals to declare that a sum, in such order to be mentioned, be required of the commissioners in respect of the salary, allowance, and expences of the commissioners and other persons, if any, so specially employed in or about any inclosure, exchange, division, partition, or other proceeding under this Act, and the persons so interested in the land to be inclosed, or to which such proceeds shall be applied, or in such shares as they shall think just, and shall appoint the persons to be raised thereon, and shall appoint thereof; and the same shall be raised in the same manner as the proceeds of the inclosure, or of subjecting the land to the provisions of this Act, or of pasture, are directed to be raised under this Act, and the expences of the inclosure or matter aforesaid, or, in the case of an exchange, division, or partition, in the same manner as the expences of the division, or partition, and when raised shall be paid to the persons so appointed, and shall forthwith pay the same into her Majesty's Exchequer for the credit of the consolidated fund.

persons
inding
etings to
f their own
pences.

pences of
nesses, &c.,
y be ordered
be paid by
sons in-
ested.

CXXXI. PROVIDED always, and be it enacted, that no person or persons interested in the inclosure or other proceeding under this Act, or any of the respective agents, shall pay their own expences when they attend at any of the meetings to be held in the matter of any inclosure.

CXXXII. AND be it enacted, that the commissioner acting in the matter of any inclosure, or in a case of expediency or inexpediency of any proposed inclosure, or in a case where it shall see fit, may order such expences of witnesses, and of books, deeds, court rolls, and writings, maps, plans, and surveys, and all other expences (except the salary or allowance of the commissioner) incurred in the settlement of any such inclosure, and in hearing and determining any objection or matter in dispute between the commissioners or any assistant commissioner, or any person interested in the production thereof respectively, or in the production of a difference, objection, or matter, or in any such inquiries, and in the production of the same, as the commissioners or assistant commissioner may think reasonable; and the commissioners may, when they shall think fit, require such security to be given by persons making application under this Act, for the payment by such persons of the expences of the such inquiry, as the commissioners may think fit.

sons
lying for
iry may be
sired to
security
expences.

ner to
ote for
&c., or
ons under
pacity, &c.,

CXXXIII. AND be it enacted, that it shall be lawful for any person or persons interested in allotments in severalty or allotments of pasture respectively to be made under this Act, being a freehold or inheritance, or for any other estate of freehold or inheritance,

guardians, trustees, committees, or attornies of any of the proprietors, being under coverture, infants, lunatics, idiots, or under any other disability or incapacity, or beyond the seas, or by the persons acting as such guardians, trustees, committees, or attornies respectively, and for the trustees or feoffees for charitable, parochial, or other uses, or the majority in number of them, in respect of any lands held by them in trust for any charitable, parochial, or other uses, (with the consent of the commissioners, testified in writing under their hands and seal,) and for the incumbent of any ecclesiastical benefice, with the consent in writing of the bishop of the diocese and of the patron of such benefice, from time to time to charge their respective allotments with any money not exceeding, as to any allotment in severalty, five pounds per acre, towards their respective proportions of the inclosure expences, and for securing the repayment of such money, with interest, to mortgage or demise the said allotments unto or in trust for any person who shall advance any money for any term of years, but so that every such mortgage or demise be made with a condition to cease or upon trust to be surrendered or assigned when the money thereby to be secured, with all interest thereon, shall have been fully paid, and so that in every such mortgage or demise which shall be made by or on behalf of any person entitled to any such allotment for the term of his natural life there be contained a covenant to pay and keep down the interest of the money to be secured during his life, in such manner that no person afterwards becoming possessed of such lands shall be subject or liable to pay any larger arrear of interest than for six months previous to the time when the title of such person shall accrue or commence; and every incumbent of a benefice by whom such mortgage or demise shall be made shall keep down the interest on the money to be secured, or on so much thereof as shall remain owing, and shall repay, in reduction of the principal, one thirtieth part of the money originally secured at the expiration of the term of one year from the time of making such mortgage, and a like sum at the expiration of each succeeding term of one year, until the whole be repaid; and every such mortgage or demise shall be valid in the law for the purposes thereby intended; and every such mortgagee and his assigns shall have the like remedies in case of nonpayment of the monies thereby secured as in the case of other mortgages of the like nature.

to raise their proportions of the expences of the inclosure by mortgage or demise of their allotments.

Tenants for life to keep down interest.

Repayment of principal borrowed by incumbent of benefice.

CXXXIV. AND be it enacted, that it shall be lawful for the commissioners, on application made to them in writing by any of the proprietors of allotments to be made by virtue of this Act, or by any of the husbands, guardians, trustees, committees, or attornies of or for any of such proprietors, being under coverture, infants, lunatics, idiots, or under any other disability or incapacity, or beyond the seas, or by the persons acting as such guardians, trustees, committees, or attornies respectively, or by any of the said proprietors, being tenants in tail or for life, or by any trustees or feoffees for charitable, parochial, or other uses, or by the majority in number of them, or by any incumbent of an ecclesiastical benefice in right of which an allotment may have been made, and the bishop of the diocese and the patron of such benefice, to direct a sale of any part of any such allotment, for raising a sum of money sufficient to defray the proportionable part of the expences which shall in such rates be charged upon such parties, and of the expences of making and completing such sale: Provided always, that in all cases in which the monies so raised by any such

Power to allottees to sell parts of allotments, to raise sums sufficient to defray their proportions of the expences of the inclosure.

unless the commissioners shall otherwise direct, under the provisions herein-after contained, be paid into the Bank of England in the name and with the privity of the accountant general of the Court of Chancery, to be placed to his account there ex parte the commissioners, . . . ; and shall, when so paid in, there remain until the same shall, by order of the said court, made upon a petition in a summary way by the parties who would have been entitled to the rents and profits of the said land, be applied to the following purposes or any of them; (that is to say,)

from sale of timber, or of parts of allotments, when not payable to the proprietors.

The redemption or discharge of the land tax or of any debt or other incumbrance affecting the same land, or affecting other lands standing settled therewith to the same or the like uses or trusts :

The purchase of other land, to be conveyed or settled upon the like uses or trusts, or such of them as shall be then existing undetermined or capable of taking effect.

CXXXIX. AND be it enacted, that in the meantime and until such application shall be made the said money may, by order of the said court, to be made upon the like petition, be invested by the said accountant general in his name in the purchase of three pounds per centum consolidated or three pounds per centum reduced bank annuities, or of government securities; and the dividends or interest of such annuities or securities shall from time to time be paid, by order of the said court, to the parties who would for the time being have been entitled to the rents and profits of the lands so to be purchased, conveyed, and settled.

Interim investment and application of dividends.

CXL. AND be it enacted, that in case the surplus of any such monies as aforesaid shall be less than the sum of two hundred pounds, and shall exceed or amount to the sum of twenty pounds, the same shall, at the option of the parties who for the time being would have been entitled to the rents and profits of the said land, or their guardians or committees, in case of infancy, idiotcy, lunacy, or other incapacity, with the approbation of the commissioners, to be signified in writing under their seal, be paid into the Bank of England in the name and with the privity of the said accountant general of the Court of Chancery, and be placed to his account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like option and with the like approbation, to two trustees, to be nominated by the said parties who for the time being would have been entitled to the rents and profits of the said land as aforesaid, such nomination to be approved of by the commissioners, and such nomination and approbation to be signified in writing under the hands (or common seal, as the case may be,) of the nominating parties, and under the seal of the commissioners; and in any case in which such monies shall amount to or exceed the sum of two hundred pounds, the same if the commissioners shall so think fit and direct, shall in like manner be paid to trustees to be nominated and approved as aforesaid; and the money so paid to such trustees, and the dividends and produce arising therefrom, shall be by them applied in like manner as is herein-before directed with respect to money so to be paid into the Bank of England, but without obtaining or being required to obtain any order of the said court touching the application thereof.

Payment into the Bank or to trustees, and application, of money under 200l. and above 20l.

Sums exceeding 200l. may be paid to trustees.

CXLI. AND be it enacted, that in case the surplus of any such monies as aforesaid shall be less than twenty pounds the same shall be paid to the

Application of sums under 20l.

among the records of the said county, so that recourse may be had thereto by any person interested in the premises, and the other copy shall be deposited with the church or chapel wardens for the time being of the parish in which the lands or the greater part thereof shall be situated, to be kept by them and their successors in office with the public books, writings, and papers of the parish, or shall be deposited with such other fit persons as the commissioners shall approve; and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of two shillings and sixpence for such inspection, and after the rate of three-pence for every seventy-two words contained in such copy or extract; and all such copies of and extracts from any such copy of any confirmed award as shall be furnished by the clerk of the peace shall be signed by the said clerk of the peace or his deputy, purporting the same to be a true copy; and every such copy and extract, so signed, shall be received in evidence without further proof thereof; and every recital or statement in such confirmed award or any sealed copy thereof shall be deemed satisfactory evidence of the matters therein recited or stated.

church-wardens, &c.

Inspection, copies, and extracts.

Copies, &c., certified by clerk of the peace or his deputy, to be evidence.

CXLVII. AND be it enacted, that it shall be lawful for the commissioners, upon the application in writing of the persons interested, according to the definition herein-before contained, in lands not subject to be inclosed under this Act, or in lands subject to be inclosed under this Act as to which no proceedings for an inclosure shall be pending, and who shall desire to effect an exchange of lands in which they respectively shall be so interested, to direct inquiries whether such proposed exchange would be beneficial to the owners of such respective lands; and in case the commissioners shall be of opinion that such exchange would be beneficial, and that the terms of the proposed exchange are just and reasonable, they shall, unless notice of dissent to the proposed exchange shall be given, under the provision herein-after contained, cause to be framed, and confirmed under the hands and seal of the commissioners, an order of exchange, with a map or plan thereunto annexed, in which order shall be specified and shown the lands given and taken in exchange by each person so interested respectively; and a copy of such order, under the seal of the commissioners, shall be delivered to each of the parties on whose application the exchange shall have been made; and such order of exchange shall be good, valid, and effectual in the law to all intents and purposes whatsoever, and shall be in nowise liable to be impeached by reason of any infirmity of estate or defect of title of the persons on whose application the same shall have been made; and the land taken upon every such exchange shall be and enure to, for, and upon the same uses, trusts, intents, and purposes, and subject to the same conditions, charges, and incumbrances, as the lands given on such exchange would have stood limited or been subject to in case such order had not been made; and all expences with reference to such order and exchange, or the inquiries in relation thereto, or to any proposed exchange, shall be borne by the persons on whose application such order shall have been made or such inquiries undertaken: Provided always, that no exchange shall be made of any land held in right of any church or chapel or other ecclesiastical benefice, without the consent, testified in writing, of the bishop of the diocese and the patron of such benefice.

Exchanges may be made, under sanction of commissioners, of lands not subject to be inclosed, or as to which no inclosure is pending.

Consents required where land is held in right of a benefice.

be willing to give such land in exchange for such allotment, in case the commissioners shall be of opinion that such exchange would be beneficial to the poor inhabitants or other persons for whose benefit or more suitable to the purposes for which such allotment was made, to cause to be framed and to confirm an order of exchange of such allotment for such other land as aforesaid; and the provisions herein contained concerning exchanges shall apply to such allotment, as if such churchwardens and overseers or trustees respectively were the persons interested in such allotment.

CL. PROVIDED always, and be it enacted, that no such order of exchange or order of division and allotment as aforesaid shall be confirmed by the commissioners until notice shall have been given by advertisement in three successive weeks of such proposed exchange or division and allotment, and three calendar months shall have elapsed from the publication of the last of such advertisements; and in case before the expiration of such three calendar months any person entitled to any estate in or to any charge upon any land included in such proposed exchange or division and allotment shall give notice in writing to the commissioners of his dissent from such proposed exchange or division and allotment, as the case may be, the commissioners shall not confirm an order for such exchange or such division or allotment unless such dissent shall be withdrawn, or it shall be shown to the commissioners that the estate or charge of the party so dissenting shall have ceased.

CLI. AND be it enacted, that if any difference shall arise touching the said expences in relation to any exchange, division, allotment, orders, or inquiries as aforesaid, or the share thereof to be paid by any person, it shall be lawful for the commissioners to certify under their hands and seal the amount to be paid by such person; and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any two justices of the peace for the county or other jurisdiction wherein the land shall be situate, such justices, upon the nonpayment thereof, are hereby required, by warrant under their hands and seals, to cause the same to be levied by distress.

CLII. AND be it enacted, that where any award already made and executed, or hereafter to be made and executed, in pursuance of any local Act of inclosure, or in pursuance of an Act passed in the seventh year of the reign of his late Majesty King William the Fourth, intituled "An Act for facilitating the inclosure of open and arable fields in England and Wales," shall not have duly distinguished the several tenures of all the lands thereby awarded or allotted, or of any other lands of which the tenure ought to have been distinguished in or by such award, or the different estates or titles for or under which any lands therein mentioned should be held, or shall not have duly distinguished the lands which after such award should remain subject to all or any tithes, and the lands which should be discharged from all or any tithes, or where by any such award an aggregate allotment shall have been set out and awarded in any case in which several and distinct allotments ought to have been set out and awarded, in every such case, and in every other case in which it shall appear to the commissioners that inconvenience shall have arisen from inaccuracy, confusion, or omission in any such award, it shall be lawful for the commissioners, upon the application in writing of any person interested

Notices of intended exchanges and divisions to be given.

If parties interested dissent, order for exchange, &c., shall not be confirmed until dissent is withdrawn, &c.

In case of dispute, inquiries shall certify the share of expence of exchange, &c., payable by any person, which, if not paid, may be recovered by distress.

Commissioners may remedy defects and omissions of awards under local Acts of inclosure, or under 6 & 7 Will. 4. c. 115.

in the lands to which such award may relate, or of any person prejudiced by the inaccuracy, confusion, or omission in such award, to make such inquiries and take such evidence, by themselves or by an assistant commissioner, as they shall think fit, and by an order under their hands and seal to amend such award, and to distinguish the several tenures of the lands thereby allotted and awarded, and the different estates or titles for or under which the same should be held, and to distinguish the lands which should be discharged from all or any tithes, and the lands which should remain subject to all or any tithes, and to subdivide aggregate allotments into separate allotments, and to distinguish the tenures or titles thereof, or the lands or rights in respect of which they were respectively made, and generally to make or give such declarations or directions as may appear necessary to supply any omission and rectify any inaccuracy or confusion in such award; and such order of the commissioners shall have the same force and effect as if the allotments, directions, and declarations therein contained had been duly made and contained in the original award, in addition, or, as the case may require, in substitution for the parts thereof to which such amendments may relate; and all expences with reference to such order as last aforesaid, and of and consequent upon all inquiries in relation thereto, or to any proposed amendment of any such award, shall be borne by the persons on whose application such order shall be made or such inquiries undertaken.

Commissioners may authorize commissioners under local inclosure Acts to execute powers, &c., lost by lapse of time, or otherwise.

CLIII. AND be it enacted, that where under any local Act of inclosure the powers and authorities originally vested in the commissioner or commissioners acting under any such local Act, or any such power or authority, shall not have been fully executed according to the intent of such local Act, and shall have been lost or become incapable of being executed by reason of the neglect or omission to execute the same, or to take some proceeding necessary to the due execution thereof, within the time limited in that behalf by such local Act, or from any other cause whatsoever, it shall be lawful for the Inclosure Commissioners for England and Wales, by any order under their hands and seal, to authorize the commissioner or commissioners appointed by or acting under the authority of such local Act to execute and to carry into effect the powers and authorities originally vested in such last-mentioned commissioner or commissioners, or in any previous commissioner or commissioners, under such local Act, in the same manner as if such powers and authorities had not been lost or become incapable of being executed, or as near thereto as lapse of time and other circumstances may permit, and subject to such conditions and restrictions as the justice of the case may appear to require, and in and by such order to direct any act or proceeding to be done or taken in substitution for any act or proceeding which shall have been required or directed by such local Act, and which shall have become incapable of being done or taken by lapse of time or other circumstances; and all proceedings, adjudications, orders, directions, and acts, taken, made, and done by the commissioner or commissioners under any local Act in pursuance of any such order as aforesaid of the Inclosure Commissioners for England and Wales, shall have the same force and effect as if the same had been duly authorized by such local Act; and the expences of such order, and of the inquiries in relation thereto, shall be paid by the commissioner or commissioners acting under such local Act, and shall be deemed expences under the inclosure by such local Act authorized.

CLIV. AND be it enacted, that where the powers and authorities of any local Act of inclosure shall not have been fully executed and performed, whether the same shall or shall not have been lost or have become incapable of being executed from lapse of time or otherwise, and there shall be no commissioner acting under such local inclosure Act, or in case from any other cause any of the persons interested in the land to which such local Act shall relate shall be desirous that the powers and authorities of such Act should be executed, and the proceedings thereunder completed, under the direction of the Inclosure Commissioners for England and Wales, it shall be lawful for the said commissioners, by order under their hands and seal, upon the application in writing of the major part in value of the persons interested in the lands subject to be inclosed under such local Act, to appoint any person to execute the powers or authorities of such local Act, in the place of the commissioner or commissioners by such Act appointed or authorized to be appointed, and to complete the proceedings under the same; and it shall be lawful for the said Inclosure Commissioners for England and Wales, by such order as aforesaid, or by any supplemental or other order, to authorize the person so appointed to execute and to carry into effect any powers or authorities originally vested in any commissioner or commissioners under such local Act, and which may have been lost or become incapable of being executed, and to give such other directions in relation thereto as under the provision herein-before contained might have been given to the commissioner or commissioners appointed by or acting under a local Act; and the person so appointed by the commissioners shall and may complete the proceedings under such local Act, and make an award therein, and shall have such and the like powers and authorities in all respects as the commissioner or commissioners originally appointed by or acting under such local Act would have had if he or they had continued to act; and it shall be lawful for the Inclosure Commissioners for England and Wales, by order under their hands and seal, to remove any person so appointed, and upon such removal, or in case any person so appointed shall die, or desire to be discharged from his office, before the proceedings in such inclosure shall be completed, from time to time to appoint any other person in his stead, with all such powers and authorities as aforesaid; and the expences of such orders of the commissioners, and of all proceedings in relation thereto, shall be expences in the inclosure, and raised in the same manner as other expences may by such local Act be authorized to be raised.

CLV. PROVIDED always, and be it enacted, that the commissioners shall not in any case proceed to amend any award under any local Act of inclosure, or under the said Act of the seventh year of the reign of King William the Fourth, or to authorize the execution of any power or authority under any such local Act which shall have been lost or become incapable of being executed as aforesaid, or to authorize any person to be by them appointed as aforesaid to execute the powers or authorities of any local Act in the place of the commissioner or commissioners appointed under such local Act, until notice of the application to the commissioners to amend such award, or to authorize the execution of such powers or authorities, or to authorize any person to be by them appointed as aforesaid, shall have been given by advertisement in four successive weeks; and in case within two calendar months after the publication of the last of such advertisements one fourth part in number or value of the persons interested, according to the definitions herein-before contained, in the land to which the award so proposed to be amended, or the part thereof proposed to be amended, shall relate, or in the land to be affected by the exercise of such powers or authorities, shall give notice in writing to the commissioners of their dissent from such application, the commissioners shall not proceed further on such application. [Rep., 10 & 11 Vict. c. 111. s. 5.]

Where proceedings are incomplete under local inclosure Acts, and there are no commissioners to execute such Acts, the commissioners may appoint persons to complete such proceedings, and to exercise the powers of commissioners under such Acts.

Commissioners to give notice before proceeding to amend awards under 6 & 7 Will. 4. c. 115. or local Acts, or to authorize execution of powers or appoint persons to act under local Acts, and shall not proceed if persons interested dissent.

proviso for
cases where
dealings have
been had with
land on faith
of inaccuracies,
and proposed
to be rectified.

CLVI. PROVIDED also, that in every case in which dealings shall have been had with such land, or some part thereof, on the faith of the inaccuracy, confusion, or omission which it shall be proposed to rectify or supply, or on the faith of such powers or authorities having been lost or become incapable of being executed, or on the faith of the powers or authorities of such local Act not being executed under the powers of such local Act, or the actual possession of the land, or the receipt of the rents and profits of the land, to which the award so proposed to be amended, or the part thereof proposed to be amended, shall relate, or, as the case may be, the possession of the land, or the receipt of the rents and profits of the land, to be affected by the exercise of such powers or authorities, would be altered by the proposed amendment of the award, or by the exercise of such powers or authorities as aforesaid, that the commissioners shall not proceed on such application, so far as respects such dealings may have been had, or of which the possession and profits would be altered as aforesaid, without the consent of every person interested in such last-mentioned land, nor shall the commissioners in any case upon such application, so far as respects such case within two calendar months after the publication of the public advertisements as aforesaid any person entitled to charge upon such last-mentioned land shall give his dissent from such application.

Commissioners
may confirm,
with or without
amendments,
wards or
inclosures
made under
the authority of
the 7 Will. 4.
115., of
lands not sub-
ject to be in-
closed under
the Act, but
which would
be subject to
inclosure
under this Act.

CLVII. AND be it enacted, that where by any award to be made under the authority of the said Act of the 7th of William the Fourth, intituled "An Act for facilitating the inclosure of arable fields in England and Wales," any lands, or other lands not subject to be inclosed under the said Act, shall have been inclosed or apporportioned and allotted under the authority of the said Act, it shall be lawful for the commissioners, upon the application of any person interested in such lands inclosed or apporportioned and allotted, to make such inclosure or agreement as the commissioners shall think fit, and to certify to the commissioners that the rights and interests of the parties in such lands expressed to be inclosed or apporportioned and allotted, or agreement shall have been duly provided for and satisfied, and that the same might be duly provided for and compensated thereby, if such award or agreement were confirmed, or amended and confirmed, as shall be lawful for the commissioners, by any order or award to confirm such award or agreement, or to amend the same in the case and the rights and interests of the parties mentioned in such order, to require, and to confirm the same, with the amendments, if any, made by such order, have the same force and effect as if made by the authority of this Act; and all expences with reference to the execution of any such award or agreement, or satisfaction of any such award or agreement, shall be borne by the parties in the lands by such award or agreement inclosed or apporportioned, in such proportions as the commissioners shall direct.

the commissioners shall not confirm any such award or agreement, or proceed to make any inquiries in relation thereto, unless it shall be made to appear to the commissioners that the persons making the application for a confirmation of such award or agreement represent at least one third in value of the interests in such lands.

CLVIII. AND be it enacted, that where, under any local Act of inclosure, or under any award made under the authority of any local Act of inclosure, provision shall have been made for the election, from among persons having certain qualifications in respect of property or otherwise, of a number of trustees or other functionaries for making or maintaining works on the lands inclosed, or for any other local functions, and it shall appear to the commissioners that by reason of alterations in the state of property or otherwise persons cannot be found according to the qualifications required by such local Act of inclosure to fill up the number of trustees or other functionaries required by such local Act, it shall be lawful for the commissioners, after such inquiries as they shall think fit, upon the request and at the expence of any persons interested in the works to be made or maintained or in the functions to be performed by such trustees or functionaries, by order under the seal of the commissioners to declare that any such lesser number, in such order to be mentioned, of trustees or other functionaries, may be from time to time elected for the purposes or be competent to exercise and perform the powers and functions in such local Act of inclosure required or authorized to be exercised by the number of trustees or other functionaries directed to be elected by such local Act, and such lesser number shall be from time to time elected, and shall be competent to exercise and perform such powers and functions accordingly.

Power to reduce the number of trustees, &c. under any local Act, where a sufficient number of persons qualified cannot be found.

CLIX. AND be it enacted, that all penalties and forfeitures imposed by this Act, or which shall be imposed by the commissioners or assistant commissioner acting in the matter of any inclosure or other proceeding under or by virtue of the authority of this Act, shall be levied and recovered before any two justices of the peace for the county in which the land subject to be inclosed, or to which such other proceeding shall relate, shall be situate, and not interested in the matter in question, for which purpose it shall be lawful for any such justices of the peace, upon complaint made to them, to summon the party accused and the witnesses on both sides, and upon the appearance or contempt of the party accused to examine such witnesses upon oath, (which oath such justices are hereby empowered to administer,) and upon such evidence to give judgment accordingly, and to condemn the party accused (proof of the accusation being made by one or more witness or witnesses as aforesaid) in such penalties and forfeitures as the offender shall have incurred, and to levy such penalties and forfeitures by distress, together with reasonable costs; all which penalties and forfeitures the application whereof is not particularly directed by this Act shall, and so soon as the same shall be levied, be paid and applied to and for such uses, intents, or purposes as the commissioners in and by any writing under their hands and seal shall order, direct, or appoint.

Penalties and forfeitures how recoverable.

Application thereof.

CLX. AND be it enacted, that when in this Act any sum of money, whether in the nature of penalty or otherwise, shall be directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the surplus monies arising from such

Distress, how to be made.

satisfaction or tender of amends shall have been made to any party aggrieved, or after twelve calendar months shall have expired from the commission of the act for which such action or suit shall be so brought, or in case there shall be a continuance of damages then within twelve calendar months next after the doing or committing of such damage shall have ceased; and every such action shall be brought, laid, and tried in the county or place where the cause of action shall have arisen, and not in any other county or place; and if it shall appear that such notice of action or suit was brought before two calendar months notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before limited in that behalf, or such action shall be laid in any county or place other than as aforesaid, then the jury shall find a verdict for the defendant therein, or the court, upon summary application by motion in any such suit, may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such suit shall be dismissed upon application as aforesaid, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if upon any demurrer in such action or suit judgment shall be given for the defendant therein, then such defendant shall have costs, charges, and expences, as between attorney and client.

CLXVI. AND be it enacted, that no order, adjudication, or proceeding, made or had by or before the commissioners or any assistant commissioner under the authority of this Act, except as herein-before provided, or any proceeding to be had touching any offender against this Act, shall be quashed for want of form, or be removed or removeable by certiorari or any other writ or process into any of her Majesty's courts of record at Westminster or elsewhere.

Proceedings not to be quashed for want of form, or removed by certiorari.

CLXVII. AND be it enacted, that in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word "person" shall mean and include the Queen's Majesty, and any body corporate, aggregate or sole, as well as an individual; any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; any word importing the masculine gender only shall mean and include a female as well as a male; the word "inclosure" shall extend to and include division or allotment; the word "inclose" and its conjugates shall include the meaning also of the words "divide" and "allot" and their respective conjugates; and the words "local Act of inclosure" shall extend to and include any local Act of which inclosure, division, or allotment of lands shall have been one of the objects or purposes; the word "manor" shall extend to and include any hundred, honor, or lordship; the word "land" shall mean and include all messuages, lands, and corporeal tenements and hereditaments; the word "county" shall include any riding or other like division of a county, and any liberty, city, or place, having a separate commission of the peace; the word "parish" shall include any township or vill or hamlet having separate overseers of the poor, or extra-parochial district or place; the word "church" shall mean and include any chapel where there is no church; the word "schoolhouse" shall mean any parochial or charitable schoolhouse; the words "the commissioners" shall mean the Inclosure Commissioners for England and Wales; and the words

Interpretation of terms.

"Person."

Number and gender.

"Inclosure."

"Inclose."

"Local Act of inclosure."

"Manor."

"Land."

"County."

"Parish."

"Church."

"Schoolhouse."

"Commissioners."

of _____ is a reasonable payment for increase of the right of pasture of the said A.B.], and do order that such yearly sum be paid, according to the directions of the statute in that behalf. Given under our hands and seals, this _____ day of _____ in the year _____.

CHAPTER CXIX.

AN ACT to facilitate the Conveyance of Real Property. [8th August 1845.]

WHEREAS it is expedient to facilitate the sale and conveyance of real 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, that whenever any party to any deed, made according to the forms set forth in the first schedule to this Act, or to any other deed which shall be expressed to be made in pursuance of this Act, or referring thereto, shall employ in any such deed respectively any of the forms of words contained in column I. of the second schedule hereto annexed, and distinguished by any number therein, such deed shall be taken to have the same effect and be construed as if such party had inserted in such deed the form of words contained in column II. of the same schedule, and distinguished by the same number as is annexed to the form of words employed by such party; but it shall not be necessary in any such deed to insert any such number.

II. THAT every such deed, unless any exception be specially made therein, shall be held and construed to include all houses, outhouses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, watercourses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, and appurtenances whatsoever, to the lands therein comprised belonging or in anywise appertaining, or with the same demised, held, used, occupied, and enjoyed, or taken or known as part or parcel thereof, and also the reversion or reversions, remainder and remainders, yearly and other rents, issues, and profits of the same lands, and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim, and demand whatsoever, both at law and in equity, of the grantor, in, to, out of, or upon the same lands and every part and parcel thereof, with their and every of their appurtenances.

III. THAT every such deed under this Act shall be chargeable with the stamp duty with which the same would have been chargeable in case it had been a release founded on a lease or bargain and sale for a year, and also with the same stamp duty (exclusive of progressive duty) with which such lease or bargain and sale for a year would have been chargeable.

IV. THAT in taxing any bill for preparing and executing any deed under this Act it shall be lawful for the taxing officer, and he is hereby required, in estimating the proper sum to be charged for such transaction, to consider, not the length of such deed, but only the skill and labour employed and responsibility incurred in the preparation thereof.

V. THAT any deed or part of a deed which shall fail to take effect by virtue of this Act shall nevertheless be as valid and effectual, and shall bind the parties thereto, so far as the rules of law and equity will permit, as if this Act had not been made.

Where the words of column I. of the second schedule are employed in any deed made according to the form in the first schedule, or otherwise in pursuance of this Act, the deed to have the same effect as if the words in column II. of the second schedule were inserted.

Deed to include all houses, &c. and the reversion and all the estate.

Stamp duty on deed to be same as on release founded on lease, &c. for a year.

Remuneration for any deed under this Act to be estimated on taxation not by length, but by skill, &c.

Deed failing to take effect by this Act to be as valid as if the Act had not been made.

of the first column, so as thereby to extend the words thereof to the acts of any additional person or persons or class or classes of persons, or of all persons whomsoever; and in every such case the covenants 2, 3, and 4, or such of them as shall be employed in such deed, shall be taken to extend to the acts of the person or persons, class or classes of persons, so named.

COLUMN I.

1. The said [covenantor] covenants with the said [covenantee],

2. That he has the right to convey the said lands to the said [covenantee], notwithstanding any act of the said [covenantor];

3. and that the said [covenantee] shall have quiet possession of the said lands,

4. free from all incumbrances.

5. And the said [covenantor] covenants with the said [covenantee], that he will execute such further assurances of the said lands as may be requisite.

COLUMN II.

1. And the said covenantor doth hereby, for himself, his heirs, executors, and administrators, covenant, promise, and agree with and to the said covenantee, his heirs and assigns, in manner following; (that is to say,)

2. That for and notwithstanding any act, deed, matter, or thing by the said covenantor done, executed, committed, or knowingly or wilfully permitted or suffered, to the contrary, he the said covenantor now hath in himself good right, full power, and absolute authority to convey the said lands and other the premises hereby conveyed, or intended so to be, with their and every of their appurtenances, unto the said covenantee, in manner aforesaid, and according to the true intent of these presents.

3. And that it shall be lawful for the said covenantee, his heirs and assigns, from time to time and at all times hereafter, peaceably and quietly to enter upon, have, hold, occupy, possess, and enjoy the said lands and premises hereby conveyed, or intended so to be, with their and every of their appurtenances, and to have, receive, and take the rents, issues, and profits thereof, and of every part thereof, to and for his and their use and benefit, without any let, suit, trouble, denial, eviction, interruption, claim, or demand whatsoever of, from, or by him the said covenantor or his heirs, or any person claiming or to claim by, from, under, or in trust for him, them, or any of them.

4. And that free and clear, and freely and absolutely acquitted, exonerated, and for ever discharged, or otherwise by the said covenantor or his heirs well and sufficiently saved, kept harmless, and indemnified, of, from, and against any and every former and other gift, grant, bargain, sale, jointure, dower, use, trust, entail, will, statute, recognizance, judgment, execution, extent, rent, annuity, forfeiture, re-entry, and any and every other estate, title, charge, trouble, and incumbrance whatsoever, made, executed, occasioned, or suffered by the said covenantor or his heirs, or by any person claiming or to claim by, from, under, or in trust for him, them, or any of them.

5. And the said covenantor doth hereby, for himself, his heirs, executors, and administrators, covenant, promise, and agree with and to the said covenantee, his heirs and assigns, that he the said covenantor, his heirs, executors, or administrators, and all and every other person whatsoever having or claiming, or who shall or may hereafter have or claim, any estate, right, title, or interest whatsoever, either at law or in equity, in, to, or out of the said lands and premises hereby conveyed, or intended so to be, or any of them, or any part thereof, by, from, under, or in trust for

COLUMN I.

6. And the said [covenantor] covenants with the said [covenantee], that he will produce the title deeds enumerated hereunder, and allow copies to be made of them, at the expence of the said [covenantee].

7. And the said [covenantor] covenants with the said [covenantee] that he has done no act to incumber the said lands.

him, them, or as to time and at a able request and covenantee, his cause to be made and other law veyances, and a the better, more and assuring t conveyed, or int with their app his heirs and as said covenantee counsel in the la or required, so or imply any ft than against th shall be requir his heirs, execu no person who such assurance or executing th place of abode.

6. And the a self, his heirs, e promise, and a his heirs and as heirs shall and inevitable accid hereafter, at ti said covenantee attorney, solici hearing in any other judicatu quire, produce or writing her defence, and su of the said co the said lands t tended so to b charges, shall a be made and copies or abst and writings r and will permit be examined deeds by the s such person as and appoint.

7. And the executors, and promise, and a his heirs and heretofore mad fully or knowi thing whatsoev said lands and so to be, or any or may be in a incumbered, in

lation V. THAT in the construction and for the purposes of this Act, and the schedules hereto annexed, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all tenements and hereditaments of freehold tenure, and to such customary lands as will pass by deed, or deed and surrender, and not by surrender alone, or any undivided part or share therein respectively; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and the converse; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "party" shall mean and include any body politic or corporate or collegiate, as well as an individual.

es, &c. VI. THAT the schedules, and the directions and forms therein contained, Act. shall be deemed and taken to be parts of this Act.

ice- VII. THAT this Act shall commence and take effect from and after the first Act. day of October.

of Act. VIII. THAT this Act shall not extend to Scotland.

SCHEDULES to which this Act refers.

The FIRST SCHEDULE

THIS indenture, made the _____ day of _____ one thousand eight hundred and forty- _____ [or other year], in pursuance of an Act to facilitate the granting of certain leases, between [here insert the names of the parties, and recitals, if any], witnesseth, that the said [L or do demise unto the said [lessee] or [lessees], his administrators, and assigns, all, &c. [parcels], from the term of _____ thence ensuing, yielding to term the rent of [state the rent and mode of payment]

In witness whereof the said parties hereto have and seals.

The SECOND SCHEDULE

DIRECTIONS as to the Forms in this

1. Parties who use any of the forms in the first column substitute for the words "lessee" or "lessor" as every such case corresponding substitutions shall be the corresponding forms in the second column.
2. Such parties may substitute the feminine gender plural number for the singular, in the forms in the first column, and corresponding changes shall be made in the corresponding forms in the second column.
3. Such parties may fill up the blank spaces left in the first column of this schedule so employed by figures, and the words or figures so introduced shall be inserted in the corresponding blank spaces left in the second column.
4. Such parties may introduce into or annex to any form in the first column any express exceptions from or extensions of the provisions of the Act.

may
ex-

if fail
d, or to
dis-
answer,
appear
been
of fraud,
may be
ad.

summoning him, 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, the disposal he may have made of any property since contracting such debt; and such creditor shall also, if such commissioner or court shall think fit, be examined by the said commissioner or court touching his claim against the said debtor, and shall, if the debtor think fit, be interrogated before such commissioner or court by the said debtor touching the said claim against him; and it shall be lawful for such commissioner or court to make an order on the said debtor for the payment of his debt by instalments or otherwise; and in case such debtor shall not attend as required by the said summons, 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 commissioner or court, or shall appear to such commissioner or court to have been guilty of fraud in contracting the debt, or of having wilfully contracted it without reasonable prospect of being able to pay it, or of having concealed or made away with his property in order to defeat his creditors, or if he appears to have the means of paying the same by instalments or otherwise, and shall not pay the same at such times as the commissioner or court shall order, or as the court shall have ordered in which the original judgment shall have been obtained or order made, then in any of the said cases it shall be lawful for such commissioner or the judge of such court to order such debtor to be committed, for any time not exceeding forty days, to the common gaol wherein the debtors under judgment and in execution of the superior courts of justice may be confined within the county, city, borough, or place in which such debtor shall be resident, or to any other gaol or debtors prison within the same county, city, borough, or place which shall by any declaration of one of her Majesty's principal secretaries of state be allowed as a place of imprisonment under this Act, so long as such declaration shall remain in force and unrevoked. [Rep., 32 & 33 Vict. c. 83. s. 20.]

ler
exc-

II. AND be it enacted, that every bailiff and messenger shall be issued, or who shall be acting as an officer of the hi or Southwark in the execution of any such order issued to thereby empowered to take the body of the person against w made, and all constables and other peace officers within their aid in the execution of every such order [Rep., 32 & 33 Vict

courts
the
vers in
suits.

IV. AND be it enacted, that the judge of every o of every inferior court of record for the recovery of the recovery of small debts, of which the judge is a or an attorney of ten years standing of one of her M law at Westminster, in which court proceedings shal debt or demand within the jurisdiction of the said e the suit instituted for recovery of such debt or to the suit, and, upon occasion of pronouncing judg for the plaintiff, shall have the like powers of furth the several cases herein-before specified, of commit he might exercise under the provision herein-befor debt or demand had been obtained in his court, and a summons for such defendant from the same court visions of this Act shall be deemed to apply to such obtained. [Rep., 32 & 33 Vict. c. 83. s. 20.]

ion to
loneys,
r this
& 8
16.
be

VI. AND be it declared and enacted, that in making application to or court as aforesaid, or taking any proceedings under this Act, or the last session of Parliament, intituled "An Act to amend the "bankruptcy, and execution,", it shall : any party, whether creditor or debtor, to employ either counsel or a [Rep., 32 & 33 Vict. c. 83. s. 20.]

ss
not
not

VIII. AND whereas it is expedient to protect the actual necessaries of or belonging to judgment debtors from being seized in execution: Be it enacted, that from and after the passing of this Act the wearing apparel and bedding of any judgment debtor or his family, and the tools and implements of his

trade, the value of such apparel, bedding, tools, and implements not exceeding in the whole the value of five pounds, shall not be liable to seizure under any execution or order of any court against his goods and chattels.

exceeding 5*l.*
in value, not
to be seized
in execution.

IX. AND be it enacted, that it shall be lawful for her Majesty, with the advice of her privy council, to enlarge the jurisdiction of any such court of requests or conscience, or inferior court of record for the recovery of debts, or other court for the recovery of small debts, to all debts and demands, whether on balance of account or otherwise, or damage arising out of any express or implied agreement, not exceeding twenty pounds, and, in such cases as her Majesty, with the advice aforesaid, may think fit, to enlarge the district of any such court, or, where any part of the district of such court is comprised within the jurisdiction of any other like court, to contract the same, and also to make any alteration or regulation for the holding or sitting of any such court, both as to time and place, any thing in any Act constituting any such court to the contrary notwithstanding; and all powers and authorities now vested in any such court the jurisdiction or district whereof shall be so enlarged, or the district whereof shall be so contracted, shall apply and extend to the jurisdiction or district given or limited under the powers of this Act, and that as fully as if such jurisdiction or district had been given by the Act or Acts establishing or regulating such court and its proceedings; provided always, that no such order shall take effect in respect of any court which shall not have a judge who is either a barrister at law or special pleader, or an attorney of one of her Majesty's superior courts of common law at Westminster who shall have practised as an attorney for at least ten years; and in any court in which there shall be no judge qualified as aforesaid the person or persons to whom the appointment of judge, or, if there be no judge, to whom the appointment of any clerk of the court belongs, or the majority of such persons who shall be present at a meeting called for the purpose, shall within three calendar months next after the making of any such order, and also within three calendar months next after any vacancy of the said office of judge, appoint a judge, qualified as aforesaid, subject to the approval of her Majesty, to be signified under the royal sign manual; and in default of any such appointment as aforesaid it shall be lawful for her Majesty to appoint a judge, qualified as herein-before provided, for the court in which such default shall have been made; provided always, that no judge, clerk, or officer of any court whose emoluments shall be increased under this Act, nor any person or persons whose franchise or right of appointment to any office in any court shall become more valuable under this Act, shall be entitled to any compensation for any such increase of emoluments, or increased value of any such franchise or right of appointment, if the same, or the value of the same, shall be diminished or taken away by any alteration in the constitution of the said court, or otherwise, by Act of Parliament: Provided also, that notice of the intention of her Majesty, with the advice of her privy council, to take into consideration the expediency of making any such order, and of the time when the same will be considered, shall be given in the London Gazette one calendar month at least before the same shall be so considered.

Jurisdiction
of courts of
requests, &c.
may be
enlarged, and
districts
altered.

Appointment
of judges of
such courts.

X. AND be it enacted, that every judge of any such court of requests or conscience, or inferior court of record for the recovery of debts, or other court for the recovery of small debts, shall be removable by the lord chancellor for misbehaviour or incapacity.

Removal of
judges of in-
ferior courts
for mis-
behaviour or
incapacity.

shall be
ent
the

XI. AND be it enacted, that in all cases of debts and demands which were not within the jurisdiction of the court before the passing of this Act, and also whenever the number of commissioners present at any court shall not be sufficient for the trial of causes according to the constitution of the court before the passing of this Act, the judge shall act alone, with all the powers of the court, and shall determine all questions, as well of fact as of law, in the causes which shall be brought before him.

acting
deputy
during
absence
judge.

XII. AND be it enacted, that in all cases of illness or unavoidable absence, the cause whereof shall be entered in the minutes of the court, it shall be lawful for the judge, or, in case of the inability of the judge, for the commissioners, or the person or persons to whom the appointment of the judge belongs, to appoint a deputy, qualified as is herein-before provided in the case of the judge, to act for him during such illness or unavoidable absence; and it shall also be lawful for the judge, with the approval of the person or persons to whom the appointment of judge belongs, and of one of her Majesty's principal secretaries of state, to appoint a deputy, qualified as aforesaid, to act for him for any time or times not exceeding in the whole one calendar month in any consecutive period of twelve calendar months; and any deputy so appointed, while acting under such appointment, shall have all the powers and perform all the duties of such judge: Provided always, that, independently of the power herein contained, every judge shall have the same power of appointing a deputy or deputies to hold his court for all cases of debts and demands within the jurisdiction of the court as it was constituted before the passing of this Act which he has under the Act or Acts according to which the court is now constituted, and that such deputy or deputies, if qualified as is herein-before provided in the case of the judge, or, in the case of any deputy appointed before the passing of this Act, if approved by one of her Majesty's principal secretaries of state, shall have in all cases within the extended jurisdiction of the court the powers and privileges, and be subject to the same liabilities, and perform all the duties of such judge, while acting under such appointment.

jurisdiction
in
Southwark.

XIII. AND be it enacted, that, until Parliament shall otherwise direct, the execution of all process issuing out of any of the last-mentioned courts, the jurisdiction of which shall include the city and liberty of Westminster or any part thereof, shall belong to the high bailiff of Westminster, and out of any court the jurisdiction of which shall include the borough of Southwark, or any part thereof, shall belong to the high bailiff of Southwark.

for
of courts
jurisdiction
is
altered
tables

XIV. AND be it enacted, that the judge of any such court the jurisdiction of which shall be extended under the powers of this Act shall, subject to the approval of one of her Majesty's principal secretaries of state, frame a table of fees to be payable by the suitors of such court or courts in respect of every proceeding therein; and a table of such fees shall be put in some conspicuous place in the court house and in the clerk's office; and the fees on every proceeding shall be paid, in the first instance, by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding; and all such fees shall be received by the clerk or clerks of such court, who shall account to the other officers of such court for the amount or proportion thereof which shall be payable to them respectively, and shall also in the month of March in every year render to one of her Majesty's principal secretaries of state an account of all such fees which shall have been received in the

be
and
led for.

year ending on the last day of December then next preceding: Provided always, that it shall be lawful for the secretary of state to lessen the amount of the fees to be taken in any one or more of the courts the jurisdiction or district whereof shall be extended as aforesaid, in such manner as to him shall seem fit, and again to increase such fees, so that the scale of fees given in the schedule to this Act marked (C.) be not in any case surpassed: Provided also, that in all cases where any judge, clerk, or other officer of any such court shall have been paid by salary instead of fees, such judge, clerk, or other officer shall continue to receive such salary in respect of the business now within the jurisdiction of such court, and, in respect of the business under the powers of this Act, such fees applicable thereto as are set out in the said schedule (C.), or such additional salary instead of such fees as the secretary of state shall direct; and all sums payable in the name of fees to any such judge, clerk, or other officer, over and above the amount of such salary, shall be applicable for such purposes and in the manner prescribed by the Act or Acts of Parliament under which such court is constituted; and that in awarding compensation to any judge, clerk, or officer of any such court, under the provisions of the said Act of the last session of Parliament, account shall be taken of the fees and emoluments to which he shall become entitled under this Act, and any increase of his fees and emoluments under this Act shall go in diminution of the amount to be awarded to him for such compensation.

Fees may be varied by secretary of state, within maximum fixed by schedule (C.)

Proviso where judges or officers are paid by salaries.

* * * * *

XVI. PROVIDED always, and be it enacted, that nothing herein-before contained shall extend to or affect any fees or salary payable by virtue of any existing Act or Acts for business or proceedings in any court for the recovery of small debts, except such business or proceedings as shall be had under or by virtue of this Act; but it shall be lawful for the judge of any court, with the approval of one of her Majesty's principal secretaries of state, to alter the fees receivable under the Act or Acts under which his court is now constituted, but not so as to exceed the scale of fees given by such Act or Acts respectively.

Fees, &c. payable under any existing Acts not to be affected.

Power to alter such fees.

XVII. AND be it enacted, that for raising a fund for providing a court house and offices for any court of requests, or other court for the recovery of small debts, and for other purposes herein-after mentioned, the clerk or clerks of any such court in which and while it shall be necessary to raise such fund shall demand and receive from the plaintiff in every suit brought in that court, before he shall issue any summons in that suit, the sum of sixpence when the debt or damage claimed shall not exceed twenty shillings, and for every claim exceeding twenty shillings one fortieth part thereof (neglecting any sum less than three-pence in estimating such fortieth part), or other such sum, in either case not exceeding the rates herein-before mentioned, as the secretary of state from time to time shall order, which sum shall be paid in all cases in the first instance by the plaintiff upon suit brought in such court, and shall be considered as costs in the cause; and the clerk or clerks of the court shall keep an account of all monies so paid to him or them, and shall account for the same to the judge of such court for the time being, and the amount thereof shall accumulate, to form a general fund for such court, and shall be applied in providing a court house and offices, or in defraying the rent and taxes, stationery, and other necessary expences of holding and carrying on the business of such court, in such manner as the court for the time being, with the approval of the secretary of state, shall direct.

Poundage upon sums claimed may be demanded from plaintiffs, and when received shall be carried to a general fund for providing court house and paying expences of the court.

against the goods and chattels of the defendant, or an order for his commitment shall have been made, under this Act, and the defendant, or his goods and chattels, shall be out of the jurisdiction of such court, it shall be lawful for the officer charged with such warrant, execution, or order of commitment to apply to any justice of the peace acting for any county, division, or place in which the defendant, or his goods and chattels, shall then be, upon proof being made upon oath (which oath such justice shall be empowered to administer) that the person or goods and chattels of such defendant is or are believed to be within the county, division, or place where such justice of the peace shall act, such justice of the peace shall sign or endorse his name upon the said warrant, execution, or order of commitment, and thereupon the said officer charged therewith shall take and seize the person or the goods and chattels of the defendant, wheresoever the same shall be found within the county, division, or place for which such justice of the peace shall act, and all constables and other peace officers shall be aiding and assisting within their respective districts in the execution of the said warrants, executions, or orders.

executions out of jurisdiction.

XXIII. AND be it declared and enacted, that all the enactments of the said Act of the last session of Parliament, and of the several Acts under which the said several courts are now held or constituted, shall within their several districts be deemed to apply to every proceeding under this Act, so far as the same are applicable, and not repugnant to the provisions of this Act.

Provisions of 7 & 8 Vict. c. 96., &c. shall apply to proceedings under this Act.

XXIV. AND be it enacted, that in the construction of this Act the word "judge" shall be construed to include every person, being either a barrister at law or a special pleader, or an attorney of one of her Majesty's superior courts of common law at Westminster who shall have practised as an attorney for at least ten years in one of her Majesty's superior courts of common law at Westminster, who, according to the constitution of the court, presides in any such court as aforesaid, or acts as judge or assessor therein, whether by the title of judge, or barrister, or county clerk, assessor, or steward or deputy steward, or by any other style or title whatsoever; and the word "person" shall include a body corporate; and every word importing the singular number or masculine gender shall include also several persons or things, and females as well as males, unless the context shall require another construction.

Interpretation of terms "judge,"

"person," number and gender.

XXV. AND be it enacted, that this Act shall apply only to England.

Extent of Act.

SCHEDULES to which this Act refers.

* * * * *

SCHEDULE (C.)

JUDGE'S FEES.	On demands not exceeding 40s.	On demands not exceeding 5l.	On demands exceeding 5l. and not exceeding 10l.	On demands exceeding 10l.
	s. d.	s. d.	s. d.	s. d.
For every summons -	0 6	1 0	2 0	3 0
For every hearing or trial	2 0	2 6	7 6	10 0

CHAPTER CXXVIII.

AN ACT to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases. [9th August 1845.]

WHEREAS by an Act passed in the fifth year of the reign of King George the Fourth, intituled "An Act to consolidate and amend the laws 5 Geo. 4. c. 96. s. 18. " relative to the arbitration of disputes between masters and workmen," it was enacted, amongst other things, that "with every piece of work given out " by the manufacturer to a workman to be done there shall (if both parties are " agreed) be delivered a note or ticket in such form as the said parties shall " mutually agree upon." And whereas it is expedient that, so far as relates to silk weavers, such further provision should be made for delivery to them of a note or ticket of work as herein-after is expressed: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 when any manufacturer of silk goods or of goods made of silk mixed with other materials, or the agent of any such manufacturer, gives out to a weaver of such goods a piece of warp to be woven, such manufacturer or agent shall at the same time deliver to such weaver (unless both parties shall by writing under their respective hands agree to dispense therewith) a printed or written ticket, signed by such manufacturer or agent, containing the following particulars of the agreement between such manufacturer or agent and such weaver; (that is to say,)

Manufacturer of silk goods, or his agent, to deliver to weaver with warp a ticket of work, containing certain particulars, unless both parties in writing dispense therewith.

The count or richness of the warp or cane:

The number of shoots or picks required in each inch:

The number of threads of weft to be used in each shoot:

The name of the manufacturer, or the style of the firm under which he carries on business:

The weaver's name, with the date of the engagement:

And the price in sterling money agreed on for executing each yard imperial standard measure of thirty-six inches of such work in a workmanlike manner:

And such manufacturer or agent delivering such ticket shall make or cause to be made, and shall preserve until the work contracted to be done shall have been completed or paid for, a duplicate of such note or ticket.

Manufacturer or agent to preserve a duplicate.

II. AND be it enacted, that in the event of any dispute between the manufacturer or his agent and the workmen, such ticket and the said duplicate thereof shall be required to be produced, and shall, together or either of them, be evidence of all things mentioned therein, or respecting the same.

Ticket and duplicate to be evidence in cases of dispute.

III. PROVIDED always, and be it enacted, that where the subject of dispute relates to the alleged improper or imperfect execution of any work delivered to any manufacturer or his agent, such piece of work shall be produced, in order to adjudication, or if not produced shall be deemed and taken to have been sufficiently and properly executed.

Work to be produced, if dispute is as to proper execution, and if not produced shall be deemed to have been properly executed.

IV. AND be it enacted, that if any of the parties to the said complaint shall make oath before any justice having cognizance of such complaint that he or she believes that the attendance of any person as a witness will be material to the hearing of such complaint, such justice may summon such person,

Power of summoning witnesses.

y on
tes for

having been paid or tendered a reasonable sum for his expences, to appear and give evidence on oath before him at a time and place set forth in the said summons ; and if any person so summoned shall not appear at the time and place set forth in the said summons, and shall not make excuse for the default to the satisfaction of such justice, and if the due service of the summons be proved, or if such person appearing according to the summons shall not submit to be examined as a witness, then such justice may adjudge such person so making default in appearing or refusing to give evidence to pay such penalty, not exceeding five pounds, as such justice shall think fit, and the party so adjudged to pay such penalty shall pay the same accordingly.

s of
me.

