be deemed in any Manner to alter or affect the Law relating to High Treason; but no Person indicted for a Misdemeanor under this Act shall be entitled to an Acquittal on the Ground that the Acts proved against him amount in Law to the Crime of High Treason.

As to Payment of Costs of Prosecution.

VI. On any Indictment for a Misdemeanor under this Act the Costs of the Prosecution shall be allowed as directed by the several Acts, Seventh *George* the Fourth, Chapter Sixty-four, and Fourteenth and Fifteenth *Victoria*, Chapter Fifty-five; and all the Provisions of the said Acts empowering Courts to order Payment of Costs and Expenses, and Compensation for Trouble and Loss of Time, in the Cases of the Misdemeanors in the said Acts mentioned, shall extend and be applicable to Indictments for Misdemeanor under this Act.

CAP. CXXIV.

An Act to settle the Contribution to be made by certain Baronies in *Roscommon* and *Galway* and the County of the Town of *Galway* to the *Midland Great Western Railway of Ireland* Company. [12th *August* 1854.]

12 & 13 Vict. c. 62.

WHEREAS under the Act of the Twelfth and Thirteenth Years of Her present Majesty, Chapter Sixty-two, the Commissioners of Her Majesty's Treasury were 'empowered to charge the Consolidated Fund and to direct the Issue thereout to the 'Commissioners for the Reduction of the National Debt of a Sum not exceeding in the whole 'Five hundred thousand Pounds, and the last-mentioned Commissioners were thereby 'appointed Trustees for holding the Monies to be issued as aforesaid on a separate Account, 'under the Title of "The Commissioners for the Reduction of the National Debt on account '"of the Public Works Loan Fund," and it was provided that the said Commissioners of 'the Treasury should, if they thought fit, require the Public Works Loan Commissioners 'to advance to the *Midland Great Western Railway of Ireland* Company any Sums of Money 'not exceeding in the whole Five hundred thousand Pounds, and the Repayment thereof, 'with Interest, as therein mentioned, not exceeding Three Pounds Ten Shillings *per Centum* 'per Annum, should be secured by such Mortgages as therein-after mentioned, and the said 'Railway Company were authorized to borrow of the said Public Works Loan Commissioners 'any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred 'thousand Pounds, and to mortgage the Railways and Undertaking authorized by the Acts 'therein mentioned, and other the Effects of the Company; and it was by the said Act 'enacted, that if any Monies should be borrowed by the said Railway Company under the 'Provisions of that Act, then, so long as any Part whatever of the Principal Monies 'borrowed should remain unpaid, a Sum equal to One Pound Fifteen Shillings *per Centum* 'on the Sum or Sums originally borrowed should (subject as therein-after mentioned) be paid 'half-yearly to the said Railway Company by the Baronies therein mentioned in the County of '*Roscommon*, and by all the several Baronies and Half Baronies in the County of *Galway*, and 'by the County of the Town of *Galway*, all in that Part of the United Kingdom of *Great* '*Britain* and *Ireland* called *Ireland*, rateably and in the Proportions to be ascertained as therein-'after mentioned; and it was thereby provided, that if, after the said Railway from *Athlone* 'to *Galway* should have been opened, there should be any Profit made by such Railway in 'any Half Year, then the Amount thereof should be deducted from the half-yearly Amount 'which would otherwise be payable by such Baronies and Half Baronies and County of the 'Town of *Galway*, and if such Profit should equal or exceed the Amount so to be paid, then 'no such Payment should be made; and that the Commissioners of the Treasury, during 'such Period as any Principal or Interest Monies should remain unpaid in respect of the 'Securities to be given to the said Public Works Loan Commissioners, should appoint a fit 'Person or Persons, not exceeding Three, to audit the Accounts of the said Railway Com-'pany, and to make Certificates, in pursuance of the Directions therein-after contained; and 'that for the Purpose of ascertaining the Amount of net Profits (if any) of the whole or any 'Portion of the said Railway from *Athlone* to *Galway*, the said Railway Company should, 'from Time to Time and at all Times, so long as any Principal Monies should remain unpaid 'in respect of any Securities aforesaid, keep the Accounts of the Receipts and Expenditure 'relating to the whole or any Portion of the Railway between *Athlone* and *Galway*, and all

