

ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

CAP. XXVIII.

An Act to explain, amend, and render more effectual, the ſeveral Acts made in the Thirty-eighth and Thirty-ninth Years of the Reign of His preſent Majeſty, and in the laſt Seſſion of Parliament, for the Redemption and Purchaſe of the Land Tax.

[31ſt *December* 1800.]

Preamble.

WHEREAS it is expedient that ſeveral of the Powers and Proviſions contained in the ſeveral Acts for the Redemption of the Land Tax ſhould be explained and enlarged: Be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, where any Bodies Politick or Corporate, or Companies, or other Perſon or Perſons, have transferred, or may hereafter transfer, to the Commiſſioners

Where Stock is transferred for the Redemption of

Land Tax, which ought not to have been, the Commissioners for the Reduction of the National Debt may, on Certificate from the Commissioners for Taxes, re transfer the same, and the latter Commissioners may order Money, paid improperly to Receiver Generals for such Redemption, to be re-paid to the Parties.

Commissioners for the Reduction of the National Debt, on Account of the Redemption of Land Tax, any Consolidated or Reduced Three Pounds *per Centum* Bank Annuities, which ought not to be transferred for that Purpose, then and in such Case, upon a Certificate signed by any Three or more of the Commissioners for the Affairs of Taxes, that such Bank Annuities ought not to have been so transferred, it shall be lawful for the said Commissioners for the Reduction of the National Debt, or any One or more of them, and they or he are or is hereby required to re-transfer the said Bank Annuities unto the Bodies Politick or Corporate, or Companies, or other Person or Persons by whom the same were transferred to them, and wherever it shall appear to the Satisfaction of the said Commissioners for the Affairs of Taxes, that any Sum or Sums of Money shall have been paid to any Receiver General or his Deputy, on Account of the Redemption of Land Tax, which ought not to have been so paid, then it shall be lawful for the said Commissioners for the Affairs of Taxes, or any Three or more of them, to order and direct such Receiver General or his Deputy to repay all such Monies to the Bodies Politick or Corporate, or Companies, or other Person or Persons who shall appear to have paid the same, and the Receipt and Receipts of such Bodies Politick or Corporate, or Companies, and other Person or Persons, shall be sufficient Discharges for such Bank Annuities so re-transferred, or Monies so repaid as aforesaid, and all such Dividends and Arrears of Dividend shall be issued from the Receipt of the Exchequer, and be payable at the Bank of *England*, for and in respect of the said Bank Annuities which shall be so re-transferred, by the Commissioners for the Reduction of the National Debt, to any Bodies Politick or Corporate, or Companies, or other Person or Persons as aforesaid, as would have been payable thereon, in case the same Bank Annuities had not been transferred to the said last mentioned Commissioners.

39 & 40 *Geo.* III, Cap. 30, Sec. 10, recited, and the Proviso extended to Purchases made before the passing of the Act, and so much thereof as makes the Persons entitled to the Rents chargeable with the Interest accrued during their Estate therein shall not extend to Persons advancing Money for the Purchase of Reversions who are not liable to renew Leases with their own Monies,

II. And whereas by an Act, passed in the last Session of Parliament, intituled, *An Act for extending, from the Twenty-fifth Day of* March *One thousand eight hundred, until the Twenty-fifth Day of* March *One thousand eight hundred and one, the Period of Preference, granted and continued by several Acts to Bodies Corporate and Persons, for the Redemption of Land Tax, and for enlarging several of the Powers contained in the said Acts*, it is enacted, That when the Reversion of any Manors, Messuages, Lands, Tenements, or Hereditaments, holden by any Lease, which is subject to any Will or Settlement, shall be purchased by or with the proper Monies of the Person or Persons for the Time being beneficially entitled to the Rents or Profits thereof, the immediate Estates and Interests as well as the Reversion expectant thereon, shall be charged with, and made subject to, the Re-payment of the principal Money to be advanced for the Purchase of such Reversion, with Interest for the same, as the Commissioners appointed by Letters Patent under the Great Seal shall direct: Provided, that the Persons entitled successively to the Rents and Profits of such Manors, Messuages, Lands, Tenements, and Hereditaments respectively shall be made chargeable with the Interest accrued during his or her Estate therein, and that no greater Arrear than for One Year shall be recoverable against any Person who shall become entitled in Remainder for Interest accrued during the Estate or Term of any Person

