2. That in the Case of any other Male Offender the Number of Strokes do not exceed Fifty at each such Whipping:
3. That in each Case the Court in its Sentence shall specify the Number of Strokes to be inflicted and the Instrument to be used:

Provided that in no Case shall such Whipping take place after the Expiration of Six Months from the passing of the Sentence; provided also, that every such Whipping to be inflicted on any Person sentenced to Penal Servitude shall be inflicted on him before he shall be removed to a Convict Prison with a view to his undergoing his Sentence of Penal Servitude.

CAP. XLV.

An Act for making a new Street from *Blackfriars* to the *Mansion House* in the City of *London* in connexion with the Embankment of the River *Thames* on the Northern Side of that River; and for other Purposes. [13th *July* 1863.]

25 & 26 Vict. c. 93.

'WHEREAS by The *Thames* Embankment Act, 1862, herein-after called the 'Embankment Act of 1862, the Metropolitan Board of Works, herein-after called 'the Board, are authorized to make an Embankment on the Left Bank of the *Thames* from '*Westminster Bridge* to the Eastern Boundary of the *Inner Temple*, and a Viaduct thence to '*Blackfriars Bridge*, with a public Roadway on the Embankment and on the Viaduct:

'And whereas, for the Purpose of improving the Metropolis and of providing a convenient 'Communication for Traffic to the Eastward of the said Roadway, it is expedient that the 'Board should also be authorized to make, in continuation of the said Roadway, the new 'Street in the City of *London* herein-after described:

24 & 25 Vict. c. 42.

'And whereas by The *London* Coal and Wine Duties Continuance Act, 1861, a Fund, 'called the *Thames* Embankment and Metropolis Improvement Fund, was established out of 'the Proceeds of certain local Coal and Wine Duties thereby continued until the Fifth 'Day of *July* One thousand eight hundred and seventy-two, and was thereby directed to 'be applied to the Improvement of the Metropolis in such Manner as might thereafter be 'determined by Parliament:

'And whereas by the Embankment Act of 1862 the Expenses of the said Embankment 'on the Left Bank were charged upon the said Improvement Fund, subject to certain prior 'Charges thereon; and it is expedient that the Expenses of the said intended new Street 'should likewise be charged on that Fund:

'And whereas the Objects of the present Act cannot be effected without the Authority 'of Parliament:

'And whereas Plans and Sections of the intended new Street, and Works connected 'therewith, showing the proposed Situation, Lines, and Levels thereof, and the Lands 'intended to be or which may be taken for the Purposes thereof, and a Book of Reference 'to the same Plans, containing the Names of the Owners or reputed Owners, Lessees or 'reputed Lessees, and Occupiers of the same Lands, have been deposited at the Office of 'the Clerk of the Peace for the City of *London*, and the same are herein-after referred to 'as the deposited Plans, Sections, and Book of Reference:'

May it therefore please Your Majesty that it may be enacted; and 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:

Works.

Power to Board to make new Street.

1. The Board may, in the Situation and Line, and according to the Levels, and within the Limits of Deviation, and on the Lands, defined in the deposited Plans, Sections, and Book of Reference, make the Street herein-after described; namely,—

A Street commencing in the Precincts of *Whitefriars* and *Bridewell*, and Parishes of *Saint Bridget* otherwise *Saint Bride*, and *Saint Ann Blackfriars*, or some or One of them, in the

the City of *London*, in or out of *New Bridge Street*, at or near the Portion of *New Bridge Street* called *Chatham Place*, and terminating in the Parishes of *Saint Mary Woolchurch Haw* and *Saint Mildred Poultry*, or One of them, in the City of *London*, at or in the Streets called the *Poultry*, *Mansion House Street*, and *Charlotte Row*, in the City of *London*, at or near the *Mansion House*:

which is herein-after referred to as the new Street.

As to Works connected with new Street.

2. Subject to the Provisions of this Act, and in accordance with the deposited Plans, or within the Limits thereon defined, the Board in connexion with the new Street, and as Part of the Works by this Act authorized, herein-after referred to as the Works, and for the Purposes thereof, may make Junctions and Communications with any existing Streets which may be intersected or interfered with by or be contiguous to the new Street, and may make Diversions, Widenings, or Alterations of Lines or Levels of any existing Streets for the Purpose of connecting the same with the new Street, or of crossing under or over the same, or otherwise, and may remove, destroy, alter, divert, stop up, inclose, use, or appropriate all or any Part of any Street, Square, Place, Court, Alley, or Passage, whether a Thoroughfare or not, or of any Thoroughfare, Road, Lane, or Way, or of any Stream, Drain, Sewer, Watercourse, void Ground or other Property, within the Limits of lateral Deviation defined on the deposited Plans, the Board providing a proper Substitute before interrupting the Flow of Sewage in any Drain or Sewer.

