



ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xci.

An Act for the Incorporation of the General Land Drainage and Improvement Company, and for facilitating the Execution of Land Drainage and other Improvements. [1st August 1849.]

WHEREAS the draining, irrigating, warping, reclaiming, inclosing, and otherwise improving of waste and other Lands, and the executing of other Improvement Works in *England* and *Wales*, are desirable, for the furtherance of Agriculture, the Increase of Employment, the Benefit of Owners and Occupiers of Land, and of Labourers, the Improvement of the public Health, and the general Advantage of the Community: And whereas *William Reed, George Alexander Reid, Edward John Hutchins, William Shaw, William Tite, Henry Ker Seymer, Anthony Huxtable Clerk, William Fowlie, John Bailey Denton*, and other Persons, are willing to undertake and assist the Execution of such Improvements, and it is expedient that they be incorporated as a Company, with such Powers as by this Act granted, and that such Provisions for facilitating the Execution of such Improvements in *England* and *Wales* as herein-after appearing should be made; but such Purposes cannot be effected without the Authority of Parliament:

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ment: May it therefore please Your Majesty that it may be enacted; and 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 citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The General Land Drainage and Improvement Company's Act, 1849."

Short Title.

Certain Provisions of 8 & 9 Vict. cc.16. and 18. incorporated with this Act.

II. And be it enacted, That "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," save so far as the Provisions thereof respectively are repugnant to or inconsistent with the Provisions or Purposes of this Act, and save also the Sections of "The Lands Clauses Consolidation Act, 1845," numbered respectively in the Copies of such Act printed by the Queen's Printers 16 and 17, are incorporated with this Act, and the Provisions of "The Lands Clauses Consolidation Act, 1845," applicable to Parties by such Act enabled to sell and convey or release Lands, apply for the Purposes of this Act to Landowners: Provided always, that, except in the Cases by this Act provided, the Company shall not purchase or take Lands otherwise than by Agreement.

Certain Provisions of 10 & 11 Vict. c. 17. incorporated with this Act.

III. And be it enacted, That the several Provisions of the "Waterworks Clauses Act, 1847," with respect to the Construction of the Waterworks, and with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks, and with respect to Mines, and with respect to the breaking-up of Streets for the Purpose of laying Pipes, so far as such Provisions respectively are applicable with reference to the Improvements and Works by this Act authorized, and save so far as the same respectively are repugnant to or inconsistent with the Provisions or Purposes of this Act, are incorporated with this Act, and apply to such Improvements and Works accordingly: Provided always, that when the Company purchase any Land for their own Purposes exclusively the Mines and Minerals thereunder, or such of them as the Landowner selling to them can legally sell, shall pass by the Contract for Sale and the Conveyance of such Land, unless and except so far as such Mines and Minerals be expressly excepted therefrom.

Interpretation of Terms.

IV. And be it enacted, That the following Words and Expressions in this Act have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; to wit,

Words importing the Singular Number only include the Plural Number:

Words importing the Plural Number only include the Singular Number:

Words importing the Masculine Gender only include Females:

The Word "Person" includes Corporation, whether aggregate or sole:

The Expression "the Company" means the Company hereby incorporated:

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The Words and Expressions "Lands," "Lease," "Month," "Oath," "County," "Justices," and "Two Justices" have such Meanings as are assigned to the same respectively by the "Lands Clauses Consolidation Act, 1845:"

The Words and Expressions "the Company," "the Directors," "Shareholder," and "the Secretary" have such Meanings as are assigned to the same respectively by "The Companies Clauses Consolidation Act, 1845:"

The Word "Commissioners" means the Inclosure Commissioners for *England and Wales*:

The Expression "Assistant Commissioner" means any Assistant Commissioner appointed by the Commissioners:

The Word "Engineer" includes Surveyor, Land Agent, and Drainage Agent:

The Expression "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council for the Consideration of all Matters of Trade and Plantations:

The Word "Works" includes all Surveys, Admeasurements, Soundings, Levellings, Borings, Engines, Machinery, Engine Houses, Mills, Brick, Tile, and Pipe Kilns, Brick and Tile Sheds, Brick and Tile Yards, and other Inclosures, Cuts, Ditches, Tunnels, Culverts, Channels, Aqueducts, Drains, Pipes, and other Watercourses, Shafts, Tanks, and other Reservoirs, Paths, Roads, Railroads, Tramroads, and other Ways, Bridges, Gates, Rails, Posts, Dams, Banks, Embankments, Hedges, and other Fences, Weirs, Sluices, Flood Gates, and Hatches, and other Operations, Buildings, Erections, Structures, Works, and Conveniences:

The Word "Improvements," and Words applicable to Improvements and improving, include and apply to draining, irrigating, warping, reclaiming, building on, and otherwise improving respectively any Lands, and all Works for the Purposes thereof respectively, and the executing of such Improvements respectively.

V. And be it enacted, That the several Persons herein-before named, and all other Persons who subscribe any Portion of the Capital of the Company, and their respective Successors, Executors, Administrators, and Assigns, are hereby united into a Company for draining, irrigating, with Sewer Water or otherwise, warping, reclaiming, building on, and otherwise improving flooded, uninclosed, waste, and other Lands, and for executing other Works for the Improvement of Lands, and for making, maintaining, and using all such Works as may be thought proper for any of the Purposes of such Improvements, and for undertaking and assisting the Execution of such Improvements, and for purchasing Lands capable of being improved from the Landowners, and improving such Lands, and reselling such Lands to such Landowners or to other Persons, and for otherwise carrying this Act into execution, and for such Purposes shall be One Body Corporate by the Name of "The General Land Drainage and Improvement Company," and by such Name shall have perpetual Succession and a Common Seal, and may sue and be sued, and may purchase, take, hold, sell, and dispose of Lands, Real and Personal Property,

Incorporation of Company.

and

and other Effects, for the Purposes and within the Restrictions of this Act: Provided always (but not by way of Condition so as to prejudice Purchasers or others claiming under the Company), that the Company shall not at any one and the same Time hold any Quantity of Land beyond One thousand Acres.

Power to purchase Lands.

VI. And be it enacted, That, subject to the Provisions of this Act, the Company may from Time to Time, by Agreement, purchase any flooded, uninclosed, waste, and other Lands which Landowners may be willing to sell, and may improve the same, and may resell the same to such Landowners or any other Persons, and may from Time to Time, after having sold any Land, again purchase other Land, so as the total Quantity held by the Company at any one and the same Time do not exceed One thousand Acres.

Limit of the Amount to be spent in building on Land purchased by the Company.

VII. Provided always, and be it enacted (but not by way of Condition so as to prejudice Purchasers or others claiming under the Company), That the Company shall not, without the Licence of the Commissioners, to be (if and when granted) delivered by the Commissioners to the Company on their Application for the same, (and which Licence the Commissioners are hereby authorized to grant from Time to Time under their Seal on such Terms and Conditions as they think right, but not with any Provision for the Revocation or other Determination thereof,) expend in building on any Land purchased by the Company as One Estate any Sum exceeding such a Sum as is after the Rate of One hundred Pounds for every Acre of such Estate, or expend in building on any Land purchased by the Company, and resold as One Lot by them, any Sum exceeding such a Sum as is after the Rate of One hundred Pounds for every Acre of such Lot.

First Ordinary Meeting.

VIII. And be it enacted, That the First Ordinary Meeting shall be held within Twelve Months after the passing of this Act.

Requisition for Extraordinary Meeting.

IX. And be it enacted, That Fifteen Shareholders at least holding in the aggregate not less than Two hundred Shares may require the Directors to call an Extraordinary Meeting.

Quorum for General Meeting.

X. And be it enacted, That the Quorum for every General Meeting shall be Ten Shareholders holding in the aggregate not less than Two hundred Shares.

General Meeting may remove Directors and Auditors.

XI. And be it enacted, That any General Meeting may remove from his Office any Director and any Auditor for Misconduct, Negligence, or other Cause deemed by such Meeting sufficient, but so that a qualified Shareholder be at the same Meeting appointed to fill his Place; and the Shareholder so appointed shall continue in Office as a Director or Auditor so long only as the Person in whose Place he is appointed would have been entitled to continue had he remained in Office.

Qualification and Number of Directors.

XII. And be it enacted, That the Qualification of a Director shall be his holding in his own Right not less than Five Shares, and the

Number of the Directors shall be Twelve: Provided always, that the Number of the Directors may from Time to Time be increased or reduced to any Number not less than Six nor more than Twenty-four.

XIII. And be it enacted, That Directors of the Company shall be elected at the First Ordinary Meeting after the passing of this Act. First Directors.

XIV. And be it enacted, That the Directors shall appoint all the Officers of the Company, except the Auditors, and shall from Time to Time determine their respective Remuneration, Duties, and Regulations. Directors to appoint Officers.

