

ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

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CAP. IX.

An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries, and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes. [22d *April* 1842.]

WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, in manner therein mentioned: And whereas another Act was passed in the same Session of Parliament, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and the Employment of the Poor:* And whereas another Act was passed in the First Year of the Reign of His

57 G. 3. c. 34.

57 G. 3. c. 124.

1 G. 4. c. 60. His Majesty King *George* the Fourth, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King* George *the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on of Public Works and Fisheries, and Employment of the Poor; and to extend the Powers of the Commissioners for executing the said Acts in* Great Britain: And whereas another Act was passed in the First and Second Years of the Reign of His said last-mentioned Majesty, intituled *An Act to empower the Commissioners in* Great Britain *for the Execution of several Acts for authorizing the Issue of Exchequer Bills for carrying on of Public Works and Fisheries, and Employment of the Poor, to extend the Time for the Payment of certain Advances under the said Acts:* And whereas another Act was passed in the Third Year of the Reign of His said last-mentioned Majesty, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts:* And whereas another Act was passed in the Fourth Year of the Reign of His said last-mentioned Majesty, intituled *An Act to authorize the Advance of Money by the Commissioners under several Acts for the Issue of Exchequer Bills for Public Works, for the building, rebuilding, enlarging, or repairing of Gaols in* England: And whereas another Act was passed in the Fifth Year of the Reign of His said last-mentioned Majesty, intituled *An Act to amend and render more effectual the several Acts for the issuing of Exchequer Bills for Public Works:* And whereas another Act was passed in the same Year, intituled *An Act to amend the Acts for the Issue of Exchequer Bills for Public Works:* And whereas another Act was passed in the Sixth Year of the Reign of His said last-mentioned Majesty, intituled *An Act to render more effectual the several Acts for authorizing Advances for carrying on Public Works, so far as relates to* Ireland: And whereas another Act was passed in the Seventh Year of the Reign of His said last-mentioned Majesty, intituled *An Act to amend the several Acts for authorizing Advances for carrying on Public Works, and to extend the Provisions thereof in certain Cases:* And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said last-mentioned Majesty, intituled *An Act to amend an Act of the First Year of His present Majesty, for the Advance of Money for carrying on Public Works in* Ireland: And whereas another Act was passed in the same Year, intituled *An Act for the further Amendment and Extension of the Powers of the several Acts authorizing Advances for carrying on Public Works:* And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts:* And whereas another Act was passed in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to amend several Acts authorizing Advances for carrying on Public Works:*

1 & 2 G. 4. c. 111.

3 G. 4. c. 86.

4 G. 4. c. 63.

5 G. 4. c. 36.

5 G. 4. c. 77.

6 G. 4. c. 35.

7 G. 4. c. 30.

7 & 8 G. 4. c. 12.

7 & 8 G. 4. c. 47.

1 & 2 W. 4. c. 24.

3 & 4 W. 4. c. 32.

And

And whereas another Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries, and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*: And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to authorize the further Issue of Exchequer Bills for Public Works and Fisheries, and Employment of the Poor; and to amend the Acts relating thereto*: And whereas another Act was passed in the First and Second Years of the Reign of Her said present Majesty, intituled *An Act to authorize the further Issue of Exchequer Bills for Public Works and Fisheries, and Employment of the Poor; and to amend the Acts relating thereto*: And whereas another Act was passed in the Third Year of the Reign of Her said present Majesty, intituled *An Act to authorize the Issue of Exchequer Bills for Public Works and Fisheries, and Employment of the Poor*: And whereas sundry Advances or Loans have been made by the Commissioners of the said recited Acts for the Purposes in the Acts specified, and great Benefits have been derived therefrom: And whereas further Advances or Loans are required for the like Objects, and it is deemed expedient to make Advances of Money out of the Consolidated Fund, for the Purposes of such Loans, in lieu of the occasional Issues of Exchequer Bills hitherto adopted, and which are found to be inconvenient: And whereas the Sums now received and carried to the Consolidated Fund in Repayment of the Principal, with Interest, of the existing Loans, amount annually, and will do so for some Years to come, to a Sum which would be sufficient to furnish adequate Means for making the requisite Advances if the Consolidated Fund were released from the Charge of paying off the Exchequer Bills now outstanding, or remaining to be issued, under the Provisions of the said Two last-mentioned Acts: And whereas a large Amount of the Exchequer Bills so outstanding are now held by the Commissioners for the Reduction of the National Debt, on account of Saving Banks, and may be funded under the Provisions of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Saving Banks*, and it is unnecessary to make Provision for paying off the same: 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, That, for the Purposes of such Advances or Loans as aforesaid, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under the Hands of any Three or more of them, to charge the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, (after providing for all preceding Charges, but having Preference of all future Charges,) and to direct the Issue or to be paid thereout, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money, not exceeding Three hundred and sixty thousand Pounds *per Annum*, during the Five Years next ensuing the Fifth Day of *April* One thousand eight hundred and forty-

4 & 5 W. 4. c. 72.

