



ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cxi.

An Act to alter and amend the Acts relating to the Lands Improvement Company.

[13th July 1863.]

WHEREAS by "The Lands Improvement Company's Act, 1853," the Lands Improvement Company were incorporated for the Purpose of undertaking and assisting the Improvement, Conversion, and Reclamation of Land, and Provisions were made for facilitating the Execution of such Improvements, and for carrying into effect the Purposes of the Company: And whereas by "The Lands Improvement Company's Amendment Act, 1855," and "The Lands Improvement Company's Amendment Act, 1859," further Powers were granted to the said Company, and certain further Provisions were made in reference to the said Company and to the Objects aforesaid: And whereas it is expedient that certain further Provisions and certain Alterations and Amendments in the said recited Acts respectively should be made as herein-after mentioned, but this 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

16 & 17 Vict. c. cliv.

18 & 19 Vict. c. lxxxiv.

22 & 23 Vict. c. lxxxii.

[Local.]

23 Z

and

The Lands Improvement Company's Amendment Act, 1863.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

This and
recited Acts
to be One.
Short Title.

1. This Act and the recited Acts shall be read together as One Act.

2. This Act may be cited for all Purposes as "The Lands Improvement Company's Amendment Act, 1863," and this and the recited Acts may be cited together for all Purposes as "The Lands Improvement Company's Acts."

Interpre-
tation of
Terms.

3. The "Owner" of any Lands who shall be entitled to make Application with respect to the same under the Provisions of this Act shall be the Person or Persons who at the Time of such Application shall be the "Landowner" with respect thereto within the Meaning of the Third Section of "The Lands Improvement Company's Amendment Act, 1855."

Landowner
may apply to
have Part of
the Lands
exempted
from Charge
for the Pur-
pose of sell-
ing, &c.

4. Where any Lands have been or shall be charged by an absolute Order under the recited Acts, and at any subsequent Time the Owner of such Lands shall be desirous of having some Part of the said Lands released and exempted from such Charge, for the Purpose of enabling that Part to be more conveniently sold or disposed of, he may make Application to the Commissioners to release and exempt that Part of the said Lands from the Charge created by any such absolute Order, so that such Charge may thenceforth apply and continue in force only as to the Residue of the said Lands.

Conditions
on which
such Appli-
cation may
be granted.

5. No such Application shall be acceded to by the Commissioners except in the Cases and upon the Conditions following :

First. The Lands to be exempted from the Charge, and those to continue charged, shall be Lands to all of which the Owner is entitled for the same Estate or Interest :

Second. The Commissioners shall be satisfied that the Residue of the said Lands, which it is proposed shall continue charged, affords a good and sufficient Security for the Payment of such Rentcharge :

Third. The Landowner, the Company, and the Person (if any) for the Time being entitled to the Rentcharge under any Assignment or Mortgage, (or the Husband, Guardian, Tutor, Curator, Committee, or Trustee of such Person, if a married Woman, and not a Feme Sole in Equity, Infant, Lunatic, Idiot, furious or fatuous Person,) shall respectively give their Consents to the Release and Exemption of such Part of the said Lands, such Consents to be evidenced in Writing under the Hands or Seals of such Parties respectively :

Fourth. Where there shall be any Mortgage, Heritable Security, or other Incumbrance affecting all or Part only of the Lands charged
by

The Lands Improvement Company's Amendment Act, 1863.

by the absolute Order, the Commissioners shall require the Consent to such Exemption or Release of the Person for the Time being entitled to such Mortgage, Heritable Security, or Incumbrance, by Writing under his Hand.

6. Upon such Application, and subject to the Terms and Conditions herein-before mentioned, the Commissioners may, if they shall so think fit, by an Order under their Hands and Seal, release and exempt that Part of the said Lands as to which such Application shall have been made from such Charge, and from all Liability thereto, and every such Order shall be in the Form set out in the Schedule to this Act, or to the like Effect, and if any such Order relates to Land in *Scotland* it shall be registered in the General or Particular Register of Sasines in the same Manner as Grants of Rentcharges under "The Lands Improvement Company's Act, 1853."