V. AND be it enacted, that every summons required by this Act shall be served by delivering the same to the person summoned, or by leaving the same at his or her usual place of abode, twenty-four hours at least before the time appointed by the summons for such person to appear.

ig and
tion
alty.

VI. AND be it enacted, that if any such penalty or costs so adjudged by any justice to be paid is not paid immediately upon adjudication, such justice may issue his warrant to distrain and sell the goods and chattels of the person so adjudged to pay the same for the amount thereof, with costs ; and the proceeds of such distress, after paying the penalty and costs, and the costs of such distress and sale, shall be paid over to the person convicted ; and the said penalty shall be paid over to the sheriff or other proper officer of the county, city, borough, or place in which such conviction shall take place, for her Majesty's use, and shall be returned to the court of quarter sessions, under the provisions of an Act passed in the third year of the reign of King George the Fourth, intituled " An Act for the more speedy return and levying of fines, penalties, and forfeitures, and recognizances estreated."

4.

tiorari
llowed.

is not
ul for
if form,

VIII. AND be it enacted, that no order or conviction or proceeding touching the same respectively shall be quashed for want of form, or be removed by certiorari or otherwise into any of her Majesty's superior courts of record ; and that when any distress shall have been made for levying any money by virtue of this Act the distress itself shall not be deemed unlawful, nor the party making the same a trespasser, on account of any defect or want of form in the summons, warrant, conviction, warrant of distress, or other proceedings in relation thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for special damage (if any) by action on the case.



9 & 10 VICTORIA. A.D. 1846.

STATUTES MADE AT THE PARLIAMENT

BEGUN AND HOLDEN AT WESTMINSTER THE NINETEENTH DAY OF
AUGUST, A.D. 1841,

IN THE FIFTH YEAR OF THE REIGN OF QUEEN VICTORIA,
AND FROM THENCE CONTINUED BY SEVERAL PROROGATIONS TO THE
TWENTY-SECOND DAY OF JANUARY, A.D. 1846,
BEING THE SIXTH SESSION OF THE FOURTEENTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

CHAPTER I.

AN ACT for the further Amendment of the Acts for the Extension and Promo-
tion of Public Works in Ireland. [5th March 1846.]

WHEREAS an Act was passed in the first year of her present Majesty's
reign, intituled "An Act to amend the Acts for the extension and
" promotion of public works in Ireland," reciting an Act of the first and
second years of his late Majesty King William the Fourth, intituled "An Act
" for the extension and promotion of public works in Ireland," the provisions
whereof were amended and extended by an Act passed in the then last session
of Parliament, and that the commissioners acting under and in execution
thereof were authorized to make advances by way of loan to a certain amount
in the said Acts limited, in aid of the execution of public works in Ireland,
and were also authorized to make advances for the like purpose by way of
grant in aid of the construction of certain works to an amount not exceeding
in the whole the sum of fifty thousand pounds, and that it was expedient, with
a view to the further promotion of public works in Ireland, and the employ-
ment of the labouring population, that the said commissioners should be
enabled to make advances to an additional amount by way of grant, and that
provision should be made for making advances for the execution of public
works under certain circumstances partly by way of loan and partly by way
of grant; that is to say, by loan to the extent of one moiety of such advances,
and by grant to the extent of the other moiety thereof; and by the said first-
recited Act it is enacted, that it should and might be lawful to and for the
commissioners for the execution of the said recited Acts, under the like condi-
tions and regulations, and for the purposes of the said therein-recited Acts and
the said first-recited Act, to make additional advances by way of grant to an
amount not exceeding in the whole the sum of fifty thousand pounds, and for
the commissioners of her Majesty's Treasury, or any three or more of them, to
cause to be issued from time to time as they might find necessary, out of the
growing produce of the consolidated fund of the United Kingdom of Great
Britain and Ireland arising in Ireland, (in addition to the sum of fifty thousand
pounds therein recited to which the issues for the purposes of the grant to be

7 Will. 4. &
1 Vict. c. 21.

1 & 2 Will. 4.
c. 33.

6 & 7 Will. 4.
c. 108.

made under the therein-recited Acts were limited,) any further sum or sums of money not exceeding in the whole the sum of fifty thousand pounds, to be applied to the purposes of the said recited Acts and the said first-recited Act. And whereas by another Act passed in the first and second years of her present Majesty, intituled "An Act to authorize a further issue of Exchequer bills for public works and fisheries, and employment of the poor; and to amend the Acts relating thereto," it is enacted, that it should be lawful for the commissioners of her Majesty's Treasury to appropriate out of the sum of one hundred thousand pounds in Exchequer bills authorized to be advanced under the authority of the said Act any sum or sums in Exchequer bills not exceeding fifty thousand pounds in the whole, for the promotion and extension of public works in Ireland, to be applied by the commissioners appointed under the authority of an Act of the first and second years of the reign of his Majesty King William the Fourth, intituled "An Act for the extension and promotion of public works in Ireland," to the purposes and under the provisions of the said Act: And whereas of the said sum of fifty thousand pounds so made applicable under the said last-mentioned Act the sum of one thousand pounds was applied to grants, the remaining forty nine thousand pounds having been issued by way of loan: And whereas by another Act passed in the sixth and seventh years of her present Majesty, intituled "An Act to amend the Acts for carrying on public works in Ireland," and reciting as therein recited, it is enacted, that it shall be lawful for the commissioners of her Majesty's Treasury to order that out of such monies as after the passing of the said Act may be in the Exchequer, or as may hereinafter be paid into the Bank of England to the credit of her Majesty's Exchequer in repayment of loans made for public works in Ireland, any sum or sums of money not exceeding the sum of twenty-one thousand pounds may be set apart and appropriated for grants by the said commissioners of public works, with the approval of the said commissioners of her Majesty's Treasury, in such and the same manner as the said sum of twenty-one thousand pounds might have been used and applied for grants if the same had not been therein mentioned, inadvertently applied for the purposes of loans: And whereas of the said several sums so authorized to be advanced under the said recited Acts a sum of one hundred and eighteen thousand and ninety-two pounds nineteen shillings and eight-pence has been advanced and paid and applied for the purposes of the said Acts in the way of grant, leaving a sum of six thousand nine hundred and six pounds and four-pence still unapplied and available for such purposes; and it is expedient to increase the sum so available and to authorize the commissioners of her Majesty's Treasury to issue a further sum from the consolidated fund for the purposes of the said Acts and this Act or any of them; and it is also expedient to amend the said recited Act of the first year of her present Majesty, and extend its provisions to other 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, that it shall and may be lawful for the commissioners of public works in Ireland acting in execution of the said recited Acts, under the like conditions and regulations, (save as herein-after provided,) and for the purposes of the said recited Acts and this Act, to make additional advances by way of grant to an amount not exceeding in the whole the sum of fifty thousand pounds, and for the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, to cause to be issued from the

time as they may find necessary, out of the growing produce of the consolidated fund of the United Kingdom of Great Britain and Ireland, in addition to the said several sums herein-before mentioned, any sum or sums of money not exceeding in the whole the said sum of fifty thousand pounds, to be applied for the several purposes of the said Acts and this Act, or any of them, in relation to grants. [Rep., Stat. Law Rev. Act, 1875.]

II. AND be it enacted, that all and every the provisions, regulations, powers, privileges, advantages, forfeitures, and disabilities contained or expressed in the said recited Acts, or any Act amending the same, in respect of the grants authorized to be made thereunder, shall (save as herein-after provided) be applied and extended to the grants to be made under authority of this Act, as fully and effectually, to all intents and purposes, as if the same were herein repeated and re-enacted.

Provision
former A
to apply to
grants on
this Act.

III. AND whereas by the said recited Act of the first year of her present Majesty it is, amongst other things, enacted, that if any three or more justices of the peace, not being stipendiary magistrates, in and for any county, county of a city, or county of a town in Ireland, shall think it expedient to make application for the construction of any public work on the terms and under the regulations therein-after contained for the repayment of a moiety of the expence of executing such work, it shall and may be lawful for them, by notice under their hands, to be posted on the places appointed for posting notices of applications to presentment sessions in the barony or half barony or place in which such work is proposed to be executed, to convene a special meeting of the justices and cess-payers associated with such justices at the last special or presentment sessions held in such barony or half barony or place for the purposes of an Act passed in the then last session of Parliament, intituled "An Act to consolidate and amend the laws relating to the presentment of public money by grand juries in Ireland;" and such meeting shall be held at the place appointed for the holding of such special or presentment sessions, at such time as shall be specified in such notice, not being sooner than seven days from the time of posting such notice; and the senior justice present at such meeting shall preside thereat, and shall have, in addition to his vote, a casting voice in case of an equality of voices; and, if a majority of such justices and cess-payers assembled at such special sessions shall so think fit, the chairman shall apply by memorial to the lord lieutenant or other chief governor or governors of Ireland on behalf of the justices and cess-payers assembled at such sessions, praying that the work described in such memorial may be executed, and that a sum, not exceeding the amount in such memorial mentioned, may be advanced for that purpose, a moiety thereof to be repaid by grand jury presentment as therein-after mentioned: And whereas by reason of a deficiency of magistrates residing in certain districts it is difficult to obtain the concurrence of three justices of the peace in convening any such special meeting as aforesaid, and it is therefore expedient to amend the said provision: Be it therefore enacted, that from and after the passing of this Act it shall and may be lawful for any two justices of the peace (not being stipendiary magistrates) in and for any county, county of a city, or county of a town in Ireland, and any three cess-payers associated with the justices at the then last special or presentment sessions as aforesaid held in and for the barony, half barony, or place wherein any public work is proposed to be executed under the provisions of the said first recited Act and this Act, (as far as the same are applicable,) by

7 Will. 4.
1 Vict. c.
s. 3.

Two justice
and three
cess-payer
associated
with them
the last sp
or present
sessions m
convene a
meeting of
justices an
cess-payer

one statute acre in quantity, or less than fifteen yards in breadth, then and in every such case the said commissioners shall (if thereunto required by the proprietor of such field, close, or other land so cut through or divided) take and purchase such piece or parcel or pieces or parcels so to be left as aforesaid of such field, close, or land, and shall pay for the same in the same manner as for the land actually required for the purpose of this Act; and the said commissioners are hereby authorized and empowered to sell such lands which they shall be so required to take and purchase as aforesaid, and cause the same to be conveyed to any person or persons whomsoever who shall be willing to purchase the same; and any profit or loss arising from such sale and resale shall be respectively placed to the account of the work in respect of which such lands shall have been purchased.

XXXI. AND be it enacted, that it shall be lawful for the said commissioners to purchase any lands which they shall think it necessary or proper to purchase for accomplishing any of the purposes of this Act, and also any land, not exceeding five acres, at, about, and immediately adjoining to the site of any pier, harbour, quay, or landing place to be constructed or improved under the provisions of this Act, which they may deem requisite, as sites for the building or constructing market places, drying sheds, or for ground for spreading and mending nets, or for other purposes of a public nature calculated to promote and improve the fisheries, making such reasonable satisfaction and recompence to the person entitled to or interested in such land as may be agreed upon, or shall be settled and ascertained in manner herein-after mentioned.

XXXII. AND be it enacted, that it shall be lawful for every corporation, and for every trustee and feoffee in trust for charitable or other purposes, and for every executor and administrator, not only for and on behalf of himself, his heirs, executors, and administrators respectively, but also for and on behalf of his cestuique trust, whether infant, feme covert, idiot, lunatic, or persons not born or not ascertained, or any other person whomsoever, and to and for any tenant for life, or for years absolute and determinable on any life or lives, and every person having any other partial or qualified estate or interest in any land required to be purchased for any of the purposes of this Act, or injuriously affected by any such works as aforesaid, not only for and on behalf of himself, his heirs, executors, administrators, and issue, but also for and on behalf of the person entitled in remainder, reversion, expectancy, or contingency, or for any other future estate or interest, where such person or any of such persons (if more than one), whether entitled to the next or any subsequent estate or interest, or any part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for every guardian on behalf of his respective ward, husband on behalf of his respective wife, committee on behalf of the person of whose estate he shall be committee, and the heirs, executors, administrators, and issue of such ward, wife, or person respectively, and to and for any feme covert entitled in her own right to any such land, or to dower or other interest therein, on behalf not only of herself but also of her respective heirs, executors, administrators, and issue, and also where such ward, wife, person, or feme covert respectively shall be tenant for life or in tail, or for years, or have any other partial or qualified estate or interest, to and for such guardian, husband,

Works.

shall purchase such severed lands if required.

Commissioners may sell such lands.

Purchase of lands.

Commissioners may purchase land for the purposes of the Act.

Corporations, trustees, and other persons, empowered to sell and convey, &c.

vey any such land as aforesaid shall neglect or refuse to treat or shall not agree with the said commissioners, or by reason of absence or disability cannot agree, or cannot be found or known, or shall not prove a clear title to the land, or the estate or interest which he shall claim therein, to the satisfaction of the said commissioners, or in case any such corporation or trustee or other person sustaining any such injury or damage as aforesaid shall not accept such satisfaction or recompence for the same as shall be offered by the said commissioners for the space of thirty days after notice published in some newspaper circulating in the county in which such lands shall be situate, and a copy of such notice given to the principal officer or officers of such corporation, or to such trustee or person respectively, or left at his respective place of abode, or at the house of the tenant or occupier of such land intended to be purchased, taken, or used for any of the purposes of this Act as aforesaid, then in every such case the said commissioners are hereby empowered, at a time and place to be specified in such notice as last aforesaid, to inquire and examine, by themselves or one of them, or by any officer to be appointed for that purpose, and to award the sum of money to be paid for the purchase of such land, or the recompence or satisfaction to be made for damage that may or shall be sustained as aforesaid, and to settle and ascertain in what proportions the sum so awarded shall be paid to the several persons interested in such land, or in any charge, lien, or incumbrance thereon, and what abatements (if any) shall be made in the rents payable out of the land named or described in such award, or any land held in conjunction therewith; and the said commissioners shall award such purchase money or recompence so to be assessed, and the said commissioners shall and may in such award name or describe the persons (if known to the said commissioners) to whom respectively the sum mentioned therein shall be paid, and in what proportions the same shall be paid to and among such persons where more than one, and the land, naming or describing the same, in respect of which such sum has been so awarded, and also what abatements (if any) shall be made in the rents payable out of the land named and described in such award, or any land held under the same lease or instrument in conjunction therewith; and the said commissioners shall notify and appoint a time and place for holding a meeting for the confirmation of their said award, and they, or one of them, shall attend at such time and place, and at such meeting, or at some adjournment thereof, proceed to consider each case, and hear all objections which may be made thereto by any person whatsoever, and receive all such evidence as they shall find pertinent and proper, and amend or confirm and settle each such award accordingly; and such award shall be conclusive and binding upon the Queen's most excellent Majesty, and all other persons interested, except in the case and subject to the provisions herein-after contained: Provided always, that after having offered to any proprietor or occupier of any land such sum as the said commissioners shall think reasonable, it shall and may be lawful for them, without further delay, to enter into and upon such lands for the purposes of this Act, and to proceed with such works thereon as shall in the opinion of the said commissioners be necessary.

Purchase of lands.

to settle and award amount of purchase money or compensation, and how the same shall be divided, &c.

Objections to award to be heard and determined.

Commissioners may enter on lands, after tender of such sum as they think reasonable.

. XXXVI. PROVIDED always, and be it enacted, that if any person interested or claiming to be interested in any land which may be made the subject of any

Any person dissatisfied with the award

being qualified as aforesaid, to make up the said jury to the number of twelve; and all parties concerned shall and may have their lawful challenges against any of the said jurymen; and the said assistant barrister is hereby empowered, by warrant under his hand and seal, from time to time, as occasion shall require, to summon and call before him all and every such person and persons as shall be thought necessary to be examined as witnesses touching the matters in question; and the assistant barrister may order and authorize the said jury, or any six or more of them, to view the place or matter in question, which jury (upon their oaths, to be administered by the said assistant barrister, which oaths, as also the oaths to such person or persons as shall be called upon to give evidence, the said assistant barrister is hereby empowered to administer,) shall inquire of, assess, and ascertain the sum of money to be paid for the purchase of such land, or the recompence or satisfaction to be made for damages that may or shall be sustained as aforesaid, and what abatements (if any) are to be made to any tenant or occupier of such land, and to settle and ascertain in what proportions the sums so assessed shall be paid to the several persons interested in the premises.

Purchase of lands.

Jurors may be challenged. Assistant barrister may summon witnesses. Jury to ascertain the amount payable, &c.

XXXVIII. AND be it enacted, that in all such cases of appeal as last aforesaid the assistant barrister shall give judgment for such purchase monies or recompence, whether the same shall have been assessed and ascertained by such juries, or finally determined by such assistant barrister; and the verdicts of such juries, and the judgments thereon, and the judgments of said assistant barrister where no such verdicts shall be given, shall be binding, final, and conclusive, to all intents and purposes, against all parties, corporations, and persons whomsoever.

Assistant barrister to give judgment for amount fixed by jury or by himself; judgments to be binding on all parties.

XXXIX. AND be it enacted, that if any person summoned as a jurymen as aforesaid shall after his appearance refuse to be sworn, or being so sworn refuse to give or not give his verdict, or in any other manner wilfully neglect his duty in the premises, contrary to the true intent and meaning of this Act, every person so offending, having no reasonable excuse, to be allowed by the said assistant barrister, shall for every such offence forfeit and pay any sum not exceeding the sum of forty shillings, to be levied on the goods and chattels of the person so offending, by warrant under the hand and seal of the said assistant barrister, by distress and sale of the offender's goods, rendering the overplus to the owner thereof, after such penalty, and the charges of such distress and sale, are deducted.

Jurymen refusing to be sworn, or give verdict, &c., to forfeit a sum not exceeding 40s.,

to be levied by distress.

XL. AND be it enacted, that such of the aforesaid awards of the said commissioners as shall not be appealed from, and the judgments and verdicts so given as aforesaid, shall be respectively transmitted to and be kept by the respective clerks of the peace of the counties in which the land in respect of which such awards, judgments, or verdicts shall have been respectively made shall be situate, and shall be deposited with the records, and deemed records, of such counties respectively, to all intents and purpose, and the same, or certified copies thereof, shall be allowed to be good evidence in all courts whatsoever, and all persons shall have liberty to inspect the same, paying for such inspection the sum of sixpence, or to have copies thereof, paying for every copy the sum of three halfpence for every seventy-two words, and so in proportion for any greater or less number of words.

Awards, verdicts, and judgments to be recorded.

Certified copies to be evidence.

Inspection and copies.

be entitled to the rents and profits of the land so to be purchased, taken, or used, or damaged or injured as aforesaid, such nomination to be approved of by the said commissioners, and such nomination and approbation to be signified in writing under the hands or common seal of the nominating and approving parties; and the monies so paid to such trustees, and the dividends and produce arising thereon, may be applied by such trustees in like manner as is herein-before directed with respect to the money so to be paid into the Bank of Ireland, without being required to obtain any order of the Court of Chancery or Exchequer touching the application thereof.

*Purchase of
lands.*

XLIII. PROVIDED also, and be it enacted, that if any money so adjudged or awarded to be paid as herein-before mentioned shall be less than twenty pounds, then and in every such case the same shall be paid to the person who would for the time being have been entitled to the rents and profits of the lands so purchased, taken, or used, or damaged or injured, for the purposes of this Act, for his own use and benefit, or in case of infancy or lunacy or other incapacity, then to the person acting as guardian, committee, or trustee of such person, to and for the use and benefit of the person entitled thereto.

When less
than 20*l*.

XLIV. AND be it enacted, that where by reason of any disability or incapacity of any party entitled to any land to be taken, purchased, or used, or in respect of which any compensation or satisfaction shall be payable, under the authority of this act, the purchase money for the same shall be required to be paid into the Bank of Ireland, to be applied in the purchase of other land, to be settled to the like uses, in pursuance of this Act, it shall be lawful for the said court to order the expences of all such purchases, or so much of such expences as the said court shall deem reasonable, together with the necessary costs and charges of obtaining such order, to be paid by the said commissioners out of the monies to be received by virtue of this Act; and the said commissioners shall from time to time pay such sums of money for such purposes as the said court shall direct.

The court
may order
reasonable
expences of
purchases, &c.
to be paid
by the com-
missioners.

XLV. AND be it enacted, that if any corporation or person seised or possessed of or having any estate or interest in any such land as aforesaid cannot be found, or shall not be known, or shall not prove a good title to such land to the satisfaction of the said commissioners or any person authorized by them, or shall refuse to execute a conveyance thereof, then and in every such case it shall be lawful for the said commissioners to pay such sum of money as shall have been contracted and agreed or shall have been adjudged in manner aforesaid to be paid for the purchase or for the value of such land into the Bank of Ireland, in the name and with the privity of the accountant general of the said Court of Chancery or Exchequer, to be placed to his account to the credit of the party interested in the said land (describing such land), or if such party shall not be known, then to the credit of the then unknown person interested in the said land (describing the same), subject to the order, control, and disposition of the said court; which said court, on the application of any corporation or person making claim to such sum of money or any part thereof, by motion or petition, shall be and is hereby empowered, in a summary way of proceeding or otherwise, as to the same court shall seem fit, to order the same to be laid out and invested in the public funds, and to order distribution thereof, or payment of the dividends thereof, according to the respective estate, title, or interest of the corporation or person making claim thereto,

When con-
veyances
cannot be
obtained com-
missioners
shall pay into
the Bank the
money agreed
upon or
assessed;

always, that if the money and interest due in respect of any mortgage or charge on any land purchased or taken under this Act shall amount to more than the value of the premises charged therewith, or such of them or of such part thereof as shall be purchased or taken under this Act, then, upon payment to such mortgagee or person, or into the Bank, in manner herein-before mentioned, of the sum to be ascertained as the value of the estate or interest so mortgaged or charged on the land, or part thereof, so to be taken and purchased as aforesaid, all the estate of the said mortgagee or person as aforesaid, and of every person in trust for him, in the said land or any part thereof the value whereof shall have been so ascertained and paid as aforesaid, shall vest in the commissioners, and they shall be deemed to be in the actual possession of the said lands, to all intents and purposes whatsoever, freed from such mortgage or charge as aforesaid; and the mortgagor or other person entitled to redeem shall be and is hereby barred and foreclosed from all right and equity of redemption of and in the same land or portion of land.

Purchased lands
—
interest & the value of the premises on payment of it value.

XLVIII. AND be it enacted, that when any rent, or any such charge, incumbrance, or lien as aforesaid, shall also be payable out of or extend over and be a charge, incumbrance, or lien on any lands other than those which shall be taken or injured by or conveyed to or vested in the said commissioners, then and in such case neither this Act nor any conveyance so made as aforesaid shall in any respect discharge, affect, or alter the force, validity, or effect of such charge, rent, incumbrance, or lien, so far as relates to such other lands, tenements, or hereditaments, but that as to all such the same shall respectively continue, be good, valid, and subsisting, subject nevertheless to such reduction of rent (if any) as may be made in respect of such lands under the provisions herein contained.

Rents or charges affecting lands taken, and lands not to be affected as lands not taken.

XLIX. AND be it enacted, that upon payment into the Bank of Ireland, as herein directed, or upon payment or legal tender of any such sum of money as shall have been contracted for between the parties, or adjudged in manner aforesaid, for the purchase of any land, or as a recompence for the yearly produce or profits thereof, or as a compensation for damages, as herein-mentioned, to the proprietor of such land, or to such person as shall be entitled thereto under any of the provisions herein contained, it shall be lawful for the said commissioners, or their agents, workmen, or servants, immediately to enter upon and use such land.

Power to enter and take possession of lands &c. on payment or tender of purchase money or compensation

L. PROVIDED always, and be it enacted, that if it shall seem expedient to the said commissioners, at any time or times within six months after any adjudication or contract shall be made, given, or entered into under the provisions of this Act, not to take or injure the whole or any part of any land or other matters or things named or described in such adjudication or contract, it shall be lawful for the said commissioners to serve a notice upon or cause the same to be left at the usual place of abode of the person or persons who are or appear by the said adjudication or contract to be interested in such land or other matters or things, stating that the same, and what part thereof, will not be taken for or injured by any thing to be done under this Act; and the adjudication or contract mentioned in the said notice, or such part thereof as shall relate to the part not required to be taken or injured as aforesaid, (at the option of the said commissioners,) shall be utterly void and of none effect, to all intents and purposes whatsoever; and in case a part only of any

Commissioners may forego the taking of any land, or any part of any land, on serving a notice, within six months from the time of contract or adjudication, that the same will not be required.

incidental thereto, and whether the monies advanced by way of loan, with interest, shall be repaid in one sum or by instalments, and if by instalments then said award shall also specify the several instalments, and the manner by and in which such proportions shall be paid, and, regard being had to the circumstances of each particular case, and the final declaration made as before directed in respect thereof, the said award shall also specify the amount of such money advanced by way of loan which shall be charged, with interest, upon the county or counties, or district, or the lands of any proprietor or proprietors, or proportionally on such county, district, or lands, or either or any two of them, as the case may be, and describing such county, district, or lands respectively; and the said commissioners shall also cause to be inserted in every such final award all such other determinations, matters, and things as the said commissioners shall think necessary and proper, and the said commissioners shall sign such award under their hands.

*Sec
for loa
repa*
—

Award
specify
monies
vanced
way of
are to
charge

LIII. AND be it enacted, that every such final award, when settled and signed by the said commissioners, shall be enrolled in the Rolls Office of her Majesty's Court of Chancery in Ireland within three months after the same shall have been finally settled, and a copy thereof shall be deposited with the clerk of the peace of each county in or near which such works shall be situate, who is hereby authorized and required to receive and deposit the same amongst the records of the county; and such award, when so finally settled and enrolled, shall be binding and conclusive on all parties and 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; and the said commissioners shall, within one month after the said award shall be finally settled, cause such award to be printed, and kept for sale at a price not exceeding sixpence for each printed copy thereof.

Award
finally
to be e
in Roll
of Cou
Chance
Copy to
deposit
clerk of
peace.

Award
printed
kept for

LIV. AND be it enacted, that any sum of money which under the final award of the said commissioners shall be payable by any county in respect of monies advanced by way of loan for or in respect of any work under the provisions of this Act shall be payable by the grand jury of such county, and the secretary of the said commissioners shall certify to the secretary of such grand jury the amount of such sum of money, and the instalments and manner by and in which the same is payable under the award of the said commissioners, and such grand jury is hereby required, without application to presentment session, to make presentment of the amount of such costs, charges, and expences, or of the instalments from time to time payable in respect thereof, as stated in such certificate, together with interest thereon respectively at a rate not exceeding five pounds per centum per annum from the date of such award, to be raised off the county at large; and in default of such presentment the court at such assizes shall order such amount or instalments, with interest as aforesaid, to be raised off such county, and such order shall have the force of a presentment, and the treasurer of such county shall insert such amount or instalments, with the interest thereon, as same shall be from time to time payable, in his warrant or warrants, and same shall be applotted, raised, and levied as if the same had been duly presented; and when and so soon as such amount or instalments as aforesaid, with the interest thereon, shall be raised and received by the treasurer of the county, such

Sums re
for repa
of loan,
payable
county, &
raised by
presentm

authorized and required to levy the money therein mentioned according thereto; and such money shall and may be collected and levied, sued for and recovered, by such and the same ways and means as any grand jury cess, or the money apportioned on the several persons liable to pay any grand jury cess, may be collected and levied.

*Show
for loan
repay*
—
Assess
be reco
as gran
jury ce
Propor
of asses
to be d
from re
occupie
ing re

LVIII. AND be it enacted, that when any person occupying such lands or hereditaments within any such district shall be liable to pay a rent in respect of the same, he may deduct from such rent, for each pound of the rent which he shall be liable so to pay, one half of the sum which he shall have paid as such assessment in respect of each pound of the net annual value, (whether such rent shall be greater or less than such net annual value,) and so in proportion for any less sum than a pound.

LIX. AND be it enacted, that where any person receiving rent in respect of any such rateable property within such district shall also pay a rent in respect of the same, he shall be entitled to deduct from the rent so paid by him a sum bearing such a proportion to the amount of such assessment deducted from the rent received by him as the rent paid by him bears to the rent received by him: Provided always, that every lessor assessed instead of any occupier of rateable property shall be entitled to deduct from any rent paid by him in respect of such property a sum bearing such a proportion to one half of the assessment on such property as the rent paid by him bears to the net annual value of such property.

*Where
than o
rent is*

LX. AND be it enacted, that any sum of money which under any such final award shall be payable as aforesaid by any proprietor of lands in respect of monies advanced by way of loan for or in respect of any works under the provisions of this Act, together with interest for such sum at a rate not exceeding five pounds per centum per annum from the date of such award, shall, from the date of the final declaration herein directed to be made, be charged upon the lands of such proprietor or proprietors as specified in such final declaration and award, and that in preference to and with priority over all charges and incumbrances on such lands, except quit rent and rent-charge in lieu of tithe; and if any sum of money so charged as aforesaid, or any instalment thereof, or any interest in respect thereof, shall remain unpaid for the space of three calendar months next after the time appointed for payment of the same by the said award, then it shall be lawful for the said commissioners, or any person authorized by them, to enter upon the land charged with or liable to the payment of the sum of money or interest so in arrear, or any part thereof, but subject nevertheless to such quit rent or rent-charge in lieu of tithes (if any) as aforesaid, and the rents and profits of such land to receive and take until thereby or otherwise the sum and interest so due (together with all costs and expences attending or occasioned by such entry, and receipt of the rents, profits, and issues of such land,) shall be fully paid and satisfied; and it shall be lawful for the Court of Chancery or Exchequer in Ireland, upon the application by petition of the said commissioners, to appoint a receiver of the rents profits, and issues of such land, which receiver shall have full power to receive the same rents, profits, and issues, and apply the same, after deduction of the necessary expences of the application to the said court, and of such quit rent or rent-charge in lieu of tithe issuing out of such lands and premises (if any), in payment of the sum and interest so due, until the same shall be fully paid;

*Repaym
loan wh
charged
lands of
propriet*

*In case o
nonpaym
of money
charged,
commissi
may enter
into recei
rents.*

*Receiver
be appoin*

*Security
for loans, and
repayment.*

—
or sum raised
by mortgage.

and it shall also be lawful for the said commissioners, fit, to raise such sum and interest, and all costs and expenses by mortgage of such land or a competent part thereof, and every receipt given for the consideration and effectual to all intents and purposes whatsoever; and he shall be bound to see to the application of his mortgage whether the mortgage made by the said commissioners

Persons
making default
in repaying
principal and
interest for
thirty-one
days, to pay
1s. in the
pound as re-
ceiver's fees.

LXI. AND be it enacted, that in any case where the said commissioners shall be charged by such final award with any sum of money on account of any such loan as aforesaid, then, in addition to all and every other charge or charges which shall be charged by such final award of the said commissioners under the provisions of this Act, there shall be paid to the said receiver a sum of one shilling in the pound on the total amount of the same, and the receiver's fees thereon to be charged, payable and recoverable as such sums and interest aforesaid: Provided always, that no such charge or charges shall be levied on the lands or property of such party or person, and no such charge or charges shall be levied as an additional charge of one shilling in the pound who shall be charged by such final award, until such sum and interest as aforesaid pay the amount to the said commissioners into the Bank of Ireland, or into such other bank as the said commissioners shall for that purpose appoint.

Occupiers
paying monies
on account of
proprietors to
deduct the
same from
their rents.

LXII. AND be it enacted, that in any case where the said commissioners shall be charged by such final award with any sum of money on account of any such loan as aforesaid, every occupier of any such land or premises, or any person in occupation thereof within the meaning of this Act, shall be liable, in respect of his occupation, on account of his landlord, any sum of money which he shall be liable to pay under and by virtue of the provisions of this Act, and the said commissioners are authorized to deduct and retain out of his rent the amount of such sum, and the next such occupier, if not himself a proprietor of such land or premises within the meaning of this Act, shall and he is hereby authorized to make the same good to the landlord, and the rent payable by him, and so on, each sub-lessee and sub-tenant, if not being a proprietor thereof within the meaning of this Act, shall and he is hereby authorized to deduct the sum so charged upon such land under or from the rent payable to his next immediate landlord, and the same shall be made from the rent payable to a person being a proprietor of such land or premises within the meaning of this Act who shall not be entitled to make good the same from the rent (if any) payable by him; and every such occupier or sub-lessee or sub-tenant paying any such sum of money shall be accountable for the sum so paid by him, as fully and effectually as if the same were actually paid to his landlord (except where there shall be any agreement to the contrary); but nothing herein contained shall be construed to enable any occupier or lessee to deduct from his rent any such sum of money, or any such expenses incurred by nonpayment of the monies hereby provided for, or to be levied.

*Maintenance
of works.*

—
Works to be
vested in com-
missioners,
and to be
maintained

LXIII. AND be it enacted, that all works constructed or to be constructed or improved under the provisions of this Act shall be vested in the said commissioners and their successors, and shall be maintained, repaired or to be repaired by said commissioners out of any tolls, rates, or

the provisions of this Act shall accrue to the said commissioners for or in respect of such works, or the lands purchased by or vested in said commissioners.

LXIV. AND be it enacted, that all such harbours, piers, quays, landing places, and other works on the sea coast of Ireland which have been heretofore within forty-five years made wholly or in part with public money advanced for the purposes of the improvement of the fisheries, and which are not now private property, as the said commissioners shall deem fit and still useful for the purposes of the sea fisheries, and with respect to which the said commissioners shall give and publish such notice as herein-after provided, shall, together with all ways, rights, members, and appurtenances thereto belonging, be and the same are hereby declared to be public property, and the same shall, from and after the expiration of twelve calendar months from the passing of this Act, be vested in the said commissioners and their successors; and all the provisions in this Act contained with reference to the making of grants and loans for the construction of new works, or with reference to such works, and the several proceedings, matters, and things in any manner relating thereto, shall be deemed and construed to apply and be applied, so far as the same may be applicable, to the first repair, alteration, or improvement of such harbours, piers, quays, landing places, and other works as aforesaid; and after such first repair, alteration, or improvement (if any) the same shall be maintained as any other work under this Act: Provided always, that the said commissioners shall as soon as conveniently may be, and within twelve calendar months from the passing of this Act, by a notice or instrument in writing under their hands, declare and describe the several harbours, piers, quays, landing places, and other works which they shall so deem fit and useful for the purposes of the sea fisheries, and to be vested in the said commissioners; and that a copy of such notice or instrument shall be published within such period of twelve months in the Dublin Gazette, and in some one or more newspapers circulating in the neighbourhood of each such harbour, pier, quay, landing place, or other work respectively, and also, if the said commissioners deem fit, be posted at some public place at or near such harbour, pier, quay, landing place, or other work as aforesaid. [Rep., Stat. Law Rev. Act, 1875.]

LXV. AND be it enacted, that when and so often as any pier, harbour, quay, landing place, engine, or other work shall have been constructed, either wholly or in part, under the provisions of this Act, or become vested in the said commissioners under this Act, it shall and may be lawful for the said commissioners, and they are hereby authorized, to levy or cause to be levied and paid for the use of such pier, harbour, quay, landing place, engine, or other work, such tolls and rates as the commissioners of her Majesty's Treasury shall from time to time approve of: Provided always, that the amount of such tolls and rates shall not exceed the probable average annual expence of maintaining and repairing such pier, harbour, quay, landing place, engine, or other work, and of the contingent expences to be incurred by the said commissioners in relation thereto, and of the amount of interest at the rate of not less than five pounds per centum per annum on the capital, whether public or private, expended on such work: And provided further, that in case it shall appear to the said commissioners that it would promote the public advantage that a less amount of tolls or rates should be levied, under the provisions of this Act, for the use of any such pier, harbour, quay, landing place, engine, or other work, or that such tolls or rates should be at any time increased with a view of thereby creating a fund for the improvement of such pier, harbour, quay, landing place, engine, or other work, it shall be lawful for the said commissioners, and they are hereby authorized, to increase or to lower such tolls or rates to such extent and for such period as the said commissioners shall from time to time direct, with the approbation of the commissioners of her Majesty's Treasury. [Rep., Stat. Law Rev. Act, 1875.]

LXVI. AND be it enacted, that the said commissioners shall cause an account or list, printed or painted in large legible characters, of the several rates and tolls which the said commissioners shall from time to time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on boards in some conspicuous place, and continued and renewed as often as the same shall be obliterated or defaced, to, upon, or near every work or building at which any such rates or tolls shall be collected or received. [Rep., Stat. Law Rev. Act, 1875.]

LXVII. AND be it enacted, that it shall be lawful for the said commissioners, if they shall so think fit, by public bidding, from time to time to let, and from time to time to

*Maintenance
of works.*

out of tolls,
rates, and
rents arising
therefrom.

Certain exist-
ing harbours,
piers, quays,
works, &c.

commissioners;

and to be
maintained as
other works
under this Act.

Notices to be
given.

Power to
levy tolls
and rates.

Amount of
tolls.

Power to
lower the
tolls or rates,
or increase
them
for improve-
ments.

Lists of the
rates, tolls, &c.
to be affixed
in conspicuous
places.

Power to let
the tolls and
rates.

deposited with the clerk of the peace of every county in or near to which any work to which such bye laws shall relate shall be situate, and the same shall be kept with the records of the county; and a printed or painted copy of such of the said bye laws, rules, orders, or regulations as shall subject any person, not being an officer or servant of the said commissioners, to any fine or penalty, shall be exhibited, on boards or otherwise, at or near each work, and in such other places as to the said commissioners shall seem fit, and shall from time to time be renewed as often as the same or any part thereof shall be obliterated or destroyed; and such bye laws, rules, and orders shall be binding upon and shall be observed by all persons whomsoever; provided that all such bye laws, rules, orders, and regulations be approved of and confirmed by the lord lieutenant or other chief governor or governors of Ireland in council, by writing under his or their hands.

*Maintenance
of works.*

Bye laws to be posted up.

LXXI. PROVIDED always, and be it enacted, that in all cases of prosecution for any offence or offences against any of the bye laws, rules, orders, and regulations of the said commissioners, the production of a book or document purporting to contain the bye laws, rules, orders, or regulations of the said commissioners, and authenticated by the signatures of any two or more of the said commissioners, shall be evidence of the existence of such bye laws, rules, orders, or regulations: Provided always, that in every such prosecution it shall be proved that such printed or painted copy as aforesaid of such bye laws, rules, orders, or regulations was duly exhibited in manner hereinbefore directed.

Production of books, &c. containing bye laws signed by commissioners to be evidence of such bye laws.

But proof required that they were duly posted.

LXXII. AND be it enacted, that all and every person or persons whomsoever who shall at any time hereafter wilfully and maliciously cut, break down, destroy, or damage any work, engine, or building, or any part thereof, which shall be erected and made for the purposes of this Act, or shall become vested in the said commissioners, shall be guilty of misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years.

Persons destroying works guilty of misdemeanor.

LXXIII. AND be it enacted, that if any person shall throw or deposit any ballast, gravel, or other matter or thing into any harbour or precincts of any pier, quay, landing place, or other work, so as to interrupt or obstruct the free navigation to or from any work which shall have been constructed or improved by the said commissioners under this Act, or shall, without the consent of the said commissioners, lay any ballast, gravel, stones, dirt, rubbish, lime, timbers, or clay on any of the banks, wharfs, or landing places of any of the works aforesaid, or if any person shall maliciously open any lock, sluice, dam, gate, or watercourse belonging to the said commissioners, or shall so leave any of the same open, or shall raise any wall, building, or other obstruction within or on such works, or the lands of said commissioners, without the consent in writing of the commissioners, such person, being convicted of any of the offences aforesaid before any justice or justices of the peace of the county where such offence shall be committed, or of any adjoining county, by the oath of one or more credible witness or witnesses, shall be fined by such justice or justices a sum not exceeding ten pounds, to be levied in such manner as is herein-after directed with respect to the levying any fine imposed by any justice or justices; and all such walls, buildings, or other obstructions may be

Penalty on persons depositing ballast, opening locks, &c. so as to obstruct navigation, &c.

led down and removed by the said commissioners or by any person authorized by them, and the materials of such works may be sold by order of the said commissioners for the removal.

AND be it enacted, that if any person or persons shall assault any of the commissioners for the execution of this Act, or other officer, servant, or workman, acting in the execution of any such commissioners in the execution of this Act, or shall wilfully destroy or injure any tools, implements or materials kept or used by any of them, or by any person or persons employed in the execution, maintenance, or repairs of any work, any person so offending shall, in addition to the punishment by law he may be subject for such offence, be liable to a fine of not less than five pounds, nor more than twenty pounds, upon conviction thereof by the oath of two or more witnesses before any justice of the peace, as such justice shall think fit.

AND be it enacted, that in all cases in which a forfeiture is made recoverable, by information or complaint before a justice of the peace, it shall be lawful for the justice of the peace to issue a summons to the person charged with the offence, to appear before him, and on such summons to answer the complaint, and on proof or admission of the offence, to proceed to recover the same, although the same shall have been exhibited or taken by or before any other justice of the peace by summons without information in writing, and the same shall be lawful, to all intents and purposes, as if an indictment had been returned.

AND be it enacted, that any justice of the peace who shall be convicted of any offence against this Act shall be liable to a fine of not less than five pounds, nor more than twenty pounds, to be drawn up in the following form of words:

BE it remembered, that on the _____ day of _____ A. B. is convicted before me, _____ Justice of the peace for the county of _____ of an offence against the Act passed in the ninth year of the reign of _____ Victoria, intituled [here insert the title of this Act], and we do adjudge that the said A. B. shall pay a fine of _____ pounds, to be paid to _____ [here insert the name of the person to whom the fine is to be paid]. Given under our hand and seal] the day and year aforesaid.'

AND be it enacted, that all penalties and forfeitures incurred under the provisions of this Act, or incurred under the provisions of any other Act, or incurred under the provisions of any other Act, shall be payable for compensation or damage, the manner of payment thereof is not herein-before otherwise particularly provided, in a summary way by the order and adjudication of a justice of the peace in or adjacent to which such offence was committed.

ry survey, valuation, and investigation, and in taking all other proceedings p
 9th. minary to the execution of any of the works by the said Acts or this
 authorized; and the accounts of the receipt, application, and expensur
 need well of all monies so to be advanced and paid to the said commissioners, a
 d. the sum so deposited and secured as aforesaid, shall be transmitted to
 commissioners for auditing and examining the public accounts of the kingd
 for the purpose of examination and final audit; and in examining, trying,
 auditing each and every of the said accounts the said commissioners shall h
 all the powers which are vested in them under an Act of
 of the reign of King George the Third, intituled "An A
 " ing and auditing the public accounts of this kingdom,
 Act now in force, or any law, usage, or custom, or othe
 need all and every sums or sum of money so to be advanced
 d. consolidated fund aforesaid shall be repaid to the consol
 les first monies to be borrowed by the said commissioner
 for the said recited Acts and this Act for the purpose of
 of in the said recited Acts and this Act for the purpose of
 rks towards the preliminary expences of which the same sh
 e as aforesaid; and in cases where the execution of the
 te. not be proceeded with, either in consequence of the said
 commissioners not approving of the same, or from the want
 of assents of proprietors for such purposes, the said mon
 the said last-mentioned commissioners by the party or
 grand jury of the county which, shall have made applic
 the execution of any such works, and shall be recover
 mentioned commissioners in such manner as by said fir
 and be by them paid over to the consolidated fund in
 commissioners of her Majesty's Treasury shall direct.

XI. AND whereas it is in and by the said first-recite
 works shall be commenced for the drainage of any land,
 of the said Act, unless the proprietors of two thirds or
 land proposed to be drained or improved by such drain
 execution thereof, in writing under their hands respecti
 as the said commissioners shall appoint: And when
 absence of many proprietors, as well as the omission
 necessary assent, even in cases where they have not
 from other causes, it has been found difficult to obtain
 so many proprietors as heretofore required, and thereby
 important and useful works of improvement have been
 delayed: Be it therefore enacted, that all or any of the
 of of land under and by virtue of the said recited Acts o
 one connexion with works for the improvement of water
 ent is to otherwise, may be commenced, in case the proprietors of
 and with ing one half in extent of the lands proposed to be dr
 such drainage shall, with the consent of the tenants (if
 in and by said first-recited Act required, assent, or
 assented, to the execution of the proposed works, in wri
 ment respectively, within such time as the said commission
 thing in the said recited Act to the contrary thereof no

XII. PROVIDED always, and be it enacted, that in any
 or any portion exceeding one moiety and not amounting

Reservoirs.

power to rate
parties
driving
benefit by
supply of
water from
reservoirs or
embankments.

benefit conferred on the property or interest of each re-
fore enacted, that in all cases where the said commis-
provisions of the said recited Acts or this Act, make
reservoir or embankment as aforesaid, it shall and may
commissioners, for the purpose of defraying the exp
maintaining such reservoir or embankment, to impose
otherwise, not only on the mills and factories along or
stream, but also upon the property of all and every pa
company which, shall derive benefit from the making
such reservoir or embankment, by taking or using, or a
a supply of water, or an increased or more constant sup
regard to the benefit conferred or to be conferred on eac

*Increased
supply
of water.*

power to in-
crease working
water power
mills and
factories in
any district,
and to rate
such mills, &c.
the expences,
and expences of
maintenance,
the assent of
owners of
mills and
factories pos-
sessing more
than half the
working water
power.

XXV. AND be it enacted, that in all cases of drainag
proving any navigation in connexion with any such di
recited Acts or this Act, in which it shall be found by
practicable to improve the working water power of
situate within the district to be defined by the said com
the proprietors of such mills or factories possessing mor
value of the working water power of all such mills or
derive benefit from such works shall signify their ass
execution of the proposed works, it shall and may be la
commissioners to execute all such works as may be necessar
of such water power, and that all and every the po
provisions in the said recited Acts given and containe
any works thereunder shall be held and deemed to be a
tion of the works which the commissioners may dee
improvement of such water power, and for the pur
towards the repayment of the costs and expences of the
in the district within which any such mill or factory m
shall and may be lawful for the said commissioners, in
any instrument or instruments under their hands and s
all the mills and factories which in the opinion of the s
or shall be benefited by any of the works executed wit
to fix and determine the amount of such rate or contri
paid by the proprietors of each such mill or factory for th
shall be so effected, and also to fix and determine the pro
such mill or factory shall in future be rated for the main
within any such district, regard being had, in fixing such
and proportion of rate respectively aforesaid, to the degre
upon each such mill or factory.

*Reservoirs
and supply of
water from
other works.*

XXVI. AND whereas, after the construction of any r
tion of works of drainage, or drainage and navigation
provisions of the said recited Acts or this Act, and a
publication of the final award by the said first-recited Ac
and published upon the completion of any such works,
by means of the construction of such reservoir or wor
can or may be afforded for working any mill or factory,
navigation, irrigation, or the warping of lands, or for th
for other purposes, and it is just and right that all per

Navigation.
to be imposed
on any navi-
gation.

No advance
without consent
of Treasury.

Monies lent to
be repaid with
interest out of
tolls.

Navigations
may be made,
under this and
recited Acts,
in districts
where works
for drainage
have been com-
menced or
completed,
after com-
mencement or
completion of
such works.

In case of
grant and loan
in aid of
navigation, the
amount ad-
vanced by
way of loan
shall be repaid
by the district
benefited, and
tolls shall be
levied for
maintenance
only.

and acting under an Act passed in the fifth year of the Majesty, intituled "An Act to authorize the advance of a consolidated fund to a limited amount, for the carrying on of fisheries and employment of the poor; and to amend the issue of Exchequer bills for the like purposes," or amending the same respectively, and they are hereby required if they shall think fit, from time to time, out of any fund lend and advance any sum which may be necessary for the any such river navigable, or improving the navigation with drainage, upon the credit of the rates, tolls, and duties raised, collected, and received for and in respect of such together with such other security (if any) as the Commissioners of Majesty's Treasury shall deem fit or require: Provided that no advance of money shall be made for any of the purposes aforesaid without the consent of the commissioners of her Majesty's Treasury more of them; and that all such monies so lent and advanced shall be repaid, with interest thereon, as the said Commissioners of Majesty's Treasury shall direct, from and out of the monies accruing to the commissioners for the execution of the said first-recited Acts and the tolls, rents, and rates to be levied and collected out of or in respect of such navigation.

XXXII. AND whereas after the commencement or completion of drainage by the improvement of any river or stream in any county or baronies or any persons interested may be desired, and the provisions of said recited Acts or this Act, it may be found necessary for the construction of some additional works a useful navigation may be made in any county or baronies or any persons interested may be desired, and the provisions of the said recited Acts or this Act: Be it enacted that in case any such navigation may be made or improved, and the commencement or completion of any works for drainage by the improvement of any river or stream in any district, all the powers, provisions, authorities in or by the said recited Acts or this Act concerning the making, improving, and maintaining any navigation works for drainage, or in any manner relating thereto, shall apply, so far as the same are applicable, to the making, improving, and maintaining any such navigation, and to all matters and things after the works for drainage in any district shall have been completed.

XXXIII. AND be it enacted, that in all cases where, under the authority of Parliament, and the other monies expended of making or improving such navigation shall be advanced by way of loan, under the provisions of the said Act, then such moiety or residue so raised or advanced from the date of such loan, be charged upon the district or districts to be made in such case by the said commissioners of the said first-recited Act it shall be declared will be beneficial to the making, improving, and maintaining of such navigation, and the several baronies

other charges whatever attending such proceedings; and the monies so recovered (the costs and charges aforesaid excepted) shall be paid and applied in and towards the reimbursement and satisfaction of the sum so due upon and in arrear in respect of such lands; and the receipt of such person or persons as the said commissioners shall nominate and appoint as aforesaid shall alone be a full and sufficient discharge to all and every person and persons whatsoever, and by whatever title claiming, or howsoever entitled or deriving, for the purchase money or purchase monies of the respective interest or property so sold; and such purchaser or purchasers, or other person or persons, shall not be bound to see to the application thereof, nor shall be liable or in any manner accountable for the misapplication or nonapplication of such money or monies by the person or persons appointed by the said commissioners as aforesaid or any of them; and every such sale shall be good, valid, and effectual in the law for the purposes aforesaid, and to convey a good and valid title to the purchaser or purchasers of any such lands, free from and in priority to all charges or incumbrances thereon whatsoever, and shall be binding and conclusive upon all and every person or persons whatsoever; and all the estate, right, title, or interest of or in the said lands so sold shall and may be conveyed and assured to the purchaser or purchasers thereof by any deed or deeds of conveyance to be executed under the hands and seals of the said commissioners or any two of them, subject nevertheless to any quit rent, rent-charge in lieu of tithe, or chief rent, as in said first-recited Act construed or defined, which shall have been reserved or payable thereout previous to the registry of the memorandum of the declaration with respect to such lands, as by the said secondly-recited Act provided, and the estate or estates to which such chief rent or chief rents shall be incident.

Miscellaneous.

* * * * *

XLII. AND whereas many aqueducts, culverts, and tunnels under canals in Ireland are, either by reason of their original construction, or from neglect to cleanse and scour the same, insufficient to discharge the flood waters of the streams or drains upon which they are constructed at a sufficiently low level for the purposes of draining the lands lying above such aqueducts, culverts, and tunnels, whereby much injury is done and improvement prevented in such lands, and it is expedient, just, and right to provide means whereby such evil may be prevented: Be it therefore enacted, that in all cases when such insufficiency as aforesaid is caused by reason of neglect to scour or cleanse, or by the accumulation of matter in such aqueducts, culverts, or tunnels as aforesaid, the canal company to whom such aqueducts, culverts, or tunnels belong, after fourteen days notice in that behalf served upon the secretary, treasurer, or known engineer of such company, shall cause, and they are hereby required to cause, such aqueducts, culverts, or tunnels to be thoroughly scoured and cleansed out, and all such accumulated matter to be removed; and in case any such company shall neglect, for the space of ten days after the expiration of said fourteen days, or refuse, to cleanse, scour out, or remove such accumulated matter, it shall be lawful for the magistrates at petty sessions for the district in which such aqueduct, culvert, or tunnel shall be situate, upon the complaint of the party or parties injured, to summon before them the said canal company, and such other person or persons as to such justices may seem fit, and to hear and investigate the matter of such complaint, and determine the same, and, in

Aqueducts,
culverts, and
tunnels under
canals to be
kept thoroughly
cleansed by
canal com-
panies

Proceedings
in case of
neglect.

