for the taxed expenses of or in reference to such action or proceeding, and it shall be lawful for such court or judge to make such order or orders for taxation of, and for raising and payment of, such expenses out of the said property as to such court or judge shall appear just and proper; and all acts done or deeds granted by the client after the date of the declaration, except acts or deeds in favour of a bonâ fide purchaser, shall be absolutely void and of no effect as against such charge or right.

Short title.

7. This Act may be cited as the Law Agents and Notaries Public (Scotland) Act, 1891.

CHAPTER 31.

An Act to enable Her Majesty in Council to carry into effect Conventions which may be made with Foreign Countries respecting Ships engaged in Postal Service.

[21st July 1891.]

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:

Application of Act by Order in Council.

1.—(1.) Where Her Majesty the Queen has made a Convention with a Foreign State respecting the postal service between such Foreign State and the United Kingdom, or respecting the privileges of mail ships, that is to say, ships engaged in any postal service of such Foreign State or of any part of Her Majesty's dominions, it shall be lawful for Her Majesty in Council to order that this Act shall, and this Act shall accordingly, subject to any conditions, exceptions, and qualifications contained in the Order, apply, during the continuance of the Order, as regards such Convention and Foreign State, and the postal service and mail ships described in the Convention; and where by virtue of any such Order this Act or any section thereof applies as regards any Convention, Foreign State, postal service, or mail ship, the same is in this Act referred to as a Convention, Foreign State, postal service, or mail ship to which this Act or section applies.

(2.) The Order shall recite or embody the terms of the Convention, and may be varied or revoked by Order in Council, but shall not continue in force for any longer period than the Convention.

(3.) Every Order in Council under this Act shall be laid before both Houses of Parliament forthwith after it is made, or, if Parliament be not then sitting, after the then next meeting of Parliament, and shall also be notified in the London Gazette and published under the authority of Her Majesty's Stationery Office.

Conveyance of letters by crew or passengers

2.—(1.) Where this section applies to a Convention with a Foreign State, the master of a British mail ship to which this

section applies when carrying mails to or from any port of the Foreign State, and the master of a mail ship of the Foreign State to which this section applies when carrying mails to or from any port of the United Kingdom, shall not, nor shall any person on board the ship, whether a passenger or belonging to the ship or any other person, convey in the ship for delivery to another person in the Foreign State or United Kingdom, as the case may be, any letter, other than the letters contained in mail bags entrusted to the master by a postal officer of the United Kingdom or of any Foreign State, or than the despatches sent by the Government either of the United Kingdom or of any Foreign State. of mail ships forbidden.

(2.) If a person on board such ship acts in contravention of this section, or refuses or fails on demand to give up to a postal officer, or, if such person is not the master, to the master, any letter so conveyed by him, he shall be liable, on summary conviction, to a fine not exceeding five pounds.

(3.) It shall be the duty of the master of the ship to secure the observance of this section by all persons on board the ship, and to inform the proper authorities at the port at which the ship arrives of any breach of this section by any of those persons, and if he wilfully fails to perform that duty he shall be liable to a fine not exceeding five pounds.

(4.) Provided that a person shall not be liable under this section to a fine for any offence for which he has been punished by the law of the Foreign State.

(5.) Nothing in this section shall apply to any letters which if sent from the United Kingdom would be exempted from the exclusive privilege of the Postmaster-General under the Act of the session of the seventh year of King William the Fourth and the first of Her present Majesty, chapter thirty-three, intituled "An Act for the management of the Post Office." 7 Will. 4 & 1 Vict. c. 33.

3.—(1.) Where the owner of any ships, British or foreign, applies to the High Court in England, and Regulation as to giving of security for ships engaged in postal service.

(*a*) produces a certificate of a Secretary of State that such owner is subsidised for the execution of any postal service within the meaning of a Convention with a Foreign State to which this Act applies, by reason of receiving from the Foreign State, or from the Government of the United Kingdom or of a British possession, a bonâ fide subsidy for the postal service mentioned in the certificate, and

(*b*) produces sufficient evidence of the nature of the said service and the number of and the prescribed particulars respecting the ships engaged therein, and

(*c*) gives notice of the application to the Board of Trade,

the High Court, after hearing the owner, and the Board of Trade if they wish to be heard, shall fix the nature and amount of the security which the owner ought to place under the control of the court for the purposes of this Act as respects the ships engaged in that postal service, and fix the maximum number and tonnage of the ships to which the security is to apply.

(2.) The security shall be the bond of the owner guaranteed either—

(*a.*) by the personal security of a surety, accompanied by an adequate real security given by the surety; or,

(*b.*) by the payment or transfer into court of cash, or of securities of the Government of the United Kingdom.

(3.) If the owner gives such security to the satisfaction of the High Court, then so long as the security is maintained and is sufficient to the satisfaction of the Court, and the number and tonnage of the ships for the time being actually engaged in carrying mails for the postal service in respect of which the security is given does not exceed the number and tonnage of the ships to which the security applies, the ships actually engaged in carrying mails for the said service shall be deemed to be exempted mail ships, and be entitled to the exemptions and privileges given by this Act to exempted mail ships; and the Board of Trade shall give the prescribed notices for informing the arresting authorities that the ships actually engaged in carrying the mails for the said postal service are exempted mail ships.

(4.) Notice of every application respecting any security given in pursuance of this section shall be given to the Board of Trade.

(5.) If at any time it appears to the Board of Trade that a security given as respects ships engaged in any postal service is from any cause (whether pending claims, variation of the conditions of the service, or otherwise) insufficient, the Board of Trade shall apply to the High Court, and that Court, if satisfied of such insufficiency, shall require the security to be made sufficient to the satisfaction of the Court within a reasonable time, and direct that in default the ships engaged in the postal service shall cease to be exempted mail ships, and that the Board of Trade shall give the prescribed notices for informing the arresting authorities of such cesser.

(6.) The amount and nature of the security may be varied and the whole security may be withdrawn, and the income of the security may be disposed of, by order of the High Court from time to time on such application either of the shipowners, or of the Board of Trade, or of any person appearing to be interested, and in such manner, and after such notice, and upon such terms and conditions as may be prescribed by rules of court, or, so far as the rules do not extend, as the Court may think just.

(7.) Provided that before the security is actually withdrawn, the High Court shall be satisfied—

(*a*) that the prescribed notice of the order for withdrawal has been given to the arresting authorities; and

(*b*) that there is no pending claim for the purposes of which the security may be required;

and upon the prescribed notice of the order for withdrawal being given to an arresting authority, the ships shall, as respects that authority, cease, after the date specified in the notice, to be exempted ships.

(8.) Rules of court may be made for carrying this section into effect, and in particular for regulating the nature, amount, and

value of the security to be given, and the mode of giving security, and of giving notices to the arresting authorities, and for providing for the evidence of the exemption of ships under this section, and for the information to be given from time to time to the High Court respecting the ships to which the security applies, and for the jurisdiction of the High Court under this Act being exercised in chambers.

Arrest and execution of process on board exempted mail ships.

4.—(1.) Where this section applies to a convention with a foreign state, and an exempted mail ship to which this section applies is in a port in the United Kingdom no person shall be arrested without warrant on board such ship, and before any process civil or criminal authorising the arrest of any person who is on board such ship is executed against that person the following provisions of this section shall be observed; that is to say,—

(*a.*) written notice of the intention to arrest a person who is, or is suspected to be, on board the ship, stating the hour at which, if necessary, the ship will be searched, shall, if it is a ship of a Foreign State and there is at the port a consulate of that State, be left at the consulate, addressed to the consular officer:

(*b.*) it shall be the duty of the master upon demand, if the said person is on board his ship, to enable the proper officer to arrest him:

(*c.*) if the officer is unable to arrest the said person he may, but if it is a foreign ship only after the expiration of such time after notice was left at the consulate as is specified in the convention, search the ship for such person, and if he is found may arrest him.

