CHAPTER 31.

An Act to amend the Conjugal Rights (Scotland) Amendment Act, 1861.

[16th July 1874.]

WHEREAS an Act was passed in the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, intituled "An Act to amend the Law regarding "Conjugal Rights in Scotland:" 24 & 25 Vict. c. 86.

And whereas the expense of procedure under that Act prevents many persons from availing themselves of its benefits, and it is desirable to amend the same:

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

Definition of "sheriff."

1. The word "sheriff" shall include sheriff substitute.

Sheriffs jurisdiction extended to applications for orders to protect property of deserted wives and for the recall of such orders.

2. The sheriffs of counties in Scotland shall have all jurisdictions, powers, and authorities necessary for hearing, trying, and determining applications by wives deserted by their husbands for orders to protect property that they have acquired or may acquire by their own industry after such desertion, and property which they have succeeded to or may succeed to or acquire right to after such desertion, against their husbands or creditors of their husbands or any persons claiming in or through the rights of their husbands, and applications by the husbands of such wives, their creditors, or others claiming in or through the rights of such husbands for the recall of such orders: Provided as follows:

1. All such applications in the sheriff court shall be made by petition in common form, and, subject to any orders and regulations which the Court of Session are hereby authorised to make from time to time as to procedure in such applications, the procedure in every such petition, including the procedure in appeals taken therein within the sheriff court or to the Court of Session, shall, as nearly as may be, be the same as in an ordinary action in the sheriff court:
2. The conditions on which orders to protect property as aforesaid may be granted or recalled in the sheriff court shall be the same as those on which such orders may be granted or recalled in the Court of Session. The provisions of the recited Act relating to the intimation of interlocutors granting or recalling such orders in the Court of Session shall apply to the intimation of such interlocutors when pronounced in the sheriff court; and the effects of the grant or recall of any such order duly intimated shall be the same when made in the sheriff court as when made in the Court of Session:
3. An application for the recall of any such order to protect property granted in a sheriff court shall be competent only when made in the sheriff court to whose jurisdiction the deserted wife is for the time amenable, or in the Court of Session.

   It shall be the duty of the clerk of the court in which any such order was granted, to transmit the process in which it was granted to any other court on receiving written notice from a clerk thereof of the dependence therein of an application for the recall of such order:
4. It shall not be necessary to print the petition, answer, or evidence in order to the disposal by the Court of Session of any appeal taken thereto from a sheriff court in any application by this Act made competent in the sheriff court:
5. Any warrant of citation granted by a sheriff in any such application may, when necessary, be executed edictally (without the concurrence or authority of the Court of Session) by delivery of a copy thereof at the office of the keeper of edictal citations according to the mode established by the Act passed in the sixth year of the reign of His Majesty King George the Fourth, chapter one hundred and twenty, in regard to the execution edictally of citations on warrants of the Court of Session, and by an act of sederunt of the Court of Session, dated the twenty-fourth day of December one thousand eight hundred and thirty-eight, and by sending a copy thereof by post to the last known address of the person to be cited.

   The keeper of edictal citations or his clerk shall register an abstract of every such copy so delivered, in the record for edictal citations by virtue of letters of

supplement to persons furth of Scotland to appear before any of the inferior courts of Scotland; and such abstract shall exhibit such particulars as are required to be exhibited in an abstract of any copy citation by law appointed to be made or registered by the said keeper or his clerk.

Short title.

3. This Act may be cited as the Conjugal Rights (Scotland) Amendment Act, 1874.

CHAPTER 32.

An Act to amend "The Drainage and Improvement of Lands Act (Ireland), 1863." [16th July 1874.]

26 & 27 Vict. c. 88.

WHEREAS by "The Drainage and Improvement of Lands Act (Ireland), 1863," the Commissioners of Public Works in Ireland were authorised to advance money in the manner and subject to the conditions in the said Act mentioned, for the purpose of aiding in the completion of works for the drainage and improvement of lands in any district, and the repayment of any money so advanced was to be secured by means of an annual rentcharge to be payable for the term of twenty-two years at the rate of six pounds ten shillings for every one hundred pounds charged upon such lands in the manner by the said Act provided:

27 & 28 Vict. c. 72.

And whereas a further Act was passed in the session of Parliament held in the twenty-seventh and twenty-eighth years of Her Majesty, chapter seventy-two, explaining certain provisions contained in the said Act:

28 & 29 Vict. c. 52. 32 & 33 Vict. c. 72.

And whereas the said Acts were amended by "The Drainage and Improvement of Lands Amendment Act (Ireland), 1865," and by "The Drainage and Improvement of Lands Amendment Act (Ireland), 1869," and it is expedient further to amend the said Acts:

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

Short title.

1. This Act may be cited for all purposes as "The Drainage and Improvement of Lands Amendment Act (Ireland), 1874."

Loans may be made repayable by rentcharges at five per cent. for 35 years.

2. It shall be lawful for the Commissioners of Public Works, upon application of any drainage board, out of any moneys in their hands available for loans, by and with the sanction of the Commissioners of Her Majesty's Treasury, and subject to such rules, regulations, and conditions as the said Commissioners of the Treasury may think proper from time to time to make, to make loans or advances for the purposes of the said recited Acts, and to secure the repayment of the same, if they think it expedient so to do, by means of rentcharges at five per cent. per annum, payable for terms of thirty-five years, instead of by rentcharges at six pounds ten shillings per cent. per annum payable for terms of twenty-two years as by the said Acts provided; and in case any loan shall be so made to the drainage board of any district, each of the several parcels or portions of land specified in the award of the Commissioners, apportioning the consolidated sum of principal and interest amongst the respective proprietors of the said parcels or portions of land in such district and on their lands respectively (as by the said Acts provided) shall, from the date of such award, become charged with the payment to Her Majesty of an annual rentcharge of five pounds for every one hundred pounds charged on such parcels or portions of land respectively, and so in proportion for any lesser amount, to be payable for the term of thirty-five years, to be computed from the fifth day of April or tenth day of October which shall next happen after the making of such award, such rentcharge to be paid by equal half-yearly payments on the fifth day of April and tenth day of October in every year, the first of such payments to be made on the second of such days which shall happen after the date of such award.