XV. And be it enacted, That the Quorum of a Meeting of Directors shall be Three. Quorum of Meeting of Directors.

XVI. And be it enacted, That any Committee appointed by the Directors shall consist of not less than Three Directors, and the Quorum of every Committee shall be Three, and any Committee shall not make any Call. Committees of Directors.

XVII. And be it enacted, That the Directors shall make and produce to the Shareholders at every Ordinary Meeting a general Report in Writing of the State and Prospects of the Company; and such Report, in addition to any other Particulars which the Directors think desirable, shall contain all such Particulars as are requisite for the complete Explanation of the Balance Sheet to be produced at such Meeting. General Report by Directors.

XVIII. And be it enacted, That the Qualification of an Auditor shall be his holding in his own Right not less than Five Shares. Qualification of Auditors.

XIX. And be it enacted, That the Books of the Company shall be balanced on the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year. Days for balancing Books.

XX. And whereas it is estimated that a Capital of Thirty-six thousand Pounds will be sufficient for the Execution of the Works by this Act authorized, and that a Capital of One million nine hundred and sixty-four thousand Pounds will be sufficient for the Purposes of this Act, other than the Execution of such Works: Be it therefore enacted, That the Capital of the Company shall consist of Two million Pounds in One hundred thousand Shares of Twenty Pounds each: Provided always, that the Company shall not execute or enter into any Contract to execute any Works until Thirty-six thousand Pounds, Part of the Capital, is subscribed for, and Eighteen thousand Pounds, Part of the Capital, is paid up. Capital.

XXI. Provided always, and be it enacted, That the Company may from Time to Time, with the Licence of the Board of Trade, to be, if and when granted, delivered by the Board of Trade to the Company on their Application for the same, (and which Licence the Board of Trade are hereby authorized to grant from Time to Time Board of Trade may authorize Issue of additional Shares up to Two hun-
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fifty thou-
sand.

on such Terms and Conditions as they think right, but not with any Provision for the Revocation or other Determination thereof,) issue any Number of Shares exceeding One hundred thousand Shares but not exceeding Two hundred and fifty thousand Shares of Twenty Pounds each.

Calls.

XXII. And be it enacted, That Two Pounds and Ten Shillings shall be the greatest Amount of any One Call upon any Share, and Three Months at least shall be the Interval between successive Calls.

Payment of
Dividends
out of any
reserved
Fund.

XXIII. And be it enacted, That the Directors, with the Consent of a General Meeting, may, out of any Monies set aside to meet Contingencies, and not in any way required for such Purposes, declare an equal Bonus on each of the Shares, or make up or increase Dividends to or beyond the ordinary or average Dividend.

Power for
Company to
make Ad-
vances for
executing or
assisting Im-
provements
of Lands.

XXIV. And be it enacted, That the Company may from Time to Time make Advances for the Purpose of executing or assisting the Execution of Improvements of Lands on such Securities on or affecting Lands, or the Rents or Profits of Lands, and on such Securities being partly on or affecting Lands, or the Rents or Profits of Lands, and partly Assurances on Lives or Survivorships, and on the Security of Rates levied under the Authority of any Act, and with such Provisions for the Repayment of such Advances, either by the Repayment of the Principal Money, with Interest, or by Annuity or other periodical Payment, as the Directors from Time to Time think fit.

Power to
borrow on
Mortgage or
Bond.

XXV. And be it enacted, That the Company may from Time to Time borrow Money on Mortgage of the Undertaking and the future Calls on the Shareholders, or on the Security of any Part of their Property, or on Bond: Provided always, that the Company shall not, without the Licence of the Board of Trade, to be (if and when granted) delivered by the Board of Trade to the Company on their Application for the same, (and which Licence the Board of Trade are hereby authorized to grant from Time to Time on such Terms and Conditions as they think right, but not with any Provision for the Revocation or other Determination thereof,) borrow any Sum exceeding the Proportion of One Third of the Capital for the Time being paid up, or with such Licence exceeding the Proportion of Two Thirds of the Capital for the Time being paid up.

Application
of Capital.

XXVI. Provided always, and be it enacted, That the Company shall not apply for the Execution of any Works by this Act authorized any Part exceeding Thirty-six thousand Pounds of the Capital, or any Part exceeding Twelve thousand Pounds of the Monies borrowed by them, and the Company shall keep separate and distinct Accounts of such Sum of Thirty-six thousand Pounds and the Application thereof, and of the Residue of the Capital and the Application thereof, and of the Monies borrowed by them and the Application thereof.

XXVII. And

XXVII. And be it enacted, That, subject to the Provisions of this Act, the Company may from Time to Time appropriate and set apart any specific Portion of their Property or Effects as a Fund for Payment of the Principal Monies borrowed by them on any Class of Mortgages or Bonds, and such Fund shall accordingly be the primary Fund for the Payment of the same Principal Monies and the Interest thereof, and the Persons entitled to the Benefit of the Mortgages or Bonds of such Class shall accordingly have Priority and Preference as regards such Fund over the other Creditors of the Company: Provided always, that, subject to any such Priority and Preference, all the Property of the Company shall be liable to answer the Claims of all the Mortgage and Bond Creditors of the Company.

Power to appropriate specific Funds for Classes of Mortgage and Bond Creditors.

XXVIII. And be it enacted, That, for the better Security of any Class of Mortgage or Bond Creditors for whom any specific Fund is appropriated, the Company may, in accordance with the Terms on which any Money is borrowed on such Mortgages or Bonds, convey or transfer the Property or Effects of which such Fund consists unto any Trustees, upon such Trusts, and with such Powers and Provisions for better securing the Payment of the Principal Monies and Interest secured by such Mortgages or Bonds, as the Company think fit.

Power to vest such specific Funds in Trustees.

XXIX. And be it enacted, That the Mortgagees of the Company may enforce the Payment of Arrears of Principal and Interest by the Appointment of a Receiver, and the Amount of Debt necessary to authorize a Requisition for a Receiver shall be Ten thousand Pounds.

Receiver for Mortgagees.

XXX. And be it enacted, That all Monies payable to the Company shall be paid to and received by the Treasurer or Bankers for the Time being of the Company, and their respective Receipts in Writing shall be sufficient Discharges for such Monies, and the Treasurer shall duly enter and account for such Monies as are paid to him in the proper Books of the Company, and forthwith pay such Monies to the Bankers, to the Credit of the Company; and such Monies shall be withdrawn from the Hands of the Bankers only by Check or other written Authority, signed by at least Two Directors, and countersigned by the Secretary.

Monies to be paid to Treasurer, &c., and Payments to be made by Clerks on written Orders.

XXXI. And be it enacted, That when any Money is payable to any Shareholder, being a Minor, or Idiot, Lunatic, or Non compos mentis, the Receipt of the Guardian of such Minor, or of the Committee of such Idiot, Lunatic, or Person non compos mentis, shall be a sufficient Discharge to the Company for such Money.

Receipts of Guardians of Infants and Committees of Lunatics.

XXXII. And be it enacted, That if any Person against whom the Company has any Claim or Demand becomes subject, either voluntarily or involuntarily, to the Operation of any Act relating to Insolvent Debtors, the Secretary or Treasurer may, in all Proceedings against the Estate of such Person, represent the Company and act in their Behalf in all respects as if such Claim or Demand had been the Claim or Demand of the Secretary or Treasurer, and not of the Company.

Provision for some Cases of Insolvency.

XXXIII. And

Newspapers
for Notices.

XXXIII. And be it enacted, That the Newspapers in which Notices shall be advertised shall, except as by this Act otherwise provided, be such Two Newspapers as the Directors from Time to Time think fit.

Provisions
of general
Drainage
Act to apply
to this Act.

XXXIV. And whereas a Bill is now pending in Parliament for promoting the Advance of private Money for Drainage of Lands in *Great Britain*: Be it therefore enacted, That if any Act for promoting the Advance of Money for Drainage of Lands in *Great Britain*, or for authorizing the Advance of private Money for draining Lands in *Great Britain*, pass into a Law during the present Session of Parliament, all Charges on the Lands improved by Drainage made in favour of the Company in respect of Monies advanced by them for the Drainage of such Lands, and to which Advances the Provisions of such Act are applicable, shall be made according to the Provisions of such Act, instead of according to the Provisions of this Act, and the Provisions of this Act authorizing the Company to make Advances for the Drainage of Lands, and authorizing Charges for securing such Advances to be made, shall, so far only as the making of such Advances and Charges respectively is provided for by such Act, be void and of none Effect, but in all other respects the Powers and Provisions of this Act shall have full Force and Effect, and the Company may accordingly make any Advances of Money for the Drainage of Lands in *Great Britain*, under the Authority and according to the Provisions of such Act.

Company
may contract
with public
Bodies for
executing
Works.

