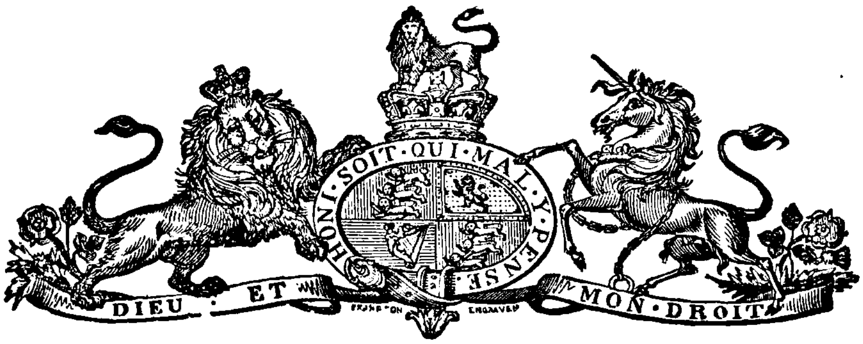


ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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C A P. CI.

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. [28th *August* 1846.]

WHEREAS the Productiveness and Value of much of the Land in *Great Britain* and *Ireland* are capable of being greatly increased by Drainage, and the Extension of the Operation of Drainage is calculated to promote the Employment and Effectiveness of agricultural Labour, and tends also to prevent Disease, and to improve the general Health of the Community: And whereas it is expedient to facilitate Works of Drainage by Advances of Public Money to a limited Amount on the Security of the Land to be improved: And whereas an Act was passed in the last Session of Parliament, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts; and to provide for the Revival of such Powers in certain Cases:* And whereas an Act was passed

8 & 9 Vict. c. 118.

in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, and several Acts have since been passed for amending the same: And whereas a certain other Act was passed in the Session of Parliament holden in 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 such Drainage, in* Ireland: 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, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, upon the Application of the Commissioners for the Execution of this Act, to issue and advance, or cause to be issued and advanced, for the Loans to be made under the Provisions of this Act, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, such Sum or Sums of Money as may be required for such Loans, not exceeding in the whole the Sum of Two million Pounds for *Great Britain* and One million Pounds for *Ireland*; or, in case the said Commissioners of the Treasury shall so think fit, it shall be lawful for them to direct the Comptroller General of Her Majesty's Exchequer at *Westminster* for the Time being to make out and issue Exchequer Bills to such an Amount, not exceeding the said Sums of Two million Pounds for *Great Britain* and One million Pounds for *Ireland*, as they shall think fit to direct for the Purpose aforesaid; but provided that the whole Amount of such Advances out of the Consolidated Fund and by Exchequer Bills shall not together exceed the said Sums of Two million Pounds for *Great Britain* and One million Pounds for *Ireland*.

1 & 2 W. 4. c. 33.

5 & 6 Vict. c. 89.

Treasury may make Advances, not exceeding 2,000,000*l.* for Great Britain, and 1,000,000*l.* for Ireland, out of the Consolidated Fund.

II. And be it enacted, That such Exchequer Bills as may be directed to be made out and issued under this Act shall be in the same Form and Order, and according to the same or like Rules and Directions, (except wherein otherwise provided for,) as in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying of Exchequer Bills*, and an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills*, are prescribed.

Exchequer Bills issued under this Act to be in the Form prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

III. And be it enacted, That all the Clauses, Provisoes, Powers, Authorities, Regulations, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts of the Forty-eighth Year of King *George* the Third, the Fourth and Fifth Years of King *William* the Fourth, and the Fifth and Sixth Years of Her present Majesty, shall be applied and extended to the Exchequer Bills

Powers of 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66. to extend to

Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses and Provisoes had been particularly repeated and re-enacted in this Act. Exchequer Bills to be made out under this Act.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Money contained therein. Exchequer Bills to bear Interest not exceeding $3\frac{1}{2}d.$ per Cent.

V. And be it enacted, That all Exchequer Bills which shall be made out and issued in pursuance of this Act shall be dated on the Day of the Issue thereof, and made payable at such Periods as shall be fixed by the Commissioners of the Treasury. Treasury to fix Periods at which Exchequer Bills shall be payable.

VI. And be it enacted, That all the Exchequer Bills to be made out in pursuance of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled after the respective Days on which they shall become due and payable, shall after that Time pass and be current to all Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, due or payable to Her Majesty, Her Heirs or Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any Person, Body Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs or Successors, upon any Account whatever. Exchequer Bills to be current to all Receivers, &c., and at the Bank.

VII. And be it enacted, That it shall be lawful for the Commissioners of the Treasury to order and direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of all Exchequer Bills issued under the Authority of this Act. Treasury to order Payment of Exchequer Bills out of Consolidated Fund.

VIII. And be it enacted, That no Advance under this Act for or on account of any Work, or in compliance with any Application, shall be made until the same shall have been first submitted to and sanctioned by the Commissioners of the Treasury. Works to be sanctioned by the Treasury before Advances made.

IX. And be it enacted, That the Inclosure Commissioners for *England* and *Wales* shall be the Commissioners for the Execution of this Act in *Great Britain*; and it shall be lawful for the said Inclosure Commissioners to employ in the Execution of this Act in *Great Britain* the Assistant Commissioners, Secretary, Clerks, Messengers, and Officers who have been or may be appointed by the said Commissioners under the said Act of the last Session of Parliament; and the said Inclosure Commissioners may, with such Consent as provided by the said Act of the last Session of Parliament in respect of Appointments under such Act, from Time to Time appoint a sufficient Number of Persons to be Assistant Commissioners and Surveyors respectively for the Purposes of this Act, and may from Time to Time remove any such Assistant Commissioners and Surveyors for *Great Britain*; and the Allowances and travelling and other Expences of such Assistant Commissioners and Surveyors shall be Inclosure Commissioners to be the Commissioners for executing this Act in Great Britain, who may appoint and remove Assistant Commissioners and Surveyors. Allowances and Expences to be

regulated as provided by 8 & 9 Vict. c. 118.

be regulated and paid in like Manner as provided by the said Act of the last Session of Parliament in respect of Allowances and Expences to Assistant Commissioners under the same Act, and such Allowances shall not exceed the Allowances payable to the last-mentioned Assistant Commissioners.

Commissioners of Public Works to have Power to appoint Officers for the Execution of this Act in Ireland.

X. And be it enacted, That the Commissioners for the Execution of this Act in *Ireland* shall be the Commissioners for the said Act of the First and Second Years of His late Majesty King *William* the Fourth, and of the said Act of the Fifth and Sixth Years of the Reign of Her present Majesty, and of the several Acts amending the same respectively, and shall for the Purposes of this Act be called the Commissioners of Public Works and Drainage in *Ireland*, and such Commissioners shall have full Power and Authority, with such Direction and Approbation of the Commissioners of the Treasury as are in and by the said last-mentioned Acts required, to appoint such and so many Civil Engineers, Surveyors, Clerks, and other Officers as may be necessary for the Purpose of carrying this Act into execution, in such and the same Manner as the Commissioners appointed by the said Acts respectively may now appoint the same.

Certain Provisions of 8 & 9 Vict. c. 118. to extend to Proceedings, &c. under this Act, &c.

XI. And be it enacted, That as regards Lands in *Great Britain* all the Provisions of the said Act of the last Session of Parliament concerning or auxiliary to the Proceedings and Inquiries of the said Inclosure Commissioners under the Authority of such Act, and the Authentication of Instruments, shall extend and be applicable to their Proceedings, and the Authentication of Instruments under this Act, in the same Manner as if the Powers hereby vested in the said Inclosure Commissioners were Powers vested in them by the said Act, except as herein otherwise provided: Provided always, that the said Inclosure Commissioners shall not, for the Purposes of this Act, be authorized, by Summons or otherwise, to compel the Attendance of any Witness.

Not to compel Attendance of Witnesses.

Provisions of certain Acts as to Drainage of Lands, &c. in Ireland extended to this Act.

XII. And be it enacted, That as regards Lands in *Ireland* all the Provisions of the said Act of the First and Second Years of the Reign of His said late Majesty King *William* the Fourth, and of the several Acts amending the same, and of the said Act of the Fifth and Sixth Years of Her Majesty, and of the several Acts amending the same, and all the Powers and Authorities conferred by such Acts or any of them, in so far as such Acts relate to the Drainage or Improvement of Lands, and as the Provisions thereof may be applicable for the Purposes of this Act, shall extend and be applied to the Proceedings of the Commissioners of Public Works and Drainage in *Ireland* under this Act, as fully and in the same Manner as if the said Provisions and Powers were here repeated, except as herein otherwise provided for.

Assistant Commissioners, &c. may take Declarations, and examine voluntary

XIII. And be it enacted, That every Assistant Commissioner and Surveyor in *Great Britain*, and every Commissioner, Engineer, and Surveyor in *Ireland*, acting by the Authority of and in the Execution of this Act, may receive Declarations, and examine upon Declaration, in any Part of *Great Britain* or *Ireland* respectively, all such Persons as shall voluntarily attend before him in

the Matter of any Inquiry or Proceeding under the Authority of this Act. Witnesses upon Declaration.

XIV. And be it enacted, That any Owner of Land who may propose to improve the same by Works of Drainage, and may be desirous of obtaining an Advance by way of Loan under the Provisions of this Act, for defraying the Expence of such Works, may as regards Lands in *Great Britain* make Application to the said Inclosure Commissioners, and as regards Lands in *Ireland* to the said Commissioners of Public Works and Drainage Commissioners in *Ireland*, for such Advance; and such Application shall contain such Particulars of the Land proposed to be drained, the proposed Manner of effecting the Drainage thereof, the estimated Expence of effecting the same, and the estimated Increase of the Value to be produced by such Drainage, as may enable the Commissioners to judge of the Expediency of investigating or further proceeding upon such Application; and every such Application shall specify the Estate or Interest of the Applicant in the Land to which such Application shall relate, and shall state whether the Advance applied for is intended to cover the whole or what Portion of the Expence of the Works. Landowners desirous of obtaining Advances may make Application to Commissioners, stating Particulars.

XV. And be it enacted, That the Commissioners may require Security, by Bond or otherwise, to be given in such Form as they may think fit, by the Owner of Land making the Application, for the Payment to the Commissioners of such Sum as the Commissioners shall, as herein-after mentioned, order to be paid in respect of the Investigation of such Application, and (if they shall issue a Provisional Certificate) of the Expences of inspecting and ascertaining the due Execution of the Works; and, unless the Commissioners shall otherwise direct, such Payment shall be made by the Person making the Application, and shall not be a Charge on the Land to which such Application may relate; and the Commissioners may require such Expences to be repaid before they shall issue a Certificate under the Provisions herein-after contained. Commissioners may require Security for Payment of Expences of Investigation, &c.

XVI. And be it enacted, That the Commissioners, if they shall think fit (having regard to the Statements contained in such Application, and to the Amount of the Balance which may from Time to Time remain disposable for Loans under this Act,) to entertain such Application, shall cause the Land, and the Plan, Estimate, and Specification of the proposed Drainage, to be inspected and examined by an Assistant Commissioner or Surveyor or Engineer, as the Case may be, who shall report his Opinion thereon, and on the Statements contained in the Application; and if he shall be of opinion that the proposed Drainage will effect an Improvement in the annual Value of the Land which will exceed the annual Amount which can be charged thereon under this Act in respect of the Advance applied for, and that the Drainage is proposed, under the Plan and Specification, to be effected in a substantial and durable Manner, he shall annex to his Report the Plan, Estimate, and Specification, or Duplicate thereof; and the Commissioners may make such other Inquiries in relation to any such Application as they may think fit. Inspection of Land, &c. to be made by an Assistant Commissioner or Surveyor, &c., who shall report his Opinion upon the same.

If Commissioners think an Advance expedient, they may issue a Provisional Certificate, with the Sanction of the Treasury.

XVII. And be it enacted, That if the Commissioners shall think that an Advance in respect of the whole or of a proportional Part of the Cost of such Works would be expedient, they may apply to the Commissioners of the Treasury for their Sanction for them to issue to the Owner of Land by whom such Application shall have been made, or in case his Interest shall have determined, to the Owner of such Land for the Time being, a Provisional Certificate, and such Provisional Certificate shall declare, that upon its being shown to the Satisfaction of the Commissioners that the proposed Works have been executed according to the Plan and Specification annexed to the Report of the Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, in a substantial and durable Manner, the Commissioners will certify to the Commissioners of the Treasury their Opinion that an Advance should be issued to an Amount not exceeding the Amount of the whole, or of such proportional Part as in such Provisional Certificate shall be expressed, of the Expences which shall have been actually incurred in such Drainage, but limited not to exceed a certain Sum in such Provisional Certificate to be expressed; and in case it shall appear to the Commissioners, upon the Report of the Commissioner, Assistant Commissioner, Surveyor, or Engineer, or otherwise, safe and expedient so to do, the Commissioners may, by such Provisional Certificate, and with the Sanction of the Commissioners of the Treasury, declare that so often as such Part as in such Provisional Certificate may be expressed of such proposed Works shall be shown to them to have been so executed they will certify as aforesaid that an Advance on account should be made in respect of the Part so executed, no such Advance on account to exceed in Amount Two Third Parts of the Sum then actually expended: Provided always, that in case the Commissioners, upon the Investigation of such Application, shall be of opinion that the Amount and Permanence of the Improvement which will be effected by the proposed Drainage in the annual Value of the Land will be such that all or a Part of the Expences of the Investigation of the Application, and of the Expences of inspecting and ascertaining the due Execution of the Works, should be a Charge on the Land to which the Application shall relate, the Commissioners may, with such Sanction as aforesaid, by the Provisional Certificate direct that all or such Part as in such Provisional Certificate may be expressed of the Expences of such Investigation, and of inspecting and ascertaining the due Execution of the Works, may be included in the Expences in respect of which such Loan, and the Advances on account thereof, shall be made.

Part of Expences of Investigation may be charged upon the Land, if Commissioners think fit.

Provisional Certificate not to be issued till Notice of Application has been given by Advertisement.

XVIII. And be it enacted, That the Commissioners shall not issue any such Provisional Certificate as aforesaid until Notice shall have been given of the Application for the Advance to which such Provisional Certificate shall relate, by Advertisement to be published in Two successive Weeks in some Newspaper circulating in the County or District in which such Land may be situated, and also in the *London*, *Edinburgh*, or *Dublin* Gazette, accordingly as the said Lands shall be situate in *England*, *Scotland*, or *Ireland*, and Two Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case any Person having any Estate in or Charge upon the Land to which such Application shall relate shall

shall within such Two Calendar Months signify in Writing to the Commissioners his Dissent from such Application, and state to the Commissioners the Nature of his Estate in or Charge upon the Land, the Commissioners shall certify such Dissent to the Owner of the Land by whom such Application shall have been made, and shall not issue such Provisional Certificate unless or until such Dissent shall have been withdrawn, or an Order shall have been made by the High Court of Chancery in *England*, or the High Court of Chancery, or Court of Exchequer at the Equity Side thereof, in *Ireland*, or the Court of Session in *Scotland*, as the Case may be, in manner hereinafter provided, authorizing the Applicant to procure an Advance under this Act to the Amount and for the Purpose in his Application mentioned.

Consent of Patron and Ordinary to be had in case of Glebe Land.

XIX. And be it enacted, That when the Land to which the Application for an Advance under this Act shall relate shall be Land held in right of any Church, Chapel, or other Ecclesiastical Benefice in *England* and *Ireland*, the Commissioners shall not proceed thereon unless the Bishop of the Diocese and the Patron of such Benefice shall have consented in Writing to such Application.

In case of Dissent Landowners in England and Ireland may apply to the Courts of Chancery in England and Ireland, and to the Court of Exchequer in Ireland.

XX. And be it enacted, That in case any Owner of Land in *England* or *Ireland* shall be desirous of proceeding to procure an Advance under this Act, after such Dissent from such Application shall have been so as aforesaid signified to the Commissioners, he shall be at liberty, as regards Land in *England*, to apply to the High Court of Chancery in *England* by Petition to the Lord Chancellor or Master of the Rolls, and as regards Land in *Ireland* to the High Court of Chancery, or Court of Exchequer at the Equity Side thereof, in *Ireland*, by Petition to the Lord Chancellor or Master of the Rolls or Lord Chief Baron of the Exchequer, praying that he may be authorized to procure an Advance under this Act to the Amount and for the Purpose in his Application mentioned, and thereupon it shall be lawful for the Court, without requiring the Attendance of any Counsel or Solicitor, to refer it to One of the Masters of the said Courts of Chancery, or the Chief Remembrancer of the said Court of Exchequer, to make all necessary and proper Inquiries, and consider all such Evidence as shall be produced before him, and thereupon to report whether in his Opinion it will be beneficial to all Persons interested in the Land to which such Application shall relate that such Advance should be procured; and the Person who shall have so dissented as aforesaid shall be served with due Notice of such Order being made, and shall be at liberty to attend the Proceedings; and the Report to be made pursuant to such Order shall be filed in the proper Office of the Court by which such Order shall be made; and if no Petition shall be presented to the said Court within Fourteen Days after the filing thereof, praying that such Report may not be confirmed, or that the same may be reviewed, it shall be lawful for the said Court, upon the Presentation of a Petition for that Purpose, and without the Attendance of any Counsel or Solicitor, to make an Order to confirm the said Report absolutely, and also (in case the said Master or Chief Remembrancer shall have reported that in his Opinion

Opinion it will be beneficial to all Persons interested in the Land that such Advance as aforesaid should be procured) to authorize the Applicant to procure an Advance under this Act to the Amount and for the Purpose in his Application mentioned; and in case any such special Petition as aforesaid shall be presented within the Time aforesaid, praying that the said Report may not be confirmed, or that the same may be reviewed, it shall be lawful for the said Court either to make such Order as aforesaid, or to refuse to confirm the same, or to refer it back to the Master or Chief Remembrancer to review his Report; and the said Court may, if in its Opinion the Case shall require the same, receive further Evidence previous to making any Order upon such Petition; and for the Purpose of regulating and simplifying the aforesaid Proceedings upon such Applications to the said Courts respectively, and the rendering the same inexpensive, it shall be lawful for the Lord High Chancellor of *Great Britain*, with the Assistance of the Master of the Rolls of *England*, and for the Lord High Chancellor of *Ireland*, with the Assistance of the Master of the Rolls of *Ireland*, and for the Lord Chief Baron of the Court of Exchequer in *Dublin*, respectively, from Time to Time to make such Orders and Provisions as they may think proper relative to such Proceedings in their respective Courts.

Landowners in Scotland may make Application to the Court of Session.

XXI. And be it enacted, That in case any Owner of Land in *Scotland* shall be desirous of proceeding with an Application for an Advance under this Act, after such Dissent as aforesaid from such Application shall have been signified to the Commissioners, he shall be at liberty to apply to the Court of Session by a summary Petition, praying that he may be authorized to proceed with such Application; and it shall be lawful for the Court of Session, in its Discretion, if it shall appear that the Works in respect of which such Advance may be sought will be beneficial to all Persons interested in the Land, to authorize such Application to be proceeded with accordingly; and it shall be lawful for the Court of Session in *Scotland* to make such Orders or Regulations for regulating or simplifying the Proceedings upon such last-mentioned Petition, and the Inquiries which may be had thereon, as such Court may think proper.

Copy of every Petition under this Act to be served upon Person dissenting Fourteen Days previous to hearing.

XXII. And be it enacted, That a Copy of every Petition under this Act shall be served Fourteen Days at least before the hearing thereof upon the Person who shall have signified his Dissent from the Application to the Commissioners to which such Petition shall relate, or if such Person shall be out of the United Kingdom of *Great Britain* and *Ireland*, then upon such Person as the Court to which the Petition shall be preferred shall appoint for that Purpose; and the said Court of Chancery in *England*, and the said Court of Chancery and Court of Exchequer in *Ireland*, and the said Court of Session respectively, may order all or any of the Costs of or relating to such Petitions, and the Proceedings thereon, to be paid by the Petitioner, or by the Person who shall have signified such Dissent as aforesaid, if his Dissent shall appear to the said Courts respectively vexatious or improper, or to be paid as the said Courts respectively shall think fit.

XXIII. Pro-

Order of Courts unnecessary, except where Dissent shall have been signified after Advertisement.

XXIII. Provided always, and be it enacted, That it shall not in any Case be necessary for any Owner of Land within the Definitions of this Act to obtain or apply for an Order of the said High Courts of Chancery or Exchequer respectively, or of the Court of Session, (as the Case may be,) for Authority to make or proceed with an Application for an Advance under this Act in case such Notice by Advertisement shall have been given as aforesaid, and no such Dissent as herein-before mentioned shall have been signified within the Time and in manner aforesaid, or such Dissent shall have been withdrawn.

Saving Rights of Guardians, &c.

XXIV. And be it enacted, That all Husbands, Guardians, Committees, Tutors and Curators, for and on behalf of married Women, Infants, Minors, Lunatics, Idiots, or fatuous or furious Persons, and all Feoffees and Trustees, Judicial Factors, Executors, and Administrators, shall respectively have the same Rights and Powers of making Applications and signifying Dissents under this Act as such married Women, Infants, Minors, Lunatics, Idiots, or fatuous or furious Persons respectively would have had if free from Disability, or as such Feoffees or Trustees, Judicial Factors, Executors, or Administrators respectively would have had if the Estates, Charges, or Interests (of which they shall be such Feoffees or 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 such Guardian, Committee, Tutor, Curator, Feoffee, Trustee, Judicial Factor, Executor, or Administrator shall be in anywise concerned or obliged to signify a Dissent to an Application under this Act, or be in anywise responsible for the Consequences of such Application, or of the Charge made in pursuance thereof.

Commissioners may cause Works to be inspected by an Assistant Commissioner or Surveyor, &c.

XXV. And be it enacted, That the Commissioners shall, as they see Occasion, cause the Works to which such Provisional Certificate shall relate to be inspected by a Commissioner, Assistant Commissioner, Surveyor, or Engineer, to ascertain the due Execution of such Works; and such Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively may require the Production of such Vouchers, Bills of Account, or other Documents as may enable him to ascertain such due Execution, and the Amount of the Expence which shall have been actually incurred in the Execution of such Works.

Separate Account to be kept by the Bank of England;

XXVI. And be it enacted, That the Governor and Company of the Bank of *England* shall cause a separate Account to be opened in their Books with the Inclosure Commissioners, and with the Receiver General of Stamps and Taxes, under the Title of "Drainage Advances and Repayments Accounts."

and by the Bank of Ireland.

XXVII. And be it enacted, That the Governor and Company of the Bank of *Ireland* shall cause a separate Account to be opened in their Books with the Commissioners of Public Works and Drainage in *Ireland*, and with the Paymaster of Civil Services in *Ireland*, under the Title of "Drainage Advances and Repayments Accounts."

Commissioners, when satisfied of the Execution of the Works, may forward Certificate to the Treasury for an Advance under this Act.

XXVIII. And be it enacted, That when the Commissioners shall be satisfied by the Report of a Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, or otherwise, that the Works referred to in any such Provisional Certificate have been executed according to the Terms and Conditions of such Provisional Certificate, or that such Part thereof as, under the Terms of such Provisional Certificate, would authorize an Advance on account, has been so executed, and shall be satisfied by such Report or otherwise that such Expence has been actually incurred as will justify the Advance according to the Terms of the Provisional Certificate, the Commissioners shall forward Certificates in duplicate under their Seal, and accompanied with their Recommendation, to the Commissioners of the Treasury, for an Advance under this Act; and such Certificate shall specify the Land in respect of which such Advance is to be made, and shall certify that such Sum as therein mentioned should be issued to the Person therein named in respect of the Drainage of such Land; and the Commissioners of the Treasury, upon the Receipt of such Certificate in duplicate from the Commissioners, shall authorize One of their Secretaries to notify their Approval upon One of the Certificates, and transmit the same to the Comptroller of Her Majesty's Exchequer, with their Directions for his giving the necessary Issue to the Commissioners (whether by a Credit on the growing Produce of the Consolidated Fund or by Exchequer Bills) to enable them to make the proposed Advance; and the said Comptroller General is hereby authorized, upon the Receipt of such Certificate and Directions, to cause the same to be recorded in the Books of his Office, and either give a Credit on the Exchequer Funds at the Banks of *England* or *Ireland*, as the Case may be, to the Commissioners, or to issue to them, or cause to be placed to their Account at the Banks of *England* or *Ireland*, Exchequer Bills for the Amount specified in the Certificate, and Directions from the Treasury given thereupon; and the said Commissioners respectively shall upon such Exchequer Credits, or the Produce of the Sale of such Exchequer Bills, give Warrants or Orders under their Seal to the Governor and Company of the Banks of *England* or *Ireland*, as the Case may be, to pay from the "Drainage Advances and Repayment Account" to the respective Parties named in such Warrants or Orders the Sums specified therein, and previously recommended for such Advance by the Commissioners to the Commissioners of the Treasury.

