



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxlii.

An Act for incorporating “The *West of England and South Wales Land Draining Company* ;” and for enabling Owners of limited Interests in Land to charge the same for the Purposes of Drainage, Irrigation, Warping, Embankment, Reclamation, Inclosure, and Improvement.

[14th *August* 1848.]

WHEREAS the Draining, Irrigation, Warping, Reclamation, Inclosure, and Improvement of waste and other Lands in *England and Wales* is of great public Advantage, and is greatly promoted and encouraged by the Establishment and Incorporation of Companies for the Purpose of providing the necessary Means for executing the same, and by enabling Owners of limited Interests in Land, who by reason of the great Expense thereof are often unable to execute the same, to charge the Inheritance of such Lands with such Expense: And whereas the Right Honourable *Charles Rodolph* Baron *Clinton* of *Heanton Satchville* in the County of *Devon*, Sir *Thomas Dyke Acland* Baronet, *Richard Meade King*, Sir *John Kennaway* Baronet, the Honourable *William Reginald Courtenay* commonly called Lord *Courtenay*, Sir *Charles Lemon* Baronet, *William Porter*, *Clifford Shirreff*, *John Dymond*, *Samuel Treharwe*
 [Local.] 21 M *Kekewich*,

Incorporation of Company.

Kekewich, Henry Ker Seymer, Thomas Hussey, Sir Thomas Tancred Baronet, George Chaplin Holroyd, William Lee, and divers other Persons, have formed themselves into a Joint Stock Company for the Purpose of executing for Landowners and Occupiers of Land the necessary Operations connected with the draining of Lands, by supplying the requisite Materials and Labour, together with all Outlay in respect thereof; and it is expedient, for the Purposes of promoting and extending such Draining, Irrigation, Warping, Reclamation, Inclosure, and Improvement as aforesaid, that the said Company should be incorporated, and that Landowners should be enabled to exercise the Powers herein-after contained; but the Objects aforesaid cannot be effected without the Authority of Parliament: 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 the several Persons herein-before named, and all and singular other the Persons and Corporations who have subscribed or shall hereafter subscribe any Portion of the Capital of the said Company, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for the Purposes of executing the necessary Operations connected with draining, irrigating, warping, embanking, reclaiming, inclosing, and improving Lands, and erecting thereon any Buildings of a permanent Kind, incidental or consequential to such Draining, Irrigating, Warping, Embanking, Reclamation, Inclosure, or Improvement, or for any or either of the said Purposes, by supplying the requisite Materials and Labour, together with all Outlay in respect thereof, or by such other Means as may be necessary or desirable, and for those Purposes shall be One Body Corporate by the Name and Style of "The Landowners *West of England* and *South Wales* Drainage and Inclosure Company," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase, hold, and sell Lands for the Purposes of this Act or any of them, without incurring any Penalty or Forfeiture: Provided always, that the Incorporation of the said Company hereby made shall not limit or take away the Liability of any Shareholder in respect of any Debts or Liabilities incurred by the said Company previously to the passing of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instrument and all other Proceedings whatsoever, it shall be sufficient to use the Expression "The Landowners *West of England* and *South Wales* Land Drainage and Inclosure Companies Act, 1848."

Interpretation of Act.

III. And be it enacted, That in the Construction of this Act (except where the Nature of the Provision or the Context of the Act is repugnant to such Construction) the Word "Commissioners" shall mean the Inclosure Commissioners for *England* and *Wales*; and the Words "Assistant Commissioners" shall mean any Assistant Commissioner appointed by the Inclosure Commissioners of *England* and

and *Wales*; and the Word "Plan" shall extend to Maps and Drawings; and the Word "River" shall extend to all Rivers, Rivulets, Lakes, Canals, Streams, and Estuaries; and the Words "Owner of Lands" shall mean any Person entitled to any Estate in Land in possession or in reversion, and shall include the Persons herein-after described as Owners of a limited Interest in Lands; and the Words "Owner of a limited Interest in Lands" shall mean and include any Person entitled in possession to any Land as Tenant in Tail, Tenant by the Courtesy, or for his own Life, or any other Life or Lives, or for Years determinable on any Life or Lives, or any Infant entitled as aforesaid by his Guardian or next Friend, or the Committee of the Estates of any Idiot or Lunatic entitled as aforesaid, or any married Woman entitled as aforesaid for her separate Use by her next Friend, or the Husband of any married Woman entitled as aforesaid in her Right, or any Feoffees or Trustees for any charitable or other Purposes, or any Ecclesiastical or other Corporation, aggregate or sole, or any Mortgagee or Incumbrancer in Fee in possession of the Land mortgaged or incumbered, or any Person entitled to any Lands subject to any Mortgage or Charge thereon, provided such Person shall be in possession of the Lands mortgaged or charged; the Word "Lands" shall mean Messuages, Lands, Tenements, and Hereditaments of any Tenure or Description; the Word "Parish" shall include all Chapelries and extra-parochial Places; the Word "Justices" shall mean Justices of the Peace acting for the County, Riding, City, or Division, Liberty, Cinque Port, or other Place, where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter; and where such Matter shall arise in respect of Lands being the Property of one and the same Party, situate not wholly in any one County, City, Borough, Liberty, Cinque Port, or Place, the same shall mean a Justice acting for the County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter; and when the Matter shall be authorized by any Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices of the Peace assembled and acting together for the County, Riding, Division, Liberty, or other Place where the Matter requiring the Cognizance of any such Justices shall arise, and who shall not be interested in the Matter; and the Word "Works" shall extend to all Engine-houses, Engines, Machinery, Tiledsheds, Tileyards, Brick-kilns, Brickyard, Buildings, Mills, Warpings, Inclosures, Embankments, Dams, Reservoirs, Roads, Ways, Bridges, Tramroads, Gates, Fences, new Cuts, Watercourses, Sluices, Ditches, Drains, Floodgates, Tunnels, Cloughs, Hatches, Culverts, Weirs, and all other Works necessary and proper for executing the Contracts hereby authorized to be made; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and where the Word "Company" is used, the same shall be understood to mean the said "Landowners *West of England* and *South Wales* Land Drainage and Inclosure Company."

IV. And

Owners of Land desirous of exercising Powers of Act may enter into Contracts for the same.

. IV. And be it enacted, That if any Owner of Lands shall be desirous of exercising any of the Powers given by this Act he shall enter into and execute a Contract with the said Company for the Execution by them of the necessary Works for the Purposes of draining, irrigating, warping, embanking, reclaiming, inclosing, and improving such Lands, or for any or either of the said Purposes; and in such Contract shall be stated and set forth his Christian Name, Surname, and Place of Abode, the Nature of his Estate and Interest in the Lands proposed to be drained, irrigated, warped, embanked, reclaimed, inclosed, or improved, the Particulars of such Lands, and of the Lands (if any) of any Person other than such Owner of Lands that will be required to be entered upon or cut through for the Purpose of executing such Works, or that will be prejudicially affected thereby, the Particulars of the Works intended to be executed, the then net estimated annual Value of the Lands proposed to be drained, irrigated, warped, embanked, reclaimed, inclosed, or improved, an Estimate of the probable increased annual Value of such Lands when the intended Works shall have been executed, the Amount which under and by virtue of such Contract as aforesaid is to be paid to the said Company for the Execution of the same, and the probable Amount of Purchase or Compensation Money (if any) required to be paid in respect of the Lands (if any) required to be entered upon, cut through, interfered with, or affected.

A Plan to be annexed to every Contract.

. V. And be it enacted, That to every such Contract shall be annexed a Plan of all such Lands as aforesaid, and on such Plan shall be delineated all the Buildings, Yards, Courtyards, and Gardens, Rivers, Watercourses, Cuts, Ditches, Drains, Fences, and Embankments, which at the Time of entering into such Contract shall be in and upon the same Lands, and also all such new Buildings, Watercourses, Cuts, Ditches, Drains, Fences, and Embankments as are then intended and proposed to be erected, cut, or made in and upon the same; and in case it shall be intended and proposed to alter, widen, deepen, cleanse, or divert any Building, Fence, Embankment, Watercourse, Cut, Ditch, or Drain then being in and upon any such Lands as aforesaid, such Buildings, Fences, Embankments, Rivers, Watercourses, Ditches, and Drains as last aforesaid, and the Alterations, Widening, Deepening, or Diversions intended to be made therein, shall be marked and delineated upon the said Plan in distinguishing Colours; and in case any Lands, other than those intended to be drained, irrigated, warped, reclaimed, inclosed, or improved, will be required to be entered upon or cut through, for the Purpose of executing the intended Works, or will be prejudicially affected thereby, there shall be annexed to such Plan a Schedule referring to the same, and containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands last aforesaid, and of each and every of them; and Copies of such Plan and of such Schedule (if any) shall be deposited by the said Company with the Parish Clerk of every Parish in which the Lands set forth and described in such Plan, or any or either of such Lands, are situate, and such Parish Clerk shall and he is hereby directed to receive and take the said Copies into his Custody, and keep the same, and to allow any Person to inspect and examine and make Copies of and

In case other Lands are affected, Schedule of Owners, &c. to be annexed.

Copies of Map, &c. to be deposited with Parish Clerk.

and Extracts from the same, at his Discretion, on Payment of the Sum of One Shilling.

VI. And be it enacted, That when any such Contract shall have been entered into the said Company shall cause a Notice in the Form in the Schedule hereunto annexed, marked with the Letter (A.), or as near thereto as the Circumstances of the Case will admit, to be inserted and published in Two successive Weeks in some Newspaper circulating in the County or District or Division of a County in which the Lands mentioned and described in such Contract and Plan, or either of them, shall be situate, and shall also serve a Copy of such Notice upon all Occupiers of the Lands intended to be drained, irrigated, warped, embanked, reclaimed, inclosed, or improved, and also upon all Owners or reputed Owners, Lessees or reputed Lessees and Occupiers of the Lands referred to in the Schedule (if any) annexed to such Plan, who shall be resident in *England*, and whose Names and Residences can be ascertained by inquiring of the Occupiers of the Lands last aforesaid.

Notice of Contract, &c. to be given by Advertisement, and served upon Occupiers, Owners, &c.

VII. And be it enacted, That in case the Owner of Lands who shall have entered into any such Contract with the said Company as aforesaid shall be "an Owner of a limited Interest in Land" within the Meaning of this Act, who shall be desirous of charging the Inheritance of such Land under the Powers for that Purpose in this Act contained, such Person shall, in and by a solemn Declaration to be made by him in the Form in the Schedule hereto annexed marked with the Letter (C.), or as near thereto as the Circumstances of the Case will admit, under and according to the Provisions of an Act of Parliament made and passed in the Session of Parliament commenced in the Fifth Year and continued and ended in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;'* and to make other Provisions for the Abolition of unnecessary Oaths, declare, to the best of his Knowledge and Belief, who are the Persons entitled to any Estate in such Land in remainder or in reversion, up to and inclusive of the Person entitled to the First vested Estate of Inheritance therein, and of the Persons (if any) who shall be entitled to any Mortgage or Charge upon such Land, and shall also declare the Nature or Description of the Estate and Interest of such several Persons as aforesaid, and their last known Places of Abode respectively; and in case any of the said Persons who shall be so entitled as aforesaid shall not be in the United Kingdom of *Great Britain* and *Ireland*, such Owner of a limited Interest in Land as last aforesaid shall also declare the Name and Place of Abode of the Person, if any, who shall be known to him as the Agent of such Person who shall not be in the said United Kingdom as aforesaid; and the said Company shall serve a Notice in the Form (A.) aforesaid, or as near thereto as the Circumstances of the Case will admit, upon such of the said Persons so entitled respectively as aforesaid as shall be in the said United Kingdom;

Owner of a limited Interest to make Declaration as to Remainder Men, &c., and Notice to be served upon them.

5 & 6 W. 4. c. 62.

dom; and in case any such Person entitled as aforesaid shall not be in the said United Kingdom, and there shall be any Person mentioned in such Declaration as an Agent as aforesaid who shall be in the said United Kingdom, then the said Company shall serve such Notice upon such Agent.

Persons object-
ing to
give Notice
to Inclosure
Commis-
sioners and
to the Com-
pany.

VIII. And be it enacted, That in case any Person shall be desirous of objecting to the Exercise by such Owner of Lands so entering into such Contract of the Powers which he is desirous of exercising, or any or either of them, he shall, within Twenty-one Days after the last Day on which such Notice shall have been so inserted and published as aforesaid, or after the Day on which he shall have been served therewith as aforesaid, deliver to the Inclosure Commissioners for *England* and *Wales*, at their Office for the Time being, and also serve upon the said Company, a Statement in Writing of the Grounds of his Objections.

In case of
Objection,
&c. Company
shall deliver
Duplicate of
Contract, &c.
to Inclosure
Commis-
sioners, who
shall appoint
a Day to
take the same
into Consi-
deration.

IX. And be it enacted, That in case any such Statement of Objections shall have been served and delivered respectively as aforesaid, or in case the Person entering into such Contract as aforesaid shall be an Owner of a limited Interest in Land within the Meaning of this Act desirous of charging the Inheritance thereof under the Powers of this Act, and the First Estate of Inheritance in the Lands which shall in and by such Contract be proposed to be drained, irrigated, warped, embanked, reclaimed, inclosed, or improved, shall, if such Estate shall not be vested, stand limited to or in favour of a Person then unborn, or under the Age of Twenty-one Years, or idiot, lunatic, or non compos mentis, or if, being vested, such Estate shall be vested in any such Person as last aforesaid, then and in any such Case the said Company shall deliver to the said Inclosure Commissioners Copies of such Contract and Plan and a Copy of such Schedule (if any); and the said Inclosure Commissioners shall, in case any such Statement of Objections shall have been served and delivered as aforesaid, if they the said Commissioners shall, within such Twenty-one Days after the last Day on which such Notice shall have been inserted and published as aforesaid, be requested in Writing by the Party so objecting as aforesaid so to do, and in all other Cases without any such Request, within Fourteen Days after such Copies of Contract and Objections (if any) shall have been delivered to them as aforesaid, fix and appoint a Day (being not less than Twenty-one Days or more than Thirty-one Days after the Day on which the same shall have been so delivered) for the Purpose of taking and on which they will take such Contract and also such Objections (if any) into their Consideration, and shall forthwith cause Notice in Writing of such Day to be given to the said Company, and also to the Person so objecting as aforesaid (if any).

Notice
thereof to be
given to the
Parties.

When Co-
pies, &c. have
been deli-
vered, Parties
to leave Evi-
dence, &c.

X. And be it enacted, That in all Cases where any such Copies of Contract and Statement of Objections (if any) shall have been so delivered and served respectively as aforesaid, the said Company and the Person so objecting as aforesaid (if any) shall, such Number of Days at least before the Day which shall have been so fixed for taking

taking such Contract and Objections (if any) into consideration as aforesaid as the said Commissioners shall fix in that Behalf, leave with the said Commissioners at their Office for the Time being the Declaration which shall have been made by the Person entering into such Contract as aforesaid, and such Contract and Evidence (if any) by Affidavit or otherwise, in support of the Statements contained in such Contract and Objections (if any) as the said Commissioners shall by any Rule or Order require in that Behalf; and thereupon the said Commissioners, or an Assistant Commissioner to be by them appointed in that Behalf, shall, on the Day which shall have been so fixed as aforesaid, or on such other ulterior Day or Days as to the said Commissioners or Assistant Commissioner shall seem meet, and whereof Notice in Writing shall have been given to the said Company and the Party so objecting as aforesaid (if any) Seven Days at least before such ulterior Day or Days, take such Objections and also the Evidence (if any) which shall have been left as aforesaid into their Consideration; and the said Commissioners or Assistant Commissioner may, if they or he shall think it necessary, require the Attendance before them or him, on such Day or Days respectively, of the said Company and of the said Party so objecting (if any), their Secretary, Counsel, Solicitors, or Agents respectively, or such other Person or Persons as the said Commissioners or Assistant Commissioner shall think right.

with Commissioners, who shall take the same into consideration.