XXXV. And be it enacted, That the Company may from Time to Time enter, with any Commissioners of Sewers, Local Board of Health, Corporation, Trustees, or other Body having under any Act Authority to make Contracts for any Improvements or Works, into any Contract for the Execution by the Company of any such Improvements or Works, and may execute the same accordingly.

Certain Pro-
visions of the
general Acts
relating to
the Inclosure
Commis-
sioners to
extend to
Proceedings,
&c. under
this Act.

XXXVI. And be it enacted, That all the Provisions of the Act of the Ninth and Tenth Years of the Queen, 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 of any and every other Act for the Time being in force relating to the Commissioners, concerning or auxiliary to the Proceedings and Inquiries of the Commissioners under the Authority of such Acts or any of them, and the Authentication of Instruments, shall extend and be applicable to their Proceedings and Inquiries, and the Authentication of Instruments under this Act, in the same Manner as if the Powers by this Act vested in the Commissioners were Powers vested in them by such Act of the Ninth and Tenth Years of the Queen, except as in this Act otherwise provided: Provided always, that the Commissioners shall not for the Purposes of this Act be authorized by Summons or otherwise to compel the Attendance of any Witness.

Assistant
Commis-
sioner may
take Decla-
rations and
examine
Witnesses.

XXXVII. And be it enacted, That every Assistant Commissioner and Engineer acting by the Authority and in the Execution of this Act may receive Declarations, and examine upon Declaration all such Persons as voluntarily attend before him in the Matter of any Inquiry or Proceeding under the Authority of this Act.

XXXVIII. And

XXXVIII. And be it enacted, That the Word "Landowner" in this Act shall mean such Person as under the Act of the Eighth and Ninth Years of the Queen, for facilitating the Inclosure and Improvement of Commons, would be deemed for the Purposes of that Act a Person interested in Land subject to be inclosed under that Act, and shall, with respect to a Landowner who has entered into any Contract with the Company, include all Parties claiming or interested under him as Privies in Contract.

As to the Meaning of the Word "Landowner."

XXXIX. And be it enacted, That whenever any Landowner is an Infant, Lunatic, Idiot, or Feme Covert, or under any other legal Disability, or beyond Seas, the Guardian, Trustee, Committee of the Estate, Husband, or Attorney, or in default thereof such Person as is nominated for that Purpose by the Commissioners, and whom they are hereby empowered, on the Application of any Person in any way interested, to nominate under their Seal, shall for the Purposes of this Act be deemed the Landowner: Provided always, that the Instrument by which any such Nomination is made shall be deposited in the Office of the Commissioners, and a Copy thereof, authenticated by the Signature of a Witness, shall be delivered by the Commissioners to the Company, on their Application for the same.

In case of Disability of Landowner, Inclosure Commissioners to name Substitute.

XL. And be it enacted, That any Landowner may, by a Power of Attorney given in Writing under his Hand, appoint any Person to be an Agent to act for him for the Purposes of this Act, and all Things which by this Act shall or may be done by or with relation to any such Landowner may be done by or with relation to the Agent so duly authorized of such Landowner, and every such Agent shall have full Power, in the Name and on behalf of his Principal, to act in all respects for the Purposes of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent acts, or a Copy thereof, authenticated by the Signature of a Witness, shall be deposited in the Office of the Commissioners; and any such Power of Attorney may be in the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Attornies may be appointed by Persons interested.

XLI. And be it enacted, That the Commissioners may from Time to Time frame or sanction, and, at the Expense of the Company, cause to be printed and circulated, as the Commissioners see Occasion, Forms indicating the Particulars of the Information to be furnished to the Commissioners for the Purposes of this Act by Landowners, and such other Forms as the Commissioners deem expedient for facilitating Proceedings under this Act.

Inclosure Commissioners to frame Forms of Applications, &c.

XLII. And be it enacted, That, subject to the Provisions of this Act, any Landowner may enter into any provisional Contract with the Company for the Improvement by the Company of the Land in which he is interested, or any Part thereof, and for the Execution by the Company of such Works as may be thought proper for such Improvement, and may from Time to Time enter into any Contract, supplemental Contract, or provisional supplemental Contract, with the

Power for Landowners to contract with Company for the Improvement of the Land.

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Company,

Company, with reference to such Improvement, or any additional or other Improvement, and the Works thought proper for such additional or other Improvement; and such Landowner and the Company or other the Privies in Contract may from Time to Time alter or rescind any such provisional Contract, Contract, supplemental Contract, or provisional supplemental Contract.

Landowner may make Application to the Inclosure Commissioners to sanction proposed Improvement.

XLIII. And be it enacted, That when any Landowner has entered into any provisional Contract with the Company for the Improvement by the Company of any Land in which he is interested, such Landowner or the Company may make Application to the Commissioners to sanction the proposed Improvements; and such Application shall contain such Particulars of the Land proposed to be improved, the proposed Manner of effecting such Improvements, the estimated Expense of effecting the same, and the estimated Increase of the Value of such Land to be produced by such Improvements, 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 or claimed by the Applicant in the Land to which such Application relates.

Inclosure Commissioners may require Security for Expenses of Investigation, &c.

XLIV. And be it enacted, That the Commissioners may require Security, by Bond or otherwise, to be given, in such Form as they think fit, by the Landowner making the Application, or by the Company, for the Payment to the Commissioners of such Sum as the Commissioners shall, as by this Act provided, order to be paid in respect of the Investigation on such Application, and (if they shall issue a Provisional Order) of the Expenses of inspecting and ascertaining the due Execution of the Works; and, unless the Commissioners otherwise direct, such Payment shall be made by such Landowner or by the Company, and shall not be a Charge on the Land to which such Application relates; and the Commissioners may require such Expenses to be repaid before they make an Absolute Order under the Provisions of this Act.

Inspection of Lands to be made by an Assistant Commissioner or Engineer, who shall report his Opinion on the same.

XLV. And be it enacted, That the Commissioners, if they think fit (having regard to the Statements contained in the Application) to entertain the Application, shall cause the Land, and the Plan, Estimate, and Specification of the proposed Improvement, to be inspected and examined by an Assistant Commissioner or an Engineer, who shall report his Opinion thereon, and on the Statements contained in the Application; and if he be of opinion that the proposed Improvement will effect an Improvement in the yearly Value of the Land which will exceed the yearly Amount proposed to be charged thereon under this Act in respect of the Expenses of the Improvement applied for, and that the Improvement 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 the Duplicate thereof; and the Commissioners may make such other Inquiries in relation to any such Application as they think fit.

Inclosure Commissioners, if

XLVI. And be it enacted, That if the Commissioners are of opinion that the proposed Improvements, or any Part thereof, would effect a durable

durable Improvement in the yearly Value of the Lands proposed to be improved, or any Part thereof, which will exceed the yearly Amount proposed to be charged thereon under this Act in respect of the Expenses of the Improvement applied for, the Commissioners, by Order under their Seal, shall sanction the proposed Improvements, or such Part thereof as they think expedient, and shall set forth, either expressly, or by reference to the Provisional Contract with the Company for the Execution of the proposed Improvements, and the Report thereon, or either of them, or otherwise as the Commissioners think fit, the Terms and Conditions on which the proposed Improvements, or the Part thereof sanctioned by them, should be executed; and after such Sanction is so given the Provisional Contract, if conforming to the Terms and Conditions of such Sanction, shall become an absolute Contract, or if not so conforming may be modified so as to conform to such Terms and Conditions, and when so modified shall be an absolute Contract, and any such absolute Contract may be carried into effect accordingly.

satisfied,
 to sanction
 by Order the
 proposed
 Improve-
 ment.

XLVII. And be it enacted, That in every Case in which the Application is for the Sanction of the Commissioners to an Improvement which would divert or otherwise interfere with any navigable or other River, Canal, or other Watercourse, or any Waterworks respectively, vested in or under the Management or Control of any Commissioners, Trustees, Company, or other Body, or the Banks or other Works or Conveniences thereof, or would occasion the Flow or Discharge into such River, Canal, Watercourse, or Waterworks of any Drainage or other Matter, the Assistant Commissioner or Engineer shall direct the Company to give and the Company shall give Notice in Writing of such Application to such Commissioners, Trustees, Company, or other Body, and the Assistant Commissioner or Engineer shall not report on such Application until such Notice is given, and the Commissioners shall not sanction the proposed Improvement within Twenty-one Days next after the giving of such Notice; and in case such Commissioners, Trustees, Company, or other Body, within such Twenty-one Days, signify in Writing to the Commissioners their Dissent from such Application, and state the Nature of their Interest in or Authority over such River, Canal, Watercourse, or Waterworks, the Commissioners shall certify such Dissent to the Landowner by whom the Application was made, and also to the Company, and shall not sanction the Improvement, unless or until such Dissent be withdrawn, or an Order is made by the High Court of Chancery in manner by this Act provided authorizing the Commissioners to sanction the Improvement.

Notice of
 Application
 to be given
 to Canal
 Companies,
 &c.