or

or Perſons entitled to any preceding Eſtate or Intereſt in the Premiſes: Now be it enacted and declared, That the ſaid laſt recited Proviſion ſhall extend to Purchaſes, and Contracts for Purchaſes, made or entered into before the paſſing of the ſaid laſt recited Act, as well as to thoſe made and entered into after the paſſing thereof: Provided nevertheleſs, That ſo much of the ſaid Proviſion, as makes the Perſon entitled to the Rents and Profits of ſuch Manors, Meſſuages, Lands, Tenements, and Hereditaments, chargeable with the Intereſt accrued during his or her Eſtate therein, ſhall not extend to the Caſe of any Perſon advancing Money for the Purchaſe of any ſuch Reverſion, who ſhall not be liable to any Covenant, Engagement, or Condition to renew the Leaſe at the accuſtomed Periods, with his or her own Monies, or with or out of the Rents and Profits of the Eſtate, unleſs he or ſhe ſhall conſent thereto in Writing; and in caſe any ſuch Perſon, not being liable as aforeſaid, now hath, or ſhall hereafter become the Purchaſer of ſuch Reverſion, and not ſignify ſuch Conſent, the ſaid Reverſion ſhall be chargeable with Intereſt, to accumulate from the Time of ſuch Purchaſe till the Expiration of the exiſting Leaſe, after deducting out of ſuch Intereſt the annual Rent (if any) which ſhall be payable during the Leaſe, and which ſhall have been purchaſed with the Reverſion.

or out of the Rents of the Eſtate, unleſs they conſent thereto; and in caſe ſuch Perſons ſhall become Purchaſers of ſuch Reverſions and not ſignify ſuch Conſents, the Reverſion ſhall be chargeable with the Intereſt to accumulate from the Time of Purchaſe till the Expiration of the exiſting Leaſe, &c.

III. And whereas, by the Act paſſed in the Thirty-eighth Year of the Reign of His preſent Majeſty for purchaſing and redeeming the Land Tax, it was enacted, That the Manors, Meſſuages, Lands, Tenements, or Hereditaments, which ſhould be ſold by Auction according to the Proviſions thereof, ſhould be exempt from any Duty payable on Sales by Auction; but Doubts have been entertained, whether the ſaid Duty ought not to be paid in reſpect of the Surplus Money ariſing by ſuch Sales, where the Produce exceeds the Sums required to be raiſed for the Purpoſes of the ſaid Act: Now, for removing ſuch Doubts, be it enacted and declared, That no Duty ſhall be payable in reſpect of any Part of the Monies ariſing by Sale of any Manors, Meſſuages, Lands, Tenements, or Hereditaments, which already have been or ſhall hereafter be ſold under the Powers or Proviſions contained in any of the Acts relating to the Redemption and Purchaſe of Land Tax, with the Conſent and Approbation of any of the Commiſſioners appointed by Warrant under the Royal Sign Manual, or by Letters Patent under the Great Seal of *Great Britain*, for the Purpoſes of ſuch reſpective Acts.

38 *Geo.* III, Cap. 60.

No Auction Duty ſhall be payable for any Part of Monies ariſing by Sale of Lands, *etc.* with the Conſent of the Commiſſioners for the Purpoſes of the Acts relating to the Redemption of the Land Tax.

IV. And be it further enacted, That any Deed or Deeds required by the ſaid Acts, or any of them, to be enrolled or regiſtered, ſhall be valid and effectual, although the ſame ſhall not have been enrolled or regiſtered within the Periods preſcribed by the ſaid Acts, provided the ſame be enrolled or regiſtered within Six Calendar Months after the paſſing of this Act.

