such Regulations, nor without having taken out such Licence as by this Act is required in that Behalf, to make use of any Sugar in the brewing or making of Beer, or in the preparing or making any Liquor or other Preparation for darkening the Colour of Worts or Beer, or to use or have in his Custody or Possession any such Liquor or Preparation, prepared or made from Sugar, under pain of the several Penalties and Forfeitures in that Behalf contained in the several Acts passed respectively in the Fifty-sixth Year of the Reign of King *George* the Third, Chapter Fifty-eight, and in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Fifty-two, anything contained in an Act passed in the Tenth Year of Her Majesty's Reign, Chapter Five, or any other Act or Acts, to the contrary thereof in anywise notwithstanding; and if any Brewer of Beer for Sale who shall not have taken out such Licence as aforesaid shall at any Time after the Fifth Day of *July* One thousand eight hundred and fifty-four receive or take into or have in his Custody or Possession any Sugar (except for the necessary and ordinary Use of his Family, the Proof whereof shall lie on such Brewer,) the same shall be forfeited, and such Brewer shall be subject in respect thereof to the like Penalties and Forfeitures contained in the several Acts before mentioned.

Brewers not to use Sugar contrary to Regulations or without Licence.

VI. Every Brewer of Beer for Sale intending to use Sugar in the brewing or making of Beer, or in the preparing or making of any Liquor or other Preparation for darkening the Colour of Worts or Beer, shall make a true and particular Entry in Writing, signed by him, of his Name and Place of Abode, and of every Building, Warehouse, Storehouse, Shop, Room, or Place intended to be made use of by him for the keeping or storing of Sugar, or of using the same in the brewing or making of Beer, or in the preparing or making of any Liquor or other Preparation for darkening the Colour of Worts or Beer; and every such Entry shall be delivered to the proper Officer of Excise authorized to receive the same; and in every such Entry every Building, Warehouse, Storehouse, Shop, Room, and Place shall be distinguished by a particular Number or Letter, or Number and Letter, and the Purpose for which the same is intended to be used shall be specified and described; and every such Entry shall also set forth the Place where any such Building or other Premises as aforesaid shall be situated; and if any Sugar shall be found in any Building, Warehouse, Storehouse, Shop, Room, or Place of or belonging to any Brewer of Beer for Sale, and of which such Entry as herein directed has not been made, such Sugar shall be forfeited, and may be seized by any Officer of Excise, and such Brewer shall be subject and liable to the Penalty imposed by the Sixth Section of the Act passed in the Fourth and Fifth Years of the Reign of King *William* the Fourth, Chapter Fifty-one, for every such unentered Building, Warehouse, Storehouse, Shop, Room, or Place.

Brewers to make Entry of Premises for storing or using Sugar.

VII. Every Brewer of Beer for Sale shall, in addition to the several Particulars which by the Laws in force he is required to enter in the Book or Paper provided for the Purpose of entering therein the Quantity of Malt and Sugar respectively used or intended to be used by him in the brewing of Beer, enter or cause to be entered in such Book or Paper the particular Hour of the Day at which he intends to mash any Malt or to dissolve any Sugar; and such Entry shall be made Twenty-four Hours at the least before he shall begin to mash any Malt or to dissolve any Sugar; under the like Penalty for any Refusal or Neglect to make such Entry as is hereby directed to be made in such Book or Paper, or for cancelling, obliterating, or altering the same, as by the Laws in force such Brewer is subject or liable to for any Refusal or Neglect to make any other Entry therein, or for cancelling, obliterating, or altering any such other Entry.

Brewers using Sugar to enter in the proper Book the Hour at which they intend to mash or dissolve Sugar.

CAP. XXXI.

An Act for the better Regulation of the Traffic on Railways and Canals.

[10th *July* 1854.]