XLVIII. And be it enacted, That when any Landowner has entered into any provisional Contract with the Company for the Improvement of any Land, and the Sanction of the Commissioners to the proposed Improvement, or any Part thereof, has been obtained, such Landowner and the Company or other the Privies in Contract may from Time to Time thereafter make Application to the Commissioners to sanction, with respect to such Land or any Part thereof, any Improvement additional to or other than the Improvement so sanctioned; and the Commissioners may, if they think fit, and after such

Application
 to the In-
 closure
 Commis-
 sioners to
 sanction
 additional
 Improve-
 ments.

such further Inquiries, if any, as they think fit, sanction such proposed additional or other Improvement, or any Part thereof, as in the Case of an original Application for the Sanction of the Commissioners to a proposed Improvement.

Inclosure
Commissioners may, by
Provisional
Order, de-
clare that the
Inheritance
of Lands
improved
ought to be
charged with
the Expense
of the Im-
provements.
Form of
Provisional
Order in
Schedule
(B.)

XLIX. And be it enacted, That when the Landowner is, before the Commencement or during the Progress of the Improvements, desirous that the Inheritance of the Lands to be improved should be charged, the Commissioners on the Application of such Landowner or of the Company may, by Provisional Order under the Seal of the Commissioners, made according to the Form in the Schedule (B.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit, and to be delivered to the Company, declare that it is right and proper, and for the Benefit of the Parties having any Estate or Interest in such Lands, that the Monies paid and to be paid for the Execution of such Improvements, and for the Costs, Charges, and Expenses properly incurred preparatory to, for, in relation to, and consequent on the Contract respectively, or such Part of such Monies as the Commissioners (having regard to the Amount by which they are of opinion that the yearly Value of such Lands will be durably increased by such Improvements) think reasonable, and by such Provisional Order declare shall be charged upon the Inheritance of such Lands, or of some sufficient Part thereof in or by such Order specified.

Provisional
Order not to
be made till
Notice of
Application
has been
given by Ad-
vertisement.

L. And be it enacted, That the Commissioners shall not make such Provisional Order until Notice has been given of the Application for the same by Advertisement published in Two successive Weeks in some Newspaper circulating in the County or District in which the Land proposed to be improved lies, and Two Months have elapsed from the Publication of the Second of such Advertisements; and in case any Person having any Estate in or Charge on such Land, within such Two Months, signify in Writing to the Commissioners his Dissent from such Application, and state to the Commissioners the Nature of his Estate or Charge, if any, in or on such Land, the Commissioners shall certify such Dissent to the Landowner by whom the Application was made, and also to the Company, and shall not make such Provisional Order, unless or until such Dissent be withdrawn, or an Order is made by the High Court of Chancery in manner by this Act provided authorizing the Commissioners to make such Provisional Order: Provided always, that in any Case in which the Company have received Notice that the Land proposed to be improved, or any Part thereof, is subject to any Mortgage or other Incumbrance, Notice in Writing of such Application, in addition to such Notice by Advertisement, shall, within Ten Days next before the Publication of the Second of such Advertisements, be given by the Company to the Person or one of the Persons entitled to or claiming the Benefit of such Mortgage or other Incumbrance, or in case of the Absence of such Person from the United Kingdom of *Great Britain and Ireland*, or of his legal Incapacity, then to his Agent, Husband, Guardian, Committee, or Trustee, as the Case may be.

LI. And

LI. And be it enacted, That when the Land to which the Application for a Provisional Order relates is Land held in right of any Church, Chapel, or other ecclesiastical Benefice, the Commissioners shall not proceed thereon unless the Bishop of the Diocese and the Patron of such Benefice consent in Writing to such Application.

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

LII. And be it enacted, That in case any Landowner is desirous of proceeding to procure the Sanction of the Commissioners to the proposed Improvement, or, as the Case may be, a Provisional Order after any such Dissent from his Application is signified to the Commissioners, such Landowner or the Company may apply to the High Court of Chancery, by Petition to the Lord High Chancellor or the Master of the Rolls, praying that the Commissioners may be authorized to sanction the proposed Improvement, or, as the Case may be, to make the Provisional Order pursuant to his Application; and thereupon the Court shall, without requiring the Attendance of any Counsel or Solicitor, refer it to One of the Masters of the Court 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 would be beneficial to all Persons interested in the Land to which such Application relates, or, as the Case may be, would be without Prejudice to any such River, Canal, Watercourse, or Waterworks, that such Sanction should be given or such Provisional Order should be made; and the Party who has so dissented shall be served with due Notice of such Order being made, and shall be at liberty to attend the Proceedings; and the Report made pursuant to such Order shall be filed in the proper Office of the Court; and if any Petition be not presented to the Court within Fourteen Days after the filing thereof, praying that such Report may not be confirmed, or that the same may be reviewed, the Court may, upon the Presentation of a Petition for that Purpose, and without the Attendance of any Counsel or Solicitor, make an Order to confirm such Report absolutely, and also (in case the Master have reported that in his Opinion, having regard to the Interests of all Persons interested in the Land, or, as the Case may be, to the probable Effect of the proposed Improvements on such River, Canal, Watercourse, or Waterworks, it would be proper that such Sanction should be given or such Provisional Order should be procured,) may order the Commissioners to sanction the proposed Improvement, or, as the Case may be, to make such Provisional Order; and in case any such special Petition be presented within such Time, praying that such Report may not be confirmed, or that the same may be reviewed, the Court may either make such Order, or may refuse to confirm the same, or may refer it back to the Master to review his Report; and the Court may (if in its Opinion the Case require the same) receive further Evidence previous to making any Order upon such Petition; and for the Purpose of regulating and simplifying such Proceedings upon such Applications to the Court, and rendering the same inexpensive, the Lord High Chancellor, with the Assistance of the Master of the Rolls, may from Time to Time make such Orders and Provisions relative to such Proceedings as they think proper.

In case of Dissent the Landowner or the Company may apply to the Court of Chancery.

Copy of every Petition under this Act to be served on Persons dissenting, Fourteen Days before Hearing, and Costs to be in Discretion of the Court.

LIII. 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 has signified his Dissent from the Application to the Commissioners to which such Petition relates, or if such Person be out of *England*, then upon such Person as the Court appoints for that Purpose; and the Court 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 has signified such Dissent, if his Dissent appear to the Court vexatious or improper, or to be paid as the Court thinks fit.

Order of Court unnecessary where Dissent is not signified in due Time, or withdrawn.

LIV. Provided always, and be it enacted, That it shall not in any Case be necessary for any Landowner or the Company to obtain or apply for an Order of Court on the Commissioners to sanction the proposed Improvement, to make the Provisional Order, in case such Notice by Advertisement or otherwise as by this Act required has been given, and any such Dissent has not been signified within the Time and in manner by this Act provided, or in case such Dissent has been withdrawn.

Saving Rights of Guardians, &c.

LV. And be it enacted, That all Husbands, Guardians, and Committees, on behalf of married Women, Infants, Minors, Lunatics, and Idiots, and all Feoffees and Trustees, Executors and Administrators, shall respectively have the same Rights and Powers of making Applications and signifying Dissents, and taking other Proceedings under this Act, as such married Women, Infants, Minors, Lunatics, and Idiots respectively would have if free from Disability, or as such Feoffees or Trustees, Executors and Administrators respectively would have if the Estates, Charges, or Interests of which they are such Feoffees or Trustees, or which are vested in them as such Executors or Administrators, were vested in them in their own Right; but any such Guardian, Committee, Feoffee, Trustee, Executor, or Administrator shall not be in anywise concerned or obliged to signify a Dissent to any Application under this Act, or be in anywise responsible for the Consequences of such Application, or of any Charge made in pursuance thereof.

Inclosure Commissioners may by Absolute Order in Form of Schedule (C.) declare that the Inheritance of Lands improved is charged with Expense of Improvements.

LVI. And be it enacted, That when the Landowner has obtained a Provisional Order for charging the Lands to be improved, and is, during the Progress or after the Completion of the Improvements, desirous that the Inheritance of such Lands, or some Part thereof, should be charged with the Expense of executing the Improvements, the Commissioners, on the Application of such Landowner or of the Company may, by Absolute Order under the Seal of the Commissioners, made according to the Form in the Schedule (C.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit, and to be delivered by the Commissioners to the Company on their Application for the same, declare that the Inheritance of such Lands, or of some sufficient Part thereof in or by such Order specified, is absolutely charged with the Money paid for the Execution of the Improvements, or such Part of such Money as the Commissioners think has been properly expended, or, having regard to
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the Amount by which they are of opinion that the yearly Value of the Lands will durably exceed the yearly Amount proposed to be charged thereon under this Act in respect of the Expenses of the Improvement, think reasonable, and by such Absolute Order appoint: Provided always, that such Order shall be duly stamped for denoting Payment of the full and proper *ad valorem* Stamp Duty which would be payable on a Mortgage for securing the like Amount.

LVII. And be it enacted, That when the Landowner is desirous that the Inheritance of the Lands to be improved should be charged with the Expenses of the Contracts, the Commissioners, on the Application of such Landowner or of the Company, may, by the Absolute Order or the last Absolute Order, ascertain and certify the Amount of the Costs, Charges, and Expenses properly incurred preparatory to, for, in relation to, and consequent on the Contract and the Application to the Commissioners, and declare that the Inheritance of such Lands, or of some sufficient Part thereof in or by such Order specified, is absolutely charged with such Amount, or with such Part thereof as the Commissioners think fit, and by such Order appoint.

Inclosure Commissioners may by Absolute Order declare that the Inheritance of Lands improved is charged with Expense of Contracts.

LVIII. And be it enacted, That in case any Absolute Order be made before the whole of the Improvements are executed, the Commissioners, from Time to Time, on the Application of the Landowner or of the Company, may, in manner by this Act provided with respect to the Absolute Order, make any further Absolute Order, declaring the Inheritance of the Lands to be improved charged with any further Part of the Money paid for the Execution of the Improvements.

Inclosure Commissioners may make more than One Absolute Order as the Works proceed.

LIX. And be it enacted, That the Commissioners shall, if and as they see Occasion, cause the Works to which such Provisional Order relates to be inspected by a Commissioner, an Assistant Commissioner, or an Engineer, to ascertain the due Execution of such Works, and he may require the Production of such Vouchers, Bills of Account, and other Documents as may enable him to ascertain such due Execution, and the Amount of the Expense actually incurred in the Execution of such Works.

Inclosure Commissioners to cause Works to be inspected by Assistant Commissioner, &c.

LX. Provided always, and be it enacted, That the total Amount of the Monies by the Provisional Order provisionally charged, or by the Absolute Order charged, on the Lands improved by Drainage or erecting Farm or other Buildings, or any Part thereof, shall not in any Case exceed the Amount by which in the Opinion of the Commissioners the Inheritance of the Lands improved is or will be durably benefited by the Execution of the Improvements: Provided also, that the Charge shall be by way of Annuity or other periodical Payment the Duration of which shall not exceed such a Number of Years, but not (unless with the Consent of the Landowner and the Company) less than Twenty-two Years, nor in any Case more than Fifty Years, as the Commissioners think right, nor as regards Farm or other Buildings more than Thirty-one Years.

Total Charge not to exceed the Value of the durable Improvements.

LXI. And

Company may be authorized by Landowners to act for them in obtaining Provisional and Absolute Orders.

LXI. And be it enacted, That any Landowner desirous of charging the Inheritance may, by any Contract with the Company, authorize the Company to take all proper Steps for obtaining the Provisional Order and Absolute Order respectively for charging the Inheritance; and in every such Case such Contract shall be valid and binding, and the Company may, in pursuance thereof, take such Steps accordingly; and the Commissioners shall, on such Evidence of such Contract as they think sufficient, regard the Company as the duly authorized Agent of such Owner, and make such Orders respectively accordingly.

Company to have a Charge on the Lands for the Principal Money charged and Interest.

LXII. And be it enacted, That from and after the Time when the Inheritance of any Land is in pursuance of this Act declared to be charged with any Money, the Company shall be entitled to and shall have from the Date of the Absolute Order a Lien and Charge upon such Lands for the Money by the Absolute Order declared to be charged, with such Interest as is contracted for, or if there be not any Contract as to the Interest, with lawful Interest thereon; and such Lands shall thenceforth be and continue liable to the Payment of such Money and Interest; and such Lien and Charge shall have Priority over every other then existing and future Charge and Incumbrance whatsoever upon or affecting such Lands, except Quit Rents or Chief Rents incident to Tenure, and Tithe Commutation Rent-charges, and any Charges created or to be created under any Act authorizing Advances of public Money for Drainage respectively, if any: Provided always, that every such Charge shall be redeemable on Payment of all Principal Money, Interest, and Costs: Provided also, that in any Case in which a Part only of the Land charged is subject to a Mortgage or other Incumbrance, the Lien and Charge shall have such Priority over the Mortgage or other Incumbrance only to the Extent of a due Proportion (to be by the Commissioners ascertained and apportioned as by this Act provided) of such Lien and Charge.

Charge not to preclude Trustees from investing Money in Purchase or on Mortgage of Land charged.

LXIII. And be it enacted, That any Charge on Land by virtue of this Act 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 expressly provide that the Land so purchased or taken in Mortgage be not subject to any Charge under this Act, or under any Act authorizing Advances of public Money for Drainage.

Absolute Orders to be absolute Evidence of the Validity of Charges.

LXIV. And be it enacted, That the Absolute Order shall be both at Law and in Equity conclusive Evidence to all Intents and Purposes of the Contract to which such Absolute Order relates having been duly entered into by the proper Parties, and of all Acts and Proceedings by this Act directed with reference to or consequent on such Contract having been duly had and done, and of such Absolute Order having been duly made, and of the Charge appearing by such Absolute Order being a valid Charge under this Act on the Inheritance

heritance of the Lands appearing to be subject thereto, and of all other Matters necessary to show the Validity of such Charge, anything in this Act, or any Law, or Rule of Law or Equity, or any Fact or Notice, to the contrary thereof respectively notwithstanding.

LXV. And be it enacted, That at any Time or Times after the Commencement of the Charge the Company, by their Receiver or Agent in that Behalf authorized under their Common Seal, or in case of their assigning the Charge the Assignee thereof, his Executors, Administrators, or Assigns, by himself or themselves, or his or their respective Receiver or Agent, may enter upon the Lands the Inheritance whereof is charged, and receive and take the Rents and Profits of such Lands until the Principal Money and Interest charged, and all Costs, Damages, and Expenses incurred by or in respect of such Entry or Receipt, or in consequence of the Non-payment of such Principal Money and Interest, or any Part thereof, be thereby or otherwise fully paid or satisfied.

Power for Company, &c. to recover Charges by Distress and Entry.

LXVI. And be it enacted, That in every Case in which a Landowner advances to the Company the Money to be charged on the Inheritance of the Lands of which he is the Landowner, the Company shall, from the Commencement of the Charge, and in every Case in which a Landowner within Twelve Months after the Commencement of the Charge on the Lands of which he is the Landowner, and after not less than One Month's Notice in Writing to the Company, pays or tenders to the Company the Amount of all Principal Money for the Time being secured by the Charge, with the Interest (if any) and Costs (if any) due thereon, the Company shall from the making of such Payment or Tender be a Trustee for such Landowner, his Executors, Administrators, and Assigns, of the Charge, and shall when thereunto required, and at his or their Expense, assign the Charge unto him or them for his or their absolute Benefit, or unto such other Person as he or they appoint.

Power for Landowner to require the Company to assign Charges to them on Payment of Amount secured.

LXVII. And be it enacted, That every Assignment by the Company of a Charge shall be by Deed under the Common Seal of the Company, and under the Hands of Three of the Directors of the Company, and duly stamped, and wherein the Consideration is truly stated, and may be according to the Form in the Schedule (D.) to this Act annexed, or to the like Effect; and all Assignments made in such Form, or as near thereto as the Circumstances of the Case will admit, shall be effectual to vest, both at Law and in Equity, the Charge thereby assigned, and all the Powers, Authorities, Rights, and Remedies of the Company with reference to such Charge, in the Assignee, his Successors, Executors, Administrators, and Assigns respectively.

Form and Effect of Assignments by Company of Charges.

LXVIII. And be it enacted, That for better evidencing the Existence of and securing any Charge on the Inheritance, the Company, when entitled to such Charge, or the Person to whom the Company have assigned such Charge, their or his Successors, Executors, Administrators, or Assigns, when respectively entitled to such Charge, may by Deed under the Common Seal or Hand and Seal

Power to mortgage the Lands charged for securing the Charge.

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of the Company or such Assignee, Successors, Executors, Administrators, or Assigns, duly stamped, and wherein the Consideration is truly stated, and with the Consent of the Landowner of the Land charged, demise the Lands charged, or on any Part thereof, to themselves respectively, or to such other Person as the Company and such Assignee, Successors, Executors, Administrators, or Assigns respectively think fit, for any Term of Years, by way of Mortgage, for securing such Charge, and such Mortgage may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect; and all Mortgages made in such Form, or as near thereto as the Circumstances of the Case will admit, shall be effectual to vest the Lands thereby demised for the Term of Years therein expressed in, and for securing the Principal Money and Interest therein mentioned to, the Mortgagee, their or his Successors, Executors, Administrators, and Assigns respectively, and every such Term shall have like Priority over the other Estates, Rights, and Interests in and Charges on the Land comprised therein as the Charge by such Term secured.

Landowner may raise the Amount charged under any general Drainage Loan Acts, or by Mortgage.

LXIX. And be it enacted, That the Landowner of any Land of which the Inheritance is charged shall, for the Purpose of paying to the Company or their Assigns the Principal Money charged, and notwithstanding the Improvements are completed, and as if they were only in contemplation, have Power to raise such Money, either by Mortgage, or under the Provisions of the Act of the Eighth and Ninth Years of the Queen, for enabling Owners of settled Estates to defray Expenses of Draining by Mortgage.

Absolute Orders and Certificates indorsed for that Purpose to have Effect of Master's Certificate under 8 & 9 Vict. c. 56.

LXX. And be it enacted, That in case any Landowner by this Act authorized to raise Monies under the Act of the Eighth and Ninth Years of the Queen, for enabling Owners of settled Estates to defray Expenses of Draining by Mortgage, desire to raise Monies under such Act, and indorse upon the Absolute Order a Declaration in Writing of his Desire to raise the Amount of the Charge appearing thereby respectively, the Absolute Order so indorsed shall have the Effect of the Certificate of a Master, as in such Act expressed; and the Absolute Order so indorsed, if and when delivered to any Person advancing such Monies, shall be legal Evidence of the Title to such Monies; and such Monies shall bear such Interest and be repaid by such Persons respectively as by such Act provided with regard to the Monies advanced on the Certificate of a Master, except that the Monies so advanced under this Act shall, with the Interest thereof, be repaid by Twenty-five annual Payments after the Rate of Six Pounds Ten Shillings in respect of every One hundred Pounds of such Monies, and be payable by equal half-yearly Payments, the first thereof being made on the Expiration of Six Months next after such Advance.

Charges and Mortgages under this Act to be first Charges on the Inhe-

LXXI. And be it enacted, That every Charge on and Mortgage of any Lands respectively created or made by or under this Act shall be the first Charge and Incumbrance on the Inheritance in Fee Simple or the Customary Inheritance in Fee Simple of such Lands, and shall accordingly have Priority over and be preferred to

to all other Liens, Charges, and Incumbrances, except Chief Rents and Quit Rents incident to Tenure, and Tithe Commutation Rent-charges, and Charges created or to be created under any Act authorizing Advances of public Money for Drainage respectively, if any.

ritance, except as regards Chief Rents, &c.

LXXII. And be it enacted, That every Charge on Land by virtue of this Act may be recovered by the Company, or the Person for the Time being entitled to the same, by the same Means and in 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 for the Commutation of Tithes in *England* and *Wales* would be recoverable, and as if such Charge by virtue of this Act were a Rent-charge in lieu of Tithes made payable to the Company, or such Person, under that Act.

Charges recoverable as Rent-charges in lieu of Tithes.

LXXIII. And be it enacted, That the Production of the Absolute Order, and of any Mortgage purporting and appearing to be made according to the Provisions of this Act for securing the Charge appearing by such Absolute Order, and Proof of the Execution of such Mortgage, shall be, both at Law and in Equity, conclusive Evidence to all Intents and Purposes of the Right of the Person who executed such Mortgage to execute the same, and of such Mortgage being a valid Mortgage under this Act for securing such Charge of the Lands appearing to be thereby mortgaged, and of all other Matters necessary to show the Validity of such Mortgage, anything in this Act, or any Law, or Rule of Law or Equity, or any Fact or Notice, to the contrary thereof respectively notwithstanding.

Evidence of Validity of Mortgages.

LXXIV. And be it enacted, That Registers of the Provisional Orders and Absolute Orders, and Charges on the Inheritance of Lands, and of Assignments by the Company of such Charges, and of Mortgages by the Company for securing such Charges, and of Assignments by the Company of such Mortgages, shall be kept by the Secretary; and such Registers may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Company, or by any Person interested in any Lands charged, or provisionally charged, or in any Charge, without Fee or Reward; and such of the Clauses and Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by the Company on Mortgage or Bond, as apply to Registers of Mortgages and Bonds, and of Transfers thereof, apply to the Registers to be so kept.

Registers of Charges, &c. to be kept by the Company.

LXXV. And be it enacted, That all the Provisions of such Act of the Eighth and Ninth Years of the Queen, for facilitating the Inclosure of Commons, or any Act amending or extending the same, concerning or auxiliary to the Proceedings and Inquiries of the Commissioners and Assistant Commissioners respectively under the Authority of such Act or Acts, and the Authentication of Instruments, shall, except as by this Act otherwise provided, extend and be applicable to their respective Proceedings, and the Authentication of Instruments under this Act, as if the Powers by this Act vested in the Commissioners and Assistant Commissioners respectively

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

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were Powers vested in them respectively by such Act or Acts; and all Notices by such Act or Acts or this Act directed or authorized to be given by the Commissioners, or any Assistant Commissioner, or Engineer, may be given by the Secretary of the Commissioners, or any Person authorized in that Behalf by the Commissioners: Provided always, that nothing in this Act contained shall authorize the Commissioners, or any Assistant Commissioner, or Engineer, to administer an Oath.

Inclosure
Commis-
sioners may
exercise
Powers given
to Assistant
Commis-
sioners;

LXXVI. And be it enacted, That any One or more of the Commissioners may, if the Commissioners think fit, exercise any of the Powers by this Act given, whether expressly or by Implication, to Assistant Commissioners, and for such Purpose the Expression "Assistant Commissioners" in this Act shall include the Commissioners.

and may dele-
gate Powers
to Assistant
Commis-
sioners.

LXXVII. And be it enacted, That the Commissioners may from Time to Time delegate to any Assistant Commissioner or Engineer such of the Powers by this Act given to the Commissioners, except the Powers of appointing Assistant Commissioners and Engineers, and of doing such Acts as are by this Act required to be done under the Seal of the Commissioners, as the Commissioners think fit; and the Powers so delegated shall be exercised under such Regulations as the Commissioners direct; and the Assistant Commissioner or Engineer so delegated shall, subject to such Regulations, have all such Powers necessary to his performing his Duties under this Act as are by this Act given by Implication or otherwise to the Commissioners; and the Commissioners may at any Time recall or alter all or any of the Powers so delegated, and, notwithstanding the Delegation, may act as if the Delegation had not been made; and all Acts done by any such Assistant Commissioner or Engineer, in pursuance of and in accordance with the Delegation, shall be as valid and be obeyed by all Persons as if they had been done by the Commissioners; and for the Purpose of giving Effect to such Delegations the Word "Commissioners" in this Act shall include Assistant Commissioner and Engineer.

Parties
interested in
neighbour-
ing Lands
may sell, and
grant Ease-
ments, &c.
therein.

LXXVIII. And be it enacted, That, under the Provisions of the "Lands Clauses Consolidation Act, 1845," all Parties, being within the Meaning of this Act Landowners of any Lands adjoining or near to the Land improved or proposed to be improved, or being by any of such Provisions enabled to sell and dispose of such Lands so adjoining or near, or any Estate or Interest therein, may for the Purposes of the Improvements sell and convey or grant any Easement, Authority, or Right in, through, over, or affecting such Lands so adjoining or near, and any such Easement, Authority, or Right so sold and conveyed or granted shall thereupon become and thenceforth be appurtenant to the Lands improved, or intended so to be, and with reference to the Improvement whereof the same was purchased, and also may make any Agreement with the Company, or the other Party to the Contract for such Improvement, or their respective Agents, with reference to entering on, cutting through or into, or prejudicially affecting such Lands so adjoining or near; and every such

Sale, Conveyance, Grant, and Agreement shall be valid and effectual accordingly.

LXXIX. And be it enacted, That, subject to the Provisions of this Act, the Company, and their Engineers, Surveyors, Contractors, Servants, Workmen, and Agents, may, for the Purpose of preparing for or executing any Contract, enter upon the Lands to be improved, and any Lands so adjoining or near, and, after obtaining the Sanction of the Commissioners, execute in and upon the same all the Improvements contracted for, and do, execute, and use all such Acts, Works, and Conveniences as are proper for making, maintaining, and using such Improvements, without the Consent of any Person entitled to any Estate or Interest in such Lands so adjoining or near: Provided always, that the Company shall not, otherwise than with the Consent of the Owners and Occupiers of such Lands so adjoining or near, enter upon such Lands, without having previously obtained the Sanction in that Behalf of the Commissioners.

Company may, for executing Improvements, enter on Lands to be improved, &c.

LXXX. Provided also, and be it enacted, That the Company shall not, otherwise than by Agreement, enter upon, cut through or into, or prejudicially affect the Lands of any Person, other than the Landowner, Party to the Contract, for any other Purpose than that of cutting, making, or maintaining any Work for the Purpose of a needful Outfall or other Watercourse or Embankment, or incident thereto respectively, or enter upon, cut through or into, or prejudicially affect any House or Building erected before the making of the provisional Contract, or any Ground at that Time used as a Garden, Yard, Pleasure Ground, planted Walk or Avenue to any Dwelling House.

