ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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C A P. XLV.

An Act to amend "The *West Indian* Incumbered Estates Acts, 1854 and 1858."

[17th *July* 1862.]

WHEREAS it is expedient that "The *West Indian* Incumbered Estates Acts, 1854 and 1858," should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may for all Purposes be cited as "The *West Indian* Incumbered Estates Act, 1862."

Principal Act, &c. (17&18 Vict. c. 117., 21 & 22 Vict. c. 96.), and this Act to be as One.

2. "The *West Indian* Incumbered Estates Act, 1854," (herein-after called "the Principal Act,") "The *West Indian* Incumbered Estates Act, 1858," (herein-after called "the First Amendment Act,") and this Act shall, so far as is consistent with the Context and Objects of such Acts, be construed as One Act, and the Principal Act, the First Amendment Act, and this Act (herein-after referred to as "these Acts"), may for all Purposes be cited as "The *West Indian* Incumbered Estates Acts, 1854, 1858, 1862."

Power to appoint Receivers of Lands after absolute Order for Sale.

3. When the Commissioners shall have made an absolute Order for the Sale of any Lands under these Acts, they shall have the same Powers of appointing a Receiver or Receivers of such Lands, or any Part thereof, as the Court of Chancery in *England* has of appointing a Receiver of the Rents and Profits of any Lands within the Jurisdiction of such Court in a Suit relating to such Lands, and the Receiver or Receivers so appointed shall from the Date of such Appointment have and possess all the Powers, Authorities, Rights, and Privileges which Receivers appointed by the Court of Chancery in *England* have in respect of the Lands over which they are appointed Receivers, subject to such general Rules as the Commissioners in *England* shall from Time to Time make under the Principal Act.

Security by and Remuneration of Receivers.

4. Every Receiver so appointed by the Commissioners shall give such Security for the due Performance of his Office as the Commissioners shall require, and shall be entitled to such Remuneration by Salary, Commission, or otherwise, as the Commissioners shall direct, subject to such general Rules as the Commissioners in *England* shall from Time to Time make under the Principal Act, and the Balance, due to such Receiver in respect of such Salary, Commission, or other Remuneration, or in respect of such Sums as he may have properly expended in the Management and Cultivation of such Lands, shall be a Charge on such Lands in priority to all Incumbrances thereon.

Fees and Commissions.

5. It is hereby declared that the Term "Fees" in the Thirteenth Section of the Principal Act includes as well fixed Payments or Charges in respect of Proceedings under these Acts, as also Commissions or Per-centages on the Amount of the Purchase Monies of Lands sold under these Acts.

Provision as to Acts coming into operation.

6. Where Her Majesty, by Order in Council, has directed or shall direct the Principal Act, or the Principal Act and the First Amendment Act, to come into operation in any of the Colonies mentioned in the Schedule to the Principal Act, or where any of such Colonies has presented or shall present an Address to Her Majesty, praying Her Majesty to issue such Order, then and in every such Case such Order and such Address respectively shall apply and be construed to apply as well to this Act as to the Principal Act, or as to the Principal Act and the First Amendment Act (as the Case may be).

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