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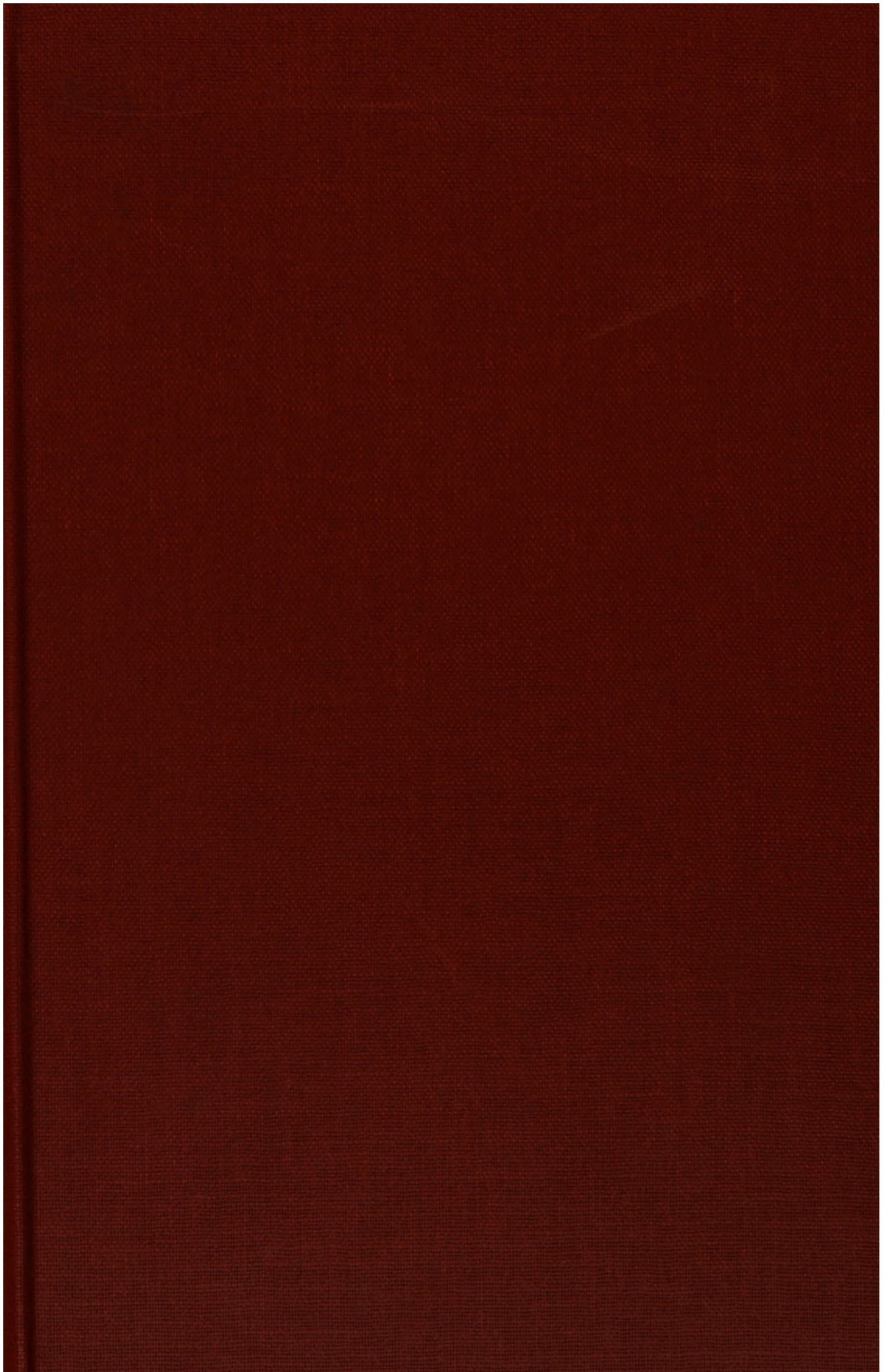
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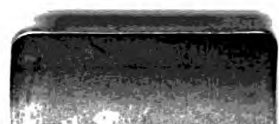
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THE
SESSIONAL PAPERS

PRINTED BY ORDER

OF

THE HOUSE OF LORDS,

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IN THE

Session 1912-13,

(2 & 3 GEORGE V.)

ARRANGED IN VOLUMES.

VOL. IV.

PUBLIC BILLS.

(Five Volumes.)

THE SUBJECTS ALPHABETICALLY ARRANGED:

ABE - - EDU

1912-13.

THIS BOOK
IS TO BE PRESERVED IN THE
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BOARD OF TRADE

PUBLIC BILLS, 1912-13.

(FIVE VOLUMES.)

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[2 & 3 GEO. 5.] *Aberdeen Market Company Order*
Confirmation. [H.L.]

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1912.
Legislation Procedure (Scotland) Act 1899 relating to
the Aberdeen Market Company.

WHEREAS His Majesty's Secretary for Scotland has made
the Provisional Order set forth in the schedule hereunto
annexed under the provisions of the Private Legislation Procedure 62 & 63 Vict.
(Scotland) Act 1899 and it is requisite that the said Order should c. 47.
5 be confirmed by Parliament:

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

- 10 **1.** The Provisional Order contained in the schedule hereunto Confirmation
annexed shall be and the same is hereby confirmed. of Order in
schedule.
- 2.** This Act may be cited as the Aberdeen Market Company Short title.
Order Confirmation Act 1912.

A.D. 1912.

SCHEDULE.

ABERDEEN MARKET COMPANY.

Provisional Order to provide for the registration of the Aberdeen Market Company as a limited Company under the Companies (Consolidation) Act 1908 and to repeal the Act relating to the Company from the date of such registration and for other purposes. 5

WHEREAS by the Act (Local and Personal) passed in the second and third year of the reign of Her late Majesty Queen Victoria chapter sixty-four (in this Order called "the Act of 1839") the Aberdeen Market Company (in this Order called "the Company") was incorporated with power to erect establish and maintain a new market in the city of Aberdeen and to provide suitable approaches thereto and with power to ask demand recover receive and take the rents tolls stallages and sums of money specified in the said Act and with a capital of fifty thousand pounds divided into fifty thousand shares of one pound each and with power to borrow any sum of money not exceeding in the whole the sum of twenty thousand pounds: 15

And whereas the Company erected and established the said market and have maintained and carried on the same under the provisions of the Act of 1839: 20

And whereas the capital of the Company at present issued consists of twenty-five thousand fully paid shares of one pound each now held by the members of the Company: 25

And whereas with a view to extending the objects and operations of the Company it is intended to register the Company as a limited company under the Companies (Consolidation) Act 1908:

And whereas the memorandum and articles of association set forth in the schedule to this Order have been approved by the Company in general meeting: 30

And whereas it is expedient to repeal the Act of 1839 as from the date of such registration as by this Order provided and to enact that the said memorandum and articles of association shall be the memorandum and articles of association of the Company: 35

[2 & 3 GEO. 5.] *Aberdeen Market Company Order*
Confirmation.

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And whereas it is expedient that the other provisions in this Order contained should be made: A.D. 1912.

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

1. This Order may be cited as the Aberdeen Market Company Order 1912 and shall come into operation on the date of the passing of the Act confirming the same. Short title.

2. On and from the date of registration of the Company under the Companies (Consolidation) Act 1908 the Company shall continue incorporated by the name of the Aberdeen Market Company Limited and the Act of 1839 shall be repealed without prejudice to anything done or suffered thereunder. Repeal of Act of 1839.

3. On and from the date of registration of the Company under the Companies (Consolidation) Act 1908 the memorandum and articles of association of which a copy is set out in the schedule to this Order shall subject to the provisions of the said Companies Act be the memorandum and articles of association of the Company in substitution for the provisions of the Act of 1839. Substitution of memorandum and articles of association in schedule for Act of 1839.

4.—(1) Every member of the Company shall receive in substitution for every share of one pound held by him in the capital of the Company immediately before its registration under the said Companies Act one of the one pound shares (credited as fully paid) into which the capital of the Company is divided by the memorandum of association scheduled to this Order. Vesting of shares in members of Company.

(2) Substituted shares shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before such registration as aforesaid affected the corresponding old shares respectively and every deed agreement or other instrument and every testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the substituted shares as the case may be.

Aberdeen Market Company Order [2 & 3 GEO. 5.]
Confirmation.

- A.D. 1912. (3) The directors of the Company shall issue or cause to be issued certificates of the said substituted shares under such conditions as to evidence of title or otherwise in regard to the old shares as the Company may determine.
- Transfer of property to Company. 5. All property heritable and moveable real and personal of every description and wheresoever situated and all interest in and right to such property and all contracts leases agreements debts obligations and actions belonging to or vested in the Company at the date of its registration under the said Companies Act shall on registration pass to and vest in the Company as incorporated under that Act. 10
- Registration not to affect obligations incurred previously to registration. 6. The registration of the Company in pursuance of the said Companies Act and the change of the name of the Company shall not affect or prejudice the liability of the Company to have enforced against it or its right to enforce any debt or obligation incurred or any contract or deed entered into by to with or on behalf of the Company previously to such registration. 15
- Continuance of existing actions. 7. Notwithstanding such repeal as aforesaid and the change of name of the Company or any other provisions of this Order all such actions and other legal proceedings as may at the time of the registration of the Company have been commenced by or against the Company may be continued in the same manner as if such registration had not taken place. 20
- Copy of Order to be registered. 8.—(1) The Company shall deliver to the Registrar of Joint Stock Companies in Scotland a printed copy of the Act confirming this Order and he shall retain and register the same and if such copy is not so delivered within three months from the passing of the Act confirming this Order the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily. 25 30 35
- (2) There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than the memorandum or

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Confirmation.

the abstract required to be filed with the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding-up in England. A.D. 1912.

9. Nothing in this Order or the schedule thereto shall be deemed to exempt the Company from the provisions of any local or general Act now in force or which shall be passed during the present or any future session of Parliament relating to the objects of the Company. Local and general Acts to apply.

10. All costs charges and expenses of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Company. Costs of Order.

The SCHEDULE referred to in the foregoing Order.

MEMORANDUM OF ASSOCIATION OF THE ABERDEEN MARKET
 COMPANY LIMITED.

- 15 1. The name of the Company is the Aberdeen Market Company Limited.
2. The registered office of the Company will be situate in Scotland.
3. The objects of the Company are—
- 20 (1) To carry on the business and undertaking of the Aberdeen Market Company in Market Street Hadden Street Green and East Green in the city and county of Aberdeen and to develop the said business and undertaking in all its branches:
- 25 (2) To carry on all or any of the businesses of refrigeration and cold storage producers of low temperatures in warehouses warehousemen bonded warehouse proprietors dealers in and producers manufacturers importers and exporters of all kinds of provisions wares and merchandise ice tobacco wines spirits beer and other
- 30 liquors and beverages whether alcoholic or non-alcoholic and manufacturers of and dealers in all kinds of commodities that may be conveniently used in connection with any of the aforesaid businesses:
- 35 (3) To hold the Market House of the Company and the vaults owned in connection therewith and to use the shops vaults stands benches cellars and other conveniences in or possessed along therewith for the foresaid purposes and to let rent and hire any such shops and others for such periods as may be arranged and to recover

Aberdeen Market Company Order [2 & 3 GEO. 5.]
Confirmation.

A.D. 1912,

all rents tolls stallages or sums of money which shall from time to time be fixed for the use of the same :

- (4) To fit up use employ and hold the buildings of the Company or any part thereof for the purposes of a fair mart exchange refreshment rooms assembly rooms 5
concert rooms theatres music halls and places of entertainment and to let rent and hire the same to any person company or corporation for any such purpose :
- (5) To maintain uphold repair improve alter renew add to and develop the heritable property of the Company and to 10
make such alterations on the division arrangement and appropriation of the market buildings and heritages and such repairs amendments and alterations of or in the shops erections and buildings for the time being therein and of or in the vaults and cellars for the 15
time being under the same or possessed in connection therewith and generally to do and perform all such acts and deeds as shall appear to the directors to be necessary or useful for the preservation support and continuance thereof : 20
- (6) To borrow money and to issue bonds debentures debenture stock or other obligations whether perpetual or redeemable payable to the bearer or otherwise and for the purpose of securing borrowed money and interest thereon or for securing any obligations of the Company 25
or for any other purposes of the Company to mortgage or charge the whole or any part of its assets present or to be acquired and its undertaking :
- (7) To invest the moneys of the Company in any way it may think fit and to acquire and hold any real or personal 30
heritable or moveable property either for facilitating the carrying on of any business of the Company or as an investment of its funds and to deal with and dispose of such property :
- (8) To draw accept endorse discount execute and issue bills 35
of exchange promissory notes debentures bills of lading and other negotiable or transferable instruments or securities :
- (9) Generally to purchase take on hire lease exchange or otherwise acquire any real or personal property rights 40
or privileges which the Company may think necessary or convenient with reference to any of these objects or capable of being profitably dealt with in connection with any of the Company's property or rights for the time being : 45

[2 & 3 GEO. 5.] *Aberdeen Market Company Order Confirmation.*

A.D. 1912.

- 5 (10) To enter into partnership or into any arrangement for sharing profits union of interests joint adventure or co-operation with any company firm or person carrying on or proposing to carry on any business within the objects of the Company and to acquire and hold shares stock or securities of any such company and to subsidise or otherwise assist any such company firm or person :
- 10 (11) To establish or promote or concur in establishing or promoting any other company whose objects shall include the acquisition and taking over of all or any of the assets and liabilities or shall be in any manner calculated to advance directly or indirectly the objects or interests of the Company and to acquire and hold shares stock and securities of and guarantee the payment of any securities issued by or any other obligation of any such company :
- 15 (12) To sell or transfer the whole or any part or branch of the Market House and of the business property and undertaking of the Company for such consideration as the Company may think fit and in particular for cash or shares stock debentures or securities of any company formed or to be formed in the United Kingdom or elsewhere whose objects are or include objects similar to any of those of the Company :
- 20 (13) From time to time to subscribe or contribute to any charitable benevolent or useful institution or object to support or contribute towards the expense of supporting any Bill in Parliament or Provisional Order or to any other purpose which may seem expedient in the interest of the Company and to oppose or contribute towards the expense of opposing any Bill in Parliament Provisional Order or any proceedings and applications which may be deemed to be prejudicial to the interests of the Company :
- 25 (14) To do all such other things as may seem to the Company to be incidental or conducive to the attainment of the objects named or any of them.
- 30
- 35

4. The liability of the members is limited.

5. The capital of the Company is twenty-five thousand pounds divided into twenty-five thousand shares of one pound each with power to increase or reduce the same and to divide the same into several classes and to attach thereto respectively any preferential deferred qualified or special rights privileges or conditions.

A.D. 1912.

The Companies (Consolidation) Act 1908.

Company limited by shares.

ARTICLES OF ASSOCIATION OF THE ABERDEEN MARKET COMPANY
LIMITED.

Table A.

5

1. The regulations contained in Table A shall not apply to the Company.

Interpretation.

2. In these presents unless there be something in the subject or context inconsistent therewith— 10

“The Company” means “the Aberdeen Market Company Limited” ;

“The statutes” mean the Companies (Consolidation) Act 1908 and every other Act for the time being in force concerning joint stock companies and affecting the Company ;

“The office” means the registered office of the Company ; 15

“Dividend” includes bonus ;

“Month” means calendar month ;

“In writing” or “written” includes printing lithographing type-writing and any other means of representing or reproducing words in visible form ; 20

Words importing the singular number include the plural number and vice versâ ;

Words importing the masculine gender include the feminine gender ;

Words importing persons include corporations and firms ; 25

Subject as aforesaid any words defined in the statutes shall if not inconsistent with the subject or context bear the same meaning in these articles as in the statutes.

Office.

3. The office shall be at such place in Scotland as the directors shall from time to time appoint. 30

Shares.

4. No part of the funds of the Company shall be employed in the purchase of the Company's shares.

5. If two or more persons are registered as joint holders of any share any one of them may give effectual receipts for any dividend or other money payable in respect of the share. 35

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Confirmation.

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6. The Company shall be entitled to treat the registered holder of a share as the absolute owner thereof and accordingly shall not be bound to recognise any equitable or other claim to or interest in any such share on the part of any other person save as herein provided. A.D. 1912.

5 7. Certificates of title to shares shall be issued under the common seal of the Company and signed by two directors and countersigned by the secretary or some other person appointed by the directors.

8. Every certificate shall specify the denoting numbers of the shares in respect of which it is issued and the amount paid up thereon.

10 9. Every member shall be entitled to one certificate for the shares registered in his name provided that in the case of joint holders the Company shall not be bound to issue more than one certificate to all the joint holders and delivery of that certificate to any one of them shall be a sufficient delivery to all.

15 10. If any certificate be worn out or defaced the directors may on production thereof order it to be cancelled and may issue a new certificate in its place and if any certificate be lost or destroyed they may on proof thereof to their satisfaction and on receiving such indemnity as they deem adequate and payment of any expenses incidental to the investigation by the Company of the evidence of such loss or destruction issue a new certificate in lieu thereof to the party entitled to such lost or destroyed certificate.

20 11. The sum of one shilling or such smaller sum as the directors may determine shall be paid to the Company for every certificate issued under the last preceding clause.

Calls on Shares.

12. In the event of the Company resolving at any time to increase its share capital as provided in Articles 36 and 37 hereof the directors may subject to the regulations of these articles and to any conditions of allotment from time to time make such calls as they think fit upon the members in respect of all moneys unpaid on their shares and each member shall pay the amount of every call so made on him to the person and at the time and place appointed by the directors.

30 13. A call shall be deemed to have been made at the time when the resolution of the directors authorising such call shall have been passed.

14. The joint holders of a share shall be jointly and severally liable to pay all calls in respect thereof.

40 15. Fourteen days' notice at the least of any such call shall be given specifying the time and place of payment and to whom payment shall be made.

A.D. 1912.

16. If the sum payable in respect of the call on any share be not paid on or before the day appointed for payment thereof the holder for the time being shall pay interest on the amount of the call at the rate of ten per centum per annum from the day appointed for payment until the time of actual payment provided always that 5 the directors shall have it in their power to remit such interest or any part thereof.

17. A member shall not be entitled to receive any dividend or bonus or to be present or vote at any meeting or upon a poll or to exercise any privilege as a member until he has paid all calls for the 10 time being due and payable on every share held by him whether alone or jointly with any other person together with the interest and expenses if any.

18. Any sum which by the terms of allotment of a share is made payable on allotment or at any fixed date shall for the purposes of 15 these articles be deemed to be a call duly made and payable on the date fixed for payment and in case of non-payment the provisions of these articles as to payment of interest and expenses forfeiture and the like shall apply as if the same were a call duly made and notified as provided by these articles. 20

19. The directors may receive from any member willing to advance the same and upon such terms and conditions as they think fit all or any part of the moneys unpaid upon the shares held by such member beyond the sums actually called up thereon and in particular 25 such moneys may be received upon the terms that interest shall be paid thereon or on so much thereof as exceeds the amount for the time being called up on the shares in respect of which the advance has been made. When money is paid up in advance of calls on the footing that the same shall carry interest such money shall not while 30 carrying interest confer a right to participate in profits.

Transfer and Transmission of Shares.

20. The person appearing in the register of members for the time being to be the holder of any shares shall be entitled subject to the qualifications hereinafter expressed but not otherwise to sell and transfer such shares to any person not being a minor lunatic bankrupt 35 insolvent or otherwise under legal disability.

21. The instrument of transfer of a share shall be in common form and shall be signed in presence of one witness by both transferor and transferee and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the 40 register in respect thereof. The transfer must be left at the office of the Company accompanied by the certificate of the shares to be

[2 & 3 GEO. 5.] *Aberdeen Market Company Order
Confirmation.*

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transferred and such other evidence (if any) as the directors may require to prove the title of the intending transferor. A.D. 1912.

22. The directors may without assigning any reason refuse to register the transfer of any share not fully paid up to any person of whom they shall not approve as transferee.

23. A fee not exceeding two shillings and sixpence for the registration of each transfer of shares may be charged.

24. On the death of any shareholder the survivors or survivor of those registered as joint holders with him where he was a joint holder and the executors or administrators of the deceased where he was a sole holder shall be the only persons recognised by the Company as having any title to his shares but nothing herein contained shall release the estate of a deceased joint holder from any liability existing at the time of his death in respect of any share jointly held by him.

25. Any person becoming entitled to a share in consequence of the death or bankruptcy of any member may subject to the provisions hereinafter contained and on production of such evidence of title as the directors require and subject as hereinafter provided either be registered himself as holder of the share or elect to have some person nominated by him registered as the transferee thereof.

26. If the person so becoming entitled to a share shall elect to be registered himself he shall deliver or send to the Company a notice in writing signed by him stating that he so elects. For all purposes relating to the registration of transfers of shares such notices shall be deemed to be a transfer and the directors shall have the same power of refusing to give effect thereto by registration as if the event upon which the transmission took place had not occurred and the notice were a transfer executed by the person from whom the title by transmission is derived.

27. If the person so becoming entitled shall elect to have his nominee as aforesaid registered he shall testify his election by executing to his nominee a transfer of such share. The directors shall have in respect of transfers so executed the same power of refusing registration as if the event upon which the transmission took place had not occurred and the transfer were a transfer executed by the person from whom the title by transmission is derived.

28. A person entitled to a share by transmission shall be entitled to receive and discharge any dividends bonuses or other moneys payable in respect of the share but he shall not be entitled to receive notices of or to attend or vote at meetings of the Company or save as aforesaid to any of the rights or privileges of a member unless and until he is registered as a member in respect of the share. A fee not exceeding two shillings and sixpence may be charged on the

A.D. 1912. — intimation of any transmission of shares or of the marriage of any female shareholder or the death or resignation of any joint holder or the intimation of any power of attorney.

Forfeiture of Shares.

29. If any shareholder fail to pay the whole or any part of any call on or before the day appointed for the payment thereof the directors may at any time thereafter while the call or any part thereof remains unpaid serve a notice on such member requiring him to pay the same together with any interest that may have accrued and all expenses that may have been incurred by the Company by reason of such non-payment. Such service shall be sufficiently proved by proving that the envelope containing the notice was addressed to the shareholder at his registered address and posted. 5 10

30. The notice shall name a further day (not being less than fourteen days from the date of the notice) and a place or places on and at which said call or the part thereof remaining unpaid and such interest and expenses as aforesaid are to be paid. The notice shall also state that in the event of non-payment at or before the time and at the place appointed the shares in respect of which the call was made will be liable to be forfeited. 15 20

31. If the requisitions of any such notice as aforesaid are not complied with any share in respect of which such notice has been given may at any time thereafter before payment of all calls interest and expenses due in respect thereof has been made be forfeited by a resolution of the directors to that effect. Such forfeiture shall include all dividends declared in respect of the forfeited shares and not actually paid before the forfeiture. 25 30

32. The directors may at any time before any share forfeited shall have been sold re-allotted or otherwise disposed of annul the forfeiture thereof upon such conditions as they think fit. 30

33. Every share which shall be forfeited shall thereupon become the property of the Company and may be disposed of without judicial authority in such manner as the directors shall think fit.

34. A shareholder whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls interest and expenses owing upon or in respect of such shares at the time of the forfeiture in the same manner in all respects as if the shares had not been forfeited together with interest thereon from the time of forfeiture until payment at the rate of ten per centum per annum. 35

35. A statutory declaration in writing that the declarant is a director of the Company and that a certain share has been duly forfeited in pursuance of these articles and stating the time when it 40

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was forfeited shall as against all persons claiming to be entitled to the share be conclusive evidence of the facts therein stated and such declaration together with a certificate of proprietorship of the share under seal delivered to a purchaser or allottee thereof shall constitute
 5 a good title to the share and the new holder thereof shall be discharged from all calls made prior to such purchase or allotment and shall not be bound to see to the application of the purchase money if any nor shall his title to the share be affected by any omission irregularity or invalidity in or relating to or connected with the
 10 proceedings in reference to the forfeiture sale or disposal of the share.

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Capital.

36. The Company may from time to time by special resolution increase its share capital to the amount determined by such resolution and by such resolution determine the conditions on which such
 15 increase of share capital may be made and the new shares may be issued upon such terms and conditions and with such rights and privileges annexed thereto as by special resolution shall be determined and in default of any such resolution as the directors determine and in particular such shares may be issued with a preferential or
 20 deferred or qualified right to dividend or in the distribution of assets and with a special or without any right of voting. An increase of capital may take the form of a creation of ordinary and preference shares or of either of these shares.

37. Subject to any direction to the contrary that may be given by
 25 the resolution which authorises the increase of capital all new shares shall be offered to the members in proportion or as nearly as may be to the existing shares held by them and on such terms as the directors may determine. Such offer shall be made by notice specifying the number of shares to which the member is entitled and
 30 limiting a time within which the offer if not accepted will be deemed to be declined and after the expiration of such time or on receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered the directors may dispose of them in such manner as they think most beneficial to the Company.

35 38. Except so far as otherwise provided by the conditions of issue any capital raised by the creation of new shares shall be considered part of the original share capital and shall be subject to the same provisions with reference to the payment of calls transfer and transmission forfeiture and otherwise as if it had been part of the original
 40 capital.

39. The Company may by special resolution—

- (A) Consolidate and divide its capital into shares of larger amount than its existing shares;
- (B) Subdivide any of its shares;

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- (c) Cancel any shares which at the date of the passing of the resolution have not been taken or agreed to be taken by any person;
- (d) Reduce its capital in any manner and with and subject to any incident authorised and consent required by law. 5

Borrowing Powers.

40. The directors may from time to time at their discretion and on such terms as they think fit borrow money for the purposes of the Company and may grant security for money so borrowed by mortgaging pledging or charging the whole or any part of the property of the Company including its uncalled capital for the time being or otherwise as they think proper The total amount of money to be so borrowed shall not without the sanction of a general meeting of the Company exceed the paid up capital of the Company for the time being. 10

General Meetings.

15

41. A general meeting of the Company shall be held in every year at such place and time as the directors may from time to time determine These general meetings shall be called ordinary meetings All other general meetings excepting the statutory meeting shall be called extraordinary meetings. 20

42. The directors may call an extraordinary meeting whenever they think fit.

43. Seven days' notice at least specifying the place day and hour of every general meeting of the Company and the general nature of any special business to be transacted shall be given in manner herein-after mentioned to the members entitled to receive the same but the accidental omission to give any such notice to or the non-receipt of such notice by any member shall not invalidate any resolution passed or proceedings had at any such meeting. 25

44. When a special resolution is proposed to be passed the two meetings may be convened by one notice and the second meeting may be convened by such notice contingently on the proposed resolution being passed at the first meeting by the necessary majority. 30

45. All business shall be deemed special that is transacted at an extraordinary meeting All business transacted at an ordinary meeting shall also be deemed special with the exception of sanctioning a dividend the consideration of the accounts and balance sheet and the ordinary reports of the directors and auditors the election of directors and other officers in the place of those retiring by rotation and the fixing of the remuneration of the directors and the auditors. 35

46. Any member entitled to be present and vote at a general meeting may submit any resolution to such meeting on condition only 40

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that he shall have served upon the Company a notice in writing signed by him containing the proposed resolution and stating his intention to submit it and that the time of his service shall be such that there shall be not less than four nor more than fourteen days intervening between
 5 the date when the notice is served or deemed to be served and the day appointed for the meeting.

47. No business shall be transacted at any general meeting except the declaration of a dividend unless a quorum is present when the meeting proceeds to business save as by these articles otherwise
 10 provided Seven members personally present shall be a quorum except in the case provided for in the immediately succeeding article.

48. If within half an hour from the time appointed for the holding of a general meeting a quorum is not present the meeting if convened on the requisition of members shall be dissolved In any other case
 15 it shall stand adjourned to the same day in the next week at the same time and place and if at such adjourned meeting a quorum is not present within fifteen minutes from the time appointed for holding the meeting the members present shall be a quorum.

49. The chairman with the consent of any meeting at which a
 20 quorum is present may adjourn the meeting from time to time and from place to place as the meeting shall determine Whenever a meeting is adjourned for ten days or more notice of the adjourned meeting shall be given in the same manner as of an original meeting Save as aforesaid the members shall not be entitled to any notice of
 25 an adjournment or of the business to be transacted at any adjourned meeting other than the business which might have been transacted at the meeting from which the adjournment took place.

50. The chairman of the board of directors shall preside at every general meeting but if there be no such chairman or if at any meeting
 30 he shall not be present within fifteen minutes after the time appointed for holding the same or shall be unwilling to act as chairman the members present shall choose some director or if no director be present or if all the directors present decline to take the chair they shall choose one of themselves to be chairman of the meeting.

51. At any general meeting a resolution put to the vote of the
 35 meeting shall be decided on a show of hands by a majority of those present and entitled to vote unless before or upon the declaration of the result of the show of hands a poll be demanded in writing by at least five members present in person and entitled to vote and unless
 40 a poll be so demanded a declaration by the chairman of the meeting that a resolution has been carried or has been carried by a particular majority or lost or not carried by a particular majority shall be conclusive and an entry to that effect in the minute book of the Company shall be conclusive evidence thereof without proof of the

A.D. 1912. number or proportion of the votes recorded in favour of or against such resolution.

52. If a poll be demanded in manner aforesaid it shall be taken at such time and place and in such manner as the chairman shall direct and the result of the poll shall be deemed to be the resolution 5 of the meeting at which the poll was demanded.

53. No poll shall be demanded on the election of a chairman of a meeting or on any question of adjournment.

54. In the case of an equality of votes either on a show of hands or at a poll the chairman of the meeting shall be entitled to a further 10 or casting vote in addition to the vote or votes to which he may be entitled as a member.

55. The demand of a poll shall not prevent the continuance of a meeting for the transaction of any business other than the question on which a poll has been demanded. 15

Votes of Shareholders.

56. On a show of hands every shareholder shall have one vote only In the case of a poll every shareholder shall have one vote in respect of each share held by him.

57. If any shareholder be a lunatic or idiot he may vote by his 20 curator bonis or other legal curator and such guardian may give his vote either personally or by proxy.

58. If two or more persons are jointly entitled to a share then in voting upon any question the vote of the person whose name stands first in the register of members or his proxy shall be accepted to the 25 exclusion of the votes of the other registered holders of the share.

59. Save as herein expressly provided no person other than a member duly registered who shall have paid everything for the time being due from him and payable to the Company in respect of his shares shall be entitled to be present or to vote on any question 30 either personally or by proxy or as proxy for another member at any general meeting.

60. Votes may be given either personally or by proxy On a show of hands a member present only by proxy shall have no vote but a proxy for a company or corporation may vote on a show of 35 hands No person who is not entitled to be present and vote in his own right shall act as a proxy except for a company or corporation.

61. Any company which is a member of the Company may by minute of its directors authorise any person to act as its representa- 40 tive at any meeting of the Company and such representative shall be entitled to exercise the same functions on behalf of the company

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which he represents as if he had been an individual shareholder including power when personally present to vote on a show of hands. A.D. 1912.

62. The instrument appointing a proxy shall be in writing under the hand of the appointor or if such appointor is a corporation under their common seal if any and if none then under the hand of some officer duly authorised in that behalf.

63. The instrument appointing a proxy and the power of attorney or other authority if any under which it is signed or a notarially certified copy of such power or authority shall be deposited at the office at least forty-eight hours before the time appointed for holding the meeting or adjourned meeting at which the person named in such instrument proposes to vote otherwise the person so named shall not be entitled to vote in respect thereof.

64. An instrument appointing a proxy shall be in the following form or as near thereto as circumstances will admit:—

The Aberdeen Market Company Limited.

" I
of
" being a member hereby appoint
" of or failing him
20 " of
" to vote for me and on my behalf at the general meeting of the
" Company to be held on the day of
" and at every adjournment thereof.
" As witness my hand this day of
25 " nineteen hundred and "

or in such other form as the directors may from time to time approve and no attestation of the signature thereto shall be requisite.

65. The directors may at the cost of the Company issue stamped forms of proxy for use by the members with or without inserting therein the names of any of the directors.

Directors.

66. Until otherwise determined by the Company in general meeting the number of directors shall not be less than five nor more than eight The first directors shall be Peter Beveridge manufacturer Aberdeen
35 James Booth Greig bank agent Laurencekirk James Duguid advocate Aberdeen Alexander Ledingham solicitor before the supreme courts Aberdeen Robert Burnett Civil Service tutor Aberdeen James Copland Glegg iron merchant Aberdeen George Hutcheson grain merchant Aberdeen and Alfred John Wood bank agent Aberdeen.

67. The directors may from time to time appoint any qualified person to be a director either to fill a casual vacancy or by way of

A.D. 1912. addition to the board but so that the maximum number fixed as above shall not be thereby exceeded Any director appointed under this article shall hold office only until the ordinary general meeting following next after his appointment but shall then be eligible for re-election. 5

68. The qualification of a director shall be the holding in his own right alone and not jointly with any other person of fifty shares of the Company.

69. There shall be paid to the directors as remuneration for their services such sums as the Company may from time to time in general meeting determine The remuneration shall be divided amongst the directors as they shall determine. 10

70. If any director shall perform extra services or make special exertions for any of the purposes of the Company the Company may on the recommendation of the directors remunerate the director so doing either by a fixed sum or by a percentage of profits or otherwise as may be determined by the directors and such remuneration may be either in addition to or in substitution for his share in the remuneration above provided. 15

71. The office of a director shall be vacated— 20

- (A) If he cease to hold the requisite number of shares ;
- (B) If he become bankrupt or suspend payment or by reason of insolvency compound with his creditors ;
- (C) If he be declared lunatic or become of unsound mind ;
- (D) If he be concerned or participate in the profits of any contract with the Company but this provision shall not be held to apply by reason of his being a member of any company which has entered into any contracts or done any work for the Company ; 25
- (E) If he be removed by a resolution of the Company in general meeting ; 30
- (F) If by notice in writing to the Company he resign his office.

Rotation of Directors.

72. At the ordinary meeting in every year all the directors for the time being shall retire from office but shall be eligible for re-election and shall act as directors throughout the meeting at which they retire. 35

73. Subject as hereinafter provided the Company shall at the meeting at which the directors retire in manner aforesaid fill the vacated offices by electing persons thereto. 40

74. No person not being a director retiring at the meeting shall unless recommended by the directors for election be eligible for

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election to the office of director at any general meeting unless at least five days before the day appointed for the meeting there have been given to the secretary notice in writing by some member duly qualified to be present and to vote at the meeting for which such
 5 notice is given of his intention to propose such person for election and also notice in writing signed by the person to be proposed of his willingness to be elected. A.D. 1912.

75. Subject as hereinafter provided if at any meeting at which an election of directors ought to take place no directors are appointed
 10 the retiring directors or such of them as may be willing shall continue in office until the ordinary meeting in the next year and so on from year to year until other directors are appointed.

76. The Company may from time to time in general meeting increase or reduce the number of directors.

77. The Company may by extraordinary resolution remove any
 15 director before the expiration of his period of office and may by ordinary resolution appoint another member in his stead but any person so appointed shall retain his office so long only as the director in whose place he is appointed would have held the same if he had
 20 not been removed.

Powers of Directors.

78. The business of the Company shall be managed by the directors who may exercise all such powers of the Company and do on behalf of the Company all such acts as may be exercised and done by
 25 the Company and as are not by the statutes or by these articles required to be exercised or done by the Company in general meeting. Said actings shall nevertheless be subject to any regulations of these articles to the provisions of the statutes and to such regulations being not inconsistent with the aforesaid regulations or with such provisions as
 30 may be prescribed by the Company in general meeting. No regulation made by the Company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

79. The continuing directors at any time may act notwithstanding
 35 any vacancy in their body provided always that in case the directors shall at any time be reduced in number to less than five it shall be lawful for them to act as directors for the purpose of filling up vacancies in their body but not for any other purpose.

80. The seal of the Company shall not be affixed to any instrument
 40 unless and until it shall have been signed by at least two directors and the secretary.

81. All moneys bills and notes belonging to the Company shall be paid to or deposited with the Company's bankers in an account to be opened in the name of the Company. Cheques on the Company's

A.D. 1912. bankers unless and until the directors shall otherwise from time to time resolve shall be signed by one director and the secretary.

Proceedings of Directors.

82. The directors or any committee of directors may meet together for the despatch of business and they may adjourn and otherwise regulate 5
 their meetings as they think fit and determine the quorum necessary for the transaction of business. Until otherwise determined three shall be a quorum. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. 10

83. A director may and on the request of a director the secretary shall at any time summon a meeting of the directors by notice served upon the several members of the board. A director who is absent from the United Kingdom shall not be entitled to notice of any meeting of directors. 15

84. The directors or any committee of directors may from time to time elect a chairman who shall preside at meetings but if no such chairman be elected or if at any meeting the chairman be not present within five minutes after the time appointed for holding the same a substitute chairman for that meeting shall be appointed by such meeting 20
 from among the directors present.

85. The directors may delegate any of their powers other than the powers to borrow and make calls to committees consisting of such members of their body as they think fit. Any committee so formed shall in the exercise of the powers so delegated conform to any regulations 25
 that may be imposed upon them by the board. Until otherwise determined two shall be a quorum of any such committee.

Dividends and Reserve Fund.

86. The directors may with the sanction of a general meeting from time to time declare a dividend but no such dividend shall be payable 30
 otherwise than out of profits arising from the business of the Company. In or about the middle of any financial year the directors may if they think fit declare and pay an interim dividend. No larger dividend shall at any time be declared than is recommended by the directors.

87. The directors may before recommending any dividend set aside 35
 out of the profits of the Company such sum as they think proper as a reserve fund or retain any part of the profits of the Company as an undivided balance of revenue without specially setting the same apart which reserve fund and undivided balance shall both at the discretion of the directors be applicable for meeting contingencies the expenses 40
 incident to borrowing or securing payment of special dividends or equalising dividends or be used as a sinking fund to pay off debt of the

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Company or for distribution by way of bonus among the members of the Company for the time being on such terms and in such manner as the Company in general meeting shall from time to time determine and the directors may divide the reserve fund into separate funds for special purposes and may invest the sums from time to time set apart as a reserve fund in the business of the Company without being bound to keep the same separate from the other assets.

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88. The directors may deduct from any dividend bonus or other moneys payable to any member in respect of any shares held by him any sums of money due and payable by him to the Company.

89. A transfer of a share shall not carry the right to any dividend declared in respect thereof before the transfer has been registered.

90. Unless otherwise directed any dividend instalment of dividend bonus or interest in respect of any share may be paid by cheque or warrant payable to the order of the member entitled thereto or (in the case of joint holders) of that member whose name stands first on the register in respect of the joint holding.

91. Every such cheque or warrant may be sent by post to the registered address of the member entitled thereto and the receipt of the person whose name appears on the register of members as the owner of any share or in the case of joint holders of any one of such joint holders shall be a good discharge to the Company for all dividends bonuses or other payments made in respect of such share.

92. No unpaid dividend bonus or interest shall bear interest against the Company.

Accounts.

93. The directors shall cause true accounts to be kept of the sums of money received and expended by the Company and the matter in respect of which such receipt and expenditure takes place and of the assets and liabilities of the Company. The books of account shall be kept at the registered office of the Company or at such other place or places as the directors shall think fit and shall always be open to the inspection of the directors.

94. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions the accounts and books of the Company or any of them shall be open to the inspection of members and no member (not being a director) shall have any right of inspecting any account or book or document of the Company except as conferred by statute or authorised by the directors or by a resolution of the Company in general meeting.

95. Once at least in each year the directors shall lay before the Company in general meeting a profit and loss account for the period

A.D. 1912. since the preceding account made up to a date not more than three months before such meeting.

Audit.

96. Auditors shall be appointed and their duties regulated in accordance with sections one hundred and twelve and one hundred and thirteen of the Companies (Consolidation) Act 1908 or any statutory modification thereof for the time being in force. 5

Notices.

97. A notice may be served by the Company on any member either personally or by sending it through the post in a prepaid letter addressed to such member at his registered address. 10

98. All notices and accounts directed to be given or sent to the members shall with respect to any share to which persons are jointly entitled be given or sent to whichever of such persons is named first in the register of members and shall be sufficient notice for all the holders of such shares. 15

99. Any member described in the register of members by an address not within the United Kingdom who shall from time to time give to the Company an address within the United Kingdom at which notices may be served upon him shall be entitled to have notices served upon him at such address but save as aforesaid no member other than a registered member described in the register of members by an address within the United Kingdom shall be entitled to receive any notice from the Company. 20

100. Any notice if served by post shall be deemed to have been served on the day following that on which the letter containing the same is put into the post and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter. 25

Winding-up.

101. If the Company shall be wound up the liquidators (whether voluntary or official) may with the sanction of an extraordinary resolution divide among the contributories in specie any part of the assets of the Company and may with the like sanction vest any part of the assets of the Company in trustees upon such trusts for the benefit of the contributories as the liquidators with the like sanction shall think fit. 30 35

A

B I L L

INTITULED

An Act to amend the Aerial Navigation Act, 1911.

A.D. 1913.

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

5 **1.**—(1) The purposes for which a Secretary of State may make orders prohibiting the navigation of aircraft over prescribed areas under the Aerial Navigation Act, 1911, shall include the purposes of the defence or safety of the realm, and where an order is made for those purposes the area prescribed may include
10 the whole or any part of the coastline of the United Kingdom and the territorial waters adjacent thereto.

Extension of power of Secretary of State to regulate aircraft.

(2) The power of the Secretary of State under the said Act shall include power by order to prescribe the areas within which aircraft coming from any place outside the United
15 Kingdom are to land and the other conditions to be complied with by such aircraft, and if any person contravenes any of the provisions of any such order he shall be guilty of an offence under the said Act, unless he proves that he was compelled to do so by reason of stress of weather or other circumstances over
20 which he had no control.

2. If an aircraft flies or attempts to fly over any area prescribed under this Act for the purposes of the defence or safety of the realm, or, in the case of an aircraft coming from any place outside the United Kingdom, fails to comply with any of
25 the conditions as to landing prescribed by an order under the last foregoing section, it shall be lawful for any officer designated for the purpose by regulations made by the Secretary of State, to cause such signal as may be prescribed by those regulations to be given, and, if after such signal has been given the
30 aircraft fails to respond to the signal by complying with such

Power to compel compliance when aircraft disobeys signals.

[See 39 & 40 Vict. c. 36. s. 181.]

A.D. 1913. regulations as may be made by the Secretary of State prescribing the action to be taken on such a signal being given, it shall be lawful for the officer to fire at or into such aircraft and to use any and every other means necessary to compel compliance, and every and any such officer and every other person acting in 5 his aid and by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

Short title. **3.** This Act may be cited as the Aerial Navigation Act, 1913; and the Aerial Navigation Act, 1911, and this Act may be cited 10 together as the Aerial Navigation Acts, 1911 and 1913.

A

B I L L

INTITULED

An Act to amend the Law as to the notice necessary A.D. 1912.
to determine Tenancies of Agricultural Holdings.

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

- 5 **1.** Where the landlord of a holding, in connection with the sale or offering for sale of the holding or any part thereof, gives to the tenant notice to quit, the tenant may within two months after the receipt of that notice give to the landlord a counter notice in writing claiming that the notice to quit shall not take effect until the expiration of one year from the date on which the notice to quit would otherwise have taken effect, and thereupon that notice shall operate to determine the tenancy accordingly:

Notices to quit for purposes of sale.

10 Provided that if not later than two months before the expiration of the notice so given by the landlord an agreement is entered into for the purchase of the holding or any part thereof by a council under the Small Holdings and Allotments Act, 1908, for the purposes of small holdings and notice of such agreement is given to the tenant—

20 (a) any counter notice given by the tenant shall cease to operate as regards the land to which the agreement relates; and

25 (b) the notice given by the landlord shall, as regards that land, be treated for the purposes of the Small Holdings and Allotments Act, 1910, as having been given at the request of the council with a view to the use of the land for the provision of small holdings.

(34)

A.D. 1912.
Avoidance
of certain
notices to
quit.

2. A notice given by a landlord to determine a tenancy from year to year of a holding or any part thereof on a date earlier than one year after the date of the service of the notice shall be void :

Provided that nothing in this section shall apply to a notice to determine a tenancy of an allotment given under section thirty of the Small Holdings and Allotments Act, 1908.

Saving for
certain
notices.

3.—(1) Nothing in this Act shall apply to a notice to quit given—

- (a) with a view to the use of the land by the landlord or a purchaser for building thereon; or
- (b) for any purpose specified in section twenty-three of the Agricultural Holdings Act, 1908, or any other industrial purpose; or
- (c) on account of a breach by the tenant of the contract of tenancy, or any condition of tenancy; or
- (d) on account of a receiving order in bankruptcy having been made against the tenant;

if the notice states that it is so given, and specifies the purpose for which the land is required or the matter on account of which the notice is given, as the case may be; and in any such case the length of notice required shall be such as if this Act had not been passed.

(2) Nothing in this Act shall affect the operation of a notice to quit served before the commencement of this Act.

Determina-
tion of
questions.

4. If any question arises under this Act as to whether a notice to quit has been given in connection with the sale or offering for sale of a holding or part thereof, or as to the purpose for which or matter on account of which it was given, the question may at any time after the notice is given be referred by the landlord or the tenant to arbitration under the Agricultural Holdings Act, 1908.

Short title,
construction,
and com-
mencement.

5.—(1) This Act may be cited as the Agricultural Holdings Act, 1912, and shall be construed as one with the Agricultural Holdings Act, 1908, and that Act and this Act may be cited together as the Agricultural Holdings Acts, 1908 and 1912.

(2) This Act shall come into operation on the *first day of January nineteen hundred and thirteen.*

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE LORD BYRON.

Clause 3, page 2, line 25, after (" Act") insert the following new subsection :

(3) Nothing in this Act shall affect the operation of a notice to quit, where the landlord contracts to sell the holding within a longer period than six months from the expiration of such notice.

(34 a)

**Agricultural Holdings
Bill. [H.L.]**

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD BYRON.

13th May 1912.

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(34 a)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL OF ANCASTER.

[To be substituted for Amendment previously circulated.]

Clause 3, page 2, line 18, after ("tenant") insert:

- (e) In connection with the sale or offering for sale of the whole or part of a holding passing on a death within the meaning of sections one and two, subsections (1) (a), (b) and (c) of the Finance Act, 1894, as amended by any subsequent enactment with a view to provision of any duty payable under Act of Parliament on the occasion of such death.

(34 b) +

Agricultural Holdings Bill. [H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE EARL OF ANCASTER.

*[To be substituted for Amendment
previously circulated.]*

11th June 1912.

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[Price 3d.]

(34 b) +

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE LORD LUCAS.

Clause 2, page 2, line 1, leave out (" by a landlord")

(34 c)

Agricultural Holdings Bill. [H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD LUCAS.

24th June 1912.

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[Price 3d.]

(34 c)

Agricultural Holdings Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD LUCAS.

Clause 1, page 1, line 7, after ("may") insert ("notwithstanding any agreement to the contrary")

line 26, at end insert as a new subsection :

(2) Where the operation of a notice to quit is deferred by a counter notice under this section, and no agreement for the sale of the holding, or any part thereof, is entered into before the expiration of the notice to quit as given by the landlord, or where such an agreement has been entered into and notice thereof is not given to the tenant before such expiration, the notice to quit and the counter notice shall be void.

Clause 3, page 2, line 18, at end insert ("or

"(e) by or at the request of a Secretary of State with a view
" to obtaining possession of any land for military
" purposes ")

(34 d)

Agricultural Holdings Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD LUCAS.

6th July 1912.

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Agricultural Holdings Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD HYLTON.

Clause 1, page 1, line 5, leave out ("a holding") and insert ("an agricultural holding exceeding in extent fifty acres")

line 12, leave out ("notice") and insert ("counter-notice")

Clause 2, page 2, line 2, leave out the second ("a") and insert ("an agricultural")

Clause 3, page 2, line 11, leave out ("for building thereon") and insert ("for other than agricultural purposes")

line 19, leave out from ("given") to ("and")
in line 21.

Leave out clause 4.

(34 e)

**Agricultural Holdings
Bill. [H.L.]**

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD HYLTON.

8th July 1912.

LONDON:

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(34e)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E .

BY THE LORD ZOUCHE OF HARYNGWORTH.

Clause 1, page 1, line 5, leave out ("connection with") and insert ("contemplation of")

Clause 2, page 2, line 4, after ("void") insert ("except by mutual agreement between the landlord and tenant")

BY THE LORD ST. LEVAN.

Clause 1, page 1, line 7, after the first ("tenant") insert ("a") and leave out from ("quit") to the end of line 12, and insert ("to which this Act applies, and an agreement for the sale of the holding or of any part thereof is entered into subsequently but before the tenancy has been determined in virtue of such notice, the landlord shall forthwith give information in writing to the tenant that an agreement for sale has been entered into, and thereupon the notice to quit shall not take effect earlier than one year from the day of expiry next succeeding the date on which the agreement for sale is entered into, unless within fourteen days after the service of such information, or within such extended period as may be agreed upon, the tenant gives notice in writing to the landlord that he does not desire to avail himself of the provisions of this section")

lines 19 to 21, leave out paragraph (a).

line 22, leave out ("that") and insert ("the")

line 23, after ("land") insert ("to which the agreement relates")

line 26, after ("holdings") insert as a new subsection :

(2) The expression "day of expiry" means the day on which a year of the tenancy expires.

(34 f)

Clause 3, page 2, line 22, leave out ("length of"), leave out ("required") and insert ("to quit"), and leave out ("be such") and insert ("take effect")

Clause 4, page 2, line 28, after ("thereof") insert ("or as to whether the provisions of this Act with regard to the service of any information or notice in connection with an agreement for sale have been complied with by a landlord or by a tenant")

line 29, leave out ("it was") and insert ("a notice to quit has been")

BY THE EARL OF MALMESBURY.

Clause 3, page 2, line 9, after ("given") insert :

(a) to determine the tenancy of land in respect of which undeveloped land duty is charged.

BY THE EARL FORTESCUE.

Clause 3, page 2, line 9, after ("given") insert :

(a) Where under the contract of tenancy notice of not less than two years is required to determine the tenancy.

BY THE LORD CLINTON.

Clause 3, page 2, line 10, leave out the second ("the"), and after insert ("comprised in the holding to which the notice to quit relates")

BY THE VISCOUNT ST. ALDWYN.

Clause 3, page 2, line 18, after ("tenant") insert ("or

("e) Where the tenant with whom a contract of tenancy was made has died within three months before the date of the notice to quit.")

Agricultural Holdings Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD ST. LEVAN.

[To be substituted for the Amendments previously circulated.]

Clause 1, page 1, line 5, leave out from (“ holding ”) to the end of line 12 and insert (“ gives to the tenant notice to quit in “ view of the sale or offering for sale of the holding or any part “ thereof, the notice shall state that it is so given, and a notice “ to quit so given shall be void unless an agreement for the sale “ of the holding or of some part thereof is entered into, and “ information in writing thereof is given to the tenant before the “ date on which but for this section, the notice to quit would “ have taken effect; and if an agreement for sale is so entered “ into the notice to quit shall not take effect until one year from “ the day of expiry next succeeding the date on which information “ that an agreement for sale has been entered into is given to the “ tenant :

“ Provided that within two months after the receipt of a “ notice to quit under this section a tenant may give notice in “ writing to the landlord that he accepts the notice as notice to “ determine the tenancy on the date on which but for this section “ it would have taken effect, and thereupon the notice to quit “ shall operate to determine the tenancy as if this Act had not “ been passed ”)

line 13, after (“ Provided ”) insert (“ further ”)

lines 19 to 21, leave out paragraph (a).

line 22, leave out (“ that ”) and insert

(“ the ”)

line 23, after (“ land ”) insert (“ to which

“ the agreement relates ”)

line 26, after (“ holdings ”) insert as a new

subsection :

(2) The expression “ day of expiry ” means the day on which a year of the tenancy expires.

(34g)

[OVER

Clause 3, page 2, line 22, leave out (“length of”), leave out (“required”) and insert (“to quit”) and leave out (“be such”) and insert (“take effect”)

Clause 4, page 2, line 27, leave out (“connection with”) and insert (“view of”)

line 28, after (“thereof”) insert (“or as to
“ whether the provisions of this Act with regard to the service of
“ any information or notice in connection with an agreement for
“ sale have been complied with by a landlord or by a tenant”)

line 29, leave out (“it was”) and insert (“a
“ notice to quit has been”)

Agricultural Holdings Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD ST. LEVAN.

*[To be substituted for the Amendments
previously circulated.]*

24th July 1912.

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(34g)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E .

Clause 2.

BY THE LORD LUCAS.

Page 2, line 1, leave out (" by a landlord ")

Clause 3.

BY THE EARL OF ANCASTER.

Page 2, line 18, after (" tenant ") insert :

- (e) In connection with the sale or offering for sale of the whole or part of a holding passing on a death within the meaning of sections one and two, subsections (1) (a), (b) and (c) of the Finance Act, 1894, as amended by any subsequent enactment with a view to provision of any duty payable under Act of Parliament on the occasion of such death.

BY THE LORD BYRON.

Page 2, line 25, after (" Act ") insert the following new subsection :

- (3) Nothing in this Act shall affect the operation of a notice to quit, where the landlord contracts to sell the holding within a longer period than six months from the expiration of such notice.

(34 **)

Agricultural Holdings Bill. [H.L.]

MARSHALLED LIST OF
AMENDMENTS TO
BE MOVED IN COMMITTEE.

24th June 1912.

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(34 66)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

*[Amendments marked * have not previously appeared on the
Marshalled List.]*

Clause 1.

BY THE LORD HYLTON.

Page 1, line 5, leave out (“a holding”) and insert (“an
“ agricultural holding exceeding in extent fifty acres ”)

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 1, line 5, leave out (“connection with”) and insert
 (“contemplation of ”)

BY THE LORD ST. LEVAN.

* Page 1, line 5, leave out from (“holding”) to the end of
line 12, and insert (“gives to the tenant notice to quit in view of
“ the sale or offering for sale of the holding or any part thereof,
“ the notice shall state that it is so given, and a notice to quit so
“ given shall be void unless an agreement for the sale of the
“ holding or of some part thereof is entered into, and information
“ in writing thereof is given to the tenant before the date on
“ which but for this section, the notice to quit would have taken
“ effect; and if an agreement for sale is so entered into the notice
“ to quit shall not take effect until one year from the day of
“ expiry next succeeding the date on which information that an
“ agreement for sale has been entered into is given to the tenant :

“ Provided that within two months after the receipt of a notice
“ to quit under this section a tenant may give notice in writing to
“ the landlord that he accepts the notice as notice to determine the
“ tenancy on the date on which but for this section it would have
“ taken effect, and thereupon the notice to quit shall operate to
“ determine the tenancy as if this Act had not been passed ”)

(34 ††)

A

Clause 1—continued.

BY THE LORD LUCAS.

Page 1, line 7, after (“ may ”) insert (“ notwithstanding any
“ agreement to the contrary ”)

BY THE LORD HYLTON.

Page 1, line 12, leave out (“ notice ”) and insert (“ counter-
“ notice ”)

BY THE LORD ST. LEVAN.

* Page 1, line 13, after (“ Provided ”) insert (“ further ”)
lines 19 to 21, leave out paragraph (a).
line 22, leave out (“ that ”) and insert (“ the ”)
line 23, after (“ land ”) insert (“ to which the
“ agreement relates ”)

BY THE LORD LUCAS.

Page 1, line 26, after (“ holdings ”) insert as a new subsection :
 (“ (2) Where the operation of a notice to quit is deferred by a
counter notice under this section, and no agreement for the sale
of the holding, or any part thereof, is entered into before the
expiration of the notice to quit as given by the landlord, or where
such an agreement has been entered into and notice thereof is not
given to the tenant before such expiration, the notice to quit and
the counter notice shall be void ”)

BY THE LORD ST. LEVAN.

Page 1, line 26, after (“ holdings ”) insert as a new subsection :
 (“ (2) The expression “ day of expiry ” means the day on
which a year of the tenancy expires ”)

Clause 2.

BY THE LORD LUCAS.

Page 2, line 1, leave out (“ by a landlord ”)

BY THE LORD HYLTON.

Page 2, line 2, leave out the first (“ a ”) and insert (“ an
“ agricultural ”)

(3)

Clause 2—*continued.*

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 2, line 4, after (“ void ”) insert (“ except by mutual agreement between the landlord and tenant ”)

Clause 3.

BY THE EARL FORTESCUE.

Page 2, line 9, after (“ given ”) insert :

- (a) Where under the contract of tenancy notice of not less than two years is required to determine the tenancy.

BY THE EARL OF MALMESBURY.

Page 2, line 9, after (“ given ”) insert :

- (a) To determine the tenancy of land in respect of which undeveloped land duty is charged.

BY THE LORD CLINTON.

Page 2, line 10, leave out the second (“ the ”) and after (“ land ”) insert (“ comprised in the holding to which the notice “ to quit relates ”)

BY THE LORD HYLTON.

Page 2, line 11, leave out (“ for building thereon ”) and insert (“ for other than agricultural purposes ”)

BY THE EARL OF ANCASTER.

Page 2, line 18, after (“ tenant ”) insert :

- (“ (e) In connection with the sale or offering for sale of the whole or part of a holding passing on a death within the meaning of sections one and two, subsections (1) (a), (b) and (c) of the Finance Act, 1894, as amended by any subsequent enactment with a view to provision of any duty payable under Act of Parliament on the occasion of such death ”)

Clause 3—continued.

BY THE LORD LUCAS.

Page 2, line 18, after (“tenant”) insert (“or
 (“e) by or at the request of a Secretary of State with a view
 “to obtaining possession of any land for military
 “purposes”)

BY THE VISCOUNT ST. ALDWYN.

Page 2, line 18, after (“tenant”) insert (“or
 (“e) Where the tenant with whom a contract of tenancy was
 “made has died within three months before the date
 “of the notice to quit”)

BY THE LORD HYLTON.

Page 2, line 19, leave out from (“given”) to (“and”) in
 line 21.

BY THE LORD ST. LEVAN.

Page 2, line 22, leave out (“length of”), leave out
 (“required”) and insert (“to quit”) and leave out (“be such”) and insert (“take effect”)

BY THE LORD BYRON.

Page 2, line 25, after (“Act”) insert the following new subsection :

(“ (3) Nothing in this Act shall affect the operation of a notice to quit, where the landlord contracts to sell the holding within a longer period than six months from the expiration of such notice ”)

Clause 4.

BY THE LORD ST. LEVAN.

* Page 2, line 27, leave out (“connection with”) and insert (“view of”)

line 28, after (“thereof”) insert (“or as to whether
 “the provisions of this Act with regard to the service of any
 “information or notice in connection with an agreement for sale
 “have been complied with by a landlord or by a tenant”)

(5)

Clause 4—continued.

Page 2, line 29, leave out (“it was”) and insert (“a notice to
“quit has been”)

BY THE LORD HYLTON.

Leave out clause 4.

**Agricultural Holdings
Bill. [H.L.]**

THIRD MARSHALLED LIST
OF AMENDMENTS TO
BE MOVED IN COMMITTEE.

24th July 1912.

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(34.++)

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law as to the notice necessary A.D. 1912.
to determine Tenancies of Agricultural Holdings.

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

- 5 **1.**—(1) Where the landlord of a holding gives to the tenant notice to quit in view of the sale or offering for sale of the holding or any part thereof, the notice shall state that it is so given, and a notice to quit so given shall be void unless an agreement for the sale of the holding or of some part
10 thereof is entered into, and information in writing thereof is given to the tenant before the date on which but for this section the notice to quit would have taken effect; and if an agreement for sale is so entered into, the notice to quit shall not take effect until one year from the day of expiry next succeeding the date
15 on which information that an agreement for sale has been entered into is given to the tenant:

Notices to
quit for pur-
poses of sale.

20 Provided that within two months after the receipt of a notice to quit under this section a tenant may give notice in writing to the landlord that he accepts the notice as notice to determine the tenancy on the date on which but for this section it would have taken effect, and thereupon the notice to quit shall operate to determine the tenancy as if this Act had not been passed:

25 Provided further that if, not later than two months before the expiration of the notice so given by the landlord, an agreement is entered into for the purchase of the holding or any part

A.D. 1912. thereof by a council under the Small Holdings and Allotments Act, 1908, for the purposes of small holdings, and notice of such agreement is given to the tenant, the notice given by the landlord shall, as regards the land to which the agreement relates, be treated for the purposes of the Small Holdings and Allotments Act, 1910, as having been given at the request of the council with a view to the use of the land for the provision of small holdings. 5

(2) The expression "day of expiry" means the day on which a year of the tenancy expires. 10

Avoidance of certain notices to quit.

2. A notice given to determine a tenancy from year to year of a holding or any part thereof on a date earlier than one year after the date of the service of the notice shall be void:

Provided that nothing in this section shall apply to a notice to determine a tenancy of an allotment given under section thirty of the Small Holdings and Allotments Act, 1908. 15

Saving for certain notices.

3.—(1) Nothing in this Act shall apply to a notice to quit given—

- (a) to determine the tenancy of land in respect of which undeveloped land duty is charged; or 20
- (b) with a view to the use of the land by the landlord or a purchaser for building thereon; or
- (c) for any purpose specified in section twenty-three of the Agricultural Holdings Act, 1908, or any other industrial purpose; or 25
- (d) on account of a breach by the tenant of the contract of tenancy, or any condition of tenancy; or,
- (e) on account of a receiving order in bankruptcy having been made against the tenant; or
- (f) by or at the request of a Secretary of State with a view to obtaining possession of any land for military purposes 30

if the notice states that it is so given, and specifies the purpose for which the land is required or the matter on account of which the notice is given, as the case may be; and in any such case the notice to quit shall take effect as if this Act had not been passed. 35

(2) Nothing in this Act shall affect the operation of a notice to quit served before the commencement of this Act.

[2 & 3 GEO. 5.]

Agricultural Holdings.

3

4. If any question arises under this Act as to whether a notice to quit has been given in view of the sale or offering for sale of a holding or part thereof, or as to whether the provisions of this Act with regard to the service of any information or notice in connection with an agreement for sale have been complied with by a landlord or by a tenant, or as to the purpose for which or matter on account of which a notice to quit has been given, the question may at any time after the notice is given be referred by the landlord or the tenant to arbitration under the Agricultural Holdings Act, 1908.

A.D. 1912.
 Determination of questions.

5.—(1) This Act may be cited as the Agricultural Holdings Act, 1912, and shall be construed as one with the Agricultural Holdings Act, 1908, and that Act and this Act may be cited together as the Agricultural Holdings Acts, 1908 and 1912.

Short title, construction, and commencement.

15 (2) This Act shall come into operation on the *first day of January nineteen hundred and thirteen.*

Agricultural Holdings.
[H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the Law as to
the notice necessary to determine
Tenancies of Agricultural Holdings.

The Lord Lucas.

Ordered to be printed 11th November 1912.

LONDON:

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(164)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE EARL OF ANCASTER.

Clause 3, page 2, line 29, after ("tenant") insert :

("(e) In connection with the sale or offering for sale of the whole or part of a holding passing on a death within the meaning of sections one and two, subsections (1) (a), (b) and (c) of the Finance Act, 1894, as amended by any subsequent enactment with a view to provision of any duty payable under Act of Parliament on the occasion of such death")

(164 a)

**Agricultural Holdings
Bill. [H.L.]**

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE EARL OF ANCASTER.

11th November 1912.

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(164 a)

[Price 3d.]

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE LORD HYLTON.

Clause 3, page 2, line 22, leave out (" for buildings thereon ") and insert (" for other than agricultural purposes ")

Clause 4, page 3, line 10, leave out (" under the Agricultural " Holdings Act, 1908 ") and insert (" by a judge of a county " court ")

Clause 5, page 3, line 16, leave out (" thirteen ") and insert (" fourteen ")

(164*b*)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE LORD HYLTON.

21st November 1912.

L O N D O N :

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(164 b)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE LORD LUCAS.

Clause 1, page 1, line 5, after (“ (1) ”) insert (“ Notwithstanding
“ any agreement to the contrary ”)

line 8, leave out (“ be void ”) and insert
 (“ not take effect ”)

line 15, after (“ information ”) insert (“ in
“ writing ”)

line 18, leave out (“ under this section ”) and
insert (“ to which this section applies ”)

line 19, leave out (“ notice to determine ”)
and insert (“ determining ”)

line 24, leave out (“ the notice so given by
“ the landlord ”) and insert (“ a notice to quit to which this
“ section applies ”)

page 2, line 4, leave out (“ as regards the land to
“ which the agreement relates ”) and insert (“ operate to determine
“ the tenancy as if this Act had not been passed, and ”)

line 5, leave out (“ and allotments ”)

Clause 2, page 2, line 11, at the beginning of the clause insert
 (“ Notwithstanding any agreement to the contrary ”) and after
 (“ given ”) insert (“ by a landlord ”)

Clause 3, page 2, line 22, after (“ thereon ”) insert (“ or for
“ any purpose specified in section twenty-three of the Agricultural
“ Holdings Act, 1908, or for any purpose other than agriculture ”)
lines 23 to 25, leave out paragraph (c).

Clause 4, page 3, line 4, leave out (“ service ”) and insert
 (“ giving ”)

line 6, leave out from (“ to ”) in line 6 to
 (“ the question ”) in line 8, and insert (“ whether a notice to quit
“ is a notice to which this Act applies ”)

(164 c)

**Agricultural Holdings
Bill. [H.L.]**

A M E N D M E N T S
TO BE MOVED ON REPORT
BY
THE LORD LUCAS.

22nd November 1912.

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(164 c)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE LORD LUCAS.

Clause 2, page 2, line 11, leave out from ("year to year")

(164 *d*)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE LORD LUCAS.

25th November 1912.

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(164 d)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE LORD HYLTON.

Clause 2, leave out clause 2.

Clause 3, page 2, line 21, leave out the second ("the") and after ("land") insert ("comprised in the holding to which the " notice to quit relates")

(164 e)

**Agricultural Holdings
Bill. [H.L.]**

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE LORD HYLTON.

26th November 1912.

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(164 e)

Agricultural Holdings Bill. [H.L.]

MARSHALLED LIST

OF

AMENDMENTS

TO BE MOVED ON REPORT.

[To be substituted for List previously circulated.]

Clause 1.

BY THE LORD LUCAS.

Page 1, line 5, after (“(1)”) insert (“Notwithstanding any agreement to the contrary”)

line 8, leave out (“be void”) and insert (“not take effect”)

line 15, after (“information”) insert (“in writing”)

line 18, leave out (“under this section”) and insert (“to which this section applies”)

line 19, leave out (“notice to determine”) and insert (“determining”)

line 24, leave out (“the notice so given by the landlord”) and insert (“a notice to quit to which this section applies”)

Page 2, line 4, leave out (“as regards the land to which the agreement relates”) and insert (“operate to determine the tenancy as if this Act had not been passed, and”)

line 5, leave out (“and allotments”)

Clause 2.

BY THE LORD LUCAS.

Page 2, line 11, at the beginning of the clause insert (“Notwithstanding any agreement to the contrary”) and after (“given”) insert (“by a landlord”) and leave out (“from year to year”)

(164 **) +

Clause 2—*continued.*

BY THE LORD HYLTON.

Leave out clause 2.

Clause 3.

BY THE LORD LUCAS.

