or road board of an adjoining county for the construction of any new road or bridge under section fifty-eight of the Roads and Bridges (Scotland) Act, 1878, and the portion of the new road or bridge situate in the latter county shall be made and maintained for the benefit of the former county, it shall be competent to impose and levy the assessment for defraying the expense of the construction and maintenance of the portion of the new road or bridge situate in the latter county upon and from the persons liable to be assessed for the construction and maintenance of new roads or bridges in the former county, in the same manner and with the same powers of recovery as if the whole of the new road or bridge had been situate in the former county.

Preservation of lands from injury.

5. Notwithstanding anything contained in section eighty of the Act first and second William the Fourth, chapter forty-three, as incorporated in the Roads and Bridges (Scotland) Act, 1878, the exemption from the general right of searching for, digging, and carrying away materials, as made in the said section eighty, shall be extended to such land or grounds as it may appear to the Secretary for Scotland, on the application of the proprietor thereof, desirable to preserve intact, on the ground of national or public interest or historical association.

Short title and construction.

6. This Act may be cited as the Roads and Bridges (Scotland) Amendment Act, 1892; and shall be construed as one with the Roads and Bridges (Scotland) Act, 1878, and the Local Government (Scotland) Act, 1889.

Extent of Act.

7. This Act shall extend to Scotland only.

CHAPTER 13.

An Act to amend the Conveyancing and Law of Property Act, 1881. [20th June 1892.]

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 authority of the same, as follows:

Preliminary.

Short title and extent. 44 & 45 Vict. c. 41. 45 & 46 Vict. c. 39.

1.—(1.) This Act may be cited as the Conveyancing and Law of Property Act, 1892, and the Conveyancing and Law of Property Act, 1881, and the Conveyancing Act, 1882, and this Act shall be read together and may be cited together as the Conveyancing Acts, 1881, 1882, and 1892.

(2.) This Act does not extend to Scotland.

Leases, Under-leases, Forfeiture.

Costs of waiver, and forfeiture in case of

2.—(1.) A lessor shall be entitled to recover as a debt due to him from a lessee, and in addition to damages (if any) all reason-

able costs and expenses properly incurred by the lessor in the employment of a solicitor and surveyor or valuer, or otherwise, in reference to any breach giving rise to a right of re-entry or forfeiture which, at the request of the lessee, is waived by the lessor by writing under his hand, or from which the lessee is relieved, under the provisions of the Conveyancing and Law of Property Act, 1881, or of this Act. bankruptcy or execution.

(2.) Sub-section six of section fourteen of the Conveyancing and Law of Property Act, 1881, is to apply to a condition for forfeiture on bankruptcy of the lessee, or on taking in execution of the lessee's interest only after the expiration of one year from the date of the bankruptcy, or taking in execution, and provided the lessee's interest be not sold within such one year, but in case the lessee's interest be sold within such one year, sub-section six shall cease to be applicable thereto.

(3.) Sub-section two of this section is not to apply to any lease of—

(*a.*) Agricultural or pastoral land:

(*b.*) Mines or minerals:

(*c.*) A house used or intended to be used as a public-house or beershop:

(*d.*) A house let as a dwelling-house, with the use of any furniture, books, works of art, or other chattels not being in the nature of fixtures:

(*e.*) Any property with respect to which the personal qualifications of the tenant are of importance for the preservation of the value or character of the property, or on the ground of neighbourhood to the lessor, or to any person holding under him.

3. In all leases containing a covenant, condition, or agreement against assigning, underletting, or parting with the possession, or disposing of the land or property leased without licence or consent, such covenant, condition, or agreement shall, unless the lease contains an expressed provision to the contrary, be deemed to be subject to a proviso to the effect that no fine or sum of money in the nature of a fine shall be payable for or in respect of such licence or consent; but this proviso shall not preclude the right to require the payment of a reasonable sum in respect of any legal or other expense incurred in relation to such licence or consent. No fine to be exacted for licence to assign.

4. Where a lessor is proceeding by action or otherwise to enforce a right of re-entry or forfeiture under any covenant, proviso, or stipulation in a lease, the court may, on application by any person claiming as under-lessee any estate or interest in the property comprised in the lease or any part thereof either in the lessor's action (if any) or in any action brought by such person for that purpose, make an order vesting for the whole term of the lease or any less term the property comprised in the lease or any part thereof in any person entitled as under-lessee to any estate or interest in such property upon such conditions, as to execution of any deed or other document, payment of rent, costs, expenses, damages, compensation, Power of court to protect under-lessees on forfeiture of superior leases.

giving security, or otherwise, as the court in the circumstances of each case shall think fit, but in no case shall any such under-lessee be entitled to require a lease to be granted to him for any longer term than he had under his original sub-lease.

Extension of definitions of "lease," "under-lease," and "under-lessee."

5. In section fourteen of the Conveyancing and Law of Property Act, 1881, as amended by this Act, and in this Act, "lease" shall also include an agreement for a lease where the lessee has become entitled to have his lease granted, and "under-lease" shall also include an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted, and in this Act "under-lessee" shall include any person deriving title under or from an under-lessee.

Trustees.

Trustee may be appointed for separate parts of property though no new trustee be appointed of other parts.

6. A separate set of trustees or a separate trustee may be appointed under the fifth section of the Conveyancing Act, 1882, of a part only of the trust property, notwithstanding that no new trustees or trustee are to be appointed of other parts of the trust property, and any existing trustee may be appointed or remain one of such separate set of trustees; and every appointment already made of a separate set of trustees shall be valid notwithstanding that there was no retiring trustee of other parts of the trust property, and that no new trustees were appointed of such other parts thereof.

CHAPTER 14.

An Act to amend the Indian Councils Act, 1861.

[20th June 1892.]

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:

Provisions for increase of number of members of Indian councils for making laws and regulations. 24 & 25 Vict. c. 67.

1.—(1.) The number of additional members of Council nominated by the Governor General under the provisions of section ten of the Indian Councils Act, 1861, shall be such as to him may seem from time to time expedient, but shall not be less than ten nor more than sixteen; and the number of additional members of Council nominated by the governors of the presidencies of Fort St. George and Bombay respectively under the provisions of section twenty-nine of the Indian Councils Act, 1861, shall (besides the advocate general of the presidency or officer acting in that capacity) be such as to the said governors respectively may seem from time to time expedient, but shall not be less than eight nor more than twenty.

(2.) It shall be lawful for the Governor General in Council by proclamation from time to time to increase the number of