Exercise, or for permanent or voluntary Service, or for his Service in aid of the Civil Power, or who having appeared or joined the Force at the Place appointed shall desert or absent himself before the Expiration of the Time of Training and Exercise, or before being duly discharged from such permanent or voluntary Service, shall be deemed a Deserter, and shall be liable to be tried and punished by Court-martial under the foregoing Provisions, and shall also be liable to such Forfeiture of Pay, Pension, or Allowance as may be directed by the Regulations under this Act.

Regulations to be made by Secretary-at-War.

X. It shall be lawful for Her Majesty to authorize Her Secretary-at-War to make Regulations concerning the Term or Terms of Service of the Men to be enrolled under this Act, and the Declarations to be made in relation thereto, and for the Pay of the Officers, Non-commissioned Officers, and Men enrolled under this Act, and, if Her Majesty so think fit, for Pensions of Men in respect as well of their Services under this Act as of their previous Services, and also in regard to the Arms, Clothing, Equipment, and Allowances of Men and Officers, and also for the Government of the said Force, and for the Fines and Penalties or Forfeitures for Absence from or Misconduct during Training and Exercise, or during permanent, voluntary, or other Service, or for the Breach of any of the said Regulations, and for the Deduction of such Fines and Penalties from any Pay, Allowance, or Pension which may become due to the Offender; and all Warrants and Regulations to be issued under this Act in every Year shall be laid before both Houses of Parliament in the Month of *February* in every Year, or, if Parliament be not then sitting, within Fourteen Days after the next Meeting of Parliament.

Provisions of Turnpike and Railway Acts as to Soldiers to apply to the Force under this Act.

XI. For the Purposes of all Enactments relating to Turnpike Roads and to Tolls, the Men enrolled and Officers and Non-commissioned Officers appointed under this Act while on Duty, or going to or returning from any Place of Training and Exercise, or of permanent, voluntary, or other Service, shall be deemed Soldiers and Officers of Her Majesty on Duty, and all such Enactments having reference to Officers and Soldiers on Duty shall be construed accordingly; and the Enactments in force concerning the Conveyance by Railway of Her Majesty's Forces of the Line, and their Baggage, Stores, Arms, and Ammunition, shall apply to the Conveyance of the Force under this Act, their Baggage, Stores, Arms, and Ammunition, and to the Officers and Men of such Force.

Men to be exempted from serving Parish Offices, &c.

XII. Men enrolled and Officers appointed under this Act shall not be liable to serve on any Jury, nor to serve the Office of Constable, or any other Parochial, Township, or Borough Office.

CAP. XLIII.

An Act to amend and extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land. [13th *August* 1859.]

'WHEREAS it is expedient to amend and extend the Provisions of the Acts for the 'Inclosure, Exchange, and Improvement of Land:' 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:

Provisional Order to specify what Rights are reserved as to Mines, &c.

I. On any Inclosure where the Mines, Minerals, Stone, or other Substrata under the Land to be inclosed shall be excepted or reserved to the Lord of the Manor or any other Person, the Provisional Order to be made by the Inclosure Commissioners for *England* and *Wales* shall (in addition to the other Matters to be specified therein under the said Acts) specify whether or not a Right to enter the Lands when inclosed for the Purpose of opening, working, or winning such Mines, Minerals, Stone, and other Substrata, is to be reserved to such Lord or other Person, and whether or not any Compensation is to be made by the Persons

Persons exercising such last-mentioned Right for any Damage to the Surface which may thereby be done, and if not, then whether or not any such other Provision for Compensation of such Damage as herein-after mentioned is to be made.

Provision as to Surface Damage.

II. For the Purpose of providing for Compensation for any such Damage as aforesaid, it shall be lawful for the Lord of the Manor or other the Person entitled to such Mines, Minerals, Stone, or other Substrata as aforesaid, and for the other Persons interested in the Land proposed to be inclosed, or such Proportion of the Persons so interested as by the Twenty-seventh Section of the Act of the Eighth and Ninth Years of Her Majesty, Chapter One hundred and eighteen, are required to consent to an Inclosure before the Inclosure Commissioners can in any annual General Report certify their Opinion that the proposed Inclosure would be expedient, to agree as to the Mode in which Compensation for Surface Damage from such Entry, and opening, working or winning, shall be made to the individual Owners whose Allotments may be so damaged, whether wholly by the Lord or such other Person entitled to the Mines, Minerals, Stone, or other Substrata as aforesaid, or wholly by the Owners of Allotments (including the Lord or such other Person) collectively, or partly by the Lord or such other Person and partly by the other Owners of Allotments collectively; and such Agreement, when made, shall, if allowed by the Inclosure Commissioners, be stated to the Valuer as Part of his Instructions, and its Terms shall be embodied by him in his Report and in his Award of which it shall form Part.

Powers to work Mines, &c.

III. In every Case in which the Right and Interest in all or any Mines, Minerals, Stone, and other Substrata are reserved by any Provisional Order to be issued after the passing of this Act to the Lord of the Manor or such other Person entitled to the Soil of the Land enclosed as aforesaid, and with a further Reservation to the Lord or to such other Person of a Right to enter the Lands when inclosed, and work such Mines, Minerals, Stone, and other Substrata, it shall be lawful for the Lord, his Heirs and Assigns, or for such other Person entitled to the Soil as aforesaid, his Heirs and Assigns, at any and at all Time and Times thereafter, by himself or themselves, or his or their Tenants, Agents, or Servants, and with or without Horses or other Animals, or Carriages, and Materials of all Kinds, to enter upon the said Lands or any Part thereof, and to break the Surface thereof, and search for, win, work, take, and carry away the said Mines, Minerals, Stone, and other Substrata, or any of them, and for that Purpose to dig, sink, drive, and make Pits, Shafts, Drifts, Headways, Levels, Adits, Airgates, Watercourses, Soughs, Trenches, Buddles, Fences, and Sluices, and to erect, build, and make Pumps, Engines, Furnaces, Smelting Houses, Stamping Mills, Ore and Store Houses, Sheds, Hovels, and Stables, and other Erections, and to do all other Things necessary or convenient, as well for working the said Mines, as for refining the Metals and Minerals, hewing and working the Stone and other Substrata, and removing all the Water, Slag, and Rubbish from the Works, and for the Accommodation of the Persons employed therein, and to occupy such Part of the said Land as shall be convenient and sufficient for laying, ordering, and dressing the Ores, Minerals, Metals, Stone, and other Substrata, and if judged necessary, to alter the Course of Streams, and to maintain, repair, and use any Railroads or other Roads for any of the Purposes aforesaid, and generally to do all other Things necessary or convenient for the sinking, winning, working, and carrying away the said Mines, Minerals, Stone, and other Substrata, and for refining the Metals and Minerals, and hewing and working the Stone and other Substrata thereby produced.

How Damages to be assessed.

IV. In case it shall be provided that the whole or any Part of such Compensation as aforesaid shall be made by the Owners of Allotments collectively, either including or not including the Lord or such other Person as aforesaid, then all such Damage as may at any Time and from Time to Time be done to any Allotment by any of the Means aforesaid shall be assessed and raised as follows; (that is to say,) it shall be lawful for any Person who may sustain any such Damage as aforesaid to give Information thereof to any Two or more Justices of the Peace for the County or Riding or other Division or Place within which the Lands which shall have been inclosed, or the greater Part thereof, shall be situate (Ten Days previous Notice of such intended Information having been fixed on the Church Door of the Parish or other Ecclesiastical District); and such Justices shall and are hereby empowered to examine and inquire into such Complaint in a summary Way, and by Examination

nation of Witnesses upon Oath, or by such other Evidence as they shall think proper; and such Justices shall determine the Amount of such Damage, and order the Payment thereof to the Party damaged by the Persons and in the Manner herein-after expressed.

Payment of Damages.

V. Every Sum of Money to be paid in satisfaction of such Damages, and the reasonable Charges of giving and prosecuting such Information, (to be settled by the said Justices,) shall be borne and paid by the Owners for the Time being of all the Allotments on whom it shall by the Award have been imposed, or their Tenants, including the Owner of the Allotment damaged, or his Tenant, by a Rate to be assessed upon them in respect of their Allotments or their Shares therein by such Justices according to the respective yearly Values thereof, which shall be ascertained in manner herein-after in that Behalf directed or referred to.

To be levied by Distress.

VI. In case any Person who shall be charged to such Rate as aforesaid shall refuse or neglect to pay the same within a Time to be limited by the said Justices, to the Person for the Time being entitled to such Payment, then any Two or more Justices of such County or Riding, or other District or Place as aforesaid, shall, by Warrant under their Hands and Seals, cause the same to be levied by Distress; and in case any occupying Tenant of any Hereditaments constituting or being Part of any of the said Allotments shall pay any Part of such Rate as aforesaid, every such Occupier shall be at liberty to deduct the same out of his next Rent, and his Landlord shall allow such Deduction, unless there shall be some Provision to the contrary in the Lease or Agreement under which such Hereditaments are held by such Occupier.

Annual Value of Allotments to be stated in Award.

VII. In every Case to which the Provisions of this Act shall be applicable, the Valuer acting in the Matter of the Inclosure shall by his Award ascertain and determine the proportionate Shares of any such Rate as aforesaid to be paid in respect of each of the Allotments to be set out under the Inclosure, and the average annual Value *per* Acre of each Allotment at the Time of making his Award, and such average annual Value shall thereafter be taken to be the yearly Value *per* Acre of such Allotment for the Purpose of the Assessment of the same to the Rate by this Act imposed thereon in the Cases herein-before provided for.

Herbage may be let.