Restriction on Company as to entering on Lands not of the Party to the Contract, or Gardens, &c.

LXXXI. Provided always, and be it enacted, That the Company, before entering upon, cutting through or into, or prejudicially affecting any Lands, other than the Lands of which the Landowner, Party to the Contract, is the Landowner, shall give Notice thereof according to the Provisions of the "Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement; and in case any Person to whom any such Notice is given signifies to the Commissioners, within Twenty-one Days after the Service of such Notice, his Dissent from the Entry by the Company on his Lands, the Commissioners shall consider his Objections to such Entry, and may thereupon, as they think right, give or withhold their Sanction to such Entry, either unconditionally or on such Terms and Conditions as they think right.

Company, before entering on Lands, to give Notice.

LXXXII. And be it enacted, That the Company may in the Execution of the Improvements make such Alterations and Deviations of and from the original Plans for the same as are by the Commissioners thought proper: Provided always, that if such Alteration or Deviation be made in or affect the Lands of any Person, not being a Party to the Contract, such Alteration or Deviation be with the Consent of some Person by this Act enabled to sell and convey or grant Easements therein.

Company may deviate from original Plans, but not in adjacent Lands, without Consent.

Company to
make Com-
pensation for
Damage to
Lands.

LXXXIII. Provided always, and be it enacted, That in the Exercise of the Powers by this Act granted the Company shall do as little Damage as can be, and shall make full Satisfaction, as by the Provisions of the Lands Clauses Consolidation Act, 1845, provided, for all Damage, whether permanent, temporary, or recurring, done to the Lands of any Person, not being a Landowner, Party to the Contract, for the Lands entered upon, cut through or into, or prejudicially affected for or by the Execution of the Improvements.

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

LXXXIV. And be it enacted, That every Landowner on whose Application a Charge has been made under this Act, and every succeeding Tenant for Life, Tenant in Tail, and 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 yearly or other periodical Payments of such Charge which become payable during the Continuance of his Interest, and, in case he 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 yearly or other periodical Payment of such Charge which becomes due next after the Termination of his Interest proportioned to the Time which elapsed between the Day for the previous Payment and the Day of such Termination: Provided always, that any such Person entitled in remainder or reversion, and becoming entitled in possession, shall not be liable to pay any Arrears of the Charge remaining unpaid at the Time of his Estate or Interest in remainder or reversion becoming an Estate or Interest in possession exceeding the Amount of Two Years Payment of such Charge; provided also, that the Amount paid by such Person in respect of such Arrears, and any Costs occasioned by Nonpayment thereof, shall be a Debt from the Person who in the first instance ought to have paid the same, or from his Estate, to the Person who paid the same, and shall be recoverable accordingly.

Improve-
ments to be
maintained.

LXXXV. And be it enacted, That so long as any Land continues charged with any such Charge the Person for the Time being bound to pay the yearly or other periodical Payments of such Charge shall be bound to uphold the Improvements and Works on account of which the Land is charged therewith, and to keep clear and open the Outfalls of all the Drains, if any, and to insure against Damage by Fire all such Improvements, if any, as are susceptible of Damage by Fire; and such Person shall once in every Year certify to the Commissioners the State of such Improvements and Works, and of such Drains and Outfalls, if any; and in default of so keeping and upholding such Improvements and Works, and such Drains and Outfalls, if any, such Person 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 any Person entitled to any Estate in remainder or reversion in such Lands: Provided always, that such yearly Certificate may be made by the Company, instead of by such Person, in any Case in which the Company contract with the Landowner to make the same.

LXXXVI. And

LXXXVI. 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 Commissioner, or to any Assistant Commissioner, or Engineer, his Consent to become charged with the Charge, or an apportioned Part thereof, as herein-after mentioned, such Tenant or Occupier shall during his Tenancy or Occupation be liable to pay 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 the Provisional Order, or any Absolute Order, or by a Separate Order of Apportionment, declare what Portion of the whole 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 Landowner, and shall be allowed the same in account with him.

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

LXXXVII. And be it enacted, That if it be at any Time represented to the Commissioners that the Land charged under this Act is occupied in separate Farms or other Holdings, or has 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 of such Land, or that Part only of such Land is subject to any Mortgage or other Incumbrance, or that for any other Reason it would be desirable that such Charge should be apportioned, the Commissioners may, with the Consent of the Landowner and of the Company, or other the Party for the Time being entitled to the Charge, or the Husband, Guardian, Committee, or Trustee of such Party if a married Woman, Infant, Lunatic, or Idiot, and of such other Parties, if any, as the Commissioners think right, by Order under the Seal of the Commissioners, apportion such Charge so that a separate and distinct Charge may become charged on each separate Farm or Holding, or on the Land of each Landholder, 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 Landowner is desirous to sell or dispose of, or on the Part subject to such Mortgage or other Incumbrance and the Part intended to be retained by him, or on other separate Parts of the Lands, but so that any Charge charged under such Apportionment shall not be less than Twenty Shillings; and every such apportioned Charge shall be recoverable in like Manner as if the same had been originally charged under this Act on the Land on which the same is charged by such Order, and shall for other the Purposes of this Act be deemed an original Charge on such Land; and after any such Apportionment the Land charged with an apportioned Part of the original Charge shall not be liable to any other Part of the original Charge: Provided always, that in any Case in which the Person entitled to any such Mortgage or other Incumbrance satisfies the Commissioners that he would be prejudiced unless such Apportionment were made, the

Rent-charges may be apportioned.

Commis-

Commissioners may, if they think right, make such Apportionment, without any such Consent.

Power to enter on neighbouring Lands for Repair of Works, making Compensation.

LXXXVIII. And be it enacted, That the Company, and any Person for the Time being entitled in possession to any Lands improved under this Act, may respectively, from Time to Time after the making of the Improvements, by themselves, their Engineers, Surveyors, Agents, Servants, and Workmen, enter upon any Lands in, through, and upon which any of the Works are executed, to ascertain the Condition of the Works, and to maintain and repair the same, nevertheless paying to the Person for the Time being enabled by this Act to sell any Easement in such Lands, in case the Parties differ about the same, such Compensation as shall be determined by Two Justices, as provided by the "Lands Clauses Consolidation Act, 1845," for the Settlement by Justices of Questions of disputed Compensation.

Contracts and Agreements with Company not to be prejudiced, &c.

LXXXIX. And be it enacted, That, after any Person has under this Act entered into any Contract or Agreement with the Company, such Contract or Agreement shall not be in any way prejudicially affected by any subsequent Change of the Ownership of or Interest in any Land to which such Contract or Agreement relates.

Punishment of Persons giving false Evidence, &c.

XC. And be it enacted, That if any Person under the Provisions of this Act shall wilfully give false Evidence, or shall make or subscribe a false Declaration, for the Purposes of this Act, such Person so offending shall be deemed guilty of a Misdemeanor.

Saving the Rights of the Crown.

XCI. And be it enacted, That this Act, or any thing therein contained, shall not authorize the Company to purchase, take, use, or interfere with any Land, Soil, or Water, or any Right in respect thereof, belonging to Her Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, and which Consent such Commissioners, or any Two of them, are hereby authorized to give, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving the Rights of the Duchy of Cornwall.

XCII. And be it enacted, That this Act, or anything therein contained, shall not authorize the Company to purchase, take, use, or interfere with any Lands, Soil, or Water, or any Right in respect thereof, belonging to Her Majesty in right of the Duchy of *Cornwall*, without the previous Consent in Writing of Two or more of the principal Officers of the said Duchy, and which Consent such principal Officers, or any Two of them, are hereby authorized to give, or belonging to the Duke of *Cornwall* for the Time being, without the previous Consent of such Duke, testified in Writing under the Privy Seal of such Duke, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the said Duchy, or in or by the Duke of *Cornwall* for the Time being.

XCIII. And be it enacted, That this Act, or anything therein contained, shall not authorize the Company to purchase, take, use, or interfere with any Lands, Soil, or Water, or any Right in respect thereof, belonging to Her Majesty in right of the Duchy of *Lancaster*, without the previous Consent in Writing of the Chancellor of the said Duchy of *Lancaster*, which Consent such Chancellor is hereby authorized to give, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of Her said Duchy of *Lancaster*.

Saving the Rights of the Duchy of Lancaster.

XCIV. And be it enacted, That this Act, or anything therein contained, shall not authorize the Company to purchase, take, use, or interfere with any Land, Soil, or Water, or any Right in respect thereof, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Lord High Admiral, or the Commissioners for the Time being for executing the Office of Lord High Admiral, without the previous Consent of the Lord High Admiral, or of the same Commissioners, or any Two of them, signified in Writing under the Hand of the Secretary of the Admiralty, and which Consent the Lord High Admiral, or the same Commissioners, or any Two of them, are hereby authorized to give.

Saving the Rights of the Admiralty.