As to widening Bennett's Hill and Queen Street, Cheapside.

3. The Board shall widen the Street called *Bennett's Hill*, so that the same may, at its Junction with the new Street, and to the Extent of the Property purchased by the Board abutting on *Bennett's Hill*, be of the Width of Thirty-five Feet at the least; and the Board shall also widen the Street called *Queen Street, Cheapside*, so that such Street may, to the Extent of the Property purchased by the Board abutting on that Street, be of the Width of Fifty Feet at the least.

Power to deviate from Levels defined on deposited Plans.

4. In making the new Street the Board may deviate to any Extent not exceeding Five Feet from the Levels defined on the deposited Sections, and may deviate from the Line of the new Street within the Limits of Deviation defined on the deposited Plans, but the Board shall not deviate beyond the last-mentioned Limits without the Consent of the Person or Body through whose Lands any such Deviation is made.

Proviso as to vertical Deviation.

5. Where the new Street will pass under the Line of Railway No. 2 (City Section) authorized by the *London, Chatham, and Dover* Railway (Metropolitan Extensions) Act, 1860, or any other Railway which Parliament may in the present Session authorize to be made in lieu of that Line, the Board shall not, in making the new Street, deviate upwards from the Levels thereof shown on the deposited Section.

Provision where there are concurrent Powers of Purchase of Lands.

6. In any Case in which the Board under this Act, and any Company or Companies from Time to Time authorized to construct such Railway as aforesaid, have concurrent Powers for the Purchase of Lands, those Powers shall not be exercised by either Party until after Seven Days Notice in Writing of the Intention to exercise such Powers has been given to the other Party; and if within Seven Days after such Notice the Party to whom Notice is given shall object to the Exercise of such Powers by the other, then as to the Lands referred to in the Notice neither of those Parties shall exercise any Powers of Purchase until it has been referred to the Board of Trade to decide whether any, and if so what, Portion of such Lands are to be purchased by each or either of them; and the Board of Trade shall, on the Application of either Party, forthwith decide, or appoint an Arbitrator to decide, any such Question in such Manner as may appear to the Board of Trade or to such Arbitrator to be most expedient with a view of enabling both Parties to execute their respective Undertakings as authorized.

As to Junction between new Street and Approach to new Blackfriars Bridge to be made under 26 & 27 Vict. c. lxii.

7. The Works of the Board and of the Mayor, Aldermen, and Commons of the City of *London* at the Junction of the new Street with the Approach to the new *Blackfriars Bridge* to be made under The *Blackfriars Bridge* Act, 1863, shall be settled by the Engineers of the Board and of the said Mayor, Aldermen, and Commons, or, in case of Dispute between them, by some competent Person to be appointed by the Board of Trade on the Application of the Board, or of the Mayor, Aldermen, and Commons.

8. In

As to Alteration of Gas and Water Pipes.

8. In making the new Street and Works the Board may raise, sink, or otherwise alter the Position of any Watercourse, Water Pipe, or Gas Pipe belonging to or connected with any House or Building adjoining or near to the new Street or Works, and also any Main or other Pipe laid down or used by any Company for carrying a Supply of Water or Gas, and also any Pipe, Tube, Wire, or Apparatus laid down for telegraphic or other Purposes, and may remove any other Obstruction, causing as little Detriment and Inconvenience as Circumstances admit to any Company, Person, or Body, and making reasonable Compensation to any Person who suffers Damage by any such Alteration.

Power to make Sub-way.

9. The Board may make under the new Street an arched Passage or covered Way, herein-after called the Sub-way, for such Purposes as they think fit, with all Communications, Works, and Things necessary or proper for the convenient Use thereof; and the same Sub-way, Communications, Works, and Things shall be deemed Part of the Works authorized by this Act, and the same shall (notwithstanding anything herein contained) belong to and be vested in the Board, and shall be maintained and repaired by the Board in manner provided by Section Twenty-two of the Embankment Act of 1862, respecting the Embankment therein mentioned; and the Board may permit the Use of the Sub-way for the Purpose of the laying down of Gas or Water Pipes, or Telegraphic Wires, or for any other like Works or Purpose, on such Terms and Conditions and for such Period as the Board and any Company or Person may mutually agree; and the Board may sell, convey, or demise any Right to any Company or Person for any of the Purposes aforesaid, and may make such Stipulations for preventing Injury to the adjoining Property, and for the Security of the Public, as the Board think proper, and may agree to refer to Arbitration any Matter in difference under the present Provision.