Powers to Commissioners to release such Part by Order to be indorsed on the absolute Order.

7. The Execution of such Order under the Hands and Seal of the Commissioners shall be complete and conclusive Evidence that the Commissioners had full Power to release and exempt the Lands therein specified, and that such Power was duly exercised, and the Part of the said Lands therein expressed to be released and exempted shall, as from the Date of such Order, be no longer charged with such Rentcharge or liable to the Payment of the same, or subject to any Rights or Remedies for the Recovery of the same, except so far as relates to any Monies which before the Date of such last-mentioned Order shall have already become payable under or by virtue of the absolute Order charging the said Lands.

Order to be effectual and conclusive as a Release of the Lands specified.

8. The Residue of the Lands originally charged shall, notwithstanding the Release and Exemption of the Lands specified in such Order, continue to be charged with and liable to the Payment of the Rentcharge previously charged upon the whole of such Lands, and such Rentcharge shall be payable and recoverable in the same Manner and to the same Extent as if it had been originally charged by the absolute Order upon such Residue of the Lands only, and shall for all the Purposes of this and the recited Acts be deemed to be an original Charge by absolute Order upon such Lands.

Charge to continue effectual upon Residue of Lands.

9. Where any such Lands are charged by more than One absolute Order any such Application may relate to all or any of the Rentcharges so in force, and any Order under this Act upon such Application may include all or any of such Rentcharges as may be expressed therein.

Application may relate to Lands charged by more than One absolute Order.

10. For all the Purposes of this Act an apportioned Charge under the Provisions of "The Lands Improvement Company's Act, 1853," shall be

Apportioned Charge to be deemed to be

The Lands Improvement Company's Amendment Act, 1863.

be a Charge
within that
Act.

be deemed to be a Charge made by an original absolute Order upon the Lands over which it extends, and may be dealt with under the Provisions of this Act in the same Manner as an original Charge.

Sect. 16 of
18 & 19 Vict.
c. lxxxiv.
repealed.

11. The Sixteenth Section of "The Lands Improvement Company's Amendment Act, 1855," shall be and is hereby repealed.

Company not
exempt from
General
Acts.

12. This Act or anything therein contained shall not exempt the Company or their Undertaking from the Provisions of any General Act relating to this Act or to the Objects of the Company which may pass in the present or any future Session of Parliament.

Expenses of
Act.

13. The Expense of preparing and passing this Act, and preparatory and incidental thereto, shall be paid by the Company.

The Lands Improvement Company's Amendment Act, 1863.

SCHEDULE to Act.

Form of Order for exempting Lands.

Lands Improvement Company.

County of

Parish of

Whereas by an absolute Order under The Lands Improvement Company's Acts, dated the _____ Day of _____, and numbered _____, the Lands mentioned in the First and Second Schedules hereto were charged with the Payment to the Lands Improvement Company, their Successors and Assigns, of the yearly Sum of _____, payable half-yearly for the Term of _____ Years.

And whereas, upon Application made to them, the Inclosure Commissioners for England and Wales see fit to release and exempt such of the said Lands as are particularized in the First Schedule from such Charge and from all Liability thereto.

Now, therefore, the said Inclosure Commissioners, in pursuance of "The Lands Improvement Company's Amendment Act, 1863," do, by this Order under their Hands and Seal, release and exempt the said Lands mentioned in the First Schedule hereto from the Charge created by the above-mentioned absolute Order, and from all Liability thereto, and do hereby declare that the said Charge applies to and continues in force as to the Lands particularized in the Second Schedule hereto only.

Dated this _____ Day of _____

SCHEDULE I. (Lands exempted.)

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

The Lands Improvement Company's Amendment Act, 1863.

SCHEDULE II. (Lands still subject to Rentcharge.)

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

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