



ANNO DECIMO

# GEORGIIV. REGIS.

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## *Cap. xxxviii.*

An Act to alter, amend, and enlarge the Powers of an Act passed in the Sixth Year of the Reign of His present Majesty, for making and maintaining the *Duffryn Llynvi and Porth Cawl* Railway, and other Works connected therewith.

[14th *May* 1829.]

**W**HEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway or Tramroad* 6 G. 4. c. 104. from or from near to a certain Place called *Duffryn Llynvi*, in the Parish of *Llangonoyd* in the County of *Glamorgan*, to or near to a certain Bay called *Pwll Cawl* otherwise *Porth Cawl*, in the Parish of *Newton Nottage* in the same County, and for extending and improving the same Bay by the *Erection of a Pier* and other suitable Works for that Purpose, whereby certain Persons therein named, and their Successors, were incorporated and created One Body Politic or Corporate, by the Name and Style of "*The Duffryn Llynvi and Porth Cawl* Railway Company," for the Purpose of making and maintaining such Railway or Tramroad and other Works, and for improving and extending the said Bay, as in the said recited Act is mentioned: And

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whereas

whereas by the said recited Act the said Company of Proprietors were authorized and empowered to raise and contribute amongst themselves, in manner therein mentioned, any Sum or Sums of Money for making and completing the said Railway or Tramroad, Pier, and other the Works and Conveniences belonging or requisite thereto, not exceeding in the whole the Sum of Forty thousand Pounds; and in case the said Sum of Forty thousand Pounds should be found insufficient for the Purposes aforesaid, then the said Company of Proprietors were thereby authorized and empowered to borrow and take up at Interest, by way of Mortgage, a further Sum of Twenty thousand Pounds, in manner therein mentioned: And whereas the said Company of Proprietors have proceeded in the Execution of the said recited Act, and have made great Progress in laying down and making the said Railway or Tramroad, Pier, and other Works thereby authorized to be made, and have, in the Execution thereof, raised or subscribed amongst themselves, and expended the said Sum of Forty thousand Pounds, and have also raised the further Sum of Eight thousand Pounds, Part of the said Sum of Twenty thousand Pounds by the said recited Act authorized to be borrowed by the said Company of Proprietors by way of Mortgage in manner therein mentioned: And whereas the said Company of Proprietors have been unable to raise more than the said Sum of Eight thousand Pounds by way of Mortgage as aforesaid, and a further Sum of Money is yet wanting and necessary to enable the said Company of Proprietors to discharge their Debts, and to finish and complete the said Railway or Tramroad, Pier, and other Works; and the said Company of Proprietors are desirous that further Powers should be given to them to raise the Remainder of the said Sum of Twenty thousand Pounds for those Purposes, in manner herein-after mentioned; and it is also expedient that certain of the Powers and Provisions contained in the said recited Act should be respectively altered, enlarged, amended, and repealed in manner herein-after mentioned, and that further Powers should be given to the said Company of Proprietors; but the said several Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 the said recited Act of the Sixth Year of the Reign of His said present Majesty, and all and every the Powers, Provisoes, Authorities, and other Matters and Things therein contained, (save and except such Parts thereof as are varied, altered, and repealed by virtue of this Act,) shall remain and continue in full Force and Effect, and be as good, valid, and effectual, to all Intents and Purposes, for carrying this Act into execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of  
Act 6 G. 4.  
extended to  
this Act.

Mortgagees  
not to be  
deemed  
Proprietors.

II. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, to whom any Mortgage or Mortgages shall have been made or given by virtue of the said recited Act, or shall hereafter be made or given by virtue of the said recited Act and  
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this Act, or either of them, shall thereby be deemed a Proprietor or Proprietors of any Share or Shares, or shall thereby be rendered capable of acting as such at any Meeting of the said Company of Proprietors, for or on account of his, her, or their having lent or advanced any Sum or Sums on such Mortgage or Mortgages, unless and until he, she, or they shall, under the Power herein-after contained, have given such Notice as herein-after is mentioned of his, her, or their Intention to become a Proprietor or Proprietors of or Subscriber or Subscribers to the said Undertaking, and shall have delivered up the said Mortgage or Mortgages to be cancelled.

III. And be it further enacted, That it shall be lawful for all or any and every the Person and Persons, Body and Bodies Politic or Corporate, to whom any Mortgage or Mortgages shall have been made or given or shall hereafter be made or given by virtue of the said recited Act and this Act, or either of them, or who shall be entitled to the Money due thereon, or his, her, or their Assignee or Assignees, at any Time or Times before the Twenty-fifth Day of *December* which will be in the Year One thousand eight hundred and thirty-four, to become (at the Option of the Holder or Holders of such Mortgage or Mortgages, and upon giving to the said Company of Proprietors Three Calendar Months previous Notice in Writing of such his, her, or their Intention,) a Subscriber or Subscribers to and Proprietor or Proprietors of the said Undertaking in the Proportion of One Share in the said Undertaking and in the Subscription Capital thereof for every Hundred Pounds of Principal Money which may be due or secured on any Mortgage or Mortgages in respect of which such Notice may be given as aforesaid, and upon giving up such Mortgage or Mortgages to be cancelled; and the Clerk for the Time being of the said Company of Proprietors shall and he is hereby required, at the Expiration of such Notice, and upon the Delivery up of the same Mortgage or Mortgages, to cause the Name or Names and proper Addition or Additions of all such Mortgagee or Mortgagees, or his, her, or their Assignee or Assignees as aforesaid, to be entered in the Book by the said recited Act directed to be kept by the said Clerk of the Names and Additions of Proprietors, and shall also enter therein the Number of Shares which shall be given and appropriated to all and every such Mortgagee or Mortgagees, or his, her, or their Assignee or Assignees, desiring to become a Proprietor or Proprietors in lieu of his, her, or their Debt or Debts, and the proper Number by which every such Share shall be distinguished; and after such Entry shall be made the said Clerk shall deliver to all and every such Mortgagee or Mortgagees or Assignee or Assignees as aforesaid, desiring to become a Proprietor or Proprietors, a Ticket or Tickets or Instrument or Instruments, with the Common Seal of the said Company of Proprietors affixed thereto, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and thereafter, and after such Mortgage or Mortgages shall have been cancelled, all Bodies Politic or Corporate, and other Persons respectively, so desiring to have Shares in the said Undertaking in lieu of their respective Mortgage Debts, and their several Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be the Owners and Proprietors of the said Shares so to be

Enabling  
Mortgagees  
to become  
Subscribers.

be given and appropriated to them as aforesaid, and shall be united to and incorporated with the said Company of Proprietors.

Remedy for Mortgagees in case of Default of the Company when required to pay off any Mortgage.

IV. And be it further enacted, That if Default shall happen to be made by the said Company of Proprietors in Payment of the Principal Money secured by any Mortgage or Mortgages made or to be made by them in pursuance of the said recited Act or of this Act, or of any Part thereof respectively, within the Space of Six Calendar Months next after Notice given by the Person or Persons entitled to or interested in such Mortgage or Mortgages to the said Company of Proprietors, requiring Payment of the Money due, and which shall have become payable thereon, then and in such Case, but not until then, it shall be competent for any Person or Persons, Body or Bodies Politic or Corporate, to whom any such Mortgage or Mortgages shall have been made, and in respect whereof such Default shall have been made, his, her, or their Executors, Administrators, Successors, and Assigns respectively, to call upon and require the said Company of Proprietors (and they the said Company of Proprietors are hereby authorized and required in pursuance of such Requisition) to set aside and apply One Tenth at the least of the net annual Income and Profits of the said Undertaking (after the Interest of the Mortgages shall be paid, as is directed by the said recited Act,) for the Purpose of paying off and redeeming the Principal Money due and owing to such Mortgagee or Mortgagees who shall have given such Notice or Notices and have required Payment as aforesaid: Provided always, that it shall be lawful for the said Company of Proprietors to set apart and apply any greater Proportion of their said net annual Income and Profits than is herein-before mentioned to the Discharge and Redemption of any Mortgage Debt or Debts, or any Part thereof, which shall be due and owing, as shall be agreed upon at any Special General Meeting or Meetings of the said Company of Proprietors to be convened for that Purpose, and shall be sanctioned by Three Parts in Four of the Votes in Person and by Proxy which the Proprietors of such Meeting shall have a Right to give, and shall give accordingly.

In case any Mortgage is paid off, the Company may raise the like Amount again.

V. And be it further enacted, That in case the said Company of Proprietors shall pay off all or any Part of the Principal Sums which shall be borrowed upon Mortgage of the said Undertaking, then and in every such Case it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, immediately or at any Time or Times thereafter again to raise, in lieu of the Principal Money so paid off by them, so much and such Sum or Sums of Money as they shall from Time to Time have paid off, or any Part or Parts thereof, by the Issue or Creation of new Mortgages, and so from Time to Time as often as the same shall happen; but so nevertheless that the said Company of Proprietors shall not in any Event borrow or raise or owe, by Mortgage as aforesaid, more than the said Sum of Twenty thousand Pounds in the whole at any one Time.

Repealing the Power in former Act, restraining

VI. And whereas it is by the said recited Act enacted, that it should not be lawful for the said Company to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or

or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than Twenty Statute Acres of Land for depositing of Ballast, and for making, erecting, forming, and providing Yards, Wharfs, Landing Places, Messuages, Warehouses, and other Buildings and Conveniences, or for any other Purpose whatsoever connected with the said Railway or Tramroad and other Works, as in the said Act is mentioned; and in case the said Company should afterwards sell the whole or any Part of such Twenty Statute Acres so purchased, it should not be lawful for the said Company to purchase of or from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, nor for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of those Twenty Statute Acres, or any Part thereof so sold or disposed of by the said Company: And whereas it is expedient that the same should be repealed: Be it therefore further enacted, That the same shall be and is hereby declared to be repealed.

the Company from purchasing more than Twenty Acres of Land from incapacitated Persons.

VII. And whereas by the said recited Act the said Company of Proprietors are empowered to purchase, in addition to the Land thereby authorized to be purchased, used, or taken for making and completing the said Railway or Tramroad, Pier, and other Works, any Quantity of Land, not exceeding Twenty Statute Acres, for depositing of Ballast, and for making, erecting, forming, and providing Yards, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences for the Purposes of the said Act: And whereas the said Company have already purchased or have contracted for the Purchase of the whole of such Quantity of Lands, for the Purposes therein mentioned: And whereas it may tend to the public Advantage and Accommodation if the said Company be further empowered to purchase a further Quantity of Land, not exceeding Twenty Statute Acres, for the Purposes of the said recited Act and of this Act, and in addition to the Quantity authorized to be purchased by the said recited Act: Be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, for the Purchase

Power to purchase additional Land for Wharfs, &c.

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of

of any Parcel or Parcels of Land, Messuages, Buildings, or Hereditaments, in addition to the Land authorized to be purchased, used, or taken by the said recited Act (not exceeding Twenty Statute Acres), in such Place or Places as shall be deemed eligible or convenient for depositing of Ballast, and for making, erecting, forming, and providing any Yards, Wharfs, Landing Places, Messuages, Warehouses, and other Buildings and Conveniences, or for any other Purpose whatsoever connected with the said Railway or Tramroad, Pier or Bay, and other Works which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel or Parcels of Lands, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes last aforesaid, or any of them, in the same Manner as is in the said recited Act directed concerning Lands, Messuages, Buildings, and Hereditaments to be taken or used for the Purpose of forming, making, and maintaining the said Railway or Tramroad, Pier, and other Works: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company to take or use for any such Purposes any Lands or Buildings without the Consent in Writing of the Owners and Occupiers of such Lands or Buildings, or to oblige the Owners thereof to sell to the said Company any Lands or Buildings for such Purposes.

Company not to purchase more than Twenty additional Acres of Land from incapacitated Persons.

VIII. And whereas the said Company are enabled to purchase Twenty Statute Acres of Land by virtue of this Act, for the Purposes of this and the said recited Act, in addition to the Land authorized to be purchased, used, or taken by the said recited Act, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling such Twenty Acres of Land so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold: Be it therefore further enacted, That it shall not be lawful for the said Company to purchase, in addition to the Lands which they have already purchased, under and by virtue of the said recited Act, from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole,

Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Twenty Statute Acres; and in case the said Company shall afterwards sell the whole or any Part of such Twenty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, nor for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of those Twenty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

IX. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Company of Proprietors to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person or Persons whomsoever, under the Provisions or Directions contained in the said recited Act or in this Act, or either of them, such Notice shall and may be in Writing signed by the Clerk for the Time being of the said Company of Proprietors, without being required to be under the Common Seal of the said Company of Proprietors.

Notices to be given by the Clerk.

X. And be it further enacted, That in all Cases in which any Penalty or Forfeiture by the said recited Act and this Act, or either of them, is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against the said recited Act and this Act, or either of them, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons, without Information, shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Justices may proceed by Summons for the Recovery of Penalties.

XI. And

Treasurer  
and Clerk not  
to be the  
same Person.

XI. And be it further enacted, That it shall not be lawful for the said Company of Proprietors to continue or appoint the Person who has been or may be appointed to act as Clerk in the Execution of the said recited Act and this Act or either of them, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk, or the Clerk of or other Person in the Service or Employ of his Partner, the Treasurer for the Purposes of the said recited Act and this Act, or either of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of any such Treasurer, or the Clerk of or other Person in the Service or Employ of his Partner, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or either of them, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, or the Clerk of or other Person in the Service or Employ of his Partner, shall act as Treasurer, or shall act as Deputy of such Treasurer, or shall in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer, or the Clerk of or other Person in the Service or Employ of the Partner of such Treasurer, shall act as Clerk in the Execution of the said recited Act and this Act, or either of them, or shall act as Deputy of such Clerk, or shall in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, or in the Great Sessions in *Wales*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Repealing  
the Limita-  
tion in former  
Act for fixing  
the Time for  
completing  
the Works.

XII. And whereas it is by the said recited Act enacted, that in case the said intended Railway or Tramroad and other Works should not have been completed and made (unless prevented by inevitable Accidents) within the Space of Five Years, to be computed from the passing of that Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by that Act should cease and determine, save only and except as to so much, if any, of the said intended Railway or Tramroad and Works as should have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Glamorgan* assembled at any Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose: And whereas it is expedient that the same should be repealed: Be it therefore further enacted, That the same shall be and is hereby declared to be repealed.

XIII. And



XIII. And be it further enacted, That in case the said Railway or Tramroad authorized to be made by the said recited Act shall not be completed and made within the Space of Three Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Three Years all the Powers, Authorities, and Privileges given by the said recited Act and this Act, or either of them, shall, so far as the same relate to the said Railway or Tramroad, cease and determine, save only and except as to so much, if any, of the said Railway or Tramroad as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Glamorgan* assembled at any General or Quarter Sessions of the Peace to be holden for the said County, at any Time before the Expiration of the said Term of Three Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose.

Period for completing the Railway.

XIV. And whereas by reason of taking down Houses, Buildings, and Premises, and making Alterations in pursuance of this and the said recited Act, or One of them, there may have been and may be Deficiencies in the Assessments for Land Tax in the Parish or Parishes through and in which the said Railway or Tramroad, Pier, and other Works passes or is intended to pass and be situated: Be it therefore enacted, That to remedy the same, the said Company shall, from and after the passing of this Act, and until the Works hereby and by the said recited Act authorized to be made shall be completed and assessed to such Land Tax, be subject and liable from Time to Time to pay and make good to or in aid of the said Parish or Parishes, out of the Monies to arise by virtue of the said recited Act and this Act, or either of them, all such Sum and Sums of Money as have been or shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes by reason or means of any Houses, Buildings, and Premises liable to such Assessments having been taken down, or which shall or may be taken down or used for the Purposes of the said recited Act and this Act, or either of them, according to the Rental at which the same were or are valued or rated at the Time of the same being so taken down or used as aforesaid; and the Treasurer, Collector, or Receiver appointed or to be appointed under the said recited Act and this Act, or either of them, shall be and he is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the said Assessments.

Compensation to be made for Deficiencies in Land Tax.

XV. And be it further enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act, and all other Costs, Charges, and Expenses relating to or concerning the same, or in any way incident thereto, shall be paid and defrayed by the said Company of Proprietors out of the Money already raised and received, or out of the first Money to be raised or received by virtue of the said recited Act and of this Act, or either of them, in preference to any other Payment whatever.

For defraying Expenses of the Act, &c.

[*Local.*]

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XVI. And

Public Act.

XVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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