Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Basis for County Rate and Rates in either Division declared valid.

1. The Basis or Standard for the County Rate, and every Rate, Order, Act, Matter, or Thing heretofore made, done, or regulated as aforesaid in respect of either Division of the said County separately by the said Justices sitting as aforesaid in such Division, shall be deemed to have been and shall be as valid as if such Division had been and was a separate County, and such Justices had been and were in fact acting under a separate Commission of the Peace for such Division.

Power to Justices in either Division to make Rates separately.

2. Until the First Day of *January* One thousand eight hundred and sixty-six, and to the End of the then next Session of Parliament, it shall be lawful for the said Justices, sitting as aforesaid in either Division of the County, to make, do, and regulate every Rate, Order, Act, Matter, and Thing in respect of such Division separately in the same Manner as hitherto; and every such Rate, Order, Act, Matter, and Thing so made, done, and regulated before the said First Day of *January* One thousand eight hundred and sixty-six shall be as valid as if such Division was a separate County, and such Justices were in fact acting under a separate Commission of the Peace for such Division.

Courts held in either Division to be deemed duly held.

3. Every Court that has been held in either Division of the said County, purporting to be a Court of Quarter Sessions for the said County, or a Continuance of any such Court, shall be deemed to have been duly held as a Court of Quarter Sessions for the said County, notwithstanding the Want of any Adjournment which ought to have been made, and every Order, Conviction, Judgment, Act, Matter, or Thing made, recorded, or done at any such Court shall be deemed to have been and shall be as valid to all Intents and Purposes as if such Adjournment had been duly made.

Indemnity Clause.

4. No Justice of the Peace, Clerk of the Peace, Gaoler, or other Person whomsoever shall be liable to any Penalty, or to the Payment of any Damages, or be subject to any Disability or any Punishment whatever by reason of his having done or aided in doing any Act or Thing, or having omitted to do any Act or Thing, which Act, Thing, or Omission would have been legal if at the Time of its being done or omitted to be done each Division of such County had been a separate County having Justices acting under a separate Commission of the Peace; and this Act may be pleaded in bar of any Action, Suit, Indictment, or other legal Proceeding brought against any such Justice, Clerk of the Peace, Gaoler, or other Person in respect of any such Act, Thing, or Omission as aforesaid.

CAP. CI.

An Act to amend the Act for the better Management of Highways in *England*. [29th *July* 1864.]

'WHEREAS it is expedient to amend an Act passed in the Session holden in the 'Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, 'Chapter Sixty-one, and intituled *An Act for the better Management of Highways in* 'England:' 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:

25 & 26 Vict. c. 61.

Preliminary.

Preliminary.

Short Titles of Highway Acts.

1. The Acts herein-after mentioned may be cited for all Purposes by the Short Titles following; that is to say,

The Act passed in the Session of the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Fifty, and intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, by the Short Title of the "Highway Act, 1835:"

The

The said Act passed in the Session of the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, Chapter Sixty-one, by the Short Title of the "Highway Act, 1862:"

This Act by the Short Title of the "Highway Act, 1864."

All the above-mentioned Acts and any Acts passed or to be passed amending the same shall be included under the Short Title of "The Highway Acts."

Construction of Act.

2. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the "Highway Act, 1862."

Definition of "Poor Law Parish," "Highway Parish," "Highway Rate," and "County."

3. "Poor Law Parish" shall mean a Place that separately maintains its own Poor:

"Highway Parish" shall mean a Place that after the Constitution of a Highway District separately maintains its own Highways, and is entitled to return a Waywarden or Waywardens to the Highway Board of the District:

"Highway Rate" shall include any Rate, whether Poor Rate or not, out of the Produce of which Monies are payable in Satisfaction of Precepts of a Highway Board:

"County" shall include any Division of a County that has a separate County Treasurer.

Amendments as to Orders of Justices.

Amendments as to Orders of Justices.

Amendment of Section 6. of Highway Act of 1862.

4. Where more Highway Districts than One are comprised in any Order of Justices, whether provisional or final, and whether made before or after the passing of this Act, the Formation of each of such Districts is to be deemed independent of the Formation of any other District, and the Order shall for all Purposes be construed and take effect as if a separate Order had been made in respect of each District; and any Variation in a Provisional Order altering the Parishes in any One or more Districts comprised in that Order shall make that Order provisional only as to the particular District or Districts in which the Alterations are made, and not as to any other District or Districts included in the same Order.

Certain Places to be deemed Places separately maintaining their own Highways.

5. Any Parish, Township, Tithing, Hamlet, or other Place having a known legal Boundary in which there are no Highways repairable at the Expense of the Place, or in which the Highways are repaired at the Expense of any Person, Body Politic or Corporate, by reason of any Grant, Tenure, Limitation, or Appointment of any Charitable Gift, or otherwise howsoever than out of a Highway Rate or other General Rate, shall, for the Purposes of the Highway Acts, be deemed to be a Place separately maintaining its own Highways.

Where Part of a Parish is, in pursuance of the Local Government Act, 1858, Amendment Act, 1861, Section 9, treated as forming Part of a District constituted under the Local Government Act, 1858, for all Purposes connected with the Repair of Highways and the Payment of Highway Rates, but for no other Purpose, such Part shall, for the Purposes of the Highway Act, 1862, and this Act, be deemed to be a Place separately maintaining its own Highways, and capable of being included in a Highway District, without requiring the Consent of the Local Board to be given.

Where the Highways of one Part of a Parish are, in pursuance of a Private Act of Parliament, repairable out of a different Rate from that out of which the Highways of the other Part are repairable, each of such Parts shall, for the Purposes of the Highway Acts, be deemed to be a Place separately maintaining its own Highways.

Part of s. 5. of Highway Act of 1862 repealed, and other Provisions enacted.

6. There shall be repealed so much of the Fifth Section of the Highway Act, 1862, as provides that, "when it is proposed that only Part of a County shall be divided into a "Highway District, not less than Two out of the Five Justices making such Proposal shall "be resident in the said District;" and in lieu thereof be it enacted, That when it is proposed that only Part of a County is to be constituted a Highway District, not less than Two out of the Five Justices making such Proposal shall be resident in the said District, or acting in the Petty Sessional Division in which such District or some Part thereof is situate.

