

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. C.

An Act to promote the Advance of private Money for Drainage of Lands in *Great Britain* and *Ireland*. [1st *August* 1849.]

WHEREAS an Act was passed in the Ninth and Tenth Years 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 whereas an Act was passed in the Tenth Year of Her present Majesty, intituled *An Act to explain and amend the Act authorizing the Advance of Money for the Improvement of Land by Drainage in* Great Britain: And whereas an Act was passed in the last Session of Parliament, intituled *An Act to simplify the Forms of Certificates under the Act authorizing the Advance of Money for the Improvement of Land by Drainage in* Great Britain: And whereas it is desirable that Works of Drainage should continue to be encouraged, in order to promote the increased Productiveness of the Land and Healthiness of the Districts where it is required, and to supply the Demand for Agricultural Labour, especially at that Season of the Year when other Sources are suspended: And whereas the whole Sum mentioned in the first-recited Act, namely, Two Millions Sterling for *Great Britain* and One Million Sterling for *Ireland*, has been already applied for and appropriated, and additional Sums have been granted under subsequent Acts for *Ireland*, and Applications have been made for a further Sum of Half a Million and upwards for *Great Britain*,

9 & 10 Vict. c. 101.

10 & 11 Vict. c. 11.

11 & 12 Vict. c. 119.

Britain, and for further Sums for *Ireland*, and it is expedient that the same should be advanced by private Individuals, and that Owners of Land should be enabled or authorized (with the Sanction of the Inclosure Commissioners for *England* and *Wales*) to borrow or advance Money to be expended with the like Sanction in draining 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, 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 the Assistant Commissioners, Secretary, Surveyors, Clerks, Messengers, and Officers who have been or may be appointed by the said Commissioners under an Act passed in the Eighth and Ninth Years of Her present Majesty, 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 the said first-recited Act, respectively; and the said Inclosure Commissioners may, with such Consent as provided by the said Act of the Session of Parliament holden in the Eighth and Ninth Years of Her present Majesty 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; and the Allowances and travelling and other Expenses of such Assistant Commissioners and Surveyors shall be regulated as to the Amount thereof in like Manner as provided by the said last-mentioned Act in respect of Allowances and Expenses to Assistant Commissioners under the same Act, and such Allowances shall not exceed the Allowances payable to the last-mentioned Assistant Commissioners; and the Commissioners for the Execution of this Act in *Ireland* shall be 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 of 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 of the several Acts amending the same respectively, and such Commissioners shall have full Power and Authority, with the Approbation of the Commissioners of Her Majesty's Treasury, to employ such Civil Engineers, Surveyors, Clerks, and other Officers appointed under the said last-mentioned Acts respectively as may be necessary for carrying this Act into execution.

Inclosure Commissioners to be the Commissioners for the Execution of this Act.

8 & 9 Vict. c. 118.

Allowances and Expenses to be regulated as provided by 8 & 9 Vict. c. 118.

Commissioners of Public Works to be Commissioners, and have Power to employ their Officers for the Execution of this Act, in Ireland.

II. And

Owner of Land may borrow or advance Money.

II. And be it enacted, That it shall be lawful for the Owner of any Land in *Great Britain* or *Ireland*, who shall be desirous of borrowing or advancing Money for the Improvement of such Lands by Works of Drainage under the Provisions of this Act, to borrow or advance Money for such Purpose, and to have the Money expended in such Improvement, and in defraying the Expenses incident thereto, charged on the Inheritance of such Land, in manner and with the Priority herein mentioned.

Application to be made to Commissioners.

III. And be it enacted, That when any Owner of Land shall be desirous of borrowing or advancing Money under this Act he shall make an Application to the Commissioners to authorize such Loan, and such Application shall be made in such Manner and Form and contain such Particulars as the Commissioners shall from Time to Time direct; and until a Certificate of the Allowance thereof shall have been issued by the Commissioners such 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 in consequence thereof by the Commissioners or their Officers.

Inspection of Land to be made by Officers of Commissioners.

IV. And be it enacted, That it shall be lawful for the Commissioners on such Application to cause the Land specified in such Application to be inspected, and the Application to be reported upon, by an Assistant Commissioner, Surveyor, or Engineer, or otherwise; and the Commissioners shall upon such Report determine and certify under their Seal whether any and what Amount of Money shall be authorized to be borrowed or advanced under this Act in respect of the Land specified in such Application, and they shall by the same or by some subsequent Certificate fix the Rate of Interest, not exceeding Five *per Cent. per Annum*, to be paid in respect of any Money to be so borrowed or advanced; and such Report as aforesaid shall contain such Particulars of the Land proposed to be drained, and of the Manner of effecting the Drainage thereof, and of the estimated Expense of such Drainage, and of the Improvement to be thereby effected in the annual Value of the Land, as in the Opinion of the Party making such Report will be sufficient to enable the Commissioners to judge of the Expediency of allowing the Application; and the Commissioners shall after the Issue of their Certificate of Allowance be at liberty from Time to Time to authorize an Abandonment of any Part of the proposed Works of Drainage, or any Variation therein which they may think expedient, on such Terms and Conditions as they shall think reasonable.

Certain Provisions in first-recited Act as to Notices of Applications incorporated.

V. And be it enacted, That the Provisions of the said first-recited Act relating to Notice by Advertisement of Application for Advances for Drainage Purposes, and to the Proceedings to be had in consequence of any Dissent to such Application, or relating to the Consent

Consent of the Bishop of the Diocese and Patron of the Benefice to any such Application in relation to Land held in right of any Church, Chapel, or other Ecclesiastical Benefice, shall (save so far as the same are inconsistent with or repugnant or inapplicable to the Provisions of this Act) be deemed to be incorporated herein.

Recovery of Expenses where Application refused or no Money can be raised.

VI. And be it enacted, That in the Case of an Application for Authority to borrow Money where the Commissioners shall determine that no Money shall be borrowed in pursuance of such Application, or where the Money authorized to be borrowed, or a competent Part thereof (as to which the Decision of the Commissioners shall be conclusive), shall not be raised, and paid into the Bank as herein-after mentioned, within Six Months from the Allowance of such Application, and in the Case of an Application for Authority to advance Money by the Owner of Land himself, whether the Commissioners shall determine that any Money shall or shall not be advanced in pursuance of such Application, the Expenses which the Commissioners or their Officers shall have incurred by or in consequence of such Application (the Amount whereof shall be conclusively certified by the Commissioners) shall be a Debt due by the Party making such Application to the Commissioners, and shall be recoverable by them as in the Nature of a Crown Debt.

When Application allowed, Money to be paid into the Bank.

VII. And be it enacted, That in Cases where any Sum of Money shall be authorized by the Commissioners to be raised in pursuance of any such Application, the Party or Parties willing to advance the same or any Part thereof, other than the Owner of Land making the Application, shall pay the same into the Bank of *England* or into some Bank in *Scotland* established by Act of Parliament or Royal Charter, or in *Ireland* into the Bank of *Ireland*, as the Case may be, or into some convenient Branch Bank thereof respectively, to be specified by the Commissioners in their Certificate of Allowance of the Application; and such Payment or Payments shall be to the Credit of the Commissioners to an Account the Title whereof shall be named in said last-mentioned Certificate, and such Monies shall, until duly applied under this Act, be the Property of the Commissioners; but nevertheless the Commissioners, observing the Rules and Regulations of this Act, shall not, either collectively or individually, be answerable for any Monies which shall have been paid into the said Banks or any of them, or any Branch thereof.

As to Payment of Contribution to Loan, and Banker's Certificates for the same.

VIII. And be it enacted, That in any Case where more than One Party shall be willing to contribute toward such Advance, the Applicant, if willing to contribute thereto, shall have the Preference as a Lender, or shall be entitled to name the Party or Parties who shall have such Preference; and the Commissioners shall be entitled to name the minimum Amount to be paid into the Bank as One Contribution towards such Advance; and upon each Contribution being paid into the Bank a Banker's Certificate for the same, in a Form to be from Time

to Time approved of by the Commissioners, shall be delivered to the Parties paying in the same, and thenceforth such Parties shall not be concerned to see to the Application or suffer for the Misapplication of the Amount for which such Banker's Certificate shall have been taken.

Bankers Certificates for Contributions to be exchanged for Grants by Commissioners of Rent-charges for Twenty-two Years each.

IX. And be it enacted, That unless such Contribution shall have been paid into the Bank in contravention of the aforesaid Provisions as to Priority of Right to contribute (in which Case the Amount thereof shall be repaid), the Bankers Certificates for the same shall be transmitted to the Office of the Commissioners, who shall in exchange for the same issue a Grant, in such Form as they shall deem fit, in their Name and under their Seal to the Party or Parties named in each such Certificate (if more than One, as Joint Tenants), his or their Executors, Administrators, or Assigns, of a Rent-charge to be issuable out of the Land in respect whereof such Advance shall have been authorized, or out of such Part thereof to be specified in such Grant as the Commissioners shall think proper and sufficient, such Rent-charge to be Personal Estate, and to commence on the Day of the Date of such Banker's Certificate, and to be payable by half-yearly Payments for and during the Term of Twenty-two Years.

Commissioners to issue a Grant of Rent-charge to Owner of Lands.

X. And be it enacted, That in Cases where the Owner of Land himself shall advance the Money or Part of the Money for the Purposes of this Act, the Commissioners, on being satisfied by a Report of an Assistant Commissioner, Surveyor, or otherwise that the Money advanced by such Owner has been duly expended upon the Drainage Works sanctioned by the Commissioners to be executed, or upon any Part thereof which will, independently of the Part remaining unexecuted, be complete in itself, and upon the Expenses thereof, including the Expenses of the Commissioners and their Officers of and incident to the Application for an Advance, and that the Works will be durable and effectual, and produce an Improvement in the yearly Value of the Land exceeding the Amount of the yearly Charge which can be made under this Act in respect of such Grant, shall issue a Grant, in such Form as they shall deem fit, in their Name and under their Seal, to such Owner of Land, or to some other Person or Persons to be nominated by him or by his Executors or Administrators, of a Rent-charge to be issuable out of the Lands in respect whereof such Advance shall have been made, or out of such Part thereof to be specified in such Grant as the Commissioners shall think proper and sufficient, such Rent-charge to be Personal Estate, and to commence on the Day on which such Money shall be reported to have been duly expended as aforesaid, and to be payable by half-yearly Payments for and during the Term of Twenty-two Years, and in all other respects to be on the same Footing as a Grant of a Rent-charge to any Third Person.

Rent-charges may be charged on

XI. And be it enacted, That in any Case where the Amount to be raised shall be contributed in several Sums, and several Bankers Certificates

several Portions of the Land included in Application for Loan.

Certificates shall have been taken for the same, it shall be lawful for the Commissioners to apportion the Land in respect whereof such Loan shall have been authorized, or so much thereof as the Commissioners shall think a sufficient Security for the Rent-charges to be granted, in such Manner as that One or more of the Rent-charges to be granted for such Bankers Certificates may issue exclusively out of any definite Portion or Portions of such Land in absolute Exoneration of the Remainder thereof.

Apportionment of Rent-charges.

XII. 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 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 such 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 under such Apportionment shall be less than Twenty Shillings; provided that the Commissioners shall and they are hereby directed, before making any such Order of Apportionment, to see that due Notice of the intended Apportionment shall have been given to the Parties entitled to give a Receipt for the said Rent-charge, or some or one of them, in order that they or he may, if necessary, dispute such Apportionment.

Indefeasible Title and Priority of Rent-charges.

XIII. And be it enacted, That, subject to the Provisions herein-after contained as to the Registry of Grants of Rent-charges on Lands in *Scotland*, *Middlesex*, or *Yorkshire*, or in *Ireland*, every such Rent-charge shall, without reference to the Title of the Parties making such Application (as to which the Allowance of such Application by the said Commissioners shall be conclusive), be a valid and indefeasible Charge upon the Land comprised in the Grant thereof by the said Commissioners, subject only to Tithe Rent-charges, Land Tax, local Rates and Taxes, Quit or Chief Rents incidental to Tenure, and Charges created or to be created under any Act authorizing Advances of public Money for Drainage or the Improvement of Lands, and prior to all other Charges whatsoever.