Deeds enrolled within Six Months after paſſing this Act ſhall be valid.

V. And be it further enacted, That all Perſons, Bodies, Corporations, or Companies, who, in their Contracts for the Redemption of Land Tax, have declared an Option to be conſidered on the Footing of Perſons not intereſted in the Manors, Meſſuages, Lands, Tenements, and Hereditaments, comprized

Perſons who have in Contracts declared an Option to be conſidered on the Foot-

ing of Perſons not intereſted in the Lands, may apply to the Commiſſioners for exonerating the ſame from Land Tax, within Six Months from *Dec.* 25, 1800.

comprized in ſuch Contracts, and who, by an Act paſſed in the Thirty-ninth and Fortieth Years of the Reign of His preſent Majeſty, were allowed to make Application to the reſpective Commiſſioners appointed under the King's Sign Manual, at any Time within the Space of Three Calendar Months from the Twenty-fifth Day of *March* One thouſand eight hundred, for the Purpoſe of exonerating the ſaid Manors, Meſſuages, Lands, Tenements, and Hereditaments from Land Tax, ſhall be at Liberty to make Application for that Purpoſe to the ſaid Commiſſioners reſpectively at any Time within the Space of Six Calendar Months from the Twenty-fifth Day of *December* One thouſand eight hundred; and that all ſuch Acts, Matters, and Things ſhall be done by ſuch Perſons, Bodies, Corporations, and Companies reſpectively, for the Purpoſe of exonerating the ſaid Manors, Meſſuages, Lands, Tenements, and Hereditaments from Land Tax, as by the ſaid laſt mentioned Act are required to be done in like Caſes, within the Period of Three Months, from the Twenty-fifth Day of *March* One thouſand eight hundred: Provided always, That in all Caſes where no additional Conſideration ſhall be to be transferred or paid for ſuch Exoneration, the ſaid Manors, Meſſuages, Lands, Tenements, and Hereditaments ſhall be exonerated from the ſaid Land Tax only from the End of the Quarter next preceding the Day of the Date of the Certificate of the ſaid Commiſſioners indorſed upon the Contract where the Declaration of the Option therein ſhall be ſtruck out by them, or next preceding the Day of the Date of the Contract, where the ſaid Commiſſioners ſhall reſcind the Contract in which the Option ſhall have been declared, and ſhall grant a new Contract; and in all Caſes where an additional Conſideration ſhall be to be transferred or paid for ſuch Exoneration, the ſaid Manors, Meſſuages, Lands, Tenements, and Hereditaments, ſhall be exonerated from the ſaid Land Tax only from the End of the Quarter next preceding the Day of the Transfer or Payment of ſuch additional Conſideration.

From what Periods the Lands ſhall be exonerated from Tax.

39 & 40 *Geo.* III. Cap. 30, Sec. 11, recited; and where the Reverſioners are not entitled to the Rents reſerved, the Perſons ſo entitled may ſell the Fee Simple of the Lands.

VI. And whereas by an Act, paſſed in the Thirty-ninth and Fortieth Years of His Majeſty's Reign, intituled, *An Act for extending, from the Twenty-fifth Day of* March *One thouſand eight hundred, until the Twenty-fifth Day of* March *One thouſand eight hundred and one, the Period of Preference, granted and continued by ſeveral Acts to Bodies Corporate and Perſons, for the Redemption of Land Tax, and for enlarging ſeveral of the Powers contained in the ſaid Acts*, it is enacted, That it ſhall be lawful for all and every Perſon or Perſons, who is or are or ſhall, for the Time being, be entitled to the immediate Reverſion or Remainder in any Manors, Meſſuages, Lands, Tenements, or Hereditaments which ſhall have been granted by any former Owner or Owners, for any beneficial Leaſe or Leaſes, or by any Copy or Copies of Court Roll, or by any other Grant, according to the Cuſtom of any Manor, for Life or Lives, or Years abſolute, or Years determinable upon any Life or Lives, to ſell and diſpoſe of the Fee Simple and Inheritance of any ſuch Manors, Meſſuages, Lands, Tenements, or Hereditaments, ſubject to the ſubſiſting Intereſts of the reſpective Leſſees, Copyholders, or other Cuſtomary Tenants, for the Purpoſe of raiſing Money for the Redemption of Land Tax as therein mentioned, in like Manner and under the like Reſtrictions as he, ſhe, or