Comptroller General, upon Receipt of Certificate, &c., may issue Exchequer Bills accordingly.

Commissioners to deliver Duplicate of Certificate to Owner of the Land.

XXIX. Provided always, and be it enacted, That in the Case of Advances proposed to be made under this Act in respect of Lands in *Scotland*, the said Commissioners, before forwarding to the Commissioners of the Treasury the said Certificates in duplicate, shall deliver One of the said Duplicates to the Owner of the said Lands or Party applying for such Advance, and the said Owner or Party shall thereafter cause the said Certificate to be duly registered in the General or Particular Register of Sasines, and shall thereafter return the same to the said Commissioners, with an Endorsement thereon by the Keeper of the said Register, which the said Keeper is hereby authorized and required to grant, certifying that the same has been duly registered; and the said Certificate so registered and endorsed, with its Duplicate,

shall then be transmitted as aforesaid by the said Commissioners to the Commissioners of the Treasury.

In Ireland, the Report and the Certificate shall specify the Denomination and Situation of the Lands.

XXX. Provided always, and be it enacted, That as regards Lands in *Ireland*, upon any Application made under this Act for any such Advance as aforesaid, the Assistant Commissioner, Surveyor, or Engineer who shall report thereon shall in such Report specify as well the Denomination or Denominations of the Lands in respect of which such Advance is to be made as also the Barony and County in which such Lands are situate.

As regards Lands in Ireland, a Memorial of the Certificate shall be registered in the Register Office in Dublin.

XXXI. Provided also, and be it enacted, That in the Case of Advances proposed to be made under this Act as regards Lands in *Ireland*, the Commissioners, before forwarding to the Commissioners of Her Majesty's Treasury the said Duplicate Certificates, shall deliver One of the said Duplicates to the Owner of the Lands, or Party applying for such Advance, or his Agent, and the said Owner or Party shall cause a Memorial on Parchment, containing a true Copy or a true Statement of the material Contents of such Duplicate Certificate, signed with the Name of such Owner or Party, to be brought to the Office of the Register of Deeds in *Dublin*, together with such Duplicate Certificate; and the Registrar of Deeds, or his Deputy, shall cause such Memorial to be compared with such Duplicate Certificate; and upon Proof of the Signature of such Owner or Party as aforesaid, and of the Seal of the Commissioners on such Duplicate, by Affidavit to be taken by such Officer or Person as is empowered to take Affidavits in Cases of Registration of Deeds, such Memorial shall, without further Proof or Affidavit, be filed, entered, registered, and indexed in such Register Office in like Manner, so far as the Nature of the Case will admit, as a Memorial of a Deed may be filed, entered, registered, and indexed in the said Register Office, upon Payment of such Fee or Fees as would be duly payable in the Case of a Memorial of a Deed, and with and subject to like Powers to all Persons interested to make such Searches, and to take such Abstracts, and to inspect any such original Memorial, and to obtain Searches in respect of the same, and upon Payment of such Fees respectively, as in the Case of any Deeds registered in the said Office; and the proper Officer at the said Register Office, at the Time of entering such Memorial, shall on such Duplicate Certificate endorse a Certificate under his Hand, and therein mention the Day on which such Memorial is so entered and registered, expressing also in what Book, Page, and Number the same is entered, which Certificate shall be taken and allowed as Evidence of such Registry in all Courts whatsoever; and the said Duplicate Certificate so endorsed shall be transmitted by the Registrar of Deeds, or his Deputy, to the Commissioners, and the same, together with the other Duplicate Certificate, shall be transmitted as aforesaid by the Commissioners to the Commissioners of Her Majesty's Treasury, and be by them dealt with as aforesaid.

Commissioners may sell Exchequer Bills,

XXXII. And be it enacted, That it shall be lawful for the Commissioners for the Execution of this Act, by the Authority and under the Direction of the Commissioners of the Treasury, to sell such

and place them to the Account at the Bank.

such Exchequer Bills as may be issued for their respective Accounts at the Bank of *England* or at the Bank of *Ireland*, and to cause the Produce thereof to be placed to the Drainage Advances and Repayment Account at such Bank.

Accounts of Advances to be kept.

XXXIII. And be it enacted, That the Inclosure Commissioners shall notify under their Seal to the Commissioners of Stamps and Taxes the Particulars contained in every Warrant or Order given by them for Advances, with the Date of the Payment of the same by the Bank of *England*; and the Commissioners of Stamps and Taxes are hereby required, upon receiving such Notification, to cause a Record thereof to be forthwith made in Books of Accounts in their Office, to be kept upon the Principle of Double Entry, debiting therein the Land in respect of which the Advance shall be made with the Amount of the same, and crediting it by the Rent-charge received from Time to Time by their Officers in respect of such Advance.

A Rent-charge of 6*l.* 10*s.* for Twenty-two Years to be charged for every 100*l.* advanced by Exchequer Bills or Money.

XXXIV. And be it enacted, That upon the Issue as aforesaid of any Advance by virtue of a Certificate under this Act the Land mentioned in such Certificate shall be charged with the Payment to Her Majesty in respect of such Advance of a Rent-charge after the Rate of Six Pounds Ten Shillings Rent for every One hundred Pounds of such Advance, and so in proportion for any lesser Amount, and to be payable for the Term of Twenty-two Years, to be computed from the Sixth Day of *April* or Tenth Day of *October* which shall next happen after the Issue of such Advance, such Rent-charge to be paid by equal half-yearly Payments on the Sixth Day of *April* and the Tenth Day of *October* in every Year, the first of such Payments to be made on the second of such Days which shall happen next after the Issue of such Advance in respect of which the Rent-charge shall be charged.

Rent-charge in England, how recoverable.

XXXV. And be it enacted, That every Rent-charge which shall become charged on Land by virtue of this Act shall, where the same shall be charged on Land in *England*, be recoverable by the Commissioners of Stamps and Taxes for the Time being by the same Means and in the like Manner in all respects as a Rent-charge in lieu of Tithes if charged on the same Land under the Act of the Seventh Year of King *William* the Fourth, intituled *An Act for the Commutation of Tithes in* England *and* Wales, would be recoverable, and as if such Rent-charge under this Act were a Rent-charge in lieu of Tithe made payable to Her Majesty under the said Act of the Seventh Year of King *William* the Fourth; and that any Rent-charge which shall become charged on Land in *Ireland* by virtue of this Act shall be recoverable in the Name of Her Majesty by the same Means and in the same Manner, and with the like Remedies for the Recovery thereof, in all respects as a Rent charge in lieu of Tithe charged on the same Lands is now recoverable under and by virtue of an Act passed in the Session of Parliament holden 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 Rent-charges in lieu thereof*, and the several Acts passed for amending the same;

6 & 7 W. 4. c. 71.

Rent-charge in Ireland, how recoverable.

1 & 2 Vict. c. 109.

same; and such Rent-charges in *England* and *Ireland* respectively shall be subsequent in order of Charge to any Rent-charge payable in lieu of Tithe, and to any Quit Rent or Chief Rent incident to Tenure, but shall have Priority to all other Charges on the same Land; and every Rent-charge which shall become charged on Land by virtue of this Act shall, where the same shall be charged on Land in *Scotland*, be recoverable by the same Means and in the like Manner in all respects as any Feu Duty or Rent or annual Rent, or other Payment payable to Her Majesty out of the same Lands, would be recoverable, but shall be subsequent in order of Charge to any Feu Duty, but shall have Preference over all other Charges on the same Land: Provided always, that if no legal Proceedings shall have been adopted for the Recovery of any such Rent-charge within Three Years after the same shall have become payable, such Preference shall not have place in regard to such Rent-charge.

Rent-charge in Scotland, how recoverable.

XXXVI. And be it enacted, That no Proprietor of an entailed Estate in *Scotland* shall be held to have contravened the Conditions of the Entail by reason of having availed himself of the Provisions of this Act; and no Rent-charge 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 Rent-charge shall be a good and effectual Charge upon and against such entailed Lands to every other Effects, and upon and against the Rents and Profits thereof.

Advances under this Act not to be deemed a Contravention of Conditions of Entail.

XXXVII. And be it enacted, That the Rent-charge by virtue of this Act to be charged on any Land shall not be deemed such an Incumbrance as shall preclude a Trustee of Money held in trust to be invested in the Purchase of Land, or to be invested on Mortgage, from investing the same in a Purchase of or upon a Mortgage of such Land so charged, unless the Terms of such Trust shall expressly provide that the Land to be so purchased or taken in Mortgage shall not be subject to any Rent-charge under the Provisions of this Act.

Rent-charge not to preclude Trustees from investing Money in the Purchase or Mortgage of Land charged.

XXXVIII. And be it enacted, That every Owner of Land on whose Application a Rent-charge shall have become charged under this Act, and every succeeding Heir of Entail, Tenant for Life, or Life-renter, or other Person having a limited Interest in the Land charged, shall, as between such Person and the Persons in remainder or reversion, be bound to pay the half-yearly Payments of such Rent-charge which shall become payable during the Continuance of his Interest, and in case he shall be in the actual Occupation of or entitled to an apportioned Part of the Rents and Profits of such Land up to the Time of the Termination of his Interest, shall also be bound to pay an apportioned Part of the half-yearly Payment of such Rent-charge which shall become due next after the Termination of his Interest proportioned to the Time which shall have elapsed between the Day of the previous half-yearly Payment and the Day of such Termination.

Tenants for Life, &c. to keep down Rent-charges.

Drains and Outfalls to be maintained.

XXXIX. And be it enacted, That so long as any Land shall continue charged with any such Rent-charge the Person for the Time being bound to pay the half-yearly Payments of such Rent-charge shall be bound to uphold the Drains on account of which the Lands shall have been charged therewith, and to keep clear and open the Outfalls of all such Drains, and shall once in every Year certify to the Commissioners for the Execution of this Act the State of such Drains and Outfalls, and in default of so keeping and upholding the said Drains and Outfalls 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 the Person then entitled to the next Estate in remainder or reversion in the said Lands, rendering him liable to the Payment of the said Rent-charge on the Determination of the Estate in possession.

Tenant may deduct Rent-charge, except where he may have agreed to pay the same.

XL. And be it enacted, That if any Tenant or Occupier at a Rent in *Great Britain* shall join in the Application for an Advance under this Act, or shall by Writing under his Hand signify to the Commissioners, or to any Assistant Commissioner, Engineer, or Surveyor, his Consent or Agreement to become charged with the Rent-charge, or an apportioned Part thereof, as herein-after mentioned, in respect of the Advance to be made upon such Application, such Tenant or Occupier shall during his Tenancy be liable to pay such Rent-charge, or an apportioned Part thereof, as herein-after mentioned; and in case the Application shall be made for an Advance in respect of the Drainage as well of other Land as of the Land included in such Tenancy, the Commissioners may, upon such Concurrence, Consent, or Agreement of the Tenant or Occupier, by their Provisional or any other Certificate, or by a separate Order of Apportionment, declare what Portion of the whole Rent-charge payable in respect of such Advance shall be payable by such Tenant or Occupier during his Tenancy in respect of the probable Improvement of the Land included in such Tenancy; but, except as aforesaid, every Tenant or Occupier who shall pay such Rent-charge shall be entitled to deduct the Amount thereof from the Rent payable by him to the Owner of the Land, and shall be allowed the same in account with such Owner; or in case, as regards Lands in *Ireland*, there shall be any Landlord or Landlords having an Estate or Estates, Interest or Interests, intermediate between such Tenant or Occupier and the Owner of the Land, as herein-after defined, then such Tenant or Occupier shall be entitled to deduct the Amount so paid by him from the Rent payable by him to his next intermediate Landlord, and such Landlord, in case he shall not have joined as aforesaid in such Application, and shall not have signified as aforesaid his Consent or Agreement to become charged with the Rent-charge as aforesaid, may deduct the Amount so deducted from him from his next immediate Landlord, if any, and so on a similar Deduction or successive Deductions shall be made until the Amount so paid shall be deducted from the Owner of the Land, or from some Landlord who shall have so joined in such Application, or shall have so signified such Consent or Agreement as aforesaid.