'Matters

'Matters connected therewith, separate from all other Receipts and Expenditure by the said 'Railway Company; and that the said Company should, after any such Advances, and 'within One Calendar Month after the Thirtieth Day of *June* and the Thirty-first Day of '*December* in every Year, render to the said Auditor or Auditors a distinct Account of all 'the Receipts and Expenditure for the then preceding Half Year of and relating to the said 'Railway from *Athlone* to *Galway*, and every Part thereof, which Account the said Auditor 'or Auditors should examine as therein is mentioned, and he or they should adjust and 'balance such Accounts relating to the said Railway from *Athlone* to *Galway*, and complete 'such Audit, for the Purpose of ascertaining whether during such preceding Half Year any 'Profit should have been made, and of preparing such Certificate as therein-after mentioned; 'and that such Auditor or Auditors should, on the Completion of every half-yearly Audit, 'and so long as any Monies advanced to the said Railway Company as aforesaid should 'remain unpaid, ascertain whether the said Railway Company had for the preceding Half 'Year made such half-yearly Payments as by virtue of the Security or Securities for any 'such Loan or Loans they should be liable to pay, and also, after the said Railway from '*Athlone* to *Galway*, or any Part thereof, should have been completed and opened to the 'Public (from a Profit and Loss Account of the Income and Expenditure of the said Railway 'from *Athlone* to *Galway*), ascertain the Amount, if any, of Profit which should appear on 'such Account to have been made during such Half Year; and that when such Auditor or 'Auditors should find that the said Railway Company had made such Payments as aforesaid 'for the preceding Half Year, and not before, then he or they should, by a Certificate 'under his or their Hand or Hands, certify the same, and also the Amount of Profit, if any, 'appearing on such Account as aforesaid; and (after deducting such Profit, if any, from the 'Amount of the said half-yearly Payments of One Pound Fifteen Shillings *per Centum* 'secured to be paid by such Baronies and Half Baronies and County of the Town of '*Galway* as aforesaid,) the said Auditor or Auditors should in such Certificate state the 'Balance remaining to be paid to make up such half-yearly Payments of One Pound 'Fifteen Shillings *per Centum* as aforesaid, and the proportionate Part of such Balance 'which was to be raised in each such Barony and Half Barony and County of the Town of '*Galway*, such proportionate Parts to be ascertained as in the said Act mentioned; and it 'was enacted, that in taking and keeping the aforesaid Account of Profit and Loss no Pay-'ment by the said Railway Company to the said Public Works Loan Commissioners, nor any 'Receipts by the said Railway Company in respect of such half-yearly Payments of One 'Pound Fifteen Shillings *per Centum*, should be taken into account as Profit or Loss, but the 'same should solely contain the Amount of Income and Expenditure relating to the aforesaid 'Railway from *Athlone* to *Galway*, and when in any One Half Year the Amount of Profit 'should exceed the Sum which in case of no Profit would have been payable by such 'Baronies and Half Baronies and County of the Town of *Galway*, then, after deducting 'therefrom the Amount which would otherwise have been so payable, the Balance of any 'Profit remaining should be carried to the next half-yearly Account as Profit; and it was 'enacted, that the said Auditor or Auditors should, on the Request of the said Railway 'Company, and within One Calendar Month after the Date of every such Certificate, deliver 'the said Certificate and a Duplicate or Duplicates thereof to the said Company; and it was 'enacted, that the said Railway Company should from Time to Time deliver the said 'Certificate, or such Duplicate thereof as aforesaid, to the Secretary of the Grand Jury of 'each County or County of a Town in which any such Barony or Half Barony or County of 'a Town as aforesaid should be situate, and that the Monies according to such Certificate to 'be raised and levied off such respective Baronies or Half Baronies in each of the said 'Counties, or off such County of a Town, should be raised and levied accordingly, as therein 'is mentioned, and paid to the said Railway Company, as therein is mentioned: And 'whereas the Sum of Five hundred thousand Pounds was, by Four Instalments of One 'hundred thousand Pounds each, and Two of Fifty thousand Pounds each, by the Direction 'of the Commissioners of the Treasury advanced by the said Public Works Loan Com-'missioners to the said Railway Company, and the said Sums so advanced, with Interest 'thereon after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, were duly 'secured by certain Mortgage Securities, according to the Direction of the said Commis-'sioners of the Treasury, and such Principal Sums are still unpaid: And whereas the said