Page 2, line 22, after (“thereon”) insert (“or for any
“ purpose specified in section twenty-three of the Agricultural
“ Holdings Act, 1908, or for any purpose other than agriculture ”)

BY THE LORD HYLTON.

Page 2, line 21, leave out the second (“the”) and after
 (“land”) insert (“comprised in the holding to which the notice
 “to quit relates”)

line 22, leave out (“for buildings thereon”) and
insert (“for other than agricultural purposes”)

BY THE LORD LUCAS.

Page 2, lines 23 to 25, leave out paragraph (c).

BY THE EARL OF ANCASTER.

Page 2, line 29, after (“tenant”) insert :

(“ (e) In connection with the sale or offering for sale of the
 whole or part of a holding passing on a death within
 the meaning of sections one and two, subsections (1)
 (a), (b) and (c) of the Finance Act, 1894, as amended
 by any subsequent enactment with a view to provision
 of any duty payable under Act of Parliament on the
 occasion of such death ”)

(3)

Clause 4.

BY THE LORD LUCAS.

Page 3, line 4, leave out (" service ") and insert (" giving ")
line 6, leave out from (" to ") in line 6 to (" the
" question ") in line 8, and insert (" whether a notice to quit is a
" notice to which this Act applies ")

BY THE LORD HYLTON.

Page 3, line 10, leave out (" under the Agricultural Holdings
" Act, 1908 ") and insert (" by a judge of a county court ")

Clause 5.

BY THE LORD HYLTON.

Page 3, line 16, leave out (" thirteen ") and insert (" fourteen ")

Agricultural Holdings Bill. [H.L.]

MARSHALLED LIST OF
AMENDMENTS TO
BE MOVED ON REPORT.

*[To be substituted for List previously
circulated.]*

29th November 1912.

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(164 ***) +

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Law as to the notice necessary to determine Tenancies of Agricultural Holdings. A.D. 1912.

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

- 5 **1.**—(1) Notwithstanding any agreement to the contrary, where the landlord of a holding gives to the tenant notice to quit in view of the sale or offering for sale of the holding or any part thereof, the notice shall state that it is so given, and a notice to quit so given shall not take effect unless an
- 10 agreement for the sale of the holding or of some part thereof is entered into, and information in writing thereof is given to the tenant before the date on which but for this section the notice to quit would have taken effect; and if an agreement for sale is so entered into, the notice to quit shall not take effect
- 15 until one year from the day of expiry next succeeding the date on which information in writing that an agreement for sale has been entered into is given to the tenant:

Notices to
quit for pur-
poses of sale.

20 Provided that within two months after the receipt of a notice to quit to which this section applies a tenant may give notice in writing to the landlord that he accepts the notice as determining the tenancy on the date on which but for this section it would have taken effect, and thereupon the notice to quit shall operate to determine the tenancy as if this Act had not been passed:

25 Provided further that if, not later than two months before the expiration of a notice to quit to which this section applies, an

A.D. 1912. agreement is entered into for the purchase of the holding or any part thereof by a council under the Small Holdings and Allotments Act, 1908, for the purposes of small holdings, and notice of such agreement is given to the tenant, the notice given by the landlord shall operate to determine the tenancy as if this Act had not been passed and be treated for the purposes of the Small Holdings Act, 1910, as having been given at the request of the council with a view to the use of the land for the provision of small holdings. 5

(2) The expression "day of expiry" means the day on which a year of the tenancy expires. 10

Saving for certain notices.

2.—(1) Nothing in this Act shall apply to a notice to quit given—

- (a) to determine the tenancy of land in respect of which undeveloped land duty is charged; or 15
- (b) with a view to the use of land comprised in the holding to which the notice to quit relates by the landlord or a purchaser for building thereon or for any purpose specified in section twenty-three of the Agricultural Holdings Act, 1908, or for any purpose other than agriculture; or 20
- (c) on account of a breach by the tenant of the contract of tenancy, or any condition of tenancy; or
- (d) on account of a receiving order in bankruptcy having been made against the tenant; or 25
- (e) by or at the request of a Secretary of State with a view to obtaining possession of any land for military purposes

if the notice states that it is so given, and specifies the purpose for which the land is required or the matter on account of which the notice is given, as the case may be; and in any such case the notice to quit shall take effect as if this Act had not been passed. 30

(2) Nothing in this Act shall affect the operation of a notice to quit served before the commencement of this Act. 35

Determination of questions.

3. If any question arises under this Act as to whether a notice to quit has been given in view of the sale or offering for sale of a holding or part thereof, or as to whether the provisions of this Act with regard to the giving of any information or notice in connection with an agreement for sale have been 40

[2 & 3 GEO. 5.]

Agricultural Holdings.

3

complied with by a landlord or by a tenant, or as to whether a notice to quit is a notice to which this Act applies, the question may at any time after the notice is given be referred by the landlord or the tenant to arbitration under the Agricultural Holdings Act, 1908. A.D. 1912.

4.—(1) This Act may be cited as the Agricultural Holdings Act, 1912, and shall be construed as one with the Agricultural Holdings Act, 1908, and that Act and this Act may be cited together as the Agricultural Holdings Acts, 1908 and 1912. Short title, construction, and commencement.

10 (2) This Act shall come into operation on the *first day of January nineteen hundred and fourteen.*

Agricultural Holdings.

[H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTITLED

An Act to amend the Law as to
the notice necessary to determine
Tenancies of Agricultural Holdings.

The Lord Lucas.

Ordered to be printed 2nd December 1912.

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(177)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T

TO BE MOVED ON THIRD READING

BY

THE LORD LUCAS.

After clause 1 insert the following new clause :

2. Notwithstanding any agreement to the contrary a notice to determine a tenancy of a holding or any part thereof on a day earlier than one year after the date of the service of the notice shall be void.

Provided that nothing in this section shall apply to—

- (a) a notice to determine a tenancy at Candlemas or Lady Day or any other day not later than the thirtieth day of June ; or
- (b) a notice to determine a tenancy of an allotment given under section thirty of the Small Holdings and Allotments Act, 1908.

(177 a)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T

TO BE MOVED ON THIRD READING

BY

THE LORD LUCCAS.

5th December 1912.

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(177 a)

Agricultural Holdings Bill. [H.L.]

A M E N D M E N T

T O B E M O V E D O N T H I R D R E A D I N G

B Y

T H E L O R D H Y L T O N .

Clause 3, page 3, line 3, leave out (“ at any time ”) and insert
 (“ within one calendar month ”)

(177 b)

**Agricultural Holdings
Bill. [H.L.]**

A M E N D M E N T

TO BE MOVED ON THIRD READING

BY

THE LORD HYLTON.

9th December 1912.

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(1776)

[2 & 3 GEO. 5.] *Allan Glen's School Order
Confirmation.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Allan Glen's School. A.D. 1912.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

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

- 10 **1.** The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.
- 2.** This Act may be cited as the Allan Glen's School Order Confirmation Act 1912. Short title.

A.D. 1912.

SCHEDULE.

ALLAN GLEN'S SCHOOL.

Provisional Order to authorise the Royal Technical College Glasgow to transfer Allan Glen's School Glasgow and the management thereof together with its endowment subject to 5 certain deductions to the School Board of Glasgow to provide for the administration and management of the said School by the said School Board to amend the scheme of the said College and for other purposes.

WHEREAS the Commissioners appointed under the provisions 10 of the Educational Endowments (Scotland) Act 1882 framed and issued a Scheme No. 110 (in this Order called "the said scheme") in virtue of the powers conferred upon them by the said Act which scheme was approved of by Her late Majesty Queen Victoria by Order in Council dated the twenty-sixth day of 15 November one thousand eight hundred and eighty-six:

And whereas in virtue of the said scheme the endowment known as Allan Glen's Institution was amalgamated with the endowments known as Anderson's College the Young Chair of Technical Chemistry in connexion with Anderson's College the 20 College of Science and Arts and the Atkinson Institution and was and is now held and administered (together with certain annual payments made under schemes under the said Act of 1882 by the governors of Hutcheson's Educational Trust and the Glasgow City Educational Endowments Board to the governing 25 body constituted for purposes of technical education in Glasgow by any scheme under the said Act of 1882) for the purposes with the powers and under the conditions and provisions set forth in the said scheme by the governing body therein constituted which was incorporated by the name of "The Governors 30 of the Glasgow and West of Scotland Technical College":

And whereas the value of the said endowment known as Allan Glen's Institution thus amalgamated with the aforesaid endowments amounted at the date of the said amalgamation to

twenty-six thousand nine hundred and fifty-eight pounds nine shillings and sixpence exclusive of the value of Allan Glen's School of which no valuation was made or stated: A.D. 1912.

And whereas the said governors as authorised under the 5 provisions of the fifty-fifth section of the said scheme expended out of the said amalgamated endowment a sum of eight thousand pounds on additions to and improvements on the buildings of Allan Glen's School:

And whereas certain alterations were made on the said 10 scheme by decree of the Court of Session on the twelfth day of July one thousand eight hundred and ninety and by section 2 of the said alterations the said governors were authorised to apply the balance standing in the accounts of the amalgamated endowment for the year ending the thirty-first day of July one 15 thousand eight hundred and eighty-nine at the credit of the account kept of the sums mentioned in the fifty-sixth section of the said scheme in crediting the general account of the amalgamated endowment with one-thirtieth part of the said sum of eight thousand pounds expended as aforesaid and to 20 apply the remainder of the said balance in payment pro tanto of interest at the rate of four and a quarter per centum per annum on the said sum of eight thousand pounds up to the thirty-first day of July one thousand eight hundred and eighty-nine:

And whereas by section 3 of the said alterations on the said 25 scheme the said governors were authorised in the accounts for the year ending the thirty-first day of July one thousand eight hundred and ninety and in the accounts of any subsequent year to apply such portion as they considered proper of any balance 30 at the credit of the said account mentioned in the fifty-sixth section of the said scheme in relieving the said general account (1) of the balance of interest on the said sum of eight thousand pounds which had not been met under the provisions of section 2 of the said alterations and (2) of the balance then outstanding 35 of the said sum of eight thousand pounds which amounted to seven thousand seven hundred and thirty-three pounds six shillings and eightpence and of the interest thereon subject to the provision that the said governors should not apply larger sums than should be sufficient to meet year by year the yearly instal- 40 ments of four hundred and sixty-eight pounds eighteen shillings

A.D. 1912. and threepence by which the said sum of seven thousand seven hundred and thirty-three pounds six shillings and eightpence would be replaced with interest at the aforesaid rate in twenty-nine years from the thirty-first day of July one thousand eight hundred and eighty-nine :

5

And whereas the said governors have from time to time applied sums at the credit of the said account mentioned in the fifty-sixth section of the said scheme in so relieving the said general account and the amount outstanding of the said sum of eight thousand pounds as at the thirty-first day of July one thousand nine hundred and eleven being the close of the last financial year of the said governors is two thousand seven hundred and eighty-eight pounds fifteen shillings and eleven pence :

And whereas it is expedient in the interests of education that the said endowment known as Allan Glen's Institution with Allan Glen's School and the said additions and improvements under deduction of the said sum of two thousand seven hundred and eighty-eight pounds fifteen shillings and elevenpence and of the sum of one thousand nine hundred and thirty-nine pounds ten shillings being a debit balance of expenditure over receipts connected with Allan Glen's School as at the said thirty-first day of July one thousand nine hundred and eleven standing in the books of the said governors should be transferred to and vested in and be administered and managed by the School Board of Glasgow and that alterations should accordingly be made on the said scheme so far as the same relates to the said endowment and that the said School Board should be authorised to accept the said transfer and to come under the obligations as to scholarships and bursaries herein-after provided and to exercise with regard to Allan Glen's School and the endowment thereof the powers conferred by this Order and also those possessed by school boards under the Education (Scotland) Acts 1872 to 1908 so far as the same are not inconsistent with the provisions of this Order and from time to time to apply the fund under the said Education Acts known as the school fund of the said School Board in making good the deficiency (if any) in the income of Allan Glen's School all as herein-after provided and that the said governors should be exonerated and discharged as herein-after provided :

And whereas the said governors at a meeting held on the ninth day of May one thousand nine hundred and eleven

40

[2 & 3 GEO. 5.] *Allan Glen's School Order*
Confirmation.

5

resolved that the said transfer should be made subject to the following conditions viz. :— A.D. 1912.

- “ (a) That the name ‘ Allan Glen’s School ’ shall be retained ;
- 5 “ (b) That the capital of the endowment of the school shall
“ be transferred to the School Board in accordance
“ with the financial statement submitted to the
“ board upon condition that the School Board
10 “ shall take over the obligations of the Technical
“ College under sections 67 68 and 69 of the
“ scheme of the college ;
- “ (c) That the school shall be carried on as a science high
“ school pari passu with the high school as far as
15 “ possible on its present lines consistently with the
“ terms of the Education Acts and the ordinary
“ practice of the board ” ;

and such resolution was approved of by the Scotch Education Department and by the said School Board subject to the terms herein-after contained which were subsequently approved by the
20) said governors :

And whereas it is expedient that the said governors should be authorised to set apart from the said amalgamated endowment the said school with the said additions and improvements and the property and assets specified in the schedule to this Order
25 and should be authorised to transfer the same to the said School Board under deduction of the said sums of two thousand seven hundred and eighty-eight pounds fifteen shillings and elevenpence and one thousand nine hundred and thirty-nine pounds ten shillings which said sums it is expedient that the said
30 governors should be authorised to retain and apply to the general account of the remainder of the said amalgamated endowment under their charge and the costs of this Order.

And whereas George Gilbert Ramsay LL.D. Emeritus Professor of Humanity in the University of Glasgow is the only
35 surviving governor elected by the trustees of Allan Glen’s Institution in terms of the third section of the said scheme and has been associated with the administration of the said school for many years and has always taken a deep interest in its affairs and it is expedient in order to preserve as far as
40 possible the continuity of the administration of the said school

A.D. 1912. that any committee of management appointed by the said School Board should have power to call in the said George Gilbert Ramsay for advisory purposes :

And whereas it is expedient in order that the management of the remainder of the said amalgamated endowment should not suffer that the governors holding office in respect of election by the trustees of Allen Glen's Institution and their successors in office should continue to hold office :

And whereas the name of the Glasgow and West of Scotland Technical College was by decree of the Court of Session dated the twenty-first day of December one thousand nine hundred and eleven altered to "The Technical College Glasgow" :

And whereas on the ninth day of February one thousand nine hundred and twelve His present Majesty directed that the college should thenceforth be known as "The Royal Technical College Glasgow" :

And whereas it is expedient that the other provisions in this Order contained should be made :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

Short title
and com-
mencement
of Order.

1. This Order may be cited as the Allan Glen's School Order 1912 and shall commence and have effect from and after the date of the passing of the Act confirming the same which date is in this Order referred to as "the commencement of this Order."

Interpreta-
tion.

2. The following words and expressions in this Order shall have the respective meanings herein-after assigned to them unless there be something in the subject or context inconsistent with or repugnant to such meaning (that is to say) :—

"The endowment" means the property and assets specified in the schedule to this Order under deduction of—

(1) The above-mentioned sum of two thousand seven hundred and eighty-eight pounds fifteen shillings and elevenpence and

(2) The above-mentioned sum of one thousand nine hundred and thirty-nine pounds ten shillings

A.D. 1912.

both of which sums are shown in the said Schedule.

5 "The governors" mean the governors of the Royal Technical College Glasgow.

"The School Board" means the School Board of Glasgow.

"The school" means Allen Glen's School Glasgow.

"The Education Department" means the Scotch Education Department.

10 "The Education Acts" mean the Education (Scotland) Acts 1872 to 1908 and any Act or Acts amending the same.

3. As from and after the first day of August one thousand nine hundred and eleven the school and the endowment shall be and the same are hereby separated from the amalgamated endowment of the governors and transferred to and vested in the School Board without the necessity of any new conveyances or instruments or further process of law and shall be accepted by the School Board as valued at the sums stated in the schedule to this Order.

Transfer of property.

4. The school and the endowment shall from and after the commencement of this Order be administered and managed by the School Board. The School Board may appoint in connexion with the school a committee of management (with power to the said committee to call in for advisory purposes George Gilbert Ramsay LL.D. Emeritus Professor of Humanity in the University of Glasgow or any other person) The said committee may consist of the whole School Board or of such number thereof as the School Board may appoint and the number and quorum of such committee if so appointed and the mode of conducting business at its meetings shall be regulated by the School Board.

School Board to be governing body of school and endowment with power to appoint committee.

5. The School Board may feu or lease the lands and estates belonging to the endowment at such feu-duty or rent as they deem expedient or may sell and convey the same either by public roup or private bargain and at a capital price or subject to a ground annual and may sell and realise all stocks bonds and dispositions in security mortgages and other property of whatever kind heritable or moveable belonging to the endowment and may discharge all securities and they shall invest the moneys obtained by such sales or discharges in accordance with

Power to sell or feu or lease.

A.D. 1912. the provisions of the section of this Order of which the marginal note is "Investment of funds."

Investment of funds.

6. The School Board may in addition to the statutory and common law powers of investment of trustees by the law of Scotland retain the present investments constituting the 5 endowment for such time however long as they think expedient or invest the funds of the endowment in the purchase of heritable or real property or so far as regards proceeds from any sale of the school itself (which comprises items 1 and 2 of the schedule to this Order) also in the erection of school 10 buildings or in the equipment thereof or may deposit the funds of the endowment in any bank having its head office in Scotland and may vary and change all such investments.

First meeting of School Board.

7. Within two months from the commencement of this Order a meeting of the School Board shall be held upon the 15 summons of the chairman of the School Board at which or at any adjournment thereof the necessary arrangements shall be made for the conduct of the business of the school and the endowment.

Power of governors pending transfer to School Board.

8. The governors shall continue to exercise all necessary acts 20 of administration relative to the school and the endowment and shall carry on the school at the expense of the School Board and shall subject to the control of the School Board have all powers necessary therefor until the first meeting of the School Board is held under this Order or until such time not exceeding six 25 months therefrom as the School Board may appoint and the governors shall from and after that meeting or at that time as the case may be wholly cease to exercise any right or power of administration over the school and the endowment and shall cause to be transferred to the School Board in such manner 30 as the School Board may direct all the books deeds and papers and all cash balances (if any) and moveables belonging to the school and the endowment Provided always that the governors shall account to the School Board for any Govern- 35 ment grants and school fees received by them while so carrying on the school.

Discharge of governors.

9. From the date at which the governors shall have ceased to exercise any right or power of administration in terms of the immediately preceding section of this Order the governors and the individual members thereof are hereby absolutely exonerated 40

[2 & 3 GEO. 5.] *Allan Glen's School Order*
Confirmation.

9

and discharged of all their past actings and intromissions as the governing body of the school and of the endowment thereof and of and from all obligations actions claims and demands in respect of the same. A.D. 1912.

5 10. All contracts and engagements with the staff of teachers and servants engaged in the school at the first day of August one thousand nine hundred and eleven shall as from that date be transferred from the governors to the School Board and such teachers and servants shall as from that date be held
10 to have entered the service of the School Board and be subject to the regulations and control of the School Board. Vested interests.

11. Subject to the provisions of the section of this Order of which the marginal note is "Annual distribution of bursaries and scholarships and reductions and modifications thereof" the
15 rights of the students and pupils holding bursaries and scholarships at the school at the first day of August one thousand nine hundred and eleven are hereby saved and reserved and such bursaries and scholarships shall be held by them under the School Board subject to the rules byelaws and regulations of
20 the governors in force at the commencement of this Order. Provision as to holders of bursaries and scholarships.

12. The scholarships and bursaries referred to in the sections of this Order of which the marginal notes are respectively "Free scholarships" "Bursaries" "University or technical school or college bursaries" "Forfeiture of bursaries or
25 scholarships" and "Annual distribution of bursaries and scholarships and reductions and modifications thereof" shall be a first charge on the income of the endowment subsisting for the time being other than the school itself and the School Board after paying the necessary expenses of administration
30 and management and the burdens and taxes affecting the school and the endowment shall apply the balance of income (if any) of the endowment together with any fees or Government grants in the manner provided by this Order including (without prejudice to the generality) maintenance of the school and upkeep
35 and repair of buildings and any deficiency of income shall be made good by the School Board from the fund under the Education Acts known as the school fund The accounts connected with the endowment the management of the school and the payment of scholarships and bursaries shall be kept
40 made up balanced completed audited liable to inspection and Application of income making good deficiency and regulations as to accounts.

A.D. 1912. otherwise in the same manner as the other accounts of the
— School Board.

School to be
maintained.

13. The School Board shall subject to the provisions of the section of this Order of which the marginal note is "School to be carried on as a science school as far as possible" continue to maintain the school and that either in the buildings hitherto occupied by the school or in any other buildings either already or that may subsequently be acquired or erected by them and the school shall as heretofore be called "Allan Glen's School" in all time coming and the School Board shall subject to the provisions of this Order be entitled to charge pupils such fees as they may think expedient Provided always that no part of the capital of the endowment (other than the school itself) shall be applied in or towards meeting the cost of any such buildings or the equipment thereof.

School to be
carried on
as a science
school as far
as possible.

14. The School Board shall continue to carry on the school as a science high school pari passu with the High School of Glasgow for boys as far as possible on the lines under which it has been carried on by the governors but only so far as this can be done consistently with the provisions of this Order and the Education Acts and the ordinary practice of the School Board and so long as this can in the opinion of the Education Department be done to any good purpose When that cannot as aforesaid be done then the school shall be converted by the School Board into a primary or an intermediate or a secondary school or other school of whatever kind as the Education Department may determine.

Free scholar-
ships.

15. Subject to the provisions of the section of this Order of which the marginal note is "Annual distribution of bursaries and scholarships and reductions and modifications thereof" the School Board shall establish not fewer than sixty free scholarships at the school The said free scholarships shall confer the right of free education in the secondary department (so long as there is such a department) of the school with books and stationery for such period not exceeding two years as the School Board may determine The said scholarships shall be open to such applicants as the School Board think suitable being boys whose parents or guardians require aid in giving them education and who are either desirous of entering the school or are pupils already attending the school and shall be awarded by

the result of a competitive examination in which the age of the competitors shall be taken into account The School Board shall fix the number of free scholarships in each year and the age or position at school of the competitors in such manner as they deem expedient.

A.D. 1912.

16. Subject to the provisions of the section of this Order of which the marginal note is "Annual distribution of bursaries and scholarships and reductions and modifications thereof" the School Board shall apply the annual sum of not less than two hundred pounds in establishing bursaries tenable at the school which shall be awarded by competitive examination among pupils at the school whose parents or guardians require aid in giving such pupils higher education The said bursaries shall be of such annual value not being less than five pounds or more than fifteen pounds as the School Board may determine and shall further confer the right of free education at the school with books and stationery The said bursaries shall be tenable for such period not exceeding three years as the School Board may determine The School Board may fix the competition for the said bursaries at such period or periods in the school curriculum as they may determine but not at a lower period in the school curriculum than may make the average age of the competitors as nearly as may be thirteen years.

Bursaries.

17. Subject to the provisions of the section of this Order of which the marginal note is "Annual distribution of bursaries and scholarships and reductions and modifications thereof" the School Board shall establish not fewer than three university or technical school or college bursaries each of the annual value of not less than twenty-five pounds These bursaries shall be awarded by competitive examination among pupils attending the school and shall be tenable for a period not exceeding three years at a university or day technical school or college approved by the School Board.

University or technical school or college bursaries.

18. If in the judgment of the School Board the holder of any bursary or scholarship shall be guilty of serious misconduct or fail to make reasonable progress the School Board may withdraw such bursary or scholarship and their determination in such case shall be final.

Forfeiture of bursaries or scholarships.

A.D. 1912. 19. The School Board shall establish the bursaries and
Annual dis- that they shall be awarded in as nearly as possible equal numbers
tribution of bursaries and scholarships in each year but the School Board shall not be bound to expend
scholarships and reductions and modifications thereof. in any year on the scholarships and bursaries referred to in 5
the sections of this Order of which the marginal notes are
respectively "Free scholarships" "Bursaries" and "University
or technical school or college bursaries" more than the income
of the endowment subsisting for the time being other than the
school itself and shall accordingly have full power at all and any 10
times to make such reductions and modifications on the said
scholarships and bursaries or either of them as they may think
expedient on that account.

Powers in Education Acts made applicable to School. 20. All the rights powers and privileges of a School Board
under the Education Acts and otherwise are hereby conferred 15
upon the School Board with regard to the school except so far
as inconsistent with the provisions of this Order.

Sums to be retained by governors. 21. The said sums of two thousand seven hundred and
eighty-eight pounds fifteen shillings and elevenpence and one
thousand nine hundred and thirty-nine pounds ten shillings 20
shall be retained by the governors and applied to any of the
other purposes of the said scheme and of their proportion of
the costs of this Order as provided for in the section of this
Order of which the marginal note is "Costs of Order."

Alteration of existing scheme. 22. From and after the commencement of this Order 25
sections 54 to 69 both inclusive of the said scheme and the
alterations on the said scheme contained in the said decree of
the Court of Session dated the twelfth day of July one
thousand eight hundred and ninety and in general all provisions
contained in the said scheme so far but so far only as affecting 30
the school shall be and the same are hereby repealed
Provided always that notwithstanding anything in this Order
contained the governing body of the college as constituted
in terms of section 3 of the said scheme as altered by
section 1 of the alterations made thereon by decree of the 35
Court of Session dated the tenth day of July one thousand
nine hundred and two shall continue to comprise the four
governors referred to in the said section 3 elected to hold
office for their lives by the trustees of Allan Glen's Institution

[2 & 3 GEO. 5.] *Allan Glen's School Order*
Confirmation.

13

and their successors in office elected or who may be elected A.D. 1912.
in accordance with the provisions of the said scheme.

23. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or other-
wise in relation thereto shall be paid by the School Board
and the governors in equal proportions out of any of their
respective funds or revenues.

Costs of
Order.

The SCHEDULE referred to in the foregoing Order.

		£	s.	d.	£	s.	d.
10	1. Heritable property occupied as the former Allan Glen's School of which no valuation was made when the property was transferred to the governors in the year one thousand eight hundred and eighty-seven - - -						
15	2. Heritable property at 66-70 North Hanover Street Glasgow now absorbed in the school extension Amount of valuation when transferred to the governors - - -				3,700	0	0
20	Together with all buildings thereon and additions to and improvements on either 1 or 2. Amount expended by the governors on additions to and improvements on the school -	8,000	0	0			
25	Less amount repaid out of the school funds of the governors - - - -	5,211	4	1			
					<u>2,788</u>	15	11
					6,488	15	11
	3. Heritable property at 23-33 Marlborough Street Glasgow Amount of valuation when transferred to the governors - - -				1,441	5	0
30	4. Ground annual of 19 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> payable from subjects in Dempster Street Glasgow Amount of valuation when transferred to the governors - - - -				432	13	4
35	5. Heritable property in Perth Street Glasgow in the possession of the governors in virtue of a bond and disposition in security the amount of which was - - - -	1,200	0	0			
40	Amount expended by the governors on capital improvements - - - -	480	3	1			
					<u>1,680</u>	3	1
	Carried forward - - -				10,042	17	4

Allan Glen's School Order [2 & 3 GEO. 5.]
Confirmation.

A.D. 1912.

	£	s.	d.	£	s.	d.
Brought forward - - -				10,042	17	4
6. Amount outstanding under bond and disposition in security over 82-94 White Street and 32 Logie Street Govan - - -				2,650	0	0 5
7. Marketable securities as may be agreed on to the value of - - - - -	17,054	8	1			
	£	s.	d.			
<i>Less</i> (1) Amount of cost of additions to and improvements on the school outstanding at the thirty-first day of July one thousand nine hundred and eleven - - -	2 788	15	11			10
<i>Less</i> (2) Balance at the debit of the school revenue Account at the thirty-first day of July one thousand nine hundred and eleven - - -	1,939	10	0			15
	4,728	5	11			
				12,326	2	2 20
				£25,018	19	6

Ancient Monuments Consolidation and Amendment Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

PART I.

ACQUISITION OF ANCIENT MONUMENTS.

Clause.

1. Purchase of ancient monuments by agreement.
2. Gift, devise, or bequest of ancient monuments to Commissioners of Works.

PART II.

GUARDIANSHIP OF ANCIENT MONUMENTS.

3. Power to constitute Commissioners of Works guardians of ancient monuments.
4. Effect of becoming guardians of ancient monuments.
5. Description of owners for purposes of Part II.

PART III.

PROTECTION OF ANCIENT MONUMENTS.

6. Orders placing ancient monuments under protection of Commissioners of Works.
7. Effect of Preservation Order.
8. Expert aid to be given by Commissioners of Works.
9. Saving for buildings used for ecclesiastical purposes or as dwelling-house.

PART IV.

GENERAL.

Supplemental Provisions as to preservation of Monuments.

10. Power to receive voluntary contributions for maintenance of ancient monuments.
11. Transfer of ancient monuments between county council and Commissioners of Works.
12. General powers of county councils with respect to preservation of ancient monuments.

Public Access to Monuments and Penalty for Injuring Monuments.

Clause.

13. Public access to ancient monuments.
14. Penalty for injuring ancient monuments.

Ancient Monuments Board and Inspectors.

15. Ancient Monuments Board.
16. Inspectors of ancient monuments.

Miscellaneous.

17. Incorporation of Commissioners of Works for purposes of Act.
18. Definition of ancient monument.
19. Special provision as to Scotland.
20. Repeal.
21. Short title and application.

SCHEDULES.

A

B I L L

INTITULED

An Act to consolidate and amend the Law relating to A.D. 1912.
Ancient Monuments.

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

5

PART I.

ACQUISITION OF ANCIENT MONUMENTS.

1.—(1) The Commissioners of Works may, with the consent of the Treasury, purchase by agreement, out of any moneys which may be provided by Parliament for that purpose, any
10 monument which appears to them to be an ancient monument within the meaning of this Act.

Purchase of
ancient
monuments
by agree-
ment.
[1882, s. 3;
1900,
s. 2 (2).]

(2) The council of any county may, if they think fit, purchase by agreement any monument situate in their county, or in any adjacent county, which appears to them to be an
15 ancient monument within the meaning of this Act.

(3) For the purpose of any such purchase, the Lands Clauses Acts shall be incorporated with this Act (with the exception of the provisions which relate to the purchase and taking of lands otherwise than by agreement), and in construing
20 those Acts for the purposes of this Act, this Act shall be deemed to be the special Act, and the Commissioners of Works or county council, as the case may be, shall be deemed to be the promoters of the undertaking.

2. Any person may, by deed or will, give, devise, or bequeath
25 to the Commissioners of Works all such estate or interest in
(22)

Gift, devise,
or bequest
of ancient

A 2

A.D. 1912. any ancient monument as he may be seised or possessed of, and
monuments the Commissioners may accept any such gift, devise or bequest
to Commis- if they think it expedient to do so.
sioners of
Works.
[1882, s. 4 ;
1910, s. 1.]

PART II.

GUARDIANSHIP OF ANCIENT MONUMENTS.

5

Power to
constitute
Commis-
sioners of
Works
guardians of
ancient
monuments.
[1882,ss.2,9;
1900,ss.1,2.]

3.—(1) The owner of any monument which appears to the
Commissioners of Works to be an ancient monument within
the meaning of this Act may, if the Commissioners consent, by
deed under his hand, constitute the Commissioners guardians of
the monument :

10

Provided that the Commissioners shall not consent to become
guardians of any structure which is occupied as a dwelling-house
by any person other than a person employed as the caretaker
thereof or his family.

(2) The owner of any monument which appears to the
council of any county to be an ancient monument within the
meaning of this Act, and is situate in that county or in some
adjacent county, may, by deed under his hand, constitute the
council guardians of the monument, if the council consent.

15

(3) Every person deriving title to any monument from,
through, or under any owner who has constituted the Com-
missioners of Works or the council of a county guardians of
the monument under this section shall be bound by the deed
executed by the owner for that purpose, and where the owner
of any land being the site of a monument is a tenant for life
or in tail, or heir in tail in possession in Scotland, having a
power of sale of the land either under the terms of a will or
settlement or under any Act of Parliament, the deed executed
by the owner in respect of the site of which he is so tenant
for life or in tail shall bind every successive owner of any
estate or interest in the land.

25

30

(4) Except as provided by this Act, the owner of a monument
of which the Commissioners of Works or the council of a county
become guardians under this Act shall have the same right and
title to, and estate and interest in, the monument in all respects
as if the Commissioners or council, as the case may be, had not
become guardians thereof.

35

4.—(1) Where the Commissioners of Works or the council of a county become guardians of any ancient monument under this Act, they shall, until they receive notice in writing to the contrary from any owner of the monument who is not bound by the deed constituting them guardians of the monument, maintain the monument, and shall, with a view to the maintenance of the monument, have access by themselves and their workmen to the monument for the purpose of inspecting it, and of bringing such materials and doing such acts and things as may be required for the maintenance thereof.

A.D. 1912.
Effect of
becoming
guardians of
ancient
monuments.
[1882, s. 2.]

(2) All expenses incurred by the Commissioners of Works in maintaining the monument shall, subject to the approval of the Treasury, be defrayed out of moneys provided by Parliament.

(3) The expression "maintenance" in this section includes the fencing, repairing, and covering in, of a monument and the doing of any other act or thing which may be required for the purpose of repairing the monument or protecting it from decay or injury, and the expression "maintain" shall be construed accordingly.

5.—(1) The following persons shall be deemed to be owners of monuments for the purposes of this Part of this Act, that is to say:—

Description
of owners for
purposes of
Part II.
[1882, s. 9.]

- (a) Any person entitled for an estate in fee to the possession or receipt of the rents and profits of any freehold or copyhold land:
- (b) Any person absolutely entitled in possession to a beneficial lease of land of which not less than forty-five years are unexpired, but no lease shall be deemed to be a beneficial lease within the meaning of this section if the rent reserved thereby exceeds one third part of the full annual value of the land demised by the lease:
- (c) Any person entitled under any existing or future settlement for the term of his own life, or the life of any other person, to the possession or receipt of the rents and profits of land of any tenure, in which the estate for the time being subject to the trusts of the settlement is an estate for lives or years renewable for ever, or an estate renewable for a term of not less than sixty years, or an estate for a term of years of which not less than sixty are unexpired, or any greater estate:

A.D. 1912.

(d) Any body corporate, any corporation sole, any trustees for charities, and any commissioners or trustees for ecclesiastical, collegiate, or other public purposes, entitled, in the case of freehold or copyhold land, in fee, and in the case of leasehold land, to a lease for 5 an unexpired term of not less than sixty years.

(2) Where any person who by virtue of this section is to be deemed the owner of a monument is a minor, or of unsound mind, or a married woman restrained from anticipation, the guardian, committee, or husband, as the case may be of that 10 person shall be the owner for the purposes of this Part of this Act.

(3) In this section the expression "entitled" means beneficially entitled; and the expression "land" means land which is the site of an ancient monument, whether the land 15 is or is not subject to incumbrances.

PART III.

PROTECTION OF ANCIENT MONUMENTS.

Orders
placing an-
cient monu-
ments under
protection of
Commis-
sioners of
Works.

6.—(1) If the Ancient Monuments Board constituted under this Act report to the Commissioners of Works that any monument 20 is in danger of destruction or damage from neglect or injudicious treatment, and that the preservation of the monument is of national importance, the Commissioners may, if they think fit, and if it appears to them that the monument is an ancient monument within the meaning of this Act, make an order (in this 25 Act referred to as a Preservation Order) placing the monument under the protection of the Commissioners.

(2) A Preservation Order shall have effect for a period of eighteen months after the date on which it is made, but on the expiration of that period shall cease to have effect 30 unless it has been confirmed by Parliament; and if a Preservation Order so made is not confirmed by Parliament within a period of eighteen months, no further Preservation Order shall be made with reference to same monument until after the expiration of five years from the date on which the Order 35 which has ceased to have effect was made.

(3) The Commissioners of Works may bring in a Bill for confirming any Preservation Order, and if, while the Bill

confirming any such Order is pending in either House of Parlia- A.D. 1912.
ment, a petition is presented against the Order, the Bill, so far
as it relates to the Order, may be referred to a select committee
or, if the two Houses of Parliament think fit so to order, to a
5 joint committee of those Houses, and the petitioner shall be
allowed to appear and oppose as in the case of a private Bill.

7.—(1) While a Preservation Order is in force, the monu- Effect of
ment to which the Order relates shall not be demolished nor Preservation
shall any additions or alterations be made thereto or any work Order.
10 carried out in connection therewith except with the written
consent of the Commissioners of Works.

(2) If, while a Preservation Order is in force, it appears to
the Commissioners of Works that owing to the neglect of the
owner of the monument the monument is liable to fall into
15 decay, the Commissioners may, with the consent of the Treasury,
make an order constituting themselves guardians of the monu-
ment so long as the Preservation Order is in force, and in that
case the provisions of this Act shall during that period take
effect as if the Commissioners had been constituted guardians
20 by virtue of a deed executed by the owner.

Any order made under this subsection may be revoked at
any time by the Commissioners.

(3) Where a Preservation Order is in force no sale of the
monument shall have any effect unless the owner of the
25 monument has offered to sell the monument to the Commis-
sioners of Works at such price as may be fixed by the
Commissioners of Inland Revenue as the price which the
monument would fetch if sold in the open market and the
Commissioners of Works have refused that offer.

30 8. The Commissioners of Works shall, as and when required, Expert aid
give advice with reference to the treatment of any monument to be given
which is placed under their protection by virtue of a Preser- by Commis-
vation Order, and, if in their opinion it is advisable, superintend sioners of
any work carried out in connection with the monument. Works.

35 9. This Part of this Act shall not apply to any structure Saving for
which appears to the Commissioners of Works to be occupied buildings
as a dwelling-house (otherwise than by a person employed as used for
the caretaker thereof or his family), or to be an ecclesiastical ecclesiastical
building which is for the time being used for religious purposes. purposes or
as dwelling-
house.

A.D. 1912.

PART IV.

GENERAL.

Supplemental Provisions as to Preservation of Monuments.

Power to receive voluntary contributions for maintenance of ancient monuments. [1900, s. 3.]

10. The Commissioners of Works or any county council may receive voluntary contributions towards the cost of the maintenance and preservation of any monument of which they may become the purchasers or guardians under the provisions of this Act, and may enter into any agreement with the owner of any such monument or with any other person as to the maintenance and preservation of the monument and the cost thereof. 5 10

Transfer of ancient monuments between county council and Commissioners of Works. [1900, s. 4.]

11. The Commissioners of Works and the council of any county may, in respect of any monument of which they are the owners or guardians (but where they are guardians only with the consent of the owner of the monument), enter into and carry into effect any agreements for the transfer from the Commissioners to the council, or from the council to the Commissioners, of the monument, or of any estate or interest therein, or of the guardianship thereof. 15

General powers of county councils with respect to preservation of ancient monuments. [1900, s. 2 (1)].

12. The council of any county may, if they think fit, at the request of the owner, undertake or contribute towards the cost of preserving, maintaining, and managing, any monument which appears to them to be an ancient monument and is situate in their county or in any adjacent county, whether they have purchased the monument or become guardians of it under this Act or not. 20 25

Public Access to Monuments and Penalty for Injuring Monuments.

Public access to ancient monuments. [1900, s. 5.]

13. The public shall have access to any monument of which the Commissioners of Works or the council of any county are the owners or guardians (but where they are guardians only with the consent of the owner of the monument), at such times and under such regulations as may be prescribed by the Commissioners or council. 30

Penalty for injuring ancient monuments.

14.—(1) If any person injures or defaces any monument which has been purchased under this Act by the Commissioners of Works or the council of any county or which is under the 35

[2 GEO. 5.] *Ancient Monuments Consolidation and* 7
Amendment.

guardianship of the Commissioners of Works or the council of any county in pursuance of this Act, or to which this section applies by virtue of an Order in Council made thereunder, that person shall, on summary conviction, be liable either to a fine not exceeding five pounds, and, in addition to the fine, to pay such sums as the court by whom he is tried think just for the purpose of repairing any damages caused by him, or to imprisonment with or without hard labour for a term not exceeding one month.

A.D. 1912.
[1882, s. 6 ;
1900, s. 2. ;
1910, s. 1.]

(2) In England, any person convicted of an offence under this Act may appeal to quarter sessions in manner provided by the Summary Jurisdiction Acts.

(3) The owner of an ancient monument shall not be punishable under this section in respect of any act which he may do to the monument, except in cases where the Commissioners of Works or the county council have been constituted guardians of the monument, and in that case he may be dealt with as if he were not the owner.

(4) His Majesty may, by Order in Council, declare that this section shall apply to any monument specified in the Order which appears to His Majesty to be an ancient monument within the meaning of the Act, and on any such Order being made this section shall apply accordingly.

Ancient Monuments Board and Inspectors.

15.—(1) The Commissioners of Works shall constitute an Advisory Board under the name of the Ancient Monuments Board, consisting of members representing the bodies named in the First Schedule to this Act, and such other members, not exceeding three, as the Commissioners of Works may appoint.

Ancient
Monuments
Board.

(2) His Majesty may by Order in Council alter the First Schedule to this Act.

16.—(1) The Treasury shall appoint one or more inspectors of ancient monuments, and it shall be the duty of those inspectors to report to the Commissioners of Works on the condition of ancient monuments and on the best mode of preserving them.

Inspectors
of ancient
monuments.
[1882, s. 5.]

(2) There shall be paid, out of moneys provided by Parliament to any inspectors so appointed, such remuneration and allowance for expenses as may be determined by the Treasury.

A.D. 1912,

Miscellaneous.

Incorporation of Commissioners of Works for purposes of Act.
[1882, s. 8.]

17.—(1) For the purposes of this Act the Commissioners of Works shall be a body corporate by that name and shall have perpetual succession and a common seal, and may purchase, or acquire by purchase, gift, will or otherwise, and hold without licence in mortmain, any land or estate or interest in land. 5

(2) Any conveyance, appointment, devise or bequest of land or any estate or interest in land under this Act to the Commissioners of Works shall not be deemed to be a conveyance, appointment, devise or bequest to a charitable use within the meaning of the Acts relating to charitable uses. 10

Definition of ancient monument.
[1882, s. 11 ;
1900, s. 6
(1).]

18. In this Act the expression “monument” includes any structure or erection; and the expression “ancient monument” includes any monument, the preservation of which is a matter of public interest by reason of the historic, architectural, traditional, artistic, or archaeological interest attaching thereto, or any remains thereof, and includes the site of any such monument, structure, or erection, and any part of the adjoining land which may be required for the purpose of fencing, covering in, or otherwise preserving from injury the monument, structure, or erection, and also includes the means of access thereto. 15 20

Special provision as to Scotland.
[1882, s. 8.]

19. A duplicate of any report made to the Commissioners of Works by any inspector under this Act, or by the Ancient Monuments Board constituted under this Act, with reference to an ancient monument in Scotland, shall be forwarded to the Board of Trustees for the National Galleries of Scotland, and the Commissioners of Works shall take into consideration any representations which may be made to them in relation to the monument by that Board. 25

Repeal.

20. The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. Provided that:— 30

- (1) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment of this Act : 35
- (2) Anything done under any Act repealed by this Act shall for the purposes of this Act be deemed to have been done under this Act :

[2 GEO. 5.] *Ancient Monuments Consolidation and Amendment.* 9

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals. A.D. 1912. 52 & 53 Viet. c. 63.

5 **21.**—(1) This Act may be cited as the Ancient Monuments Consolidation and Amendment Act, 1912. Short title and application.

(2) This Act shall not apply to Ireland.

A.D. 1912.

SCHEDULES.**FIRST SCHEDULE.**

The Royal Commission on Historic Monuments in England.	
The Royal Commission on Historic Monuments in Scotland.	
The Royal Commission on Historic Monuments in Wales.	5
The Society of Antiquaries of London.	
The Society of Antiquaries of Scotland.	
The Royal Academy of Arts.	
The Royal Institute of British Architects.	
The Trustees of the British Museum.	10
The Board of Education.	

SECOND SCHEDULE.**ENACTMENTS REPEALED.**

Session and Chapter.	Short Title.	Extent of Repeal.	
45 & 46 Vict. c. 73.	The Ancient Monuments Protection Act, 1882.	The whole Act.	15
63 & 64 Vict. c. 34.	The Ancient Monuments Protection Act, 1900.	The whole Act.	
10 Edw. 7 & 1 Geo. 5. c. 3.	The Ancient Monuments Protection Act, 1910.	The whole Act.	

Ancient Monuments Protection Bill.
[H.L.]

MEMORANDUM.

This Bill acts upon the report of the Royal Commission on Ancient Monuments that valuable monuments are being lost and urgently need preservation. By the Ancient Monuments Protection Acts, 1882 to 1900, an owner of a monument may in certain conditions obtain the guardianship of the Commission of Works for a monument. The present Bill gives power to the Commission of Works, with the advice of an advisory board, to secure that historic monuments shall be preserved from destruction and decay. The great majority of owners already preserve such buildings. These will be unaffected by the Bill.

Ancient Monuments Protection Bill.
[H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Board to be constituted.
 2. Number of members.
 3. Members to be representative.
 4. Board to advise Commissioners of Works.
 5. Notice of intention to alter monuments.
 6. Consent of Commissioners of Works to be obtained.
 7. Guardianship to be exercised.
 8. Power to acquire ownership.
 9. Method of compensation.
 10. Definition of monument.
 11. Application.
 12. Short title.
-

A

B I L L

INTITLED

An Act to extend the Ancient Monuments Protection Acts, 1882 to 1900. A.D. 1912.

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

- 5 **1.** There shall be constituted in accordance with regulations made by the Commissioners of Works, a board to be called the Ancient Monuments Board. Board to be constituted.
- 2.** The board shall consist of not more than twelve and not less than five persons to be appointed by the Commissioners of Works. Number of members.
- 10 of Works.
- 3.** The members of the board shall include— Members to be representative.
- (*a*) The inspector of monuments appointed in accordance with the provisions of the Ancient Monuments Protection Act, 1882:
- 15 (*b*) A member nominated by the trustees of the British Museum:
- (*c*) A member nominated by the Society of Antiquaries, London:
- (*d*) A member nominated by the Institute of British Architects:
- 20 (*e*) A member nominated by the Ecclesiastical Commissioners:
- (*f*) A member nominated by the National Trust for Places of Historic Interest:

(13)

A.D. 1912.

(g) A member of the county council or corporation in whose jurisdiction the monument under consideration is situated.

Board to advise Commissioners of Works.

4. It shall be the duty of the board to advise the Commissioners of Works with reference to any question arising under this Act in respect of any monument.

Notice of intention to alter monuments.

5. Every owner of a monument when he proposes to sell, destroy, alter structurally, or add to or part with possession of a monument shall give to the Commissioners of Works at least two months previous notice in writing of his intention in that behalf.

Consent of Commissioners of Works to be obtained.

6. Every owner of a monument when he proposes to destroy, alter structurally, or add to or part with possession of a monument shall first obtain the consent in writing of the Commissioners of Works, which consent shall not unreasonably be withheld. 15

Guardianship to be exercised.

7. Where an owner of a monument shall so neglect to repair or support it as to render it liable to fall into decay and become ruinous, the Commissioners of Works may assume the guardianship thereof and exercise the guardianship as provided by the Ancient Monuments Protection Act, 1900. 20

Power to acquire ownership.

8. Where an owner of a monument—

- (a) signifies his intention to sell or demolish the same;
- (b) signifies his intention to alter the same structurally so as to prejudicially affect the value thereof as a monument; 25
- (c) so neglects to repair a monument as to render it liable to fall into decay and become ruinous; or
- (d) parts with the possession of the same;

the Commissioners of Works shall have power to acquire the ownership thereof. 30

Method of compensation.

9.—(a) Where the Commissioners of Works propose to acquire a monument compulsorily, the price shall be settled by arbitration under the provisions of the Lands Clauses Acts, unless agreement is arrived at.

(b) The Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) so far as they are applicable for the purpose and are not

[2 GEO. 5.] *Ancient Monuments Protection.*

3

inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act. A.D. 1912.

10. In this Act the expression "monument" means any structure, erection, or monument of historic or architectural interest, or any remains thereof, which may be from time to time scheduled by the Commissioners of Works on the recommendation of the advisory board as being worthy of preservation. Definition of monument.

11. This Act does not apply to Ireland.

Application.

12. This Act may be cited as the Ancient Monuments Protection Act, 1912, and may be cited with the Ancient Monuments Protection Acts, 1882 to 1900. Short title.

Ancient Monuments Protection. [H.L.]

A

B I L L

INTRODUCED

An Act to extend the Ancient Monuments Protection Acts, 1882 to 1900.

Lord Southwark.

Ordered to be printed 14th March 1912.

LONDON:

PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE,
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[*Price 1d.*]]

(13)

Ancient Monuments Protection
(No. 2) Bill. [H.L.]

MEMORANDUM.

The Ancient Monuments Acts, of 1881-1900 give protection to monuments which the owners have placed under the protection of the Commissioners of Works by simple deed as provided under the Acts. In such a case, while the ownership of a monument is otherwise unaffected, the Act prohibits its destruction, removal or defacement even by the owner, and provides the means for its preservation by the State.

The Acts, however, are permissive. They afford no protection where the owner has neglected to make this limited dedication. It is possible therefore for an owner of a monument to allow it to be defaced or injured or to sell it for the purpose of removal out of the country, or he may make use of a threat to do so, as in the recent case of Tattershall Castle, for the purpose of inducing the purchase of it in the interest of the public.

The object of this Bill is to remedy this defect, and to provide that in respect of ancient monuments which the Royal Commission now inquiring into the subject have scheduled as specially worthy of preservation, it shall be unlawful for anyone, including the owner, thenceforth to destroy, remove, injure, or deface.

It is not thought necessary to make any provision for compensation to such an owner. His property in the monument will otherwise be unaffected. The amenities of his property will not be diminished. They will be maintained so far as they consist in the preservation of such a monument.

It is thought that prehistoric monuments or ruined abbeys or castles ought to be preserved and that the right of property in them should not include the right to destroy, remove, or injure them.

When a monument is situated in a district not yet surveyed by the Royal Commissioners, it is proposed that the Commissioners of Works should, if occasion arises, be empowered to issue a suspensory order preserving the monument from injury until the Royal Commissioners have reported whether it should

be classified as specially worthy of preservation, and that in such case the Royal Commissioners should at once make a special inspection and report in relation to the monument.

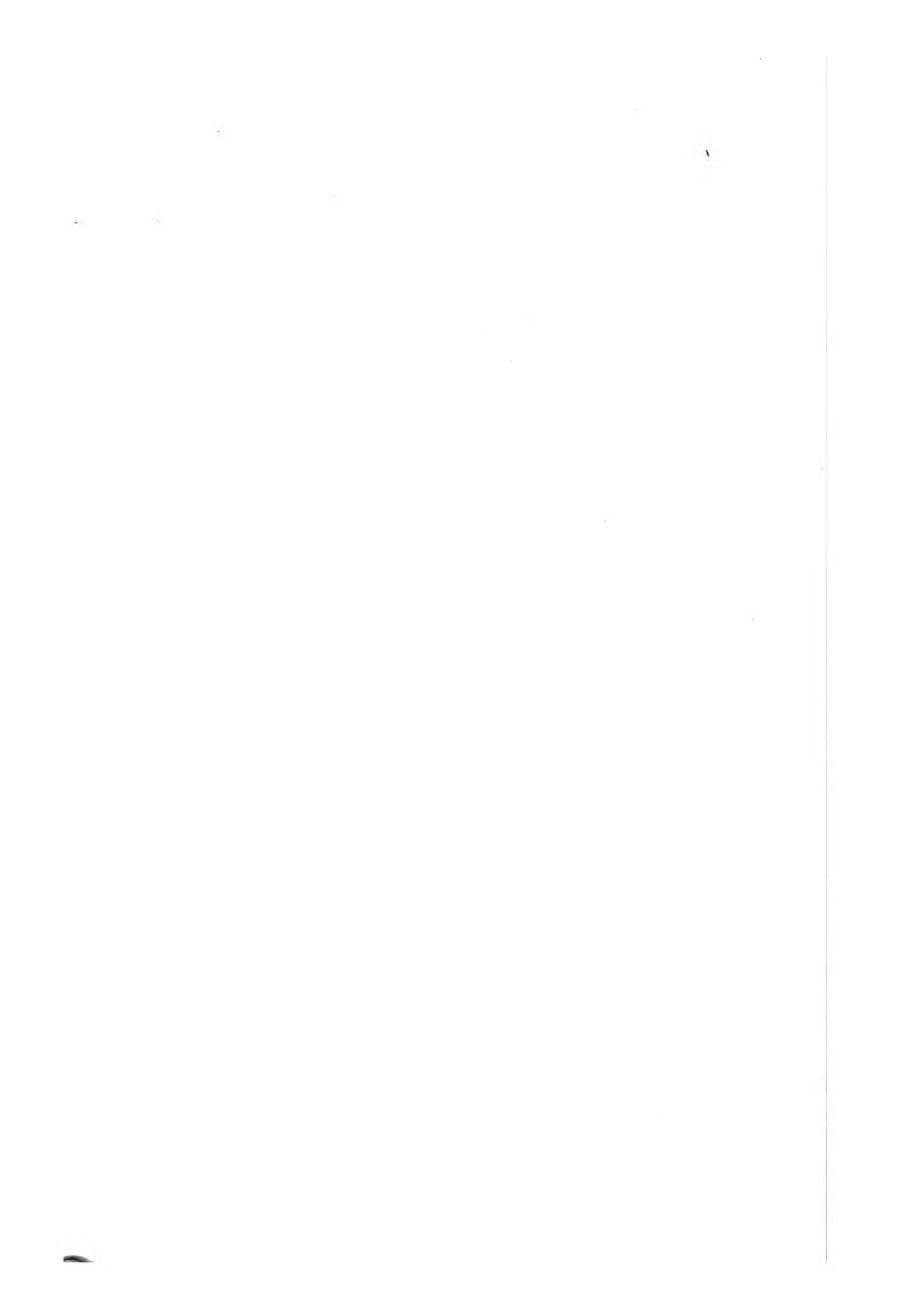
The Bill (like the Ancient Monuments Protection Acts) does not extend to inhabited houses; nor does it extend to buildings used as churches or other places of worship. A building which is actually in use may reasonably be adapted from time to time to the requirements of the day, and its preservation gives rise to considerations of a different character from those which govern monuments to which the present Acts apply.

Ancient Monuments Protection
(No. 2) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Veto on injury to scheduled monuments.
 2. Protection of monuments not yet scheduled.
 3. Appointment of Advisory Board.
 4. Penalties.
 5. Interpretation.
 6. Extension of Act.
 7. Application of Act.
 8. Citation.
-



[2 GEO. 5.] *Ancient Monuments Protection (No. 2).* [H.L.] 1

A

B I L L

INTITULED

An Act to amend the Ancient Monuments Protection Acts, 1882 to 1900, and further to protect Ancient Monuments. A.D. 1912.

WHEREAS by the Ancient Monuments Protection Acts, 1882 to 1900, power is given to the Commissioners of Works to become, at the request of the owner, the guardians of a monument (as defined by the said Acts), provided that the monument
5 is not a structure occupied as a dwelling-place by any person other than a person employed as a caretaker of the monument and his family :

And whereas it is by the said Acts made unlawful to injure or deface a monument of which the Commissioners of Works are
10 guardians :

And whereas His late Majesty King Edward VII. in the year 1908 appointed Commissions under His Majesty's Royal Sign Manual to make an inventory of the Ancient and Historical Monuments and Constructions connected with or illustrative of
15 the contemporary culture, civilization, and conditions of life of the people of Scotland from the earliest times to the year 1707, and of the people of England (excluding Monmouthshire) from the earliest times to the year 1700, and in each case to specify those Monuments and Constructions which seem most worthy
20 of preservation (which Commissions are respectively hereinafter referred to as the "Royal Commissions") :

And whereas the Commissioners appointed by the Royal Commissions have respectively decided to make separate reports respecting the several counties of Scotland and England, and they
25 have made reports respecting the counties of Berwick, Sutherland, Caithness, and Hertfordshire, and in such reports, in addition to giving general lists of monuments of interest in the said counties, they have made separate lists of monuments which they consider to be especially worthy of preservation :

A.D. 1912.

And whereas many years must elapse before the work of the Royal Commissions is completed :

And whereas from time to time monuments are threatened with injury or defacement by, or at the instance of, their respective owners, and unless the Commissioners of Works have, 5 at the request of the owners, become guardians of such monuments there is no means of protecting such monuments and preserving them for the benefit of the nation :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say) :—

Veto on injury to scheduled monuments.

1. No monument which the Royal Commission has specified as seeming especially worthy of preservation shall be injured or defaced without the consent of the Commissioners of Works. 15

Protection of monuments not yet scheduled.

2.—(1) Where a monument, of which the Commissioners of Works have not become the guardians, is situated in a county, or part of a county, with respect to which the Royal Commission has made no report, and that monument is threatened with injury or defacement, the Commissioners of Works may, by an order 20 under their common seal, direct that the monument shall not without their consent be injured or defaced until the Royal Commission shall have inspected the same and reported to the Commissioners of Works whether in their opinion the monument should be classified amongst monuments which seem especially 25 worthy of preservation, and if the Royal Commission shall report that the said monument should be so classified, then the said monument shall at no time thereafter be injured or defaced without the consent of the Commissioners of Works.

(2) Where an order of the Commissioners of Works is made 30 under this section the Royal Commission shall forthwith, and in any case within six months from the date of such order, inspect the monument which is the subject of the order and report whether, in their opinion, the monument is especially worthy of preservation. 35

Appointment of Advisory Board.

3. The Commissioners of Works may, for the purpose of assisting them in exercising the powers conferred upon them by this Act, appoint such persons as they may from time to time deem fit to act, for such time and under such conditions as the Commissioners may specify, as an Advisory Board (to be styled 40 the Ancient Monuments Advisory Board), and such Board shall

[2 GEO. 5.] *Ancient Monuments Protection (No. 2).*

3

exercise such functions in connection with the preservation of A.D. 1912.
monuments as the Commissioners of Works may direct.

4. Any person (including the owner of the monument) Penalties.
who, contrary to the provisions of this Act, injures or defaces a
5 monument shall be liable to the penalties prescribed by section six
of the Ancient Monuments Protection Act, 1882, in relation to the
injury or defacement of any ancient monument to which that
Act applies, and the said monument shall for the purposes of
proceedings for the recovery or enforcement of those penalties,
10 be deemed to be a monument of which the Commissioners of
Works have been constituted guardians.

5.—(1) For the purposes of the Ancient Monuments Protec- Interpretation.
tion Acts, 1882 to 1900, and of this Act, a person shall be deemed
to injure or deface a monument if he commits any act by which
15 the historic, traditional, or artistic interest attaching to the
monument is prejudicially affected.

(2) In this Act the expression “the Royal Commission ”
means that Royal Commission which has been directed to make
an inventory of the monuments of that part of the United
20 Kingdom in which the monument in question is situate.

(3) This Act shall be construed as one with the Ancient
Monuments Protection Acts, 1882 to 1900.

6.—(1) The Commissioners of Works may from time to time Extension of
upon the advice of the Ancient Monuments Advisory Board, Act.
25 by an order under their common seal, extend the operation of
this Act to any specified monument not classified by the Royal
Commission as seeming especially worthy of preservation.

(2) The Commissioners of Works shall give notice in the
Gazette published in that part of the United Kingdom in which
30 the monument is situate of any order extending the operation
of this Act as aforesaid.

7. This Act shall not apply to—

- Application
of Act.
- (1) Any structure which is occupied as a dwelling-place
by any person other than a person employed as a
35 caretaker thereof and his family ; or
- (2) Any structure which is in ordinary use as a church,
chapel, or other place of worship.

8. This Act may be cited as the Ancient Monuments Pro- Citation.
tection Act, 1912, and may be cited with the Ancient Monuments
40 Protection Acts, 1882 to 1900.

**Ancient Monuments
Protection (No. 2). [H.L.]**

A

B I L L

INTITULED

An Act to amend the Ancient Monuments Protection Acts, 1882 to 1900, and further to protect Ancient Monuments.

The Lord Eversley.

Ordered to be printed 25th April 1912.

LONDON :

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[*Price 1d.*]

(38)

[2 & 3 GEO. 5.] *Arbroath Corporation Gas Order* 1
Confirmation. [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1912.
 Legislation Procedure (Scotland) Act 1899 relating to
 Arbroath Corporation Gas.

WHEREAS His Majesty's Secretary for Scotland has made
 the Provisional Order set forth in the schedule hereunto
 annexed under the provisions of the Private Legislation Pro-
 cedure (Scotland) Act 1899 and it is requisite that the said 62 & 63 Vict.
 5 Order should be confirmed by Parliament: c. 47.

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

10 **1.** The Provisional Order contained in the schedule hereunto Confirmation
 annexed shall be and the same is hereby confirmed. of Order in
 schedule.

2. This Act may be cited as the Arbroath Corporation Gas Short title.
 Order Confirmation Act 1912.

A.D. 1912.

SCHEDULE.

ARBROATH CORPORATION GAS.

Provisional Order to authorise the Provost Magistrates and Councillors of the Burgh of Arbroath to raise further Money for their Gas undertaking and to confer on them further Powers in relation thereto and for other purposes. 5

WHEREAS under the Arbroath Corporation Gas Act 1871 (hereinafter called "the Act of 1871") the undertaking of the Arbroath Gas Light Company and their whole works lands buildings and others as therein mentioned were vested in the magistrates and town council of the burgh of Aberbrothwick or Arbroath (hereinafter called "the Corporation") subject to the payment of perpetual annuities amounting in the aggregate to one thousand four hundred pounds per annum to the shareholders of the said company and of certain sums in addition thereto as mentioned in the Act of 1871 and the Corporation were taken bound to free and relieve the said company from liability for payment of the mortgage or bond debts or loans of the company and all interest due and to become due thereon as therein also mentioned: 20

And whereas by the Act of 1871 the Corporation were authorised to borrow on mortgage any sums not exceeding in all the sum of twenty thousand pounds and to make and grant mortgages of the undertaking by that Act vested in them and of the rents rates and revenue leviabie and receivable by them under the provisions of that Act in security of the payment of the money so borrowed and interest thereon: 25

And whereas in consequence of the increased demand for gas and the extensions of works and mains thereby rendered necessary the powers of borrowing conferred on the Corporation by the Act of 1871 became inadequate and by the Arbroath Corporation Gas Act 1899 (hereinafter called "the Act of 1899") the Corporation in addition to any money which they had borrowed or were authorised to borrow under the Act of 1871 were authorised to borrow such further sums as they 35

[2 & 3 GEO. 5.] *Arbroath Corporation Gas Order* 3
Confirmation.

thought requisite for the purposes of the Act of 1871 and the Act of 1899 and of their gas undertaking not exceeding in all the sum of fifteen thousand pounds and to make and grant mortgages of the undertaking by the Act of 1871 vested in
 5 them and of the rents rates and revenues leviabie and receivable by them under the provisions of the Act of 1871 and the Act of 1899 in security of the payment of the money so borrowed and interest thereon : A.D. 1912.

And whereas since the passing of the Act of 1899 the
 10 Corporation have further expended large sums in the erection of a new gas holder and in the provision of appliances for the extended use of the gas manufactured by them for the purposes of cooking and heating and it is expedient that the Corporation should be authorised to borrow further moneys for the purposes
 15 of and in connection with their gas undertaking :

And whereas it is expedient that the Corporation should be authorised to reduce the illuminating power of the gas supplied by them and that further provision should be made for testing such illuminating power :

20 And whereas it is expedient that the Corporation should be authorised to charge differential rates for the supply of gas and to allow discounts or abatements for prompt payment of accounts and also to large consumers :

And whereas it is expedient that the further powers herein-
 25 after contained should be conferred on the Corporation :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

30 Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

1. This Order may be cited as the Arbroath Corporation Gas Order 1912 and the Act of 1871 the Act of 1899 and this Order may be cited together as the Arbroath Corporation Gas Acts 1871 to 1912. Short title and citation of Acts and Order.

2. This Order shall commence and have effect at and from the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order." Commence-ment of Order.

Arbroath Corporation Gas Order [2 & 3 GEO. 5.]
Confirmation.

A.D. 1912. 3. In this Order the several words and expressions to
Interpreta- which by the Act of 1871 as amended by the Act of 1899
tion of terms. and the Acts incorporated therewith meanings are respectively
assigned shall have the same respective meanings unless other-
wise defined in this Order or unless there be something in the 5
subject or context repugnant to such construction; and

“The Corporation” means the provost magistrates and
councillors of the burgh of Aberbrothwick or Arbroath:

“The gas undertaking” means the gas undertaking of the 10
Corporation.

Power to
borrow.

4. The Corporation may from time to time in addition to
any sums they were authorised to borrow under the Act of 1871
and the Act of 1899 borrow on mortgage or otherwise any sums
required for the general purposes of the gas undertaking not
exceeding fifteen thousand pounds and may make and grant 15
mortgages or other securities of the several rates rents and
charges and other revenues to be levied and received by the
Corporation under the provisions of the Act of 1871 the Act of
1899 and this Order in security of the money so borrowed and
interest thereon. 20

Application
of Acts of
1871 and
1899.

5. Subject to the provisions of this Order the provisions of
the Act of 1871 and the Act of 1899 with respect to the security
for money borrowed and the forms of mortgage interest warrant
transfer and discharge and the guarantee rate and for the
appointment of a judicial factor shall be and are hereby made 25
applicable to the money to be borrowed under this Order.

Corporation
may re-
borrow.

6. If after having borrowed the sum of fifteen thousand
pounds by this Order authorised or any part thereof the Corpora-
tion shall pay off the same or any part thereof otherwise than 30
by means of the sinking fund hereinafter provided or by means
of the proceeds of any lands being part of the gas undertaking
sold by them it shall be lawful for the Corporation again to
borrow the amount so paid off upon the same securities as those
upon which the moneys so paid off were secured and so from
time to time. 35

Priority of
existing
mortgages.

7. All mortgages assignments or other securities on the
rates rents charges and other revenues leviable and receivable by
the Corporation granted by the Corporation in pursuance of the

[2 & 3 GEO. 5.] *Arbroath Corporation Gas Order*
Confirmation.

5

powers and provisions of the Act of 1871 and the Act of 1899 A.D. 1912.
before and subsisting at the commencement of this Order shall
during the continuance of such mortgages assignations or
securities have priority over any mortgages assignations or
5 securities on the same rates rents charges and other revenues of
the Corporation granted after the commencement of this Order
Provided that all securities hereafter granted by the Corporation
for money borrowed or raised for the gas undertaking shall rank
together pari passu without preference or priority the one over
10 the other All mortgages granted by the Corporation after the
commencement of this Order shall contain an indorsation to that
effect.

8. A person lending money to the Corporation shall not be Protection of
bound to inquire as to the observance by them of any provision lender from
15 of this Order or be bound to see to the application or be inquiry.
answerable for any loss misapplication or non-application of
such money or of any part thereof.

9. Section 64 (Sinking fund) of the Act of 1871 and Repeal of
sections 10 (Sinking fund) 11 (Annual return to Secretary for sections of
20 Scotland with respect to sinking fund) and 17 (Application of Acts of 1871
revenue) of the Act of 1899 are hereby repealed. and 1899.

10. From and after the fifteenth day of May one thousand Sinking fund
nine hundred and twelve the Corporation shall set apart annually for redemp-
as a sinking fund for the redemption of annuities authorised by tion of annu-
25 the Act of 1871 and for repayment of moneys borrowed under ties and
the powers of the Act of 1871 the Act of 1899 and this Order moneys
a sum not less than— borrowed.

- (1) One-fortieth part of the amount capitalised at twenty-
30 eight years' purchase of the said annuities remaining
unredeemed at the said date and of the moneys
borrowed under the powers of the Act of 1871 and
the Act of 1899 and remaining due and outstanding
at the said date after deducting from the amount
so due and outstanding any balance at the said date
35 standing to the credit of the sinking fund under the
said Acts which balance shall be applicable as if this
Order had not been made; and
- (2) One-fortieth part of the amount borrowed after the said
date under the powers of the Act of 1871 and the

Arbroath Corporation Gas Order [2 & 3 GEO. 5.]
Confirmation.

A.D. 1912.

Act of 1899 and of the moneys borrowed under the powers of this Order excluding therefrom any moneys borrowed to defray the costs of this Order;

and the said sinking fund shall pending its application in redemption of the said annuities or in paying off borrowed money be 5 invested in or on any security in or on which trust funds may be invested according to the law of Scotland or by way of deposit in any of the banks in Scotland incorporated by Royal Charter or by or under the provisions of any Act of Parliament.

Annual
return to
Secretary for
Scotland
with respect
to sinking
fund.

11. The treasurer to the Corporation shall within two months 10 after the expiration of each financial year during which any sum is by this Order required to be set apart as a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory 15 declaration if so required by him showing the amount which has been so set apart in respect of that year and also showing the purposes to which any portion of such sinking fund and the interest thereof have been applied during the same period and the total amount remaining to the credit of such fund at the end 20 of the same period and in the event of any default in making such return the treasurer to the Corporation shall be liable to a penalty not exceeding twenty pounds recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear 25 to the Secretary for Scotland by such return or otherwise that the Corporation have failed to set apart the sum required by this Order as a sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order the Secretary for Scot- 30 land may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose.

Application
of money
borrowed.

12. All moneys borrowed by the Corporation under this 35 Order shall be applied only to purposes to which capital is properly applicable.

Application
of revenue.

13. The rates rents charges and other revenues levied and received by the Corporation under the authority of the Act of 1871

[2 & 3 GEO. 5.] *Arbroath Corporation Gas Order*
Confirmation.

7

the Act of 1899 and this Order shall be applied in manner following (that is to say):— A.D. 1912.

- 5 Firstly In defraying the expenses of management and maintenance of the gas undertaking including the annual costs charges and expenses of providing and supplying gas the expenses of manufacturing residual products and the payment of any feu duties ground annuals casualties taxes rates assessments and public burdens exigible in respect of any lands or property forming part of the gas undertaking :
- 10 Secondly In payment of the annuities to the annuitants and of the interest of money borrowed under the authority of the Act of 1871 :
- Thirdly In payment of the interest of money borrowed under the authority of the Act of 1899 :
- 15 Fourthly In payment of the interest of money borrowed under the authority of this Order :
- Fifthly In payment of the sums by this Order required to be annually set apart and appropriated for the purpose of the sinking fund :
- 20 Sixthly In payment of the sum of two hundred and fifty pounds (so long as the same continues payable) provided to be paid by the Corporation to the trustees of the harbour of Aberbrothwick in virtue of the Aberbrothwick Harbour Finance Act 1897.
- 25 Lastly In payment of the sum which the Corporation are by the Act of 1899 required to set apart as a contingency and depreciation of works fund.

14.—(1) The prescribed number of candles shall not be less than fourteen. Illuminating
power of
gas.

- 30 (2) The quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one
35 hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(3) For testing the illuminating power of the gas supplied by the Corporation the burner to be used shall be that known

A.D. 1912. as the Metropolitan Argand No. 2 the photometer shall be the
bar photometer or the table photometer the standard light shall
be that supplied by Harcourt's ten-candle pentane lamp and in
making the test the burner shall be so used as to obtain from
the gas when burned at the rate aforesaid the greatest amount of 5
light Provided that the Board of Trade may on the application
of the Corporation approve of the use of any other burner photo-
meter or standard light which may appear to the Board to be
equally or more suitable for the testing.

(4) The Corporation shall within three months after the 10
commencement of this Order provide in some convenient part of
their gasworks all the apparatus required by this Order for the
testing of gas and shall at all times keep the same in proper
order and repair.

(5) The method of reporting periodical tests shall be such 15
as to carry forward the average of the previous tests in the
following manner namely the test made on any one occasion
shall be added to the tests made on the two previous occasions
and the average of the three shall be reported as being the
illuminating power so ascertained. 20

(6) All gas supplied by the Corporation to any consumer
of gas shall be supplied at such pressure as to balance a column
of water not less than eight-tenths of an inch in height at the
main or as near as may be to the junction therewith of the
service pipe supplying the consumer. 25

(7) Any gas examiner appointed under the Gasworks Clauses
Act 1871 may for the purposes of this Order subject to the
terms of his appointment at the testing place or at any public
lamp as and when he thinks fit test the pressure at which the
gas is supplied The Corporation shall afford to the examiner all 30
reasonable facilities for making the test.

(8) No penalty shall be incurred by the Corporation for
insufficiency of pressure defect of illuminating power or excess
of impurity in the gas supplied by them in any case in respect
of which it is proved that such insufficiency defect or excess was 35
produced by any circumstance beyond the control of the Corpora-
tion Provided that the want of sufficient funds shall not be
held to be a circumstance beyond the control of the Corporation.

(9) In the event of any meter used by a consumer of gas
being tested in manner provided by the Sale of Gas Act 1859 and 40

2 & 3 GEO. 5.] *Arbroath Corporation Gas Order*
Confirmation.

9

being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current
 5 quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

A.D. 1912.

10 (10) Section 42 (Quality of gas) section 43 (Corporation to maintain apparatus to test illuminating power of gas) and section 44 (Provision for testing quality of gas) of the Act of 1871 and section 14 (Quality of gas) of the Act of 1899 are hereby repealed so far as inconsistent with the provisions of
 15 this Order.

15. The Corporation may notwithstanding anything to the contrary in the Act of 1871 or the Act of 1899 or in any Act incorporated therewith charge within any part of their limits of gas supply differential rates as between gas supplied and used
 20 for private lighting purposes and gas supplied and used for any other purposes provided that the rate charged for gas supplied for such other purposes shall not in any case exceed the rate charged for gas supplied for private lighting purposes and may be agreed between the Corporation and any person or persons requiring such
 25 supply having regard to the times and periods of supply and the quantity used and shall be the same to all persons under like circumstances.

Differential charges.

16. In its application to the gas undertaking section 13 of the Gasworks Clauses Act 1847 as that Act is incorporated
 30 with the Act of 1871 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Corporation shall be alike in terms and amount under like circumstances to all consumers" were added at the
 35 end of that section.

Amendment of section 13 of Gasworks Clauses Act 1847.

17. The Corporation may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of gas charges not exceeding in any case ten per centum and in addition thereto or irrespective thereof they may if they think fit
 40 allow discounts or rebates to large consumers not exceeding in

Discounts.

A.D. 1912. any case fifteen per centum Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be indorsed on every demand note for gas charges.

Costs of
Order.

18. All costs charges and expenses of and incident to the preparing for and obtaining and confirming this Order or in relation thereto shall be paid by the Corporation out of the money authorised to be borrowed or the rates and assessments to be levied by them and the money received by them under the powers of the Acts of 1871 and 1899 or this Order or any of them and if paid out of borrowed money the same shall be repaid within five years from the commencement of this Order.

Army (Annual) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Army Act to be in force for specified times.
3. Prices in respect of billeting.

AMENDMENTS OF ARMY ACT.

4. Amendment of section 137 of the Army Act.
5. Amendment of section 145 of the Army Act.
6. Amendment of section 163 of the Army Act relating to evidence.
7. Amendment of 44 & 45 Vict. c. 58. ss. 175 (7) and 176 (9) (10).
8. Application of Army Act to forces raised in India and the Colonies.

SCHEDULE.

A

B I L L

INTITULED

An Act to provide, during Twelve Months, for the
Discipline and Regulation of the Army.

A.D. 1912.

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law :

5 And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and eighty-six
10 thousand six hundred including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions :

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

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

A.D. 1912. — And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, 5 for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice 10 of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow :

44 & 45 Vict. c. 58. — And whereas the Army Act will expire in the year one thousand nine hundred and twelve on the following days:— 15

- (a) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and
- (b) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July :

Be it therefore enacted by the King's most Excellent Majesty, 20 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the Army (Annual) Act, 1912.

Army Act to be in force for specified times. **2.**—(1) The Army Act shall be and remain in force during 25 the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament (that is to say):—

- (a) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and twelve to the thirtieth 30 day of April one thousand nine hundred and thirteen, both inclusive; and
- (b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July one thousand nine hundred and twelve to the thirty-first 35 day of July one thousand nine hundred and thirteen, both inclusive.

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

[2 GEO. 5.]

Army (Annual).

3

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

A.D. 1912.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act.

Prices in respect of billeting.

AMENDMENTS OF ARMY ACT.

10 4. In paragraph (4) of section one hundred and thirty-seven of the Army Act, which relates to penal stoppages from ordinary pay of officers, after the words "Army Council" shall be inserted the words "or in the case of officers serving in India the Governor-General"; and as a proviso to the said paragraph there shall be added at the end thereof the following:—"Provided that
15 "where deductions have been so made from the pay of an officer
"serving in India the case shall, if he so require, be reported to
"the Secretary of State for India in Council, who may make
"such order thereon as he thinks fit."

Amendment of section 137 of the Army Act.

20 5.—(1) The amount which may be deducted from the pay of a soldier in respect of a bastard child under subsection (2) of section one hundred and forty-five of the Army Act shall be increased, in the case of a non-commissioned officer who is not below the rank of sergeant, to sevenpence, and in the case of any other soldier to
25 fourpence, and accordingly the words "in respect of a bastard
"child sevenpence" and "in respect of a bastard child four-
"pence" shall be substituted in that subsection for the words
"in respect of a bastard child sixpence" and "in respect of a
bastard child threepence" respectively.

Amendment of section 145 of Army Act.

30 (2) Where an order has before the commencement of this Act been made under the said section authorising deductions to be made in respect of a bastard child, a further order may be made increasing the amount of the deductions to be made after the commencement of this Act under the former order up to the limit
35 authorised by this section.

6. At the end of subsection (1) of section one hundred and sixty-three of the Army Act (which makes certain documents evidence) the following paragraph shall be added:—

Amendment of section 163 of the Army Act relating to evidence.

40 "(j) Where the proceedings are proceedings against a soldier on a charge of being a deserter or absentee without
(35) A 3

A.D. 1912. **7.** In subsection (7) of section one hundred and seventy-five and in subsections (9) and (10) of section one hundred and seventy-six of the Army Act, which relate to persons subject to military law as officers and soldiers, the words "beyond the seas" shall be repealed wherever they occur. 5

Amendment of 44 & 45 Vict. c. 58. ss. 175 (7) and 176 (9) (10).

Application of Army Act to forces raised in India and the Colonies.

8.—(1) For the purpose of facilitating the application of the Army Act to forces raised in India or the Colonies, the following amendments shall be made:—

(a) At the end of section one hundred and seventy-five of the Army Act (which describes the persons subject to military law as officers) the following paragraph shall be added:—

"(12) All officers of a force raised in India or a colony to which this Act is, in whole or in part, applied by the law of India or the colony, at such times and subject to such adaptations, modifications, and exceptions as may be specified in such law." 15

(b) At the end of section one hundred and seventy-six of the Army Act (which describes the persons subject to military law as soldiers) the following paragraph shall be added:—

"(11) All non-commissioned officers and men belonging to a force raised in India or a colony to which this Act is, in whole or in part, applied by the law of India or the colony, at such times and subject to such adaptations, modifications, and exceptions as may be specified in such law." 25

(c) In section one hundred and seventy-seven of the Army Act (which relates to persons belonging to colonial forces and subject to military law as officers or soldiers) for the words "and any such law may apply to any such officers, non-commissioned officers, and men all or any of the provisions of this Act so far as they relate to the regular forces or any of the auxiliary forces, as the case may require, subject to such adaptations as may be necessary to make them applicable, and the provisions of this Act so applied shall, subject to such adaptations as aforesaid, be construed as if such officers, non-commissioned officers, and men were included in the" 30 35 40

[2 GEO. 5.]

Army (Annual).

5

5 “ the auxiliary forces, as the case may require, subject A.D. 1912.
 “ to such adaptations as may be necessary to make
 “ them applicable, and the provisions of this Act so
 “ applied shall, subject to such adaptations as afore-
 10 said, be construed as if such officers, non-com-
 “ missioned officers, and men were included in the
 “ expression ‘ regular forces ’ or ‘ auxiliary forces,’
 “ as the case may require,” there shall be substituted
 the words “ and any such law may apply, in relation
 10 “ to such force and to any officers, non-commissioned
 “ officers, and men thereof, all or any of the pro-
 “ visions of this Act, subject to such adaptations,
 “ modifications, and exceptions as may be specified
 “ in such law, and where so applied this Act shall
 15 “ have effect in relation to such force subject to
 “ such adaptations, modifications, and exceptions as
 “ aforesaid.”

(2) If before the commencement of this Act any law of
 20 India or a colony has been made or passed applying this Act
 in whole or in part to any force raised in India or the colony,
 such law shall have effect as if this section had been in force
 at the time when such law was made or passed.

Clause 16, page 10, line 9, after (“ subsection (1) ”) insert (“ thereof ”)

line 11, after (“ served ”) insert (“ and
“ in section one of the Bankruptcy Act, 1890 ”)

line 13, after (“ occur ”) insert (“ and a
“ reference to the proceedings in which the order was obtained
“ was included in the reference to the action in which the
“ judgment was obtained ”)

Clause 25, page 14, line 6, leave out (“ secured creditors shall
“ be disregarded ”) and insert (“ a creditor holding security upon
“ the property of the debtor shall be reckoned as a creditor only in
“ respect of the balance (if any) due to him after deducting the
“ value of such security ”)

Clause 27, page 15, line 2, leave out (“ which is ”) and insert
 (“ after it has become ”)

line 14, after (“ inadvertence ”) insert (“ or
“ that his action has been confined to taking such steps as were
“ necessary for the protection of the estate ”)

Clause 29, page 15, line 33, after (“ Where ”) insert (“ in the
“ course of the administration of the estate of a debtor who has
“ executed a deed of arrangement, or within twelve months from
“ the date when the final accounts of the estate were rendered ”)

lines 34 and 35, leave out (“ creditors of a
“ debtor who has executed a deed of arrangement representing
“ at least one half ”) and insert (“ a majority ”)

Schedule, page 18, line 18, at end insert :

Section 164 - - -	The word (“ debtor's ”) shall be substituted for the word (“ bankrupt's ”)
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Bankruptcy Bill. [H.L.]

[AS AMENDED ON REPORT.]

MEMORANDUM.

This Bill proposes to give effect, with some modifications and additions, to the recommendations of a Departmental Committee on Bankruptcy Law and its administration, which reported in 1908.

The more important amendments of the law now proposed may be summarily described as follows:—

1. *Prosecutions for Bankruptcy (and Debtors' Act) offences* must at present proceed by indictment and be conducted by the Public Prosecutor. While maintaining this procedure, for use in the graver cases, it is proposed to give Courts of Summary Jurisdiction power to dispose of these offences and to enable the Board of Trade to undertake prosecutions before such Courts through their solicitor or through the Official Receivers.

2. *Commercial offences not now criminal*, viz.: (a) failure to keep trading accounts; (b) failure to explain disappearance of assets; and (c) insolvency brought about by gambling:

Such misconduct is at present punishable only by refusal or suspension of discharge. The Committee thought these offences should in the case of bankrupts engaged in trade or business be made criminal, and as regards (b) and (c) the Bill follows their recommendation. In regard however to (a) the Bill makes failure to keep accounts criminally punishable only in the case of a trader who has on a previous occasion been insolvent.

3. *After-acquired Property of an Undischarged Bankrupt*.—At present all such property is claimable by the trustee in the bankruptcy. Under the Bill (a) protection will be given to bonâ fide purchasers of *real* (as is now the case with *personal*) property of this nature, and (b) if an undischarged bankrupt again becomes bankrupt, his assets acquired since the earlier bankruptcy will be distributed pro rata between the new and the old creditors.

4. All *married women engaged in trade* are made amenable to bankruptcy proceedings upon a bankruptcy notice following judgment.

5. *Marriage Settlements*.—Additional restrictions are imposed on the power to place property out of the reach of creditors, in case of bankruptcy, by means of covenants in such settlements.

6. *General assignments of book debts* are to be void against a trustee in bankruptcy unless registered.

7. Numerous safeguards are proposed with a view to secure, as far as possible without introducing official control, honest administration by trustees under *Deeds of Arrangement* (outside bankruptcy).

Among other provisions not within the scope of the Committee's Report, but suggested by experience, are the following:—

8. It is proposed to extend the control of Bankruptcy Courts over foreigners trading in this country through agents or partners.

9. It is proposed to take away the *power of landlords to distrain* after bankruptcy for rent payable *in advance*.

10. Proposals are made to meet the devices sometimes adopted by *moneylenders* to evade the provision (Section 23, Bankruptcy Act of 1890) by which claims for interest in excess of 5 per cent. are to be postponed until all other claims against bankrupt estates have been paid in full.

While the Bill does not propose to give effect to a recommendation by the Committee that the question of discharge should be dealt with by the Court in every case whether the bankrupt applies for discharge or not, the amendment which it proposes in the law as to after-acquired property will it is thought greatly diminish such commercial danger as at present arises from the existence of a large class of undischarged bankrupts. Moreover the increased stringency of the disabilities attaching to undischarged bankrupts (which may be expected to increase the number of applications for discharge) will afford additional protection to persons having dealings with them.

Bankruptcy Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

PART I.

BANKRUPTCY.

Clause.

1. Prosecution of offences summarily.
2. Provisions with respect to offences under the Debtors Act, 1869.
3. Punishment on bankrupt failing to keep proper accounts.
4. Punishment of bankrupt for gambling, &c.
5. Obtaining credit by undischarged bankrupts.
6. Amendment of provisions as to discharge.
7. Security in cases of compositions and schemes of arrangement.
8. Meaning of "debtor" in Bankruptcy Acts.
9. Conditions on which creditor may petition.
10. Validity of certain payments to bankrupt and assignee.
11. Dealings with undischarged bankrupt.
12. Married women.
13. Amendment of s. 47. of principal Act as to the avoidance of settlements.
14. Avoidance of general assignments of book debts unless registered.
15. Protection of sheriff, &c. seizing goods under execution without notice of claim by third party.
16. Amendment of s. 4 (1) (g) of principal Act as to acts of bankruptcy.
17. Amendment of s. 22 of principal Act as to committee of inspection.
18. Landlord's power of distress in case of bankruptcy.
19. Removal of trustee.
20. Provisions as to estates of persons dying insolvent.
21. Amendment of s. 23 of the Act of 1890 as to interest on debt.

Clause.

22. Protection of official receivers and trustees from personal liability in certain cases.
23. Minor amendments of Bankruptcy Acts.
24. Application of Part I. where receiving order made under s. 103 (5) of principal Act.

PART II.

DEEDS OF ARRANGEMENT.

25. Avoidance of deeds of arrangement unless assented to by a majority of the creditors.
26. Security by trustee of deed of arrangement.
27. Penalty on trustee acting when deed of arrangement void.
28. Effect of notice to creditors of deed of arrangement.
29. Audit and accounts.
30. Penalty on trustees under deeds of arrangement for failure to transmit accounts.
31. Courts in which applications for enforcement of trusts to be made.
32. Power to bankruptcy courts to appoint new trustee of deed of arrangement.

PART III.

GENERAL.

33. Short title, commencement, and interpretation.
- SCHEDULE.
-

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Law with respect to Bankruptcy and Deeds of Arrangement. A.D 1912.

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

5

PART I.

BANKRUPTCY.

1.—(1) Any offence under, or which may be dealt with as if it were an offence under, the Debtors Act, 1869, alleged to have been committed by a person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, may be prosecuted summarily, and if so prosecuted references in the enactments creating those offences to the jury shall be construed as references to a court of summary jurisdiction :

Prosecution
of offences
summarily.
32 & 33 Vict.
c. 62.

Provided that—

15 (a) the maximum term of imprisonment, with or without hard labour, which may be awarded by a court of summary jurisdiction for any such offence shall be six months; and

20 (b) summary proceedings in respect of any such offence shall not be instituted after the expiration of three years from the commission of the offence, or of one year from the first discovery thereof either by the Official Receiver or by the trustee in the bankruptcy.

25 (2) Where the prosecution of a person for any such offence is ordered by the court, and the order of the court is made on the application of the Official Receiver and based on his report, the

(90)

A.D. 1912. Board of Trade, if they think that the offender should be prosecuted summarily, may, notwithstanding anything in section one hundred and sixty-six of the Bankruptcy Act, 1883 (herein-after referred to as "the principal Act"), themselves or through the Official Receiver institute the prosecution and carry on the proceedings, unless in the course thereof circumstances arise which, in the opinion of the Board, render it desirable that the remainder of the proceedings should be carried on by the Director of Public Prosecutions.

46 & 47 Vict.
c. 52.

Provisions
with respect
to offences
under the
Debtors Act,
1869.

2.—(1) Where under the Debtors Act, 1869, an act or default committed by a person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, is an offence unless the jury are satisfied that he had no intent to defraud, or (as the case may be) to conceal the state of his affairs or to defeat the law, it is hereby declared that the onus of proving the absence of such intent lies upon the person accused, and that it is not necessary to allege in the indictment or information charging the offence or to prove any such intent.

(2) Any acts or defaults of any person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, which under any of the provisions of the Debtors Act, 1869, are made offences if committed within four months next before the presentation of a bankruptcy petition by or against such person, shall, as from the commencement of this Act, be offences if committed within six months next before the presentation of such a petition.

(3) Any act or default which under paragraphs thirteen, fourteen, or fifteen of section eleven of the Debtors Act, 1869, as amended by this section, is an offence if committed within six months next before the presentation of a bankruptcy petition, shall be an offence if committed after the presentation of a bankruptcy petition and before the making of a receiving order.

(4) Paragraphs fourteen and fifteen of section eleven of the Debtor's Act, 1869 (which make certain acts offences if committed by traders), shall extend to the like acts committed by persons who are not traders, and accordingly those paragraphs in relation to persons who are not traders shall have effect as if the words "being a trader," wherever they occur in those paragraphs, and the words "otherwise than in the ordinary way of his trade," which occur in paragraph fifteen, were omitted therefrom.

(5) Section eleven of the Debtors Act, 1869, shall be construed and have effect as if references to the trustee administering an estate for the benefit of creditors included references to the Official Receiver. A.D. 1912.

5 (6) Section fourteen of the Debtors Act, 1869 (which relates to false claims by creditors), shall extend to persons claiming to be creditors, and accordingly in that section after the word "creditor" there shall be inserted the words "or any person claiming to be a creditor."

10 (7) Notwithstanding anything in section sixteen of the Debtors Act, 1869, it shall not be obligatory on any court, in the absence of any application by the Official Receiver for such an order, to make an order under that section for the prosecution of an offence, unless it appears to the court not only that there
15 is a reasonable probability that the bankrupt will be convicted, but also that the circumstances are such as to render a prosecution desirable.

3.—(1) If any person who has on any previous occasion been adjudged bankrupt or made a composition or arrangement
20 with his creditors is adjudged bankrupt, or if a receiving order is made in respect of his estate, he shall be guilty of an offence under section eleven of the Debtors Act, 1869, if, having during the whole or any part of the two years immediately preceding the date of the presentation of the bankruptcy petition been
25 engaged in any trade or business, he has not kept proper books of account throughout those two years or such part thereof as aforesaid, and, if so engaged at the date of presentation of the petition, thereafter, whilst so engaged, up to the date of the receiving order, or has not preserved all books of account so
30 kept:

Provided that a person who has not kept or has not preserved such books of account shall not be convicted of an offence under this section if his unsecured liabilities at the date of the receiving order did not exceed two hundred pounds, or if he proves that
35 in the circumstances in which he traded or carried on business the omission was honest and excusable.

(2) A prosecution shall not be instituted against any person under this section except by order of the court, nor where the receiving order in the bankruptcy is made within two years
40 from the commencement of this Act.

(3) For the purposes of this section, a person shall be deemed not to have kept proper books of account if he has not kept

Punishment on bankrupt failing to keep proper accounts.

A.D. 1912. — such books or accounts as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, also 5 accounts of all goods sold and purchased, and statements of annual stocktakings.

(4) Paragraphs (9), (10) and (11) of section eleven of the Debtors Act, 1869 (which relate to the destruction, mutilation and falsification and other fraudulent dealing with books and 10 documents), shall, in their application to such books as aforesaid, have effect as if “two years next before the presentation of the bankruptcy petition” were substituted for “four months next “before such presentation” as the time within which the acts or omissions specified in those paragraphs constitute an offence. 15

Punishment
of bankrupt
for gambling,
&c.

4.—(1) Any person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, shall be guilty of an offence under section eleven of the Debtors Act, 1869, if, having been engaged in any trade or business,—

- (a) he has, within two years prior to the presentation of the 20 bankruptcy petition, materially contributed to or increased the extent of his insolvency by gambling or by rash and hazardous speculations, and such gambling or speculations are unconnected with his trade or business ; or 25
- (b) he has, between the date of the presentation of the petition and the date of the receiving order, lost any part of his estate by such gambling or rash and hazardous speculations as aforesaid ; or
- (c) on being required by the Official Receiver at any time, 30 or, in the course of his public examination, by the court, to account for the loss of any substantial part of his estate incurred within a period of a year next preceding the date of the presentation of the bankruptcy petition, or between that date and the 35 date of the receiving order, he fails to give a satisfactory explanation of the manner in which such loss was incurred :

Provided that in determining for the purposes of this section whether any speculations were rash and hazardous the 40 court shall take into consideration the financial position of the accused person at the time when he entered into the speculations.

(2) A prosecution shall not be instituted against any person under this section except by order of the court, nor where the receiving order in the bankruptcy is made within two years from the commencement of this Act. A.D. 1912.

5 **5.**—(1) Where an undischarged bankrupt—

(a) either alone or jointly with any other person obtains credit to the extent of ten pounds or upwards from any person without informing such person that he is an undischarged bankrupt; or Obtaining credit by undischarged bankrupts.

10 (b) engages in any trade or business under an assumed name, or under the name of any other person, or under the name of a firm, without disclosing to all persons with whom he enters into any business transaction his true name;

15 he shall be guilty of an offence under section eleven of the Debtors Act, 1869, and, for the purposes of this provision, the name under which the bankrupt was adjudged bankrupt shall be deemed to be his true name, and any other name shall be deemed to be an assumed name.

20 (2) Section thirty-one of the principal Act is hereby repealed.

6. Where under section eight of the Bankruptcy Act, 1890, an application is made by a bankrupt for his discharge, the period for which the discharge may be suspended may, notwithstanding anything in subsection (2) of that section, be a period of less than two years if of the facts referred to in that subsection the only fact proved is that the bankrupt's assets are not of a value equal to ten shillings in the pound on the amount of his unsecured liabilities. Amendment of provisions as to discharge. 53 & 54 Vict. c. 71.

7. "Five shillings in the pound" shall be substituted for "seven shillings and sixpence in the pound" in subsection (9) of section three of the Bankruptcy Act, 1890, as the sum for the payment of which reasonable security must be provided under the circumstances stated in that subsection before the court may approve a proposal by a debtor for a composition in satisfaction of his debts or for a scheme of arrangement of his affairs. Security in cases of compositions and schemes of arrangement.

8. In the Bankruptcy Acts, 1883 and 1890, and in this Act, the expression "a debtor," unless the context otherwise implies, includes any person, whether a British subject or not, Meaning of "debtor" in Bankruptcy Acts.

A.D. 1912. who at the time when any act of bankruptcy was done or suffered by him —

- (a) was personally present in England; or
- (b) ordinarily resided or had a place of residence in England; or
- (c) was carrying on business in England, personally, or by means of an agent or manager; or
- (d) was a member of a firm or partnership which carried on business in England.

Conditions on which creditor may petition.

9. For paragraph (d) of subsection (1) of section six of the principal Act (which relates to the conditions on which a creditor may present a bankruptcy petition), the following paragraph shall be substituted:—

“(d) The debtor is domiciled in England, or within a year before the date of the presentation of the petition has ordinarily resided, or had a dwelling-house or place of business in England, or has carried on business in England, personally or by means of an agent or manager, or is or within the said period has been a member of a firm or partnership of persons which has carried on business in England by means of a partner or partners, or an agent or manager.”

Validity of certain payments to bankrupt and assignee.

10. Nothing in any of the enactments relating to bankruptcy shall invalidate a payment of money, or delivery of property, to a person subsequently adjudged bankrupt, or to a person claiming by assignment from him, if the payment or delivery is made before the receiving order and (except in cases where the receiving order is made under subsection (5) of section one hundred and three of the principal Act) without notice of the presentation of a bankruptcy petition, and is either pursuant to the ordinary course of business or otherwise bonâ fide.

Dealings with undischarged bankrupt.

11.—(1) Until the trustee intervenes, all transactions by a bankrupt with any person dealing with him bonâ fide and for value and without knowledge of his bankruptcy, in respect of property, whether real or personal, acquired by the bankrupt after the commencement of the bankruptcy shall be valid against the trustee, and, where any such transaction is a transaction in the course of any trade or business carried on by the bankrupt, it shall be valid against the trustee, whether or not the person dealing with the bankrupt had knowledge of the bankruptcy.

trustee in that bankruptcy, without knowledge of the presentation of the subsequent petition) vest in the trustee in the subsequent bankruptcy, but any balance of the debts provable under the last preceding bankruptcy which is not satisfied at such date
 5 as aforesaid may be proved in the subsequent bankruptcy by the trustee in the last preceding bankruptcy. A.D. 1912.

(3) Where the trustee in any bankruptcy receives notice of a subsequent petition in bankruptcy against the bankrupt, he shall hold any property then in his possession which has been
 10 acquired by the bankrupt since the commencement of the bankruptcy until the subsequent petition has been disposed of, and if on the subsequent petition an order of adjudication is made he shall transfer all such property or the proceeds thereof (after deducting his costs and expenses) to the trustee in the subse-
 15 quent bankruptcy.

(4) Where a person has been adjudged bankrupt, nothing in any enactment relating to bankruptcy shall affect the rights of any person making title in good faith and for valuable consideration, and without knowledge of the bankruptcy, through or under
 20 a person who has acquired from the bankrupt property which the bankrupt himself acquired after the commencement of the bankruptcy.

12.—(1) Every married woman who carries on a trade or business, whether separately from her husband or not, shall, in respect of her separate property, be subject to the bankruptcy laws as if she were a feme sole. Married women.

(2) Where a married woman carries on a trade or business and a final judgment or order has been obtained against her, whether or not expressed to be payable out of her separate
 30 property, for any amount, that judgment or order shall be available for bankruptcy proceedings against her by a bankruptcy notice as though she were personally bound to pay the judgment debt or sum ordered to be paid.

(3) Where a married woman who has been adjudged bankrupt has separate property which is subject to a restraint on anticipation, the court shall have power, on the application of the trustee, to order that during such time as the court may order the whole or some part of the income derived from the property be paid to the trustee for distribution among the creditors.

(4) Where a married woman has been adjudged bankrupt, her husband shall not be entitled to claim any dividend as a creditor

A.D. 1912. the court shall have power, on the application of the trustee, to order that during such time as the court may order the whole or some part of the income derived from the property be paid to the trustee for distribution among the creditors.

(4) Where a married woman has been adjudged bankrupt, her husband shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by him to his wife for the purposes of her trade or business until all claims of the other creditors of his wife for valuable consideration in money or money's worth have been satisfied. 10

Amendment
of s. 47 of
principal
Act as to
the avoid-
ance of
settlements.

13.—(1) The following subsections shall be substituted for subsection (2) of section forty-seven of the Bankruptcy Act, 1883, which relates to the avoidance of settlements:—

“(2) Any covenant or contract made by a person (herein-after called the settlor) in consideration of marriage, either for the future payment of money, or for the future settlement on or for the settlor's wife or husband or children of property, wherein the settlor had not at the date of the marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property in right of the settlor's wife or husband, shall, if the settlor is adjudged bankrupt and the covenant or contract has not been executed at the date of the commencement of his bankruptcy, be void against the trustee in bankruptcy, except so far as it enables the persons entitled under the covenant or contract to claim for dividend in the settlor's bankruptcy under or in respect of the covenant or contract, but any such claim to dividend shall be postponed until all claims of the other creditors for valuable consideration in money or money's worth have been satisfied. 15 20 25

“(2A) Any payment of money (not being payment of premiums on a policy of life assurance) or any transfer of property made by the settlor in pursuance of such a covenant or contract as aforesaid shall be void against the trustee in the settlor's bankruptcy, unless the persons to whom the payment or transfer was made, prove, either— 30 35

“(a) that the payment or transfer was made more than two years before the date of the commencement of the bankruptcy; or

“(b) that at the date of the payment or transfer the settlor was able to pay all his debts without the aid of the money so paid or the property so transferred; or 40

“(c) that the payment or transfer was made in pursuance of a covenant or contract to pay or transfer money or property expected to come to the settlor from or on the death of a particular person named in the covenant or contract and was made within three months after the money or property came into the possession or under the control of the settlor :—

but, in the event of any such payment or transfer being declared void, the persons to whom it was made shall be entitled to claim for dividend under or in respect of the covenant or contract in like manner as if it had not been executed at the commencement of the bankruptcy.”

(2) The following subsection shall be added at the end of the said section forty-seven :—

“(4) Nothing in this section shall affect or prejudice the title or interest of any person who before the date of the receiving order and without notice of the presentation of a bankruptcy petition has bonâ fide and for value purchased or acquired from the person or persons entitled to the benefit of any such settlement, covenant, or contract as aforesaid the money or property the subject thereof or any interest in such money or property.”

14. Where a person engaged in any trade or business makes an assignment to any other person of his existing or future book debts or any class thereof, and is subsequently adjudicated bankrupt, the assignment shall be void against the trustee, unless the assignment has been registered as if the assignment were a bill of sale, and the provisions of the Bills of Sale Acts, 1878 and 1882, with respect to the registration of bills of sale given otherwise than by way of security for the payment of a sum of money shall apply accordingly, subject to such necessary modifications as may be made by rules under those Acts :

Avoidance of general assignments of book debts unless registered.

41 & 42 Vict. c. 31.
45 & 46 Vict. c. 43.

Provided that nothing in this section shall have effect so as to render void any assignment of book debts due from specified debtors or of debts growing due under specified contracts or any assignment of book debts included in a transfer of a business made bonâ fide and for value.

15. Where any goods in the possession of an execution debtor at the time of seizure by a sheriff, high bailiff, or other officer charged with the enforcement of a writ, warrant, or other process of execution, are sold by such sheriff, high bailiff,

Protection of sheriff, &c. selling goods under execution without

A.D. 1912. the receipt of a claim to the said goods: Provided that nothing in this section contained shall affect the right of any claimant who may prove his title to any goods so seized and sold to recover the net sum realised by the sale of such goods from any person in whose hands such proceeds may be or to whom they 5 may have been paid.

Amendment of s. 4 (1) (g) of principal Act as to acts of bankruptcy.

16. Section four of the principal Act (which relates to acts of bankruptcy) shall have effect as though in paragraph (g) of subsection (1) (which makes it an act of bankruptcy to fail to pay a judgment debt after bankruptcy notice where bankruptcy notice 10 has been served) references to final orders and to sums ordered to be paid were included in the references to final judgments and judgment debts respectively wherever the same occur.

Amendment of s. 22 of principal Act as to committee of inspection.

17. The power under section twenty-two of the principal Act to appoint at a meeting of creditors as members of a 15 committee of inspection the holders of general proxies or general powers of attorney from the creditors shall be deemed to include the power to appoint a person subject to his subsequently becoming the holder of such a general proxy or general power of attorney: Provided that a person appointed a member of a 20 committee of inspection under this provision shall not be qualified to act until he holds such a proxy or power of attorney.

Landlord's power of distress in case of bankruptcy.

18.—(1) Where in exercise of the power conferred by section forty-two of the principal Act the landlord or other person to 25 whom any rent is due from a bankrupt distrains upon the goods or effects of the bankrupt for rent due from the bankrupt, such distress for rent, if levied after the commencement of the bankruptcy, shall not be available for rent payable in respect of any 30 period subsequent to the date when the distress was levied, and accordingly in subsection (1) of that section, after the words "order of adjudication" there shall be inserted the words "and shall not be available for rent payable in respect of any 35 "period subsequent to the date when the distress was levied."

(2) Where any goods of a debtor have been taken in 35 execution, the limit on the amount of rent which the party at whose suit the execution is sued out is liable to pay to the landlord under section one of the Landlord and Tenant Act, 1709, shall, unless notice of claim for rent due has been served on the sheriff by or on behalf of the landlord before the com- 40 mencement of the debtor's bankruptcy, be six months' rent, instead

20.—(1) The following provisions, namely—

Section twenty-seven of the principal Act (which relates to the discovery of a debtor's property);

5 Section seventy-three of the principal Act (which relates to the costs of trustees, managers, and other persons);

Section one hundred and twenty-one of the principal Act (which relates to the summary administration of small estates); and

10 Subsection (2) of section six of the Bankruptcy (Discharge and Closure) Act, 1887 (which relates to the duties and liabilities of an official receiver or official assignee who has been released);

shall, so far as the same are applicable, apply in the case of the administration in bankruptcy of the estate of a person
15 dying insolvent in like manner as in the case of the administration of the estate of a person adjudged bankrupt, and section one hundred and twenty-five of the principal Act (which relates to the administration in bankruptcy of the estates of persons dying insolvent) shall have effect accordingly as though the above-
20 mentioned provisions were included amongst the provisions of the principal Act applied in such a case by subsection (6) of that section, but subject to any modifications that may be made therein by general rules under subsection (11) of that section for adapting them to such case as aforesaid.

25 (2) If no committee of inspection is appointed under subsection (3) of section twenty-one of the Bankruptcy Act, 1890, in the case of a person dying insolvent any act or thing or any direction or permission which might have been done or given by a committee of inspection may be done or given by the Board
30 of Trade.

(3) A petition for the administration of the estate of a deceased debtor under section one hundred and twenty-five of the principal Act may be presented by the legal personal representative of the debtor; and where a petition is so presented by
35 such a representative that section shall apply subject to such modifications as may be prescribed by general rules made under subsection (11) of that section.

21.—In dealing with any proof of a debt to which section twenty-three of the Bankruptcy Act, 1890 (which relates to interest
40 on debts), applies, the following rules shall be observed:—

(a) Any account settled between the debtor and the creditor within three years preceding the date of the receiving

A.D. 1912.

Provisions as to estates of persons dying insolvent.

Amendment of s. 23 of the Act of 1890 as to interest on debt.

A.D. 1912. — might be disclaimed by a trustee under section fifty-five of the principal Act, notwithstanding that the time prescribed by that section for such disclaimer has expired.

Provisions
as to estates
of persons
dying in-
solvent.

20.—(1) The following provisions, namely—

Section twenty-seven of the principal Act (which relates 5
to the discovery of a debtor's property);

Section seventy-three of the principal Act (which relates
to the costs of trustees, managers, and other persons);

Section one hundred and twenty-one of the principal Act
(which relates to the [summary administration of small 10
estates); and

50 & 51 Vict.
c. 66.

Subsection (2) of section six of the Bankruptcy (Discharge
and Closure) Act, 1887 (which relates to the duties
and liabilities of an official receiver or official assignee
who has been released); 15

shall, so far as the same are applicable, apply in the case of
the administration in bankruptcy of the estate of a person
dying insolvent in like manner as in the case of the admini-
stration of the estate of a person adjudged bankrupt, and section
one hundred and twenty-five of the principal Act (which relates 20
to the administration in bankruptcy of the estates of persons dying
insolvent) shall have effect accordingly as though the above-
mentioned provisions were included amongst the provisions of
the principal Act applied in such a case by subsection (6) of
that section, but subject to any modifications that may be made 25
therein by general rules under subsection (11) of that section
for adapting them to such case as aforesaid.

(2) If no committee of inspection is appointed under sub-
section (3) of section twenty-one of the Bankruptcy Act, 1890, in
the case of a person dying insolvent, any act or thing or any 30
direction or permission which might have been done or given by
a committee of inspection may be done or given by the Board
of Trade.

(3) A petition for the administration of the estate of a
deceased debtor under section one hundred and twenty-five of the 35
principal Act may be presented by the legal personal represen-
tative of the debtor; and, where a petition is so presented by
such a representative, that section shall apply subject to such
modifications as may be prescribed by general rules made under
subsection (11) of that section. 40

PART II.

A.D. 1912.

DEEDS OF ARRANGEMENT.

25.—(1) A deed of arrangement shall be void unless before or within fourteen days after the registration thereof, or within 5 such extended time as the High Court may allow, it has received the assent of a majority in number and value of the creditors of the debtor.

Avoidance of deeds of arrangement unless assented to by a majority of the creditors.

(2) The list of creditors annexed to the affidavit of the debtor filed on the registration of the deed of arrangement shall 10 be prima facie evidence of the names of the creditors and the amounts of their claims.

(3) The assent of a creditor shall be established by his executing the deed of arrangement or sending to the trustee his assent in writing attested by a witness, but not otherwise.

15 (4) The trustee shall file with the Registrar of Bills of Sale at the time of the registration of a deed of arrangement, or, in the case of a deed of arrangement assented to after registration, within twenty-one days after registration or within such extended 20 time as the High Court may allow, a statutory declaration by the trustee that the requisite majority of the creditors of the debtor have assented to the deed of arrangement, which declaration shall be primâ facie evidence of the fact declared.

25 26.—(1) The trustee under a deed of arrangement shall within seven days from the date on which the statutory declaration certifying the assent of the creditors is filed, give security in the prescribed manner to the Registrar of the court having jurisdiction in bankruptcy in the district of which the debtor resided or carried on business at the date of the execution of the deed, or, 30 if he then resided or carried on business in the London bankruptcy district, to the senior bankruptcy registrar of the High Court, in a sum equal to the estimated assets available for distribution amongst the unsecured creditors as shown by the affidavit filed on registration, to administer the deed properly and account fully for the assets which come to his hands, unless a majority in number 35 and value of the assigning debtor's creditors, either by resolution passed at a meeting convened by notice to all the creditors, or by writing addressed to the trustee, dispense with his giving such security: Provided that when such a dispensation has been so given the trustee shall forthwith make and file with the Registrar 40 of Bills of Sale a statutory declaration to that effect, which declaration shall be primâ facie evidence of the facts declared.

Security by trustee of deed of arrangement.

A.D. 1912.

(3) The assent of a creditor shall be established by his executing the deed of arrangement or sending to the trustee his assent in writing attested by a witness, but not otherwise.

(4) The trustee shall file with the Registrar of Bills of Sale at the time of the registration of a deed of arrangement, or, in the case of a deed of arrangement assented to after registration, within twenty-eight days after registration or within such extended time as the High Court or the court having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business at the date of the execution of the deed may allow, a statutory declaration by the trustee that the requisite majority of the creditors of the debtor have assented to the deed of arrangement, which declaration shall be *primâ facie* evidence of the fact declared. 5 10

(5) In calculating a majority of creditors for the purposes of this and the next following section a creditor holding security upon the property of the debtor shall be reckoned as a creditor only in respect of the balance (if any) due to him after deducting the value of such security, and creditors whose debts amount to sums not exceeding ten pounds shall be reckoned in the majority in value but not in the majority in number. 15 20

Security by trustee of deed of arrangement.

26.—(1) The trustee under a deed of arrangement shall, within seven days from the date on which the statutory declaration certifying the assent of the creditors is filed, give security in the prescribed manner to the Registrar of the court having jurisdiction in bankruptcy in the district of which the debtor resided or carried on business at the date of the execution of the deed, or, if he then resided or carried on business in the London bankruptcy district, to the senior bankruptcy registrar of the High Court, in a sum equal to the estimated assets available for distribution amongst the unsecured creditors as shown by the affidavit filed on registration, to administer the deed properly and account fully for the assets which come to his hands, unless a majority in number and value of the assigning debtor's creditors, either by resolution passed at a meeting convened by notice to all the creditors, or by writing addressed to the trustee, dispense with his giving such security: Provided that, when such a dispensation has been so given, the trustee shall forthwith make and file with the Registrar of Bills of Sale a statutory declaration to that effect, which declaration shall be *primâ facie* evidence of the facts declared. 25 30 35 40

(2) If a trustee under a deed of arrangement fails to comply with the requirements of this section, the court having jurisdiction

- 26.**—(1) The trustee under a deed of arrangement shall, within seven days from the date on which the statutory declaration certifying the assent of the creditors is filed, give security in the prescribed manner to the Registrar of the court having jurisdiction in bankruptcy in the district of which the debtor resided or carried on business at the date of the execution of the deed, or, if he then resided or carried on business in the London bankruptcy district, to the senior bankruptcy registrar of the High Court, in a sum equal to the estimated assets available for distribution amongst the unsecured creditors as shown by the affidavit filed on registration, to administer the deed properly and account fully for the assets which come to his hands, unless a majority in number and value of the assigning debtor's creditors, either by resolution passed at a meeting convened by notice to all the creditors, or by writing addressed to the trustee, dispense with his giving such security: Provided that, when such a dispensation has been so given, the trustee shall forthwith make and file with the Registrar of Bills of Sale a statutory declaration to that effect, which declaration shall be *primâ facie* evidence of the facts declared.
- (2) If a trustee under a deed of arrangement fails to comply with the requirements of this section, the court having jurisdiction in bankruptcy in the district of which the debtor resided or carried on business at the date of the execution of the deed, or, if he then resided or carried on business in the London bankruptcy district, the High Court, on the application of any creditor and after hearing such persons as it may think fit, may declare the deed of arrangement to be void or may make an order appointing another trustee in the place of the trustee appointed by the deed of arrangement.
- (3) A certificate that the security required by this section has been given by a trustee, signed by the Registrar to whom it was given and filed with the Registrar of Bills of Sale, shall be conclusive evidence of the fact.
- 27.** If a trustee acts under a deed of arrangement—
- (a) after it has become void by reason of non-compliance with any of the requirements of the Deeds of Arrangement Act, 1887, or this Act; or
- (b) after he has failed to give security within the time and in the manner provided for by this Act,
- he shall be liable on summary conviction to imprisonment with or without hard labour for any term not exceeding three months

A.D. 1912.
Security by trustee of deed of arrangement.

Penalty on trustee acting when deed of arrangement void.
50 & 51 Vict. c. 57.

A.D. 1912. bankruptcy (including the provisions as to fees) shall, with necessary modifications, apply to the audit of the trustee's accounts, and the auditor shall have power on the audit to require production of an allocatur for the taxed costs of any solicitor whose costs have been paid or charged by the trustee, 5 and to disallow any costs in respect of which no allocatur is produced.

(2) Every trustee under a deed of arrangement shall, at the expiration of six months from the date of the registration of the deed, and thereafter at the expiration of every subsequent 10 period of six months until the estate has been finally wound up, send to each creditor who has assented to the deed a statement in the prescribed form of the trustee's accounts and of the proceedings under the deed down to the date of the statement, and shall, in his affidavit verifying his accounts transmitted to 15 the Board of Trade, state whether or not he has duly sent such statements, and the dates on which the statements were sent; and, if a trustee fails to comply with any of the provisions of this subsection, the High Court may, for the purpose of enforcing those provisions, exercise on the application of the Board of Trade 20 all the powers conferred on the Court by subsection (5) of section one hundred and two of the Bankruptcy Act, 1883, in cases of bankruptcy.

(3) At any time after the expiration of two years from the date of the registration of a deed of arrangement, the court 25 having jurisdiction in bankruptcy in the district in which the debtor resided or carried on business at the date of the execution of the deed, or, if he then resided or carried on business in the London bankruptcy district, the High Court, may, on the application of the trustee or a creditor, or on the application of the 30 debtor, order that all moneys representing unclaimed dividends and undistributed funds then in the hands of the trustee or under his control be paid into court.

Penalty on trustees under deeds of arrangement for failure to transmit accounts.

30. If a trustee under a deed of arrangement fails to transmit the accounts of his receipts and payments as such trustee, in 35 accordance with the requirements of paragraph (b) of subsection (2) of section twenty-five of the Bankruptcy Act, 1890, as amended by this Act, he shall on summary conviction be liable to a fine not exceeding *five pounds* for each day during which the default continues, without prejudice, however, to the exercise by a judge 40 of the High Court of the powers conferred by that paragraph for the purpose of enforcing the provisions thereof.

31. Any application by the trustee under a deed of arrangement, or by the debtor, or by any creditor entitled to the benefit of a deed of arrangement, for the enforcement of the trusts or the determination of questions under it, shall be made to the
 5 court having jurisdiction in bankruptcy in the district of which the debtor resided or carried on business at the date of the registration of the deed, or, if he then resided or carried on business in the London bankruptcy district, to the High Court :

A.D. 1912.
 Courts in which applications for enforcement of trusts to be made.

Provided that any question as to whether any person claiming
 10 to be a creditor entitled to the benefit of a deed of arrangement is so entitled, may be decided either by the court having such jurisdiction as aforesaid or by the High Court.

32. The power to appoint a new trustee or new trustees under section twenty-five of the Trustee Act, 1893, may, in the
 15 case of a deed of arrangement, be exercised either by the High Court or by any other court having jurisdiction in bankruptcy, and the provisions of that section shall apply accordingly.

Power to Bankruptcy Courts to appoint new trustee of deed of arrangement. 56 & 57 Vict. c. 53.

PART III.

GENERAL.

33.—(1) This Act may be cited as the Bankruptcy Act, 1912, and Part I. of this Act shall be construed with the Bankruptcy Acts, 1883 and 1890, and may be cited with those Acts as the Bankruptcy Acts, 1883 to 1912, and Part II. of this Act shall be construed with the Deeds of Arrangement Act,
 20 1887, and may be cited with that Act and the Deeds of Arrangement Amendment Act, 1890, as the Deeds of Arrangement Acts, 1887 to 1912 :

Short title, commencement, and interpretation. 53 & 54 Vict. c. 24.

Provided that, notwithstanding that Part II. of this Act is to be construed with the Deeds of Arrangement Act, 1887, no
 30 part of this Act shall extend to Ireland.

(2) This Act shall come into operation on the *first day of January nineteen hundred and thirteen.*

(3) In this Act, unless the context otherwise requires, the expression "the Debtors Act, 1869," means that Act as amended
 35 by the Bankruptcy Acts, 1883 and 1890, or any other enactment, including this Act.

A.D. 1912. of arrange-
ment for
failure to
transmit
accourts.

accordance with the requirements of paragraph (b) of subsection (2) of section twenty-five of the Bankruptcy Act, 1890, as amended by this Act, he shall on summary conviction be liable to a fine not exceeding *five pounds* for each day during which the default continues, without prejudice, however, to the exercise by a judge 5 of the High Court of the powers conferred by that paragraph for the purpose of enforcing the provisions thereof.

Courts in
which appli-
cations for
enforcement
of trusts to
be made.

31. Any application by the trustee under a deed of arrange-
ment, or by the debtor, or by any creditor entitled to the 10
benefit of a deed of arrangement, for the enforcement of the trusts
or the determination of questions under it, shall be made to the
court having jurisdiction in bankruptcy in the district of which
the debtor resided or carried on business at the date of the
registration of the deed, or, if he then resided or carried on
business in the London bankruptcy district, to the High Court : 15

Provided that any question as to whether any person claiming to be a creditor entitled to the benefit of a deed of arrangement is so entitled, may be decided either by the court having such jurisdiction as aforesaid or by the High Court.

Power to
Bankruptcy
Courts to
appoint new
trustee of
deed of
arrangement.

32. The power to appoint a new trustee or new trustees 20
under section twenty-five of the Trustee Act, 1893, may, in the
case of a deed of arrangement, be exercised either by the High
Court or by any other court having jurisdiction in bankruptcy,
and the provisions of that section shall apply accordingly.

PART III.

25

GENERAL.

Short title,
commence-
ment, and
interpreta-
tion.

33.—(1) This Act may be cited as the Bankruptcy Act, 1912, and Part I. of this Act shall be construed with the Bankruptcy Acts, 1883 and 1890, and may be cited with those Acts as the Bankruptcy Acts, 1883 to 1912, and Part II. of this 30
Act shall be construed with the Deeds of Arrangement Act, 1887, and may be cited with that Act and the Deeds of Arrangement Amendment Act, 1890, as the Deeds of Arrangement Acts, 1887 to 1912 :

Provided that notwithstanding that Part II. of this Act is 35
to be construed with the Deeds of Arrangement Act, 1887, no
part of this Act shall extend to Ireland.

(2) This Act shall come into operation on the *first day of January nineteen hundred and thirteen.*

SCHEDULE.

A.D. 1912.

MINOR AMENDMENTS OF BANKRUPTCY ACTS.

Enactment to be amended.	Nature of Amendment.
5 The Bankruptcy Act, 1883 (46 & 47 Vict. c. 52).	
Section 48 - -	After the words "with a view of giving such creditor" there shall be inserted the words "or any surety or guarantor for the debt due to such creditor."
10 Section 51 - -	The words "a debtor against whom a receiving order has been made" shall be substituted for the words "a bankrupt," and the words "such debtor" shall be substituted for the words "the bankrupt," wherever those words occur.
15 Section 59 (2) -	The words "unless otherwise directed by the Board of Trade" shall be substituted for the words "subject to any order to the contrary that may be made by the court."
20 Section 164 - -	The word "debtor's" shall be substituted for the word "bankrupt's."
First Schedule, paragraph 2.	The words "six clear days" shall be substituted for the words "seven days."
25 The Bankruptcy Act, 1890 (53 & 54 Vict.) c. 71.	
Section 25 (1) (b)	The words "at such times as may be prescribed" shall be substituted for the words "within thirty days of the first day of January in each year."
30 Section 25 (3) -	The words "the debtor or any creditor or other person interested" shall be substituted for the words "any creditor," and the following words shall be added at the end of the subsection: "and copies of or extracts from the accounts shall on payment of the prescribed fee be furnished to the debtor, the creditors, or any other persons interested."
35	

Bankruptcy. [H.L.]

A

B I L L

[AS AMENDED ON THIRD READING]

INTITLED

An Act to amend the Law with respect to Bankruptcy and Deeds of Arrangement.

The Lord Granard (E. Granard).

Ordered to be printed 4th July 1912.

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(104)

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to prevent the writing, printing, publishing, or circulating in the United Kingdom of advertisements of any betting or tipster's business. A.D. 1913.

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

- 5 **1.** Any person who in the United Kingdom writes, prints, publishes, or circulates any advertisement of any betting or tipster's business, whether such business is carried on in the United Kingdom or elsewhere, or who causes or procures any of those things to be done, or assists therein, shall be liable—
- 10 (a) For a first offence, on summary conviction, to a fine not exceeding twenty-five pounds, or to imprisonment, with or without hard labour, for three months;
- 15 (b) For a second or subsequent offence, on conviction on indictment, to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for six months.
- 20 **2.** "Betting business" shall mean any business or agency for the making of bets or wagers or for the receipt of any money or valuable thing as the consideration for a bet or wager in connection with any race, fight, game, sport, or exercise. "Tipster's business" shall mean any business or agency carried on solely or mainly for receiving money or any other payment for advice relating to bets or wagers in connection with any race, fight, game, sport, or exercise.

Penalties.

Definitions.

A.D. 1912.
Application
to Scotland.

3. In Scotland "indictment" has the same meaning as in the Criminal Procedure (Scotland) Act, 1887; and, in the event of an offender failing to make payment of a fine imposed under section one (a) or (b) of this Act, he shall be liable to imprisonment in accordance with the provisions of the Summary Jurisdiction 5 Acts.

An offence prosecuted summarily under this Act may be tried before the sheriff or before any magistrate of any royal, parliamentary, or police burgh officiating under the provisions of any local or general police Act. 10

Application
to Ireland.

4. In Ireland where, in pursuance of this Act an order is made by a court of summary jurisdiction for a term of imprisonment not exceeding one month without the option of a fine, the party against whom the order is made shall be entitled to appeal in like manner as if the term of imprisonment exceeded one 15 month.

Commence-
ment and
short title.

5. This Act shall come into operation on the first day of May one thousand nine hundred and thirteen, and may be cited as the Betting Inducements Act, 1912.

A

B I L L

INTITULED

An Act to confirm Schemes of the Charity Commissioners for the application or management of (1) Various Charities in the Borough of Beverley and the Parish of Beverley St. John in the East Riding of the County of York and (2) the Charity called or known as the Minster New Fund in the said Borough. A.D. 1912.

WHEREAS the Charity Commissioners for England and Wales in their report to His Majesty of their proceedings during the year one thousand nine hundred and eleven have reported that they have approved and certified schemes for the application
5 or management of—

- (1) Various charities in the borough of Beverley and the parish of Beverley St. John in the East Riding of the county of York; and
- (2) The charity called or known as the Minster New Fund in
10 the said borough;

and the schemes are set out in an appendix to the said report:

And whereas it is expedient that the schemes as the same are fully set out and defined in the schedule to this Act should be confirmed:

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

20 **1.** The said schemes are hereby confirmed Provided always Confirmation of schemes. that nothing in this Act or in the said schemes shall be held to
(220) A

A.D. 1912. interfere with the ordinary jurisdiction over endowed charities now exercisable or hereafter to become exercisable by the High Court of Justice and the Charity Commissioners.

Short title. **2.** This Act may be cited as the Beverley Charities Schemes Confirmation Act 1912.

SCHEDULE.

A.D. 1912.

I.—Scheme for the application or management of the following Charities in the Borough of Beverley and the Parish of Beverley St. John in the East Riding of the County of York.

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Charity.	Particulars of Origin or Government.	Existing Area.
Altmare Margaret (otherwise Smailes).	Will dated 21st July 1616 -	Parish of Beverley St. Mary.
10 Bell James - -	Will dated 5th May 1812 -	Do. do.
Brogden Francis -	Will dated 25th March 1770 -	Borough of Beverley.
Buck Peregrine -	Will dated 20th February 1693	Do. do.
Clarkson Thomas -	Will proved at York on the 19th December 1862.	Do. do.
15 Darcey Margaret -	Will dated 14th April 1626 -	Parish of Beverley St. Mary.
Doyle Priscilla -	Gift in 1685 - - - -	Do. do.
Ellinor Thomas the Younger.	Will dated 12th October 1726 -	Borough of Beverley.
20 Ferrers Margaret for poor Women.	Will dated 18th August 1669; and Scheme made under Endowed Schools Act 1869 and amending Acts on the 8th February 1890.	Do. do.
25 Fox Thwayte - -	Deed of feoffment dated 4th June 1636; and Scheme of Charity Commissioners of 28th March 1873.	Do. do.
Greaves John - -	Will before 1823 - - -	Parish of Beverley St. John.
30 Hunter Mary Caroline	Will proved at York on the 18th November 1871.	Parish of St. Mary and Borough of Beverley.
Jackson John - -	Gift 30th June 1712 - -	North Bar Ward.
Keningham Ellen -	Indenture dated 25th April 1860	Parish of Beverley St. Mary.
Marshall John - -	Will dated 3rd January 1803 -	Do. do.
35 Municipal so far as regards the following Charities:—		
Ashmole Matthew -	Will dated 16th January 1724 -	Borough of Beverley.
40 Bradley John -	Will dated 21st September 1770	Parish of Beverley St. Mary.
Corporation Alms-houses The.	Foundation before 1823 - -	Borough of Beverley.

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Charity.	Particulars of Origin or Government.	Existing Area.
Dalton Benjamin -	Will before 1823 - - -	Borough of Beverley.
Davies The Reverend George.	Will dated 13th March 1764 -	Parish of Beverley St. Mary.
Dymoke John -	Foundation about the year 1687	Borough of Beverley.
Foster John - -	Will dated 17th September 1813	Do. do.
Hall Ann - - -	Will dated 17th February 1819	Do. do.
Leake The Reverend Thomas.	Deed poll dated 13th March 1784.	Parish of Beverley St. Martin.
Metcalfe Dr. Robert for Poor.	Will dated 9th October 1652 -	Borough of Beverley.
Myers Rachel -	Codicil dated 21st July 1863 to will dated 9th January 1851.	Do. do.
Pinckney Frances -	Will dated 2nd February 1788 -	Parish of Beverley St. Mary.
Routh (Anne Routh's Hospital).	Will dated 6th October 1721 ; Scheme of High Court of Chancery of 28th July 1809 ; and Scheme of Charity Commissioners of 10th May 1895.	Parishes of Beverley St. John and Beverley St. Martin.
Warton (Sir Michael Warton's Hospital).	Will dated 23rd May 1724 -	Borough of Beverley.
Wharton Michael -	Indenture dated 10th June 1688	Parish of Beverley St. Mary.
Wilson William -	Will dated 25th June 1816 -	Borough of Beverley.
Myres Henry - -	Will dated 3rd November 1792 -	Parish of Beverley St. Mary
Nelson Ann - - -	Will dated 20th July 1779 -	Borough of Beverley.
Nelthorpe James -	Will proved in the Prerogative Court of Canterbury on the 8th January 1700.	Do. do.
Do. do. - - -	Do. do.	Parish of Beverley St. Martin.
Parker William -	Indenture dated 8th December 1868.	Borough of Beverley and elsewhere.
Read - - - - -	Gift about the year 1623 - - -	Parish of Beverley St. Mary.
Robertson Ebenezer -	Will dated 5th October 1823 -	Keldgate.
Smith Lambert -	Will in 1620 - - - - -	Parish of Beverley St. Mary.
Tesseyman William -	Gift in or about the year 1806 -	Do. do.
Tymperon William -	Will dated 20th November 1723 ; Schemes of High Court of Chancery of the 4th December 1824 and 26th June 1852 ; and Order made by the Charity Commissioners on the 17th October 1905 under the Board of Education Act 1899 s. 2 (2).	Parishes of Beverley St. John and Beverley St. Mary (in borough of Beverley) and elsewhere.

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A.D. 1912.

Charity.	Particulars of Origin or Government.	Existing Area.
Warton Charles -	Will dated 5th February 1712 -	Borough of Beverley.
Warton Sir Ralph -	Will before 1712 - - -	Do. do.
5 Westoby Elizabeth -	Indenture dated 14th December 1863.	Parish of Beverley St. Martin.
Wilson William -	Will dated 25th June 1816 -	Parish of Beverley St. John.
Do. do. -	Do. do. -	Parish of Beverley St. Mary.
Wride Ann - -	Will dated 2nd August 1778 -	Do. do.

10 1. *Administration of Charities.*—The above-mentioned charities and the endowments thereof specified in the First Schedule to this scheme and all other the endowments (if any) of the said charities shall be consolidated and shall be administered by the body of Trustees hereinafter constituted so as to give effect to the provisions of this scheme
15 under the title of the Consolidated Charities.

20 2. *As to Freeholds or Leaseholds.*—Any rentcharges and freehold or leasehold lands and other hereditaments belonging to or held in trust for the charities are hereby vested in “The Official Trustee of Charity Lands” for all the estate and interest therein so belonging or
20 held in trust.

25 3. *As to Stocks and Cash.*—The Trustees shall (unless otherwise directed) take all proper steps for obtaining a transfer into the name of “The Official Trustees of Charitable Funds” of the sum of stock specified in the said First Schedule standing to an account in the
25 High Court of Justice (Chancery Division) and any cash standing to the same account Subject as aforesaid all sums of stock belonging to or held in trust for the charities and not already held by the said official trustees shall be transferred under the authority of a further
30 order of the Charity Commissioners into the name of the said official trustees and all sums of cash now or at any time belonging to or held in trust for the charities and not needed for immediate working purposes shall (unless otherwise directed) as soon as possible be invested under the like authority in that name.

TRUSTEES.

35 4. *Trustees.*—The body of Trustees for the administration of the charities shall (except at first as herein-after provided) when complete consist of eighteen competent persons being—

Thirteen representative Trustees; and
Five coöptative Trustees.

A.D. 1912. 5. *Representative Trustees.*—The representative Trustees shall be appointed as follows:—

Eight by the council of the borough of Beverley;

Two by the guardians of the Beverley poor law union elected for the parishes of St. John St. Martin St. Mary and St. Nicholas;

Two by the registered friendly societies of Beverley; and

One by the directors for the time being of the Beverley dispensary and hospital.

Each appointment shall be made for a term of three years except in the case of a casual vacancy occurring otherwise than by effluxion of time and shall be made at a meeting convened and held according to the ordinary practice of the appointing body or in case of need or doubt according to rules made or approved by the Charity Commissioners. The chairman of the meeting shall forthwith cause the name of each person appointed to be notified to the Trustees or their clerk. The person appointed may be but need not be a member of the appointing body. On a casual vacancy in the office of representative Trustee occurring as aforesaid the Trustee appointed to fill the vacancy shall hold office only for the unexpired residue of the term of office of the Trustee in whose place he is appointed.

6. *First Representative Trustees.*—The first representative Trustees shall be appointed as soon as possible after the date hereof and their names shall be notified to the town clerk of the borough of Beverley on behalf of the Trustees.

7. *Coöptative Trustees.*—The coöptative Trustees shall be persons residing or carrying on business in the borough of Beverley or within five miles thereof.

8. *First Coöptative Trustees.*—The following persons shall be the first coöptative Trustees under this scheme and shall be entitled subject to the provisions herein-after contained with respect to the determination of trusteeship to hold office for life:—

The Reverend Canon Henry Edward Nolloth vicar of the ecclesiastical parish of Beverley Minster St. John the Evangelist and St. Martin;

Ernest Powell of York Terrace;

The Reverend William Hale Savile vicar of the ecclesiastical parish of Beverley St. Mary with St. Nicholas;

Colonel George Augustus Duncombe;

Richard Hodgson esquire;

Colonel George Cussons;

George Arthur Robinson solicitor;

William Harrison Fisher esquire;

Robert Carlyle Appleton esquire M.R.C.S.;

George Pepper retired master mariner; and

Herbert Sheffield esquire; all of Beverley.

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9. *Future Coöptative Trustees.*—Every future coöperative Trustee shall be appointed for a term of five years by a resolution of the Trustees to be passed at a special meeting. A.D. 1912.

10. *Declaration by Trustees.*—No person shall be entitled to act as a Trustee whether on a first or any subsequent entry into office until after signing in the minute book of the Trustees a declaration of acceptance and of willingness to act in the trusts of this scheme.

11. *Determination of Trusteeship.*—Any coöptative Trustee who ceases to be qualified as aforesaid and any Trustee who is absent from all meetings of the Trustees and of any committee of the Trustees during a period of one year or who is adjudicated a bankrupt or makes an assignment for the benefit of or a composition with his creditors or who is incapacitated from acting or who communicates in writing to the Trustees a wish to resign shall thereupon cease to be a Trustee.