Amendment of s. 7. of Highway Act of 1862 as to

7. The Power given by the Seventh Section of "The Highway Act, 1862," of combining Townships, Tithings, Hamlets, or Places separately maintaining their own Highways, and situate in a Poor Law Parish, shall extend to combining any Two or more of such Townships,

Combination of Townships, &c.

ships, Tithings, Hamlets, or Places, and any Combination so formed shall for all the Purposes of the Highway Acts be deemed to be a Highway Parish.

Where a Township, Tithing, Hamlet, or other Place separately maintaining its own Highways is situate in Two or more Poor Law Parishes, each Part of such Township, Tithing, Hamlet, or other Place may be combined with the Parish in which that Part is situate.

The Justices may, by their Provisional and Final Order, declare that any Poor Law Parish within their Jurisdiction, or Residue of a Poor Law Parish, after excluding such Part, if any, as is prohibited by the "Highway Act, 1862," either wholly or without the Consent of the Governing Body, from being included in the Highway District, shall henceforward become a Highway Parish; and upon such Declaration being made such Poor Law Parish, or Residue of a Poor Law Parish, shall thereafter be a Highway Parish entitled to return a Waywarden or Waywardens to the Highway Board of the District in which it is included; and no Rate shall be separately levied for the Maintenance of the Highways, and no separate Waywardens be elected in any Township, Tithing, Hamlet, or other Subdivision of such Poor Law Parish or Residue of a Poor Law Parish.

Where, previously to the passing of the Provisional Order forming a Highway District, no Surveyors or Waywardens have been elected within any Highway Parish in that District, and where the Mode of electing a Waywarden or Waywardens in such Parish is not provided by this Act or the "Highway Act, 1862," the Justices shall, by their Provisional and Final Orders constituting the District, or by any subsequent Provisional and Final Orders, make Provisions for the annual Election of a Waywarden or Waywardens for such Parish.

Provision for Places partly within and partly without a Borough.

8. Where a Parish or Place separately maintaining its own Highways is situate partly within and partly without the Limits of a Borough, the Justices may by their Provisional and Final Orders include in a Highway District the outlying Part of such Parish or Place; and where the outlying Part of a Parish or Place situate as aforesaid has been, previously to the passing of this Act, or may be hereafter, included in a Highway District, each Part of such Parish or Place shall for all the Purposes of the Highway Acts be deemed to be a Place separately maintaining its own Highways; and a Waywarden or Waywardens shall be elected by the Ratepayers in each such Part at such Time and in such Manner as may be provided by the said Justices.

Power of Justices as to Extra-parochial Places.

9. The Justices in Petty Sessions may appoint Overseers, or otherwise deal with any Extra-parochial Place with a view to constituting it a Highway Parish or Part of a Highway Parish, in the same Manner as the Justices may deal with such Place for the Purpose of constituting it a Place or Part of a Place maintaining its own Poor, in pursuance of the Powers for that Purpose given by the Act of the Twentieth Year of the Reign of Her present Majesty, Chapter Nineteen.

Part of s. 6. of Highway Act of 1862 as to Meetings of Board repealed, and other Provisions enacted.

10. The Paragraph No. 5 in the Sixth Section of the "Highway Act, 1862," shall be repealed, and in lieu thereof be it enacted,

The First Meeting of the Highway Board after the Formation of a District shall be held at such Time as may be appointed by the Provisional or Final Order of the Justices, so that the Time appointed be not more than Seven Days after the Expiration of the Time limited by Law for the Election of Waywardens, or, in the Case of a special Day being appointed for such Election as herein-after mentioned, be not more than Twenty-one Days after that Day.

The Day appointed for the First Meeting of the Board shall for all the Purposes of the Highway Acts be deemed to be the Day of the Formation of the District; and the Surveyor for the Time being of every Parish within the District shall continue in Office until Seven Days after the Appointment of the District Surveyor, and no longer.

Power to Justices to bring Highway Act into operation on a particular Day.

11. In forming a Highway District under the "Highway Act, 1862," the Justices may, for the Purpose of avoiding Delay in bringing the Act into operation, appoint by their Final Order a Day on which the First Election of Waywardens as Members of the Highway Board is to take place in the District.

On the Day appointed for the Election Waywardens shall be elected in every Parish in the District entitled to elect such Officers by the same Persons and in the same Manner by

and

and in which Waywardens are elected under the "Highway Act, 1862," and all the Provisions of the Highway Acts relating to the Qualifications of Surveyors or Waywardens, and to the Appointment of Surveyors and Waywardens by Justices in the event of no Election taking place, shall apply accordingly; but the Waywardens elected under this Section shall continue in Office only until the Time at which the next annual Election of Surveyors would have taken place in the several Parishes of the District if the same had not been constituted a Highway District, and at that Time new Waywardens shall be elected in manner provided by the Highway Acts.

Publication of Orders in Gazette made permissive.

12. No Order of the Justices forming a Highway District shall be invalidated by reason of its not being published in the *London Gazette;* and where any Reference is made in any Section of the "Highway Act, 1862," to the Date of the Publication in the Gazette of the Order, such Section shall be construed as if the Date of the making of the Final Order under which the District is formed were substituted for "the Date of the Publication in the Gazette of the Order under which the District is formed;" and any Copy of the Provisional or Final Order of the Justices forming a Highway District, certified under the Hand of the Clerk of the Peace to be a true Copy, shall be receivable in all Courts of Justice and in all legal Proceedings as Evidence of the Formation of the District and of the Matters in the said Order mentioned.

As to Union of Parishes in different Counties.

13. Contiguous Places situate in different Counties and Places situate partly in one County and partly in another County or Counties shall, for the Purpose of being united in One Highway District, be deemed to be subject to the Jurisdiction of the Justices of any County, who may make a Provisional and Final Order constituting them an Highway District, in the same Manner as if all such Places or Parts of Places were situate in such last-mentioned County; subject to this Proviso, that the Provisional and Final Orders of the Justices of the said County shall be of no Validity unless Provisional and Final Orders to the same Effect are passed either concurrently with or subsequently to the first-mentioned Provisional and Final Orders by the Justices of every other County in which any of the said Places or Parts of Places are situate.

