Discussion of the Report of the Proof; and when the Court shall alter any Finding of the Judge rejecting Evidence, they shall, if they think the Justice of the Case requires it, remit to have such Evidence taken; and where a Reference to Oath is made and sustained either by the Lord Ordinary before whom the Cause depends or by One of the Divisions of the Court, the Deposition shall be taken in one or other of the Modes above provided.

With Consent, Evidence in Causes now depending may be taken before the Lord Ordinary.

4. If both Parties consent thereto, or if special Cause be shown, it shall be competent to the Lord Ordinary to take Proof in the Manner above provided in Section First hereof, in any Cause which may be in Dependence before him, notwithstanding of the Provisions contained in the Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, Chapter One hundred and twenty, Section Twenty-eight, and the Provisions contained in the Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Thirty-six, Section Forty-nine, and the Judgment to be pronounced by him upon such Proof shall be subject to Review in the like Manner as other Judgments pronounced by him.

Procedure to be regulated by Act of Sederunt.

5. The Court of Session are hereby authorized and empowered to make from Time to Time such Orders and Regulations as to Forms of Process by Acts of Sederunt as they may consider necessary for carrying into execution the Purposes of this Act.

This Act not to affect 24 & 25 Vict. c. 86.

6. Nothing in this Act contained shall be held to affect "The Conjugal Rights (*Scotland*) Amendment Act, 1861."

Short Title.

7. This Act may be cited for all Purposes as "The Evidence (*Scotland*) Act, 1866."

CAP. CXIII.

An Act to amend the Act providing Superannuation Allowances to Officers of Unions and Parishes, and to make other Amendments in the Laws relating to the Relief of the Poor. [10th *August* 1866.]

'WHEREAS it is expedient that the Act providing Superannuation Allowances to Officers of Unions and Parishes should be amended, and that certain other Amendments should be made in the Laws regulating the Relief of the Poor in *England*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Registrars of Births and Deaths deemed Officers under 27 & 28 Vict. c. 42., and may be superannuated.

1. The Superintendent Registrar and the Registrar of Births and Deaths appointed in any Union or Parish shall be deemed an Officer within the Operation of the Statute Twenty-seventh and Twenty-eighth *Victoria*, Chapter Forty-two, and in computing the Salary of any Officer under that or the present Statute the Amount of the Emoluments of his Office on the Average of the Three Years concluded at the last preceding Quarter may be taken into the Calculation by the Guardians, Managers, or Overseers.

Provision for Relieving Officers who have also been Registrars.

2. Where any Relieving Officer of any Union or Parish shall have also held the Office of Registrar of Births and Deaths in the same Union or Parish, he shall not be disqualified from receiving a Superannuation Allowance in respect of such Office of Relieving Officer by reason of his having simultaneously held the Office of Registrar, and by reason of his having resigned his Office of Relieving Officer subsequent to the passing of the last-mentioned Act.

Managers of District Schools empowered to grant Super-

3. The Board of Management of any District School may exercise the same Power in respect of any Officer of such School in their Service as the Guardians of any Union can do under such last-mentioned Statute with like Consent as therein provided, and shall charge

charge any Allowance to be made by them to the Fund chargeable with the Payment of the Salaries of their Officers. annuation Allowances.

4. In any Case where the Poor Law Commissioners or the Poor Law Board shall have given or refused, or shall hereafter give or refuse, their Consent, Sanction, or Approval in any Matter where their Order under Seal shall not have been or shall not be expressly required, the Production of any written Document signed or purporting to be signed by a Secretary or Assistant Secretary of the said Commissioners or the said Board shall be *primâ facie* Evidence of the Decision of the said Commissioners or the said Board upon such Matter as aforesaid. Evidence of Consent of Poor Law Board.

5. So much of the Fourth Section of the Statute of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Ninety-one, as requires the Poor Law Board to issue an Order under their Seal in Cases where they direct any Surcharge or Disallowance made by an Auditor to be remitted, shall be repealed; and such Direction, if given in Writing under the Hand of the President of the said Board, and countersigned by a Secretary or Assistant Secretary, shall have the same Effect as if such Direction were given by such an Order as aforesaid. Remission of Surcharges and Disallowances need not be made by Order under Seal.

6. When the Poor Law Board shall require an Auditor to hold an Extraordinary Audit of the Accounts of any Guardians or Overseers, or of any Officer, whether still continuing or upon his Resignation or Removal from Office, such Audit shall be deemed to be an Audit within the Meaning of the several Acts relating to the Audit of the Accounts of the Poor Rate, and may be held after Three Days Notice thereof given in the usual Manner. Effect of an Extraordinary Audit.