12. *Vacancies.*—Upon the occurrence of a vacancy the Trustees shall at their next meeting cause a note thereof to be entered in their minute book and in the case of a vacancy in the office of representative Trustee shall cause notice thereof to be given as soon as possible to the proper appointing body. The appointing body may if they think fit before receiving such notice appoint a representative Trustee to fill a prospective vacancy provided the appointment is made within four months before the vacancy occurs. Any competent Trustee may be re-appointed. No vacancy in the office of coöptative Trustee shall be filled till after the lapse of one calendar month from its occurrence and there shall be no such vacancy until the number of coöptative Trustees is reduced below five.

13. *Temporary Provision.*—Until the expiration of the first three calendar months from the date of this scheme or such further period as may be sanctioned in writing by the Charity Commissioners the present Trustees shall remain unaltered and shall retain such powers as will enable them to administer the charities in the meantime in accordance with the existing trusts affecting them respectively but on the day of such expiration they shall become ipso facto discharged from office and the administration of the charities shall pass to the body of Trustees constituted by this scheme. The first meeting of that body shall be held on the summons of the town clerk as soon as possible after the date of this scheme or if he fails to summon a meeting for one calendar month after the date of such expiration by any two Trustees.

40 MEETINGS AND PROCEEDINGS OF TRUSTEES.

14. *Ordinary Meetings.*—The Trustees shall hold at least two ordinary meetings in each calendar year.

15. *Chairman and Vice-Chairman.*—The Trustees shall at their first ordinary meeting in each year elect two of their number to be chairman

A.D. 1912. and vice-chairman respectively of their meetings for the year They shall make regulations for supplying the place of either of them in case of death resignation or absence The chairman and vice-chairman shall always be re-eligible.

16. *Special Meetings.*—A special meeting may at any time be summoned by the chairman or vice-chairman or any four Trustees upon four days' notice being given to all the other Trustees of the matters to be discussed. 5

17. *Quorum.*—There shall be a quorum when six Trustees are present at a meeting. 10

18. *Voting.*—Every matter shall be determined by the majority of votes of the Trustees present and voting on the question In case of equality of votes the person acting as chairman of the meeting shall have a casting vote whether he has or has not previously voted on the same question but no Trustee shall in any other circumstances give more than one vote. 15

19. *Minutes and Accounts.*—A minute book and books of account shall be provided and kept by the Trustees All proper accounts in relation to the charities shall be made out up to the thirty-first December in each year and certified in such manner as the Charity Commissioners require They shall be audited by a member of the Institute of Chartered Accountants in England and Wales or of the Society of Accountants and Auditors and copies thereof shall be transmitted to the said commissioners and published in conformity with the provisions of the Charitable Trusts Acts Not less than three copies of the accounts so transmitted shall be sent to the town clerk for the information of the council of the borough of Beverley and for public inspection. 20 25

20. *General Power to make Regulations.*—Within the limits prescribed by this scheme the Trustees shall have full power from time to time to make regulations for the management of the charities and for the conduct of their business including the summoning of meetings the deposit of money at a proper bank the custody of documents and the appointment of a clerk and other necessary officers at such rates of remuneration as the Trustees may from time to time think fit. 30

21 *Power to delegate functions to Committees.*—The Trustees may appoint any committees of their own body and may delegate any of their powers to any such committee with or without power to act without reference to the Trustees All proceedings of a committee shall be reported to the Trustees. 35

MANAGEMENT OF REAL PROPERTY.

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22. *Allotments Extension Act 1882.*—The Trustees shall let and otherwise manage in conformity with the provisions of the Allotments Extension Act 1882 such of the lands belonging to the charities as

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are subject to the provisions of the fourth section of that Act The Trustees may set apart and let in allotments in the manner prescribed by and subject to the provisions of the said Act any portion of the lands belonging to the charities other than buildings and the
5 appurtenances of buildings. A.D. 1912.

23. *Management and Letting of Property.*—Subject as aforesaid all the property of the charities not required to be retained or occupied for the purposes thereof shall be let and otherwise managed by the Trustees In every case public notice of the intention to let any land
10 or other property shall be given by the Trustees in such manner as they consider most effectual for ensuring full publicity The Trustees shall not create any tenancy in reversion after more than three years of any existing term or for more than 21 years certain or for less than the improved annual value at rackrent without the sanction of
15 the Charity Commissioners or a competent court Any lease conveyance deed or other document which shall have been previously agreed to by a majority of the Trustees present at any meeting or of the members present at a meeting of a committee to which there has been delegated power to deal with the matter and which shall be signed by five
20 Trustees shall be binding upon all.

24. *Leases.*—The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof and every lease shall contain covenants on the part of the lessee for the payment of rent and the proper cultivation of the land and all other
25 usual and proper covenants applicable to the property comprised therein, and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

25. *Repair and Insurance.*—The Trustees shall keep in repair and insure against fire all the buildings of the charities not required to be
30 kept in repair and insured by the lessees or tenants thereof.

APPLICATION OF INCOME.

26. *Expenses of Management.*—The cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the charities and all the proper costs charges and expenses of and
35 incidental to the administration and management of the charities shall be first defrayed by the Trustees out of the income thereof.

27. *Specific Payments.*—The Trustees shall make out of the income of the charities the yearly payments specified in the first column of the Second Schedule to this scheme to the persons specified in the
40 second column of that schedule :

Provided that as soon as may be after the administration of the charities has passed to the Trustees under this scheme the said official trustees of charitable funds shall transfer to separate accounts in their books sums of Consols sufficient at the time of transfer to provide by

A.D. 1912. — the dividends thereof for the said yearly payments and such sums of Consols shall from and after the transfer thereof be in full satisfaction of the yearly payments for provision whereof the same respectively have been transferred.

28. *As to net Yearly Income.*—The net yearly income of the charities shall be applied by the Trustees in the manner and to the objects herein-after prescribed. 5

BRANCHES.

29. *Branches.*—For the purpose of the administration of the almshouses belonging to the charities and the net yearly income of the charities remaining after the payments aforesaid the charities shall be administered in branches as follows:— 10

- (1) The almshouse and pension branch consisting of the several almshouse buildings belonging to the charities and a yearly sum not exceeding one thousand one hundred pounds out of the said net yearly income; 15
- (2) The poor's branch consisting of the residue of the said net yearly income.

As to the Almshouse and Pension Branch.

30. *Almshouse.*—The almshouse buildings belonging to the charities and the property heretofore occupied therewith shall be appropriated and used for the residence of the almspeople in conformity with the provisions of this scheme. 20

31. *Absence from Almshouse.*—No almsperson shall be absent for a period exceeding twenty-four hours from the almshouse in which he or she resides except with the consent in writing of the Trustees or their clerk but in special cases such consent may for any sufficient reason be given retrospectively after the absence has occurred. 25

32. *Rooms not to be let.*—No almsperson shall be permitted to let or part with the possession of the room or rooms allotted to him or her or except with the special permission of the Trustees to suffer any stranger to share the occupation of the same or of any part thereof. 30

33. *Matrons and Nurses &c.*—The Trustees may if they think fit whenever the income of the charities suffices for the purpose appoint medical officers matrons or nurses dismissible at their pleasure to perform such duties as may be necessary for the superintendence and care of the almspeople at such salaries as the Trustees may think fit and may allot to the matrons or nurses rooms in the almshouses as residences while they hold office. The Trustees may provide such medicines and medical or surgical appliances as may be necessary. 35 40

34. *Saving for existing Almspeople and Pensioners.*—Appointments of almspeople and pensioners under this scheme shall be made without prejudice to the interests of existing almspeople and pensioners.

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35. *Qualifications of Almspeople and Pensioners.*—The almspeople and pensioners shall be poor persons of good character of not less than sixty years of age who have resided in the borough of Beverley for not less than ten years next preceding the time of their appointment
 5 who have not during the year before appointment received poor law relief other than medical relief and who from age ill-health accident or infirmity are wholly or in part unable to maintain themselves by their own exertions Married couples shall be eligible for appointment as almspeople or pensioners but both husband and wife must possess
 10 the prescribed qualifications Provided as follows:—

- (1) In the case of Ann Routh's Hospital one-sixth of the inmates shall be chosen from persons who have resided in that part of the parish of Beverley St. John which is outside the limits of the said borough and are otherwise qualified under
 15 the first paragraph of this clause ; and
- (2) In the case of William Parker's Almshouses one of the inmates shall always be chosen from persons who have resided in some part of the East Riding of the county of York outside the said limits and are otherwise qualified under the first
 20 paragraph of this clause ; and
- (3) In the case of William Tymperon's Charity one of the inmates of the almshouse buildings belonging to that charity or in the event of there being no inmate or duly qualified applicant from that part of the parish of Beverley St. John which is within the limits of the said borough then two of
 25 such inmates shall be appointed on the nomination of the Trustees of William Tymperon's Charity in the parish of Aldborough in the East Riding of the county of York from persons who are resident in the last-mentioned parish and
 30 are otherwise duly qualified under the existing trusts affecting that charity.

36. *Stipends &c. of Almspeople and Pensioners.*—There shall be paid to each almsperson and to each pensioner (a married couple being regarded for this purpose as one almsperson or pensioner) out of the
 35 income of the almshouse and pension branch by weekly or other periodical payments as the Trustees may think fit such a stipend as the Trustees may from time to time fix having regard to the needs and circumstances of the respective almspeople and pensioners and to the income and other circumstances of the charities Provided that the
 40 Trustees instead of paying the whole amount of the stipend to any almsperson or pensioner in money may from time to time expend the whole or any portion thereof for his or her benefit as they think fit The Trustees may also provide fuel lighting clothes and washing for the almspeople.

45 37. *Payment of Stipends and Conduct of Inquiries.*—The clerk of the Trustees shall pay the stipends to the almspeople and pensioners

A.D. 1912. — and he or some other person appointed by the Trustees for the purpose shall conduct any inquiries with regard to the almspeople and pensioners and to applicants for appointment.

38. *Notice of Vacancy.*—No appointment of an almsperson or a pensioner shall be made by the Trustees until a sufficient notice (which may be according to the form annexed hereto) of the vacancy to be filled up specifying the qualifications required from candidates has been published in the prescribed area by advertisement or otherwise so as to give due publicity to the intended appointment. Provided that such notice shall not be required in the case of a vacancy occurring within a period of six calendar months next after the publication of a notice under this clause or in the case of an appointment of the widow of an almsperson upon a vacancy caused by his death or in the case of an almsperson appointed from the said parish of Aldborough. Every applicant must be prepared to produce sufficient testimonials and other evidence of his or her qualifications for the appointment.

39. *Applications for Appointment.*—Applications for appointment as almspeople or pensioners shall be made in the first place in writing to the Trustees or their clerk in such manner as the Trustees prescribe. Except in case of physical disability the Trustees shall before appointing any applicant to be an almsperson or a pensioner require him or her to attend in person. Provided that this clause shall not apply in the case of an almsperson appointed from the said parish of Aldborough.

40. *Appointments of Almspeople and Pensioners.*—In the case of William Parker's Almshouses George Arthur Robinson of Beverley solicitor during his life shall be entitled to appoint the inmates. Subject to this provision every appointment of an almsperson or of a pensioner shall be made by the Trustees and shall be made at a special meeting to be held as soon as conveniently may be after an interval of one month from the occurrence of the vacancy to be filled allowing a reasonable time for publication of notice and for inquiries as to the applicants.

41. *Selection of Almspeople and Pensioners and Payment of Pensions.*—The almspeople and pensioners shall be selected as nearly as practicable equally from the two sexes and under the following conditions:—

- (1) After full investigation of the character and circumstances of the applicants and inquiry whether they have shown reasonable providence and whether and to what extent they may reasonably expect assistance from relations or others:
- (2) Where claims are equal preference shall be given to those applicants who have been longest resident in the prescribed area.

The pensions shall be paid subject to such reasonable regulations for ascertaining the identity and good conduct of the pensioners and their continued possession of the required qualifications as the Trustees from time to time prescribe. A.D. 1912.

5 For the purpose of this clause the Trustees may avail themselves of the agency of any charity organisation society or other like agency.

42. *Term of Pensions.*—Each pension shall be granted for a term of not more than three years in the first instance but may be prolonged by the Trustees if they think fit for a further period of not more than 10 three years at each prolongation.

43. *Register.*—The Trustees shall provide and keep a book in which shall be entered the name age and description of every person appointed to be an almsperson or a pensioner the date of every appointment and the date and occasion of every vacancy They shall also keep a 15 register of all applications for appointment.

44. *Removal of Almspeople and Pensioners.*—(1) The following persons shall be removed from being almspeople or pensioners:—

- (a) Any almsperson or pensioner who receives poor law relief other than medical relief;
- 20 (b) Any almsperson or pensioner detained under lawful authority as a person suffering from mental disease;
- (c) Any almsperson or pensioner becoming an inmate of any poor law institution for the purpose of receiving medical relief;

(2) If in the opinion of the Trustees any almsperson or pensioner 25 is guilty of insobriety insubordination breach of regulations or immoral or improper conduct or is disqualified for retaining his or her appointment by having become entitled to a sufficient income from sources other than the charities or on account of mental or other disease (in the case of an almsperson) or from any other cause or if in any case it 30 appears that any almsperson or pensioner has been appointed without having the required qualifications the Trustees upon proof thereof to their satisfaction may remove the almsperson or pensioner.

(3) Upon the removal of one of a married couple of almspeople the trustees may either remove the wife or husband also or may permit 35 her or him to remain in possession of the tenement or room theretofore occupied by the couple.

(4) Upon the removal of any married couple of almspeople or single almsperson or of a matron or nurse the Trustees shall take possession of the tenement or room occupied by them him or her and thereupon 40 or upon the removal of any pensioner an appointment in their his or her place may be made.

(5) In any case of such misconduct as aforesaid the Trustees may suspend the payment of the stipend to the almsperson or pensioner either wholly or in part during such time as they think fit,

A.D. 1912. (6) Any almsperson or pensioner removed under head (b) or (c) of section (1) of this clause and any almsperson removed on account of mental or other disease under section (2) of this clause may on recovery be re-appointed without previous notice being given of the vacancy to be filled up and need not possess the qualifications as to residence and previous non-receipt of poor law relief. 5

45. *Regulations.*—The Trustees may from time to time prescribe such reasonable regulations as they consider expedient for the government of the almspeople and pensioners Provided that the same shall not be at variance or inconsistent with any of the provisions of this scheme and by such regulations may provide that the almspeople shall render such assistance to each other and to the matron or nurse as is within their power. 10

As to the Poor's Branch.

46. *General Benefit of Poor.*—The Trustees shall apply a yearly sum of not less than eleven pounds out of the income of the poor's branch in that part of the parish of Beverley St. John which is outside the limits of the borough of Beverley and shall apply the residue of such income in the said borough Income applicable under this clause shall be applied by the Trustees in making payments under one or more of the following heads for the benefit either of the poor of the beneficial area generally or of such deserving and necessitous persons resident therein as the Trustees select for this purpose and in such way as they consider most advantageous to the recipients and most conducive to the formation of provident habits:— 20 25

I. Payments by way of—

- (1) Subscriptions or donations in aid of the funds of any dispensary infirmary hospital or convalescent home whether general or special upon such terms (so far as may be) as to enable the Trustees to secure the benefits of the institution for the objects of the charities; 30
- (2) Contributions towards—
 - (a) The provision of nurses for the sick and infirm;
 - (b) The provision of duly certified midwives to attend women in childbirth; 35
 - (c) The support of any maternity society or lying-in fund;
 - (d) The travelling expenses of patients to and from such institutions as are above mentioned in paragraph I. (1); 40
 - (e) The cost of the outfits (including clothes books tools travelling expenses admission fees or the like) on entering upon a trade or occupation or into service

of any persons under the age of twenty-one years or the assistance of any such persons to make a start or an advance in life and to earn their own living ;

5 (f) The cost of providing proper care and supervision (including any necessary cost of locomotion) for poor persons requiring temporary change of air or special protection or treatment :

II. Subscriptions or donations in aid of the funds of—

10 (1) Any provident club or society established in or near the beneficial area for the supply of coal clothing or other necessaries ;

(2) Any duly registered provident or friendly society accessible to the inhabitants of the beneficial area :

15 III. The supply to an amount not exceeding fifty pounds in any one year of—

(1) Clothes linen bedding fuel tools medical or other aid in sickness food or other articles in kind ;

(2) Temporary relief in money by way of loan or otherwise in case of unexpected loss or sudden destitution.

20 Provided that the income of the poor's branch shall in no case be applied so that any individual or institution may become entitled to a periodical or recurrent benefit therefrom.

GENERAL PROVISIONS.

25 47. *Appropriation of Benefits.*—The appropriation of the benefits of the charities shall be made by the Trustees from time to time at meetings of their body or of any committee of their body and not separately by any individual Trustee or Trustees.

30 48. *Charities not to relieve Rates.*—The funds or income of the charities shall not in any case be applied in aid of any rates for the relief of the poor or other purposes.

35 49. *Trustees not to be personally interested.*—No Trustee shall take or hold any interest in any property belonging to the charities otherwise than as a Trustee for the purposes thereof and no Trustee shall receive any remuneration or be interested in the supply of work or goods at the cost of the charities.

40 50. *Alteration of Scheme.*—The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction establish schemes for the alteration of any provisions of this scheme as if those provisions had been made by the founder in the case of a charity having a founder.

51. *Questions under Scheme.*—Any question as to the construction of this scheme or as to the regularity or the validity of any acts

A.D. 1912. done or about to be done under this scheme shall be determined conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

52. *Date of Scheme.*—The date of this scheme shall be the date of the Act of Parliament confirming the scheme. 5

FORM OF NOTICE.

In the Matter of the CONSOLIDATED CHARITIES in the Borough of BEVERLEY and Parish of BEVERLEY ST. JOHN in the East Riding of the County of YORK.

The trustees of these charities give notice that they will on 10
the day of 19 proceed to elect [*an Almperson*] [*a Pensioner*] to fill a vacancy in the number of [*Almspeople*] [*Pensioners*] of the charities. The election will take place at
o'clock on that day at Poor persons of good
character of not less than sixty years of age who have been resident in 15
for ten years at least who have not during
the year before appointment received poor law relief other than medical
relief and who from age ill-health accident or infirmity are unable to
maintain themselves by their own exertions are eligible for the appoint-
ment Preference will be given to those who have shown reasonable 20
providence and to those who have been longest resident in the beneficial
area Married couples are eligible for appointment.

Application for the appointment must be made in the first place in writing to the Trustees or their clerk or inquiry officer at

28 days at least previously to the election Every applicant 25
must state his or her name address age and occupation and must be prepared to produce sufficient testimonials and other evidence of his or her qualification for the appointment and except in case of physical disability to attend in person.

Signed

30

{ Clerk or other
officer of the
Trustees.

[2 GEO. 5.]

Beverley Charities.

17

FIRST SCHEDULE TO THE SCHEME.

A.D. 1912.

PROPERTY OF CHARITIES.

5	Description.	Extent or Amount.	Tenant, Person liable, or Persons in whose Name invested.	Gross Yearly Income.
	ALTMARE MARGARET (otherwise SMAILES).			
	Cash - - - - -	£ s. d. 20 0 0	Vicar and churchwardens of Beverley St. Mary.	£ s. d. —
10	BELL JAMES.			
	Consols - - - - -	19 7 6	Mayor aldermen and bur- gesses of Beverley.	0 9 8
	BROGDEN FRANCIS.			
	Cash - - - - -	40 0 0	Do. do.	2 0 0
15	BUCK PEREGRINE.			
	Rentcharge issuing out of a close known as the Further Figham Bank in Beverley.	—	Do. do.	2 10 0
20	Consols - - - - -	25 0 10	"The Official Trustees of Charitable Funds."	0 12 4
	CLARKSON THOMAS.			
	India 3 per cent. Stock -	1,048 1 3	William Pottage Herbert Sheffield Reverend Wil- liam Hale Savile Rev- erend Canon Henry Edward Nolloth.	31 8 8
25	DARCEY MARGARET.			
	Cash - - - - -	40 0 0	Vicar and churchwardens of Beverley St. Mary.	
30	DOYLE PRISCILLA.			
	Cash - - - - -	5 0 0	Do. do.	
	ELLINOR THOMAS THE YOUNGER.			
35	Messuage in Toll Gavel Beverley with site and appurtenances.		L. E. Smallwood - - -	21 0 0
	Do. do. -		Mrs. Dayes - - - - -	16 0 0
	Do. do. -		J. Ellerker - - - - -	18 0 0
40	Easement - - - - -	—	National Telephone Com- pany.	0 1 0
	FERRERS MARGARET FOR POOR WOMEN.			
	Yearly sum - - - - -	—	Governors of Beverley Grammar School.	3 0 0
45	FOX THWAYTE.			
	Rentcharge issuing out of farm at Arnold.		Mr. Wright - - - - -	10 0 0
	Consols - - - - -	1,015 7 11	"The Official Trustees of Charitable Funds."	25 7 8

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C

A.D. 1912.

Description.	Extent or Amount.	Tenant, Person liable, or Persons in whose Name invested.	Gross Yearly Income.
GREAVES JOHN.			
Yearly sum - - -	£ s. d. —	Mayor aldermen and bur- gesses of Beverley.	£ s. d. 5 2 12 0
HUNTER MARY CAROLINE.			
Consols - - - -	100 0 0	"The Official Trustees of Charitable Funds."	2 10 0 10
JACKSON JOHN.			
Cash - - - -	10 0 0	Vicar and churchwardens of Beverley St. Mary.	
KENINGHAM ELLEN.			
Almshouses in Toll Gavel Beverley.		In hand.	— 15
Message with site and ap- purtenances in Toll Gavel, Beverley.		T. Exley - - - -	36 0 0
Do. do. -		J. H. Pexton - - -	36 12 0 20
North-Eastern Railway Com- pany Debenture Stock (3 per cent.).	266 0 0	Mayor aldermen and bur- gesses or Beverley.	7 19 6
North-Eastern Railway Com- pany Guaranteed Stock (4 per cent.).	206 0 0	Do. do.	8 4 8 25
New Zealand Government 3 per cent. Inscribed Stock (1945).	100 0 0	Do do.	3 0 0
			30
MARSHALL JOHN.			
Consols - - - -	187 19 0	Mayor aldermen and bur- gesses of Beverley.	4 13 8
MUNICIPAL CHARITIES.			
<i>Ashmole Matthew.</i>			
Consols - - - -	120 0 0	"The Official Trustees of Charitable Funds."	3 0 0 35
<i>Bradley John.</i>			
Cash - - - -	100 0 0	Mayor aldermen and bur- gesses of Beverley.	4 0 0
<i>Corporation Almshouses.</i>			
The Maisons de Dieu and the Bede Houses both situate in Lairgate Beverley.		In hand.	— 40
Consols (Mrs. Rachel Myers's Charity).	495 13 3	"The Official Trustees of Charitable Funds."	12 7 8 45
<i>Dalton Benjamin.</i>			
Two closes of land in Swine- moor Beverley.	A. R. P. 10 0 12	George S. Witty - - -	32 10 0 50

[2 GEO. 5.]

Beverley Charities.

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A.D. 1912.

Description.	Extent or Amount.	Tenant, Person liable, or Persons in whose Name invested.	Gross Yearly Income.
<i>Davies The Reverend George.</i>	£ s. d.		£ s. d.
5 Cash - - - - -	100 0 0	Mayor aldermen and bur- gesses of Beverley.	4 0 0
<i>Dymoke John.</i>			
Cash - - - - -	150 0 0	Do. do.	6 0 0
<i>Foster John.</i>			
10 Consols - - - - -	90 6 0	"The Official Trustees of Charitable Funds."	2 5 0
<i>Hall Ann.</i>			
Consols - - - - -	183 15 0	Do. do.	4 11 8
<i>Leake The Reverend Thomas.</i>			
15 Consols - - - - -	200 0 0	Do. do.	5 0 0
<i>Metcalfe Dr. Robert for Poor.</i>			
20 Consols - - - - -	666 13 4	John Stephenson deceased George Cussons Stephen Ellis Todd and James Mills.	16 13 4
<i>Myers Rachel (see under Corporation Almshouses).</i>			
<i>Pinckney Frances.</i>			
25 Cash - - - - -	100 0 0	Mayor aldermen and bur- gesses of Beverley.	4 0 0
<i>Routh (Anne Routh's Hospital).</i>	A. R. P.		
30 Almshouses in Keldgate Beverley.		In hand.	—
Land at Sewerby - - -	172 0 23	Isaac Atkinson yearly -	200 0 0
Grass land at Bridlington -	2 1 34	John Carvill yearly - -	10 0 0
Do. do. - - - - -	0 2 38	Do. yearly - - - - -	2 0 0
35 Do. do. - - - - -	1 1 33	G. W. Richardson yearly -	8 0 0
Do. do. - - - - -	1 1 35	Harry Watson yearly -	8 0 0
Land at Murton - - - -	13 0 0	Joseph Cox - - - - -	32 0 0
Land at Allerthorpe - - -	12 2 0	Thomas Hatfield yearly -	25 0 0
Tenement in Beverley - -		Hannah Hutchinson yearly	6 6 0
40 Do. do. - - - - -		George H. Hutchinson yearly.	6 6 0
Do. do. - - - - -	—	John Craven Lightowler yearly.	6 6 0
Land at Baswick Steer - -	41 0 0	Ellen Jackson yearly -	41 0 0

A.D. 1912.

Description.	Extent or Amount.			Tenant, Person liable, or Persons in whose Name invested.	Gross Yearly Income.			
	A.	R.	P.		£	s.	d.	
Land at Bielby - - -	32	0	0	Tom H. Lakin yearly -	37	10	0	5
Land at Beverley Park -	35	0	0	John Robinson yearly -	64	0	0	
Do. do. - - -	5	2	0	Do. do. -	16	0	0	
Land at Arnold - - -	26	0	0	Robert H. Voase yearly -	30	0	0	
Easement—Acknowledgment for light.	—			Fanny Puckering - -	0	1	0	
Easement—Three telephone stays.	—			National Telephone Company.	0	3	0	10
Consols - - - -	2,038	12	1	“The Official Trustees of Charitable Funds.	50	19	4	
Do. (Replacement Account).	373	12	2	Do. do. -				15
<i>Warton (Sir Michael - Warton's Hospital).</i>								
Almshouse buildings in Minster Moorgate Beverley with sites and appurtenances.				In hand.	—			20
$\frac{3}{4}$ parts of the yearly income of certain estates in Lincolnshire.	—			Trustees of Beverley Minster New Fund.	60	14	3	
Easement—Wayleave - -	—			National Telephone Company.	0	1	0	25
<i>Wharton Michael.</i>								
Rentcharge issuing out of land at Weel.				Mayor aldermen and burgesses of Beverley.	6	0	0	30
<i>Wilson William.</i>								
Consols - - - -	1,529	17	0	“The Official Trustees of Charitable Funds.	38	4	8	
MYRES HENRY.								35
India $3\frac{1}{2}$ per cent. Stock -	271	1	6	Edward Nicholas Hill John Stephenson Marmaduke Wray.	9	9	8	
NELSON ANN.								
Consols - - - -	156	7	8	“The Official Trustees of Charitable Funds.”	3	18	0	40
NELTHORPE JAMES (BOROUGH OF BEVERLEY.)								
Rentcharge issuing out of lands in the Riding Fields Beverley.				Richard Hodgson and Sons Limited.	10	0	0	45
NELTHORPE JAMES (PARISH OF BEVERLEY ST. MARTIN).								
Rentcharge issuing out of the Manor of Walkington. Provost fee.				The trustees under the will of Mrs. Sophia Letitia Barnard deceased.	1	0	0	50

[2 GEO. 5.]

Beverley Charities.

21

A.D. 1912.

Description.	Extent or Amount.	Tenant, Person liable, or Persons in whose Name invested.	Gross Yearly Income.
PARKER WILLIAM.			
5 Almshouse buildings with sights and appurtenances, in Love Lane Beverley.	A. R. P.	In hand.	—
10 Cottage garden and land at Holmpton.	50 0 30	Mary Hodgson yearly	£ s. d. 37 10 0
READ—			
Cash - - - - -	£ s. d. 20 0 0	Vicar and churchwardens of Beverley St. Mary.	
ROBERTSON EBENEZER.			
15 Consols in the High Court of Justice (Chancery Divi- sion) to an account en- titled Ebenezer Robert- son's Charity.	297 11 1	Paymaster-General for Su- preme Court business.	7 8 9
SMITH LAMBERT.			
Cash - - - - -	10 0 0	Vicar and churchwardens of Beverley St. Mary.	
TESSEYMAN WILLIAM.			
25 Cash on deposit at Messrs. Barclay's Bank, Beverley.	13 16 0	Do. do.	0 5 6
TYMPERON WILLIAM.			
30 Almshouse buildings with site and appurtenances at Beverley.	—	Governors of the Tymperon Educational Foundation.	147 14 0
Yearly sum payable out of the income of the Tym- peron Educational Foun- dation.	—		
WARTON CHARLES.			
35 Almshouses buildings with sites and appurtenances, at Beverley.	A. R. P. 200 0 0 (about)	In hand.	
40 Farm at Bishop Burton - Shooting rights over said farm.	—	William Jackson yearly - William Jackson yearly -	300 0 0 15 0 0
Garden in St. Martin, Beverley.	—	T. Matthews yearly -	2 10 0
45 Do. do.	—	Trustees of Sir Michael Warton yearly.	1 0 0
Consols - - - - -	1,177 17 1	John Anthony Hudson George Augustus Dun- combe Henry William Bainton (alleged de- ceased) Admiral Charles Francis Walker.	29 8 4
WARTON SIR RALPH.			
50 Consols - - - - -	669 16 0	"The Official Trustees of Charitable Funds."	16 14 8

A.D. 1912.

Description.	Extent or Amount.	Tenant, Person liable, or Persons in whose Name invested.	Gross Yearly Income.
WESTOBY ELIZABETH.			
Almshouse buildings with sites and appurtenances, in Keldgate Beverley.	A. R. P.	In hand.	— 5
Grass land in Hull Road Beverley.	2 1 11	Herbert Voase yearly	£ s. d. 11 7 6
Grass land in Queensgate Beverley.	4 0 33	J. H. Hoggard yearly	17 10 0
WILSON WILLIAM (BEVERLEY ST. JOHN).			
Consols - - - -	£ s. d. 401 10 6	Mayor aldermen and bur- gesses of Beverley.	10 0 9
WILSON WILLIAM (BEVERLEY ST. MARY).			
Consols - - - -	401 10 6	Do. do.	10 0 9
WRIDE ANN.			
Consols - - - -	1,001 13 4	Do. do.	25 0 10

SECOND SCHEDULE to the SCHEME.

SPECIFIC PAYMENTS.

Yearly Payments.	Person to whom Payments are to be made.	Charities in respect of which Payments are to be made.	
1l. - - -	Vicar of Beverley St. Mary	Charity of Francis Brogden.	25
1l. 1s. - -	Do. do.	Charity of Thomas Ellinor the Younger.	
1l. 1s. - -	Do. do.	Charity of Ann Wride.	30
13l. 6s. 7d. - -	Vicar and churchwardens of Beverley St. Mary.	Charity of Ann Wride (for eight poor women of St. Mary's Parish frequenting the church).	
1l. 10s. - -	Do. do.	Charity of Ann Wride (for parish clerk sexton and wand- bearer).	35

II.—*Scheme for the application or management of the Charity called or known as the Minster New Fund in the Borough of Beverley in the East Riding of the County of York comprised in Acts of 6 Geo. 3. and 46 Geo. 3. respectively and a Scheme of the Charity Commissioners of the 15th July 1870.* A.D. 1912.

1. *Administration of Charity.*—The above-mentioned charity and the endowments thereof specified in the schedule to this scheme and all other the endowments (if any) of the said charity shall be administered by the body of Trustees herein-after constituted so as to give effect to the provisions of this scheme.

2. *As to Stock and Cash.*—All sums of stock belonging to or held in trust for the charity shall be transferred under the authority of a further order of the Charity Commissioners into the name of “The Official Trustees of Charitable Funds” and all sums of cash now or at any time belonging to the charity and not needed for immediate working purposes shall (unless otherwise directed) as soon as possible be invested under the like authority in that name.

TRUSTEES.

3. *Trustees.*—The body of Trustees for the administration of the charity shall when complete consist of six competent persons being—
Two ex-officio Trustees and
Four representative Trustees.

4. *Ex-officio Trustees.*—The ex-officio Trustees shall be—
The mayor for the time being of the borough of Beverley ;
and
The vicar for the time being of the ecclesiastical parish of Beverley Minster St. John the Evangelist and St. Martin.

5. *Representative Trustees.*—The representative Trustees shall be appointed as follows :—
One by the dean and chapter of the cathedral church of York ;
One by the county council of the East Riding of Yorkshire ;
One by the council of the borough of Beverley ; and
One by the churchwardens for the time being of the ecclesiastical parish of Beverley Minster St. John the Evangelist and St. Martin.

Appointments by the said dean and chapter shall be made for a term of ten years and those by the other appointing bodies shall be made for a term of three years in each case Each appointment shall be made at a meeting convened and held according to the ordinary practice of the appointing body The chairman of the meeting shall

A.D. 1912. — forthwith cause the name of each person appointed to be notified to the Trustees or their clerk. The person appointed may be but need not be a member of the appointing body.

6. *First Representative Trustees.*—The first representative Trustees shall be appointed as soon as possible after the date hereof and their names shall be notified to the said vicar on behalf of the Trustees. 5

7. *Declaration by Trustees.*—No person shall be entitled to act as a Trustee whether on a first or any subsequent entry into office until after signing in the minute book of the Trustees a declaration of acceptance and of willingness to act in the trusts of this scheme. 10

8. *Determination of Trusteeship.*—Any representative Trustee who is absent from all meetings of the Trustees during a period of one year and any trustee who is adjudicated a bankrupt or who is incapacitated from acting or who communicates in writing to the Trustees a wish to resign shall thereupon cease to be a Trustee. 15

9. *Vacancies.*—Upon the occurrence of a vacancy the Trustees shall at their next meeting cause a note thereof to be entered in their minute book and in the case of a vacancy in the office of representative Trustee shall cause notice to be given as soon as possible to the proper appointing body. 20

MEETINGS AND PROCEEDINGS OF TRUSTEES.

10. *Ordinary Meetings.*—The Trustees shall hold at least two ordinary meetings in each year.

11. *Chairman.*—The Trustees shall at their first ordinary meeting in each year elect one of their number to be chairman of their meetings for the year. They shall make regulations for supplying his place in case of his death resignation or absence. The chairman shall always be re-eligible. 25

12. *Special Meetings.*—A special meeting may at any time be summoned by the chairman or any two Trustees upon four days' notice being given to the other Trustees of the matters to be discussed. 30

13. *Quorum.*—There shall be a quorum when three Trustees are present at a meeting.

14. *Voting.*—Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the chairman shall have a casting vote whether he has or has not previously voted on the same question but no Trustee shall in any other circumstances give more than one vote. 35

15. *Minutes and Accounts.*—A minute book and books of account shall be provided and kept by the Trustees. All proper accounts in relation to the charity shall in each year be made out and certified in 40

such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said commissioners and published in conformity with the provisions of the Charitable Trusts Acts. A.D. 1912.

16. *General Power to make Regulations.*—Within the limits prescribed by this scheme the Trustees shall have full power from time to time to make regulations for the conduct of the business under their control including the summoning of meetings the deposit of money at a proper bank the custody of documents and the appointment of a clerk and other necessary officers at such rates of remuneration as the Trustees may from time to time think fit.

MANAGEMENT OF REAL PROPERTY.

17. *Allotments Extension Act, 1882*—The Trustees may set apart and let in allotments in the manner prescribed by and subject to the provisions of the Allotments Extension Act 1882 any portion of the land belonging to the charity other than buildings and the appurtenances of buildings.

18. *Management and Letting of Property.*—Subject as aforesaid all the property of the charity not required to be retained or occupied for the purposes thereof shall be let and otherwise managed by the Trustees. In every case public notice of the intention to let any land or other property shall be given by the Trustees in such manner as they consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion after more than three years of any existing term or for more than twenty-one years certain or for less than the improved annual value at rackrent without the sanction of the Charity Commissioners or a competent court.

19. *Leases.*—The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof and every lease shall contain covenants on the part of the lessee for the payment of rent and the proper cultivation of the land and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

20. *Repair and Insurance.*—The Trustees shall keep in repair and insure against fire all the buildings of the charity not required to be kept in repair and insured by the lessees or tenants thereof.

EDUCATIONAL ENDOWMENT.

21. *Determination of Educational Endowment.*—It is hereby determined that the part of the endowments of the charity which is held for or ought to be applied to educational purposes consists of two twenty-first parts of the clear yearly income of the property specified in Part I. of the schedule hereto.

A.D. 1912. 22. *Separate Foundation.*—The said educational endowment shall be administered as a separate foundation under the title of the Minster New Fund Educational Foundation.

GENERAL PROVISIONS.

23. *Trustees not to be personally interested.*—No Trustee shall take 5 or hold any interest in property belonging to the charity otherwise than as a Trustee for the purposes thereof and no Trustee shall receive any remuneration or be interested in the supply of work at the cost of the charity. Provided that nothing in this clause shall prejudice the vicar for the time being of the aforesaid ecclesiastical parish as 10 regards any right or benefit to which he may be entitled in respect of the charity.

24. *Alteration of Scheme.*—The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction establish 15 schemes for the alteration of any provisions of this scheme or of the above-mentioned Acts of 6 Geo. III. and 46 Geo. III., as if those provisions had been made by the founder in the case of a charity having a founder.

25. *Questions under Scheme.*—Any question as to the construction of this scheme or as to the regularity or the validity of any acts 20 done or about to be done under this scheme shall be determined conclusively by the Board of Education so far as regards the administration of the said educational foundation and in all other respects by the Board of Charity Commissioners upon such application made to the respective boards for the purpose as they think 25 sufficient.

26. *Date of Scheme.*—The date of this scheme shall be the date of the Act of Parliament confirming the scheme.

[2 GEO. 5.]

Beverley Charities.

27

SCHEDULE TO THE SCHEME.

A.D. 1912.

PROPERTY OF CHARITY.

5	Description.	Extent or Amount.	Tenant or Persons in whose Name invested.	Gross Yearly Income.
	PART I.			
	Lands in the county of Lincoln as follows :—	A. R. P.		£ s. d.
10	House farm buildings cottages and lands at Dexthorpe Partney and Skimbleby.	389 2 11	Walter Stovin - - -	357 0 0
15	House farm buildings cottage and lands at Dalby.	227 0 0	Thomas Coulton - - -	180 15 0
	Land at Dalby - - -	23 2 14	} J. and W. S. Mawer - - -	68 15 0
	Do. do. - - -	6 3 0		
	Land at Partney - - -	13 2 16		
	Do. do. - - -	4 0 30	W. M. Levitt - - -	9 9 0
20	PART II.			
	Land at Dalby (purchased in 1763).	39 0 0	Thomas Coulton - - -	29 5 0

Beverley Charities.

A

B I L L

INTRODUCED

An Act to confirm Schemes of the Charity Commissioners for the application or management of (1) Various Charities in the Borough of Beverley and the Parish of Beverley St. John in the East Riding of the County of York and (2) the Charity called or known as the Minster New Fund in the said Borough.

(Brought from the Commons 14th February 1913.)

Ordered to be printed 14th February 1913.

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PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

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(220)

A

B I L L

INTITULED

An Act to facilitate the foundation of new Bishoprics and the alteration of Dioceses, and to amend the Bishops' Resignation Act, 1869, and for other matters incidental thereto. A.D. 1912.

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

- 5 **1.**—(1) His Majesty may, from time to time, by Order in Council made on the recommendation of the Ecclesiastical Commissioners, provide for the foundation of new bishoprics, with a diocese and cathedral church in each case, for the foundation of deans and chapters or of deaneries or residentiary canonries in connexion with any such cathedral churches, for the alteration of the boundaries of dioceses as constituted at the date of the Order, and for any matters for which it appears necessary or expedient to make provision in connexion with those objects or any of them, including the transfer as between bishoprics of patronage and endowments, and the proceeds of sale of any house of residence whether effected before or after the passing of this Act, and the annexation (notwithstanding any enactments to the contrary, but subject to the rights of the incumbent at the date of the Order) of a benefice to a deanery:
- 10
- 15
- 20 Any provisions of the Bishoprics Act, 1878, as originally enacted may be applied with the necessary modifications by an Order made under this Act in connexion with a new bishopric to the case of that bishopric.

Power to
make Orders
in Council
with respect
to bishoprics,
&c.

41 & 42 Viet.
c. 68.

(2) A recommendation for the purposes of an Order under this Act shall not be submitted to His Majesty unless—

(a) in the case of the foundation of a new bishopric, dean and chapter, deanery, or residentiary canonry, the

A.D. 1912.

Ecclesiastical Commissioners certify to His Majesty under their common seal through the Secretary of State for the Home Department that an endowment in their opinion adequate has been transferred to them or otherwise provided and secured to their satisfaction ;

- (b) the recommendation has the consent of the archbishop or archbishops of the province or provinces affected and, so far as the recommendation affects any then existing bishopric or diocese, the consent of the bishop ; and
- (c) in the case of the annexation to a deanery of a benefice of which the right of patronage or any interest therein belongs to a private patron, notice of the proposed recommendation has been given to such private patron, and if within one month of the delivery of such notice such private patron claims compensation for the loss (by reason of such annexation) of the right of patronage, or any interest therein so belonging to him, then unless he has been paid by way of compensation the value of such right of patronage or interest therein, to be assessed in case of disagreement by the Ecclesiastical Commissioners ; but a trustee or other person occupying a fiduciary position shall not be bound to claim such compensation.

(3) An Order may be made under this Act with reference to the dean and chapter or deanery of or a residentiary canonry in the cathedral church of any diocese mentioned in the schedule to this Act in the same manner and subject to the same provisions as if the bishopric of that diocese were a new bishopric founded by Order under this Act, and the Order may modify any Act relating specially to any such dean and chapter, but, where the Order affects a dean and chapter existing at the date of the making of the Order, no such Order shall be made without the consent of that dean and chapter.

(4) Section two of the Bishoprics Act, 1878 (which relates to contributions for the purposes of the endowment of a new bishopric), and section five of the same Act (which relates to the number of bishops sitting in Parliament), shall apply as respects new bishoprics founded or proposed to be founded in like manner as they apply as respects the new bishoprics mentioned in the schedule to that Act.

(5) The Ecclesiastical Commissioners shall have the same powers of investing, managing, leasing, selling, and otherwise dealing with funds and property forming part of the endowment fund of any bishopric, dean and chapter, deanery, or residentiary
 5 canonry founded or proposed to be founded under this Act as are conferred upon them by the Bishoprics Act, 1878, in relation to the endowment funds of the new bishoprics mentioned in the schedule to that Act; but nothing in this Act shall authorise the Ecclesiastical Commissioners to apply any portion of their
 10 common fund towards the endowment of any new bishopric, dean and chapter, deanery, or residentiary canonry save in so far as relates to any part of the endowment of any existing bishopric transferred by Order under this Act to a new bishopric. A.D. 1912.

(6) Any Order made under this section shall have effect as
 15 if enacted in this Act, and may be revoked, varied, or added to by any such Order subsequently made.

(7) Before any Order is made under this section, the draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and,
 20 if either House, before the expiration of that period, presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft Order.

(8) Any Order made under this clause for the foundation
 25 of a deanery shall provide for the nomination and appointment of the dean by the Crown.

2. The Ecclesiastical Commissioners may prepare and submit to His Majesty through the Secretary of State for the Home Department, for confirmation by Order in Council, a scheme for
 30 reducing, as respects any bishopric, the amount payable to any bishop, on retiring, out of the revenue of the bishopric, and, upon the confirmation of any such scheme by Order in Council, the amount specified in the scheme in respect to any bishopric mentioned therein shall, as respects that bishopric, be substituted
 35 for the amount mentioned in the Bishops' Resignation Act, 1869, but no such scheme shall without his consent affect the rights of any bishop who has resigned before the confirmation of the scheme or of any person who is bishop of the bishopric at the time of the passing of this Act. Pensions to bishops on resignation.
32 & 33 Vict. c. 111.

3. This Act may be cited as the Bishoprics Act, 1912. Short title.

A.D. 1912.

SCHEDULE.

Birmingham.
 Liverpool.
 Newcastle.
 Saint Albans.

Southwark.
 Southwell.
 Truro.
 Wakefield.

5

Bishoprics. [H.L.]

A

B I L L

INTRODUCED

An Act to facilitate the foundation of new Bishoprics and the alteration of Dioceses, and to amend the Bishops' Resignation Act, 1869, and for other matters incidental thereto.

The Viscount St. Aldwyn.

Ordered to be printed 25th June 1912.

LONDON:

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[Price 3d.]

(89)

[2 & 3 GEO. 5.] *Bradford Corporation Trolley Vehicles* 1
Provisional Order.

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the Bradford Corporation Act 1910 relating to Bradford Corporation Trolley Vehicles. A.D. 1912.

WHEREAS under the authority of section seventeen of the Bradford Corporation Act 1910 the Board of Trade have made the Provisional Order set out in the schedule to this Act annexed : 10 Edw. 7 & 1 Geo. 5. c. cxvii.

5 And whereas a Provisional Order made by the Board of Trade under the authority of the said section is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

10 And whereas it is expedient that the Provisional Order made by the Board of Trade under the authority of the said section and set out in the schedule to this Act annexed be confirmed by Act of Parliament :

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

1. This Act may be cited as the Bradford Corporation Trolley Vehicles Order Confirmation Act 1912. Short title.

20 2. The Order set out in the schedule to this Act annexed shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the date of the same shall be the date of the passing of this Act, Confirmation of Order in schedule.

(73)

A.D. 1912.

SCHEDULE.

BRADFORD CORPORATION.

*Order authorising the Lord Mayor Aldermen and Citizens of
the City of Bradford to provide maintain and use Trolley
Vehicles upon Additional Routes in the said City.* 5

- | | | |
|--|--|----|
| Short title. | 1. This Order may be cited as the Bradford Corporation (Trolley Vehicles) Order 1912. | 5 |
| Interpreta-
tion. | 2. In this Order the following expressions have unless the context otherwise requires the meanings herein-after assigned to them namely:— | 10 |
| | “The Corporation” means the lord mayor aldermen and citizens of the city of Bradford acting by the Council; | |
| | “The Act of 1910” means the Bradford Corporation Act 1910; | |
| | “Trolley vehicles” means mechanically propelled vehicles adapted for use upon roads and moved by electrical power transmitted thereto from some external source. | 15 |
| Power to use
trolley vehi-
cles upon
certain
routes. | 3. The Corporation may use trolley vehicles upon the following routes in addition to any routes upon which they are already authorised to use trolley vehicles viz.:— | |
| | Route No. 1 (2 miles 1 furlong 1 chain or thereabouts in length) commencing at the termination of the existing trolley vehicle route in Laisterdyke passing thence across Leeds Road along Killinghall Road across Otley Road along Dudley Hill Road Pelham Road Idle Road and Bolton Road thence along Leeds Road and Undercliffe Road to and terminating at the junction of the last-named road with Dudley Hill Road; | 20 |
| | Route No. 2 (1 mile 5 furlongs 7 chains or thereabouts in length) commencing at the termination of the existing trolley vehicle route in Sticker Lane passing thence across Wakefield Road along Rooley Lane to and terminating at the junction of that lane with Manchester Road; | 30 |
| | Route No. 3 (3 miles 2 furlongs 7 chains or thereabouts in length) commencing in All Saints’ Road at the junction of that road with Laisteridge Lane passing thence along All Saints’ Road across Great Horton Road along Horton Grange Road across Legrams Lane along Ingleby Road across Thornton Road along Whetley Lane across Whetley Hill along Carlisle Road Marlborough Road across Manningham Lane along Queen’s Road | 35 |

[2 & 3 GEO. 5.] *Bradford Corporation Trolley Vehicles* 3
Provisional Order.

and terminating at or near the junctions of Queen's Road with Bolton Road ; A.D. 1912.

5 Route No. 4 (2 miles 1 furlong 7 chains or thereabouts in length) commencing at the junction of Canal Road with Forster Square passing thence along Canal Road to and terminating in that road at the point where the boundary between the city and the urban district of Shipley crosses that road ;

10 Route No. 4A (4 furlongs 7 chains or thereabouts in length) commencing in Canal Road by a connection with Route No. 4 at the junction of Stanley Road and Canal Road passing thence along Stanley Road Bute Street Livingstone Road and Gaisby Lane and terminating by a connection with the said Route No. 4 at the junction of Gaisby Lane and Canal Road ;

15 Route No. 5 (1 mile 5 furlongs 1 chain or thereabouts in length) commencing in Cleckheaton Road at the junction of that road with the Halifax and Huddersfield Roads passing thence along Cleckheaton Road to and terminating at the point where the boundary between the city and the urban district of Cleckheaton crosses that road ;

20 and the Corporation may exercise in the several streets and roads forming the routes herein-before described all the powers conferred upon them in respect to the placing erecting maintaining and using cables wires posts poles brackets and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles
 25 by or under the Act of 1910.

4. The following provisions of the Act of 1910 (that is to say) :—

Section 14. Vehicles not to be deemed light locomotives or motor cars ;

30 Section 15. Approval of vehicles by Board of Trade ;

Section 16. Tolls and fares ;

Section 18. Trolley vehicles to be part of tramway undertaking for all purposes ;

Section 19. Conveyance of mails ;

35 Section 20. Extending tramway provisions of Acts of 1897 1900 and 1902 ;

Section 21. Accounts ;

Section 23. Use of tramway posts by Postmaster-General ;

40 shall extend and apply to the routes for trolley vehicles by this Order authorised and to the trolley vehicles used thereon and the equipment therefor in like manner as if those provisions were in this Order re-enacted with special reference thereto.

Extending provisions of the Act of 1910.

4 *Bradford Corporation Trolley Vehicles* [2 & 3 GEO. 5.]
Provisional Order.

A.D. 1912.
For protec-
tion of rail-
way com-
panies.

5. The provisions of section 22 (For protection of railway companies) of the Act of 1910 so far as they apply to trolley vehicles and apparatus (as defined in the said section) in connection therewith shall extend and apply to the trolley vehicles and apparatus sanctioned by this Order. 5

For pro-
tection of
owners of
Bradford
Canal.

6. Any additional expense incurred in the maintenance of the fabric of the bridge known as "Gaisby Lane Bridge" in the city of Bradford occasioned by the exercise by the Corporation of the powers conferred upon them by this Order shall be borne by the Corporation Provided that if any difference arises under this section between the Corporation and the owners of the said bridge the same shall unless otherwise agreed be determined by two arbitrators or their umpire in accordance with the provisions of the Arbitration Act 1889. 10

**Bradford Corporation
Trolley Vehicles
Provisional Order.**

A

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Board of Trade under the Bradford Corporation Act 1910 relating to Bradford Corporation Trolley Vehicles.

(Brought from the Commons 13th June 1912.)

Ordered to be printed 13th June 1912.

LONDON:

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[Price 3d.]

(73)

[2 & 3 GEO. 5.] *Children (Employment Abroad).* [H.L.] 1

A

B I L L

INTITULED

An Act to prohibit and restrict Children and Young Persons A.D. 1912.
being taken out of the United Kingdom with a view to
singing, playing, performing, or being exhibited, for profit.

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

5 **1.**—(1) If any person causes or procures any child or young Restrictions
on children
and young
persons
going abroad
for the pur-
pose of per-
forming for
profit.
person or having the custody, charge, or care of any such child
or young person, allows such child or young person to go out
of the United Kingdom for the purpose of singing, playing,
performing, or being exhibited, for profit, that person shall, unless,
10 in the case of a young person, such a licence as is herein-after
mentioned has been granted, be guilty of an offence against this
Act.

(2) A constable or any person authorised by a justice may
take to a place of safety any child or young person in respect
15 of whom there is reason to believe that an offence under this
section has been or is about to be committed, and the provisions
of section twenty of the Children Act, 1908, shall apply as if
such an offence were an offence mentioned in the First Schedule
to that Act.

20 (3) This section shall not apply in any case where it is
proved that the child or young person was only temporarily
resident in the United Kingdom.

2.—(1) A police magistrate may grant a licence in such Grant of
licences.
form as the Secretary of State may prescribe, and subject to such

(159)

A

A.D. 1912. — restrictions and conditions as the police magistrate thinks fit, for any young person to go out of the United Kingdom for the purpose of singing, playing, performing, or being exhibited for profit, but no such licence shall be granted unless the police magistrate is satisfied— 5

- (a) that the application for the licence is made by or with the consent of the parent or guardian of the young person ;
- (b) that the young person is going out of the United Kingdom in order to fulfil a particular engagement ; 10
- (c) that the young person is fit for the purpose ;
- (d) that proper provision has been made to secure the health, kind treatment, and adequate supervision of the young person whilst abroad and his return to the United Kingdom at the expiration of the 15 licence.

(2) A licence under this section shall not be granted for more than three months, but may be renewed by a police magistrate from time to time for a like period, but no such renewal shall be granted unless the police magistrate is satisfied 20 by a report of a British consular officer or other trustworthy person that the conditions of the licence are being complied with.

(3) Where a person applies for a licence or the renewal of a licence under this section he shall at least seven days before making the application give notice thereof to the chief officer of 25 the police for the district in which the young person resides or resided, and that officer may make a report in writing on the case to the police magistrate, or may appear or instruct some person to appear before the police magistrate hearing the application and show cause why the licence should not be granted or 30 renewed, and the police magistrate shall not grant or renew the licence unless he is satisfied that notice has been properly so given.

(4) The police magistrate to whom application is made for the grant or renewal of a licence under this section may require the applicant to give such security, either by entering into a 35 recognisance with or without sureties or otherwise, as he may think fit for the observance of the restrictions and conditions contained in the licence, and the recognisance may be enforced in like manner as a recognisance for the doing of some matter or thing required to be done in a proceeding before a court of 40 summary jurisdiction is enforceable.

(5) In any proceeding for enforcing a recognisance under this section, a report of any British consular officer, and any deposition made on oath before a British consular officer and authenticated by the signature of that officer respecting the observance or non-observance of any of the conditions or restrictions contained in a licence granted under this Act, shall, upon proof that the consular officer or deponent cannot be found in the United Kingdom, be admissible in evidence; and it shall not be necessary to prove the signature or official character of the person appearing to have signed any such report or deposition.

A.D. 1912.

(6) Where a licence is granted under this section the police magistrate shall send to the Secretary of State for transmission to the proper consular officer such particulars as the Secretary of State may by regulation prescribe, and every consular officer shall register the particulars so transmitted to him and perform such other duties in relation thereto as the Secretary of State may direct.

3.—(1) Where, before the commencement of this Act, any person has caused or procured any child or young person, or, having the custody, charge, or care of any such child or young person, has allowed such child or young person to go out of the United Kingdom, and that child or young person is to the knowledge of that person singing, playing, performing, or being exhibited, for profit outside the United Kingdom, it shall be the duty of that person to take all steps in his power to secure the return of the child or young person to the United Kingdom unless he obtains a licence authorising the child or young person to remain out of the United Kingdom, which licence may be granted in the like manner and subject to the like conditions as the licence herein-before mentioned, and if the child or young person continues to sing, play, perform, or to be exhibited, for profit outside the United Kingdom, and no such licence is obtained, such first-mentioned person shall be guilty of an offence against this Act unless he proves that he has taken all such steps as aforesaid.

Provisions
as to existing
cases.

(2) This section shall not apply in any case where it is proved that the child or young person was only temporarily resident in the United Kingdom.

4.—(1) A person guilty of an offence against this Act shall, on summary conviction, be liable, at the discretion of the court, to a fine not exceeding one hundred pounds, or alternatively or in default of payment of such fine, or in addition thereto, to imprisonment with or without hard labour, for any term not exceeding three months.

Penalties
and pro-
ceedings.

A.D. 1912.

(2) Where proceedings are taken against any person under this Act in respect of any child or young person, and it is proved that the defendant caused or procured or allowed the child or young person to go out of the United Kingdom, and that the child or young person has, out of the United Kingdom, been singing, playing, performing, or been exhibited, for profit, the defendant shall be presumed to have caused or procured or allowed such child or young person to go out of the United Kingdom for that purpose unless the contrary is proved:

Provided that where the contrary is proved the court may order the defendant to take such steps as the court directs to secure the return of the child or young person to the United Kingdom, or to enter into a recognizance to make such provision as the court may direct to secure the health, kind treatment, and adequate supervision of the child or young person whilst abroad, and his return to the United Kingdom at the expiration of such period as the court may think fit.

(3) Proceedings in respect of an offence or for enforcing a recognizance under this Act may be instituted at any time within three months from the first discovery by the person taking the proceedings of the commission of the offence or (as the case may be) the non-observance of the restrictions and conditions contained in the licence.

(4) The wife or husband of a person charged with an offence under this Act may be called as a witness either for the prosecution or defence and without the consent of the person charged.

Interpretation.

5. For the purposes of this Act the expression "police magistrate" means the chief magistrate of the metropolitan police courts or one of the other magistrates of the metropolitan police court in Bow Street, and the expression "chief officer of police"—

- (a) with respect to the city of London, means the Commissioner of the City Police;
- (b) elsewhere in England has the same meaning as in the Police Act, 1890;
- (c) in Scotland has the same meaning as in the Police (Scotland) Act, 1890;
- (d) in the police district of Dublin metropolis, means either of the Commissioners of Police for the said district;
- (e) elsewhere in Ireland, means a district inspector of the Royal Irish Constabulary.

[2 & 3 GEO. 5.] *Children (Employment Abroad)*.

5

6. This Act may be cited as the Children (Employment
Abroad) Act, 1912, and shall be construed as one with the
Children Act, 1908, and that Act, the Children Act (1908)
Amendment Act, 1910, and this Act may be cited together as
5 the Children Acts, 1908 to 1912.

A.D. 1912.
Short title
and con-
struction.

Children (Employment Abroad). [H.L.]

A

B I L L

INTITLED

An Act to prohibit and restrict Children and Young Persons being taken out of the United Kingdom with a view to singing, playing, performing, or being exhibited, for profit.

Lord Strachie.

Ordered to be printed 6th November 1912.

LONDON :

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To be purchased, either directly or through any Bookseller, from
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[*Price 1d.*]]

(159)

Children (Employment Abroad) Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL STANHOPE.

Clause 2, page 2, line 31, leave out (“ and ”) and insert (“ If
“ the young person resides or resided in the Administrative County
“ of London the said notice shall also be given to the London
“ County Council and that council shall have the same powers as
“ the chief officer of police under this subsection ”)

(159 a)

Children (Employment Abroad) Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL STANHOPE.

10th February 1913.

L O N D O N :

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[Price 4d.]

(159*a*)

Children (Employment Abroad) Bill.
[H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE MARQUESS OF SALISBURY.

Clause 1, page 1, line 6, leave out ("such")
line 21, leave out ("only temporarily resi-
dent") and insert ("not domiciled")
line 22, after ("Kingdom") insert ("nor
where the child or young person is going or has gone out of the
United Kingdom in the personal charge of the parent or
guardian of the child or young person")

Clause 2, page 2, line 34, leave out ("may") and insert
("shall unless he is satisfied that under the circumstances it is not
requisite")

Clause 3, page 3, leave out clause 3.

(159 b)

**Children (Employment
Abroad) Bill. [H.L.]**

**A M E N D M E N T S
TO BE MOVED IN COMMITTEE**

**BY
THE MARQUESS OF SALISBURY.**

11th February 1913.

L O N D O N :
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[*Price 3d.*]
(159 b)

Children (Employment Abroad) Bill.
[H.L.]

A M E N D M E N T

T O B E M O V E D I N C O M M I T T E E

B Y

T H E M A R Q U E S S O F S A L I S B U R Y .

Clause 4, page 4, line 3, after the second ("or") insert
("being a person having the custody, charge or care of the child
" or young person ")

(159 c)

Children (Employment Abroad) Bill. [H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE MARQUESS OF SALISBURY.

12th February 1913.

LONDON:

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East Harding Street, E.C.

PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

[Price 4d.]

(159 c)

A

B I L L

INTITULED

An Act to reduce the number of Principal Clerks of the Court of Session in Scotland. A.D. 1913.

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

- 5 **1.** From and after the occurrence of a vacancy in the office of principal clerk of Session and notwithstanding anything contained in the Clerks of Session (Scotland) Regulation Act, 1889, or in any other Act, there shall be only one principal clerk of Session, who shall be vested with the powers conferred
- 10 by or in pursuance of the said Act or any other Act on the two principal clerks of Session, and any references in the said Act or in any other Act to the principal clerks of Session or either of them shall be construed as references to the principal clerk for the time being.
- 15 **2.** This Act may be cited as the Clerks of Session (Scotland) Regulation Act, 1913, and the Clerks of Session (Scotland) Regulation Act, 1889, and this Act shall be construed as one Act and may be cited together as the Clerks of Session (Scotland) Regulation Acts, 1889 and 1913.

Reduction in number of principal clerks of Session.
52 & 53 Vict. c. 54.

Short title and citation.

[2 & 3 GEO. 5.] *Clyde Lighthouses Order Confirmation.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1912.
Legislation Procedure (Scotland) Act 1899 relating to —
Clyde Lighthouses.

WHEREAS His Majesty's Secretary for Scotland has after
inquiry held before Commissioners made the Provisional
Order set forth in the schedule hereunto annexed under the
provisions of the Private Legislation Procedure (Scotland) Act 62 & 63 Vict.
5 1899 and it is requisite that the said Order should be confirmed c. 47.
by Parliament:

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

1. The Provisional Order contained in the schedule hereunto Confirmation
annexed shall be and the same is hereby confirmed. of Order in
schedule.

2. This Act may be cited as the Clyde Lighthouses Order Short title.
Confirmation Act 1912.

A.D. 1912.

SCHEDULE.

CLYDE LIGHTHOUSES.

*Provisional Order to provide for the improvement of the
River Clyde below Newark Castle Port Glasgow
to amend the Acts relating to the Clyde Lighthouses
and for other purposes.* 5

- 29 Geo. II.
c. 20. WHEREAS an Act (herein-after called "the Act of 1755")
was passed in the twenty-ninth year of the reign of His
Majesty King George the Second intituled "An Act for erecting
" maintaining and supporting a lighthouse on the island of 10
" Little Cumray in the county of Bute at the mouth of the
" River Clyde in North Britain and for rendering the navigation
" in the frith and river of Clyde more safe and commodious":
- 34 & 35 Vict.
c. 132. And whereas by the Clyde Lighthouses Act 1871 (herein-
after called "the Act of 1871") the Act of 1755 was amended 15
and the Trustees of the Clyde Lighthouses (herein-after called
"the Trustees") were incorporated and were given powers for
executing and carrying into effect the purposes of the Act of 1755
and the Act of 1871 and were authorised to borrow certain
moneys and to levy certain rates for the purposes of the said 20
Acts:
- 43 & 44 Vict.
c. 137. And whereas by the Clyde Lighthouses Act 1880 (herein-after
called "the Act of 1880") the Trustees were authorised and
required to make certain works in the river or firth of Clyde
for the improvement alteration deepening and widening of the 25
navigable channel of the said river or firth at or near Garvel
Point and power was conferred on the Trustees to borrow an
additional sum of money for the purpose of carrying out those
works:
- 47 Vict.
c. 10.
53 Vict. c. 7. And whereas by the Clyde Lighthouses Act 1884 further 30
borrowing powers were conferred on the Trustees and by
the Clyde Lighthouses Act 1890 (herein-after called "the Act of
1890") the time for the completion of the works authorised by
the Act of 1880 was extended as therein provided:

[2 & 3 GEO. 5.] *Clyde Lighthouses Order Confirmation.* 3

And whereas the works authorised by the Act of 1880 were completed within the time limited by the Act of 1890 and the Trustees have paid off all moneys borrowed by them for the purposes of such works : A.D. 1912.

5 And whereas it is expedient to authorise the Trustees further to improve the navigation of the River Clyde by altering deepening and widening the channel thereof between the points and to the extent specified in this Order and to borrow money for the purposes of carrying out such improvement :

10 And whereas it is expedient that the Trustees should be authorised to make byelaws regulating the speed of vessels passing through the jurisdiction of the Trustees and with regard to the other matters specified in this Order :

And whereas it is expedient that further powers should be
15 conferred on the Trustees with regard to the removal of wrecks :

And whereas it is expedient that the provisions of the Act of 1871 relating to the election of the Trustees should be amended as herein-after provided :

20 And whereas the Trustees have erected a lighthouse on Garroch Head on land which they hold from the Most Honourable John Crichton Stuart Marquis of Bute on lease for the term of the life of the said marquis who having a life interest only in the estate of which the said land forms part is unable to convey a
25 greater interest to the Trustees :

And whereas it is expedient to authorise the Trustees of the late Marquess of Bute who are vested in the said land and the said marquis to convey the fee of the said land to the Trustees :

30 And whereas plans and sections showing the lines and levels of the works authorised by this Order and the lands proposed to be taken for the purposes thereof and books of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the
35 occupiers of the lands required or which may be taken for the purposes or under the powers of this Order have been deposited with the principal sheriff clerks of the counties of Renfrew and Dunbarton and are in this Order referred to as the deposited plans sections and books of reference.

A.D. 1912. — And whereas the objects aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in 5 the last mentioned Act the Secretary for Scotland orders as follows :—

Short title. 1. This Order may be cited for all purposes as the Clyde Lighthouses Order 1912 and the Act of 1755 the Act of 1871 the Act of 1880 the Act of 1884 and the Act of 1890 and this 10 Order may be cited together for all purposes as the Clyde Lighthouses Acts 1755 to 1912.

Commence-
ment of
Order. 2. This Order shall commence and take effect on the date of the passing of the Act confirming the same which date is in this Order referred to as “the commencement of this Order.” 15

Incorpora-
tion of Acts. 3. The Lands Clauses Acts (except sections 120 to 126 both inclusive of the Lands Clauses Consolidation (Scotland) Act 1845) are incorporated with and form part of this Order.

Interpreta-
tion. 4. In this Order unless there be something in the subject or context repugnant to such construction the several words 20 and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings.

And in this Order the expression—

“The Trustees” means the Trustees of the Clyde 25 Lighthouses ;

“The Act of 1755” means the Act 29 George II. chapter 20 ;

“The Act of 1871” means the Clyde Lighthouses Act 1871 ; 30

“The Act of 1880” means the Clyde Lighthouses Act 1880 ;

“The Act of 1884” means the Clyde Lighthouses Act 1884 ;

“The Act of 1890” means the Clyde Lighthouses Act 35 1890 ;

“The Greenock Harbour Trustees” means the Trustees of the port and harbours of Greenock ;

“The sheriff” means the sheriff of Renfrew and Bute or his substitute at Greenock. 40

[2 & 3 GEO. 5.] *Clyde Lighthouses Order Confirmation.* 5

5 Subject to the provisions of this Order the Trustees A.D. 1912.
may and are hereby required within ten years from the com-
mencement of this Order to make and thereafter to maintain Power to
make works.
in the lines and according to the levels shown on the deposited
5 plans and sections the works herein-after described with all
proper works and conveniences connected therewith and may
enter upon take and use such of the lands delineated on the
said plans and described in the deposited books of reference
as may be required for those purposes.

