be levied off the county at large.

riding of the county in which such towing path and trackway are situate; and such sums so to be levied may be originally presented for at the presentment sessions held in and for the barony in which such towing path and trackway are locally situate.

CHAPTER 35.

An Act to amend the Law relating to Securities for Loans contracted by County Authorities. [7th July 1873.]

WHEREAS it is expedient to amend the law relating to securities for loans contracted by county authorities:

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:

Preliminary.

Short title.

1. This Act may be cited for all purposes as "The County Debentures Act, 1873."

Limits of Act.

2. This Act shall not extend to Scotland or Ireland,

Definition of terms.

3. For the purposes of this Act—

"County authority" means the justices in general, quarter, or gaol sessions assembled of any county, riding, division, parts, or liberty of a county:

"County rate" means any rate leviable by the county authority, including any stock, fund, or other property belonging to or capable of being mortgaged by the county authority:

"County officer" means the clerk of the peace or any officer performing duties analogous to those of the clerk of the peace:

"Special Act" means any Act passed before or after the passing of this Act authorising a county authority to borrow money.

County Debentures.

Borrowing by county authority.

4. Where any county authority is authorised by a special Act to borrow any money on the security of any county rate, it may, unless it is otherwise expressly provided by such Act of Parliament, raise any money so authorised to be borrowed by the issue of debentures under this Act.

Regulations as to debentures.

5. Every debenture issued in pursuance of this Act shall be a security for a principal sum and interest to be charged on the county rate in such debenture specified, and to be payable at a time or at times to be specified in the debenture.

The principal sum may be made payable to the bearer of the debenture, or to a person to be named therein, his executors, administrators, or assigns.

A debenture in which the principal sum is made payable to the bearer is in this Act referred to as a debenture payable to bearer, and shall be transferable by delivery.

A debenture in which the principal sum is made payable to a person named therein, his executors, administrators, or assigns, is in this Act referred to as a nominal debenture, and shall be transferable by deed in manner herein-after mentioned.

There shall be annexed to a debenture, whether payable to bearer or nominal, or be issued in respect thereof, or partly in one way and partly in the other, coupons entitling the bearer of each coupon to receive the interest therein mentioned, upon presenting the same at a time and place in the coupon specified.

A debenture under this Act shall not be issued except for fifty pounds, or a number of fifty pounds not exceeding ten. All debentures issued in respect of the same loan or part of the same loan shall be separately numbered in a series and shall have inscribed

thereon the same letter of the alphabet, and where more loans than one have been raised by the issue of debentures under this Act by the same county authority, the subsequent loans shall be described by a letter in the alphabet subsequent to any letter denoting a former loan.

Authentication of debenture.

6. Every debenture issued in pursuance of this Act shall be authenticated as follows; that is to say, it shall be signed in open court of sessions by the acting chairman for the time being, and shall be countersigned by the county officer.

Scheduled forms of debentures.

7. The forms of debentures set forth in the schedule hereto may be adopted in all cases, and when so adopted shall be valid, but any other form not inconsistent with this Act may be used.

Notice of trust not receivable.

8. No notice of any trust, implied, express, or constructive, shall be receivable by a county authority in relation to any debenture issued by it.

Rights of persons under debentures.

9. All persons holding debentures or coupons issued in pursuance of this Act in respect of the same loan shall be entitled to be paid any sum for the time being due to them under any such debenture or coupon out of the county rate on which such sum is charged, without any preference one over the other by reason of the priority of date of any such instruments, or otherwise howsoever.

Priority of loans.

10. Where more than one loan has been raised by the same county authority, the debentures issued in respect of each loan shall take priority according to the date of such loan, and the date of a loan shall be deemed to be the date at which the first debenture under this Act for such loan is issued.

Register of Debentures.

Register of debentures.

11. A register of debentures, whether payable to bearer or nominal, shall be kept by the county officer, and may be inspected at all reasonable times by any person, upon payment of such fee, not exceeding a shilling, as may from time to time be prescribed by the county authority.

Entry of memorial of nominal debentures.

12. Within fourteen days after the issue of any nominal debenture, a memorial of such nominal debenture, specifying the sum secured thereby, and the name and description of the person to whom such sum is made payable, in this Act referred to as the nominee, shall be entered in such register, and until such entry of a memorial is made in the register the county authority shall not be in any manner responsible to the nominee in respect of such debenture.

Transfer of nominal debenture.

13. Any person entitled to any nominal debenture may at any time transfer his interest therein to any other person, by deed duly stamped, and every such transfer may be according to the form in the schedule to this Act or to the like effect, and may either be endorsed on the debenture or be made by a separate deed.

Registration of transfer of nominal debentures.

14. The county officer shall, upon application made by the transferee of a debenture and the production of the instrument of transfer, accompanied, if it be separate from the debenture transferred, by such debenture, and upon the payment of such fee not exceeding two shillings and sixpence as the county authority may from time to time prescribe, enter the name and description of the transferee in the register of debentures, and after such entry the transferee shall be entitled to the full benefit of the debenture in the same manner in all respects as if he had been the original nominee therein; but until such entry is made the county authority shall not be in any manner responsible to the transferee in respect of such debenture.

Transmission of nominal debentures.

15. If the interest in any nominal debenture has become transmitted in consequence of the death or bankruptcy of the person entitled to such debenture, or in consequence of the marriage of a female entitled to such debenture, or by any other lawful means than by a transfer, the county officer shall upon application made to him, and the production of such evidence, and the payment of such fee not exceeding two shillings and sixpence as the

county authority may from time to time prescribe, enter the name and description of the person entitled under such transmission in the register of debentures; and after such entry the person to whom the interest in the debenture has been transmitted shall be entitled to the full benefit of the debenture in the same manner in all respects as if he had been the original nominee therein, but until such entry the county authority shall not be in any manner responsible to the person to whom the interest in the debenture has been transmitted.

Remedy for Non-payment of Moneys secured.

Remedy by mandamus for non-payment of money due on debentures.

16. If default is made in payment to the person for the time being entitled of any sum due on any debenture or coupon issued under this Act at the time appointed for payment thereof, the sum so due shall be deemed to be a debt due to the person so entitled from the county authority which issued such debenture or coupon of such a nature that a mandamus will be granted to enforce the payment thereof, and an action may be brought accordingly in the declaration in which a mandamus may be claimed.

Remedy for non-payment of money due on debentures by appointment of receiver.

17. If default is made in payment to any person or persons entitled of any sum or sums due on debentures or coupons issued under this Act at the time appointed for payment thereof, and the sum or aggregate of the sums the payment of which is thus in default amount to not less than five hundred pounds, such person or persons may instead of or in addition to bringing an action or actions for the sum or sums due apply to a court of equity for the appointment of a receiver; and any receiver so appointed shall (subject to any directions which may be given by the court) from time to time raise within the jurisdiction of the authority which issued such debenture or coupon, (in this section referred to as the defaulting authority,) by levy of the rate on which the sum in default is charged, a sufficient sum to pay to the person or persons entitled all payments in default, together with all costs, charges, and expenses incurred in or about the levy of the rate, or in or about the appointment of such receiver, with a proper remuneration for his trouble, and shall render to the defaulting authority the balance, if any, remaining in his hands after making the payments by this section authorised.

Any receiver appointed in pursuance of this section shall have the same power of raising a rate by issue of precepts or otherwise as the defaulting authority itself would have.

Incorporation of county authority for purposes of Act.

18. The county authority issuing any debentures under this Act shall, so far as relates to such debentures, be deemed to be incorporated by the name of the county authority of the county, riding, division, parts, or liberty of a county to which it belongs, or by any other name by which such authority is ordinarily known or by which it granted the debenture or coupon in respect of which the action or other proceeding is brought, and may sue and be sued in any action or other legal proceeding relating thereto by such corporate name.

Proceedings by or against county authority.

19. Any county authority may appear in any action, suit, or other legal proceeding under this Act, or in relation to any matter arising under this Act, by the county officer or any person authorised in writing by the county officer; and any notice or document required to be served on the county authority in respect of any matter arising under this Act shall be deemed to be duly served on the county authority if served on the county officer or left at his office.

Supplemental Provisions.

Exemption of holders of debentures from liability in respect of acts of county authority.

20. A person advancing any money to a county authority and receiving in consideration of such advance a debenture under this Act, shall not be bound to inquire whether such advance was or was not required, or was or was not within the borrowing powers of the authority issuing the debenture, or otherwise in accordance with the provisions of this Act, and shall not be prejudiced by the same not being so, and shall not be bound to inquire into the application of the money advanced, or be in any way responsible for the non-application thereof.

21. A debenture issued in pursuance of this Act shall be considered to be a writing obligatory for the purpose of any enactment relating to the punishment of forgery. Provisions as to forgery.

22. In order to discharge any moneys borrowed by a county authority on debentures issued in pursuance of this Act, the authority shall, unless some other method of discharging the same is prescribed by the special Act, pay off in every year of the period limited for repayment of the loan an equal portion thereof, together with interest on that portion, and on the balance of principal for the time being remaining unpaid. Moneys borrowed on security of rates to be paid off in a limited period.

23. If any debenture or coupon issued under this Act is lost, mislaid, or destroyed, the county authority shall, on such indemnity being given as it may require, and on payment of the expense of the issue, issue a fresh debenture or coupon in the place of the debenture or coupon so lost, mislaid, or destroyed. Loss of debentures.

24. All fees received by the county officer in pursuance of this Act shall be paid to the county treasurer for the public purposes of the county, at such times and in such manner as the county authority may direct. Application of fees.

Temporary Provisions.

25. Any county authority may, by the issue of debentures under this Act, raise sufficient money for the purpose of discharging any debts borrowed by such authority under any special Acts, and due at the time of the passing of this Act; subject, nevertheless, to any provisions of any such special Acts relating to the time and mode of repayment of any such debts and to the rate or other securities charged therewith. Power to raise money for discharge of existing debts.

SCHEDULE.

Form of Debenture payable to Bearer.

COUNTY DEBENTURE (A.) PAYABLE TO BEARER.

No. (1.)

In pursuance of the Acts* , with interest at pounds per cent.

The county authority of charge the county rate of with payment to the bearer of this debenture of the principal sum of on presentation of such debenture on the day of for payment at or at such other place as may from time to time be fixed by the said authority, and with payment of interest thereon at the rate of per cent. per annum half-yearly on the day of and the day of , during such time as the said principal sum remains unpaid to the bearers of the coupons hereto annexed or to be hereafter issued in respect of this debenture, on presentation of such coupons at or at such other place as may from time to time be fixed by the said authority. The above payments to be made free from all deductions except income tax.

(Signed) *A.B.*, Chairman.
G.H., County Officer.

* Insert reference to special Act authorising loan and to this Act.

Form of Nominal Debenture.

COUNTY DEBENTURE (A.)

No. (1.)

In pursuance of the Acts* , with interest at pounds per cent.

The county authority of charge the county rate of with payment to *A.B.* of in the county of his executors, administrators, and assigns, on the

* Insert reference to special Act authorising loan and to this Act

day of of the principal sum of pounds, and with payment of interest thereon at the rate of per centum per annum half-yearly on the day of and the day of , during such time as the said principal sum remains unpaid to the bearers of the coupons hereto annexed or to be hereafter issued in respect of this debenture, on presentation of such coupons at or at such other place as may from time to time be fixed by the said authority. The above payments to be made free from all deductions except income tax.

(Signed) *A.B.*, Chairman.
G.H., County Officer.

Form of Transfer of Nominal Debenture by Endorsement.

I, the within-named *A.B.*, [*or, if an endorsement has previously been made*, the above-named *A.B.*,] in consideration of the sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, the within-contained county debenture, and all my estate and interest therein. In witness thereto I have hereunto affixed my seal this day of .

Form of Transfer of Nominal Debenture by separate Deed.

I, *A.B.*, of , *&c.*, in consideration of the sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain county debenture,* and all my estate and interest therein. In witness thereof I have hereunto affixed my seal, this day of .

* Insert short description of debenture.

CHAPTER 36.

An Act for making provision as to certain portions of Her Majesty's Woods, Forests, and Land Revenues, and for other purposes relating thereto.

[7th July 1873.]

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:

Newborough and St. Peter's Aldborough Hatch Parsonages.

Appropriation of house and land as parsonage house and garden for parish of Newborough.

1. Whereas a piece of land containing about four acres, situate in the parish of Newborough in the county of Northampton, and being part of lands to which Her Majesty is entitled in right of her Crown, has for some time past, with the sanction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, been appropriated as the site of a parsonage house, and as a garden attached thereto, but doubts have been entertained whether such piece of land has been legally appropriated for the purposes aforesaid: And whereas a plan of the said piece of land has been signed by the Honourable Charles Alexander Gore, one of the said Commissioners, and having been marked with the letter A, has been deposited at the office of Land Revenue Records and Inrolments, and upon such plan the said piece of land is coloured yellow: Be it enacted, that the said piece of land coloured yellow on the said plan A, with the parsonage house and buildings standing thereon, shall be vested for an estate in fee simple in the Ecclesiastical Commissioners for England, for the purposes of the Church Building Acts, as the site of and as a parsonage house and garden for the parish of Newborough in the county of Northampton.