7. The Auditor who shall be authorized to audit the Accounts of any Guardians, Overseers, or Officers may at any Time, when authorized or required by the Poor Law Board so to do, inspect the Accounts and Books of Account of any Guardians, Overseer, or any Officer liable to account to him; and any such Guardian, Overseer, or Officer who shall thereupon refuse to allow him to inspect the same, or shall obstruct him in such Inspection, or shall conceal any such Account or Book for the Purpose of preventing such Inspection, shall forfeit a Sum not exceeding Five Pounds, to be recovered as a Penalty under the Statute of the Fourth and Fifth of King *William* the Fourth, Chapter Seventy-six, and to be applied to the Use of the Parish or Union for which such Guardian, Overseer, or Officer respectively shall act. Auditor empowered to inspect Books at any Time.

8. The Proviso to Section Twenty-five of the said last-mentioned Statute of King *William* the Fourth shall be repealed, and in lieu thereof it is provided that the Principal Sum to be raised for the Purposes specified in such Section shall not exceed One Tenth of the average annual Amount of the Rates raised for the Relief of the Poor in any such Parish or Union to which such Section applies for the Three Years ending at the *Easter* next preceding the raising of such Money, and when the Board of Guardians of any Union or Parish shall deem it expedient to make any Enlargement, Alteration, or Improvement of their Workhouse, or the Premises, Drainage, or other Appurtenances belonging thereto, at a Cost not exceeding Five hundred Pounds, and the Poor Law Board shall give their Consent thereto, they shall not require any Order of that Board to enable them to execute the same. Part of Sect. 25. of 4 & 5 W. 4. c. 76. repealed, and another Proviso substituted.

9. Where any Sum of Money has been lawfully raised or borrowed for the Purpose of the Emigration of poor Persons, and the same shall not have been wholly expended for such Purpose, the Poor Law Board may, upon Application from the Overseers of the Parish for whose Use the Sum was raised or borrowed, by their Order under Seal, direct the unexpended Amount of such Sum, where it has not been raised by borrowing, to be applied in aid of the current Rate, and where it has been borrowed to be applied in reduction of the Balance of the Loan, or in aid of the current Rate, as the Case may require. Emigration Money how disposed of.

10. No Person shall be qualified to be appointed to be an Overseer of the Poor in any Parish who at the Time of the proposed Appointment shall be an Assistant Overseer of any Parish; and no Person being an Overseer of any Parish shall be qualified to be appointed an Assistant Overseer. Same Person not to be Overseer and Assistant Overseer.

11. If

One Overseer only may be appointed for small Parishes.

11. If it shall appear to the Justices who are required to appoint Overseers that Two Overseers cannot be conveniently appointed from the Inhabitant Householders in any Parish, such Justices may appoint One Overseer only, and if it shall appear to them that there is no such Householder liable or fit to be appointed, they shall appoint some Inhabitant Householder of an adjoining Parish willing to serve to be such Overseer, either with or without an annual Salary to be paid out of the Poor Rate of the Parish, which last-mentioned Appointment shall endure until the usual Time of the Appointment of Overseers, and may be renewed from Year to Year as long as the Justices shall find necessary.

As to Churchwarden and Overseer.

12. In any Parish the same Person may hold jointly the Offices of Churchwarden and Overseer.

Sect. 10. of 13 & 14 Vict. c. 101. extended to the County Rate.

13. The Provisions of the Tenth Section of the Statute of the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred and one, shall extend to the County Rate or other Rate in the Nature of a County Rate levied upon the Part of the Parish therein described, situated without the Borough, and the Auditor shall have the same Power, and be under the same Obligation, to allow or disallow Accounts audited by him under the Provisions of the Third Section of the Statute of the Twelfth and Thirteenth Years of Her Majesty, Chapter Sixty-five, and of the Thirty-third Section of the Statute of the Fifteenth and Sixteenth of Her Majesty, Chapter Eighty-one, and to surcharge, certify, and recover all such Sums as he shall find due from the Persons accounting or making or authorizing any Payment, with the like Right of Appeal to any Person aggrieved by his Decision, as in the Case of the Poor Rate; and the Poor Law Board may, as and when they shall see fit, make Regulations for the keeping of the said Accounts herein-before mentioned or referred to.

Provision for educating Children in the Religion to which they belong.

14. That if the Parent, Step-parent, nearest adult Relative, or Next of Kin of any Child not belonging to the Established Church, relieved in a Workhouse or in a District School, or in case there should be no Parent, Step-parent, nearest adult Relative, or Next of Kin, then the God-parent of such Child, make Application to the said Board in such Behalf, the Board may, if they think fit, order that such Child shall be sent to some School established for the Reception, Maintenance, and Education of Children of the Religion to which such Child shall be proved to belong, and duly certified by the Poor Law Board under the Statute of the Twenty-fifth and Twenty-sixth *Victoria*, Chapter Forty-three; and the Guardians of the Union or Parish to which such Child shall be chargeable shall, according to the Terms of such Order, cause the Child to be conveyed to such School and pay the Costs and Charges of the Maintenance, Lodging, Clothing, and Education of the said Child therein, and all the Provisions of the said Statute shall thenceforth apply to the said Child.

