guardians, showing the receipts, expenditure, balances, and liabilities for the half-year, as audited.

4. This Act shall be construed in like manner as the Metropolitan Poor Act of 1867, and shall be termed the Metropolitan Poor Amendment Act, 1870. Construction. Short title.

CHAP. 19.

An Act to amend "The Railway Companies Powers Act, 1864," and "The Railway Construction Facilities Act, 1864." [20th June 1870.]

WHEREAS it is expedient to amend "The Railway Companies Powers Act, 1864," and also "The Railways Construction Facilities Act, 1864:"

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 for all purposes as "The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870." Short title.

2. From and after the passing of this Act, there shall be repealed sections seven and eight of The Railway Companies Powers Act, 1864, and Part I. of the schedule annexed to the said Act; and sections nine and ten of The Railways Construction Facilities Act, 1864, and Part I. of the schedule annexed to the said Act. Parts of Acts herein named repealed.

3. Any railway or canal company, which for the purposes of this Act shall include the owners, lessees, or proprietors of any canal or inland navigation, may, in case it desires to be heard by counsel, agents, and witnesses against any application for a certificate under The Railway Companies Powers Act, 1864, or for a certificate authorising any proposed undertaking under The Railways Construction Facilities Act, 1864, (each of which Acts is in this Act respectively referred to as the Act of Application,) lodge at the office of the Board of Trade, within the time prescribed by the schedule to this Act annexed, a notice in writing to that effect (in this Act referred to as a notice of opposition), in the forms set forth in the same schedule, with such variations as circumstances require. Powers of Board of Trade where notice of opposition lodged.

Where a notice of opposition has been lodged the Board of Trade may nevertheless, if they think fit, proceed upon the application, but they shall in such case settle a Provisional Certificate in accordance with the provisions of this Act.

Every Provisional Certificate under this Act shall be settled in like manner, shall certify to the like effect, and contain the like provisions in every respect as if the same were a Draft Certificate settled by the Board of Trade, under the authority of the Act of Application in a like case, but where no notice of opposition was lodged.

When any such Provisional Certificate is confirmed in manner by this Act provided, the same shall have all the force and operation of a certificate duly made and issued by the Board of Trade, under the authority of the Act of Application, but previously to such confirmation it shall not be of any validity whatsoever.

When any Provisional Certificate is settled under this Act notice thereof shall be given by the promoters in like manner as if the same were a Draft Certificate under the Act of Application according to the provisions of such Act in that behalf.

The costs of and connected with the preparation and making of each Provisional Certificate shall be paid by the promoters, and the Board of Trade may require the promoters to give security for such costs before they proceed with the Provisional Certificate. As to payment of costs of Orders.

4. On proof to the satisfaction of the Board of Trade that notice of such certificate was duly given in manner aforesaid, the Board of Trade shall, as soon as they conveniently can after the expiration of seven days after such proof, procure a Bill to be introduced into Confirmation of Provisional Certificate by Act of Parliament.

either House of Parliament for an Act to confirm the Provisional Certificate, which shall be set out at length in the schedule to the Bill.

If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Certificate comprised therein, the Bill, so far as it relates to the certificate petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

The provisions of the Act of this present session of Parliament, intituled "An Act to "empower Committees on Bills confirming Provisional Orders to award costs and to "examine witnesses on oath," shall extend and apply to any select committee to whom any Bill to confirm a Provisional Certificate under this Act has been referred, in like manner and subject to the same conditions in every respect as if such Provisional Certificate were a Provisional Order.

The Act of Parliament confirming any Provisional Certificate shall be deemed a Public General Act.

Section 33 of 27 & 28 Vict. c. 121. repealed.

5. From and after the passing of this Act, section thirty-three of the said Railways Construction Facilities Act, 1864, relating to the gauge of railways, shall be and the same is hereby repealed, and every railway made under the authority of a certificate under the said Act or this Act shall be made on such gauge as shall be prescribed by such certificate.