XLI. Pro-

Proportion of Rent-charge payable by Tenant or Occupier concurring in an Application for an Advance in Ireland to be settled by Commissioners, if the Tenant or Occupier shall so desire.

XLI. Provided always, and be it enacted, That if any Tenant or Occupier at a Rent in *Ireland* shall join in the Application for an Advance under this Act, or shall, by Writing under his Hand, signify to the Commissioners, or to any Engineer, Surveyor, or other Officer acting under their Authority, his Consent or Agreement to become charged with Rent-charge in respect of the Advance to be made upon such Application, it shall be lawful for such Tenant or Occupier in such Application, or by such Writing as aforesaid, or by some other Writing under his Hand, to signify to the Commissioners, or to such Engineer, Surveyor, or other Person acting under such Authority as aforesaid, his Desire that the Lands of which he shall be such Tenant or Occupier shall be chargeable with such Share only of said Rent-charge as shall be proportionate to the Improvement of the Lands of which he shall be so Tenant or Occupier to be effected by the Works for which such Advance shall be applied for, such Share to be determined by the Commissioners in the Manner provided by this Act; and in every such Case the Commissioners shall in their Certificate, of which Duplicates shall be so given as aforesaid, determine the Share and Proportion of such Rent-charge to be chargeable upon the Lands of such Tenant or Occupier, having regard to the Term, Estate, or Interest of such Tenant or Occupier therein, and all the Circumstances of the Case, and thereupon such Share only of said Rent-charge shall be charged upon such Lands accordingly: Provided always, that before such Certificate shall be perfected by the Commissioners a Draft thereof shall be made, and a Copy of such Draft shall be deposited with the Clerk of the Peace for the County in which such Lands of such Tenant or Occupier shall be situated, which Copy the Clerk of the Peace of said County shall be authorized and required to receive, and any Person shall have Liberty to inspect and take a Copy of the same on Payment of Sixpence; and a Copy of such Draft shall also be delivered to such Tenant or Occupier, or left at his Place of Abode, if known, and if not at the principal Dwelling House upon such Lands, with a Notice requiring the Tenant or Occupier of such Lands, in case he shall object to such Draft, to lodge Objections to the same at such Place within the Barony in which such Lands shall be situate, and before such Time as shall be specified in such Notice, not being less than Three Weeks from the Delivery or Service of the same; and the Commissioners shall also state in such Notice that they, or One of them, will proceed to hear any Objections which may be lodged, and to settle the Certificate, at such Time and Place, in or near such Barony, as shall be specified in such Notice, such Time not to be sooner than One Calendar Month from the Delivery or Service of such Notice; and the Commissioners, or One of them, shall attend at such Time and Place as they or he shall so appoint, and shall examine into the Truth of any Objection which shall be so lodged to the Draft of the Certificate, and shall hear all such proper Evidence as may be offered to them or him in respect thereof, as they or he shall think fit, and may adjourn such Attendance from Time to Time, and shall settle and sign such Draft Certificate; and the Certificate of which such Duplicate shall be so given as aforesaid shall be conformable in every respect to such Draft, and the same, when sealed and delivered, or transmitted in duplicate as aforesaid, shall

shall be final and conclusive as to all the previous Proceedings in reference to such Lands, and such Tenant or Occupier thereof, and as to the Share of said Rent-charge to be charged upon the Lands of such Tenant or Occupier: Provided always, that nothing herein contained shall prevent the said Rent-charge from being apportioned in manner herein-after mentioned, in case such Tenant or Occupier shall not so signify such Desire as aforesaid, or so far as such Apportionment as herein-after mentioned shall not affect the Term, Estate, or Interest of such Tenant or Occupier.

Rent-charges to be collected by Collectors of Land and Assessed Taxes in Great Britain.

XLII. And be it enacted, That the Rent-charges which shall become charged on Lands in *Great Britain* under this Act shall be collected by the Officers appointed for the Receipt of the Land and Assessed Taxes for the several Districts in which such Lands shall be situated, under such Rules and Directions as the Commissioners of Stamps and Taxes shall from Time to Time make or give in that Behalf; and the Monies payable in respect of such Rent-charges shall be deemed Monies under the Care and Management of the Commissioners of Stamps and Taxes, and the said Commissioners shall make such Allowances in respect of the Collection or Receipt thereof as the Commissioners of the Treasury shall direct; and all the Monies so collected shall be in every Case notified by the Officer receiving the same to the Commissioners of Stamps and Taxes, and remitted to their Receiver General, who shall keep a separate Account thereof, and shall, after Payment thereout of such Sums as may be authorized by the Commissioners of the Treasury for defraying the Expences attending the Execution of this Act, pay over the Balance on the said separate Accounts from Time to Time, on the usual Days of Payment of the Revenue of Stamps and Taxes, to the Account of the Bank of *England* to be opened under the Authority of this Act for Drainage Advances and Repayments; and such Monies when so paid by the said Receiver General shall be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Governor and Company with Her Majesty's Exchequer as Repayments for Drainage Advances, to be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* on the Books of the Comptroller General of Her Majesty's Exchequer.

Rent-charges to be collected by Collectors of Excise in Ireland.

XLIII. And be it enacted, That the Rent-charges which shall become chargeable on Lands in *Ireland* under this Act shall be collected, by the several Collectors of Excise in *Ireland* for the several Districts wherein such Lands shall be situated, in the same Manner as Quit and Crown Rents are now received by such Collectors; and the Monies payable to such Collectors shall be by them paid into the Bank of *Ireland* to the Credit of the Paymaster of Civil Services.

Rent-charges may be apportioned.