VIII. Where Instructions shall be given to the Valuer to let the Herbage of any Land to be inclosed, the same shall, at any Time after the Rights of Sheepwalk, Common, or other Rights have been extinguished or the Exercise thereof suspended, be let by the Valuer for such Time and in such Manner and subject to such Conditions as he, with the Approbation of the Inclosure Commissioners, shall think right; and any Person taking such Herbage shall hold the same as Tenant to the Valuer, and all Moneys received by way of Rent shall be applied in and towards Payment of the Expenses of the Inclosure.

Purchase Money of Land sold may be apportioned.

IX. Where the Sale of any Land proposed to be inclosed, not exceeding Fifty Acres, shall have been authorized by the Commissioners, under the Provisions of the said Acts, the Surplus of the Purchase Money may be either appropriated as provided by the said Acts, or a Majority in Number and Interest of the Persons interested therein may, at a Meeting to be convened by the Commissioners for the Purpose, resolve that such Surplus shall be apportioned, and thereupon the same shall be dealt with in such and the same Manner as if the same were Money received under "The Lands Clauses Consolidation Act, 1845," and paid into the Bank of *England* to the Credit of an Account to be named by the Commissioners, under the Act passed in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Ninety-seven.

Lessees need not join in Application for Partition.

X. In Partitions it shall not be necessary that any Lessee, being a Person jointly interested within the Provisions of the said Acts in any Land or other Subject Matter of Partition, should join in the Application to the Commissioners; and whenever any Land or other Subject Matter of such Partition shall be held by One entire Rent, the Order of Partition shall apportion the Rent to be paid to each of the Persons to whom any Part of the same may be allotted in Severalty; and after the Confirmation of such Order all Rents and Services due and owing or thereafter to become due and owing in respect of the Land

or

or other Subject Matter of Partition shall be paid and payable to the Person to whom the same shall be allotted in Severalty: Provided always, that such Lessee shall not have the Power of giving Notice of Dissent, under the Provisions of the said Acts.

In Partitions Dissents not to apply in certain Cases.

XI. Notwithstanding anything therein contained, the Provisions of the said Acts as to Notice of Dissent shall not apply to Partitions in which the Application is made by Two Thirds in Value of the Persons interested in the Land or other Subject Matter of Partition.

Where Patronage vested in the Crown, who to be deemed Patron.

XII. Whenever the Patronage of any Benefice to which the Provisions of the said Acts are applicable shall be vested in Her Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being where the Value of such Benefice is above the yearly Value of Twenty Pounds in the King's Books, and where such Value is of or below the yearly Value of Twenty Pounds in the King's Books the Lord Chancellor or Lord Keeper or First Lord Commissioner of the Great Seal for the Time being, shall for the Purposes of the said Acts be substituted instead of the Patron: Provided nevertheless, that if such Patronage is vested in Her Majesty in right of the Duchy of *Lancaster* the Chancellor for the Time being of such Duchy shall for the Purposes of the said Acts be substituted instead of the Patron.

Tenancies at Rackrent.

XIII. Whenever a Valuer acting in the Matter of any Inclosure shall have directed the Allotments to be entered upon by the Persons respectively for whom the same shall be intended, all Leases, Agreements, and Tenancies at Rackrent subsisting of any Part of the Land to be inclosed or exchanged under the Award of the Valuer, or any Common Right thereon, shall, so far only as respects the Land to be divided, allotted, or exchanged, or Common Right, cease and be void, at such Time or Times as the Valuer shall by Writing under his Hand direct or appoint, although the Lessees or Landlords may not have made and paid such Satisfaction to the respective Lessees or Tenants as is by the said Acts provided: Provided always, that Interest at the Rate of Five Pounds *per Centum per Annum* shall be payable from the Day on which such Tenancies shall cease to the Day of Payment, on the Sum which has been or shall thereafter be ascertained to be due to such Lessees or Tenants, and shall, with the Amount ascertained to be due as aforesaid, be recoverable from the Person liable to pay the same in the same Manner as Penalties and Forfeitures are recoverable under the said Acts.

Annexation of Map to an Inclosure Award may be dispensed with.

XIV. Where by reason of the Size of the Map or other Circumstances the Commissioners shall be of opinion that it is not expedient that the Valuer should annex to the Engrossment of any Inclosure Award the Map required by the said Acts to be annexed thereto, they may, if they shall see fit, in lieu of such Annexation, certify under their Hands and Seal that the Map not so annexed is the Map referred to in the Award to which the same applies, and thereupon every Map having such Certificate shall have the same Force and Effect and be referred to as if the same were annexed to the said Award.

Act deemed Part of "The Acts for the Inclosure, &c. of Land."

XV. This Act shall be taken to be Part of the said Acts, and shall be construed therewith, and be deemed to be included under any Reference to "The Acts for the Inclosure, Exchange, and Improvement of Land."

CAP. XLIV.

An Act to continue the Act for the Exemption of Stock in Trade from Rating.

[13th *August* 1859.]

'WHEREAS an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to exempt until the Thirty-first Day of* December *One thousand eight hundred and forty-one Inhabitants of Parishes, Townships, and Villages from* 3 & 4 Vict. c. 89.