Registry of Grants of Rent-charges on Lands in Middlesex, Yorkshire,

XIV. And be it enacted, That as to Lands in *Middlesex* or *Yorkshire*, or in *Ireland*, all Grants of Rent-charges thereon to be made in pursuance of this Act shall be registered in the same Manner respectively as if such Grants were made by Deed by the absolute Owner

Owner of such Lands without the Aid of this Act, and shall be liable to be postponed in point of Priority to subsequent Deeds and Conveyances, in the same Manner and to the same Extent respectively as if such Grants were made by such absolute Owner, and without reference to this Act; and all Grants of Rent-charges on Lands in *Scotland* shall be registered in the General or Particular Register of Sasines. Ireland, and Scotland.

XV. And be it enacted, That as to Lands in *England* or *Wales* such Rent-charges shall be recoverable in the same Manner as a Rent-charge in lieu of Tithes under the Act of the Seventh Year of King *William* the Fourth, intituled *An Act for the Commutation of Tithes in* England *and* Wales, is recoverable, but so nevertheless that as against Persons who at the Time of the taking of the Certificate for the Contribution in respect of which such Rent-charges shall have been granted, or, in the Case of an Advance by an Owner of Land at the Time of the Grant of his Rent-charge, shall have been any such Tenant for Life or Lives or Years, as is excepted from the Definition of the Term Owner of Lands in the said Act of the Seventh of *William* the Fourth, and shall not have concurred in such Application for a Loan or Advance as aforesaid, the Party entitled to such Rent-charge shall not during the Subsistence of such Tenancy or Term be entitled to any further or other Remedy for the Recovery thereof than if he were entitled to the immediate legal Reversion expectant on the Determination of such Tenancy or Term; and any Rent-charge which shall become charged on Land in *Ireland* by virtue of this Act shall be recoverable 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. As to the Recovery of Rent-charges in England and Ireland. 6 & 7 W. 4. c. 71. 1 & 2 Vict. c. 109.

XVI. And be it enacted, That as to Lands in *Scotland* every Rent-charge which shall become charged on Land by virtue of this Act shall 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 out of the same Lands, would be recoverable, but shall be subsequent in Order of Charge to any Feu Duty. As to Recovery of Rent-charges in Scotland.

XVII. And be it enacted, That 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 any Assistant Commissioner, Surveyor, or Engineer, his Consent to become charged with the Charge or an apportioned Part thereof, such Tenant or Occupier shall during his Tenancy or Occupation be liable to pay the Tenant may deduct Rent-charge, except where he has agreed to pay same.

the Charge, or an apportioned Part thereof, as herein-after mentioned; and in case the Application be made for a Charge 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 Concurrence or Consent of such Tenant or Occupier, by any Certificate to be made in pursuance of this Act, or by a separate Order of Apportionment, declare what Portion of the whole Rent-charges or Rent-charge payable in respect of the Improvement shall be payable by such Tenant or Occupier, during his Tenancy or Occupation, 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 Reversioner, and shall be allowed the same in account with him.

Arrears of Rent-charge not to be recoverable after Three Years.

XVIII. And be it enacted, That no Arrears of any Rent-charge created under this Act shall be recoverable after the Expiration of Three Years from the Time when the same became payable, and no Interest shall be recoverable in respect of any Arrears of any such Rent-charge.

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

XIX. 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.

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

XX. 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, and with a Power for the Investment thereof in the Purchase of Land or 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 or Power 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-charges to be kept down by Tenants for Life, &c.

XXI. And be it enacted, That as between the several Parties interested in any Land charged with a Rent-charge under this Act such Parties shall respectively be bound to keep down and discharge the Payments thereof as if the same were Interest payable upon a Mortgage in Fee on such Lands.

XXII, And

Certain Expenses to be included in Drainage Works.

XXII. And be it enacted, That the Expenses in the secondly above-recited Act particularly mentioned as to be included among the Expenses of Works of Drainage shall, as well as to Lands in *Ireland* as to Lands in *Great Britain*, be deemed to be and may be included among the Expenses of Works of Drainage in respect of a Loan or Advance made under the Provisions of this Act.

As to Inspection of Works by Officers of Commissioners.

XXIII. And be it enacted, That the Commissioners shall as they see Occasion cause the said Works to be inspected by a Commissioner, Assistant Commissioner, Surveyor, or Engineer, or other Officer, 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 Expense which shall have been actually incurred in the Execution of such Works.

Payment of Cost of Drainage Works and Expenses of Commissioners and their Officers.

XXIV. And be it enacted, That, with the Exception of Cases where the Owner of Land shall himself advance Money, and the Expenses shall be paid thereout, for which Provision is herein-before made, all Monies which shall be payable on account of the Works to be executed under this Act, and all Expenses to be incurred by the said Commissioners or their Officers of or incident to the Application in pursuance whereof such Monies shall have been authorized to be raised, or any Proceedings taken or Works done in consequence thereof, shall be paid by means of Cheques, to be from Time to Time drawn by the said Commissioners on the Bank wherein the Monies advanced on account of such Works shall have been deposited, and be paid out of such Monies: Provided always, that no such Payment shall be made unless the said Commissioners shall be satisfied that such Works, or any Part thereof which will, independently of the Part remaining unexecuted, be complete in itself, will be durable and effectual, and produce an Improvement in the yearly Value of the Land exceeding the Amount of the yearly Charge which will be made under this Act in respect of such Payment.

Application of Money paid into the Bank where the Works are not executed, or there is a Surplus not applicable to Works.

XXV. And be it enacted, That where it shall appear to the Commissioners that, by reason of the Circumstances of the Land, or the Neglect of the Owner, or otherwise, any proposed Works in respect of which Money shall have been paid into any such Bank as aforesaid and a Rent-charge shall have been granted under this Act, cannot be executed, or that for any other Cause all or Part of such Money will not be applied under the Provisions herein-before contained, such Money, or such Part thereof as last aforesaid, shall be applied, by or under the Direction of the Commissioners, to indemnify against the Rent-charge granted in respect of such Money the Persons liable to pay the same, but so that no Part of such Money be paid to the Owner upon whose Application such Money shall have been advanced, or his Representatives, until all

other Persons liable to pay such Rent-charge shall have been indemnified against the same or released therefrom; and for the Purposes of this Provision the Commissioners may invest all or any Part of the Money applicable to Indemnity as aforesaid in the Public Funds, and may invest and accumulate the Dividends arising from such Investment, and may out of such Monies, or the Investments thereof, purchase any Government Annuity or Annuities for any Term of Years, and may apply and dispose of such Money, and such Investments, Dividends, and Accumulations, in repurchasing all or any Part of the Rent-charge, or otherwise apply the same to such Indemnity as aforesaid as the Circumstances may require: Provided always, that where Part only of the Money paid into any such Bank as aforesaid has become applicable under the Provisions hereinbefore contained, but the Works in respect of which such Money was so paid have been fully executed, or, Part only of such Works having been executed, the Commissioners are satisfied that such Part thereof will independently of the Part remaining unexecuted, produce an Improvement in the yearly Value of the Land exceeding the whole Amount of the Rent-charge, and that it will not be expedient to execute the Remainder of such Works, the Part unapplied of such Money shall be applied rateably to indemnify as well the Owner upon whose Application such Money shall have been advanced as all the other Persons liable to pay the Rent-charge.

As to upholding Drains and Outfalls.

XXVI. And be it enacted, That the Provisions of the said first-recited Act as to upholding Drains, and keeping clean and open the Outfalls of Drains, shall be deemed to be incorporated in this Act, and shall apply to the Drains and Outfalls to be made under the Provisions herein contained.

Register of Certificates, Grants, &c. to be kept by Commissioners.

XXVII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required to keep a Register of all Certificates of Allowances of Applications or other Certificates which they shall issue under this Act, and of all Grants of and Orders for Apportionment of Rent-charges; and the said Register may be perused at all reasonable Times by any Person interested in the Land charged by any such Grant, or to which any such Certificate or Order of Apportionment shall relate.

