An Act respecting the Transfer of certain Funds to the Secretary at War and the Paymaster General. 1 & 2 Vict. c. 89.

An Act to amend the Laws relating to the Payment of Out-Pensioners of Chelsea Hospital. 5 & 6 Vict. c. 70.

An Act for rendering more effective the Services of such Out-Pensioners of Chelsea Hospital as shall be called out to assist in preserving the Public Peace. 6 & 7 Vict. c. 95.

An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways. 7 & 8 Vict. c. 85.

An Act to regulate the Stations of Soldiers during Parliamentary Elections. 10 Vict. c. 21.

An Act for consolidating the Offices of Paymasters of Exchequer Bills and Paymaster of Civil Services with the Office of Paymaster General, and for making other Provisions in regard to the consolidated Offices. 11 & 12 Vict. c. 55.

An Act to consolidate and amend the Laws relating to the Militia in England. 15 & 16 Vict. c. 50.

An Act to amend the Laws relating to the Militia in England and Wales. 17 & 18 Vict. c. 105.

An Act for further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals. 19 Vict. c. 15.

An Act to defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia, and to authorize the Employment of the Non-commissioned Officers. 18 & 19 Vict. c. 123.

An Act to amend and consolidate the Laws relating to Military Savings Banks. 22 & 23 Vict. c. 20.

An Act further to amend the Laws relating to the Militia. 22 & 23 Vict. c. 38.

An Act to provide for the Establishment of a Reserve Force of Men, who have been in Her Majesty's Service. 22 & 23 Vict. c. 42.

An Act to amend the Laws relating to the Militia. 23 & 24 Vict. c. 94.

An Act to facilitate Internal Communication in Ireland by means of Tramroads or Tramways. 23 & 24 Vict. c. 152.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. 25 Vict. c. 5.

And Rules and Articles of War made under such last-mentioned Act.

CAP. XIII.

An Act for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs. [4th *May* 1863.]

'WHEREAS it is expedient to make Provision for the better Protection and Charge of enclosed Garden or Ornamental Grounds which have been set apart for the Use of the Inhabitants of any public Square, Crescent, Circus, Street, or other public Place surrounding or adjoining such Gardens or Grounds in any City or Borough:' 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:

1. Where in any City or Borough any enclosed Garden or Ornamental Ground has been set apart otherwise than by the revocable Permission of the Owner thereof in any public Square, Crescent, Circus, Street, or other public Place, for the Use or Enjoyment of the Inhabitants thereof, and where the Trustees, Commissioners, or other Body appointed for the Gardens in certain Squares, &c. may be freed from Neglect, Encroachments,

&c., and vested in the Metropolitan Board of Works or other Corporate Authority;

the Care of the same have neglected to keep it in proper Order, or where such Garden or Ground has not been vested in or placed under the Management of any Trustees, Commissioners, or other Body for the Care of the same, and from the Want of such Care, or from any other Cause, has been neglected, the Metropolitan Board of Works, where the same is in any Place under their Jurisdiction, except the City of *London* (where the Provisions of this Act shall be carried into effect by the Corporation of the said City), and the Corporate Authorities in any other City or Borough, shall take charge of the same, putting up a Notice or Notices to that Effect in such Garden or Ornamental Ground, and if after due Inquiry the Person entitled to any Estate of Freehold in the same cannot be found, or if it shall be vested in any Person by whom it is held, subject to any Condition or Reservation for keeping the same as and for a Garden or Pleasure Ground, or that the same shall not be built upon, but not otherwise, shall cause any Buildings or other Encroachment made therein within the Period of Twenty Years before the passing of this Act to be removed, and (if requested by a Majority of Two Thirds of the Owners and of the Occupiers of the Houses surrounding the same) shall vest such Garden or Ornamental Ground in a Committee consisting of not more than Nine nor fewer than Three of the rated Inhabitants of such Houses to be chosen annually by such Inhabitants, in order that the same may be kept as a Garden or Ornamental Ground for the Use of such Inhabitants; and the Vestry or Board of any and every Parish or District within which the same or any Part thereof is situate shall from Time to Time cause to be raised the Sums required by such Committee for defraying the Expenses of the Maintenance and Management of such enclosed Garden or Ornamental Ground, or of such Part thereof as is situate within their Parish or District, by an Addition to the General Rate to be assessed on the Occupiers of such Houses; or if the said Owners and Occupiers shall not agree as aforesaid to undertake the Charge of such Garden or Ornamental Ground, the Metropolitan Board of Works or Corporate Authority aforesaid shall, within Six Months after the Notice herein-before mentioned shall have been put up within the same, or within such further Time as the said Board or Authority may think it expedient to allow for such Agreement to be come to, vest the same in such Vestries or Boards, who shall thenceforth take charge of and maintain the same as an open Place or Street in such Manner as shall appear to them most advantageous to the Public, subject to the Approval of the Metropolitan Board of Works or Corporate Authority, as the Case may require; saving and always reserving to every Person and Persons, his and their Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, and Interest as he, she, or they would or ought to have had and enjoyed of, in, to, from, or out of the Gardens and Grounds aforesaid in case this Act had not passed.

or vested in a Committee of rated Inhabitants.

Protection of open Spaces from Encroachment.

