

119-8



OBSERVATIONS

UPON THE

A C T

FOR THE

Redemption of the Land Tax:

SHEWING THE

BENEFITS LIKELY TO ARISE FROM THE MEASURE
BOTH TO THE PUBLIC AND TO INDIVIDUALS;

THE SIXTH EDITION.

TOGETHER WITH

INSTRUCTIONS,

ORIGINALLY INTENDED FOR THE USE OF THE COMMISSIONERS,
APPOINTED BY HIS MAJESTY, FOR THE SALE OF THE LAND
TAX; A CORRECT EDITION OF THE ACT, AND A COPIOUS INDEX
THERETO.

London:

PRINTED AND PUBLISHED BY

RUNNEY, THOMPSON, AND CO.

Crane-court, Fleet-street.

To the Commissioners appointed for the
Redemption and Sale of the Land Tax.

Gentlemen,

THE Execution of the Act lately passed for the Redemption and Sale of the Land Tax, being in a great measure committed to you, and the Importance of the Subject requiring that the Powers of the Act should be executed with Uniformity, and the Benefits to be derived from it to Individuals and the Public should be explained: We, the Board of Taxes, have thought it our indispensable Duty to offer every general Information in our Power, and to assist in the Removal of any Difficulty that may occur in the Execution, on your Application to us; and in conformity with our Intentions before expressed, now recommend to you the Perusal of the following Instructions, together with the Tables and Observations annexed, which we have directed to be printed, and bound up with a smaller Edition of the Act itself, for your greater Accommodation, which we trust will remove the greater Part of the Difficulties that may occur in general Cases, and be at the same Time some small
B proof,

(2)

Proof of the Attention we shall give to any particular Difficulties you may think proper to state to us.

We have the Honour to be,

Gentlemen,

Your most faithful Servants,

W. Lowndes.

B. Barne

Edw. Medley

H. Hayes

G. F. Woodcock

*Tax-Office,
October 29, 1798.*

INSTRUCTIONS, &c.

Chapter I.

AFTER qualifying themselves, by taking the oath prescribed by the Act, it will be important that the Commissioners should consider the times and places of meeting.

As to the latter, much will depend on the extent and population of the County or District. If, by fixing the place of meeting in some central Town, sufficient convenience can be offered to individuals, and at the same time steps are taken to circulate the principal objects and advantages resulting from the measure amongst the Land Owners, and in particular amongst the Yeomanry and other small Proprietors, there can be no doubt but the personal convenience of the Commissioners, and that of their Clerk, with many recommendations on account of having a fixed office to resort to, will be best consulted thereby. But in such case, it will be essentially necessary that each Commissioner should, in his own neighbourhood, take upon himself the communication of such notices or instructions as the Commissioners, at any of their meetings, should determine to publish, either for the information of the public as to the measures to be

(4)

adopted by themselves, or the steps to be taken by individuals, in the progress of completing their contracts, or such observations as the Commissioners may think will conduce to give popularity and effect to the measure, or energy and activity to the Proprietors of Land; for those Proprietors residing at a distance from the scene of procedure will with difficulty be operated upon, unless the advantages, with the means of obtaining them, are explained. In large Counties, or where populous Towns are dispersed in different parts, it will be found necessary to adjourn their meetings from place to place, in order to bring the object home to the door of each Proprietor, and thereby direct his attention. The Commissioners cannot fail, in the spirit of liberality which encouraged them to the acceptance of so laborious and arduous a task, to consider the convenience of the County and the advancement of the measure as the rule to influence their decision. This point must therefore be left to the good sense and liberal spirit of the Commissioners.

After settling these discretionary Preliminaries, the next point will be, for the Commissioners for Sale to use their influence with the acting Commissioners of Land Tax in their several Districts to meet from time to time for the purpose of granting certificates of the amount of each person's Land Tax, without which the Commissioners for Sale cannot proceed, and the Land Owners should be distinctly advised, that this first step is indispensable; and as these meetings must be had, as the public mind must be first influenced and urged to that state of active preparation which can induce the Proprietors to

provide

(5)

provide for the means of purchasing the Land Tax, it would be advisable to prepare advertisements for the public papers, recommending the Commissioners to meet for the above purpose, and to comply with the terms of a circular letter transmitted to them through the Secretary to the Board of Taxes, pointing out the means of obtaining and granting those Certificates in the most convenient manner to the Public and the Commissioners.

The necessity of making immediate preparations for completing the purchases is so apparent to those who are acquainted with the nature and operation of the public funds, that it may be thought a waste of time to state it; but it is apprehended, that there may be a numerous class of Proprietors wholly unconnected with public stocks, who may not advert to the expediency of making an early purchase, or who may be ignorant of the means of effecting such purchases, and therefore it will be highly expedient to circulate through the County the Tables printed herewith, with explanatory Notes, intimating, that the amount of the money required for any purchase depending wholly on the price of the stocks, inasmuch as the same amount of Land Tax will always require the same amount of Interest or Annuity to be purchased, and as the price of stocks, (as every other commodity in the market,) is regulated chiefly by the number of purchasers, the funds cannot but experience a gradual rise in the course of these proceedings, every person will best consult his own interest by completing his purchase into the funds of the whole stock necessary for the discharge of his Land Tax, without waiting for the days fixed for the instalments.

B 3

The

(6)

The means of effecting such purchases will be less or more difficult as the parties are conversant or not in the nature and operation of the funds, and less or more attainable by them in proportion to their distance from the metropolis, and more or less likely to interest them in proportion to the amount of the purchases to be made by them.

To facilitate this operation in the cases of assessments to a small amount, the Act enables any number of Proprietors to join in appointing a Trustee to negotiate the purchase in his own name on the behalf of the persons interested. This provision is calculated not only to remove the difficulties attending the purchase from the parties, but will also diminish the trouble and attendance of the Commissioners. There is, perhaps, no line of conduct which would more effectually entitle the Commissioners to the thanks of the public, or of the individuals interested, than their immediate exertions to effect the object of this clause in its fullest extent throughout their Counties. It will lay very much in their power to select and recommend a proper person entitled to the credit and confidence of the public, and of sufficient activity and attention to conduct a concern which, if extended throughout the county, might be of considerable magnitude; and if the Commissioners have the means of selecting such a person willing to undertake the employment, they should take the first opportunity of making their application, and of recommending him to the County.

A deed of trust should be prepared, and all persons whose Land Tax does not amount to 25s. annually should

(7)

should be invited to subscribe to it. The trustee should upon the best calculation he can make, according to the existing price of stocks, be enabled, from time to time, to call upon the party to advance the money necessary for the purpose; and he should have power to employ a banker or agent in London to transact the business relative to the purchase and transfer of the stock and the registry of the contract, which measures will at once obviate the danger of erroneous proceedings, and of the increased expence which would be occasioned by each individual employing his own agent, and at the same time diminish the labour and attendance of the Commissioners.

Another, and not less important measure, would be, to recommend to the attention of those small Proprietors who do not fall under the circumstances particularly provided for by the Act, an agent of known probity and integrity to transact negotiations with the Commissioners, the purchases and transfers of stock, and the registry in all those cases where the party cannot conveniently conduct the business himself. This recommendation should proceed on the ground of particular merit of the person to be recommended, and with a view of diminishing the individual expence, as the generality of the employment would enable the agent to moderate his charges. In several Counties, persons have already offered themselves for this purpose for a small consideration. But individuals should not be left to choose out of those who offer themselves. Such only who are of acknowledged integrity and ability should be encouraged.

B 4

These

(8)

These are steps which may be taken by the Commissioners previous to their meetings for receiving certificates, as steps which will communicate the necessary information to individuals who are not conversant in matters of this kind, and have no opportunity of informing themselves, involving these distinct heads.

1st, To instruct individuals in the steps they are to take previous to their entering into the Contract, at the same time using their endeavours to obtain frequent meetings of the Land Tax Commissioners.

2dly, To inform individuals of the advantages that may probably accrue by immediate purchases of stock.

3dly, To set on foot the provisions of the Act respecting small Proprietors ; and

4thly, To extend the policy of that provision beyond its literal extent, by assisting individuals in the choice of proper agents.

There is one other consideration which may properly precede the explanation of the duty of a Commissioner of Sale, by which the business may be much expedited, viz. to permit the Clerk to receive the certificates of the amount of Land Tax at his house or office, and in all cases where the party purchases the Land Tax out of his own property, without calling in aid the powers of the Act for alienating or charging the estate, to allow him

(9)

him to prepare the contract of sale under the same cautions as are required from the Commissioners themselves, preparatory to the meeting of the Commissioners ; when the duty of the commissioners, if the purchaser's title to preference be ascertained, will consist in comparing the certificates of contract with the entry in their books, which are the contracts themselves, and in signing those certificates of contract which are thus made conformable to the documents from which they are made. Their duty, in cases not involving any difficulty, will be much expedited by this mode of proceeding ; but in doing this they must not fail to instruct their Clerk to give the earliest intimation of any application to alienate or charge any part of an estate, in order that no unnecessary delay may take place in the consideration of those points which really require circumspection and attention.