7 W. 4. & 1 Vict. c. 51

1 & 2 Vict. c. 88.

3 & 4 Vict. c. 10.

9 G. 4. c. 92.

360,000*l.* to be charged upon the Consolidated Fund by Issues not exceeding 90,000*l.* per Quarter.

forty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter, the same to become due on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, the First Instalment thereof to become due and payable on the Fifth Day of *April* One thousand eight hundred and forty-two, or upon the passing of this Act, whichever shall last happen.

Commissioners for Reduction of National Debt to be Trustees of Public Works Loan Fund, and to cause a separate Account to be opened at the Bank of England for the Purpose.

II. And be it enacted, That the Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall cause a separate Account to be opened at the Bank of *England* with them for such Purpose, under the Title, "The Commissioners for the Reduction of the National Debt, on account of the Public Works Loan Fund," which Account the Governor and Company of the Bank of *England* shall and they are hereby required to open in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid; and there shall be provided and kept in the Office of the said Commissioners for the Reduction of the National Debt, a Book or Books, in which all the Monies transferred to the Account of the said last-mentioned Commissioners by virtue of this Act shall be entered and kept separate and apart from all other Monies; and such Monies shall be by them held, subject to the Disposal, Orders, and Directions of the said Commissioners of the said recited Acts and of this Act, for the Purposes of such Loans and Advances as by the same Acts, or the Acts relating thereto, or this Act, are directed or authorized to be made, and for other the Purposes herein-after mentioned.

Bank to open an Account with the Commissioners for executing this Act.

III. And be it enacted, That the Governor and Company of the Bank of *England* shall and they are hereby required to open an Account in their Books with the Commissioners for the Execution of this Act, under the Title of "The Commissioners for the Issue of Loans for Public Works and Fisheries, *et cætera*," and to the Credit of which Account shall be carried all Principal and Interest Monies which shall from Time to Time become payable in respect of Loans made or to be made under the said recited Acts or this Act, and shall be paid to the Cashiers of the said Bank of *England*, upon such or the like Certificates, under the Hands of the said Commissioners of the said recited Acts and of this Act, as have been heretofore used for such Purpose in regard to Exchequer Bill Loans as directed by the said recited Acts, or some or one of them, in such and the like Manner in all respects as if the Clauses and Provisoes in the said recited Acts with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit.

Money paid into Bank to the Account of Commissioners for

IV. And be it enacted, That all and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the Commissioners for executing this Act, under and by virtue of this Act, shall from Time to Time, immediately on such Payments

being made to the said Account, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

executing this Act to make Part of the Consolidated Fund.

V. And be it enacted, That the several Persons who in and by the said recited Acts, or any of them, are named or constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of passing of this Act, shall be and they and all future Parties so constituted are hereby constituted Commissioners for the Execution of the said recited Acts and this Act, and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners for executing recited Acts to be Commissioners for executing this Act.

VI. And be it enacted, That the said Commissioners named or constituted in and by the said recited Acts, or either of them, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

Commissioners to sign the following Declaration.

'I *A.B.* do declare, That, according to the best of my Judgment, 'I will faithfully and impartially execute the several Duties, 'Powers, and Trusts vested in me by an Act, intituled [*insert Title 'of this Act*], according to the Tenor and Purport of the said 'Act, and the Acts therein recited, and other Acts having reference 'thereto.'

And that such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

VII. And be it enacted, That when and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Money to be advanced and lent or paid under the Provisions of this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Commissioners for the Reduction of the National Debt for the Time being; and at the Foot of every such Certificate the Secretary of the said Commissioners for the Execution of the said recited Acts and this Act shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt, the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said last-named Commissioners, shall upon the Back of every such Certificate indorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to one of such Persons, and which Order of such Officer, previous to the issuing thereof, shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-named Commissioners, and shall be addressed to the Cashiers of the Governor and Company of the Bank

Amount of Monies to be advanced under this Act to be certified to the Commissioners for the Reduction of the National Debt.

of *England*; and such Cashiers, or One of them, shall, upon the Production of every such Order, pay the Sum mentioned therein to the Person or Persons mentioned in every such Order; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt, and to the said Governor and Company respectively, provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the Reduction of the National Debt under the Provisions of this Act.

Commissioners for the Reduction of National Debt to furnish annual Account of Fund for Audit.

VIII. And be it enacted, That the Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account, to the Thirty-first Day of *December* in each Year, of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts at *Somerset Place*.

Appointment of Clerks and Officers by the Commissioners for the Reduction of National Debt, and for defraying Expences attending the Execution of this Act by the said Commissioners.

IX. And be it enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby authorized and empowered, from Time to Time to appoint such Officers, Clerks, and other Persons as may be necessary to be employed by the said Commissioners for the Reduction of the National Debt for carrying this Act into execution, and as may be approved of by the Commissioners of Her Majesty's Treasury; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to order and direct to be issued and paid, out of the Fund upon which the Establishment of the said Commissioners for the Reduction of the National Debt is chargeable, any Sum or Sums of Money for the Payment of Salaries to Officers and Clerks acting under the said Commissioners for the Reduction of the National Debt in the Execution of this Act, and any incidental Expences incurred by the said Commissioners for the Reduction of the National Debt in carrying into execution this Act, in such Manner as the said Commissioners of Her Majesty's Treasury shall from Time to Time think fit and reasonable.

Commissioners may issue Money for defraying Expence of executing recited Acts and this Act.

X. And be it enacted, That it shall be lawful for the Commissioners for the Execution of the said recited Acts and this Act, or any Three or more of them, and they are hereby authorized and empowered, to order and direct to be paid any Sum or Sums of Money out of the Monies hereby authorized to be issued as aforesaid, for the Purpose of paying or defraying all such Allowances, Costs, Charges, and Expences of or incident to the Execution of the said recited Acts or this Act as are not hereby otherwise provided for, without any other Account than before the said Commissioners of Her Majesty's Treasury: Provided nevertheless, that from and after the Fifth Day of *April* One thousand eight hundred and forty-seven all Monies required for the Purpose of paying all such Allowances, Costs, Charges, and Expences of or incident to

the Execution of the said recited Acts or this Act as are not hereby otherwise provided for shall be issued and advanced in the Manner prescribed by the said recited Act of the Third Year of the Reign of Her said present Majesty.

Commissioners may make Advances to Persons engaged in Public Works, &c.

XI. And be it enacted, That the said Commissioners of the said recited Acts and of this Act, at any Time after the passing of this Act, may lend and advance, and apportion or distribute, and authorize to be paid, to and amongst any Body or Bodies Politic or Corporate, or any Company or Companies of Proprietors, or any Person or Persons engaged in or desirous of carrying on or interested in any Works of a public Nature, carried on or which may be hereafter carried on under the Authority of Parliament, or for the Encouragement of the Fisheries, or for the Support of any Collieries or Mines, or for the building, rebuilding, enlarging, repairing, improving, or fitting up of any County or Town Halls, or of any County Lunatic Asylums, or to any Trustees or Trustee of Roads or Railways, or any other Person or Persons whomsoever, for any of the Purposes mentioned in the said recited Acts or any or either of them, or this Act, or any Act or Acts having relation thereto, all or any Part or Parts of the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, for such Times or Periods, at such Rate or Rates of Interest (if any), upon such Securities, and subject to such or the like Terms and Conditions, or any or either of them, as are in and by the same Acts respectively specified and prescribed in regard to Loans of Exchequer Bills under the said recited Acts, or any or either of them, or any Act or Acts of Parliament having relation thereto; and that in case any such Loans or Advances shall be made for the Purpose of building, rebuilding, enlarging, repairing, improving, or fitting up of any County or Town Halls, or of any County Lunatic Asylum, such Loans or Advances shall be made on the like Application, and on such or the like Security of Rates, to be expressly made for such Purpose by the Justices of the Peace for the County, City, Town, or Place in or to which such Halls or Asylums shall be respectively situate or belong, and which Rates such Justices are hereby authorized and empowered to make accordingly, and on such or the like Terms, and subject to such or the like Provisions, as are in and by the said recited Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth expressed and contained in regard to Advances or Loans to be made thereunder for the building, rebuilding, enlarging, or repairing of Gaols in *England*. 4 G. 4. c. 63.

Commissioners may make Advances to Guardians of Unions or other Persons authorized by 1 & 2 Vict. c. 56. to borrow, for building, fitting, an

XII. And whereas in pursuance of the said recited Act of the First and Second Years of the Reign of Her present Majesty, and of an Act also passed in the First and Second Years of the Reign of Her said present Majesty, intituled *An Act for the more effectual Relief of the Destitute Poor in* Ireland, the Sum of Two hundred and fifty thousand Pounds, Part of the Sum of Five hundred thousand Pounds by the said first-mentioned Act of the First and Second Years of the Reign of Her said present Majesty authorized to be raised in Exchequer Bills, has been appropriated or reserved, under the Authority or Direction of the Commissioners of Her present Majesty's Treasury, for the Promotion and Extension of Public Works in *Ireland*, and for building,

furnishing Workhouses in Ireland.

building, fitting, and furnishing Workhouses in *Ireland*, and other the Objects for which such Loans are authorized by the said secondly-mentioned Act, Two hundred thousand Pounds whereof in Exchequer Bills has, under the like Authority, been applied, advanced, or lent for such last-mentioned Purposes accordingly; and the Sum of Eight hundred thousand Pounds, Part of the Sum of One million two hundred thousand Pounds by the said Act of the Third Year of the Reign of Her said present Majesty authorized to be raised in Exchequer Bills, has, under the like Authority or Direction, been appropriated for building, fitting, and furnishing Workhouses in *Ireland*, and other the Objects for which such Loans are authorized by the said secondly-mentioned Act, under the Powers and Provisions of the said Two Acts of the First and Second Years of the Reign of Her said present Majesty, and it is expedient that further Advances should be authorized to be made for the same lastly-mentioned Purposes; be it therefore enacted, That the said Commissioners for the Execution of this Act may receive Applications for any Loan or Loans, and make such Loan or Loans accordingly, of any Part or Parts of the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, unto the Guardians of any Union or Electoral Division, or other Persons, by the said secondly-mentioned Act of the First and Second Years of the Reign of Her said present Majesty authorized to borrow and obtain the same, for the building, fitting, and furnishing Workhouses in *Ireland*, or other the Purposes for which such Money is by such lastly-mentioned Act authorized to be borrowed, repayable by such Instalments, at such Interest, upon such Security, on such Terms, and subject to such Conditions and Provisions, as are mentioned and contained in the said last-mentioned Act; save only and except that where by the said last-mentioned Act it is provided that the first of such Instalments shall be repaid at or before the Expiration of One Year after the Time of the Advance of such Money, if at the Time of such Advance any Workhouse in the said Union shall have been declared by the said Commissioners of the same Act fit for the Reception of destitute Poor, and if no Workhouse in the Union shall have been so declared fit, then at or before the Expiration of One Year after the Time when some Workhouse shall have been so declared fit, such Provisions shall, as well with reference to any Loans or Advances already made or which shall hereafter be made under the said Two recited Acts of the First and Second Years of the Reign of Her said present Majesty, and the said Act of the Third Year of the Reign of Her said present Majesty, as also with reference to all Loans or Advances to be made under this present Act, be construed and taken as referring to a permanent Workhouse fit for the Reception of destitute Poor, and not to any temporary or occasional Workhouse which may have been or which may be fitted up for any such Union; and that all Declarations which may have been made by the said Commissioners of the said secondly-recited Act of the First and Second Years of the Reign of Her said present Majesty, as to the Fitness of any such temporary or occasional Workhouse for the Reception of destitute Poor, shall, so far as regards the Charges or Securities which have been made or executed under the Powers or Provisions of the same Act, be deemed and considered as null and void.

XIII. And

Commissioners may grant Loans to any Persons or Companies in Ireland, under the Conditions contained in the recited Acts and this Act.

XIII. And be it enacted, That it shall be lawful for the said Commissioners of the said recited Acts authorizing the Issue of Exchequer Bills, and of this Act, to receive Applications for any Loan or Loans, and to make such Loans accordingly, of any Part or Parts of the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, to any Person or Persons, Body or Bodies Politic or Corporate, or Company or Companies, in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, for all such and the same or the like Purposes, and upon such or the like Securities, and under and subject to such and the same Rules, Regulations, Restrictions, Conditions, and Provisions, as the said Commissioners are empowered to do by the said recited Acts or this Act with respect to Loans or Advances to Persons, Bodies Politic or Corporate, or Companies, for public or other Works in *Great Britain;* and that the said last-mentioned Commissioners, and their Secretary for the Time being, shall have, exercise, and be entitled to all such and the same or the like Powers, Authorities, Rights, and Remedies in relation thereto as they respectively would have had or been entitled to under the said recited Acts and this Act in case such Loans or Advances had been made to any Person or Persons, Body or Bodies Politic or Corporate, or Company or Companies, or otherwise, for public or other Works in any Part of *Great Britain;* any Statute, or any Rule of Law or Equity, of *Great Britain* or of *Ireland*, or any Custom, to the contrary thereof in anywise notwithstanding.

Powers, &c. of recited Acts as to Advances to have the same Force as if re-enacted in this Act.

XIV. And be it enacted, That all the Clauses, Powers, Authorities, Provisoes, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or any of them, in relation to any Advances of Exchequer Bills or Money made or to be made under the said recited Acts or any of them, or for the Recovery and Repayment of such Advances, shall extend and are hereby extended and made applicable to all Loans and Advances of Money to be made under the Authority of this Act, and to all Acts, Matters, and Things made, done, executed, or directed by the said Commissioners of Her Majesty's Treasury, or the said Commissioners for executing this Act and the said recited Acts, or either of them, or their Secretary for the Time being, or any other Persons, Parties, Bodies Politic or Corporate, under the Authority of the said recited Acts or this Act, or any or either of them, and the Recovery and Repayment of such Advances, in such or the like Manner, to all Intents, Constructions, and Purposes whatsoever, as if such Clauses, Powers, Authorities, Provisoes, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures had been particularly and severally repeated and re-enacted in the Body of this Act, except only so far as the same are amended, extended, or altered by any subsequent Act or by this present Act.