Persons relieved out of the Workhouse refusing to perform Task of Work rendered liable to be punished under the 5 G. 4. c. 83.

15. When the Guardians of any Union or Parish shall prescribe a Task of Work to be performed by any poor Person, to whom, or to whose Wife, if he be liable to maintain such Wife, or Child, whether legitimate or illegitimate, under the Age of Sixteen, Relief shall have been lawfully granted by such Guardians out of the Workhouse, such Task being suited to the Age, Sex, Strength, and Capacity of such Person, and being of a Nature and Description of which the Poor Law Board shall have previously approved, and such Person shall refuse or wilfully neglect to perform such Task, or shall wilfully destroy or damage any of the Tools, Materials, or other Property belonging to the said Guardians, he shall be deemed to be an idle and disorderly Person within the Meaning of the Eighty-third Chapter of the Statute of the Fifth Year of King *George* the Fourth, and shall be liable to be prosecuted and punished in the Manner therein provided in respect of idle and disorderly Persons; and the Fifty-ninth Section of the One hundred and first Chapter of the Statute of the Seventh and Eighth Years of Her present Majesty shall apply to any such Prosecution.

The Limits imposed by Sect. 51. of 7 & 8 Vict. c. 101. and Sect. 6. of

16. So much of the Fifty-first Section of the said last-mentioned Statute as limits the Distance within which Children may be sent to the School of any District formed under the said or any subsequent Statute from any Parish or Union not combined therein, and so much of the Sixth Section of the Statute of the Fourteenth and Fifteenth Years of Her

Majesty,

Majesty, Chapter One hundred and five, as limits the Distance within which Children may be sent from one Workhouse to another, are hereby repealed. 14 & 15 Vict. c. 105. withdrawn.

17. In Clause Three of the Statute Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Fifty-five, One Year shall be substituted for Three Years. Sect. 3. of 24 & 25 Vict. c. 55. amended.

18. In all Statutes, except there shall be something in the Context inconsistent therewith, the Word "Parish" shall among other Meanings applicable to it signify a Place for which a separate Poor Rate is or can be made, or for which a separate Overseer is or can be appointed, and all the other Words used herein shall be construed in the like Manner as in the said Statute passed in the Fourth and Fifth Years of King *William* the Fourth; and the Provisions contained therein and in the subsequent Statutes explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Statute. Interpretation of Terms, and Consolidation of the Acts.

19. This Act may be cited and described for all Purposes as "The Poor Law Amendment Act of 1866." Short Title.

CAP. CXIV.

An Act to amend the Public Libraries Act. [10th *August* 1866.]

'WHEREAS it is expedient to amend the Public Libraries Act, 1855, and to 'assimilate the Laws relating to Public Libraries in *England* and *Scotland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 18 & 19 Vict. c. 95.

1. So much of the Section Fifteen of the said Public Libraries Act, 1855, as incorporates with that Act certain Clauses of the Towns Improvement Clauses Act, 1847, shall, so far as the same relates to or concerns Municipal Boroughs, be repealed. Towns Improvement Clauses Act not to apply to Boroughs.

2. Section Five of the said Act, except so much thereof as relates to keeping distinct Accounts, shall be repealed; and the Expenses incurred in calling and holding the Meeting, whether the said Act shall be adopted or not, and the Expenses of carrying the said Act into execution in any Municipal Borough, may be paid out of the Borough Rate of such Borough, or by and out of a Rate to be made and recovered in such Borough, in like Manner as a Borough Rate may be made and recovered therein; but the Amount so paid in such Borough in any One Year shall not exceed the Sum of One Penny in the Pound upon the annual Value of the Property in such Borough rateable to a Borough Rate: Provided always, that nothing in this Act shall interfere with the Operation of the Act Twenty-eighth and Twenty-ninth *Victoria*, Chapter One hundred and eight, so far as it relates to the Collection of a Rate for a Public Library in the City of *Oxford*. Part of Sec. 5. of recited Act repealed. Expenses of executing Act in Boroughs to be paid out of Borough Fund.

3. The Public Meeting mentioned in Section 4 of the said Public Libraries Act, 1855, shall be called either on the Request of the Town Council, or on the Request in Writing of Ten Ratepayers residing in the Borough. Calling of Meeting in Boroughs.

4. Any Parish, of whatever Population, adjoining any Borough, District, or Parish which shall have adopted or shall contemplate the Adoption of the said Public Libraries Act, 1855, may, with the Consent of more than One Half of the Ratepayers thereof present at a Meeting to be convened in manner directed by the said Act with reference to Meetings of Ratepayers, and with the Consent also of the Town Council of such Borough, or the Board of such District, or the Commissioners of such Parish, as the Case may be, determine that such adjoining Parish shall for the Purposes of the said Act form Part of such Borough, District, or Parish, and thereupon the Vestry of such adjoining Parish shall forthwith Parishes adjoining a Borough, &c. may unite in adopting Act.