2. 'And whereas it is expedient that the same should be carefully protected from undue 'Encroachment,' where any Right to require that any Garden or Ornamental Ground as aforesaid be kept and maintained as such, or that the same shall not be built upon, shall belong to any Person in right of any House or other Property, and he shall by Notice in Writing signed by him addressed to the Metropolitan Board of Works where the same is in any Place under their Jurisdiction, except the City of *London*, where the same shall be addressed to the Corporation of the said City, or to the Corporate Authorities in any other City or Borough, requesting the said Metropolitan Board of Works or Corporate Authority to protect the Right before mentioned, the said Metropolitan Board of Works or Corporate Authority, after due Inquiry, may, if they shall think fit, accede to such Request, and then and thereupon the Right of such Person to require that such Garden or Ornamental Ground to be maintained as such, or that the same shall not be built upon, shall thenceforth be vested in such Metropolitan Board of Works or Corporate Authority, who shall be fully empowered, for and in their own Name, to exercise all the Rights, Powers, and Privileges in relation thereto, and take such legal Proceedings for asserting, defending, and protecting the same, as the said Person might have exercised or taken.

Expenses how to be defrayed.

3. Any Charge incurred by the Metropolitan Board of Works in the Execution of this Act shall be deemed to be Expenses of the said Board for Payment whereof Provision is made by the Act for the better local Management of the Metropolis; and the Expenses incurred by any Corporate Authority shall be deemed to be Expenses necessarily incurred by

by them in carrying into execution within and for their City or Borough the Act intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and any other Act amending the same. 5 & 6 W. 4. c. 76.

4. Where any such Garden or Ground is managed by any Committee of the Inhabitants of any Square, Crescent, Circus, Street, or Place, such Committee may make, and from Time to Time revoke and alter, Byelaws for the Management of the same, and for the Preservation of the Trees, Shrubs, Plants, Flowers, Rails, Fences, Seats, Summer-houses, and other Things therein, which Byelaws shall be entered in a Book kept for that Purpose by the Committee, signed by the Chairman of the Meeting at which the same shall be passed, and which Book shall and may be produced and read, and taken as Evidence of such Byelaws, in all Courts whatever, and any Inhabitant or Servant, or other Person admitted to such Garden by any Inhabitant, offending against the same, after they shall have been duly allowed, as herein-after provided, upon Proof thereof before a Magistrate acting for the District in which such Garden is situate, shall be liable for each Offence to a Penalty not exceeding Five Pounds: Provided always, that such Byelaws shall not come into operation until the same shall have been allowed by some Judge of One of the Superior Courts, or by the Justices in Quarter Sessions; and it shall be incumbent on such Judge or Justices, on the Request of such Committee, to inquire into any Byelaws tendered to them for that Purpose, and to allow or disallow the same as they think meet. Byelaws for Management of Garden, &c.

5. Any Police Constable who shall see any Person throwing any Rubbish into any such Garden, or trespassing therein, or getting over the Railings or Fence, or stealing or damaging the Flowers or Plants, or committing any Nuisance therein, may apprehend such Person, under the Authority hereby given to him; and any Person convicted before any Magistrate acting for the District shall be liable for each and every Offence aforesaid to a Penalty not exceeding Forty Shillings, or to Imprisonment for any Period not exceeding Fourteen Days; and in case it shall be necessary to state in any Proceedings the Ownership of the Property of such Garden, Flowers, or Plants, it shall be sufficient to describe the same as the Property of the Committee by the Name of *A.B.* and others. Penalty for injuring Garden.

6. The Provisions contained in the Two hundred and twenty-fifth, Two hundred and twenty-sixth, Two hundred and twenty-seventh, and Two hundred and twenty-eighth Sections of the Act passed in the Session of Parliament held in the Eighteenth and Nineteenth Years of the Reign of Her most Gracious Majesty the Queen, Chapter One hundred and twenty, shall be incorporated in this Act, and shall apply to any Penalty or Forfeiture imposed by this Act, or any Byelaw made in pursuance thereof, in and for every Matter or Thing done or omitted to be done within the Metropolitan District; and the Act passed in the Twelfth Year of the Reign of Her Majesty the Queen, Chapter Forty-three, shall apply to every Penalty or Forfeiture imposed by this Act, or any Byelaw made in pursuance thereof, for any Matter or Thing done or omitted to be done within any other Part of *England* and *Wales*. Certain Provisions of 18 & 19 Vict. c. 120. to be incorporated with this Act, and to apply to Penalties, &c. imposed by this Act. 11 & 12 Vict. c. 43. also to apply.

7. Nothing in this Act shall extend to or include any Garden, Ornamental Ground, or other Land belonging to Her Majesty in right of Her Crown or of Her Duchy of *Lancaster*, or any Garden, Ornamental Ground, or other Land for the Time being under the Management of the Commissioners for the Time being of Her Majesty's Works and Public Buildings, or of the Commissioners for the Time being acting under the Crown Estate Paving Act, 1851, or to any Garden, Ornamental or other Ground, for which special Provision is made for the due Care and Protection thereof by any Public or Private Act of Parliament. Act not to extend to Property of the Crown or to Property under the Management of the Commissioners of Works, &c.

8. Nothing in this Act shall extend to *Scotland* or *Ireland*. Extent of Act.