Mortgages, &c. to be in such Form as Commissioners shall direct.

XV. And be it enacted, That all Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances, which shall from Time to Time be taken by or on the Part of the said Commissioners of the said recited Acts and of this Act, or by their Secretary, shall be made and prepared in such Form as the said Commissioners shall from Time to Time order or direct, and, when executed

by the Mortgagors or other Parties making such Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances, shall be valid and effectual in the Law to pass all the Estate or Interest of such Mortgagors or other Persons in the Property, Estate, or Effects comprised therein, (except where otherwise expressly provided by such Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances, and for all other the Objects and Purposes expressed or intended to be affected by such Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances,) but subject nevertheless to such Right of Redemption, if any, as shall or may, by such Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances, be reserved to the Mortgagors or other Persons executing the same as aforesaid, and to such other Right or Equity of Redemption, if any, as shall or may arise thereout under any Rule of Equity; and the Fact of the Secretary of the said Commissioners being a Party to such Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances shall be deemed conclusive Evidence of the same Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances having been so made and prepared in the Form prescribed by and under the Order and Direction of the said Commissioners; and that all Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances already executed unto the said Commissioners to their Secretary shall be deemed and taken to have been prepared, in like Manner, under the Order or Direction of the said Commissioners, and shall also be deemed and taken to have had the like Operation in passing all the Estate or Interest of the Mortgagors or other Persons executing the same, in the Property, Estate, or Effects comprised therein, or for all other the Objects and Purposes aforesaid, or intended to be effected thereby, except and subject as aforesaid.

Power for Secretary of Commissioners to grant Leases, under their Order and Direction.

XVI. And be it enacted, That all Demises or Leases which by the said recited Acts or this Act the said Commissioners are authorized to grant or execute shall and may, if they shall think proper, be granted and executed by their Secretary for the Time being, under their Order or Direction; and every such Demise or Lease as shall be executed by such Secretary shall be deemed and taken to have been executed by him under such Order and Direction of the said Commissioners, unless the contrary be shown by any Person or Persons interested in contesting the Validity of such Demise or Lease.

Power for Commissioners to accept Payment of Loans, or Portion of Loans, and to direct the Release or Transfer of corresponding Interest in the Securities.

XVII. And whereas by the said recited Act of the Third Year of the Reign of His late Majesty King *George* the Fourth it is amongst other things enacted, that in all Cases of Loans advanced under the Provisions of the said therein-recited Acts or any of them, or of that Act, it should be lawful for any Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, who might be desirous of discharging and paying off the Amount of the Principal Money and Interest due or thereafter to become due to the said Commissioners, or to their Secretary for the Time being, on any Loan or Loans advanced under the said therein-recited Acts or any of them, or which should thereafter be advanced under the said therein-recited Acts or any of them, or that Act, and he or they were

thereby empowered, to borrow such Sum or Sums of Money as might be required for such Purpose of any Person or Persons willing to advance the same, on the Security of an Assignment of the Mortgage or other Security given to the said Commissioners, or their Secretary for the Time being, for the Loan or Loans which might be proposed to be paid off as aforesaid, and which Assignment the said Commissioners were thereby authorized and empowered to direct their Secretary to make, upon such Terms and Conditions as the said Commissioners should, under the Circumstances of any such Case, at any Time deem expedient, and the Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, to whom such Assignment should be made, should, under and by virtue thereof, in all respects be entitled to such and the like Priority, Powers, Privileges, and Advantages as the said Commissioners were entitled to on the Security so assigned, until the Principal and Interest remaining due and secured thereby should be fully paid and discharged: And whereas Doubts have arisen whether such Enactment authorizes the paying off, Assignment, or Transfer of a Portion only of any Loan or Loans for the Time being remaining due to the said Commissioners on any such Mortgage or Security as aforesaid, and the borrowing of sufficient Monies for such Purpose, and it is expedient to obviate such Doubts, and otherwise to extend the Operation of the said Enactment; be it therefore enacted, That in all Cases where at any Time or Times any Parties, Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, entitled to or interested in the Right or Equity of Redemption of any Property, Works, Rates, Tolls, or other Effects comprised in any Mortgage, Charge, or other Security for the Time being vested in the said Commissioners or their Secretary, under the Provisions of the said recited Acts or any of them, or this Act, or any other Person or Persons whosoever, shall be desirous of discharging or paying the Whole or any Portion or Portions of the Mortgage or other Debt and Interest for the Time being remaining due or owing to the said Commissioners or to their Secretary on such Mortgage, Charge, or other Security, it shall and may be lawful for the said Commissioners, if they shall think proper so to do, to accept Payment of the same Mortgage or other Debt, and Interest, or of such Portion or Portions thereof as aforesaid, and in consideration thereof to direct their Secretary to make and execute such Release, Assignment, Transfer, Declaration of Trust, or other Assurance of the Mortgage or other Debt, and Interest, or Portion or Portions, respectively so discharged or paid, and of the Property, Works, Rates, Tolls, or Effects comprised in such Mortgage, Charge, or other Security, or any Part or Parts thereof, or any Estate or Interest therein, unto or in favour or according to the Direction of the Party or Parties, Person or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, discharging or paying, or procuring the Discharge or Payment of the same Mortgage or other Debt, and Interest, or of such Portion or Portions thereof respectively as aforesaid, upon such Terms and Conditions, and in such Manner and Form, in all respects, as they the said Commissioners shall, under the Circumstances of any such Case, deem expedient; and the Party or Parties, Person or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, who may be so desirous of discharging or paying such Mortgage or other