Commissioners may require Attendance of Parties, Counsel, &c.,

XI. And be it enacted, That it shall be lawful for the said Commissioners, in case they shall think it requisite so to do, to cause the said Lands mentioned or referred to in such Contract, Plan, and Schedule, or any or either of them, to be inspected and examined by an Assistant Commissioner or Surveyor or Engineer to be nominated by the said Commissioners for that Purpose; and it shall be lawful for the said Commissioners to order and direct the said Assistant Commissioner or Surveyor or Engineer to hear, take, and receive Evidence in support of such Statements and Objections respectively, (if any) and to report thereupon to the said Commissioners; and thereupon such Assistant Commissioner, Surveyor, or Engineer, as the Case may be, shall proceed to inspect and examine such Lands, and in case he shall be ordered and directed to hear, take, and receive such Evidence as aforesaid, he shall, on such Day or Days and at such Place as he shall fix in that Behalf, and of which Day or Days and Place respectively, unless such Day or Days shall be an adjourned Day or Days fixed at any Hearing as herein-after mentioned, Notice in Writing shall have been given by him to the said Parties respectively Seven Days at least before such last-mentioned Day or Days, and which said Place shall be some convenient House in the Vicinity of the Lands last aforesaid, in the Presence of the Parties respectively, their Counsel, Solicitors, or Agents, hear, take, and receive the Evidence of all such Persons as the said Parties respectively shall produce before him for that Purpose, or as he shall think fit to examine; and such Assistant Commissioner, Surveyor, or Engineer shall for such Purpose have Power to administer an Oath to such Persons as last aforesaid, and to receive Declarations and examine upon Declaration all such Persons as shall voluntarily attend before him in the Matter of the said Contract and Objections

and may appoint Assistant Commissioner, &c. to inspect Lands and hear Evidence,

administer Oath and receive Declaration, and report to Commissioners.

Commissioners may refer Matter back to such Assistant Commissioner, or appoint another.

Objections (if any) or either of them, and to adjourn such hearing and taking and receiving of such Evidence until such other Day or Time as to him shall seem meet; and such Assistant Commissioner, Surveyor, or Engineer shall deliver to the said Commissioners a Copy of the Evidence taken and received by him as aforesaid, and shall also state in Writing to the said Commissioners his Opinion as to such Statement and Objections, and the Reasons on which such Opinion is founded, and such other Matters in relation thereto as to him shall seem meet; and it shall and may be lawful to and for the said Commissioners to refer the Subject Matter of such Contract and Objections (if any) back again to such Assistant Commissioner, Surveyor, or Engineer, or to nominate some other Assistant Commissioner, Surveyor, or Engineer to inspect and examine such Lands, or to hear such Evidence, as to the said Commissioners may seem necessary, and such other Assistant Commissioner, Surveyor, or Engineer shall thereupon proceed in that Behalf in such and the same Manner as if he had been originally nominated and appointed as aforesaid.

Commissioners may order Works to be executed;

XII. And be it enacted, That in all Cases in which any such Copies of Contract and Statement of Objections (if any) are herein-before directed to be delivered and served as aforesaid, it shall be lawful for the said Commissioners, after they shall have considered such Contract and Objections (if any) as aforesaid, without any further Evidence of the Title of the Person who shall have entered into such Contract, or of the Persons entitled in remainder or reversion or to any Mortgage or Charge as aforesaid, than the said solemn Declaration so made by the Person entering into such Contract as aforesaid, and upon Proof that the Notices and Advertisements herein-before directed to be given and published have been given and published respectively, and with or without any such Inspection and Examination, hearing, taking, and receiving of Evidence, Report and Opinion of such Assistant Commissioner, Surveyor, or Engineer as aforesaid, in case it shall be proved to the Satisfaction of them the said Commissioners that the Execution of the Works mentioned and described in such Contract and Plan, or any or either of them, with or without such Alterations therein or Additions thereto as to the said Commissioners may seem expedient, will effect a permanent Improvement in the Lands proposed to be drained, irrigated, warped, embanked, reclaimed, inclosed, or improved, by Order under their Seal, herein-after called the "Original Order," to order and direct that the Works in such Contract and Plan mentioned and described, with or without such Alterations or Additions as aforesaid, shall be forthwith executed and carried out by the said Company; and in case such Owner of Lands as aforesaid, who shall have entered into such Contract as aforesaid shall be the "Owner of a limited Interest" within the Meaning of this Act in the Lands intended to be drained, irrigated, warped, embanked, reclaimed, inclosed, or improved, who is desirous that the Inheritance of such Lands should be charged with the Expense of the Execution of the said Works, and with such Costs, Charges, and Expenses as herein-after mentioned, it shall be lawful for the said Commissioners, in case they shall be of opinion that the Inheritance

and may declare, that the Inheritance of Lands ought to be charged with Expense.

of

of the said Lands will be permanently benefited by the Execution of the said Works, by such Order as aforesaid to declare that it is right and proper, and for the Benefit of the Parties having any Estate or Interest in the Lands last aforesaid, that the Sum mentioned in such Contract to be paid for the Execution of the Works in such Contract mentioned, and the Costs, Charges, and Expenses properly incurred in and about the entering into and executing such Contract, and making such Inquiry and Investigation, and Order as aforesaid, or in relation thereto or consequent thereupon, or either of such Sums, or such Parts of the said Sums or either of them as the said Commissioners, having regard to the Amount by which the said Commissioners shall be of opinion that the Inheritance of such Lands will be permanently benefited by the Execution of such Works, shall think reasonable, shall be charged upon the Inheritance of the Lands proposed to be drained, irrigated, warped, embanked, reclaimed, inclosed, or improved, or on some Part of such Lands respectively in the said Original Order to be mentioned and described; provided that the total Amount of such Charge shall not in any Case exceed the Amount by which in the Opinion of the said Commissioners the Inheritance of the said Lands will be permanently benefited by the Execution of the said Works.

XIII. And be it enacted, That the said Commissioners may from Time to Time, and at any Time after the making by them of such Original Order as aforesaid, and before the Execution of the Works therein mentioned, at the Request of the Parties to the said Contract, or any or either of them, by Order in Writing, a Copy whereof shall be served upon the said Company and upon all Persons to be affected thereby, order and direct that the Works mentioned in the Original Order as aforesaid shall or may be altered, varied, added to, or diminished in the Manner mentioned in such new Order as aforesaid, whereupon such Alteration shall be made in the Terms of such Contract as may be required in consequence of such Order.

Commissioners may direct Alteration in Works.

XIV. And be it enacted, That it shall be lawful for the said Commissioners, having regard to the Time, Labour, and Expenses of any Commissioner, Assistant Commissioner, Surveyor, Engineer, or other Person or Persons employed by the said Commissioners in reference to such Contract and Objections as aforesaid or either of them, or in the Inspection and Ascertainment of the due Execution of any Works mentioned in any such Order as aforesaid by any Order under their Seal to order that a Sum of Money to be mentioned therein be paid to the said Commissioners in respect of such Time, Labour, and Expenses as aforesaid by the said Company, or by the Person objecting as aforesaid, at such Time and in such Manner as in such Order shall be expressed; and such Sum shall be a Debt payable to the said Commissioners, and shall, when received by the said Commissioners, be paid by them into Her Majesty's Exchequer, and shall be carried to and form Part of the Consolidated Fund.

Commissioners may order the Payment of Expense of Assistant Commissioner, &c.

XV. And be it enacted, That it shall be lawful for the said Commissioners, by any Order under their Seal, to order that the said Company shall pay to any Person making any such Objection, or that

Commissioners may order Payment of

[*Local.*]

such

Costs by either Party to the other, and may require Security.

such last-mentioned Person shall pay to the said Company, such Sum or Sums of Money as the said Commissioners shall mention in such Order, for or as by way of Costs, Charges, and Expenses incurred by the said Company or by the said Person, as the Case may be, in and about the said Objections or consequent thereupon, which said Sum of Money shall be recoverable in the same Manner as Penalties and Forfeitures are recoverable under or by virtue of any Act of Parliament incorporated herewith; and the said Commissioners may, before proceeding upon any such Objections, require such Security as they may think fit to be given to them the said Commissioners for the Payment by the said Company, or by the Person making such Objections as aforesaid, of any Costs which the said Commissioners shall or may by any Order under their Seal order the Payment of, as respectively aforesaid.

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

XVI. And be it enacted, That all the Provisions of the Act of Parliament made and passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases*, concerning or auxiliary to the Proceedings and Inquiries of the said Inclosure Commissioners under the Authority of such Act, and the Authentication of Instruments, shall extend and be applicable to their Proceedings, and the Authentication of Instruments under this Act, in the same Manner as if the Powers hereby vested in the said Inclosure Commissioners were Powers vested in them by the said Act, except as herein otherwise provided; and that all Notices by such Act of the Ninth Year of the Reign of Her present Majesty, or by any Act amending the same or referring thereto, or by this Act, directed or authorized to be given by the Commissioners or Assistant Commissioners respectively, may be given by the Secretary of the Commissioners, or by any Person whom the Commissioners, or any Assistant Commissioner, in conformity with the Powers delegated to him by the Commissioners, may appoint or authorize for that Purpose.

Commissioners may delegate Powers to Assistant Commissioners.

XVII. And be it enacted, That the said Inclosure Commissioners may delegate to any Assistant Commissioner such of the Powers hereby given to the Commissioners as the Commissioners shall think fit (except the Appointment of an Assistant Commissioner, Surveyor, or Engineer, or the Power to do any Act herein required to be done under the Seal of the Commissioners), and the Power so delegated shall be exercised under such Regulations as the Commissioners shall direct; and the Commissioners may at any Time recall or alter all or any of the Powers delegated as aforesaid, and, notwithstanding the Delegation thereof, may act as if no such Delegation had been made; and all Acts done by any such Assistant Commissioner in pursuance of such delegated Power shall be obeyed by all Persons as if they had proceeded from the Commissioners.

XVIII. And

XVIII. And be it enacted; That where Notice shall have been given of any Meeting, whether original or by Adjournment, to be held by the said Inclosure Commissioners or by an Assistant Commissioner, or otherwise, it shall be lawful for the said Commissioners or an Assistant Commissioner by Notice to adjourn such Meeting without any Commissioner or Assistant Commissioner giving Attendance for the Purpose of making such Adjournment.

Meetings may be adjourned without Attendance of Commissioners, &c.

XIX. And be it enacted, That in case no Person shall, within such Time as is herein-before in that Behalf limited and provided as aforesaid, deliver to the said Inclosure Commissioners, and also serve upon the said Company, such Statement of Objections as aforesaid, or if such Person, having delivered and served such Statement, shall not, within such Time as herein-before in that Behalf limited and provided, request the said Commissioners to fix and appoint a Day for taking such Objections into their Consideration as aforesaid, or if he shall at any Time give Notice to the said Commissioners or to the said Company that he does not intend to proceed upon such Objections, or in case the Person entering into such Contract as aforesaid shall be an Owner of a limited Interest in Land within the Meaning of this Act, desirous of charging the Inheritance thereof as aforesaid, and the First Estate of Inheritance in the Lands which shall in and by any such Contract as aforesaid be proposed to be drained, irrigated, warped, embanked, inclosed, or improved shall not stand limited to or in favour of or be vested in any Person then unborn or under the Age of Twenty-one Years, or a Lunatic, Idiot, or Non compos mentis, and no such Statement of Objections shall within the Time herein-before limited in that Behalf have been delivered to the said Inclosure Commissioners, and served upon the said Company, or if, such Statement of Objections having been delivered and served, the Person delivering and serving the same shall not within the Time herein-before limited in that Behalf request the said Commissioners to fix and appoint such Day as last aforesaid, or shall at any Time give Notice to the said Company that he does not intend to proceed upon such Objections, the said Company shall, at any Time after the Expiration of such Times respectively, or after the giving of such Notice as last aforesaid, make Proof before Two Justices that the Advertisements and Notices herein-before directed to be published and given respectively by the said Company have been duly published and given respectively, and the said Two Justices before whom such Proof shall be made shall thereupon, and upon a Declaration being made before them by the Secretary of the said Company for the Time being that no such Statement of Objections has been delivered and served respectively, or, having been delivered and served respectively, the Person delivering and serving the same has not within such Time as herein-before in that Behalf provided requested the said Commissioners to fix and appoint such Day as aforesaid, or has given such Notice that he does not intend to proceed upon such Objection as aforesaid, and they are hereby directed, to certify under their Hands and Seals in the Form in the Schedule hereto annexed marked with the Letter (B.), or as near thereto as the Circumstances of the Case will admit, that such Advertisements and Notices have been duly published and given respectively as aforesaid.

If no Objections, &c., Two Justices to certify that Notices, &c. have been given.

XX. And

Provisions of
8 & 9 Vict.
c. 18. with
respect to
Purchase of
Lands by
Agreement
incorporated
with this Act.

XX. And be it enacted, That the Clauses of the "Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement, shall be incorporated with this Act; and that it shall be lawful for all Persons who by such last-mentioned Clauses are enabled to sell, convey, or release Lands as therein mentioned, to sell, convey, or release any Right or Easement in the Lands which may be required to be entered upon or cut through for the Purpose of executing or to be interfered with or affected by the Execution of the Works mentioned in any such Contract or Plan as aforesaid, or in any such Order or Orders as aforesaid, or any of them, so and in such Manner as that such Right or Easement shall be vested in the Owner for the Time being of the Lands drained, irrigated, warped, embanked, reclaimed, inclosed, or improved, or intended so to be, and also to make any Agreement with the said Company or with such Owner last aforesaid with reference to such entry, cutting through, interfering with, and affecting as aforesaid; and that every such Sale, Conveyance, Release, and Agreement shall have the like Force and Effect, for and on behalf of and against such and the like Parties, as is in and by such Clauses of the said Lands Clauses Consolidation Act enacted with respect to the Sale, Conveyance, Release, and Agreement of and with respect to Lands taken or purchased.

Certain Pro-
visions of
8 & 9 Vict.
c. 18. incor-
porated with
this Act.

