1871, be instituted, brought, or taken in respect of any matter or thing into which the Commissioners are directed or authorised to inquire as aforesaid, except with the leave of the Commissioners and subject to such terms and conditions as they may impose.

Power for Commissioners to state a special case.

**4.** The Commissioners may, if they think fit, state any question or questions of law which may have arisen in the course of any pending legal proceedings, or which may arise in the course either of any proceedings which may be instituted before them, or of any of the inquiries which they are authorised or directed to make in the form of a special case for the opinion of one of Her Majesty's Superior Courts of Law or Equity, and such court may determine the questions raised in such case, or any of them.

Power to abate inclosures and protect herbage.

**5.** The Commissioners may from time to time make orders prohibiting until the expiration of the session of Parliament next after the Commissioners shall have made their final report under the Epping Forest Act, 1871, and no longer, any inclosures of any land within the said forest not inclosed before the passing of the Epping Forest Act, 1871, and for the prevention of any waste, injury, or destruction of vert, herbage, trees, shrubs, or other growing things in or upon any land within the said forest subject in their judgment to any forestal or common rights.

Authentication of awards and instruments.

**6.** All orders, certificates, or other instruments made by or proceeding from the Commissioners shall be sufficiently authenticated if under the hands of two of the Commissioners, and may be in writing, or partly in writing and partly in print; and all courts shall take judicial notice of their signature; and all such orders, certificates, and other instruments so authenticated shall be deemed to have been duly made and executed; and any such order or certificate may, if the Commissioners so direct, be published in the London Gazette, or in any other official gazette or like publication.

Conduct of proceeding before Commissioners.

**7.** Applications to the Commissioners shall be made in such manner and form, and shall be heard and disposed of on the attendance of or notice to such parties or persons chosen as representatives of such parties on such written or other statements, and on such evidence as the Commissioners by general regulations or otherwise may from time to time direct.

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## CHAPTER 96.

An Act to amend the Ecclesiastical Dilapidations Act, 1871; and for other purposes. [10th August 1872.]

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

Alteration of the length of mortgage term, and of the conditions of repayment of advances.

**1.** This Act and "The Ecclesiastical Dilapidations Act, 1871," shall be read and construed together as one Act; and as to loans made under the provisions thereof, and also as to loans made under the provisions of the Acts specified in the second schedule of the said Act, it shall be lawful for the governors, with the stipulated consent of the bishop and patron, if they think fit, to vary the length of the mortgage term for all new mortgages by making the term for the repayment of the loan shorter than is directed by the said Acts; and the governors, with the stipulated consent of the bishop and patron, are also authorised, if they think fit, to lend any sum that may be required for the purposes of, and they may also from time to time vary the form of the deed of security prescribed by, the Acts specified in the said recited schedule; and when the powers of these Acts are concurrently exercised, as prescribed by the seventy-third section of "The Ecclesiastical Dilapidations Act, 1871," the mortgagors shall only be required to execute one mortgage deed: Provided always, that it shall not be lawful for the governors

to allow a benefice to be mortgaged to them for any or all of the purposes of any of these Acts to an amount exceeding in the whole three years net income of such benefice.

And in fixing the terms of future advances the governors may either lend moneys, to be repaid by annual instalments with interest on the principal money, or by a fixed sum or sums payable yearly in the form of a terminable annuity, but the rate of interest to be used in all computations shall not exceed four pounds per centum per annum. Upon the appointment of a new incumbent the mortgage term of repayment may be extended in respect of the balance of any loan, if the governors shall so direct, to be certified by a memorandum under the hand of their secretary, endorsed upon or attached to the deed and counterpart, such extension to be kept within the limits prescribed by the said recited Acts.

Power to change the day of the date of annual payments.

**2.** It shall be lawful for the governors, with the consent in writing, under the hand only, of the mortgagor or of his successor, to change the day of the date of the annual payments payable to them under any mortgage deed, provided that they do not thereby lengthen the period for which the benefice or preferment is encumbered.

Regulation of fees to bishops, secretaries, registrars, and other officers.

**3.** It shall be lawful for the Archbishop of Canterbury, the Lord High Chancellor, and the Archbishop of York, with the assistance of the two vicars general of the said two archbishops, with the consent of the Lords Commissioners of Her Majesty's Treasury, at any time during the year one thousand eight hundred and seventy-three, to review the rates of the fees of the bishops secretaries and registrars, and the rates of surveyors charges for work done in pursuance of "The Ecclesiastical Dilapidations Act, 1871," as fixed or authorised to have been fixed under the tenth section of the same Act for the various dioceses throughout England and Wales; and it shall be lawful for the Archbishop of Canterbury, the Lord Chancellor, and the Archbishop of York, and the other aforesaid constituted authorities, to ordain and establish in lieu thereof one uniform table of fees and charges to be binding throughout the whole of England and Wales, and shall have power from time to time to amend or alter such table of fees and charges; and before the fees and charges contained in such table or such amended table shall be demanded, taken, or received by any of the said persons, such table or amended table shall be submitted to Her Majesty's Privy Council, and shall be dealt with in all respects in accordance with the directions contained in the one hundred and thirty-first section of the Act of Parliament of first and second Victoria, chapter one hundred and six, and the first section of the Act of Parliament of thirtieth and thirty-first Victoria, chapter one hundred and thirty-five, so far as the same are applicable.

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## CHAPTER 97.

### An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary. [10th August 1872.]

WHEREAS, with a view to the revision of the Statute Law, and particularly to the preparation of the Revised Edition of the Statutes now in progress, it is expedient that certain enactments (mentioned in the schedule to this Act) which may be regarded as spent, or have ceased to be in force otherwise than by express and specific repeal, or have, by lapse of time and change of circumstances, become unnecessary, should be expressly and specifically repealed:

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