Chapter II.

THE DUTY OF THE COMMISSIONERS.

IT will be sufficient for the present to consider the duty of the Commissioners as far as it respects the redemption of the Land Tax by persons having an interest in the Lands, as the sale of it to strangers after the twenty-fifth day of March, 1799, will be under the immediate direction, and with the approbation of the Lords of the Treasury. See sect. 68. Sect. 11. 12.

The

(10)

The persons whom the act authorizes to contract with the Commissioners for the redemption of the Land Tax are all corporations and companies, whether corporate or not corporate, and all trustees for charities or other public purposes, seised or possessed of any real estate, and also all committees or curators of lunatics or idiots, and all tutors and guardians of infants, and all persons having authority to act for infants, married women, and other persons incapable of acting for themselves on behalf of such lunatics, idiots, infants, married women, (i. e. where the husband is by will or deed restrained from intermeddling with an estate settled to the separate use of the wife,) and other persons incapable of acting for themselves, and all trustees on behalf of the persons for whom they shall be trustees, and also all other persons having any estate or interest in or being substitute heirs of entail, entitled in their order to succeed to any real estate whereon any Land Tax shall be charged (except tenants at rack rent, and tenants holding under the Crown or the duchies of Lancaster or Cornwall, such tenants being tenants for years, or from year to year, or at will.)

Individuals need not appear personally before the Commissioners, unless the Commissioners shall deem it necessary for their own satisfaction, but may appoint an agent to act for them, and which appointment may be by letter, or any writing however informal, and need not be stamped, or even by parol.

Public bodies must, of course, act by means of an agent.

The

(11)

The benefit of preferences mentioned in the act ^{S. 2. 13, 14.} consists of two parts. The first preference being given generally to all persons having an interest in the Lands as opposed to strangers; which preference continues till the twenty fifth of March, 1799. Commissioners are therefore, till that period, to receive applications for the redemption of the Land Tax, and contract for the sale of it with persons having an interest in the lands, unless such persons shall give notice to the Commissioners, that they mean to waive the benefit of preference given to them by the act, in which event only the Commissioners may contract for the sale of the Land Tax to strangers in the same manner, under the direction of the Lords of the Treasury, as if that period were expired.

A preference is also given to the persons in the actual possession of the lands, or intitled to the rents and profits thereof, as opposed to persons having an interest in remainder, or in succession in the lands, which continues in favour of the persons in possession till the twenty fifth of December, 1798, with a power in the Commissioners to sell to the persons in remainder or succession previous to that time, in case the person in possession shall waive the benefit of preference, and give notice thereof to the Commissioners.

After the twenty-fifth of December, 1798, and until the twenty-fifth day of March, 1799, the persons in remainder will be entitled to the preference in the redemption, in the order of their succession to the estate, not only in exclusion of strangers, but also of the persons in possession, if they have neglected to avail themselves of the preference first given
to

to them by the act; but if those in remainder should waive that preference for the benefit of those in possession, the Commissioners may contract with them, notwithstanding their former omission.

It is to be observed that where there are no persons in remainder, but the person in possession has the absolute interest in the lands, he may contract at any time before the 25th day of March, 1799; but in order to ascertain whether the person applying is the person entitled to preference, it will be necessary for the Commissioners to resort to some evidence of that fact. If the party apply in person, the Commissioners may examine into the fact on oath, or if the receiver or tenant of the lands act for him; but if the agent be ignorant of the fact, it will be necessary that the party, or some one for him, make an affidavit to the effect of proving, that the person offering to redeem is in the actual receipt of the rents and profits. This proof, however, only becomes necessary where the party is not assessed to the Land Tax as the actual proprietor, for that assessment is *prima facie* evidence of title, and sufficient to warrant the Commissioners in proceeding to contract with him for the sale.

The same enquiries will be necessary when the persons applying to redeem are entitled to the preference given by the act, over those in remainder, reversion, or expectancy; namely, such as apply previous to the twenty-fifth day of December, 1798, whether they are in the actual receipt of the rents and profits; and after that period, and till the twenty-fifth day of March, 1799, whether their interest in remainder is such as to entitle them to the preference.

If

If any of the persons in remainder should differ as to the order of their succession to the estate, the Commissioners must determine the matter.

In order to satisfy themselves with respect to Sect. 6. these enquiries, and to determine any differences which may arise between persons applying to redeem, the commissioners may, if necessary, examine such persons upon oath or affirmation (which they or any one or more of them are authorized to administer) and may also require the production upon oath or affirmation of any deed, conveyance, or instrument relating to the estate.

The act does not *require* this strict examination; in most cases the Commissioners will probably satisfy themselves upon these points, either from their own personal knowledge, or from simple enquiry; where these fail they will resort to the means before mentioned.

Having ascertained the right of the party to redeem, Sect. 17. the Commissioners are then required to examine the certificate of the Commissioners of Land Tax, which will be produced to them by the party; and, if necessary, they must amend the same according to the Land Tax Assessment; and that they may do this the more readily, directions are given to prepare copies of Land Tax Assessments, for the use of Commissioners of Sale during the period they act in the Redemption of the Land Tax.

The certificate will shew the quantity of Land Tax which is proposed to be redeemed, the Commissioners

Sect. 9.

Commissioners will ascertain the quantity of stock (which may be either three per cent. consolidated, or three per cent. reduced annuities, at the option of the party) to be transferred as the consideration for the redemption of the Land Tax specified in the certificate, and which should be so much stock as will produce a dividend exceeding by one-tenth the amount of the Land Tax to be redeemed. As if the Land Tax to be redeemed be ten pounds per annum, the consideration will be 366l. 13s. 4d. stock producing a dividend of eleven pounds. In order to obviate mistakes in computation, accurate tables are annexed to this publication, which at one view point out the amount of the stock to be purchased in every possible case.

Sect. 10.

The time limited by the act for completing the payments is four years from the twenty-fifth of March, 1799, and the payments are to be made by four installments in every year, on the first of May, the first of August, the first of November, and the first of February; but the party may stipulate with the Commissioners for the transfer of the whole stock at one time, or by installments within a less period than four years, provided the installments be even, and be made at equal intervals within the period agreed upon between the party, and the Commissioners, and on the days before mentioned in each year, or on such of the said days as shall fall within the period agreed upon for the transfer; and the party may, if he shall think proper, notwithstanding the terms of the contract, transfer the consideration in advance, by which he will avoid the trouble of attendance at the Bank, or the calculations relative

to

to the payment of interest of the Installments not transferred.

The contract will then be completed according to the printed form sent to the Commissioners, the blanks of which will be filled up by their Clerk previous to the execution, so as to suit the particular circumstances of every case*.

An entry should then be made by the Clerk to the Commissioners, according to a form which will be furnished for the purpose, of every contract entered into with them for the redemption of Land Tax.

The certificate of the contract signed by the Commissioners for Sale, and also the certificate of the amount of Land Tax must be returned to the party contracting, in order that he may produce them at

Sect. 17.

* The part of the contract which directs the proportions and times of transfer may, of course, vary according to the stipulation of the party with the Commissioners; but no inconvenience will arise, if a general rule be adopted of filling up all the contracts according to the prepared form, where the consideration is to be transferred by sixteen instalments; for the party, if it is convenient to him, may transfer any part of it in advance, and he will reserve to himself thereby the power of consulting his own convenience in making those transfers which unforeseen occasions may render necessary; and if the party should elect to have the Land Tax continued liable to future assessments, and should declare his option to that effect, the Commissioners will cause such declaration to be inserted at the end of the contract in the following words: "And the said A. B. hath declared his option to be considered on the same footing as a person not interested in the said lands * is by the said Act considered."

* Messuages, Tithes, &c, as the case may require.

the

Sect. 75.

the Bank, upon the transfer of his first instalment, and procure a registry of them, according to the directions of the Act.

Hitherto the duty of the Commissioners for Sale has been considered with reference only to the simple case where the party applying to them is provided with the means of completing the redemption of his Land Tax without being compelled to resort to the powers given by the Act of raising money for the purpose, by selling or charging his land.

In the latter case, a very important duty falls upon them, namely, to see that those powers are exercised without injury to the estate, or to the interests of persons entitled in remainder or succession.

Sect. 19, 20.

The Act enables all Bodies Politic or Corporate, and Public Companies, and all Trustees for Charitable and other Public Purposes, and all other persons, if in the actual possession, or beneficially entitled to the rents of any real estate (except tenants at rack rent and tenants under the Crown, and the duchies of Lancaster and Cornwall, as before-mentioned), and all committees and curators of lunatics, and tutors and guardians of infants, and all trustees having authority to act for infants, minors, issue unborn, married women, and other incapacitated persons, for the purpose of raising money to redeem the Land Tax charged on their estates, to sell such parts thereof as shall be eligible and necessary, or to mortgage a sufficient part thereof, or to grant a perpetual rent charge thereout.

But

But certain public bodies are restricted from the sale of or imposing any charge upon their estate without the concurrence of others who are considered as the political guardians of that property. These descriptions of persons are enumerated together in Sect. 19. So also certain individuals are restricted from sale or charge without the concurrence of those in reversion of the same estates. See Sect. 25.

Every Body Politic, or person desirous of selling, or charging, must give one month's previous notice thereof to the Commissioners for Sale, and also to the person having the next beneficial interest in remainder, and must deliver to the Commissioners a schedule in writing, signed by the party; in which notice to the Commissioners and schedule, the lands upon which the Land Tax is charged must be particularized in the same manner as in the certificate of the Commissioners of Land Tax, and also the part of them which is proposed to be sold or charged. The quantity or duration of the estate or interest which the party has in the lands must also be particularly stated; and if it is not an estate of inheritance, the name of the person next entitled to the next beneficial interest in remainder*; and if there shall be any mortgage or other incumbrances, the names of the persons having the same, and the amount thereof, and the order in which the securities stand.

* Should the person having the next beneficial interest in remainder be an infant or lunatic, the fact of infancy or lunacy, and the name of the guardian or committee, should be stated in the notice and schedule to be delivered to the Commissioners, inasmuch as the consent of that guardian or committee is requisite.

C

The

Sect. 6.

The first duty of the Commissioners for Sale will, in such case, be to satisfy themselves of the truth of the statements contained in the notice and schedule, for which purpose they may not only examine the party upon oath as before-mentioned, but may also examine upon oath all other persons who shall be willing to be examined touching any matters relating to the title of the person or persons in remainder, reversion, or expectancy to the estate, or having any mortgage, lien, or incumbrance thereon, or touching any matter or thing relating thereto, which they may think necessary for their information in the execution of the powers vested in them; and may also require from the party the production, upon oath or affirmation, of any deed, conveyance, or instrument relating to the estate, and may also receive any affidavit or deposition in writing as before-mentioned.

From the notice and schedule, if the statements therein are correct, the Commissioners will be completely informed of the nature of the property proposed to be sold, and of the different interests of the parties concerned.

Where consent is required by the Act, as in the cases before mentioned, the Commissioners must, in the first instance, be satisfied that such consent has been given.

Where any person has a beneficial interest in remainder, the party in possession desiring to sell or charge must give such person in remainder one calendar month's notice of his intention; the object

object of which is not only to enable the person in remainder to assist the Commissioners in preventing any sale or charge which might be injurious to the estate, but also to enable him to prevent the sale or charge altogether, by advancing the money necessary for the redemption. The advancement of the money will entitle such person in remainder to the right of redemption of the Land Tax in preference to the person in possession desirous of alienating or charging the estate: and in that case, the Commissioners will contract with the person in remainder for the redemption in the same manner as if he had applied to them in consequence of the waiver of preference by the person in possession.

In all cases, therefore, where there is a person entitled in remainder, the Commissioners must, in the first instance, be satisfied, not only that the notice required by the Act has been given to such person, but that he has formally waived his privilege of advancing the money.

Where the person in remainder is a minor or a lunatic, this notice must be given to the guardian or committee; but in cases where the party desirous of selling or charging stands himself in the situation of guardian or committee, this notice cannot of course be given; and he may sell or charge in the same manner as if the infant or lunatic had been of age or sane, and had refused after notice to advance the money.

But in all such cases where the person in remainder is not competent himself, and has not a guardian or committee

(20)

committee to take care of his interests, it will be incumbent upon the Commissioners to be more especially minute and particular in their investigation of the nature of the property, and the rights of the parties interested; and to see that no injury will accrue to the estate from the sale or charge of any part of it.

Sect. 30.

If the sale or charge be permitted to take place by the person whose consent is requisite, or by the remainder man, the next object of the attention of the Commissioners will be, in the case of a mortgage, or grant of a rent charge, to ascertain the quantity of money necessary to be raised, as the Act provides, that no more money shall be raised by way of mortgage, or by grant of any rent charge, than what shall appear to them sufficient to purchase the amount of Bank annuities to be transferred as the consideration for the redemption of the Land Tax; and in the case of a sale, to ascertain the quantity of estate necessary to be sold as nearly as possible; as the Act directs, that no other, or greater quantity of estate shall be sold than what shall appear to them eligible, and necessary to be sold for the purpose. With a view to the latter case, they will require an estimate in writing, upon oath or solemn affirmation, of the value of such part of the estate as shall be proposed to be sold, and that the sale thereof will not materially injure the residue of the estate remaining unsold; and that the part proposed to be sold is proper (under all circumstances) to be sold for the purpose, which will involve an inquiry into the situation and circumstances of the whole estate under the same settlement.

The

(21)

The Commissioners cannot certify their consent to Sect. 39.
or approbation of any sale without such an affidavit; for their justification, therefore, the affidavit must be lodged with, and kept by them.

In settling the quantity of money to be raised, or of estate to be sold, the Commissioners will of course be guided by the price of the three per cents. at the time, taking care not to raise more than may be necessary for the purpose; should there be any surplus, however, occasioned by circumstances not foreseen by them, the act directs the application of it.

In the case of a sale, as soon as the Commissioners Sect. 24.
are satisfied of the propriety of it, and have ascertained the quantity of estate to be sold, they will cause notice to be published in some newspaper usually circulated in the place where the property is situate, of the intended sale, which must be by public auction before two or more of the Commissioners, or some person appointed by them.

As soon as the sale is over a correct minute or entry should be made by the clerk to the Commissioners, (in a book to be kept for that purpose,) of the name of the vendor, the property sold, the price bid for it, and the name of the highest bidder, with a reference to the entry of the contract for redemption.

Wherever the money necessary for redemption is proposed to be raised by mortgage of the estate charged, the Act provides, that all Persons, Bodies, Corporations, or Companies, having any prior mortgages, charges, liens, or incumbrances on the Sect. 35.
estate,

C 3

(22)

estate, shall be entitled, according to their respective priorities, to advance the money required for the redemption of the Land Tax in preference to all other persons.

From the notice and schedule delivered to them, the Commissioners will be made acquainted with the different incumbrances affecting the estate. Before they permit any mortgage to be made to a stranger, they must require from the party such proof as shall be satisfactory to themselves, that the persons having such incumbrances have been applied to, and have refused to advance the money.

It may happen, where there are several incumbrances upon an estate, that differences may arise between the persons having these incumbrances, as to their respective priorities and their right to advance the money. These differences must be settled by the Commissioners; and for this purpose, they will be empowered to examine the parties themselves upon oath, and to require the production of the deeds or instruments creating or securing their incumbrances, and also to receive affidavits in the manner before-mentioned.

Sect. 19, 20.

The conveyance, mortgage, or grant of rent charge, will be by indenture duly sealed and delivered, to be afterwards, and within six calendar months from the execution, enrolled in the proper Court, that is to say, in one of the Courts of Record at Westminster, or in the Courts of Chester, Lancaster, or Durham, or of Great Sessions in Wales, or registered in Middlesex or York, according as the property may be situate.

In

(23)

In every case except where the sale or charge is made under the authority of any court the act requires, in order to render the same valid and effectual, that two at least of the Commissioners for Sale shall certify their consent thereto, and approbation thereof, by signing and sealing the same. The Commissioners will, of course, examine every deed with care and attention, before they execute it; and they should cause an entry to be made of every deed which should specify the names of the parties, the situation, and quantity of the property sold or charged and the amount of the money raised. Sect. 20, 21.

The receipt of the Cashier of the Bank, which by sect. 30 is directed to be given to the purchasers, mortgagees, or grantees, for the purchase or mortgage money paid into the Bank, might as well be engrossed on the back of the deed, to be signed by the Cashier on its production by the purchaser, mortgagee, or grantee, at the bank.

Where the same persons both in possession, and remainder are interested in properties situated in different counties, it may frequently be desirable that the whole or the greater part of the property in one county should be sold or charged for the purpose of redeeming the Land Tax charged upon the properties situate in other counties.

