(3.) Take away, alter, interfere with, abridge, prejudice, or derogate from any Right, Title, Claim, Privilege, Franchise, Exemption, Immunity, Possession, Profit, Power, Jurisdiction, or Authority saved or intended to be saved from or out of the Operation of the Principal Act by Sections One hundred and sixty-five and One hundred and sixty-nine thereof, or either of them, further or otherwise than is expressly provided by this Act.

Saving Rights of the Canvey Island Commissioners.

80. Nothing in this Act, or any Byelaw made in pursuance thereof, shall extend to take away, interfere with, limit, prejudice, affect, abridge, or impeach any of the Rights, Powers, Privileges, and Authorities or Property vested in the Commissioners for putting into execution the Act passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually embanking, draining, and otherwise improving the Island of* Canvey *in the County of* Essex, or any Acts or Things done by the said Commissioners under the said Act.

32 G. 3. c. xxxi.

Saving Rights of the Inner and Middle Temple.

81. This Act, or any Power conferred by this Act, or any Byelaw made or other Thing done under any such Power, shall not take away, alter, interfere with, abridge, prejudice, or derogate from any Right, Title, Claim, Privilege, Franchise, Exemption, Immunity, Possession, Profit, Power, or Authority which under the *Thames* Embankment Act, 1862, or any other Act now in force, or any of the Provisions thereof respectively, the Two Societies of the *Inner Temple* and the *Middle Temple*, or either of them, are or is entitled to, or, if this Act were not passed, might from Time to Time have, exercise, enjoy, or claim.

25 & 26 Vict. c. 93.

Saving Rights of the Metropolitan Board of Works.

82. Nothing in this Act contained shall prejudice, lessen, affect, or interfere with the Powers, Rights, Authorities, and Privileges of the Metropolitan Board of Works conferred on them by the *Thames* Embankment Act, 1862, and the *Thames* Embankment (South Side) Act, 1863, or any Act which may be passed in the present Session of Parliament for amending, altering, or extending the Powers of the last-mentioned Act, or with the Rights, Powers, Privileges, and Duties of the said Board under any Act or Acts of Parliament now in force relating to the Metropolitan Board of Works.

SCHEDULE.

Form of Proxy Paper.

THE THAMES CONSERVANCY ACT, 1864.

I, *A.B.* of , being entitled to Votes at the Election of a Conservator, as Representative of Owners of Passenger Steamers [*or as the Case may be*], at the Election to be held in the Month of December 186 , do by this Writing appoint *C.D.* of to be my Proxy to vote on my Behalf at that Election.

(Signed) *A.B.*

Witness,
X.Y.,
of

CAP. CXIV.

The Improvement of Land Act, 1864. [29th *July* 1864.]

'WHEREAS an Act was passed in the Twelfth and Thirteenth Years of Her present Majesty, intituled *An Act to promote the Advance of private Money for Drainage of Lands in* Great Britain *and* Ireland, and several Companies have been incorporated by Act of Parliament, with special Powers for promoting the Improvement of Land in

12 & 13 Vict. c. 100.

'*Great*

'*Great Britain* and *Ireland* by Drainage and otherwise; and it is desirable to amend and 'consolidate the Law relating to the Improvement of Land by Owners of limited Interests, 'and to enable such Owners to charge their Lands with Money subscribed for the Con-'struction of Railways and navigable Canals which will permanently increase the Value 'of such Lands:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act 12 & 13 Vict. c. 100. repealed.

1. The Act first above mentioned, being "The Private Money Drainage Act, 1849," is hereby repealed, except so far as relates to any Proceedings on Applications pending under the said Act at the Date of the passing hereof, it being the Intention hereof that all such Proceedings shall be worked out under the said Act, and that all Charges to be made in consequence of any such Proceedings shall be made and operate under the said Act, which shall apply thereto as if this Act had never been passed: Provided also, that nothing herein contained shall affect any Charge made under the said Act before the passing hereof, or any Right or Obligation existing or which may arise in respect of any such Charge.

Commissioners, Landowners, &c.

And with regard to the Commissioners for the Execution of this Act, and other general Matters, be it enacted as follows:

Interpretation of "the Commissioners." 1 & 2 W. 4. c. 33. 5 & 6 Vict. c. 89.

2. By "the Commissioners" shall herein be meant, as regards Lands in *Great Britain*, the Inclosure Commissioners for *England* and *Wales*, and as regards Lands in *Ireland*, the Commissioners of Public Works in *Ireland* under an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, and an Act of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to promote Drainage of Lands, and Improvement of Navigation and Water Power in connexion with Drainage, in* Ireland, and the several Acts amending the same respectively.

Provisions of 9 & 10 Vict. c. 101., &c. to extend and be applicable to Proceedings of Commissioners.

3. All the Provisions of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Public Money to a limited Amount to promote the Improvement of Land in* Great Britain *and* Ireland *by Works of Drainage*, and of any and every other Act for the Time being in force relating to any of the aforesaid Commissioners, so far as the same may concern or be auxiliary to the Proceedings or Inquiries of the Commissioners under the Authority of such Acts or any of them, or the Authentication of Instruments, shall, except as in this Act otherwise provided, extend and be applicable to their Proceedings and Inquiries, and the Authentication of Instruments, under this Act.

Assistant Commissioners may take Declarations and examine Witnesses.

4. Every Assistant Commissioner or Inspector acting in any Matter, Inquiry, or Proceeding by the Authority and in the Execution of this Act may receive Declarations and Statements, and examine upon Declaration all such Persons as may voluntarily attend before him in such Matter, Inquiry, or Proceeding.

Punishment of Persons giving false Evidence.

5. If any Person shall wilfully give false Evidence in any Matter, Inquiry, or Proceeding under the Provisions of this Act, or shall make or subscribe a false Statement or Declaration for the Purposes of this Act, such Person shall, in *England* or *Ireland*, be deemed guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and shall be punished accordingly.

As to Service of Notices on Commissioners.

6. Any Notice requiring to be served upon the Commissioners may be served by the same being left at or transmitted through the Post, directed to their Office in *London*.

As to the Services of Notices on other Persons.

7. In all Cases in which it shall be necessary under the Provisions of this Act to serve any Notice upon any other Person, it shall be sufficient to send such Notice in a registered Post Letter, directed to such Person at his then or last known Place of Residence or of Business, unless the Letter containing such Notice shall be returned from the Post Office as undelivered; and if such Person shall not have any Place of Residence or of Business within *Great Britain* or *Ireland*, or if the Place of Business or of Residence of such Person cannot with due Diligence be ascertained, then such Notice may be served upon such other Person as his Representative, or be given in such other Manner as the Commissioners shall in such Case direct or approve.

8. The

8. The Word "Landowner" shall mean herein, as to Lands in *England*, the Person who shall be in the actual Possession or Receipt of the Rents or Profits of any Land, whether of Freehold, Copyhold, Customary, or other Tenure, except where such Person shall be a Tenant for Life or Lives holding under a Lease for Life or Lives not renewable, or shall be a Tenant for Years holding under a Lease or an Agreement for a Lease for a Term of Years not renewable, whereof less than Twenty-five Years shall be unexpired at the Time of making any Application to the Commissioners, without regard to the real Amount of the Interest of any Person so excepted; and in the Case where the Person in the actual Possession or Receipt of the Rents or Profits of any Land shall fall within the above Exceptions, then the Person who for the Time being shall be in the actual Receipt of the Rent payable by the Person so excepted, unless he shall also fall within the above Exceptions, shall, jointly with the Person who shall be liable to the Payment thereof, be deemed for the Purposes of this Act to be the Owner of such Lands; and as to Lands in *Scotland*, the Word "Landowner" shall denote and include every Fiar, Liferenter, or Heir of Entail who shall be in the actual Possession of the Land, or in receipt of the Rents payable on the Tacks, Leases, or Tenancies of the Tenants in the actual Possession thereof; and as to Lands in *Ireland*, the Word "Landowner" shall mean such Person as under the Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in* Ireland, *and to substitute Rentcharges in lieu thereof*, shall have the first Estate of Inheritance, or other Estate or Interest equivalent to a perpetual Estate or Interest therein, and also any Tenant in Dower or by the Curtesy, or any Person having under the Limitations of any Settlement by Deed, Will, Act of Parliament, or otherwise any Estate for Life, or other particular Estate thereby created or limited out of or in any Estate of Inheritance, or by, out of, or in any such Estate or Interest as by or under the last-mentioned Act is to be deemed equivalent to a perpetual Estate or Interest; and as to Lands in any Part of the United Kingdom, the Word "Landowner" shall include a Corporation, and also such Persons as are empowered by the Twenty-third Section hereof.

Interpretation of "Landowner."

1 & 2 Vict. c. 109.

9. By "the Improvement of Land" shall herein be meant all or any of the following Matters:

Interpretation of "Improvement of Land."

1. The Drainage of Land, and the straitening, widening, deepening, or otherwise improving the Drains, Streams, and Watercourses of any Land:
2. The Irrigation and warping of Land:
3. The embanking and weiring of Land from the Sea or Tidal Waters, or from Lakes, Rivers, or Streams in a permanent Manner:
4. The inclosing of Lands, and the straitening of Fences and Redivision of Fields:
5. The Reclamation of Land, including all Operations necessary thereto:
6. The making of permanent Farm Roads and permanent Tramways and Railways and navigable Canals for all Purposes connected with the Improvement of the Estate:
7. The clearing of Land:
8. The Erection of Labourers Cottages, Farmhouses, and other Buildings required for Farm Purposes, and the Improvement of and Addition to Labourers Cottages, Farmhouses, and other Buildings for Farm Purposes already erected, so as such Improvements or Additions be of a permanent Nature:
9. Planting for Shelter:
10. The constructing or erecting of any Engine-houses, Water-wheels, Saw and other Mills, Kilns, Shafts, Wells, Ponds, Tanks, Reservoirs, Dams, Leads, Pipes, Conduits, Watercourses, Bridges, Weirs, Sluices, Floodgates, or Hatches, which will increase the Value of any Lands for agricultural Purposes:
11. The Construction or Improvement of Jetties or Landing Places on the Sea Coast, or on the Banks of navigable Rivers or Lakes, for the Transport of Cattle, Sheep, and other agricultural Stock and Produce, and of Lime, Manure, and other Articles and Things for agricultural Purposes; provided that the Commissioners shall be satisfied that such Works will add to the permanent Value of the Lands to be charged to an Extent equal to the Expense thereof:
12. The Execution of all such Works as in the Judgment of the Commissioners may be necessary for carrying into effect any Matter herein-before mentioned, or for deriving the full Benefit thereof.

10. The

Interpretation of "Person."

10. The Word "Person" shall in this Act include Companies and all other Corporations.

Proceedings preliminary to Sanction of Improvements.

And with regard to the Proceedings preliminary to the Sanction of any Improvements, be it enacted as follows:

Application to Commissioners to sanction Improvements.

11. When any Landowner shall be desirous of borrowing or advancing Money under this Act for the Improvement of his Land, he shall make an Application to the Commissioners to sanction the proposed Improvements in such Manner and Form and stating such Particulars as the Commissioners shall from Time to Time direct; and until the proposed Improvements shall have been sanctioned by the Commissioners in manner herein-after mentioned, the Application may be withdrawn or altered, or consolidated with any other Application, at the Pleasure of the Applicant, but without Prejudice to his Liability as herein-after mentioned for the Expenses incurred by the Commissioners or their Officers in consequence of his Application.

Joint Application by several Landowners.

12. Any Two or more Landowners may, with the Consent of the Commissioners, join in an Application to them to sanction the Improvement of the Lands of such Landowners respectively, but the Sum to be charged in pursuance of any such joint Application shall be apportioned so that a separate and distinct Sum may become charged on the Land of each Landowner.

Commissioners may issue Forms;

13. The Commissioners may from Time to Time frame and circulate, as they shall see Occasion, Forms indicating the Particulars of the Information to be furnished to them by Landowners for the Purposes of this Act, and such other Forms as the Commissioners may deem expedient for facilitating any Proceedings under this Act.

requireSecurity for Expenses.

14. The Commissioners may require Security to be given to them by the Landowner, by Bond, Deposit, or otherwise, in such Form as they may think fit, for the Payment to them of the Expenses which they or their Officers shall incur in respect of the Investigation on any Application, and, if they shall issue such provisional or other sanctioning Order as herein-after mentioned, of the Expenses which they or their Officers shall incur in inspecting and ascertaining the due Execution of the Works; but unless the Commissioners shall issue such absolute Order as herein-after mentioned, such Payment shall not be a Charge on the Land to which such Application relates, but shall be a Debt due by the Person making such Application to the Commissioners, and shall be recoverable by them as in the Nature of a Crown Debt.

cause Application to be investigated;

15. If the Commissioners shall think fit to entertain the Application so made to them, they may cause the Land to be inspected and examined by an Assistant Commissioner, or an Engineer or Surveyor, who shall have regard to and examine the Proposals and Statements contained in such Application, and shall report his Opinion thereon, and who shall also report whether in his Judgment the proposed Improvements will effect a permanent Increase of the yearly Value of the Land exceeding the yearly Amount proposed to be charged thereon in respect of the Improvements applied for; and the Commissioners may by themselves, or any Assistant Commissioner, Engineer, or Surveyor, make such other Inquiries in relation to any such Application as they shall think fit: Provided that the above Requisition as to increased annual Value shall not apply to any Outlay proposed to be made upon or in respect of planting only.

and require proposed Improvements to be modified.

16. The Commissioners shall have Power to require such Alterations as they shall think expedient to be made in the Improvements proposed, or in the proposed Mode of executing them.

Advertisements and Notices preliminary to Sanction.

17. Before the Commissioners shall sanction any Improvements, Notice shall be given of the Application as well by Advertisement inserted in Two successive Weeks in some Newspaper published in the County in which the Land to be improved lies, or in case there shall be no such Newspaper published in such County then in some County adjoining thereto, as by a Notice in Writing given, where such Lands are situate in *England* or *Ireland*, to every Person entitled to any Estate in such Land, or any Part thereof, in reversion or remainder, up to and inclusive of the Person entitled to the first vested Estate of Inheritance therein, and to every Person entitled to any Mortgage upon such Land or any Part thereof who by reasonable

reasonable Inquiry shall be known to be so interested, and given, where such Lands are situate in *Scotland*, to the nearest Heir or Heirs of Entail, not exceeding Three, and to the Holders of every Heritable Security on such Lands appearing upon the Records; and in such Advertisements and Notices respectively shall be stated the maximum Amount which it is proposed to charge in respect of the Improvements, and the greatest and least Terms over which it is proposed that the Rentcharge should be spread; and the Commissioners shall not sanction the Improvements until One Month shall have elapsed from the Publication of the Second of such Advertisements and the Service of such Notices (if any) respectively, of which Publication, and of the Service of all necessary Notices as aforesaid, the Landowner shall, if required by the Commissioners, satisfy them by One or more Statutory Declarations made by him or on his Behalf.

Power of Dissent by Persons interested, and Protection of Landowner's Infant Children.

18. In case any Person having any Estate in or Charge or Security on the Land to be improved shall within the Month named in the last preceding Section signify in Writing to the Commissioners his Dissent from such Application, stating therein the Nature of his Estate in or Charge or Security on such Land, the Commissioners shall certify such Dissent to the Landowner by whom the Application was made, and shall not make any provisional or other Order sanctioning the Improvements unless or until such Dissent be withdrawn, or an Order be made by the High Court of Chancery in *England* or *Ireland* respectively, or by the Court of Session in *Scotland*, in manner herein-after provided, authorizing the Commissioners to sanction the same; nor shall they make any provisional or other Order sanctioning the Improvement of any Land in the Case of which the Landowner, or the Husband of the Landowner, shall be the Father of the Person or Persons entitled either at Law or in Equity to any Estate in such Land, or any Part thereof, in reversion or remainder, up to and inclusive of the Person entitled to the first vested Estate of Inheritance, and such Person or Persons, or any of them, shall be an Infant or Infants, or a Minor or Minors, unless or until such an Order as herein-before mentioned shall be made by such Court as aforesaid.

The same in case of navigable Rivers and Canals.

19. If the Commissioners shall consider that any proposed Improvement would interfere with any navigable River or Canal respectively vested in or under the Management or Control of any Commissioners, Trustees, Conservators, Undertakers, Company, or other Body or Individuals, or the Banks or other Works or Conveniences thereof, or would occasion the Flow or Discharge into such River or Canal of any Drainage or other Matter, the Landowner shall give Notice of the Application in Writing, together with a Plan and Section of the proposed Improvement, to such Commissioners, Trustees, Conservators, Undertakers, Company or other Body, or Individuals; and in case they shall, within One Month after the Receipt of such Notice, signify in Writing to the Commissioners their Dissent from such Application, and state the Nature of their Interest in or Authority over such River or Canal, the Commissioners shall certify such Dissent to the Landowner by whom the Application was made, and shall not sanction the Improvement unless or until such Dissent be withdrawn, or an Order be made by the High Court of Chancery in *England* or *Ireland* respectively, or by the Court of Session in *Scotland*, in manner herein-after provided, authorizing the Commissioners to sanction the Improvement.

Consents necessary in case of Church Lands.

20. When the Land to which the Application relates, or any Part of such Land, is held in right of any Church, Chapel, or other Ecclesiastical Benefice, the Commissioners shall not sanction any Improvement of such Land, or of so much thereof as is so held, unless and until the Patron of the Benefice, and in *England* and *Ireland* the Bishop of the Diocese, and in *Scotland* the Presbytery of the Bounds, shall signify to the Commissioners, by Writing under their Hands, their respective Consents to such Application.

In case of Dissent, or when Landowner's Infant Children are to be protected, Court of Chancery or Session may authorize

21. If and when any Dissent from any such Application to the Commissioners for their Sanction of proposed Improvements shall have been notified in Writing to the Commissioners, either by a Party interested in the Lands proposed to be improved (not being Lands held in right of any Church, Chapel, or other Ecclesiastical Benefice), or by the Commissioners, Trustees, Company, or other Body or Individuals interested in any River or Canal which would or might be interfered with as herein-before mentioned, or if the Landowner, or the Husband of the Landowner, shall be the Father of the Person or Persons entitled either at

Commissioners to proceed.

Law or in Equity to any Estate in the Land to be improved, or any Part thereof, in reversion or remainder, up to and inclusive of the Person entitled to the first vested Estate of Inheritance, and such Person or Persons, or any of them, shall be an Infant or Infants, or a Minor or Minors, the Landowner desiring such Improvements may apply to the High Court of Chancery in *England* or *Ireland* where such Lands are situate in *England* or *Ireland* respectively, or to the Court of Session where such Lands are situate in *Scotland*, for an Order of such Court authorizing the Commissioners to entertain and proceed upon the Application for such proposed Improvements notwithstanding such Dissent or Circumstance; and such Application shall be made, as to Lands in *England*, to the Master of the Rolls or any One of the Vice Chancellors sitting at Chambers, by Summons, calling on the Party dissenting to show Cause why such Order should not be made; as to Lands in *Ireland*, to the Master of the Rolls, by summary Petition or otherwise, as he shall by any General Order direct; and as to Lands in *Scotland*, to either Division of the Court of Session in Time of Session, or to the Lord Ordinary sitting on Bills in Time of Vacation, by summary Petition; and the Court or single Judge, as the Case may be, to whom such Application shall be made, shall hear and determine such Application, and for that Purpose shall have Power to make or direct to be made all such Inquiries, and receive and entertain all such Statements and Evidence, on Oath or by Affidavit, as such Court or Judge may consider necessary or desirable, or as may be produced before them or him; and if upon a Consideration of all the Circumstances such Court or Judge shall be of opinion that the Commissioners should entertain and proceed upon such Application, an Order shall be made authorizing and requiring them to proceed thereon, and to deal with the same according to the Provisions of this Act authorizing them in that Behalf, notwithstanding such Dissent or Circumstance as aforesaid: Provided that if at any Time after Notification of such Dissent, and before any such Order shall have been applied for and made as aforesaid, such Dissent shall be withdrawn by a like Notification in Writing, it shall not be necessary to make or proceed with such Application, or to obtain such Order.

Service of Notice under preceding Clause.

22. Where any Party dissenting shall be out of the Jurisdiction of the Court, it shall be lawful for the Court or Judge to order Service to be made in such Manner as such Court or Judge may think fit, and upon Proof to the Satisfaction of such Court or Judge that such Party has had actual Notice within a reasonable Time of such intended Application, it shall be lawful for such Court or Judge thereupon to hear and determine such Application.

And Costs may be given by the Court.

23. The Costs of and incidental to every Application under the Twenty-first and Twenty-second Sections, and the Mode in which such Costs shall be settled or taxed, shall be in the Discretion of the Court or Judge who shall hear such Application, and if such Court or Judge shall so direct, the said Costs shall be deemed to be Part of the Expenses of and incidental to the Application for the proposed Improvements.

Representation of Persons under Disability for Applications and Dissents under preceding Clauses.

24. All Husbands, Guardians, Tutors, Committees, Curators, Feoffees, Trustees, Judicial Factors, Executors, and Administrators shall respectively have the same Rights and Powers of making Applications and signifying Dissents, and taking other Proceedings under this Act, as their respective Wives, Infants, Minors, Lunatics, Idiots, and furious or fatuous Persons would have had if free from Disability, or as such Feoffees, Trustees, Judicial Factors, Executors, or Administrators respectively would have had if the Estates, Charges, or Interests of which they shall be such Feoffees, Trustees, or Judicial Factors, or which shall be vested in them as such Executors or Administrators, had been vested in them in their own Right; but no Guardian, Tutor, Committee, Curator, Feoffee, Trustee, Judicial Factor, Executor, or Administrator shall be in anywise compelled or obliged to signify a Dissent from any Application under this Act, or be in anywise responsible for the Consequences of such Application, or of any Charge made in pursuance thereof.

Sanction of Improvements, and Rights thereunder.

And with regard to the Sanction of any Improvements, and the Rights arising thereunder, be it enacted as follows:

Commissioners Order sanctioning Improvements.

25. If the Commissioners shall find that the proposed Improvements or any Part thereof, whether with or without any Alterations by them required or sanctioned, would effect a permanent Increase of the yearly Value of the Lands proposed to be improved, or of any Part thereof, exceeding the yearly Amount proposed to be charged thereon, they shall sanction

sanction such Improvements, or such Part thereof as they shall think expedient, if under the preceding Sections it shall be lawful for them so to do, by an Order under their Hands and Seal; and they shall by the same Order fix the Rate of Interest to be allowed on the Cost of the sanctioned Improvements, having regard to the Market Value of Money at the Time, but such Interest shall never exceed Five *per Cent. per Annum.*

Forms of Orders sanctioning Improvements to be prepared by Commissioners; what they must contain.

26. The Commissioners shall from Time to Time prepare Forms of Orders for sanctioning Improvements, and shall also, whenever required by the Landowner so to do, frame and entitle their said Orders under this Act in such Manner that they may also be and operate as provisional, sanctioning, or other corresponding Orders under the respective Acts applying to any Company with which he may have contracted relating to the Loan or Improvements in question: Provided that every Order operating under this Act to sanction any Improvements shall name the Landowner to whom it is issued; shall express the greatest Sum to be charged in addition to any Costs, Charges, and Expenses under the Fiftieth Section hereof, and the Rate of Interest and Term of Years for the Repayment thereof, the former not exceeding Five *per Centum per Annum*, and the latter not exceeding Twenty-five Years; shall specify the Lands on which such Repayment is to be charged; and shall either express or refer to some Contract or other Document expressing the general Scheme of the Improvements to be executed.

They may be called Provisional Orders, and may be assigned to Parties agreeing to execute Improvements.

27. Every Order operating under this Act alone to sanction any Improvement may be in the Form set forth in Schedule (A.) hereto, and shall be called a Provisional Order, and shall, subject to the following Section hereof, create in favour of the Landowner named therein the Title to an absolute Charge on the Completion of the sanctioned Improvements, which Title such Landowner may assign, either absolutely or by way of Security, to any Person; and such Assignment may be made by Endorsement on the Provisional Order.

Provision for Death of Landowner pending Completion of Improvements.

28. In case of the Death of any Landowner, or the Determination of his Interest, between the Date of the Provisional Order and the Completion of the Improvements sanctioned thereby, the Right to complete such Improvements, and to assign the Title to an absolute Charge, shall pass to the succeeding Landowner; but if the succeeding Landowner shall not within Three Calendar Months after his Succession proceed with the Works, so as to complete the same in conformity with the Provisional Order, the preceding Landowner, or in case of his Decease his Executors or Administrators, may complete such Improvements, and shall become entitled to have the absolute Charge executed to him or them. If the succeeding Landowner shall complete the Improvements there shall be distinct absolute Charges executed to such Landowner, and the preceding Landowner or his personal Representatives, for the Outlay made by the preceding and succeeding Landowners respectively, and in case of Difference the Commissioners shall determine the Proportions; provided that the succeeding Landowner may, with the Sanction of the Inclosure Commissioners, and after Notice to the Parties to whom Notice was originally given, or such of them as may be living, and such other Persons, if any, as the Commissioners may direct, terminate the Proceedings under the Provisional Order, on Payment of the Outlay and Expenses made thereunder, and indemnifying the Person to whom the Title to the absolute Charge may have been assigned. Notwithstanding the foregoing Provisions, if the Title to an absolute Charge shall have been assigned by the preceding Landowner, the Assignee may complete the Improvements if he shall proceed therewith within One Calendar Month from the Time the preceding Landowner ceased to be such Landowner.

Provisional Orders may be modified.

29. The Commissioners may from Time to Time, on Application to be made by the Landowner, and after such Inquiry as they shall think fit, sanction any Modifications or Alterations either of the Scheme of the Improvements or of any other Matter expressed or referred to in the Provisional Order: Provided that no such Modification or Alteration shall increase the Sum to be charged in respect of the Improvements, or extend or curtail the Term of Repayment, beyond the greatest Amount which it was proposed so to charge, or the greatest or least Term over which it was proposed that the Rentcharge should be spread, as respectively stated in the Advertisement and Notices herein-before required: Provided also, that every such Modification or Alteration shall require the Consent of

every Party who, by having contracted for the Execution of the Improvements, or by having taken an Assignment of the Title to an absolute Charge, or otherwise, may be interested therein; and the Modifying Order shall be in such Form as the Commissioners shall from Time to Time appoint, and shall be construed together with the original Order as One Order with respect to all Rights arising thereunder after the Date of the Modifying Order.

Execution of Improvements.

And with regard to the Execution of any Improvements, be it enacted as follows:

Detailed Specifications to be delivered in advance;

30. Before the Commencement of any Improvements sanctioned in manner aforesaid the Landowner shall deliver to the Commissioners a detailed Specification thereof, and in the Case of Buildings, and also in any other Case where the same shall be required by the Commissioners, a detailed Plan or Drawing: Provided that when it is not intended to complete the Improvements within One Year from the Date of the provisional or other sanctioning Order, the Specification and Plan or Drawing first delivered may comprise so much only as it is intended to complete within One Year from the said Date, so, however, that for the Works of each successive Year such Specification and Plan or Drawing as aforesaid be always delivered in advance.

and approved before Execution of Works.

31. The Specifications and Plans or Drawings aforesaid shall be examined and, if necessary, the Spot visited by an Assistant Commissioner, or an Engineer or Surveyor, who shall report whether in his Judgment the Improvements as proposed to be effected will be effected in a substantial and durable Manner, and, in the Case of Farm Buildings, whether the same, or the Improvements thereof or Additions thereto, will be suitable to the Locality; and no Improvement shall be commenced or proceeded with until the Specifications and Plans or Drawings aforesaid shall have been approved by the Commissioners; but nothing herein contained shall render necessary the Redelivery, Re-examination, or Reapproval of any detailed Specifications, Plans, or Drawings which may have been delivered in connexion with the Application for the Commissioners' Sanction to the general Scheme of the Improvements, and may have been approved in connexion with that Sanction.

Adjoining Lands, or Easements over them, may be sold for Purpose of Improvements, and Conveniences over adjoining Lands for the Execution of Improvements contracted for.

32. All Persons interested in any Lands adjoining or near to the Land improved or proposed to be improved, and being, as to Lands in *England* or *Ireland* by the Provisions of "The Lands Clauses Consolidation Act, 1845," and as to Lands in *Scotland* by the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," enabled to sell and dispose of such Lands so adjoining or near, or any Estate or Interest therein, may, for the Purpose of any Improvements authorized by this Act, sell and convey or grant to the Landowner whose Land has been or is proposed to be improved such Lands so adjoining or near, or any Part thereof, or any Easement, Authority, or Right in, through, over, or affecting the same, and any such Land, Easement, Authority, or Right so sold and conveyed or granted shall thereupon become appurtenant to or pertinent of the Lands improved or proposed so to be, and with reference to the Improvements whereof the same was purchased, and shall be held upon and subject to the same Uses, Trusts, Charges, and Incidents; and all such Persons as aforesaid may also make any Agreement with the Landowner, or with any Person or Company that shall have contracted for the actual Execution of the Improvements, or their respective Agents, with reference to entering on, cutting through or into, or prejudicially affecting such Lands so adjoining or near; and every such Sale, Conveyance, Grant, and Agreement shall be valid and effectual accordingly, and the Price or Consideration shall be settled by Two Surveyors or a Surveyor to be appointed by them in manner provided by the Ninth Section of "The Lands Clauses Consolidation Act, 1845," or, as the Case may be, by the Ninth Section of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and shall be deposited as directed by the same respective Sections, and thenceforth become subject to the Provisions of the same respective Acts.

Works necessary to be made on adjoining Lands for Execution of Improvements may be made

33. Whenever the Commissioners shall think that it may be expedient, in order to obtain or improve an Outfall for draining or warping any Lands under this Act, or otherwise with a view to the Improvement of any Lands under this Act, to enter and execute any Works upon any Land adjoining or near to the Land proposed to be improved, where, by reason of the Objection or Disability of any Owner, Lessee, or Occupier of such Land, such

such Works could not be otherwise executed, Proceedings may be taken, if the said Lands shall lie in *England*, either under the Provisions of the Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Thirty-eight, intituled *An Act to facilitate the Drainage of Lands in* England *and* Wales, or under those of the Third Part of the Land Drainage Act, 1861, and, if in *Scotland*, under the Provisions of the Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, intituled *An Act to facilitate the Drainage of Lands in* Scotland, but as though in such Act the Inclosure Commissioners for *England* and *Wales* had everywhere been named in place of the Sheriff; and if such Proceedings shall have been taken before the Sanction of the Improvements in question by the Commissioners under this Act, the Commissioners may, by their Order sanctioning such Improvements, declare the Works in respect of which they shall have been taken to be expedient, and such Works shall then be deemed to have been authorized by the Commissioners or by the Sheriff, as the Case may be, and the Provisions of the said respective Acts shall apply to them accordingly. under certain Acts.

34. Every Provisional or Modifying Order shall be a full Authority to the Landowner or successive Landowners and their Representatives in the respective Cases herein-before defined, and to all Persons employed by or under Contract with him or them respectively, to enter upon the Lands to be improved, and any adjoining or neighbouring Lands acquired or authorized to be entered under either of the Two last preceding Sections, and to execute in and on the same, without Impeachment of Waste by any Remainderman or Reversioner, all the Improvements sanctioned by the same Order according to the Specifications and Plans or Drawings approved by the Commissioners, and to do, execute, and use all such Acts, Works, and Conveniences as may be proper for making, maintaining, and using such Improvements; and for the Purpose of effecting any Improvement under this or the recited Acts it shall be lawful to get and work Freestone, Limestone, Clay, Sand, and any other Mineral or Substance out of the Land to be improved or charged, and to make Tramroads and other Ways, and to burn and make Bricks, Tiles, and other Things to be used in effecting such Improvements, and also for the same Purpose to cut down and use any Timber or Trees not planted or serving for Shelter or Ornament. Provisional Order to protect from Impeachment of Waste, and to authorize getting Materials from Land, &c.

35. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with, or the Commissioners to make any Order with respect to any Land, Soil, or Water, or any Right in respect thereof, belonging to Her Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or, if the Property should be under the Management or Control of Her Majesty's Commissioners of Works and Public Buildings, without the Consent in Writing of such last-mentioned Commissioners, which Consent the said respective Commissioners are hereby authorized to give; and nothing in this Act contained shall divert, alter, or affect any of the Rights, Powers, or Estates vested in Her Majesty in right of Her Crown. Saving Rights of the Crown.

36. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with, or the Commissioners to make any Order with respect to any Land, Soil, or Water, or any Right in respect thereof, the Management or Control of which may be vested in the Commissioners of Her Majesty's Works and Public Buildings on behalf of or in trust for Her Majesty or the Public, without the Consent in Writing of the last-mentioned Commissioners, which they are hereby authorized to give. Saving Rights of the Commissioners of Her Majesty's Works, &c.

37. Nothing in this Act contained shall authorize any Person to take, use, enter upon, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to the Sovereign for the Time being in right of the Duchy of *Cornwall*, without the Consent in Writing of some Two or more of the regular Officers of the said Duchy, or of such other Persons as may be duly authorized under the Provisions of "The Duchy of *Cornwall* Management Act, 1863," Section Thirty-nine, to exercise all or any of the Rights, Powers, Privileges, and Authorities by the said Act made exerciseable or otherwise for the Time being exerciseable in relation to the said Duchy, or belonging to the Duke of *Cornwall* Saving Rights of Duchy of Cornwall.

Cornwall for the Time being, without the Consent of such Duke, testified in Writing under the Seal of the Duchy of *Cornwall*, first had and obtained for that Purpose, or to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by the Duke of *Cornwall* for the Time being or in or by the Sovereign for the Time being, in right of the Duchy of *Cornwall*.

Saving Rights of Duchy of Lancaster.

38. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with any Lands, Soil, or Water, or any Right in respect thereof, belonging to Her Majesty, Her Heirs or Successors, in right of the Duchy of *Lancaster*, without the previous Consent in Writing of the Chancellor of the said Duchy of *Lancaster*, which Consent such Chancellor is hereby authorized to give, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the said Duchy of *Lancaster*.

Saving Rights of the Admiralty, and of the Board of Trade.

39. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with any Land, Soil, or Water, or any Right in respect thereof, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Lord High Admiral, or the Commissioners for the Time being for executing the Office of Lord High Admiral (herein-after designated the Admiralty), or vested in or enjoyed by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations (herein-after designated the Board of Trade), without the previous Consent of the Admiralty signified in Writing under the Hand of the Secretary of the Admiralty (which Consent the Admiralty are hereby authorized to give), or, as the Case may be, without the previous Consent of the Board of Trade signified in Writing under the Hand of One of the Secretaries of the said Board.

Plans to be deposited with Admiralty before commencing Works below High-water Mark.

40. With respect to any Harbour, Port, Bay, Estuary, or navigable River, or Part thereof, comprised in any Notice from Time to Time given by the Admiralty under Section Nine of "The Harbours Transfer Act, 1862," previously to commencing any Work below High-water Mark there shall be deposited at the Admiralty Office Plans, Specifications, and Working Drawings thereof for the Approval of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and with respect to all other Parts where the Tide flows, previously to commencing any Work below High-water Mark there shall be deposited at the Office of the Board of Trade Plans, Specifications, and Working Drawings thereof for the Approval of the Board of Trade, such Approval to be signified in Writing under the Hand of One of the Secretaries of the said Board, and any such Work shall be constructed only in accordance with such respective Approval; and when any such Work shall have been commenced or constructed it shall not be lawful at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like respective Consent and Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the Admiralty or the Board of Trade, as the Case may require, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Person or Company that executed the said Work, the Amount of which Cost and Charge shall be a Debt due from such Person or Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Landowner to pay Expenses of Survey ordered by Admiralty.

41. If at any Time or Times it shall be deemed expedient by the Admiralty or the Board of Trade, as the Case may require, to order a local Survey and Examination of any Embankment or Work proposed to be constructed under the Powers of this Act in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Landowner shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Landowner, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Landowner.

Saving Rights of Her Majesty's Principal

42. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with any Land, Soil, or Water, or any Right in respect thereof, or to take away, lessen,

lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities, vested in or enjoyed by Her Majesty's Principal Secretary of State for the War Department for the Time being, without the previous Consent of the same Principal Secretary signified in Writing under his Hand, which Consent the said Principal Secretary for the Time being is hereby authorized to give. Secretary of State for War.

43. Nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or to be discharged by any Commissioners of Sewers appointed by any Commission under the Great Seal or under the Seal of the Duchy of *Lancaster*, or in or by any other lawful Commission of Sewers, or the Commissioners appointed under any Local or Private Acts of Parliament for Sewers or Drainage; nor shall any Work be done which in any way interferes with any Sewers, Drains, or Watercourses under the Control of any Commissioners of Sewers; and no new Sewers, Drains, Watercourses, or Works of Drainage shall be made or done under the Powers of this Act within the District and Jurisdiction of any such Commissioners, unless the same be previously approved by those Commissioners; and all such Works shall be carried on and completed under the Direction and Control of the same Commissioners and their Officers; and all Sewers, Drains, Watercourses, and Works of Drainage made under this Act within the District and Jurisdiction of any Commissioners of Sewers shall be and remain subject in all respects to the Jurisdiction of those Commissioners; and whenever any Works under this Act would intersect or interfere with any Sewer, Drain, or Watercourse under the Control of any such Commissioners, the Person or Company executing the same shall, before any such Works be made, construct such proper Sewers or Works of Drainage, and also comply with such Orders and Regulations, as those Commissioners shall require or make to guard against Injury to the Drainage of the District. Rights of Commissioners of Sewers saved.

44. All Works executed under the Authority of this Act in or connected with the River *Thames*, or the Towing-path thereof, within the Jurisdiction of the Conservators of the River *Thames*, shall, in addition to the Approval of such Works by the Admiralty, so far as herein-before made necessary, be executed according to a Plan to be approved of by such Conservators, and to be deposited at their Office; and such Works shall be executed and performed to the Satisfaction of the Engineer for the Time being of such Conservators; and nothing herein contained shall extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Conservators of the River *Thames*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise. Works connected with Thames to be executed under Direction of Conservators of Thames.

45. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of, or so as prejudicially to interfere with, any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the Metropolitan Board of Works, or of any Vestry or District Board constituted under the "Metropolis Local Management Act, 1855," or any Sewers or Works to be made or executed by any such Board or Vestry, or shall or may in any way prejudicially affect the Sewerage or Drainage of the Districts under the Control of any such Board or Vestry, the Person or Company executing such Works shall not commence the same until he or they shall have given to the said Metropolitan or District Board or Vestry, as the Case may be, Fourteen Days previous Notice in Writing of his or their Intention to commence them, by leaving such Notice at the principal Office of such Board or Vestry, as the Case may be, for the Time being, with a Plan and Section showing the Course and Inclination of the intended Works, and other necessary Particulars relating thereto, and until such Board or Vestry respectively shall have signified their Approval of the same, unless such Board or Vestry, as the Case may be, do not signify their Approval, Disapproval, or other Directions within Fourteen Days after Service of the said Plan, Sections, and Particulars as aforesaid; and such Person or Company shall comply with and conform to all Directions and Regulations of the respective Board or Vestry in the Execution of the said Works, and shall provide any new, altered, or substituted Works in such Manner as such Board or Vestry may deem necessary for the proper Protection of the Sewers and Works herein-before referred Metropolitan Board of Works, &c. protected.

referred to, and for preventing Injury or Impediment thereto by or by reason of the said intended Works or any Part thereof, and shall save harmless the said Metropolitan or District Board or Vestry respectively against all and every Expense to be occasioned thereby; and all such Works as may be so required shall be done by or under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Metropolitan or District Board or Vestry, as the Case may be, at the Costs, Charges, and Expenses in all respects of the Landowner; and when any new, altered, or substituted Works as aforesaid, or any Works of Defence connected therewith, shall be completed under the Provisions of this Act, the same shall thereafter be as fully and completely under the Direction, Jurisdiction, and Control of the said Boards and Vestry respectively as any Sewers or Works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested or to be vested in the said Boards and Vestries, or any of them, or their Successors, but all such Rights, Powers, and Authorities shall be as valid and effectual as if this Act had not been passed.

Water Companies and Commissioners protected.

46. Nothing in this Act contained shall authorize any Person to take, otherwise than by Agreement, any Land of any Waterworks Company or Waterworks Commissioners, or to alter or interfere with any Works or Property of any such Company or Commissioners, without their previous Consent in Writing, or to authorize any Person to foul or otherwise injuriously interfere with or affect any Stream or Supply of Water which any Waterworks Company or Waterworks Commissioners are authorized to use for the Purposes of their Undertaking.

Rivers, Canals, &c. protected.

47. All Works executed under the Authority of this Act in or connected with any River, Canal, or Inland Navigation, or the Banks or Towing-paths or Works thereof, vested in or under the Jurisdiction or Management of any Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals, or in respect of the Navigation whereon or the Use whereof any such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues, shall be executed according to a Plan to be approved by such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals, and to be deposited at their Office, and such Works shall be executed, maintained, and performed to the reasonable Satisfaction of the Engineer for the Time being of such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals; and nothing in this Act contained shall prejudice or derogate from the Estates, Powers, Rights, Interests, Liberties, Privileges, or Franchises of such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals, or prohibit, defeat, alter, or diminish any Right, Power, Authority, or Jurisdiction which, at the Time of the passing of this Act, such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals did or might lawfully claim, use, or exercise.

Commissioners may inspect Works.

48. The Commissioners shall, if and as they see Occasion, cause any Improvements in progress under this Act to be inspected by a Commissioner or Assistant Commissioner, or an Engineer or Surveyor, to ascertain the due Execution thereof.

Charges for Improvements.

And with regard to Charges for Improvements under this Act, be it enacted as follows:

Commissioners to execute Charge on Completion of Works, or of some Part thereof.

49. When the Commissioners are satisfied that the Improvements sanctioned by them, or some Part thereof, have been properly executed, either according to the Specifications and Plans or Drawings approved of by them, or with such Deviations therefrom as in their Judgment will not diminish the permanent Benefit accruing from such Improvements to the Lands wherein they have been made, they shall execute a Charge under their Hands and Seal upon the Inheritance or Fee of the Lands comprised in the provisional or other sanctioning Order, or some sufficient Part thereof, for the Sum by the same Order expressed to be chargeable in respect of such Improvements, if all the said Improvements have been completed, or for a proportional Part of such Sum if a Part only of the said Improvements has been executed, together, in either Case, with the Interest by the same Order expressed, and with the Amount (if any) which shall have been paid in respect of the Purchase of adjoining Lands, or of any Easement, Authority, or Right in, through, over, or affecting adjoining Lands, with Interest thereon at the like Rate.

50. If

Expenses of Application and certain Contracts may be included in Charge.

50. If the Landowner is desirous that the Inheritance or Fee of the Lands improved should be charged with the Expenses of and incident to his Application to the Commissioners, or his Contract with any Company or Person relating to the Execution of the Improvements, or to the Advance of Money for their Execution, the Commissioners may ascertain the Amount of the Costs, Charges, and Expenses properly incurred preparatory or in relation to and consequent on such Contract, and the Application to the Commissioners or either of them, and may include in the Principal Money charged on the Inheritance or Fee of such Lands the Amount of such Costs, Charges, and Expenses, and of the settled or taxed Costs, if any, which a Court or Judge shall have ordered as aforesaid to be deemed and taken to be Part of the Expenses of and incident to the Application for Improvements, or such Part thereof as the Commissioners think fit; and the Commissioners may also include in such Principal Money Interest at a Rate not exceeding Five Pounds *per Centum per Annum* on all Payments forming Part of the same Principal Money from the respective Dates of such Payments to that of the Absolute Order, but so that no Interest shall be allowed on any such Payment for more than Six Years; provided that the total Amount of the Principal Money to be charged on the Lands improved under the Provisions of this Act shall not in any Case exceed that to which, in the Opinion of the Commissioners, the Inheritance or Fee of the Lands improved will be durably benefited by the Improvements.

The Charges to be by way of Rentcharge created by Absolute Order;

51. Every Charge under this Act shall be created by way of Rentcharge, payable half-yearly, extending over the Term of Years fixed by the provisional or other sanctioning Order, and the first Payment thereof to be made Six Months after the Time when the Works in respect of which the same was granted were executed to the Satisfaction of the Commissioners; and the Payment for each Half Year shall be, and be expressed to be, as to Part thereof a Repayment of a certain Amount of Principal Money, and as to the Remainder thereof a Payment of Interest; and the Charge shall be duly stamped for denoting Payment of the proper *ad valorem* Stamp Duty which would be payable on a Mortgage for securing the like Amount as the Principal Money thereby charged, and shall be called an Absolute Order; and a Copy of every such Absolute Order shall be authenticated by the Seal of the Commissioners, and shall be kept by them; and such Copy, and any Copy thereof authenticated by their Seal, shall be Evidence of the Contents and Purport of the same Absolute Order.

and may be made according to Form in Schedule (B).

52. Charges under this Act shall be made according to the Form in the Schedule (B.) hereto annexed or as near thereto as the Circumstances of the Case will admit.

Expenditure made under this Act may be charged under Acts of Improvement Companies.

53. Whenever, by Assignment, under the Twenty-sixth Section hereof or otherwise, a Company having Power to execute or advance Money for the Improvement of Land shall become entitled to the Creation of any Charge under either the Forty-ninth or the Seventy-eighth Section hereof, the Commissioners shall, if required, but subject to the Provisions herein-before contained, create such Charge in the Form of, and so that it may also operate as, an absolute or other corresponding Order under the Act or Acts applying to such Company.

Improvement Companies may exercise the Powers of this Act, on conforming to its Procedure.

As also Companies authorized to execute Improvements in the United Kingdom.

54. Any Company authorized by Act of Parliament to execute or advance Money for the Improvement of Land, by giving Notice to the Commissioners of their Intention to avail themselves of any of the Powers given by this Act, shall be held to have adopted the same, and thenceforth all the Procedure of such Company shall be carried on under and in accordance with this Act only; and any such Company which shall adopt this Act as herein-before provided may, with the Sanction of Three Fourths of the Shareholders present at an Extraordinary Meeting of the Company specially convened for the Purpose, execute or advance Money for the Execution of any Improvement authorized by this Act in any Part of the United Kingdom, although not so authorized by any Act or Acts relating to the Company.

Absolute Order to be conclusive Evidence of Charge.

55. The Execution of the Absolute Order by the Commissioners shall be conclusive Evidence in all Courts, and for all Purposes, of the Validity of the Charge thereby expressed to be made, and no Inquiry shall be permitted either into the Title or Estate of

of the Landowner, or into the due Performance of anything required to be done by this Act, or as to any other Matter on which the Validity of such Charge might but for this Enactment have depended.

Registry of Rentcharges in Ireland, Middlesex, Yorkshire, and Scotland.

56. A Memorial of every Absolute Order of the Commissioners whereby a Rentcharge is created on Land in *England* and *Wales*, in pursuance of this Act, shall be registered at the Office of the Land Registry in *England*, and a Memorial of every Absolute Order of the Commissioners whereby a Rentcharge is created on Land in *Ireland*, in pursuance of this Act, shall be entered in the proper Office for the Registration of Deeds and Wills, and such Memorials respectively shall express and contain the Date of the Order, the Name and Address of the Landowner, the Particulars of the Lands charged, the Amount of the Rentcharge, and the Period during which the same shall be made payable; and the Production of the Absolute Order, sealed with the Seal of the Commissioners, shall be a sufficient Authority to the Registrar for the Entry of such Memorial at the proper Registry Office; and all Grants of Rentcharges on Lands in *Scotland* shall be registered in the General or Particular Register of Sasines: Provided that every Rentcharge to which the present Clause applies shall have Priority as herein-after declared, any Law or Usage to the contrary notwithstanding.

Landowner may borrow the Amount of certain Public Assessments, and charge same on Inheritance;

57. Whenever by or under the Provisions of any Act of Parliament, Royal Charter, or Commission under the Great Seal or the Seal of the Duchy of *Lancaster* any public or general Works of Drainage or other Improvements shall be required or authorized to be executed, and the Cost thereof shall be directed or authorized to be assessed or charged upon the Inheritance of the Lands improved, then any Landowner who shall, under such Act, Charter, or Commission, have been assessed, and shall have become liable to pay any Sum of Money so chargeable for or towards such Works and Improvements, or any of them, in respect of his Land, may apply to the Commissioners to sanction the Money so assessed being charged upon the Land in respect of which such Landowner shall have been so assessed; and if the Commissioners shall be satisfied that the Works or Improvements have been executed in accordance with the Requirement or Authority in such Act, Charter, or Commission contained, they may, after the Money shall have been duly paid by such Landowner, by an Absolute Order within the Meaning of the Fifty-first Section hereof, charge upon the Inheritance or Fee of the Land in respect of which such Landowner shall have been so assessed the Amount so assessed and paid, or such Part of it as the Commissioners may be willing to sanction, to be repaid with Interest.

in Form specified, together with Costs of Application.

58. Such Absolute Order and Charge may be made in any Form and for any Term permitted by this Act, and all the Provisions hereof shall apply thereto in the same Manner and with the same Effect and Operation in all respects as if such Order and Charge had been made in respect of Improvements upon the said Land executed under the Powers of this Act; and if the Landowner is desirous that the Inheritance or Fee of the said Land should be charged with the Costs, Charges, and Expenses of and incident to the said Application and Order, or any Contract connected therewith, the Provisions of the Fiftieth Section hereof shall extend and apply to the present Case in the same Manner as to the Costs, Charges, and Expenses of the Application and Contracts in the said Fiftieth Section mentioned.

Grantee to have Charge for Principal Money from Time to Time unrepaid, with Priority over other Incumbrances.

59. From the Date of the Absolute Order, the Grantee thereof, and his Executors, Administrators, Successors, and Assigns, shall have a Charge on the Lands therein comprised for the Principal Money from Time to Time remaining undischarged, by Payment of the Rentcharge, with Interest, at the Rates in the several Cases herein-before respectively expressed, and such Charge shall have Priority over every other then existing and future Charge and Incumbrance affecting such Lands or Estates and Interests respectively, whether created under the Powers of any Act of Parliament or otherwise, except Quit Rent, Crown Rents, Chief Rents, Feu Duties, Ground Annuals, and other Charges incident to Tenure, Tithe Commutation, Rentcharges and Teinds, Charges created or to be created under any Act authorizing Advances of public Money for the Improvement of Land, and any Charges created under this Act or Charges of prior Date created under any other existing Act of Parliament authorizing the charging of Lands with the Expense of and incident to their Improvement:

Improvement: Provided that in case a Part only of the Land charged is subject to a Mortgage or other Incumbrance, the Charge created under the Authority of this Act shall have Priority over the Mortgage or other Incumbrance only to the Extent of a due Proportion of such Charge, when and so soon as the same shall be ascertained under and pursuant to the Sixty-sixth Section of this Act.

Charges to be Personal Property, but Money authorized to be invested on Real Security may be invested therein, or on Mortgages thereof.

60. Every Charge under this Act shall, as regards the Holder thereof, be deemed to be Personal Property, except that any Holder of such a Charge, who shall desire to extinguish the same by reuniting it to the Land charged, shall have Power for that Purpose to direct by any Deed that it shall be reunited to and merge in the beneficial Interest in the said Land, as if it were of the same Nature and Tenure therewith; but all Trustees, Directors, and other Persons who may be directed or authorized to invest any Money on Real Security shall (unless the contrary be provided by the Instrument directing or authorizing such Investment) have Power, at their Discretion, to invest Money in such Charges, or on Mortgages thereof.

Charges not to preclude Trustees from investing in Purchase or on Mortgage of Lands.

61. No Charge on Land made by any Absolute Order by virtue of this Act shall be deemed such an Incumbrance as shall preclude a Trustee of Money, with Power to invest the same in the Purchase of Land or on Mortgage, from investing it in a Purchase or upon a Mortgage of the Land so charged, unless the Terms of his Trust or Power expressly provide that the Land to be so purchased or taken in Mortgage be not subject to any prior Charge.

Proprietor of Scotch Entailed Estate may avail himself of Act, and Rentcharge to be Charge on such Estate.

62. No Proprietor of an Entailed Estate in *Scotland* shall be held to have contravened the Conditions of the Entail by reason of his having availed himself of the Provisions of this Act, and no Rentcharge imposed or created on any Entailed Lands in *Scotland* under the Authority of this Act shall be made use of as a Ground for adjudging, selling, or evicting such Lands, or any Part thereof, contrary to the Provisions and Conditions of the Entail, but every such Rentcharge shall be a good and effectual Charge upon and against such Entailed Lands to every other Effect, and upon and against the Rents and Profits thereof.

Rentcharges to be recoverable as Tithe Rentcharges or Feu Duties.

63. Every Rentcharge on Land by virtue of this Act may be recovered by the Person or Company for the Time being entitled to the same, as to Lands in *England* or *Ireland*, by the same Means, and with the like Powers, and in like Manner in all respects as a Rentcharge in lieu of Tithes would be recoverable if charged on the same Land under the Act of the Seventh Year of King *William* the Fourth for the Commutation of Tithes in *England* and *Wales*, or under the Act of the First and Second Years of the Reign of Her present Majesty to abolish Compositions for Tithes in *Ireland* and to substitute Rentcharges in lieu thereof, and the several Acts passed for amending the same, as the Case may be, and as if such Rentcharge by virtue of this Act were a Rentcharge in lieu of Tithes made payable to such Person or Company under the said Acts respectively, and as to Lands in *Scotland* by the same Means and in the like Manner in all respects as any Feu Duties or Rent or annual Rent or other Payment out of the same Lands would be recoverable.

Interest on Arrears of Rentcharges.

64. If any Rentcharge payable under this Act shall be in arrear, such Arrear shall not bear Interest for a longer Period than Six Months, but Interest at Five Pounds *per Centum per Annum* in respect of the same, for any Period not exceeding Six Months, may be recovered in the same Manner as the Sum in arrear: Provided that if, at the Expiration of Six Months from the Time of any Payment falling into arrear, there shall not be upon the Land charged a sufficient Distress to answer and satisfy the said Payment and Interest thereon for the said Period of Six Months, together with the Costs and Charges of such Distress, then the Arrears of such Payment shall continue to bear Interest at the Rate of Five Pounds *per Centum per Annum* until Payment or Satisfaction thereof, and such Interest may be recovered in the same Manner as the Sum in arrear.

Assignment of Charges.

65. The Grantee or other Person for the Time being entitled to any Rentcharge created under this Act may assign the same by Deed duly stamped, and wherein the Consideration is truly stated; and such Assignment may be according to the Form in Schedule (C.) to this Act annexed, or to the like Effect; and all Assignments made in such Form, or as near thereto as the Circumstances of the Case will admit, shall be effectual to vest, both

at Law and in Equity, the Charge thereby assigned, and all the Powers, Authorities, Rights, and Remedies of the Assignor with reference to such Charge, in the Assignee, his Successors, Executors, Administrators, and Assigns respectively, and Notice of such Assignment shall be sent to the Commissioners at their Office in *London*.

Tenants for Life to keep down Rentcharges.

66. Every Landowner on whose Land a Charge shall have been made under this Act, and every succeeding Tenant for Life, Tenant in Tail, and other Person having a limited Interest in the Land so charged, shall, as between himself and the Persons in remainder or reversion, be bound to pay the yearly or other periodical Payments of such Charge which shall become payable during the Continuance of his Interest; and in case he be in the actual Occupation or entitled to an apportioned Part of the Rents and Profits of such Land up to the Time of the Termination of his Interest, he shall also be bound to pay an apportioned Part of the yearly Rent or other periodical Payment of such Charge which shall become due next after the Termination of his Interest, proportional to the Time which elapsed between the Day for the previous Payment and the Day of such Termination: Provided that no Person becoming entitled in possession to any Estate or Interest in the Land shall be liable, as between himself and the Persons entitled to the Rentcharge, to pay any Arrears of the Charge remaining unpaid at the Time of his becoming so entitled in possession beyond the Amount of Two Years Payment of such Charge: Provided also, that the Amount paid by any Person in respect of such Arrears, and any Costs occasioned by Nonpayment thereof, shall be a Debt from the Person who in the first instance ought to have paid the same, or from his Estate, to the Person who paid the same, and shall be recoverable accordingly.

Tenant may deduct Rentcharge, unless he has agreed to pay it.

67. If any Tenant or Occupier at a Rent join in the Application for an Improvement, or by Writing under his Hand signify to the Commissioners, or to an Assistant Commissioner or Engineer, his Consent to become charged with the Charge, or an apportioned Part thereof as herein-after mentioned, such Tenant or Occupier shall during his Tenancy or Occupation be liable to pay the Charge, or an apportioned Part thereof as herein-after mentioned; and in case the Charge be made in respect of the Improvement as well of other Land as of the Land included in such Tenancy or Occupation, the Commissioners may, upon such Consent of the Tenant or Occupier, declare in the Absolute Order what Portion of the whole Charge payable in respect of the Improvement shall be payable by such Tenant or Occupier during his Tenancy or Occupancy in respect of the probable Improvement of the Land included in his Tenancy or Occupation; but, except as aforesaid, every Tenant or Occupier who pays such Charge shall be entitled to deduct the Amount thereof from the Rent payable by him to the Landowner, and shall be allowed the same in Account with him.

Rentcharges may be apportioned, or Part of the Land charged released therefrom.

68. If at any Time Land charged under this Act, or under any other Act authorizing the Creation of Charges by the Commissioners, is occupied in separate Farms or other Holdings, or has become the Property of separate Owners, or the Owner thereof is entitled thereto under separate Titles or for distinct and separate Interests, or is desirous to sell or dispose of Part of such Land, or Part only of such Land is subject to any Mortgage or other Incumbrance, or for any other Reason it would be desirable that the Charge should be apportioned or a Part of the Land charged released therefrom, the Commissioners may, with the Consent of the Landowner, or if the Land has become the Property of separate Owners, or a Part thereof is subject to any Mortgage or Incumbrance, then upon the Application of any One of such Owners, or of such Mortgagee or Incumbrancer, but in every Case with due Notice to the Grantee or Assignee of the Charge, or the Husband, Guardian, Tutor, Curator, Committee, or Trustee of such Grantee or Assignee if a married Woman, Infant, Lunatic, Idiot, or furious or fatuous Person, and to such other Parties (if any) as the Commissioners think right, either release from such Charge any Part of the Land charged therewith, or apportion such Charge so that a separate and distinct Charge may become charged on each separate Farm or Holding, or on the Land of each Landowner, or on the Land held under each separate Title or for each distinct and separate Interest, or on the Part or each Part which the Landowner is desirous to sell or dispose of and the Part intended to be retained by him, or on the Part

subject

subject to such Mortgage or other Incumbrance and on the Residue, or on any other separate Parts of the Land, but so that no Charge charged under such Apportionment shall be less than Twenty Shillings for each half-yearly Payment: Provided that no Lands shall, in consequence of any such Apportionment or Release, become charged with any greater Amount than that to which, in the Opinion of the Commissioners, they have been durably benefited by the Improvements in respect of which such Charge was created.

Form, Registry, and Effect of Orders of Apportionment and Release.

69. Every such Apportionment or Release shall be made by an Order under the Hands and Seal of the Commissioners, and shall be in the Form set out in Schedule (D.) or (E.) to this Act, as the Case may be, or as near thereto as Circumstances will permit, and as to Lands in *England* and *Wales*, or in *Ireland* or *Scotland*, shall be registered in the Manner mentioned in the Fifty-fourth Section hereof, or as near thereto as Circumstances will permit; and a Copy of every such Order shall be authenticated by the Seal of the Commissioners, and shall be kept by them; and such Copy, or any Copy thereof authenticated by their Seal, shall be conclusive Evidence in all Courts and for all Purposes of the Contents and Purport of the same Order, and of the Validity of the Apportionment or Release thereby expressed to be made; and such Order shall take effect from the Date thereof, subject to the Continuance of all Rights and Remedies for the Recovery of Monies which before the Date thereof may have become payable out of any Lands under the Charge so apportioned or released.

Charges apportioned, or from which Part of the Lands have been released, to be deemed original Charges.

70. Every Charge apportioned or released as aforesaid shall be recoverable out of the Lands on which the same is charged by the Order of Apportionment, or which shall not by the Order of Release be released therefrom, in the same Manner as if the same had been originally charged on such Lands respectively, and shall, for all the Purposes of this Act, or of the Act under which the original Charge was created, be deemed to be an original Charge on such Lands by Absolute Order.

Several Charges may be dealt with in One Order of Apportionment or Release.

71. Where any Lands are charged by more than One Absolute Order, any Order of Apportionment or Release under the preceding Sections hereof may comprise all or any Number of the Rentcharges existing by virtue of such Absolute Orders.

Upholding Improvements.

And with regard to the upholding Improvements under this Act, be it enacted as follows:

Improvements to be upheld, and Condition thereof certified if required.

72. So long as any Land shall continue charged with any Charge hereunder, the Person for the Time being bound to make the periodical Payments of such Charge shall uphold the Improvements and Works in respect of which such Charge is made, and shall keep clear and open the Outfalls and Watercourses of all the Drains (if any), and shall, if required either by the Commissioners or by any Person who shall for the Time being be interested in such Charge under any Assignment or Mortgage thereof, once in every Year certify to the Commissioners the State of such Improvements and Works, and of such Outfalls and Watercourses (if any); and if such Person shall not so keep and uphold such Improvements and Works, and such Outfalls and Watercourses (if any), or shall fell, or cause or knowingly permit to be felled, except in proper thinning, any Trees planted under the Authority of this Act as an Improvement, he shall be liable to an Action on the Case, in the Nature of an Action of Waste, for the Damage thereby occasioned, at the Suit of any Person entitled to any Estate in remainder or reversion in such Lands.

Power to enter on neighbouring Lands for Repair of Works, making Compensation.

73. Every Person for the Time being bound to make the periodical Payments of any Charge may from Time to Time, by himself, his Engineers, Surveyors, Agents, Servants, and Workmen, enter upon any Lands in, through, or upon which any of the Works have been executed, to ascertain the Condition of the Works, and to maintain and repair the same, nevertheless paying to the Person for the Time being enabled by this Act to sell or grant any Easement in such Lands, in case the Parties differ about the same, such Compensation as shall be determined by Two Justices or the Sheriff, as provided by the "Lands Clauses Consolidation Act, 1845," or the "Lands Clauses Consolidation (*Scotland*) Act, 1845," for Settlement by Justices and Sheriffs respectively of Questions of disputed Compensation: Provided that as to any Lands adjoining or near the Land improved, to which the Provisions of the Acts of the Tenth and Eleventh Years of the Reign of Her present

present Majesty, Chapters Thirty-eight and One hundred and thirteen, and those of the Third Part of The Land Drainage Act, 1861, are herein-before respectively made applicable, the Powers of Entry upon such Lands for any of the Purposes aforesaid shall be subject to and be regulated by the Provisions of those Acts respectively.

Farmhouses, &c. to be insured; Power to insure in case of Default.

74. When any Farmhouses, Farm Buildings, or Works susceptible of Damage by Fire shall have been erected, improved, or added to under this Act, then, so long as any Land shall continue charged under this Act in respect thereof, the Person for the Time being bound to make the yearly or other periodical Payments of such Charge shall insure and keep insured against Damage by Fire all such Farmhouses, Farm Buildings, and Works in an Amount equal to the principal Amount originally secured by such Charge at the least and such Person shall once in every Year certify to the Commissioners the Fact of such Insurance, and the Particulars thereof, and that the Premium and Duty for such Insurance for the Year then current have been duly paid; and if such Person shall not insure or keep insured such Farmhouses, Farm Buildings, and Works, or shall not duly certify the Matters aforesaid, it shall be lawful for the Person entitled to the Charge for the Time being, with the Assent of the Commissioners, to insure against Damage by Fire the said Farmhouses, Farm Buildings, and Works in an Amount not exceeding the principal Amount originally secured by such Charge, and either in the Name of the Person by whom such Default shall have been made, or in the Name of the Landowner mentioned in the Absolute Order, and thereafter to keep the same insured during the Continuance of the said Charge; and the Person for the Time being bound to make the periodical Payments of such Charge shall from Time to Time, on the Day on which the next Payment shall become due on the said Charge, repay to the Person for the Time being entitled to the said Charge any Sums so paid by him for Premium and Duty on such Insurance; and in default of such Payment, the Amount of such Premium and Duty, with Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the Time of such Default, may be recovered by the last-mentioned Person by the same Means and in the like Manner as if the same had been payable as Part of the said Charge.

Inclosure Commissioners may compel Maintenance of Improvements.

75. If it shall be represented to the Commissioners that the Person for the Time being bound to make periodical Payments of any Charge created under this or any other existing Act authorizing the Advance of Money for the Improvement of Land has neglected to uphold and maintain the Improvements in respect of which the Charge was executed, or any of them, the Commissioners may, upon Security being given for such an Amount as they may consider necessary to cover any Expenses that may be incurred by them, cause an Inspection of the Works to be made by an Assistant Commissioner, Engineer, or Surveyor.

After such Inspection, if the Commissioners are satisfied that the Improvements have not been upheld and maintained, they shall cause Notice to be given to the Person bound to make the said periodical Payments requiring him to execute the Works necessary to uphold and maintain the same within Three Calendar Months from the Time of giving such Notice.

If such Works shall not be executed to the Satisfaction of the Commissioners within such Three Months, they may cause such Works as in their Judgment shall be necessary to uphold and maintain such Improvements to be executed by a Person appointed by them.

The Costs thereof, including the Expenses of the Assistant Commissioner, Engineer, or Surveyor, shall be repaid by the Person bound to make the said periodical Payments to the Person entitled to the Charge, on Request, and in default thereof the Amount so certified may be recovered, with all Expenses incidental to the Recovery thereof, in the Name of the Person for the Time being entitled to the Charge, by the same Means and in the like Manner as if the same had been payable as Part of the said Charge.

Inclosure Commissioners may give Relief from Maintenance of Improvements.

76. If it shall be represented to the Commissioners that it is not expedient or necessary that any Works for the Cost of which there shall be a subsisting Charge, or any Part of such Works, should be upheld or maintained, the Commissioners may, on having deposited with them a Sum, to be fixed by them, to cover all Expenses, cause the said Works to be inspected by an Assistant Commissioner, Engineer, or Surveyor.

If after such Inspection and Notice to the Parties who were served with Notice of the Application to charge the Land or their Representatives, and such other Persons, if any, as the

the Commissioners may direct, the Commissioners shall find and certify that is not expedient or necessary that the Works or any of them should be upheld or maintained, thereupon the Person for the Time being bound to make the said periodical Payment shall be relieved from all Liability in respect of the Maintenance of the Works referred to in the Commissioners Certificate.

Admiralty may remove Works abandoned or fallen into Decay.

77. If any Embankment or Work constructed under the Powers of this Act in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Embankment or Work which affects or may affect any such Water or River, or the Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Admiralty or the Board of Trade, as the Case may require, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Landowner, the Amount of which Cost and Charge shall be a Debt due from the Landowner to the Crown, and be recovered accordingly, with Costs of Suit.

Subscription to Railways.

And with regard to charging Lands with Money subscribed for the Construction of Railways, be it enacted as follows:

Conditions for Application to Commissioners.

78. In case any Landowner shall be desirous of subscribing for any Shares or Stock in the Capital, whether original or additional, of a Company having Power to construct a Railway or navigable Canal, or any Branch or Extension Railway or navigable Canal, or any Deviation of a Line of Railway or a navigable Canal already sanctioned, the Works for which such Subscription is to be made being unfinished, or in any additional Capital to be raised for the Completion of any such Railway, Canal, Branch, Extension, or Deviation, the same being upon or near to and which will improve or benefit the Lands of such Landowner, and who shall be desirous that such Amount, or any Part thereof, may be charged upon the Lands so to be improved, it shall be lawful for him to apply to the Commissioners for that Purpose within the Time limited by the Railway or Canal Company's Act or Acts for the Construction of the Works in question.

Commissioners Proceedings on Application.

79. If the Commissioners shall think fit to entertain such Application, they shall cause all such Inquiries to be made, and take all such other Steps, as shall seem to them expedient for obtaining Information as to the Circumstances; and all the Provisions of the Thirteenth, Fourteenth, Fifteenth, Seventeenth, Eighteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fifth, and Fifty-first Sections of this Act shall apply to the Case as though an Improvement were to be made of the Lands proposed to be charged.

Provisional Order sanctioning Charge.

80. If the Commissioners shall be satisfied that the Railway or Canal, when constructed and open for Traffic, will effect a permanent Increase of the yearly Value of the Lands exceeding the yearly Amount proposed to be charged thereon, they shall execute and deliver to the Landowner a Provisional Order, under their Seal and the Hands of Two of them, expressing their Sanction of the Charge proposed; and such Order shall be made as near to the Form set forth in the Schedule (A.) to this Act as the Circumstances will permit, and shall, with the Right to a Charge thereby created, be assignable by Endorsement, either absolutely or by way of Security, to any Company or Person that may agree to advance, by paying the same to the Railway or Canal Company, the Amount authorized to be charged, and Notice of such Assignment shall be given to the Commissioners, and shall be registered by them.

Companies empowered to lend.

81. Every Company empowered by Act of Parliament to lend Money for the Improvement of Land is hereby empowered to advance, by paying the same to the Railway or Canal Company, any Money authorized to be charged in manner aforesaid.

Commissioners Absolute Order and its Conditions.

82. When the Railway or Canal shall have been completed and opened throughout for public Traffic, and as many Shares in the Capital of the Railway or Canal Company subscribed for or held as aforesaid by the Landowner as shall be equal in nominal Amount to the Money authorized to be charged shall have been fully paid up, and the Certificates for such Shares shall have been deposited by the Landowner with the Commissioners, the Commissioners shall, by an Absolute Order under their Hands and Seal, execute to the Landowner or his Assignees a Charge upon the Inheritance or Fee of the Lands in question of

of the Amount authorized as aforesaid to be charged, and may, if the Landowner shall so desire, include, with the Principal Money so charged, the Costs, Charges, and Expenses of the Application and Orders, and of any Advance which may have been made to him of the Amount authorized to be charged, and such settled or taxed Costs and Interest as mentioned in the Fiftieth Section hereof, subject nevertheless to the Proviso in the same Section contained.

Form and Effect of Absolute Order.

83. Such Absolute Order shall be made in the Form in the Schedule (B.) to this Act annexed, or as near thereto as the Circumstances will permit, and all the Provisions of this Act relating to Absolute Orders, whether in respect of the Form or Effect of such Charges or Orders or otherwise, except only the Provisions for the Apportionment and Release of such Charges, shall apply to Absolute Orders under the last preceding Section as far as the Circumstances admit.

Notice thereof to be entered in Register of Shareholders.

84. The Landowner shall forthwith give Notice to the Railway or Canal Company of the Execution of such Absolute Order, and of the Deposit of such Certificates with the Commissioners, and thereupon the Company shall make an Entry or Memorial in their Register of Shareholders with respect to such Shares of the Fact of such Absolute Order having been executed.

Person liable to pay Charge to be entitled for the Time being to the Shares,

85. From the Time of such Notice, and during the whole Term of the Charge created by such Absolute Order, the Person who for the Time being shall be bound to make the periodical Payments of such Charge shall be entitled to the said Shares, and if the same shall not at the Time being be registered in his Name, the Person registered as the Holder thereof shall, as between himself and the Person so entitled, hold them in trust for such last-mentioned Person.

and to have them stand in his own Name.

86. The Person so for the Time being entitled may at any Time require the Person registered as the Holder of the said Shares, or his Representatives, to transfer to him the said Shares, and such Transfer shall thereupon be made accordingly, but at the Expense in all respects of the Transferee; and upon the Production of such Transfer duly stamped, and of a Certificate by the Commissioners under their Hands and Seal that the Transferee is the Person at the Time being bound to make the periodical Payments of the said Charge, the Railway or Canal Company shall register such Transfer.

Rights and Duties of Persons registered for the Time being in respect of the Shares.

87. With the Exception of such Transfers as may from Time to Time be made for the Purpose of transferring the Shares to the Person so for the Time being entitled thereto, the said Shares shall not under any Circumstances be transferred or disposed of by the registered Holder, whether he be the Person for the Time being entitled thereto or not, during the Term of the said Charge; but during the Term of such Charge the registered Holder for the Time being of the said Shares shall have all the other Rights and Powers of a Shareholder in the Railway or Canal Company in respect of the said Shares; and the Railway or Canal Company shall not be bound to see to the Application of any Dividend received by such registered Holder, but as between himself and the Person or Persons for the Time being entitled to such Shares he shall hold any Dividend which may be received by him in trust for the Person who, at the Time when such Dividend became payable, was the Person entitled to the said Shares.