10 The works herein-before referred to and authorised by
this Order are :—

15 An improvement alteration deepening and widening of the
navigable channel of the river or firth of Clyde com-
mencing at or near a point in the channel or bed of that
river or firth five hundred and eight yards or thereabouts
from the north-eastern corner of Newark Castle on the
south shore of the said river or firth at Port Glasgow
measured along an imaginary straight line drawn from the
20 said north-eastern corner of that castle to the mouth of
Cardross Burn on the north shore of the said river or
firth (the point thus defined being on the centre line of
the Clyde Navigation Trustees' deepened channel) and
terminating at or near a point in the channel of the said
river or firth three hundred and eighty-three yards or
25 thereabouts from the north-western corner of the Albert
Harbour at Greenock measured along an imaginary straight
line drawn in a direction north-east by north from that
corner of the said harbour.

30 And the Trustees may within the limits shown on the deposited
plans dredge excavate cut away and remove the solum bed and
banks of the said portion of the said river or firth to such an
extent as may be necessary for the purposes of the works
authorised by this Order.

35 6. For the protection of the Greenock Harbour Trustees For pro-
tection of
Greenock
Harbour
Trustees.
the following provisions shall have effect and in the exercise
by the Trustees of the powers conferred by this Order the same
shall be exercised in accordance with such provisions and not
otherwise (that is to say):—

40 (1) A plan (herein-after called "the signed plan") showing
the lines and breadths of the deep water channel by
this Order authorised to be improved altered deepened

A.D. 1912.

and widened being an enlargement of the deposited plans on a scale twenty-five inches to the mile having been prepared and five copies thereof having been signed by Sir John Alexander Dewar baronet the chairman of the commissioners to whom this Order 5 was referred one copy thereof shall within one month after the commencement of this Order be deposited in the Scottish Office Whitehall London one in the office of the Trustees one in the office of the Greenock Harbour Trustees one in the office at Greenock of 10 the principal sheriff clerk of the county of Renfrew and one in the office of the Board of Trade :

- (2) The said channel and the new access to the James Watt Dock herein-after mentioned which are tinted blue upon the signed plan shall be deepened to a 15 uniform depth not exceeding 33·1 feet below Ordnance datum :
- (3) The said channel shall be widened so as to be of the breadths shown on the signed plan viz. :—
- Three hundred and fifty feet from Inchgreen to 20 Garvel Point increasing to four hundred and twenty feet at East India Harbour and diminishing again to three hundred and fifty feet at or about Albert Harbour and increasing towards the southward to about four hundred and fifty feet at the western 25 termination thereof :
- (4) The dredging of the said channel between Inchgreen and its western termination shall be confined to the space shown between the lines on the signed plan representing the sides of the channel except where 30 the material is such as to require dredging for the actual formation of the slopes of the channel The access to the James Watt Dock to the extent of the area shown on the signed plan shall be dredged by and at the expense of the Trustees on the lines 35 agreed to by the engineers of both trusts and to a depth equal to the depth of the new channel :
- (5) The existing depths of the water so far as available for navigation berthage and launching purposes southward of the deep water channel and within the limits of 40 deviation from the entrance to the James Watt Dock

[2 & 3 GEO. 5.] *Clyde Lighthouses Order Confirmation.* 7

to the western termination of the channel as the said depths have been ascertained by a joint survey made by the engineers of both trusts (which are shown upon the signed plan) shall be maintained at those depths at the expense of the Trustees as after mentioned :

A.D. 1912.

- 5
- (6) After the Trustees have completed the works by this Order authorised the provisions of section 6 (E) and (G) of the Act of 1880 shall apply and have effect with reference to the dredging necessary to obtain
- 10 preserve and maintain the said depth of water in the said channel within the limits defined in the said section 6 (E) and also in the said access and the area to the southward of the said channel and access in which the existing depths are to be maintained :
- 15 (7) Except as by this Order otherwise expressly provided section 42 of the Act of 1871 shall remain in full force and effect and (except as aforesaid) nothing in this Order contained shall affect the rights of the Greenock Harbour Trustees as existing at the commencement of this Order or authorise any interference with the property of such Trustees Provided that any provisions contained in any Act relating to the Greenock Harbour Trustees with reference to limiting the liability of the Trustees in the removal of silting shall receive full force and effect :
- 20
- 25 (8) If any dispute shall arise between the Greenock Harbour Trustees and the Trustees respecting any of the matters and provisions of this section such dispute shall unless otherwise provided or agreed be settled by an arbiter to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the sheriff.
- 30

7.—(1) The Trustees may subject as herein-after provided deposit the material dredged or excavated in executing and

35 maintaining the works by this Order authorised at any place in the river or firth of Clyde seaward of a line drawn from Whitefarland Point to Roseneath Point provided that no material shall be deposited at any place below high-water mark otherwise than in such position and under such restrictions as may be determined by the Board of Trade after making such inquiries as

40 they may consider necessary.

Deposit of
dredgings.

A.D. 1912. (2) No sewage or other offensive material shall be deposited by the Trustees in the river or firth of Clyde above Garroch Head or on the banks thereof but all such material shall be removed by the Trustees and deposited in the sea below Garroch Head in such position as may be approved by the Board of Trade. 5

Errors and omissions in plans and book of reference may be corrected by sheriff who shall certify same.

8. 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 shown on the deposited plans or specified in the deposited books of reference the Trustees after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county in which the said lands are situate for the correction thereof and if it appears to the sheriff that the omission mis-statement or erroneous description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the principal sheriff clerk of the county in which the lands affected thereby are situate and with the town clerk of the burgh or with the clerk of the parish council as the case may be in which the lands affected thereby shall be situate and such certificate shall be kept by such sheriff clerk town clerk or clerk to the parish council respectively with the other documents to which the same relates and thereupon the deposited plans or books of reference (as the case requires) shall be deemed to be corrected according to such certificate and the Trustees may enter on take hold and use those lands and execute the works in accordance with such certificate. 10 15 20 25

Limits of lateral and vertical deviation.

9. In executing the works by this Order authorised the Trustees may deviate laterally from the lines thereof shown on the deposited plans but only to such extent within the limits of deviation shown thereon as may be necessary for the formation of the slopes of the channel by this Order authorised to be improved altered deepened or widened and may deviate vertically from the levels thereof shown on the deposited sections to any extent downwards not exceeding two feet but only in so far as may be necessary for the purpose of securing an actual depth of 33·1 feet below Ordnance datum Provided that such powers of deviation shall not be used for diverting the lines of the said channel. 30 35 40

10. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Order shall not be exercised after the expiration of three years from the commencement of this Order.

A.D. 1912.
 Period for compulsory purchase of lands.

11. If the works by this Order authorised are not completed within ten years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Trustees for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed :

Period for completion of works.

Provided that notwithstanding the expiration of that period the Trustees may from time to time do all such dredging and other work as the Trustees may consider necessary or expedient for preserving and maintaining the works authorised by this Order or such part thereof as may have been completed.

12. Nothing in this Order shall prejudice or affect the rights powers privileges and authorities of the Trustees of Port Glasgow Harbour under and by virtue of the Port Glasgow Harbour Consolidation Act 1864 or the provisions of the agreement contained in the schedule to the Act of 1880.

Saving rights of Trustees of Port Glasgow Harbour.

13. Except as regards the works by this Order authorised nothing in this Order contained shall authorise any interference with the property of Sir Michael Hugh Shaw Stewart of Greenock and Blackhall baronet without his consent.

Saving rights of Sir Michael Hugh Shaw Stewart Bart.

14. The Trustees may provide hire maintain and use such engines piling machinery diving bells dredgers ballast lighters barges tug boats and other vessels tackle machinery and other appliances and conveniences as they think proper for executing and maintaining the works authorised by this Order or for any other purpose of this Order.

Power to provide engines dredgers &c.

15. Subject to the existing statutory rights of the Greenock Harbour Trustees the Trustees may from time to time make alter repeal and renew byelaws as they think fit for all or any of the following purposes provided that between the present eastern boundary of the burgh of Greenock and the western termination of the deep water channel by this Order authorised such byelaws shall only be applicable to and have effect within the said deep water channel (that is to say) :—

Power to Trustees to make bye-laws.

For regulating the conduct of masters or persons having the control of vessels propelled by steam or other power

A.D. 1912.

with regard to the rate of speed at which they may proceed through the portion of the river or firth of Clyde within the jurisdiction of the Trustees or when passing any vessel engaged in charging repairing or otherwise dealing with the buoys or beacons of the Trustees or engaged in the carrying out of any works or operations of the Trustees ;

For regulating the anchorage of vessels within the portion of the said river or firth within the jurisdiction of the Trustees ;

For regulating the launching of vessels within the jurisdiction of the Trustees ;

For requiring and regulating the lighting buoying or otherwise marking the position of any vessel sunk stranded or abandoned within the said portion of the said river or firth and for regulating the removal of any such vessel.

Byelaws to be confirmed by Board of Trade.

16. The provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the byelaws to be made by the undertakers (except section 85 and so much of section 88 as requires a copy of such byelaws to be painted or placed on boards and put up in some conspicuous part of the office of the undertakers) are incorporated with this Order and shall apply to all byelaws made by the Trustees under the authority of this Order Provided that such byelaws shall not have any force or effect unless and until the same are confirmed by the Board of Trade.

Corporation of Greenock to be entitled to appear before Board of Trade.

17. On application by the Trustees for confirmation of any byelaws framed by them under the powers conferred on them by this Order the corporation of Greenock shall be entitled to appear and oppose the confirmation of such byelaws in so far as they may take away abridge or diminish any of the rights privileges jurisdiction or powers which now belong to or are enjoyed by the corporation or the magistrates of the burgh.

Jurisdiction of bailie of Firth of Clyde and magistrates of Greenock.

18. Notwithstanding anything contained in this Order or in the Acts incorporated therewith all offences against any byelaws made under the powers of this Order or such Acts may be tried in the court of the bailie of the river and firth of Clyde in the same way and manner and subject to the same procedure as police offences under the Glasgow Police Acts 1866 to 1909 and any offences against the said byelaws which may be

[2 & 3 GEO. 5.] *Clyde Lighthouses Order Confirmation.* 11

committed within the jurisdiction of the magistrates of Greenock may be tried by the said magistrates in manner directed by the Summary Jurisdiction (Scotland) Acts. A.D. 1912. —

19. On application by the Trustees for confirmation of any 5 byelaws framed by them under the powers conferred on them by this Order the Clyde Pilot Board shall be entitled to appear and oppose the confirmation of such byelaws in so far as they may conflict with any byelaws of the Clyde Pilot Board. For protection of Clyde Pilot Board.

20. From and after the commencement of this Order so much of section 14 of the Act of 1871 as requires the clerk of the Trustees to publish by advertisement lists of the persons qualified to be electors of and to be elected as the elective Trustees shall be and is hereby repealed and in lieu thereof the said clerk shall on or before the fifteenth day of October in 15 each year publish by advertisement in manner provided by the Act of 1871 a notice that lists of the persons qualified as aforesaid have been made up and certified by him and that such lists are accessible to the public at all times within the office of the Trustees. Amendment of section 14 of Act of 1871.

20 21. Section 16 of the Act of 1871 is hereby repealed and in lieu thereof it is enacted as follows:— Repeal of section 16 of Act of 1871.

(a) The following rules shall be observed with respect to the election of the elective Trustees in the month of November one thousand nine hundred and twelve 25 and in succeeding years: Rules to be observed in election of elective Trustees.

(1) The election shall take place in the month of November in each year;

30 (2) At each election two Trustees shall be elected by and from among the electors for the city of Glasgow one Trustee shall be elected by and from among the electors for the town of Greenock and one Trustee shall be elected by and from among the electors for the town of Port Glasgow;

35 (3) The chairman of the Trustees for the year current at the time or some person or persons appointed by him shall be the returning officer In the event of the chairman being from any cause unable to act or to appoint some person or persons to act as returning officer then the deputy chairman for the year current at the time or some 40

A.D. 1912.

person or persons appointed by him shall be the returning officer ;

(4) On every occasion of the election of Trustees the returning officer shall convene a meeting of the electors for the city of Glasgow the town of 5 Greenock and the town of Port Glasgow respectively in those respective places for the purpose of such election and shall give notice of such meeting and of the time and place at which it is to be held by advertisement at least six days before 10 such meeting ;

(5) The returning officer shall preside at and regulate the proceedings at such meeting and his decision upon any questions which may arise thereat shall be final and conclusive ; 15

(6) At any such meeting any qualified person may be nominated as a Trustee by any elector as proposer and seconded by any other elector and the proposer and seconder shall at the time of such nomination deliver to the returning officer a 20 nomination paper subscribed by them in which shall be set forth the christian name and surname with the place of abode and designation of the candidate nominated and stating that he is qualified and willing to act as a Trustee and also the respective 25 places of abode and designations of his proposer and seconder ;

(7) If more candidates than the number to be elected are proposed and shall ultimately stand nominated as herein-after provided a poll shall be 30 taken in manner herein-after provided but if no more candidates than the number to be elected are proposed or shall ultimately stand nominated as aforesaid a declaration by the returning officer that such candidates are elected Trustees shall be 35 evidence of the fact and thereupon no poll shall be taken ;

(8) Where more candidates than the number to be elected are nominated any of such candidates may withdraw from his candidature by notice signed 40

[2 & 3 GEO. 5.] *Clyde Lighthouses Order Confirmation.* 13

by him and delivered to the clerk of the Trustees A.D. 1912.
 not later than twelve o'clock noon of the day next
 after that on which the nomination was made
 Provided that such notices shall take effect in the
 order in which they are delivered to the said clerk
 and that no such notice shall take effect so as to
 reduce the number of candidates ultimately standing
 nominated below the number to be elected ;

(b) The following rules shall be observed with respect to Rules as to
 taking the poll for the election of Trustees at the taking poll.
 elections which are to take place in the month of
 November one thousand nine hundred and twelve and
 in succeeding years :—

(1) The returning officer shall direct the poll to
 be taken at such place within the city of Glasgow
 or the town of Greenock or the town of Port
 Glasgow according as the election relates to such
 places respectively and on such day not exceeding
 six clear days from the day of nomination as he
 may determine ;

(2) The poll subject to the provisions of this
 Order shall be taken in like manner as a poll at
 a contested municipal election is directed by the
 Ballot Act 1872 to be taken and subject as aforesaid
 the provisions of that Act shall apply to the election
 of Trustees with the substitution of the term
 "election of Trustees" for the term "municipal
 election" and of the word "Trustees" for the words
 "town councillors" or "councillors" ;

(3) The poll shall be opened at ten o'clock in
 the forenoon of the appointed day and shall close
 at four o'clock in the afternoon of the same day ;

(4) At the close of the poll the returning officer
 shall sum up the votes and as soon as possible
 publish the names of the persons elected by advertise-
 ment in some one or more of the newspapers
 published in Glasgow in the case of an election for
 the city of Glasgow and in some one or more of
 the newspapers published in Greenock in the case
 of an election for the town of Greenock or the
 town of Port Glasgow ;

A.D. 1912.

(5) In the event of two or more candidates having the same number of votes both or all of whom cannot be elected Trustees the returning officer shall determine the candidate or candidates to be elected and his decision shall be final ;

5

(6) The expenses incident to the election (but not including the expenses of any candidate) shall be paid by the Trustees out of the revenues of the trust.

Amendment of section 20 of Act of 1880.

22.--(1) Section 20 (Power to remove wrecks &c.) of the Act of 1880 shall be read and have effect as if the provisions of that section relative to the expense of removing any wreck sunken vessel or obstruction applied or extended to and included any former owner of the wreck sunken vessel or obstruction whenever it is shown that such former owner relinquished abandoned or transferred his interest in any such wreck sunken vessel or obstruction after the date at which the wreck occurred or the vessel was sunk or the obstruction was first created or occurred and all such provisions may be enforced by the Trustees accordingly.

10
15
20

(2) The powers of the said section as amended by this Order may be exercised by the Trustees notwithstanding any steps taken by any owner of the wreck sunken vessel or obstruction for the removing raising or destruction thereof.

Agreement with Marquis of Bute.

23. The Trustees may by agreement purchase and the Most Honourable John Crichton Stuart Marquis of Bute or the Trustees of the late Marquess of Bute may sell and convey to the Trustees the site of the lighthouse on Garroch Head belonging to the Trustees leased to the Trustees by the commissioner for the said marquis by lease dated the thirteenth and fifteenth days of July one thousand nine hundred and ten and the provisions of the Lands Clauses Consolidation (Scotland) Act 1845 with respect to the purchase of land by agreement and with respect to the purchase money or compensation coming to persons having limited interests shall apply to such purchase and sale and in the application of those provisions for the purposes of this section the Trustees shall be deemed to be the promoters of the undertaking and this Order shall be deemed to be the special Act.

25
30
35

[2 & 3 GEO. 5.] *Clyde Lighthouses Order Confirmation.* 15

24. The Trustees may from time to time borrow at interest any sum or sums of money not exceeding in the whole one hundred thousand pounds on the security of the rates leviable by them under the authority of the Act of 1871 as amended by the Act of 1880 and of the Act of 1880 and may grant to the persons advancing or lending the money so to be borrowed mortgages of the said rates as a security for the payment of the money so to be borrowed with the interest thereof.

A.D. 1912.
Power to
borrow
money.

25. Subject to the provisions of this Order the provisions contained in the under-mentioned sections of the Act of 1871 and of the Act of 1880 shall apply to the borrowing of money by the Trustees under the authority of this Order as if those provisions had mutatis mutandis been expressly re-enacted in this Order with reference thereto and in construing those provisions for the purposes of this Order the expression "this Act" shall mean this Order (that is to say):—

Certain
provisions of
former Acts
incorporated.

Of the Act of 1871—

- Section 57 Mortgages to be personal estate;
- 20 Section 58 Money to be borrowed in substitution of sums paid off;
- Section 59 Form of mortgages;
- Section 60 Register of mortgages to be kept and to be open to inspection;
- 25 Section 61 Payment of interest on mortgages;
- Section 62 Transfer of mortgages;
- Section 63 Transfers to be registered;
- Section 64 Transmission of mortgages otherwise than by transfer;
- 30 Section 65 Transmission by marriage and by testamentary instruments;
- Section 66 Trustees not bound to see to the execution of trusts;
- Section 67 Interest to be paid half yearly;
- 35 Section 68 Repayment of borrowed money;
- Section 69 As to payment of borrowed money when no time or place has been agreed upon;
- Section 70 Interest to cease at expiration of notice to pay off mortgage;

A.D. 1912.

- Section 71 Appointment of a judicial factor ;
- Section 72 Powers and duties of judicial factor ;
- Section 73 Discharge of mortgages ;
- Section 77 Investment of sinking funds ;

Provided that section 58 of the Act of 1871 shall for the purposes 5
of this Order be read as if the words "one hundred thousand
pounds" had been inserted therein instead of the words
"fifteen thousand pounds."

Of the Act of 1880—

Section 15 Partial transfers of mortgages prohibited. 10

Sinking
fund.

26.—(1) The Trustees shall within three months after the
thirtieth day of September one thousand nine hundred and
fourteen and within three months after the thirtieth day of
September in each succeeding year set apart out of the surplus
revenue of the Trustees for the previous financial year ending 15
on the thirtieth day of September after defraying the ordinary
expenditure of the Trustees and paying interest on money
borrowed a sum equal to two per centum of the whole amount
borrowed under the authority of this Order as a sinking fund to
be applied in paying off the money so borrowed or towards the 20
purposes for which the Trustees are by this Order authorised
to borrow money and for no other purpose whatever Provided
always that the sum which the Trustees are authorised to borrow
shall be reduced by the amount of any sum or sums which may
be taken out of the sinking fund for any other purpose than to 25
pay off borrowed money Provided also that if the surplus
annual revenue of any financial year after the thirtieth day of
September one thousand nine hundred and fourteen shall not
amount to two per centum of the whole amount borrowed as
aforesaid the Trustees shall not be bound to appropriate or set 30
apart in respect of such year any greater sum than the amount
of the surplus revenue for such financial year but such deficiency
shall be made good out of the surplus revenue of any subsequent
year.

(2) Section 4 (Sinking fund) of the Act of 1884 is hereby 35
repealed.

Annual
return to
Board of
Trade with
respect to
sinking fund.

27. The treasurer of the Trustees shall within twenty-one
days after the thirty-first day of December in each year during
which any sum is by this Order required to be set apart for a
sinking fund transmit to the Board of Trade a return in such 40

[2 & 3 GEO. 5.] *Clyde Lighthouses Order Confirmation.* 17

form as may be prescribed by that Board and verified by A.D. 1912.
 statutory declaration if so required by them showing the amount
 which has been set apart or invested for the purposes of such
 sinking fund in respect of the year ending on the thirtieth day of
 5 September preceding the making of such return and the descrip-
 tion of the securities upon which the same has been invested
 and also showing the purposes to which any portion of the
 moneys set apart or invested for the sinking fund and the interest
 thereof has been applied during the same period and the total
 10 amount remaining set apart or invested at the end of that period
 And in the event of any default in making such return the
 treasurer shall be liable to a penalty not exceeding twenty pounds
 which shall be payable to the Board of Trade and shall be re-
 coverable by that Board as a debt to the Crown is recoverable If
 15 it appear to the Board of Trade by such return or otherwise that the
 Trustees have failed to set apart the sum required by this Order
 for the sinking fund or have applied any portion of the moneys
 set apart for that fund or any interest thereof to any purposes
 other than those authorised by this Order the Board of Trade
 20 may by order direct that a sum not exceeding double the amount
 in respect of which such default shall have been made shall
 be set apart and invested as part of the sinking fund and such
 orders shall be enforceable by decrec of either division of the
 Inner House of the Court of Session in Scotland pronounced in
 25 a summary application presented for that purpose.

28. All moneys borrowed under the authority of this Order Application
of borrowed
moneys.
 shall be applied in executing the works authorised by this Order
 and generally in carrying into effect the objects and purposes
 of the Act of 1755 the Act of 1871 the Act of 1880 and of this
 30 Order to which capital is properly applicable.

29. Subject to the provisions of this Order any of the Works below
high-water
mark to be
subject to
approval of
Board of
Trade.
 works authorised by this Order to be executed on over or under
 tidal lands below high-water mark of ordinary spring tides shall
 be executed only in accordance with such plans and sections
 35 and subject to such restrictions and regulations as previous to
 such works being commenced have been approved by the Board
 of Trade in writing under the hand of one of the secretaries or
 assistant secretaries of the Board of Trade Any alteration
 or extension of any such works shall be subject to the like
 40 approval.

A.D. 1912. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Trustees and the amount of such cost shall be a debt due from the Trustees to the Crown and shall be recoverable as a Crown debt or summarily. 5

Crown rights. 30. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give). 10 15

Exemptions and savings for Government departments. 31. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 are hereby incorporated with this Order and those sections as so incorporated shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections The following expressions used in the Harbours Docks and Piers Clauses Act 1847 shall have the following respective meanings (that is to say):— 20 25

The expressions “packet boat” and “post office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “post office bag of letters” means a mail bag as defined by the same Act: 30

Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire. 35

Survey of works by Board of Trade. 32. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of a work constructed by the Trustees on in over through or 40

[2 & 3 GEO. 5.] *Clyde Lighthouses Order Confirmation.* 19

across tidal land or tidal water or of the intended site of any such work the Trustees shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Trustees to the Crown and be recoverable as a Crown debt or summarily. A.D. 1912.

33. Nothing in this Order contained shall exempt the Trustees or their undertaking from the provisions of the Merchant Shipping Act 1894 or of any general Acts relating to dues on shipping or on goods carried in vessels now in force or which may be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates authorised to be taken by the Trustees. Reserving Merchant Shipping and general Acts.

34. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Trustees out of the rates authorised to be levied or the moneys authorised to be borrowed by them and if paid out of borrowed money shall be repaid out of revenue within five years after the commencement of this Order. Costs of Order.

**Clyde Lighthouses
Order Confirmation.**

A

B I L L

INTRODUCED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Clyde Lighthouses.

(Brought from the Commons 11th June 1912.)

Ordered to be printed 11th June 1912.

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(60)

[2 & 3 GEO. 5.] *Clyde Valley Electrical Power Order* 1
Confirmation. [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1912.
 Legislation Procedure (Scotland) Act 1899 relating to
 Clyde Valley Electrical Power.

WHEREAS His Majesty's Secretary for Scotland has after
 inquiry held before Commissioners made the Provisional
 Order set forth in the schedule hereunto annexed under the
 provisions of the Private Legislation Procedure (Scotland) Act 62 & 63 Vict.
 5 1899 and it is requisite that the said Order should be confirmed c. 47.
 by Parliament:

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

1. The Provisional Order contained in the schedule hereunto Confirmation
 annexed shall be and the same is hereby confirmed. of Order in
 schedule.

2. This Act may be cited as the Clyde Valley Electrical Short title.
 Power Order Confirmation Act 1912.

A.D. 1912.

SCHEDULE.

CLYDE VALLEY ELECTRICAL POWER.

*Provisional Order to confer further powers on the Clyde Valley
Electrical Power Company with reference to the capital
of the Company to confirm an Agreement with the County
Council of the County of Lanark and for other purposes.* 5

WHEREAS the Clyde Valley Electrical Power Company
(in this Order called "the Company") were incorporated
by the Clyde Valley Electrical Power Act 1901 with an
authorised capital of nine hundred thousand pounds divided 10
into ninety thousand shares of ten pounds each and under the
powers contained in that Act and the Clyde Valley Electrical
Power Act 1904 (herein-after called "the Act of 1901" and
"the Act of 1904" respectively) have constructed certain
generating stations and sub-stations and other works at a cost of 15
upwards of seven hundred thousand and fifty pounds:

And whereas the Company have issued share capital to the
amount of six hundred thousand pounds in sixty thousand
ordinary shares of ten pounds each and such shares are fully
paid up: 20

And whereas it is expedient that the Company should be
authorised to issue their unissued share capital or any part
thereof as ordinary shares or as preference shares with the
priorities rights liabilities privileges and preferences and on the
terms and conditions in this Order provided and to convert a 25
portion of the ordinary shares already issued into preference
shares but so that not more than one half of their share capital
shall consist of preference shares and also to form and maintain
sinking contingency or reserve funds for the further securing
of their preference shares and loan capital: 30

And whereas it is expedient that the agreement made
between the county council of the county of Lanark and the
Company contained in the schedule to this Order should be
confirmed and that further powers be conferred upon the Company
and such further provisions be made as are contained in this 35
Order:

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And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899: A.D. 1912.

5 Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

1. This Order may be cited for all purposes as the Clyde Valley Electrical Power Order 1912 and shall come into operation at the date of the passing of the Act confirming the same which date is herein-after referred to as “the commencement of this Order” and the Act of 1901 and the Act of 1904 and this Order may be cited together as the Clyde Valley Electrical Power Acts 1901 to 1912. Short title and commencement of Order.

2. Notwithstanding anything contained in the Act of 1901 and the Act of 1904 and the Acts incorporated therewith the following provisions shall apply to the creation and issue of the share capital of the Company (whether such capital be authorised as original or additional capital) and may be exercised by the Company by resolution passed at any general meeting of the Company called and held in accordance with the provisions of those Acts and the Acts incorporated therewith as amended by this Order:— Creation and issue of share capital by Company.

(1) The Company may create and issue any portion not exceeding in all one half of their authorised capital as preference shares with such rights liabilities privileges and preferences as they think fit Provided that the nominal amount of such preference shares shall not at any time exceed the nominal amount of capital issued as ordinary shares: 25

(2) The Company may provide that such preference shares shall be entitled to a cumulative preferential dividend or interest not exceeding the rate of six pounds per centum per annum and that if the profits of any half-year are not sufficient to pay such dividend or interest the deficiency shall be made good out of the profits of any subsequent half-year or any funds of the Company which may have been set aside for securing the payment of such dividend or interest: 30
35

(3) Such preference shares may from time to time be issued by the Company with such rights of priority and 40

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other rights in the distribution of the assets of the Company as the Company may think fit (including the right to repayment of the amount of preference capital at the time issued and paid up and of any arrears or deficiency of dividend thereon in priority 5 to the ordinary share capital) and the Company may provide that when the holders of such preference shares shall have received repayment in full of the amounts paid up by them and of any arrears or deficiency in the dividend which should have been 10 paid to them thereon they shall not in respect of such shares be entitled to any further participation in the assets of the Company :

- (4) The Company may on such terms and conditions as they think fit form and maintain special sinking 15 contingency or reserve funds for the purpose of securing the repayment in any distribution of the assets of the Company of any issue of preference shares of the Company and of the payment of any deficiency or arrears of dividend thereon and may 20 provide for half-yearly or other payments out of profits into such funds and for the application thereof to the payment of dividends on such issue of preference shares and to the purchase of such preference shares or of other securities or otherwise and for the 25 final distribution of such funds and they may appoint trustees to receive hold manage and apply such funds all on such terms and conditions and with such powers and immunities as the Company may prescribe : 30
- (5) All the preference shares of the Company whether new shares issued in terms of this section or ordinary shares converted into preference shares in terms of the next following section shall rank pari passu as regards dividend or interest the repayment of capital 35 and otherwise :
- (6) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any preference shares issued under the authority of this section : 40

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(7) The terms and conditions on which any preference shares are issued shall be clearly stated on the certificate of such shares. A.D. 1912.

3. The Company may if so authorised by a resolution of a majority of not less than four fifths of the holders of the ordinary shares of the Company present in person or by proxy at a general meeting duly called for that purpose convert into and issue as preference shares any number not exceeding one half of such issued ordinary shares in accordance with such resolution and with the provisions of the immediately preceding section but so that the shares of all the individual holders shall be dealt with proportionately Provided that the preference shares of the Company including any shares converted under this section shall not at any time exceed forty-five thousand preference shares of ten pounds each.

Conversion
of ordinary
shares into
preference
shares.

4. The provisions of section 21 (Power to borrow) of the Act of 1901 are hereby repealed and in lieu thereof the following provisions shall have effect: Power to borrow.

The Company may in respect of the capital of nine hundred thousand pounds which they are by the Act of 1901 authorised to raise from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole three hundred thousand pounds and of that sum they may borrow any sum or sums not exceeding one thousand pounds in respect of each three thousand pounds of such capital But no part of the before-mentioned sums of one thousand pounds shall be borrowed until shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 (herein-after in this Order called "the Clauses Act of 1845") before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ

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fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. 5

For appointment of a judicial factor.

5. The provisions of section 22 (For appointment of a judicial factor) of the Act of 1901 are hereby repealed and in lieu thereof the following provisions shall have effect: 10

The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor and in order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole. 15 20

Nothing in this section shall prejudice any appointment which may have been made or the continuance of any proceedings which may have been commenced prior to the commencement of this Order.

Sinking fund for mortgages.

6. The Company may on such terms and conditions as they think fit form and maintain sinking funds for the redemption of mortgages or apply to that purpose any of the funds of the Company (not appropriated to and required for any other purpose) or any authorised contingency funds and may appoint trustees to receive hold manage and apply such funds on such terms and conditions and with such powers and immunities as the Company may prescribe. 25 30

Power to pay commission on issue of capital &c.

7.—(1) Notwithstanding anything contained in the Act of 1901 or the Acts incorporated therewith the Company may issue any part of their capital which the Company are or may hereafter be authorised to raise to such persons on such terms and conditions (including the payment of commission not exceeding seven and one half per centum for underwriting or procuring subscriptions for any part of the capital of the Company) and in such manner as the directors think advantageous to the Company 35 40

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Provided that the payment of any commission and the amount or rate per centum of the commission paid or agreed to be paid shall be respectively disclosed in the prospectus or other document of the Company inviting subscriptions for such capital. A.D. 1912.

5 (2) Nothing in this section shall affect any power of the Company to pay brokerage.

8.—(1) The Company may subscribe for purchase take up hold and dispose of any shares or stock or any securities of and may lend money on mortgage bond or other security to any 10 authorised distributors as defined by the Act of 1901 other than local authorities to whom the Company are giving or have agreed or may agree to give a supply of electrical energy in bulk and any agreement for giving such supply may contain provisions with respect to the subscription for purchase and taking up by 15 the Company of any such shares stock or other securities or the lending of money by the Company as aforesaid.

Power to Company to hold securities &c. of certain companies and local authorities and to lend moneys.

(2) The Company may subscribe for purchase take up hold and dispose of any shares or stock or any securities of any company giving or agreeing to give to the Company a supply of 20 gas waste heat or other form of energy for the purposes of or in connexion with the generation of electrical energy or giving or agreeing to give to the Company a supply of electrical energy and may lend money on mortgage bond or other security to any such company.

25 (3) The amount subscribed expended or lent by the Company under the provisions of this section shall not at any time exceed one fifth of the amount of the capital of the Company at the time subscribed and paid up.

9. The Company may subscribe for purchase hold take up 30 and dispose of shares or stock in any company taking or agreeing to take a supply of electricity from the Company or who are establishing or are about to establish factories or electrical or other works within the area of supply of the Company and may lend money on mortgage bond or other security to any such company or 35 to any firm or person taking or agreeing to take such supply from the Company or who are establishing or are about to establish factories or electrical or other works within the area of supply Provided that the amount so subscribed and lent by the Company under this section shall not at any one time exceed seventy-five 40 thousand pounds.

Power to subscribe for shares or lend money to other undertakers.

- A.D. 1912. 10. The Company may for the purposes of or in connexion
 Company may incur temporary loans. with their business borrow moneys on temporary loans by means of overdrafts or otherwise and may draw accept and endorse bills of exchange or other negotiable instruments.
- As to qualification of directors. 11. Notwithstanding anything in the Clauses Act of 5
 1845 incorporated with the Act of 1901 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director cease from voting 10
 or acting as a director of the Company by reason of his accepting any such office or place of trust or profit under the Company or becoming interested in any such contract with the Company Provided that in the case of his being or becoming interested in any contract with the Company whether such 15
 interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his 20
 interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the 25
 directors or any of them any security by way of indemnity.
- Continuing directors. 12. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors of the Company holding office shall be less than the minimum number prescribed by section 26 (Number of 30
 directors) of the Act of 1901 the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below such minimum.
- Notice of candidature for office of director. 13. Except in the case of a director retiring by rotation and 35
 offering himself or being proposed for re-election no person shall be capable of being elected a director of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such person intends to 40

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offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the office of the Company fourteen days at least before the day of election. A.D. 1912.

5 14.—(a) The directors of the Company may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to the period for which he or they is or are to hold such office and may remove or dismiss him or them from office and appoint another or others in his or their place or places. As to appointment of managing director.

(b) A managing director shall not while he continues to hold that office be subject to retirement by rotation and he shall not be taken into account in determining the rotation of retirement of directors but if he cease to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(c) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(d) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may revoke withdraw alter or vary all or some of such powers Provided that the directors shall be responsible for the acts of any managing director acting under the powers of this subsection.

15. Section 74 (Notice of meetings to be given by advertisement) of the Clauses Act of 1845 incorporated with the Act of 1901 shall in its application to the Company be read and have effect as if the words "seven days" had been inserted in such section in lieu of the words "ten days." Alteration of notice of meetings.

16. Section 75 (Quorum for a general meeting) of the Clauses Act of 1845 incorporated with the Act of 1901 shall in its application to the Company be read and have effect as if the word "seven" had been inserted throughout such section in lieu of the word "twenty" and as if the expression "the capital of the Company" meant the issued capital of the Company. Alteration of quorum of general meetings.

A.D. 1912.
As to ap-
pointment
of proxies.

17. Notwithstanding anything in the Clauses Act of 1845 incorporated with the Act of 1901 it shall be lawful (1) for the attorney of any shareholder duly authorised in writing to appoint a proxy to vote for and on behalf of any such shareholder and for such purpose to execute on behalf of such shareholder the necessary form of proxy provided that the instrument appointing such attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing such proxy And (2) for any corporation holding shares in the Company to appoint as their proxy a person who is not himself a shareholder to vote for or on behalf of such corporation. 5 10

Joint
holders.

18. Notwithstanding anything contained in the Clauses Act of 1845 incorporated with the Act of 1901 where several persons are jointly entitled to and registered as holders of any share any one of such persons may vote at any meeting either personally or by proxy in respect of such share as if he were solely entitled thereto but if more than one of such joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of such share shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share stands shall for the purposes of this section be deemed joint holders thereof. 15 20 25

Confirmation
of agreement
in schedule.

19. The agreement as set forth in the schedule to this Order made between the county council of the county of Lanark and the Company is hereby confirmed and made binding on the parties thereto and shall be carried into effect according to the true intent and meaning thereof Except so far as may be necessary with a view to obtaining protection for the rights and interests of the Company under the said agreement that agreement shall not form a ground for the Company opposing the annexation to the city of Glasgow of any area to which that agreement may apply. 30 35

Payments by
county coun-
cil to Com-
pany.

20.—(1) The interest which by the Second Article of the Agreement set forth in the schedule to this Order is required to be paid to the Company by the county council of Lanarkshire shall not be held to be capital outlay in terms of the said Article and shall be defrayed out of the General Purposes 40

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rate for the current and the next succeeding financial year in A.D. 1912.
 the same manner as expenses incurred for the purposes of any
 Electric Lighting Order applicable within the limits of any
 special lighting district in the County of Lanark are required
 5 by section 3 of the Lanarkshire Electricity and Refuse Destruction
 Order 1903 to be defrayed.

(2) The sums borrowed by the county council for the
 repayments to the Company under the said Article shall be
 repaid within a period not exceeding twenty years from the
 10 respective dates when the expenditure in respect of which the
 repayments are made was incurred.

21. The Company may manufacture purchase hire sell let Power to
 on hire or otherwise deal with dynamos electric motors accumu- Company to
 lators meters burners arc and other lamps fittings wires plant supply fit-
 15 engines conductors machinery apparatus and appliances for or tings &c.
 in relation to the production supply distribution or utilisation
 of energy required for or in connexion with their electrical
 works and undertaking.

22. The Company may apply for or towards the purposes Power to
 20 of this Order to which capital is properly applicable any sums of apply funds.
 money which they have already raised or are authorised to
 raise under the authority of the Act of 1901 and the Act of
 1904.

23. All costs charges and expenses of and incident to the Costs of
 25 preparing for obtaining and passing of this Order and the Order.
 confirming Act or otherwise in relation thereto shall be paid by
 the Company.

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The SCHEDULE referred in to the foregoing Order.

AGREEMENT between the COUNTY COUNCIL OF THE COUNTY OF LANARK incorporated by Act of Parliament (herein-after called "the Council") of the first part and the CLYDE VALLEY ELECTRICAL POWER COMPANY incorporated by the 5 Clyde Valley Electrical Power Act 1901 and having its principal office at Number 53 Bothwell Street Glasgow (herein-after called "the Company") of the second part for the supply of electrical energy within the Electric Lighting Districts of Bellshill Bothwell Uddingston and Shettleston 10 and Tollcross.

WHEREAS the council by Provisional Orders confirmed by Parliament on the fourth day of August one thousand nine hundred and six obtained power to supply electricity within the lighting districts as therein defined of Bellshill Bothwell Uddingston and Shettleston and Tollcross : 15

And whereas the area within which the Company are authorised to supply electrical energy in bulk and for power purposes includes the areas of the said Provisional Orders :

And whereas the Company with the consent of the council have laid within the said districts or some of them low-tension distribution 20 systems in connexion with electric lighting and power supplies and are supplying current to consumers and entered into an agreement with the council of date twentieth and twenty-fifth March nineteen hundred and eight (herein-after referred to as the "Bulk Supply Agreement") :

And whereas the parties entered into another agreement of date the 25 third day of June and thirteenth day of October one thousand nine hundred and ten for the purpose of carrying out the council's statutory obligations and rights under the said Provisional Orders and have since arranged that that agreement should be modified so as to be in the terms herein set forth : 30

Therefore it is hereby agreed as follows :—

First This agreement shall come into force except in so far as herein otherwise provided as on the thirty-first day of December one thousand nine hundred and nine notwithstanding the dates hereof and shall subsist for a period of thirty years thereafter but it shall be in the 35 option of the council to terminate the agreement as regards any or all of the said districts as at the thirty-first day of December in either of the years one thousand nine hundred and nineteen or one thousand

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nine hundred and twenty-nine on giving to the Company six months' written notice of their intention so to do provided always and declaring as it is hereby expressly provided and declared :— A.D. 1912.

5 (1) That if the council exercises said option they shall notwithstanding during the remainder of the unexpired period of thirty years aforesaid continue to take in bulk from the Company the whole current required by them for the supplying of electricity for lighting and power purposes within the areas of supply under the said Orders of the district or districts specified in such notice or notices respectively and that at the price or prices and subject to the terms and conditions except as regards periodicity set forth in the Bulk Supply Agreement Provided that the right to appeal to an arbiter for a revision of prices conferred by Article Eleven of that agreement shall be exercised by either party only on the expiry of ten years from the coming into force of this agreement and thereafter on the expiry of each subsequent period of five years notice of the intention to appeal being given in every case within one month after such expiry Provided further that the said Bulk Supply Agreement shall not come into operation unless and until the council exercise the said option to terminate this agreement as regards any of the said districts in which event the said Bulk Supply Agreement shall come into operation as in this article provided in any districts regarding which such option has been exercised :

30 (2) That in the event of the council exercising the option hereinbefore conferred on them and of the Company being able to show that during the period of the subsistence of this agreement they have been at an actual loss in the working of this agreement within any one or more of said districts in respect of which said option has been exercised taking into account depreciation of the Company's plant for supplying such district or districts at seven per centum per annum on the cost thereof interest at five per centum per annum on the cost thereof and proportion of general oncost expenses they shall notwithstanding such exercise be entitled to claim an extension of this agreement within such district or districts for such period as will in the opinion of an arbiter (failing agreement) be sufficient to recoup the Company for such loss but the loss in one district shall be recouped only by an extension in that district and such extension shall in no case exceed ten years and the other terms of this agreement shall apply :

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A.D. 1912. (3) That on the termination of this agreement quoad each of the
said districts respectively the obligations of the Company
under all the succeeding articles hereof except the eighth
and last articles shall be determined quoad each such
district but shall remain in force quoad the other districts. 5

Second The council shall repay to the Company the capital outlay
properly expended and duly vouched by them to the date when this
agreement shall come into force on low-tension distribution systems in
connexion with public and private lighting supplies and power users
from such systems within the said districts with interest thereon at 10
the rate of four per centum per annum from the respective dates of
disbursement until repaid by the council and shall provide any further
capital outlay which may with the approval of the council in writing
under the hand of the county clerk be so expended by the Company.

Third The Company shall during the subsistence of this agree- 15
ment and any extension thereof as herein-before provided pay to the
council as aftermentioned an annual return of five and a half per
centum per annum on such capital outlay and interest thereon paid to
the Company and that at two dates in the year viz. on the fifteenth
day of May and the eleventh day of November for the period preceding 20
with interest thereon at five per centum per annum from the date
of payment till paid.

Fourth The annual return required to be paid under Article
Third hereof shall be held to accrue as follows:—

- (1) In the cases of Bellshill and Shettleston from the date on which 25
the capital sum under Article Second hereof is repaid by
the council to the Company; and
- (2) In the case of the remaining districts from the expiry of two
years from the first date of payment of the capital sums to
be provided by the council for these districts respectively. 30

The above dates shall apply to the moneys already expended in the
several districts On all moneys subsequently expended in any of the
districts the return shall be calculated from the dates on which they
are respectively paid by the council but in no case earlier than the
dates above specified The first proportional payment to the council 35
shall in each case be made on the fifteenth day of May or the eleventh
day of November first occurring after the return shall commence to
accrue as herein-before provided for the period to that date.

Fifth If at any time after the expiry of the first twelve years of
the subsistence of this agreement the revenue received from the opera- 40
tion of the said low-tension systems after the annual return payable to the
council and any payments under Article Ninth hereof and the actual

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works cost at the generating station of the Company and the distribution and development expenses of the electricity sold through the said low-tension systems are deducted be shown to exceed a sum representing ten per centum on the capital expended by the Company on
 5 the proportion of generating plant distributing mains and sub-station equipment necessary in connexion with the said low-tension systems plus an allowance of ten per centum of the gross revenue received from such low-tension system for management expenses the council shall be entitled to share equally with the Company in the nett
 10 excess and the Company shall account for and pay the same to the council.

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Sixth The Company shall during the subsistence of this agreement maintain the systems in good and substantial repair and at its natural or earlier or later termination shall hand over the same to the
 15 council in sound working order.

Seventh The Company shall work the systems so as to avoid any contravention of the provisions and conditions of the Orders or the Electric Lighting Acts 1882 to 1909 or any rules or byelaws made thereunder by the Board of Trade or any contravention omission or
 20 failure which might entail the cancelling of the Orders or any of them or prejudicing the council's rights thereunder and in particular but without prejudice to the foregoing generality they shall during the subsistence of this agreement or any extension thereof as herein-before provided unless prevented by causes beyond the control of the Company afford at all
 25 times during both day and night a sufficient and satisfactory supply to the satisfaction of the arbiter after referred to of electricity for all purposes capable of being afforded by the said low-tension systems within the several districts and in the event of their failing to do so or to comply with any of their obligations under this agreement the
 30 council shall unless such failure or non-compliance is due to causes beyond the control of the Company have the right to terminate this agreement on one month's written notice without compensation but without prejudice to any claim for damages which the council may have
 35 against the Company for such contravention omission failure or non-compliance Declaring that these provisions are in favour of the council only and that it shall not be competent for third parties to found upon the same Provided that insufficiency of moneys required in connexion with the undertaking shall not be held to be a cause beyond the control of the Company.

40 Eighth The whole property and interest in the said low-tension systems so far as paid for by the council shall be held to pass to and be vested in the council as at the date or dates when the cost thereof shall be repaid or provided as aforesaid by the council and at the

A.D. 1912. termination of this agreement or at the termination of any extended period of working as herein-before provided the council shall be entitled at their option to take over from the Company at a price failing agreement to be fixed by arbitration the whole machinery plant and others comprising or connected with the said low-tension systems on the low-tension side of the Company's sub-stations supplying the said low tension systems in so far as not already acquired by them and the Company shall if and when called upon to do so be bound to grant all deeds necessary for transmitting to and fully vesting the said low-tension systems or any part thereof in the council and to grant all necessary conveyances of the titles to the subjects on or in which the said low-tension systems shall have been erected or laid including wayleaves but the expense of such deeds and conveyances shall be borne by the council.

Ninth Notwithstanding that under Article Eighth hereof the property of the undertakings in the said districts shall be vested as aforesaid in the council the Company shall during the subsistence of this agreement remain liable for and shall defray or repay to the council all rents feu-duties and duplications thereof payments for wayleave rates taxes and public burdens in respect of such property so far as in the possession of the Company.

Tenth The council shall have right at all reasonable times to enter or inspect by themselves or by their employees or others duly authorised by them the sub-stations transformer stations mains and others and to examine the books and accounts of the Company for the purposes of Article Fifth hereof and to call for all necessary vouchers.

Eleventh The Company will use their best endeavour in their reasonable discretion to extend and develop the use of electricity for lighting and domestic purposes and shall not without the consent of the council which shall not be unreasonably withheld charge to individual consumers in said Districts a higher price or prices than fifty per centum of the rates specified in the schedule to the said Provisional Orders But this provision shall not apply to standby or other special supplies.

Twelfth The Company during the subsistence of this agreement and any extension as aforesaid shall free and relieve the council from any claims or liabilities for any accidents penalties or claims for damages at the instance of employees or consumers or third parties caused incurred or arising in the construction or operation under this agreement of the said low-tension systems or connected therewith or from the default of the Company or its employees Declaring that these provisions are in favour of the council only and that it shall not be competent for third parties to found upon the same.

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Thirteenth The Company shall provide the council with an inventory of and large scale maps showing the distribution system and said inventory and maps shall be kept up to date by the Company. A.D. 1912.

5 Fourteenth Subject always to the due fulfilment by the council of their obligations under the said Provisional Orders the Company may exercise such of the powers privileges and exemptions under the said Provisional Orders in connexion with the laying repairing and renewing of the said low-tension systems and the recovery of charges from consumers as may be necessary for the effectual carrying out of this agreement during its subsistence When desired by the Company the council shall from time to time give all such statutory and other notices to third parties as the Company may deem necessary for the proper carrying out of this agreement and shall at the expense of the Company afford the Company all proper facilities for enforcing said notices and the Council's statutory rights privileges and exemptions under said Orders by legal action arbitration or otherwise as the circumstances may require.

20 Fifteenth The terms of this agreement shall be applied to the Blantyre Electric Lighting Order District at such time as the council and the Company may mutually agree as to the same.

25 Sixteenth This agreement is subject to such alterations as Parliament or the Secretary for Scotland may think fit to make thereon but if any alteration shall be so made which in the opinion of either party is material either party may withdraw from the same.

30 Lastly Any question or dispute arising under this agreement or any matter referred to an arbiter hereunder shall be determined by an arbiter to be mutually agreed upon or failing agreement to be appointed by the Board of Trade.

35 In witness whereof these presents written on this and the seven preceding pages are executed by the parties as follows viz. They are sealed with the seal of the council and subscribed for and on behalf thereof by Robert Lambie and James Prentice two of the members thereof and Thomas Munro county clerk all at Hamilton on the twenty-fifth day of March one thousand nine hundred and twelve before these witnesses Robert Lile and Duncan James Black both clerks in the county office there and they are sealed with the seal of the Company and subscribed for and on their behalf by James Mackenzie a director thereof at Glasgow on the twenty-sixth day of the month and year last mentioned before these witnesses John Hunter Wallace and Alexander Douglas Dickson both clerks to Messieurs Wright

A.D. 1912.

Johnston and Mackenzie writers in Glasgow and by Frederick Crombie Gardiner also a director and Harry Edmund Ferguson the secretary thereof also at Glasgow on the date last mentioned before these witnesses Alfred Graham Hislop and James Murray McConnachie both clerks to the Company Declaring that the 5
word "such" occurring on the twenty-first line of page second and the word "taxes" occurring on the eleventh line of page sixth hereof are both written upon erasures and that the word "said" occurring on page second hereof is interlined so as to read between the words "which" and "option" on line twenty- 10
sixth all before subscription.

ROBERT LILE Witness.

DUNCAN J. BLACK Witness.

ROBERT LAMBIE.

JAMES PRENTICE.

THOS. MUNRO County Clerk.



Seal of
County
Council.

J. H. WALLACE Witness.

A. DOUGLAS DICKSON Witness.

JAMES MACKENZIE Director.

15

A. G. HISLOP Witness.

JAS. M. MACCONNACHIE Witness.

F. C. GARDINER Director.

H. E. FERGUSON Secretary.



Seal of
Company.

**Clyde Valley Electrical Power Order
Confirmation Bill. [H.L.]**

A M E N D M E N T S .

TO BE MOVED ON THIRD READING

BY

THE LORD WILLINGDON.

Schedule, clause 20, page 10, line 40, leave out from (“defrayed”) to the end of sub-clause (1) and insert (“during the current and the next two successive financial years out of the general purposes rate authorised by the Lanarkshire Electricity and Refuse Destruction Order 1903 to be levied within the respective special Lighting Districts named in the said agreement”)

page 11, line 9, leave out from (“within”) to end of clause and insert (“such period not exceeding twenty-five years as the Secretary for Scotland may approve”)

(119 a)

**Clyde Valley Electrical
Power Order
Confirmation Bill.**
[H.L.]

A M E N D M E N T S

TO BE MOVED ON THIRD READING

BY

THE LORD WILLINGDON.

30th July 1912.

L O N D O N :

PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE,
To be purchased, either directly or through any Bookseller, from
WYMAN and BONS, LTD., Fetter Lane, E.C.4; and
32, Abingdon Street, S.W.; or
QUYERS and BOYD, Tweeddale Court, Edinburgh; or
E. FORSONY, LTD., 116, Grafton Street, Dublin.
Printed by **EYRE and SPOTTISWOOD, LTD.,**
EAST HARDING STREET, E.C.4,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

[Price 3d.]

(119 a)

Coal Mines (Minimum Wage) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Minimum wage for workmen employed underground in coal mines.
2. Settlement of minimum rates of wages and district rules.
3. Revision of minimum rates of wages and district rules.
4. Provision for bringing Act into operation, &c.
5. Interpretation, and provision as to chairman.
6. Short title and duration.

SCHEDULE.

100
100

A

B I L L

INTITULED

An Act to provide a Minimum Wage in the case of Workmen employed underground in Coal Mines (including Mines of Stratified Ironstone), and for purposes incidental thereto. A.D. 1912.

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

- 5 **1.**—(1) It shall be an implied term of every contract for the employment of a workman underground in a coal mine that the employer shall pay to that workman wages at not less than the minimum rate settled under this Act and applicable to that workman, unless it is certified in manner provided by
- 10 the district rules that the workman is a person excluded under the district rules from the operation of this provision, or that the workman has forfeited the right to wages at the minimum rate by reason of his failure to comply with the conditions with respect to the regularity or efficiency of the work to be
- 15 performed by workmen laid down by those rules; and any agreement for the payment of wages in so far as it is in contravention of this provision shall be void.

Minimum wage for workmen employed underground in coal mines.

For the purposes of this Act, the expression "district rules" means rules made under the powers given by this Act

20 by the joint district board.

(2) The district rules shall lay down conditions, as respects the district to which they apply, with respect to the exclusion from the right to wages at the minimum rate of aged workmen and infirm workmen (including workmen partially disabled by

25 illness or accident), and shall lay down conditions with respect

A.D. 1912. to the regularity and efficiency of the work to be performed by the workmen, and with respect to the time for which a workman is to be paid in the event of any interruption of work due to an emergency, and shall provide that a workman shall forfeit the right to wages at the minimum rate if he does not comply with conditions as to regularity and efficiency of work, except in cases where the failure to comply with the conditions is due to some cause over which he has no control.

The district rules shall also make provision with respect to the persons by whom and the mode in which any question whether any workman in the district is a workman to whom the minimum rate of wages is applicable, or whether a workman has complied with the conditions laid down by the rules, or whether a workman who has not complied with the conditions laid down by the rules has forfeited his right to wages at the minimum rate is to be decided, and for a certificate being given of any such decision for the purposes of this section.

(3) The provisions of this section as to payment of wages at a minimum rate shall operate as from the date of the passing of this Act, although a minimum rate of wages may not have been settled, and any sum which would have been payable under this section to a workman on account of wages if a minimum rate had been settled may be recovered by the workman from his employer at any time after the rate is settled.

Settlement
of minimum
rates of
wages and
district rules.

2.—(1) Minimum rates of wages and district rules for the purposes of this Act shall be settled separately for each of the districts named in the Schedule to this Act by a body of persons recognised by the Board of Trade as the joint district board for that district.

Nothing in this Act shall prejudice the operation of any agreement entered into or custom existing before the passing of this Act for the payment of wages at a rate higher than the minimum rate settled under this Act, and in settling any minimum rate of wages the joint district board shall have regard to the average daily rate of wages paid to the workmen of the class for which the minimum rate is to be settled.

(2) The Board of Trade may recognise as a joint district board for any district any body of persons, whether existing at the time of the passing of this Act or constituted for the purposes of this Act, which in the opinion of the Board of

Trade fairly and adequately represents the workmen in coal mines, in the district and the employers of those workmen, and the chairman of which is an independent person appointed by agreement between the persons representing the workmen and employers respectively on the body, or in default of agreement by the Board of Trade.

A.D. 1912.

The Board of Trade may, as a condition of recognizing as a joint district board for the purposes of this Act any body the rules of which do not provide for securing equality of voting power between the members representing workmen and the members representing employers and for giving the chairman a casting vote in case of difference between the two classes of members, require that body to adopt any such rule as the Board of Trade may approve for the purpose, and any rule so adopted shall be deemed to be a rule governing the procedure of the body for the purposes of this Act.

(3) The joint district board of a district shall settle general minimum rates of wages and general district rules for their district (in this Act referred to as general district minimum rates and general district rules), and the general district minimum rates and general district rules shall be the rates and rules applicable throughout the whole of the district to all coal mines in the district and to all workmen or classes of workmen employed underground in those mines, other than mines to which and workmen to whom a special minimum rate or special district rules settled under the provisions of this Act is or are applicable, or mines to which and workmen to whom the joint district board declare that the general district rates and general district rules shall not be applicable pending the decision of the question whether a special district rate or special district rules ought to be settled in their case.

(4) The joint district board of any district may, if it is shown to them that any general district minimum rate or general district rules are not applicable in the case of any group or class of coal mines within the district, owing to the special circumstances of the group or class of mines, settle a special minimum rate (either higher or lower than the general district rate) or special district rules (either more or less stringent than the general district rules) for that group or class of mines, and any such special rate or special rules shall be the rate or rules applicable to that group or class of mines

A.D. 1912. instead of the general district minimum rate or general district rules.

(5) For the purpose of settling minimum rates of wage the joint district board may subdivide their district into two parts or, if the members of the joint district board representing the workmen and the members representing the employers agree, into more than two parts, and in that case each part of the district as so subdivided shall, for the purpose of the minimum rate, be treated as the district.

(6) For the purpose of settling district rules, any joint district boards may agree that their districts shall be treated as one district, and in that case those districts shall be treated for that purpose as one combined district, with a combined district committee appointed as may be agreed between the joint district boards concerned, and the chairman of such one of the districts forming the combination as may be agreed upon between the joint district boards concerned, or, in default of agreement, determined by the Board of Trade, shall be the chairman of the combined district committee.

Revision of
minimum
rates of
wages and
district rules.

3.—(1) Any minimum rate of wages or district rules settled under this Act shall remain in force until varied in accordance with the provisions of this Act.

(2) The joint district board of a district shall have power to vary any minimum rate of wages or district rules for the time being in force in their district—

(a) at any time by agreement between the members of the joint district board representing the workmen and the members representing the employers; and

(b) after one year has elapsed since the rate or rules were last settled or varied, on an application made with three months' notice given after the expiration of the year by any workmen or employers, which appears to the joint district board to represent any considerable body of opinion amongst either the workmen or the employers concerned;

and the provisions of this Act as to the settlement of minimum rates of wages or district rules shall, so far as applicable, apply to the variation of any such rate or rules.

4.—(1) If within two weeks after the passing of this Act a joint district board has not been recognised by the Board of Trade for any district, or if at any time after the passing of this Act any occasion arises for the exercise or performance in any district of any power or duty under this Act by the joint district board, and there is no joint district board for the district, the Board of Trade may either forthwith or after such interval as may seem to them necessary or expedient, appoint such person as they think fit to act in the place of the joint district board, and, while that appointment continues, this Act shall be construed, so far as respects that district, as if the person so appointed were substituted for the joint district board. The Board of Trade in any such case where it appears to them that the necessity for the exercise of their powers under this provision arises from the failure of the employers to appoint members to represent employers on a board when the workmen are willing to appoint members to represent workmen, or from the failure of the workmen to appoint members to represent workmen on a board when the employers are willing to appoint members to represent employers, may, if they think fit, instead of appointing a person to act in place of the joint district board, appoint such persons as they think fit to represent the employers or the workmen, as the case may be, who have failed to appoint members to represent them; and in that case the members so appointed by the Board of Trade shall be deemed to be members of the board representing employers or workmen as the case requires.

(2) If the joint district board within three weeks after the time at which it has been recognised under this Act for any district fail to settle the first minimum rates of wages and district rules in that district, or if the joint district board, within three weeks after the expiration of a notice for an application under this Act to vary any minimum rate of wages or district rules fail to deal with the application, the chairman of the joint district board shall settle the rates or rules or deal with the application, as the case may be, in place of the joint district board, and any minimum rate of wages or district rules settled by him shall have the same effect for the purposes of this Act as if they had been settled by the joint district board:

Provided that, if the members of the joint district board representing the workmen and the members representing the employers agree, or if the chairman of the district board

A.D. 1912.
Provision
for bringing
Act into
operation,
&c.

A.D. 1912. — directs, that a specified period longer than three weeks shall for the purposes of this subsection be substituted for three weeks, this subsection shall have effect as if that specified period were therein substituted for three weeks.

Interpretation, and provision as to chairman.

5.--(1) In this Act—

5

The expression “coal mine” includes a mine of stratified ironstone ;

The expression “workman” means any person employed in a mine below ground who is not a person employed solely in surveying or measuring, or is not a manager 10 or under-manager of the mine or an official of the mine who is recognised by the joint district board as being in the position of a workman or a person employed as mechanic.

(2) If it is thought fit by any persons when appointing a 15 chairman for the purposes of this Act, or by the Board of Trade when so appointing a chairman, the office of chairman may be committed to three persons, and in that case those three persons acting by a majority shall be deemed to be the chairman for the purposes of this Act. 20

Short title and duration.

6.—(1) This Act may be cited as the Coal Mines (Minimum Wage) Act, 1912.

(2) This Act shall continue in force for three years from the date of the passing thereof and no longer, unless Parliament shall otherwise determine. 25

SCHEDULE.

A.D. 1912.

DISTRICTS.

	Northumberland.
	Durham.
5	Cumberland.
	Lancashire and Cheshire.
	South Yorkshire.
	West Yorkshire.
	Cleveland.
10	Derbyshire (exclusive of South Derbyshire).
	South Derbyshire.
	Nottinghamshire.
	Leicestershire.
	Shropshire.
15	North Staffordshire.
	South Stafford (exclusive of Cannock Chase) and East Worcestershire.
	Cannock Chase.
	Warwickshire.
20	Forest of Dean.
	Bristol.
	Somerset.
	North Wales.
	South Wales, including Monmouth.
25	The mainland of Scotland.

Where a mine, though situate in one of these districts, has for industrial purposes been customarily dealt with in the same manner as a mine situate in an adjoining district, that mine shall for the purposes of this Act be treated as situate in the latter district, if the
30 joint district boards of the two districts so agree.

**Coal Mines
(Minimum Wage).**

A

B I L L

INTITLED

An Act to provide a Minimum Wage in the case of Workmen employed underground in Coal Mines (including Mines of Stratified Ironstone), and for purposes incidental thereto.

(Brought from the Commons 26th March 1912.)

Ordered to be printed 26th March 1912.

LONDON:

PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.
To be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Peter Lane, E.C., and
32, Abingdon Street, S.W., or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
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EAST HARING STREET, E.C.,
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(26)

Coal Mines (Minimum Wages) Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE BISHOP OF ST. ASAPH.

After clause 3, insert the following new clause :

4. If any question relating to the cessation of work or the proposed cessation of work in or about a coal mine for the purpose of altering or modifying the terms or conditions of employment is referred by any persons or association of persons interested to the vote of workmen concerned, a ballot of all the workmen concerned shall be taken in accordance with regulations made by the Board of Trade, and the Board in making such regulations shall apply, with such adaptations and modifications as may be necessary for the purpose of securing the secrecy of the voting, the provisions of the Ballot Act, 1872.

(26 a)

Coal Mines (Minimum Wages) Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE BISHOP OF ST. ASAPH.

27th March 1912.

LONDON :

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EAST HARDING STREET, E.C.

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[Price ½d.]

(26 a)

Coal Mines (Minimum Wage) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE EARL GREY.

Clause 1, page 2, line 20, after (“ shall ”) insert (“ subject to an agreement between the employer and workmen in any mine modifying, as respects the workmen being parties to such agreement, the provisions of this subsection ”)

line 22, after (“ and ”) insert (“ any such agreement as aforesaid subject to ”)

Clause 2, page 2, line 35, after (“ regard ”) insert (“ amongst other matters ”)

BY THE EARL OF CAMPERDOWN.

Clause 2, page 2, line 34, leave out from (“ Act ”) to the end of the subsection.

BY THE LORD PRIVY SEAL (*M. Crewe*).

Clause 4, page 5, line 42, after the second (“ the ”) insert (“ joint ”)

Clause 5, page 6, line 8, leave out lines 8 to 14, and insert (“ The expression ‘ workman ’ means any person employed in a coal mine below ground other than—

“ (a) a person so employed occasionally or casually only ; or

“ (b) a person so employed solely in surveying or measuring ;

“ or

“ (c) a person so employed as mechanic ; or

“ (d) the manager or any under-manager of the mine ; or

“ (e) any other official of the mine whose position in the mine

“ is recognised by the joint district board as being a

“ position different from that of a workman ”)

(26 b)

**Coal Mines (Minimum
Wage) Bill.**

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE EARL GREY,

THE EARL OF CAMPERDOWN

AND

THE LORD PRIVY SEAL (*M. Crewe*).

27th March 1912.

LONDON:

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EAST HARDING STREET, E.C.4.

PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

[*Price 3d.*]

(26 b)

A

B I L L

INTITULED

An Act to apply a sum out of the Consolidated Fund A.D. 1912.
to the service of the year ending on the thirty-first
day of March one thousand nine hundred and thirteen,
and to appropriate the Supplies granted in this Session
of Parliament.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Com-
mons of the United Kingdom of Great Britain and Ireland
in Parliament assembled, towards making good the supply which
5 we have cheerfully granted to Your Majesty in this session of
Parliament, have resolved to grant unto Your Majesty the sum
herein-after mentioned; and do therefore most humbly beseech
Your Majesty that it may be enacted; and be it enacted by the
King's most Excellent Majesty, by and with the advice and
10 consent of the Lords Spiritual and Temporal, and Commons, in
this present Parliament assembled, and by the authority of the
same, as follows:—

GRANTS OUT OF CONSOLIDATED FUND.

1. The Treasury may issue out of the Consolidated Fund of Issue of
92,847,343l.
out of the
Consolidated
Fund.
15 the United Kingdom of Great Britain and Ireland, and apply
towards making good the supply granted to His Majesty for the
service of the year ending on the thirty-first day of March one
thousand nine hundred and thirteen the sum of ninety-two million
eight hundred and forty-seven thousand three hundred and forty-
20 three pounds.

2.—(1) The Treasury may borrow from any person, by the Power for
the Treasury
to borrow.
issue of Treasury Bills or otherwise, and the Bank of England
and the Bank of Ireland may advance to the Treasury on the

A.D. 1912. credit of the said sums, any sum or sums not exceeding in the whole ninety-two million eight hundred and forty-seven thousand three hundred and forty-three pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March one thousand nine hundred and thirteen and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict.
c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Act mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of one hundred and fifty-two million one hundred and sixty thousand five hundred and sixty pounds are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A.), for the services and purposes expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

54 & 55 Vict.
c. 24.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B.) annexed hereto, the sums respectively set forth in the last column of the said schedule.

4.—(1) So long as the aggregate expenditure on naval and military services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

A.D. 1912.
Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval and military services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Act, 1910, and the Appropriation Act, 1911, surpluses arising on certain votes for the naval and military services respectively have been temporarily applied as shown in the accounts set out in Schedule (C.) to this Act:

Sanction for navy and army expenditure for 1910-1911 unprovided for.
10 Edw. 7. & 1 Geo. 5. c. 14.
1 & 2 Geo. 5. c. 15.

It is enacted that the application of those surpluses as shown in the said accounts is hereby sanctioned.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by such warrant:

Declaration required in certain cases before receipt of sums appropriated.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Treasury may dispense with the production of more than one declaration in respect of each quarter.

4 *Consolidated Fund (Appropriation)*. [2 & 3 GEO. 5.]

A.D. 1912. Any person who makes a declaration for the purpose of this
— section, knowing the same to be untrue in any material particular,
shall be guilty of a misdemeanor.

Short title. **7.** This Act may be cited for all purposes as the Appropriation
Act, 1912. 5

A B S T R A C T
OF
SCHEDULES (A.) and (B.) to which this Act refers.

A.D. 1912.

SCHEDULE (A.)