other Debt, and Interest, or such Portion or Portions thereof as aforesaid, shall be and they are hereby empowered to borrow all such Sum or Sums of Money as may be requisite for that Purpose, or any Part thereof, of any Person or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors whomsoever, who shall be willing to lend and advance the same on the Security of such Assignment, Transfer, Declaration of Trust, or other Assurance as aforesaid; and the Party or Parties, Person or Persons, Bodies Politic or Corporate, and Company or Companies of Proprietors, unto or in whose Favour any such Assignment, Transfer, Declaration of Trust, or other Assurance shall be so executed as aforesaid, shall, under and by virtue thereof, to the Extent to which the same shall be thereby conceded or granted by the said Commissioners, or their Secretary by their Direction, be entitled to all such and the like Priorities, Powers, Privileges, and Advantages as the said Commissioners were or would have been entitled to under the Mortgage, Charge, or other Security the Benefit whereof shall be so assigned, transferred, or otherwise assured, or in part assigned, transferred, or otherwise assured, until the Mortgage or other Debt, and Interest, or Portion or Portions, so respectively assigned, transferred, or otherwise assured, shall be fully paid and discharged, and that either subject and without Prejudice to, or with Priority over or concurrently with, the Powers, Privileges, and Advantages of the said Commissioners in respect of the Part or Portion, if any, of the said Mortgage or other Debt, and Interest, which for the Time being shall or may be still remaining due and owing to the said Commissioners, and not comprised in such Assignment, Transfer, or other Assurance, according as the same may be so conceded or granted by the said Commissioners, or their Secretary by their Direction, in and by such Assignment, Transfer, or other Assurance; and that the said Commissioners, or their Secretary by their Direction, shall have full Power and Authority to enter into and accede to all such Arrangements in regard to such Releases, Assignments, Transfers, Declarations of Trust, or other Assurances, and as to the Mode of effectuating the same, as they the said Commissioners shall deem expedient; and that the Concurrence of the Secretary for the Time being of the said Commissioners in any such Release, Assignment, Transfer, Declaration of Trust, or other Assurance, under the alleged Order or Direction of the said Commissioners, shall, in favour of all Parties claiming thereunder, be deemed sufficient Evidence of the same, and the several Provisions therein contained having been executed and entered into under the Order and Direction of the said Commissioners.

Power for Commissioners to concur in Leases, Sales, and other Dispositions of mortgaged Property.

XVIII. And be it enacted, That in case at any Time or Times hereafter the Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, entitled to or interested in the Right or Equity of Redemption of the Property, Works, Rates, Tolls, or Effects comprised in or affected by any Mortgage, Charge, or other Security vested in the said Commissioners, or their Secretary for the Time being, under the Provisions of the said recited Acts or any of them, or this Act, shall be desirous of leasing, selling, or otherwise disposing of the same Property, Works, Rates, Tolls, or Effects, or any Part or Parts thereof, or of procuring the same or any Part thereof, for any other Purpose,