Power to set out Footway.

10. The Board may cause such Part of the new Street to be laid out for Carriageway, and such Part thereof for Footway, as they think proper.

Ground laid open into new Street to form Part thereof, and to be under the Care of Commissioners of Sewers.

11. When the new Street is paved and completed, of which Completion a Certificate, signed by the First Commissioner of Her Majesty's Works and Public Buildings, and delivered to the Clerk of the Commissioners of Sewers for the City of *London*, shall be for all Purposes conclusive Evidence, all the Ground laid open into the new Street shall be deemed to form Part thereof, and may be used by the Public accordingly; and thenceforth the new Street, with the sole Power, Authority, and Duty of paving, repairing, cleansing, and lighting the same, and for those Purposes of rating Hereditaments within the same, shall be under the Care, Management, Control, and Jurisdiction of the said Commissioners of Sewers.

Lands.

Power to Board to take Lands defined in deposited Plans. 8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated..

12. The Board may enter upon, take, and use, for the Purposes of this Act, any of the Lands defined in the deposited Plans and Book of Reference; and the Lands Clauses Consolidation Act, 1845, with the Exception of Sections Thirty-four and Ninety-two, (relating to the Costs of Arbitrations, and to the taking of Parts of Buildings, and to Matters connected therewith respectively,) and the Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Act; and for the Purposes of this Act anything by the last-mentioned Acts, or either of them, required or authorized to be done by Two Justices, shall or may be done by Two Aldermen of the City of *London* acting together, or by the Lord Mayor or the Recorder of the said City acting alone.

Sections 23, 24, and 40 of 25 & 26 Vict. c. 93. incorporated.

13. There shall be incorporated with this Act Sections Twenty-three, Twenty-four, and Forty of the Embankment Act of 1862 (relating to the taking of Parts of Lands, and to the Correction of any Errors in the Book of Reference, and to the Costs of Arbitrations, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act.

Power to Board to purchase and extinguish Easements.

14. The Board may purchase any Easement which they may require to extinguish for the Purposes of this Act; and for the Purposes of every such Purchase the Term "Lands" in the said Lands Clauses Consolidation Act, shall be deemed to include Easements.

15. If

15. If the Board, in the Course of the Construction of the Works hereby authorized, shall interrupt the Course of any Main or other Sewer or Drain, or the Flow of Sewage therefrom, the Board shall, until the Low Level Sewer is available, provide a proper and sufficient Substitute before the Flow of Sewage in any such Sewer or Drain is so interrupted. As to Interference with Sewers.

16. Until the Completion of the Works, the deposited Plans, Sections, and Book of Reference shall remain in the Office in which they are deposited, and all Persons may at all reasonable Times inspect the same at their Pleasure, paying One Shilling for each Inspection. Custody of deposited Plans.

17. The Powers of the Board for the compulsory Purchase of Lands under this Act shall not be exercised after the Expiration of Five Years from the passing of this Act. Powers for compulsory Purchases limited.

18. The Board shall not enter upon the Office of the Equitable Assurance Society until the Expiration of Six Calendar Months after the Time of giving Notice by the Board of their Intention to take the same. For Protection of the Equitable Assurance Company.

19. Notwithstanding anything in this Act contained, it shall not be lawful for the Board to take, use, or in any Manner interfere with any Property forming Part of or used or occupied for the Purposes of or in connexion with Her Majesty's Court of Probate and Court for Divorce and Matrimonial Causes, or the Principal Registry of the said Court of Probate, or any Office connected with the said Courts or Registry respectively, or which the Commissioners of Her Majesty's Works and Public Buildings have purchased or hired, or are authorized to purchase or hire, for the Purposes of the said Courts or Registry respectively, without the Consent in Writing of the Commissioners of Her Majesty's Treasury first had and obtained, which Consent the said Commissioners are hereby authorized to give on such Terms and subject to such Conditions as they may think fit to prescribe. Board not to interfere with Principal Probate Registry and Probate Court without Consent of Treasury.

20. There shall be incorporated with this Act Sections Thirty-two to Thirty-eight (both inclusive) of the Embankment Act of 1862 (relating to Leases and Sales of Land by the Board, and to the Application of Money arising therefrom, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act. Sections 32 to 38 of 25 & 26 Vict. c. 93. incorporated.

21. Before the Board sell any superfluous Lands adjoining any public Street under the Control of the Commissioners of Sewers, the Board shall give Notice to such Commissioners, and such Commissioners may within Two Months after such Notice require the Board to sell to them such Quantity of Land as may be necessary for widening any such Street to a Width not exceeding Thirty-five Feet; and the Provisions of the Thirty-fifth Section of the Embankment Act of 1862 shall not extend to any such Lands in respect of which such Requisition may be made by the said Commissioners, and the Price shall in case of Dispute be settled in manner provided by the Thirty-sixth Section of such Act. As to certain Lands required for widening side Streets.

Money.

22. The Powers of borrowing Money vested in the Board under the Embankment Act of 1862, and the Provisions of that Act relating thereto, shall be deemed to extend and apply to this Act; and the Board may, under those Powers, borrow, on the Security of the *Thames* Embankment and Metropolis Improvement Fund, Money to the Extent of Two million Pounds, instead of to the Extent only of One million Pounds; and the Board shall apply all Monies so borrowed for the Purposes of the Undertakings authorized by the Embankment Act of 1862, and this Act, or either of them; but nothing in this Act shall affect the Security of any Person or Body who has before the passing of this Act lent any Money to the Board in pursuance of the Embankment Act of 1862; and Lands or Property acquired by the Board under the Embankment Act of 1862, or this Act, may be made, either with the said Improvement Fund or alone, a Security for any Money so borrowed. Power to Board to borrow Money for Purposes of this Act and of the Act of 1862 jointly.

23. Notwithstanding anything in the Embankment Act of 1862 contained (and subject to the Provision herein-after contained for Payment of the Costs, Charges, and Expenses of Appropriation of Improvement Fund.

of and incidental and preliminary to the obtaining of this Act, or incurred by the Board in relation thereto), all Money forming Part of the *Thames* Embankment and Metropolis Improvement Fund at the passing of this Act, or becoming Part of that Fund after the passing of this Act, shall be paid by the Commissioners of Her Majesty's Treasury to the Board as the Board may by Writing under their Seal require, and shall be applied by the Board as follows:—

First, in satisfying all Charges on the said Improvement Fund created under the Embankment Act of 1862 before the passing of this Act:

Secondly, in satisfying all Charges thereon to be created under this Act:

Thirdly, in paying the Expenses from Time to Time incurred in respect of the Undertakings authorized by the Embankment Act of 1862, and this Act, or either of them:

Lastly, in the Improvement of the Metropolis in such Manner as may hereafter be determined by Parliament.

Miscellaneous.

Determination in case of disputed Compensation.

24. The Amount and Application of any Compensation payable by the Board in any Case under this Act shall be determined in the Manner provided by The Lands Clauses Consolidation Act, 1845, for Determination of the Amount and Application of Compensation for Lands taken or injuriously affected under that Act, subject nevertheless to the Provisions of the next following Section.

Questions of disputed Compensation, where Juries required, to be determined in Lord Mayor's Court.

25. Where any Question of disputed Compensation under this Act is required to be determined by the Verdict of a Jury, the Jury shall be required to appear before the Court of the Mayor and Aldermen of the City of *London* to be holden in the Outer Chamber of the *Guildhall* of the said City, according to the Custom of the said City, at a Time to be appointed by the said Court; and all the Provisions of The Lands Clauses Consolidation Act, 1845, with respect to the Settlement of Questions of disputed Compensation by Juries, appearing before the Sheriff, Coroner, or other Person, shall extend and be applied with respect to the Settlement of any such Question of disputed Compensation under this Act by Juries appearing before the said Court; and the said Court shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and a Verdict and Judgment shall be signed by the Registrar of the said Court, and entered among the Records of the said Court; and the said Registrar shall settle the Costs of every such Inquiry.

Sections 50 to 52 of 25 & 26 Vict. c. 93. incorporated.

26. There shall be incorporated with this Act Sections Fifty, Fifty-one, and Fifty-two of the Embankment Act of 1862 (relating to the Application of Penalties, and to Actions, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act.

Extension to this Act of general Powers of Board.