XXI. And be it enacted, That if, after the making of any such Order or Orders by the said Inclosure Commissioners as aforesaid, or after such Certificate shall have been made by any such Two Justices as aforesaid, the said Company shall, for the Purposes of executing the Works mentioned in any such Contract or Order or Orders as aforesaid, require to enter upon or cut through, or, if the Execution of such Works will in any way prejudicially affect any Lands mentioned in any such Contract, Plan, and Order or Orders, or any or either of them, other than the Lands of the Person who shall have made and entered into such Contract as aforesaid, the said Company shall give such Notice thereof to the Persons interested in the Lands so required to be entered upon or cut through or prejudicially affected, or to the Persons enabled by this Act to sell and convey and release a Right or Easement in the same, or such of the said Persons as shall after diligent Inquiry be known to the said Company, as is by the Clauses of the "Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, enacted with respect to the purchasing and taking of Lands therein mentioned, and the Clauses of the said "Lands Clauses Consolidation Act, 1845," other than those herein-before mentioned, and except the Clauses numbered in the Copy of the said Act printed by Her Majesty's Printers 16 and 17, shall be and the same several Clauses are hereby respectively incorporated with this Act, save and except so far as the same several Clauses or any of them are altered or varied by or are inconsistent with any of the Provisions of this Act, and the said several Clauses shall be construed with reference and be deemed applicable to the Powers given by this Act to the said Company or any other Person; provided that nothing herein contained shall be deemed to give to the said Company any Power, otherwise than by Agreement, to enter upon or cut through
the

the Lands of any Person, other than the Person entering into such Contract, for any other Purpose than cutting, making, or maintaining any Cut, Dyke, or Drain for the Purpose of an Outfall, or incident thereto, or to give to the said Company any Power, otherwise than by Agreement, to enter upon or cut through any House or Building which shall have been erected before the publishing of the Notice herein-before directed to be published and served by the said Company, on any Ground which at the Time of publishing such Notice as last aforesaid shall be used as a Garden, Yard, Pleasure Ground, planted Walk or Avenue to any Dwelling House.

XXII. And be it enacted, That in all Cases in which it would be necessary, in order to comply with the Provisions of this Act, that any Notice should be served upon any married Woman, Infant, Minor, Lunatic, Idiot, or Non compos mentis, such Notice shall be served upon the Husband, Guardian, and Committee of the Estates of such married Woman, Infant, Minor, Lunatic, Idiot, and Non compos mentis respectively, if and in such Cases only, as regards such Infant, Minor, Lunatic, Idiot, and Non compos mentis, as there shall be any such Guardian and Committee resident within the United Kingdom as aforesaid, and if not, then such Notice shall and may be served upon such Infant, Minor, Lunatic, Idiot, and Non compos mentis respectively, or upon the Person in whose Care and Custody the Person of such Infant, Minor, Lunatic, Idiot, and Non compos mentis shall at the Time of such Service be.

As to Service of Notices on Persons under Disability.

XXIII. And be it enacted, That all Husbands, Guardians, Committees, Tutors, and Curators for and on behalf of married Women, Infants, Minors, Lunatics, Idiots, and all Feoffees and Trustees, Executors and Administrators, shall respectively have the same Rights and Powers of objecting under this Act as such married Women, Infants, Minors, Lunatics, Idiots, or Non compos mentis respectively would have had if free from Disability, or as such Feoffees or Trustees, Executors or Administrators respectively would have had if the Estate, Charges, or Interest (of which they shall be such Feoffees or Trustees, or which shall be vested in them as such Executors or Administrators,) had been vested in them in their own Right.

Husbands, &c. may object.

XXIV. And be it enacted, That when and so soon as the said Company shall have complied with the Provisions of this Act and of the said Lands Clauses Consolidation Act, 1845, with reference to the Payment of Purchase or Compensation Monies respectively, so far as the same are incorporated herewith, in Cases in which such Provisions are applicable as aforesaid, it shall be lawful for the said Company, their Engineers, Surveyors, Servants, or Workmen, to enter into and upon any of the Lands in any such Contract and Plan, or either of them, mentioned, delineated, or described, and to execute, in, through, and upon the same, the Works in and by the said Contract agreed to be executed, without the Consent of any Persons entitled to any Estate or Interest in such Lands.

Company may, after complying with Provisions of Act, enter, &c.

XXV. And be it enacted, That it shall be lawful for the said Company, in the Execution of the Works mentioned in any such Contract,

Company may deviate from Plan.

to alter, vary, and deviate from the same: Provided nevertheless, that if such Alteration, Variation, or Deviation shall be made in or affect the Lands of any Person not being such Owner of Lands, who shall have entered into such Contract as aforesaid, such Alteration, Variation, or Deviation shall be with the Consent of the Person enabled to sell, release, or convey such last-mentioned Lands as aforesaid.

Power to enter Lands, to repair and maintain Works, &c.

XXVI. And be it enacted, That it shall be lawful for the said Company, or the Person for the Time being entitled in possession to any Lands drained, irrigated, warped, embanked, reclaimed, inclosed, or improved under or by virtue of the Powers of this Act, from Time to Time and at all Times after the Works mentioned in any such Contract or Plan as aforesaid shall have been executed, by themselves, their Engineers, Surveyors, Agents, Servants, or Workmen, to enter into and upon the Lands in, through, and upon which such Works shall have been executed, or any or either of them, for the Purpose of ascertaining the State and Condition of the said Works, and of maintaining and repairing the same, in case the same shall be necessary, such Company or such Person entitled as last aforesaid paying to the Person entitled to or enabled under this Act to sell and convey the said Lands so entered upon, in case the Parties differ about the same, such Sum of Money by way of Compensation as shall be determined by Two Justices in manner provided by the "Lands Clauses Consolidation Act, 1845," in Questions of disputed Compensations authorized to be settled by Two Justices.

Penalty on Persons obstructing Works, &c.

XXVII. And be it enacted, That if any Person shall unlawfully remove any Stakes that may have been driven into any Lands for the Purpose of setting out any Works in any such Contract, Map, or Plan mentioned or delineated, or shall wilfully obstruct or prevent any Person employed in the Execution of the same, or of the Works necessary for maintaining and repairing the same as aforesaid, or shall do any wilful Damage or Injury to such Works, or any of them, either before or after the same shall be completed, he shall forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings for every such Offence, over and above the Amount of Damage which he shall have caused to the said Works, and the same shall be recoverable by the said Company, or the Person for the Time being entitled to the Lands drained, irrigated, warped, embanked, reclaimed, inclosed, or improved, in the same Manner as Penalties and Forfeitures are by the said "Lands Clauses Consolidation Act, 1845," recoverable.

Saving the Rights of the Crown.

XXVIII. And be it enacted, That nothing in this Act contained shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the 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, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges,

Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

XXIX. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, use, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to Her Majesty in right of the Duchy of *Cornwall*, without the Consent in Writing of Two or more of the principal Officers of the said Duchy, and which Consent such principal Officer or any Two of them are authorized and empowered to give, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of the said Duke, testified in Writing under the Privy Seal of the said Duke first had and obtained for that Purpose, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

Saving the Rights of the Duchy of Cornwall and the Duke of Cornwall.

XXX. And be it enacted, That nothing in this Act contained shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Commissioners for executing the Office of Lord High Admiral, without the Consent in Writing of the same Commissioners for the Time being, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give.

Saving the Rights of the Commissioners of the Admiralty.

XXXI. Provided always, and be it enacted, That it shall not be lawful for any Person acting under or by virtue of this Act to make or construct, alter or extend, 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 of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of the Lord High Admiral of the United Kingdom aforesaid, for the Time being, to be 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, to be signified under the Hands of any Two of them, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or Commissioners for executing the Office of Lord High Admiral aforesaid and the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, may approve of, such Approvals respectively being signified as aforesaid; and if any such Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid, or the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, at his or their Discretion, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost of the said Company; and nothing herein

As to navigable Rivers and Canals.

herein contained shall authorize or enable any Person acting or pretending to act under this Act to make or construct any Work injurious to the Navigation of any navigable River or Canal.

Saving
Rights of
Commis-
sioners of
Sewers.

XXXII. Provided always, and be it enacted, That nothing in this Act contained shall affect 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 by any other lawful Commissioners of Sewers, or the Commissioners appointed under any local or private Act of Parliament for Sewers or Drainage.

In case of
Owners of
limited Inter-
ests desirous
of charging
Lands, Com-
missioners
may appoint
Assistant
Commis-
sioner to in-
spect Works,
&c.

XXXIII. And be it enacted, That in case any such Contract shall have been entered into by an "Owner of a limited Interest in Lands" within the Meaning of this Act as aforesaid desirous of charging the same as aforesaid, and the said Inclosure Commissioners shall have made such Original Order as aforesaid, it shall be lawful for the said Commissioners, in case they shall think fit, to cause the Works mentioned and described in any such Contract to be examined by a Commissioner, Assistant Commissioner, Surveyor, or Engineer; and such Commissioner, Assistant Commissioner, Surveyor, or Engineer shall and may inspect and examine such Works, and ascertain whether such Works or what Part thereof have or has been executed, and whether the whole, or, if not, what Part of the Sum declared by such Original Order as aforesaid as fit and proper to be charged in respect of such Works, has been properly expended in the Execution thereof, and shall report the same to the said Commissioners; and the said Commissioners shall after such Inspection, or without any such Inspection or Examination, if they shall be otherwise satisfied in that Behalf, by Order under their Seal, herein-after called the Absolute Order, certify and declare, if such shall be the Case, that the whole of the Works mentioned in such Contract have been executed, and that the whole of the Sum declared in and by such Original Order as aforesaid as fit and proper to be charged as aforesaid in respect of the Execution of the said Works, in case the Inheritance of the said Lands shall, in the Opinion of the said Commissioners, be permanently benefited to that Extent, or such Part thereof as the said Commissioners shall be of opinion has been properly expended upon the same, and is so permanently beneficial to the Inheritance, ought to be absolutely charged as aforesaid; and in case the whole of such Works have not been executed, then the said Commissioners shall from Time to Time, on the Request of the said Company, in and by One or more such Absolute Orders under their Seal as aforesaid, certify and declare what Part of the Money declared by such Original Order as aforesaid to be fit and proper to be charged as aforesaid in respect of the Execution of the said Works ought, having regard to the permanent Benefit effected to such Inheritance, to be absolutely charged as aforesaid; and in case the said Commissioners shall in and by such Original Order as aforesaid have declared that the Costs, Charges, and Expenses properly incurred by the said Company in and about such Contract and Investigation and Inquiry, and consequent thereupon as aforesaid, or any Part thereof, were fit and proper to be charged, then the said Commissioners shall by such Absolute Order,
or

or by the last of such Absolute Orders, if more than One, ascertain and certify the Amount of such Costs, Charges, and Expenses; provided that the Amount to be charged shall in no Case exceed the Sum by which, in the Opinion of the said Commissioners, the Inheritance of the said Lands will be permanently benefited by the Execution of the said Works.

XXXIV. And be it enacted, That the said Company shall from and after the making of any such Absolute Order or Orders as aforesaid, in case any such shall have been made, or in case no such shall have been made, and the said Justices shall have certified in manner herein-before provided in that Behalf, then from and after the due Execution of the Works mentioned in any such Contract as aforesaid, or of any Part of any such Works, such Execution, together with the Amount due in respect of the same, being duly certified by Three Directors of the said Company under the Seal of the said Company, be entitled to and shall have a Lien and Charge upon the Lands so drained, irrigated, warped, embanked, reclaimed, inclosed, or improved as aforesaid, for the Monies or Money mentioned in such Absolute Order or Orders, or in such Certificate of such Three Directors as aforesaid, as the Case may be, and the same Lands shall thenceforth be and continue liable to the Payment of the said several Monies respectively to the said Company; and such Lien and Charge shall have Priority over every other Charge or Incumbrance affecting the same Lands, except Ground Rents and Rent-charges created under a certain Act of Parliament made and passed in the Seventh Year of the Reign of King *William* the Fourth, for the Commutation of Tithes in *England* and *Wales*; and the said Company shall and may at any Time or Times thereafter enter upon the Lands last aforesaid, or any of them, and receive and take the Rents and Profits of the same, until the said Company shall, by and out of such Rents and Profits, have received the said Monies respectively last aforesaid, together with lawful Interest thereon from the Date of such Certificate.

On Certificate of Execution, Company to have a Lien for Monies due.

XXXV. And be it enacted, That if the Person entering into any such Contract shall be the "Owner of a limited Interest in Lands" within the Meaning of this Act who shall be desirous of charging the Inheritance thereof as aforesaid, a certified Copy of the said Contract, and of the Absolute Order or Orders of the said Inclosure Commissioners, as aforesaid, in case any such Order or Orders shall have been made, or in case there shall have been no such Order or Orders, then of any such Certificates of Justices and of the said Directors of the said Company respectively as aforesaid, such Copies of the said Order or Orders of the said Commissioners being respectively certified by them under their Seal, and such Copies of such Contract and of such Certificates respectively of the said Justices and of the said Directors being certified by Three Directors of the said Company under the Seal thereof, shall be deposited by the said Company with the Clerks of the Peace of the County or Counties respectively and with the Churchwardens or Chapelwardens for the Time being of the Parish or respective Parishes in which the Lands so drained, irrigated, warped, embanked,

Copies of Contract, &c. to be deposited with Clerks of the Peace and Churchwardens.

reclaimed, inclosed, or improved, or any Part thereof, shall be situate; and all Clerks of the Peace, Churchwardens and Chapelwardens, are hereby directed to take and receive the same, and to deposit them with the Records and Muniments of the said Counties and Parishes respectively, and deliver them to their Successors in such Office respectively; and all Persons shall be at liberty to inspect and examine the same, and to take Copies of or Extracts therefrom, on Payment of the Sum of Two Shillings and Sixpence for every such Inspection and Examination, and after the Rate of Three-pence for every Seventy-two Words contained in such Copy or Extract; and all such Copies of or Extracts as shall be signed by such Clerk of the Peace for the Time being or his Deputy, and shall be certified by him to be true Copies or Extracts, shall be received in Evidence, without further Proof thereof.

Owner of limited Interest may charge Lands on obtaining Absolute Order of Commissioners or Certificate of Justices, &c.

XXXVI. And be it enacted, That if the Person who shall have entered into any such Contract as aforesaid shall be the "Owner of a limited Interest in Lands" within the Meaning of this Act who shall be desirous of charging the same or the Inheritance thereof, it shall be lawful for such Person, his Heirs, Executors, or Administrators, after any such Absolute Order shall have been made by the said Inclosure Commissioners, if any such shall have been made as aforesaid, or if no such Absolute Order shall have been made, and if the said Justices shall have certified as aforesaid, then after the making of the Certificates of the said Justices and of the said Directors as aforesaid, to charge the Lands so drained, irrigated, warped, embanked, reclaimed, inclosed, or improved as aforesaid, or any Part of them, with the Monies or Money mentioned in such Absolute Order or Orders, if any, or in such Certificate of the said Directors of the said Company, or any Part thereof, and with the Amount of the Costs of raising the said several Monies; and such Person, his Heirs, Executors, or Administrators, shall, upon obtaining such Absolute Order or Orders, if any, or such Certificates of such Justices and Directors as aforesaid, have Power to raise the Monies last aforesaid, either under the Provisions of a certain Act of Parliament made and passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to alter and amend an Act passed in the Third and Fourth Years of the Reign of Her present Majesty Queen Victoria, intituled 'An Act to enable the Owners of settled Estates to defray the Expenses of draining the same by way of Mortgage,'* or of a certain other Act of Parliament made and passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act to authorize the Advance of public Money to a limited Amount to promote the Improvement of Land in Great Britain and Ireland by Works of Drainage,* or of any other Act of Parliament authorizing the Advance of public Money for the like Purpose, now or hereafter to be passed, or by Mortgage of such Lands or any Part thereof, and for such last-mentioned Purpose he shall and may demise such Lands or any Part thereof to any Person or Persons, for any Term or Terms of Years, by way of Mortgage, which said Demise may be in the Form in the Schedule hereto annexed marked with the Letter D., and all Charges created upon said Lands under or by virtue of the said Acts of Parliament or of this

8 & 9 Vict. c. 56.

9 & 10 Vict. c. 101.

this Act, or any or either of them, or by such Demise, shall have Priority and be preferred to all other Liens, Charges, and Incumbrances, except Ground Rents and Rent-charges created under the Acts for the Commutation of Tithes in *England and Wales*; and the Absolute Order or Orders of the said Commissioners, if any, and the Certificates of the said Justices and Directors respectively, shall be conclusive Evidence to all Intents and Purposes of the Right and Title of the Person who shall have entered into the Contract to which such Order or Orders, if any, or such Certificates, shall refer, to enter into such Contract and to make such Demise as aforesaid, and to charge the Lands mentioned in such Contract and Plan, or either of them, or any Part or Parts thereof, with the Monies mentioned in such Absolute Order or Orders, if any, or of the Certificate of such Three Directors, together with the Costs of raising the same, and shall also be conclusive Evidence that the Advertisements and Notices herein-before directed to be published and given respectively have been duly published and given respectively, and that all other the Provisions of this Act which require anything to be done and performed prior to the making of such Mortgage or Demise have been duly complied with; and it shall not be necessary for any Person advancing any Money upon, under, or by virtue of such Absolute Order or Orders, if any, or such Certificates as aforesaid, to require any other Evidence of the Title of the Person entering into such Contract, or of his Right to charge the Lands mentioned in such Contract and Plan or either of them, other than the Production of such Absolute Order or Orders, if any, or such Certificates as aforesaid, or to require Proof that such Advertisements and Notices as herein-before required have been published and given, nor shall any such Person advancing Money as aforesaid be affected by any Defect in such Title, or by any Omission to publish and give such Advertisements and Notices.

XXXVII. And be it enacted, That in case such Person entering into such Contract as last aforesaid, his Heirs, Executors, or Administrators, shall be desirous of raising the said Monies under and by virtue of the said Act of Parliament made and passed in the Eighth and Ninth Years of the Reign of Her Majesty Queen *Victoria*, as last aforesaid, and of such his or their Desire shall indorse a Declaration in Writing upon such Absolute Order or Orders of the said Commissioners, if any, or upon such Certificates of the said Justices and Directors, such Absolute Order, so indorsed, if any, and such Certificates of the said Justices and Directors, so indorsed, shall have the Force and Effect of the Certificate of the Master of the High Court of Chancery in the said Act of Parliament mentioned; and the same Order or Orders or Certificates respectively so indorsed as aforesaid, if and when delivered to any Person who shall lend and advance the Monies last aforesaid, shall be legal Evidence of the Title to such Monies; and the Monies so lent and advanced shall bear such Interest, be repaid by such Persons respectively, as is in and by such last-mentioned Act provided with regard to the Monies advanced on such Certificate of the said Master, except that the Monies to be advanced under and by virtue of the Provision contained in this Clause shall, with the Interest thereof, be repaid by

Twenty-

Order to have Force and Effect of Master's Certificate, 8 & 9 Vict. c. 56.

Twenty-five annual Payments, after the Rate of Six Pounds Ten Shillings in respect of every One hundred Pounds of such Monies, and shall be payable by equal half-yearly Payments, the first of such Payments being made on the Expiration of the Period of Six Months next after the Advance of the said Monies.

Monies may be advanced under 9 & 10 Vict. c. 101.

XXXVIII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, upon Production and Delivery to them of the said Absolute Order or Orders, if any, of the said Commissioners, or of the said Certificates of the said Justices and Directors respectively as aforesaid, to direct the Monies last aforesaid to be advanced to such Person entering into such Contract as aforesaid, his Executors or Administrators, according to and in manner in the said Act of Parliament made and passed in the Tenth Year of the Reign of Her Majesty Queen *Victoria*, as aforesaid; and in such Case the like Proceedings shall be had therein, and the Monies when so advanced shall be repaid by such Rent-charge, recoverable in such Manner, and payable by such Persons respectively, and subject to such Conditions, Provisions, and Stipulations as is and are enacted, provided, declared, and contained by and in such last-mentioned Act in reference to Monies to be advanced under or by virtue of the same.

Drains and Outfalls to be maintained.

XXXIX. And be it enacted, That so long as any Land shall continue charged with any Money raised under the Powers of this Act the Person for the Time being in the Possession of the Rents and Profits of such Land, other than a Mortgagee in possession, shall be bound to uphold and maintain the Drains, Embankments, Improvements, or other Works on account of which the Lands shall have been charged, and to keep clear and open the Outfalls of all Drains, and in default of so upholding and maintaining such Works and keeping open such Outfalls he 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 the said Lands; and all Sums of Money adjudged to be payable by any Person so in possession, by way of Damages in any such Action, shall be a Charge upon the Rents and Profits of such Land during the Interest of such Person therein, and shall during such Interest have Priority over all other Charges and Incumbrances whatsoever, except Ground Rents and Rent-charges in lieu of Tithes, and except Mortgages to be made by virtue of this Act or of the said recited Acts, or any or either of them.

Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

XL. And be it enacted, That the Companies Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act, so far as the same is not varied or altered by this Act, or not inconsistent with the Purposes and Provisions thereof.

Capital of Company.

XLI. And be it enacted, That the Capital of the said Company shall consist of Shares of Twenty-five Pounds each.

Company empowered to issue a

XLII. And whereas the Expense of executing the several Works by this Act authorized cannot be estimated: Be it therefore enacted,
That

That the Company shall have Power to issue such Number of Shares, not exceeding in the whole Seven thousand eight hundred, as shall from Time to Time be found necessary for the Purposes of the Company; and that such Shares shall be numbered in arithmetical Progression, beginning with Number One.

certain Number of Shares from Time to Time.

XLIII. And be it enacted, That every Person that shall have subscribed the Sum of Twenty-five Pounds or upwards to the Capital of the said Company, or who shall otherwise have become entitled to a Share in the said Company, and whose Name shall have been entered in the Register of Shareholders of the said Company, shall be deemed a Shareholder of the said Company, and be entitled to have One Share therein allotted to him in respect of every Sum of Twenty-five Pounds so subscribed by him.

Shareholders of the Company.

XLIV. And be it enacted, That no Person shall become a Shareholder of the said Company, or be entitled to have his Name entered in the Register of Shareholders, under or by virtue of any Transfer, unless and until the Directors shall have approved of his becoming such Shareholder.

Shareholders by Transfer to be approved by Directors.

XLV. And be it enacted; That the Company may from Time to Time make such respective Calls for Money upon the respective Shareholders, in respect of the Amount of Capital respectively subscribed or owing by them, as they shall think fit; provided that Twenty Days Notice in manner herein-after mentioned at least be given of each Call, and that no Call exceed the Amount of Two Pounds Ten Shillings *per* Share, and that successive Calls be not made at less than the Interval of Two Months, and that the aggregate Amount of Calls in any One Year does not exceed the Amount of Twelve Pounds Ten Shillings.

As to Calls.

XLVI. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bonds such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Amount of One Third of the subscribed Capital of the Company then paid up, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Profits of the Company and any Lands of the said Company, and, if they think fit, the future Calls upon the Shareholders of the Company, or to give Bonds in manner mentioned in the "Companies Clauses Consolidation Act, 1845."

Company may borrow Money on Mortgage.

XLVII. And be it enacted, That the First General Meeting of the Shareholders of the said Company after the passing of this Act shall be held on the Second *Thursday* in the Month of *October* next after the passing of this Act, and the future General Meetings shall be held on the Second *Thursday* in the Month of *April* and the Second *Thursday* in the Month of *October* in every Year; and all Meetings, whether ordinary or extraordinary, shall be held at the Company's Offices in the City of *Exeter*.

General Meetings.

Extraordi-
nary Meet-
ings.

XLVIII. And be it enacted, That it shall be lawful for Ten or more Shareholders holding in the aggregate One hundred Shares to the Amount of Two thousand five hundred Pounds, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the said Company for any Purpose relating to the said Company; and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Company, or given to at least Three Directors, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting of the Shareholders; and if for Twenty-one Days after such Notice the Directors fail to call such Meeting, the said Ten Shareholders holding such Number of Shares as aforesaid may call such Meeting by giving Fourteen Days public Notice thereof.

Quorum at
Meetings.

XLIX. And be it enacted, That in order to constitute a Meeting (whether ordinary or extraordinary), and whether for the Election of Directors or otherwise, there shall be present, either personally or by Proxy, Seven or more Shareholders holding in the aggregate at least Fifty Shares.

Votes of
Shareholders.

L. And be it enacted, That at all General Meetings of the Company every Shareholder shall be entitled to the following Votes in respect of the Shares which he may hold in the Capital of the Company; (that is to say,) to One Vote for any Number of Shares not exceeding Five, to Two Votes in respect of any Number of Shares not exceeding Fifteen, to Three Votes in respect of any Number of Shares exceeding Fifteen but not exceeding Thirty, to Four Votes in respect of any Number of Shares exceeding Thirty and not exceeding Sixty, to Five Votes in respect of any Number of Shares exceeding Sixty and not exceeding One hundred, and to One additional Vote for every One hundred Shares in the Capital which he or she shall hold beyond the first One hundred Shares.

Directors.

LI. And be it enacted, That the Number of the Directors of the Company shall be Twelve; and that the Right Honourable Lord Clinton, the Honourable *William Reginald Courtenay* commonly called Lord Courtenay, Sir *John Kennaway* Baronet, Sir *Thomas Tancred* Baronet, Sir *Charles Lemon* Baronet, *Samuel Trehawke Kekewich*, *William Porter*, *Clifford Shirreff*, *George Chaplin Holroyd*, *Thomas Hussey*, *William Lee*, and *William Wippell* shall be the First Directors of the Company.

Power to
vary Number
of Directors.

LII. And be it enacted, That it shall be lawful for the said Company to increase the Number of the Directors to Twenty-four, or to reduce such Number to Eight.

Qualification
of Directors.

LIII. And be it enacted, That no Person shall be capable of being a Director unless he be a Shareholder, nor unless he be possessed of Four Shares at least.

Quorum of
Directors.

LIV. And be it enacted, That in order to constitute a Meeting of Directors or of a Committee of Directors there shall be present at least

least Three Directors, and that all the Meetings of the Directors shall be held at the Company's House or Offices for the Time being in the City of *Exeter*.

LV. And be it enacted, That the Directors going out of Office on the Day on which any Meeting for the Election of Directors shall be held shall for all the Purposes of such Meeting be considered Directors in Office until the Meeting shall break up or adjourn.

Directors to continue in Office until Conclusion of Meetings.

LVI. And be it enacted, That all Monies due shall be paid to and received by the Treasurer of the Company for the Time being, whose Receipt or Receipts in Writing shall be a sufficient Discharge to the Person or Persons paying such Monies; and that such Treasurer shall forthwith immediately after having duly entered and accounted for such Monies in the proper Books of the Company to be kept for that Purpose pay such Monies into the Hands of the Bankers of the Company for the Time being, to the Credit of the Company; and such Monies shall be withdrawn from the Hands of such Bankers only by Cheque or other written Authority, signed by at least Two Directors, and countersigned by the Secretary of the Company for the Time being.

Monies to be paid to Treasurer.

LVII. And be it enacted, That the said Company may, out of such Sum as shall have been set aside to meet Contingencies, declare an equal Bonus on each of the Shares for the Time being held in the Capital of the Company, or make up the Dividends to be declared on such Capital to or increase the same beyond the ordinary average Dividend.

Dividends may be paid out of reserved Fund.

LVIII. And be it enacted, That the Directors shall cause every Dividend and Bonus which shall be declared to be paid at the House or Office of the Company at *Exeter* within One Calendar Month after the Declaration thereof, and on a Day to be fixed by the Directors, and shall at least Fourteen Days before the Day fixed for the Payment of a Dividend or Bonus, either by Circular Letter or by Advertisement in Two of the Newspapers published in *Exeter*, give Notice of the Dividend or Bonus declared, and when the same will be payable.

Notice of Dividend to be given.

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

Expenses of Act.

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

Public Act.

The SCHEDULE referred to by this Act.

FORM (A.)

Parish of _____ County of _____

NOTICE is hereby given, That a Contract has been made and entered into by [A.B.] of _____ in the Parish of _____ in the County of _____ with "The Landowners West of England and South Wales Land Drainage and Inclosure Company," for the Execution of Works of Drainage, Irrigation, Warping, Embanking, Reclaiming, Inclosing, or Improving, [as the Case may be,] &c., upon and through his several Lands mentioned in the First Schedule hereunder written, [if Lands required to be entered upon, here add,] [and that the Lands mentioned in the Second Schedule hereunder written will be required to be entered upon, cut through, or affected for the Purpose of or by such Works], and that Plans of such Lands, showing the Nature and Extent of the said Works, are deposited with the Parish Clerk of the said Parish of _____, where the same are open to public Inspection; and take notice that all Persons desirous of objecting to such Works are to give Notice within Twenty-one Days to the Inclosure Commissioners of England and Wales, and to the Landowners West of England and South Wales Land Drainage and Inclosure Company, at the Office of the said Company in Exeter.

Dated this _____ Day of _____ 184 .

Clerk to the said Company.

FIRST SCHEDULE.

Name, &c. of Property.	Occupier.	Parish.	County.

SECOND SCHEDULE.

Name &c. of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.	Parish.	County.

said [*Person absent*] in the United Kingdom of Great Britain and Ireland ;] and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, intituled, "An Act for the more effectual
 " Abolition of Oaths and Affirmations taken and made in various
 " Departments of the State, and to substitute Declarations in lieu
 " thereof, and for the more entire Suppression of voluntary and extra-
 " judicial Oaths and Affidavits, and to make other Provisions for the
 " Abolition of unnecessary Oaths."

FORM (D.)

Mortgage.

I *A. B.* of _____ in consideration of
 the Sum of _____ lent and advanced by *C. D.* under
 the Provisions of "The Landowners West of England and South
 Wales Land Drainage and Inclosure Companies Act, 1848," the
 Receipt of which Sum is hereby acknowledged, do, pursuant to the
 said Act of Parliament, hereby demise to the said *C. D.*
 his Executors, Administrators, and Assigns, all [*describing the Pre-
 mises drained, &c.*], to hold the said Land and Premises to the said
C. D. his Executors, Administrators, and Assigns,
 from the Day of the Date hereof for the Term of [*insert Number of
 Years*] Years thence next ensuing and fully to be com-
 plete and ended: Provided nevertheless, that on Payment to the said
C. D. his Executors, Administrators, or Assigns, of
 the said Sum of _____ and Interest for the same after
 the Rate of [*Rate agreed on*] for every One hundred Pounds by the
 Year, on the [*Day agreed on*] Day of _____ without any
 Deduction or Abatement whatever, the said Term and these Presents
 shall cease and determine and be absolutely void. In witness whereof
 I have hereto set my Hand and Seal, the _____ Day of _____
 in the Year of our Lord _____

A. B.

i. s.