pose, to be released or discharged from the Mortgage or other Debt for the Time being remaining due and owing to the said Commissioners on such Mortgage, Charge, or other Security, it shall and may be lawful for the said Commissioners, if they shall think proper so to do, and notwithstanding they may not for the Time being have taken possession of such Property, Works, Rates, Tolls, or Effects, under the Powers and Provisions of the said recited Acts or of this Act, to direct and empower their Secretary for the Time being, for and on behalf of them the said Commissioners, to concur in all such Leases, Conveyances, or other Assurances or Releases as may be requisite or be deemed expedient for effectuating such Objects, either in consideration of any previous Diminution or part Payment of such Mortgage or other Debt, or in consideration of the Fine or Fines (if any) or Sum or Sums of Money to be paid as the Consideration for such Leases, Purchases, or Conveyances, or any Part thereof, or any other Sum or Sums of Money, being paid to the said Commissioners or to their Secretary, in or towards Satisfaction of the Principal and Interest Money for the Time being remaining due to the said Commissioners or their Secretary on such Mortgage, Charge, or other Security, or for any other Consideration, as the said Commissioners shall deem meet, or, if the said Commissioners shall think proper, without any pecuniary Consideration, and generally to concur in or accede to all such Arrangements in regard to such Leases, Conveyances, or other Assurances, or Dispositions and Releases, and the Reservations, Covenants, Stipulations, and Agreements in such Leases, Conveyances, or other Assurances to be respectively reserved and contained, as they the said Commissioners shall deem expedient or proper; and that the Concurrence of the Secretary for the Time being of the said Commissioners in any such Lease, Conveyance, Release, or other Assurance, under the alleged Order or Direction of the said Commissioners, shall, in favour of all Parties claiming thereunder, be deemed sufficient Evidence of the same, and the several Provisions therein contained, having been executed and entered into under the Order and Direction of the said Commissioners.

Power for Commissioners to retain the whole of the Mortgage Debt or Charge out of Purchase Monies, notwithstanding some of the Instalments of Principal may not have actually become due and payable at the Time of Sale, &c.

XIX. And be it enacted, That in case the said Commissioners shall, under and in pursuance of the Powers or Authorities of any of the said recited Acts or this Act, make any Sale or other absolute Disposition of any Public Works, Interest, Property, or Effects comprised in any Mortgage, Assignment, or other Charge, already executed or hereafter to be executed, under the Provisions of any of the said recited Acts or this Act, it shall and may be lawful for them to deduct and retain out of the clear Monies thereby produced, after the Payment of the Costs, Charges, and Expences of or incident to the preparing for and making such Sale or other Disposition, so far as such clear Monies will extend, all the Principal Monies for the Time being remaining due or owing or secured upon or by virtue of such Mortgage, Assignment, or Charge, notwithstanding the whole of such Principal Money, or any Instalments thereof, may not, according to the Terms or Provisions of such Mortgage, Assignment, or Charge, have become actually due and payable, together with all Interest (if any) for the Time being accrued due on such Principal Monies

Sales, &c. by Commissioners to be binding on Mortgagors, &c.

XX. And be it enacted, That if and when the said Commissioners have sold or made any absolute Disposition, or shall hereafter sell or make any Disposition, of any Public Works, Interest, Property, or Effects whatsoever, of which they may have taken or shall take possession in pursuance of the Powers contained in any of the said recited Acts or this Act, the same Public Works, Interest, Property, or Effects shall, in respect and to the Extent of the Estate or Interest so sold or otherwise disposed of, be held freed and discharged from all Claim and Demand of the Persons, Parties, Bodies Politic, Corporate, or Collegiate, or Companies, by whom the same were conveyed or transferred to the said Commissioners or to their Secretary, and of all Persons or Bodies claiming under them, and in all respects as if such Persons, Parties, Bodies Politic, Corporate, or Collegiate, or Companies, making such Conveyance or Transfer, and all Persons or Bodies claiming under them, were in all respects, to such Extent as aforesaid, foreclosed from all Equity or Right of Redemption of or in respect of the Premises so sold or disposed of: Provided nevertheless, that nothing herein contained shall be taken or construed to prejudice the Rights and Remedies of any Persons or Parties, Bodies Corporate, Politic, or Collegiate, or Companies, as against the said Commissioners or their Secretary, for or in respect of any Surplus of the Monies which shall or may arise or be produced by or in consequence of such Commissioners or their Secretary, or any other Person or Persons on their Account, entering into possession, and conducting, carrying on, or managing of such Works, Interest, Property, or Effects, or by or in consequence of their entering into the Receipt of such Tolls, Rates, Rents, or other Profits of such Works, Interest, Property, or Effects, or by or in consequence of the said Commissioners selling or otherwise disposing thereof as aforesaid, after paying and discharging all the Costs, Charges, and Expences of or incident to such entering into possession of such Works, Interest, Property, or Effects, or the conducting, managing, or carrying on the same, or receiving or collecting of such Tolls, Rates, Rents, and Profits, or of the selling and disposing of such Works, Interest, Property, or Effects as aforesaid, and also after paying and discharging all the Principal, Interest, or other Monies which shall for the Time being be due or owing on the Security of the same Works, Interest, Property, or Effects, Tolls, Rates, or Rents respectively, under or by virtue of the Provisions of the said recited Acts or this Act, or any or either of them, and which clear Surplus Monies, together with all such Estate or Interest (if any) of and in the said Works, Interest, Property, or Effects, Tolls, Rates, Rents, and Profits (if any), which shall remain unsold or undisposed of, after Payment of all such Costs, Charges, and Expences, Principal, Interest, or other Monies, shall result in Equity or belong to such Persons or Parties, Bodies Corporate, Politic, or Collegiate, or Companies respectively, and be accounted for or re-conveyed or re-assured to them respectively accordingly: Provided nevertheless, that in case at any public Auction to be held for the Sale or Disposition of any Public Works, Interest, Property, or Effects whatsoever, by Order of the said Commissioners, under the Powers of any of the said recited Acts or of this Act, the same Public Works, Interest, Property, or Effects shall be bought in by or by the Order of the Commissioners, in consequence of the highest *bonâ fide* Bidding