XLIV. And be it enacted, That if it shall be represented to the Commissioners that the Land charged with any Rent-charge under this Act is occupied in separate Farms, or shall have become the Property of separate Owners, or that the Owner thereof is entitled thereto under separate Titles, or for distinct and separate Interests, or is desirous to sell or dispose of a Part or Parts of such Land, or that for

for any other Reason it will be desirable that such Rent-charge shall be apportioned, it shall be lawful for the Commissioners, with the Consent of the Owner or Owners of the Land charged with such Rent-charge, by Order under the Seal of the Commissioners to apportion such Rent-charge so that a separate and distinct Rent-charge may become charged on each separate Farm, or on the Land of each Owner, 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 Owner is desirous to sell or dispose of, and the Part intended to be retained by him, or on other separate Parts of the said Lands, but so that no Rent-charge charged under such Apportionment shall be less than Twenty Shillings; and the Commissioners shall transmit every such Order of Apportionment to the Commissioners of Stamps and Taxes or to the said Collector of Excise respectively, as the Case may be, who shall cause the Rent-charges charged by such Apportionment to be collected, instead of the original Rent-charge charged on the Land to which such Apportionment shall relate, and as if the same were separate Rent-charges originally charged under this Act.

Landowners may redeem Rent-charges.

XLV. And be it enacted, That, subject to such Regulations as herein-after mentioned, any Owner of Land charged with such Rent-charge shall be at liberty, at any Time before the Expiration of Twenty Years after the Commencement thereof, to redeem such Rent-charge or any Part thereof, not being less than Ten Pounds annual Charge, on Payment to the Commissioners of Stamps and Taxes in respect of Lands in *Great Britain*, or to the Paymaster of Civil Services in respect of Lands in *Ireland*, of the Arrear (if any) thereof, and of such Sum as shall be equal to the aggregate Amount of the half-yearly Payments not then accrued due, after deducting or allowing Discount after the Rate of Three Pounds Ten Shillings *per Centum per Annum* in respect of such several future Payments; and the Commissioners shall issue and deliver to such Owner a Certificate of such Redemption; and all Monies to be received by the said Commissioners shall be paid over by them to their Receiver General, and be applied by him in the Manner herein-before provided with respect to Monies to be received by him for Rent-charges; and the Commissioners of the Treasury shall cause Tables to be framed, showing the Rate at which the said Rent-charges may be so redeemed in the several Years during which the same are made redeemable, and may make Regulations limiting the Times of the Year in which they may be redeemed.

Treasury to cause Tables of Rates of Redemption to be framed.

Commissioners may make Order for the Repayment of the Expences of Investigation, &c.

XLVI. And be it enacted, That it shall be lawful for the Commissioners, having regard to the Time, Labour, and Expences of the Commissioner, Assistant Commissioner, Surveyor, or Engineer, or other Persons (if any) employed or paid by the Commissioners in or about the Investigation of any Application for an Advance, and (where they shall have issued a Provisional Certificate) the Inspection and Ascertainment of the due Execution of any Works in respect of which an Advance shall have been applied for or made under this Act, by any Order under their Seal to order and declare that a Sum, in such Order to be mentioned, be paid to the Commissioners in respect of such Time, Labour, and Expences as aforesaid, by the Owner of Land

by whom the Application shall have been made, his Heirs, Executors, or Administrators, at such Time and in such Manner as in such Order shall be expressed, and such Sum shall be a Debt payable to the Commissioners; and all Monies received by the Commissioners in respect of such Expences shall be paid by them into Her Majesty's Exchequer, and shall be carried to and form Part of the Consolidated Fund: Provided always, that where the Commissioners shall have directed that all or a Part of the Expences of the Investigation of the Application, and of inspecting and ascertaining the due Execution of the Works, might be included in the Expences in respect of which such Loan, and the Advances on account thereof, shall be made, the Commissioners may retain such Sum as last aforesaid, or such Part thereof as in their Certificate expressed, out of the Money to be advanced by them to the Owner of the Land under the Authority of this Act.

Bonds, &c. under the Act exempt from Stamp Duty.

XLVII. And be it enacted, That no Bond or other Security given to the Commissioners under this Act, and no Certificate or other Instrument made under this Act, shall be chargeable with any Stamp Duty.

Annual Account to be made up.

XLVIII. And be it enacted, That the Inclosure Commissioners and the Receiver General of Stamps and Taxes shall cause to be made up for Examination and Audit an annual Document, certified by them respectively, of the Amount of Credits on the Exchequer Funds, or of Exchequer Bills, placed to their Account at the Bank of *England*, the Sum issued therefrom upon Warrants for Advance for Loans, and the Repayments on account of such Loans, to the Thirty-first Day of *March* in each Year, and shall deliver the same to the Commissioners for auditing the Public Accounts, such Accounts to be deemed Public Accounts, and to be inquired into and audited and to be within all the Provisions of all Acts passed for auditing the Public Accounts of *Great Britain*.

Interpretation of Act.

XLIX. And be it enacted, That for the Purposes of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Context repugnant to such Construction; (that is to say,) the Words "Lord Chancellor" shall mean also "Lord Keeper" and "Commissioners of the Great Seal;" the Words "Commissioners of the Treasury" shall mean the Lords Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being; the Words "the Commissioners" shall, as regards Lands in *Great Britain*, mean the Inclosure Commissioners for *England* and *Wales*, and as regards Lands in *Ireland*, the said Commissioners of Public Works and Drainage in *Ireland*; the Words "Owner of Land" shall, as to Land in *England* and *Wales*, mean such Person as, under the said Act of the Seventh Year of King *William* the Fourth, for the Commutation of Tithes in *England* and *Wales*, would be deemed the Owner of such Land for the Purposes of the same Act; the Words "Owner of Lands" shall, as to Lands

Lands in *Ireland*, mean such Person as under the said 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 Rent-charges in lieu thereof*, shall have the first Estate of Inheritance or other Estate or Interest equivalent to a perpetual Estate or Interest thereon; the Words "Owner of Land" shall, as to Land in *Scotland*, mean or include every Fiar, Life-renter, Heir of Entail, Husband of a married Woman seised in her own Right, Tutor, Curator, and other Guardian for any Infant, Minor, Lunatic, or Idiot, fatuous or furious Person, and every Trustee who respectively 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 the Words "Court of Session" shall mean the Court of Session in *Scotland* in either Division thereof in Time of Session, or the Lord Ordinary officiating on the Bills in Time of Vacation, as the Case may be; the Word "Person" shall mean and include any Body Corporate, Aggregate, or Sole, as well as an Individual; any Word importing the Singular Number only shall mean and include several Persons or Parties as well as one Person or Party, and several Things as well as one Thing respectively, and the converse; and any Word importing the Masculine Gender only shall mean and include a Female as well as a Male. 1 & 2 Vict. c. 109. s. 8.

L. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

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