Notices may be given by the Secretary.

XXVIII. And be it enacted, That all Notices by the said recited Acts or this Act directed or authorized to be given by the Commissioners may be given by the Secretary of the Commissioners, or any Person authorized in that Behalf by the Commissioners.

Description of Land in any Certificate, Grant, or Order may be by Reference.

XXIX. And be it enacted, That where a Description of Land by Reference to any former or other Document, whether issued in pursuance of this Act or not, shall be considered by the Commissioners to be otherwise sufficient for the Purposes of any Certificate, Grant, or Order to be issued under this Act, it shall not be necessary for the

Purposes of Registration or for any other Purpose that the Land to be affected by any such Certificate, Grant, or Order shall be specified or described therein otherwise than by Reference to some such former or other Document as aforesaid.

Rent-charge under 9 & 10 Vict. c. 101. may be redeemed by Owner as Personal Estate.

XXX. And for the Amendment of the said first-recited Act, be it enacted, That in every Case in which any Owner of Land charged with a Rent-charge under the Provisions thereof shall redeem such Rent-charge in manner therein provided, it shall be lawful for the Commissioners, by the Certificate of such Redemption, to declare that the annual Rent-charge shall continue a Charge upon such Land for the Remainder of the Term for which the same was created, and shall be payable to the said Owner of such Land, his Executors, Administrators, or Assigns, and the same shall thereupon so continue to be a Charge, and be transmissible as Personal Estate.

Certificate of Advance under recited Acts may comprise only such Part of Lands in Provisional Certificate as Commissioners think sufficient.

XXXI. And whereas Doubt having been entertained under the said recited Acts whether all the Lands specified or comprised in the Provisional Certificate issued under the said Acts must not be comprised in the Certificate of Advance, or in each and every or some or One of the Certificates of Advance, where more than One is issued under the same Acts in respect of the Works referred to in the same Provisional Certificate: Now be it enacted and declared, That it shall be necessary to include in the Certificate or respective Certificates for Advance to be issued under the said Acts in respect of the Works referred to in any Provisional Certificate, such Part or Parts only of the Lands specified or comprised in such Provisional Certificate as the said Commissioners shall consider proper and sufficient to be comprised in such Certificates of Advance or respective Certificates of Advance, and the Provisions of the said thirdly-recited Act as to Description by Reference shall, as far as Circumstances will admit, apply to the Land actually comprised in any such Certificate of Advance, as effectually as if the same had comprised the whole of the Lands specified or comprised in the Provisional Certificate.

Interpretation of Terms. 1 & 2 Vict. c. 109.

XXXII. And be it enacted, That in the Interpretation of this Act the Words "the Commissioners" or "the said 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 in *Ireland*; the Words "Owner of Land" shall, as to Land in *England* and *Wales*, have the same Meaning for the Purposes of this Act as is given to the Words "Owner of Lands" in the said Act of the Seventh Year of King *William* the Fourth for the Commutation of Tithes in *England* and *Wales*, for the Purposes of such Act; and the Words "Owner of Land" shall, as to Land in *Scotland*, mean or include every Fiar, Liferenter, Heir of Entail, Husband of a married Woman seised in her own Right, Tutor, Curator, and other Guardian for any Infant, Minor, Lunatic, or

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 shall include any Corporation; and the Words "Owner of Land" shall, as to Lands in *Ireland*, mean and include 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 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 out of or in any such Estate or Interest as by or under the said last-mentioned Act is to be deemed equivalent to a perpetual Estate or Interest, and also a Husband of a married Woman seised in her own Right, and the Guardian of any Infant, or Committee of any Idiot or Lunatic, and any Trustee or Trustees in the actual Possession or in the Receipt of the Rents as to any such Estates or Interests as last aforesaid, and shall include a Corporation; and the Word "Person" shall mean and include any Body Corporate, Aggregate, or Sole, as well as an Individual; and any Word importing the Singular Number only shall also mean and include the Plural Number, and any Word importing the Masculine Gender shall also import the Feminine Gender.

Short Title. XXXIII. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Private Money Drainage Act, 1849."

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

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