the Ecclesiastical Commissioners, and in every case in which a portion only of the pews or seats may not be so let, an endowment or stipend of such amount as the said Commissioners may determine, regard being had to the proportion of pews or seats which may not be so let, shall be in like manner secured. when seats are wholly or partially free.

CHAPTER 50.

An Act to protect Railway Rolling Stock from Distraint when on hire.

[6th August 1872.]

WHEREAS it is expedient that protection from distress should in certain cases be extended to rolling stock:

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:

1. This Act may be cited as The Railway Rolling Stock Protection Act, 1872. Short title.

2. In this Act— Interpretation of terms.

"Rolling stock" includes waggons, trucks, carriages of all kinds, and locomotive engines used on railways:

"Rent" includes royalty or other reservation in the nature of rent:

"Work" includes any colliery, quarry, mine, manufactory, warehouse, wharf, pier, or jetty, in or on which is any railway siding:

"Tenant" includes a lessee, sub-lessee, or other person having an interest in a work under a lease or agreement, or by use and occupation, or being otherwise liable to pay rent in respect of a work:

"Person" includes a body corporate:

"Court of summary jurisdiction" means any justices of the peace, metropolitan police magistrate, stipendiary magistrate, sheriff, sheriff substitute, or other magistrate or officer, by whatever name called, who is capable of exercising jurisdiction in summary proceedings for the recovery of penalties.

3. Rolling stock being in a work shall not be liable to distress for rent payable by a tenant of the work, if such rolling stock is not the actual property of such tenant, and has upon it a distinguishing metal plate affixed to a conspicuous part thereof, or a distinguishing brand or other mark conspicuously impressed or made thereon, sufficiently indicating the actual owner thereof. Rolling stock protected from distress or sale in certain cases.

4. Where any such rolling stock as aforesaid is distrained, a court of summary jurisdiction may make against the landlord such summary order for restoration of the rolling stock or for payment of the real value thereof, and respecting costs or otherwise, and may make against the person distraining such order in the matter, and respecting costs, as to the court seems just. Remedy in case distress proceeded with.

5. This Act shall not extend to protect from distress the interest which any tenant may have in any rolling stock otherwise protected under this Act, but such interest may be distrained upon by the landlord and disposed of in the same manner as the whole interest of such tenant, if he had possessed the same; and in case of disagreement between the landlord and the parties claiming such rolling stock as to the mode of disposing of such interest, the same shall be settled by the court of summary jurisdiction; and the court shall, on the application of either party, make such order therein as to the court shall seem fit. Not to extend to protect tenant's interest in rolling stock.

Appeal to quarter sessions.

6. If any party thinks himself aggrieved by any order or adjudication of a court of summary jurisdiction under this Act, or by dismissal of his complaint by any such court, he may appeal therefrom, subject to the conditions and regulations following; (that is to say,)

(1.) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal arises holden not less than fifteen days, and (unless adjourned by the court of appeal) not more than four months after the decision of the court of summary jurisdiction:

(2.) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and the ground thereof:

(3.) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security, by deposit of money or otherwise, as the justice thinks fit to allow.

Exclusion of certiorari.

7. No order or conviction of a court of summary jurisdiction under this Act shall be quashed for want of form, or be removed by certiorari or otherwise (at the instance either of the Crown or of any private party) into any superior court.

CHAPTER 51.

An Act for amending the Law relating to the Salaries of Judges.

[6th August 1872.]

WHEREAS it is expedient to amend the law relating to the salaries of judges, and in particular to provide that the salary of every judge in the United Kingdom is to begin from the date of his appointment as a judge, and not (as is in some instances the case) from the death or resignation of his immediate predecessors:

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 for all purposes as "The Judges Salaries Act, 1872."

Commencement and payment of judicial salaries.

2. Notwithstanding anything contained in any Act of Parliament, the judicial salary of every judge in the United Kingdom shall begin from the date of his appointment as judge, and not before, and shall accrue due from day to day during the time of his continuance in office, and shall be payable at such intervals not exceeding three months as may be from time to time determined by the Treasury.

Application of Act.

3. This Act in so far as relates to the accruer and payment of salaries shall apply to existing as well as to future judges.

Definition of "judge."

4. The expression "judge" shall include every judge of Her Majesty's Superior Courts of Common Law or Equity in England and Ireland, every judge of the Court of Session in Scotland, and every assistant judge, county court judge, stipendiary magistrate, or other person performing judicial duties in the United Kingdom in respect of which he is paid a salary.