at such Auction for such Public Works, Interest, Property, and Effects not being equal to the Amount of Principal, Interest, or other Monies for the Time being remaining owing on the Security of such Public Works, Interest, Property, and Effects, then and in such Case it shall and may be lawful for such Commissioners, at any Time thereafter, to sell and dispose of the same Public Works, Interest, Property, and Effects, either by public Auction or by private Contract, upon such Terms, and under and subject to such Conditions of Sale, or other Conditions, Stipulations, and Agreements, as they the said Commissioners may think proper or deem expedient for the Purpose of insuring the Completion or carrying on of such Public Works by the Purchaser or Purchasers thereof, with a view to the public good or general benefit, or for any other Purpose, notwithstanding such Conditions of Sale, or other Conditions, Stipulations, and Agreements, may be considered prejudicial to such Re-sale, or may not be beneficial to the Persons, Parties, Bodies Corporate, Politic, or Collegiate, or Companies, making such Mortgage, Assignment, or Charge aforesaid, or otherwise interested in such Public Works, Interest, Property, and Effects, in like Manner in all respects as if such Public Works, Interest, Property, and Effects were the absolute Property of the said Commissioners, or such Persons, Parties, Bodies Corporate, Politic, or Collegiate, or Companies, as aforesaid, were in all respects foreclosed from all Right or Equity of Redemption of or in respect of the Premises so sold or disposed of.

Commissioners may sell Materials of Works in certain Cases.

XXI. And be it enacted, That whenever the said Commissioners shall, under or in pursuance of any of the Powers or Authorities of the said recited Acts or of this Act, have entered into the Receipt of any Rates, Tolls, Duties, Issues, or Profits comprised in any Mortgage, Assignment, or other Charge, already executed or hereafter to be executed, arising from any Public Work, Interest, Property, or Effects, or into possession of any Public Works, Interest, Property, or Effects comprised in any Mortgage, Assignment, or other Charge, already executed or hereafter to be executed under the Provisions of the said recited Acts or of this Act, and the Rates, Tolls, Duties, Issues, and Profits of such Works, Interest, Property, or Effects respectively, shall not be sufficient to pay and keep down the current Expences of the working, keeping, and maintaining the same open and in repair, together with the Arrears of Instalments of Principal or Interest for the Time being accrued due on such Mortgage, Assignment, or other Charge, it shall and may be lawful for the said Commissioners, with the Consent of the Commissioners of Her Majesty's Treasury, testified by their Warrant under the Hands of Three or more of them, to order and direct the Works and Property from whence any such Rates, Tolls, Duties, Issues, and Profits comprised in any such Mortgage, Assignment, or other Charge shall arise, or any such other Works, Property, and Effects, to be broken up, taken down, pulled to Pieces, or otherwise destroyed, and to sell the Materials thereof or of any Part thereof, and the Sites thereof, and other the Articles, Property, and Effects belonging thereto, either together or in Parcels, and either by public Auction or by private Contract, and under and subject to such Conditions of Sale, and in such Manner in all respects, as they the said Commissioners

of

of the said recited Acts and of this Act shall deem expedient or think proper, or otherwise to authorize the Purchaser or Purchasers of such Works, Property, and Effects, or any of them, their or his Heirs, Executors, Administrators, or Assigns, with the like Consent of the said Commissioners of Her Majesty's Treasury, and to be so testified as aforesaid, to break up, take down, pull to Pieces, or otherwise destroy, and to sell, use, or otherwise employ, the Materials and Sites thereof, in such Manner in all respects as they respectively shall think proper, without such Commissioners of the said recited Acts and of this Act, or their Secretary, or other Person or Persons, performing such Order or Direction as aforesaid, or such Purchaser or Purchasers as aforesaid, his or their Heirs, Executors, Administrators, or Assigns, being in anywise liable in Damages or otherwise to any Person or Persons whomsoever, for their or his so breaking up, taking down, pulling to Pieces, or otherwise destroying such Works or any of them.

Construction of certain Words in this Act.

XXII. And be it enacted, That the Words "Commissioners of Her Majesty's Treasury," or "of the Treasury," whensoever used in this Act, shall be construed to mean any Three or more of such Commissioners, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*.

Act may be amended or repealed.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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