Miscellaneous.

to be made, and shall cause the same respectively to be deposited for inspection, pursuant to the provisions of the said recited Acts and of this Act; and in case all such proprietors and occupiers shall thereupon unanimously assent in writing to the execution of the proposed work, and the declaration and all other proceedings thereon shall have been made and concluded, and the final notice shall be given, pursuant to the provisions of the said recited Acts and of this Act respectively, it shall be lawful for all the said proprietors, or for any one or more of them, having first obtained the consent in writing of all the others in that behalf, to undertake the execution of the said work, and to make and complete the same out of his or their own proper funds, according to and in conformity with the plans, sections, and specifications so approved of by the said commissioners; and when all such works shall have been fully executed and completed to the satisfaction of the said commissioners, in conformity with the said plans, sections, and specifications, it shall be lawful for the said commissioners to draw up and make their award in like manner as if the said works had been executed by the said commissioners under the said recited Acts and this Act; and all the provisions of the said recited Acts and of this Act, in relation to an award to be made in cases where the said commissioners shall have caused any work to be executed, shall apply to such last-mentioned award, so far as the same may be applicable thereto; and the respective sums of money which by such award shall be specified as the proportions or contributions payable in respect of the several parcels or portions of the land drained or improved by drainage, or by any works executed in the manner last aforesaid, conformable to the said plans, estimates, and specifications, and not exceeding the sum mentioned in such estimates, or such further sum or sums as the said commissioners shall direct or approve of, in or about such drainage or improvements as aforesaid, with interest for such respective sums at a rate not exceeding five pounds per centum per annum, to be specified in such award, to be payable and computed from the time or times for that purpose to be specified therein, shall be charged in favour of the person or persons who shall by such award be declared entitled thereto, and shall be secured, recovered, and raised or levied, in like manner, and with the like remedies, and by the like means and proceedings, as are given or provided by the said Acts and this Act in relation to the charging, securing, recovering, raising, or levying of the respective sums of money to be specified in any award to be made under the said recited Acts or this Act, and, when received, recovered, raised, or levied, shall, after deducting all such costs and charges of the said commissioners as shall not be recovered from the lands or persons liable thereto, be paid to the person or persons entitled thereto, or to his or their executors or administrators, according to the proportions specified in such award: Provided also, that it shall be lawful for the proprietor or proprietors who shall so execute such works pursuant to the provisions last aforesaid, or his or their executors or administrators, to proceed in the names of the commissioners, or of the secretary of the said commissioners, but with the consent of the commissioners first to be obtained in writing for that purpose, and upon full indemnity to them, and at the costs of such proprietor or proprietors, or his or their executors or administrators, for recovery of the several sums to which he or they shall and may be entitled under such award: Provided always, that in any case or cases wherein any mill or factory is to

be altered, removed, or injuriously affected, or where any ex- is to be affected or altered, or any new navigation created lawful for any person or persons, save the said commissio execute any such drainage as last aforesaid, or any works fo any part thereof, although all the proprietors of the lands improved by such works as last aforesaid shall have unani that the same shall be executed by them or one of them: E no portion of any work or works the expences of making or shall be chargeable upon or payable out of the funds counties, or be raised or levied by presentment of Ireland, shall be made or executed by any such proprietor the powers last aforesaid.

XLIV. AND be it enacted, that the said recited Acts sh in full force and effect, save and except so far as the same a is altered by or inconsistent with this Act; and that the s this Act shall be construed together as one Act, and the p recited Acts shall, subject to the variations made by this and authorities of every nature and kind, and all punish the commission or omission of any act done or forbidden t the said recited Acts, be applied to this Act, so far as the and not inconsistent with the provisions of this Act; as struction of this Act, except where the nature of the provi of this Act shall exclude such construction, the word "person" or "persons," "proprietor" or "proprietors," a be construed to extend and be applied as in said recite directed and provided; and the word "declaration" in thi declaration required to be made by the said commissione commencement of any works under the provisions of the this Act; and the words "final award" in this Act sha required to be made by the said commissioners after the such works; and every word importing the singular numb and be applied to several persons and things as well as c and every word importing the plural number shall exten one person or thing as well as several persons or thing importing the masculine gender only shall extend and be as well as a male; the words "said commissioners" shal sioners, or (save where otherwise provided) any two execution of the said recited Acts and this Act.

* * * * *

LII. AND be it enacted, that this Act may be amended or re be passed in this present session of Parliament. [Rep., Stat. La

CHAPTER XVII.

AN ACT for the Abolition of the exclusive Privilege of trading in Burghs in Scotland. [14th May 1846.]

WHEREAS in certain royal and other burghs in Scotland the members of certain guilds, crafts, or incorporations possess exclusive privileges of carrying on or dealing in merchandize, and of carrying on or exercising certain trades or handicrafts, within their respective burghs; and such guilds, crafts, or incorporations have corresponding rights, entitling them to prevent persons not being members thereof from carrying on or dealing in merchandize, or from carrying on or exercising such trades or handicrafts, within such burghs: And whereas it has become expedient that such exclusive privileges and rights should be abolished: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all such exclusive privileges and rights shall cease, and it shall be lawful for any person to carry on or deal in merchandize, and to carry on or exercise any trade or handicraft, in any burgh and elsewhere in Scotland, without being a burghess of such burgh, or a guild brother, or a member of any guild, craft, or incorporation: Provided always, that in lieu of the stamp duties of one pound and three pounds now payable on the admission of any person as a burghess or into any corporation or company in any burgh in Scotland, for the enrolment, entry, or memorandum thereof in the court books, roll, or record of such corporation or company, there shall from and after the passing of this Act be paid on every such admission a stamp duty of five shillings.

II. AND be it enacted, that notwithstanding the abolition of the said exclusive privileges and rights all such incorporations as aforesaid shall retain their corporate character, and shall continue to be incorporations, with the same names and titles as heretofore; and nothing herein contained shall anywise affect the rights and privileges of such incorporations, or of the office bearers or members thereof, except as herein-before enacted.

III. AND whereas the revenues of such incorporations as aforesaid may in some instances be affected, and the number of the members of such incorporations may in some instances diminish, by reason of the abolition of the said exclusive privileges and rights, and it is expedient that provision should be made for facilitating arrangements suitable to such occurrences: Be it therefore enacted, that it shall be lawful for every such incorporation from time to time to make all bye laws, regulations, and resolutions relative to the management and application of its funds and property, and relative to the qualification and admission of members, in reference to its altered circumstances under this Act, as may be considered expedient, and to apply to the Court of Session, by summary petition, for the sanction of the said court to such bye laws, regulations, or resolutions; and the said court, after due intimation of such application, shall determine upon the same, and upon any objections that may be made thereto by parties having interest, and shall interpose the sanction of the said court to such bye laws, regulations, or resolutions, or disallow the same in whole or in part, or make thereon such alterations, or adject thereto such conditions or qualifications, as the said court may think fit, and generally

After the passing of this Act exclusive privileges and rights of trading in burghs in Scotland to cease; and in lieu of the stamp duties now payable on admission as a burghess or into any corporation in any burgh, a duty of 5s. shall be paid.

Incorporations still to retain their corporate character, and their names and titles, and their rights, except as herein-before enacted.

Incorporations may make bye laws, &c., relative to application of funds, admission of members, &c. subject to the approbation of the Court of Session.

case such work or undertaking is intended to be executed in that part of the United Kingdom called Scotland, or into the Bank of Ireland, in the name and with the privity of the accountant general of the Court of Chancery in Ireland, in case such work or undertaking is intended to be made or executed in that part of the United Kingdom called Ireland; and such warrant or order shall be a sufficient authority for the accountant general of the Court of Chancery in England, the Queen's remembrancer of the Court of Exchequer in Scotland, and the accountant general of the Court of Chancery in Ireland, respectively, to permit the sum of money directed to be paid by such warrant or order to be placed to an account opened or to be opened in his name in the bank mentioned in such warrant or order.

III. AND be it enacted, that it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to pay the sum mentioned in such warrant or order into the bank mentioned in such warrant or order, in the name and with the privity of the officer or person in whose name such sum shall be directed to be paid by such warrant or order, to be placed to his account there *ex parte* the work or undertaking mentioned in such warrant or order, pursuant to the method prescribed by any Act or Acts for the time being in force for regulating monies paid into the said courts, and pursuant to the general orders of the said courts respectively, and without fee or reward; and every such sum so paid in, or the securities in or upon which the same may be invested as herein-after mentioned, or the stocks, funds, or securities authorized to be transferred or deposited in lieu thereof as herein-after mentioned, shall there remain until the same, with all interest and dividends, if any, accrued thereon, shall be paid out of such bank, in pursuance of the provisions of this Act: Provided always, that in case any such director or person, directors or persons, having the management of any such proposed work or undertaking as aforesaid, shall have previously invested in the three per centum consolidated or the three per centum reduced bank annuities, Exchequer bills, or other government securities, the sum or sums of money required by any such standing order of either house of Parliament as aforesaid to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an Act of Parliament, it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to deposit such Exchequer bills or other government securities in the bank mentioned in such warrant or order, in the name and with the privity of the officer or person in whose name such sum shall by such warrant or order be directed to be paid, or to transfer such government stocks or funds into the name of the officer or person; and such transfer or deposit shall be directed by such clerk of the office of the clerk of the Parliaments, or such clerk of the private bill office of the House of Commons, as the case may be, in lieu of payment of so much of the sum of money required to be deposited as aforesaid as the same Exchequer bills or other the government stocks or funds will extend to satisfy at the price at which the same were originally purchased by the said person or persons, director or directors as aforesaid, such price to be proved by production of the broker's certificate of such original purchase.

Payment of deposit.

Transfer or deposit of securities in lieu of money.

IV. AND be it enacted, that if the person or persons named in such warrant or order, or the survivors or survivor of them, desire to have invested any sum so paid into the Bank of England or the Bank of Ireland, or any interest or

Investment of deposit paid into Bank of England or

CHAPTER XXIV.

AN ACT for removing some Defects in the Administration of Criminal Justice.

[26th June 1846.]

WHEREAS in certain cases of felony the court is not empowered by law to award sentence of transportation for a less period than the term of the offender's life or some long term of years, or sentence of imprisonment for any shorter term than two years; but it is desirable that some such offenders should suffer transportation or imprisonment for a shorter period respectively, at the discretion of the court before which they are convicted: Now be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in all cases where the court is now by law empowered or required to award a sentence of transportation exceeding seven years it shall be lawful for such court, at its discretion, to award a sentence of transportation for a term of years not less than seven years, or to award such sentence of imprisonment for any period not exceeding two years, with or without hard labour, as shall to the court in its discretion appear just under all the circumstances.

Power of criminal courts as to terms of transportation and imprisonment.

II. AND whereas it is now required by law that no indictment shall be presented before the grand jury of the Central Criminal Court for certain offences unless the party prosecuting shall have first entered into recognizances to prosecute: Be it enacted, that the said provision be and the same is hereby repealed; and [Rep., Stat. Law Rev. Act, 1875.] that bills of indictment may be preferred by any person before the grand jury of the said court for any offence alleged to be committed within the jurisdiction of the said court in the same manner as may be done before any other grand jury.

How indictments before grand jury of Central Criminal Court may be preferred.

III. AND whereas doubts have been raised as to the proper place of trial, where indictments have been removed by writ of certiorari from the Central Criminal Court into the Court of Queen's Bench: Be it enacted, that every writ of certiorari for removing an indictment from the said Central Criminal Court shall specify the county or jurisdiction in which the same shall be tried; and a jury shall be summoned and the trial proceed in the same manner in all respects as if the indictment had been originally preferred in that county or jurisdiction.

Writs for removing indictments from Central Criminal Court to specify county, &c. in which same shall be tried.

IV. AND whereas by an Act passed in the last session of Parliament, intituled "An Act to stay execution of judgment for misdemeanors upon giving bail in error," it is (amongst other things) enacted, that the clerk of the crown in the Court of Queen's Bench shall, for the purposes in the said Act mentioned, make out and deliver certificates in writing under his hand of the due filing of record in the said court of any recognizance given to prosecute any writ of error in the manner in the said Act mentioned, and that any such certificate, when duly verified by affidavit, shall be a sufficient warrant to every gaoler or other person having the custody of such defendant or defendants in execution of such judgment to discharge him or them out of custody, and also to every person having in his possession the whole or any part of any fine levied in execution of any such judgment to authorize and require the repayment thereof to the defendant or defendants: And whereas the making of such affidavit creates unnecessary expence and delay, and it is expedient to

8 & 9 Vict. c. 68. s. 3.

kindred, with or without the assistance of charitable donations : Provided always, that the shares in any such investment society shall not be transferable, and that the investment of each member shall accumulate or be employed for the sole benefit of the member investing, or the husband, wife, children, or kindred of such member, and that no part thereof shall be appropriated to the relief, maintenance, or endowment of any other member or person whomsoever, and that the full amount of the balance due according to the rules of such society to such member shall be paid to him or her on withdrawing from the society, and that no such last-mentioned society shall be entitled or allowed to invest its funds, or any part thereof, with the commissioners for the reduction of the national debt :

5. For any other purpose which shall be certified to be legal in England or Ireland by her Majesty's attorney or solicitor general, and in Scotland by the lord advocate, and which shall be allowed by one of her Majesty's principal secretaries of state as a purpose to which the powers and facilities of the said Acts ought to be extended ; provided that the amount of the sum or value of the benefit to be assured to any member, or any person claiming by or through him or her, by any society for any purpose so certified and allowed as herein-before mentioned, shall not exceed in the whole two hundred pounds ; and that this limitation shall be inserted in the rules of every society established for any purpose so certified and allowed ; and that no such last-mentioned society shall be entitled or allowed to invest its funds or any part thereof with the commis-

Member may withdraw from society, the rules of which do not prescribe the time, &c. of withdrawal, on giving notice, and paying all arrears.

II. AND be it declared and enacted, that any member of a friendly society, the rules of which do not prescribe the time when or the conditions on which members shall be allowed to withdraw themselves, shall be allowed to withdraw himself or herself at any time from such society, on giving written notice to the secretary or other proper officer of the society of his or her intention to do so, and on payment of all arrears due by such member ; but after giving such notice as aforesaid no member shall be entitled to have any benefit from the funds of the society, or be liable to any further subscription or payment, other than the amount of the arrears due from him or her at the time of giving such notice.

Payments to society shall be kept distinct for each purpose subscribed for, or extra payments made for contingencies.

III. AND be it enacted, that when a society is formed, under the provisions of the said Acts or this Act, for any purpose in addition to that of providing relief, maintenance, or endowment, in case of infancy, old age, sickness, widowhood, or other natural state as aforesaid, the contributions or payments for every such other purpose shall be kept separate and distinct, or the charges defrayed by extra subscriptions of the members, at the time such contingencies take place.

Rules shall provide that separate accounts shall be kept for each particular benefit subscribed for.

IV. AND be it enacted, that the rules of every friendly society established after the passing of this Act shall provide that a book or books be kept, in which all monies received or paid on account of any particular fund or benefit for which the rules of the society provide shall be entered in a separate account, distinct from the monies received and paid on account of any other benefit or provision.

* * * * *

VII. AND be it enacted, that any friendly society established before the passing of this Act for any purpose which is herein-before specified, or for any legal purpose which shall be certified and allowed as is herein-before provided, and shall not have been adjudged not to be within the provisions of the first-recited Act by any court of competent jurisdiction, shall be deemed to have been within the provisions of the said Act from the time at which the rules thereof shall have been or may be certified or allowed by the barrister or advocate appointed to certify the rules of friendly societies.

For establishing the legality of certain societies.

VIII. AND be it enacted, that so much of the said Acts of the tenth year of the reign of King George the Fourth, and of the fifth year of the reign of his late Majesty, as specifies the objects or purposes for which a society may be established under the provisions of the said Acts or either of them, or as gives to any court of sessions of the peace any power of confirming and allowing the rules of any such friendly society rejected or disapproved by the barrister or advocate appointed to certify the rules of friendly societies, shall be repealed : Provided always, that the repeal of so much of the said Acts as is herein repealed shall not exclude from the benefit of the said Acts any society legally established according to the provisions of the said Acts, the rules of which were certified and enrolled before the passing of this Act.

Repeal of part of 10 Geo. 4. c. 56. & 4 & 5 Will. 4. c. 40.

Societies legally established not excluded from benefit of said Acts.

XV. AND be it enacted, that every dispute between the trustees or managers of any friendly society and any member or officer thereof, or any executor, administrator, or next of kin of any such trustees, managers, member, or officer, or any creditor or assignee of any trustees, managers, member, or officer of any such society who may become bankrupt or insolvent, or any person claiming to be such executor, administrator, next of kin, creditor, or assignee, or to be entitled to any money paid to such society, or to any benefit arising therefrom, or with respect to the management of the affairs of such societies, for the settlement of which, according to the laws now in force, recourse must be had in England or Ireland to one of her Majesty's superior courts of law or equity, and in Scotland to the Court of Session or sheriff court, may be referred in writing to the registrar of friendly societies in England, Ireland, and Scotland respectively; and where the value of such subject matter in dispute does not exceed twenty pounds, every such dispute shall be so referred, unless in England or Ireland her Majesty's attorney or solicitor general, or in Scotland the lord advocate, shall certify in writing under his hand that such dispute ought to be decided by the judgment of a superior court of law or equity; and the said registrar shall have power to proceed *ex parte*, on notice in writing to the said trustees or managers left or sent by the said registrar to the office of the said institution, or to the last known place of residence of such trustees, managers, members, or officers; and whatever award, order, or determination shall be made by the said registrar shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal; and all payments, assignments, sales, and transfers made in pursuance of any such order shall be good in law; and no submission to or award or determination of the said registrar shall be subject or liable to or charged with any stamp duty whatever.

Settlement of disputes between managers and members, &c. may be referred to registrar, unless law officers refer the same to a superior court.

XVI. AND be it enacted, that on any such reference the said registrar shall be authorized to inspect and to require the production before him of any book or books belonging to the said institution relating to the matter in dispute, and to administer an oath to any witness appearing before him; and every person who, upon such oath, shall wilfully and corruptly give any false evidence before such registrar shall be deemed to be guilty of perjury.

On such reference registrar may inspect books and administer oaths. False evidence, perjury.

XVII. AND be it enacted, that whenever it shall happen that every person in whose name any part of the several stocks, annuities, and funds transferable or which hereafter shall be made transferable at the Bank of England, or in the books of the governor and company of the Bank of England, is or shall be standing as a trustee of any such society shall be out of England, Ireland, or Scotland respectively, or shall be a bankrupt, insolvent, or lunatic, or it shall be unknown whether such trustee is living or dead, it shall be lawful for the registrar of friendly societies in England, Ireland, or Scotland respectively to direct that the accountant general, secretary, or deputy secretary, or other proper officer for the time being of the governor and company of the Bank of England, do transfer in the books of the said company such stock, annuities, or funds standing as aforesaid to and into the name of such person as such society may appoint, and also pay over to such person as aforesaid the dividends of such stock, annuities, or funds; and whenever it shall happen that one or more only, and not all or both, of such trustees as aforesaid shall be so absent, or a bankrupt, insolvent, or lunatic, or it be unknown whether any one or more of such trustees be living or dead, it shall be lawful for the said registrar to direct that the other and others of such trustees who shall be forthcoming and ready and qualified to act do transfer such stock, annuities, or funds to or into the name of such person as aforesaid, and also that such forthcoming trustee do also receive and pay over the dividends of such stock, annuities, or funds as such society shall direct; and all such transfer and payments so made shall be valid and effectual to all intents and purposes whatsoever.

When trustees shall be absent, &c. registrar may order stock to be transferred and dividends paid.

XVIII. AND be it enacted, that one of her Majesty's principal secretaries of state shall be empowered from time to time to fix reasonable fees to be paid on any such reference, and for such other proceedings as aforesaid, and all such fees shall be paid in the first instance by the trustees or managers of the society, and the registrar shall determine in and by his award by which of the parties and in what proportion the expence of such fees shall be finally borne, and the trustees or managers of such society, having paid such fees, shall be entitled to recover them from the party or parties against whom they shall be so finally awarded.

Secretary of state to fix amount of fees payable on reference, and registrar to determine who shall pay them.

XIX. AND for enforcing payment of such fees, and of any sum of money so awarded to be paid, be it enacted, that any one justice of the peace residing within the county within which such society shall be held, or within which the party resides

Justices empowered to

om such award is made, upon complaint made u
 have the benefit of the award, or, in case of the
 ciety, by an officer of such society appointed for the
 against whom such award shall be made to appear a
 ich summons; and upon his or her appearance, or
 upon oath of the service of such summons, any two
 ' aforesaid, upon due proof of the execution of
 the fees and money thereby awarded to be paid to
 thereunto, with such costs as shall be awarded by
 be sum of ten shillings; and in case the person ag
 de shall not pay the sum of money so ordered to the
 the said order, such justices shall, by warrant unde
 ame to be levied by distress and sale of the goods
 shall have been made, or by other legal proceedi
 ll be awarded by the said justices, not exceeding t
 e costs and charges attending such distress and s
 turning the overplus (if any) to the owner: Pr
 shall be competent to enforce payment of such
 warded to be paid, by proceeding before the sheriff
 w of Scotland competent for the recovery of any del
 ND be it enacted, that every transcript of the rules c
 be certified by the registrar of friendly societies
 nd every award or other proceeding as aforesaid pu
 hand of the said registrar, shall be receivable in
 i others as evidence that such rules have been duly
 ch proceeding had, until the contrary shall be made
 ND be it enacted, that the forms of certificate and aw
 dule annexed to this Act may be used, with such
 o adapt them to the particular circumstances of
 hall be made or advantage taken for want of form
 sons whomsoever.

AND be it enacted, that this Act shall be construed
 f the tenth year of the reign of King George the
 reign of his late Majesty.

• • • • •

SCHEDULE to which this Act refers.

FORM of Registrar's Certificate.

I, A.B., do hereby certify, that these rules (or alterations of rules) are in conformity with the provisions of the statutes in force relating to friendly societies.

The registrar
 England

FORM of Registrar's Award.

I, A.B., the registrar of friendly societies in and for the County of Middlesex, do hereby award, order, and determine that C.D. (or officers of the society) do on the _____ day of _____, pay to E.F. the sum of _____; and I do hereby certify that the fees of this my award, amounting to _____, are paid to the said _____.

The registrar
 England

CHAPTER XXXIII.

AN Act to amend the Laws relating to Corresponding Societies and the licensing of Lecture Rooms. [27th July 1846.]

WHEREAS by an Act passed in the thirty-ninth year of the reign of his Majesty King George the Third, intituled "An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices," and by an Act passed in the fifty-seventh year of the same reign, intituled "An Act for the more effectually preventing seditious meetings and assemblies," certain offences are created, and certain penalties are attached to the commission thereof: And whereas the provisions of the said Acts have given occasion to vexatious proceedings by common informers: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall not be lawful for any person or persons to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of her Majesty's courts, or before any justice or justices of the peace, against any person or persons, for the recovery of any fine or forfeiture made or incurred or which may hereafter be incurred under the provisions of the recited Acts or either of them, unless the same be commenced, prosecuted, entered, or filed in the name of her Majesty's attorney general or solicitor general in England, or her Majesty's advocate in Scotland; and every action, bill, plaint, or information which shall be commenced, prosecuted, entered, or filed in the name or names of any other person or persons than is in that behalf before mentioned, and every proceeding thereupon had, shall be null and void to all intents and purposes.

39 Geo. 3. c. 79

57 Geo. 3. c. 19.

Proceedings under recited Acts shall not be commenced unless in the name of the law officers of the crown.

CHAPTER XXXVII.

AN ACT to amend the Laws relating to the Office of Coroner and the Expences of Inquests in Ireland. [27th July 1846.]

WHEREAS it is expedient to amend the laws now in force in Ireland relating to the election, qualification, and payment of coroners, and to the proceedings at coroners inquests, and to the payment of expences at such inquests: And whereas it is expedient that the several Acts and parts of Acts herein-after mentioned, relating to the several matters and things aforesaid, should be repealed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act the several Acts and parts of Acts herein-after mentioned, specified, and set forth shall cease and determine, and shall, except only so far as is herein-after excepted and provided for, be repealed; (that is to say,) an Act

From and after commencement of this Act the following Acts and parts of Acts repealed, viz.:

[Sections 15 to 33 of the Act 39 Geo. 3. c. 79., and so much of sections 34 to 39 as relates to those sections, are rep., with other enactments, 32 & 33 Vict. c. 24. s. 1. and schedule; and this Act is rep., 32 & 33 Vict. c. 24. s. 1. and schedule, so far as it relates to any proceedings under the enactments repealed by that schedule.]

and the polling place or polling places which the said justices shall have fixed and determined; and the chairman of the said justices so assembled as aforesaid shall sign such list, and such list shall be enrolled by the clerk of the peace among the records of the county; and the clerk of the peace for such county shall, within fifteen days after such list shall have been signed as aforesaid, send or cause to be sent a true copy thereof, signed and certified by him, to each coroner within the county.

Clerks of the peace to send lists to coroners.

IV. AND be it enacted, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being, if he or they shall so think fit, from time to time, upon the receipt of any memorial signed by five justices of the peace of any county, praying that a new division into coroners districts of such county, riding, or division shall be made, to order and direct that a special sessions for the division of such county into districts be holden, and to fix the time and place for such sessions; and the clerk of the peace of such county shall give notice thereof to the justices of the peace of such county in manner as aforesaid, and the justices of the peace assembled at such sessions shall thereupon proceed to divide their respective county, riding, or division, or to amend and alter any division of such county, riding, or division as shall have been heretofore made, into such convenient districts as shall be best calculated to carry the purposes of this Act into effect, and shall cause a list, or an amended list, as the case may be, to be made in like manner as was directed to be done when such county was first divided into coroners districts under the authority of this Act; and the clerk of the peace shall enrol the same among the records of the county, and shall send or cause to be sent a true copy of such list, or of such amended list, signed and certified as aforesaid, to every coroner within the county.

Lord lieutenant may from time to time order a new division of counties into coroners districts.

V. AND be it enacted, that the justices of the peace of each county, riding, or division assembled as aforesaid shall cause a copy of the list containing the names of the several baronies or parishes, or parts of baronies or parishes, as the case may be, to be comprised within each of the districts into which they shall have divided their respective county, riding, or division to be inserted three times in the county or other local newspapers, and also once in the Dublin Gazette; and from and after the publication thereof as aforesaid in the Gazette each such county, riding, or division shall be and be deemed to be divided into districts for all the purposes of this Act.

Lists to be published, and counties thereupon to be deemed to be divided.

VI. AND be it enacted, that the grand jury assembled at the assizes or presenting term next after the said special sessions shall appoint one of the persons who shall then hold the office of coroner of their respective county, riding, or division to be the coroner of and for one of each of the districts to be formed under the authority of this Act, and shall, so far as may be practicable and convenient, appoint such coroner to that district within which he shall have heretofore acted; and in case there shall be no coroner for any of said districts the foreman of the grand jury shall certify such vacancy in the office of coroner to the lord chancellor of Ireland, who shall, if he so think fit, order a writ de coronatore eligendo to be issued: Provided always, that upon the death or removal of any coroner his successor shall be elected to the office of coroner according to the provisions of this Act.

Appointment of present coroners to districts.

VII. AND be it enacted, that from and after the division of any county, riding, or division into coroners districts, upon the issuing of such writ, the

Future appointments of coroners.

Sheriff to hold a special court for the election of coroner.

h district shall be sit
ed and determined fo
ppointed, which day
urteen days after the
case the said election
the consent of the ele
r determination thereo
f, shall adjourn the sai
t day but one, unless
d then to the Monday
er sheriff, with such oth
occeed to take the said
ily, for eight hours in
the clock in the foren
rnoon, of either of the
. at the election of a
ed shall be chosen by
rict who at the time o
f a member or member
a district shall be situa
at every contested el
r his under sheriff sh
dly authorized acting
not so required may, if
oths to be erected for
tion, and also at each
aforesaid, and shall car
of the said booths th
which such booth is res
vote at any such elect
th, or place within wh
respect to which he c
allotted for the same

r the more due and or
der sheriff as afores
shall seem meet for th
the presence of the su
depute, and before they
orn truly and indiffer
ch elector, and the pla
all no elector who is no
y any person acting c
l clerks the said sheriff
;) and the sheriff, or i
ndidate such one per
or by the person ac
r such clerk ; and even
n, shall, if required by

the person acting on his behalf as aforesaid, first take the oath in the schedule (A.) hereto annexed, which oath the sheriff or his under sheriff, or such sworn clerk as aforesaid, shall have authority to administer.

to take oath in schedule (A.)

XI. AND be it enacted, that the said poll clerks shall at the close of the poll enclose and seal their several poll books, and deliver the same, so enclosed and sealed, to the sheriff or his under sheriff, or to such person as shall be deputed by him for that purpose, who shall give a receipt for the same; and every such person so deputed as aforesaid, when he shall have received the said poll books, shall forthwith deliver the same, so enclosed and sealed, to the sheriff or his under sheriff, who shall, upon the re-assembling of the court on the day next but one after the close of the poll, unless such next day but one shall be Sunday, and then on the Monday following, in open court break the seals thereon, and cast up the number of votes as they appear on the said several books, and openly declare the state of the poll, and make proclamation of the person chosen, not earlier than ten of the clock in the forenoon nor later than two of the clock in the afternoon of the said day.

Custody of the poll books, and declaration of the poll.

XII. AND be it enacted, that before any candidate shall be put in nomination for the office of coroner he shall, if so required, lodge in the hands of the said sheriff or his under sheriff such sum of money as shall be necessary to defray all the reasonable costs, charges, and expences which the said sheriff or his under sheriff, or other person so deputed by him as aforesaid, shall expend or be put to in and about the providing of poll books, booths, and clerks, (the said clerks not to be paid more than one guinea each per diem,) for the purpose of taking the poll at any such election; and the said costs, charges, and expences shall be borne and paid by the several candidates at such election in equal proportions.

Expences of sheriff, &c. to be paid by candidates in equal proportions.

XIII. AND be it enacted, that every candidate for the office of coroner shall, before he shall be put in nomination, deliver or cause to be delivered to the sheriff or his under sheriff a statement in writing, containing a full and correct account of the nature and quality, name, situation, or other description, of the property then in his possession and enjoyment from, out of, or by reason of which he is qualified, as herein-after mentioned, to be elected and chosen and to hold the said office of coroner; and the sheriff or his under sheriff shall permit such statement to be inspected and examined by any candidate or elector at all reasonable times before and during such election; and if any such candidate shall fail to deliver or cause to be delivered such statement as aforesaid to the said sheriff or his under sheriff, the said sheriff or his under sheriff shall not allow such candidate to be put in nomination; and if the said sheriff or his under sheriff shall be called upon by any candidate or any elector so to do, he shall require every such person who shall be a candidate for the said office at such election to take the oath in the schedule (B.) hereto annexed, (which oath the said sheriff or his under sheriff is hereby empowered to administer,) as to the nature, name, and sufficiency of the property in right of which he is qualified to be chosen as coroner for such county, riding, or division, or any district thereof; and if such candidate shall refuse or neglect to make such oath, when required by the sheriff or his under sheriff so to do, the said sheriff or his under sheriff, or person deputed by him as aforesaid, as the case may be, shall not permit or suffer such candidate to be put in nomination, nor shall he receive or suffer to be received any votes which

Every candidate shall deliver a statement of the property whereby he means to qualify to the sheriff, who shall allow it to be inspected.

If candidate fail to deliver such statement, sheriff not to allow him to be nominated.

Candidate, if required, to take the oath in schedule (B.)

If he refuse, he shall not be nominated, nor shall votes be received for him.

coroner and witnesses upon oath (which oath the foreman of such grand jury is hereby empowered to administer) touching the matter of such complaint; and if it shall appear to the said grand jury that the said coroner has lost or encumbered his property, so as not to be then in possession and enjoyment of some estate of inheritance or freehold as aforesaid within the county, city, town, or borough, for which or for some district of which he shall have been elected or chosen coroner, or within the county next thereto adjoining, of the clear yearly value of fifty pounds sterling, or one hundred pounds sterling, as the case may be, or if such coroner, upon proof that such summons as aforesaid had been duly served upon him, or left at his usual place of residence, shall neglect or fail to attend the said grand jury, or if such coroner shall refuse to be sworn, or to answer any question which may be put to him touching his said qualification, then and in every such case it shall be lawful for the said grand jury to prepare or cause to be prepared a memorial to the lord chancellor of Ireland, detailing such facts concerning the want of qualification by such coroner as shall appear to such grand jury to be true and correct, and praying that such coroner may be removed from the office of coroner for such county, riding, or division, county of a city, county of a town, or borough, as the case may be; and the foreman of such grand jury shall sign the same, and shall direct that such memorial shall forthwith be delivered to the said lord chancellor.

If coroner has lost his qualification, or refuses to attend or answer, grand jury to memorialize the lord chancellor for his removal.

Foreman to sign memorial.

XVIII. AND be it enacted, that it shall and may be lawful for the lord chancellor of Ireland, upon the receipt of any memorial as aforesaid from the grand jury of any county, riding, or division, county of a city, county of a town, or borough, if he shall be satisfied that such coroner was not then seised or possessed of such an estate as would have qualified him to be elected coroner under the provisions of this Act, or if on any complaint made in writing he shall be satisfied that such coroner has acted as sub-sheriff, contrary to the provisions of this Act, to declare the office of such coroner to be vacated, and to direct a writ to be issued for the election of a coroner for such county, riding, or division, county of a city, county of a town, or borough, or district thereof, (as the case may be,) to or for which such coroner may have been elected or chosen.

Lord chancellor, upon receipt of memorial, if satisfied that coroner is disqualified, or if coroner has acted as sub-sheriff, may declare the office to be vacant, and issue a writ for a new election.

XIX. AND be it enacted, that from and after the passing of this Act no person who shall hold the office of coroner shall be appointed or shall act, by himself or by his partner, directly or indirectly, as sub-sheriff in any county, city, town, or borough.

No coroner shall act, by himself or partner, as sub-sheriff.

XX. AND be it enacted, that whenever a vacancy shall occur in the office of coroner of any county, riding, or division, county of a city, county of a town, or borough, or district thereof, and any two or more justices of the peace of such county, city, town, or borough, shall deliver or cause to be delivered to the clerk of the peace acting in and for such county, city, town, or borough a certificate under their hands and seals of such vacancy having occurred, the said clerk of the peace shall and he is hereby required, within twenty-one days after the receipt of such certificate, to transmit the same to the lord chancellor of Ireland, who shall thereupon direct a writ to be issued for the election of a coroner for such county, riding, or division, county of a city, county of a town, or borough, or district thereof, (as the case may be,) where such vacancy shall have happened.

Lord chancellor shall, upon receiving certificate of two justices of vacancy having occurred, issue writ for election of coroner.

of any such inquest, or to or for or on account of any witness or witnesses who shall have attended the same, and also an account of the number of miles which he shall have been compelled to travel from his usual place of residence to take such inquest, and of the number of days during which such inquest, or any adjournment thereof (if any) shall have continued, and shall certify such abstract and account to be true and correct in all particulars, and shall sign the same, and shall lodge such abstract and account with the secretary of the grand jury of the county, riding, or division, county of a city, county of a town, or borough, as the case may be, for which or for any district of which he is the coroner, ten clear days at least before the assembling of the grand jury for such county, riding, or division, city, town, or borough; and the said secretary shall permit such abstracts and accounts to be inspected and examined in his office by any rate-payer of such county, riding, or division, city, town, or borough, who shall apply to him for the purpose, at all hours between ten of the clock of the forenoon and four of the clock of the afternoon during the said ten days; and the said secretary shall lay the same before the grand jury acting in and for such county, riding, or division, city, town, or borough, which shall next assemble; and the said grand jury shall examine such abstracts and accounts, and shall and may, if they shall deem it necessary, examine the said coroner upon oath (which oath the foreman of such grand jury is hereby empowered to administer) as to the truth and correctness of all or any of the statements or items contained in such abstracts or accounts, or as to the belief which such coroner may at the time of holding any such inquest have entertained of the necessity for holding the same; and the said abstracts and accounts shall, when approved of by the said grand jury, be signed by the foreman, and preserved among the records of such county, riding, or division, city, town, or borough.

and number of miles he has travelled;

and duration of inquest; and shall certify such abstract and account to be true, and lodge them with the secretary of the grand jury.

Abstract and account may be inspected by ratepayers;

and shall be laid before grand jury; who shall examine the same, and may examine the coroner.

XXV. AND be it enacted, that it shall and may be lawful to and for the grand jury of any county, riding, or division, when they shall have examined and approved of such abstracts and accounts as aforesaid, to present for the payment of any coroner within such county, riding, or division the sum of one pound ten shillings sterling for each and every inquest held by him respectively since the preceding assizes, or since his last application for a presentment, but such sums not to exceed in the whole the sum of fifty pounds sterling at any one assizes; and such grand jury shall present in addition thereto, and over and above such payment, such further and other sum, at the rate of sixpence per mile for every mile which such coroner shall have been obliged to travel from his usual place of residence for the purpose of taking such inquest: Provided always, that whenever any coroner shall have held more than one inquest on the same day, then in respect of every such inquest taken after the first the said sum of sixpence per mile shall be computed and paid to such coroner for every additional mile only which he shall have been compelled to travel in consequence of holding more than one inquest on the same day.

Grand jury, on approving of abstract &c., shall present 1*l.* 1*s.* for coroner & each inquest, but not exceeding 50*l.* at any one assize

and 6*d.* per mile for travelling.

Presentment for travelling when more than one inquest is held on same day.

XXVI. AND be it enacted, that it shall and may be lawful to and for the grand jury of any county, riding, or division to present such sum as to them shall seem fit for the payment of the allowances for travelling as aforesaid to any coroner who shall show to the satisfaction of such grand jury that he had been compelled in the discharge of his office to travel from his usual place of

Presentment for travelling when no inquest is held.

the grand jury of such county, city, or town, when they shall next assemble, and they are hereby required, to present for the coroner of such county, riding, or division, city, town, or borough, or any district thereof, such sum or sums as shall be necessary to repay such coroner the monies paid and advanced by him in and about the holding of any inquest, and shall also present, to and for the treasurer of such county, city, town, or borough, such sum or sums as shall be necessary to pay and discharge all orders for the payment of witnesses and other persons upon such treasurer as any two justices of the peace, acting for and in the absence of a coroner, as herein-after mentioned, shall have given to any witness or other person since the last assizes or presenting term; and the said treasurer, out of the public monies of such county, city, or town which shall then be in his hands or shall next come to his hands, shall pay the said sum or sums so presented to the said coroner or to the said witnesses or other persons as aforesaid; and it shall be lawful for the grand jury acting in and for any county, riding, or division, county of a city, county of a town, or borough, to direct and order that all such sums of money necessary for the payment of any such coroner, or of the other expences incident to the holding of any inquest, or such part and proportion thereof as to them shall seem meet and right, shall be raised and levied off the whole of such county, riding, or division, city, town, or borough, or off such district, barony, or parish thereof, as the case may be, as they shall appoint.

present for such sums as shall be necessary to pay witnesses and expences of inquests.

Grand jury may direct the expences of coroner or inquests to be levied off the whole county, or any particular district, barony, or parish.

XXXI. AND be it enacted, that it shall and may be lawful for any coroner who shall consider an analysis of any matter or thing of or concerning any dead body necessary to order and direct that such analysis be made by such legally qualified medical practitioner as he and the majority of the jury sworn upon any inquest shall appoint; and he shall annex to the abstract and accounts of such inquest a certificate to be signed by him of such his opinion, and of the facts relating to such analysis, which certificate, together with the said abstracts and accounts, shall be laid before the grand jury acting in and for the county, riding, or division, county of a city, county of a town, or borough, as the case may be, which shall next assemble; and it shall be lawful for the said grand jury to present to and for their treasurer any sum of money, not exceeding the sum of five guineas, for the loss of time, labour, and expence incurred by such medical practitioner in consequence of making such analysis, as to them shall seem fit; and the sum so presented by the grand jury shall be paid to such medical practitioner by the treasurer of such county, riding, or division, city, town, or borough, in like manner, and shall and may be raised and levied in like manner, as the sums already presented by any such grand jury.

Coroner may order an analysis to be made in reference to any inquest, and certify the same.

Grand jury may present a sum not exceeding five guineas for making such analysis.

XXXII. AND be it enacted, that when any inquest shall be holden on the body of any person who has died in any public hospital or infirmary, or in any building or place belonging thereto, or used for the reception of the patients thereof, or who has died in any county or other lunatic asylum, or in any public infirmary or other public medical institution, whether the same be supported by endowments or by voluntary subscriptions, then and in such case nothing herein contained shall be construed to entitle the medical officer whose duty it may have been to attend the deceased person as a medical officer of such institution as aforesaid to the fees or remuneration herein provided.

When any inquest shall be held on the body of a person who died in any hospital, &c. medical officer of institution shall not be entitled to remuneration.

XXXIII. AND be it enacted, that from and after the passing of this Act, in all cases where any coroner shall hold an inquest upon any dead body, and

Coroner may summon medical practitioner

XXXVI. AND be it enacted, that whenever any dead body shall be found, and any coroner shall, in consequence of the information received by him, consider it necessary to hold an inquest thereon, it shall and may be lawful for such coroner to order and direct that such dead body shall be brought into the nearest convenient tavern, public house, or house licensed for the sale of spirits; and the owner or occupier of such tavern, public or other licensed house, shall and he is hereby required to permit and allow such dead body to be deposited within the same, or within some part of the premises thereof, until the inquest shall have taken place; and if such owner or occupier shall refuse to permit such dead body to be deposited within the said house, or some part of the premises thereof, it shall be lawful for the said coroner to impose such fine, not exceeding the sum of forty shillings, upon such owner or occupier, for such refusal or neglect, as to such coroner shall seem fit.

Coroner may order dead body to be deposited in the nearest public house until an inquest be taken thereon.

Owner or occupier refusing to admit the same may be fined.

XXXVII. AND be it enacted, that from and after the passing of this Act, in all cases in which any person shall be charged by any coroner's inquisition with the commission of any crime, and shall be subsequently put upon his trial, either on such inquisition or in pursuance of any bill of indictment for the same crime, the coroner before whom such inquisition shall have been found shall be wholly incompetent to act as an attorney in prosecution or defence of such person for such crime, either by himself or his partner, directly or indirectly; and that in all cases in which it shall appear to the judge before whom such person shall be tried that any coroner shall have so acted contrary to the provisions and intentions of this Act, such judge shall impose upon every coroner so offending such penalty, not exceeding fifty pounds, as the said judge shall in his discretion think fit.

Coroner or his partner not to act professionally as attorney in trial of any case which may have come before him as coroner.

Penalty, 50*l*.

XXXVIII. AND be it enacted, that every coroner appointed or chosen under the authority of this Act, although such coroner may be designated as the coroner of any particular district of a county, riding, or division, city, town, or borough, shall for all purposes whatsoever, except as herein-after mentioned, be considered as a coroner for the whole of such county, city, town, or borough, and shall have the same jurisdiction, rights, powers, and authorities, throughout the said county, city, town, or borough, as if he had been elected by the electors of such county, city, town, or borough at large.

Coroner, although elected for a district, to be considered a coroner of the county or city at large.

XXXIX. AND be it enacted, that every coroner appointed or elected under the provisions of this Act shall, except during the illness, incapacity, or absence of the coroner for any other district, or during a vacancy in the office of coroner for any other district, hold inquests only within the district to and for which he shall have been so appointed or elected; and that if any coroner shall hold an inquest in any district, save that to and for which he shall have been appointed or elected, he shall state in the abstract of such inquest as aforesaid the reason of his having held such inquest; and it shall be lawful for the grand jury before whom the abstract and accounts of such inquest shall be laid to refuse, if they shall so think fit, to present any sum of money for the payment of any coroner who shall hold an inquest beyond the limits of the district to which he shall have been appointed or elected.

Coroner to hold inquest only in the district to which he is appointed, except in certain cases.

XL. AND be it enacted, that every order which, by and under the provisions of this Act, any coroner, or any two magistrates acting for and in the absence of such coroner, shall make and issue, shall be signed and sealed by such coroner or such magistrates; and that any order which any coroner or

All orders of coroners, &c. to be signed and sealed. Any order not signed and

before the grand jury acting in and for such county, riding, or division, county of a city, county of a town, or borough, shall next assemble.

XLV. AND be it enacted, that if any elector or other person shall wilfully and falsely take any oath or affirmation appointed by the authority of this Act to be taken, or if any person shall corruptly procure or suborn any elector or other person wilfully and falsely to take any oath or affirmation hereby appointed to be taken, for the purpose of such person being polled at any election of a coroner, and he or they shall be convicted thereof, he or they shall for every such offence incur all such pains and penalties as are by law inflicted on persons guilty of perjury or subornation of perjury.

Persons swearing falsely or suborning others, to be guilty of perjury or subornation.

XLVI. AND whereas it is expedient to make provision for supporting coroners inquisitions, and for preventing the same from being quashed on account of technical defects: Be it therefore enacted, that from and after the passing of this Act no inquisition found upon or by any coroner's inquest, nor any judgment recorded upon or by virtue of any such inquisition, shall be quashed, stayed, or reversed for want of the averment therein of any matter unnecessary to be proved; nor for the omission of words "with force and arms," or of the words "against the peace," or of the words "against the form of the statute"; nor for the omission or insertion of any other words or expressions of mere form or surplusage; nor for the insertion of the words "upon their oath" instead of the words "upon their oaths"; nor for omitting to state the time at which the offence was committed, when time is not the essence of the offence; nor for stating the time imperfectly; nor because any person or persons mentioned in any such inquisition is or are designated by a name of office or other descriptive appellation, instead of his, her, or their proper name or names; nor by reason of the non-insertion of the names of the jurors in the body of any such inquisition, or of any difference in the spelling of the names of any of the jurors in the body of any such inquisition, and the names subscribed thereto; nor because any juror or jurors shall have set his or their mark or marks to any such inquisition, instead of subscribing his or their name or names thereto; nor because any such mark or marks is or are unattested, provided the name or names of such juror or jurors is or are set forth; nor because any juror or jurors has or have signed his or their christian name or names by means of an initial or partial signature only, and not at full length; nor because of any erasures or interlineations appearing in any such inquisition, unless the same shall be proved to have been made therein after the same was signed; nor for want of a proper name, where the inquest shall appear or purport to have been taken by a coroner or any two magistrates of or for the county, riding, or division, city, town, or borough, or place, in which it shall appear or purport to have been taken; nor (except only in cases of murder or manslaughter) for or by reason of any such inquisition not being duly sealed or written on parchment; nor because the coroner and jury did not all view the body at one and the same instant, provided they all viewed the body at the first sitting of the inquest; nor because all or any of the jurors upon such inquest may not have been rated to the relief of the poor; and in all or any of such cases of technical defect as are herein-before mentioned it shall be lawful for any judge of either of her Majesty's courts in Dublin, or any judge of assize or gaol delivery, if he shall so think fit, upon the occasion of any such inquisition being called in question before him, to

Inquisitions, &c. not to be quashed on account of technical defects.

Inquisitions may be amended as to such defects.

[state the nature of the franchise, whether it be an estate of freehold, leasehold, or of any other nature, and the townland, parish, and barony where situate,] and that the place of my abode is at _____, [if it be a place consisting of more places or streets than one, specify what street or place,] and that I have not been polled before at this election, [adding, except in cases of affirmation,]

So help me GOD.

SCHEDULE (B.)

FORM of Oath to be taken by Candidates at any Election for the Office of Coroner.

I A.B. do swear [or affirm], that I truly and bonâ fide have, to and for my own use and benefit, such an estate of inheritance of the annual value of fifty pounds sterling, [or of freehold for my own life, or for the life of _____, or for the lives of _____, of the annual value of one hundred pounds sterling, as the case may be,] in law or equity, as I have described in the statement thereof delivered by me to the sheriff [or under sheriff] of _____, of and in the lands, tenements, or hereditaments, over and above all charges and incumbrances that may affect the same, and as doth qualify me to be elected and chosen to serve the office of coroner for the county of _____ [riding, or division, county of a city, county of a town, or borough, or district thereof, as the case may be], according to the tenor and meaning of an Act passed in the ninth and tenth years of her present Majesty, intituled "An Act to amend the laws relating to the office of coroner and the expences of inquests in Ireland"; and that my said lands, tenements, or hereditaments are lying and being at _____, [if in a street in a city, town, or borough, or other place, specify what street,] in the parish of _____, in the barony of _____, [or ward of _____, as the case may be,] and county of _____ [county of the city of _____, or borough of _____, county of the town of _____, as the case may be,] aforesaid.

So help me GOD.

SCHEDULE (C.)

TABLE of Payments which any Coroner, or any Two Magistrates in his Absence, may make to any Witness or other Person who, being summoned, shall attend and give Evidence at any Inquest, or shall do any other Act or Thing in obedience to the Order of such Coroner or of such Two Magistrates as aforesaid.

	£	s.	d.
To any poor witness, for each day of attendance at any inquest,			
any sum not exceeding, per diem - - - - -	0	1	0
To the owner or occupier of any private house who shall permit any dead body to be deposited therein, (if such owner or occupier be not related to or connected with the deceased,) any sum not exceeding, per diem - - - - -	0	3	6
	4 4 2		

CHAPTER XLIV.

AN ACT to remove Doubts as to the Election of Members to serve in Parliament for the County of Chester, the Boroughs situate therein, and for the County of the City of Chester. [7th August 1846.]

WHEREAS by an Act passed in the first year of the reign of his late Majesty King William the Fourth, intituled "An Act for the more effectual administration of justice in England and Wales," it was amongst other things enacted, that all the power, authority, and jurisdiction of the chamberlain and vice chamberlain of the county palatine of Chester, both at law and in equity, should cease and determine: And whereas since the passing of the said Act doubts have arisen whether writs for the election of members to serve in Parliament for the county of Chester, and for the boroughs situate therein, and for the county of the city of Chester, ought to be directed to the said chamberlain, or to the sheriffs of the said county and county of the said city respectively: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all writs for the election of members to serve in Parliament shall be directed to the sheriff of the county of Chester in all cases where the election is to be for members or a member to serve in Parliament for either of the divisions of that county, and to the sheriff of the county of the city of Chester where the election is to be for members or a member to serve in Parliament for the county of the said city.

11 Geo. 4. & 1 Will. 4. c. 71

Writs for election of members to serve for the county of Chester, to be directed to the sheriff of the county; and for the county of the city, to the sheriff of the county of the city.

CHAPTER XLVIII.

AN ACT for legalizing Art Unions. [13th August 1846.]

WHEREAS certain voluntary associations have been and may hereafter be formed in various parts of the United Kingdom, under the name of art unions, for the purchase of paintings, drawings, or other works of art, to be afterwards allotted and distributed, by chance or otherwise, among the several members, subscribers, or contributors, forming part of such associations, or for raising sums of money by subscription or contribution, to be allotted and distributed, by chance or otherwise, as prizes, amongst the members, subscribers, or contributors, forming part of such associations, on the condition nevertheless that such sums of money so allotted and distributed be expended solely and entirely in the purchase of paintings, drawings, or other works of art: And whereas such allotment and distribution of paintings, drawings, or other works of art, or of sums of money for their purchase, and the proceedings taken to carry the same into effect, may be deemed and taken to come within the provisions of the several Acts of Parliament passed for the prevention of lotteries, little goes, and unlawful games, whereby the members, subscribers, or contributors of such associations as aforesaid, or persons acting under their authority or on their behalf, may be liable or subjected to certain pains and penalties imposed by law on persons concerned in lotteries, little goes, and unlawful games: And whereas it is expedient that all members of and

Voluntary associations constituted for the distribution of works of art by lot deemed legal, provided a royal charter shall have been first obtained, or deed of settlement approved by privy council, &c.

Reservation of power to revoke charter, &c. if association is perverted from its purpose.

subscribers and contributors to such voluntary associations as aforesaid, and all persons acting under their authority or on their behalf, so long only as their proceedings are carried on in good faith for the encouragement of the fine arts, shall be discharged and protected from any pains and penalties to which they may have rendered themselves liable, or may hereafter render themselves liable, by reason of any such their proceedings as aforesaid: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all such voluntary associations as aforesaid, now constituted, or which may hereafter be constituted according to the provisions herein-after contained, shall be deemed to be lawful associations; and the members of and subscribers and contributors to all such lawful associations, and all persons acting under their authority or on their behalf for the purposes aforesaid, shall be freed and discharged from all pains and penalties, suits, prosecutions, and liabilities, to which by law they would be liable but for the passing of this Act, as being concerned in illegal lotteries, little goes, or unlawful games, by reason of any thing done or which may be done by them or any of them in furtherance of the allotment or distribution, by scheme or otherwise, of paintings, drawings, or other works of art, or of the allotment or distribution of sums of money as prizes to be expended for their purchase: Provided always, that a royal charter or charters shall have been first obtained for the incorporation of any such association, or provided that the deed of partnership, or other instrument or instruments constituting such association, and the rules and regulations relating to the proceedings of such association for such purposes as aforesaid, shall have first been submitted to the consideration and be approved of by a committee of her Majesty's most honourable privy council, and a copy thereof deposited with such committee; and that it shall be expressed in every such charter, deed, or instrument, that it shall be lawful for any committee of her Majesty's privy council to whom the consideration of art unions shall be referred by her Majesty, whenever it shall appear to them that any such association is perverted from the purposes of this Act, to certify the fact to her Majesty, and thereupon it shall be lawful for her Majesty to revoke or annul the charter, deed, or instrument, under which the association so offending shall have been constituted; and nothing in this Act contained shall be deemed to apply to any association whose charter, deed of partnership, or other instrument constituting the same shall have been so revoked or annulled.

* * * * *

CHAPTER LVI.

AN ACT to provide Forms of Proceedings under the Acts relating to the Duties of Assessed Taxes, and the Duties on Profits arising from Property, Professions, Trades, and Offices in England. [18th August 1846.]

WHEREAS by an Act passed in the forty-third year of the reign of King George the Third, intituled "An Act for consolidating certain of the provisions contained in any Act or Acts relating to the duties under the management of the commissioners for the affairs of taxes, and for amending the same," the duties of assessed taxes then under the management of the

commissioners for the affairs of taxes, so far as the same related to England, Wales, and Berwick-upon-Tweed, were directed to be assessed, raised, levied, and paid under the regulations of the said Act: And whereas divers Acts of Parliament have from time to time been passed for explaining, altering, or amending the said recited Act and the laws relating to the duties of assessed taxes: And whereas since the passing of the said first-recited Act divers duties of assessed taxes, and duties on profits arising from property, professions, trades, and offices, have from time to time been granted by Parliament, and directed to be assessed, raised, levied, collected, and paid under the rules and regulations of the said first-recited Act, and the several other Acts relating thereto, or for explaining, altering, or amending the same; and such of the said several duties as are now in force, and payable to her Majesty, her heirs and successors, are placed by law under the direction and management of the commissioners of stamps and taxes: And whereas in and by the said several Acts herein-before recited, mentioned, or referred to, and other Acts relating to the said respective duties, the commissioners and officers acting in the execution of the said Acts are required and authorized respectively to make and allow divers assessments, and to make, sign, and issue certain warrants, certificates, notices, and other official documents, in the assessing, levying, and collecting of the said duties, and otherwise in relation thereto; and it would tend to promote and facilitate the due and uniform execution of the said Acts, if proper forms of proceedings for that purpose were provided and established by law: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 from and after the passing of this Act, in the assessing, charging, levying, and collecting of the said several duties herein-before mentioned, and on all other occasions in the execution of the several Acts relating to the matters herein-before mentioned, or any of them, in England, it shall be lawful for the respective commissioners, officers, and other persons acting in that behalf to cause their respective assessments, duplicates, charges, warrants, orders, notices, and other proceedings to be drawn, prepared, and made out according to the several forms contained in the schedule hereunto annexed, or to the effect thereof, mutatis mutandis, as the case shall require; and every such assessment, duplicate, charge, warrant, order, notice, or other proceeding, which shall be so drawn, prepared, or made out, shall be good and effectual to all intents and purposes whatsoever, without stating the case, or the facts or evidence, in any more particular manner than is required in and by such forms respectively; and no information, summons, conviction, or other preliminary proceeding shall be deemed to be necessary to authorize or justify the making or issuing of any warrant, order, or other proceeding, whereof a form is contained in the said schedule, other than such preliminary proceeding as is recited or mentioned in such form; and the said schedule, and the several forms, rules, and directions therein contained, shall respectively be deemed to be part of this Act.

The forms contained in the schedule to this Act to be used in all proceedings under the Acts relating to the assessed taxes and the property and income tax.

II. PROVIDED always, and be it enacted, that no assessment, charge, warrant, or other proceeding, which shall be made, or shall purport to be made, by virtue or in pursuance or in execution of the said several Acts herein-before recited, mentioned, or referred to, or any of them, or of any other Act or Acts

Proceedings not to be void or voidable for want of form, or affected by

The SCHEDULE to which this Act refers ;

CONTAINING THE

FORMS of Proceedings for carrying into execution the several Acts relating to the Duties of Assessed Taxes, and the Duties on Profits arising from Property, Professions, Trades, and Offices ; (that is to say,

- No.
- 1.—Form of appointment of assessors.
 - 2.—Form of certificate of assessments of the duties of assessed taxes, and of the allowance thereof.
 - 3.—Form of duplicate of first assessments of the duties of assessed taxes, and abstract of contracts of composition for the said duties.
 - 4.—Form of collectors appointment and warrant to be annexed or subjoined to the foregoing duplicate.
 - 5.—Form of certificate of assessments of duties under schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
 - 6.—Form of duplicate of first assessments of duties under schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35.
 - 7.—Form of collectors appointment and warrant to be annexed or subjoined to the foregoing duplicate, form N° 6.
 - 8.—Form of certificate of first assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
 - 9.—Form of certificate of assessments of duties under schedule (E.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
 - 10.—Form of duplicate of first assessments of duties under schedules (D.) and (E.) of the Act 5 & 6 Vict. c. 35.
 - 11.—Form of collectors appointment and warrant to be annexed or subjoined to the foregoing duplicate, form N° 10.
 - 12.—Form of special commissioners assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35.
 - 13.—Form of duplicate of special commissioners assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35.
 - 14.—Form of collectors warrant to be annexed or subjoined to the foregoing duplicate, form N° 13.
 - 15.—Form of certificate of assessments of duties under schedule (E.) of the Act 5 & 6 Vict. c. 35. in respect of public offices, and of the allowance thereof.
 - 16.—Form of additional first assessments of the duties of assessed taxes, and of the allowance thereof.
 - 17.—Form of duplicate of additional first assessments of the duties of assessed taxes.
 - 18.—Form of collectors warrant to be annexed or subjoined to the foregoing duplicate, form N° 17.
 - 19.—Form of additional first assessments of duties under schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
 - 20.—Form of duplicate of additional first assessments of duties under schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35.
 - 21.—Form of collectors warrant to be annexed or subjoined to the foregoing duplicate, form N° 20.

No.

- 22.—Form of certificate of additional first assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
- 23.—Form of additional first assessments of duties under schedule (E.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
- 24.—Form of duplicate of additional first assessments of duties under schedules (D.) and (E.) of the Act 5 & 6 Vict. c. 35.
- 25.—Form of collectors warrant to be annexed or subjoined to the foregoing duplicate, form N° 24.
- 26.—Form of supplementary assessments of the duties of assessed taxes, and of the allowance thereof.
- 27.—Form of duplicate of supplementary assessments of the duties of assessed taxes.
- 28.—Form of collectors warrant to be annexed or subjoined to the foregoing duplicate, form N° 27.
- 29.—Form of supplementary assessments of duties under schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
- 30.—Form of duplicate of supplementary assessments of duties under schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35.
- 31.—Form of collectors warrant to be annexed or subjoined to the foregoing duplicate, form N° 30.
- 32.—Form of supplementary assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
- 33.—Form of supplementary assessments of duties under schedule (E.) of the Act 5 & 6 Vict. c. 35., and of the allowance thereof.
- 34.—Form of duplicate of supplementary assessments of duties under schedules (D.) and (E.) of the Act 5 & 6 Vict. c. 35.
- 35.—Form of collectors warrant to be annexed or subjoined to the foregoing duplicate, form N° 34.
- 36.—Form of appointment of assessors for making a re-assessment of duties pursuant to the Act 43 Geo. 3. c. 161. s. 56. or the Act 5 & 6 Vict. c. 35. s. 174., on the default or failure of the collector.
- 37.—Form of certificate of re-assessment under the Act 43 Geo. 3. c. 161. s. 56. or the Act 5 & 6 Vict. c. 35. s. 174., and of the allowance thereof.
- 38.—Form of duplicate of re-assessment under the Act 43 Geo. 3. c. 161. s. 56. or 5 & 6 Vict. c. 35. s. 174.
- 39.—Form of collectors appointment and warrant to be annexed or subjoined to the foregoing duplicate of the re-assessment of duties, N° 38.
- 40.—Form of assessors appointment for making an assessment pursuant to the Acts 43 Geo. 3. c. 99. s. 70. and c. 161. s. 86., to defray costs incurred by the commissioners in actions at law.
- 41.—Form of certificate of assessment for raising the costs incurred by commissioners in actions at law, and of the allowance thereof.
- 42.—Form of duplicate of assessment for costs incurred by commissioners in actions at law.
- 43.—Form of collectors appointment and warrant to be annexed or subjoined to the foregoing duplicate of assessment, form N° 42.
- 44.—Form of surveyor's certificate of charges of assessed taxes for supplementary assessment.
- 45.—Form of oath of service of notices of charge, to be subjoined to the foregoing certificate, form N° 44.

No.

- 46.—Form of allowance by the commissioners of surveyor's certificate of charges, form N° 44.
- 47.—Form of surveyor's certificate of charges of the duties on profits arising from property, professions, trades, and offices, for supplementary assessment.
- 48.—Form of oath of service of notices of charge, to be subjoined to the foregoing certificate, form N° 47.
- 49.—Form of allowance by the commissioners of surveyor's certificate of charges, form N° 47.
- 50.—Form of certificate under the Act 43 Geo. 3. c. 99. s. 35. as to duties of assessed taxes in arrear.
- 51.—Form of warrant to be annexed or subjoined to the foregoing certificate, form N° 50.
- 52.—Form of certificate under the Act 5 & 6 Vict. c. 35. s. 177. as to duties in arrear.
- 53.—Form of warrant to be annexed or subjoined to the foregoing certificate, form N° 52.
- 54.—Form of certificate under the Act 5 & 6 Vict. c. 35. s. 155. as to duties in arrear.
- 55.—Form of warrant to be annexed or subjoined to the foregoing certificate, form N° 54.
- 56.—Form of a schedule of persons who have made default in payment of the duties of assessed taxes to be delivered by the collector, pursuant to the Acts 48 Geo. 3. c. 141., N° V., rule 1st, and 3 Geo. 4. c. 88., N° III., rule 4th.
- 57.—Form of collector's affidavit, to be subjoined to the foregoing schedule, form N° 56.
- 58.—Form of collector's affidavit, to be subjoined to the forms N° 56 and 57, and to be made after the schedule has remained with the commissioners of the division for the space of 40 days, as directed by the Act 48 Geo. 3. c. 141., N° V., rule 2nd.
- 59.—Form of a schedule of persons who have made default in payment of the duties on profits arising from property, professions, trades, and offices, to be delivered by the collector, pursuant to the Acts 48 Geo. 3. c. 141., N° V., rule 1st, and 3 Geo. 4. c. 88., N° III., rule 4th.
- 60.—Form of collector's affidavit, to be subjoined to the foregoing schedule, form N° 59.
- 61.—Form of collector's affidavit, to be subjoined to forms N° 59 and 60, and to be made after the schedule has remained with the commissioners of the district for the space of 40 days, as directed by the Act 48 Geo. 3. c. 141., N° V., rule 2nd.
- 62.—Form of receiving officer's certificate, certifying the foregoing schedules of defaulter's forms, N° 56 and 59, to the Court of Exchequer, pursuant to the Acts 48 Geo. 3. c. 141., N° V., rule 2nd, and 1 & 2 Geo. 4. c. 113. s. 32.
- 63.—Form of receiving officer's certificate to the Court of Exchequer, pursuant to the Acts 48 Geo. 3. c. 141., N° V., rule 3rd, and 1 & 2 Geo. 4. c. 113. s. 34., of collectors who have made default in accounting for duties.
- 64.—Form of certificate to be made by two commissioners of stamps and taxes for enrolment in the office of her Majesty's remembrancer of the Court of Exchequer, pursuant to the Act 5 & 6 Will. 4. c. 20. s. 11.

No.

- 65.—Form of collectors warrant, which may be issued during the period the schedules of defaulters remain with the commissioners, under the Act 48 Geo. 3. c. 141., N° V., rule 2nd.
- 66.—Form of return to be made by collectors, under the Act 43 Geo. 3. c. 99. s. 45., of arrears of duties which cannot be recovered by the collectors.
- 67.—Form of oath to be made by the collectors, and endorsed on the foregoing schedule, form N° 66.
- 68.—Form of a schedule of defaulters to be made out by the commissioners, pursuant to the Act 43 Geo. 3. c. 99. s. 45., and to be deposited with the commissioners of stamps and taxes, pursuant to the Act 5 & 6 Will. 4. c. 20. s. 13.
- 69.—Form of revocation of the appointment of a collector, and appointment of another collector in his stead, under the Act 43 Geo. 3. c. 99. s. 40.
- 70.—Form of a warrant under the Act 3 Geo. 4. c. 88. s. 3. to imprison the person and seize the estate of a collector making default in payment of duties collected.
- 71.—Form of a warrant to sell a collector's estate seized under the foregoing warrant, form N° 70.
- 72.—Form of a warrant under the Act 3 Geo. 4. c. 88. s. 3. to seize the estate of a deceased collector who has made default in payment of duties collected.
- 73.—Form of a warrant to sell a deceased collector's estate seized under the foregoing warrant, form N° 72.
- 74.—Form of public notice of a meeting of commissioners required by 3 Geo. 4. c. 88. s. 3. to be held after the seizure of a collector's estate.
- 75.—Form of a deed of conveyance and assignment of a collector's estate seized under the Act 3 Geo. 4. c. 88. s. 4.
- 76.—Form of warrant under the Act 43 Geo. 3. c. 99. s. 33. to break open a house for the purpose of levying a distress for duties in arrear.
- 77.—Form of warrant under the Act 43 Geo. 3. c. 99. ss. 33. and 35. to break open a house for the purpose of levying a distress for the duties of assessed taxes in arrear.
- 78.—Form of warrant under the Acts 43 Geo. 3. c. 99. s. 33. and 5 & 6 Vict. c. 85. ss. 155. and 177. to break open a house for the purpose of levying a distress for the duties on profits arising from property, professions, trades, and offices in arrear.
- 79.—Form of a warrant of commitment under the Act 43 Geo. 3. c. 99. s. 33. for want of a sufficient distress for duties in arrear.
- 80.—Form of a warrant of commitment under the Act 5 & 6 Will. 4. c. 20. s. 16. for want of a sufficient distress for the duties of assessed taxes in arrear.
- 81.—Form of a warrant of commitment under the Act 5 & 6 Will. 4. c. 20. s. 16. for want of a sufficient distress for the duties on profits arising from property, professions, trades, and offices.

N 1.

Form of Appointment of Assessors.

To _____ and _____, inhabitants of the parish of _____, in
the district of _____, in the county of _____.

We the undersigned, being commissioners of assessed taxes [or of the property and income tax] acting in and for the district of _____, in the county of _____, have, by virtue and in pursuance of the Acts enabling us in this behalf, appointed you the above-named _____ and _____ to be the assessors of the duties of assessed taxes [or of the duties on profits arising from property, professions, trades, and offices] for the said parish of _____, in the said district and county, for the year ending the 5th day of April 184____; and we do hereby strictly enjoin and require that you and each of you do perform the office of such assessors according to the directions of the Acts of Parliament relating thereto, and that you do charge and assess yourselves, and all other persons who are chargeable to the said duties or any of them, within the said parish of _____, and that you do make your assessments according to the provisions of the laws now in force; and hereof you will not fail, as you and each of you will answer the contrary at your peril.

Given under our hands and seals at _____ in the said district,
this _____ day of _____ in the year of our Lord 184____.

{ Commissioners of assessed taxes
{ [or of the property and income tax].

N^o 2.*Form of Certificate of Assessments of the Duties of Assessed Taxes, and of the Allowance thereof.*

County of _____, district of _____.

ASSESSMENTS of the duties of assessed taxes made upon the several persons chargeable with the said duties within the parish of _____ in the said district, for the year ending the 5th day of April 184____, pursuant to the Acts of Parliament relating to the said duties, duly certified upon oath by the assessors, and allowed according to the directions of the said Acts, by the commissioners of assessed taxes whose names are signed at the end hereof.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, assessors appointed for making assessments of the duties of assessed taxes for the before-mentioned parish of _____, for the year ending the 5th day of April 184____, do hereby certify the foregoing assessments of the said duties for the parish aforesaid; and we do make oath and declare, that in the foregoing assessments we have charged and assessed ourselves, and all other persons who are chargeable with the said duties or any of them within the said parish, and that we have made our said assessments conformably to the provisions of the laws now in force, according to the best of our knowledge and belief; and we do hereby, in pursuance of

the directions of the statute in that behalf, return the names of
and _____, of the said parish, as able and sufficient persons to be
collectors of the said duties.

Witness our hands, this _____ day of _____ in the year
of our Lord 184 .

} Assessors.

We the undersigned, commissioners of assessed taxes acting in and for the
district and county aforesaid, do hereby, in pursuance of the said Acts relating
to the duties of assessed taxes, sign and allow the foregoing assessments,
amounting to the sum of _____, the same having been duly verified before
us by the above-named assessors, as directed by the Act of Parliament in that
behalf made.

Given under our hands and seals, at _____ within the said
district, this _____ day of _____ in the year of our
Lord 184 .

{ Commissioners of
assessed taxes.

N^o 3.

*Form of Duplicate of First Assessments of the Duties of Assessed Taxes,
and Abstract of Contracts of Composition for the said Duties.*

County of _____, district of _____.

A DUPLICATE of the first assessments of the duties of assessed taxes made
upon the several persons chargeable with the said duties within the parish of
_____ in the said district, for the year ending the 5th day of April
184 , pursuant to the Acts of Parliament relating to the said duties; and an
abstract of contracts of composition for the said duties entered into or renewed
under the statutes in that behalf by the several persons within mentioned, to
be paid for the same year.

*[Set forth the particulars of the assessments, and the amount to be paid
under each contract of composition, in such tabular or other form as
the commissioners of stamps and taxes shall provide for that
purpose.]*

We the undersigned, commissioners of assessed taxes acting in and for the
district and county aforesaid, do hereby sign and allow the foregoing duplicate
of the first assessments of the duties of assessed taxes, and abstract of
contracts of composition for the said duties, amounting in the whole to the
sum of _____.

Given under our hands and seals, at _____ within the said
district, this _____ day of _____ in the year of our
Lord 184 .

{ Commissioners of
assessed taxes.

N^o 4.*Form of Collectors Appointment and Warrant, to be annexed or subjoined to the foregoing Duplicate.*

To _____ and _____, two of the inhabitants of the
parish of _____, in the district of _____, in the county
of _____

WE the undersigned, commissioners of assessed taxes acting in and for the district aforesaid in the county aforesaid, do hereby nominate and appoint you the above-named _____ and _____ collectors of the duties of assessed taxes for the parish of _____, in the said district and county, for the year ending the 5th day of April 184 _____.

And whereas, by virtue and in pursuance of the powers and authorities of the several Acts of Parliament relating to the said duties, we the said commissioners have signed and allowed the first assessments of the said duties for the said year upon the several persons chargeable with the same within the parish aforesaid, and have set our hands and seals to the duplicate of the said assessments, and to the abstract of contracts of composition for the said duties entered into with the persons therein-named under the statutes in that behalf, which said duplicate and abstract are herewith delivered unto you: Now we the said commissioners do hereby enjoin and require you the above-named collectors, or either of you, to make demand of the several sums contained in the said duplicate and abstract from the parties charged therewith, or at the places of their last abode, or on the premises charged with the assessment, as the case may require, within the time and in the manner appointed and directed by the said Acts, and upon payment thereof to give acquittances under your hands (without taking any thing for such acquittances, the stamp duty for the same excepted,) unto the several persons who shall pay the same; and if any person or persons shall refuse to pay the sum and sums charged upon him, her, or them, upon demand duly made by you or either of you, then we hereby enjoin and strictly require you or either of you, for non-payment thereof, to distrain for the same according to the directions of the said Acts, by virtue of this our warrant, without further authority.

Given under our hands and seals, at _____ within the said
district, the _____ day of _____ in the year of our
Lord 184 _____.

{ Commissioners of
assessed taxes.

N 5.

Form of Certificate of Assessments of Duties under Schedules (A.) and (B.) of the Act 5 and 6 Vict. c. 35., and of the Allowance thereof.

County of _____, district of _____

ASSESSMENTS of the duties under the respective schedules (A.) and (B.) of the Act 5 and 6 Vict. c. 35. made upon the several persons chargeable with the said duties within the parish of _____ in the said district, for the year ending the 5th day of April 184 _____, pursuant to the Acts of Parliament relating to the said duties, duly certified upon oath by the assessors, and

allow the foregoing duplicate of the first assessments of the duties payable under the respective schedules (A.) and (B.) of the Act 5 and 6 Vict. c. 35., amounting in the whole to the sum of

Given under our hands and seals, at _____ within the said district, this _____ day of _____ in the year of our Lord 184 .

{ Commissioners of the property and income tax.

N° 7.

Form of Collectors Appointment and Warrant to be annexed or subjoined to the foregoing Duplicate, Form N° 6.

To _____ and _____, two of the inhabitants of the parish of _____, in the district of _____, in the county of _____

We the undersigned, commissioners of the property and income tax acting in and for the district aforesaid in the county aforesaid, do hereby nominate and appoint you the above-named _____ and _____ collectors of the duties on profits arising from property, professions, trades, and offices, for the parish of _____ in the said district, for the year ending the 5th day of April 184 .

And whereas, by virtue and in pursuance of the powers and authorities of the several Acts of Parliament relating to the said duties, we the said commissioners have signed and allowed the foregoing duplicate of the first assessments of the said duties chargeable under the respective schedules (A.) and (B.) of the Act 5 and 6 Vict. c. 35., and charged upon the several persons mentioned in the foregoing duplicate, within the parish aforesaid, for the year ending the 5th day of April 184 , to be and remain in force for the space of _____ years, ending on the 5th day of April 184 :

Now we the said commissioners do hereby enjoin and require you the above-named collectors, or either of you, to make demand of the several sums contained in the foregoing duplicate from the parties charged therewith, or at the places of their last abode, or on the premises charged with the assessment, as the case may require, within the time and in the manner appointed and directed by the said Acts, and upon payment thereof to give acquittances under your hands (without taking any thing for such acquittances) unto the several persons who shall pay the same; and if any person or persons shall refuse to pay the sum or sums charged upon him, her, or them, upon demand duly made by you or either of you, then we do hereby enjoin and strictly require you or either of you, for nonpayment thereof, to distrain for the same according to the directions of the said Acts, by virtue of this our warrant, without further authority.

Given under our hands and seals, at _____ within the said district, this _____ day of _____ in the year of our Lord 184 .

{ Commissioners of the property and income tax.

commissioners of the property and income tax whose names are signed at the end hereof.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, assessors of the duties on profits arising from property, professions, trades, and offices, for the parish of _____ aforesaid, do hereby certify the foregoing assessments of the duties payable under schedule (E.) of the Act 5 and 6 Vict. c. 35. for the parish aforesaid; and we do make oath, that in the foregoing assessments we have charged and assessed ourselves and all other persons chargeable under the said schedule with the said duties within the said parish, and that we have made our said assessments conformably to the provisions of the laws now in force, according to the best of our knowledge and belief; and we do hereby, in pursuance of the statute in that behalf, return the names of _____ and _____ as able and sufficient persons to be the collectors of the said duties.

As witness our hands, this _____ day of _____ in the year of our Lord 184 .

} Assessors.

We the undersigned, commissioners of the property and income tax acting in and for the district of _____ aforesaid, do hereby, in pursuance of the Acts of Parliament relating to the duties on profits arising from property, professions, trades, and offices, sign and allow the foregoing assessments, the same having been duly verified before us by the above-named assessors, as directed by the Act of Parliament in that behalf made.

Given under our hands and seals, at _____ within the said district, this _____ day of _____ in the year of our Lord 184 .

{ Commissioners of the property and income tax.

N° 10.

Form of Duplicate of First Assessments of Duties under Schedules (D.) and (E.) of the Act 5 and 6 Vict. c. 35.

County of _____, district of _____

A DUPLICATE of the first assessments of the duties under the respective schedules (D.) and (E.) of the Act 5 and 6 Vict. c. 35. made upon the several persons chargeable with the said duties within the parish of _____ in the said district, for the year ending the 5th day of April 184 , pursuant to the Acts of Parliament relating to the said duties.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of _____ aforesaid, do hereby sign and allow the foregoing duplicate of the first assessments of the said duties payable

under the respective schedules (D.) and (E.) of the Act 5 and 6 Vict. c. 35.,
amounting in the whole to the sum of

Given under our hands and seals, at _____ within the said
district, this _____ day of _____ in the year of our
Lord 184 .

} Commissioners of the
{ property and income tax.

N^o 11.

*Form of Collectors Appointment and Warrant to be annexed or subjoined to
the foregoing Duplicate, Form N^o. 10.*

To _____ and _____, two of the inhabitants of
the parish of _____, in the district of _____,
in the county of _____.

WE the undersigned, commissioners of the property and income tax acting
in and for the district aforesaid in the county aforesaid, do hereby nominate
and appoint you the above-named _____ and _____
collectors of the duties on profits arising from property, professions, trades,
and offices, for the parish of _____ in the said district, for the year
ending the 5th day of April 18 .

And whereas by virtue and in pursuance of the powers and authorities of
the several Acts of Parliament relating to the said duties, we the said com-
missioners have signed and allowed the foregoing duplicate of the first
assessments of the said duties payable under the respective schedules (D.) and
(E.) of the Act 5 and 6 Vict. c. 35., and charged upon the several persons
mentioned in the foregoing duplicate, within the parish of _____
aforesaid, for the year ending the 5th day of April 184 :

Now we the said commissioners do hereby enjoin and require you the said
collectors, or either of you, to make demand of the several sums contained in
the foregoing duplicate from the parties charged therewith, or at the places of
their last abode, as the case may require, within the time and in the manner
appointed and directed by the said Acts, and upon payment thereof to give
acquittances under your hands (without taking any thing for such acquittances)
unto the several persons who shall pay the same; and if any person or persons
shall refuse to pay the sum and sums charged upon him, her, or them, upon
demand duly made by you or either of you, then we do hereby enjoin and
strictly require you or either of you, for nonpayment thereof, to distrain for
the same, according to the directions of the said Acts, by virtue of this our
warrant, without further authority.

Given under our hands and seals, at _____ within the said
district, this _____ day of _____ in the year of
our Lord 184 .

} Commissioners of the
{ property and income tax.

N° 12.

Form of Special Commissioners Assessments of Duties under Schedule (D.) of the Act 5 and 6 Vict. c. 35.

County of _____, district of _____

ASSESSMENTS of the duties under schedule (D.) of the Act 5 and 6 Vict. c. 35., made upon the several persons within mentioned, chargeable with the said duties within the parish of _____ in the said district, for the year ending the 5th day of April 184____, pursuant to the Acts of Parliament relating to the said duties, and allowed by the special commissioners of the property and income tax whose names are signed at the end hereof.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

I the undersigned, surveyor of taxes acting in and for the district of aforesaid, do hereby certify, that in the foregoing assessments I have, pursuant to the Acts of Parliament in that behalf, computed and assessed upon the several persons within mentioned the duties with which, according to the best of my judgment, they are chargeable, under schedule (D.) of the Act 5 and 6 Vict. c. 35., for the year ending the 5th day of April 184____.

As witness my hand, this _____ day of _____ in the year of our Lord 184____.

Surveyor of taxes.

We the undersigned, special commissioners of the property and income tax, do hereby, in pursuance of the Acts of Parliament in that behalf made and provided, make, sign, and allow the foregoing assessments of the duties payable under schedule (D.) of the Act 5 and 6 Vict. c. 35., for the year ending the 5th day of April 184____.

Given under our hands and seals, this _____ day of _____ in the year of our Lord 184____.

{ Special commissioners of the
property and income tax.

N° 13.

Form of Duplicate of Special Commissioners Assessments of Duties under Schedule (D.) of the Act 5 & 6 Vict. c. 35.

County of _____, district of _____

A DUPLICATE of assessments of the duties under schedule (D.) of the Act 5 and 6 Vict. c. 35., made by the special commissioners of the property and income tax upon the several persons within mentioned, chargeable with the said duties within the parish of _____ in the said district, pursuant to the Acts of Parliament relating to the said duties, for the year ending the 5th day of April 18____.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, special commissioners of the property and income tax, do hereby make, sign, and allow the foregoing duplicate of the assessments of

within mentioned, chargeable to the said duties within the parish of in the said district, for the year ending the 5th day of April 184 , pursuant to the Acts of Parliament relating to the said duties, by the commissioners whose names are signed at the end hereof.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby sign and allow the foregoing additional first assessments of the duties payable under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., amounting to the sum of , the several charges included therein having been duly certified to us by the surveyor of taxes for the said district.

Given under our hands and seals, at within the said district, this day of in the year of our Lord 184 .

{ Commissioners of the property and income tax.

N^o 20.

Form of Duplicate of Additional First Assessments of Duties under Schedules (A.) and (B.) of the Act 5 & 6 Vict. c 35.

County of , district of

A DUPLICATE of the additional first assessments of the duties under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., made upon the several persons within mentioned, chargeable to the said duties within the parish of in the said district, pursuant to the Acts of Parliament relating to the said duties, for the year ending the 5th day of April 18 , to be and remain in force for the space of years, ending on the 5th day of April 184 .

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby sign and allow the foregoing duplicate of the additional first assessments of the duties payable under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., amounting in the whole to the sum of .

Given under our hands and seals, at within the said district, this day of in the year of our Lord 18 .

{ Commissioners of the property and income tax.

in and for the district aforesaid, and all appeals against the same having been heard and determined, we do hereby allow and confirm the said assessments.

Given under our hands and seals, at _____ within the said
 district, this _____ day of _____ in the year of our
 Lord 184 .

{ Commissioners of the
 { property and income tax.

N^o 23.

Form of Additional First Assessments of Duties under Schedule (E.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

County of _____, district of _____

ADDITIONAL first assessments of the duties under schedule (E.) of the Act 5 & 6 Vict. c. 35., made upon the several persons within mentioned, chargeable with the said duties within the parish of _____ in the said district, for the year ending the 5th day of April 184 , pursuant to the Acts of Parliament relating to the said duties, by the commissioners of the property and income tax whose names are signed at the end hereof.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of _____ aforesaid, do hereby, in pursuance of the Acts of Parliament in that behalf made and provided, sign and allow the foregoing additional first assessments of the duties payable under schedule (E.) of the Act 5 & 6 Vict. c. 35., amounting to the sum of _____, the several charges included therein having been duly certified to us by the surveyor of taxes for the said district.

Given under our hands and seals, at _____ within the said
 district, this _____ day of _____ in the year of our
 Lord 184 .

{ Commissioners of the
 { property and income tax.

N^o 24.

Form of Duplicate of Additional First Assessments of Duties under Schedules (D.) and (E.) of the Act 5 & 6 Vict. c. 35.

County of _____, district of _____

A DUPLICATE of the additional first assessments of the duties under the respective schedules (D.) and (E.) of the Act 5 & 6 Vict. c. 35., made upon the several persons within mentioned, chargeable to the said duties within the parish of _____ in the said district, for the year ending the 5th day of April 184 , pursuant to the Acts of Parliament relating to the said duties.

[Set forth the particulars of the assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of _____ aforesaid, do hereby sign and allow

N° 27.

Form of Duplicate of Supplementary Assessments of the Duties of Assessed Taxes.

County of _____, district of _____.

A DUPLICATE of supplementary assessments of the duties of assessed taxes charged upon the several persons within mentioned, within the parish of _____ in the said district, for the year ending the 5th day of April 184____, pursuant to the several Acts of Parliament relating to the said duties.

[Set forth the particulars of the supplementary assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of assessed taxes acting in and for the district and county aforesaid, do hereby, in pursuance of the Acts of Parliament relating to the duties of assessed taxes, sign and allow and confirm the foregoing supplementary assessments of the said duties, amounting in the whole to the sum of _____, conformably to the directions of the said Acts.

Given under our hands and seals, at _____ within the said district, this _____ day of _____ in the year of our Lord 184____.

{ Commissioners of assessed taxes.

N° 28.

Form of Collectors Warrant to be annexed or subjoined to the foregoing Duplicate, Form N° 27.

To _____ and _____, collectors of the duties of assessed taxes for the parish of _____, in the district of _____, in the county of _____.

WHEREAS by virtue and in pursuance of the powers and authorities of the several Acts of Parliament relating to the duties of assessed taxes, we the undersigned, commissioners of assessed taxes acting in and for the district aforesaid in the county aforesaid, have made and executed the supplementary assessments, for the year ending the 5th day of April 184____, of the said duties charged upon the several persons mentioned in the foregoing duplicate within the parish aforesaid, and have set our hands and seals to the foregoing duplicate of the said supplementary assessments, which said duplicate is herewith delivered unto you:

Now we the said commissioners, &c. *[Proceed as in Form N° 4., from the words "Now we the said commissioners" to the end thereof.]*

N° 29.

Form of Supplementary Assessments of Duties under Schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

County of _____, district of _____.

SUPPLEMENTARY assessments of duties under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons within

offices, we the undersigned, commissioners of the property and income tax acting in and for the district aforesaid in the county aforesaid, have made and executed the supplementary assessments, for the year ending the 5th day of April 184 , of the said duties payable under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons mentioned in the foregoing duplicate, within the parish of , and have set our hands and seals to the foregoing duplicate of the said supplementary assessments :

Now we the said commissioners, &c. [*Proceed as in Form N^o 7., from the words "Now we the said commissioners" to the end thereof.*]

N^o 32.

Form of Supplementary Assessments of Duties under Schedule (D.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

County of , district of .

SUPPLEMENTARY assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons within mentioned, within the parish of in the said district, for the year ending the 5th day of April 184 , pursuant to the Acts of Parliament relating to the said duties.

[Set forth the particulars of the supplementary assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby sign and allow the foregoing supplementary assessments of duties, amounting in the whole to the sum of , conformably to the directions of the several Acts of Parliament relating to the duties on profits arising from property, professions, trades, and offices.

Given under our hands and seals, at within the said district, this day of in the year of our Lord 184 .

{ Commissioners of the
property and income tax.

N 33.

Form of Supplementary Assessments of Duties under Schedule (E.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

County of , district of .

SUPPLEMENTARY assessments of duties under schedule (E.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons within mentioned, within the parish of in the said district, for the year ending the 5th day of April 18 , pursuant to the Acts of Parliament relating to the said duties.

[Set forth the particulars of the supplementary assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby sign and allow

offices, we the undersigned, commissioners of the property and income tax acting in and for the district aforesaid in the county aforesaid, have made and executed the supplementary assessments, for the year ending the 5th day of April 184 , of the said duties payable under the respective schedules (A.) and (B.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons mentioned in the foregoing duplicate, within the parish of , and have set our hands and seals to the foregoing duplicate of the said supplementary assessments :

Now we the said commissioners, &c. [*Proceed as in Form N^o 7., from the words "Now we the said commissioners" to the end thereof.*]

N^o 32.

Form of Supplementary Assessments of Duties under Schedule (D.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

County of , district of

SUPPLEMENTARY assessments of duties under schedule (D.) of the Act 5 & 6 Vict. c. 35., charged upon the several persons within mentioned, within the parish of in the said district, for the year ending the 5th day of April 184 , pursuant to the Acts of Parliament relating to the said duties.

[Set forth the particulars of the supplementary assessments in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, commissioners of the property and income tax acting in and for the district of aforesaid, do hereby sign and allow the foregoing supplementary assessments of duties, amounting in the whole to the sum of , conformably to the directions of the several Acts of Parliament relating to the duties on profits arising from property, professions, trades, and offices.

Given under our hands and seals, at within the said district, this day of in the year of our Lord 184 .

{ Commissioners of the
property and income tax.

N 33.

Form of Supplementary Assessments of Duties under Schedule (E.) of the Act 5 & 6 Vict. c. 35., and of the Allowance thereof.

going duplicate, within the parish of _____ aforesaid, and have set our hands and seals to the foregoing duplicate of the said supplementary assessments :

Now we the said commissioners, &c. [*Proceed as in Form N° 11., from the words "Now we the said commissioners" to the end thereof.*]

N° 36.

Form of Appointment of Assessors for making a Re-assessment of Duties, pursuant to the Act 43 Geo. 3. c. 161. s. 56., or the Act 5 & 6 Vict. c. 35. s. 174., on the Default or Failure of the Collector.

To _____ and _____, assessors of the duties of assessed taxes [or assessors of the duties on profits arising from property, professions, trades, and offices, *as the case may be,*] for the parish of _____, in the district of _____, in the county of _____.

WHEREAS an arrear of the duties of assessed taxes [or of the duties chargeable under the schedule or respective schedules (A.) and (B.), *as the case may be,* of the Act 5 & 6 Vict. c. 35., for granting to her Majesty duties on profits arising from property, professions, trades, and offices,] for the year ending the 5th day of April 18 _____, amounting to the sum of _____, has arisen in the parish of _____ aforesaid, by the default [or neglect or failure] of _____, collector of the said duties for the said parish, we the undersigned, being commissioners of assessed taxes [or of the property and income tax] acting in and for the said district, do hereby, by virtue of the Acts of Parliament enabling us in this behalf, appoint you the above-named _____ and _____ assessors for making a re-assessment within and upon the said parish, for raising the said arrear; and we do hereby strictly enjoin and require you and each of you to make a re-assessment within and upon the said parish, by charging the said sum of _____ on the amount of the assessment for the said parish made for the said duties for the year ending the 5th day of April 18 _____, by duly apportioning the amount of such arrear amongst the several persons assessed in the said last-mentioned assessment to the same duties respectively, according to each person's assessment thereof, as nearly as the case will admit; and in making the said re-assessment you are to pursue the like methods, rules, and directions by which the original assessment was made of the same duties. Hereof you will not fail, as you and each of you will answer the contrary at your peril.

Given under our hands and seals, at _____ within the said district, this _____ day of _____ in the year of our Lord 18 _____.

{ Commissioners of assessed taxes
[or of the property and income tax].

N° 37.

Form of Certificate of Re-assessment under the Act 43 Geo. 3. c. 161. s. 56., or the Act 5 & 6 Vict. c. 35. s. 174., and of the Allowance thereof.

County of _____, district of _____.

A RE-ASSESSMENT of the duties of assessed taxes [or of the duties chargeable under the schedule or respective schedules (A.) and (B.), *as the case may be,* of

the Act 5 & 6 Vict. c. 35., for granting to her Majesty duties on profits arising from property, professions, trades, and offices,] made upon the several persons chargeable with the said duties within the parish of _____ in the said district, pursuant to the several Acts of Parliament in that behalf, for raising the sum of _____, being the amount of an arrear of the said duties which has arisen within the said parish for the year ending the 5th day of April 18 _____, by the default [or neglect or failure] of _____, collector of the said duties for the said parish, for the said year ending as aforesaid, duly verified upon oath by the assessors, and allowed, according to the directions of the said Acts of Parliament, by the commissioners of assessed taxes [or of the property and income tax] acting for the said district, whose names are signed at the end hereof.

[Set forth the particulars of the re-assessment in such tabular or other form as the commissioners of stamps and taxes shall provide for that purpose.]

We the undersigned, assessors appointed for making the foregoing re-assessment of the duties of assessed taxes [or of the duties chargeable under the schedule or respective schedules (A.) and (B.), as the case may be] of the Act 5 & 6 Vict. c. 35.] for the parish of _____ aforesaid, do hereby make oath and declare that we have charged and assessed ourselves and all other persons who are chargeable with the said re-assessment, and that we have made our re-assessment conformably to the provisions of the laws now in force, according to the best of our knowledge and belief.

Witness our hands, this _____ day of _____ in the year _____ of our Lord 18 _____.

} Assessors.

We the undersigned, commissioners of assessed taxes [or of the property and income tax, as the case may be,] acting for the district of _____ aforesaid, do hereby sign and allow the foregoing re-assessment of the duties of assessed taxes [or as the case may be], amounting to the sum of _____ the same having been duly verified before us by the above-named assessors.

Given under our hands and seals at _____ within the said district, this _____ day of _____ in the year of our Lord 18 _____.

{ Commissioners of assessed taxes
[or of the property and income tax].

Note.—This form may be adapted and applied to the duties payable under the schedule (D.) of the Act 5 & 6 Vict. c. 35.

N° 38.

Form of Duplicate of Re-assessment, under the Act 43 Geo. 3 c. 161. s. 56., or 5 & 6 Vict. c. 35. s. 174.

County of _____, district of _____

A DUPLICATE of the re-assessment of the duties of assessed taxes [or of the duties chargeable under the schedule or respective schedules as the case may be, of the Act 5 & 6 Vict. c. 35., for granting to her Majesty duties on profits arising from property, professions, trades, and offices,] made

nonpayment thereof, to distrain for the same according to the directions of the said Acts, by virtue of this our warrant, without further authority.

Given under our hands and seals, at _____ within the said
district, the _____ day of _____ 18 .

{ Commissioners of assessed taxes
{ [or of the property and income tax].

N^o 40.

Form of Assessors Appointment for making an Assessment, pursuant to the Acts 43 Geo. 3. c. 99. s. 70. and c. 161. s. 86., to defray Costs incurred by the Commissioners in Actions at Law.

To _____ and _____, assessors of the duties of assessed taxes
[or of the duties on profits arising from property, professions, trades,
and offices, as the case may be,] for the parish of _____, in the
district of _____, in the county of _____.

WHEREAS certain costs and charges amounting to the sum of _____ have been incurred in an action [or suit] commenced by [or against] the commissioners of assessed taxes [or of the property and income tax] acting in and for the district of _____, in the county of _____, [or against the collectors of the parish of _____ in the said district, as the case may be,] against [or by] one *E.F.*, and which action [or suit] was commenced [or defended] by the said commissioners in pursuance of the powers given to them by the Acts of Parliament in that behalf; we the undersigned, being commissioners of assessed taxes [or of the property and income tax] acting in and for the said district, do hereby, by virtue of the Acts of Parliament enabling us in this behalf, appoint you the above-named _____ and _____ assessors for making an assessment for defraying the said sum of _____; and we do hereby strictly enjoin and require you and each of you to make an assessment within and upon the parish of _____ aforesaid, by charging the said sum of _____ in a just proportion to the amount of the duties of assessed taxes [or of the duties on profits arising from property, professions, trades, and offices,] assessed on the respective persons chargeable to the same in the assessment of the said duties for the said parish made for the year ending the 5th day of April 18 _____, and in making the said assessment you are to pursue the like rules, methods, and directions by which the assessments of the said duties were made for the said parish. Hereof you will not fail, as you and each of you will answer the contrary at your peril.

Given under our hands and seals, at _____ within the said
district, the _____ day of _____ in the year of our

Lord 184 .

{ Commissioners of assessed taxes
{ [or of the property and income tax].

N° 46.

*Form of Allowance by the Commissioners of Surveyor's Certificate of Charges,
Form N° 44.*

THE foregoing certificate of charges of the duties of assessed taxes having been presented to us the undersigned, commissioners of assessed taxes acting in and for the district of _____ in the county of _____, and oath having been made that a notice of charge has been duly served upon each person mentioned in the said certificate as the party charged, pursuant to the statute in that behalf, we the said commissioners do hereby allow the said certificate.

Witness our hands, the _____ day of _____ in the year of
our Lord 18 _____.

} Commissioners of
assessed taxes.

N° 47.

*Form of Surveyor's Certificate of Charges of the Duties on Profits arising
from Property, Professions, Trades, and Offices, for Supplementary
Assessment.*

A CERTIFICATE of charges of the duties on profits arising from property, professions, trades, and offices, for the year ending the fifth day of April 18 _____, made pursuant to the statutes in that behalf by _____, surveyor of taxes acting for the district of _____ in the county of _____, and presented to the commissioners of the property and income tax acting in and for the said district [or the commissioners for offices for the department of _____].

[Here set forth, in such tabular or other form as may be convenient for the purpose, the names of the several parties charged, and of the parishes or places in which they ought to be assessed, with the particulars, and the amount of the charges, and dates of the service of notices of charge.]

I _____, surveyor of taxes acting for the district of _____ in the county of _____, do hereby certify to the commissioners of the property and income tax acting within and for the said district [or the commissioners for offices for the department of _____] the foregoing charges of the duties payable under the Act 5 and 6 Vict. c. 35. for the year ending the fifth day of April 18 _____, made by me upon the several persons before mentioned, pursuant to the statutes in that behalf.

Witness my hand, this _____ day of _____ in the year
of our Lord 184 _____.

} Surveyor.

N° 48.

*Form of Oath of Service of Notices of Charge to be subjoined to the foregoing
Certificate, Form N° 47.*

I _____, of _____, do swear, that a notice in writing was duly served upon each person mentioned in the above certificate, containing

tioned; and if he shall refuse
g made, then we hereby emp
1 for the same, according to
7 virtue of this our warrant
f the said sum of money o
to pay over the same to the
, to the account of the collec
, for which this sha

it in the sa
day of in t

{ Commissioner
{ property and in

14.
16 Vict. c. 35. s. 155., as to
ar.

erty and income tax acting v
, in the county of

3 for offices for the depa
at in and by the first [or
be,] assessments of the duti
8 Vict. c. 35. for the said d
g the fifth day of April 1
, in the district of
essed for the under-mention

	£	s.	d.
are			
£			

is now due and owing from
pect of the said duties so ch
and payable on the

re do request you the said
acting within and for the sa
be said sum of
and to cause the same to be
the several Acts of Parlia

, this

{ Commis
{ for of

N^o 61.

Form of Collector's Affidavit, to be subjoined to Forms N^o 59 and 60, and to be made after the Schedule has remained with the Commissioners of the District for the Space of Forty Days, as directed by the Act 48 Geo. 3. c. 141., N^o V., Rule 2^d.

I , the collector above named, do make oath and say, that in pursuance of and according to the directions given to me by the commissioners of the property and income tax acting for the above-named district I gave notice, on or before the day of , to each and every of the persons whose names are contained in the foregoing schedule, that the name of each such person was returned in a schedule to the said commissioners as having made default in payment of the sums of money set against their respective names; and that the several sums of money for which the several persons whose names are contained in the said schedule as now remaining in default, and to whom such notices were delivered, are still due and unpaid from the said several persons respectively, either to me or to any person or persons for me, to the best of my knowledge and belief.

Sworn at , in the district of , in the county of , this day of 18 , before me, { Collector of the said duties.

{ A commissioner of the property and income tax.

N^o 62.

Form of Receiving Officer's Certificate, certifying the foregoing Schedules of Defaulters, Forms N^o 56 and 59, to the Court of Exchequer, pursuant to the Acts 48 Geo. 3. c. 141., N^o V., Rule 2nd, and 1 and 2 Geo. 4. c. 113. s. 32.

In the Exchequer.

To the right honourable

lord chief baron of her Majesty's Court of Exchequer at Westminster, and to the honourable the rest of the barons of the same court.

I , of , in the county of , receiving officer of the duties of land and assessed taxes [or of the duties on profits arising from property, professions, trades, and offices,] for the county of , do hereby humbly certify to the barons of this honourable court, in pursuance of the statutes in this behalf made and provided, that on my receipt, held after the day of now last past, I received of and from the collector of the duties aforesaid charged and assessed on the several persons chargeable within the parish of , in the division of , in the said county, for the year ending the day of 18 , the schedule hereunto annexed, signed by the said collector, and containing the christian and surname of each and every person who made default in the payment of the duties and sums of money specified in the said schedule, which had been charged and assessed

in the said county of _____, and to deliver him to the keeper thereof; and we do hereby command you the said keeper to receive him the said C.D. into your custody in the said gaol, and there to detain and keep him until payment shall be made of the aforesaid sum of money, or until he shall be otherwise discharged by due course of law; and we do hereby further command you the said constable to seize and secure the estate, as well freehold as copyhold, and all other estate, both real and personal, of him the said C.D., to him belonging, wheresoever the same can be discovered and found; and if the said C.D. shall not pay or satisfy the said sum of money, as ought to be done, according to the directions of the said several Acts, you are forthwith to give notice to us, that we may proceed further as the law directs; and for so doing this shall be to you and each of you a sufficient warrant and authority.

Given under our hands and seals, at _____ in the said district,
 this _____ day of _____ in the year of our
 Lord 18 .

{ Commissioners of assessed taxes
 { [or of the property and income tax].

N^o 71.

*Form of a Warrant to sell a Collector's Estate seized under the foregoing
 Warrant, Form N^o 70.*

To _____, of _____.

WHEREAS by a certain warrant, bearing date the _____ day
 of _____ in the year of our Lord 18 _____, under the hands and seals
 of _____ and _____, two of the commissioners of assessed
 taxes [or of the property and income tax, as the case may be,] acting for the
 district of _____, in the county of _____, reciting that C.D.,
 of, &c., a collector of the duties of assessed taxes [or as the case may be] for
 the parish of _____ in the said district, had as such collector collected and
 received from divers persons within the said parish the sum of _____
 in respect of the said duties, and that the said C.D. had neglected [or refused]
 to pay the said sum of money according to the directions of the several Acts
 of Parliament in that behalf, and that he had detained and did then detain
 the same in his hands, the said commissioners whose hands and seals are
 subscribed and set to the said warrant did thereby command one _____
 constable of _____ in the said county, to seize and secure the estate,
 as well freehold as copyhold, and all other estate, both real and personal, of
 the said C.D., to him belonging, wheresoever the same could be discovered and
 found :

And whereas by virtue and in pursuance of the said warrant the several
 estates, goods, and chattels belonging to the said C.D., mentioned and parti-
 cularized in the schedule or inventory hereunder written [or hereunto annexed],
 have been seized and secured :

And whereas _____ and _____, commissioners as afore-
 said, did, in pursuance of the statute in that behalf, appoint the
 day of _____, at _____ in the said district,
 for a meeting of the commissioners of assessed taxes [or of the property and
 income tax] for the said district, and did cause public notice to be given of

in the said district, at _____ of the clock in the _____ noon of the said day; and we do hereby give notice, that if the said sum of money so due and owing from the said collector be not paid or satisfied, as ought to be done, according to the directions of the Acts in that behalf, the commissioners present at such meeting, or the major part of them, will sell and dispose of the said estates, goods, and chattels, to satisfy and pay the said sum of money.

Given under our hands, this _____ day of _____ in the year of our Lord 18 _____ .

{ Commissioners of assessed taxes
[or of the property and income tax]

N^o 75.

Form of a Deed of Conveyance and Assignment of a Collector's Estate seized under the Act 3 Geo. 4. c. 88. s. 4.

THIS indenture, made the _____ day of _____ in the year of our Lord 18 _____, between _____ and _____, two of the commissioners of assessed taxes [or of the property and income tax] acting in and for the district of _____, in the county of _____, of the first part, and _____ of the second part:

Whereas by a certain warrant, bearing date the _____ day of _____ in the year of our Lord 18 _____, under the hands and seals of _____ and _____, two of the commissioners of assessed taxes [or of the property and income tax, as the case may be,] acting for the district of _____, in the county of _____, reciting that *C.D.*, of, &c., a collector of the duties of assessed taxes [or as the case may be] for the parish of _____ in the said district, had as such collector collected and received from divers persons within the said parish the sum of _____ in respect of the said duties, and that the said *C.D.* had neglected [or refused] to pay the said sum of money according to the directions of the several Acts of Parliament in that behalf, and that he had detained and did then detain the same in his hands, the said commissioners whose hands and seals are subscribed and set to the said warrant did thereby command one _____ constable of _____ in the said county, to seize and secure the estate, as well freehold as copyhold, and all other estate, both real and personal, of the said *C.D.*, to him belonging, wheresoever the same could be discovered and found: [If the warrant was issued against the estate of a deceased collector, the above recital should be according to the warrant issued in such case.]

And whereas by virtue and in pursuance of the said warrant the hereditaments [or premises, term of years, or property, as the case may be,] herein-after mentioned, belonging to the said *C.D.*, have been seized and secured:

And whereas a meeting of the said commissioners of assessed taxes [or of the property and income tax] acting for the said district was held at _____ in the said district, on the _____ day of _____, pursuant to public notice, given in conformity with the directions of the statute in that behalf, of the time and place of holding such meeting; and the said sum of money so due and owing from the said *C.D.* not being paid or satisfied, as ought to be done, according to the directions of the Acts of Parliament in that behalf, the major part of the said commissioners present at such meeting have

and that he hath refused and neglected to pay the same, [*or, as the case may be,* that he hath refused and neglected to pay the sum of _____, part of the said sum of _____,] and that the same now remains due and unpaid:

And whereas it further appears by the oath aforesaid that divers goods and chattels, liable by law to be distrained for the said duties charged and assessed as aforesaid, are lying and being in a certain house, situate, &c., in the parish of _____ of _____, in the district and county aforesaid, now in the possession of _____:

These are therefore to authorize and require you the above-named collectors, and either of you, calling to your assistance the constable, tythingman, or headborough within and for the parish of _____ aforesaid, and in the presence of the said constable, tythingman, or headborough, to demand entrance into the said house, and in case of resistance, or neglect or refusal to open the same, to break open in the daytime the said house, and enter the same, and to distrain therein the said goods and chattels, and the distress there found to keep by the space of four days, at the costs and charges of the said A.B.; and if the whole of the said sum of _____, together with the said costs and charges, be not paid within the said four days, then the said distress, having been first duly valued and appraised by two of the inhabitants of the said parish of _____, or other sufficient persons, to be sold by you, and the overplus, if any, of the monies arising by such sale, after paying and deducting the said sum of _____, and all costs and charges of taking, keeping, and selling the said distress, to be restored to the owner thereof.

Given under our hands and seals, at _____ within the said district, this _____ day of _____ in the year of our Lord 18 _____.

{ Commissioners of assessed taxes
[or of the property and income tax]

N^o 77.

Form of Warrant under the Act 43 Geo. 3. c. 99. ss. 33. & 35. to break open a House for the Purpose of levying a Distress for the Duties of Assessed Taxes in arrear.

To _____ and _____, collectors of the duties of assessed taxes for the parish of _____, in the district of _____ in the county of _____.

WHEREAS in and by a certain certificate, bearing date the _____ day of _____ in the year of our Lord 18 _____, under the hands and seals of two of the commissioners of assessed taxes acting within and for the parish of _____, in the district of _____, in the county of _____, they the said commissioners did certify to the commissioners of assessed taxes acting within and for the parish of _____, in the district of _____ in the county of _____, that in and by the first [*or additional first* or supplementary] assessments of the duties of assessed taxes for the parish of _____ aforesaid, for the year ending the fifth day of April 18 _____ A.B., now residing in the parish of _____ aforesaid, had been due charged and assessed in the sum of _____ for the duties of assessed

of _____, that in and by the first [or additional first or supplementary] assessments of the duties payable under the schedule [or respective schedules] of the Act 5 and 6 Vict. c. 35., for the parish of _____ aforesaid, [or for the department of _____, or as the case may be,] for the year ending the fifth day of April 184 _____, A.B., now residing in the parish of _____ aforesaid, had been duly charged and assessed in the sum of _____ of _____ for the duties in the said certificate mentioned, and that the said A.B. had left unpaid the sum of _____ in respect of the said duties so charged and assessed as aforesaid, which had become due and payable on the _____ day of _____, [or that the said A.B. did not at the time of his being so charged and assessed as aforesaid reside, nor did he then reside, in the said parish of _____, and that the sum of _____ of the said duties so charged and assessed as aforesaid became due and payable on the _____ day of _____, or as the case may be, and that the said last-mentioned sum was then in arrear; and the said commissioners acting within and for the said district of _____ [or the said commissioners for offices, as the case may be,] did request the said commissioners acting within and for the said district of _____ to _____ and levy the said sum of _____ so charged and assessed upon the said A.B., and then in arrear as aforesaid :

And whereas in pursuance of the said certificate and request the commissioners of the property and income tax acting within and for the said district of _____ did by a warrant in that behalf, under the hands and seals of two of the said last-mentioned commissioners, duly authorize and request the collectors of the said duties for the said parish of _____ to _____ due demand of and from the said A.B. of the said sum of _____ mentioned in the said certificate, and for nonpayment thereof to distrain upon the same, according to the directions of the statute in that behalf :

And whereas it appears by the oath of _____, collector of the said duties for the last-mentioned parish, taken before us whose hands and seals hereunto subscribed and set, being two of the commissioners of the property and income tax acting within and for the district of _____ county of _____, that the said sum of _____ mentioned in the said certificate to be in arrear and unpaid hath been duly demanded of the said A.B., and that he hath refused and neglected to pay the same, [or as the case may be, to pay the sum of _____, part of the said sum of _____,] and that the same now remains due and unpaid :

And whereas it further appears by the oath aforesaid that divers goods and chattels of the said A.B. are lying and being in a certain house situated in the parish of _____ aforesaid, now in the possession of _____

These are therefore, &c. [Proceed as in Form N^o 76, from the words "are therefore" to the end thereof.]

N° 80.

*Form of a Warrant of Commitment under the Act 5 and 6 Will. 4. c. 20. s. 16.
for Want of sufficient Distress for the Duties of Assessed Taxes in
arrear.*

To and , collectors of the duties of assessed taxes
for the parish of , in the district of , in the
county of , [or to , constable, headborough,
tythingman, or other officer, as the case may be, of the parish of
 , in the county of ,] and to the keeper of the common
gaol of the said county.

WHEREAS in and by a certain certificate, bearing date the day
of in the year of our Lord 18 , under the hands and seals of
two of the commissioners of assessed taxes acting within and for the parish of
 , in the district of , in the county of ,
they the said commissioners did certify to the commissioners of assessed taxes
acting within and for the parish of , in the district of ,
in the county of , that in and by the first [or additional first
or supplementary] assessments of the duties of assessed taxes for the parish of
 aforesaid, for the year ending the fifth day of April 18 ,
A.B., residing in the parish of aforesaid, had been duly charged
and assessed in the sum of for the duties of assessed taxes in the
said certificate mentioned, and that the said A.B. had left unpaid the sum of
 in respect of the said duties so charged and assessed as afore-
said, which had become due and payable on the day of ,
and that the said last mentioned sum was then in arrear; and the said com-
missioners acting within and for the said parish of did request
the said commissioners acting within and for the said parish of
to raise and levy the said sum of so charged and assessed upon
and left unpaid by the said A.B., and then in arrear as aforesaid:

And whereas in pursuance of the said certificate and request the commis-
sioners of assessed taxes acting within and for the said parish of
did, by a warrant in that behalf under the hands and seals of two of the said
last-mentioned commissioners, duly authorize and require the collectors of the
duties of assessed taxes for the said parish of to make due
demand of and from the said A.B. of the said sum of mentioned
in the said certificate, and for nonpayment thereof to distrain for the same
according to the directions of the statute in that behalf:

And whereas it appears by the oath of , collector of the
said duties for the said last-mentioned parish, taken before us whose hands
and seals are hereunto subscribed and set, being two of the commissioners of
assessed taxes acting within and for the said parish of , in the
district of , in the county of , that the said
sum of mentioned in the said certificate to be in arrear and
unpaid hath been duly demanded of the said A.B., and that he hath refused
and neglected to pay the same [or, as the case may be, to pay the sum of
 , part of the said sum of]; and it further appears
by the oath aforesaid that the said sum of now remains due
and unpaid, and that no sufficient distress can or may be found within the

district or division of the said commissioners acting within and for the said parish of _____ whereby the same may be levied :

Now therefore, &c. [*Proceed as in the Form N° 79, from the words " Now therefore " to the end thereof*].

N° 81.

Form of Warrant of Commitment under the Act 5 and 6 Will. 4. c. 20. s. 16. for Want of a sufficient Distress for the Duties on Profits arising from Property, Professions, Trades, and Offices.

To _____ and _____, collectors of the duties herein-after mentioned for the parish of _____, in the district of _____, in the county of _____, [or to _____, constable, headborough, tythingman, or other officer, as the case may be, of the parish of _____, in the county of _____,] and to the keeper of the common gaol of the said county.

WHEREAS in and by a certain certificate, bearing date the _____ day of _____ in the year of our Lord 18 _____, under the hands and seals of two of the commissioners of the property and income tax acting within and for the district of _____, in the county of _____, they the said commissioners did certify to the commissioners of the property and income tax acting within and for the district of _____, in the county of _____, that in and by the first [or additional first or supplementary] assessments of the duties payable under the schedule [or respective schedules] of the Act 5 and 6 Vict. c. 35. for the parish of _____ in the said district of _____, for the year ending the fifth day of April 18 _____, A.B., residing in the parish of _____ aforesaid, had been duly charged and assessed in the sum of _____ for the said duties in the said certificate mentioned, and that the said A.B. had left unpaid the sum of _____ in respect of the said duties so charged and assessed as aforesaid, which had become due and payable on the _____ day of _____, [or that the said A.B. did not at the time of his being so charged and assessed as aforesaid, or at the time of the granting of the said certificate, reside in the said parish of _____, and that the sum of _____ in respect of the said duties so charged and assessed as aforesaid became due and payable on the _____ day of _____,] and that the said last-mentioned sum was then in arrear; and the said commissioners acting within and for the said district of _____ did request the said commissioners acting within and for the said district of _____ to raise and levy the said sum of _____ so charged and assessed upon the said A.B., and then in arrear as aforesaid :

And whereas in pursuance of the said certificate and request the commissioners of the property and income tax acting within and for the said district of _____ did, by a warrant in that behalf under the hands and seals of two of the said last-mentioned commissioners, duly authorize and require the collectors of the said duties for the parish of _____ aforesaid to make due demand of and from the said A.B., of the said sum of _____ mentioned in the said certificate, and for nonpayment thereof to distrain for the same, according to directions of the statute in that behalf :

And whereas it appears by the oath of _____, collector of the said duties for the last-mentioned parish, taken before us whose hands and seals are hereunto subscribed and set, being two of the commissioners of the property and income tax acting within and for the said district of _____, that the said sum of _____ mentioned in the said certificate to be in arrear and unpaid hath been duly demanded of the said A.B., and that he hath refused and neglected to pay the same [or, as the case may be, to pay the sum of _____, part of the said sum of _____]; and it further appears by the oath aforesaid that the said sum of _____ now remains due and unpaid, and that no sufficient distress can or may be found within the said district of _____ whereby the same may be levied:

Now therefore, &c. [Proceed as in Form N^o 79, from the words "Now therefore" to the end.]

Note.—The several forms herein-before provided to be used by or under the direction of the commissioners of the property and income tax may, in all cases in which the same are or may be applicable, and where no other form is specially provided for the occasion, be adapted and applied, mutatis mutandis, to the execution of the Acts relating to the duties on profits arising from property, professions, trades, and offices, by or under the direction of the commissioners for offices, in relation to the duties chargeable under schedule E. of the Act 5 and 6 Vict. c. 35.

CHAPTER LVII.

AN ACT for regulating the Gauge of Railways.

[18th August 1846.]

On what gauge railways for conveyance of passengers shall be made in Great Britain and Ireland respectively.

Proviso as to maintenance of railways already constructed.

Exception of certain railways.

WHEREAS it is expedient to define the gauge on which railways shall be constructed: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the passing of this Act it shall not be lawful (except as herein-after excepted) to construct any railway for the conveyance of passengers on any gauge other than four feet eight inches and half an inch in Great Britain, and five feet three inches in Ireland: Provided always, that nothing herein-before contained shall be deemed to forbid the maintenance and repair of any railway constructed before the passing of this Act on any gauge other than those herein-before specified, or to forbid the laying of new rails on the same gauge on which such railway is constructed within the limits of deviation authorized by the several Acts under the authority of which such railways are severally constructed.

II. AND be it enacted, that nothing herein-before contained shall apply to any railway constructed or to be constructed under the provisions of any present or future Act containing any special enactment defining the gauge of such railway, or any part thereof, or to any railway which is in its whole length southward of the Great Western Railway, or to any railway any of the counties of Cornwall, Devon, Dorset, or Somerset, for which an Act has been or shall be passed in this session of Parliament, or to any railway in any of the last-mentioned counties now in course of construction.

or to the two railways severally to be constructed under the authority of two Acts passed in this session of Parliament, severally intituled "An Act for making a railway from the Great Western Railway at West Drayton to Uxbridge in Middlesex," and "An Act for making a railway from the Great Western Railway at Maidenhead in Berkshire to the town of High Wycombe in the county of Buckingham"; or to so much of an Act passed in this session, intituled "An Act to authorize certain extensions of the line of the Oxford, Worcester, and Wolverhampton Railway, and to amend the Act relating thereto," as authorizes the construction of a branch railway from the Oxford, Worcester, and Wolverhampton Railway to the town of Witney in the county of Oxford; or to an Act passed or which may be passed in this session of Parliament, "to authorize the construction of a railway from Melin-y-Manach to Rhydydefydd in the county of Glamorgan."

9 & 10 Vict.
cap. clxvi.

9 & 10 Vict.
cap. cccxxvi.

9 & 10 Vict.
cap. cclxxviii.

9 & 10 Vict.
cap. cccci.

III. AND be it enacted, that the several railways authorized to be constructed by an Act passed in the last session of Parliament, intituled "An Act for making a railway, to be called 'The South Wales Railway,'" and by an Act also passed in the last session of Parliament, intituled "An Act for making a railway from Monmouth to Hereford, with branches therefrom to Westbury and to join the Forest of Dean Railway," and by two Acts passed in this session of Parliament, severally intituled "An Act for completing the line of the South Wales Railway, and to authorize the construction of an extension and certain alterations of the said railway, and certain branch railways in connexion therewith," and "An Act for making a railway communication between the city of Bristol and the proposed South Wales Railway in the county of Monmouth, with a branch railway therefrom," shall be constructed on the gauge of seven feet.

Certain rail-
ways to be on
the broad
gauge.

8 & 9 Vict.
cap. exc.

8 & 9 Vict.
cap. exci.

9 & 10 Vict.
cap. cccxxix.

9 & 10 Vict.
cap. cv.

IV. AND be it enacted, that it shall not be lawful after the passing of this Act to alter the gauge of any railway used for the conveyance of passengers.

Gauge of
railways con-
veying pas-
sengers not to
be altered.

V. AND be it enacted, that nothing herein-before contained shall be deemed to affect the provisions of two Acts passed in the last session of Parliament, respectively intituled "An Act for making a railway from the city of Oxford to the town of Rugby," and "An Act for making a railway from Oxford to Worcester and Wolverhampton," with respect to the gauge on which they are to be formed, or the additional rails which according to the several provisions of the last two recited Acts are to be or may be laid down and maintained on the railways thereby authorized, or with respect to the powers thereby conferred on the commissioners of her Majesty's privy council for trade and foreign plantations concerning the construction and use of the railways thereby authorized.

Provisions of
8 & 9 Vict.
cap. clxxxviii.
and
cap. clxxxiv.,
as to the Oxford
and Rugby,
and Oxford,
Worcester,
and Wolver-
hampton
railways, not
to be affected.

VI. AND be it enacted, that if any railway used for the conveyance of passengers shall be constructed or altered contrary to the provisions of this Act, the company authorized to construct the railway, or, in the case of any demise or lease of such railway, the company for the time being having the control of the works of such railway, shall forfeit ten pounds for every mile of such railway which shall be so unlawfully constructed or altered, during every day that the same shall continue so unlawfully constructed or altered; and in estimating the amount of any such penalty any distance less than one mile shall be estimated as a mile.

Penalty on
company con-
structing
railways for
conveyance
of passengers
contrary to
this Act, or
having control
of railways so
constructed.

Railways constructed or altered contrary to this Act may be abated or removed.

VII. AND be it enacted, that, over and above the penalty herein-before provided, if any railway used for the conveyance of passengers shall be constructed or altered contrary to the provisions of this Act, it shall be lawful for the commissioners of her Majesty's woods, forests, land revenues, works, and buildings, or for the lords of the committee of her Majesty's privy council for trade and foreign plantations, to abate and remove the same or any part thereof so constructed or altered contrary to the provisions of this Act, and to restore the site thereof to its former condition.

Recovery of penalties.

VIII. AND be it enacted, that all penalties under this Act may be recovered from the company liable to pay and make good the same, as, under the provisions of an Act passed in the last session of Parliament, intituled "An Act for consolidating in one Act certain provisions usually inserted in "Acts authorizing the making of railways," a penalty for any infringement of the last-recited Act is recoverable against a company authorized to construct a railway.

8 & 9 Vict. c. 20.

* * * * *

CHAPTER LIX.

AN ACT to relieve Her Majesty's Subjects from certain Penalties and Disabilities in regard to Religious Opinions. [18th August 1846.]

Certain Acts and parts of Acts repealed.

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the statutes or ordinances and the several Acts herein-after mentioned, or so much and such parts of any of the said Acts as are herein-after specified, shall be repealed ; (that is to say,)

5 & 6 Edw. 6. c. 1. s. 1. in part.

Also so much of an Act passed in the fifth and sixth years of the reign of King Edward the Sixth, intituled "An Act for the uniformity of service "and administration of sacraments throughout the realm," as enacts, "that from and after the feast of All Saints next coming all and every "person and persons inhabiting within this realm, or any other the King's "Majesty's dominions, shall diligently and faithfully, having no lawful "or reasonable excuse to be absent, endeavour themselves to resort to "their parish church or chapel accustomed, or, upon reasonable let "thereof, to some usual place where common prayer and such service of "God shall be used in such time of let, upon every Sunday, and other "days ordained and used to be kept as holy days, and then and there to "abide orderly and soberly during the time of common prayer, preach- "ings, or other service of God there to be used and ministered, upon "pain of punishment by the censures of the church," so far the same affects persons dissenting from the worship or doctrines of the United Church of England and Ireland, and usually attending some place of worship other than the Established Church: Provided always, that no pecuniary penalty shall be imposed upon any person by reason of his so absenting himself as aforesaid :

Proviso.

Also so much of an Act passed in the first year of the reign of Queen Elizabeth, intituled "An Act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same," and of an Act of the Parliament of Ireland passed in the second year of the same Queen's reign, intituled "An Act restoring to the crown the auncient jurisdiction of the state ecclesiastical and spiritual, and abolishing all forreinne power repugnant to the same," as makes it punishable to affirm, hold, stand with, set forth, maintain, or defend, as therein is mentioned, the authority, pre-eminence, power, or jurisdiction, spiritual or ecclesiastical, of any foreign prince, prelate, person, state, or potentate, theretofore claimed, used, or usurped within this realm, or any dominion or country being within or under the power, dominion, or obeisance of her highness, or to put in ure or execute any thing for the extolling, advancement, setting forth, maintenance, or defence of any such pretended or usurped jurisdiction, power, pre-eminence, and authority, or any part thereof, or to abet, aid, procure, or counsel any person so offending: Provided always, and be it declared, that nothing in this enactment contained shall authorize or render it lawful for any person or persons to affirm, hold, stand with, set forth, maintain, or defend any such foreign power, pre-eminence, jurisdiction, or authority, nor shall the same extend further than to the repeal of the particular penalties and punishments therein referred to, but in all other respects the law shall continue the same as if this enactment had not been made: Provided further, that if any person in holy orders according to the rites and ceremonies of the United Church of England and Ireland shall affirm, hold, stand with, set forth, maintain, or defend any such foreign power, pre-eminence, jurisdiction, or authority, such person shall be incapable of holding any ecclesiastical promotion, and, if in possession of any such promotion, may be deprived thereof by due course of law, in the same manner as for any other cause of deprivation:

1 Eliz. c. 1. in part.

2 Eliz. c. 1. (1.) in part.

Proviso.

Also an Act passed in the thirteenth year of the same Queen's reign, intituled "An Act against the bringing in and putting in execution of bulls, writings, or instruments, and other superstitious things, from the see of Rome," so far only as the same imposes the penalties or punishments therein mentioned; but it is hereby declared that nothing in this enactment contained shall authorize or render it lawful for any person or persons to import, bring in, or put in execution within this realm any such bulls, writings, or instruments, and that in all respects, save as to the said penalties or punishments, the law shall continue the same as if this enactment had not been made:

13 Eliz. c. 2. in part.

Proviso.

II. her Majesty's subjects professing the Jewish religion, in respect to their schools, places for religious worship, education, and charitable purposes, and the property held therewith, shall be subject to the same laws as her Majesty's Protestant subjects dissenting from the Church of England are subject to, and not further or otherwise.

Jews to be subject to the same laws as Protestant dissenters in respect to schools and places of worship and education, charities, &c.

* * * * *

Disturbing religious assemblies.

IV. all laws now in force against the wilfully and maliciously or contemptuously disquieting or disturbing any meeting, assembly, or congregation of persons assembled for religious worship, permitted or authorized by any former Act or Acts of Parliament, or the disturbing, molesting, or misusing any preacher, teacher, or person officiating at such meeting, assembly, or congregation, or any person or persons there assembled, shall apply respectively to all meetings, assemblies, or congregations whatsoever of persons lawfully assembled for religious worship, and the preachers, teachers, or persons officiating at such last-mentioned meetings, assemblies, or congregations, and the persons there assembled.

* * * * *

CHAPTER LX.

AN ACT to exempt from Stamp Duty Bonds and Warrants to confess Judgment executed by High Constables or Collectors of Grand Jury Cess, or their Sureties, in Ireland. [18th August 1846.]

WHEREAS by an Act passed in the session of Parliament holden in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled "An Act to consolidate and amend the laws relating to " the presentment of public money by grand juries in Ireland," it is amongst other things enacted, that no person shall act as high constable or collector unless he shall have given security at the assizes before the grand jury by whom he shall have been appointed, or before the justices of the peace at the sessions, if such high constable or collector shall have been appointed at sessions, by two sufficient sureties joining with him in executing a bond and warrant of attorney, without stamp, to confess judgment, to the treasurer of the county, conditioned for his duly collecting and paying to such treasurer, on or before the first day of the next assizes, all such public money as he is or shall be required by him to collect: And whereas under and by virtue of the provisions of an Act of the fifth and sixth years of the reign of her present Majesty, intituled "An Act to assimilate the stamp duties in Great Britain " and Ireland, and to make regulations for collecting and managing the same, " until the tenth day of October one thousand eight hundred and forty-five," and of another Act of the last session of Parliament for continuing for three years the stamp duties granted by the said last-mentioned Act of the fifth and sixth years of the reign of her Majesty, such bonds and warrants of attorney as aforesaid have become liable to be charged with the stamp duties payable to her Majesty in that behalf under the said last-mentioned Acts: And whereas it is expedient that such bonds and warrants of attorney should be exempted from stamp duty, in like manner as they were before the passing of the said last-mentioned 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, that from and after the first day of July in this present year all bonds or warrants of attorney to confess judgment, executed or to be executed by any high constable or collector, or his or their sureties, conditioned for duly collecting or paying any such public money as aforesaid

6 & 7 Will. 4. c. 116. s. 148.

5 & 6 Vict. c. 82.

8 & 9 Vict. c. 2.

Bonds, &c. of high constables or collectors of grand jury cess, or their sureties, conditioned for the due collection of public money or grand jury cess,

or any grand jury cess, under the provisions of the said recited Act of the sixth and seventh years of the reign of his late Majesty King William the Fourth, or any Act amending the same, or under the provisions of a certain other Act of the seventh and eighth years of the reign of her present Majesty, intituled "An Act to consolidate and amend the laws for the regulation of " grand jury presentments in the county of Dublin," shall be and they are hereby declared to be exempted from all stamp duties;

under
6 & 7 Will.
4. c. 116. &
7 & 8 Vict.
c. 105., to be
exempt from
stamp duty.

* * * * *

CHAPTER LXI.

AN ACT to amend an Act of the Seventh Year of King George the Fourth, for consolidating and amending the Laws relating to Prisons in Ireland.

[18th August 1846.]

WHEREAS by an Act passed in the seventh year of the reign of his Majesty King George the Fourth, intituled "An Act for consolidating " and amending the laws relating to prisons in Ireland," after providing, amongst other things, that it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland for the time being, from time to time, by warrant to be published in the Dublin Gazette, to order that any bridewells shall be discontinued, and shall no longer be used as a bridewell or prison, it is enacted as follows; (that is to say,) "that it shall and may be lawful for " the lord lieutenant or other chief governor or governors of Ireland for the time " being to direct that such bridewells as shall be continued shall be divided " into two classes; and that one class of the said bridewells to be selected and " appointed by the lord lieutenant or other chief governor or governors of " Ireland shall be denominated district bridewells, to each of which bridewells " a certain district within the county shall be allotted, and that all prisoners " committed within such district, either for trial at or under sentence passed " by the court of quarter sessions, shall be kept and remain in such district " bridewell, and shall not be transmitted to the county gaol, unless some order " to that effect shall be made by competent authority; and it shall and may " be lawful, in the event of a crowded state of the county gaol, on the report " of the local inspector thereof, for the keeper of any such district bridewell to " detain therein any prisoner committed for trial at the assizes for the county " until within a reasonable time prior to the assizes; provided always, that " in case of imprisonment for a period exceeding four months, or in any case " in which it shall appear to the court to be necessary, it shall and may be " lawful, by the order and at the discretion of the court by whom judgment " shall be passed, to send any prisoner to the county gaol or house of correc- " tion, and provided that no persons committed for debt shall be confined in " any such bridewell; and it shall and may be lawful for the grand jury of " any county in which any district bridewell is or shall be appointed to " present any reasonable sum for the medical and other necessary expences " attending the support and maintenance of the same:" And whereas it has been considered that the said recited enactment does not extend or apply to any bridewell built, erected, or established after the passing of the said recited Act, or hereafter to be built, erected, or established, and it is expedient that the same should be extended and applied to such last-mentioned cases: Be it

7 Geo. 4. c. 74.
s. 92.

Recited enactment to extend to bridewells built after as well as to those built before the passing of the said Act.

therefore enacted by the Queen's most excellent Majesty, by and with 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 recited enactment shall be and the same is hereby extended and applied, and shall be deemed and construed as hereafter extending and applying, to any bridewell or bridewells in Ireland heretofore built, erected, or established after the passing of the said recited Act, or hereafter to be built, erected, or established, as fully and effectually to all intents and purposes as if such bridewell or bridewells had been built, erected, or established before or at the time of the passing of the said recited Act, and continued as therein mentioned.

* * * * *

CHAPTER LXIV.

AN ACT to enable Courts of Law in Ireland to give Relief against adverse Claims made upon Persons having no Interest in the Subject Matter of such Claims. [18th August 1846.]

WHEREAS it often happens that a person sued at law for the recovery of money or goods wherein he has no interest, and which are also claimed of him by some third party, has no means of relieving himself from such adverse claims but by a suit in equity against the plaintiff and such third party, usually called a bill of interpleader, which is attended with expence and delay: For remedy 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, that upon application made by or on the behalf of any defendant sued in any of her Majesty's courts of law at Dublin in any action of assumpsit, debt, detinue, or trover, such application being made after declaration and before plea, by affidavit or otherwise, showing that such defendant does not claim any interest in the subject matter of the suit, but that the right thereto is claimed or supposed to belong to some third party who has sued or is expected to sue for the same, and that such defendant does not in any manner collude with such third party, but is ready to bring into court or to pay or dispose of the subject matter of the action in such manner as the court or any judge thereof may order or direct, it shall be lawful for the court or any judge thereof to make rules and orders calling upon such third party to appear and to state the nature and particulars of his claim, and maintain or relinquish his claim, and upon such rule or order to hear the allegations as well of such third party as of the plaintiff, and in the meantime to stay the proceedings in such action, and finally to order such third party to make himself defendant in the same or some other action, or to proceed to trial on one or more feigned issue or issues, and also to 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, to dispose of the merits of their claims, and determine the same in a summary manner, and to make such other rules and orders therein as to costs and all other matters as may appear to be just and reasonable.

Upon application by a defendant in Ireland in an action of assumpsit, &c. stating that the right in the subject matter is in some third party, the court or a judge may order such third party to appear, and maintain his claim, and in the meantime may stay proceedings in such action, and may afterwards direct a trial, or dispose of the case on the merits as between the plaintiff and such third party.

Judgment and decision to be final.

II. AND be it enacted, that the judgment in any such action or issue as may be directed by the court or judge, and the decision of the court or judge

in a summary manner, shall be final and conclusive against the parties, and all persons claiming by, from, or under them.

III. AND be it enacted, that if such third party shall not appear upon such rule or order to maintain or relinquish his 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 or judge to declare such third party, and all persons claiming by, from, or under him, to be for ever 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.

IV. PROVIDED always, and be it enacted, that every order to be made in pursuance of this Act by a single judge not sitting in open court shall be liable to be rescinded or altered by the court in like manner as other orders made by a single judge.

V. PROVIDED also, and be it enacted, that if upon application to a judge in the first instance, or in any later stage of the proceedings, he shall think the matter more fit for the decision of the court, it shall be lawful for him to refer the matter to the court, and thereupon the court shall and may hear and dispose of the same in the same manner as if the proceeding had originally commenced by rule of court instead of the order of a judge.

VI. AND whereas difficulties sometimes arise in the execution of process against goods and chattels issued by or under the authority of the said courts, by reason of claims made to such goods and chattels by assignees of bankrupts, and other persons, not being the parties against whom such process has issued, whereby sheriffs and other officers are exposed to the hazard and expence of actions, and it is reasonable to afford relief and protection in such cases to such sheriffs and other officers: Be it therefore enacted, that when any such claim shall be made to any goods or chattels taken or intended to be taken in execution under any such process, or to the proceeds or value thereof, it shall and may be lawful to and for the court from which such process issued, or any judge of such court, upon application of such sheriff or other officer made before or after the return of such process, and as well before as after any action brought against such sheriff or other officer, to call before them or him, by rule of the court or judge, as well the party issuing such process as the party making such claim, and thereupon to exercise, for the adjustment of such claims, and the relief and protection of the sheriff or other officer, 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 or any judge thereof.

VII. AND be it enacted, that all rules, orders, matters, and decisions to be made and done in pursuance of this Act, except only the affidavits to be filed, may, together with the declaration in the cause (if any), be entered of record, with a note in the margin expressing the true date of such entry, to the end that the same may be evidence in future times, if required, and to secure and enforce the payment of costs directed by any such rule or order; and every such rule or order so entered shall have the force and effect of a judgment,

If such third party shall not appear, &c., court may bar his claim against original defendant, saving rights against plaintiff, and may make order as to costs, &c. between plaintiff and defendant.

Orders made by a single judge not sitting in court to be liable to be rescinded by the court. If a judge think fit, he may refer the matter for the decision of the court.

Where goods, &c. taken or claimed in execution by sheriff, &c. are claimed by third party, the court issuing execution, or a judge, may decide between the claimants and protect the sheriff, &c.

Rules, orders, &c. made in pursuance of this Act may be entered of record, and made evidence, and shall have the effect of a judgment, except as to lands.

sickness or accident, unless the justices granting the warrant shall state in such warrant that they are satisfied that the sickness or accident will produce permanent disability.

V. PROVIDED always, and be it enacted, that no person hereby exempted from liability to be removed shall by reason of such exemption acquire any settlement in any parish.

VI. AND be it enacted, that if any officer of any parish or union do, contrary to law, with intent to cause any poor person to become chargeable to any parish to which such person was not then chargeable, convey any poor person out of the parish for which such officer acts, or cause or procure any poor person to be so conveyed, or give directly or indirectly any money, relief, or assistance, or afford or procure to be afforded any facility for such conveyance, or make any offer or promise or use any threat to induce any poor person to depart from such parish, and if, in consequence of such conveyance or departure, any poor person become chargeable to any parish to which he was not then chargeable, such officer, on conviction thereof before any two justices, shall forfeit and pay for every such offence any sum not exceeding five pounds nor less than forty shillings.

VII. AND be it enacted, that the delivery of any pauper, under any warrant of removal directed to the overseers of any parish, at the workhouse of such parish or of any union to which such parish belongs, to any officer of such workhouse, shall be deemed the delivery of such pauper to the overseers of such parish.

VIII. AND be it enacted, that an Act passed in the fifth year of the reign of King William the Fourth, for the amendment and better administration of the laws relating to the poor in England and Wales, and all Acts to amend and extend the same, and the present Act, except so far as the provisions of any former Act are altered, amended, or repealed by any subsequent Act, shall be construed as one Act; and all penalties and forfeitures imposed under this Act shall be recoverable as penalties and forfeitures under the said Act for the amendment of the laws relating to the poor.

IX. AND be it enacted, that this Act shall extend only to England.

* * * * *

except under certain circumstances.

Settlement not to be gained by exemption from liability to be removed.

Penalty on officers of parishes, &c. unlawfully conveying, &c. poor persons out of parishes, so as to make them chargeable to parishes to which they are not already chargeable.

Delivery of paupers under orders of removal.

4 & 5 Will. 4. c. 76. and amending Acts, and this Act, to be construed as one.

Recovery of penalties.

Act to extend only to England.

CHAPTER LXVII.

AN ACT to remove Doubts concerning Citations, and Services and Execution of Diligence, in Scotland.

[26th August 1846.]

WHEREAS an Act was passed in the second year of the reign of her Majesty, intituled "An Act to amend the law of Scotland in matters relating to personal diligence, arrestments, and poindings," whereby it was enacted, that extracts, citations, deliverances, schedules, and executions may be either printed or in writing, or partly both, and that, excepting in the case of poindings, more than one witness shall not be required for service or execution thereof: And whereas doubts have been entertained regarding the interpretation of the provisions above recited; and it is expedient to remove such doubts: Be it therefore declared and enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and

1 & 2 Vict. c. 114. s. 32.

Recited enactment to apply

such order and direction shall be valid and binding; and it shall be lawful for the officiating minister of each parish respectively to use (subject to the regulations herein-after mentioned) the said chapel for the purpose of the burial service therein; and the like fees for the performance of such burials, and for the making, opening, or using any catacombs, vaults, or ground for burials within each such burial ground, shall be due and payable as are accustomed to be taken in the parish for which such burial ground shall have been purchased, obtained, and conveyed as aforesaid; and the use of such chapel, lodge, or other building by such officiating minister for the purpose aforesaid shall be subject to such regulations as the bishop of the diocese shall at any time under his hand and seal make or ordain.

Ministers of each parish may use the chapel.

Same fees payable as are payable in the parishes for which the ground has been purchased.

Bishop to regulate use of chapel.

II. AND be it enacted, that it shall be lawful for the said bishop, in consecrating such chapel as aforesaid for the purposes aforesaid, to declare in the sentence of consecration that such chapel is intended for the use of the respective parishes or places, for the performance of the burial service therein, for which such land shall have been purchased or obtained and conveyed as aforesaid; and if any additional land shall after the consecration of such chapel be purchased or obtained and conveyed as aforesaid to the said commissioners as a burial ground for the use of such parish or parishes, place or places, or for the use of any other parish or parishes, place or places, (such land adjoining or being near to such former land so purchased or obtained and conveyed,) such chapel, subject to the regulations as aforesaid by the bishop of the diocese, may be used for the performance of the burial service in such additional ground, and such lodge or other building, and every access and approach to and from such chapel, lodge, or building, may be in like manner used for the purposes aforesaid.

Bishop may declare in the sentence of consecration that such chapel is intended for the use of such respective parishes or places.

Same chapel to be used in case of purchase of adjoining land for additional burial ground.

III. AND be it enacted, that for the enclosure of such land one boundary fence around the whole may be declared by such bishop (if he think fit) sufficient, without any sub-division fences enclosing the portions conveyed to the said commissioners for the use of the several parishes or places respectively; but if the said bishop shall think fit, he may require such bound stones to be put down as may appear to him necessary for marking the boundaries of the land so conveyed as aforesaid to the said commissioners for the use of the respective parishes.

One outside boundary fence sufficient, without sub-dividing the portions belonging to the several parishes, but bishop may order such portions to be marked out.

IV. PROVIDED always, and be it enacted, that nothing in this Act contained shall be construed to authorize any church rate to be made on the said parishes or any of them for the repair or sustentation of such chapel, lodge, or other building, or fence as aforesaid, but such repair or sustentation shall be provided for by such a sum of money as the said commissioners shall consider sufficient; and such sum shall be set apart, and invested in government securities in the names of trustees to be appointed by the said commissioners, and shall be held by such trustees in trust for the purposes aforesaid, and the dividends or annual proceeds arising therefrom shall be applied in and about such repair and sustentation, as and when the trustees or trustee for the time being, with the consent of the bishop of the diocese, shall deem fit from time to time to direct; and in case of a vacancy or vacancies amongst such trustees, the remaining trustees or trustee, and if there shall be no remaining trustee, or no trustee that is capacitated or willing to act, the bishop of the diocese, shall supply such vacancy or vacancies, by the appointment of a fresh trustee

This Act not to authorize any church rate for the repair of the chapel, &c.

Repairs to be provided for by a fund to be set apart, and invested in the names of trustees.

Vacancies amongst trustees to be filled up.

be signified to such supplemental order; and unless persons the aggregate amount of whose interests in the land proposed to be inclosed shall exceed one third in value of the whole interest in such land shall, within the time so limited, signify in writing to the commissioners their dissent from such supplemental order, such order shall, for all the purposes of the inclosure, be deemed part of the provisional order.

II. PROVIDED always, and be it enacted, that where under the said Act the consent of the person interested in such land in right of a manor is required to an inclosure, or the dissent of any person or persons so interested might, in respect of his or their interest in right of a manor, have prevented an inclosure, such supplemental order shall not take effect in case such person or persons respectively shall, within the time so limited, signify in writing to the commissioners his or their dissent from such order; and where the freemen, burgesses, or inhabitant householders of any city, borough, or town shall be entitled to rights of common or other interests in such land, no supplemental provisional order shall take effect without the like consents of the like number of such freemen, burgesses, and inhabitant householders as would have been required to the provisional order.

Supplemental order not to take effect in case of dissent of certain parties.

Consent of freemen, &c. entitled to rights of common to be obtained as in case of provisional order.

III. AND be it enacted, that in case any supplemental provisional order so issued shall not take effect by reason of dissents having been signified as aforesaid, the commissioners may, at their discretion, proceed as if such supplemental provisional order had not been issued, or may suspend all proceedings in the inclosure.

If supplemental orders do not take effect, commissioners may proceed as if they had not been issued, or may suspend proceedings.

IV. AND be it enacted, that where allotments for exercise and recreation, or for the labouring poor, or for any other public purpose, shall have been made the condition of any provisional or any supplemental provisional order, it shall be lawful for the commissioners, on the application in writing of the valuer, at any time before such valuer shall have made his award, under their seal, to allow an equal quantity of the land proposed to be inclosed to be allotted for either or both of the purposes aforesaid, or for any other public purpose, in lieu of that which may have been directed to have been allotted by the original or any supplemental provisional order.

As to allotments for exercise, recreation, labouring poor, &c.

V. AND be it enacted, that it shall be lawful for the commissioners, by their provisional order in the matter of any inclosure, to make it a condition that there shall be awarded to the lord of the manor, instead of the whole or any part of the share or proportion of the residue of the land to which it shall be thereby declared he would have been otherwise entitled in respect of his right and interest as lord in the soil, and also, if they shall think fit, in lieu of any other allotment or allotments to which he may be found entitled in respect of any other rights or interests in the land proposed to be inclosed, such perpetual rent-charge or rent-charges of such aggregate amount as shall in the judgment of the valuer be equal to such share or proportion of the residue and such other allotment or allotments as aforesaid, as the case may be, and such rent-charge or rent-charges shall be awarded accordingly, and shall be recoverable by the same means as are by the Act of the seventh year of King William the Fourth, for the commutation of tithes in England and Wales, or any Act amending the same, given for recovering rent-charges charged under the last-mentioned Act; and the aggregate amount of rent-charge to which the lord shall be found entitled under this provision shall be charged by the valuer, as

Rent-charge may be allotted to lord of manor in lieu of other allotments.

6 & 7 Will. 4. c. 71.

Rent-charge how to be charged.

make or confirm an altered instrument of apportionment adapted to the altered distribution of the lands, in order that the rent-charges or portions of rent-charges originally charged on the several portions of land which shall have been taken or allotted away from the former owners on such inclosure, division, allotment, or exchange, shall be charged on the lands which shall have been allotted or received in the way of substitution or compensation for the lands so taken or allotted away from the former owners thereof, or as near thereto as circumstances will admit; and every such altered apportionment, when confirmed under the hands and seal of the commissioners, shall be valid as from the date of such confirmation, and shall be taken to be an amendment of the original apportionment.

Such alteration, when confirmed, to be valid.

Expences of alteration of apportionment shall be borne by owners of lands to which it shall relate, and shall be recoverable from them as expences of original apportionment.

XIV. AND be it enacted, that all the expences of the altered apportionment last aforesaid shall be borne by the owners of the lands to which such altered apportionment shall relate, and shall be recovered in the same manner as expences chargeable on the same owners in or about the making of an original apportionment of the sum of the rent-charges charged on the same lands respectively would have been recoverable; and all the provisions of the said Acts in relation to such of the expences of or incident to making an apportionment of a rent-charge as are payable by the owners of the land included therein shall extend and be applicable to the expences of such altered apportionment.

Supplemental apportionment of rent-charge originally made payable to one owner in respect of tithes in fact belonging or afterwards descending to several owners, or held in separate rights.

XV. AND be it enacted, that where by any agreement or award made under the provisions of the said Acts a rent-charge has been or shall have been agreed or awarded to be paid to any person in lieu of any tithes, and after the apportionment of such rent-charge shall have been made and confirmed under the provisions of the said Acts it shall appear that some tithes included in the aggregate tithes in lieu of which such rent-charge shall have been so agreed or awarded to be paid, or some portion or undivided share of some tithes so included, were or was at the time of such agreement or award the property of some person other than the person to whom the same rent-charge was so agreed or awarded to be paid, or that the whole of the tithes included in the aggregate in respect of which such rent-charge was agreed or awarded to be paid were not held by the person to whom such rent-charge was so agreed or awarded to be paid in the same right and for the same estate, or were not subject after the determination of the estate of such person to the same limitations or estates, legal and equitable, it shall be lawful for the commissioners in any of the cases aforesaid, in pursuance of or in accordance with the decree or direction of a court of equity of competent jurisdiction, or on the request in writing of the parties who for the time being in case there had been no commutation would have been the owners of all the tithes included in such aggregate, to make or confirm a supplemental award or apportionment of such rent-charge in such manner that, without altering the aggregate amount of rent-charge to which any owner of land may be subject, separate rent-charges or separate portions of rent-charge may be made payable to the parties who would have been owners of the tithes in case they had not been extinguished in lieu of the several tithes or portions of tithe included in such aggregate which would belong to different persons, or be held in different rights, or be subject to different limitations or estates; and by such supplemental award and apportionment the commissioners, if they shall so think fit, may apportion

may be altered
by quarter
sessions.

William the Fourth is directed to be deposited with the incumbent and church or chapel wardens for the time being, or such other fit person as the commissioners shall approve, shall be alleged to be inconvenient to the majority of the persons interested therein, or otherwise inconvenient or unsafe, it shall be lawful for any person interested in the lands or rent-charge to which such apportionment shall relate to apply to the court of general quarter sessions of the peace for the county, riding, division, or place in which such place of deposit shall be situate for an order for the deposit of such copy in some more convenient or secure custody or place, and fourteen days notice in writing of every such application shall be given to the persons in whose custody such copy shall at the time of such application be deposited; and it shall be lawful for the court at the quarter session for which such notice shall be given to hear and determine such application in a summary way, or they may, if they think fit, adjourn it to the following session; and upon the hearing of such application the court may, if they think fit, order such copy to be removed from the custody of the persons with whom the same shall have been deposited, and to be deposited with such other persons or in such other custody as the court, having reference to the security and due preservation of such copy, and to the convenience of the parties interested therein, may think fit, and may make such order concerning the notice to be given of such removal and deposit, and concerning the costs of such application, or of any opposition thereto, as they may think reasonable.

Tithes or rent-charge in lieu thereof may be merged after agreement or award, but before apportionment, as to all or any of the lands chargeable;

if merged as to all, no apportionment shall be made;

if as to some only, the residue of the rent-charge shall be apportioned upon the residue of the lands chargeable.

XVIII. AND be it enacted, that where by any agreement or award already made or hereafter to be made a rent-charge shall have been agreed or awarded to be paid instead of the tithes of any parish, or instead of any of such tithes, and shall not have been apportioned, it shall be lawful for the person who under the provisions of the said recited Acts would have been enabled in case such agreement or award had not been made to merge the tithes in lieu of which such rent-charge shall have been agreed or awarded to be paid, or such of the same tithes as were payable out of part of the said lands, by any deed or declaration, to be made in such form as the commissioners shall approve, and to be confirmed under their hands and seal, to declare that the tithes which he would have been so entitled to merge shall, so far as respects all the lands, or, if he shall think fit, so far as respects only any specified part of the lands out of which the same were payable, and the rent-charge or portion of rent-charge which shall have been awarded or ought to be apportioned in lieu thereof on such lands, or specified parts of such lands, as the case may be, shall be merged, and such merger shall take effect accordingly; and in case such merger shall extend to all the lands which would have been chargeable with such rent-charge, no apportionment of such rent-charge shall be made under the provisions of the said recited Acts; but in case such merger shall extend to part only of the lands which would have been chargeable with such rent-charge, then such portion of the rent-charge shall be apportioned among the other lands which would have been chargeable with such rent-charge as such other lands would have been subject to in case such merger had not taken place; and the owner of the land to which such merger shall extend shall pay such portion of the expences of or incident to the apportionment as the commissioners or any assistant commissioner may under the special circumstances order to be paid by such owner, instead of the rateable proportions to

parishes shall, in the management of the said baths and wash-houses and open bathing places, form one body of commissioners, and shall act accordingly in the execution of this Act, and the accounts and vouchers of such commissioners shall be examined and reported on by the auditors of each of such parishes; and the surplus money at the disposal as aforesaid of such commissioners shall be paid to the overseers of such parishes respectively, in the same proportions as those in which such parishes shall be liable to such expences.

Incorporation of commissioners.

XX. AND for the more easy execution of the purposes of this Act, be it enacted, that the commissioners of every such parish shall be a body corporate, with perpetual succession, which shall not be deemed to be interrupted by any partial or total vacancy from time to time in their office, by the name of "The Commissioners for public Baths and Wash-houses in the Parish of () in the County of ()," and by that name may sue and be sued in all courts, and before all justices and others, and may have and use a common seal, and by that name may take, hold, and convey any lands vested in them for the purposes of this Act.

Councils and commissioners, &c. may borrow money for the purposes of the Act, with the approval of the Treasury.

XXI. AND be it enacted, that for carrying this Act into execution in any borough or parish respectively, the council, with the approval of the commissioners of her Majesty's Treasury, and the commissioners, with the sanction of the vestry, and also with the approval of the commissioners of her Majesty's Treasury, may from time to time borrow at interest, on the security of a mortgage, as the case may be, of the borough fund, or of the rates for the relief of the poor of the parish, the money which may be by them respectively required, and shall apply the monies so borrowed accordingly.

The public works loan commissioners may advance money for the purposes of this Act.

XXII. AND be it enacted, that the commissioners for carrying into execution an Act passed in the second session of the fifth year of the reign of her Majesty, intituled "An Act to authorize 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 to amend the Acts authorizing the issue of Exchequer bills for the like purposes," may from time to time make to the council of any such borough, or [Rep., Stat. Law Rev. Act, 1875.] commissioners of any such parish respectively, for the purposes of this Act, any loan under the provisions of the recited Act or the several Acts therein recited or referred to, upon security of the borough fund, or [Rep., Stat. Law Rev. Act, 1875.] the rates for the relief of the poor of the parish, as the case may be [Rep., Stat. Law Rev. Act, 1875.].

Provisions of 8 & 9 Vict. c. 16. as to borrowing money, accountability of officers, bye laws, damages, and penalties, incorporated with this Act.

XXIII. AND be it enacted, that the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by any company on mortgage, and the provisions of the same Act with respect to the accountability of the officers of the company, and the provisions of the same Act with respect to the making of bye laws, subject to the provision hereinafter contained, and the provisions of the same Act with respect to the recovery of damages not specially provided for, and penalties, so far as such provisions may respectively be applicable to the purposes of this Act, shall be respectively incorporated with this Act; and the expressions in such provisions applicable to the company and the directors shall apply, as regards a borough, to the council, and, as regards a parish, to the commissioners; and all deeds and writings which under such provisions are required or directed to be made or

newspapers published in the county in which the borough or parish shall be situated, expressing the intention of entering into such contract, in order that any person willing to undertake the same may make proposals for that purpose, to be offered to the council or commissioners at a certain time and place in such notice to be mentioned; but it shall not be incumbent on the council or commissioners to contract with the person offering the lowest price.

Council or commissioners may purchase existing baths, &c.

Trustees of such baths, &c. empowered to sell or lease them.

XXVII. AND be it enacted, that the council of any such borough, and the commissioners, with the approval of the vestry, of any such parish, may, if they shall think fit, contract for the purchase or lease of any baths and wash-houses already or hereafter to be built and provided in any such borough or parish, and appropriate the same to the purposes of this Act, with such additions or alterations as they shall respectively deem necessary; and the trustees of any public baths and wash-houses which have been already or may hereafter be built or provided in any such borough or parish, by private subscriptions or otherwise, may, with the consent of the council of any such borough, or with the consent of the commissioners and approval of the vestry of any such parish, and with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the said baths and wash-houses to the said council or commissioners respectively, or make over to them the management of such baths and wash-houses; and in all such cases the baths and wash-houses so purchased or leased, or of which the management has been so made over, shall be deemed to be within the provisions of this Act as fully as if they had been built or provided by the said council or commissioners; and the property therein shall be vested in the mayor, aldermen, and burgesses in the case of a borough, or in the commissioners in the case of a parish.

Power to water and gas companies to supply water and gas to baths, &c. either without charge or on reduced terms.

XXVIII. AND be it enacted, that any commissioners of waterworks, trustees of waterworks, water companies, canal companies, gas companies, and other corporations, bodies, and persons having the management of any waterworks, canals, reservoirs, wells, springs, and streams of water, and gas works respectively, may in their discretion grant and furnish supplies of water or gas for such public baths and wash-houses and open bathing places, either without charge or on such other favourable terms as they shall think fit.

Councillors and commissioners not to be personally liable.

XXIX. AND be it enacted, that nothing in this Act contained shall render any member of the council of any borough or any commissioner personally, or any of their lands, goods, chattels, or monies, (other than such lands, goods, chattels, or monies as may be vested in or under the management or control of the council or commissioners respectively in pursuance of this Act,) liable to the payment of any sum of money as or by way of compensation or satisfaction for or in respect of any thing done or suffered in due pursuance of this Act.

Persons may appeal against orders of councils and commissioners, as against orders of justices under 8 & 9 Vict. c. 16.

XXX. AND be it enacted, that every person who shall feel aggrieved by any bye law, order, direction, or appointment of or by the council or commissioners shall have the like power of appeal to the general quarter sessions as, under the provisions of the Companies Clauses Consolidation Act, 1845, incorporated with this Act, he might have if feeling aggrieved by any determination of any justice with respect to any penalty.

the wash-houses shall be put up in some convenient place near every washing tub or trough, or every pair of washing tubs or troughs, in every wash-house.

Proportion of
baths for the
labouring
classes.

XXXVI. AND be it enacted, that the number of baths for the labouring classes in any building or buildings under the management of the same council or commissioners shall not be less than twice the number of the baths of any higher class, if but one, or of all the baths of any higher classes, if more than one, in the same building or buildings.

Recovery of
charges at
wash-houses.

XXXVIII. AND be it enacted, that for the recovery of the charges at such wash-houses the officers, servants, and others having the management thereof may detain the clothes brought to be washed, or other goods and chattels, of any person refusing to pay the charge to which such person may be liable, or any part thereof, till full payment thereof be made, and in case such payment be not made within seven days may sell such clothes, goods, and chattels, or any of them, returning the surplus proceeds of such sale, after deducting the unpaid charge and the expences of such detention and sale, and the unsold articles, if any, on demand, to such person.