Amendment of s. 39. of Highway Act, 1862.

14. The Approval of the Justices of any County to any Provisional Order made by the Justices of another County affecting any Place in such first-mentioned County, in pursuance of the Thirty-ninth Section of the "Highway Act, 1862," shall be testified by Provisional and Final Orders of the Justices of the said first-mentioned County.

The Powers conferred on Justices by the Thirty-ninth Section of the "Highway Act, 1862," shall be deemed to extend to the Separation of any Townships, Tithings, Hamlets, or Places separately maintaining their own Highways, which may have been consolidated by any previous Order of the Justices, and to an Alteration in the Number of Waywardens of any Parish.

As to the Costs of Parishes applying to be removed from one District to another.

15. Where, after the Formation of an Highway District, an Application is made by any Parish in that District to any Court of General or Quarter Sessions, praying that the said Parish may be removed from that District, all Costs incidental to or consequential on such Application and the Removal of the said Parish shall, unless the Court otherwise directs, be paid by the Parish that has made the Application in such Manner as the said Court may direct. The Amount of such Costs shall be raised in the same Manner as if they were Expenses incurred in maintaining and keeping in repair the Highways of that Parish.

As to Validity of Order of Justices.

16. No Order of the Justices forming a Highway District, whether made before or after the passing of this Act, shall be void by reason that it includes in such District a Place which the Justices are not entitled to include under the Provisions of this Act or the "Highways Act, 1862," or One of such Acts; and any Order containing such prohibited Place shall be construed and take effect as if that Place had not been mentioned therein.

All Expenses properly incurred by the Justices of any County in maintaining the Validity of any Provisional or Final Order made by them shall be payable out of the County Rate of that County.

17. All

Extent of Powers of Justices.

17. All Powers and Jurisdictions vested in Justices by the "Highway Act, 1862," and this Act, or either of such Acts, may from Time to Time be exercised in relation to Highway Districts, Highway Boards, and Highway Parishes already formed, as well as upon the Occasion of forming new Highway Districts, Boards, or Parishes; and where an Alteration is made in part only of a Highway District the Residue of that District shall not be affected thereby, but shall continue subject to the Highway Acts in the same Manner as if no such Alteration had been made.

Definition of "Provisional and Final Orders."

18. The Expression "Provisional and Final Order," as used in this Act, shall mean a Provisional and Final Order passed and published in manner provided by this Act and the "Highway Act, 1862," with the necessary Variations as to Notices and otherwise.

Miscellaneous Amendments.

Appointment and Vote of Waywardens.

19. Every Waywarden, before taking his Seat as a Member of a Highway Board, shall produce a Certificate of his having been duly elected or appointed a Waywarden, and such Certificate shall, in the Case of an Elected Waywarden, be signed by the Chairman of the Vestry or other Meeting at which he was elected; and in the Case of a Waywarden appointed by Justices, be signed by the Justices making the Appointment.

A Waywarden may sit as such for more Places than One, but he shall be entitled to One Vote only as Waywarden.

Power to Waywardens to contract for Supply or Cartage of Materials.

20. 'Whereas Doubts are entertained whether the Forty-sixth Section of the Highway 'Act of 1835 applies to a Highway District:' Be it enacted, That that Section shall not apply to the Highway Board of any Highway District or to any Parish within any Highway District.

Notwithstanding anything contained in the Act of the Session of the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, Chapter Sixty-one, or in any other Act, any Waywarden may contract for the Supply or Cartage of Materials within the Parish for which he is Waywarden, with the Licence of Two Justices assembled at Petty Sessions, such Licence to be granted on the Application of the Clerk of the Highway Board, who must be authorized to make such Application by a Resolution of his Board assembled at a Meeting of which Notice has been given.

Provisions for Discontinuance of Maintenance of unnecessary Highways.

21. When any Highway Board consider any Highway unnecessary for public Use, they may direct the District Surveyor to apply to Two Justices to view the same, and thereupon the like Proceedings shall be had as where Application is made under the "Highway Act, 1835," to procure the stopping up of any Highway, save only that the Order to be made thereupon, instead of directing the Highway to be stopped up, shall direct that the same shall cease to be a Highway which the Parish is liable to repair, and the Liability of the Parish shall cease accordingly; and for the Purpose of such Proceedings under this Enactment, such Variation shall be made in any Notice, Certificate, or other Matter preliminary to the making of such Order as the Nature of the Case may require: Provided, that if at any Time thereafter, upon Application of any Person interested in the Maintenance of such Highway, after One Month's previous Notice in Writing thereof to the Clerk of the Highway Board for the District in which such Highway is situated, it appear to any Court of General or Quarter Sessions of the Peace that from any Change of Circumstances since the Time of the making of any such Order as aforesaid under which the Liability of the Parish to repair such Highway has ceased the same has become of public Use, and ought to be kept in repair by the Parish, they may direct that the Liability of the Parish to repair the same shall revive from and after such Day as they may name in their Order, and such Liability shall revive accordingly as if the first-mentioned Order had not been made; and the said Court may by their Order direct the Expenses of and incident to such Application to be paid as they may see fit.

Highway Board may contract to repair Highways for the Repair of which other

22. The Highway Board of any District may from Time to Time contract for any Time not exceeding Three Years with any Person or Body of Persons, corporate or unincorporate, to repair any Highways, Turnpike Roads, or Roads over County or other Bridges, or any Part thereof, for the repairing of which such Persons or Body of Persons are liable; and any Persons or Body of Persons liable to repair any Roads may contract with the Highway Board

Board for the repairing any Highways, inclusive as aforesaid, or any Part thereof, which the Highway Board is liable to make or repair; and the Money payable under any Contract made in pursuance of this Section shall be raised in the same Manner and be paid out of the same Rates as would have been applicable to defray the Expenses of the Repair of such Highways if no Contract had been made in respect thereto. Parties are liable.

23. Section Thirty-four of the "Highway Act, 1862," shall be construed as if, instead of the Words "shall be adjudged in the Manner provided by the principal Act to be out of repair," the Words were substituted "shall be adjudged in manner provided by the Highway Act, 1862, to be out of repair." Amendment of s. 34. of Highway Act, 1862.

24. The Highway Board may apply, under Section Thirty-five of the "Highway Act of 1862," for the Purpose of making any Highway to which that Section refers a Highway to be repaired and maintained by the Parish in which the same is situate, and upon such Application being made the same Proceedings may be had as upon the Application of the Person or Corporation liable to repair the same. Amendment of s. 35. of Highway Act of 1862.

25. The Seventy-fourth Section of the "Highway Act, 1835," shall be repealed, and instead thereof be it enacted, If any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Goat, Kid, or Swine is at any Time found straying on or lying about any Highway, or across any Part thereof, or by the Sides thereof, (except on such Parts of any Highway as pass over any Common or Waste or uninclosed Ground,) the Owner or Owners thereof shall, for every Animal so found straying or lying, be liable to a Penalty not exceeding Five Shillings, to be recovered in a summary Manner, together with the reasonable Expense of removing such Animal from the Highway where it is found to the Fields or Stable of the Owner or Owners, or to the Common Pound (if any) of the Parish where the same shall be found, or to such other Place as may have been provided for the Purpose: Provided always, that no Owner of any such Animal shall in any Case pay more than the Sum of Thirty Shillings, to be recovered as aforesaid, over and above such reasonable Expenses as aforesaid, including the usual Fees and Charges of the authorized Keeper of the Pound: Provided also, that nothing in this Act shall be deemed to extend to take away any Right of Pasturage which may exist on the Sides of any Highway. Sect. 74. of 5 & 6 Vict. c. 50. repealed, and other Provisions made as to Cattle found straying, &c. on Highways.

26. Any Notice in respect of which no other Mode of Service is provided by the Highway Board in pursuance of Powers in that Behalf conferred on them, and any Precept, Summons, or Order issued by the Highway Board, may be served,— As to Service of Notices issued by Highway Board.

By Delivery of the same personally on the Party required to be served; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post as a prepaid Letter addressed to the usual or last known Place of Abode of such Party.

In proving Service of a Document by Post it shall be sufficient to prove that the Document was properly directed, and that it was put as a prepaid Letter into the Post Office; and in serving Notice on the Overseers or the Waywardens (if more than One) of any Parish it shall be sufficient to serve the same on any One of such Officers in a Parish.

27. The Schedule annexed to the "Highway Act of 1862" shall be repealed so far as relates to the Proceedings of Highway Boards, and the Proceedings of Highway Boards shall, after the passing of this Act, be subject to the Regulations contained in the First Schedule to this Act annexed. Schedule to Highway Act of 1862 repealed, &c.

28. The Forty-third Section of the "Highway Act of 1862" shall be construed as if in the Second Article thereof the Words "not exceeding Five Pounds" were omitted. Amendment of s. 43. of Highway Act, 1862.

29. A Justice of the Peace acting for the County in which a Highway District is situate, if he is resident in any Place which is prohibited either altogether or without the Consent of the Local Authority from being included in a Highway District by the Seventh Section of the "Highway Act of 1862," and which is surrounded by or adjoins in any Part Qulification of ex officio Waywardens.

such Highway District, shall, by virtue of his Office, be a Member of the Highway Board of such District, subject to this Qualification, that if in pursuance of this Section any Justice of the Peace would be entitled to be a Member of Two or more Highway Boards in the same County, he shall, by Letter under his Hand, addressed to the Clerk of the Highway Board for which he elects to act, and by him to be transmitted to the Clerk of the Peace of the County, declare of which of the said Highway Boards he elects to be a Member, and having made that Election he shall be bound thereby, and shall not be entitled by virtue of his Office of Justice to be a Member of any other of the said Boards.

Appointment of Officers of Board.

30. The Appointment of any Officer of a Highway Board may be made by a Minute of the Board, signed by the Chairman and countersigned by the Clerk of the Board, and any Appointment so made shall be as valid as if it were made under the Seal of the Board.

Power to appoint paid Collectors of Highway Rates.

31. The Power of appointing paid Collectors of Highway Rates with the Consent of the Inhabitants in Vestry assembled, which is vested in a Surveyor by the "Highway Act, 1835," and all the Provisions of that Act relating to such Appointment, shall be vested in and extend to any Waywarden required to levy Rates in pursuance of the "Highway Act, 1862," and this Act, or either of such Acts; and for the Purposes of this Act any Meeting of Ratepayers entitled to elect a Waywarden or Waywardens shall be deemed to be included under the Expression "Inhabitants in Vestry assembled," as used in this Section, and the Highway Acts.

As to Expenses of Board.

Repeal of Sections 20, 21, 22, 23, and 24 of Highway Act, 1862.

32. Sections Twenty, Twenty-one, Twenty-two, Twenty-three, and Twenty-four of the "Highway Act, 1862," relating to the Expenses of the Board, shall be repealed, but such Repeal shall not affect any Rate made previously to the passing of this Act, or any legal Proceeding or Remedy for enforcing the same.

Expenses how to be charged.

The Salaries of the Officers appointed for each District, and any other Expenses incurred by any Highway Board for the common Use or Benefit of the several Parishes within such District, shall be annually charged to a District Fund to be contributed by and charged upon the several Highway Parishes within such District in proportion to the rateable Value of the Property in each Parish, but the Expenses of maintaining and keeping in repair the Highways of each Highway Parish within the District, and all other Expenses legally payable by the Highway Board in relation to such Parish, including any Sums of Money that would have been payable out of the Highway Rates of such Parish if the same had not become Part of a Highway District, except such Expenses as are in this Act authorized to be charged to the District Fund, shall be a separate Charge on each Parish.

The rateable Value of the Property in each Parish shall be ascertained according to the Valuation List or other Estimate for the Time being in force in such Parish for the Purposes of the Poor Rate, or if no such Valuation List or Estimate be in force, then in such Manner as may be determined by the Justices in Petty Sessions, subject to an Appeal by any Person aggrieved to the next General or Quarter Sessions.

Mode of defraying Expenses of the Highway Board.

33. For the Purpose of obtaining Payment from the several Highway Parishes within their District of the Sums to be contributed by them, the Highway Board shall order Precepts to be issued to the Waywardens or Overseers of the said Parishes according to the Provisions herein-after contained, stating the Sum to be contributed by each Parish, and requiring the Officer to whom the Precept is addressed, within a Time to be limited by the Precept, to pay the Sum therein mentioned to the Treasurer of the Board.

Where a Highway Parish is not a Parish separately maintaining its own Poor, or where in any Highway Parish it has, for a Period of not less than Seven Years immediately preceding the passing of the "Highway Act, 1862," been the Custom of the Surveyor of Highways for such Parish to levy a Highway Rate in respect of Property not subject by Law to be assessed to Poor Rates, the Precept of the Highway Board shall be addressed to the Waywarden of the Parish, and in all other Cases it shall be addressed to the Overseers.

Where the Precept is addressed to a Waywarden he shall pay the Sum thereby required out of a separate Rate, and such separate Rate shall, in the Case of a Parish in which for such

such Period aforesaid it has been the Custom of the Surveyor of Highways to levy a Highway Rate in respect of Property not subject by Law to be assessed to Poor Rate, be assessed on and levied from the Persons and in respect of the Property on, from, and in respect of which the same has been assessed and levied during such Period as aforesaid, and in all other Cases such Rate shall be assessed on and levied from the Persons and in respect of the Property on, from, and in respect of which a Poor Rate would be assessable and leviable if the Parish of which he is Waywarden were a Place separately maintaining its own Poor.

No Rate leviable by a Waywarden under this Act shall be payable until the same has been published in manner in which Rates for the Relief of the Poor are by Law required to be published.

A Waywarden shall account to the Highway Board for the Amount of all Rates levied by him, and at the Expiration of his Term of Office shall pay any Surplus in his Hands arising from any Rate so levied, above the Amount for which the Rate was made, to the Treasurer of the Highway Board, to the Credit of the Parish within which such Rate was made, and such Surplus shall go in Reduction of the next Highway Rate that may be leviable in such Parish.

Where the Precept is addressed to the Overseers they shall pay the Sum thereby required out of a Poor Rate to be levied by them, or out of any Monies in their Hands applicable to the Relief of the Poor.

No Contribution required to be paid by any Parish at any One Time in respect of Highway Rates shall exceed the Sum of Tenpence in the Pound, and the Aggregate of Contributions required to be paid by any Parish in any One Year in respect of Highway Rates shall not exceed the Sum of Two Shillings and Sixpence in the Pound, except with the Consent of Four Fifths of the Ratepayers of the Parish in which such Excess may be levied present at a Meeting specially called for the Purpose, of which Ten Days previous Notice has been given by the Waywarden of such Parish, and then only to such Extent as may be determined by such Meeting.

All Sums of Money payable in pursuance of the Precepts of a Highway Board shall, whether they are or not payable by the Overseers of the Poor, be subject to all Charges to which ordinary Highway Rates are subject by Law.

Power to levy Rates for making Payments to Highway Board.

34. All Waywardens and Overseers to whom Precepts of a Highway Board are hereby directed or authorized to be issued shall within their respective Parishes have the same Powers, Remedies, and Privileges, for and in respect of assessing and levying any Rates required to be levied for making Payments to a Highway Board, in the Case of Overseers, as they have in assessing and levying ordinary Rates for the Relief of the Poor, and in the Case of Waywardens as they would have if the Parish of which they are Waywardens were a Place separately maintaining its own Poor, and they were Overseers thereof, and the Rate to be levied by them were a duly authorized Poor Rate.

Mode of enforcing Payments to Highway Boards.

35. If any Payment required to be made by the Overseers or Waywardens of any Parish of Monies due to a Highway Board is in arrear, it shall be lawful for any Justice, on Application under the Hand of the Chairman for the Time being or by the Clerk of such Board, to summon the said Overseers or Waywardens to show Cause at Petty Sessions why such Payment has not been made; and the Justices at such Petty Sessions, after hearing the Complaint preferred on behalf of the Board, may, if they think fit, cause the Amount of Payment in arrear, together with the Costs occasioned by such Arrear, to be levied and recovered from the said Overseers or Waywardens, or any of them, in like Manner as Monies assessed for the Relief of the Poor may be levied and recovered, and the Amount of such Arrear, together with the Costs aforesaid, when levied and recovered, to be paid to the said Board.

Accounts of Board.

Accounts of Board.

Sects. 25, 26, and 30 of Highway Act, 1862,

36. The Twenty-fifth, Twenty-sixth, and Thirtieth Sections of the "Highway Act, 1862," shall be repealed, but such Repeal shall not affect any Proceeding commenced previously

repealed, and other Provisions substituted.

previously to the passing of this Act, and instead thereof the following Provisions shall be enacted; that is to say,

The Accounts of every Highway Board shall be made up and balanced to the Thirty-first of *December* in every Year.

After the Expiration of not less than Fourteen Days nor more than Twenty-eight Days from the Thirty-first of *December*, the Accounts shall be examined by the Board, and signed by the Chairman.

The Board may, if they think fit, appoint any fit Person not being a Member or Officer of the Board to audit their Accounts, and may award to him a reasonable Compensation, to be paid out of the District Fund.

Within Thirty Days after the Signature of the Accounts by the Chairman the Board shall cause a Statement showing the Receipt and Expenditure in respect of each Parish, and the apportioned Part of Expenditure chargeable thereto in respect of the District Fund, and such other Particulars and in such Form as the Secretary of State may direct, to be printed, and sent by Post or otherwise to each Member of the Board, and to the Overseers of every Parish within the District having Overseers; and the Clerk of the Board shall furnish a Copy of such Statement to any Ratepayer or Owner of Property situate within the District, on his Application, and on the Payment of a Sum not exceeding One Penny.