5	Grants out of the Consolidated Fund - - -	£	s.	d.	152,160,560 0 0
---	---	---	----	----	-----------------

SCHEDULE (B.)—APPROPRIATION OF GRANTS.

		Sums not exceeding					
		Supply Grants.			Appropriations in Aid.		
10	1910-1911-1912.	£	s.	d.	£	s.	d.
	Part 1. Navy Excesses, 1910-1911	100	0	0	28,795	10	10
	„ 2. Civil Services (Supplementary), 1911-1912 -	241,017	0	0	27,190	0	0
15	£	241,117	0	0	55,985	10	10
1912-1913.							
	„ 3. Navy - - - -	45,075,400	0	0	1,863,892	0	0
	„ 4. { Army - - - -	27,860,000	0	0	3,414,165	0	0
20	„ 4. { Army (Ordnance Factories) - - - -	100	0	0	2,923,000	0	0
	£	72,935,500	0	0	8,201,057	0	0
	„ 5. Civil Services, Class I. -	3,831,430	0	0	125,263	0	0
	„ 6. Ditto, Class II. -	4,182,144	0	0	828,481	0	0
	„ 7. Ditto, Class III. -	4,621,535	0	0	851,101	0	0
25	„ 8. Ditto, Class IV. -	19,705,454	0	0	30,774	0	0
	„ 9. Ditto, Class V. -	2,142,768	0	0	138,366	0	0
	„ 10. Ditto, Class VI. -	13,014,564	0	0	---	---	---
	„ 11. Ditto, Class VII. -	380,699	0	0	7,250	0	0
	„ 12. Ditto, Class VIII. -	3,042,669	0	0	202,500	0	0
30	TOTAL CIVIL SERVICES £	50,921,263	0	0	2,183,735	0	0
	„ 13. Revenue Departments, } &c. - - - } £	28,062,680	0	0	734,963	0	0
	GRAND TOTAL - £	152,160,560	0	0	11,175,740	10	10

A.D. 1912.
 SCHED. (A.)

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.	
For the service of the years ended on the 31st day of March 1911 and 1912 :—				
Under Act 2 Geo. 5. c. 1 - - - -	241,117	0	0	5
For the service of the year ending on the 31st day of March 1913 :—				
Under Act 2 Geo. 5. c. 1 - - - -	59,072,100	0	0	
Under this Act - - - - -	92,847,343	0	0	
TOTAL - - - - -	152,160,560	0	0	10

SCHED. (B.)
 PART 1.
 Navy
 Excesses,
 1910-1911

SCHEDULE (B.)—PART 1.

NAVY EXCESSES, 1910-1911.

	Sums not exceeding				15	
	Supply Grants.		Appropriations in Aid.			
	£	s.	d.	£	s.	d.
SUM granted to make good Excesses of Navy Expenditure beyond the Grants for the year ended on the 31st day of March 1911 - - - - -	100	0	0	28,795	10	10

SCHEDULE (B.)—PART 2.

CIVIL SERVICES (SUPPLEMENTARY), 1911–1912.

A.D. 1912.

SCHED. (B.)
PART 2.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1912, viz.:—

Civil Services
(Supple-
mentary),
1911–1912.

CIVIL SERVICES.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
CLASS II.		£	£
10	For the Salaries and Expenses in the Offices of the House of Commons - - - - -	10	940
15	For the Salaries and Expenses of the Board of Agriculture and Fisheries, and of Royal Botanic Gardens, Kew, including certain Grants in Aid - - - - -	11,400	18,105
20	For Stationery, Printing, Paper, Binding and Printed Books for the Public Service, for the Salaries and Expenses of the Stationery Office, and for Sundry Miscellaneous Services, including Reports of Parliamentary Debates -	47,000	2,000
25	For the Salaries and Expenses of the Department of Agriculture and other Industries and Technical Instruction for Ireland, and of the Services administered by that Department -	5	6,645
	For the Salaries and Expenses of the Local Government Board, Ireland, and to enable it to make good certain Statutory advances -	50,000	—
CLASS III.			
30	For certain Miscellaneous Legal Expenses - -	1,000	—
	For such of the Salaries and Expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund - - - - -	1,600	—
35	For the Salaries and Expenses of the Establishment of the Crofters Commission - - -	120	—
	For the Salaries and Expenses of the Commissioner of Police, the Police Courts, and Metropolitan Police Establishment of Dublin -	3,500	*—500
40	Carried forward - - - £	114,635	27,190

* Deficit.

A.D. 1912. SCHED. (B.) PART 2. Civil Services (Supple- mentary), 1911-1912.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	114,635	27,190 5
CLASS IV.		
For the Salaries and Expenses of the National Gallery, including a Grant in Aid for the Purchase of Pictures - - - - -	17,776	—
For the Salaries and Expenses of the National Portrait Gallery - - - - -	40	— 10
For Public Education in Scotland, and for Science and Art in Scotland - - - - -	15,000	—
CLASS V.		
For making good the net loss on transactions connected with the raising of money for the various Treasury Chests Abroad in the year 1910-1911 - - - - -	42,666	— 15
CLASS VII.		
For Expenditure in connection with International Exhibitions (including a Grant in Aid of the Expenses of the Royal Commission for the Brussels, Rome, and Turin Exhibitions) - -	19,300	— 20
For a Grant in Aid of the Expenses incurred on account of the Coronation of His Majesty the King, including the State Visits to Ireland, Wales and Scotland - - - - -	10	— 25
CLASS VIII.		
For the Salaries and Expenses of the Offices of the Insurance Commissioners in England, Wales, Scotland and Ireland, and of the Joint Committee - - - - -	31,590	— 30
TOTAL - - - £	241,017	27,190

SCHEDULE (B.)—PART 3.

A.D. 1912.
 SCHED. (B.)
 PART 3.
 Navy.

NAVY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1913; viz. :—

No.	Description	Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
10	1. For wages, &c. to 137,500 officers, seamen, and boys, coastguard, and royal marines (including an additional number of 1,500 men and boys, and an additional sum of 60,000 <i>l.</i>) - - - - -	7,687,000	174,500
15	2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad (including an additional sum of 54,000 <i>l.</i>) - - - - -	2,682,100	731,337
20	3. For medical services, including the cost of medical establishments at home and abroad	269,900	20,065
	4. For martial law - - - - -	3,500	100
	5. For educational services - - - - -	152,500	66,385
25	6. For scientific services - - - - -	72,000	31,789
	7. For the royal naval reserve, the royal fleet reserve (including seamen pensioner reserve), and the royal naval volunteers, &c.	426,700	9,732
30	8. Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad (including an additional sum of 35,000 <i>l.</i>) - - - - -	3,528,800	22,000
35	„ Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - - - -	5,076,800	380,300
40	„ Sect. 3. For contract work for shipbuilding, repairs, &c. (including an additional sum of 611,000 <i>l.</i>) - - - - -	13,666,600	175,000
	Carried forward - £	33,565,900	1,611,208

A.D. 1912.
 SCHED. (B.)
 PART 3.
 [Navy.

	Sums not exceeding		
	Supply Grants.	Appropriations in Aid.	
	£	£	
Brought forward -	33,565,900	1,611,208	5
No. 9. For naval armaments (including an additional sum of 200,000L.) - - - - -	4,119,000	145,700	
10. For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith (including an additional sum of 30,000L.) -	3,545,000	32,000	10
11. For various miscellaneous effective services	532,000	13,386	
12. For the Admiralty Office - - - - -	428,500	8,850	15
13. For half-pay, and retired pay to officers of the navy and marines - - - - -	955,800	21,412	
14. For naval and marine pensions, gratuities, and compassionate allowances - - - - -	1,516,200	30,926	
15. For civil superannuation, compensation allowances, and gratuities - - - - -	413,000	410	20
TOTAL NAVY SERVICES - £	45,075,400	1,863,892	

SCHEDULE (B.)—PART 4.

A.D. 1912.

SCHED. (B.)

PART 4.

Army.

ARMY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1913; viz. :—

10 No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	1. For the pay, &c. of His Majesty's Army (including Army Reserve to a number not exceeding 139,000) at home and abroad (exclusive of India) - - -	8,536,000	1,354,000
15	2. For the pay, &c. of the medical establishments and for medicines, &c. - - -	436,000	1,700
20	3. For the pay, bounty, &c. of the Special Reserve (to a number not exceeding 91,363, including 1,300 militia and 150 militia reserve) and of the Officers' Training Corps - - - - -	715,000	6,600
25	4. For grants, pay, allowances, training, and miscellaneous charges of the Territorial Force (not exceeding 319,673 men, including 5,000 Territorial Force Reserve), and Channel Islands and Colonial Militia, including the expense of permanent staff -	2,780,000	4,800
	5. For establishments for military education -	142,000	89,100
	6. For quartering, transport, and remounts -	1,624,000	67,000
30	7. For supplies and clothing - - - -	4,275,000	198,500
	8. For the Ordnance Department establishments and for general stores - - - -	615,000	220,000
	9. For armaments, aviation and engineer stores, including technical committees - -	1,718,000	325,000
35	10. For works, buildings, and repairs, lands, and miscellaneous engineer services, including staff in connection therewith - -	2,602,000	106,900
	Carried forward - £	23,443,000	2,373,600

A.D. 1912.
 SCHED. (B.)
 PART 4.
 Army.

		Sums not exceeding		
		Supply Grants.	Appropriations in Aid.	
		£	£	
	Brought forward	23,443,000	2,373,600	5
No.	11. For miscellaneous effective services	72,000	950	
	12. For the War Office	440,000	560	
	13. For rewards; half-pay; retired pay; widows' pensions; and other non-effective charges for officers	1,843,000	515,000	10
	14. For Chelsea and Kilmainham hospitals; for out pensions; for rewards for distinguished services; for widows' pensions; and for other non-effective charges for warrant officers, non-commissioned officers, and men, &c.	1,917,000	524,000	15
	15. For civil superannuation, compensation, and additional allowances, gratuities, injury grants, &c.	145,000	55	20
TOTAL ARMY SERVICES		£ 27,860,000	3,414,165	
ARMY (ORDNANCE FACTORIES).				
For the ordnance factories, the cost of productions of which is charged to the army, navy, and Indian and Colonial Governments, &c.		100	2,923,000	25
TOTAL ARMY SERVICES (INCLUDING } ORDNANCE FACTORIES) - - }		£ 27,860,100	6,337,165	

SCHEDULE (B.)—PART 5.

A.D. 1912.

CIVIL SERVICES.—CLASS I.

SCHED. (B.)
PART 5.Civil Services.
Class I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1913; viz. :—

No.	Description	Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
10	1. For expenditure in respect of royal palaces, including a grant in aid - - - -	£ 71,300	£ 1,087
	2. For expenditure in respect of Osborne - - - -	13,000	2,400
15	3. For the royal parks and pleasure gardens - - - -	125,700	11,470
	4. For expenditure in respect of the Houses of Parliament buildings - - - -	50,800	400
	5. For expenditure in respect of miscellaneous legal buildings, Great Britain - - - -	79,200	600
20	6. For expenditure in respect of Art and Science buildings, Great Britain (including a supplementary sum of 38,350 <i>l.</i>) - - - -	142,650	2,045
	7. For expenditure in respect of diplomatic and consular buildings, and for the maintenance of certain cemeteries abroad (including a supplementary sum of 20,000 <i>l.</i>) - - - -	105,800	1,238
25	8. For the Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, and certain Post Offices abroad - - - -	725,800	5,340
	9. For Labour Exchange and Insurance buildings, Great Britain (including a supplementary sum of 135,000 <i>l.</i>) - - - -	350,300	565
30	10. For expenditure in respect of sundry public buildings in Great Britain not provided for on other votes - - - -	725,500	12,298
	11. For the survey of the United Kingdom, and for minor services connected therewith - - - -	214,589	43,475
40	12. For maintaining certain harbours under the Board of Trade and for grants in aid of harbours - - - -	75,065	2,600
	Carried forward - £	2,679,704	83,518

A.D. 1912.
 SCHED. (B.)
 PART 5.
 Civil Services.
 Class I.

		Sums not exceeding		
		Supply Grants.	Appropriations in Aid.	
	Brought forward	£ 2,679,704	£ 83,518	5
No.	13. For constructing a new harbour of refuge at Peterhead	32,000	—	
	14. For rates and contributions in lieu of rates, &c. in respect of Government property, and for rates on houses occupied by Representatives of Foreign Powers, and for salaries and expenses of the Rating of Government property department, and for a contribution towards the expenses of the London Fire Brigade	798,000	33,785	10 15
	15. For the erection, repairs, and maintenance of public buildings in Ireland, for the maintenance of certain parks and public works, and for the maintenance of drainage works on the River Shannon	273,366	7,960	20
	16. For payments under the Tramways and Public Companies (Ireland) Act, 1883, &c., the Railways (Ireland) Act, 1896, and the Marine Works (Ireland) Act, 1902	48,360	—	25
	TOTAL CIVIL SERVICES, CLASS I.	£ 3,831,430	125,263	

[2 & 3 GEO. 5.] *Consolidated Fund (Appropriation).*

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SCHEDULE (B.)—PART 6.

A.D. 1912.

CIVIL SERVICES.—CLASS II.

SCHED. (B.)
PART 6.Civil Services.
Class II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1913; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
10	1. For the salaries and expenses of the offices of the House of Lords - - -	£ 28,741	£ 15,000
15	2. For the salaries and expenses of the House of Commons - - -	302,850	16,000
20	3. For the salaries and other expenses of the department of His Majesty's Treasury and subordinate departments, including expenses in respect of advances under the Light Railways Act, 1896 - - -	114,371	4,344
	4. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices -	258,007	13,500
25	5. For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs - - -	68,420	775
30	6. For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies, including a grant in aid of certain expenses connected with Emigration - - -	60,075	—
	7. For the salaries and expenses of the department of His Majesty's most Honourable Privy Council - - -	10,646	1,800
35	8. For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments (including a supplementary sum of 3,750 <i>l.</i>) -	365,612	26,446
40	9. For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine (including Merchant Seamen's Fund Pensions) -	109,788	73,400
	Carried forward - - - £	1,318,510	151,265

A.D. 1912. SCHED. (B.) PART 6. Civil Services. Class II.		Sums not exceeding			
		No.	Supply Grants.	Appropriations in aid.	
			£	£	
	Brought forward -	1,318,510	151,265	5	
10.	For meeting the deficiency of income from fees, &c. for the requirements of the Board of Trade, under the Bankruptcy Acts, 1883 and 1890 - - - - -	8	111,291		
11.	For the salaries and expenses of the Board of Agriculture and Fisheries and of Royal Botanic Gardens, Kew, including certain grants in aid - - - - -	253,539	137,580	10	
12.	For the salaries and expenses of the Charity Commission for England and Wales -	30,313	—	15	
13.	For the Salaries and Expenses of the Department of the Government Chemist - -	20,633	—		
14.	For the salaries and expenses of the Civil Service Commission - - - - -	55,134	—		
15.	For the salaries and expenses of the department of the Comptroller and Auditor General -	67,760	3,124	20	
16.	For the salaries and expenses of the Registry of Friendly Societies - - - - -	12,122	—		
17.	For the salaries and expenses of the Local Government Board - - - - -	283,374	5,580	25	
18.	For the salaries and expenses of the office of the Commissioners in Lunacy in England -	19,830	962		
19.	For the salaries and expenses of the Mint, including the expenses of coinage, and for the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - - - -	50	161,000	30	
20.	For the salaries and expenses of the National Debt Office - - - - -	12,580	3,177		
21.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - -	25,320	—	35	
22.	For the salaries and expenses of the establishment under the Public Works Loan Commissioners - - - - -	34	11,800	40	
Carried forward - £		2,099,207	585,779		

[2 & 3 GEO. 5.] Consolidated Fund (Appropriation).

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		Sums not exceeding		A.D. 1912.
		Supply Grants.	Appropriations in Aid.	SCHED. (B.) PART 6. Civil Services. Class II.
		£	£	
5	No. Brought forward -	2,099,207	585,779	
	23. For the salaries and expenses of the department of the Registrar General of Births, &c. in England -	60,405	10,250	
10	24. For stationery, printing, paper, binding, and printed books for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Parliamentary Debates	959,751	140,000	
15	25. For the salaries and expenses in the office of His Majesty's Woods, Forests, and Land Revenues -	21,380	—	
	26. For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings -	136,750	—	
20	27. For His Majesty's foreign and other secret services -	50,000	—	
	28. For the salaries and expenses of the office of His Majesty's Secretary for Scotland and subordinate offices, expenses under the Inebriates Acts, 1879 to 1900, and expenses under the Private Legislation Procedure (Scotland) Act, 1899 -	17,126	2,010	
	29. For the salaries and expenses of the Board of Agriculture for Scotland -	209,580	5,000	
30	30. For the salaries and expenses of the Fishery Board for Scotland, and for grants in aid of piers or quays -	24,428	—	
	31. For the salaries and expenses of the Board of Lunacy in Scotland -	6,123	520	
35	32. For the salaries and expenses of the department of the Registrar General of Births, &c. in Scotland -	8,356	1,300	
	33. For the salaries and expenses of the Local Government Board for Scotland -	20,418	—	
40	34. For the salaries and expenses of the household of the Lord Lieutenant of Ireland -	4,552	—	
	Carried forward - £	3,618,076	744,859	

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A.D. 1912. SCHED. (B.) PART 6. Civil Services. Class II.		Sums not exceeding		
		Supply Grants.	Appropriations in Aid.	
		£	£	
No.	Brought forward	3,618,076	744,859	5
35.	For the salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and of the Inspectors of Lunatic Asylums, and expenses under the Intoxicates Acts	27,296	307	10
36.	For the salaries and expenses of the department of agriculture and other industries, and technical instruction for Ireland, and of the services administered by that department, including sundry grants in aid	136,314	57,481	15
37.	For the salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland	2,052		34
38.	For the Congested Districts Board for Ireland (Grants-in-Aid)	169,750	—	20
39.	For the salaries and expenses of the Local Government Board in Ireland, including sundry grants in aid	111,688	13,000	
40.	For the salaries and expenses of the Public Record Office in Ireland and of the Keeper of State Papers in Dublin	7,446	—	25
41.	For the salaries and expenses of the Office of Public Works in Ireland	46,969	3,000	
42.	For the salaries and expenses of the department of the Registrar General of Births, &c., and for the expenses of collecting emigration statistics in Ireland	20,258	800	30
43.	For the salaries and expenses of the general valuation and boundary survey of Ireland	42,295	9,000	
TOTAL CIVIL SERVICES, CLASS II.		4,182,144	828,481	35

[2 & 3 GEO. 5.] *Consolidated Fund (Appropriation).* 19

SCHEDULE (B.)—PART 7.

A.D. 1912.

SCHED. (B.)
PART 7.

CIVIL SERVICES.—CLASS III.

Civil Services.
Class III.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1913; viz. :—

	No.	Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
10	1.	£	£
15	2.		
		83,812	19,000
20	3.		
		50,194	12,731
25	4.		
		330,632	51,700
	5.		
		36,471	—
30	6.		
		10	29,990
	7.		
		5	499,352
35	8.		
40	9.		
		126,998	77
	Carried forward - £	628,122	612,850

A.D. 1912. SCHED. (B.) PART 7. Civil Services. Class III.		Sums not exceeding		
		Supply Grants.	Appropriations in Aid.	
	Brought forward -	£ 628,122	£ 612,850	5
No.	8. For the expenses of the prisons in England, Wales, and the Colonies - - - -	776,550	25,000	
	9. For the salaries and expenses of the office of the Inspector of Reformatories and for the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools and in places of detention under the Children Act, in Great Britain - - -	277,474	25,000	10
	10. For the maintenance of criminal lunatics in the Criminal Lunatic Asylums at Broadmoor and Rampton, including the furnishing and equipment of Rampton Asylum -	83,154	1,216	15
	11. For the salaries and expenses of the Lord Advocate's department and other law charges, and the salaries and expenses of the Courts of Law and Justice in Scotland	87,373	49,300	20
	12. For the salaries and expenses of the Office of the Scottish Land Court - - - -	11,600	—	
	13. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - - - - -	43,966	—	25
	14. For the salaries and expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics and inmates of the State inebriate reformatory, and the preparation of judicial statistics -	101,776	5,800	30
	15. For criminal prosecutions and other law charges in Ireland, including a Grant in relief of certain expenses payable by statute out of local rates - - - - -	65,410	490	35
	16. For such of the salaries and expenses of the Supreme Court of Judicature and of certain other legal departments in Ireland as are not charged on the Consolidated Fund -	113,135	3,900	40
	Carried forward -	2,188,560	723,556	

[2 & 3 GEO. 5.] *Consolidated Fund (Appropriation).*

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		Sums not exceeding		A.D. 1912.
		Supply Grants.	Appropriations in Aid.	SCHED. (B.) PART 7. Civil Services. Class III.
		£	£	
5	Brought forward -	2,188,560	723,556	
No.				
17.	For the salaries and expenses of the office of the Irish Land Commission - - -	616,147	24,500	
10	18. For the salaries, allowances, and expenses of various county court officers, and of magistrates in Ireland, and the expenses of revision - - - - -	111,145	5,200	
15	19. For the salaries and expenses of the Commissioner of Police, the police courts and the metropolitan police establishment of Dublin	96,466	56,715	
	20. For the expenses of the Royal Irish Constabulary - - - - -	1,377,389	35,680	
20	21. For the expenses of the General Prisons Board in Ireland, and of the establishments under their control; the registration of habitual criminals and the maintenance of criminal lunatics confined in district lunatic asylums - - - - -	112,439	3,500	
25	22. For the expenses of reformatory and industrial schools in Ireland - - - - -	111,912	1,950	
	23. For the maintenance of criminal lunatics in the Dundrum Criminal Lunatic Asylum, Ireland - - - - -	7,477	—	
TOTAL CIVIL SERVICES, CLASS III. - £		4,621,535	851,101	

A.D. 1912.

SCHEDULE (B.)—PART 8.

SCHED. (B.)
PART 8.

CIVIL SERVICES.—CLASS IV.

Civil Services.
Class IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which 5 will come in course of payment during the year ending on the 31st day of March 1913; viz. :—

No.	Sums not exceeding		
	Supply Grants.	Appropriations in Aid.	
1.	£	£	10
For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid (including a supplementary sum of 15,000 <i>l.</i>) - - - -	14,519,765	10,100	15
2.			
For the salaries and other expenses of the British Museum, and of the Natural History Museum, including certain grants in aid -	204,071	16,019	
3.			20
For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures - -	14,445	2,500	
4.			25
For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - -	5,681	—	
5.			
For the salaries and expenses of the Wallace Collection - - - - -	8,511	660	
6.			30
For sundry grants in aid of scientific investigation, &c., and other grants - - -	125,523	—	
7.			
For grants in aid of the expenses of certain Universities and Colleges in Great Britain and of the expenses under the Welsh Intermediate Education Act, 1889 - -	314,200	—	
8.			35
For public education in Scotland, and for Science and Art in Scotland, including a grant in aid - - - - -	2,489,425	—	
9.			40
For the salaries and expenses of the National Gallery, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - -	6,598	—	
Carried forward - £	17,688,219	29,279	

		Sums not exceeding		A.D. 1912.
		Supply Grants.	Appropriations in Aid.	SCHED. (B.) PART 8. Civil Services. Class IV.
		£	£	
5	Brought forward -	17,688,219	29,279	
No.				
10	10. For the expenses of the Commissioners of National Education in Ireland, including a grant in aid of the Teachers Pension Fund, Ireland (including a supplementary sum of 10,000 <i>l.</i> for expenses of scholarships tenable by pupils from primary schools in Ireland) -	1,744,554	150	
15	11. For the expenses of the Office of the Commissioners for managing certain school endowments in Ireland -	935	—	
	12. For the salaries and expenses of the National Gallery of Ireland, including a grant in aid for the purchase of pictures -	3,155	—	
20	13. For the salaries and expenses of the Institutions of Science and Art in Dublin, and of the Geological Survey of Ireland, and Annual Grants to Schools and Classes of Science and Art and Technical Instruction, including sundry Grants in Aid, administered by the Department of Agriculture and Technical Instruction for Ireland -	138,591	1,345	
25	14. For grants under the Irish Universities Act, 1908 -	130,000	—	
30	TOTAL CIVIL SERVICES, CLASS IV. - £	19,705,454	30,774	

A.D. 1912.

SCHEDULE (B.)—PART 9.

SCHED. (B.)
PART 9.

CIVIL SERVICES.—CLASS V.

Civil Services.
Class V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1913; viz. :—

No.	Sums not exceeding		
	Supply Grants.	Appropriations in Aid.	
1.	£	£	10
For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote - - -	689,040	101,820	15
2.			
For sundry colonial services, including certain grants in aid (including a supplementary sum of 503,000 <i>l.</i>) - - -	1,363,754	—	
3.			20
For the subsidies to certain Telegraph Companies, and a grant in aid of the annual expenses of the Pacific Cable - - -	39,974	36,546	
4.			
For a grant in aid of the Revenue of the Island of Cyprus - - - - -	50,000	—	
TOTAL CIVIL SERVICES, CLASS V. - £	2,142,768	138,366	

SCHEDULE (B.)—PART 10.

A.D. 1912.

CIVIL SERVICES.—CLASS VI.

SCHED. (B.)
PART 10.Civil Services,
Class VI.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1913; viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
10		
No.		
15		
1. For superannuation, compensation, compassionate, and additional allowances, and gratuities under sundry Statutes, for compassionate allowances and gratuities awarded by the Treasury; and for the salaries of medical referees - - -	778,253	—
2. For certain miscellaneous charitable and other allowances, Great Britain - -	1,439	—
20		
3. For hospitals and infirmaries and certain miscellaneous charitable and other allowances in Ireland, including sundry grants in aid - - - -	16,883	—
25		
4. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - - -	14,426	—
5. For Old Age Pensions in the United Kingdom, and for certain administrative expenses in connection therewith - -	12,200,000	—
30		
6. For compensation to the Registrar and Staff at Stationers' Hall on the abolition of the office of Registrar - - - -	3,563	—
TOTAL CIVIL SERVICES, CLASS VI. - £	13,014,564	—

A.D. 1912.

SCHEDULE (B.)—PART 11.

SCHED. (B.)
PART 11.

CIVIL SERVICES.—CLASS VII.

Civil Services.
Class VII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which 5 will come in course of payment during the year ending on the 31st day of March 1913; viz. :—

No.	Sums not exceeding		
	Supply Grants.	Appropriations in Aid.	
	£	£	
1. For the salaries and other expenses of temporary commissions, committees, and special inquiries - - - - -	33,000	—	10
2. For certain miscellaneous expenses - - -	13,742	7,250	15
3. For making good certain sums written off from the assets of the Local Loans Fund -	3,418	—	
4. For the Ireland Development Grant (Grant in Aid) - - - - -	185,000	—	
5. For a grant in aid of the Government Hospitality Fund - - - - -	10,000	—	20
6. For expenditure in connection with the International Exhibition at Ghent in 1913	30,000	—	
7. For the repayment to the Civil Contingencies Fund of certain miscellaneous advances -	5,539	—	25
8. For contributions in aid of expenses under the Unemployed Workmen Act, 1905 -	100,000	—	
TOTAL CIVIL SERVICES, CLASS VII. - £	380,699	7,250	

SCHEDULE (B.)—PART 12.

A.D. 1912.

CIVIL SERVICES.—CLASS VIII.

SCHED. (B.)
PART 12.Civil Services.
Class VIII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1913; viz. :—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
10	1. For the salaries and expenses of the National Health Insurance Joint Committee - -	£ 37,570	£ —
15	2. For the salaries and expenses of the Insurance Commission (England), for contributions under Part I. of the National Insurance Act, 1911, and for grants in aid of expenditure incurred out of the National Health Insurance Fund in respect of benefits and expenses of administration under that Part of that Act (including certain special grants towards the expenses of Insurance Committees) (including a supplementary sum of 42,500 <i>l.</i>) - - - - -	1,560,145	--
20			
25	3. For the salaries and expenses of the Insurance Commission (Wales), for contributions under Part I. of the National Insurance Act, 1911, and for grants in aid of expenditure incurred out of the Welsh National Health Insurance Fund in respect of benefits and expenses of administration under that Part of that Act (including certain special grants towards the expenses of Insurance Committees) (including a supplementary sum of 28,350 <i>l.</i>) - -	129,510	--
30			
35	4. For the salaries and expenses of the Insurance Commission (Scotland), for contributions under Part I. of the National Insurance Act, 1911, and for grants in aid of expenditure incurred out of the Scottish National Health Insurance Fund in respect of benefits and of expenses of administration under that Part of that Act (including certain special grants towards the expenses of Insurance Committees) (including a supplementary sum of 10,000 <i>l.</i>) - -	244,510	—
40			
45			
	Carried forward - £	1,971,735	—

A.D. 1912.
 SCHED. (B.)
 PART 12.
 Civil Services.
 Class VIII.

		Sums not exceeding		
		Supply Grants.	Appropriations in Aid	
		£	£	
	Brought forward -	1,971,735		5
No.	5. For the salaries and expenses of the Insurance Commission (Ireland), for contributions under Part I. of the National Insurance Act, 1911, and for grants in aid of expenditure incurred out of the Irish National Health Insurance Fund in respect of benefits and of expenses of administration under that Part of that Act (including certain special grants towards the expenses of Insurance Committees) (including a supplementary sum of 18,100 <i>l.</i>) - -	168,140	—	10 15
	6. For the salaries of the staff and other expenses of Labour Exchanges, including the contribution to the Unemployment Insurance Fund - - - - -	804,037	202,500	20
	7. For the salaries and expenses of the Audit staff under Part I. of the National Insurance Act, 1911 - - - - -	51,757	—	
	8. For grants to Friendly Societies, &c., in aid of the expenses of preparing schemes under section 72 of the National Insurance Act, 1911 - - - - -	47,000	—	25
	TOTAL CIVIL SERVICES, CLASS VIII. - £	3,042,669	202,500	

SCHEDULE (B.)—PART 13.

A.D. 1912.

SCHED. (B.)
PART 13.
Revenue
Depart-
ments, &c.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1913 ; viz. :—

10	No.	Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
	1.	£	£
	For the salaries and expenses of the Customs and Excise Department - - - -	2,357,900	93,770
15	2.		
	For the salaries and expenses of the Inland Revenue Department - - - -	1,895,830	10,000
	3.		
	For the salaries and expenses of the Post Office, including Telegraphs and Telephones	23,808,950	631,193
	TOTAL REVENUE DEPARTMENTS - £	28,062,680	734,963

A.D. 1912,
 SCHED. (C.)
 Navy
 Services.

SCHEDULE (C.)

Number of Vote.	NAVY SERVICES, 1910-11. VOTES.	Surpluses.	Deficits made good from Surpluses.
1	Wages, &c., of officers, seamen, and boys, Coastguard, and Royal Marines - - -	£ s. d. 31,281 10 11	£ s. d. — 5
2	Victualling and clothing for the Navy - - - -	—	18,204 15 6
3	Medical establishments and services - - - -	11,644 15 7	— 10
4	Martial law - - - -	1,766 6 1	—
5	Educational services - -	6,486 4 1	—
6	Scientific services - - -	—	1,080 15 4
7	Royal Naval Reserves - -	—	9,597 12 6
8	Shipbuilding, repairs, maintenance, &c.:		15
	I. Personnel - - -	6,858 5 5	—
	II. Matériel - - -	139,306 5 8	—
	III. Contract work - -	99,824 17 8	—
9	Naval armaments - - -	—	36,512 7 6 20
10	Works, buildings, and repairs, at home and abroad - -	—	18,260 14 9
11	Miscellaneous effective services	—	63,485 6 2
12	Admiralty Office - - -	—	4,946 13 0
13	Half-pay and retired pay -	17,735 19 7	— 25
14	Naval and marine pensions, gratuities, and compassionate allowances - - - -	8,528 3 9	—
15	Civil superannuation, compensation allowances, and gratuities - - - -	14,292 4 2	— 30
—	Amount written off as irrecoverable - - - -	—	1,272 6 1
	Total - - - -	337,724 12 11	153,360 10 10
	Add Excess Vote - - -	100 0 0	— 35
		337,824 12 11	153,360 10 10
	NET SURPLUS -	£184,464 2 1	

SCHEDULE (C.)

A.D. 1912.
—
SCHED. (C.)
Army
Services.

Number of Vote.	ARMY SERVICES, 1910-11. VOTES.	Surpluses.	Deficits made good from Surpluses.
		£ s. d.	£ s. d.
5	1 Pay, &c. of the Army - -	10,528 18 8	—
	2 Medical establishment: Pay, &c. - - - -	4,415 17 10	—
	3 Special Reserves - - -	26,477 6 8	—
	4 Territorial Force - - -	109,200 6 11	—
10	5 Establishments for military education - - - -	2,089 1 9	—
	6 Quarters, transport, and remounts - - - -	12,470 5 1	—
	7 Supplies and clothing - -	—	98,235 4 8
15	8 Ordnance department establishments and general stores -	—	13,879 18 3
	9 Armaments and engineer stores	69,570 11 11	—
	10 Works and buildings - -	80,948 1 2	—
	11 Miscellaneous effective services	5,190 7 8	—
20	12 War Office - - - -	3,502 1 0	—
	13 Non-effective charges for officers, &c. - - - -	3,281 2 3	—
	14 Non-effective charges for men, &c. - - - -	—	3,231 10 2
25	15 Civil superannuation, compensation, and gratuities - -	2,060 18 11	—
—	Balances irrecoverable and claims abandoned - -	—	3,779 15 7
	Total - - - -	329,734 19 10	119,126 8 8
30	NET SURPLUS -	£210,608 11 2	

**Consolidated Fund
(Appropriation).**

A

B I L L

INTITLED

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and thirteen, and to appropriate the Supplies granted in this Session of Parliament.

(Brought from the Commons 6th August 1912.)

Ordered to be printed 6th August 1912.

LONDON:

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[Price 3d.]

(139)

A

B I L L

INTITULED

An Act to apply a sum out of the Consolidated Fund to A.D. 1913.
the service of the year ending on the thirty-first day
of March one thousand nine hundred and thirteen, and
to appropriate the Supplies granted in this Session of
Parliament.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the
Commons of the United Kingdom of Great Britain and
Ireland in Parliament assembled, towards making good the supply
5 which we have cheerfully granted to Your Majesty in this
session of Parliament, have resolved to grant unto Your Majesty
the sum herein-after mentioned; and do therefore most humbly
beseech Your Majesty that it may be enacted, and be it enacted
by the King's most Excellent Majesty, by and with the advice
10 and consent of the Lords Spiritual and Temporal, and Commons,
in this present Parliament assembled, and by the authority of the
same, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

1. The Treasury may issue out of the Consolidated Fund of Issue of
15 the United Kingdom of Great Britain and Ireland, and apply 2,618,516*l.*
towards making good the supply granted to His Majesty for the out of the
service of the year ending on the thirty-first day of March one Consolidated
thousand nine hundred and thirteen, the sum of two million six Fund.
hundred and eighteen thousand five hundred and sixteen pounds.

20

APPROPRIATION OF GRANTS.

2. All sums granted by this Act out of the said Consolidated Appropriation of sums
Fund towards making good the supply granted to His Majesty,
(218) A

A.D. 1913. amounting, as appears by Schedule (A.), in the aggregate, to the
voted for sum of two million six hundred and eighteen thousand five
supply ser- hundred and sixteen pounds are appropriated, and shall be
vices. deemed to have been appropriated as from the date of the
passing of this Act, for the services and purposes expressed in 5
Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with
the notes (if any) to such schedules, shall be deemed to be part
of this Act in the same manner as if they had been contained
in the body thereof. 10

In addition to the sums hereby granted out of the Con-
solidated Fund, there may be applied out of any money directed
54 & 55 Vict. under section two of the Public Accounts and Charges Act, 1891,
c. 24. to be applied as appropriations in aid of the grants for the services
and purposes specified in Schedule (B.) annexed hereto, the sums 15
respectively set forth in the said schedule.

3.—(1) So long as the aggregate expenditure on military
services is not made to exceed the aggregate sums appropriated
by this Act any surplus arising on any vote for those services,
either by an excess of the sum realised on account of appro- 20
priations in aid of the vote over the sum which may be applied
under this Act as appropriations in aid of that vote, or by
saving of expenditure on that vote, may, with the sanction of
the Treasury, be temporarily applied either in making up any
deficiency in the sums realised on account of appropriations in 25
aid of any other vote in the same department, or in defraying
expenditure in the same department which is not provided for
in the sums appropriated to the service of the department by
this Act, and which it may be detrimental to the public service
to postpone until provision can be made for it by Parliament in 30
the usual course.

(2) A statement showing all cases in which the sanction of
the Treasury has been given to the temporary application of a
surplus under this section, and showing the circumstances under
which the sanction of the Treasury has been given, shall be laid 35
before the House of Commons with the appropriation accounts
of the military services for the year, in order that any temporary
application of any surplus sanctioned by the Treasury under
this section may be submitted for the sanction of Parliament.

4. This Act may be cited for all purposes as the Appropriation 40
Short title. (1912-3) Act, 1913.

[3 GEO. 5.] *Consolidated Fund (Appropriation)*
(No. 2).

3

ABSTRACT of SCHEDULES (A.) and (B.) to which this A.D. 1913.
Act refers.

SCHEDULE (A.)

		£	s.	d.
5	Grant out of the Consolidated Fund - - -	2,618,516	0	0

SCHEDULE (B.)—APPROPRIATION OF GRANTS.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
	1912-1913.	£	£
10			
PART 1	{ Army (Supplementary) - - -	248,000	100,000
	{ Army Ordnance Factories (Supplementary) - - -	100	120,000
15	„ 2. Civil Services (Supplementary) . - -	2,370,416	19,270
	Total - - - - -	2,618,516	239,270

SCHEDULE (A.)

GRANT OUT OF THE CONSOLIDATED FUND.

		£	s.	d.
20	For the Service of the Year ending on the 31st day of March 1913 - - - - -	2,618,516	0	0

A.D. 1913.
SCHEDULE
(B.)
Part 1.

SCHEDULE (B.)—APPROPRIATION OF GRANTS.—PART 1.

ARMY (SUPPLEMENTARY) 1912–1913.

Army (Supplementary)
1912–1913.

Sum granted to meet additional Expenditure in respect of the following
Army Services for the year ending on the 31st day of March 1913,
viz. :

	£	
Vote 1.—Pay, &c. of the Army - - - - -	215,000	
„ 6.—Quartering, Transport, and Remounts - - - - -	68,000	
„ 7.—Supplies and Clothing - - - - -	95,000	
„ 8.—Ordnance Department Establishments and General Stores - - - - -	45,000	10
	423,000	
<i>Less</i> Surplus on Vote 10 (Works and Buildings)	75,000	
	348,000	
Appropriations in Aid - - - - -	100,000	15
Supply Grant - - - - -	£248,000	

ARMY (ORDNANCE FACTORIES) SUPPLEMENTARY, 1912–1913.

	Sums not exceeding		
	Supply Grants.	Appropriations in Aid.	
Sums granted to meet additional Expenditure for Army Ordnance Factories for the year ending on the 31st day of March 1913 - - -	£ 100	£ 120,000	20

SCHEDULE (B).—PART 2.

A.D. 1913.

SCHEDULE
(B).
PART 2.

CIVIL SERVICES (SUPPLEMENTARY) 1912-1913.

Civil Services
(Supplemen-
tary)
1912-13.

SCHEDULE of Supplementary Sums granted to defray the charges
for the Services herein particularly mentioned for the Year
ending on the 31st day of March 1913, viz. :—

5

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
CIVIL SERVICE.		£	£
10	CLASS II.		
	For the Salaries and Expenses of the Office of the Committee of Privy Council for Trade and Subordinate Departments - - -	16,000	2,000
15	For the Salaries and Expenses of the Board of Agriculture and Fisheries, and of Royal Botanic Gardens, Kew, including certain Grants in Aid - - - - -	63,572	25,130
20	For the Salaries and Expenses of the Registry of Friendly Societies - - - - -	2,136	—
25	For Stationery, Printing, Paper, Binding, and Printed Books for the Public Service; for the Salaries and Expenses of the Stationery Office; and for Sundry Miscellaneous Services, including Reports of Parliamen- tary Debates - - - - -	162,000	15,000
	For the Salaries and Expenses of the Office of the Commissioners of His Majesty's Works and Public Buildings - - - - -	4,400	—
30	For the Salaries and Expenses of the Department of Agriculture and other Industries and Technical Instruction for Ireland, and of the services administered by that Depart- ment, including sundry Grants in Aid -	38,000	1,000
35	Carried forward - - - - -	286,108	43,130

A.D. 1913.

	Sums not exceeding		
	Supply Grants.	Appropriations in Aid.	
	£	£	
Brought forward - - - -	286,108	43,130	5
CLASS III.			
For certain Miscellaneous Legal Expenses -	5,200	—	
For the Salaries of the Office of Public Trustee -	10	990	
For the Salaries and Expenses connected with the County Courts - - - -	8,500	* - 24,850	10
For the Maintenance of Criminal Lunatics in the Dundrum Criminal Lunatic Asylum, Ireland - - - - -	180	—	
CLASS V.			
For Sundry Colonial Services, including certain Grants in Aid - - - - -	18,000	—	15
For making good the Net Loss on Transactions connected with the raising of Money for the various Treasury Chests Abroad in the year 1911-12 - - - - -	47,418	—	20
CLASS VII.			
For providing for an Increase in the Capital of the Civil Contingencies Fund - - - -	180,000	—	
CLASS VIII.			
For Grants in Aid of National Health Insurance (United Kingdom), in addition to the sums payable under section 3 of the National Insurance Act, 1911 - - - - -	1,825,000	—	25
Total - - - £	2,370,416	19,270	

* Deficit.

Criminal Law Amendment Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to arrest without warrant persons offending against
48 & 49 Vict. c. 69. s. 2.
 2. Suppression of brothels.
 3. Determination of tenancy of premises on conviction for
permitting use as brothel, &c.
 4. Amendments of 61 & 62 Vict. c. 39. and 2 Edw. 7. c. 11.
 5. Short title and commencement.
-

A

B I L L

INTITULED

An Act to amend the Criminal Law Amendment Act, 1885, the Vagrancy Act, 1898, and the Immoral Traffic (Scotland) Act, 1902. A.D. 1912.

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

- 5 **1.** A constable may take into custody without a warrant any person whom he shall have good cause to suspect of having committed, or being about to commit, any offence against section two of the Criminal Law Amendment Act, 1885 (which relates to procuration). Power to arrest without warrant persons offending against 48 & 49 Vict. c. 69. s. 2.
- 10 **2.**—(1) Section thirteen of the Criminal Law Amendment Act, 1885 (which relates to the suppression of brothels), shall apply to a person in charge of any premises who knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution, in like manner as it applies to
15 the tenant, lessee, or occupier of such premises, and accordingly in that section after the word “occupier” the words “or person in charge” shall be inserted. Suppression of brothels.
- 20 (2) Where proceedings are taken against any person for an offence against the said section thirteen, which involves know-
25 ledge that any premises or any part of any premises were being or would be used as a brothel or for the purposes of habitual prostitution, and evidence has been given that the premises or part thereof were so used, then, if such person has, within five years immediately preceding, been convicted of an offence against the said section or for keeping a common bawdy house contrary

A.D. 1912. to the common law or to the Disorderly Houses Act, 1751, as
 25 Geo. 2. amended by the Disorderly Houses Act, 1818, evidence of such
 c. 36. previous conviction may be given at any stage of the proceedings,
 58 Geo. 3. and may be taken into consideration for the purpose of proving
 c. 70. such knowledge as aforesaid. 5

(3) The following provisions shall be substituted for the provisions of the said section thirteen which relates to the penalties and punishments which may be imposed for a second or subsequent offence against that section:—

(a) Any person who, after conviction of an offence against 10
 that section commits a second offence against that section, shall be liable to be dealt with as a rogue and vagabond within the meaning of the Vagrancy Act, 1824.

5 Geo. 4.
 c. 83.

(b) Any person who has been convicted as a rogue and 15
 vagabond in respect of any such second offence shall for a third or subsequent offence against the said section as so amended be liable to be dealt with as an incorrigible rogue under the Vagrancy Act, 1824; and in addition to any punishment awarded against 20
 him as an incorrigible rogue, may be required by the court to enter into a recognizance with or without sureties to be of good behaviour for any period not exceeding twelve months, and in default of entering into such recognizance, such person may be imprisoned 25
 for a period not exceeding three months in addition to any term of imprisonment awarded in respect of his said offence.

5 Geo. 4.
 c. 83.

Determina-
 tion of
 tenancy of
 premises on
 conviction
 for per-
 mitting use
 as brothel,
 &c.

3.—(1) Upon the conviction of the tenant, lessee, or occupier of any premises of knowingly permitting the premises, 30
 or any part thereof, to be used as a brothel or for purposes of habitual prostitution, the landlord or lessor shall be entitled to determine the lease or other contract under which the said pre-
 mises, or any part thereof, is held by the person so convicted, as from the date of the conviction, but without prejudice to the 35
 rights or remedies of any party to such lease or contract accrued at that date.

(2) If the landlord or lessor does not so determine the lease or other contract and subsequently during the subsistence of the

[2 & 3 GEO. 5.] *Criminal Law Amendment.*

3

lease or contract any such offence is again committed in respect of the premises, the offence shall be deemed to have been committed with the knowledge of the landlord or lessor. A.D. 1912.

5 **4.** In section one of the Vagrancy Act, 1898, and in section one of the Immoral Traffic (Scotland) Act, 1902—

Amend-
ments of
61 & 62 Vict.
c. 39. and
2 Edw. 7.
c. 11.

(a) In paragraph (b) of subsection (1) (which deals with solicitation for immoral purposes) after the word "importunes" there shall be inserted the words "any person of either sex";

10 (b) In subsection (3) (which deals with the evidence of living on the earnings of prostitution) after the word "subsistence" there shall be inserted the words "or is
15 " proved to have been habitually controlling, directing,
" or superintending the movements of a common
" prostitute."

5.--(1) This Act may be cited as the Criminal Law Amendment Act, 1912.

Short title
and com-
mencement.

(2) This Act shall come into force on *the first day of January nineteen hundred and thirteen.*

Criminal Law Amendment. [H.L.]

A

B I L L

INTITLED

An Act to amend the Criminal Law
Amendment Act, 1885, the Vagrancy
Act, 1898, and the Immoral Traffic
(Scotland) Act, 1902.

The Lord Charnwood.

Ordered to be printed 15th May 1912.

LONDON:
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(54)

Criminal Law Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to arrest without warrant persons offending against 48 & 49 Vict. c. 69. s. 2.
 2. Increased penalties for procurers.
 3. Suppression of brothels.
 4. Determination of tenancy of premises on conviction for permitting use as brothel, &c.
 5. Determination of tenancy of premises on conviction for permitting use as brothel, &c. in Scotland.
 6. Amendments of 61 & 62 Vict. c. 39. and 2 Edw. 7. c. 11.
 7. Restriction on application of Act.
 8. Short title and commencement.
-

A

B I L L

INTITULED

An Act to amend the Criminal Law Amendment Act, 1885, the Vagrancy Act, 1898, and the Immoral Traffic (Scotland) Act, 1902. A.D. 1912.
--

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

- 5 **1.** A constable may take into custody without a warrant any person whom he shall have good cause to suspect of having committed, or of attempting to commit, any offence against section two of the Criminal Law Amendment Act, 1885 (which relates to procuration and attempted procuration). Power to arrest without warrant persons offending against 48 & 49 Vict. c. 69. s. 2.
- 10 **2.** Any male person who is convicted under section two of the Criminal Law Amendment Act, 1885, may, at the discretion of the court, and in addition to any term of imprisonment awarded in respect of the said offence, be sentenced to be once privately whipped, and the number of strokes and the instrument Increased penalties for procurers.
- 15 with which they shall be inflicted shall be specified by the court in the sentence.
- 3.**—(1) Section thirteen of the Criminal Law Amendment Act, 1885, shall, so far as it relates to brothels, be amended by inserting after the word "occupier" the words "or person in charge." Suppression of brothels.
- 20 (2) Any person who is convicted of a third or subsequent offence against the said section thirteen shall be liable on summary conviction to a penalty not exceeding one hundred pounds or, in the discretion of the court, to imprisonment for any term not exceeding twelve months, with or without hard labour,

A.D. 1912. and in addition to any such penalty or imprisonment, may be required by the court to enter into a recognizance with or without sureties or in Scotland to grant a bond of caution to be of good behaviour for any period not exceeding twelve months, and in default of entering into such recognizance, or granting such bond 5 such person may be imprisoned for a period not exceeding three months in addition to any term of imprisonment awarded in respect of his said offence.

(3) The provisions of section thirteen of the Criminal Law Amendment Act, 1885, in so far as they relate to third or 10 subsequent offences, are hereby repealed.

Determina-
tion of
tenancy of
premises on
conviction
for per-
mitting use
as brothel,
&c.

4.—(1) Upon the conviction, after the passing of this Act, of the tenant, lessee, or occupier of any premises of knowingly permitting the premises, or any part thereof, to be used as a brothel, the landlord or lessor shall be entitled to require the person 15 so convicted to assign the lease or other contract under which the said premises are held by him to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the 20 landlord or lessor shall be entitled to determine the lease or other contract but without prejudice to the rights or remedies of any party to such lease or contract accrued before the date of such determination. If the landlord or lessor should so determine the lease or other contract of tenancy the court which has convicted 25 the tenant, lessee, or occupier shall have power to make a summary order for delivery of possession to the landlord or lessor.

(2) If the landlord or lessor after such conviction has been brought to his notice fails to exercise his rights under the foregoing provisions of this section and subsequently during the 30 subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have knowingly aided or abetted the commission of that offence unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence. 35

(3) Where a landlord or lessor determines a lease or other contract under the powers conferred by this section and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person without causing to be inserted in such lease or contract all 40 reasonable provisions for the prevention of a recurrence of any

sequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence as aforesaid, he shall be deemed to have failed to exercise his rights under the foregoing provisions of this section, and any such offence as aforesaid committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract.

(4) A person quitting premises in Ireland held by him under a lease or contract which has been determined in pursuance of this Act shall not be entitled to compensation under the Town Tenants (Ireland) Act, 1906.

6.—(1) The provisions in section four hundred and three of the Burgh Police (Scotland) Act, 1892, relating to the voidance or termination of any lease or arrangement to let shall apply in like manner upon a conviction under section thirteen of the Criminal Law Amendment Act, 1885, as amended by this Act.

A.D. 1912.
Determination of tenancy of premises on conviction for permitting use as brothel, &c. in Scotland.

(2) This section shall be substituted in Scotland for section four of this Act.

7.—(1) In section one of the Vagrancy Act, 1898, and in section one of the Immoral Traffic (Scotland) Act, 1902, in subsection (3) (which deals with the evidence of living on the earnings of prostitution) there shall be substituted for the words “and has no visible means of subsistence” the words “or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally.”

Amendments of 61 & 62 Vict. c. 39. and 2 Edw. 7. c. 11.

(2) The period of imprisonment with hard labour which may be awarded to a person deemed to be a rogue and vagabond under the Vagrancy Act, 1898, or to a person convicted summarily of a crime and offence under the Immoral Traffic (Scotland) Act, 1902, shall be increased to six months, but nothing in this subsection shall affect the powers of a court of summary jurisdiction to deal with a person deemed to be a rogue and vagabond under the Vagrancy Act, 1898, anything in any other Act to the contrary notwithstanding.

A.D. 1912.

(3) The Vagrancy Act, 1898, as amended by this section, shall extend to Ireland with this modification, that for the words "be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and be liable to be dealt with accordingly" there shall be substituted the words "be liable on summary conviction to imprisonment for a term not exceeding six months with hard labour."

(4) Every person, of either sex, who acts as a pimp, souteneur, or bully, or otherwise for the purposes of gain aids or abets prostitution, shall be guilty of an offence under the Vagrancy Act, 1898, or in Scotland under the Immoral Traffic (Scotland) Act, 1902, and those Acts as amended and extended by this section shall apply accordingly.

(5) A person charged with an offence under the Vagrancy Act, 1898, or the Immoral Traffic (Scotland) Act, 1902, may, instead of being proceeded against in England as a rogue and vagabond, or in Scotland or Ireland summarily, be proceeded against on indictment, and on conviction on indictment shall be liable to imprisonment with or without hard labour for a term not exceeding two years, and, in the case of a second or subsequent conviction, such second or subsequent conviction being a conviction on indictment, the court may in addition to any term of imprisonment awarded sentence the offender if a male to be once privately whipped, and the number of strokes and the instrument with which they shall be inflicted shall be specified by the court in the sentence.

(6) The wife or husband of a person charged with an offence under either of the said Acts may be called as a witness either for the prosecution or defence and without the consent of the person charged, but nothing in this provision shall affect a case where the wife or husband of a person charged with an offence may at common law be called as a witness without the consent of that person.

Restriction
on applica-
tion of Act.

8. This Act shall not apply to proceedings pending at the commencement of this Act.

35

Short title
and com-
mencement.

9. This Act may be cited as the Criminal Law Amendment Act, 1912, and the Criminal Law Amendment Act, 1885, and this Act may be cited together as the Criminal Law Amendment Acts, 1885 to 1912.

+

Criminal Law Amendment Bill.

COMMONS REASON FOR DISAGREEING TO ONE OF THE
LORDS AMENDMENTS AND COMMONS AMENDMENT
IN LIEU OF ONE OF THE LORDS AMENDMENTS.

[NOTE.—*The page and line refer to Bill (169) as first printed for
the House of Lords.*

The Commons Reason and Amendment are printed in italics.]

Lords Amendment.

Clause 6, page 3, line 31, leave out from (“ months ”) to the end of subsection (2).

The Commons disagree to this amendment because they consider that flogging, except after the verdict of a jury, is undesirable.

Lords Amendment.

Clause 6, page 3, line 40, after subsection (3) insert the following new subsection :

(4) Every person, of either sex, who acts as a pimp, souteneur, or bully, or otherwise for the purposes of gain aids or abets prostitution, shall be guilty of an offence under the Vagrancy Act, 1898, or in Scotland under the Immoral Traffic (Scotland) Act, 1902, and those Acts as amended and extended by this section shall apply accordingly.

The Commons disagree to this amendment, but propose the following new subsection in lieu thereof.

Clause 6, page 3, line 40, after subsection (3) insert the following new subsection :

“ Every female who is proved to have for the purposes of gain exercised control, direction, or influence over the movements of a prostitute, in such a manner as to show that she is aiding, abetting, or compelling her prostitution with any person, or generally, shall be guilty of an offence under The Vagrancy Act, 1898, or in Scotland under The Immoral Traffic (Scotland) Act, 1902, and those Acts as amended and extended by this section shall apply accordingly.”

Criminal Law Amendment Bill.

COMMONS REASON FOR DISAGREEING
TO ONE OF THE LORDS AMENDMENTS
AND COMMONS AMENDMENT IN
LIEU OF ONE OF THE LORDS
AMENDMENTS.

Ordered to be printed 12th December 1912.

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(186)

[2 & 3 GEO. 5.] *Dunbar Water Order Confirmation.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunbar Water. A.D. 1912.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

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

- 10 **1.** The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.
- 2.** This Act may be cited as the Dunbar Water Order Confirmation Act 1912. Short title.

A.D. 1912.

SCHEDULE.

DUNBAR WATER.

Provisional Order to authorise the Provost Magistrates and Councillors of the Royal Burgh of Dunbar to provide an additional Water Supply and to construct and maintain new Waterworks to vest the existing Waterworks in the Town Council and for other purposes.

WHEREAS the water supply for the burgh of Dunbar (hereinafter called "the burgh") in the county of Haddington was introduced in or about the year one thousand eight hundred and seventy by the then town council of the burgh under the provisions of the General Police and Improvement (Scotland) Act 1862:

And whereas the said Act of 1862 was repealed by the Burgh Police (Scotland) Act 1892 and the affairs of the burgh including the existing waterworks and water supply are now managed and administered by the provost magistrates and councillors thereof (hereinafter called "the Town Council") under among others the Burgh Police (Scotland) Acts 1892 to 1911 and the Town Council are also the local authority within the burgh under the Public Health (Scotland) Act 1897:

And whereas the present supply of water is insufficient for the wants and health and convenience of the inhabitants of the burgh and the Town Council have been required by the Local Government Board to provide an adequate supply of water:

And whereas it is expedient that a better and more abundant supply of water should be provided to the burgh and that the Town Council should be empowered to introduce the same and for that purpose to acquire lands and construct and maintain additional waterworks:

And whereas the existing waterworks of the Town Council and the lands used for the purposes thereof are held on lease and it is expedient that the Town Council should be authorised to acquire hold and maintain the same and the works authorised

[2 & 3 GEO. 5.] *Dunbar Water Order Confirmation.* 3

and constructed under this Order as the water undertaking of the Town Council: A.D. 1912.

And whereas it is expedient that the limits within which the Town Council are required to give a supply of water should
5 be defined and that they should be authorised to supply water beyond such limits:

And whereas it is expedient that further powers should be conferred on the Town Council in relation to their waterworks and water supply:

10 And whereas it is expedient that the Town Council should be authorised to raise money by rates assessments and charges and by borrowing for the purposes of this Order and of their water supply in accordance with the provisions in that behalf of the Burgh Police (Scotland) Acts 1892 to 1911 and this
15 Order:

And whereas it is expedient that provision should be made for the repayment of any money to be borrowed under the authority of this Order:

And whereas estimates have been prepared by the Town
20 Council for the construction and completion of the said additional waterworks and other works and for the purchase of lands for the said additional and the existing waterworks of the Town Council as follows:—

	£
25 For the purchase of lands and servitudes -	1,710
For storage reservoir embankment waste weir gauge wells and roads of access - - -	15,670
For main conduit or line of pipes valves valve chambers drains and contingencies - -	2,050

30 And whereas the said several works included in the said estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines and levels of the existing waterworks and of the new waterworks authorised
35 by this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited in the office at Haddington of the principal
40 sheriff clerk of the county of Haddington and are hereinafter

A.D. 1912. — respectively referred to as “the deposited plans sections and book of reference”:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation 5 Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title and commencement of Order.

1. This Order may be cited for all purposes as the Dunbar Water Order 1912 and shall come into operation at the date of the passing of the Act confirming the same which date is referred to in this Order as “the commencement of this Order.” 10

Interpretation of terms.

2. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there 15 be something in the subject or context repugnant to such construction And in this Order unless the context otherwise requires—

“The burgh” means and includes the burgh of Dunbar according to the police boundaries thereof and the 20 royalty boundaries thereof where the latter extend beyond the said police boundaries both as existing at the date of the commencement of this Order;

“The Town Council” means the provost magistrates and councillors of the burgh; 25

“The Police Acts” means the Burgh Police (Scotland) Acts 1892 to 1911;

“The sheriff” means the sheriff of the Lothians and Peebles or his substitute at Haddington;

“Lands and premises” shall have the meaning assigned to 30 that expression in the Police Acts.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order:— 35

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 except the clauses and provisions with respect to the communication pipes to be

[2 & 3 GEO. 5.] *Dunbar Water Order Confirmation.*

5

laid by the undertakers and with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and also with the exception of clauses 68 70 71 and 72;

A.D. 1912.

5 The Waterworks Clauses Act 1863;

The clauses and provisions of the Railway Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said clauses and provisions "the company" means the Town Council "the railway" means the Reservoir (Work 1) and Embankment (Work 2) authorised by this Order and the works immediately connected therewith and "the centre of the railway" means any part of those works.

15 This Order shall be deemed a Special Act within the meaning of the provisions of the said Acts wholly or partly incorporated herewith.

4. The Town Council may subject to the provisions of this Order make and maintain within the county of Haddington in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described or some of them or some part or parts thereof (that is to say):—

Power to
make new
waterworks.

NEW WORKS.

25 (1) A Reservoir (Work 1) situate partly in the parish of Spott and partly in the parish of Stenton on the stream known as the Pathhead or Rottenraw Burn commencing at a point on the said stream eight hundred and forty-three yards or thereby measured in a south-westerly direction following the said stream from its point of confluence with the stream known as the Cauld Burn and terminating at the embankment next hereinafter described:

30
35 (2) An Embankment (Work 2) one hundred and sixteen yards or thereby in length situate wholly in the parish of Spott across the said Pathhead or Rottenraw Burn at a point in the centre of the said burn two hundred and twenty yards or thereby measured in a south-westerly direction following the

A.D. 1912.

said burn from its point of confluence with the said Cauld Burn which embankment will commence at a point forty-five yards or thereby measured in a westerly direction from the said point in the said Pathhead or Rottenraw Burn and will terminate at a point one hundred and sixteen yards or thereby measured in an easterly direction from the said point of commencement :

- (3) A Conduit or Line of Pipes (Work 3) situate wholly in the parish of Spott commencing at a point in the Embankment (Work 2) five yards or thereby west of the said Pathhead or Rottenraw Burn and terminating at a point on the south bank of the said Cauld Burn at the point of commencement of the existing Conduit (Work 7) hereinafter described :
- (4) A Road of Access (Work 4) situate wholly in the parish of Spott commencing at the point of commencement of the Embankment (Work 2) hereinbefore described and terminating at a point in the public road leading from Burnhead to Halls twelve yards or thereby measured in a south-westerly direction from the point of intersection of the said road with the said Cauld Burn :
- (4A) A Road of Access (Work 4A) situate wholly in the parish of Stenton commencing at a point in the public road leading from Spott to Little Spott one hundred and ninety-six yards or thereby south-west from the west side of Spott Cottage and terminating at a point on the north side of the Compensation Reservoir (Work 5) eighty-three yards or thereby south-west of the north end of the embankment of the said reservoir.

Existing works.

5. The Town Council may subject to the provisions of this Order take acquire appropriate hold use maintain and continue the existing waterworks as shown on the deposited plans (that is to say) :—

EXISTING WORKS.

- (5) An existing Compensation Reservoir (Work 5) formed by an embankment situate partly in the parish of Spott and partly in the parish of Stenton com-

mencing the said reservoir at a point on the stream known as the Spott Burn five hundred and forty-seven yards or thereby measured in a south-westerly direction from the said embankment and terminating at the said embankment:

A.D. 1912.

- 5
- (6) A Conduit or Line of Pipes (Work 6) situate wholly in the parish of Spott commencing at the spring or well known as Moses' Well and terminating at the point of commencement of the existing Conduit (Work 7) next hereinafter described:
- 10
- (7) A Conduit or Line of Pipes (Work 7) situate wholly in the parish of Spott commencing at the existing Intake or Weir (Work 8) next hereinafter described and terminating at the point of junction with the Conduit or Line of Pipes (Work 9) hereinafter described at the point four yards or thereby measured in a westerly direction from the confluence of the said Cauld Burn with the stream known as the Howe Burn:
- 15
- (8) An Intake or Weir (Work 8) situate wholly in the parish of Spott on the said Cauld Burn one hundred yards or thereby measured in a north-easterly direction from the point of confluence of the said Cauld Burn with the said Rottenraw or Pathhead Burn:
- 20
- (9) A Conduit or Line of Pipes (Work 9) situate partly in the parish of Spott and partly in the parish of Stenton commencing at the existing Intake or Weir (Work 10) next hereinafter described and terminating at the existing Filters and Service Tank (Work 11) hereinafter described:
- 25
- (10) An Intake or Weir (Work 10) situate wholly in the parish of Spott on the stream known as the Cross Burn at or near its point of confluence with the stream known as the Dean Burn:
- 30
- (11) Filters and Service Tank (Work 11) situate wholly in the parish of Spott within the enclosure No. 26a of the Ordnance Survey map of the parish of Spott (1907 edition):
- 35
- (12) A Conduit or Line of Pipes (Work 12) situate partly in the parish of Spott and partly in the parish of
- 40

A.D. 1912.

Dunbar commencing at the existing Filters and Service Tank (Work 11) hereinbefore described and terminating at a point within the burgh of Dunbar at the junction of the public road known as the Spott Road with the High Road leading from Dunbar to Berwick-on-Tweed. 5

Power to make subsidiary works.

6. The Town Council (in addition to the waterworks authorised by this Order and in connection therewith) may upon or in the lands shown on the deposited plans and described in the deposited book of reference which they are authorised to acquire and use for the purposes thereof make erect and maintain all such embankments dams weirs intake weirs byewashes channels basins sluices bridges roads accesses approaches ways wells tanks gauges filters filter beds and apparatus catchwater drains outlets outfalls drains aqueducts tunnels culverts channels cuts mains pipes meters adits shafts conduits scours valves engines machinery buildings telegraphs telephones posts wires and other works and conveniences as may be necessary or convenient in connection with or subsidiary to the waterworks or any of them but nothing in this section shall exonerate the Town Council from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them Provided that no telegraphs telephones posts wires or other works made or erected by the Town Council shall be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. 25

Power to deviate laterally and vertically.

7. The Town Council may in constructing the works in this Order described deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation respectively shown thereon and when the line of any work is shown on the said plans as passing along any road and no limits of lateral deviation are marked thereon the Town Council may deviate laterally to any extent within the boundaries of such road and the Town Council may deviate vertically from the levels of the various works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that in the exercise of such powers of vertical deviation the Town Council shall not except in the case of crossing bridges or culverts or streams lay above the ground any pipe unless and except so far as is shown on the deposited sections Provided also that the Town Council shall not construct 30 35 40

[2 & 3 GEO. 5.] *Dunbar Water Order Confirmation.*

9

any embankment or wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition. A.D. 1912.

5 8. For the purposes of and during the execution of the works which the Town Council are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Town Council may temporarily break up or cross over or under alter or stop up any streets roads lanes paths bridges railways tramways canals passages sewers drains water-courses gas pipes and water pipes and electric or telephonic mains cables or apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street road lane path bridge railway tramway or passage or the flow of water gas sewage or electricity or telephonic communication in any such sewer drain watercourse canal pipe main cable or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section Provided also that the Town Council shall not alter or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

Power to alter roads &c. temporarily.

9. The following provisions for the protection of the North British Railway Company (hereinafter in this section called "the company") shall unless otherwise agreed between the company and the Town Council apply and have effect (that is to say):—

For protection of North British Railway Company.