Penalty on
officers taking
fees beyond
salaries, or
being interested
in contracts;

XXXIX. AND be it enacted, that if any clerk or other officer, or any servant who shall be in anywise employed by any council or commissioners in pursuance of this Act, shall exact or accept any fee or reward whatsoever for or on account of any thing done or forborne or to be done or forborne in pursuance of this Act, or on any account whatsoever relative to putting this Act into execution, other than such salaries, wages, or allowances as shall have been appointed by the council or commissioners, or shall in anywise be concerned or interested in any bargain or contract made by the council or commissioners for or on account of any thing done or forborne or to be done or forborne in pursuance of this Act, or on any account whatsoever relative to the putting of this Act into execution, or if any person during the time he holds the office of member of the council or commissioner shall exact or accept any such fee or reward, or shall accept or hold any office or place of trust created by virtue of this Act, or be concerned directly or indirectly in any such bargain or contract, every such person so offending shall be incapable of ever serving or being employed under this Act, and shall for every such offence also forfeit the sum of fifty pounds.

also on council-
lors or commis-
sioners taking
fees or accept-
ing offices, or
being interested
in contracts.

Application of
penalties.

XL. AND be it enacted, that such part of any penalty recovered under this Act as shall not be awarded to the informer shall be paid to the credit, as regards a borough, of the borough fund, and, as regards a parish, of the rate for the relief of the poor thereof.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Bye laws to be made in all cases.

For securing that the baths and wash-houses and open bathing places shall be under the due management and control of the officers, servants, or others appointed or employed in that behalf by the council or commissioners.

soever; any royal charter, grant, or letters patent, or any prescription, custom, or bye law, to the contrary notwithstanding.

Nothing in
this Act to
repeal or alter
23 & 24 Geo. 3.
(1.) c. 23. or
47 Geo. 3. sess.
2. c. 15;

V. PROVIDED always, and be it enacted, that nothing in this Act contained shall repeal or alter any thing contained in an Act passed in the Parliament of Ireland in the session held in the twenty-third and twenty-fourth years of the reign of his late Majesty King George the Third, intituled "An Act to regulate the assay of gold, and promote the manufacture of gold and silver wares in this kingdom," or an Act passed in the forty-seventh year of the reign of his said late Majesty King George the Third, intituled "An Act to provide for the regulating and securing the collection of the duty on gold and silver plate wrought or manufactured in Ireland," or so much of the said recited Acts as is now in force.

or affect
3 & 4 Vict.
c. 109;

VI. PROVIDED always, and be it enacted, that nothing herein contained shall in any manner alter or affect the provisions of an Act passed in the session of Parliament held in the third and fourth years of the reign of her present Majesty, intituled "An Act for the regulation of municipal corporations in Ireland," or the construction thereof, but the same shall be construed and applied as if this Act had not passed: Provided also, that nothing herein contained shall in any manner alter or affect any thing contained in an Act passed in the thirty-first year of the reign of his late Majesty King George the Third, intituled "An Act for the more effectually preserving the health of his Majesty's subjects, for erecting an apothecaries hall in the city of Dublin, and regulating the profession of an apothecary throughout the kingdom of Ireland," or the rights, privileges, or immunities of the governor and company of the Apothecaries Hall of Dublin.

or 31 Geo. 3 (1.)
c. 34.

CHAPTER LXXVII.

AN ACT to amend the Acts relating to the Offices of the House of Commons.
[26th August 1846.]

52 Geo. 3.
c. 11.

WHEREAS an Act was passed in the fifty-second year of the reign of his Majesty King George the Third, intituled "An Act to repeal an Act passed in the thirty-ninth and fortieth year of his present Majesty, for establishing certain regulations in the offices of the House of Commons; and to establish other and further regulations in the said offices": And whereas another Act was passed in the third year of the reign of his Majesty King William the Fourth, intituled "An Act for the better support of the dignity of the speaker of the House of Commons, and for disabbling the speaker of the House of Commons for the time being from holding any office or place of profit during pleasure under the crown": And whereas another Act was passed in the fifth year of the reign of his said Majesty King William the Fourth, intituled "An Act to regulate the salaries of the officers of the House of Commons, and to abolish the sinecure offices of principal committee clerks and clerk of ingrossments": And whereas in pursuance of the said Acts, and of the recommendations contained in several reports from select committees of the House of Commons, the whole of the fees and sums payable in the several offices and departments of the said house, as well those

2 & 3 Will. 4.
c. 105.

4 & 5 Will. 4.
c. 70.

mentioned and provided for in the said recited Acts as all other the fees, perquisites, and emoluments payable in the said several offices and departments, are now paid to the account of the commissioners for regulating the offices of the House of Commons appointed by virtue of the said first-recited Act, and an estimate of the salaries and expences of the said house is annually laid before the House of Commons; and 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, that the person or persons appointed by the said commissioners acting under the provisions of the said first-recited Act to collect the fees, perquisites, and emoluments of the clerk of the House of Commons, the clerk's assistant, the serjeant-at-arms, and the deputy serjeant-at-arms, shall in like manner collect the fees, perquisites, and emoluments appertaining to the offices of the speaker of the House of Commons and of the speaker's secretary, and also all fees, perquisites, and emoluments payable in the several offices of the clerk of the House of Commons and in the department of the serjeant-at-arms, and shall pay the money so collected into the Bank of England to the account directed to be established by the said first-recited Act, and called "The Account of the Commissioners for regulating the Offices of the House of Commons"; and the person so collecting such sums shall from time to time, and at such times and in such manner as the speaker of the House of Commons or the said commissioners shall direct, render to the said speaker or commissioners a full and true account of all the sums of money to be received by him by virtue of this and the said recited Acts.

All fees, &c. of officers of the House of Commons to be collected by the collector appointed under first-recited Act.

Money collected to be paid into Bank of England to the account directed by the said Act.

Account to be rendered by collector.

II. AND be it enacted, that the money so paid to the said account shall be applied, first, in payment of the salaries of the clerk, clerk's assistant, serjeant-at-arms, deputy serjeant-at-arms, and speaker's secretary, as directed by the said Acts, or any other Act for the time being in force relating to such offices, and, next, in payment of the salaries and superannuation and other allowances and expences in the offices of the clerk of the house, and in the departments of the speaker and the serjeant-at-arms, and in payment of any other charges and expences of the House of Commons, as such payments may from time to time be directed by the said speaker or by the said commissioners, in conformity with the estimate of such salaries, allowances, superannuations, charges, and expences directed to be laid before the House of Commons as herein-after mentioned; [Rep., Stat. Law Rev. Act, 1875.]

Application of monies so paid to such account.

III. an estimate shall annually be prepared by the clerk of the house, the serjeant-at-arms, and the speaker's secretary, respectively, of the sums which will probably be required in their several departments for the payment of salaries, allowances, and contingent expences during the year ending on the first day of April in the following year; and such estimates shall be submitted to the speaker for his approbation, and, subject to such approbation, and to such alterations as the speaker shall consider proper, shall be embodied, together with an estimate of the sums which will be required for the payment of retired allowances and compensation for loss of office, in one estimate; ; and such estimates, signed by the speaker, shall be transmitted by him to the commissioners of her Majesty's Treasury for their approval, and shall be laid before the House of Commons with the other estimates.

An estimate to be annually prepared of the probable sums required for the salaries and expences of the offices of the house.

Estimates to be transmitted to Treasury, and laid before House of Commons with other estimates.

* * * * *
 V. AND be it enacted, that for the purposes of the said first-recited Act and this Act the person who shall fill the office of speaker of the House of Com-

Speaker to act notwithstanding dissolution of Parliament.

Commissioners
to act on death
or in absence,
&c. of speaker.

mons at the time of any dissolution of Parliament shall be deemed to be the speaker until a speaker shall be chosen by the new Parliament; and that in the event of the death or disability or absence from the realm of the speaker during any dissolution or prorogation of Parliament it shall be lawful for any three of the said commissioners to execute any of the purposes of the said first-recited Act or this Act.

* * * * *

CHAPTER LXXXVI.

AN ACT to extend and consolidate the Powers hitherto exercised by the Commissioners of Public Works in Ireland, and to appoint additional Commissioners. [26th August 1846.]

1 & 2 Will. 4.
c. 33.

WHEREAS an Act was passed in the first and second years of the reign of his late Majesty King William the Fourth, intituled "An Act for the extension and promotion of public works in Ireland": And whereas by the said Act it is enacted, that it should and might be lawful for the King's most excellent Majesty, by warrant or warrants under the royal sign manual, to nominate three persons to be commissioners for the execution of the said Act during his Majesty's pleasure, and to remove any one or more of the same, and in like manner to nominate another or others in the room of the person or persons so removed, and the said persons so to be from time to time nominated should be and they were thereby constituted and appointed commissioners for the execution of the said Act: And whereas an Act was passed in the session holden in the sixth and seventh years of the reign of his said late Majesty, intituled

6 & 7 Will. 4.
c. 108.

"An Act to amend an Act passed in the first and second years of the reign of his present Majesty, for the extension and promotion of public works in Ireland": And whereas another Act was passed in the first year of the reign of her present Majesty, intituled "An Act to amend the Acts for the extension and promotion of public works in Ireland": And whereas another Act was passed in the session holden in the first and second years of the reign of her present Majesty, intituled

7 Will. 4. &
1 Vict. c. 21.

"An Act to authorize a further issue of Exchequer bills for public works and fisheries, and employment of the poor, and to amend the Acts relating thereto": And whereas another Act was passed in the session holden in the second and third years of the reign of her present Majesty, intituled

1 & 2 Vict.
c. 88.

"An Act to amend and extend the provisions of the Acts for the extension and promotion of public works in Ireland; and for the recovery of public monies advanced for the use of counties, parishes, and other districts in Ireland on the faith of grand jury presentments and parochial assessments": And whereas another Act was passed in the fifth year of the reign of her present Majesty, intituled

5 & 6 Vict.
c. 9.

"An Act to authorize 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 to amend the Acts authorizing the issue of Exchequer bills for like purposes": And whereas another Act was passed in the session holden in the sixth and seventh years of the reign of her present Majesty, intituled

6 & 7 Vict.
c. 44.

"An Act to amend the Acts for carrying on public works in Ireland": And whereas another Act was passed in the ninth year of the reign of her present Majesty, intituled

9 & 10 Vict.
c. 1.

"An Act for the further amendment of the Acts for the extension and pro

“ motion of public works in Ireland ”: And whereas another Act was passed in the present session of Parliament, intituled “ An Act to authorize the application of money to a limited amount for the purposes of loans for carrying on public works in Ireland ”: And whereas by the said recited Act of the second and third years of the reign of her present Majesty it is, amongst other things, enacted, that in the said Act, and in any other Act passed or which might be thereafter passed, the expression “ commissioners of public works in Ireland ” should be construed to mean the commissioners for the time being appointed under and acting in execution of the said first herein-before recited Act of the first and second years of the reign of his said late Majesty, and the other Acts amending the same: And whereas lieutenant colonel Harry David Jones, Brook Taylor Ottley, and John Radcliff, esquires, have been appointed and are now the commissioners of public works in Ireland acting in the execution of and under the provisions of the said severally recited Acts: And whereas an Act was passed in the session holden in the fifth and sixth years of the reign of his late Majesty King William the Fourth, intituled “ An Act for the improvement of the navigation of the river Shannon ”: And whereas another Act was passed in the session holden in the second and third years of the reign of her present Majesty, intituled “ An Act for the improvement of the navigation of the river Shannon ”: And whereas the improvements authorized to be executed under the said two last-recited Acts in the river Shannon have been considerably advanced towards completion, and the duties of the commissioners for the execution of the said two last-recited Acts may now, with advantage to the public service and economy to the resources of the nation, be performed and discharged by the commissioners of public works for the time being:

9 & 10 Vict.
c. 85.5 & 6 Will. 4.
c. 67.2 & 3 Vict.
c. 61.

II. AND be it enacted, that from and after the said thirtieth day of September one thousand eight hundred and forty-six the commissioners of public works in Ireland for the time being shall be the commissioners for the execution of the said two last-recited Acts for the improvement of the navigation of the river Shannon; and all the powers, authorities, and privileges, rights, titles, and interests, now or heretofore vested in the commissioners for the execution of the said two last-recited Acts, shall vest in and devolve upon and shall be respectively used, exercised, and enjoyed by the commissioners of public works in Ireland for the time being, who shall for the purposes of the said last-recited Acts be and be deemed to be in the place and stead of the persons heretofore being commissioners for the execution of the said two last-recited Acts.

The commis-
sioners of
public works
in Ireland to
be commis-
sioners for the
execution of
the Acts for
improvement
of the Shan-
non navigation.

III. AND whereas an Act was passed in the session holden in the fifth and sixth years of the reign of her present Majesty, intituled “ An Act to promote the drainage of lands, and improvement of navigation and water power in connexion with such drainage, in Ireland ”: And whereas the said last-mentioned Act has since been amended by an Act of the eighth and ninth years of the reign of her present Majesty, and has been further amended by an Act of the ninth year of the reign of her present Majesty: And whereas an Act was passed in the sixth year of the reign of her present Majesty, intituled “ An Act to regulate the Irish fisheries ”: And whereas another Act was passed in the session holden in the eighth and ninth years of the reign of her present Majesty, intituled “ An Act for the further amendment of an Act of the sixth year of the reign of her present Majesty, for regulating the Irish

5 & 6 Vict.
c. 89.8 & 9 Vict.
c. 69.
9 & 10 Vict.
c. 4.5 & 6 Vict.
c. 106.
8 & 9 Vict.
c. 108.

be at any one time more than five persons commissioners of public works in Ireland for the execution of the said severally recited Acts, and all other Acts for the execution of which the commissioners of public works shall have been appointed or are the commissioners.

Number of commissioners limited to five.

VI. AND be it enacted, that all acts, matters, and things which the commissioners of public works are by any of the provisions of the said recited Acts or any of them, or this Act, required or authorized to do or execute shall and may be done and executed by any two of the commissioners of public works for the time being; and that the commissioners of public works in Ireland for the time being may hereafter be called, known, and described by the name of "The Commissioners of Public Works in Ireland."

Two of the commissioners may act.

Style of commissioners.

VIII. AND be it enacted, that no obligation, contract, agreement, assignment, deed, conveyance, or other instrument whatever, taken or made to or by the said commissioners for the execution of the said Act of the first and second years of the reign of his late Majesty King William the Fourth, for the extension and promotion of public works in Ireland, or any of the Acts amending the same, nor any affidavit, deposition, certificate, order, or receipt, to be respectively taken or made under or by virtue of the said last-mentioned Acts, or any of them, shall be liable to any stamp duty whatever, any thing in any Act or Acts in force in Ireland to the contrary in anywise notwithstanding.

No obligation, contract, affidavit, &c. taken or made under 1 & 2 Will. 4. c. 33. and amending Acts to be liable to stamp duty.

IX. AND be it enacted, that it shall and may be lawful for the commissioners of her Majesty's Treasury, or any three or more of them, from time to time to fix and appoint such salaries as they may think fit for the said commissioners of public works, and also to appoint such additional and other officers, clerks, and servants, and at such salaries, as the said commissioners of the Treasury may think proper and necessary, and from time to time to dismiss such officers, clerks, and servants, and to appoint others in their place and stead, and also to make such orders, rules, and regulations, and from time to time to vary and alter the same, as they the said commissioners of her Majesty's Treasury may think necessary and proper for the full and effectual execution of the provisions of the said recited Acts and this Act, and of the discharge of the duties of the commissioners of public works for the time being thereunder.

The Treasury to fix salaries, &c., to appoint additional officers, and to make rules and regulations for discharge of duties by the commissioners of public works.

CHAPTER LXXXVII.

AN ACT for promoting the voluntary Establishment in Boroughs and certain Cities and Towns in Ireland of public Baths and Wash-houses.

[26th August 1846.]

WHEREAS it is desirable, for the health, comfort, and welfare of the inhabitants of cities and towns in Ireland, to encourage the establishment therein of public baths and wash-houses, and public open bathing places: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that this Act may be adopted for any incorporated borough in Ireland which is regulated under an Act passed in the session of Parliament holden in the third and fourth years

This Act may be adopted in any incorporated borough in Ireland regulated under 3 & 4 Vict.

sions of the said Act of the ninth year of King George the Fourth, or any such local or other Act or Acts as aforesaid, the clerk appointed by the town commissioners :

“ Justice ” shall mean justice of the peace for the county, riding, division, liberty, borough, or place, where the matter requiring the cognizance of justices shall arise : “ Justice.”

“ Lands ” shall mean lands, tenements, and hereditaments, of whatsoever nature or tenure : “ Lands.”

Words importing the masculine gender shall include the feminine : Gender.

Words of the plural number shall include the singular, and words of the singular number shall include the plural. Number.

III. AND be it enacted, that the council of any such incorporated borough as aforesaid, or the town commissioners for any such city or town as aforesaid, in which there shall not be a town council, may, if they think fit, determine that this Act shall be adopted for such borough, or for such city or town as aforesaid ; and then and in such case such of the provisions of this Act as are applicable in that behalf shall thenceforth take effect and come into operation in such borough, or such city or town, as the case may be ; and this Act shall be carried into execution in such borough, or in such city or town, in accordance with such provisions, and the laws for the time being in force relating to the municipal corporation of such borough, or relating to such city or town, under the provisions of the said Act of the ninth year of his late Majesty King George the Fourth, or of such local or other Act or Acts as aforesaid, as the case may be. Council of any borough, or commissioners for any city or town, may adopt this Act, if they think fit.

IV. AND be it enacted, that the expences of carrying this Act into execution in any such borough or such city or town in which the council or town commissioners respectively shall have resolved to adopt this Act for their borough or city or town respectively shall be chargeable upon and paid out of the borough fund or town fund respectively ; and for that purpose the council or town commissioners may levy with and as part of the borough rate or town rate respectively, or by a separate rate, to be assessed, levied, paid, and recovered in like manner and with the like powers and remedies in all respects as the borough rate or town rate, such sums of money as shall be from time to time necessary for defraying such expences, and shall apply the same accordingly, as if the expence of carrying this Act into execution were an expence necessarily incurred in carrying into effect the provisions of the said Act of the third and fourth years of the reign of her present Majesty, or the said Act of the ninth year of his Majesty King George the Fourth, or of such local or other Act or Acts as aforesaid, as the case may be ; and the income arising from the baths and wash-houses and open bathing places in any borough or city or town shall be paid to the credit of the borough fund or town fund thereof ; and the council and town commissioners respectively shall keep distinct accounts of their receipts, payments, credits, and liabilities, with reference to the execution of this Act, to be called “ The public Baths and Wash-houses Account.” Expences of carrying this Act into execution shall be charged upon the borough fund or town fund, and levied as part of the borough or town rate, or by a separate rate. Income to be carried to credit of borough or town fund, and separate accounts kept.

V. AND be it enacted, that when the town council of any such borough as aforesaid, or the town commissioners for any such city or town as aforesaid, shall have adopted this Act for their borough, city, or town respectively, they shall cause their treasurer, or, where there shall be no treasurer, such person as Town council and commissioners to cause separate accounts to be kept of ex-

penses incurred under this Act.

Accounts, when audited, to be transmitted to lord lieutenant, and a copy to be deposited with the town clerk, &c., and to be open to inspection.

Incorporation of town commissioners for the purposes of this Act.

Councils and town commissioners may borrow money for the purposes of the Act.

The public works commissioners acting under 6 & 7 Vict. c. 44. may grant loans on security of borough fund, &c.

Provisions of 8 & 9 Vict. c. 16. respecting borrowing money,

they shall appoint, to keep a true and regular account of all sums of money expended by them in the purchase of any land or buildings for the purpose of erecting baths or wash-houses thereon, or in the purchase of any baths now erected, and of all sums of money borrowed by them under the powers of this Act, and of all expences incurred by them for or on account of the purposes of this Act; and the said account shall be examined, balanced, and audited in like manner and at the same time as all other accounts of receipts and payments of such borough, city, or town respectively are examined, balanced, and audited; and the said council or town commissioners shall, within one month after the same shall have been examined and balanced or audited, transmit to the lord lieutenant or other chief governor or governors of Ireland for the time being a true and correct copy of such account; and the said council or town commissioners shall also within the time aforesaid cause a copy of such account to be deposited in the office of the town clerk, or of such person as they shall appoint to execute the duties of clerk of such council or commissioners, within one month after the same shall have been audited; and the said account shall be open to the inspection of all inhabitants of such borough, city, or town, and copies thereof shall be delivered to any inhabitant of such borough, city, or town applying for the same, upon payment of a reasonable charge for the same, to be fixed by the town council or town commissioners, as the case shall be.

VI. AND for the more easy execution of the purposes of this Act, be it enacted, that the town commissioners of every such city or town as aforesaid shall for the purposes of this Act be a body corporate, with perpetual succession, which shall not be deemed to be interrupted by any partial or total vacancy from time to time in their office; by the name of "The Town Commissioners for public Baths and Wash-houses in the Town of () in the County of ()," and by that name may sue and be sued in all courts, and before all justices and others, and may have and use a common seal, and by that name may take, hold, and convey any lands vested in them for the purposes of this Act.

VII. AND be it enacted, that for carrying this Act into execution in any borough or city or town respectively the council or the town commissioners, with the approval of the commissioners of her Majesty's Treasury, may from time to time borrow at interest, on the security, as the case may be, of the borough fund or of the town fund, the money which may be by them respectively required, and shall apply the monies so borrowed accordingly.

VIII. AND be it enacted, that the commissioners acting in the execution of an Act passed in the seventh year of the reign of her Majesty, intituled "An Act to amend the Acts for carrying on public works in Ireland," may from time to time make to the council of any such borough, or the town commissioners of any such city, borough, or town respectively, for the purposes of this Act, any loan under the provisions of the said Act, or of any Act in force therein recited, upon the security of a mortgage of the borough fund or the town fund, as the case may be.

IX. AND be it enacted, that the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by any company on mortgage, and the provisions of the same Act with respect to the accountability of the officers of the company, and the provisions of the same Act with

respect to the making of bye laws, subject to the provision herein-after contained, and the provisions of the same Act with respect to the recovery of damages not specially provided for, and penalties, so far as such provisions may respectively be applicable to the purposes of this Act, shall be respectively incorporated with this Act; and the expressions in such provisions applicable to the company and the directors shall apply, as regards a borough, to the council, and as regards any such city or town as aforesaid, to the town commissioners; and all deeds and writings which under such provisions are required or directed to be made or executed under the common seal of the company shall, in the application of such provisions to this Act, be deemed to be required or directed to be made or executed, as regards a borough, under the common seal of the mayor, aldermen, and burgesses, and, as regards any such city or town as aforesaid, under the common seal of the town commissioners for public baths and wash-houses; and so much of such provisions as are applicable to the "secretary of the company" shall apply to the clerk; and in such of the said provisions as relate to the inspection of accounts, as regards a borough, the burgesses, and, as regards any such city or town as aforesaid, the persons in each case qualified to vote at the election of the respective town commissioners, shall have the privileges of shareholders.

accountability
of officers, bye
laws, damages
and penalties,
incorporated
with this Act.

X. AND be it enacted, that in any such borough the council, or in any such city or town the town commissioners, (as the case may be,) with the approval of the commissioners of her Majesty's Treasury, may from time to time appropriate for the purposes of this Act in the borough or such city or town any lands vested in the mayor, aldermen, and burgesses, or the town commissioners respectively; and in any such borough the council, and in any such city or town as aforesaid the town commissioners, may from time to time contract for the purchasing or renting of any lands necessary for the purposes of this Act.

Councils and
town com-
missioners,
with approval
of the
Treasury, may
appropriate or
purchase, &c.
lands for the
purposes of
this Act.

XI. AND be it enacted, that the council and town commissioners respectively may from time to time, on any lands so appropriated, purchased, or rented, or contracted so to be respectively, erect any buildings suitable for public baths and wash-houses, and as to such wash-houses either with or without open drying grounds, and make any open bathing places, and convert any buildings into public baths and wash-houses, and may from time to time alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite furniture, fittings, and conveniences.

Councils and
town com-
missioners
may erect, &c.
buildings
for public
baths and
wash-houses,
and open bath-
ing places.

XII. AND be it enacted, that the council and town commissioners respectively may from time to time enter into any contract with any persons or companies for building and making, and for altering, enlarging, repairing, and improving, such public baths and wash-houses, and public open bathing places, and for supplying the same respectively with water, and for lighting the same respectively, and for fitting up the same respectively, and for furnishing any materials and things, and for executing and doing any other works and things necessary for the purposes of this Act; which contracts respectively shall specify the several works and things to be executed, furnished, and done, and the prices to be paid for the same, and the times when the works and things are to be executed, furnished, and done, and the penalties to be suffered in cases of nonperformance; and all such contracts, or true copies thereof, shall

Councils and
town com-
missioners may
enter into con-
tracts for the
purposes of
this Act.

No contract above 100*l.* to be entered into unless fourteen days notice has been given to enable persons to make tenders.

be entered in books to be kept for that purpose: Provided always, that no contract above the value or sum of one hundred pounds shall be entered into by the council or the town commissioners for the purposes of this Act, unless previous to the making thereof fourteen days notice shall be given in one or more of the public newspapers published in the county in which the borough or such city or town shall be situated, expressing the intention of entering into such contract, in order that any person willing to undertake the same may make proposals for that purpose, to be offered to the council or town commissioners at a certain time and place in such notice to be mentioned; but it shall not be incumbent on the council or town commissioners to contract with the person offering the lowest price.

Council or town commissioners may purchase existing baths, &c. if they think fit.

XIII. AND be it enacted, that the council of any such borough and the town commissioners respectively, as the case may be, may, if they shall think fit, contract for the purchase or lease of any baths and wash-houses already or hereafter to be built and provided in any such borough or such city or town as aforesaid, and appropriate the same to the purposes of this Act, with such additions or alterations as they shall respectively deem necessary; and the trustees of any public baths and wash-houses which have been already or may hereafter be built or provided in any such borough or such city or town, by private subscriptions or otherwise, may, with the consent of the council of any such borough, or with the consent of the town commissioners, as the case may be, and with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the said baths and wash-houses to the said council or town commissioners respectively, or make over to them the management of such baths and wash-houses; and in all such cases the baths and wash-houses so purchased or leased, or of which the management has been so made over, shall be deemed to be within the provisions of this Act, as fully as if they had been built or provided by the said council or town commissioners; and the property therein shall be vested in the mayor, aldermen, and burgesses in the case of a borough, or in the town commissioners in the case of any such city or town as aforesaid, as herein-before provided.

Trustees thereof may sell or lease the same.

Power to water and gas companies to supply water to baths, &c., either without charge or on reduced terms.

XIV. AND be it enacted, that any commissioners of waterworks, trustees of waterworks, water companies, canal companies, gas companies, and other corporations, bodies, and persons having the management of any waterworks, canals, reservoirs, wells, springs, and streams of water, and gas works respectively, may, in their discretion, grant and furnish supplies of water for such public baths and wash-houses and open bathing places, either without charge or on such other favourable terms as they shall think fit.

Councillors and town commissioners not to be personally liable.

XV. AND be it enacted, that nothing in this Act contained shall render any member of the council of any borough or any town commissioners personally, or any of their lands, goods, chattels, or monies, (other than such lands, goods, chattels, or monies as may be vested in or under the management or control of the council or town commissioners respectively in pursuance of this Act,) liable to the payment of any sum of money as or by way of compensation or satisfaction for or in respect of any thing done or suffered in pursuance of this Act.

Persons may appeal against orders of

XVI. AND be it enacted, that every person who shall feel aggrieved any bye law, order, direction, or appointment of or by the council or to

commissioners shall have the like power of appeal to the general quarter sessions as, under the provisions of the Companies Clauses Consolidation Act, 1845, incorporated with this Act, he might have if feeling aggrieved by any determination of any justice with respect to any penalty.

XVII. AND be it enacted, that the council or town commissioners respectively, with the approval of the commissioners of her Majesty's Treasury, may from time to time make sale and dispose of any lands vested in the mayor, aldermen, and burgesses, or in the town commissioners respectively, for the purposes of this Act, and apply the proceeds in or toward the purchase of other lands better adapted for such purposes, and may, with the like approval, exchange any lands so vested, and either with or without paying or receiving any money for equality of exchange, for any other lands better adapted for such purposes; and the mayor, aldermen, and burgesses, or the town commissioners, may convey the lands so sold or exchanged accordingly.

XVIII. AND be it enacted, that whenever any public baths or wash-houses or open bathing places which shall have been for seven years or upwards established under the authority of this Act shall be determined by the council or by the town commissioners respectively to be unnecessary, or too expensive to be kept up, the council or town commissioners, with the approval of the commissioners of her Majesty's Treasury, may sell the same for the best price that can reasonably be obtained for the same; and the mayor, aldermen, and burgesses, or the town commissioners respectively, shall convey the same accordingly; and the purchase money shall be paid to such person as the council or town commissioners shall appoint, and his receipt shall be a sufficient discharge for the same; and the net proceeds of such sale shall be paid to the credit of the borough fund, or of the town fund, as the case may be.

XIX. AND be it enacted, that the general management, regulation, and control of the public baths and wash-houses and open bathing places established under this Act shall, subject to the provisions of this Act, be, as to any borough, vested in and exercised by the council, and, as to any such city or town as aforesaid, vested in and exercised by the town commissioners.

XX. AND be it enacted, that the bye laws which the council and town commissioners respectively may from time to time make, alter, repeal, and enforce shall include such bye laws for the management, use, and regulation of the public baths and wash-houses and open bathing places, and of the persons resorting thereto respectively, and for determining from time to time the charges for the use of such baths and wash-houses and open bathing places respectively, as the council and town commissioners respectively shall think fit; and they respectively may appoint any penalty not exceeding five pounds for any and every breach, whether by their officers or servants or by other persons, of any bye law made by them respectively; and such bye laws shall make sufficient provision for the several purposes respectively expressed in the schedule (A.) to this Act: Provided always, that no bye law made under the authority of this Act shall have any effect until the same shall have received the approval of one of her Majesty's principal secretaries of state.

XXI. AND be it enacted, that a printed copy or sufficient abstract of the bye laws relating to the use of the baths and open bathing places respectively shall be put up in every bath room and open bathing place respectively; and

councils and town commissioners, as against orders of justices under 8 & 9 Vict. c. 16. Council or commissioners may make sale and exchange of lands, with consent of Treasury.

When baths, &c. are considered unnecessary or too expensive, they may, with approval of Treasury, be sold, and proceeds carried to borough or town fund.

Management to be vested in councils and town commissioners.

Council and commissioners may make bye laws for regulating the use of baths and wash-houses, &c., and charges thereat, and fix penalties.

Bye laws to provide for purposes in schedule (A). Bye laws to be approved by the secretary of state.

Copies or abstracts of bye laws to be hung up in

CHAPTER LXXXVIII.

AN ACT to remove Doubts as to the Legality of certain Assignments of Ecclesiastical Patronage. [26th August 1846.]

3 & 4 Vict.
c. 113. s. 42.

Agreements as
to patronage
under 1 Geo. 1.
stat. 2. c. 10.
and amending
Acts, or 8 & 9
Vict. c. 70. and
Acts therein
recited, to be
deemed lawful,
and not within
recited enact-
ment.

WHEREAS by an Act passed in the fourth year of the reign of her Majesty, intituled "An Act to carry into effect, with certain modifications, the fourth report of the commissioners of ecclesiastical duties and revenues," it is enacted, "that it shall not be lawful for any spiritual person to sell or assign any patronage or presentation belonging to him by virtue of any dignity or spiritual office held by him, and that every such sale or assignment shall be null and void to all intents and purposes"; and doubts have been entertained whether or not certain agreements and proceedings authorized under the several Acts for the augmentation of the maintenance of the poor clergy, or under the Church Building Acts, are to be deemed sales or assignments prohibited by the first-recited Act; and it is expedient that such doubts be removed: Be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no agreement or other proceeding touching any advowson or patronage, or right of presentation or nomination of any spiritual person to any cure or benefice, donative, or perpetual curacy, or to serve any church or chapel authorized by an Act passed in the first year of the reign of King George the First, intituled "An Act for making more effectual her late Majesty's gracious intentions for augmenting the maintenance of the poor clergy," or by any Act passed for the amendment thereof, or by an Act passed in the last session of Parliament, intituled "An Act for the further amendment of the Church Building Acts," or by any Act recited therein, is or shall be deemed a sale or assignment such as is prohibited by the first-recited Act; but that every such agreement or proceeding already or hereafter to be duly made and taken under the provisions of any of the said Acts is and shall be deemed to have been from the time of the making thereof as good in law, to all intents and purposes, as if the first-recited Act had not been passed.

* * * * *

CHAPTER XC.

AN ACT to prevent the Use of Stills by unlicensed Persons.

[26th August 1846.]

6 Geo. 4. c. 81.

An excise duty
of 10s. to be
paid by every

WHEREAS by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act to repeal several duties payable on excise licences in Great Britain and Ireland, and to impose other duties in lieu thereof; and to amend the laws for granting excise licences," a licence duty of ten shillings is imposed upon every person in Scotland or Ireland, not being a distiller, rectifier or compounder of spirits, who shall keep or use any still for carrying on the trade of a chemist, or any other trade or business requiring the use of any still or stills: And whereas it is expedient to impose one uniform duty for the United Kingdom: Be it therefore enacted by the Queen's most excellent Majesty, by and with the

CHAPTER XCIII.

AN ACT for compensating the Families of Persons killed by Accidents.

[26th August 1846.]

WHEREAS no action at law is now maintainable against a person who by his wrongful act, neglect, or default may have caused the death of another person, and it is oftentimes right and expedient that the wrongdoer in such case should be answerable in damages for the injury so caused by him: Be it therefore enacted by the Queen's most excellent Majesty, by and with 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 whensoever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony.

When death is caused by wrongful act, neglect, &c., which, if death had not ensued, would have entitled the injured party to an action for damages, an action shall be maintainable though death ensues, and though the circumstances may amount to felony.

Action to be for the benefit of certain relations, and shall be brought by and in the name of executor or administrator of the deceased.

Only one action shall lie, and it must be commenced within 12 months from death.

Plaintiff to deliver a full particular of the persons for whom such damages shall be claimed, &c.

Construction of Act.

II. **AND** be it enacted, that every such action shall be for the benefit of the wife, husband, parent, and child of the person whose death shall have been so caused, and shall be brought by and in the name of the executor or administrator of the person deceased; and in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought; and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties in such shares as the jury by their verdict shall find and direct.

III. **PROVIDED** always, and be it enacted, that not more than one action shall lie for and in respect of the same subject matter of complaint; and that every such action shall be commenced within twelve calendar months after the death of such deceased person.

IV. **AND** be it enacted, that in every such action the plaintiff on the record shall be required, together with the declaration, to deliver to the defendant or his attorney a full particular of the person or persons for whom and on whose behalf such action shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

V. **AND** be it enacted, that the following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter; that is to say, words denoting the singular number are to be understood to apply also to a plurality of persons or things; and words denoting the masculine gender are to be understood to apply also to persons of the feminine gender; and the word "person" shall apply to bodies politic and corporate; and the word "parent" shall include father and mother, and grandfather and grandmother, and stepfather and stepmother; and the word "child" shall include son and daughter, and grandson and granddaughter, and stepson and stepdaughter.

VI. AND be it enacted, that this Act shall come into operation from and immediately after the passing thereof, and that [Rep., Stat. Law Rev. Act, 1875.] nothing therein contained shall apply to that part of the United Kingdom called Scotland.

Act to take effect on passing, and not to apply to Scotland.

* * * * *

CHAPTER XCV.

AN ACT for the more easy Recovery of Small Debts and Demands in England.
[28th August 1846.]

WHEREAS sundry Acts of Parliament have been passed from time to time for the more easy and speedy recovery of small debts within certain towns, parishes, and places in England: And whereas by an Act passed in the eighth year of the reign of her Majesty, intituled "An Act to amend the laws of insolvency, bankruptcy, and execution," arrest upon final process in actions of debt not exceeding twenty pounds was abolished, except as to certain cases of fraud and other misconduct of the debtors therein mentioned: And whereas by an Act passed in the ninth year of the reign of her said Majesty, intituled "An Act for the better securing the payment of small debts," further remedies were given to judgment creditors, in respect of debts not exceeding twenty pounds, for the discovery of the property of debtors, and punishment of frauds committed by them: And whereas by the last-mentioned Act her Majesty is enabled, with the advice of her privy council, to extend the jurisdiction of certain courts of requests and other courts for the recovery of small debts to all debts and demands, and all damages arising out of any express or implied agreement, not exceeding twenty pounds, and also to enlarge and in certain cases to contract the district of such courts, and make certain other alterations in the practice of such courts, in manner in the now-reciting Act mentioned; and it is expedient that the provisions of such Acts should be amended, and that one rule and manner of proceeding for the recovery of small debts and demands should prevail throughout England: And whereas the county court is a court of ancient jurisdiction, having cognizance of all pleas of personal actions to any amount, by virtue of a writ of justices issued in that behalf: And whereas the proceedings in the county court are dilatory and expensive, and it is expedient to alter and regulate the manner of proceeding in the said courts for the recovery of small debts and demands, and that the courts established under the recited Acts of Parliament, or such of them as ought to be continued, should be holden after the passing of this Act as branches of the county court under the provisions of this Act, and that power should be given to her Majesty to effect these changes at such times and in such manner as may be deemed expedient by her Majesty, with the advice of her privy council: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for her Majesty, with the advice of her privy council, from time to time to order that this Act shall be put in force in such county or counties as to her Majesty, with the advice aforesaid, from time to time shall seem fit; and this Act shall extend to those counties concerning which any such order shall have been made, and not otherwise or elsewhere:

7 & 8 Vict.
c. 96.

8 & 9 Vict.
c. 127.

Her Majesty
may by order
in council
order this
Act to be put
in execution in
any county.

No court to be established in London.

Counties to be divided into districts for holding county courts under this Act.

Part of any county may be included in jurisdiction of county court held in adjoining county.

Courts held under this Act to have jurisdiction of county courts; there shall be a judge for each district, and courts shall be courts of record.

Preserving jurisdiction of county courts as to matters not within jurisdiction of courts held under this Act.

Her Majesty may order any court held under Acts in schedules (A.) and (B.) to be held as a county court under this Act, and may assign a district to the same.

When a court shall be established or

Provided always, that no court shall be established under this Act in the city of London.

II. AND be it enacted, that it shall be lawful for her Majesty, with the advice aforesaid, to divide the whole or part of any such county, including all counties of cities and counties of towns, cities, boroughs, towns, ports, and places, liberties, and franchises, therein contained, or thereunto adjoining, into districts, and to order that the county court shall be holden for the recovery of debts and demands under this Act in each of such districts, and from time to time to alter such districts as to her Majesty, with the advice aforesaid, shall seem fit, and to order from time to time that the number of districts in and for which the court shall be holden shall be increased, until the whole of such county shall be within the provisions of this Act, and, with the advice aforesaid, to alter the place of holding any such court, or to order that the holding of any such court be discontinued, or to consolidate any two or more of such districts, and from time to time, with the advice aforesaid, to declare by what name and in what towns and places the county court shall be holden in each district; and if it shall appear to her Majesty that any part of any county, liberty, city, borough, or district may conveniently be declared within the jurisdiction of the county court of an adjoining county, it shall be lawful for her Majesty, with the advice aforesaid, to order that such part shall be taken to be within the jurisdiction of the county court holden for the purposes of this Act for such adjoining county in and for such district as her Majesty shall order, in like manner as if it were part of such adjoining county.

III. AND be it enacted, that every court to be holden under this Act shall have all the jurisdiction and powers of the county court for the recovery of debts and demands, as altered by this Act, throughout the whole district for which it is holden, and there shall be a judge for each district to be created under this Act, and the county court may be holden simultaneously in all or any of such districts; and every court holden under this Act shall be a court of record.

IV. AND be it enacted, that for all purposes, except those which shall be within the jurisdiction of the courts holden under this Act, the county court shall be holden as if this Act had not been passed;

V. AND be it enacted, that it shall be lawful for her Majesty, with the advice of her privy council, to order that any court holden for the recovery of small debts or demands within the provisions of any Act cited in either of the schedules annexed to this Act, and marked (A.) and (B.) respectively, shall be holden as a county court; and it shall be lawful for her Majesty, with the advice aforesaid, to assign a district to every such court, either greater or less than the district in which the court holden under the provisions of any such Act now has jurisdiction, and to alter the place of holding any such court, or to order that any such court be abolished; and every such court shall continue to be holden under the Act according to which it is now constituted or regulated until the time mentioned in any such order which shall be made with reference to such court; and from and after the time mentioned in any such order the Act or Acts under which such court is now constituted, so far as the same relate to the establishment or jurisdiction or practice of a court for the recovery of small debts or demands, shall be repealed, but not so as to revive any Act thereby repealed; and such court so ordered to be holden as a county court shall thenceforth be holden as a county court under this Act, and in all respects as if it had been originally constituted under the provisions of this Act. [Rep., Stat. Law Rev. Act, 1875.]

VI. AND be it enacted, that as soon as a court shall have been established in any district under this Act, and also at the time mentioned in any such order which shall have been made as aforesaid for holding any of the courts mentioned in either of the

said **schedules** as a county court under this Act, the several provisions and enactments of the said Acts of Parliament of the eighth and of the ninth year of the reign of her Majesty, and of every other Act of Parliament heretofore passed, so far as the same respectively relate to or affect the jurisdiction and practice of the court so established or ordered to be holden as a county court, or give jurisdiction to any court, or to any commissioner of the Court of Bankruptcy, with respect to judgments or orders obtained in the court so established or ordered to be holden as a county court, shall be repealed. [Rep., Stat. Law Rev. Act, 1875.]

ordered to be held under this Act, recited Acts 7 & 8 Vict. c. 96. and 8 & 9 Vict. c. 127., and all other Acts affecting its jurisdiction, repealed.

VIII. AND be it enacted, that any order in council made for the purposes of this Act shall be published in the London Gazette ;

Orders in council to be published in the London Gazette.

IX. AND be it enacted, that the lord chancery shall appoint as many fit persons as are needed to be judges of the county court under this Act, [Rep., Stat. Law Rev. Act, 1875.]

Appointment of judges.

XIII. AND be it enacted, that whenever any order shall be made for holding a court under this Act within the several towns mentioned in the first column of the schedule marked (C.) annexed to this Act, then, upon the next vacancy which shall happen after the passing of this Act in the several offices mentioned in the second column of the said schedule (C.) in conjunction with such courts, the several lords for the time being of the manors and liberties mentioned in the third column of the said schedule (C.) in conjunction with the said courts shall be entitled to appoint persons, properly qualified according to the provisions of this Act, to fill the said offices respectively, subject nevertheless in each case to the approval of one of her Majesty's principal secretaries of state.

Provisions for certain lords of manors having rights of appointment under the Acts hereby repealed.

XIV. AND be it enacted, that it shall be lawful for the lord of any hundred, or of any honor, manor, or liberty, having any court in right thereof in which debts or demands may be recovered, to surrender to her Majesty the right of holding such court, (for any such purpose, with the consent of any steward or other officer, if any, having a freehold office in such court,) or upon the next vacancy in any such freehold office ; and from and after such surrender such court shall be discontinued, and the right of holding such court shall cease, and all proceedings commenced in such court may thereafter be continued, and shall be enforced and executed, as if they had been commenced under the authority of this Act in a county court holden for the district in which the cause of action arose ; but no person shall be entitled to claim any compensation under this Act by reason of any such surrender : Provided always, that the surrender of the right of holding any such court for the recovery of debts and demands shall not be deemed to infer the surrender or loss of any other franchise incident to the lordship of such hundred, honor, manor, or liberty, and that the court thereof may be holden for all other purposes, if any, incident thereunto, as now by law it may.

Lords of manors, &c. may surrender rights of holding courts for recovery of debts, with consent of persons holding offices in such courts.

Rights of holding courts for other purposes not to be affected.

XVI. AND be it enacted, that from time to time when any judge appointed under this Act shall die, resign, or be removed, and the district for which he was appointed shall not be consolidated with any other district, another judge shall be appointed, who shall be a barrister at law who shall be of seven years standing, or who shall have practised as a barrister and special pleader for at least seven years, or who shall have been the county clerk of the same county at the time of the passing of this Act ; and every such appointment shall be

Appointment of judges on vacancies.

made by the lord chancellor, or, where the whole of the district is within the duchy of Lancaster, by the chancellor of the duchy of Lancaster.

Judges of the county court removable for inability, &c.

* * * * *
 XVIII AND be it enacted, that it shall be lawful for the said lord chancellor, or, where the whole of the district is within the duchy of Lancaster, for the chancellor of the said duchy, if he shall think fit, to remove for inability or misbehaviour any such judge already appointed or hereafter to be appointed.

Appointment of deputy judges.

* * * * *
 XX. AND be it enacted, that in case of illness or unavoidable absence, the cause whereof shall be entered on the minutes of the court, it shall be lawful for the judge appointed to hold any court under this Act, or, in case of the inability of the judge to make such appointment, for the lord chancellor, or, where the whole of the district is within the duchy of Lancaster, for the chancellor of the duchy, to appoint some other person, to act as the deputy of such judge during such illness or unavoidable absence; and it shall also be lawful for the judge, with the approval of the said lord chancellor or chancellor of the duchy, to appoint a deputy, , to act for him for any time or times not exceeding in the whole two calendar months in any consecutive period of twelve calendar 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 the judge for whom he shall have been so appointed.

Judges may act as justices, if in the commission of the peace, without property qualification, if not otherwise disqualified.

XXI. AND be it enacted, that every judge of the county court, whose name shall be inserted by her Majesty in any commission of the peace for the county, riding, or division of a county, for which he is appointed judge of the county court, may and shall act in the execution of the office of justice of the peace for the said county, riding, or division, although he may not have such qualification by estate or interest in lands, tenements, and hereditaments as is required by law in the case of other persons being justices of the peace for a county, provided that he be not disqualified by law to act as a justice of the peace for any other cause or upon any other occasion than in respect of the want of such an estate or interest as aforesaid.

Judges, &c. appointed under this Act required to perform certain duties relating to matters depending in the Court of Chancery.

XXII. AND be it enacted, that the judges and other officers to be appointed under this Act shall be authorized and required to perform all such duties in or relating to any causes or matters depending in the High Court of Chancery, or before any judge thereof, or before the lord chancellor in the exercise of any authority belonging to him, necessary or proper to be done in their respective districts, as the lord chancellor shall from time to time by any general order direct, and for this purpose, and subject to the general rules and orders of the said court, shall have and exercise all such authorities as may be duly exercised by the commissioners or other officers of the said court by whom such duties are now usually performed, and shall be entitled to receive the same fees and sums of money as are now payable in respect thereof, to be accounted for and applied by them as the other fees authorized by this Act to be received are directed to be accounted for and applied: Provided always, that the future amount of such fees shall continue subject to the same authority for revising the same to which it is now subject.

XXIII. AND be it enacted, that the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall appoint so many persons as they shall think fit to be treasurers of the courts holden under this Act, [Rep., Stat. Law Rev. Act. 1875.]

Treasury to appoint treasurers of courts holden under this Act.

XXIV. AND be it enacted, that for every court under the authority of this Act there shall be a clerk, who shall be an attorney of one of her Majesty's superior courts of common law, and whom the judge shall be empowered to appoint, subject to the approval of the lord chancellor, ; and in cases requiring the same such assistant clerks as may be necessary shall be provided and paid by the clerk of the court.

Appointment of clerks and assistant clerks.

XXV. AND be it enacted, that it shall be lawful for the lord chancellor, in populous districts in which it shall appear to him expedient, to direct that two persons shall be appointed to execute jointly the office of clerk, under such regulations as to the division of the duties and emoluments of the said office as shall be from time to time made by order of court in case of difference between them, each of such persons being qualified as is herein-before provided in the case of a single clerk ; and where under the provisions of any Act cited in either of the said schedules (A.) and (B.) more than one clerk is now acting in and for the court holden under such Act, the same number of clerks shall be continued, unless it shall seem expedient to the lord chancellor to order that such number be reduced.

In populous districts, lord chancellor may direct two persons to be appointed to execute jointly the office of clerk.

Proviso where more clerks than one are acting in any court holden under any Act in schedules (A.) or (B.)

XXVI. AND be it enacted, that it shall be lawful for the clerk of any such court, with the approval of the judge, or, in case of inability of the clerk to make such appointment, for the judge, to appoint from time to time a deputy, qualified to be appointed clerk of the said court, to act for the clerk of the said court at any time when he shall be prevented by illness or unavoidable absence from acting in such office, and to remove such deputy at his pleasure ; and such deputy, while acting under such appointment, shall have the like powers and privileges, and be subject to the like provisions, duties, and penalties for misbehaviour, as if he were the clerk of the said court for the time being.

In case of illness, &c. of clerk, a deputy may be appointed.

XXVII. AND be it enacted, that the clerk of each court, with such assistant clerks as aforesaid in cases requiring the same, shall issue all summonses, warrants, precepts, and writs of execution, and register all orders and judgments of the said court, and keep an account of all proceedings of the court, and shall take charge of and keep an account of all court fees and fines payable or paid into court, and of all monies paid into and out of court, and shall enter an account of all such fees, fines, and monies in a book belonging to the court, to be kept by him for that purpose, and shall from time to time, at such times as shall be directed by order of the court, submit his accounts to be audited or settled by the treasurer.

Duties of clerks.

XXVIII. AND be it enacted, that it shall not be lawful for the clerk of any court holden under this Act, or the partner of any such clerk, or any person in the service or employment of such clerk or his partner, to act as treasurer of the court ; or for the treasurer, his partner or clerk, or any person in the service or employment of such treasurer or his partner, to act as clerk or high bailiff ; or for the high bailiff, his partner or clerk, or any person in the service or employment of such high bailiff or his partner, to act as treasurer of the court.

Offices of clerk and treasurer, or treasurer and high bailiff, not to be conjoined.

Officers not to act as attorneys in the court.

XXIX. AND be it enacted, that no clerk, treasurer, high bailiff, or other officer of the court shall, either by himself or his partner, be directly or indirectly engaged as attorney or agent for any party in any proceeding in the said court.

Penalty of 50l. on non-observance of either of the two previous enactments.

XXX. AND be it enacted, that every person who, being the clerk of any such court, or the partner of such clerk, or a person in the service or employment of any such clerk or of his partner, shall accept the office of treasurer . . . of such court, or who, being the treasurer of any such court, or the partner of any such treasurer, or a person in the service or employment of any such treasurer or of his partner, shall accept the office of clerk or high bailiff in the execution of this Act, or who, being the high bailiff of such court, or the partner of any such high bailiff, or a person in the service or employment of any such high bailiff or of his partner, shall accept the office of . . . treasurer in the execution of this Act, and also every clerk, treasurer, high bailiff, or other officer of any such court who shall be, by himself or his partner, or in any way, directly or indirectly, concerned as attorney or agent for any party in any proceeding in the said court, shall for every such offence forfeit and pay the sum of fifty pounds to any person who shall sue for the same in any of her Majesty's superior courts of record, by action of debt or on the case.

Appointment of high bailiffs; and bailiffs.

XXXI. AND be it enacted, that for every such court there shall be one or more high bailiffs, whom the judge shall be empowered by order of court to appoint, . . . ; and every such high bailiff shall be empowered, subject to the restrictions herein-after contained, by any writing under his hand to appoint a sufficient number of able and fit persons, not exceeding such number as shall be from time to time allowed by the judge, to be bailiffs, to assist the said high bailiff, and at his pleasure to dismiss all or any of them, and appoint others in their stead; and every bailiff so appointed may also be suspended or dismissed by the judge.

Duties of the high bailiffs, &c.

XXXIII. AND be it enacted, that the said high bailiffs or one of them shall attend every sitting of the court, for such time as shall be required by the judge, unless when their absence shall be allowed for reasonable cause by the judge, and shall, by themselves or by the bailiffs appointed to assist them as aforesaid, serve all the summonses and orders, and execute all the warrants, precepts, and writs, issued out of the court; and the said high bailiffs and bailiffs shall in the execution of their duties conform to all such general rules as shall be from time to time made for regulating the proceedings of the court, as herein-after provided, and, subject thereunto, to the order and direction of the judge; . . . ; and every such high bailiff shall be responsible for all the acts and defaults of himself and of the bailiffs appointed to assist him, in like manner as the sheriff of any county in England is responsible for the acts and defaults of himself and his officers.

High bailiffs to be responsible for bailiffs.

Treasurers, clerks, and high bailiffs to give security.