The Books of Account of the Board shall at all seasonable Times be open to the Inspection of any Ratepayer of any Highway Parish within the District of the Board.

Persons aggrieved by Rates levied may appeal in manner provided by 6 & 7 W. 4. c. 96.

37. If any Person feels aggrieved by any Rate levied on him for the Purpose of raising Monies payable under a Precept of a Highway Board on the Ground of Incorrectness in the Valuation of any Property included in such Rate, or of any Person being put on or left out of such Rate, or of the Inequality or Unfairness of the Sum charged on any Person or Persons therein, he may appeal to the Justices in Special Sessions in manner provided by the Act of the Session of the Sixth and Seventh Years of the Reign of His Majesty King *William* the Fourth, Chapter Ninety-six, Sections Six and Seven, and all the Provisions of the said Sections shall be applicable to such Appeal.

Power to appeal to Quarter Sessions against Items of Expense and Expenditure, &c.

38. Where any Waywarden of a Highway Parish of a District, or any Ratepayer of such Parish, feels aggrieved in respect of the Matters following:

(1.) In respect of any Order of the Highway Board for the Repair of any Highway in his Parish on the Ground that such Highway is not legally repairable by the Parish, or in respect of any other Order of the Board on the Ground that the Matter to which such Order relates is one in regard to which the Board have no Jurisdiction to make an Order;

(2.) In respect of any Item of Expense charged to the separate Account of his Parish on the Ground that such Item of Expense has not in fact been incurred, or has been incurred in respect of a Matter upon which the Board have no Authority by Law to make any Expenditure whatever;

(3.) In respect of any Item of Expenditure charged to the District Fund on the Ground that such Item of Expense has not in fact been incurred, or has been incurred in respect of a Matter upon which the Board has no Authority by Law to make any Expenditure whatever;

(4.) In respect of the Contribution required to be made by each Parish to the District Fund on the Ground that such Amount, when compared with the Contribution of other Parishes in the District, is not according to the Proportion required by this Act;

he may, upon complying with the Conditions herein-after mentioned, appeal to the Court of General or Quarter Sessions having Jurisdiction in the District; but no Appeal shall be had in respect of any Exercise of the Discretion of the Board in Matters within their Discretion; and no Appeal shall be had except in respect of the Matters and upon the Grounds herein-before mentioned.

39. No

Conditions of Appeal to General or Quarter Sessions.

39. No Appeal shall be entertained by any Court of General or Quarter Sessions in pursuance of this Act unless the following Conditions have been complied with:

(1.) Notice of the Intention of Appeal must be served by the Appellant on the Clerk of the Highway Board in the Case of an Appeal against an Order within Two Months after the Order, and in the Case of an Appeal in respect of any Item of Expense or Contribution within One Month after the Statement of the Account of the Board has been sent to each Member of the Board as herein-before mentioned:

(2.) The Notice must state the Matter appealed against, and the Ground of the Appeal:

On the Receipt of the Notice the Board may serve a Counter-Notice on the Appellant, requiring him to appear in Person or by his Agent at the next Meeting of the Board and support his Appeal. On hearing the Appellant the Board may rectify the Matter complained of, and if they do so to a reasonable Extent, and tender to the Appellant a reasonable Sum for the Costs of his Attendance, it shall not be lawful for the Appellant to proceed with his Appeal. In any other Case the Appellant may proceed with his Appeal, and the reasonable Costs of his Attendance on the Board shall be deemed Part of the Costs of the Appeal.

Power to refer Case to Arbitration.

40. If at any Time after Notice of Appeal has been given it appears to the Court of General or Quarter Sessions, on the Application of either Party in the Presence of or after Notice has been given to the other Party, that the Matter in question in such Appeal consists wholly or in part of Matters of mere Account which cannot be satisfactorily tried by the Court, it shall be lawful for such Court to order that such Matters, either wholly or in part, be referred to the Arbitration of One or more Persons, to be appointed by the Parties, or, in case of Disagreement, by the Court; and the Award made on such Arbitration shall be enforceable by the same Process as the Order of the Court of Quarter Sessions.

Provisions of 17 & 18 Vict. c. 125. incorporated.

41. The Provisions of "The Common Law Procedure Act, 1854," relating to compulsory References, shall be deemed to extend to Arbitrations directed by the Court of Quarter Sessions; and the Word "Court" in the said Act shall be deemed to include the Court of Quarter Sessions.

Proceedings on Appeal.

42. If upon the Hearing of the Appeal it appears to the Court that the Question in dispute involves an Inquiry as to whether a Road is or is not a Highway repairable by the Public, or an Inquiry as to any other important Matter of Fact, the Court may either themselves decide such Question, or may impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions, and submit to such Jury such Questions in relation to the Matters of Fact in dispute as the Court think fit; and the Verdict of such Jury, after hearing the Evidence adduced, shall be conclusive as to the Questions submitted to them.

The Questions so submitted shall be in the Form and shall be tried as nearly as may be in the Manner in which feigned Issues are ordinarily tried, and the Court shall decide the Parties to be Plaintiffs and Defendants in such Trials.

Subject as aforesaid, the Court may, upon the Hearing of any Appeal under this Act, confirm, reverse, or modify any Order of the Highway Board, or rectify any Account appealed against.

Costs of Appeal.

43. If the Appellant is successful, the Costs shall, unless the Court otherwise orders, be paid by the Board, and shall be charged to the Parishes within the Jurisdiction of the Board other than the Parish to which the Appellant belongs in the same Proportions in which such Parishes contribute to the Common Fund of the Board.

If the Appellant is unsuccessful, the Board, if the Waywarden be the Appellant, may charge the Costs of the Appeal to the Parish to which the Appellant belongs in the same Manner as if they were Expenses incurred in repairing the Roads in such Parish, and may levy the Sum accordingly, and may carry the Sum so levied to the Account of the several Parishes within the Jurisdiction of the Board, other than the Parish to which the Appellant Waywarden belongs, in the same Manner as if they were Expenses contributed by such Parishes to the Common Fund of the Board; but if some Ratepayer other than the Waywarden is the Appellant, the Court may order the Costs of the Appeal to be paid by

by such Appellant; and such Costs shall be recoverable in the same Manner as a Penalty is recovered under "The Highway Act, 1862."