Application of sections 4, 6, 7, and 8 of 9 & 10 Vict. c. 57. Gauge of railways.

Sections four, six, seven, and eight of the Act of the session of the ninth and tenth years of the reign of Her present Majesty, chapter fifty-seven, intituled "An Act for regulating "the gauge of railways," shall apply to any railway made under the authority of any such certificate as aforesaid, and to the gauge thereby prescribed.

For the purposes of such application the provisions of the certificate relating to gauge shall be deemed to be included in the provisions of the said Act of the ninth and tenth years of the reign of Her present Majesty, chapter fifty-seven.

Amendment of Part IV. of the schedule to 27 & 28 Vict. c. 121.

6. All enactments amending, perpetuating, or otherwise affecting the enactments described in Part IV. of the schedule to the said Railways Construction Facilities Act, 1864, and which are now in force, or which may hereafter become law, shall, in like manner and subject to the like variations and provisions as the enactments described in the said schedule, extend and apply, as the case may require, to the railway, and to the company or persons empowered by the certificate under the said Act or this Act to make the railway, and shall in all respects operate in relation thereto respectively as if they were expressly repeated and re-enacted in the said Act, save where the same are expressly varied or excepted by such certificate.

The SCHEDULE referred to in the foregoing Act.

Notice of Opposition.

In the matter of

The Railways Companies Powers Act, 1864, and The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870,

and

The application of the Railway Company for a certificate, the draft whereof is intituled [*set out title*].

We, the Railway [*or* Canal] Company hereby declare and give notice that we desire to be heard by counsel, agents, and witnesses against the granting to the above-named railway company of the powers sought to be obtained by them by the above-mentioned application.

Dated this day of 18 .

Witness *A.B.*

L.S.

Or,

Notice of Opposition.

In the matter of

The Railways Construction Facilities Act, 1864, and The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870,

and

The (proposed) Railway.

We, the Railway [*or* Canal] Company hereby declare and give notice that we desire to be heard by counsel, agents, and witnesses against the above-mentioned proposed undertaking.

Dated this day of 18 .

Witness, *A.B.*

L.S.

Time for lodging Notice of Opposition.

Notice of opposition by a Railway or Canal Company is to be lodged at the office of the Board of Trade, not later than the 1st day of August, or the 1st day of January, next succeeding the date of the advertisement of application, according as the same is published in the month of June or in the month of November.

CHAP. 20.

An Act to amend "The Mortgage Debenture Act, 1865." [4th July 1870.]

WHEREAS it is expedient that "The Mortgage Debenture Act, 1865," (herein-after called "the Principal Act,") should be amended:

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:

This Act and 28 & 29 Vict. c. 78. to be construed together.

1. This Act shall be construed as one with "The Mortgage Debenture Act, 1865," (which is herein-after referred to as "the Principal Act,") and may be cited for all purposes as "The Mortgage Debenture (Amendment) Act, 1870."

Interpretation of terms.

2. The expression "the Company" when used in this Act has the same meaning as that attached to it in "the Principal Act."

Repeal of sections of Principal Act.

3. Sections 5, 12, 14, 16, 17, 20, 24, 26, 28, and 36 of "The Mortgage Debenture Act, 1865," are hereby repealed.

Nature of securities on which debentures may be founded.

4. The securities upon and in respect of which mortgage debentures may be founded and issued under the authority of "the Principal Act" shall be securities affecting property in England or Wales of the following descriptions:

(*a.*) Lands, messuages, hereditaments, or real property, or some estate or interest therein:

(*b.*) Rates, dues, assessments, or impositions upon the owners or occupiers of lands, messuages, hereditaments, or real property imposed by or under the authority of any Act of Parliament, public or private, Royal Charter, Commission of Sewers or Drainage, or other sufficient legal authority:

(*c.*) Charges upon or affecting lands, messuages, hereditaments, or real property executed, made, given, or issued under the authority of any Act of Parliament, public or private: