be competent to adduce as a Witness in any Action or Proceeding any Person who shall at the Time when he is so adduced as a Witness be acting as Agent in the Action or Proceeding in which he is so adduced, excepting in so far as the same may be competent by the existing Law and Practice of *Scotland;* and where any Person who is or has been an Agent shall be adduced and examined as a Witness for his Client, touching any Matter or Thing, to prove which he could not competently have been adduced and examined according to the existing Law and Practice of *Scotland,* it shall not be competent to the Party adducing such Witness to object, on the Ground of Confidentiality, to any Question proposed to be put to such Witness on Matter pertinent to the Issue.

Not competent to adduce as a Witness any Person who shall be Agent in the Action.

Where any Person adduced has been an Agent no Plea of Confidentiality allowable.

II. It shall be competent to adduce and to examine as a Witness as aforesaid in any Action or Proceeding any Party to such Action or Proceeding, even although individually named in the Record or Proceeding, unless it shall be shown to the Satisfaction of the Court, or of the Person having Authority to take Evidence as aforesaid, that such Party has a substantial Interest in such Action or Proceeding, and is not merely nominally a Party thereto.

Party to an Action may be adduced as a Witness, unless it be shown that he has a substantial Interest.

III. It shall be competent to examine any Witness who may be adduced in any Action or Proceeding as to whether he has on any specified Occasion made a Statement on any Matter pertinent to the Issue different from the Evidence given by him in such Action or Proceeding; and it shall be competent in the course of such Action or Proceeding to adduce Evidence to prove that such Witness has made such different Statement on the Occasion specified.

Witness may be examined as to having made a different Statement.

IV. It shall be competent to the presiding Judge or other Person before whom any Trial or Proof shall proceed, on the Motion of either Party, to permit any Witness who shall have been examined in the course of such Trial or Proof to be recalled.

Witness may be recalled, after Examination.

V. All Statutes, Laws, and Practice now in force respecting Evidence in *Scotland* shall be and the same are hereby repealed, in so far as inconsistent or at variance with the Provisions of this Act, but the same shall in all other respects remain in full Force.

Laws and Practice inconsistent with this Act repealed.

CAP. XXVIII.

An Act to amend an Act of the Fourteenth and Fifteenth Years of Her present Majesty, for the Direction of Public Works and Buildings; and to vest the Buildings appropriated for the Accommodation of the Supreme Courts of Justice in *Edinburgh* in the Commissioners of Her Majesty's Works and Public Buildings. [17th *June* 1852.]

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

I. The Persons who for the Time being, under the Provisions of the Act passed in the last Session of Parliament, Chapter Forty-two, shall be the Commissioners of Her Majesty's Works and Public Buildings shall be and they are hereby constituted a Corporation, by the Name and Style of "The Commissioners of Her Majesty's Works and Public Buildings," and by that Name shall and may have perpetual Succession, and use a Common Seal, to be by them from Time to Time altered as they shall think fit, for the Purpose of taking and holding all the Lands, Tenements, and Hereditaments whatsoever, of every Tenure, by this Act vested in them, or hereafter to be vested in or purchased by them under or by virtue of the Provisions of this Act, and of conveying, assigning, leasing, underleasing, or otherwise disposing of the same Lands, Tenements, and Hereditaments, and of entering into any Covenants or Agreements respecting any such Hereditaments vested or to be purchased, taken, or disposed of as aforesaid, but not for any other Purpose.

Commissioners of Works and Public Buildings incorporated for the Purpose of holding Lands, &c. under this Act.

II. It

Commissioners empowered to purchase, sell, &c. Lands, &c., and the First Commissioner or Two of them may act.

II. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings to purchase, take, or accept any Hereditaments, of what Tenure soever, necessary for the Public Service, and to sell or exchange the same, and give a good Discharge for the Purchase Money thereof to any Purchaser or other Person, and to grant any Lease or Leases, Underlease or Underleases of any such Hereditaments so taken as aforesaid, and to enter into any Agreements for such Sale, Exchange, Lease, or Underlease, so nevertheless that all such Hereditaments shall be purchased, taken, exchanged, sold, or leased, and the Produce and Income thereof applied, by the Direction of the Commissioners of Her Majesty's Treasury, and so as every Conveyance of any Freehold Hereditaments in *England*, *Wales*, or *Ireland*, made to or by the said Commissioners of Her Majesty's Works and Public Buildings under the Authority of this Act, be enrolled amongst the Records of the Court of Exchequer in *England* or *Ireland*, as the Case may be; and all Acts by this Act authorized to be done by the Commissioners of Her Majesty's Works and Public Buildings, and all and every the Powers and Authorities whatsoever by the Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Forty-three, and vested in or transferred to the Commissioners thereby appointed, may be executed and done by the First Commissioner for the Time being of Her Majesty's Works and Public Buildings, or by any Two of the said Commissioners.

As to Security required from Officers.

III. In all Cases in which the Commissioners of Her Majesty's Works and Public Buildings are or shall be required or authorized to take Security from any Receiver, Collector, Clerk, or other Officer or Contractor, or shall think it proper so to do, for securing the due Performance of any Duty or Contract, such Security shall be taken by Bond to the Queen's most Excellent Majesty, Her Heirs and Successors; and the said Commissioners may in any Case, if they think fit, dispense with the taking any Sureties, so as that they take in lieu thereof (if they think fit) for the due Performance of any Duty or Contract any Security by way of Deposit, Investment, Mortgage, Lien or Charge, Insurance or Guarantee.

Courts and Buildings of the Courts of Session, Justiciary, &c. at Edinburgh vested in the Commissioners of Public Works.

IV. All the Courts, Court Houses, and Buildings for the Accommodation of the Courts of Session, Justiciary, Exchequer, Jury Court, or other the Supreme Courts at *Edinburgh*, and of the Clerks and Officers thereof, and all the Lands and Buildings connected therewith, and all Lands whereon the same are built, and all Lands or Heritages held therewith, or purchased or acquired under or by virtue of the Acts passed in the Forty-sixth Year of the Reign of His late Majesty *George* the Third, Chapter One hundred and fifty-four, the Forty-eighth Year of the Reign of His said Majesty, Chapter One hundred and forty-six, the Fifty-ninth Year of the Reign of His said Majesty, Chapter Thirty-five, and the Sixth Year of the Reign of His late Majesty *George* the Fourth, Chapter Eighty-six, or any of them, shall from the passing of this Act be vested in the Commissioners of Her Majesty's Works and Public Buildings, and their Successors for ever, in their Corporate Capacity, for the Purposes specified in the aforesaid Acts respectively, and shall be maintained and kept in repair by the said Commissioners by and out of all Funds (if any) now applicable for that Purpose, and which Funds shall be vested in or payable to the said Commissioners, or by and out of such Funds as shall be directed by Parliament to be applied to such Purposes.

Commissioners may sell, exchange, &c. Lands and Buildings not required for their original Purpose.

V. That as regards such of the said Lands, Buildings, or other Heritages so hereby vested in the said Commissioners as may not have been or shall not be required for the Purposes for which they were acquired, the said Commissioners may from Time to Time grant, sell, exchange, or convey the same, and lease or agree to lease the same till sold, exchanged, or conveyed; and the Monies arising from any such Sale or Lease shall be paid to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, but the Receipts of the said Commissioners shall be sufficient Discharges to any Purchaser or Lessee paying any Monies to them; and the said Commissioners may complete or carry into effect any Contract for Sale, Grant, Exchange, or Lease of any Part of the said Lands, Buildings, and Heritages herein-before entered into by any Trustees of the same, or by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Person or Persons on their Behalf.

VI. Provided

VI. Provided nevertheless, That no such Sale, Grant, Exchange, or Lease shall be made except with the Consent of the Commissioners of Her Majesty's Treasury. No Sale, &c. without Consent of Treasury.

VII. That, notwithstanding the Provisions of the Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, it shall not be necessary, after the passing of this Act, to register or record in the Books kept in the Office of Chancery in *Scotland* any of the Documents by the Seventh Section of the said Act directed to be registered or recorded, but a Minute or Memorandum of every such Conveyance, Deed, or other Document, describing the same, shall be entered in the Minute Book of the Office of Chancery in *Scotland*, and the same shall be taken to be a sufficient Compliance with the Provisions of the said Seventh Section of the last-mentioned Act; and further, that the said Provisions of the said last-mentioned Act, as altered by this Act, relating to the Transmission of Documents to the Office of Chancery in *Scotland*, and other the Provisions of the said Act, as altered by this Act, shall apply to any Conveyance, Deed, or other Document executed by the Commissioners of Her Majesty's Works and Public Buildings in pursuance of the Powers of this Act. Registry of Documents in Chancery in Scotland not necessary; but Entry of Memorandum of Deed in Chancery to be sufficient.

CAP. XXIX.

An Act to empower the Commissioners of Her Majesty's Works and Public Buildings to inclose and lay out *Kennington Common* in the County of *Surrey* as Pleasure Grounds for the Recreation of the Public.

[17th *June* 1852.]

'WHEREAS His Royal Highness *Albert Edward* Prince of *Wales*, Duke of *Saxony*, Duke of *Cornwall* and *Rothsay*, Earl of *Chester*, *Carrick*, and *Dublin*, Baron of *Renfrew*, Lord of the Isles, and Great Steward of *Scotland*, is seised, in right of His Duchy of *Cornwall*, of the Lordship of the Manor of *Kennington* in the Parish of *Lambeth* in the County of *Surrey*, of which Two Pieces or Parcels of Land situate in the said Parish, and usually called or known by the Name of *Kennington Common*, together with a small Piece of Land near thereto, usually called or known as the Pound of the Manor of *Kennington*, and a small Piece of vacant Land adjoining such Pound in the said Parish, are Parcel: And whereas the said Pieces or Parcels of Land are now open and uninclosed, and it has been represented to Her Majesty, by the Council of His said Royal Highness, that it would tend greatly to the Comfort and Benefit of the Inhabitants of the District in the Neighbourhood of the said Common if the same were inclosed and laid out as Pleasure Grounds for the Recreation and Enjoyment of the Inhabitants of the said District, and others resorting thereto, subject to such Regulations as may be necessary for preventing Nuisances and improper Practices therein, and for that Purpose that the Commissioners of Her Majesty's Works and Public Buildings should be incorporated as herein-after mentioned, and should have and be invested with such Powers of purchasing Lands, stopping up and diverting Roads, and of improving the Lands to be inclosed as are herein-after contained or referred to: And whereas the said Commissioners of Her Majesty's Works and Public Buildings caused a Map or Plan of the said intended Improvements to be made, and which Map or Plan has been signed by the Chairman of the Select Committee of the House of Commons, to whom this Act was referred:' May it therefore please Your Majesty, His said Royal Highness the Duke of *Cornwall* assenting thereto, that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That it shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings for the Time being, and they are hereby authorized and empowered, with the Consent of the Lord High Treasurer, or of the Commissioners of the Treasury for the Time being, to inclose the said Common and Pieces of Land, and lay out the same as public Pleasure Commissioners of Works empowered to inclose the Lands for public Pleasure Grounds.