(1) At least fourteen days before commencing under the powers of this Order any extension enlargement alteration or renewal or increase of the Conduit or Line of Pipes (Work 12) (hereinafter in this section called "Work 12") in so far as under the bridge

(125)

B

A.D. 1912.

carrying the railway of the company the Town Council shall submit plans sections and specifications thereof to the company for their approval and such extension or other work shall be constructed and carried out in conformity only with such plans sections and 5 specifications as approved and at the sight and to the reasonable satisfaction of the engineer of the company and shall thereafter be properly maintained by the Town Council Provided that the approval of the company shall not be unreasonably withheld and 10 that it shall be deemed to have been given unless the company signify their disapproval within fourteen days after submission of the said plans sections and specifications Provided also that any expenses which the company may reasonably incur for inspection or 15 superintendence of the said works during execution or in connection with the maintenance or repair thereof at any time or in protecting their property or railway during or in connection with the maintenance or repair of the said works shall be repaid to them by the 20 Town Council Provided also that when any works in connection with Work 12 interfere with any bridge or railway of the company they shall have the option of carrying out so much of such works as shall so interfere with any bridge or railway with their own 25 men at the expense of the Town Council:

- (2) The operations of the Town Council under this Order shall be carried out so as not to injuriously affect the railway of the company or any bridge belonging to the company or to cause any interruption to the 30 passage or conduct of traffic on the railway of the company and all such operations shall be carried out at such times as may be arranged between the Town Council and the engineer of the company and if any injury or interruption shall arise from or be in any 35 way owing to the operations of the Town Council or the bursting leakage or failure of Work 12 the Town Council shall forthwith make good or remove such injury or interruption at their own expense or in default the company may do the same and the 40 Town Council shall pay to the company all costs and

expenses loss or damage including loss of traffic A.D. 1912.
 incurred or sustained by them in respect thereof:

- 5 (3) Nothing in this Order contained or which may be
 done in pursuance thereof shall prevent the company
 from maintaining and repairing and when necessary
 altering or reconstructing their railway or any bridge
 belonging to the company without interference on
 10 the part of the Town Council and without incurring
 any liability to the Town Council for any loss injury
 damage expense or interruption to Work 12 which
 may arise from such maintenance repair alterations
 or reconstruction unless the same shall arise from the
 negligence of the company or persons for whom they
 are responsible Provided that all such operations
 15 shall be executed by the company in such manner
 as to cause as little interruption or inconvenience as
 practicable to the maintenance and use of the works
 of the Town Council and the company shall give
 20 fourteen days' notice in writing except in cases of
 emergency to the Town Council before commencing
 any such operations and these operations so far as
 interfering with the works of the Town Council shall
 be conducted at the sight and to the reasonable
 satisfaction of the engineer of the Town Council:
- 25 (4) The Town Council shall pay to the company any extra
 expense which the company may reasonably incur or
 be put to in maintaining repairing altering or re-
 constructing their railway or any bridge belonging
 to the company by reason of the laying down main-
 30 taining using extending altering renewing relaying
 replacing enlarging or increasing the number or
 size of any works authorised by this Order and
 such extra expense if any shall be determined by
 the arbiter appointed as hereinafter in this section
 35 mentioned:
- (5) If any difference shall arise between the Town Council
 and the company as to the meaning of this section
 or as to any plans sections and specifications or as
 to any work or the method of executing the same
 40 or as to any expenses referred to in this section the
 same shall be determined by an arbiter to be agreed

A.D. 1912.

upon between the Town Council and the company or failing agreement to be nominated by the Board of Trade on the application of either of the parties.

For protection of Spott Estate.

10. The Town Council shall not except by agreement in writing between them and the owner for the time being of the estate of Spott (in this section called "the owner") take or use any lands of the owner for laying any pipes therein for the purposes of the water supply of the Town Council but the existing Pipe (Work No. 9 of the existing works hereinbefore described) so far as the same is laid in the lands of the said estate may be maintained in those lands as a right of servitude in favour of the Town Council and may be held used repaired and renewed by the Town Council as part of their water undertaking Provided always that the owner shall if and when required by the Town Council sell and grant to the Town Council a servitude or right to lay down maintain renew and use on the lands of the owner within any distance not exceeding five feet on each side of the said existing pipe such substituted or additional pipes as may be necessary for the water undertaking of the Town Council and in the event of any difference between the Town Council and the owner as to the terms and conditions of such agreement such difference shall be determined by the sheriff of the Lothians and Peebles on the application of either party and the sheriff's decision shall be final.

25

Confirmation of agreement with Mrs. Nisbet Hamilton Ogilvy.

11. The agreement made between Mrs. Nisbet Hamilton Ogilvy of Biel and the Town Council set forth in the Second Schedule to this Order is hereby sanctioned and confirmed and made binding on the parties thereto.

As to private rights of way over lands taken compulsorily.

12. All private rights of way over any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Town Council shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

35

Power to take water.

13. The Town Council may subject to the provisions of this Order from and after the commencement of this Order by means of the works by this Order authorised and by the existing water-

40

[2 & 3 GEO. 5.] *Dunbar Water Order Confirmation.* 13

works of the Town Council or some of them or some part or parts thereof abstract intercept divert take appropriate impound collect store distribute supply and use the waters of the streams known as the Pathhead or Rottenraw Burn and the Cauld Burn and all 5 tributaries of the said streams and all streams springs and waters flowing directly or indirectly into the said streams respectively and the said Reservoir (Work 1) above the Embankment (Work 2) and the Intake (Work 8) before described and also the waters of the stream known as the Cross Burn with all waters springs 10 and streams flowing into the same and all tributaries brooks waters springs and streams flowing directly or indirectly into the existing waterworks at the Intake (Work 10) before described and also the waters of the stream known as the Brock Burn and all waters springs and streams flowing into the same and all 15 tributaries brooks waters springs and streams flowing directly or indirectly into the existing Compensation Reservoir (Work 5) before mentioned at the embankment mentioned in the said Work 5 before described And from the said works authorised by this Order and the existing waterworks of the Town Council 20 or from some of them the Town Council may supply water within the limits of compulsory supply of this Order or to such places beyond the same as are authorised by this Order for the domestic and other purposes for which the Town Council are by this Order and the Police Acts authorised to supply water and also for 25 providing compensation water as hereinafter mentioned.

14.—(1) The Town Council shall from and after the commencement of this Order discharge or allow to flow as compensation water from the existing Reservoir (Work 5) into the Spott Burn at the gauge hereinafter in this section described a uniform 30 and continuous flow of three hundred and fifty thousand gallons during the twenty-four consecutive hours of every day.

(2) Such compensation water to be discharged into the said Spott Burn as aforesaid shall if and while so discharged be deemed to be full compensation to all mill owners riparian proprietors and 35 other persons interested in the waters flowing down the Pathhead or Rottenraw Burn and the Cauld Burn and the Cross Burn and the Brock Burn and the Spott Burn at the respective points of abstraction for the waters appropriated by this Order.

(3) The Town Council shall for the purpose of ascertaining 40 the amount of the compensation water to be daily discharged as aforesaid into the Spott Burn construct and maintain immediately

A.D. 1912.

Compensation water.

A.D. 1912. below the foot of the outer slope of the embankment of the said Reservoir (Work 5) a suitable and sufficient measuring gauge or other apparatus over or through which such compensation water shall flow or be discharged into the Spott Burn And such gauge or other apparatus aforesaid shall be open to the inspection 5 and examination of all persons having an interest in the said compensation water or persons duly authorised by them on their behalf at all reasonable times.

(4) In case of any neglect on the part of the Town Council to maintain the gauge or other apparatus referred to in this 10 section in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Town Council shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the 15 sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(5) In the event of any dispute or difference arising between the Town Council and any person interested as to the true intent 20 and meaning of the provisions of this section or as to the carrying out of the same such dispute or difference shall failing agreement be settled by an engineer to be agreed on and failing agreement to be named by the sheriff on the application of either party. 25

Power to acquire lands.

15. Subject to the provisions of this Order the Town Council may purchase acquire hold enter upon appropriate take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works described in the sections of this Order of 30 which the marginal notes are respectively "Power to make new waterworks" and "Existing works."

Persons under disability may grant servitudes.

16. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Town 35 Council any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu duties or ground 40

[2 & 3 GEO. 5.] *Dunbar Water Order Confirmation.*

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annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively. A.D. 1912.

17. Whereas certain of the sources of the water supply of the burgh in respect of which the agreements specified in the First Schedule to this Order were entered into have for some time ceased to be used as a source of water supply for the burgh and it is expedient that the said agreements should be cancelled Be it therefore enacted that the agreements specified in the said schedule shall be and the same are hereby as from the commencement of this Order cancelled and annulled. Cancellation of agreements.

18. The Town Council may in lieu of acquiring any lands for the purposes of the conduits or lines of pipes of the existing waterworks and the waterworks by this Order authorised where the same are or are intended to be constructed underground acquire such servitudes in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such servitudes as fully as if the same were lands within the meaning of those Acts: Power to acquire servitudes only for lines of pipes.

25 Provided that nothing herein contained shall authorise the Town Council to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Town Council to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this proviso: 30

35 Provided also that as regards any lands in respect of which the Town Council have acquired servitudes only under the provisions of this section the Town Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners and occupiers for the time being shall subject to such servitudes have the same rights to use and cultivate the said lands at all times as if this Order had not been confirmed.

A.D. 1912. 19.—(1) The Town Council may hold any lands acquired by them under this Order and may also by agreement purchase acquire and hold any lands or take on lease or take servitudes or restrictions over any lands which may in their opinion be necessary or desirable for the purpose of securing the purity of the water in the drainage area of the waterworks of the Town Council and of protecting their water supply against pollution nuisance encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts. 5 10

Power to acquire and hold lands for protection of works and prevention of pollution.

(2) The Town Council may let for such period as they think fit or sell or feu any land acquired under this section on such terms conditions and restrictions as regards its use as to the Town Council may seem fit and to secure that such land shall not be manured or broken up for tillage and that no buildings which may prejudicially affect the water supply or the purity of the water shall be erected thereon The proceeds of the sale of any lands by the Town Council shall be applied only to the purposes of this Order to which capital is properly applicable. 15

(3) Nothing in this Order shall exonerate the Town Council from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired under the powers of this section and the Town Council shall not erect or permit the erection of any buildings on such lands except such as are required in connection with their waterworks undertaking or for farm buildings. 20 25

Reservation of water rights on sale.

20. The Town Council on selling any lands acquired for or in connection with the purposes of this Order and not required to be retained for those purposes may subject to the provisions of the section of this Order of which the marginal note is "Limiting powers of Town Council to abstract water" reserve to themselves all or any part of the water rights belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit. 30 35

Byelaws for preventing pollution of water.

21.—(1) The Town Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to impound and take under this Order and 40

[2 & 3 GEO. 5.] *Dunbar Water Order Confirmation.* 17

may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water. A.D. 1912.

5 (2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of such areas as may be defined in the byelaws.

(3) All byelaws made under this section which affect any district beyond the burgh shall be subject to the approval of the local authority of such district Provided that such approval shall not be necessary where in the opinion of the Local Government Board for Scotland it has been unreasonably withheld and any such local authority may apply to the said Board to cancel any byelaws made by the Town Council and in force within the district of such local authority and the said Board may cancel the same accordingly.

(4) The provisions as to byelaws to be made by a local authority contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to byelaws made by the Town Council under this section.

(5) The Town Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts.

22. The powers of the Town Council for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order. Limiting time for exercise of compulsory powers of purchase.

23. If the works authorised by this Order are not completed within five years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Town Council for executing any works not so completed or in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

24. The Town Council shall if and when required by the local authority of the district in which the works by this

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Accommodation for workmen &c.

A.D. 1912. Order authorised are situate (in this section called "the local authority") make provision to the satisfaction of the local authority for the proper housing and sanitary requirements of the persons employed in constructing the works by this Order authorised and for the treatment of cases of sickness (other than infectious disease) and accident occurring among the said persons during the construction of the said works. In considering what provision ought to be made for the said purposes the local authority shall take into consideration the provision already available in the neighbourhood of or conveniently accessible from the said works.

In the event of any dispute arising between the Town Council and the local authority as to the amount or nature or situation of the housing accommodation and sanitary requirements to be provided or as to the sufficiency of the provision for the treatment of cases of sickness (other than infectious disease) and accident or as to the time within which such accommodation shall be provided and such provision made or as to the carrying out by the Town Council of any requirement of the local authority under this section either party may appeal to the Local Government Board for Scotland (in this section called "the Board") and their decision shall be final and binding on both parties :

Provided that if it appear to the Board at any time that sufficient provision for the aforesaid purposes is not made they shall have power to require the Town Council to make provision or additional provision therefor to the satisfaction of the Board.

In the event of the Town Council or the local authority failing to comply with any order or requirement of the Board under this section they shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day during which such failure continues and such penalties shall be recoverable with expenses at the instance of the Lord Advocate on behalf of the Board in any competent court.

For the purposes of this section the Board shall have the same powers of holding inquiries and of requiring reports to be made by local authorities and their officials as they have under the Public Health (Scotland) Act 1897 for the purposes of that

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Act and the provisions of the said Act relating to such inquiries and reports shall apply accordingly. A.D. 1912.

25. In addition to the lands authorised to be taken and acquired under the powers of this Order the Town Council may purchase by agreement lands not exceeding six acres for the purpose of making depôts pipe yards and other buildings and conveniences in connection with the water undertaking of the Town Council but nothing in this Order shall exonerate the Town Council from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands purchased under the powers of this section and no house or building shall be erected on any such lands other than any houses or buildings which may be required in connection with the undertaking of the Town Council.

Lands for
extra-
ordinary
purposes.

26. The Town Council shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Order or Act of Parliament.

Limiting
powers of
Town
Council to
abstract
water.

27. For the purpose of executing any necessary work of repair or of cleansing or of examining any of the works authorised by this Order or any reservoir filter or tank aqueduct or conduit belonging to the Town Council the Town Council may cause the water in any such works or reservoir filter or tank aqueduct or conduit to be temporarily discharged into any available stream or watercourse In the exercise of the power conferred by this section the Town Council shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

Powers for
repair of
works and
temporary
discharge of
water into
stream.

28. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Town Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Town Council shall (without

Injuring
meters &c.

A.D. 1912. — prejudice to any other right or remedy for the protection of the Town Council) be liable to a fine not exceeding five pounds and the Town Council may in addition thereto recover the amount of any damage by them sustained.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Town Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Town Council the Town Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Town Council by the persons so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Town Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Penalty for taking water except for domestic use.

29. Every person who fraudulently takes or uses water belonging to the Town Council for any purpose other than domestic or drinking purposes shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty of five pounds for each day any such offence continues after conviction.

Application of penalties.

30. All penalties exigible under the provisions of this Order and of the Acts wholly or partially incorporated herewith (excepting any penalties which may be imposed upon the Town Council) shall be paid over to the Town Council instead of being applied in the manner provided by the last-mentioned Acts or the Acts therein referred to.

Prosecution of offences.

31. All offenders against any of the provisions of this Order or of any of the Acts incorporated with the same respectively

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or against any of the byelaws of the Town Council may be prosecuted and all penalties in respect of offences against any of such provisions or byelaws may be recovered summarily by the Town Council under the Summary Jurisdiction (Scotland) Act 1908. A.D. 1912.

32. The Town Council may on the application of the owner or occupier of any premises within the district within which the Town Council are for the time being authorised to supply water abutting on or being erected in any street laid out but not dedicated to the public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if such street were a street within the meaning of those Acts. Power to lay pipes in streets not dedicated to public use.

33. For the purpose of complying with any obligation under this Order to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. As to breaking up ground for maintaining communication pipes.

34. The limits for the compulsory supply of water by the Town Council shall be the burgh which limits are in this Order referred to as "the limits of compulsory supply." Limits of compulsory supply.

35. The water to be supplied from any main or pipe of the Town Council whether existing or authorised to be constructed by this Order need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations nor be supplied in any case at a level above or at a greater height than can be supplied or afforded by gravitation from the existing service reservoir or tank of the Town Council. Pressure.

36. Notwithstanding anything to the contrary contained in the Waterworks Clauses Acts 1847 and 1863 the Town Council until the expiration of five years from and after the commencement of this Order or until the waterworks authorised by this Order shall have been substantially completed and the water therefrom introduced whichever shall first happen shall not be bound to give or maintain a constant supply. Suspension of constant supply.

- A.D. 1912. 37. The Town Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. 5
- Town Council not bound to supply several houses by one pipe.
- Notice of discontinuance. 38. A notice to the Town Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Town Council. 10
- Byelaws for preventing waste &c. of water. 39.—(1) The Town Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination. 15
- (2) All byelaws made under this section which affect any district beyond the burgh shall be subject to the approval of the local authority for such district Provided that such approval shall not be necessary where in the opinion of the Local Government Board for Scotland it has been unreasonably withheld. 25
- (3) Such byelaws shall apply only in the case of premises to which the Town Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to all byelaws so made. 30
- (4) In case of failure of any person to observe such byelaws as are for the time being in force the Town Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Town Council in 40

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the same manner as the water rates in respect of the premises are recoverable. A.D. 1912.

40. The Town Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply to
houses partly
used for
trade &c.

41. The Town Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to
sell or let
meters &c.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Town Council to let for hire any water fittings to any person supplied by them with water.

42. Before any person connects or disconnects any meter by means of which any of the water of the Town Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Town Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Town Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to
Town
Council of
connecting
or discon-
necting
meters.

43. The Town Council may at any time subject to the provisions of this Order and notwithstanding the expiration of the period limited for completion of works lay down maintain use extend alter renew relay replace enlarge and increase the number and size of any mains pipes and other conveniences of the Town Council at any time existing for conveying and distributing water under the powers of this Order Provided always that such laying down extension enlargement or increase shall be executed only on lands or property belonging to the Town Council or over which the Town Council have acquired a servitude right or which may be acquired by agreement or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes.

Town
Council may
enlarge or
increase
number of
pipes.

44. The Town Council may enter into and carry into effect agreements with any local authority company or person for the supply of water in bulk to any such authority company or

Agreements
for supplying
water in
bulk.

A.D. 1912. person respectively beyond the limits of compulsory supply and for such remuneration and on such terms and conditions and for such periods as may be agreed upon Provided that such supply shall not be given except with the consent of any local authority company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district. 5

Power to
Town
Council and
owners &c.
to agree as to
supply of
water.

45. The Town Council may after the completion of the reservoir and works authorised to be constructed as aforesaid supply water from any of the waterworks or conduits of the Town Council to any owners and occupiers of lands and heritages lying adjacent or near to the said conduits and the Town Council may contract with all or any such persons for such supply at such rates and upon such terms and conditions and for such period or periods of time as they may agree Provided always that any supply of water under the provisions of this and the immediately preceding section of this Order shall not prejudicially affect or restrict the supply of water from time to time required within the limits of compulsory supply Provided further that the supply of water by the Town Council under this section shall be subject to the consent of the local authority of the district within which such supply is proposed to be given. 10 15 20

Payment of
charge for
water supply.

46. The charge for the supply of water under the two immediately preceding sections of this Order shall be payable at such times and in such manner as the Town Council shall fix and unless the Town Council shall otherwise determine shall except when the same is supplied by measure be paid in advance and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Town Council or at the time when the agreement to take water from the Town Council is made Provided that such payment in advance shall not exceed one-quarter of the annual charge for the said water supply Provided also that where the supply is furnished by measure the consumer may be required to deposit such sum in security of the payment for such supply as the Town Council may think necessary. 25 30 35

Laying
mains in
public roads.

47. The Town Council may at any time for the purposes of conveying water from any of their waterworks whether existing or by this Order authorised or for distributing and supplying 40

[2 & 3 GEO. 5.] *Dunbar Water Order Confirmation.* 25

water beyond the burgh lay down make and maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway with the consent of the road authority and renew alter enlarge duplicate and increase
 5 the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to
 10 all persons injuriously affected by anything done under the provisions of this section Provided that nothing in this section shall prejudice extend or affect the powers and provisions of this Order with respect to the works authorised by this Order.

A.D. 1912.

48. The Town Council may subject to the provisions and
 15 for the purposes of this Order in the manner and under the powers and provisions of the Police Acts from time to time borrow the sums following:—

Power to borrow.

- (1) For the purchase of lands and servitudes the sum of one thousand seven hundred and ten pounds;
- 20 (2) For the construction of storage reservoir embankment waste weir gauge well and roads of access the sum of fifteen thousand six hundred and seventy pounds;
- (3) For the construction of main conduit or line of pipes valves valve chambers and drains &c. the sum of
 25 two thousand and fifty pounds; and
- (4) For the purposes of the water undertaking with the consent of the Secretary for Scotland but not otherwise such further moneys as the Town Council may require and the Secretary for Scotland shall have and
 30 may exercise in relation to such consent as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889;
- (5) For the payment of the costs charges and expenses of
 35 and incidental to obtaining and confirming this Order the sum requisite for the purpose;

and may make and grant mortgages or other securities of the water assessment and rates rents and charges in the manner authorised by the Police Acts in security of the money so borrowed and interest thereon and any sums so to be borrowed

A.D. 1912. — may be borrowed on terms of the repayment thereof by annuity instalment or otherwise.

Periods for repayment of borrowed money.

49. The Town Council shall pay off all moneys borrowed by them under this Order for the purposes of their water undertaking within the respective periods following (hereinafter referred to as "the prescribed period") (that is to say):—

As to moneys borrowed for the purpose (1) mentioned in the immediately preceding section of this Order within sixty years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (2) mentioned in the immediately preceding section of this Order within fifty years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (3) mentioned in the immediately preceding section of this Order within thirty-five years from the date or dates of borrowing the same:

As to moneys borrowed with the approval of the Secretary for Scotland for the purpose (4) mentioned in the immediately preceding section of this Order within such period as the Secretary for Scotland may notwithstanding anything in the Police Acts contained prescribe:

As to money borrowed for the payment of the costs charges and expenses of and in relation to this Order within five years from the commencement of this Order.

Mode of repayment of borrowed money.

50. The Town Council shall pay off all moneys borrowed by them (other than money borrowed for current expenses) under this Order either by means of a sinking fund formed under the provisions of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them.

Sinking fund.

51.—(1) If the Town Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called "a non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called "an accumulating sinking fund."

A.D. 1912.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Town Council the Town Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Town Council towards the equal annual payments to the fund.

(4) The Town Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Town Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Town Council.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate

A.D. 1912. — per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Town Council in addition to the payments provided for by this Order. 5

(7) If it appears to the Secretary for Scotland or to the Town Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Town Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. 10 15

(8) If the Town Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund. 20

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Town Council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Town Council may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed. 25 30

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Town Council be sufficient to repay the loan in respect of which it is formed within the prescribed period the Town Council may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund. 35

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which 40

it was formed shall be applied to such purpose as the Town Council may determine. A.D. 1912.

(12) The period at which the payments into the sinking fund shall commence shall (except as regards money borrowed for the payment of the costs charges and expenses of and incidental to obtaining and confirming this Order) be four years after the commencement of this Order or within one year after the completion of the works authorised by this Order and the introduction of the water supply from the said works whichever shall be the earlier.

52. If after having borrowed the sums of money by this Order authorised or any part thereof the Town Council shall pay off the same or any part thereof otherwise than by means of annuities or instalments or of the sinking fund provided by this Order or of the proceeds of the sale of land it shall be lawful for the Town Council again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from time to time.

Power to re-borrow.

53. The Town Council may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Town Council according to the usage of bankers in Scotland to the extent of the amount which the Town Council require at the time to borrow under this Order or any part thereof and may make and grant mortgages or other securities of the water assessment and rents rates and charges in the manner authorised by the Police Acts in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided always that the whole sums due and owing to the Town Council on such cash account and for money otherwise borrowed by them shall not when taken together exceed the aggregate amount of the sums by this Order authorised to be borrowed.

Town Council may borrow on cash account.

54. In the application to the burgh of section 49 (Power to borrow temporarily) of the Burgh Police (Scotland) Act 1903 the expression "any public general Act" shall be deemed to include this Order.

Borrowing power for current expenses.

55. The provisions of the Police Acts with respect to water supply shall subject to the provisions of this Order and so far

Application of Police Acts.

A.D. 1912. — as not inconsistent therewith apply to the supply of water within the burgh by the Town Council from their existing waterworks and from the works by this Order authorised.

Reserve fund.

56. The Town Council may provide out of the yearly water assessment and rates rents charges and other revenues of their water undertaking a reserve fund by setting aside such a sum annually as they may from time to time think fit and investing the same and the resulting income thereof upon such securities as the Town Council may by law for the time being invest their funds and accumulating the same at compound interest which reserve fund shall not at any time exceed in the whole the sum of five thousand pounds and shall be applicable as and when the Town Council may determine from time to time for the renewal of the works plant and apparatus or any extraordinary claim or demand at any time arising against the Town Council in respect of their water undertaking.

Annual return to Secretary for Scotland with respect to sinking fund.

57. The treasurer of the Town Council shall within four months after the expiration of each year during which any sum is required to be paid as an instalment or to be set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the Town Council have failed to pay any instalment or to set apart the sum required by this Order to be set apart for the sinking fund or to make any increased payment thereto by this Order required or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have

[2 & 3 GEO. 5.] *Dunbar Water Order Confirmation.* 31

been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose. A.D. 1912. --

5 58. All sums borrowed by the Town Council on mortgage or cash account or otherwise (except any sums borrowed for current expenses) shall be applied only to purposes to which capital is properly applicable. Application of moneys borrowed.

10 59. Nothing in this Order shall prejudice or affect the priority or other rights or remedies under any mortgages or securities or obligations granted by the Town Council before the commencement of this Order and then subsisting. Reservation of prior mortgages.

15 60. No person lending money to the Town Council shall be bound to inquire as to the observance by the Town Council of any provision of the Police Acts or this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or any part thereof. Protection of lender from inquiry.

20 61. The mortgagees of the Town Council under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than two thousand pounds. For appointment of a judicial factor.

25 62. Subject to the provisions of this Order the existing waterworks of the Town Council and the works to be constructed under the authority of this Order shall for all purposes whatsoever be and be deemed to be part of the water undertaking of the Town Council. Existing waterworks and new works to form one undertaking.

30 63. The costs charges and expenses incurred in preparing for and obtaining and confirming this Order and incidental thereto shall be paid by the Town Council out of any moneys in their hands or out of any moneys borrowed by them under this Order for that purpose. Costs of Order.

A.D. 1912. The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

Dates.	Parties.
1874. 17th 25th 27th and 29th August and 4th September.	Agreement between Robert Higgins on behalf of the proprietrix of the estate of Biel J. and F. Anderson on behalf of the proprietor of Bowerhouse Robert Swan on behalf of the Earl of Haddington and James Brunton on behalf of the Duke of Roxburghe of the first part and James Knox James Brand and John Anderson of the town of Dunbar on behalf of the local authority of Dunbar of the second part. 5 10
1878. 13th 22nd 25th and 28th February.	Agreement between Robert Higgins on behalf of the proprietrix of the estate of Biel J. and F. Anderson on behalf of the proprietor of Bourhouse Robert Swan on behalf of the Earl of Haddington and James Brunton on behalf of the Duke of Roxburghe of the first part and James Brand Provost and Charles Notman town clerk of the burgh of Dunbar for and on behalf of the local authority of Dunbar of the second part. 15 20
1878. 14th February and 2nd March.	Agreement between James Brunton on behalf of the Duke of Roxburghe and James Brand Provost and Charles Notman town clerk of Dunbar for and on behalf of the local authority of Dunbar. 25
1887. 25th February 28th February 4th 9th and 10th March.	Agreement between Robert Higgins on behalf of the proprietrix of the estate of Biel J. and F. Anderson on behalf of the proprietor of Bowerhouse or Bourhouse Lindsay Jamieson and Haldane on behalf of the Earl of Haddington and James Brunton factor for and on behalf of the Duke of Roxburghe of the first part and James Brand Provost and Charles Notman town clerk of the burgh of Dunbar for and on behalf of the local authority of Dunbar of the second part. 30 35

THE SECOND SCHEDULE.

A.D. 1912.

AGREEMENT between Mrs. MARY GEORGIANA CONSTANCE NISBET
 HAMILTON OGILVY of Biel in the county of Haddington
 widow heiress of entail of the entailed lands and estates
 5 of Biel (hereinafter called "the first party") of the first
 part and THE PROVOST MAGISTRATES AND COUNCILLORS OF
 THE ROYAL BURGH OF DUNBAR (hereinafter called "the
 second party") of the second part.



WHEREAS the second party are in the present session of Parliament
 10 under the Private Legislation Procedure (Scotland) Act 1899 promoting
 a draft Provisional Order intituled a "Provisional Order to authorise
 " the provost magistrates and councillors of the Royal burgh of Dunbar
 " to provide an additional water supply and to construct and maintain
 " new waterworks to vest the existing waterworks in the Town Council
 15 " and for other purposes " :

And whereas in respect of the second party entering into these
 presents the first party consents to the said Provisional Order so far
 as the same affects the lands and property of the first party being
 passed upon the terms and conditions hereinafter written :

20 Therefore the first and second party have agreed and hereby agree
 as follows (namely) :—

First The first party shall not oppose the said Provisional Order.

Second In the event of the said Provisional Order being passed
 into law the second party shall under the powers thereby conferred on
 25 the second party be entitled to acquire the following property rights
 and interests (namely) :—

(1) For the purposes of the water supply under the Order to
 impound the waters of the Rottenraw or Pathhead Burn by
 means of the Reservoir (Work 1) and Embankment (Work 2)
 30 shown on the deposited plans and to take water from Moses
 Well the Cauld Burn and the Cross Burn by means of
 (Work 6) (Work 8) and (Work 10) described in the Order :

(2) The existing Compensation Reservoir (Work 5) :

(3) A Servitude Right for a Road of Access (Work 4) to the new
 Reservoir (Work 1) and for a Road of Access (Work 4A)
 35 to the existing Reservoir (Work 5) and constructed on such
 lines as may be adjusted and fixed by John Alexander
 Warren Civil Engineer Glasgow and George Somervell
 Carfrae Civil Engineer Edinburgh within the limits of
 40 deviation shown on the deposited plans.

A.D. 1912.

- (4) A Servitude Right of Wayleave for the existing Conduits or Lines of Pipes (Work 7) and (Work 9) described in the Order as well as the two-inch pipe (hereinafter referred to as "the Little Spott Pipe") so far as it passes through the estate of Biel which pipe at present conducts water to Little Spott Farm and others on the estate of Biel and thence to the estate of Bourhouse and the property of Wester Broomhouse and also a Servitude Right of Wayleave to lay maintain and use the Conduit or Line of Pipe (Work 3) between the new Reservoir (Work 1) and the existing Pipe (Work 7).

Third The second party shall pay to the first party as compensation for the property and rights and privileges to be acquired as aforesaid—

- (1) For all land to be taken and acquired for the purposes of the Order at the rate of sixty pounds per acre; and
- (2) For wayleaves for pipes at the rate of two shillings per lineal yard of pipe excepting in the case of the Little Spott Pipe for which so far as it passes through the estate of Biel the wayleave shall be at the rate of one shilling per lineal yard of pipe. The extent of the lands to be taken and acquired or occupied as aforesaid the lengths of the wayleaves and the maximum dimensions of the pipes laid or to be laid along the wayleave lands for the purposes of the second party's own water supply shall be fixed by the said John Alexander Warren and George Somervel Carfrae within three months from the commencement of the Order. The sums payable by the second party to the first party for the land to be taken and acquired or occupied as aforesaid and also for the said wayleaves shall be payable to the first party at the first term of Whitsunday or Martinmas after the commencement of the said Order or at the date when the second party shall first break ground upon the estate of Biel whichever date shall first happen and shall bear interest at the rate of five per cent. per annum from the date of payment during non-payment.

Fourth The first party shall allow the agricultural tenant of Hall's Farm an abatement of rent for land taken or occupied by the second party as aforesaid from and after the date of payment provided in the immediately preceding article of this agreement and the second party shall free and relieve the first party of and shall settle all claims competent to her tenants other than the claim of the said tenant of Hall's Farm for the foresaid abatement of rent. Further the second party shall indemnify the first party for all temporary damage arising during the construction of the said works as the same failing agree-

[2 & 3 GEO. 5.] *Dunbar Water Order Confirmation.* 35

ment shall be settled by the said George Somervel Carfrae whom failing Thomas Elder Stevenson Mains Haddington whom failing by an arbiter to be chosen by the parties hereto. A.D. 1912.

Fifth The second party shall construct and maintain for the use of the first party and her successors in the estate of Biel a regulating tank within the limits of deviation situate near the intake on the Cauld Burn into which the existing supply from the spring for the Little Spott Pipe and the spring about forty yards to the south thereof will be conducted and connected there with the Little Spott Pipe which Little Spott Pipe with relative pipes cocks tanks and others in so far as situated on the estate of Biel shall also be maintained by the second party.

Sixth The second party shall at a lower level than their own connection make and maintain a connection between the well known as Moses Well and the said regulating tank so as to give a preferential supply from the said well to the Little Spott Pipe and also cause a pipe not exceeding three-quarters of an inch in diameter to be laid with a ball valve thereon between the Main Outlet Pipe (Work 3) leading from the Reservoir (Work 1) to the said regulating tank so that in the event of the water from the foresaid springs and well not being sufficient at any time for supplying the Little Spott Pipe the supply may be maintained from the Reservoir (Work 1) The first party and her successors in the estate of Biel and her or their tenants thereon shall be entitled free of charge to the water in the Little Spott Pipe for the supply of Little Spott Farm house and steading and the houses (built and to be built) and fields on said estate through or past which the Little Spott Pipe runs and such water as remains in the Little Spott Pipe after all purposes of the first party and her foresaids have been satisfied shall be for the supply (free of charge) of the estate of Bourhouse and the property of Wester Broomhouse The present free supply of water from the second party's main pipe to the keeper's house at the Compensation Reservoir (Work 5) shall be continued in future and the appliances therefor be maintained by the second party at their own expense.

Seventh The second party shall provide and maintain water troughs of an available length of six feet with a constant supply of water to be placed in suitable positions in the fields numbered 285 260 283 256 253 241 and 258 on the Ordnance Survey plan of the parish of Spott (1898 edition) also a lead pipe not exceeding three-quarters of an inch in diameter with a tap for a supply of water to the sheep dipper in Field No. 258 on the said Ordnance Survey plan.

Eighth Any questions arising in regard to the stipulations contained in the three immediately preceding articles of this agreement shall be determined by the engineer for the time being of the first party or her successors in the estate of Biel.

A.D. 1912.

Ninth The second party shall construct the Road of Access (Work 4) as close to the side of the Cauld Burn as practicable and in the construction of said road they shall take all precautions to prevent any banking or material falling or sliding into the said burn and the second party shall construct new gateways in the wall where said road 5 leaves the public road and between the fields numbered 285 and 260 of said before-mentioned Ordnance Survey map and provide new ten feet gates for same and shall build up the existing gateway between said fields numbered 285 and 260 after the new gate is available for the farm tenant The Road of Access (Work 4A) shall be constructed in 10 the line shown on the deposited plans.

Tenth The second party shall after providing the water troughs and water supply therefor hereinbefore referred to (or temporary water supplies in lieu thereof during construction of works) and before commencing to construct the said new Reservoir (Work 1) and Road of 15 Access (Work 4) fence the ground to be occupied by the said new reservoir with a permanent fence and the said road of access with a suitable temporary fence The said permanent fence shall be of such a character as shall be satisfactory to the first party and as shall prevent all kinds of stock getting access to the said new reservoir The second 20 party shall provide the first party and her successors in the estate of Biel with keys for the gates leading to the said reservoirs.

Eleventh The second party shall make good any drains interfered with either in the construction of the said new reservoir and the said roads of access or the laying of the water pipes and in the case of any 25 such interference shall if necessary lay new main drains to intercept and carry surface and subsoil water to the burn all to the satisfaction of the engineer of the first party.

Twelfth The second party shall fix and maintain iron stakes in the said new reservoir at the south-west end to indicate the march 30 between Biel and Ruchlaw Estates.

Thirteenth The second party shall fence the east end of the north boundary and along the east boundary of the said Compensation Reservoir (Work 5) and shall maintain the whole fencing gates and 35 stiles erected or to be erected by them at or adjoining the said reservoirs and roads of access in an efficient and satisfactory manner all to the satisfaction of the engineer for the time being of the first party or her successors in the estate of Biel.

Fourteenth The second party hereby agree to the following reservations conditions and stipulations (that is to say):— 40

- (1) The minerals shall be reserved to the owners of the estate of Biel for the time being:
- (2) The exclusive right of fishing and shooting on the Compensation Reservoir (Work 5) and also on the new Reservoir (Work 1)

so far as the latter reservoir is situated on the estate of Biel shall with the right of access to said reservoirs be reserved to the first party and her successors in the estate of Biel as her or their property with power to the first party and her foresaids to stock both reservoirs with fish to erect and maintain a boathouse at each reservoir and to put one boat on the new reservoir and a boat or boats on the compensation reservoir and with the view of the preservation of the fish the second party shall not draw off the water in either reservoir to a lower level than five feet above the water run of the respective outlet pipes except for the purposes of cleaning or repairing the reservoirs and shall give not less than a week's written notice to the first party of the intention to draw off the water for such purposes Both reservoirs to be kept free of weeds by the second party who shall cut and remove at regular periods any weeds appearing :

(3) After the completion of the new Reservoir (Work 1) and as regards the existing Compensation Reservoir (Work 5) from the commencement of the Order the second party shall only be entitled to have access to both reservoirs by the Roads of Access (Works 4 and 4A) for the purpose of inspecting the works or regulating the water supply or compensation water to the burn or repairing the works or any part of same or for any other lawful purpose connected with the said water-works and no person other than the second party or their contractor or persons engaged in the business of the second party's water supply or works shall have access to the reservoirs so far as the same are situated on the estate of Biel The first party and her successors in the estate of Biel and her or their tenants shall be entitled to use the foresaid roads of access to the respective reservoirs :

(4) No water shall be abstracted by the second party from the Dean Burn or from any of the other burns on Halls Pathhead or Little Spott except by the prescribed intakes namely Intake (Work 8) on the Cauld Burn and Intake (Work 10) on the Cross Burn without the consent in writing of the first party or her successors in the estate of Biel :

(5) All materials in connection with the construction or maintenance of the new Reservoir (Work 1) shall be conveyed along the public roads and thence along the new Road of Access (Work 4) to be formed thereto No carting or traffic of any description will be permitted on Halls private road from the public road at Burnhead and with the view of minimising trespass with consequent damage and loss to

A.D. 1912.

the agricultural and shooting tenants a special clause shall be inserted in the contract for construction of said works prohibiting trespass on any account whatever on pain of instant dismissal:

- (6) All cess minister's stipend county poor and school rates and 5
all other local public or parochial burdens whatever imposed or to be imposed on the lands to be acquired or occupied as aforesaid and on the pipes laid or to be laid as aforesaid shall be paid by the second party:
- (7) The whole works shall be kept in repair by the second party 10
after completion and they shall pay to the first party or her successors in the estate of Biel and her or their tenants all damage that may be occasioned by the failure of said works or repairing or altering the same or by maintenance operations from time to time. 15

Fifteenth Upon payment of the sums that shall ultimately be ascertained to be due by the second party to the first party as aforesaid and interest thereon the first party shall subject to the reservations conditions and stipulations foresaid grant a formal conveyance in favour of the second party of the land to be taken as aforesaid and of the said 20
servitude rights of access and wayleave The said conveyance shall also contain a clause expressed in terms to be settled by Messrs. Dundas and Wilson clerks to the signet Edinburgh providing that the servitude wayleave for the Little Spott Pipe to the march between the estates of Biel and Bourhouse is only for the conveyance to that point (the said 25
march) for the use of Bourhouse and Wester Broomhouse of such water as the first party and her successors in the estate of Biel and her or their tenants may not require and setting forth that the proprietors of Bourhouse and Wester Broomhouse shall only be entitled to such water in said pipe as may remain after all purposes of the first party 30
and her foresaids have been satisfied.

Sixteenth In respect the first party holds the estate of Biel under entail the compensation payable under the third article hereof shall when due be consigned by the second party in bank in manner provided by and subject to the conditions and provisions contained 35
in the said Lands Clauses Consolidation (Scotland) Act 1845 with reference to owners possessing their land under entail.

Seventeenth The second party shall pay and free and relieve the first party as between agent and client on the client paying scale of the whole costs charges and expenses incurred or to be 40
incurred by her in connection with this agreement or preliminary or incident thereto or arising in connection with the carrying out of same and the conveyance to be granted in favour of the second party and that both as regards her solicitors and engineer and valuator.

A.D. 1912.

Eighteenth This agreement shall be scheduled to the said Provisional Order and shall be subject to the approval of Parliament and to such alterations as the Secretary for Scotland or Parliament shall think fit to make thereon but if any material alteration is made thereon
 5 either party to it shall be at liberty to withdraw therefrom and in that event or in case the said Provisional Order with this agreement scheduled thereto shall not be confirmed by an Act of Parliament the arrangement contained in this agreement shall become null and void and both parties shall be free from the whole terms conditions
 10 and stipulations thereof except that the second party shall pay to the first party the whole costs charges and expenses so far as incurred by her provided for under head seventeenth thereof.

Nineteenth The quantities of water hereinbefore agreed to be given by the second party shall so far as supplied to and taken on
 15 behalf of the estate of Biel be supplied and taken under the provisions of the said Order with respect to the prevention of waste of water but subject always to and under reservation of any present rights as to water supply of the present tenants of the estate of Biel or parties in their right and declaring that the second party shall not as regards
 20 such tenants and their foresaids exercise or enforce the said provisions in any manner inferring legal recourse by the said tenants or their foresaids against the first party or her representatives or her successors in the estate of Biel and further declaring that nothing in this section contained shall be construed as empowering the second party to lessen
 25 the diameter of the Little Spott Pipe or diminish the supply of water hereinbefore provided to be delivered by that pipe.

Lastly Any questions (other than questions for the disposal of which special provision is already hereinbefore made) arising between the parties hereto respecting the meaning and intent of these presents
 30 are hereby referred to the Dean of the Faculty of Advocates for the time being whom failing the Vice-Dean of the said Faculty as sole arbiter to determine the same and both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents written on this and the five
 35 preceding pages by James Clark clerk to Messrs. Dundas and Wilson clerks to the signet Edinburgh are (under the declaration that the word "seventeenth" occurring in the second line counting from the top of page sixth hereof was written over erasure before subscription) executed in duplicate by the parties hereto as follows (videlicet) They
 40 are sealed with the seal of the royal burgh of Dunbar and subscribed on behalf of the provost magistrates and councillors of said royal burgh by George Low provost of said royal burgh and Robert White town clerk of said royal burgh at Dunbar on the twenty-fourth day of January in the year nineteen hundred and twelve before these

A.D. 1912. witnesses Alexander Campbell inspector of police Dunbar and Joseph
 Dodd burgh officer Dunbar and are signed by the said Mrs. Mary
 Georgiana Constance Nisbet Hamilton Ogilvy at Biel on the twenty-
 sixth day of January in the year last-mentioned before these witnesses
 the Right Reverend George Henry Somerset Walpole Bishop of 5
 Edinburgh residing at Number One Eglinton Crescent Edinburgh
 and William Simpson Curr Factor Ninewar Prestonkirk.

G. H. S. WALPOLE Bishop of
 Edinburgh Witness.

W. S. CURR Witness.

A. CAMPBELL Witness.

JOSEPH DODD Witness.

M. G. CONSTANCE NISBET
 HAMILTON OGILVY. 10
 GEORGE LOW Provost.
 ROBT. WHITE Town Clerk.

[2 & 3 GEO. 5.] *Dundee Harbour and Tay Ferries
Order Confirmation.*

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A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1912.
Legislation Procedure (Scotland) Act 1899 relating to
Dundee Harbour and Tay Ferries.

WHEREAS His Majesty's Secretary for Scotland has made
the Provisional Order set forth in the schedule hereunto
annexed under the provisions of the Private Legislation Pro- 62 & 63 Vict.
cedure (Scotland) Act 1899 and it is requisite that the said c. 47.
5 Order should be confirmed by Parliament:

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

- 10 **1.** The Provisional Order contained in the schedule hereunto
annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.
- 2.** This Act may be cited as the Dundee Harbour and Tay Short title.
Ferries Order Confirmation Act 1912.

A.D. 1912.

S C H E D U L E.

DUNDEE HARBOUR AND TAY FERRIES.

Provisional Order to sanction and confirm an agreement made between the Trustees of the Harbour of Dundee and the Caledonian Railway Company and the North British Railway Company for the working and user of the harbour rails of the Trustees to amend the provisions of the Dundee Harbour and Tay Ferries Consolidation Act 1911 as to the qualification of persons who may elect and who may be elected Trustees and for other purposes. 5
10

WHEREAS by the Dundee Harbour and Tay Ferries Consolidation Act 1911 (herein-after referred to as "the Act of 1911") the Acts relating to the harbour of Dundee and the Tay ferries were consolidated with amendments and the Trustees of the said harbour were reconstituted and reincorporated and the harbour and Tay ferries undertakings were vested in the Trustees so reincorporated (herein-after called "the Trustees") all as therein mentioned: 15

And whereas by the Act of 1911 the Trustees were authorised to work and use the harbour rails of the Trustees and to take and charge rates therefor not exceeding the rates specified in Schedule F to the said Act: 20

And whereas the Trustees have entered into an agreement with the Caledonian Railway Company and the North British Railway Company for the working and user upon the terms and subject to the conditions contained in the said agreement of the harbour rails of the Trustees as defined in the said agreement: 25

And whereas it is expedient that the said agreement set forth in the schedule hereto should be sanctioned and confirmed: 30

And whereas it is expedient to amend the provisions of the Act of 1911 with respect to the qualification of persons who may elect and who may be elected trustees as herein-after provided:

[2 & 3 GEO. 5.] *Dundee Harbour and Tay Ferries*
Order Confirmation.

§

And whereas it is expedient that the other provisions in A.D. 1912,
 this Order contained should be enacted :

And whereas the purposes aforesaid cannot be effected
 without an Order of the Secretary for Scotland confirmed by
 5 Parliament under the provisions of the Private Legislation
 Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in
 the last-mentioned Act the Secretary for Scotland orders as
 follows :—

10 1. This Order may be cited as the Dundee Harbour and Short title.
 Tay Ferries Order 1912 and shall commence and have effect
 from and after the date of the passing of the Act confirming
 the same which date is herein-after referred to as “the com-
 mencement of this Order” The Act of 1911 as amended by
 15 this Order and this Order may be cited together as the Dundee
 Harbour and Tay Ferries Acts 1911 and 1912.

2. In this Order the several words and expressions herein Interpreta-
 tion of terms.
 contained to which meanings are assigned in the Act of 1911
 shall have the same respective meanings unless there be some-
 20 thing in the subject or context inconsistent with or repugnant
 to such construction.

3. The agreement entered into between the Trustees of the Confirma-
 tion of agree-
 ment with
 Caledonian
 and North
 British Rail-
 way Com-
 panies as to
 working and
 user of har-
 bour rails.
 first part and the Caledonian Railway Company and the North
 British Railway Company of the second part set forth in the
 25 schedule to this Order is hereby sanctioned and confirmed and
 shall be carried out according to the true intent and meaning
 thereof The said railway companies during the currency of the
 said agreement and subject to the provisions thereof may work
 and use the harbour rails as therein defined and may demand
 30 and recover for the use of the harbour rails and haulage thereon
 any sums not exceeding the rates specified in Schedule F to
 the Act of 1911.

4. The following proviso shall be and the same is hereby Amendment
 of section 13
 of Act of
 1911.
 added to section 13 (Election of Trustees by Corporation) of the
 35 Act of 1911 and shall have effect (that is to say) :—

“ Provided always that if any person elected as a Trustee
 “ by the Corporation shall cease to be a member of
 “ the Corporation during the period for which he was
 “ elected a Trustee such person shall thereupon become

Dundee Harbour and Tay Ferries [2 & 3 GEO. 5.]
Order Confirmation.

A.D. 1912.

“ disqualified from continuing to act as a Trustee and
 “ his office as Trustee shall become vacant and such
 “ vacancy shall be filled up in manner provided by the
 “ section of this Act the marginal note of which is
 “ ‘ Provision for supplying vacancies ’ but no person 5
 “ elected as a Trustee by the Corporation shall be held
 “ to be disqualified by reason merely of the expiry of
 “ his term of office as a member of the Corporation
 “ provided he be re-elected as a member of the Corpo-
 “ ration at the election immediately ensuing.” 10

Repeal of
 sections 18
 19 and 20 of
 Act of 1911.

5. Sections 18 (Election of Trustees by shipowners) 19
 (Qualification of shipowners) and 20 (Persons appointed by in-
 corporated company &c. qualified as shipowners) of the Act of
 1911 are hereby repealed but notwithstanding such repeal the
 four persons elected Trustees by the shipowners in the month of 15
 November one thousand nine hundred and eleven in accordance
 with the provisions of the Act of 1911 who came into office on
 the third Tuesday of November one thousand nine hundred and
 eleven shall (subject to the provisions of the Act of 1911 as
 amended by this Order with respect to the occurrence of any 20
 vacancy) remain in office until the third Tuesday of November
 one thousand nine hundred and fourteen.

Election of
 Trustees by
 shipowners.

6. Subject to the provisions of this Order the four persons
 to be elected Trustees by the shipowners shall be shipowners 25
 residing or having a place of business within the burgh qualified
 to be elected Trustees for the shipowners and registered as
 herein-after provided and shall be elected by shipowners qualified
 as electors and entitled to vote at the election of Trustees for
 the shipowners as herein-after provided and registered in terms
 of section 25 (Registers of electors to be made up and published) 30
 of the Act of 1911 and the election of such Trustees shall take
 place between the first and tenth days of November one thousand
 nine hundred and fourteen inclusive and between the first and
 tenth days of November inclusive in every third year thereafter
 and the Trustees so first elected shall come into office on the 35
 third Tuesday of November one thousand nine hundred and four-
 teen and shall remain in office until the third Tuesday of
 November one thousand nine hundred and seventeen when the
 Trustees elected in their room shall come into office and so on
 in every third year thereafter. 40

7.—(1) Any person who is a British subject residing or having a place of business within the United Kingdom whose name shall on the thirty-first day of August one thousand nine hundred and fourteen with respect to the first election of Trustees by the shipowners after the commencement of this Order and on the thirty-first day of August in every third year thereafter with respect to subsequent elections of Trustees by the shipowners appear in the books of the Custom House of Dundee as owner or part owner to the extent of at least one hundred tons gross or the equivalent thereof of or in a vessel or vessels registered at the port of Dundee shall be qualified to be an elector and to vote at the elections of Trustees by the shipowners and (if resident or having a place of business within the burgh) shall be qualified to be elected as a Trustee for the shipowners and shall subject to the provisions of this Order be entitled to be registered in terms of section 25 (Registers of electors to be made up and published) of the Act of 1911 and where any person or persons (being British subjects and being the representatives of any joint owners firm company or corporation residing or having a place of business within the United Kingdom) or any two or more persons (being British subjects) jointly or any company or corporation residing or having a place of business within the United Kingdom appear in the books of the Custom House aforesaid as owners to the extent of at least one hundred tons gross or the equivalent thereof of or in a vessel or vessels registered at the port of Dundee such person or persons company or corporation may intimate in writing to the Trustees on or before the thirtieth day of September next preceding the election the name or names of any one or more (not exceeding five in number in respect of any one body of joint owners or any one firm company or corporation) of the owners managing owners or managers of any such vessel or vessels or of the partners or members or of the managers or secretaries (all being British subjects) of any such company or corporation whom they desire to qualify as electors in respect of the ownership of such vessel or vessels and each such owner managing owner partner member manager or secretary so named shall be qualified to be an elector and to vote at the elections of Trustees by the shipowners and (if resident or having a place of business within the burgh) shall be qualified to be elected as a Trustee for the shipowners and shall be entitled to be registered as aforesaid provided that the amount

A.D. 1912.
Qualification
of ship-
owners.

A.D. 1912. of tonnage held by such owners company or corporation be sufficient to afford the qualification of at least one hundred tons gross or the equivalent thereof of or in such vessel or vessels to each of the owners managing owners partners members managers or secretaries so named and a written intimation to the Trustees 5 of the name or names of the owner or owners of any such vessel or vessels under the hands of the person or persons in whose name or names the said vessel or vessels is or are registered in the books of the Custom House aforesaid or under the hands of the managing owner or manager of any such vessel or 10 vessels shall be sufficient evidence of the ownership of such vessel or vessels and the person or each of the persons so named in such intimation shall be qualified to be an elector and to vote at the elections of Trustees by the shipowners and (if resident or having a place of business within the burgh) shall 15 be qualified to be elected as a Trustee for the shipowners and shall be entitled to be registered as aforesaid in the same manner as if his or their name or names had appeared in the books of the Custom House aforesaid as owner or owners of any such vessel or vessels: 20

(2) Any person who is a British subject residing or having a place of business within the United Kingdom and is the owner or part owner of or in a vessel or vessels registered in the United Kingdom and who shall during the year ending on the thirty-first day of August one thousand nine hundred and four- 25 teen with respect to the first election of Trustees by the shipowners after the commencement of this Order and during the year ending on the thirty-first day of August in every third year thereafter with respect to subsequent elections of Trustees by the shipowners have paid as principal either directly or 30 indirectly twenty-five pounds or upwards of rates exigible under Schedules B and H or either of them to the Act of 1911 in respect of such vessel or vessels shall be qualified to be an elector and to vote at the elections of Trustees by the shipowners and (if resident or having a place of business within the 35 burgh) shall be qualified to be elected as a Trustee for the shipowners and shall be entitled to be registered as aforesaid and where rates on vessels as herein-before provided shall be paid by any two or more persons (being British subjects) jointly or any firm company or corporation residing or having a place 40 of business within the United Kingdom such persons firm

[2 & 3 GEO. 5.] *Dundee Harbour and Tay Ferries*
Order Confirmation.

7

company or corporation may (whether such persons firm com- A.D. 1912.
 pany or corporation are themselves registered as the owners of
 the vessel or vessels in respect of which such rates are paid or
 the said vessel or vessels is or are registered in the name or
 5 names of their nominee or nominees) intimate in writing to the
 Trustees on or before the thirtieth day of September next
 preceding the election the name or names of any one or more
 (not exceeding five in number in respect of any one body of such
 persons or any one firm company or corporation) of such persons
 10 or of the partners or members or of the managing owners
 managers or secretaries (all being British subjects) of any such
 firm company or corporation on whose behalf such payment has
 been made and such payment shall be deemed to have been made
 by the persons partners members managing owners managers
 15 or secretaries so named and each such person partner member
 managing owner manager or secretary so named shall be qualified
 to be an elector and to vote at the elections of Trustees by the
 shipowners and (if resident or having a place of business within
 the burgh) shall be qualified to be elected as a Trustee for the
 20 shipowners and shall be entitled to be registered as aforesaid in
 the same manner as if such payment had been made by him as
 an individual provided the amount of rates paid by such persons
 firm company or corporation is sufficient to afford the qualifica-
 tion of twenty-five pounds to each of the persons partners
 25 members managing owners managers or secretaries so named.

(3) In this section the expression "the equivalent thereof"
 means such a share or interest of or in a vessel or vessels
 registered at the port of Dundee as would in tonnage be equal
 to at least one hundred tons gross.

30 8. The persons whose names appear in the register of ship-
 owners made up in terms of section 25 (Registers of electors
 to be made up and published) of the Act of 1911 on or before
 the fifth day of October one thousand nine hundred and eleven
 as qualified under the provisions of the Act of 1911 to elect
 35 Trustees for the shipowners shall if then resident or having a
 place of business within the burgh be qualified to be elected
 Trustees for the shipowners and the said register shall be amended
 accordingly and as so amended shall be the register of shipowners
 for the period to which the said register of shipowners under the
 40 Act of 1911 is applicable.

Persons to
 be qualified
 to be elected
 Trustees for
 shipowners
 and amend-
 ment of
 register of
 shipowners.

- A.D. 1912. 9. In section 25 (Registers of electors to be made up and
 Meaning of published) of the Act of 1911 the expression "the provisions of
 section 25 of this Act" where it first occurs in that section shall be construed
 Act of 1911. to mean the provisions of the Act of 1911 as amended by this
 Order. 5
- Meaning of 10. Section 33 (Provision for supplying vacancies) of the
 section 33 of Act of 1911 shall be read and construed as if it were thereby
 Act of 1911. provided that any person to be appointed by the Trustees as a
 Trustee to fill a vacancy in the number of the Trustees elected
 by the shipowners shall be a person qualified and registered in 10
 the manner provided by this Order.
- Costs of 11. All costs charges and expenses of and incident to the
 Order. preparing for obtaining and confirming of this Order or otherwise
 in relation thereto shall be paid by the Trustees out of the
 rates authorised to be levied by and other revenues of the 15
 Trustees.

The SCHEDULE referred to in the foregoing Order.

AGREEMENT between the TRUSTEES of the HARBOUR OF DUNDEE
 of the first part and the CALEDONIAN RAILWAY COMPANY
 and the NORTH BRITISH RAILWAY COMPANY of the second 20
 part.

WHEREAS by agreement between the parties hereto dated nineteenth
 twenty-fourth and thirty-first December one thousand eight hundred
 and ninety-five and third January one thousand eight hundred and
 ninety-six it was inter alia provided that the second parties might use 25
 the rails of the first parties on and around the Dundee Harbour and
 Docks or part thereof and also on and along Dock Street and West
 Dock Street of Dundee all in the lines and as coloured blue upon a
 plan executed by the parties as relative to the said agreement and on
 the terms and as written in said agreement; 30

And whereas the said agreement provided that it should endure
 for fifteen years as from the term of Whitsunday one thousand eight
 hundred and ninety-five and should be terminable at Whitsunday one
 thousand nine hundred and ten or at any term of Whitsunday there-
 after on premonition of one year; 35

And whereas the first parties terminated the said agreement at
 Whitsunday one thousand nine hundred and ten from which date
 temporary arrangements were made for the working of the said harbour
 rails by the second parties;

[2 & 3 GEO. 5.] *Dundee Harbour and Tay Ferries*
Order Confirmation.

9

And whereas under the Dundee Harbour and Tay Ferries Con- A.D. 1912.
 solidation Act 1911 (herein-after referred to as "the Act") the first
 parties are empowered to work the railways rails and sidings (in the
 Act and herein-after referred to as "the harbour rails") at or connected
 5 with the port and harbour of Dundee (herein-after referred to as "the
 harbour" now belonging and which may from time to time belong to
 the first parties and to take and charge for traffic over the harbour
 rails and for services rendered and for the use of carriages trucks
 wagons and engines (including use of the harbour rails) the rates
 10 specified in Schedule F annexed to the Act;

And whereas negotiations have taken place between the parties
 hereto and the arrangements have been come to between them as to
 the future use and working of the said harbour rails by the second
 parties as herein-after written;

15 Now therefore these presents witness that the parties hereto have
 agreed with each other and do hereby agree and bind and oblige
 themselves to each other as follows viz. :—

First This agreement shall come into force as at the first day of
 March one thousand nine hundred and eleven and shall subsist for a
 20 period of fifty years from that date provided that it shall be in the
 option of any of the parties hereto to terminate this agreement as at
 the twenty-ninth day of February one thousand nine hundred and
 thirty-six on giving two years' previous written notice to the other
 parties.

25 Second The second parties during the currency of this agreement
 shall for all traffic of every kind (including therein all traffic of the
 Dundee and Arbroath Joint Railway of which the second parties are
 the joint owners) be entitled to the sole use of the harbour rails for
 the conveyance of traffic to and from the harbour and from any one
 30 part of the harbour to any other part of the harbour subject to the
 use of the harbour rails free of charge by the first parties (and by
 contractors employed by them) for the running of plant by steam or
 otherwise for harbour administration purposes but so as not to cause
 thereby to the second parties any hindrance increased cost of working
 35 or loss of revenue or to involve them in any increased liability and
 subject also to the provisions of the Dundee and Perth Railway Act
 1845 with respect to the user of the railway along Dock Street and
 to such reasonable regulations as the first parties have made or may
 from time to time make as to the use of the harbour rails provided
 40 that in the event of any dispute as to such regulations the same shall
 be settled by arbitration as herein-after provided.

For the purposes of this agreement the harbour rails shall be held
 to mean the harbour rails herein-before defined so far as lying within
 an area bounded on the south by the southern line of the existing

A.D. 1912. harbour works or any extension thereof southwards into the River Tay on the west by the west side of West Dock Street Dundee on the north in the first place by the north side of Dock Street Dundee in the second place by the North British Railway and in the third place by the Dundee and Arbroath Joint Railway and on the east by a line 5 drawn northwards and southwards from Stannergate Point.

Third In respect of the foresaid use the second parties shall during the currency of this agreement jointly and severally pay to the first parties one halfpenny per ton on all traffic carried or worked by the second parties or either of them over the harbour rails 10 or any part thereof including all traffic of the Dundee and Arbroath Joint Railway and the said payment shall be made to the first parties half-yearly at Whitsunday and Martinmas commencing the first term's payment thereof at Martinmas one thousand nine hundred and eleven for the period preceding that term and the next term's payment 15 thereof at Whitsunday one thousand nine hundred and twelve for the half year preceding that term and so on at Whitsunday and Martinmas in every year thereafter providing always that if at the term of Whitsunday one thousand nine hundred and twelve or at any term of Whitsunday thereafter it shall be found that the amount of the payment 20 which would fall to be made to the first parties at the said rate of one halfpenny per ton shall in any year up to any such term be less than five hundred pounds the second parties shall jointly and severally pay to the first parties the sum of five hundred pounds for each and every such year in lieu of the said rate per ton with interest on the 25 said termly payments at the rate of five pounds per centum per annum from the respective terms of payment during the non-payment of the same And it is hereby declared that this agreement and the payments herein provided for shall include and be in full of all sums payable by the Caledonian Railway Company to the first parties under the 30 Dundee and Perth Railway Act 1845 for the use by the said company as authorised by the said Act of the line of rails along the north quay of the harbour of Dundee and the relative service lines formerly used by the Dundee and Newtyle Railway Company so far as belonging to the first parties and now existing. 35

Fourth The first parties shall during the currency of this agreement satisfactorily maintain the harbour rails at their own expense The first parties shall also be entitled but always at their own expense to make such reasonable alterations of the harbour rails or of the position of the same or any part thereof or to abandon any part or 40 parts thereof and to renew the harbour rails and construct such additions to or extensions of the harbour rails as they may consider the traffic of the harbour requires And any dispute under this Article as to alterations abandonment additions or extensions or otherwise shall be settled by arbitration as herein-after provided. 45

[2 & 3 GEO. 5.] *Dundee Harbour and Tay Ferries*
Order Confirmation.

11

Fifth The second parties shall furnish the first parties with a statement of the tonnage of all traffic worked by them over the harbour rails as at Whitsunday one thousand nine hundred and eleven for the period preceding that term and at each term of Martinmas and Whit-
 5 sunday thereafter for the half year preceding and shall keep and submit to the first parties such books and vouchers as may reasonably be required to enable the first parties to check the said statements In the event of any dispute or difference arising between the first
 10 parties and the second parties in regard to the accuracy or sufficiency of the said statements or the sufficiency of the said books and vouchers or the amount of the said payments all such disputes or differences shall be referred to arbitration as herein-after provided.

A.D. 1912.

Sixth The second parties shall carry and work over and upon the harbour rails all traffic tendered to them for conveyance to or
 15 from the harbour or any part thereof.

Seventh The second parties shall during the currency of this agreement have the right to take and charge the rates specified in Schedule F annexed to the Act for the use of and haulage of traffic on and over the harbour rails subject to the provisions of the Act
 20 and subject to the further provision that the rate for coal on the harbour rails shall as regards any trader whose works are situated to the east of Caledon Street be reduced from sixpence per ton to threepence per ton in each year in which the total amount of coal consigned to such trader at his said works from the systems of the
 25 second parties or either of them exceeds ten thousand tons The said rates shall apply and be recoverable whether the trucks used belong to the second parties or to private owners Provided that the said rates shall not apply to traffic conveyed by the second parties from any one part of the harbour to any other part of the harbour but any
 30 person interested in such traffic objecting to any rate for such traffic which may hereafter be put in operation by the railway companies as being unreasonable may apply to the Railway and Canal Commissioners as arbiters to fix such rate Provided also that as regards traffic embraced in Part IV. (Exceptional Class) in the schedule to the
 35 Railway Rates and Charges Orders of the second parties the same shall be subject to the conditions prescribed therein with respect to such traffic.

Eighth Nothing herein contained shall prejudice or affect the provisions of the agreement between the Trustees of the harbour of
 40 Dundee of the first part and the Caledonian Railway Company and the North British Railway Company joint owners of the Dundee and Arbroath Joint Railway of the second part dated the twentieth day of November one thousand nine hundred and six set forth in the third

A.D. 1912. schedule to the Caledonian Railway Order 1907 confirmed by the
Caledonian Railway Order Confirmation Act 1907.

Ninth In the event of any disputes or differences arising between the first and second parties hereto as to the true interpretation or meaning of the terms of or the mode of carrying out this agreement 5 or as to any matter or thing arising under or in connexion with this agreement such disputes or differences shall be referred to an arbiter to be appointed failing agreement by the Board of Trade on the application of either party and the determination of such arbiter shall be final and binding on the parties respectively and the arbiter shall 10 have power to determine all questions of the expenses of such arbitration.

Tenth This agreement is conditional on the approval of Parliament and parliamentary sanction shall be sought to confirm these presents by a Provisional Order to be promoted in the next ensuing 15 session of Parliament by the first parties.

Eleventh This agreement shall be scheduled to the said Provisional Order and shall be subject to such alterations as Parliament may think fit to make thereon but should Parliament make any alterations thereon or upon the clauses of the Order relative thereto or 20 insert any provisions in the Order which in the opinion of Sir Alfred Cripps K.C. M.P. whom failing such other person as the Board of Trade may appoint materially affect the rights and interests of either of the parties hereto either of the said parties may withdraw from this agreement and from all arrangements connected with it. 25

Twelfth This agreement shall supersede and come in place of the agreement between the parties hereto dated the twenty-first twenty-third and twenty-seventh all days of March one thousand nine hundred and eleven.

In witness whereof these presents typewritten on this and the 30 three preceding pages are executed in triplicate by the parties hereto as follows viz. :—the same are sealed with the common or corporate seal of the said the Trustees of the harbour of Dundee and subscribed for and in name and on behalf of the said Trustees by Neil Macdonald wholesale fruit and potato merchant 35 Dundee one of the bailies of the city and royal burgh of Dundee and one of the said Trustees and by Andrew Leitch shipowner Dundee also one of the said Trustees and convener of the finance and rights committee of the said Trustees and by John Malloch clerk to the said Trustees all in presence and by order 40 and as specially authorised by the said Trustees in general meeting assembled at Dundee on the sixth day of November one thousand nine hundred and eleven before these witnesses George Gray Ritchie assistant to the said clerk to the Trustees

[2 & 3 GEO. 5.] *Dundee Harbour and Tay Ferries*
Order Confirmation.

13

A.D. 1912.

and John Henderson messenger to the said Trustees the same
 are also sealed with the common or corporate seal of the said
 Caledonian Railway Company and subscribed by Edward Cox
 and Henry Erskine Gordon two of the directors and by John
 5 Blackburn the secretary of the said Caledonian Railway Company
 all for and in name and on behalf of and as duly authorised
 by the said company all at Glasgow on the fourteenth day of
 said month and year last mentioned before these witnesses
 John Smeaton and John Richmond both clerks in the secretary's
 10 office of the said Caledonian Railway Company in Glasgow and
 the same are also sealed with the common or corporate seal of
 the said North British Railway Company and subscribed by
 Henry Grierson and Charles Carlow two of the directors and
 by John Cathles the secretary of the said North British Railway
 15 Railway Company all for and in name and on behalf of and
 as duly authorised by the said company all at Edinburgh on
 the twenty-second day of said month and year last mentioned
 before these witnesses Thomas Henry Short and John Paul
 both clerks in the head office of the said North British Railway
 20 Company in Edinburgh.

25



NEIL MACDONALD Trustee.
 AND. LEITCH Trustee.
 JOHN MALLOCH Clerk.

GEO. G. RITCHIE Witness.
 JOHN HENDERSON Witness.

30



EDWARD COX Director.
 H. E. GORDON Dr.
 J. BLACKBURN Secy.

J. SMEATON Witness.
 JOHN RICHMOND Witness.

35



HENRY GRIERSON.
 CHAS. CARLOW Director.
 JNO. CATHLES Secy. N.B. Rly.
 Co.

THOS. H. SHORT Witness.
 JNO. PAUL Witness.

Dundee Harbour and Tay Ferries Order Confirmation.

A

B I L L

INTITLED

An Act to confirm a Provisional Order
under the Private Legislation Pro-
cedure (Scotland) Act 1899 relating
to Dundee Harbour and Tay Ferries.

(Brought from the Commons 11th June 1912.)

Ordered to be printed 11th June 1912.

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(61)

[2 & 3 GEO. 5.] *Education Board Provisional Orders* 1
Confirmation (Essex, &c.). [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Education under the Education Acts 1870 to 1911 to enable the Councils of the Administrative Counties of Essex and Surrey to put in force the Lands Clauses Acts. A.D. 1912.

WHEREAS the Board of Education have made certain Provisional Orders under the authority of the Education Acts 1870 to 1911 on behalf of the councils of the administrative counties of Essex and Surrey being the local education authorities under the Education Act 1902 for the said administrative counties and it is requisite that the same should be confirmed by Parliament:

And whereas the lands required to be purchased under the powers granted by the said Provisional Orders and confirmed by this Act are severally described in the schedules to the said Provisional Orders as set out in the schedule to this Act and are delineated on the plans accompanying the respective petitions referred to in the said Provisional Orders and copies of all the said plans have been duly deposited in the offices of the two Houses of Parliament:

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

20 **1.** The following Orders as set out in the schedule to this Act shall be and are hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation of Orders in schedule.

(46)

A

2 *Education Board Provisional Orders [2 & 3 GEO. 5.]*
Confirmation (Essex, &c.).

A.D. 1912. **2.** Nothing herein contained shall be construed to authorise
Saving of a council to extinguish any public rights of way without such
public rights order being obtained as but for this Act would have been
of way. required for that purpose.

Short title. **3.** This Act may be cited as the Education Board Provisional 5
Orders Confirmation (Essex &c.) Act 1912.

[2 & 3 GEO. 5.] *Education Board Provisional Orders*
Confirmation (Essex, &c.).

3

SCHEDULE.

A.D. 1912.

EDUCATION ACTS 1870-1911
 AND
 BOARD OF EDUCATION ACT 1899.

5 ESSEX COUNTY COUNCIL.

Provisional Order for putting in force the Lands
Clauses Acts.

Essex.

WHEREAS the Essex County Council require to purchase a piece
 of land for the purposes of Part III. of the Education Act 1902 and
 10 not having been able to purchase the same by agreement require to
 put in force the provisions of the Lands Clauses Acts which apply
 to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in
 the schedule hereunder written :

15 And whereas the said Council have made due publication of the
 notices and have duly served the same according to the requirements
 of the Education Acts 1870-1911 and have presented a petition to the
 Board of Education praying that an Order may be made authorising
 the said Council to put in force the powers of the said Acts with
 20 respect to the purchase and taking of lands otherwise than by agree-
 ment in which petition were stated all the matters required by the
 said Education Acts to be stated therein and the same hath been
 supported by such evidence as the said Board of Education required :

25 And whereas the said Board of Education having considered the
 said petition and the proofs of the publication and service of the
 proper notices have thought fit to proceed with the case and have
 caused inquiry to be made in the district wherein the said land is
 situate as to the propriety of the proposed order :

30 Now therefore the said Board of Education having received a
 report after such inquiry and having duly considered the same do
 hereby declare that it is proper and do hereby order accordingly that
 the said Council be authorised to put in force with reference to the
 piece of land set forth in the schedule hereunder written the powers

4 *Education Board Provisional Orders* [2 & 3 GEO. 5.]
Confirmation (Essex, &c.).

A.D. 1912. of the said Acts for the purchase and taking of lands otherwise than
Essex. by agreement or any of them.

Given under the Seal of Office of the Board of Education this
Twenty-ninth day of April One thousand nine hundred and
twelve. 5

(L.S.)

H. J. SIMMONDS
One of the Assistant Secretaries of
the Board of Education.

SCHEDULE to the foregoing Order.

PARISH OF EARL'S COLNE. 10

A piece of land containing in area two acres or thereabouts part
of a field numbered 105 on the Ordnance map having a frontage to
Park Lane and Church Hill in the parish of Earl's Colne in the county
of Essex as the same is delineated on the plan accompanying the
petition herein-before referred to. 15

SURREY COUNTY COUNCIL.

Surrey
(No. 2).

Provisional Order (No. 2) for putting in force the
Lands Clauses Acts.

WHEREAS the Surrey County Council require to purchase a piece
of land for the purposes of Part III. of the Education Act 1902 and
not having been able to purchase the same by agreement require to
put in force the provisions of the Lands Clauses Acts which apply
to the purchase and taking of lands otherwise than by agreement : 20

And whereas the land so required to be purchased is set forth in
the schedule hereunder written : 25

And whereas the said Council have made due publication of the
notices and have duly served the same according to the requirements
of the Education Acts 1870–1911 and have presented a petition to the
Board of Education praying that an order may be made authorising
the said Council to put in force the powers of the said Acts with
respect to the purchase and taking of lands otherwise than by agree-
ment in which petition were stated all the matters required by the
said Education Acts to be stated therein and the same hath been
supported by such evidence as the said Board of Education required : 30

And whereas the said Board of Education having considered the
said petition and the proofs of the publication and service of the
proper notices have thought fit to proceed with the case and have
caused inquiry to be made in the district wherein the said land is
situate as to the propriety of the proposed order : 35

[2 & 3 GEO. 5.] *Education Board Provisional Orders* 5
Confirmation (Essex, &c.).

Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Council be authorised to put in force with reference to the 5 piece of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

A.D. 1912.
Surrey
 (No. 2).

Given under the Seal of Office of the Board of Education this
 Twenty-fifth day of April One thousand nine hundred and
 10 twelve.
 (L.S.)

H. J. SIMMONDS
 One of the Assistant Secretaries of
 the Board of Education.

SCHEDULE to the foregoing Order.

15 PLAN No. III.—MORTLAKE SITE.

A piece of land situate in the parish of Mortlake in the county of Surrey having an area of one-and-a-half acres or thereabouts and a frontage on its north side to Upper Richmond Road of 350 feet or thereabouts which piece of land forms part of a larger piece of land 20 coloured pink on the plan herein-after mentioned and having an area of 4 acres 24 poles or thereabouts and a frontage on its north side to Upper Richmond Road of 820 feet or thereabouts and being a portion of the plot numbered 69 on the 25-inch Surrey Ordnance Sheet VII.—I. 2nd edition 1898 which first-mentioned piece of land with an area of 25 one-and-a-half acres or thereabouts is described in the Plan No. III. accompanying the petition herein-before referred to and distinguished by the number 1 and coloured pink and hatched thereon Together with all buildings now standing and being thereon with their appurtenances.

30 SURREY COUNTY COUNCIL.

*Provisional Order (No. 3) for putting in force the Lands
 Clauses Acts.*

Surrey
 (No. 3).

WHEREAS the Surrey County Council require to purchase a piece of land for the purposes of Part III. of the Education Act 1902 and not 35 having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement:

Education Board Provisional Orders [2 & 3 GEO. 5.]
Confirmation (Essex, &c.).

A.D. 1912.
—
Surrey
(No. 3).

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Council have made due publication of the notices and have duly served the same according to the requirements of the Education Acts 1870-1911 and have presented a petition to the Board of Education praying that an order may be made authorising the said Council to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required :

And whereas the said Board of Education having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district wherein the said land is situate as to the propriety of the proposed order :

Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Council be authorised to put in force with reference to the piece of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Given under the Seal of Office of the Board of Education this Thirtieth day of April One thousand nine hundred and twelve.

(L.S.)

H. J. SIMMONDS
One of the Assistant Secretaries of
the Board of Education.

SCHEDULE to the foregoing Order.

PLAN No. I.—EWELL SITE.

A piece of land situate in the parish of Ewell in the County of Surrey having an area of two acres or thereabouts and being part of a plot numbered 194 on the 25-inch Surrey Ordnance Sheet XIII.—13 2nd edition 1895 having a frontage to Old School Lane on its south-west side of 230 feet or thereabouts and bounded on the south-east north-east and north-west sides by land belonging (or reputed to belong)

2 & 3 GEO. 5.] *Education Board Provisional Orders* 7
Confirmation (Essex, &c.).

to Gadesdon's Trustees as the same is described in the Plan No. I. A.D. 1912.
accompanying the petition herein-before referred to and distinguished
by the number 1 and coloured pink together with the messuages Surrey
tenements and buildings (if any) now standing and being thereon (No. 3).
5 with their appurtenances.

**Education Board
Provisional Orders
Confirmation
(Essex, &c.). [H.L.]**

A

B I L L

INTITLED

An Act to confirm certain Provisional Orders made by the Board of Education under the Education Acts 1870 to 1911 to enable the Councils of the Administrative Counties of Essex and Surrey to put in force the Lands Clauses Acts.

The Earl Beauchamp.

Ordered to be printed 7th May 1912.

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(46)

[2 GEO. 5.]

*Education Board Provisional Orders
Confirmation (Kent, &c.). [H.L.]*

1

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Education under the Education Acts 1870 to 1911 to enable the Councils of the Administrative Counties of Kent Montgomery Somerset Surrey and the West Riding of Yorkshire and the Urban District of Rhondda to put in force the Lands Clauses Acts. A.D. 1912.

WHEREAS the Board of Education have made certain Provisional Orders under the authority of the Education Acts 1870 to 1911 on behalf of the councils of the administrative counties of Kent Montgomery Somerset Surrey and the West Riding of Yorkshire and the urban district of Rhondda being the local education authorities under the Education Act 1902 for the said administrative counties and urban district and it is requisite that the same should be confirmed by Parliament:

And whereas the lands required to be purchased under the powers granted by the said Provisional Orders and confirmed by this Act are severally described in the schedules to the said Provisional Orders as set out in the schedule to this Act and are delineated on the plans accompanying the respective petitions referred to in the said Provisional Orders and copies of all the said plans have been duly deposited in the offices of the two Houses of Parliament:

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

1. The following Orders as set out in the schedule to this Act shall be and are hereby confirmed and from and after the passing of this Act shall have full validity and force.

Confirmation
of Orders in
schedule.

(41)

A

A.D. 1912.
Saving of
public rights
of way.

2. Nothing herein contained shall be construed to authorise a council to extinguish any public rights of way without such order being obtained as but for this Act would have been required for that purpose.

Short title.

3. This Act may be cited as the Education Board Provisional Orders Confirmation (Kent &c.) Act 1912.

[2 GEO. 5.] *Education Board Provisional Orders*
Confirmation (Kent, &c.).

3

SCHEDULE.

A.D. 1912.

EDUCATION ACTS 1870-1911
 AND
 BOARD OF EDUCATION ACT 1899.

5

KENT COUNTY COUNCIL.

Provisional Order for putting in force the Lands
Clauses Acts.

Kent.

WHEREAS the Kent County Council require to purchase certain pieces
 of land for the purposes of Part III. of the Education Act 1902 and
 10 not having been able to purchase the same by agreement require to
 put in force the provisions of the Lands Clauses Acts which apply
 to the purchase and taking of lands otherwise than by agreement :

And whereas the lands so required to be purchased are set forth
 in the schedule hereunder written :

15 And whereas the said Council have made due publication of the
 notices and have duly served the same according to the requirements
 of the Education Acts 1870-1911 and have presented petitions to the
 Board of Education praying that an order may be made authorising
 the said Council to put in force the powers of the said Acts with
 20 respect to the purchase and taking of lands otherwise than by agree-
 ment in which petitions were stated all the matters required by the
 said Education Acts to be stated therein and the same have been
 supported by such evidence as the said Board of Education required :

25 And whereas the said Board of Education having considered the
 said petitions and the proofs of the publication and service of the
 proper notices have thought fit to proceed with the case and have
 caused inquiry to be made in the districts wherein the said lands
 are situate as to the propriety of the proposed order :

Now therefore the said Board of Education having received a
 30 report after such inquiry and having duly considered the same do
 hereby declare that it is proper and do hereby order accordingly that
 the said Council be authorised to put in force with reference to

A.D. 1912. the pieces of land set forth in the schedule hereunder written the powers
Kent. of the said Acts for the purchase and taking of lands otherwise than
by agreement or any of them.

Given under the Seal of Office of the Board of Education this
Thirtieth day of March One thousand nine hundred and 5
twelve.

(L.S.)

H. J. SIMMONDS
One of the Assistant Secretaries of
the Board of Education.

SCHEDULE to the foregoing Order. 10

1. BROADSTAIRS.

The piece of land containing by estimation 1 acre or thereabouts
situate in the parish of St. Peter Intra in the urban district of Broad-
stairs and St. Peter's in the county of Kent and on the north-east side 15
of and adjoining a proposed road running parallel to High Street and
from the line of the South Eastern and Chatham Railway to Vere
Road which piece of land is part of two larger pieces of land respec-
tively being plots numbered 58A and 98 on the 25^1_{00} Ordnance map
of the said parish published in 1907 The said piece of land is more
particularly delineated on one of the plans accompanying the petitions 20
herein-before referred to and is thereon coloured yellow.

2. SUTTON VALENCE.

The piece of land containing by estimation 1 acre or thereabouts
situate in the parish of Sutton Valence in the county of Kent and on 25
the west side of and adjoining the road leading from Sutton Valence
to Maidstone being the south-east portion of the plot numbered 124A
on the 25^1_{00} Ordnance map of the said parish published in 1908 The
said piece of land is more particularly delineated on one of the plans
accompanying the petitions herein-before referred to and is thereon
coloured yellow. 30

MONTGOMERYSHIRE COUNTY COUNCIL.

Montgomery-
shire.

Provisional Order for putting in force the Lands
Clauses Acts.

WHEREAS the Montgomeryshire County Council require to purchase
a piece or parcel of land for the purposes of Part III. of the Education 35
Act 1902 and not having been able to purchase the same by agree-
ment require to put in force the provisions of the Lands Clauses Acts

[2 GEO. 5.] *Education Board Provisional Orders* 5
 Confirmation (Kent, &c.).

which apply to the purchase and taking of lands otherwise than by agreement : A.D. 1912.

*Montgomery-
 shire.*

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

5 And whereas the said Council have made due publication of the notices and have duly served the same according to the requirements of the Education Acts 1870-1911 and have presented a petition to the Board of Education praying that an order may be made authorising the said Council to put in force the powers of the said Acts with
 10 respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required :

15 And whereas the said Board of Education having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district wherein the said land is situate as to the propriety of the proposed order :

20 Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Council be authorised to put in force with reference to the piece or parcel of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise
 25 than by agreement or any of them.

Given under the Seal of Office of the Board of Education this Eighth day of March One thousand nine hundred and twelve.

(L.S.)

ALFRED T. DAVIES

Secretary of the Welsh Department
 of the Board of Education.

30

SCHEDULE to the foregoing Order.

35 A piece or parcel of land containing by admeasurement 1 acre or thereabouts situate at or near the village of Llanfihangel in the parish of Llanfihangel in the county of Montgomery and forming portion of a field numbered 1384 on the Ordnance Survey map for the said parish and being part of land held and occupied with the Goat Inn Llanfihangel. The said piece or parcel of land is delineated and coloured pink on the plan accompanying the petition herein-before referred to and is distinguished thereon by the number one.

A.D. 1912.

SOMERSET COUNTY COUNCIL.

Somerset.

*Provisional Order for putting in force the Lands
 Clauses Acts.*

WHEREAS the Somerset County Council require to purchase a piece of land for the purposes of Part III. of the Education Act 1902 and not having been able to purchase the same by agreement to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Council have made due publication of the notices and have duly served the same according to the requirements of the Education Acts 1870-1911 and have presented a petition to the Board of Education praying that an order may be made authorising the said Council to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required :

And whereas the said Board of Education having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district wherein the said land is situate as to the propriety of the proposed order :

Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Council be authorised to put in force with reference to the piece of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Given under the Seal of Office of the Board of Education this
 Twenty-first day of March One thousand nine hundred and
 twelve.

(L.S.)

H. J. SIMMONDS
 One of the Assistant Secretaries of
 the Board of Education.

SCHEDULE to the foregoing Order.

A.D. 1912.
 Somerset.

A piece of land situate at Howleigh near Blagdon in the parish of Pitminster in the county of Somerset and containing 2420 square yards or thereabouts abutting upon the south side of the road from
 5 Taunton to Howleigh and Angersleigh and forming the north-east portion of the field numbered 471 on the Ordnance Survey map LXXIX. ii. second edition 1904 scale 25'000. The said piece of land is delineated and coloured blue upon the plan accompanying the petition herein-before referred to.

10 SURREY COUNTY COUNCIL.

Provisional Order (No. 1) for putting in force the Lands Clauses Acts.

Surrey
 (No. 1).

15 WHEREAS the Surrey County Council require to purchase a piece of land for the purposes of Part III. of the Education Act 1902 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

20 And whereas the said Council have made due publication of the notices and have duly served the same according to the requirements of the Education Acts 1870-1911 and have presented a petition to the Board of Education praying that an order may be made authorising
 25 the said Council to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required:

30 And whereas the said Board of Education having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district wherein the said land is situate as to the propriety of the proposed order:

35 Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Council be authorised to put in force with reference to the

A.D. 1912. piece of land set forth in the schedule hereunder written the powers of
 the said Acts for the purchase and taking of lands otherwise than by
 agreement or any of them.

Surrey
 (No. 1).

Given under the Seal of Office of the Board of Education this
 Tenth day of April One thousand nine hundred and twelve. 5
 (L.S.)

H. J. SIMMONDS
 One of the Assistant Secretaries of
 the Board of Education.

SCHEDULE to the foregoing Order.

PLAN NO. II. MERTON SITE.

10

A piece of land situate in the parish of Merton in the county of Surrey having an area of 1 acre 26 poles or thereabouts and being a portion of the plot numbered 205 on the 25-inch Surrey Ordnance Sheet VII. 15 second edition 1898 and having a frontage on its north-west side of 133 feet or thereabouts to a new road known as Melbourne Road and a frontage on its north side of 288 feet or thereabouts to a public footpath leading from Morden Road to Melbourne Road and bounded on its east south and west sides by land belonging (or reputed to belong) to the Foster Engineering Company Limited (formerly the Foster Arc Lamp and Engineering Company Limited) as the same is described in the Plan No. II. accompanying the petition herein-before referred to and distinguished by the number 1 and coloured pink Together with the messuages tenements and buildings (if any) now standing and being thereon with their appurtenances. 15 20

YORKS WEST RIDING COUNTY COUNCIL.

25

*Provisional Order for putting in force the Lands
 Clauses Acts.*

*Yorks West
 Riding.*

WHEREAS the Yorks West Riding County Council require to purchase a piece or parcel of land for the purposes of Part III. of the Education Act 1902 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement: 30

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Council have made due publication of the notices and have duly served the same according to the requirements 35

[2 GEO. 5.] *Education Board Provisional Orders* 9
Confirmation (Kent, &c.).

of the Education Acts 1870-1911 and have presented a petition to the Board of Education praying that an order may be made authorising the said Council to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agree-
 5 ment in which petition were stated all the matters required by the said Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required:

A.D. 1912.
 Yorks West
 Riding.

And whereas the said Board of Education having considered the said petition and the proofs of the publication and service of the
 10 proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district wherein the said land is situate as to the propriety of the proposed order:

Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby
 15 declare that it is proper and do hereby order accordingly that the said Council be authorised to put in force with reference to the piece or parcel of land set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

20 Given under the Seal of Office of the Board of Education this Twenty-first day of February One thousand nine hundred and twelve.

(L.S.)

H. J. SIMMONDS

One of the Assistant Secretaries of
 the Board of Education.

25

SCHEDULE to the foregoing Order.

Parish or Township of Charlston.

A piece or parcel of land comprising an area of $1\frac{1}{2}$ acres or there-
 abouts being part of the lands numbered 57 on the 25'00 Ordnance
 30 map (1906 edition) of the said parish or township and having a frontage of 100 yards or thereabouts to the lane leading from High Street (otherwise known as Hell Lane) to Francis and Ellen Terraces at Charlston Common and being bounded on the south and west by other lands belonging (or reputed to belong) to the Earl of
 35 Westmorland on the east by the said lane and on the north by lands in the ownership (or reputed ownership) and occupation of the Lancashire and Yorkshire Railway Company The said piece or parcel of land is more particularly delineated and coloured pink on the plan accompanying the petition herein-before referred to.

A.D. 1912.

RHONDDA URBAN DISTRICT COUNCIL.

Rhondda.

*Provisional Order for putting in force the Lands
 Clauses Acts.*

WHEREAS the Rhondda Urban District Council require to purchase certain pieces of land for the purposes of Part III. of the Education Act 1902 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the lands so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Council have made due publication of the notices and have duly served the same according to the requirements of the Education Acts 1870-1911 and have presented a petition to the Board of Education praying that an order may be made authorising the said Council to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required:

And whereas the said Board of Education having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiry to be made in the district wherein the said lands are situate as to the propriety of the proposed order:

Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said Council be authorised to put in force with reference to the lands set forth in the schedule hereunder written the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Given under the Seal of Office of the Board of Education this
 Twenty-third day of February One thousand nine hundred
 and twelve.

(L.S.)

ALFRED T. DAVIES
 Secretary of the Welsh Department
 of the Board of Education.

[2 GEO. 5.] *Education Board Provisional Orders* 11
Confirmation (Kent, &c.).

SCHEDULE to the foregoing Order.

A.D. 1912.

Rhondda.

1. Parish of Rhondda (Pontygwaith).

(a) A piece of land together with gardens and pig-styes and other erections thereon containing by admeasurement one acre or thereabouts
 5 situate in the northern part of the enclosure numbered 1025 on the
 $\frac{25}{100}$ Ordnance map of the parish of Ystradyfodwg (now Rhondda)
 Glamorgan Sheet XXVII. 3 (second edition 1900) the eastern boundary
 of such piece of land being 128 feet or thereabouts west of and parallel
 to the western boundary of the premises at the northern end of Madeline
 10 Street and the south-eastern corner of such piece of land being 260 feet
 or thereabouts north of the north-western corner of School Street.

(b) A strip of land 18 feet in width and 285 feet or thereabouts
 in length with gardens and pig-styes and other erections thereon forming
 part of the before-mentioned enclosure numbered 1025 containing by
 15 admeasurement $\frac{1}{12}$ acre or thereabouts extending from the north end
 of School Street to the land (a) before described.

2. Parish of Rhondda (Trealaw).

A piece of land with gardens and pig-styes and other erections
 thereon containing by admeasurement 1.8 acres or thereabouts being
 20 part of the enclosure numbered 1009 on the $\frac{25}{100}$ Ordnance map of the
 parish of Ystradyfodwg (now Rhondda) Glamorgan Sheet XXVII. 3
 (second edition 1900) bounded on the southern side by the brook
 "Nant Coedcae Rhondda" on the western side partly by Partridge
 Road partly by the rear of premises in Partridge Road and partly by
 25 the roadway in front of the premises Numbers 49 and 50 Coedcae
 Cottages on the northern side partly by the premises Number 75
 Partridge Road partly by the premises Number 50 Coedcae Cottages
 and partly by the road leading from Partridge Road to cottages known
 as Coedcae Rhondda and on the eastern side by an imaginary line
 30 455 feet or thereabouts in length drawn approximately parallel to the
 rear of the premises in Partridge Road and distant therefrom 185 feet
 or thereabouts at the northern end and 180 feet or thereabouts at the
 southern end thereof.

All the lands set forth in this schedule are delineated on the maps
 35 accompanying the petition herein-before referred to.

**Education Board
Provisional Orders
Confirmation
(Kent, &c.). [H.L.]**

A

B I L L

INTRODUCED

An Act to confirm certain Provisional Orders made by the Board of Education under the Education Acts 1870 to 1911 to enable the Councils of the Administrative Counties of the Montgomery Somerset Surrey and the West Riding of Yorkshire and the Urban District of Rhondda to put in force the Lands Clauses Acts.

The Earl Beauchamp.

Ordered to be printed 30th April 1912.

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(41)

[2 & 3 GEO. 5.] *Education Board Provisional Orders* 1
Confirmation (London, No. 1). [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Education under the Education Acts 1870 to 1911 to enable the London County Council to put in force the Lands Clauses Acts. A.D. 1912.

WHEREAS the Board of Education have made certain Provisional Orders under the authority of the Education Acts 1870 to 1911 on behalf of the London County Council (hereinafter called "the Council") and it is requisite that the same should be confirmed by Parliament:

And whereas the lands required to be purchased under the powers granted by the said Provisional Orders and confirmed by this Act are severally described in the schedules to the said Provisional Orders as set out in Parts III. and IV. of the schedule to this Act and are delineated on the plans accompanying the petitions referred to in the said Provisional Orders and copies of the said plans have been duly deposited in the offices of the two Houses of Parliament:

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

1. The following Orders as set out in Parts III. and IV. of the schedule to this Act shall be and are hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation of Orders in schedule.

2. Save as otherwise expressly provided nothing herein contained shall be construed to authorise the Council to extinguish Saving of public rights of way.

A.D. 1912. — any public rights of way without such Order being obtained as but for this Act would have been required for that purpose.

Council may appropriate &c. for street widenings portions of land acquired.

3. In the case of any lands which the Council are by this Act authorised to acquire and which abut upon streets or roads which are not in the opinion of the Council sufficiently wide for the accommodation of the present and probable future traffic or for the convenience of the persons using the said streets or roads it shall be lawful for the Council to appropriate take and use for the purpose of widening any such streets or roads so much of the said lands as the Council may determine to be necessary for such purpose:

Provided that if the Council appropriate take or use any part of the said lands for the purpose of widening any street or road such part of the cost of the acquisition thereof and of any expenses incidental to such acquisition as the Council may determine shall be deemed to be part of the costs and expenses of the Council in connexion with street improvements.

No compensation to be paid for improvements &c. made since 1st August 1911.

4. In settling any question of disputed purchase money or compensation payable under this Act by the Council the jury arbitrators or other authority settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the first day of August one thousand nine hundred and eleven if in the opinion of such jury arbitrators or other authority the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view of obtaining or increasing compensation under this Act.

Owners may be required to sell parts only of certain lands and buildings.

5. Notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories shown on the deposited plans and distinguished thereon by the numbers specified in Part I. of the schedule to this Act and whereof parts only are required for the purposes of this Act may if such parts can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such premises without material detriment thereto be required to sell and convey to the Council the parts only of the premises so required without

[2 & 3 GEO. 5.] *Education Board Provisional Orders* 3
Confirmation (London, No. 1).

the Council being obliged or compellable to purchase the whole or any greater part thereof. A.D. 1912.

6. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

7. The jury arbitrators or other authority to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the jury arbitrators or other authority shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council have been prejudiced thereby the jury arbitrators or other authority shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case. Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Acts either contained or was endorsed with a notice of the effect of this section.

Costs of arbitration &c. in certain cases.

A.D. 1912.

Exemption
from s. 133
of Lands
Clauses Act
1845.

Tenancies
having not
longer than
18 months
to run.

Power to
Council to
stop up cer-
tain streets.

8. Section one hundred and thirty-three of the Lands Clauses Consolidation Act 1845 (relating to land tax and poor rate) shall not apply in the case of any lands of which the Council become possessed by virtue of this Act.

9. Notwithstanding anything contained in the Lands Clauses Acts any claim for compensation under this Act by any person having or in respect of any interest in the lands in respect of which compensation is claimed not greater than that of a lessee or tenant for any term of which not more than eighteen months remain unexpired at the time when the claim is made shall be determined by justices in the manner provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act 1845.

10.—(1) The Council may stop up the public streets or parts thereof (as the case may be) shown on the deposited plans and distinguished thereon by the numbers specified in Part II. of the schedule to this Act and thereupon all public rights of way over such streets or parts thereof (in this section herein-after referred to as “the streets”) shall be extinguished and the Council may appropriate and use the streets for the purposes of Part III. of the Education Act 1902.

(2) The Council may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in or near the streets as shall appear necessary for executing the purposes of this section so that no public sewer or drain (unless the same become unnecessary by reason of the purchase of the property entitled to the use thereof) shall be in anywise disturbed injured or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient Provided that before removing or filling up any sewer or drain or part thereof as aforesaid the Council shall (where necessary) cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains.

(3) The Council may in either of the streets raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used by the

[2 & 3 GEO. 5.] *Education Board Provisional Orders* 5
Confirmation (London, No. 1).

Metropolitan Water Board or any person for carrying a supply of water or water for hydraulic power or gas and also any pipe tube wire or apparatus laid down or placed for supplying electricity or for telegraphic or other purposes and may remove any other
 5 obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to the said board or to any person and making reasonable compensation to the said board or to any person for any damage caused by any such alteration Provided that before the Council
 10 alter the position of any main pipe or apparatus laid down or used by the said board or by any such person they shall (except in cases of emergency) give to the board or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be
 15 given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Council) of the board or person to whom such main pipe or apparatus belongs unless such board or person refuses or neglects to give such
 20 superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Council shall execute such work to the reasonable satisfaction of the board or person Provided also that the Council shall not cause either of the streets to be
 25 lowered or raised nor the position of any water or gas main or other pipe to be altered so as to leave over such main pipe or apparatus in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Council shall in such case protect such main pipe or apparatus
 30 from frost or injury by artificial covering to the satisfaction of the board or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Council in such case provide special means of access to the same to the
 35 satisfaction of the board or person.

(4) If within seven days after a notice under subsection (3) of this section shall have been served upon the Metropolitan Water Board or any gas company that board or company so elect such board or company shall themselves execute all such
 40 alterations to their mains and pipes as may from time to time

[2 & 3 GEO. 5.] *Education Board Provisional Orders
Confirmation (London, No. 1).*

7

SCHEDULE.

A.D. 1912.

PART I.

PARTS OF PREMISES WHICH MAY BE ACQUIRED COMPULSORILY
BY THE COUNCIL.

5	Metropolitan Borough.	Plan Number.	Distinguishing Number on Plan.
	Lewisham - - - - -	41	1
	Stepney - - - - -	60 -	1

PART II.

10 THE STREETS WHICH MAY BE STOPPED UP BY THE COUNCIL.

	Metropolitan Borough.	Plan Number.	Name of Street.	Distinguishing Number on Plan.
	Finsbury - - -	21	Vernon Square - -	2
15	Paddington - -	46	Emily Street - -	6

PART III.

EDUCATION ACTS 1870-1911

AND

BOARD OF EDUCATION ACT 1899.

20 THE LONDON COUNTY COUNCIL.

*Provisional Order (No. 1) for putting in force the
Lands Clauses Acts.*

*London
County
Council.*

25 WHEREAS the London County Council require to purchase certain
lands for the purposes of Part II. of the Education Act 1902 and not
having been able to purchase the same by agreement require to put
in force the provisions of the Lands Clauses Acts which apply to the
purchase and taking of lands otherwise than by agreement:

*Education Board Provisional Orders [2 & 3 GEO. 5.]
Confirmation (London, No. 1).*

A.D. 1912.

*London
County
Council.*

And whereas the lands so required to be purchased are set forth in the schedule hereto :

And whereas the London County Council have made due publication of the notices and have duly served the same according to the requirements of the Education Acts 1870-1911 and have presented a petition to the Board of Education praying that an Order may be made authorising the said Council to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required :

And whereas the Board of Education having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiries to be made in the districts wherein the said lands are situate as to the propriety of the proposed Order :

And whereas the Board of Education have received reports after the inquiries above mentioned and having duly considered the same are satisfied of the propriety of the proposed Order :

Now therefore the Board of Education do hereby order that the London County Council be authorised to put in force with reference to the lands set forth in the schedule hereto the powers of the said Acts (except the provisions relating to access to the Special Act) for the purchase and taking of lands otherwise than by agreement or any of them.

Given under the seal of office of the Board of Education this fifteenth day of February One thousand nine hundred and twelve.

(L.S.)

H. J. SIMMONDS

One of the Assistant Secretaries of the
Board of Education.

The SCHEDULE herein-before referred to.

METROPOLITAN BOROUGH OF HACKNEY.

Land including houses and premises known as Nos. 1 2 3 4 5 6 and 7 Laura Place Lower Clapton Road and the land and premises lying between No. 1 Laura Place and the houses and premises abutting on Lower Clapton Road containing 71,800 square feet or thereabouts as the same are shown on the plan accompanying the petition herein-before referred to and distinguished thereon by the Nos. 1 to 8 inclusive.

2 & 3 GEO. 5.] *Education Board Provisional Orders* 9
Confirmation (London, No. 1).

PART IV.

A.D. 1912.

EDUCATION ACTS 1870-1911

London
 County
 Council.

AND

BOARD OF EDUCATION ACT 1899.

5 THE LONDON COUNTY COUNCIL.

*Provisional Order (No. 2) for putting in force the
 Lands Clauses Acts.*

WHEREAS the London County Council require to purchase divers
 pieces of land for the purposes of Part III. of the Education Act 1902
 10 and not having been able to purchase the same by agreement require to
 put in force the provisions of the Lands Clauses Acts which apply
 to the purchase and taking of lands otherwise than by agreement:

And whereas the lands so required to be purchased are set forth
 in the schedule hereto:

15 And whereas the London County Council have made due publication
 of the notices and have duly served the same according to the require-
 ments of the Education Acts 1870-1911 and have presented a petition
 to the Board of Education praying that an Order may be made autho-
 rising the said Council to put in force the powers of the said Acts
 20 with respect to the purchase and taking of lands otherwise than by
 agreement in which petition were stated all the matters required by
 the said Education Acts to be stated therein and the same hath been
 supported by such evidence as the Board of Education required:

25 And whereas the Board of Education having considered the said
 petition and the proofs of the publication and service of the proper
 notices have thought fit to proceed with the case and have caused
 inquiries to be made in the districts wherein the said lands are situate
 as to the propriety of the proposed Order:

30 And whereas so far as under subsection (2) of section 2 of the
 Education (London) Act 1903 the concurrence of the Council of any
 Metropolitan Borough is required to any compulsory acquisition autho-
 rised by this Order that Council concur in that proposed compulsory
 acquisition or where they do not concur the Board of Education are
 satisfied that their concurrence should be dispensed with:

35 And whereas the Board of Education have received reports after
 the inquiries above mentioned and having duly considered the same
 are satisfied of the propriety of the proposed Order:

10 *Education Board Provisional Orders [2 & 3 GEO. 5.]*
Confirmation (London, No. 1).

A.D. 1912.
London
County
Council.

Now therefore the Board of Education do hereby order that the London County Council be authorised to put in force with reference to the lands set forth in the schedule hereto the powers of the said Acts (except the provisions relating to access to the special Act) for the purchase and taking of lands otherwise than by agreement or any 5 of them.

Given under the seal of office of the Board of Education this third day of April one thousand nine hundred and twelve.

(L.S.)

H. J. SIMMONDS
One of the Assistant Secretaries of 10
the Board of Education.

The SCHEDULE herein-before referred to.

Plan No. 1.

METROPOLITAN BOROUGH OF BATTERSEA.

Land including houses and premises known as Nos. 29 31 33 35 15 37 39 41 43 and 45 Wye Street containing 7,410 square feet or thereabouts as the same are shown on the Plan No. 1 and distinguished thereon by the Nos. 1 to 9 inclusive.

Plan No. 2.

METROPOLITAN BOROUGH OF BATTERSEA.

20

Land including houses and premises known as Nos. 14 and 16 Lockington Road containing 1,900 square feet or thereabouts as the same are shown on the Plan No. 2 and distinguished thereon by the Nos. 1 and 2.

Plan No. 11.

25

METROPOLITAN BOROUGH OF BATTERSEA.

Land including houses and premises known as Nos. 50 52 54 56 58 60 and 62 Wakehurst Road and Nos. 47 49 51 53 55 and 57 Belleville Road containing 20,595 square feet or thereabouts as the same are shown on the Plan No. 11 and distinguished thereon by the 30 Nos. 1 to 13 inclusive.

[2 & 3 GEO. 5.] *Education Board Provisional Orders* 11
Confirmation (London, No. 1).

Plan No. 13.

A.D. 1912.

METROPOLITAN BOROUGH OF BETHNAL GREEN.

*London
County
Council.*

Land including houses and premises known as Nos. 8 10 12 14
 16 and 18 Virginia Road the warehouses and wood yard known as Nos.
 5 20-24 Virginia Road and the house and business premises known
 as Nos. 26 and 28 Virginia Road containing 11,405 square feet or
 thereabouts as the same are shown on the Plan No. 13 and distinguished
 thereon by the Nos. 1 to 8 inclusive.

Plan No. 15.

10 METROPOLITAN BOROUGH OF CAMBERWELL.

Land including houses and premises known as Nos. 2 4 6 8 10
 (including the hall at the rear) 12 14 16 18 20 and 22 Cork Street
 Nos. 1 3 5 7 9 11 13 15 17 19 and 21 Chiswell Street and Nos. 64
 66 68 70 72 74 76 78 80 82 84 and 86 Picton Street containing
 15 43,740 square feet or thereabouts as the same are shown on the Plan
 No. 15 and distinguished thereon by the Nos. 1 to 34 inclusive.

Plan No. 16.

METROPOLITAN BOROUGH OF CAMBERWELL.

Land including houses and premises known as Nos. 8 10 12
 20 14 and 16 Leipsic Road containing 9,300 square feet or thereabouts
 as the same are shown on the Plan No. 16 and distinguished
 thereon by the Nos. 1 to 5 inclusive.

Plan No. 17.

METROPOLITAN BOROUGH OF CAMBERWELL.

25 Land including houses and premises known as Nos. 118 120
 122 124 126 128 130 and 132 Lower Park Road containing 11,955
 square feet or thereabouts as the same are shown on the Plan No. 17 and
 distinguished thereon by the Nos. 1 to 8 inclusive.

Plan No. 18.

30 METROPOLITAN BOROUGH OF DEPTFORD.

Land including house and premises known as No. 27 Nynehead
 Street containing 1,165 square feet or thereabouts as the same are shown
 on the Plan No. 18 and distinguished thereon by the No. 1.

Plan No. 20.

35 METROPOLITAN BOROUGH OF FINSBURY.

Land including houses and premises known as Nos. 13 14 15
 22 and 23 Albion Place containing 2,750 square feet or thereabouts as
 the same are shown on the Plan No. 20 and distinguished thereon by
 the Nos. 1 to 5 inclusive.

12 *Education Board Provisional Orders* [2 & 3 GEO. 5.]
Confirmation (London, No. 1).

A.D. 1912.

*London
County
Council.*

Plan No. 21.

METROPOLITAN BOROUGH OF FINSBURY.

Land including houses and premises known as Nos. 12 and 21 Vernon Square and so much of Vernon Square as runs in a south westerly direction from the premises known as Nos. 11 and 12 Vernon Square containing 10,040 square feet or thereabouts as the same are shown on the Plan No. 21 and distinguished thereon by the Nos. 1 to 3 inclusive. 5

Plan No. 22.

METROPOLITAN BOROUGH OF FULHAM.

Land including houses and premises known as Nos. 12 14 16 and 18 Ongar Road containing 8,480 square feet or thereabouts as the same are shown on the Plan No. 22 and distinguished thereon by the Nos. 1 to 4 inclusive. 10

Plan No. 23.

METROPOLITAN BOROUGH OF GREENWICH.

Land including houses and premises known as Nos. 20 22 and 24 Straightsmouth containing 2,100 square feet or thereabouts as the same are shown on the Plan No. 23 and distinguished thereon by the Nos. 1 to 3 inclusive. 15 20

Plan No. 24.

METROPOLITAN BOROUGH OF GREENWICH.

Land including houses and premises known as Nos. 2 3 4 and 5 Rockfield Street Nos. 2 4 6 8 10 12 and 14 Pages Avenue Nos. 9 11 13 (including the yard in the rear thereof) 15 17 19 21 23 25 27 29 31 25 33 35 and 37 Billingsgate Street and Nos. 1 2 3 4 5 and 6 Baker's Yard; Baker's Yard together with the washhouses therein and the yard in common to and at the rear of Nos. 23 25 and 27 Billingsgate Street containing 27,140 square feet or thereabouts as the same are shown on the Plan No. 24 and distinguished thereon by the Nos. 1 to 35 30 inclusive.

Plan No. 37.

METROPOLITAN BOROUGH OF LAMBETH.

A piece of land bounded on the north-west side thereof by Crown Court on the south-west side thereof by Wake Street on the south-east side thereof by the Council's school in Lollard Street and on the north-east side thereof by premises abutting on Lollard Street containing 1,030 square feet or thereabouts as the same is shown on the Plan No. 37 and distinguished thereon by the No. 1. 35

[2 & 3 GEO. 5.] *Education Board Provisional Orders* 13
Confirmation (London, No. 1).

Plan No. 38.

A.D. 1912.

METROPOLITAN BOROUGH OF LAMBETH.

London
 County
 Council.

Land on the north and east side of the premises known as Nos. 15 17 19 21 23 and 25 Gipsy Road containing 17,120 square feet or thereabouts as the same is shown on the Plan No. 38 and distinguished thereon by the No. 1.

Plan No. 40.

METROPOLITAN BOROUGH OF LEWISHAM.

Land including houses and premises known as Nos. 20 22 24 26 10 28 30 and 32 Vian Street and premises known as the Lewisham Bridge Mission School abutting on Shrubbery Road containing 11,965 square feet or thereabouts as the same are shown on the Plan No. 40 and distinguished thereon by the Nos. 1 to 9 inclusive.

Plan No. 41.

15 METROPOLITAN BOROUGH OF LEWISHAM.

A piece of garden ground on the south-west side of Nos. 159 and 161 Adamsrill Road containing 46,695 square feet or thereabouts as the same is shown on the Plan No. 41 and distinguished thereon by the No. 1.

20 Plan No. 46.

METROPOLITAN BOROUGH OF PADDINGTON.

Land including houses and premises known as Nos. 1 3 5 7 9 11 2 4 6 8 10 and 12 Emily Street No. 1 Dartington Terrace Nos. 26 27 28 29 30 31 32 33 and 34 Senior Street Nos. 2 4 6 8 10 and 12 25 Phillip Terrace No. 37B Westbourne Terrace North and Nos. 1 2 3 4 5 6 7 and 8 Stalham Street and so much of Emily Street as abuts upon the premises described in that street and Nos. 28 and 29 Senior Street containing 34,305 square feet or thereabouts as the same are shown on the Plan No. 46 and distinguished thereon by the Nos. 1 to 30 38 inclusive.

Plan No. 47.

METROPOLITAN BOROUGH OF PADDINGTON.

Land including house and premises known as No. 11 Bravington Road containing 1,440 square feet or thereabouts as the same are 35 shown on the Plan No. 47 and distinguished thereon by the No. 1.

14 *Education Board Provisional Orders* [2 & 3 GEO. 5.
Confirmation (London, No. 1).

A.D. 1912.

*London
County
Council.*

Plan No. 50.

METROPOLITAN BOROUGH OF ST. PANCRAS.

Land including house and premises known as No. 15 Stanhope Street and a piece of land at the junction of Stanhope Street and Seaton Street and adjoining No. 15 Stanhope Street containing 1,225 5 square feet or thereabouts as the same are shown on the Plan No. 50 and distinguished thereon by the Nos. 1 and 2.

Plan No. 51.

METROPOLITAN BOROUGH OF ST. PANCRAS.

Land including house and premises known as No. 14 Reeds Place 10 containing 1,240 square feet or thereabouts as the same are shown on the Plan No. 51 and distinguished thereon by the No. 1.

Plan No. 57.

METROPOLITAN BOROUGH OF SHOREDITCH.

Land including houses and premises known as Nos. 48 50 52 54 15 56 58 60 62 64 and 66 Mintern Street and No. 68 Nicholas Street containing 13,100 square feet or thereabouts as the same are shown on the Plan No. 57 and distinguished thereon by the Nos. 1 to 11 inclusive.

Plan No. 58.

20

METROPOLITAN BOROUGH OF SOUTHWARK.

Land including houses and premises known as Nos. 62 64 66 and 68 Beresford Street containing 8,840 square feet or thereabouts as the same are shown on the Plan No. 58 and distinguished thereon by the Nos. 1 to 4 inclusive.

25

Plan No. 59.

METROPOLITAN BOROUGH OF SOUTHWARK.

Land including houses and premises known as Nos. 58 60 62 64 66 68 and 70 Villa Street containing 8,200 square feet or thereabouts as the same are shown on the Plan No. 59 and distinguished thereon 30 by the Nos. 1 to 7 inclusive.

Plan No. 60.

METROPOLITAN BOROUGH OF STEPNEY.

Land including a factory and workshop close to the north-east corner of Stepney Square and adjoining on the north and east sides 35 premises used for school purposes containing 1,850 square feet or thereabouts as the same are shown on the Plan No. 60 and distinguished thereon by the No. 1.

[2 & 3 GEO. 5.] *Education Board Provisional Orders* 15
Confirmation (London, No. 1).

Plan No. 62.

A.D. 1912.

METROPOLITAN BOROUGH OF WANDSWORTH.

*London
County
Council.*

Land including house and premises known as No. 6 Martin's
 Buildings Frogmore containing 495 square feet or thereabouts as the
 5 same are shown on the Plan No. 62 and distinguished thereon by the
 No. 1.

Plan No. 64.

METROPOLITAN BOROUGH OF WANDSWORTH.

Land including houses and premises known as Nos. 84 86 88 and
 10 90 St. Ann's Hill and Nos. 11 and 12 Pentland Street containing
 75,740 square feet or thereabouts as the same are shown on the Plan
 No. 64 and distinguished thereon by the Nos. 1 to 8 inclusive.

**Education Board
Provisional Orders
Confirmation
(London, No. 1). [H.L.]**

A

B I L L

INTRODUCED

An Act to confirm certain Provisional Orders made by the Board of Education under the Education Acts 1870 to 1911 to enable the London County Council to put in force the Lands Clauses Acts.

The Earl Beauchamp.

Ordered to be printed 7th May 1912.

LONDON:

PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE,
To be purchased, either directly or through any Bookseller, from
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32, Abchurch Lane, S.W.; or
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[*Price 2d.*]

(44)

**Education Board Provisional Orders
Confirmation (London No. 1)
Bill. [H.L.]**

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL STANHOPE.

Page 2, line 2, after ("purpose") insert the following new clause, viz.:

—(1) The Council may claim in any notice to treat for the purchase of any lands intended to be taken for the purposes of this Act—

Compensation in case of insanitary property.

(a) That the lands to which the notice refers are or comprise any houses courts and alleys unfit for human habitation; or

(b) That the narrowness closeness and bad arrangement or the bad condition of the streets and houses or groups of houses upon any such lands or the want of light air ventilation or proper conveniences or any other sanitary defects or one or more of such causes render any such lands or any buildings thereon prejudicial to the health of the inhabitants either of the buildings on the said lands or of the neighbouring buildings.

(2) In the event of such claim then on the occasion of assessing the amount of compensation payable in respect of such lands the jury arbitrators or other authority settling the same shall determine whether such lands fall wholly or in part within any of the descriptions hereinbefore mentioned and if they determine that such lands do so fall then in assessing the compensation payable under this Act in respect of such lands evidence shall be receivable by them to prove:

(a) That the rental of any house or premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

(44 a)

[OVER

- (b) That any house or premises are in a state of defective sanitation or are not in reasonably good repair; or
- (c) That any house or premises are unfit and not reasonably capable of being made fit for human habitation;

and if they are satisfied by such evidence then the purchase money and compensation in respect of such lands shall be assessed according to the principles indicated in section twenty-one of the Housing of the Working Classes Act 1890.

**Education Board
Provisional Orders
Confirmation (London
No. 1) Bill. [H.L.]**

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL STANHOPE.

24th June 1912.

L O N D O N :

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East Harding Street, E.C.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

[Price 3/6.]

(44 a)

[2 & 3 GEO. 5.] *Education Board Provisional Order* 1
Confirmation (London, No. 2). [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Education under the Education Acts 1870 to 1911 to enable the London County Council to put in force the Lands Clauses Acts. A.D. 1912.

WHEREAS the Board of Education have made a Provisional Order under the authority of the Education Acts 1870 to 1911 on behalf of the London County Council (herein-after called "the Council") and it is requisite that the same should be confirmed by Parliament:

And whereas the lands required to be purchased under the powers granted by the said Provisional Order and confirmed by this Act are severally described in the schedule to the said Provisional Order as set out in Part III. of the schedule to this Act and are delineated on the plans accompanying the petition referred to in the said Provisional Order and copies of the said plans have been duly deposited in the offices of the two Houses of Parliament:

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

1. The following Order as set out in Part III. of the schedule to this Act shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation of Order in schedule.

2. Save as otherwise expressly provided nothing herein contained shall be construed to authorise the Council to extinguish any public rights of way without such Order being Saving of public rights of way.

*Education Board Provisional Order [2 & 3 GEO. 5.]
Confirmation (London, No. 2).*

A.D. 1912. obtained as but for this Act would have been required for that purpose.

Council may appropriate &c. for street widenings portions of land acquired.

3. In the case of any lands which the Council are by this Act authorised to acquire and which abut upon streets or roads which are not in the opinion of the Council sufficiently wide for the accommodation of the present and probable future traffic or for the convenience of the persons using the said streets or roads it shall be lawful for the Council to appropriate take and use for the purpose of widening any such streets or roads so much of the said lands as the Council may determine to be necessary for such purpose Provided that if the Council appropriate take or use any part of the said lands for the purpose of widening any street or road such part of the cost of the acquisition thereof and of any expenses incidental to such acquisition as the Council may determine shall be deemed to be part of the costs and expenses of the Council in connexion with street improvements.

No compensation to be paid for improvements &c. made since 1st August 1911.

4. In settling any question of disputed purchase money or compensation payable under this Act by the Council the jury arbitrators or other authority settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the first day of August One thousand nine hundred and eleven if in the opinion of such jury arbitrators or other authority the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view of obtaining or increasing compensation under this Act.

Owners may be required to sell parts only of certain lands and buildings.

5. Notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories shown on the deposited plans and distinguished thereon by the numbers specified in Part I. of the schedule to this Act and whereof parts only are required for the purposes of this Act may if such parts can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such premises without material detriment thereto be required to sell and convey to the Council the parts only of the premises so required without the Council

[2 & 3 GEO. 5.] *Education Board Provisional Order*
Confirmation (London, No. 2).

3

being obliged or compellable to purchase the whole or any greater part thereof. A.D. 1912.

6. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

7. The jury arbitrators or other authority to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the jury arbitrators or other authority shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council have been prejudiced thereby the jury arbitrators or other authority shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case. Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Acts either contained or was endorsed with a notice of the effect of this section.

Costs of arbitration &c. in certain cases.

A.D. 1912.

Exemption
from s. 133
of Lands
Clauses
Act 1845.

8. Section one hundred and thirty-three of the Lands Clauses Consolidation Act 1845 (relating to land tax and poor rate) shall not apply in the case of any lands of which the Council become possessed by virtue of this Act.

Tenancies
having not
longer than
18 months
to run.

9. Notwithstanding anything contained in the Lands Clauses Acts any claim for compensation under this Act by any person having or in respect of any interest in the lands in respect of which compensation is claimed not greater than that of a lessee or tenant for any term of which not more than eighteen months remain unexpired at the time when the claim is made shall be determined by justices in the manner provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act 1845.

Power to
Council to
stop up cer-
tain streets.

10.—(1) The Council may stop up the public streets or parts thereof (as the case may be) shown on the deposited plans and distinguished thereon by the numbers specified in Part II. of the schedule to this Act and thereupon all public rights of way over such streets or parts thereof (in this section herein-after referred to as "the streets") shall be extinguished and the Council may appropriate and use the streets for the purposes of Part III. of the Education Act 1902.

(2) The Council may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in or near the streets as shall appear necessary for executing the purposes of this section so that no public sewer or drain (unless the same become unnecessary by reason of the purchase of the property entitled to the use thereof) shall be in anywise disturbed injured or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient Provided that before removing or filling up any sewer or drain or part thereof as aforesaid the Council shall (where necessary) cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains.

(3) The Council may in any of the streets raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and

[2 & 3 GEO. 5.] *Education Board Provisional Order* 5
Confirmation (London, No. 2).

also any main pipe or apparatus laid down or used by the Metro- A.D. 1912.
 politan Water Board or any person for carrying a supply of
 water or water for hydraulic power or gas and also any pipe
 tube wire or apparatus laid down or placed for supplying electricity
 5 or for telegraphic or other purposes and may remove any other
 obstruction making proper substituted works during any alteration
 and causing as little detriment and inconvenience as circumstances
 admit to the said board or to any person and making reasonable
 compensation to the said board or to any person for any damage
 10 caused by any such alteration Provided that before the Council
 alter the position of any main pipe or apparatus laid down or
 used by the said board or by any such person they shall (except
 in cases of emergency) give to the board or person to whom the
 same belongs notice of their intention to do so specifying the time
 15 at which they will begin to do so such notice to be given seven
 days at least before the commencement of the work for effecting
 such alteration and such work shall be done under the superin-
 tendence (at the expense of the Council) of the board or person
 to whom such main pipe or apparatus belongs unless such board
 20 or person refuses or neglects to give such superintendence at the
 time specified in the notice for the commencement of such work
 or discontinues the same during the execution of such work and
 the Council shall execute such work to the reasonable satisfaction
 of the board or person Provided also that the Council shall not
 25 cause any of the streets to be lowered or raised nor the position
 of any water or gas main or other pipe to be altered so as to leave
 over such main pipe or apparatus in any part a covering of less
 than two feet where the covering now existing is not less than
 two feet unless the Council shall in such case protect such main
 30 pipe or apparatus from frost or injury by artificial covering to
 the satisfaction of the board or person or more than six feet
 where the covering now existing does not exceed six feet or more
 than such existing covering where the same exceeds six feet
 unless the Council in such case provide special means of access
 35 to the same to the satisfaction of the board or person."

(4) If within seven days after a notice under subsection (3)
 of this section shall have been served upon the Metropolitan
 Water Board or any gas company that board or company so elect
 such board or company shall themselves execute all such altera-
 40 tions to their mains and pipes as may from time to time be
 necessary and the reasonable costs of executing such alterations
 shall be repaid by the Council to such board or company

A.D. 1912. Provided that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the Council.

(5) If any difference arise between the Council and any such board or person touching the amount of any costs or expenses 5 under the foregoing provisions of this section to be paid by the Council to any such board or person or touching any work matter or thing with reference to such mains or other pipes under such provisions to be done or executed by the Council or the mode of doing or executing the same such difference shall be settled 10 by an engineer to be agreed upon by the Council and the board or person as the case may be or failing agreement by such engineer as shall on the application either of the Council or of such board or person be named by the President of the Institution of Civil Engineers. 15

(6) The powers conferred upon the Council by this section shall not be exercised in regard to the part of Thornfield Road specified in Part II. of the schedule to this Act until the Council are owners in possession of the lands and premises having access from and immediately abutting upon the north and south sides 20 thereof and in regard to the streets (other than the part of Thornfield Road aforesaid) until the Council are owners in possession of all lands and premises having access therefrom and immediately abutting thereupon except so far as the owners lessees and occupiers of such lands and premises may otherwise 25 agree.

(7) Nothing in this section shall extend to authorise the Council to raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down for telegraphic or other purposes and belonging to the Postmaster-General except in accordance 30 with and subject to the provisions of the Telegraph Act 1878.

(8) Nothing in this section shall extend to prejudice or affect any of the provisions for the protection of any undertakers authorised to supply electrical energy contained in any special Act or any Provisional Order confirmed by Act of Parliament. 35

Short title.

11. This Act may be cited as the Education Board Provisional Order Confirmation (London No. 2) Act 1912.

[2 & 3 GEO. 5.] *Education Board Provisional Order*
Confirmation (London, No. 2).

7

SCHEDULE.

A.D. 1912.

*London
County
Council.*

PART I.

PARTS OF PREMISES WHICH MAY BE ACQUIRED COMPULSORILY
BY THE COUNCIL.

5	Metropolitan Borough.	Plan Number.	Distinguishing Numbers on Plan.
	Battersea - - - - -	10	24 25 and 26
	Hackney - - - - -	25	1 and 5
	St. Marylebone - - - - -	49	3 4 5 6 7 and 8

PART II.

10

THE STREETS WHICH MAY BE STOPPED UP BY THE COUNCIL.

10	Metropolitan Borough.	Plan Number.	Name of Street.	Distinguishing Number on Plan.
15	Hammersmith - - -	27	Thornfield Road - - -	2
	Islington - - - - -	30	Hides Street - - - - -	2
	Islington - - - - -	31	Sun Row - - - - -	5
	Islington - - - - -	35	Cardale Street - - - - -	12
	Kensington - - - - -	36	Buckingham Mews - - -	1
20	St. Pancras - - - - -	55	Little Exmouth Street -	39

*Education Board Provisional Order [2 & 3 GEO. 5.]
Confirmation (London, No. 2).*

A.D. 1912.

PART III.

EDUCATION ACTS 1870-1911

AND

BOARD OF EDUCATION ACT 1899.

*London
County
Council.*

THE LONDON COUNTY COUNCIL.

5

*Provisional Order (No. 3) for putting in force the
Lands Clauses Acts.*

WHEREAS the London County Council require to purchase divers pieces of land for the purposes of Part III. of the Education Act 1902 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement: 10

And whereas the lands so required to be purchased are set forth in the schedule hereto:

And whereas the London County Council have made due publication of the notices and have duly served the same according to the requirements of the Education Acts 1870-1911 and have presented a petition to the Board of Education praying that an Order may be made authorising the said Council to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Education Acts to be stated therein and the same hath been supported by such evidence as the Board of Education required: 15 20

And whereas the Board of Education having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused inquiries to be made in the districts wherein the said lands are situate as to the propriety of the proposed Order: 25

And whereas so far as under subsection (2) of section 2 of the Education (London) Act 1903 the concurrence of the council of any metropolitan borough is required to any compulsory acquisition authorised by this Order that council concur in that proposed compulsory acquisition or where they do not concur the Board of Education are satisfied that their concurrence should be dispensed with: 30 35

And whereas the Board of Education have received reports after the inquiries above mentioned and having duly considered the same are satisfied of the propriety of the proposed Order:

[2 & 3 GEO. 5.] *Education Board Provisional Order* 9
Confirmation (London, No. 2).

Now therefore the Board of Education do hereby order that the London County Council be authorised to put in force with reference to the lands set forth in the schedule hereto the powers of the said Acts (except the provisions relating to access to the special Act) for the purchase and taking of lands otherwise than by agreement or any of them.

A.D. 1912.

*London
 County
 Council.*

Given under the seal of office of the Board of Education this Thirtieth day of April one thousand nine hundred and twelve.

(L.S.)

H. J. SIMMONDS

One of the Assistant Secretaries of the
 Board of Education.

10

The SCHEDULE herein-before referred to.

Plan No. 7.

METROPOLITAN BOROUGH OF BATTERSEA.

15 Land including houses and premises known as Nos. 38 39 40 41
 42 43 44 45 46 47 48 49 50 51 52 53 54 55 and 55A Linda Street
 and Nos. 1 3 5 7 9 11 13 15 17 19 21 23 25 and 27 Wilson Street
 a strip of land abutting on the south-east and south-west sides of
 No. 38 Linda Street and a passage lying between Nos. 52 and 53
 20 Linda Street containing 49,640 square feet or thereabouts as the same
 are shown on the Plan No. 7 and distinguished thereon by the Nos. 1
 to 35 inclusive.

Plan No. 10.

METROPOLITAN BOROUGH OF BATTERSEA.

25 Land including houses and premises known as Nos. 1 3 5 7 9
 11 13 15 17 19 21 23 25 27 29 31 33 35 37 39 41 43 and 45
 Culvert Road and Nos. 1 3 5 7 9 11 13 15 and 17 Chatham Street
 a builder's yard at the rear of the premises described in Culvert Road
 a timber yard office and sheds at the rear of Nos. 7 9 11 and 13 Chatham
 30 Street and a strip of land at the rear of Nos. 13 15 and 17 Chatham
 Street containing 65,880 square feet or thereabouts as the same are
 shown on the Plan No. 10 and distinguished thereon by the Nos. 1. to
 35 inclusive.

(45)

B

*Education Board Provisional Order [2 & 3 GEO. 5.]
Confirmation (London, No. 2).*

A.D. 1912.

*London
County
Council.*

Plan No. 25.

METROPOLITAN BOROUGH OF HACKNEY.

Land including houses and premises known as Nos. 108 and 110 Mountpleasant Lane a piece of land adjoining No. 110 Mountpleasant Lane and lying between Moresby Road and Mountpleasant Lane and a garden abutting on Moresby Road and forming part of the premises known as No. 21 Springfield Gardens containing 44,750 square feet or thereabouts as the same are shown on the Plan No. 25 and distinguished thereon by the Nos. 1 to 5 inclusive. 5

Plan No. 27.

10

METROPOLITAN BOROUGH OF HAMMERSMITH.

Land including houses and premises known as Nos. 62 64 66 68 70 and 72 Thornfield Road and No. 25 Coverdale Road and so much of Thornfield Road as abuts upon such land containing 25,825 square feet or thereabouts as the same are shown on the Plan No. 27 and distinguished thereon by the Nos. 1 to 8 inclusive. 15

Plan No. 30.

METROPOLITAN BOROUGH OF ISLINGTON.

Land including houses and premises known as Nos. 33 and 35 Wellington Road and Nos. 5 and 6 Hides Street and so much of Hides Street as abuts on Nos. 5 and 6 Hides Street containing 3,170 square feet or thereabouts as the same are shown on the Plan No. 30 and distinguished thereon by the Nos. 1 to 5 inclusive. 20

Plan No. 31.

METROPOLITAN BOROUGH OF ISLINGTON.

25

Land including houses and premises known as Nos. 11 12 13 14 15 16 17 18 19 20 and 21 Dibden Street Nos. 4 5 6 7 8 9 10 and 11 Newhall Street and Nos. 5 6 7 and 8 Sun Row and so much of the court known as Sun Row as abuts on Nos. 5 6 7 and 8 Sun Row containing 16,170 square feet or thereabouts as the same are shown on the Plan No. 31 and distinguished thereon by the Nos. 1 to 24 inclusive. 30

Plan No. 33.

METROPOLITAN BOROUGH OF ISLINGTON.

Land including houses and premises known as Nos. 37 38 39 40 and 40 Colebrooke Row containing 15,920 square feet or thereabouts as the same are shown on the Plan No. 33 and distinguished thereon by the Nos. 1 to 4 inclusive. 35

[2 & 3 GEO. 5.] *Education Board Provisional Order* 11
Confirmation (London, No. 2).

Plan No. 34.

A.D. 1912.

METROPOLITAN BOROUGH OF ISLINGTON.

*London
County
Council.*

Land including houses and premises known as Nos. 49 51 53 73
 75 and 77 Shepperton Road containing 9,280 square feet or there-
 5 abouts as the same are shown on the Plan No. 34 and distinguished
 thereon by the Nos. 1 to 6 inclusive.

Plan No. 35.

METROPOLITAN BOROUGH OF ISLINGTON.

Land including houses and premises known as Nos. 2 4 6 8 10
 10 12 14 16 18 20 22 1 3 5 7 9 11 13 15 17 19 21 23 25 27 29 and
 31 Cardale Street Nos. 59 and 61 Gifford Street and No. 66 Freeling
 Street and Cardale Street containing 23,050 square feet or thereabouts
 as the same are shown on the Plan No. 35 and distinguished thereon
 by the Nos. 1 to 31 inclusive.

15 Plan No. 36.

METROPOLITAN BOROUGH OF KENSINGTON.

Land including houses and premises known as Nos. 16 and 17
 Buckingham Terrace and the piece of land between No. 16 Buckingham
 Terrace and the Council's school on the west side thereof containing
 20 about 2,700 square feet or thereabouts as the same are shown on the
 Plan No. 36 and distinguished thereon by the Nos. 1 to 3 inclusive.

Plan No. 49.

METROPOLITAN BOROUGH OF ST. MARYLEBONE.

Land including houses and premises known as Nos. 19 20 and
 25 20A Clipstone Street and Nos. 51 52 53 54 55 56 57 and 58 Upper
 Marylebone Street and a portion of the passage bounding the premises
 known as No. 20A Clipstone Street on the west side thereof containing
 23,000 square feet or thereabouts as the same are shown on the Plan
 No. 49 and distinguished thereon by the Nos. 1 to 16 inclusive.

30 Plan No. 55.

METROPOLITAN BOROUGH OF ST. PANCRAS.

Land including houses and premises known as Nos. 43 44 45 46
 47 48 49 50 51 52 53 and 54 Little George Street Nos. 10 11 12 and
 13 Exmouth Street Nos. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 and 15

Education Board Provisional Order [2 & 3 GEO. 5.]
Confirmation (London, No. 2).

A.D. 1912. Little Exmouth Street and Nos. 43 44 45 46 47 48 49 50 51 52 53
London 54 and 55 George Street premises at the rear of Nos. 13 14 and 15
County Little Exmouth Street and Little Exmouth Street containing 38,615
Council. square feet or thereabouts as the same are shown on the Plan No. 55
and distinguished thereon by the Nos. 1 to 46 inclusive. 5

**Education Board
Provisional Order
Confirmation
(London, No. 2). [H.L.]**

A

B I L L

INTRODUCED

An Act to confirm a Provisional Order made by the Board of Education under the Education Acts 1870 to 1911 to enable the London County Council to put in force the Lands Clauses Acts.

The Earl Beauchamp.

Ordered to be printed 7th May 1912.

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**Education Board Provisional Order
Confirmation (London No. 2)
Bill. [H.L.]**

A M E N D M E N T

T O B E M O V E D I N C O M M I T T E E

B Y

T H E E A R L S T A N H O P E.

Page 2, line 2, after ("purpose") insert the following new clause, viz.:

—(1) The council may claim in any notice to treat for the purchase of any lands intended to be taken for the purposes of this Act—

Compensation in case of insanitary property.

- (a) That the lands to which the notice refers are or comprise any houses courts and alleys unfit for human habitation ;
or
- (b) That the narrowness closeness and bad arrangement or the bad condition of the streets and houses or groups of houses upon any such lands or the want of light air ventilation or proper conveniences or any other sanitary defects or one or more of such causes render any such lands or any buildings thereon prejudicial to the health of the inhabitants either of the buildings on the said lands or of the neighbouring buildings.

(2) In the event of such claim then on the occasion of assessing the amount of compensation payable in respect of such lands the jury arbitrators or other authority settling the same shall determine whether such lands fall wholly or in part within any of the descriptions hereinbefore mentioned and if they determine that such lands do so fall then in assessing the compensation payable under this Act in respect of such lands evidence shall be receivable by them to prove:

- (a) That the rental of any house or premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates ; or

(45 a)

[OVER

(b) That any house or premises are in a state of defective sanitation or are not in reasonably good repair; or

(c) That any house or premises are unfit and not reasonably capable of being made fit for human habitation;

and if they are satisfied by such evidence then the purchase money and compensation in respect of such lands shall be assessed according to the principles indicated in section twenty-one of the Housing of the Working Classes Act 1890.

Education Board
Provisional Order
Confirmation (London
No. 2) Bill. [H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL STANHOPE.

24th June 1912.

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