Removal of Nuisances and the Prevention of Diseases); 26 & 27 Vict. c. 117. (The Nuisances Removal Act for England (Amendment) Act, 1863); 29 & 30 Vict. c. 41. (The Nuisances Removal Act (No. 1.) 1866); 29 & 30 Vict. c. 90. (The Sanitary Act, 1866):

"Sanitary Acts" means all the above-mentioned Acts and this Act, and includes any enactments of such Acts:

"Sanitary purposes" means any objects or purposes of the Sanitary Acts:

"Sanitary authority" means "urban and rural sanitary authority."

CHAPTER 80.

An Act to enable the Commissioners of Her Majesty's Treasury to pay into the High Court of Chancery in England certain moneys being the amount paid to the Paymaster General on account of Her Majesty's Treasury in respect of the non-completion of the railway authorised by "The Kensington Station and North and South London Junction Railway Act, 1859."

[10th August 1872.]

WHEREAS by "The Kensington Station and North and South London Junction Railway Act, 1859," herein-after called the recited Act, the Kensington Station and North and South London Junction Railway Company, herein-after called "the company," was incorporated, with powers to make and maintain a railway from near Lillie Bridge in the parish of Saint Mary Abbott's, Kensington, to a point in the same parish on the west side of Love Lane, the object being by connecting the said railway with the then proposed extension of the West London Railway, to facilitate communication between divers railways south of the Thames and the western districts of the metropolis, and for other purposes:

And whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the session of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of five thousand seven hundred and sixty pounds, being eight pounds per centum on the estimate of the expense of the railway authorised by the recited Act, was deposited with the Court of Chancery in England in respect of the application to Parliament for the Act:

And whereas in pursuance of the twenty-fifth section of the recited Act that sum of five thousand seven hundred and sixty pounds was released upon a bond being executed to Her Majesty, her heirs and successors, by the company and by Samuel Gurney, then of Prince's Gate, in the county of Middlesex, a member of the firm of Overend, Gurney, and Company, and who in this acted as surety for the Company in the penal sum of eleven thousand five hundred and twenty pounds, conditioned to be void if the railway was opened for the conveyance of passengers within the time limited by the recited Act, or if it should be proved to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the company had paid up and expended for the purposes of their Act one half of the amount of their authorised share capital, or if the Company should pay to Her Majesty, her heirs or successors, the full sum of five thousand seven hundred and sixty pounds.

And whereas no steps were taken to construct the railway mentioned in the recited Act, and the objects sought to be accomplished have, by the projection and subsequent sanction by Parliament of the Metropolitan District Railway, which has been constructed and is now open for public traffic, been more completely effected:

And whereas the powers granted by the recited Act expired on the thirteenth day of August one thousand eight hundred and sixty-two:

And whereas the bond to Her Majesty, her heirs and successors, so executed by the company and the said Samuel Gurney, was on the third day of July one thousand eight hundred and sixty-one registered by the officers of the Crown at the Common Pleas, and thus constituted an obligation affecting his estates:

And whereas on or about the thirty-first day of July in the year one thousand eight hundred and sixty-five the firm of Overend, Gurney, and Company sold and transferred their business to a firm or company under the name or style of Overend, Gurney, and Company (Limited), herein-after called "the limited company:"

And whereas on or about the tenth day of May in the year one thousand eight hundred and sixty-six the limited company stopped payment, and William Turquand, of Token-house Yard, and Robert Palmer Harding, of the Old Jewry, in the city of London, public accountants, were appointed liquidators to wind up the affairs of that company:

And whereas on or about the fifteenth day of August one thousand eight hundred and sixty-six the said William Turquand and Robert Palmer Harding were also appointed inspectors to superintend the realisation and winding up of the affairs of the members of the said firm of Overend, Gurney, and Company (of whom the said Samuel Gurney was one), the limited company being the principal creditors of the firm of Overend, Gurney, and Company:

And whereas in the years one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven the said William Turquand and Robert Palmer Harding gave instructions for the sale (among other properties) of various estates belonging to the said Samuel Gurney, and, owing to the disastrous circumstances attending the failure of the limited company and the necessity that existed of raising as speedily as possible large sums of money to meet the demands of the liquidation, it was matter of imperative necessity that those estates should be sold and the sales carried out with the greatest practicable expedition:

And whereas upon the sale in lots of portions of the estates of the said Samuel Gurney the purchasers refused to complete their purchases and pay their purchase moneys until the properties purchased by them had respectively been discharged from all liability in respect of the bond to Her Majesty, her heirs and successors, registered at the Common Pleas as aforesaid:

And whereas upon the application of the said William Turquand and Robert Palmer Harding to the Commissioners of Her Majesty's Treasury certificates of exoneration were from time to time granted, relieving the properties so sold from liability in respect of the said bond, but when the sales of the last of the properties belonging to the said Samuel Gurney had to be completed, the Commissioners of Her Majesty's Treasury, in reply to a memorial presented on his behalf praying that his estates might be released from liability in respect of the said bond, replied that they were advised they had no power to remit the penalties or conditions prescribed by the recited Act:

And whereas it being of the utmost importance that the assets of the estate of the said Samuel Gurney should be realised and distributed as rapidly as possible, the said William Turquand and Robert Palmer Harding thereupon paid, on the third day of April one thousand eight hundred and sixty-seven, to the Paymaster General on account of Her Majesty's Treasury the said sum of five thousand seven hundred and sixty pounds, and by consent of Her Majesty's Attorney General and by order of the Court of Queen's Bench satisfaction was thereupon entered at the Common Pleas in respect of the said bond:

And whereas the assets of the said Samuel Gurney have proved utterly inadequate to meet the claims on his estate, and the said William Turquand and Robert Palmer Harding are now bringing to a close their liquidation and inspectorship:

And whereas under the provisions of "The Abandonment of Railways Act, 1850," and "The Railways Companies Act, 1867," the Board of Trade was authorised, upon application made in the manner therein prescribed, and under circumstances analogous to those affecting the railway authorised by the recited Act, to grant warrants or certificates for the abandonment of railways, and upon any such warrant or certificate the Commissioners of Her Majesty's Treasury may cancel and deliver up any bond entered into or on behalf of the railway company obtaining such warrant or certificate:

And whereas numerous applications have been made to the Board of Trade under those Acts, and bonds cancelled under the provisions and in accordance with the conditions of "The Railway Companies Act, 1867," and "The Abandonment of Railways Act, 1869:"

And whereas in the whole circumstances before recited it is expedient that relief should be granted for the benefit of the estate and creditors of the said Samuel Gurney by the repayment to the said William Turquand and Robert Palmer Harding of the aforesaid sum of five thousand seven hundred and sixty pounds:

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:

Short title.

1. This Act may for all purposes be cited as "The Kensington Station and North and South London Junction Railway Act, 1859 (Repayment of Moneys) Act, 1872."

Interpretation: "Liquidators."

2. The expression "the liquidators" used in this Act shall mean William Turquand and Robert Palmer Harding, the liquidators appointed by the Court of Chancery to wind up the estate of Overend, Gurney, and Company (Limited), or the liquidators for the time being of the said estate appointed by the Court of Chancery.

Power for liquidators to apply for warrant of abandonment, and for the Treasury to pay 5,760*l.* into Court of Chancery.

3. The liquidators may make or cause to be made application to the Board of Trade, in manner provided by "The Abandonment of Railways Act, 1850," "The Railway Companies Act, 1867," and "The Abandonment of Railways Act, 1869," for a warrant for the abandonment of the whole of the undertaking authorised by "The Kensington Station and North and South London Junction Railway Act, 1859," in the same manner as if they had executed the said bond to Her Majesty, her heirs and successors, as sureties for the company, and the said warrant may be granted to the liquidators accordingly, and if granted shall for all the purposes of the said Acts be deemed to have been granted to the said Samuel Gurney as surety to the said bond, and all proceedings consequent thereon or in relation thereto, which might have been taken by the said Samuel Gurney if the said warrant had been granted to him as surety to the said bond, may be taken by the liquidators, and all powers which might have been exercised by the said Samuel Gurney upon the grant of such warrant under the said order, or any of them, may be exercised by the liquidators as fully in all respects as if they had executed the said bond in the place of the said Samuel Gurney. On such warrant being granted the Commissioners of Her Majesty's Treasury for the time being may, out of moneys to be provided by Parliament for the purpose, pay into the High Court of Chancery in England the said sum of five thousand seven hundred and sixty pounds, which sum by reason of the non-completion of the said railway was paid to the Paymaster General on account of Her Majesty's Treasury, and the said sum shall, for all the purposes of the said Acts of Parliament, be deemed to be the money deposited as security for the completion of the said railway.

CHAPTER 81.

An Act to amend the Attorneys and Solicitors Act, 1860, by extending to Members of the Faculty of Advocates in Scotland the privileges conferred therein on Writers to the Signet, Solicitors before the Supreme Courts, and Procurators before the Sheriff Courts. [10th August 1872.]

WHEREAS by section fifteen of an Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and twenty-seven, it was enacted that every person who had been admitted and enrolled as a writer to the signet or solicitor before the Supreme Courts in Scotland, or a procurator before any of the Sheriff Courts of Scotland, should be entitled to be admitted and enrolled as an attorney or solicitor in England on three years articles:

And whereas it is expedient that similar privileges should be conferred on members of the Faculty of Advocates in Scotland: