

amendments or otherwise, such sanction and allowance shall be signified to the Governor by one of Her Principal Secretaries of State, and by him published by proclamation in the Gibraltar Chronicle, or in such other manner as Government Notices are or usually may be published.

10. And thereupon the amount sanctioned by Her Majesty shall and may be raised, and shall be subject to the several provisions in this Order in Council contained.

11. It shall be also lawful for the Commissioners to include in, and raise as part of, the capital authorised, all their costs, charges, and expenses, in and about the making of any and all such estimate and estimates, and in preparing and making all necessary surveys, valuations, plans, and books of reference, for the public purpose to which such estimate relates; provided that an account thereof shall have been duly rendered to the Sanitary Auditor, and certified by him to be correct, within three months after Her Majesty's sanction of the estimate or estimates shall have been published as aforesaid.

12. It shall be lawful for the Commissioners to take up at interest, on the credit of the general sanitary purposes, rates, and all other rates which they now are, or at any time may be authorized to assess and levy, and all other moneys which they may be authorized to take, have, and receive, of and from any public or private body or corporation duly enabled in that behalf, and willing to advance the same, the capital authorised to be raised for the several public purposes hereinbefore mentioned, and for securing the repayment thereof, together with interest thereon not exceeding six dollars per centum per annum, the Commissioners may mortgage and assign the said rates and moneys respectively to the person or persons who shall advance such moneys, as security for the repayment thereof, and for the payment of the interest thereon.

13. The capital shall, unless it shall be by Order in Council otherwise ordered, be repaid by such equal annual instalments as the Commissioners shall order and determine, being not more than thirty yearly equal instalments nor less than twelve such instalments, unless such capital shall not amount to 2,000 dollars, in which case the same may and shall be repaid by not less than five such instalments, and in every case, together with annual interest thereon, payable half-yearly from and out of the general sanitary purposes rates.

14. The Commissioners may, subject to the provisions of this Order in Council, if they think fit, fix a period or periods for the repayment of the principal money and moneys so borrowed, either in one sum or by instalments, and in every such case the Commissioners shall cause such period or periods to be inserted in the mortgage, and upon the expiration thereof shall, from and out of the general sanitary and purposes rates, pay on demand, to the party entitled to such mortgage, the principal sum secured thereby, or the instalment or balance thereof then due and payable, together with all interest and arrears of interest thereon.

15. And every payment of interest, and every repayment for and on account of any such principal money, shall be made at the principal office of the Commissioners, and not elsewhere.

16. Subject also as aforesaid, it shall be lawful for the Commissioners to re-borrow any sum or sums of money, or any part thereof, which may

have been already borrowed and paid off under the provisions hereinbefore mentioned.

17. Every such mortgage shall be, by deed under the common seal of the Commissioners, in which the consideration shall be truly stated, and may be according to the form No. 1, in the Schedule to this Order in Council, or to the like effect, and shall not contain any declaration of trust.

18. The respective mortgagees shall be entitled one with another to their respective proportions of the rates and assessments and other property comprised in such mortgages, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid thereout the sums so advanced with interest, without any preference, one above another, by reason of priority of advancing such moneys or of the dates of any such mortgages respectively.

19. A register of mortgages shall be kept by the Secretary or Chief Clerk of the Commissioners; and, within fourteen days after the date of any such mortgage, an entry or memorial, specifying the number and date of such mortgage, and the sums secured thereby, and the names of the parties thereto, with their proper additions, shall be made in such register, and such register may be perused at all reasonable times by any mortgagee of the Commissioners, or by the transferee and actual owner of any mortgage, or by his attorney or agent duly authorised in writing, and producing such writing.

20. Any party entitled to any such mortgage may by deed, wherein the consideration shall be truly stated, and not otherwise, transfer the same, and all his rights and interest thereunder and therein, to any other person; which deed shall not contain any declaration of trust, nor assign, nor purport to assign, the same upon trust, or otherwise than absolutely, and may be according to the form 2, in the Schedule to this Order in Council, or to the like effect.

21. Nothing herein contained shall prejudice or abridge the rights of any person to declare or to enforce a declaration of any trusts expressed by any separate and distinct instrument, but every such trust, and every declaration of such trust, shall be valid and effectual, to all intents and purposes between the parties and privies thereto: Provided always, that it shall not be lawful for the Commissioners to take any cognizance whatever of any such trust or declaration of trust, whether expressed or implied, nor shall it be lawful for any person to make the Commissioners parties to any equitable or legal proceedings by reason of any notice, or with any process, bill, plaint, petition, or other legal instrument, with intent to affect them with any such trust or declaration of trust, and the same shall be utterly void to all intents and purposes; and every such person serving any such notice, process, bill, plaint, petition, or other legal instrument, or privy to such service, shall forfeit and pay to the Commissioners a sum of money equal to the amount secured by every mortgage specified or referred to in such notice, or in such process, plaint, bill, petition, or other legal instrument, to be sued for and recovered, with full costs of suit, in an action at law at the suit of the Commissioners.

22. Within ten days after the date of every such deed of transfer, if executed in Gibraltar, or otherwise within thirty days after such date, or within ten days after the arrival of such deed of transfer in Gibraltar, which ever may first happen, it shall