Jurisdiction as to Districts in different Counties.

44. Places situate in different Counties, and Places situate partly in one County and partly in another County, when united in One Highway District, shall, for all Matters connected with the Provisions of this Act relating to Appeals to Quarter Sessions against Accounts, be deemed to be subject to the Jurisdiction of the Justices of the County in which the District is situate to which such Places shall have been united by any Provisional and Final Order or Orders, or to which after the passing of this Act any such District shall be declared to be subject by the Orders constituting the same, in the same Manner as if all such Places or Parts of Places were situate in such County.

Supplemental Provisions.

In case of default of Highway Board appointing Officers.

45. If the Highway Board of a District make default in appointing a Treasurer, Clerk, and District Surveyor, or any of such Officers, in pursuance of the "Highway Act, 1862," within Three Months after the Day fixed by the Justices for the holding of the First Meeting of the Board, or within Three Months after a Vacancy occurring in any of the said Offices, the Justices in General or Quarter Sessions assembled may, if they think fit, appoint a Person to any of the said Offices in respect of which the Default has been made, and may fix the Salary to be paid to the Officer appointed; and any such Appointment shall take effect and Salary be recoverable in the same Manner as if the Officer appointed by the Justices had been appointed by the Highway Board of the District; and it shall not be lawful for such Board, without the Consent of the said Justices, to remove any Officer appointed by them under this Section, or to lessen his Salary within One Year from the Date of his Appointment.

Jurisdiction of Justices in Petty Sessions.

46. The Justices assembled in Petty Sessions at their usual Place of Meeting may exercise any Jurisdiction which they are authorized under the Highway Acts or any of them to exercise in Special Sessions; and no Justice of the Peace shall be disabled from acting as such at any Petty or Special or General Quarter Sessions in any Matter merely on the Ground that he is by virtue of his Office a Member of any Highway Board complaining, interested, or concerned in such Matter, or has acted as such at any Meeting of such Board.

Power of Highway Board to make Improvements and borrow Money for the same, but previously to cause an Estimate to be made.

47. A Highway Board may make such Improvements as are herein-after mentioned in the Highways within their Jurisdiction, and may, with the Approval of the Justices in General or Quarter Sessions assembled, borrow Money for the Purpose of defraying the Expenses of such Improvements:

Previously to applying for the Approval of the Justices the Highway Board shall cause an Estimate of the Expense of the Improvements to be made, and Two Months at the least before making their Application shall give Notice of their Intention so to do.

The Notice shall state the following Particulars:

(1.) The Nature of the Work, the estimated Amount of Expense to be incurred, and the Sum proposed to be borrowed:

(2.) The Parish or Parishes within the District by which the Sum borrowed and the Interest thereon is to be paid, and in case of more Parishes than One being made liable to pay the Principal and Interest the annual Amounts to be contributed by each Parish towards the Payment thereof:

(3.) The Number of Years within which the Principal Monies borrowed are to be paid off, not exceeding Twenty Years, and the Amount to be set apart in each Year for paying off the same:

(4.) The Sessions at which the Application is to be made.

Notice shall be given as follows:

(1.) By transmitting a Copy to the Clerk of the Peace for the County or Division:

(2.) By placing a Copy of such Notice for Three successive *Sundays* on the Church Door of every Church of the Parish or Parishes on behalf of which such Works are to be done, or, in the Case of any Place not having a Church, in some conspicuous Position in such Place.

Upon

Upon the Hearing of the Application any Person or Persons may oppose the Approval of the Justices being given, and it shall be lawful for the Justices to give or withhold their Approval, with or without Modification, as they think just.

All Monies borrowed in pursuance of this Act, together with the Interest thereon, shall be a First Charge on the Highway Rates of each Parish liable to contribute to the Payment thereof, after paying the Sums due to the Highway Board on account of the District Fund, in the same Manner, so far as the Creditor is concerned, as if the Money had been borrowed on account of each Parish alone; and the Sums necessary to repay the said borrowed Monies, with Interest, shall in each such Parish be recoverable in the same Manner as if they were Expenses incurred by the Board in keeping in repair the Highways of that Parish.

But it shall be the Duty of the Highway Board, in case of any One Parish paying more than its Share of such borrowed Money, or of the Interest thereon, to make good to that Parish the Excess so paid out of the Rates of the other Parishes liable to contribute thereto.

The Justices may from Time to Time make General Orders in relation to the Mode in which Applications are to be made to them for their Consent under this Act to the borrowing of any Monies.

Definition of Improvements.

48. The following Works shall be deemed to be Improvements of Highways:

(1.) The Conversion of any Road that has not been stoned into a stoned Road:

(2.) The widening of any Road, the cutting off the Corners in any Road where Land is required to be purchased for that Purpose, the levelling Roads, the making any new Road, and the building or enlarging Bridges:

(3.) The doing of any other Work in respect of Highways beyond ordinary Repairs essential to placing any existing Highway in a proper State of Repair.

Power for Parishes and Districts to contribute to Improvements.

49. Any Parish may, with the Consent of its Waywarden, contribute to any Improvements made in another Parish, whether situate or not in the same District, if such first-mentioned Parish consider such Improvements to be for its Benefit; and any Highway Board may contribute to any Improvements made in another District if such Improvements are, in the Opinion of the Highway Board of the first-mentioned District, for the Benefit of their District. The Contribution to be made by one Parish to another shall be payable in the same Manner as if such Contributions were Monies due from the contributing Parish in respect of Expenses incurred in keeping in repair the Highways of that Parish, and Monies contributed by one District to another District shall be payable out of the Common Fund of the contributing District.

Certain Clauses of 10 & 11 Vict. c. 16. incorporated.

50. The Clauses of "The Commissioners Clauses Act, 1847," with respect to Mortgages to be created by the Commissioners, shall form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver.

In the Construction of the said Clauses "the Commissioners" shall mean "the Highway Board."

Mortgages and Transfers of Mortgages shall be valid if made in the Forms prescribed by the last-mentioned Act, or in the Forms appearing in the Second Schedule annexed to this Act, or as near thereto as Circumstances admit.

As to Encroachment on Highways.

51. From and after the passing of this Act if any Person shall encroach by making or causing to be made any Building, or Pit, or Hedge, Ditch, or other Fence, or by placing any Dung, Compost, or other Materials for dressing Land, or any Rubbish, on the Side or Sides of any Carriageway or Cartway within Fifteen Feet of the Centre thereof, or by removing any Soil or Turf from the Side or Sides of any Carriageway or Cartway, except for the Purpose of improving the Road, and by Order of the Highway Board, or, where there is no Highway Board, of the Surveyor, he shall be subject on Conviction for every such Offence to any Sum not exceeding Forty Shillings, notwithstanding that the whole Space of Fifteen Feet from the Centre of such Carriageway or Cartway has not been maintained with Stones or other Materials used in forming Highways; and it shall be lawful for the Justices assembled at Petty Sessions, upon Proof to them made upon Oath,

to

to levy the Expenses of taking down such Building, Hedge, or Fence, or filling up such Ditch or Pit, and removing such Dung, Compost, Materials, or Rubbish as aforesaid, or restoring the Injury caused by the Removal of such Soil or Turf, upon the Person offending: Provided always, that where any Carriageway or Cartway is fenced on both Sides no Encroachment as aforesaid shall be allowed whereby such Carriageway or Cartway shall be reduced in Width to less than Thirty Feet between the Fences on each Side.

Power to contract for Materials for repairing Highways.

52. The Highway Board may and is hereby authorized to contract for purchasing, getting, and carrying the Materials required for the Repair of the Highways, and for maintaining and keeping in repair all or any Part of the Highways of any Parish within their Highway District, for any Period not exceeding Three Years.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

53. A Highway Board for the Purpose of improving the Highways within their District may purchase such Lands or Easements relating to Lands as they may require; and "The Lands Clauses Consolidation Act, 1845," and the Act amending the same passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and six, shall be incorporated with this Act, with the Exception of the Clauses relating to the Purchase of Land otherwise than by Agreement.

In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be the Special Act, and the Board shall be deemed to be the Promoters of the Undertaking, and the Word "Land" or "Lands" shall include any Easement in or out of Lands.

FIRST SCHEDULE.

Proceedings of Highway Boards.

(1.) The Board shall meet for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings of the Board, as they think fit, subject to the following Conditions:

(*a.*) The First Meeting after the Formation of the District shall be held at the Time and Place fixed by the Order of the Justices in that Behalf;

(*b.*) One Ordinary Meeting shall be held in each Period of Four Months, and of such Meetings One shall be held on some Day between the Seventh and Fourteenth Days of April;

(*c.*) An Extraordinary Meeting may be summoned at any Time, on the Requisition of Three Members of the Board, addressed to the Clerk of the Board;

(*d.*) The Quorum to be fixed by the Board shall consist of not less than Three Members;

(*e.*) Every Question shall be decided by a Majority of Votes of the Members voting on that Question;

(*f.*) The Names of the Members present at a Meeting shall be recorded.

(2.) The Board shall at the First Meeting, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Board as hereafter mentioned, appoint One of their Members to be Chairman and One other of their Members to be a Vice-Chairman for the Year following such Choice.

(3.) If any casual Vacancy occur in the Office of Chairman or Vice-Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy; and every such Chairman or Vice-Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.

(4.) If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Vice-Chairman shall be the Chairman of the Meeting; and if neither the Chairman nor Vice-Chairman shall be present, then the Members present shall choose some one of their Number to be a Chairman of such Meeting.

(5.) In

(5.) In case of an Equality of Votes at any Meeting the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.

(6.) All Orders of the Board for Payment of Money, and all Precepts issued by the Board, shall be deemed to be duly executed if signed by Two or more Members of the Board authorized to sign them by a Resolution of the Board, and countersigned by the Clerk; but it shall not be necessary in any legal Proceeding to prove that the Members signing any such Order or Precept were authorized to sign them, and such Authority shall be presumed until the contrary is proved.

SECOND SCHEDULE.

FORMS.

Form of Mortgage.

The Highway Board of the District, in consideration of Pounds paid to the Treasurer of the said Board by *A.B.* of , assigns unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Highway Rates leviable in the Highway Parish or Parishes of [*name the Parishes*] as the said Sum of Pounds bears to the whole Sum borrowed on the Credit of the said Rates, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, with Interest at the Rate of Pounds per Centum per Annum, is paid.

The Interest on this Mortgage will be paid at on the Day and Days of in every Year.

The Principal will be paid at on the Day of .

Given under our Corporate Seal this Day of 18 .

Note.—*The Mortgage must be under the Corporate Seal of the Board, and duly stamped. See Commissioners Clauses Act*, 10 *Vict. c.* 16. *s.* 75.

Note.—*See Section* 50 *of Act.*

Note.—*Highway Rate includes Poor Rate, when the Highways are maintained out of Poor Rate. See Sect.* 33 *of Act.*

Note.—*Highway Parish means every Parish that separately returns a Waywarden or Waywardens to the Highway Board. See Sect.* 3 *of Act.*

Transfer of Mortgage by Endorsement.

The within-named *A.B.*, in consideration of the Sum of Pounds paid to him by *C.D.* of , hereby transfers to the said *C.D.*, his Executors, Administrators, and Assigns, all his Interest in the Monies secured by the within-written Mortgage and in the within-named Rates.

In witness whereof the said *A.B.* has hereunto set his Hand and Seal this Day of 18 .

Note.—*The Transfer must be under Seal and duly stamped. See Section* 77 *of Commissioners Clauses Act*, 10 *Vict. c.* 16.

CAP. CII.

An Act for amending The *Harwich* Harbour Act, 1863. [29th *July* 1864.]

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:

1. So much of Section Seven of The *Harwich* Harbour Act, 1863, (hereafter in this Act called the Principal Act,) as relates to the Maps therein mentioned, is hereby repealed.

Part of s. 7. of 26 & 27 Vict. c. 71. repealed.