XCV. Provided always, and be it enacted, That any Person acting under or by virtue of this Act shall not make, extend, or alter, on the Shore of the Sea, or of any Creek, Bay, or Arm of the Sea, or in, under, or over any tidal or navigable Water, any Work, without the previous Consent of the Lord High Admiral, or of the Commissioners for the Time being for executing the Office of Lord High Admiral, or of any Two of them, signified in Writing under the Hand of the Secretary of the Admiralty, and the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, and which respective Consents such Officers respectively are hereby authorized to give, and then only according to such Plan and under such Restrictions and Regulations as the Lord High Admiral, or the Commissioners for the Time being for executing the Office of Lord High Admiral, or any Two of them, and the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, approve, such Approvals respectively being signified as aforesaid; and if any such Work be completed or commenced contrary to the Provisions of this Act, the Lord High Admiral, or the Commissioners for the Time being for executing the Office of Lord High Admiral, or the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, at his or their Discretion, may abate and remove the same, and restore the Site thereof to its former Condition, at the Cost of the Company; and this Act, or anything therein contained, shall not authorize any Person acting or pretending to act under this Act to make any Work injurious to the Navigation of any navigable River or Canal.

Consent of the Admiralty and of the Commissioners of Woods, &c. requisite for Works affecting tidal and navigable Waters, &c.

Saving the
Rights of the
Commis-
sioners of
Sewers.

XCVI. Provided always, and be it enacted, That this Act, or anything therein contained, shall not take away, lessen, prejudice, or alter any of the Rights, Duties, Privileges, Powers, or Authorities vested in or to be discharged by any Commission of Sewers appointed by any Commission under the Great Seal, or under the Seal of the Duchy of *Lancaster*, or in or by any other lawful Commission of Sewers, or the Commissioners appointed under any local or private Act of Parliament for Sewers or Drainage.

Act not to
affect Rights
of River *Lea*
Commis-
sioners.

XCVII. Provided always, and be it enacted, That the Company shall not make any Outfall, Drain, Watercourse, Embankment, or other Work whatsoever in, into, upon, over, or across the River *Lea*, or any Branch thereof, or any Canal or Cutting made for improving the Navigation thereof, or in lieu or substitution for the natural Course of that River, between the Commencement of the Navigation in the County of *Hertford* and the River *Thames*, or divert or carry, or cause to be diverted or carried, any Drainage Water, Sewage Water, or other Matter into the River *Lea*, or any such Branch Canal or Cutting, or enter upon, take, use, or interfere with the Navigation of that River, or the Embankments, Works, or Conveniences connected therewith, or the Lands held or occupied by the Trustees for the Purposes of the Navigation, except with the Consent in Writing of the Trustees or any Five of them.

Extent of
Act.

XCVIII. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*.

Expenses of
Act.

XCIX. And be it enacted, That the Expenses of obtaining and passing this Act and incident thereto shall be paid out of the first Monies in the Hands of the Directors, in preference to all other Payments.

Public Act.

C. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The SCHEDULES to which the foregoing Act refers.

N. B.—Every Form used in the Matter of the same Improvement is to have the like Heading, such Heading being as follows, or to the like Effect:—County of, &c. Parish of, &c. No. [giving the Number by which the Contract is denoted in the Company's Books, and giving also a short Title to the Improvement, including the Owner's Name or Description]. For Example, County of Sussex, Parish of Dale, No. 157, Richardson's Drainage Improvement; and for further Example, County of York, Parishes of Sale and Mala, No. 218, Dean and Chapter of York's Improvements.

SCHEDULE (A.)

Form of Power of Attorney.

[*Proper Heading.*]

I *A. B.* of, &c., in pursuance of the General Land Drainage and Improvement Company's Act, 1849, do hereby appoint *C. D.* of, &c., to be my Attorney for all the Purposes of such Act. As witness my Hand, this Day of

SCHEDULE (B.)

Provisional Order.

[*Proper Heading.*]

We, the Inclosure Commissioners for England and Wales, in pursuance of the General Land Drainage and Improvement Company's Act, 1849, hereby declare and provisionally order, that it is right and proper, and for the Benefit of the Parties having any Estate or Interest in the Lands mentioned in the Schedule hereto, that the Monies paid and to be paid for the Improvement by Drainage [*or as the Case may be*] of such Lands [*or "of such Lands and the other Lands"*] mentioned in a Contract for such Improvement, dated, &c., and entered into by *A. B.*, of, &c. with the General Land Drainage and Improvement Company, and the Monies paid and to be paid for the Costs, Charges, and Expenses properly incurred preparatory to, for, in relation to, and consequent on such Contract, should, to the whole Amount of such respective Monies [*or "should to any Amount not exceeding," as the Case may be*], be charged as follows

follows [*here express how the Lands are to be charged, whether with a Principal Sum and Interest, or by way of Annuity or otherwise*], upon the Inheritance of such Lands mentioned in such Schedule. In witness whereof we have hereunto affixed our Seal, this
Day of _____ (L. s.)

Schedule of the Lands provisionally charged.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.

SCHEDULE (C.)

Absolute Order.

[*Proper Heading.*]

We, the Inclosure Commissioners for England and Wales, in pursuance of the General Land Drainage and Improvement Company's Act, 1849, hereby declare and absolutely order, that the Inheritance of the Lands mentioned in the Schedule hereto is absolutely charged with the Monies [*or "with the Sum of £ _____ Part of the Monies"*] paid for the Improvement by Drainage [*or as the Case may be*] of the Lands mentioned in the Schedule hereto, and [*or "of the Lands mentioned in the Schedule hereto and the other Lands"*] mentioned in a Contract for such Improvement, dated, &c., and entered into by *A. B.*, of, &c. with the General Land Drainage and Improvement Company, [*if Costs are also to be charged, add*] and with the Monies [*or "with the Sum of £ _____ Part of the Monies"*] paid for the Costs, Charges, and Expenses properly incurred preparatory to, for, in relation to and consequent on such Contract [*but if Costs only are to be charged, say*] that the Inheritance of the Lands mentioned in the Schedule hereto is absolutely charged with the Monies [*or "with the Sum of £ _____ Part of the Monies"*] paid for the Costs, Charges, and Expenses properly incurred preparatory to, for, or in relation to and consequent on a Contract for the Improvement by Drainage [*or as the Case may be*] of such Lands, dated, &c., and entered into by *A. B.* of, &c., with the General Land Drainage and Improvement Company, and that such Charge is as follows [*here express how the Lands are to be charged, whether with a Principal Sum and Interest,*

or by way of Annuity or otherwise]. In witness whereof we have hereunto affixed our Seal, this Day of (L.S.)

Schedule of the Lands charged.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.

SCHEDULE (D.)

Assignment by the Company of a Charge.

[Proper Heading.]

The General Land Drainage and Improvement Company, in pursuance of the General Land Drainage and Improvement Company's Act, 1849, hereby, in consideration of [state the Consideration] assign to A. B. of, &c., his Executors, Administrators, and Assigns, the Charge of the Sum of £ and Interest at the Rate of, &c., [or, "the Charge of," &c., as the Case may be,] which by virtue of an Absolute Order of the Inclosure Commissioners for England and Wales, dated, &c., is an absolute Charge on the Inheritance of the Lands mentioned in the Schedule hereto, and all the Powers, Authorities, Rights, and Remedies of the Company with reference to such Charge [here add such Clauses and Provisions, if any, as are agreed on between the Company and A. B.] As witness the Common Seal of the Company, and the Hands of Three of the Directors of the Company, this Day of

(L.S.)

L.M. }
 N.O. } Three of the Directors.
 P.Q. }

Schedule of the Lands charged.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.

SCHEDULE (E.)

Mortgage for securing a Charge.[*Proper Heading.*]

The General Land Drainage and Improvement Company [*or A. B. of, &c.*], in pursuance of the General Land Drainage and Improvement Company's Act, 1849, do [*or doth*] hereby, in consideration of [*state the Consideration*], demise unto the Company, their Successors and Assigns, [*or as the Case may be,*] the Lands mentioned in the Schedule hereto, with the Rights, Members, and Appurtenances, for the Term of [*insert the Number*] Years from the Day of the Date hereof: Provided always, that on the Payment to the Company, their Successors or Assigns, [*or as the Case may be,*] of the Charge of the Sum of £ and Interest at the Rate of, &c. [*or "the Charge of, &c.," as the Case may be,*] which by virtue of an Absolute Order of the Inclosure Commissioners for England and Wales, dated, &c., is an absolute Charge on the Inheritance of the Lands mentioned in the Schedule hereto, without any Deduction, such Term and these Presents shall cease and be absolutely void. As witness the Common Seal of the Company, and the Hands of Three of the Directors of the Company [*or "As witness the Hand and Seal of the said A. B.," or as the Case may be,*] this
Day of

(L.S.)

Schedule of the Lands charged.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.

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