'Railway from *Athlone* to *Galway* has been completed and opened for the Use of the 'Public, and the whole of the said Sum of Five hundred thousand Pounds so borrowed, 'together with a considerable further Sum of Money raised by the said Company, was 'expended by the said Company in the Construction of the said Railway and the Works 'connected therewith: And whereas Questions have arisen between the said Railway Com- 'pany and the said Baronies or Half Baronies and County of the Town of *Galway*, so as 'aforesaid, and in such Events as aforesaid, liable to contribute to the Payment of Monies 'equal to the aforesaid Interest on the said Sum of Five hundred thousand Pounds so bor- 'rowed as aforesaid, as to the actual Amount of Monies which the said Company were 'authorized to expend in the Construction of the said Line of Railway; and inasmuch as it 'is apprehended that certain of the said Monies so expended, though beneficial generally to 'the Public and to the said Railway Company, may not have been in all Cases expended 'on Works by which the said Baronies or Half Baronies and County of the Town of *Galway* 'may be considered to derive direct Advantage, it is expedient, for preventing Litigation, 'and to ascertain and fix the precise Principal Sum in respect of which the said Baronies or 'Half Baronies and County of the Town of *Galway* are to contribute such half-yearly Sum 'as aforesaid, in such Events as aforesaid, and therefore the said Railway Company have 'agreed that the Sum expended by the said Company shall for the Purposes aforesaid, as 'from the First Day of *July* One thousand eight hundred and fifty-four, be taken at the Sum 'of Four hundred and seventy thousand Pounds, instead of the said Sum of Five hundred 'thousand Pounds so borrowed as aforesaid:' 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.

The Sum of 470,000*l.* to be considered and taken as that in respect of which the said Baronies, &c. are to contribute.

I. The Principal Sum in respect ofwhich the said Baronies or Half Baronies and County of the Town of *Galway* are, under and by virtue of the Provisions of the said Act, liable to coutribute as aforesaid, shall, as from the said First Day of *July* One thousand eight hundred and fifty-four, be taken at the Sum of Four hundred and seventy thousand Pounds, and the said Sum of Four hundred and seventy thousand Pounds shall, as from the said First Day of *July* One thousand eight hundred and fifty-four, be considered and taken by the Auditor or Auditors acting under the said Act as the Sum in respect of which the said Baronies or Half Baronies and County of the Town of *Galway* are to contribute such half-yearly Payments of One Pound Fifteen Shillings *per Centum* as aforesaid, instead of the Sum of Five hundred thousand Pounds; and that when and as Four hundred and seventy thousand Pounds, Part of the said Sum of Five hundred thousand Pounds so borrowed as aforesaid, shall have been paid, no further Contributions shall be made by the said Baronies or Half Baronies and County of the Town of *Galway*: Provided always, that nothing in this Act contained shall be held to alter in any way the Liability of the said Railway Company to pay the whole or such Part of the Five hundred thousand Pounds advanced by the said Public Works Commissioners as shall remain unpaid, together with the Interest which shall from Time to Time accrue upon the same.

Nothing to alter Liability of Company to pay the Money advanced by Commissioners.

CAP. CXXV.

An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at *Westminster*, and of the Superior Courts of Common Law of the Counties Palatine of *Lancaster* and *Durham*. [12th *August* 1854.]

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:

Judge may, by Consent, try Questions of Fact.

I. The Parties to any Cause may, by Consent in Writing, signed by them or their Attorneys, as the Case may be, leave the Decision of any Issue of Fact to the Court, provided that the Court, upon a Rule to show Cause, or a Judge on Summons, shall, in their or his Discretion, think fit to allow such Trial; or provided the Judges of the Superior Courts of Law at *Westminster* shall, in pursuance of the Power herein-after given to them, make any General