(2.) The ship may be delayed for the purposes of this section for the time specified in the Convention, but not for any longer time.

(3.) If the master of a ship refuses to permit a search of the ship in accordance with this section, any officer of customs may detain the ship, and such master shall be liable to a fine of five hundred pounds.

(4.) This section shall apply to the arrest of the master in like manner as in the case of any other person.

Exemption from seizure of exempted mail ship.

5.—(1.) An exempted mail ship to which this section applies shall not, subject as in this Act mentioned, be liable to be arrested or detained by any arresting authority either for the purpose of founding jurisdiction in any Court of Admiralty, or of enforcing the payment of any damages, fine, debt, or other claim or sum, or enforcing any forfeiture, whether arising from the misconduct of the master or any of the crew or otherwise, but every court of the United Kingdom by the process of which the ship could have been under the circumstances arrested or detained shall have the same jurisdiction as if the ship had been so arrested or detained, and any legal proceeding in relation to any such matter as aforesaid may be commenced by such service in the United Kingdom of any writ or process as may be prescribed by rules of court, and the High Court, on application, shall, in accordance with rules of court, cause the security to be applied in discharge of any such damages, fine, debt, claim, sum, or forfeiture.

(2.) Provided that nothing in this section shall render invalid the arrest or detention of a ship before the prescribed notice has been given to the arresting authority, but such authority, on proof that the ship is an exempted mail ship, shall release the ship. Where the Commissioners of Customs, in pursuance of any Act or as a condition of waiving any forfeiture, require a deposit to be made by any exempted mail ship to which this section applies, the amount of such deposit shall, on notice from the Commissioners of Customs, and without any further proceeding, be set apart out of the security as money belonging to the said Commissioners, and shall be paid and applied as they direct, and any rules of court relating to such notice, payment, or application shall be made with the consent of the Treasury.

Application of Act to public ships.

6.—(1.) Where the convention with a Foreign State provides that any provisions of the convention similar to those contained in this Act shall in any cases apply to a public ship of a Foreign State when employed as a mail ship, it shall be lawful for Her Majesty the Queen to agree that the like provisions shall apply to a public ship of Her Majesty in the like cases when employed as a mail ship, and to give effect to such agreement.

(2.) An Order in Council applying this Act as regards a Convention with a Foreign State may, if it seems to Her Majesty in Council to be consistent with the Convention so to do, apply this Act as regards a public ship of that Foreign State when employed as a mail ship in the cases authorised by the Convention, and this Act shall apply accordingly, as if such ship were an exempted mail ship belonging to a private owner, and any person may be arrested on board such ship accordingly.

Legal proceedings.

7.—(1.) Every fine under this Act, if exceeding fifty pounds, may be recovered by action in the High Court in England or Ireland or in the Court of Session in Scotland, and the court in which it is recovered may reduce the amount of such fine, and a fine under this Act not exceeding fifty pounds may be recovered on summary conviction, provided that every offence for which a fine exceeding fifty pounds can be imposed under this Act may be prosecuted on summary conviction, but the fine imposed on such conviction shall not exceed fifty pounds.

(2.) In the case of a summary conviction, any person who thinks himself aggrieved by such conviction may appeal to quarter sessions. In Scotland such person may appeal in manner provided by the Summary Prosecutions Appeals (Scotland) Act, 1875.

38 & 39 Vict. c. 62.

(3.) Service of any summons or other matter in any legal proceeding under this Act shall be good service if made by leaving the summons for the person to be served on board the ship to which he belongs with the person being or appearing to be master of the ship.

(4.) If a fine under this Act imposed on the master of a ship is not paid, and cannot be recovered out of any security given in pursuance of this Act, the Court may, in addition to any other power for enforcing payment of the fine, direct the amount to be levied by distress or poinding and sale of the ship, her tackle, furniture, or apparel. An officer of customs in detaining a ship or

releasing a ship after detention in pursuance of this Act shall act upon such requisition or authority and under such regulations as the Commissioners of Customs may make with the consent of the Treasury.

Application of Act to British Possessions.

8.—(1.) An Order in Council may for the purpose of a Convention with a Foreign State apply this Act, subject to any exceptions or modifications not inconsistent with the provisions of this Act, to any British Possession, and this Act when so applied shall, subject to those exceptions and modifications, and subject as herein-after mentioned, have effect as if it were re-enacted with the substitution of such British Possession for the United Kingdom;

Provided that before it is applied to any British Possession named in the schedule to this Act the Government of such possession shall have adhered to the Convention.

(2.) Where this Act applies to a British possession, it shall not be necessary for the owner of any mail ship to give security in any court in that possession, and the provisions of this Act with respect to the jurisdiction of any court of the United Kingdom, other than any jurisdiction relating to the application of the security, shall apply as if a court in the British Possession were substituted for a court of the United Kingdom.

(3.) It shall be lawful for Her Majesty in Council to make rules for carrying into effect, as respects British Possessions, the provisions of this Act with respect to the security given by mail ships, and in particular with respect to the commencement of a legal proceeding by service of a writ or process in the Possession, and to the notices to be given to arresting authorities in the Possession, and the evidence to be receivable by such authorities of the security having been given or withdrawn, and the application of the security in discharge of any damages, fine, debt, claim, sum, or forfeiture, where the same are or is recovered or payable either in the British Possession, or under proceedings pending concurrently in that British Possession and in any other British Possession or the United Kingdom.

(4.) If by any law made either before or after the passing of this Act by the Legislature of any British Possession provision is made for carrying into effect within such Possession any convention to which this Act applies, Her Majesty in Council may suspend the operation within such Possession of this Act or of any part thereof so far as it relates to such convention, and so long as such law continues in force there, or direct that such law or any part thereof shall have effect in such British Possession with or without modifications and alterations as if it were part of this Act.

Definitions.

9. In this Act—

The expression "mail bag" means a mail of letters, or a box, or parcel, or any other envelope in which post letters within the meaning of the Acts relating to the Post Office, are conveyed;

The expression "subsidy" includes a payment for the performance of a contract;

The expression "master of a ship" includes any person in charge of a ship, whether commander, mate, or any other person;

The expression "ship of a Foreign State" means a ship entitled to sail under the flag of a Foreign State;

The expression "arresting authority" means any court, authority, or officer having power to arrest or detain a ship, or to arrest a person on board a ship, or to order such arrest or detention, or to order the execution of any process, civil or criminal, for the arrest of a person on board any ship;

The expression "postal officer" means any person employed in the business of the Post Office of the United Kingdom or a British Possession or Foreign State, as the case may be, whether employed by the Postmaster General, or the chief of the Post Office of the British Possession, or the chief of the Post Office of the Foreign State, or by any person under him, or on behalf of any such Post Office.

Short title.

10. This Act may be cited as the Mail Ships Act, 1891

Section 8.

SCHEDULE.

BRITISH POSSESSIONS TO WHICH ACT IS APPLICABLE ONLY UPON THE GOVERNMENT ADHERING TO CONVENTION.

British India.
Dominion of Canada.
Newfoundland.
New South Wales.
Victoria.
South Australia.
Western Australia.
Queensland.
Tasmania.
New Zealand.
Cape of Good Hope.
Natal.

CHAPTER 32.

An Act to amend the Law relating to Roads and Streets in Police Burghs in Scotland. [21st July 1891.]

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:

Short title.

1. This Act may be cited as the Roads and Streets in Police Burghs (Scotland) Act, 1891.

Police burgh may assume management of highways within it.

2. It shall be lawful for the commissioners of any police burgh, at a meeting summoned for the purpose on not less than one month's notice by special advertisement in any newspaper published or circulating in the police burgh, to resolve, if they think fit, to undertake the management and maintenance of the highways within the police burgh, and it shall be lawful for the county council or county councils of any county or counties within which a police burgh is situated, at a meeting summoned for the purpose