'WHEREAS it is expedient to make better Provision for regulating the Traffic on 'Railways and Canals:' 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:

I. In

"Board of Trade:" I. In the Construction of this Act "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations:

"Traffic:" The Word "Traffic" shall include not only Passengers, and their Luggage, and Goods, Animals, and other Things conveyed by any Railway Company or Canal Company, or Railway and Canal Company, but also Carriages, Waggons, Trucks, Boats, and Vehicles of every Description adapted for running or passing on the Railway or Canal of any such Company:

"Railway:" The Word "Railway" shall include every Station of or belonging to such Railway used for the Purposes of public Traffic: and,

"Canal:" The Word "Canal" shall include any Navigation whereon Tolls are levied by Authority of Parliament, and also the Wharves and Landing Places of and belonging to such Canal or Navigation, and used for the Purposes of public Traffic:

"Company:" The Expression "Railway Company," "Canal Company," or "Railway and Canal Company," shall include any Person being the Owner or Lessee of or any Contractor working any Railway or Canal or Navigation constructed or carried on under the Powers of any Act of Parliament:

Stations. A Station, Terminus, or Wharf shall be deemed to be near another Station, Terminus, or Wharf when the Distance between such Stations, Termini, or Wharves shall not exceed One Mile, such Stations not being situate within Five Miles from *St. Paul's* Church in *London*.

Duty of Railway Companies to make Arrangements for receiving and forwarding Traffic, without unreasonable Delay, and without Partiality.

II. Every Railway Company, Canal Company, and Railway and Canal Company, shall, according to their respective Powers, afford all reasonable Facilities for the receiving and forwarding and delivering of Traffic upon and from the several Railways and Canals belonging to or worked by such Companies respectively, and for the Return of Carriages, Trucks, Boats, and other Vehicles, and no such Company shall make or give any undue or unreasonable Preference or Advantage to or in favour of any particular Person or Company, or any particular Description of Traffic, in any respect whatsoever, nor shall any such Company subject any particular Person or Company, or any particular Description of Traffic, to any undue or unreasonable Prejudice or Disadvantage in any respect whatsoever; and every Railway Company and Canal Company and Railway and Canal Company having or working Railways or Canals which form Part of a continuous Line of Railway or Canal or Railway and Canal Communication, or which have the Terminus, Station, or Wharf of the one near the Terminus, Station, or Wharf of the other, shall afford all due and reasonable Facilities for receiving and forwarding all the Traffic arriving by one of such Railways or Canals by the other, without any unreasonable Delay, and without any such Preference or Advantage, or Prejudice or Disadvantage, as aforesaid, and so that no Obstruction may be offered to the Public desirous of using such Railways or Canals or Railways and Canals as a continuous Line of Communication, and so that all reasonable Accommodation may, by means of the Railways and Canals of the several Companies, be at all Times afforded to the Public in that Behalf.

Parties complaining that reasonable Facilities for forwarding Traffic, &c. are withheld, may apply by Motion or Summons to the Superior Courts.

III. It shall be lawful for any Company or Person complaining against any such Companies or Company of anything done, or of any Omission made in Violation or Contravention of this Act, to apply in a summary Way, by Motion or Summons, in *England*, to Her Majesty's Court of Common Pleas at *Westminster*, or in *Ireland* to any of Her Majesty's Superior Courts in *Dublin*, or in *Scotland* to the Court of Session in *Scotland*, as the Case may be, or to any Judge of any such Court: and, upon the Certificate to Her Majesty's Attorney General in *England* or *Ireland*, or Her Majesty's Lord Advocate in *Scotland*, of the Board of Trade, alleging any such Violation or Contravention of this Act by any such Companies or Company, it shall also be lawful for the said Attorney General or Lord Advocate to apply in like Manner to any such Court or Judge, and in either of such Cases it shall be lawful for such Court or Judge to hear and determine the Matter of such Complaint; and for that Purpose, if such Court or Judge shall think fit, to direct and prosecute, in such Mode and by such Engineers, Barristers, or other Persons as they shall think proper, all such Inquiries as may be deemed necessary to enable such Court or Judge to form a just Judgment on the Matter of such Complaint; and if it be made to appear to such Court or Judge on such Hearing, or on the Report of any such Person, that anything has

has been done or Omission made, in Violation or Contravention of this Act, by such Company or Companies, it shall be lawful for such Court or Judge to issue a Writ of Injunction or Interdict, restraining such Company or Companies from further continuing such Violation or Contravention of this Act, and enjoining Obedience to the same; and in case of Disobedience of any such Writ of Injunction or Interdict it shall be lawful for such Court or Judge to order that a Writ or Writs of Attachment, or any other Process of such Court incident or applicable to Writs of Injunction or Interdict, shall issue against any One or more of the Directors of any Company, or against any Owner, Lessee, Contractor, or other Person failing to obey such Writ of Injunction or Interdict; and such Court or Judge may also, if they or he shall think fit, make an Order directing the Payment by any One or more of such Companies of such Sum of Money as such Court or Judge shall determine, not exceeding for each Company the Sum of Two hundred Pounds for every Day, after a Day to be named in the Order, that such Company or Companies shall fail to obey such Injunction or Interdict; and such Monies shall be payable as the Court or Judge may direct, either to the Party complaining, or into Court to abide the ultimate Decision of the Court, or to Her Majesty, and Payment thereof may, without Prejudice to any other Mode of recovering the same, be enforced by Attachment or Order in the Nature of a Writ of Execution, in like Manner as if the same had been recovered by Decree or Judgment in any Superior Court at *Westminster* or *Dublin*, in *England* or *Ireland*, and in *Scotland* by such Diligence as is competent on an extracted Decree of the Court of Session; and in any such Proceeding as aforesaid, such Court or Judge may order and determine that all or any Costs thereof or thereon incurred shall and may be paid by or to the One Party or the other, as such Court or Judge shall think fit; and it shall be lawful for any such Engineer, Barrister, or other Person, if directed so to do by such Court or Judge, to receive Evidence on Oath relating to the Matter of any such Inquiry, and to administer such Oath.

Judges may make such Regulations as may be necessary for Proceedings under this Act.

IV. It shall be lawful for the said Court of Common Pleas at *Westminster*, or any Three of the Judges thereof, of whom the Chief Justice shall be One, and it shall be lawful for the said Courts in *Dublin*, or any Nine of the Judges thereof, of whom the Lord Chancellor, the Master of the Rolls, the Lords Chief Justice of the Queen's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer, shall be Five, from Time to Time to make all such General Rules and Orders as to the Forms of Proceedings and Process, and all other Matters and Things touching the Practice and otherwise in carrying this Act into execution before such Courts and Judges, as they may think fit, in *England* or *Ireland*, and in *Scotland* it shall be lawful for the Court of Session to make such Acts of Sederunt for the like Purpose as they shall think fit.

Court or Judge may order a Rehearing.

V. Upon the Application of any Party aggrieved by the Order made upon any such Motion or Summons as aforesaid, it shall be lawful for the Court or Judge by whom such Order was made to direct, if they think fit so to do, such Motion or Application on Summons to be reheard before such Court or Judge, and upon such rehearing to rescind or vary such Order.

Mode of Proceeding under this Act.

VI. No Proceeding shall be taken for any Violation or Contravention of the above Enactments, except in the Manner herein provided; but nothing herein contained shall take away or diminish any Rights, Remedies, or Privileges of any Person or Company against any Railway or Canal or Railway and Canal Company under the existing Law.

Company to be liable for Neglect or Default in the Carriage of Goods, notwithstanding Notice to the contrary.

VII. Every such Company as aforesaid shall be liable for the Loss of or for any Injury done to any Horses, Cattle, or other Animals, or to any Articles, Goods, or Things, in the receiving, forwarding, or delivering thereof, occasioned by the Neglect or Default of such Company or its Servants, notwithstanding any Notice, Condition, or Declaration made and given by such Company contrary thereto, or in anywise limiting such Liability; every such Notice, Condition, or Declaration being hereby declared to be null and void: Provided always, that nothing herein contained shall be construed to prevent the said Companies from making such Conditions with respect to the receiving, forwarding, and delivering of any of the said Animals, Articles, Goods, or Things, as shall be adjudged by the Court or Judge before whom any Question relating thereto shall be tried to be just and reasonable: Provided always, that no greater Damages shall be recovered for the Loss of or for any Injury done to any of such Animals, beyond the Sums herein-after mentioned; (that is to say,)

Company not to be liable beyond a limited Amount in certain Cases,

unless the Value declared and extra Payment made.

say,) for any Horse Fifty Pounds; for any Neat Cattle, *per* Head, Fifteen Pounds; for any Sheep or Pigs, *per* Head, Two Pounds; unless the Person sending or delivering the same to such Company shall, at the Time of such Delivery, have declared them to be respectively of higher Value than as above mentioned; in which Case it shall be lawful for such Company to demand and receive by way of Compensation for the increased Risk and Care thereby occasioned a reasonable Per-centage upon the Excess of the Value so declared above the respective Sums so limited as aforesaid, and which shall be paid in addition to the ordinary Rate of Charge; and such Per-centage or increased Rate of Charge shall be notified in the Manner prescribed in the Statute Eleventh *George* Fourth and First *William* Fourth, Chapter Sixty-eight, and shall be binding upon such Company in the Manner therein mentioned: Provided also, that the Proof of the Value of such Animals, Articles, Goods, and Things, and the Amount of the Injury done thereto, shall in all Cases lie upon the Person claiming Compensation for such Loss or Injury: Provided also, that no special Contract, between such Company and any other Parties respecting the receiving, forwarding, or delivering of any Animals, Articles, Goods, or Things as aforesaid shall be binding upon or affect any such Party unless the same be signed by him or by the Person delivering such Animals, Articles, Goods, or Things respectively for Carriage: Provided also, that nothing herein contained shall alter or affect the Rights, Privileges, or Liabilities of any such Company under the said Act of the Eleventh *George* Fourth and First *William* Fourth, Chapter Sixty-eight, with respect to Articles of the Descriptions mentioned in the said Act.

Proof of Value to be on the Person claiming Compensation.

No special Contract to be binding unless signed.

Saving of Carriers Act 11 G. 4. & 1 W. 4. c. 68.

Short Title.

VIII. This Act may be cited for all Purposes as "The Railway and Canal Traffic Act, 1854."

CAP. XXXII.

An Act to facilitate the Apportionment of the Rent when Parts of Lands in Lease are taken for the Purposes of the Church Building Acts.

[10th *July* 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:

Rents and Fines may be apportioned.

I. If any Hereditaments to be acquired for any of the Purposes of any of the Church Building Acts are included in a Lease or Underlease with any other Hereditaments, the Rent reserved by such Lease or Underlease, and any Fine certain to be paid on any Renewals thereof, may be apportioned between the Hereditaments so to be acquired and the Remainder of the Hereditaments, or may be wholly charged on such Remainder, in exoneration of the Hereditaments so to be acquired.

Parties to the Apportionment.

II. Such Apportionment or Exoneration may be effected by the Parties respectively having Power to assign or convey the Leasehold Interest, and to assign or convey the Reversion expectant on such Leasehold Interest, in the Hereditaments so to be acquired.

Jury may apportion.

III. In Cases where the Value of the Hereditaments to be acquired is to be ascertained by a Jury, the Jury may also apportion any such Rent or Fine as aforesaid.

Apportioned Rent to be recoverable by the same Remedies as the entire Rent.

IV. On the acquiring as aforesaid of any Hereditaments included with other Hereditaments in a Lease or Underlease or Leases or Underleases as aforesaid, the Rent or apportioned Rent by any such Apportionment or Exoneration expressed to be made payable out of the Hereditaments which shall not be acquired as aforesaid, and out of the Hereditaments which shall be so acquired respectively, shall be recoverable as regards such Hereditaments respectively by the same Remedies by which before such acquiring the Rent reserved by the Lease or Underlease was recoverable out of the whole of the Hereditaments therein comprised; and all the Covenants, Conditions, and Agreements in such Lease or Underlease contained, as well those relating to Rent as others, so far as regards the Part acquired and the Residue not acquired as aforesaid respectively of the Hereditaments comprised