CAP. IX.

An Act to amend the Acts relating to the Advance of Public Money to promote the Improvement of Land. [14th *March* 1856.]

'WHEREAS Acts authorizing and regulating the Advance of Money for the Improvement of Land were passed in the Sessions of Parliament holden in the Ninth and Tenth Years of the Reign of Her Majesty, Chapter One hundred and one, in the Tenth Year of Her Majesty, Chapter Eleven, in the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and nineteen, in the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Thirty-one, and in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-one: And whereas it is expedient that the Provisions of the said Acts should be amended:' 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: 9 & 10 Vict. c. 101. 10 Vict. c. 11. 11 & 12 Vict. c. 119. 12 & 13 Vict. c. 100. 13 & 14 Vict. c. 31. 14 & 15 Vict. c. 91.

I. Sections Eight and Seventeen of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, shall be repealed, and the said Act shall be read as if the following Enactment had been therein inserted instead of the said Section Seventeen; that is to say, If the Commissioners shall think that an Advance in respect of the whole or of a proportional Part of the Cost of such Works would be expedient, they may apply to the Commissioners of the Treasury for their Sanction for them to issue to the Owner of Land by whom such Application shall have been made, or, in case his Interest shall have determined, to the Owner of such Land for the Time being, a Provisional Certificate, and such Provisional Certificate shall declare that upon its being shown to the Satisfaction of the Commissioners that the proposed Works have been executed according to the Plan and Specification annexed to the Report of the Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, in a substantial and durable Manner, the Commissioners will cause an Advance to be issued to an Amount not exceeding the Amount of the whole or of such proportional Part as in such Provisional Certificate shall be expressed of the Expenses which shall have been actually incurred in such Drainage, but limited not to exceed a certain Sum in such Provisional Certificate to be expressed: Provided always, that in case the Commissioners, upon the Investigation of such Application, shall be of opinion that the Amount and Permanence of the Improvement which will be effected by the proposed Drainage in the annual Value of the Land will be such that all or a Part of the Expenses of the Investigation of the Application, and of the Expenses of inspecting and ascertaining the due Execution of the Works, should be a Charge on the Land to which the Application shall relate, the Commissioners may by the Provisional Certificate direct that all or such Part as in such Provisional Certificate may be expressed of the Expenses of such Investigation, and of inspecting and ascertaining the due Execution of the Works, may be included in the Expenses in respect of which such Loan, and the Advances on account thereof, shall be made.

Sections 8. and 17. of 9 & 10 Vict. c. 101. repealed.

If Commissioners think an Advance expedient, they may issue a Provisional Certificate, with the Sanction of the Treasury.

Expenses of Investigation may be charged upon the Land, if Commissioners shall think fit.

II. The Allowances and Expenses to any Assistant Commissioner, Surveyor, Engineer, or other Person employed under the Provisions of the first-recited Act or any other Acts for the Drainage and Improvement of Land may, if the Commissioners shall think fit, with the Consent of the Commissioners of the Treasury, be by way of Per-centage upon the Amount or Amounts in respect of which any such Assistant Commissioner, Surveyor, Engineer, or other Person employed as aforesaid may report to the Commissioners.

Expenses of Assistant Commissioner and others may be by way of Per-centage.

III. Section Twenty-eight of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and Section Six of the said Act of the Tenth Year of Her Majesty, Chapter Eleven, shall be repealed; and when the Commissioners shall be satisfied by the Report of a Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, or otherwise, that the Works referred to in any such Provisional Certificate have been executed according to the Terms and Conditions of such Provisional Certificate, or that some Part thereof has been executed, which will, independently of the Part remaining unexecuted,

Section 28. of 9 & 10 Vict. c. 101. and Section 6. of 10 Vict. c. 11. repealed.

Commissioners, when satisfied of the Execution of the Works,

may issue Certificate for an Advance under this Act.

unexecuted, be durable and effectual, and produce an Improvement in the yearly Value of the Land exceeding the Amount of the yearly Charge which can be made in respect of an Advance, and shall be satisfied by such Report or otherwise that such Expense has been actually incurred as will justify the Advance according to the Terms of the Provisional Certificate, the Commissioners shall issue a Certificate of Advance under their Seal, and such Certificate shall specify the Land in respect of which such Advance is to be made, and shall certify that such Sum as therein mentioned should be issued to the Person therein named in respect of the Drainage of such Land.

Power to Treasury to direct Advances to be made.

IV. The Commissioners of the Treasury, upon the Application of the Commissioners, may from Time to Time direct the Comptroller of Her Majesty's Exchequer to give the necessary Issue to the Commissioners (whether by a Credit on the growing Produce of the Consolidated Fund or by Exchequer Bills) to enable them to make Advances under the said Acts; and the said Comptroller General is hereby required, upon the Receipt of such Direction, either to give a Credit on the Exchequer Funds at the Bank of *England* to the Commissioners, or to issue to them, or cause to be placed to their Account at the Bank of *England*, Exchequer Bills for the Amount specified in such Direction from the Treasury; and the said Commissioners shall upon such Exchequer Credits or the Produce of the Sale of such Exchequer Bills give Warrants or Orders under their Seal to the Governor and Company of the Bank of *England* to pay from the "Drainage Advances and Repayments Account," to the respective Parties named in such Warrants or Orders, the Sums specified therein.