or they could or might have done, in case such subsisting Leasehold and Copyhold Estates and Interests had been granted by him, her, or them: Now be it enacted, That where such immediate Reversion or Remainder is or shall be vested in any Mortgagee or Mortgagees, Trustee or Trustees, or other Person or Persons not being in the actual Receipt or Perception of and beneficially entitled to the Rents and Services reserved, or due or payable in respect of such subsisting Interests, then and in such Case it shall be lawful for the Person or Persons who is, or are, or shall, for the Time being, be in the actual Receipt or Perception of, and beneficially entitled to, such Rents and Services, to sell and dispose of the Fee Simple and Inheritance of such Manors, Messuages, Lands, Tenements, or Hereditaments, subject to the subsisting Interests for the Purpose of and under the Restrictions mentioned or referred to in the said last recited Act, but nevertheless without Prejudice to the Rights and Interests of such Trustee or Trustees, Mortgagee or Mortgagees, or other Person or Persons in whom the immediate Reversion or Remainder shall be vested.

Where Persons redeem their Land Tax by any other Means than Sale, &c. or demand an Assignment from Purchasers, they may raise Money in the same Way as Persons authorized to redeem the Tax in the first Instance.

VII. And be it further enacted, That where any Person or Persons hath redeemed or shall hereafter redeem his, her, or their Land Tax by or out of his, her, or their own Personal Estate, or by or out of any Trust Property applicable to such Redemption by virtue of the said Act, or by any other Means than by Sale, Mortgage, or Grant to be made under the Provisions of the said Acts; and also where any such Person or Persons shall be entitled under the Act passed in the Thirty-eighth Year of His present Majesty's Reign, on the Determination of any precedent Estate, to demand an Assignment of any Contract for the Redemption of Land Tax from the Person or Persons who shall have entered into the same, his, her, or their Executors, Administrators, or Assigns, it shall be lawful for all and every such Person or Persons, either for the Purpose of reimbursing all Sums laid out in the Redemption of such Land Tax, or for the Purpose of raising Money to purchase the Assignment of any Contract from the Proprietor or Proprietors thereof, to carry into Execution all and every or any of the Powers by the said several Acts given in order to raise Money by Mortgage for the Redemption of Land Tax, in such and the same Manner, and under and subject to such and the same Rules, Restrictions, and Regulations in all Respects, as such Person or Persons would have been authorized by the said several Acts to carry into Execution the same Powers for the Purpose of redeeming any such Land Tax in the first Instance: Provided always, That the said Mortgage Money shall not be paid into the Bank of *England*, but shall, under the Order of the Commissioners who shall have authorized the Mortgage, be paid to the Person or Persons entitled to the Benefit thereof, whose Receipt or Receipts, in pursuance of such Order, shall as fully and effectually discharge the Mortgagee or Mortgagees as the Receipt or Receipts of the Cashier of the Bank of *England* would have done, in case the same had been paid into the Bank pursuant to the Directions of the former Acts; but the Remainder only (if any) of such Mortgage Money shall, in pursuance of such Order, be paid into the Bank of *England* to the same Account, and shall be applied in the same Manner, and

Mortgage Money to be paid under Order of the Commissioners who authorized the Mortgage, to the Persons entitled to the Benefit thereof, and the Remainder paid into the Bank.

the Cashiers of the Bank, or one of them, are or is hereby required to give a Receipt for the same, and to cause the same to be invested in the Purchase of Three Pounds *per Centum* Bank Annuities, as if the whole Mortgage Money had been paid into the Bank of *England* in pursuance of the said Acts.

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