Entire Shares to belong to Parties in proportion to their Payments, and to be released to them from Time to Time.

88. Whenever any Person or those whom he legally represents as their Executor or Administrator shall have been bound to make, and shall have made, such and so many periodical Payments of the Charge as to repay thereby Principal Money which, in proportion to the whole Amount of Principal Money charged and the whole Number of the said Shares, shall correspond to any integral Number of Shares, with or without a Fraction over, it shall be lawful for the Commissioners, on the Application of such Person, made either during the Term of the Charge or within Two Years after its Expiration, to certify that Fact under their Hands and Seal, and by the same Certificate to appropriate to such Person certain specified Shares to such integral Number, and to deliver to him the corresponding Share Certificates; and upon the Production to the Railway or Canal Company of such Certificate by the Commissioners and Share Certificates, it shall be lawful for such Person, if he shall not already be the registered Holder, to require such Shares to be transferred

transferred to him, and the Railway or Canal Company shall make an Entry or Memorial on their Register of Shareholders of such Shares being freed from the Provisions of this Act, or of the Term of the Charge having expired, as the Case may be, and such Shares shall thenceforward be held and transferred in the same Manner as any other Shares in the same Company, but if the Term of the Charge shall not have expired the Three last preceding Sections of this Act shall still apply to the Residue of the Shares to which the same Charge shall relate.

Shares not claimed within Two Years from Expiration of Term to belong to Person bound to make last Payment of Charge.

89. The Shares composing the said Residue shall at the End of Two Years after the Expiration of the Term of the Charge belong to the Person who shall have been bound to make the last periodical Payment of the Charge, or to his Executors or Administrators, on such Payment being made; and the Commissioners shall deliver to him or them the corresponding Share Certificates, and certify the Title to the Shares under their Hands and Seal in accordance with the above Provision; and upon the Production to the Railway or Canal Company of the Share Certificates and such Certificate by the Commissioners, such Person as aforesaid, or his Executors or Administrators, shall have the said Shares transferred to him or them, so far as he or they shall not be already the registered Holder or Holders thereof; and the Railway or Canal Company shall make an Entry or Memorial on their Register of Shareholders of the Term of the Charge having expired, and thenceforward the said Shares shall be held and transferred in the same Manner as any other Shares in the same Company.

Inclosure Commissioners to cause a Table of Fees to be prepared and submitted to Treasury for Approval.

90. 'And whereas it is expedient that a Table or Tables of Fees proper to be taken 'by the Inclosure Commissioners in respect of Documents issuing out of their Office by 'virtue of the Provisions of this Act should be prepared:' Be it enacted, That it shall and may be lawful for the said Inclosure Commissioners to prepare or cause to be prepared a Table or Tables of Fees, specifying what Fees are proper to be demanded and taken in the Office of the said Inclosure Commissioners in respect of any Forms, Orders, or Documents prepared in or issued from such Office by virtue of the Provisions of this Act; and such Table or Tables shall be laid before the Commissioners of Her Majesty's Treasury, who shall have Power to revise and settle the same, and from Time to Time to alter or amend the same, as they may deem necessary and proper, and the said Table or Tables of Fees, so revised, settled, altered, or amended, from Time to Time to approve and allow; and the said Inclosure Commissioners are required, so soon and as often as each Table or Tables of Fees shall have been approved and allowed, to cause the same to be inserted and published in the *London Gazette*, and from and after such Publication such Fees may be legally demanded, and may be received and recovered, by any Person appointed by the said Inclosure Commissioners to receive or recover the same.

Officers to render Account of Fees received to the Treasury.

To be paid over to the Consolidated Fund.

91. The said Inclosure Commissioners shall cause the Fees received by them under the Authority of this Act to be duly and regularly entered in One or more Books to be kept for that Purpose, distinguishing the Fees received under their several Heads, and shall render a true and faithful Account thereof to the Commissioners of Her Majesty's Treasury at such Times, and in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the said Commissioners of Her Majesty's Treasury shall from Time to Time require; and the said Inclosure Commissioners shall from Time to Time, when required so to do by the said Commissioners of Her Majesty's Treasury, cause the Amount of such Fees to be paid into the Receipt of the Exchequer to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Provisional Order.

(*Proper Heading.*)

The Inclosure Commissioners for England and Wales, in pursuance of "The Improvement of Land Act, 1864," do, by this Order under their Hands and Seal, sanction the proposed

Improvements expressed

upon the Terms and Conditions that such Improvements be executed in the Manner mentioned or specified in the said Contract, and at an Expense not exceeding the Sum of and do hereby declare and provisionally order that it is right and proper, and for the Benefit of the Parties interested in the Lands mentioned in the Schedule hereto, that the Inheritance or Fee of such Lands should be charged with the said Sum of together with the Costs, Charges, and Expenses preparatory or in relation to and consequent on the said Contract and the Application for this Order, and that the same should, to the whole Amount of such respective Monies, [*or* should, to any Amount not exceeding *as the Case may be*,] be charged in the Manner following; (that is to say,) [*here express how the Amount is to be repaid, with Interest.*]

In witness whereof they have hereunto affixed their Hands and Seal, this Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE of Lands provisionally charged.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.	Total Rental.

SCHEDULE (B.)

The Improvement of Land Act, 1864.

County of
Parish of
No.

Absolute Order.

[*Here insert Name of Landowner*] of [*here insert Address*]
Loan of Pounds for the Improvement of in the Parish of in the County of

The Inclosure Commissioners for England and Wales, in pursuance of "The Improvement of Land Act, 1864," do, by this Absolute Order under their Hands and Seal, charge the Inheritance or Fee of the Lands mentioned in the Schedule hereto with the Payment to

of the yearly Sum of Pounds Shillings and pence, payable half-yearly on the Day of and the Day of in every Year, for the Term of Years, and being a proportionate Repayment, according to the Table annexed, of the Capital Sum of Pounds, with Interest at per Cent. per Annum, the first half-yearly Payment to be made on the Day of

Dated this Day of 18

SCHE-

SCHEDULE of Lands charged.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

TABLE.

Half-yearly Payments.	Proportionate Repayments of the Loan.	Interest at £ per Cent. per Annum.

SCHEDULE (C.)

Assignment of a Charge.

(*Proper Heading.*)

I, *A.B.*, *&c.*, in pursuance of "The Improvement of Land Act, 1864," hereby, in consideration of [*state the Consideration*], assign to *C.D.* of, *&c.*, his Executors, Administrators, and Assigns, the Charge of the Sum of £ and Interest at the Rate of, *&c.*, [*or* the Charge of, *&c.*, *as the Case may be*], which by virtue of the Absolute Order, No. [ ], executed by the Inclosure Commissioners for England and Wales, and dated, *&c.*, is an absolute Charge on the Inheritance of the Lands mentioned in the Schedule hereto, and all the Powers, Authorities, Rights, and Remedies of with reference to such Charge. [*Here add such Clauses and Provisions, if any, as are agreed on between the Parties.*]

As witness, *&c.*, this Day of

(L. S.)

SCHEDULE of the Lands charged.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.

SCHEDULE (D.)

Form of Order for apportioning Charges.

The Improvement of Land Act, 1864.

County of

Parish of

Whereas, by an Absolute Order under this Act, dated the Day of and numbered the Lands mentioned in the First and Second Schedules hereto were charged with the Payment to of the yearly Sum of payable half-yearly for the Term of Years:

And whereas, upon Application made to them, the Inclosure Commissioners for England and Wales see fit to apportion the said Charge:

Now therefore the said Inclosure Commissioners, in pursuance of "The Improvement of Land Act, 1864," do, by this Order under their Hands and Seal, charge the Inheritance or Fee of the Lands mentioned in the First Schedule hereto with the Payment to of the yearly Sum of Pounds Shillings and pence, payable half-yearly on the Day of and the Day of in every Year, for the Term of Years, being a proportionate Repayment, according to the Table to the same Schedule annexed, of the Capital Sum of Pounds, with Interest at per Cent. per Annum, the first half-yearly Payment to be made on the Day of ; and do also charge the Inheritance or Fee of the Lands mentioned in the Second Schedule hereto with the Payment to of the yearly Sum of Pounds Shillings and pence, payable half-yearly on the Day of in every Year, for the Term of Years, being a proportionate Repayment, according to the Table to the same Schedule annexed, of the Capital Sum of Pounds with Interest at per Cent. per Annum, the first half-yearly Payment to be made on the Day of ; and do further release and exempt the said Lands respectively from the respective Residues of the said Charge created by the above-mentioned Absolute Order.

Dated this Day of

FIRST SCHEDULE.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

TABLE.

Half-yearly Payments.	Proportionate Repayments of the Loan.	Intererest at per Cent. per Annum.

SECOND SCHEDULE.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

TABLE.

Half-yearly Payments.	Proportionate Repayment of the Loan.	Interestat per Cent per Annum.

SCHE-

SCHEDULE (E.)

Form of Order for exempting Lands.

The Improvement of Land Act, 1864.

County of

Parish of

Whereas, by an Absolute Order under this Act, dated the Day of and numbered the Lands mentioned in the First and Second Schedules hereto were charged with the Payment to of the yearly Sum of payable half-yearly for the Term of Years:

And whereas, upon Application made to them, the Inclosure Commissioners for England and Wales see fit to release and exempt from such Charge such of the said Lands as are particularized in the First Schedule hereto:

Now therefore the said Inclosure Commissioners, in pursuance of "The Improvement of Lands Act, 1864," do, by this Order under their Hands and Seal, release and exempt the said Lands mentioned in the First Schedule hereto from the Charge created by the above-mentioned Absolute Order, and from all Liability thereto, and do hereby declare that the said Charge applies to and continues in force as to the Lands particularized in the Second Schedule hereto only.

Dated this Day of .

SCHEDULE I. (Lands exempted.)

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

SCHEDULE II. (Lands still subject to Rentcharge.)

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

SCHEDULE (F.)

Vesting Order.

The Inclosure Commissioners for England and Wales, in pursuance of "The Improvement of Land Act, 1864," do, by this Order under their Hands and Seal, in consideration of £ to them paid by *A.B.* of transfer to and vest in the said *A.B.*, his Executors, Administrators, and Assigns, Shares of and in the Railway or Canal Company, numbered , and now registered in the Name of *C.D.*

In witness whereof they have hereunto affixed their Hands and Seal, this Day of in the Year One thousand eight hundred and .