Commencement of Rentcharge.

V. In case such Warrant or Order shall not be presented for Payment before the Sixth Day of *April* or the Tenth Day of *October*, whichever shall first respectively happen, next after the Date of such Warrant or Order, the Land comprised in the Certificate of Advance in respect of which such Warrant or Order shall have been given shall be charged in such and the same Manner as if such Warrant or Order had been presented and an Issue made thereon prior to such Sixth Day of *April* or Tenth Day of *October* first happening as aforesaid; and where any Warrant or Order already issued has not been presented, the Land comprised in the Certificate of Advance in respect of which such Warrant or Order has been given shall be charged in such and the same Manner as if such Warrant or Order had been presented and an Issue made thereon prior to the Sixth Day of *April* or the Tenth Day of *October* first happening after the passing of this Act.

Section 29. of 9 & 10 Vict. c. 101. repealed.

In case of Advances in respect of Lands in Scotland Commissioners to deliver Certificate to Owner.

VI. Section Twenty-nine of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, shall be repealed; and in the Case of Advances proposed to be made under this or the said recited Acts in respect of Lands in *Scotland*, the said Commissioners shall deliver the Certificate of Advance to the Owner of the said Lands or Party applying for such Advance; and the said Owner or Party shall thereafter cause the said Certificate to be duly registered in the General or Particular Register of Sesines, and shall thereafter return the same to the said Commissioners, with an Endorsement thereon by the Keeper of the said Register, which the said Keeper is hereby authorized and required to grant, certifying that the same has been duly registered.

Certificates of Advance to be deposited.

VII. All Certificates of Advance issued by the Commissioners shall be retained by them, and deposited with the Records of their Office.

Upon Apportionment, Part of Lands may be freed from Rentcharge.

VIII. Upon any Apportionment of Rentcharge it shall be lawful for the Commissioners, if they shall see fit, to apportion such Rentcharge upon Parts only of the Land comprised in the Certificates of Advance to the Exclusion of the other Lands comprised therein, and such Lands so excluded shall after such Order of Apportionment be absolutely exonerated and discharged from the Payment of any Part of such apportioned Rentcharges.

Part of s. 2. of 10 Vict. c. 11. repealed.

Commissioners may issue and advance notwithstanding Deviation.

IX. So much of the Second Section of the Tenth Year of Her Majesty, Chapter Eleven, as relates to an Advance, shall be repealed; and it shall be lawful for the Commissioners to issue an Advance in respect of any Works, notwithstanding Deviations therein from the proposed Manner of effecting the Drainage, if such Deviation shall appear to the Commissioners to be expedient, and productive of Improvement as permanent and of as great yearly Amount as the Manner at first proposed.

X. The

X. The Commissioners to issue and deliver Certificates of Redemption under the Forty-fifth Section of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and to declare that the Rentcharge shall continue a Charge upon the Land under the Thirtieth Section of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, shall be the Board of Inland Revenue, and the Powers and Authorities vested in Commissioners under such Sections shall be executed by such Board. Construction of "Commissioners."

XI. Where the "Owner of Land" shall be a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, without having any Guardian, Tutor, Curator, Trustee, Committee of the Estate, Husband, or Attorney, it shall be lawful for the Commissioners, by an Order under their Hands and Seal, to appoint any Person approved of by them as the Substitute for such Owner, for all the purposes of the said recited Acts and of this Act. Power for Commissioners to appoint, in certain Cases, a Substitute for Owner.

XII. The Provisions of this Act relative to the Issue of Certificates of Advance, and other Provisions consequent thereon, shall apply to all Certificates to be hereafter issued by the Commissioners, whether the Provisional Certificates bear Date prior to or subsequent to the passing of this Act. Act to apply to all Cases, whatever Date of Provisional Certificates.

XIII. The said recited Acts and this Act shall be read and construed together as One Act. Acts to be read together.

XIV. In citing this Act and the said recited Acts, or any of them, except the said Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, in other Acts of Parliament and in legal Instruments, it shall be sufficient to use the Expression "The Public Money Drainage Acts," and such Expression shall be held to refer to and include so much of the said Act of the Twelfth and Thirteenth Years of Her Majesty as amends the said Acts of the Ninth and Tenth and Tenth Years of Her Majesty, otherwise than in relation only to the Advance of private Money for Drainage. Short Titles.

CAP. X.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [14*th March* 1856.]

'WHEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain* and *Ireland* in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by Her Majesty and this present Parliament that a Body of Forces should be continued for the Safety of the United Kingdom, the Defence of the Possessions of Her Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of Two hundred and forty-six thousand seven hundred and sixteen Men, exclusive of the Officers and Men belonging to the Regiments employed in the Territorial Possessions of the *East India* Company, but including the Officers and Men of the Troops and Companies recruiting for those Regiments: And whereas no man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless it being requisite, for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall Mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow:' 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, That— Numbers, 246,716 Men.

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and Articles of War made by Her Majesty.