XXXVI. AND be it enacted, that the treasurer, clerk, and high bailiff of every court holden under this Act who may receive any monies in the execution of his duty shall give security, for such sum and in such manner and form as the commissioners of her Majesty's Treasury from time to time shall order, for the due performance of their several offices, and for the due accounting for

and payment of all monies received by them under this Act, (or which they may become liable to pay for any misbehaviour in their office.)

XXXVII. AND be it enacted, that there shall be payable on every proceeding in the courts holden under this Act, to the judges, clerks, and high bailiffs of the several courts, such fees as are set down in the schedule marked (D.) to this Act annexed, or which shall be set down in any schedule of fees reduced or altered under the power herein-after contained for that purpose, and none other; and a table of such fees shall be put up in some conspicuous place in the court house and in the clerk's office; and the fees on every proceeding shall be paid in the first instance by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding, and in default payment thereof shall be enforced, by order of the judge, by such ways and means as any debt or damage ordered to be paid by the court can be recovered; and the fees upon executions shall be paid into court at the time of the issue of the warrant of execution, and shall be paid by the clerk of the court to the bailiff upon the return of the warrant of execution, and not before: Provided always, that it shall be lawful for one of her Majesty's principal secretaries of state, with the consent of the commissioners of her Majesty's Treasury, to lessen the amount of the fees to be taken in the courts holden under this Act in such manner as to him shall seem fit, and again to increase such fees, so that the scale of fees given in the schedule to this Act be not in any case surpassed; [Rep., 19 & 20 Vict. c. 108. s. 2.]

Fees to be taken according to schedule (D.), and tables to be exhibited in conspicuous places.

Fees may be reduced.

XXXVIII. AND be it enacted, that every person who is entitled to any franchise, right of appointment, or office, under any of the Acts under which any court mentioned in the said schedule (A.) is holden, and every person who shall have been entitled to any fees or salary for his services in the execution of any of the same Acts, or for the issue of any writs to the sheriff out of the High Court of Chancery, and also every person who is entitled to any franchise or right of appointment to hold office in any court in any district in which the county court had not jurisdiction before the passing of this Act, and in which district a court shall be established under the provisions of this Act, and also every person holding any office in any such last-mentioned court whose franchise or right of appointment or office shall be affected, abolished, or taken away, or whose emoluments shall be diminished or taken away, under the operation of this Act, shall be entitled to make a claim for compensation to the commissioners of her Majesty's Treasury within six calendar months after the passing of this Act, or after the alteration of such court; and it shall be lawful for the said commissioners, in such manner as they shall think proper, to inquire what was the nature of the franchise or right of appointment, and what was the tenure of any such office, and what were the lawful fees and emoluments in respect of which such compensation should be allowed; and the commissioners in each case shall award such gross or yearly sum, and for such time, as they shall think just to be awarded upon consideration of the special circumstances of each case; and all such compensations shall be paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland: Provided always, that if any person holding any office in any of the said courts shall be appointed after the passing of this Act to any public office or employment, the payment of the compensation awarded to him under this Act, so long as he shall continue to receive the salary or emoluments of such office or employment, shall be suspended, if the amount of such salary or emoluments is greater than the amount of such compensation, or if not, shall be diminished by the amount of such salary or emoluments: Provided also, that nothing in this Act contained shall be deemed to entitle any person to compensation for the loss or diminution of the profits of any office to which he shall have been appointed under any Act containing a provision, either that he is not to be entitled to compensation for the loss or diminution of the profits of his office, or that such Act should cease on or within a limited time after the passing of any general Act for the recovery of small debts, or under the provisions of either of the said Acts of the eighth year of her Majesty and of the ninth year of her Majesty. [Rep., Stat. Law Rev. Act, 1875.]

Compensation for persons whose rights or emoluments will be diminished.

XXXIX. AND be it enacted, that it shall be lawful for her Majesty, with the advice of her privy council, to order that the judges, clerks, bailiffs, and officers of the courts holden under this Act, or any of them, shall be paid by salaries instead of fees, or in any manner other than is provided by this Act [Rep., 13 & 14 Vict. c. 61. s. 7.]; and if her Majesty shall be pleased, with the advice aforesaid, to order that any such court shall be abolished, or that the district for which

Judges and officers of courts may be paid by salaries instead of fees.

If any court is abolished or

district consolidated, no compensation allowed, except in certain cases.

any such court is holden shall be consolidated with any other district, or if any Act shall be passed whereby it shall be provided that the said courts or any of them shall be abolished, or otherwise constituted than is provided by this Act, no such clerk or bailiff, nor any judge, county clerk, treasurer, or other officer of any such court, shall be entitled to any compensation on account of ceasing to hold his office, or to receive the fees allowed by this Act, or on account of his emoluments being affected by such abolition or alteration, unless he shall have presided or acted as judge, assessor, county clerk, treasurer, clerk, bailiff, or other officer, before the passing of this Act, in any of the courts mentioned in the schedule (A.) to this Act annexed, in which case he shall be entitled to compensation for the loss of his fees or emoluments, in like manner and subject to the same regulations as he would have been entitled thereto under the provisions herein contained in case he had been deprived of any fees or emoluments by reason of the passing of this Act ;

Salaries of judges and clerks.

XL. AND be it enacted, that the greatest salaries to be received in any case by the judges and clerks of the courts holden under this Act shall be twelve hundred pounds by a judge and six hundred pounds by a clerk, exclusive of all salaries to his clerks employed in the business of the court, and other expences incidental to his office, [Rep., Stat. Law Rev. Act, 1875.] : Provided always, that it shall be lawful for the commissioners of her Majesty's Treasury to allow in each case such sum as they shall in each case deem reasonable to defray travelling expences, with reference to the size and circumstances of each district.

Allowances for travelling expences.

Fees and fines to be accounted for by clerk to treasurer.

XLI. AND be it enacted, that the clerk of every court holden under this Act, from time to time as often as he shall be required so to do by the treasurer or judge of the court, and in such form as the treasurer or judge shall require, shall deliver to the treasurer a full account in writing of the fees received in that court under the authority of this Act, and a like account of all fines levied by the court, and of the expences of levying the same,

Accounts of clerks and officers to be audited and settled by treasurers, and balances paid over.

XLII. AND be it enacted, that the treasurer of every court holden under this Act shall from time to time, quarterly or oftener, as shall be directed by order of the court, audit and settle the accounts of the clerk and other officers of the court, and shall receive the balance of the various monies which such clerk and other officers shall have received under this Act, and shall make all such payments as it shall be requisite to make thereout in accordance with the provisions of this Act, and shall from time to time pay the balance remaining in his hands, or so much thereof as he shall be directed to pay, into such bank, or otherwise, as shall be directed by the commissioners of her Majesty's Treasury.

Commissioners of Treasury to direct how balances shall be secured, accounted for, and applied.

XLIV. AND be it enacted, that the commissioners of her Majesty's Treasury shall from time to time make such rules as to them shall seem meet for securing the balances and other sums of money in the hands of any officers of every court holden under this Act, and for the due accounting for and application of all such balances and other sums of money.

Accounts of treasurers to be audited.

XLV. AND be it enacted, that the accounts to be kept by the several treasurers on account of the said courts shall be examined and audited by the commissioners for auditing the public accounts of Great Britain, [Rep., Stat. Law Rev. Act, 1873]

XLVI. AND be it enacted, that the clerk of every such court shall once in every year, and oftener if required, on such day as shall be appointed by the commissioners of her Majesty's Treasury, make out and send to the said commissioners of audit an account of all sums paid over by him to the treasurer of the court, including all unclaimed balances carried to the account of the general fund, as herein-after provided; and every such account, duly vouched by receipts given under the hand of the treasurer, shall be a voucher to charge the treasurer in his account before the said commissioners of audit.

Clerks to send to commissioners of audit accounts of all sums paid to treasurers.

* * * * *

XLIX. AND be it enacted, that it shall be lawful for any court holden under this Act, with the approval of one of her Majesty's principal secretaries of state, to use as a prison for the purposes of this Act any prison now belonging to any court holden under any of the Acts cited in the said schedules (A.) and (B.), in all cases where it shall appear to the said secretary of state that the common gaol or house of correction of the county, district, or place in which the court is established is inconveniently situated, or is not applicable for the use of the said courts; and whenever any such prison shall be so allowed to be used it shall be deemed one of the common gaols of the county for which it shall be used, as if it had been provided, after presentment of the insufficiency of one common gaol for such county, under the provisions of an Act passed in the sixth year of the reign of her Majesty, intituled "An Act to amend the laws concerning prisons," or where such prison shall be situated within a borough having a separate court of sessions of the peace, it shall be deemed a house of correction for such borough.

Where common gaols are inconvenient, prisons belonging to courts under Acts cited in schedules (A.) and (B.) may be used.

5 & 6 Vict. c. 98.

* * * * *

LII. AND be it enacted, that for raising a fund for providing a court house and offices, and for paying off any monies which may be borrowed as aforesaid, and the interest due in respect thereof, the clerk of every court holden under the authority of this Act, in which and while it shall be necessary to raise such fund, shall demand and receive from the plaintiff in any suit brought in that court the sum of sixpence, when the debt or damage claimed shall exceed twenty shillings and shall not exceed forty shillings, and for every claim exceeding forty shillings one twentieth part thereof, neglecting any sum less than sixpence in estimating such twentieth part, or such other sum in either case, not exceeding the rates herein-before mentioned, as one of her Majesty's principal secretaries of state, with the consent of the commissioners of her Majesty's Treasury, from time to time shall order, which sum, if not paid in the first instance by the plaintiff upon suit brought in the court, may be deducted from the sum recovered for the plaintiff, and shall be considered as costs in the cause; and the clerk of the court shall keep an account of all monies so paid to him, and shall pay over the amount from time to time to the treasurer of the court, and the amount thereof shall accumulate, to form a fund to be called "The General Fund of the County Court of _____ at _____," and shall be applied in the first place toward paying the interest of the several sums so borrowed, and in the second place toward paying the rent and other expences necessarily incurred in holding the court, and in the third place toward paying off the several principal sums borrowed, in the order in which they were borrowed, and in the fourth place toward defraying the other expences herein charged on the said general fund, in such manner as the judge, with the approval of one of her Majesty's principal secretaries of state, shall direct; and the surplus which shall from time to time accumulate, after providing for all the said expences, shall be paid over to the credit of the consolidated fund of the United Kingdom of Great Britain and Ireland; subject, nevertheless, to any charge which may arise from any future deficiency of the same fund. [Rep., 19 & 20 Vict. c. 108. s. 2.]

A general fund to be raised for every court for purposes herein mentioned.

Places and times of holding courts.

Notices of times for holding courts to be put up in court house and clerk's office.

Process of the court to be under seal.

Forging seal or process felony.

Jurisdiction of the court.

To what cases jurisdiction shall not extend.

Suits to be by plaintiff.

Issue and service of summons.

LVI. AND be it enacted, that the judge of each district shall attend and hold the county court at each place where her Majesty shall have ordered that the county court shall be holden within his district, at such times as he shall appoint for that purpose, so that a court shall be holden in every such place once at least in every calendar month, or such other interval as one of her Majesty's principal secretaries of state shall in each case order; and notice of the days on which the court will be holden shall be put up in some conspicuous place in the court house and in the office of the clerk of the court, and no other notice thereof shall be needed; and whenever any day so appointed for holding the court shall be altered, notice of such intended alteration, and of the time when it will take effect, shall be put up in some conspicuous place in the court house and in the clerk's office.

LVII. AND be it enacted, that for every court holden under this Act there shall be made a seal of the court, and all summonses and other process issuing out of the said court shall be sealed or stamped with the seal of the court; and every person who shall forge the seal or any process of the court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of the said court, knowing the same to be false, or who shall act or profess to act under any false colour or pretence of the process of the said court, shall be guilty of felony.

LVIII. AND be it enacted, that all pleas of personal actions, where the debt or damage claimed is not more than twenty pounds, whether on balance of account or otherwise, may be holden in the county court, without writ; and all such actions brought in the said court shall be heard and determined in a summary way in a court constituted under this Act, and according to the provisions of this Act: Provided always, that the court shall not have cognizance of any action of ejectment, or in which the title to any corporeal or incorporeal hereditaments, or to any toll, fair, market, or franchise, shall be in question, or in which the validity of any devise, bequest, or limitation under any will or settlement may be disputed, or for any malicious prosecution, or for any libel or slander, . . . , or for seduction, or breach of promise of marriage.

LIX. AND be it enacted, that, on the application of any person desirous to bring a suit under this Act, the clerk of the court shall enter in a book to be kept for this purpose in his office a plaintiff in writing, stating the names and the last known places of abode of the parties, and the substance of the action intended to be brought, every one of which plaintiffs shall be numbered in every year according to the order in which it shall be entered; and thereupon a summons, stating the substance of the action, and bearing the number of the plaintiff on the margin thereof, shall be issued under the seal of the court according to such form, and be served on the defendant so many days before the day on which the court shall be holden at which the cause is to be tried, as shall be directed by the rules made for regulating the practice of the court, as herein-after provided; and delivery of such summons to the defendant, or in such other manner as shall be specified in the rules of practice, shall be deemed good service; and no misnomer or inaccurate description of any person or place in any such plaintiff or summons shall vitiate the same, so that the person or place be therein described so as to be commonly known.

* * * * *

LXI. AND be it enacted, that any summons or other process which under this Act shall be required to be served out of the district of the court from which the same shall have issued may be served by the bailiff of any court holden under this Act in any part of England, and such service shall be as valid as if the same had been made by the bailiff of the court out of which such summons or other process shall have issued within the jurisdiction of the court for which he acts.

Processes to be served out of district of court may be served by bailiff of any other court.

[LXII.*] AND be it enacted, that service of any summons or other process of the court which shall require to be served out of the district of the court may be proved by affidavit, purporting to be sworn before any person now authorized by law to take affidavits; and the fee for taking such affidavit shall not be more than one shilling, and shall be costs in the cause; and in every case of the unavoidable absence of the bailiff by whom any summons or other process of the court shall have been served the service of such summons or other process may be proved, if the judge shall think fit, in the same manner as a summons served out of the district of the court, but without additional charge to either of the parties to the suit.

Proof of service of process out of the district, or in the absence of the bailiff.

LXIII. AND be it enacted, that it shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more suits in any of the said courts, but any plaintiff having cause of action for more than twenty pounds, for which a plaint might be entered under this Act if not for more than twenty pounds, may abandon the excess, and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding twenty pounds; and the judgment of the court upon such plaint shall be in full discharge of all demands in respect of such cause of action, and entry of the judgment shall be made accordingly.

Demands not to be divided for the purpose of bringing two or more suits, but plaintiff, on abandoning the excess of his claim over 20*l.*, may recover that sum, and the judgment shall bar all further demands.

LXIV. AND be it enacted, that it shall be lawful for any person under the age of twenty-one years to prosecute any suit in any court holden under this Act for any sum of money not greater than twenty pounds which may be due to him for wages or piece-work, or for work as a servant, in the same manner as if he were of full age.

Minors may sue for wages.

LXV. AND be it enacted, that the jurisdiction of the county court under this Act shall extend to the recovery of any demand, not exceeding the sum of twenty pounds, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will.

Jurisdiction in cases of partnership, intestacies, and legacies.

LXVI. AND be it enacted, that it shall be lawful for any executor or administrator to sue and be sued in any court holden under this Act in like manner as if he were a party in his own right; and judgment and execution shall be such as in the like case would be given or issued in any superior court.

Executors may sue and be sued.

LXVII. AND be it enacted, that no privilege, except as herein-after excepted, shall be allowed to any person to exempt him from the jurisdiction of any court holden under this Act.

No privilege allowed.

LXVIII. AND be it enacted, that where any plaintiff shall have any demand recoverable under this Act against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with process, and judgment

One of several persons liable may be sued;

[* So much of section 62 as requires the service of a summons or other process to be proved by affidavit, rep., 38 & 39 Vict. c. 50. s. 12.]

and may recover contributions from the others.

may be obtained and execution issued against the person or persons so served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the jurisdiction of the court; and every such person against whom judgment shall have been obtained under this Act, and who shall have satisfied such judgment, shall be entitled to demand and recover in the county court under this Act contribution from any other person jointly liable with him.

Judge alone to determine all questions, unless a jury be summoned.

LXIX. AND be it enacted, that the judge of the county court shall be the sole judge in all actions brought in the said court, and shall determine all questions as well of fact as of law, unless a jury shall be summoned as herein-after mentioned; and no suitors shall in any case be summoned to hold or have any jurisdiction in any court holden under this Act.

Actions may be tried by a jury when parties require it.

LXX. AND be it enacted, that in all actions where the amount claimed shall exceed five pounds it shall be lawful for the plaintiff or defendant to require a jury to be summoned to try the said action; and in all actions where the amount claimed shall not exceed five pounds it shall be lawful for the judge, in his discretion, on the application of either of the parties, to order that such action be tried by a jury; and in every case such jury shall be summoned according to the provisions herein-after contained: Provided always, that the party requiring a jury to be summoned shall give to the clerk of the court, or leave at his office, such notice thereof as shall be directed by the rules made for regulating the practice of the court, as herein-after provided; and the said clerk shall cause notice of such demand of a jury, made either by the plaintiff or defendant, to be communicated to the other party to the said action, either by post, or by causing the same to be delivered at his usual place of abode or business; but it shall not be necessary for either party to prove on the trial that such notice was communicated to the other party by the clerk.

Party requiring jury to make a deposit.

LXXI. AND be it enacted, that every party requiring any jury to be summoned shall at the time of giving the said notice, and before he shall be entitled to have such jury summoned, pay to the clerk of the court the sum of five shillings for payment of the jury, and such sum shall be considered as costs in the cause, unless otherwise ordered by the judge.

Lists and summoning of jurors.

LXXII. AND be it enacted, that the sheriff of every county, and the high bailiffs of Westminster and Southwark, shall cause to be delivered to the clerk of the court a list of persons qualified and liable to serve as jurors in the courts of assize and nisi prius for their county, city, and borough respectively, within fourteen days from the receipt of the jury book from the clerk of the peace of the county or other officer, each list containing only the names of persons residing within the jurisdiction of the court, for which list the said sheriffs and high bailiffs shall be entitled to receive a fee after the rate of two-pence for every folio of seventy-two words; and whenever a jury shall be required the clerk of the court shall cause so many of the persons named in the list as shall be needed in the opinion of the judge to be summoned to attend the court at a time and place to be mentioned in the summons, and shall administer or cause to be administered to such of them as shall be impannelled to try any cause or causes an oath to give true verdicts according to the evidence; and the persons so summoned shall attend at the court at the time mentioned in the summons, and in default of attendance

Default of attendance.

shall forfeit such sum of money as the judge shall direct, not being more than five pounds for each default; and the delivery of such summons to the person whose attendance is required on such jury, or delivery thereof to his wife or servant, or any inmate at his usual place of abode, trading, or dealing, shall be deemed good service: Provided always, that no person shall be summoned or compelled to serve on such jury more than twice within one year, or who shall have been summoned and shall have attended upon any jury at the assizes, or any court of nisi prius, or at the central criminal court for the same county, within six calendar months next before the delivery of such summons.

Proviso as to attendance more than twice a year, or after attendance at assizes, &c.

LXXIII. AND be it enacted, that whenever there are any jury trials five jurymen shall be impanelled and sworn, as occasion shall require, to give their verdicts in the causes which shall be brought before them in the said court, and being once sworn shall not need to be re-sworn in each trial; and either of the parties to any such cause shall be entitled to his lawful challenge against all or any of the said jurors, in like manner as he would be entitled in any superior court; and the jurymen so sworn shall be required to give an unanimous verdict.

Number of the jury.

Challenges.

Verdict to be unanimous.

LXXIV. AND be it enacted, that on the day in that behalf named in the summons the plaintiff shall appear, and thereupon the defendant shall be required to appear to answer such plaint; and on answer being made in court the judge shall proceed in a summary way to try the cause, and give judgment, without further pleading or formal joinder of issue.

Hearing the plaint.

LXXV. AND be it enacted, that no evidence shall be given by the plaintiff, on the trial of any such cause as aforesaid, of any demand or cause of action, except such as shall be stated in the summons hereby directed to be issued.

No evidence to be given of any cause of action not stated in summons.

LXXVI. AND be it enacted, that no defendant in any court holden under this Act shall be allowed to set off any debt or demand claimed or recoverable by him from the plaintiff, or to set up by way of defence and to claim and have the benefit of infancy, coverture, or any statute of limitations, or of his discharge under any statute relating to bankrupts, or any Act for relief of insolvent debtors, without the consent of the plaintiff, unless such notice thereof as shall be directed by the rules made for regulating the practice of the court shall have been given to the clerk of the court; and in every case in which the practice of the court shall require such notice to be given the clerk of the court shall, as soon as conveniently may be after receiving such notice, communicate the same to the plaintiff by the post, or by causing the same to be delivered at his usual place of abode or business; but it shall not be necessary for the defendant to prove on the trial that such notice was communicated to the plaintiff by the clerk.

Notices of special defences to be given to the clerk, who shall communicate the same to the plaintiff.

LXXVII. AND be it enacted, that the judge may in any case, with the consent of both parties to the suit, order the same, with or without other matters within the jurisdiction of the court in dispute between such parties, to be referred to arbitration, to such person or persons, and in such manner, and on such terms, as he shall think reasonable and just; and such reference shall not be revocable by either party, except by consent of the judge; and the award of the arbitrator or arbitrators or umpire shall be entered as the judgment in the cause, and shall be as binding and effectual to all intents as if given by the judge; provided that the judge may, if he think fit, on application to him at the first court held after the expiration of one week after the

Suits may be settled by arbitration.

Judgments
how far final.

LXXXIX. AND be it enacted, that every order and judgment of any court holden under this Act, except as herein provided, shall be final and conclusive between the parties, but the judge shall have power to nonsuit the plaintiff in every case in which satisfactory proof shall not be given to him entitling either the plaintiff or defendant to the judgment of the court, and shall also in every case whatever have the power, if he shall think fit, to order a new trial to be had upon such terms as he shall think reasonable, and in the meantime to stay the proceedings.

New trial.

No actions to
be removed
into superior
courts but on
certain con-
ditions.

XC. AND be it enacted, that no plaint entered in any court holden under this Act shall be removed or removable from the said court into any of her Majesty's superior courts of record by any writ or process, unless the debt or damage claimed shall exceed five pounds, and then only by leave of a judge of one of the said superior courts, in cases which shall appear to the judge fit to be tried in one of the superior courts, and upon such terms as to payment of costs, giving security for debt or costs, or such other terms, as he shall think fit.

Who may
appear for any
party.

XCI. AND be it enacted, that no person shall be entitled to appear for any other party to any proceeding in any of the said courts unless he be an attorney of one of her Majesty's superior courts of record, or a barrister at law instructed by such attorney on behalf of the party, or, by leave of the judge, any other person allowed by the judge to appear instead of such party; but no barrister, attorney, or other person, except by leave of the judge, shall be entitled to be heard to argue any question as counsel for any other person in any proceeding in any court holden under this Act [Rep., 15 & 16 Vict. c. 54. s. 10.]; and no person, not being an attorney admitted to one of her Majesty's superior courts of record, shall be entitled to have or recover any sum of money for appearing or acting on behalf of any other person in the said court; and no attorney shall be entitled to have or recover therefore any sum of money, unless the debt or damage claimed shall be more than forty shillings, or to have or recover more than ten shillings for his fees and costs, unless the debt or damage claimed shall be more than five pounds, or more than fifteen shillings in any case within the summary jurisdiction given by this Act; and in no case shall any fee exceeding one pound three shillings and sixpence be allowed for employing a barrister as counsel in the cause; and the expence of employing a barrister or an attorney, either by plaintiff or defendant, shall not be allowed on taxation of costs in the case of a plaintiff where less than five pounds is recovered, or in the case of a defendant where less than five pounds is claimed, or in any case unless by order of the judge.

Costs and fees
of attorneys
and counsel.

Court may
make orders
for payment
by instalments.

XCII. AND be it enacted, that the judge may make orders concerning the time or times and by what instalments any debt or damages or costs for which judgment shall be obtained in the said court shall be paid, and all such monies shall be paid into court, unless the judge shall otherwise direct. [Rep., 19 & 20 Vict. c. 108. s. 2.]

Execution on
cross judg-
ments.

XCIII. AND be it enacted, that if there shall be cross judgments between the parties execution shall be taken out by that party only who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the remainder shall be entered, as well as satisfaction on the judgment for the smaller sum, and if both sums shall be equal satisfaction shall be entered upon both judgments.

Court may
award ex-
ecution against
goods.

XCIV. AND be it enacted, that whenever the judge shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the party against whom such order shall be made; and the clerk of the said

summons, and of all proceedings thereon, shall be deemed costs in the cause. [Rep. 32 & 33 Vict. c. 83. s. 20.]

Parties summoned and refusing to attend or answer, or proved to have incurred debts, &c. under false pretences, or to have means to pay, may be committed.

XCIX. AND be it enacted, that if the party so summoned shall not attend as required by such summons, and shall not allege a sufficient excuse for not attending, or shall, if attending, refuse to be sworn, or to disclose any of the things aforesaid, or if he shall not make answer touching the same to the satisfaction of such judge, or if it shall appear to such judge, either by the examination of the party or by any other evidence, that such party, if a defendant, in incurring the debt or liability which is the subject of the action in which judgment has been obtained has obtained credit from the plaintiff under false pretences, or by means of fraud or breach of trust, or has wilfully contracted such debt or liability without having had at the same time a reasonable expectation of being able to pay or discharge the same, or shall have made or caused to be made any gift, delivery, or transfer of any property, or shall have charged, removed, or concealed the same, with intent to defraud his creditors or any of them, or if it shall appear to the satisfaction of the judge of the said court that the party so summoned has then, or has had since the judgment obtained against him, sufficient means and ability to pay the debt or damages or costs so recovered against him, either altogether, or by any instalment or instalments which the court in which the judgment was obtained shall have ordered, and if he shall refuse or neglect to pay the same as shall have been so ordered, or as shall be ordered pursuant to the power herein-after provided, it shall be lawful for such judge, if he shall think fit, to order that any such party may be committed to the common gaol or house of correction of the county, district, or place in which the party summoned is resident, or to any prison which shall be provided as the prison of the court, for any period not exceeding forty days. [Rep., 32 & 33 Vict. c. 83. s. 20.]

Power to examine and commit at hearing of the cause as well as after judgment.

CI. AND be it enacted, that in every case where the defendant in any suit brought in any county court shall have been personally served with the summons to appear or shall personally appear at the trial of the same, the judge at the hearing of the cause, or at any adjournment thereof, if judgment shall be given against the defendant, shall have the same power and authority of examining the defendant and the plaintiff and other parties touching the several things herein-before mentioned, and of committing the defendant to prison, and of making an order, as he might have and exercise under the provisions herein-before contained in case the plaintiff had obtained a summons for that purpose after the judgment obtained as herein-before mentioned. [Rep., 32 & 33 Vict. c. 83. s. 20.]

Mode of issuing and executing warrants of commitment.

CII. AND be it enacted, that whenever any order of commitment shall have been made as aforesaid the clerk of the said court shall issue under the seal of the court a warrant of commitment, directed to one of the bailiffs of any county court, who by such warrant shall be empowered to take the body of the person against whom such order shall be made; and all constables and other peace officers within their several jurisdictions shall aid in the execution of every such warrant; and the gaoler or keeper of every gaol, house of correction, and prison mentioned in any such order shall be bound to receive and keep the defendant therein until discharged under the provisions of this Act, or otherwise by due course of law;

How execution may be had or order of commitment executed out of the jurisdiction of the court.

CIV. AND be it enacted, that in all cases where a warrant of execution shall have issued against the goods and chattels of any party, or an order for his commitment shall have been made under this Act, and such party, or his goods and chattels, shall be out of the jurisdiction of the court, it shall be lawful for the high bailiff of the court to send such warrant of execution or of commitment to the clerk of any other court constituted under this Act, within the jurisdiction of which such party, or his goods and chattels, shall then be or be believed to be, with a warrant thereto annexed, under the hand of the high bailiff and seal of the court from which the original warrant issued, requiring execution of the same, and the clerk of the court to which the same shall be sent shall seal or stamp the same with the seal of his court, and issue the same

No execution shall be stayed by writ of error.

CVIII. AND be it enacted, that no judgment or execution shall be stayed, delayed, or reversed, upon or by any writ of error, or superseas thereon, to be sued for the reversing of any judgment given in any court holden under the provisions of this Act.

Execution to be superseded on payment of debt and costs.

CIX. AND be it enacted, that in or upon every warrant of execution issued against the goods and chattels of any person whomsoever the clerk of the court shall cause to be inserted or endorsed the sum of money and costs adjudged, with the sums allowed by this Act as increased costs for the execution of such warrant; and if the party against whom such execution shall be issued shall, before an actual sale of the goods and chattels, pay or cause to be paid or tendered unto the clerk of the court out of which such warrant of execution has issued, or to the bailiff holding the warrant of execution, such sum of money and costs as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt or damages and costs, together with the fees herein directed to be paid, the execution shall be superseded, and the goods and chattels of the said party shall be discharged and set at liberty.

Debtor to be discharged from custody upon payment of debt and costs.

CX. AND be it enacted, that any person imprisoned under this Act who shall have paid or satisfied the debt or demand, or the instalments thereof payable, and costs remaining due at the time of the order of imprisonment being made, together with the costs of obtaining such order, and all subsequent costs, shall be discharged out of custody, upon the certificate of such payment or satisfaction, signed by the clerk of the court, by leave of the judge of the court in which the order of imprisonment was made.

Minutes of proceedings to be kept.

CXI. AND be it enacted, that the clerk of every court holden under this Act shall cause a note of all complaints and summonses, and of all orders, and of all judgments and executions, and returns thereto, and of all fines, and of all other proceedings of the court, to be fairly entered from time to time in a book belonging to the court, which shall be kept at the office of the court; and such entries in the said book, or a copy thereof bearing the seal of the court, and purporting to be signed and certified as a true copy by the clerk of the court, shall at all times be admitted in all courts and places whatsoever as evidence of such entries, and of the proceeding referred to by such entry or entries, and of the regularity of such proceeding, without any further proof.

Entries and certified copies to be evidence.

Suitors' money unclaimed in six years to go to general fund.

CXII. AND be it enacted, that the clerk or clerks of every such court shall in the month of March in each year make out a correct list of all sums of money belonging to suitors in the court which shall have been paid into court, and which shall have remained unclaimed for five years before the first day of the month of January then last past, specifying the names of the parties for whom or on whose account the same were so paid into court; and a copy of such list shall be put up and remain during court hours in some conspicuous part of the court house, and at all times in the clerk's office; and all sums of money which shall have been paid into any such court, to the use of any suitor or suitors thereof, and which shall have remained unclaimed for the period of six years before the passing of this Act, and which are now in the hands of any commissioner, trustee, judge, or officer of such court, or otherwise held in trust for such suitors, and all further sums of money which shall hereafter be paid into any such court, to the use of any suitor or suitors thereof, shall, if unclaimed for the period of six years after the same shall have been so paid into court, be applicable as part of the general fund of the court, and shall be

the attendance of witnesses in any case may be enforced, and to make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as he shall think just; and also, if he shall think fit, to impose such fine upon the clerk, bailiff, or officer, not exceeding ten pounds for each offence, as he shall deem adequate; and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said court.

Officers taking fees besides those allowed to be disqualified, and liable in damages.

CXVII. AND be it enacted, that every treasurer, clerk, bailiff, or other officer employed in putting this Act or any of the powers thereof in execution, who shall wilfully and corruptly exact, take, or accept any fee or reward whatsoever, other than and except such fees as are or shall be appointed and allowed respectively as aforesaid, for or on account of any thing done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, shall, upon proof thereof before the said court, and, in the case of a clerk, treasurer, or high bailiff, on allowance of the finding of the court by the lord chancellor, be for ever incapable of serving or being employed under this Act in any office of profit or emolument, and shall also be liable for damages as herein provided.

Actions of replevin may be brought without writ.

CXIX. AND be it declared and enacted, that all actions of replevin in cases of distress for rent in arrear or damage faisant which shall be brought in the county court shall be brought without writ in a court held under this Act.

Plaints where to be entered in such actions.

CXX. AND be it enacted, that in every such action of replevin the plaintiff shall be entered in the court holden under this Act for the district wherein the distress was taken.

Possession of small tenements may be recovered by plaintiff in county court.

CXXII. AND be it enacted, that when and so soon as the term and interest of the tenant of any house, land, or other corporeal hereditament, where the value of the premises or the rent payable in respect of such tenancy did not exceed the sum of fifty pounds by the year, and upon which no fine shall have been paid, shall have ended, or shall have been duly determined by a legal notice to quit, and such tenant, or, if such tenant do not actually occupy the premises, or occupy only a part thereof, any person by whom the same or any part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up possession of the premises, or of such part thereof respectively, it shall be lawful for the landlord or his agent to enter a plaintiff in the county court to be holden under this Act, and thereupon a summons shall issue to the person so neglecting or refusing; and if the tenant or occupier shall not thereupon appear at the time and place appointed, and show cause to the contrary, and shall still neglect or refuse to deliver up possession of the premises, or of such part thereof of which he is then in possession, to the said landlord or his agent, it shall be lawful for such landlord or agent to give to the court proof of the holding, and of the end or other determination of the tenancy, with the time or manner thereof, and, where the title of the landlord has accrued since the letting of the premises, the right by which he claims the possession; and upon proof of service of the summons, and of the neglect or refusal of the tenant or occupier, as the case may be, it shall be lawful for the judge to issue a warrant under the seal of the court to any bailiff of the court, requiring and authorizing him, within a period to be therein named, not less than seven or more than ten clear days from the date of such warrant, to give possession of the premises to such landlord or agent; and such warrant shall be a sufficient warrant to the said bailiff to enter upon the premises, with such assistants as he shall deem necessary, and to give possession accordingly: Provided always, that entry upon any such warrant shall not be made on a Sunday, Good Friday, or Christmas Day, or at any time except between the hours of nine in the morning and four in the afternoon: Provided also, that nothing

If tenant, &c. neglect to appear, or refuse to give possession, judge may, on proof of service of summons, issue a warrant to enforce the same.

he give security
for reappear-
ance.

offender shall give sufficient security, to the satisfaction of such justice, for his appearance before him on such day as shall be appointed for the return of such warrant of distress, such day not being more than eight days from the time of taking any such security, which security such justice shall be empowered to take by way of recognizance or otherwise, as to him shall seem fit.

In default
of distress,
offender may
be committed.

CXXXII. AND be it enacted, that if upon return of such warrant it shall appear that no sufficient distress can be had thereupon, or in case it shall appear to the satisfaction of such justice, either by confession of the offender or otherwise, that he hath not within the jurisdiction of such justice sufficient goods and chattels whereon to levy all such penalties, forfeitures, costs, and charges, such justice may, at his discretion, without issuing any warrant of distress, commit the offender to the common gaol or house of correction for any time not exceeding three calendar months, unless such penalties, forfeitures, and fines, and all reasonable charges attending the recovery thereof, shall be sooner paid and satisfied.

Penalties not
otherwise
applied to be
paid into the
general fund.

CXXXIII. AND be it enacted, that the monies arising from any such penalties, forfeitures, and fines as aforesaid, when paid and levied, shall (if not by this Act directed to be otherwise applied) be from time to time paid to the clerk of the court, and shall be applied in aid of the general fund thereof.

Justices may
proceed by
summons in
the recovery
of penalties.

CXXXIV. AND be it enacted, that in all cases in which by this Act any penalty or forfeiture is made recoverable before a justice of the peace, it shall be lawful for such justice to summon before him the party complained against, and on such summons to hear and determine the matter of such complaint, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed to recover the same, although no information in writing shall have been exhibited before him; and all such proceedings by summons, without information in writing, shall be as valid and effectual, to all intents and purposes, as if an information in writing had been exhibited.

Form of
conviction.

CXXXV. AND be it enacted, that in all cases where any conviction shall be had for any offence committed against this Act the form of conviction may be in the words or to the effect following; (that is to say,)

' **B**E it remembered, that on this day of in the year of our
' Lord A.B. is convicted before , of her Majesty's
' justices of the peace for the , [or before a judge appointed
' under an Act passed in the year of the reign of her Majesty Queen
' Victoria, intituled, *here insert the title of this Act.*] of having [*state the*
' *offence*]; and I [or we] the said do adjudge the said
' to forfeit and pay for the same the sum of , or to be committed to
' for the space of . Given under hand and
' seal , the day and year aforesaid.'

Proceedings
not invalid for
want of form.

CXXXVI. AND be it enacted, that no order, verdict, or judgment, or other proceeding, made concerning any of the matters aforesaid, shall be quashed or vacated for want of form.

Distress not
unlawful for
want of form.

CXXXVII. AND be it enacted, that where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons,

Sect. 36.

repairing all such houses and outhouses from time to time, and for the forage of such horses, and for the expence of the magistrates, inspectors, chief or other constables, or sub-constables, when they shall respectively be absent on duty from their residences under the authority of this Act, and for all other necessary and reasonable costs, charges, and expences incurred or to be incurred in the execution of this Act; and that one moiety of all monies so advanced out of the produce of the consolidated fund for all or any the purposes of the said Act (except so much of the said advances as shall be for the salaries and expences of the inspector general, his deputies and clerks, and of all magistrates to be appointed as aforesaid, and of the receiver for the said constabulary force, and of the paymasters in the several counties,) shall be raised by grand jury presentment off each county, county of a city, or county of a town to which the same shall be declared by the lord lieutenant or other chief governor or governors of Ireland to relate, and in or for which such expences shall be

Sect. 37.

or shall have been incurred; and that the inspector general to be appointed under the said Act shall, with the assistance of the receiver, in sufficient time before each assizes and presenting term, ascertain the amount of the monies chargeable under the provisions of the said Act on each county, county of a city, of a town, or any part of any county, and shall make out a certificate thereof under his hand, specifying the force or service in respect whereof such charge may have been incurred, and transmit the same, when approved and certified by the chief or under secretary of the said lord lieutenant or other chief governor or governors, to the secretary of the grand jury for such county, county of a city, and county of a town, one week before said assizes and presenting term, who shall lay the same before the grand jury; and thereupon it shall be lawful for such grand jury, and they are hereby required, to make a presentment for the amount stated in such certificate or in any previous certificate, the amount whereof shall not have been already presented, to be raised from off the county at large, county of a city, or county of a town, or city and county respectively, in the same manner as any presentment for constables may by law be now raised therefrom, and that it shall not be lawful for the court at any assizes or presenting term to fiat any presentment for raising any other money until such presentment for such expences be first made and allowed; and whenever the amount stated in such certificate shall be levied, the same shall be paid to such bank or person, and in such manner, as the lords of the Treasury, or the commissioners of the Treasury, or any three or more of them, shall from time to time think fit to direct and appoint; and thereupon, but not before, as to all sums mentioned in such certificate as aforesaid, such county shall be deemed to be discharged: And whereas by an Act passed in the session holden in the second and third years of the reign of her present Majesty, intituled "An Act for the better regulation of the constabulary force in Ireland," it is, amongst other things, enacted, that in addition to the chief and other constables and sub-constables whom the lord lieutenant or other chief governor or governors of Ireland may be authorized to appoint under the said recited Acts in and for the several counties, counties of cities, and counties of towns, and in and for the several baronies, half baronies, and other divisions of baronies in counties at large throughout Ireland, it shall and may be lawful for such lord lieutenant or other chief governor or governors to appoint two chief constables, (to be styled sub-inspectors, as therein-after men-

2 & 3 Vict.
c. 75. s. 1.

Sect. 8.

for all other costs and charges to be incurred in the execution of that Act; and that one moiety of all monies so advanced out of the consolidated fund for the payment of the officers and men composing the said reserved force, and of all other costs and expences (save as therein-after mentioned) to be incurred in respect of such officers and men during such time as they shall remain in any county, county of a city, or county of a town to which they may be removed by virtue of any such order of the said inspector general as aforesaid, shall be defrayed by such county, county of a city, or county of a town, and shall be raised by grand jury presentment off such county, county of a city, or county of a town, together with and in addition to the monies to be raised off such county, county of a city or town under the said recited Acts on account of the constabulary force established therein; and the inspector general of the said constabulary force shall have regard thereto in making out the certificate which he is by the said Acts directed to prepare for the purpose of ascertaining the monies chargeable upon each county, county of a city or town, or part of a county, under the said recited Acts, and shall include such monies in such certificate: And whereas it is expedient that the respective counties of Ireland should be relieved, save as herein-after mentioned, from all and every part of the charges and expences of the said constabulary force and reserve force, and that the whole charge of the same, save as herein-after provided, should be placed upon and borne by the consolidated fund of the United Kingdom, and also that an addition should be made to the said reserve force as herein-after

So much of recited Acts as provides that one moiety of sums advanced out of consolidated fund for payment of expences of constabulary or reserve force in Ireland shall be defrayed by any county, barony, &c. or by grand jury presentment, repealed, save as herein mentioned.

The whole cost of the constabulary force and the reserve force, save as herein mentioned, shall be paid out of the consolidated fund.

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, that from and after the passing of this Act so much of the said recited Acts, or any of them, or of any other Act or Acts, as provides that one moiety of the monies advanced out of the consolidated fund for the payment of any of the costs and expences of the said constabulary force or the said reserve force, or of any part thereof, shall be defrayed by any county, county of a city, or county of a town, barony, half barony, or place in Ireland, or by presentment of any grand jury in Ireland, or as provides that any part of the costs, charges, or expences of the said constabulary force or the said reserve force shall be borne or paid by or raised or levied from any such county, county of a city, county of a town, barony, half barony, or place, save and except as herein-after mentioned, shall be and the same is hereby repealed, [Rep., Stat. Law Rev. Act, 1875.]

II. AND be it enacted, that from and after the tenth day of October next all monies duly payable, and all necessary and reasonable costs, charges, and expences, for and in respect of the said constabulary force and the said reserve force respectively, under the provisions of the said recited Acts or any of them, or any Act amending the same, or of this Act, and also for or in respect of the addition to the said reserved force herein-after provided, shall, save as herein-after mentioned, be charged upon and paid from time to time out of the produce of the consolidated fund of the United Kingdom of Great Britain and Ireland; and it shall be lawful for the commissioners of her Majesty's Treasury, or any three or more of them, to order that all such sum or sums of money as they shall think necessary for the purposes aforesaid shall from time to time be advanced and paid out of the produce of the consolidated fund of the United Kingdom of Great Britain and Ireland.

6 & 7 Will. 4.
c. 13. s. 13.

III. AND whereas by the said first-recited Act it is amongst other things enacted, that it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland, by the advice of the privy

council of Ireland, to declare by proclamation that any county, county of a city, or county of a town in Ireland, or any barony or baronies, half barony or half baronies in any county at large, or any district of less extent than any barony or half barony, to be therein specified, is or are in a state of disturbance, and requires or require an additional establishment of police; and thereupon it shall and may be lawful to and for the lord lieutenant or other chief governor or governors of Ireland to appoint such and so many chief constables, constables, and sub-constables, as he or they shall think proper, not exceeding one such chief constable; two head constables, and fifty such constables or sub-constables for any one barony or half barony, or for any county of a city or county of a town or district of less extent than any barony or half barony, which may have been so declared to be in a state of disturbance: And whereas it is expedient that in any such case as last aforesaid the said restriction as to the number of such chief and other constables so to be appointed should be removed: Be it therefore enacted, that in any such case as in the said recited provision mentioned it shall be lawful for the lord lieutenant or other chief governor or governors of Ireland to appoint for or in any barony or half barony, or for or in any county of a city or county of a town, or district of less extent than any barony or half barony, which may have been so declared to be in a state of disturbance, and also (if he or they shall so think fit) for or in any barony or half barony, or county of a city or county of a town, or district of less extent than any barony or half barony, adjoining to a barony or half barony or county of a city or county of a town, or district, which may have been so declared to be in a state of disturbance, such and so many additional sub-inspectors, head constables, constables, and sub-constables, exceeding the numbers aforesaid, as he or they shall think proper, not exceeding four such head constables and one hundred such constables or sub-constables for each such barony, half barony, county of a city, county of a town, or district of lesser extent than any barony or half barony: Provided always, that whenever it shall appear to the lord lieutenant or other chief governor or governors of Ireland, acting under the advice of the privy council of Ireland, that any such barony, half barony, county of a city or town, or lesser district, has ceased to be in a state of disturbance, and that it shall be declared by the lord lieutenant or other chief governor or governors of Ireland, by proclamation made with the advice of the privy council of Ireland, that such barony or half barony, county of a city or town, or lesser district, has ceased to be in a state of disturbance, then from and after one month from the publication of such proclamation in the Dublin Gazette the additional constabulary force so appointed for such barony, half barony, county of a city or town, or lesser district, shall be discontinued, and shall cease to be a charge on such barony, half barony, county of a city or town, or lesser district, or on the consolidated fund.

IV. AND whereas it is expedient that the said reserve constabulary force provided and appointed under the said recited Act of the second and third years of the reign of her present Majesty should be increased in number: Be it therefore enacted, that in addition to the number of sub-inspectors, head constables, constables, and sub-constables, which by the said last-recited Act the said lord lieutenant or other chief governor or governors is or are empowered to appoint as and for a reserve force, it shall be lawful for the said

Power to lord lieutenant to appoint any number of additional constables (not exceeding four head constables and one hundred constables, &c. for a barony, &c.) for any part of Ireland declared by proclamation to be in a disturbed state.

When barony, &c. is declared by proclamation to have ceased to be in a disturbed state, the additional constabulary force shall be discontinued.

Lord lieutenant empowered to increase the reserve constabulary force.

lord lieutenant or other chief governor or governors to appoint two additional sub-inspectors, four additional head constables, and any number not exceeding two hundred additional constables and sub-constables, who shall constitute and shall be deemed to be a part of the said reserve force, and shall be subject to all and every the provisions and regulations applicable to the said reserve force under the said Act of the second and third years of the reign of her present Majesty, or any Act amending the same, save so far as such provisions may be altered by this Act.

Nothing herein contained to relieve counties from the moiety of the cost of a further constabulary force applied for by magistrates, or of the reserve force when employed therein, or of an increased constabulary force stationed there by the lord lieutenant.

V. PROVIDED always, and be it enacted, that in any case in which, under the provisions of the said first-recited Act, seven or more magistrates of any county at large, at any general or special sessions held as therein mentioned, in manner therein set forth, have since the first day of January one thousand eight hundred and forty-six certified or shall hereafter certify to the said lord lieutenant or other chief governor or governors that the number of chief or other constables or sub-constables appointed for any such county is inadequate to the due execution of the law within the same, and the said lord lieutenant or other chief governor or governors shall by reason thereof appoint or shall have appointed a further number of sub-inspectors, head constables, constables, or sub-constables in or for such county as so certified to be necessary, or in any case in which any part of the reserve force aforesaid shall have been or shall be removed to or employed in any county, county of a city, or county of a town, barony, half barony, or district, by virtue of any such order of the inspector-general as aforesaid, or in case the number of the constabulary force in or for any barony, half barony, county of a city, county of a town, or district of less extent than any barony or half barony, shall be increased by the lord lieutenant or other chief governor or governors stationing or appointing therein or therefor additional sub-inspectors, head constables, constables, or sub-constables as aforesaid, or otherwise, then and in any of such cases nothing in this Act shall extend or be construed to extend to relieve any such county, county of a city, or county of a town, barony, half barony, or district, from the payment of one moiety of the costs and expences of such further or augmented number of the constabulary force or of such reserve force as aforesaid, but in either or any of such cases such moiety shall be payable and shall be raised in like manner as a moiety of the expences of such further number of the constabulary force, or as any such part of the reserve force, while remaining in any county, county of a city, or county of a town, to which they may be removed by virtue of such order as herein-before recited, is now payable or may now be raised under the said recited Acts respectively, or either of them.

"Provincial inspectors" to be styled "assistant inspectors general."

VI. AND be it enacted, that from and after the passing of this Act the officers heretofore, under the provisions of the said Act of the second and third years of her present Majesty's reign, styled "provincial inspectors" shall henceforth be styled "assistant inspectors general."

* * * * *

CHAPTER CI.

AN ACT to authorize the Advance of Public Money to a limited Amount, to promote the Improvement of Land in Great Britain and Ireland by Works of Drainage. [R.] [28th August 1846.]

WHEREAS the productiveness and value of much of the land in Great Britain and Ireland are capable of being greatly increased by drainage, and the extension of the operation of drainage is calculated to promote the employment and effectiveness of agricultural labour, and tends also to prevent disease, and to improve the general health of the community: And whereas it is expedient to facilitate works of drainage by advances of public money to a limited amount on the security of the land to be improved: And whereas an Act was passed in the last session of Parliament, intituled, "An Act to facilitate the inclosure and improvement of commons and lands held in common, the exchange of lands, and the division of intermixed lands; to provide remedies for defective or incomplete executions, and for the non-execution, of the powers of general and local inclosure Acts; and to provide for the revival of such powers in certain cases": And whereas an Act was passed in the session of Parliament holden in the first and second years of the reign of his late Majesty King William the Fourth, intituled "An Act for the extension and promotion of public works in Ireland," and several Acts have since been passed for amending the same: And whereas a certain other Act was passed in the session of Parliament holden in the fifth and sixth years of the reign of her present Majesty, intituled "An Act to promote drainage of lands, and improvement of navigation and water power in connexion with such drainage, 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, that it shall be lawful for the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, upon the application of the commissioners for the execution of this Act, to issue and advance, or cause to be issued and advanced, for the loans to be made under the provisions of this Act, out of the growing produce of the consolidated fund of the United Kingdom of Great Britain and Ireland, such sum or sums of money as may be required for such loans, not exceeding in the whole the sum of two million pounds for Great Britain and one million pounds for Ireland; or, in case the said commissioners of the Treasury shall so think fit, it shall be lawful for them to direct the comptroller general of her Majesty's Exchequer at Westminster for the time being to make out and issue Exchequer bills to such an amount, not exceeding the said sums of two million pounds for Great Britain and one million pounds for Ireland, as they shall think fit to direct for the purpose aforesaid; but provided that the whole amount of such advances out of the consolidated fund and by Exchequer bills shall not together exceed the said sums of two million pounds for Great Britain and one million pounds for Ireland. [Rep., Stat. Law Rev. Act, 1875.]

8 & 9 Vict.
c. 118.1 & 2 Will. 4.
c. 33., &c.5 & 6 Vict.
c. 89.Treasury may
make advances
not exceeding
2,000,000l. for
Great Britain,
and 1,000,000l.
for Ireland,
out of consoli-
dated fund or
by Exchequer
bills, for loans
under this Act.

IX. AND be it enacted, that the Inclosure Commissioners for England and Wales shall be the commissioners for the execution of this Act in Great

[* So much of this Act as authorizes the commissioners of her Majesty's Treasury to issue for loans to be made under the provisions of this Act any sums of money not exceeding one million of pounds for Ireland, and all the provisions and powers in this Act contained relating to Ireland, and to the commissioners of public works in Ireland, rep., 10 & 11 Vict. c. 32. s. 1., subject to the provisions thereafter contained for continuing under that Act all proceedings consequent upon any application for a loan under this Act.]

Inclosure Com-
missioners to
be the commis-
sioners for

executing this Act in Great Britain.

Appointment and removal of assistant commissioners and surveyors.

Allowances and expences to be regulated as provided by 8 & 9 Vict. c. 118.

Britain; and it shall be lawful for the said Inclosure Commissioners to employ in the execution of this Act in Great Britain the assistant commissioners, secretary, clerks, messengers, and officers, who have been or may be appointed by the said commissioners under the said Act of the last session of Parliament; and the said Inclosure Commissioners may, with such consent as provided by the said Act of the last session of Parliament in respect of appointments under such Act, from time to time appoint a sufficient number of persons to be assistant commissioners and surveyors respectively for the purposes of this Act, and may from time to time remove any such assistant commissioners and surveyors for Great Britain; and the allowances and travelling and other expences of such assistant commissioners and surveyors shall be regulated and paid in like manner as provided by the said Act of the last session of Parliament in respect of allowances and expences to assistant commissioners under the same Act, and such allowances shall not exceed the allowances payable to the last-mentioned assistant commissioners.

* * * * *

Certain provisions of 8 & 9 Vict. c. 118, to extend to proceedings, &c. under this Act, as to lands in Great Britain.

Commissioners not authorized to compel attendance of witnesses.