27. The Board shall have and may exercise, for and in the Execution of this Act, all such Powers, Privileges, and Authorities as are conferred on the Board by the Acts constituting and regulating the Board (save that the Board shall not apply any Money raised under those Acts in or towards the Construction or Execution of any Work authorized by this Act), and, as far as may be, the Provisions of those Acts shall apply for the Purposes and in the Execution of this Act; and there shall be incorporated with this Act Section Seven of the Embankment Act of 1862 (relating to a Committee of the Board); and for this Purpose the Term "this Act," and Words of Reference thereto, used in the last-mentioned Section, shall be taken to mean or refer to the present Act.

Saving Rights of Commissioners of Sewers.

28. Nothing in this Act contained shall in any Manner prejudice or affect any of the Powers of the Commissioners of Sewers of the City of *London* further than may be necessary for effecting the Works by this Act authorized; and any Expense which such Commissioners may incur in making any additional Sewers or Drains, or altering any existing Sewers or Drains (not being Main Drains), in consequence of the Removal, Destruction, Alteration, or Diversion or stopping up any existing Sewers or Drains, shall be repaid to them by the Board.

Short Title.

29. This Act may be cited as "The Metropolis Improvement Act, 1863."

30. All

30. All the Costs, Charges, and Expenses of and incidental and preliminary to the obtaining of this Act, or incurred by the Board in relation thereto, shall be paid out of the *Thames* Embankment and Metropolis Improvement Fund; and the Commissioners of Her Majesty's Treasury shall apply such Sums as may be necessary for this Purpose accordingly, out of the Money forming Part of that Fund at the passing of this Act. Expenses of Act.

CAP. XLVI.

An Act for further continuing and appropriating the *London* Coal and Wine Duties. [13th *July* 1863.]

'WHEREAS by The *London* Coal and Wine Duties Continuance Act, 1861, the Local Coal and Wine Duties therein mentioned, being Four Shillings a Tun on Wines, and One Penny and Twelvepence a Ton on Coals, Culm, and Cinders, were continued until the Fifth Day of *July* One thousand eight hundred and seventy-two; and by the same Act the Proceeds of the said Wine Duty, and of the said Coal Duty of One Penny, and of the Duty of Eightpence, Part of the said Coal Duty of Twelvepence, were directed (after Satisfaction of certain Charges) to be paid to an Account to be opened in the Name of the Commissioners of Her Majesty's Treasury at the Bank of *England*, to be intituled The *Thames* Embankment and Metropolis Improvement Fund, and to be applied to the Improvement of the Metropolis in such Manner as might thereafter be determined by Parliament: 24 & 25 Vict. c. 42.

'And whereas by the same Act the Proceeds of the Duty of Fourpence, Residue of the said Coal Duty of Twelvepence (after Payment of certain Charges thereon), were directed to be applied by the Mayor, Commonalty, and Citizens of the City of *London* towards or in aid of such Public Improvements in or adjacent to the said City as Parliament should thereafter sanction:

'And whereas by The *Thames* Embankment Act, 1862, the Metropolitan Board of Works were authorized to make an Embankment on the Left Bank of the *Thames* from *Westminster Bridge* to the Eastern Boundary of the *Inner Temple*, and a Viaduct thence to *Blackfriars Bridge*, with a public Roadway on the Embankment and on the Viaduct: 25 & 26 Vict. c. 93.

'And whereas by the said Embankment Act of 1862 it was provided that (subject to certain Charges) all Expenses incurred in carrying that Act into effect should be defrayed out of the said Improvement Fund, or Money to be borrowed on the Security thereof, and the said Board were empowered to borrow on that Security any Sum not exceeding One million Pounds:

'And whereas a Bill has been introduced into Parliament in the present Session for making a new Street from *Blackfriars* to the *Mansion House* in the City of *London*, in connexion with the Embankment of the River *Thames* on the Northern Side of that River; and for other Purposes:

'And whereas, with a view of making a general Fund for defraying the Expenses of carrying into effect the Objects of the said Bill, as well as the Purposes of the Embankment Act of 1862, it is proposed by the said Bill that the said Board should be authorized to borrow under the Provisions of the Embankment Act of 1862 the Sum of Two million Pounds instead of the Sum of One million Pounds:

'And whereas several Works have been recommended for the Improvement of the Metropolis by the Commissioners appointed by Her Majesty to examine Plans for embanking the *Surrey* Side of the River *Thames* within the Metropolis, and by the Commissioners appointed to consider the Advantages and Cost of different Plans calculated to relieve the overcrowding of existing Thoroughfares, and to conduce to the Convenience of the Public and the Embellishment of the Metropolis:

'And