as any other Law or Ordinance enacted for any other Purpose by any such Colonial Legislature.

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 And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.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

CAP. XXIII.

An Act to amend and explain an Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure.

[27th *June* 1843.]

'WHEREAS an Act was passed in the Fifth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure;* and it is expedient to amend and explain the said Act in certain respects:' 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, in addition and subject to the Provisions contained in the said Act, any Enfranchisement made under the same may be made, either wholly or in part, for the Consideration of a Grant of an annual Rent in Fee to be thenceforth charged on and issuing out of the Lands enfranchised, such annual Rent to be valued in like Manner and be subject to the like Variation as the Commutation Rent-charge under the Provisions of the said Act; and that, in addition and subject to the Provisions contained in the said Act, any Commutation or Enfranchisement made under the same may be made, either wholly or in part, for the Consideration of a Conveyance of Lands Parcel of the same Manor as the Lands commuted or enfranchised, and subject to the same Uses and Trusts as the Lands commuted or enfranchised shall be subject to at the Time of such Commutation or Enfranchisement, or any Right to Mines or Minerals in or under such Lands, or any Right to Waste in Lands belonging to such Manor. 4 & 5 Vict. c. 35. Enfranchisement may be made in consideration of an annual Rent, and Commutation may be made in consideration of the Conveyance of Lands subject to the same Uses as those commuted, or any Right to Mines or Minerals.

II. And be it enacted, That if the Consideration for the Enfranchisement under the said Act shall be either wholly or in part the Grant of an annual Rent, then it shall be lawful for the Person empowered by the said Act to obtain the Enfranchisement of such Lands to grant such annual Rent to the Person enfranchising such Lands, and his Heirs, to the Uses and upon and for the Trusts, Intents, and Purposes to, upon, and for which the Manor of which such Lands are Parcel shall be Power to the Person obtaining the Enfranchisement of Lands to grant an annual Rent in consideration of such Enfranchisement.

be subject and held at the Time of such Enfranchisement, and to charge such annual Rent on all or such of the Lands enfranchised as shall be fixed on, and to make the same payable by equal half-yearly Payments; and the annual Rent so granted shall be a Rent Service, and thenceforth Parcel of and appendant and appurtenant to the same Manor as the Lands enfranchised; and such annual Rent may be granted either by Deed or by a Schedule of Appointment, to be made and signed pursuant to the Directions of the said Act and of this Act.

Power to the Person obtaining the Commutation or Enfranchisement of Lands to convey Lands in consideration of such Commutation or Enfranchisement.

III. And be it enacted, That if the Consideration for the Commutation or Enfranchisement under the said Act shall be either wholly or in part the Conveyance of Lands, or a Right to Mines or Minerals, or a Right to Waste in Lands belonging to such Manor as aforesaid, then it shall be lawful for the Person empowered by the said Act to obtain such Commutation or Enfranchisement to convey the Lands, or Rights to Mines or Minerals, or Rights to Waste in Lands belonging to such Manor, fixed on as the Consideration, either wholly or in part, for such Commutation or Enfranchisement, to the Person commuting or enfranchising the Lands proposed to be commuted or enfranchised, and his Heirs, to the Uses and upon and for the Trusts, Intents, and Purposes to, upon, and for which the Manor of which such Lands are Parcel shall be subject and held at the Time of such Commutation or Enfranchisement.

Power to the Person having a particular Estate in an annual Rent to apportion the same.

IV. And be it enacted, That if, at any Time while an annual Rent shall remain charged on any Lands under this Act, the Person for the Time being seised in Possession of such annual Rent, or entitled to the Receipt thereof, shall be so seised or entitled for a particular Estate, (whether such Estate shall have been subsisting at the Time of the Enfranchisement of such Lands or not,) then it shall be lawful for such Person, whether he shall be so seised or entitled in actual Possession, or in Remainder or Reversion expectant on the Determination of any Estate for a Term of Years, to divide and apportion such annual Rent, and to declare what Part and Proportion thereof shall be thenceforth severally charged upon each of the respective Parcels of such Lands between which such Apportionment is intended to be made; and after such Apportionment such annual Rent shall be chargeable upon and payable out of such Lands only, and in such Parts and Proportions only as shall be so declared: Provided nevertheless, that it shall not be lawful for any Person so seised or entitled as aforesaid in respect of an undivided Share only of such annual Rent to divide and apportion such annual Rent, unless the Person for the Time being enabled either by this Act or otherwise to divide and apportion the same as respects the other undivided Share thereof shall join in dividing and apportioning such annual Rent.

Power to the Person having a particular Estate in Lands

V. And be it enacted, That if at any Time while an annual Rent shall remain charged on any Lands under this Act the Person seised of such Lands in Possession, or entitled to the Receipt

Receipt of the Rents, Issues, and Profits thereof, shall be so seised or entitled for a particular Estate, (whether such Estate shall have been subsisting at the Time of the Enfranchisement of such Lands or not,) then it shall be lawful for such Person, whether he shall be so seised or entitled in actual Possession, or in Remainder or Reversion expectant on the Determination of any Estate for a Term of Years, and with the Consent of the Copyhold Commissioners, to concur in any Division or Apportionment of such annual Rent, and to agree what Part and Proportion thereof shall be thenceforth severally charged upon each of the respective Parcels of such Lands between which such Apportionment is intended to be made: Provided nevertheless, that it shall not be lawful for any Person so seised or entitled as aforesaid in respect of an undivided Share only of such Lands to concur in or agree to any such Division or Apportionment, unless the Person for the Time being enabled either by this Act or otherwise to concur in such Division or Apportionment as respects the other undivided Share of such Land shall concur in or agree to such Apportionment.

charged with an annual Rent to concur in the Apportionment thereof.

VI. Provided nevertheless, and be it enacted, That no Division or Apportionment shall be made under this Act of an annual Rent charged on any Lands, unless with the Concurrence and Agreement of the Person seised of such Lands, or entitled to the Receipt of the Rents, Issues, and Profits thereof for an Estate in respect of which he is enabled either by this Act or otherwise to concur in or agree to such Apportionment, so as to render the same permanent and effectual.

No Apportionment to be made without Consent of the Person entitled to the Lands.

VII. And be it enacted, That every annual Rent which shall be charged on any Lands under the Authority of this Act shall be a First Charge on such Lands, and shall have Priority over all Mortgages, Charges, and Incumbrances whatsoever affecting such Lands, Tithe Rent-charge excepted, notwithstanding such Mortgages, Charges, and Incumbrances shall have been or shall be respectively made and created before such apportioned annual Rent shall be charged on such Lands.

Annual Rents charged on Lands under this Act to be First Charges on such Lands.

VIII. Provided always, and be it enacted, That a Sub-lessee under any Sub-lease, his Executors, Administrators, or Assigns, shall not, in consequence of any Charge under this Act, either with an annual Rent, or in consequence of any Apportionment under this Act either of an apportioned annual Rent or of any Rent reserved in any Lease, be liable to the Payment of any greater Sum of Money than he would have been subject or liable to if such Charge or Apportionment had not been made.

Sub-lessees not to be liable to the Payment of a greater Sum than they were before liable to.

IX. Provided always, and be it enacted, That if at the Time of the Conveyance under this Act, in consideration either wholly or in part of the Commutation or Enfranchisement of any Lands held by Copy of Court Roll, there shall be subsisting in the Lands so conveyed any Lease (not being an Underlease), then the Lessee under such Lease, his Executors, Administrators, and Assigns, shall pay, observe, and keep to and with the Person to whom such Lands shall be so conveyed, or other the Person for the Time being seised of or entitled to such

If at the Time of the Conveyance of any Lands in consideration of an Enfranchisement there shall be a Lease subsisting, the Person to whom such Lands shall be conveyed shall have the

Reversion on such Lease, and may distrain for the Rents and enforce the Covenants, &c.

such Lands expectant on the Determination of such Lease, and his Executors or Administrators, the Rent, Reservations, Covenants, Conditions, and Agreements respectively reserved and contained in such Lease, or such and so many or such Part of the Rent, Reservations, Covenants, Conditions, and Agreements respectively reserved and contained in such Lease as are or ought to be thenceforth respectively paid, observed, and kept in respect of the Lands so conveyed; and the Person to whom such Lands shall be so conveyed, or other the Person so for the Time being seised of or entitled as aforesaid, shall and may from Time to Time make or bring all such Distresses, Actions, Suits, or Entries for Nonpayment of such Rent or Reservations, or for Nonperformance of the Covenants, Conditions, and Agreements in such Lease respectively reserved and contained, as could, in case such Conveyance had not been made, have been made or brought by the Person making such Conveyance, or other the Person for the Time being seised of or entitled to the Reversion expectant on the Determination of such Lease; and that in all such Distresses, Actions, Suits, and Entries the Rent, Reservations, Covenants, Conditions, and Agreements in such Lease reserved and contained on the Part of the Lessee, his Executors, Administrators, or Assigns, shall be deemed and taken to be annexed to an immediate Reversion vested in the Person to whom such Lands shall be so conveyed, or other the Person for the Time being so seised of or entitled to such Lands as aforesaid.

If at the Time of the Commutation or Enfranchisement of any Lands there shall be any Lease subsisting therein, the Person seised of or entitled to such Lands shall have the Reversion on that Lease, and may distrain for the Rents and enforce the Covenants, &c.

X. Provided always, and be it enacted, That if at the Time of any Commutation or Enfranchisement under the said Act or under this Act of any Lands there shall be subsisting in such Lands any Lease (not being an Under-lease), then the Lessee under such Lease, his Executors, Administrators, and Assigns, shall pay, observe, and keep to and with the Person for the Time being seised of or entitled to the Lands so commuted or enfranchised, and his Executors or Administrators, the Rent, Revervations, Covenants, Conditions, and Agreements respectively reserved and contained in such Lease, or such and so many or such Part of the Rent, Reservations, Covenants, Conditions, and Agreements respectively reserved and contained in such Lease, as are or ought to be thenceforth respectively paid, observed, and kept in respect of the Lands so commuted or enfranchised; and the Person for the Time being seised of or entitled to the Lands so commuted or enfranchised shall and may from Time to Time make or bring all such Distresses, Actions, Suits, or Entries for Nonpayment of such Rent or Reservations, or for Nonperformance of the Covenants, Conditions, and Agreements in such Lease respectively reserved and contained, as could have been made or brought by the Person who would for the Time being have been entitled to the Lands so commuted or enfranchised in case such Commutation or Enfranchisement had not been made; and in all such Distresses, Actions, Suits, and Entries the Rents or Reservations, Covenants, Conditions, and Agreements

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in such Lease reserved and contained on the Part of the Lessee, his Executors, Administrators, or Assigns, shall be deemed and taken to be annexed to an immediate Reversion vested in the Person for the Time being seised of or entitled to the Lands so commuted or enfranchised.

A Schedule of Apportionment may be used where Six Tenants agree to enfranchise.

XI. 'And whereas it is provided by the said Act that whenever so many as Twelve Persons being Tenants or all the Tenants of any Manor shall agree with the Lord for the Commutation or Enfranchisement of their Lands, it shall be lawful to effect such Commutation or Enfranchisement by a Schedule of Apportionment; and it is desirable to permit a Schedule of Apportionment to be adopted when a less Number of Tenants of any Manor than Twelve are desirous of effecting a Commutation or Enfranchisement;' be it enacted, That it shall be lawful to effect a Commutation or Enfranchisement by a Schedule of Apportionment, in the Manner provided by the said Act, whenever so many as Six Persons being Tenants of any Manor shall at the same Time agree with the Lord for the Commutation or Enfranchisement of their Lands.

Part of the Money received for Enfranchisement may be applied in paying off any Fee-farm Rent or other Charge.

XII. And be it enacted, That if any Manor, or any Part thereof, shall be subject to the Payment of any Fee-farm Rent or other Charge not exceeding the Amount of the annual Quit Rents payable to the Lord of such Manor, it shall be lawful for the said Commissioners to direct that so much of the Money to be received for Enfranchisement in any such Manor under the Provisions of the said recited Act or this Act, as they shall consider adequate, shall be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Copyhold Commissioners, and to be applied under the Directions of the said Court of Chancery in paying or redeeming the said Charge, and in exonerating therefrom the Land which shall be enfranchised, and indemnifying the Owners of such Land, and otherwise as the said Court shall direct, on Petition in a summary Way, as provided for in the Case of other Money to be paid into the Bank of *England* under the said Act; and every such Fee-farm Rent or other Charge shall be paid to the Person entitled thereto at the same Time, and subject to the same Deductions for Land Tax or otherwise, but to no others, as if no Enfranchisement had taken place; and when Provision shall have been so made for any such Charge, it shall be lawful for the said Commissioners to direct that the Remainder of the Money to be paid for Enfranchisement and the surplus Income of the Money so paid into the Bank of *England*, after Payment of all Expences attending the Payment of such Fee-farm Rent or other Charge to the Person entitled thereto, shall be applied in like Manner as if no such Charge had existed; and thenceforth no Land which shall be enfranchised in such Manor shall be chargeable with or liable to the Payment of any greater Part of the said Fee-farm Rent or other Charge than the Amount of the Quit Rent theretofore payable

Application of the Remainder.

payable out of such Land, but to that Extent the said Land shall continue and be chargeable with and liable to the Payment of the said Fee-farm Rent or other Charge, and shall be subject to the like Remedies for the Recovery thereof as if such Quit Rent continued payable; and the said Commissioners shall state in the Deed, Schedule, or other Instrument of Enfranchisement the Amount of such Quit Rent or Liability in every Case, and such Statement shall be conclusive against the Owners of the said Land: Provided nevertheless, that it shall be lawful for the said Commissioners, whatever may be the Amount of such Fee-farm Rent or other Charge, with the Consent of the Person entitled thereto, to direct, if they shall see fit, that any other Security in Land or Money which they shall consider sufficient for the Purpose, shall be substituted for the Payment of Money into the Bank of *England* in manner aforesaid, and in that Case, or in any Case, and whatever may be the Amount of such Fee-farm Rent or other Charge, with the Consent of the Person entitled as aforesaid, to direct that all or any Part of the Land to be enfranchised shall be entirely released from the Payment of the said Fee-farm Rent or other Charge, and the same Land shall thenceforth be released accordingly.

Commissioners may direct that any other Security may be substituted for the Payment of Money into the Bank.

Altering Provision in recited Act as to Notice of Person entitled to next Estate of Inheritance.

XIII. 'And whereas it is provided by the said Act that 'whenever the Estate of any Party to an Enfranchisement 'under the said Act shall be less than an Estate of Fee Simple 'in Possession or corresponding Copyhold or Customary 'Estate, Notice in Writing shall be given to the Person en- 'titled to the next Estate of Inheritance in Remainder or 'Reversion in the Manor or Land to be affected by such 'Enfranchisement;' be it enacted, That in case any Tenant whose Estate shall be less than an Estate of Fee Simple as aforesaid shall be a Party to an Enfranchisement under the said Act or this Act, and shall pay the whole of the Price of Enfranchisement, so that no Part thereof or of the Expences thereof shall be charged on the Inheritance of the Land to be enfranchised, it shall not be necessary that the Person entitled to the next Estate of Inheritance or Remainder or Reversion shall have Notice of such Enfranchisement.

Payment of Enfranchisement Money when the Lord of the Manor has only a limited Interest.

XIV. And be it enacted, That when any Lord of a Manor shall be only entitled for a limited Estate or Interest therein, or shall be under any legal Disability, any Money to be paid under the said Act or under this Act for Enfranchisement from the Lord's Rights, shall, at the Option of the respective Parties for the Time being entitled to the said Manor the Rights of which shall be enfranchised, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account, in order to be applied in manner as in the said Act directed, or otherwise the same may be paid, at the like Option, to the Trustees acting under the Will, Conveyance, or Settlement under which such Lord having such limited Interest shall hold or be entitled to

or interested in the said Manor of which the Lands so to be enfranchised shall be Parcel, or if there are no such Trustees, then into the Hands of Trustees to be nominated under the Hand and Seals of the said Commissioners; and the Money, when so paid to such Trustees, shall be applied by the said Trustees, with the Consent of the said Commissioners, in the Manner directed and specified by the said Act of and concerning any Money to be paid for Enfranchisement under the said Act, into the Bank of *England*, in the Name and with the Privity of the said Accountant General; and upon every Vacancy in the Office of such Trustee some other fit Person shall be appointed by the said Commissioners in like Manner.

To what the Acts shall be construed to extend.

XV. And be it enacted, That the said recited Act and this Act shall be construed to extend to all Lands holden by Copy of Court Roll or by a Custom of a Manor for Life or Lives or for Years, whether the Tenant thereof have or have not a Right of Renewal; and that the Words "Land or Lands" shall extend to all Corporeal and Incorporeal Hereditaments whatsoever, whether subject to Manorial Rights or otherwise, or any undivided Part or Share therein.

This Act Part of recited Act.

XVI. And be it enacted, That this Act shall be taken and construed to be a Part of the said recited Act.

CAP. XXIV.

An Act to continue, until the Fifth Day of *April* One thousand eight hundred and forty-five, Compositions for Assessed Taxes, and to amend the Laws relating to the Land and Assessed Taxes, and also the Laws relating to the Duties on Profits arising from Property, Professions, Trades, and Offices.

[27th *June* 1843.]

'WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her Majesty, intituled *An Act to continue, until the Fifth Day of* April *One thousand eight hundred and forty-four, Compositions for Assessed Taxes, and to amend the Laws relating to the Land and Assessed Taxes*, the Compositions for Assessed Taxes, entered into or renewed under the Authority of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, were continued until the Fifth Day of *April* One thousand eight hundred and forty-four; and it is expedient to continue the same for the further Term of One Year:' 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, That all Contracts of Composition for the Duties of Assessed Taxes now in force shall be and the same are hereby continued in force for a further Term of One Year, to be computed from the Fifth Day of

5 & 6 Vict. c. 37.

4 & 5 W. 4. c. 54.

Compositions for Assessed Taxes continued for a further Term of One Year ending 5th April 1845;