XI. AND be it enacted, that, as regards lands in Great Britain, all the provisions of the said Act of the last session of Parliament concerning or auxiliary to the proceedings and inquiries of the said Inclosure Commissioners under the authority of such Act, and the authentication of instruments, shall extend and be applicable to their proceedings, and the authentication of instruments under this Act, in the same manner as if the powers hereby vested in the said Inclosure Commissioners were powers vested in them by the said Act, except as herein otherwise provided: Provided always, that the said Inclosure Commissioners shall not, for the purposes of this Act, be authorized, by summons or otherwise, to compel the attendance of any witness.

* * * * *

Assistant commissioners, &c. may take declarations, and examine voluntary witnesses upon declaration.

Landowners desirous of obtaining advances may make application to commissioners, stating particulars.

XIII. AND be it enacted, that every assistant commissioner and surveyor in Great Britain, and every commissioner, engineer, and surveyor in Ireland, acting by the authority of and in the execution of this Act, may receive declarations, and examine upon declaration, in any part of Great Britain or Ireland respectively, all such persons as shall voluntarily attend before him in the matter of any inquiry or proceeding under the authority of this Act.

XIV. AND be it enacted, that any owner of land who may propose to improve the same by works of drainage, and may be desirous of obtaining an advance by way of loan under the provisions of this Act, for defraying the expence of such works, may, as regards lands in Great Britain, make application to the said Inclosure Commissioners,, for such advance; and such application shall contain such particulars of the land proposed to be drained, the proposed manner of effecting the drainage thereof, the estimated expence of effecting the same, and the estimated increase of the value to be produced by such drainage, as may enable the commissioners to judge of the expediency of investigating or further proceeding upon such application; and every such application shall specify the estate or interest of the applicant in the land to which such application shall relate, and shall state whether the advance applied for is intended to cover the whole or what portion of the expence of the works.

Commissioners may require security for

XV. AND be it enacted, that the commissioners may require security, by bond or otherwise, to be given, in such form as they may think fit, by the

owner of land making the application, for the payment to the commissioners of such sum as the commissioners shall, as herein-after mentioned, order to be paid in respect of the investigation of such application, and (if they shall issue a provisional certificate) of the expences of inspecting and ascertaining the due execution of the works; and, unless the commissioners shall otherwise direct, such payment shall be made by the person making the application, and shall not be a charge on the land to which such application may relate; and the commissioners may require such expences to be repaid before they shall issue a certificate under the provisions herein-after contained.

payment of expences of investigation, &c.

XVI. AND be it enacted, that the commissioners, if they shall think fit (having regard to the statements contained in such application, and to the amount of the balance which may from time to time remain disposable for loans under this Act,) to entertain such application, shall cause the land, and the plan, estimate, and specification of the proposed drainage, to be inspected and examined by an assistant commissioner or surveyor or engineer, as the case may be, who shall report his opinion thereon, and on the statements contained in the application; and if he shall be of opinion that the proposed drainage will effect an improvement in the annual value of the land which will exceed the annual amount which can be charged thereon under this Act in respect of the advance applied for, and that the drainage is proposed, under the plan and specification, to be effected in a substantial and durable manner, he shall annex to his report the plan, estimate, and specification, or duplicate thereof; and the commissioners may make such other inquiries in relation to any such application as they may think fit.

Inspection of land, &c. to be made by an assistant commissioner or surveyor, &c., who shall report his opinion upon the same.

XVII. AND be it enacted, that if the commissioners shall think that an advance in respect of the whole or of a proportional part of the cost of such works would be expedient, they may apply to the commissioners of the Treasury for their sanction for them to issue to the owner of land by whom such application shall have been made, or, in case his interest shall have determined, to the owner of such land for the time being, a provisional certificate; [Rep., 19 & 20 Vict. c. 9. s. 1.]

If commissioners think an advance expedient, they may issue a provisional certificate, with the sanction of the Treasury.

XVIII. AND be it enacted, that the commissioners shall not issue any such provisional certificate as aforesaid until notice shall have been given of the application for the advance to which such provisional certificate shall relate, by advertisement to be published in two successive weeks in some newspaper circulating in the county or district in which such land may be situated, and also in the London, Edinburgh, or Dublin Gazette, accordingly as the said lands shall be situate in England, Scotland, or Ireland, and two calendar months shall have elapsed from the publication of the last of such advertisements; and in case any person having any estate in or charge upon the land to which such application shall relate shall within such two calendar months signify in writing to the commissioners his dissent from such application, and state to the commissioners the nature of his estate in or charge upon the land, the commissioners shall certify such dissent to the owner of the land by whom such application shall have been made, and shall not issue such provisional certificate unless or until such dissent shall have been withdrawn, or an order shall have been made by the High Court of Chancery in England, or the High Court of Chancery, or Court of Exchequer at the equity side thereof, in Ireland, or the Court of Session in Scotland, as the case may be, in manner herein-after provided, authorizing the applicant to procure an advance under this Act to the amount and for the purpose in his application mentioned.

Provisional certificate not to be issued till notice of application has been given by advertisement.

Persons interested may signify their dissent.

Consent of patron and ordinary to be had in case of glebe land.

In case of dissent, land-owners in England may apply to the Court of Chancery by petition for authority to procure advance.

XIX. AND be it enacted, that when the land to which the application for an advance under this Act shall relate shall be land held in right of any church, chapel, or other ecclesiastical benefice, in England and Ireland, the commissioners shall not proceed thereon unless the bishop of the diocese and the patron of such benefice shall have consented in writing to such application.

XX. AND be it enacted, that in case any owner of land in England or Ireland shall be desirous of proceeding to procure an advance under this Act, after such dissent from such application shall have been so as aforesaid signified to the commissioners, he shall be at liberty, as regards land in England, to apply to the High Court of Chancery in England by petition to the lord chancellor or master of the rolls, and, as regards land in Ireland, to the High Court of Chancery, or Court of Exchequer at the equity side thereof, in Ireland, by petition to the lord chancellor or master of the rolls or lord chief baron of the Exchequer, praying that he may be authorized to procure an advance under this Act to the amount and for the purpose in his application mentioned, and thereupon it shall be lawful for the court, without requiring the attendance of any counsel or solicitor, to refer it to one of the masters of the said courts of Chancery, or the chief remembrancer of the said Court of Exchequer, to make all necessary and proper inquiries, and consider all such evidence as shall be produced before him, and thereupon to report whether in his opinion it will be beneficial to all persons interested in the land to which such application shall relate that such advance should be procured; and the person who shall have so dissented as aforesaid shall be served with due notice of such order being made, and shall be at liberty to attend the proceedings; and the report to be made pursuant to such order shall be filed in the proper office of the court by which such order shall be made; and if no petition shall be presented to the said court within fourteen days after the filing thereof, praying that such report may not be confirmed, or that the same may be reviewed, it shall be lawful for the said court, upon the presentation of a petition for that purpose, and without the attendance of any counsel or solicitor, to make an order to confirm the said report absolutely, and also (in case the said master or chief remembrancer shall have reported that in his opinion it will be beneficial to all persons interested in the land that such advance as aforesaid should be procured) to authorize the applicant to procure an advance under this Act to the amount and for the purpose in his application mentioned; and in case any such special petition as aforesaid shall be presented within the time aforesaid, praying that the said report may not be confirmed, or that the same may be reviewed, it shall be lawful for the said court either to make such order as aforesaid, or to refuse to confirm the same, or to refer it back to the master or chief remembrancer to review his report; and the said court may, if in its opinion the case shall require the same, receive further evidence previous to making any order upon such petition; and for the purpose of regulating and simplifying the aforesaid proceedings upon such applications to the said courts respectively, and the rendering the same inexpensive, it shall be lawful for the lord high chancellor of Great Britain, with the assistance of the master of the rolls of England, and for the lord high chancellor of Ireland, with the assistance of the master of the rolls of Ireland, and for the lord chief baron of the Court of Exchequer in Dublin, respectively, from time to time to make such orders and provisions as they may think proper relative to such proceedings in their respective courts.

XXI. AND be it enacted, that in case any owner of land in Scotland shall be desirous of proceeding with an application for an advance under this Act, after such dissent as aforesaid from such application shall have been signified to the commissioners, he shall be at liberty to apply to the Court of Session by a summary petition, praying that he may be authorized to proceed with such application; and it shall be lawful for the Court of Session, in its discretion, if it shall appear that the works in respect of which such advance may be sought will be beneficial to all persons interested in the land, to authorize such application to be proceeded with accordingly; and it shall be lawful for the Court of Session in Scotland to make such orders or regulations for regulating or simplifying the proceedings upon such last-mentioned petition, and the inquiries which may be had thereon, as such court may think proper.

Landowners in Scotland may make application to the Court of Session.

XXII. AND be it enacted, that a copy of every petition under this Act shall be served fourteen days at least before the hearing thereof upon the person who shall have signified his dissent from the application to the commissioners to which such petition shall relate, or if such person shall be out of the United Kingdom of Great Britain and Ireland, then upon such person as the court to which the petition shall be preferred shall appoint for that purpose; and the said Court of Chancery in England, and the said Court of Chancery and Court of Exchequer in Ireland, and the said Court of Session, respectively, may order all or any of the costs of or relating to such petitions, and the proceedings thereon, to be paid by the petitioner, or by the person who shall have signified such dissent as aforesaid, if his dissent shall appear to the said courts respectively vexatious or improper, or to be paid as the said courts respectively shall think fit.

Copy of every petition under this Act to be served upon person dissenting fourteen days previous to hearing.

Costs of petition.

XXIII. PROVIDED always, and be it enacted, that it shall not in any case be necessary for any owner of land within the definitions of this Act to obtain or apply for an order of the said High Courts of Chancery or Exchequer respectively, or of the Court of Session, (as the case may be,) for authority to make or proceed with an application for an advance under this Act, in case such notice by advertisement shall have been given as aforesaid, and no such dissent as herein-before mentioned shall have been signified within the time and in manner aforesaid, or such dissent shall have been withdrawn.

Order of court unnecessary, except where dissent shall have been signified after advertisement and not with drawn.

XXIV. AND be it enacted, that all husbands, guardians, committees, tutors and curators, for and on behalf of married women, infants, minors, lunatics, idiots, or fatuous or furious persons, and all feoffees and trustees, judicial factors, executors, and administrators, shall respectively have the same rights and powers of making applications and signifying dissents under this Act as such married women, infants, minors, lunatics, idiots, or fatuous or furious persons respectively would have had if free from disability, or as such feoffees or trustees, judicial factors, executors, or administrators respectively would have had if the estates, charges, or interests, (of which they shall be such feoffees or trustees or judicial factors, or which shall be vested in them as such executors or administrators,) had been vested in them in their own right; but no such guardian, committee, tutor, curator, feoffee, trustee, judicial factor, executor, or administrator, shall be in anywise concerned or obliged to signify a dissent to an application under this Act, or be in anywise responsible for the consequences of such application, or of the charge made in pursuance thereof.

Rights of guardians, &c. to make applications or signify dissents.

Commissioners may cause works to be inspected by a commissioner, assistant commissioner, or surveyor, &c.

XXV. AND be it enacted, that the commissioners shall, as they see occasion, cause the works to which such provisional certificate shall relate to be inspected by a commissioner, assistant commissioner, surveyor, or engineer, to ascertain the due execution of such works; and such commissioner, assistant commissioner, surveyor, or engineer respectively may require the production of such vouchers, bills of account, or other documents, as may enable him to ascertain such due execution, and the amount of the expence which shall have been actually incurred in the execution of such works.

Bank of England to open separate account with Inclosure Commissioners.

XXVI. AND be it enacted, that the governor and company of the Bank of England shall cause a separate account to be opened in their books with the Inclosure Commissioners, and with the receiver general of stamps and taxes, under the title of "Drainage Advances and Repayments Accounts."

Bank of Ireland to open separate account with commissioners of public works, &c.

XXVII. AND be it enacted, that the governor and company of the Bank of Ireland shall cause a separate account to be opened in their books with the commissioners of public works and drainage in Ireland, and with the paymaster of civil services in Ireland, under the title of "Drainage Advances and Repayments Accounts." [Rep., 10 & 11 Vict. c. 32. s. 1.]

Commissioners, when satisfied of execution of works, may forward certificate to Treasury for an advance.

XXVIII. AND be it enacted, that when the commissioners shall be satisfied by the report of a commissioner, assistant commissioner, surveyor, or engineer respectively, or otherwise, that the works referred to in any such provisional certificate have been executed according to the terms and conditions of such provisional certificate, or that such part thereof as, under the terms of such provisional certificate, would authorize an advance on account, has been so executed, and shall be satisfied by such report or otherwise that such expence has been actually incurred as will justify the advance according to the terms of the provisional certificate, the commissioners shall forward certificates in duplicate under their seal, and accompanied with their recommendation, to the commissioners of the Treasury, for an advance under this Act; and such certificate shall specify the land in respect of which such advance is to be made, and shall certify that such sum as therein mentioned should be issued to the person therein named in respect of the drainage of such land; and the commissioners of the Treasury, upon the receipt of such certificate in duplicate from the commissioners, shall authorize one of their secretaries to notify their approval upon one of the certificates, and transmit the same to the comptroller of her Majesty's Exchequer, with their directions for his giving the necessary issue to the commissioners (whether by a credit on the growing produce of the consolidated fund or by Exchequer bills) to enable them to make the proposed advance; and the said comptroller general is hereby authorized, upon the receipt of such certificate and directions, to cause the same to be recorded in the books of his office, and either give a credit on the Exchequer funds at the Banks of England or Ireland, as the case may be, to the commissioners, or to issue to them, or cause to be placed to their account at the Banks of England or Ireland, Exchequer bills for the amount specified in the certificate and directions from the Treasury given thereupon; and the said commissioners respectively shall upon such Exchequer credits, or the produce of the sale of such Exchequer bills, give warrants or orders under their seal to the governor and company of the Banks of England or Ireland, as the case may be, to pay from the "Drainage Advances and Repayment Account" to the respective parties named in such warrants or orders the sums specified therein, and previously recommended for such advance by the commissioners to the commissioners of the Treasury. [Rep., 19 & 20 Vict. c. 9. s. 3.]

Treasury to transmit certificates to comptroller of Exchequer, who shall place the sum authorized to the credit of the commissioners, who shall advance it to the parties.

Commissioners may sell Exchequer bills issued for their account, and place proceeds to the account at the Bank.

XXXII. AND be it enacted, that it shall be lawful for the commissioners for the execution of this Act, by the authority and under the direction of the commissioners of the Treasury, to sell such Exchequer bills as may be issued for their respective accounts at the Bank of England or at the Bank of Ireland, and to cause the produce thereof to be placed to the Drainage Advances and Repayment Account at such Bank.

Accounts of advances and repayments to

XXXIII. AND be it enacted, that the Inclosure Commissioners shall notify under their seal to the commissioners of stamps and taxes the particulars

contained in every warrant or order given by them for advances, with the date of the payment of the same by the Bank of England; and the commissioners of stamps and taxes are hereby required, upon receiving such notification, to cause a record thereof to be forthwith made in books of accounts in their office, to be kept upon the principle of double entry, debiting therein the land in respect of which the advance shall be made with the amount of the same, and crediting it by the rent-charge received from time to time by their officers in respect of such advance.

be kept by
commissioners
of stamps.

XXXIV. AND be it enacted, that upon the issue as aforesaid of any advance, by virtue of a certificate under this Act, the land mentioned in such certificate shall be charged with the payment to her Majesty, in respect of such advance, of a rent-charge after the rate of six pounds ten shillings rent for every one hundred pounds of such advance, and so in proportion for any lesser amount, and to be payable for the term of twenty-two years, to be computed from the sixth day of April or tenth day of October which shall next happen after the issue of such advance, such rent-charge to be paid by equal half-yearly payments on the sixth day of April and the tenth day of October in every year, the first of such payments to be made on the second of such days which shall happen next after the issue of such advance in respect of which the rent-charge shall be charged.

A rent-charge
of 6l. 10s. for
twenty-two
years to be
charged for
every 100l.
advanced.

XXXV. AND be it enacted, that every rent-charge which shall become charged on land by virtue of this Act shall, where the same shall be charged on land in England, be recoverable by the commissioners of stamps and taxes for the time being by the same means and in the like manner in all respects as a rent-charge in lieu of tithes, if charged on the same land under the Act of the seventh year of King William the Fourth, intituled "An Act for the commutation of tithes in England and Wales," would be recoverable, and as if such rent-charge under this Act were a rent-charge in lieu of tithe made payable to her Majesty under the said Act of the seventh year of King William the Fourth; ; and such rent-charges in England shall be subsequent in order of charge to any rent-charge payable in lieu of tithe, and to any quit rent or chief rent incident to tenure, but shall have priority to all other charges on the same land; and every rent-charge which shall become charged on land by virtue of this Act shall, where the same shall be charged on land in Scotland, be recoverable by the same means and in the like manner in all respects as any feu duty or rent, or annual rent, or other payment, payable to her Majesty out of the same lands, would be recoverable, but shall be subsequent in order of charge to any feu duty, but shall have preference over all other charges on the same land: Provided always, that if no legal proceedings shall have been adopted for the recovery of any such rent-charge within three years after the same shall have become payable, such preference shall not have place in regard to such rent-charge.

Rent-charge in
England, how
recoverable.

6 & 7 Will. 4.
c. 71.

Priority of
rent-charges.

Rent-charge in
Scotland, how
recoverable.

Priority of
rent-charges.

XXXVI. AND be it enacted, that no proprietor of an entailed estate in Scotland shall be held to have contravened the conditions of the entail by reason of having availed himself of the provisions of this Act; and no rent-charge imposed or created on any entailed lands in Scotland under the authority of this Act shall be made use of as a ground for adjudging, selling, or evicting such lands, or any part thereof, contrary to the provisions and conditions of the entail, but every such rent-charge shall be a good and effectual charge

Acceptance of
advances under
this Act in
Scotland not to
be deemed a
contravention
of conditions
of entail.

upon and against such entailed lands to every other effects, and upon and against the rents and profits thereof.

Rent-charge not to preclude trustees from investing money in the purchase or mortgage of land charged.

XXXVII. AND be it enacted, that the rent-charge by virtue of this Act to be charged on any land shall not be deemed such an incumbrance as shall preclude a trustee of money held in trust to be invested in the purchase of land, or to be invested on mortgage, from investing the same in a purchase of or upon a mortgage of such land so charged, unless the terms of such trust shall expressly provide that the land to be so purchased or taken in mortgage shall not be subject to any rent-charge under the provisions of this Act.

Tenants for life, &c. to keep down rent-charges.

XXXVIII. AND be it enacted, that every owner of land on whose application a rent-charge shall have become charged under this Act, and every succeeding heir of entail, tenant for life, or life-renter, or other person having a limited interest in the land charged, shall, as between such person and the persons in remainder or reversion, be bound to pay the half-yearly payments of such rent-charge which shall become payable during the continuance of his interest, and in case he shall be in the actual occupation of or entitled to an apportioned part of the rents and profits of such land up to the time of the termination of his interest, shall also be bound to pay an apportioned part of the half-yearly payment of such rent-charge which shall become due next after the termination of his interest, proportioned to the time which shall have elapsed between the day of the previous half-yearly payment and the day of such termination.

Drains and outfalls to be maintained, and state certified to commissioners.

Tenant for life, on default, liable to action of waste at suit of remainderman.

XXXIX. AND be it enacted, that so long as any land shall continue charged with any such rent-charge the person for the time being bound to pay the half-yearly payments of such rent-charge shall be bound to uphold the drains on account of which the lands shall have been charged therewith, and to keep clear and open the outfalls of all such drains, and shall once in every year certify to the commissioners for the execution of this Act the state of such drains and outfalls, and in default of so keeping and upholding the said drains and outfalls shall be liable to an action on the case in the nature of an action of waste for the damage thereby occasioned, at the suit of the person then entitled to the next estate in remainder or reversion in the said lands rendering him liable to the payment of the said rent-charge on the determination of the estate in possession.

Tenant joining in application shall pay rent-charge or apportioned part thereof; otherwise he may deduct the amount paid by him from his rent.

XL. AND be it enacted, that if any tenant or occupier at a rent in Great Britain shall join in the application for an advance under this Act, or shall by writing under his hand signify to the commissioners, or to any assistant commissioner, engineer, or surveyor, his consent or agreement to become charged with the rent-charge, or an apportioned part thereof, as herein-after mentioned, in respect of the advance to be made upon such application, such tenant or occupier shall during his tenancy be liable to pay such rent-charge, or an apportioned part thereof, as herein-after mentioned; and in case the application shall be made for an advance in respect of the drainage as well of other land as of the land included in such tenancy, the commissioners may, upon such concurrence, consent, or agreement of the tenant or occupier, by their provisional or any other certificate, or by a separate order of apportionment, declare what portion of the whole rent-charge payable in respect of such advance shall be payable by such tenant or occupier during his

tenancy in respect of the probable improvement of the land included in such tenancy ; but, except as aforesaid, every tenant or occupier who shall pay such rent-charge shall be entitled to deduct the amount thereof from the rent payable by him to the owner of the land, and shall be allowed the same in account with such owner ;

* * * * *

XLIII. AND be it enacted, that the rent-charges which shall become charged on lands in Great Britain under this Act shall be collected by the officers appointed for the receipt of the land and assessed taxes for the several districts in which such lands shall be situated, under such rules and directions as the commissioners of stamps and taxes shall from time to time make or give in that behalf ; and the monies payable in respect of such rent-charges shall be deemed monies under the care and management of the commissioners of stamps and taxes, and the said commissioners shall make such allowances in respect of the collection or receipt thereof as the commissioners of the Treasury shall direct ; and all the monies so collected shall be in every case notified by the officer receiving the same to the commissioners of stamps and taxes, and remitted to their receiver general, who shall keep a separate account thereof, and shall, after payment thereof of such sums as may be authorized by the commissioners of the Treasury for defraying the expences attending the execution of this Act, pay over the balance on the said separate accounts from time to time, on the usual days of payment of the revenue of stamps and taxes, to the account of the Bank of England to be opened under the authority of this Act for drainage advances and repayments ; and such monies when so paid by the said receiver general shall be transferred by the governor and company of the Bank of England to the account kept by the said governor and company with her Majesty's Exchequer as repayments for drainage advances, to be carried to and form part of the consolidated fund of the United Kingdom of Great Britain and Ireland on the books of the comptroller general of her Majesty's Exchequer.

Rent-charges to be collected by collectors of land and assessed taxes in Great Britain.

Application of sums collected.

* * * * *

XLIV. AND be it enacted, that if it shall be represented to the commissioners that the land charged with any rent-charge under this Act is occupied in separate farms, or shall have become the property of separate owners, or that the owner thereof is entitled thereto under separate titles, or for distinct and separate interests, or is desirous to sell or dispose of a part or parts of such land, or that for any other reason it will be desirable that such rent-charge shall be apportioned, it shall be lawful for the commissioners, with the consent of the owner or owners of the land charged with such rent-charge, by order under the seal of the commissioners to apportion such rent-charge, so that a separate and distinct rent-charge may become charged on each separate farm, or on the land of each owner, or on the land held under each separate title, or for each distinct and separate interest, or on the part or each part which the owner is desirous to sell or dispose of, and the part intended to be retained by him, or on other separate parts of the said lands, but so that no rent-charge charged under such apportionment shall be less than twenty shillings ; and the commissioners shall transmit every such order of apportionment to the commissioners of stamps and taxes , who shall cause the rent-charges charged by such apportionment to be collected instead of

Rent-charges may be apportioned.

the original rent-charge charged on the land to which such apportionment shall relate, and as if the same were separate rent-charges originally charged under this Act.

Landowners
may redeem
rent-charges.

XLV. AND be it enacted, that, subject to such regulations as herein-after mentioned, any owner of land charged with such rent-charge shall be at liberty, at any time before the expiration of twenty years after the commencement thereof, to redeem such rent-charge or any part thereof, not being less than ten pounds annual charge, on payment to the commissioners of stamps and taxes, in respect of lands in Great Britain, of the arrear (if any) thereof, and of such sum as shall be equal to the aggregate amount of the half-yearly payments not then accrued due, after deducting or allowing discount after the rate of three pounds ten shillings per centum per annum in respect of such several future payments; and the commissioners shall issue and deliver to such owner a certificate of such redemption; and all monies to be received by the said commissioners shall be paid over by them to their receiver general, and be applied by him in the manner herein-before provided with respect to monies to be received by him for rent-charges; and the commissioners of the Treasury shall cause tables to be framed, showing the rate at which the said rent-charges may be so redeemed in the several years during which the same are made redeemable, and may make regulations limiting the times of the year in which they may be redeemed.

Treasury to
cause tables of
rates of re-
demption to
be framed.

Commissioners
may make
order for the
repayment by
owner of the
expences of
investigation,
&c.

XLVI. AND be it enacted, that it shall be lawful for the commissioners, having regard to the time, labour, and expences of the commissioner, assistant commissioner, surveyor, or engineer, or other persons (if any) employed or paid by the commissioners in or about the investigation of any application for an advance, and (where they shall have issued a provisional certificate) the inspection and ascertainment of the due execution of any works in respect of which an advance shall have been applied for or made under this Act, by any order under their seal to order and declare that a sum, in such order to be mentioned, be paid to the commissioners, in respect of such time, labour, and expences as aforesaid, by the owner of land by whom the application shall have been made, his heirs, executors, or administrators, at such time and in such manner as in such order shall be expressed, and such sum shall be a debt payable to the commissioners; and all monies received by the commissioners in respect of such expences shall be paid by them into her Majesty's Exchequer, and shall be carried to and form part of the consolidated fund: Provided always, that where the commissioners shall have directed that all or a part of the expences of the investigation of the application, and of inspecting and ascertaining the due execution of the works, might be included in the expences in respect of which such loan, and the advances on account thereof, shall be made, the commissioners may retain such sum as last aforesaid, or such part thereof as in their certificate expressed, out of the money to be advanced by them to the owner of the land under the authority of this Act.

Such sum may
be retained out
of monies to be
advanced.

Bonds, &c.
exempt from
stamp duty.

XLVII. AND be it enacted, that no bond or other security given to the commissioners under this Act, and no certificate or other instrument made under this Act, shall be chargeable with any stamp duty.

Annual ac-
count to be
made up and
audited.

XLVIII. AND be it enacted, that the Inclosure Commissioners and the receiver general of stamps and taxes shall cause to be made up for examination and audit an annual document, certified by them respectively, of the

amount of credits on the Exchequer funds, or of Exchequer bills, placed to their account at the Bank of England, the sum issued therefrom upon warrants for advance for loans, and the repayments on account of such loans, to the thirty-first day of March in each year, and shall deliver the same to the commissioners for auditing the public accounts, such accounts to be deemed public accounts, and to be inquired into and audited, and to be within all the provisions of all Acts passed for auditing the public accounts of Great Britain.

XLIX. AND be it enacted, that for the purposes of this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the context repugnant to such construction; (that is to say,) the words "lord chancellor" shall mean also "lord keeper," and "commissioners of the great seal"; the words "commissioners of the Treasury" shall mean the lords commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being,, or the lord high treasurer of the United Kingdom of Great Britain and Ireland for the time being; the words "the commissioners" shall, as regards lands in Great Britain, mean the Inclosure Commissioners for England and Wales,; the words "owner of land" shall, as to land in England and Wales, mean such person as, under the said Act of the seventh year of King William the Fourth, for the commutation of tithes in England and Wales, would be deemed the owner of such land for the purposes of the same Act;; the words "owner of land" shall, as to land in Scotland, mean or include every fiar, life-renter, heir of entail, husband of a married woman seised in her own right, tutor, curator, and other guardian for any infant, minor, lunatic, or idiot, fatuous or furious person, and every trustee who respectively shall be in the actual possession of the land, or in receipt of the rents payable on the tacks, leases, or tenancies of the tenants in the actual possession thereof; and the words "Court of Session" shall mean the Court of Session in Scotland in either division thereof in time of session, or the lord ordinary officiating on the bills in time of vacation, as the case may be; the word "person" shall mean and include any body corporate, aggregate, or sole, as well as an individual; any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only shall mean and include a female as well as a male.

Interpretation
of Act.

CHAPTER CIII.

AN ACT to make further Provision for the Government of the New Zealand Islands. [1] [28th August 1846.]

WHEREAS by an Act of Parliament made in the fourth year of her Majesty's reign, intituled "An Act to continue until the thirty-first

3 & 4 Vict.
c. 62. s. 2.

[* This Act, and the Acts 3 & 4 Vict. c. 62. and 11 & 12 Vict. c. 5., and all charters, letters patent, instructions, and orders in council issued in pursuance thereof, are rep., 15 & 16 Vict. c. 72. s. 1., so far as the same are repugnant to or would prevent or interfere with the operation of that Act, or any letters patent or instructions to be issued under the authority or in pursuance of that Act.]

“ day of December one thousand eight hundred and forty-one, and to the end
 “ of the then next session of Parliament, and to extend, the provisions of an
 “ Act to provide for the administration of justice in New South Wales and
 “ Van Diemen’s Land, and for the more effectual government thereof, and for
 “ other purposes relating thereto,” it is amongst other things enacted, that it
 shall be lawful for her Majesty, by letters patent to be from time to time
 issued under the great seal of the United Kingdom, to erect into a separate
 colony or colonies any islands which now are or which hereafter may be com-
 prised within and be dependencies of the said colony of New South Wales:
 And whereas in pursuance and exercise of the powers in her Majesty vested in
 and by the said recited Act of Parliament, her Majesty did, by certain letters
 patent under the great seal of the United Kingdom, bearing date at West-
 minister the sixteenth day of November in the fourth year of her Majesty’s
 reign, erect into a separate colony the islands of New Zealand, theretofore
 comprised within or dependencies of the said colony of New South Wales,
 with all other islands lying between thirty-four degrees thirty minutes north
 to the forty-seventh degree ten minutes south latitude, and between the one
 hundred and sixty-sixth degree five minutes to the one hundred and seventy-
 ninth degree of east longitude, reckoning from the meridian of Greenwich, and
 the said islands of New Zealand were thereby erected into a separate colony
 accordingly: And whereas, in further pursuance of the said recited Act, her
 Majesty did, by the said recited letters patent, authorize the governor for the
 time being of the said colony of New Zealand and certain other persons to be
 a legislative council for the said colony, and did require and enjoin that the
 said legislative council should, in pursuance of the said Act of Parliament,
 make and ordain all such laws and ordinances as might be required for the
 peace, order, and good government of the said colony: And whereas it is
 expedient to make further provision for the government of the islands of New
 Zealand: Be it therefore and it is hereby enacted, by the Queen’s most
 excellent Majesty, by and with 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 recited Act of the fourth year of her
 Majesty’s reign, and all charters, letters patent, instructions, and orders in
 council made and issued in pursuance thereof, shall be and the same are hereby
 repealed, abrogated, and annulled, so far and only so far as the same or any of
 them are repugnant to or would interfere with or prevent the operation of this
 present Act, or may be repugnant to or would interfere with or prevent the
 operation of any letters patent, charters, orders in council, or royal instruc-
 tions, which may at any time hereafter be issued under the authority or in
 pursuance of this Act: Provided nevertheless, that all laws and ordinances
 made and acts done under and in pursuance of the said recited Act, charters,
 letters patent, instructions, orders in council, or any of them, shall hereafter
 be as lawful, valid, and effectual as though this present Act had not been
 made, save only so far as any such laws, ordinances, or Acts may be repugnant
 to, or would interfere with, or would prevent the operation of this present Act.

Recited Act,
 and letters
 patent, &c.
 issued in pur-
 suance thereof,
 repealed, so far
 as repugnant
 to this Act.

Her Majesty
 may by letters
 patent establish
 municipal cor-
 porations in
 the islands of
 New Zealand.

II. AND be it enacted, that it shall be lawful for her Majesty, in and by
 any letters patent hereafter to be issued under the great seal of the United
 Kingdom, from time to time to constitute and establish within any district or
 districts of the islands of New Zealand one or more municipal corporation or

corporations, and to grant to any such corporations all or any of the powers which, in pursuance of the statutes in that behalf made and provided, it is competent to her Majesty to grant to the inhabitants of any town or borough in England and Wales incorporated in virtue of such statutes, or any of them, and to qualify and restrict the exercise of any such powers in such and the same manner as by the statutes aforesaid, or any of them, her Majesty may qualify or restrict the exercise of any such powers as aforesaid in England.

III. AND be it enacted, that it shall be lawful for her Majesty, in and by any letters patent hereafter to be issued under the great seal of the United Kingdom, from time to time to divide the said Islands of New Zealand into two or more separate provinces, and to constitute and establish within the same two or more separate assemblies; (that is to say,) one such assembly in and for each of such separate provinces; and that each of the said assemblies shall consist of and be holden by a governor, a legislative council, and a house of representatives.

Her Majesty may by letters patent divide the islands into provinces, and establish separate assemblies.

IV. AND be it enacted, that each of the said legislative councils, when such legislative councils shall be constituted, shall consist of such persons as her Majesty shall for that purpose appoint; and that the members of each of the said houses of representatives shall be elected by the respective mayors, aldermen, and common councils of the several municipal corporations aforesaid situate within the limits of the government for which each of the said houses of representatives respectively shall be so elected, and that such elections shall take place in such manner and form and under such regulations as shall for that purpose be prescribed in any such letters patent as aforesaid.

Legislative councils to consist of persons appointed by her Majesty. Houses of representatives to be elected by mayors, aldermen, &c. of municipal corporations.

V. AND be it enacted, that it shall be competent for any such assembly so to be constituted and established within the Islands of New Zealand, and they are hereby authorized and empowered (save as herein-after is excepted), to make and enact laws, statutes, and ordinances for the peace, order, and good government of of such parts of the said islands as shall be within the limits of any separate province for which any such assembly shall be so constituted and established as aforesaid, such laws not being repugnant to the laws of the United Kingdom aforesaid, or to the laws of the general assembly herein-after mentioned.

Assemblies may make laws, &c. for the government of the provinces for which they are constituted.

VI. AND be it enacted, that it shall be lawful for her Majesty, in and by any such letters patent as aforesaid, to constitute and establish a general assembly in and for the Islands of New Zealand, to be called the general assembly of New Zealand, which said general assembly shall consist of and be holden by the governor in chief of the said islands, and a legislative council, and a house of representatives; and that the said legislative council shall consist of such persons as her Majesty shall for that purpose appoint; and that the said house of representatives shall consist of members of the respective houses of representatives of the several provinces into which the said islands may in manner aforesaid be divided, which members so to serve in the said general assembly shall be elected, nominated, and appointed by such persons, and in such manner and form, and upon and subject to such rules and conditions, as her Majesty by any such letters patent as aforesaid shall direct.

Her Majesty may by letters patent establish a general assembly for the islands.

VII. AND be it enacted, that it shall be competent to the said general assembly of the New Zealand Islands, and they are hereby authorized and empowered, to make and enact such laws, statutes, and ordinances as may be required for all or any of the purposes after-mentioned; (that is to say,) first,

General assembly may make laws for the purposes herein mentioned.

for the regulation of all duties of customs to be imposed on the importation or exportation of any goods at any port or place in the New Zealand Islands; and secondly, for the establishment of a general supreme court, to be a court of original jurisdiction or of appeal from any of the superior courts of any such separate provinces as aforesaid; and thirdly, for determining the extent of the jurisdiction and the course and manner of proceeding of such general supreme court; and fourthly, for regulating the current coin of the said islands, or the issue therein of any bills, notes, or other paper currency; and fifthly, for determining the weights and measures to be used therein; and sixthly, for regulating the post offices within and the carriage of letters between different parts of the said islands; and seventhly, for establishing general laws of bankruptcy and insolvency to be in force throughout the same; and eighthly, for the erection and maintenance of beacons and lighthouses on the coasts of the said islands; and ninthly, for the imposition of any dues or other charges on shipping at any port or harbour within the same.

Laws of general assembly to supersede those enacted by separate provinces.

If questions arise as to the power, &c. of general and provincial assemblies, courts, &c. shall obey decision of general assembly, until her Majesty in council shall decide.

VIII. AND be it enacted, that the laws so to be enacted as aforesaid, for any of the purposes aforesaid, by the said general assembly of the New Zealand Islands, shall control and supersede therein any laws, statutes, or ordinances in anywise repugnant thereto which may be enacted by the assemblies of any such separate provinces as aforesaid; and that if any questions shall arise regarding the limits of the authority and jurisdiction of the said general assembly of the New Zealand Islands, and the authority and jurisdiction of the said other assemblies, all courts, officers of justice, and others shall conform and give effect to the decision of the said general assembly of the New Zealand Islands on any such question, until the decisions thereon of her Majesty in council shall have been made known and promulgated within the said islands, by which decision any such questions as aforesaid shall thenceforward be determined within the same.

* * * * *

Provision for maintenance of laws of aboriginal or native inhabitants, where not repugnant to principles of humanity.

X. AND whereas it may be expedient that the laws, customs, and usages of the aboriginal or native inhabitants of New Zealand, so far as they are not repugnant to the general principles of humanity, should for the present be maintained for the government of themselves in all their relations to and dealings with each other, and that particular districts should be set apart within which such laws, customs, or usages should be so observed: Be it enacted, that it shall be lawful for her Majesty, by any such letters patent as aforesaid, to make provision for the purposes aforesaid; any repugnancy of any such native laws, customs, or usages to the law of England, or to any law, statute, or usage in force in the said Islands of New Zealand, or in any part thereof, in anywise notwithstanding.

Her Majesty, by letters patent to make rules for fixing municipal districts, regulating choice of officers, qualifications, &c. of members of corporations and assemblies, procedure in

XI. AND be it enacted, that it shall be lawful for her Majesty, by any such letters patent as aforesaid, to make and prescribe all such rules as to her Majesty shall seem fit for determining the extent and boundaries of the districts to be comprised within any such municipal corporations as aforesaid, and for regulating the choice and election of the various officers of any such corporations, and of the members of the governing bodies thereof, and for ascertaining the qualifications of the members of any such municipal corporations or assemblies or general assembly as aforesaid, and for determining the length of time for which every such assembly or general assembly shall be holden from the time

of the election of the members of the said houses of representatives, and how and by what authority the same shall be dissolved or prorogued, and for prescribing the oaths to be taken or the affirmation to be made by the members of the said corporations, assemblies, or general assembly, or any of them, before entering on the discharge of the duties of their respective offices, and for prescribing the course of proceeding to be followed in the said respective assemblies, and in the said general assembly, in regard to the enactment of laws, statutes, and ordinances therein, and for determining in what cases the governor in chief for the time being of the Islands of New Zealand, or the governor for the time being of any other such separate provinces as aforesaid, shall, in the name and on the behalf of her Majesty, assent to any such laws, statutes, or ordinances, or reserve the signification of her Majesty's pleasure thereon, together with all such rules as shall be necessary for determining the effect of the disallowance by her Majesty of any such law, statute, or ordinance, although not so reserved as aforesaid, together with all such other rules, not being repugnant to this present Act, as it may seem to her Majesty necessary to make and establish for carrying into full effect the purposes and objects thereof.

assemblies,
reservation of
Bills for royal
assent, &c.

XII. AND be it enacted, that it shall be lawful for her Majesty, by any such letters patent as aforesaid, to appropriate and set apart, from and out of the revenues of any such separate provinces as aforesaid, by way of civil list, for the maintenance of the administration of justice, and the principal officers of the civil government, or of such separate provinces as aforesaid, such sums of money as shall not exceed six thousand pounds by the year in any one of the said separate governments: Provided always, that if by any law, statute, or ordinance hereafter to be enacted in and by any such assembly as aforesaid, and assented to by her Majesty, provision shall be made for settling on her Majesty a civil list in substitution for the before-mentioned civil list, then and in that case so much of this Act as relates to the before-mentioned civil list shall cease to be of any force and effect within the province in and for which any such law, statute, or ordinance shall so have been enacted.

Her Majesty
may appropriate and set
apart out of
the revenues
of any separate
province a
sum of money
for the main-
tenance of the
civil govern-
ment.

Assembly may
fix civil list by
ordinance.

XIII. AND be it enacted, that it shall be lawful for her Majesty, by such letters patent as aforesaid, to prohibit the grant or appropriation of any public money by either of the said assemblies, or by the said general assembly, in any case in which such grant or appropriation shall not first have been recommended by her Majesty or on her Majesty's behalf, with a view to or in aid of some specific public service to be performed within the said provinces respectively, or within the said Islands of New Zealand collectively.

Grants of
money made
by assemblies,
not having
been first re-
commended by
her Majesty,
prohibited.

XIV. AND whereas it may be convenient that some of the powers hereby vested in her Majesty should by her Majesty be executed, not by means of such letters patent as aforesaid, but by instructions under her Majesty's signet and sign manual, approved in her privy council, and accompanying or referred to in such letters patent: And whereas it may also be convenient that the exercise of some of the powers aforesaid should by her Majesty be delegated to the governor in chief of the New Zealand Islands for the time being, or to the respective governors of the said respective provinces for the time being, and that it should be competent to her Majesty from time to time to amend, and for that purpose to add to, or, if necessary, to repeal, any such letters patent or instructions as aforesaid: Be it therefore enacted, that it shall be

Certain powers
vested in her

Majesty may be delegated to governor of the New Zealand Islands, and governors of provinces.

lawful for her Majesty to execute any of the powers hereby vested in her Majesty, not by means of such letters patent as aforesaid, but by such instructions as aforesaid; and that it shall be lawful for her Majesty, by any such letters patent or instructions, to delegate to such governor in chief, or to such respective governors as aforesaid, the exercise of such of the powers aforesaid as it may seem meet to her Majesty so to delegate, and to prescribe the manner and form in which, and the conditions subject to which, such delegated authority shall so be exercised; and that it shall also be lawful for her Majesty from time to time to amend, and for that purpose to add to, or if necessary to repeal, any such letters patent or instructions as aforesaid.

Letters patent issued under this Act to be published in the London Gazette, and laid before Parliament.

XV. PROVIDED always, and be it enacted, that all letters patent and instructions which may be issued by her Majesty in pursuance of this present Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one calendar month from the day of the date thereof, if Parliament shall then be in session, and if not then within one calendar month next after the commencement of the then next ensuing session of Parliament: Provided also, that no such letters patent or instructions as aforesaid which may be issued at any time subsequently to the thirty-first day of December one thousand eight hundred and forty-seven shall be of any force or effect until the lapse of six calendar months next after the same shall have been so laid before Parliament, in so far as the object of the same may be to amend, add to, or repeal any other letters patent or instructions which may theretofore have been issued in pursuance hereof for the purposes aforesaid, or for any of them.

Who are to be deemed governor in chief and governors of provinces.

XVI. AND be it enacted, that for the purpose of this present Act the officer for the time being administering, in virtue of her Majesty's commission for that purpose, the general government of the Islands of New Zealand shall be considered as the governor in chief of New Zealand; and that the officer for the time being administering, in virtue of her Majesty's commissions for that purpose, the respective governments of any such separate province as aforesaid, shall be considered as the governor of such province.

* * * * *

CHAPTER CXI.

AN ACT to amend the Law in Ireland as to Ejectments and Distresses, and as to the Occupation of Lands. [a] [28th August 1846.]

WHEREAS it is expedient to amend the law in Ireland as to ejectments and distresses, and as to the occupation of lands;

* * * * *

Sheriff, &c. may with consent of plaintiff execute a writ or

[VIII. b] AND be it enacted, that it shall be lawful for the sheriff or his bailiff or officer, upon the consent in writing of the lessor of the plaintiff, or the plaintiff, or the attorney for the plaintiff, to execute any writ of habere

[a] So much of this Act as relates to proceedings by civil bill, rep., 14 & 15 Vict. c. 57. s. 1., but so nevertheless that the 8th and the 10th sections of this Act shall not be by that Act affected or repealed.]

[b] Section 8 is rep., so far as the same refers to the relation of landlord and tenant in Ireland, but not otherwise, 23 & 24 Vict. c. 154. s. 104.]

statement of such rent in such notice shall have been made by mistake, and without fraud or malice, or want of reasonable care.

In cases of distress for rent a tender of the amount and costs before sale shall be sufficient to stay proceedings.

XI. AND be it enacted, that in every case of distress for rent a tender of the rent in arrear and of the charges of such distress at any time before the commencement of the sale of the property distrained shall be sufficient to stay the proceedings on such distress, and to entitle the person distrained upon to a return of the property so distrained; and the party whose goods shall be distrained shall be at liberty to plead such tender in bar to any avowry or cognizance, and shall be entitled to recover damages in an action on the case against the party by whom or by whose agent or bailiff the goods so distrained shall be withheld after such tender; and for the purposes of this Act the bailiff appointed in writing by the known agent or receiver of any landlord, or of the person substantially and beneficially entitled to the rent for which the distress shall be made, shall be deemed to be the bailiff of such landlord or person so entitled.

No distress for rent shall be lawful, unless made by landlord or his agent or receiver, or by virtue of a warrant properly signed.

XII. AND be it enacted, that no distress for rent made otherwise than by the landlord of any premises, or his known agent or receiver in person, shall be lawful, unless made by virtue of a written or printed warrant or order to distrain signed by the landlord or person substantially and beneficially entitled to the rent for which the distress shall be made, or his known agent or receiver, directing the bailiff or other person to distrain the tenant or tenants, person or persons, named therein, and bearing upon it the date when and the name of the place at which it is signed, nor unless such warrant or order shall be signed within twenty days next before the time when such distress shall be made: Provided always, that such warrant or order to distrain shall be free from the payment of any stamp duty.

Warrant free from stamp duty.

Party distraining for rent justly due not deemed a trespasser ab initio by reason of subsequent irregularity.

XIV. AND be it enacted, that where any distress shall be made for any rent justly due, and any irregularity or unlawful act shall be afterwards done by the party distraining, or by his agents, the distress itself shall not be therefore deemed to be unlawful, nor the party a trespasser, ab initio, but the party aggrieved shall receive full satisfaction for the special damage sustained thereby, and no more, in an action of trespass or on the case, and where such plaintiff shall recover he shall be paid his full costs: Provided always, that no tenant shall recover for such irregularity, if tender of amends hath been made by the party distraining, or his agent, before action brought.

57 Geo. 3. c. 93.
7 & 8 Geo. 4. c. 17.

No person making any distress for rent, taxes, rates, &c., where the sum due shall not exceed 20*l.*, to take other charges than mentioned in the schedule

XV. AND whereas it is expedient to limit and regulate the costs of distresses in Ireland, as it has been done in England by an Act passed in the fifty-seventh year of his late Majesty King George the Third, intituled "An Act to regulate the costs of distresses levied for payment of small rents," as amended by an Act of the seventh and eighth years of the reign of his late Majesty King George the Fourth: Be it enacted, that from and after the passing of this Act no person whatsoever making any distress for rent, or for any rates, taxes, impositions, or assessments, where the sum demanded and due shall not exceed the sum of twenty pounds for and in respect of such rent, or rates, taxes, impositions, or assessments, save as herein-after provided, nor any person whatsoever employed in any manner in making such distress, or doing any act whatsoever in the course of such distress, or for carrying the same into effect, shall have, take, or receive out of the produce of the goods or chattels

Penalty on refusing to obey such summons or to be examined.

complaint, or the defence against it; and if any person or persons so summoned shall not obey such summons without any reasonable or lawful excuse, or refuse to be examined upon oath, or, if a Quaker, Moravian, or Separatist, upon solemn affirmation, then every such person so offending shall forfeit and pay a sum not exceeding forty shillings, to be ordered, levied, and paid in such manner, and by such means, and with such power of commitment, as is herein-before directed as to such order and judgment to be given between the party or parties in the original complaint, excepting so far as regards the form of the order, and herein-after provided for.

If complaint unfounded, justice may give costs to the party complained against.

XVIII. AND be it enacted, that it shall be lawful for such justices, if they shall find that the complaint of the party or parties aggrieved is not well founded, to order and adjudge costs not exceeding twenty shillings to be paid to the party or parties complained against, which order shall be carried into effect and levied and paid in such manner, and with like power of commitment, as is herein-before directed as to the order and judgment founded on such original complaint: Provided always, that nothing herein contained shall empower such justices to make any order or judgment against the landlord for whose benefit any such distress shall have been made, unless such landlord shall have personally levied such distress: Provided also, that no person or persons who shall be aggrieved by any distress for rent, taxes, rates, impositions, or assessments, or by any proceedings had in the course thereof, or by any costs and charges levied upon them in respect of the same, shall be barred from any legal or other suit or remedy which he, she, or they might have had before the passing of this Act, excepting so far as any complaint to be preferred by virtue of this Act shall have been determined by the order and judgment of the justices before whom it shall have been heard and determined, and which order and judgment shall and may be given in evidence under the plea of the general issue in all cases where the matter of such complaint shall be made the subject of any action.

No judgment to be given against any landlord unless he personally levies the distress.

Parties aggrieved not to be barred of other legal remedies, but determination of justices to be a bar to other proceedings.

Orders, &c. to be in form in schedule (B.)

Proof of orders.

XIX. AND be it enacted, that such orders and judgments on such complaint shall be made in the form in the schedule (B.) hereunto annexed, and may be proved before any court by proof of the signature of the justices to such order and judgment; and such orders, as regards persons who may have been summoned as witnesses, shall be made in such form as to such justices shall seem most fit and convenient.

Brokers and others making any distress shall on demand give copies of their charges to the persons distrained. Penalty for default.

XX. AND be it enacted, that every broker, bailiff, or other person who shall make and levy any distress whatsoever shall, if the same shall be demanded by the party distrained, give a copy of his charges, and of all the costs and charges of the distress whatsoever, signed by him, to the person or persons on whose goods and chattels any distress shall be levied, although the amount of the rent, taxes, rates, impositions, or assessments demanded shall exceed the sum of twenty pounds, and upon default of so doing he shall be liable to forfeit any sum not exceeding forty shillings, to be recovered before any two justices of the peace acting for such district, and levied, under the warrant of such justices, by distress and sale of the goods of the person so making default.

Printed copy of clauses of this Act as to costs of dis-

XXI. AND be it enacted, that a fair printed copy of the clauses of this Act, and of the schedule (B.) thereto annexed, which regulate or relate to the costs of distresses, shall be hung up in some convenient place in such halls or rooms

SCHEDULE of the limitation of costs and charges on distresses for small rents, or rates, taxes, impositions, or assessments, not exceeding twenty pounds.

	£	s.	d.
Levying distress	-	-	-
Man in possession, per day each (but not exceeding two in number, unless upon information sworn before a justice that a rescue or violence is apprehended)	-	-	-
All expences of advertisements, if any such	-	-	-
Catalogues, sale, and commission, and delivery of goods, 1s. in the pound on the net produce of the sale, if sold by a licensed auctioneer; otherwise, 6d. in the pound on the net produce of the sale.	-	-	-

* * * * *

CHAPTER CXII.

AN ACT to facilitate and encourage the granting of certain Leases for Terms of Years in Ireland. [28th August 1846.]

WHEREAS it is expedient to encourage the leasing of lands in Ireland for terms of years, in certain cases, and subject to certain conditions, 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, that it shall and may be lawful for any person duly entitled in that behalf, who shall, after the passing of this Act, demise or let any lands or tenements in Ireland for any term of years not exceeding thirty-one years, and not less than fourteen years, reserving a yearly rent not exceeding fifty pounds, without the taking of any fine, premium, or foregift, or any thing in the nature thereof, for the making of such demise, to execute a deed of lease according to the form and pursuant to the provisions contained in a certain Act of the eighth and ninth years of the reign of her present Majesty, intituled "An Act to facilitate the granting of certain leases," or according to any of the forms and pursuant to the directions contained in the schedules to this Act annexed;

Leases in Ireland for terms not exceeding 31 years, nor less than 14 years, reserving a rent not exceeding 50l. yearly, without premium, may be made according to the forms in the schedules to the Act 8 & 9 Vict. c. 124. or to those in the schedules to this Act.

Deeds executed according to this Act held to include all outhouses, &c.

Deed failing to take effect by this Act to be as valid as if this Act not made.

IV. AND be it enacted, that every such deed, executed according to the form and pursuant to the directions contained in the schedules to this Act, unless any exception be specially made therein, shall be held and construed to include all outhouses, buildings, barns, stables, yards, gardens, cellars, ancient and other lights, paths, passages, ways, watercourses, easements, and appurtenances whatsoever, to the lands and tenements therein comprised belonging or in anywise appertaining.

V. AND be it enacted, that any deed or part of a deed, executed as last aforesaid, which shall fail to take effect by virtue of this Act, shall nevertheless be as valid and effectual, and shall bind the parties thereto, so far as the rules of law and equity will permit, as if this Act had not been made.