If the person in remainder does not prevent the necessity of a sale as in the cases before mentioned, this may be done, provided the Commissioners acting for the county in which the property proposed to be sold is situate, are satisfied of the propriety of it.

C 4

(24)

it. For this purpose the party should procure from the Commissioners of the Land Tax for the districts in which the property proposed to be exonerated is situate, certificates of the amount of the Land Tax charged thereon, and should produce the same to the Commissioners for Sale in those districts, informing them of the intention of the party to redeem such Land Tax by the sale or charge of lands situate in another county, and delivering at the same time a statement similar to that which is required in common cases; the Commissioners in those districts will then satisfy themselves of the truth of the statements, and that notice thereof has been given to the person next in remainder, and thereupon grant a certificate to the party, containing the amount of the Land Tax, the nature and situation of the property charged, the name of the person next in remainder, and such other facts and circumstances as they may think necessary for the information of the Commissioners acting for the county in which the lands proposed to be sold or charged, lie. From these certificates which must be produced by the party to the last mentioned Commissioners they will be enabled to judge of the propriety of the sale or charge proposed to be made, in the same manner they would have been if the whole property had laid in the same county; and may authorize the same, taking care to pursue the same forms as are required by the act in common cases.

The purchase or mortgage money will be paid in the same manner into the Bank; but separate receipts should be given by the Cashier of the Bank to the purchaser or mortgagee, and to the party redeem-

(25)

redeeming, for the amount of the consideration to be paid for the Land Tax in each county.

Separate contracts must also be entered into for the different counties, in the same manner as in common cases.

In Scotland no sale or charge can take place without the authority of the Court of Sessions; in no case therefore need the Commissioners certify their consent to or approbation of the deed; but where the court authorizes a sale the extract of their decree will be produced by the party to the Commissioners who will proceed to sell the estate by auction. Sect. 26. 27. 28.

For the convenience of persons whose Land Tax is small, and to relieve them from the trouble of going through all the forms before mentioned, the act provides that when the Land Tax charged on the estate of any person shall not exceed the annual sum of 25s. any number of such persons, if entitled to the benefit of preference, and who shall advance the money required for the purchase out of their own estate, may by deed or instrument in writing under their hands and seals, substitute and appoint any other person or persons to be a trustee or trustees for the purpose of redeeming their Land Tax. Sect. 66.

This trustee having procured from the Commissioners the proper certificates of the amount of the Land Tax will produce the same to the Commissioners for sale, who may by one contract agree with the trustee in his own name for the sale of the whole

whole of such Land Tax, and as if the same was charged on the property of such trustee, without mentioning the proportions thereof; the contract therefore will be in the same form as in other cases.

Before they proceed to contract, the commissioners must require the production of the deed or instrument, constituting the trust, and also an affidavit, deposition, or affirmation, of each of the parties thereto, in which the addition and name of the party must be expressed, and which must be stated to be made in pursuance of the act, declaring the nature of the estate which the deponent in such affidavit, deposition, or affirmation, has in the lands whereon his proportion of the Land Tax intended to be purchased by the trustee is charged, and that he has advanced or agreed to advance the money required out of his own estate.

The Deed of Trust, after examination by the Commissioners, will be returned to the trustee, but the affidavits will be lodged and will remain with them.

It is expressly provided that no sale or charge shall be made under the act by any person constituting a trustee, for the purpose of raising money to redeem. The Commissioners must therefore take care that no sale or charge is made for that purpose.

Sect. 44.

Parishes entitled to the benefit of any lands, settled to charitable uses, may redeem out of the Poor's rates, if the rents and profits of such lands shall be

be applicable for the benefit of the poor; or out of the Church rates, if applicable to the repair of any church or chapel.

The Parochial Officer (whose duty it is to apply these rates, namely, the Overseer, if Poor's rates, and the Churchwardens, if Church rates) will enter into the contract. But no rate can be so applicable without the approbation of two justices of the peace of the county, &c. certified in writing to the Commissioners for sale, and proof before such justices on oath, or affirmation, of notice having been given during divine service on two Sundays at least in the church or chapel belonging to the parish, of an intention to make such application, and of the time and place of applying for the approbation of such justices.

The Commissioners must therefore, before they enter into the contract with the Parochial Officer, require the production of the certificate of the justices.

The governors of Queen Ann's bounty may apply their funds towards the redemption of Land Tax charged upon the profits of livings coming within the meaning of their charter. Sect. 64.

The contract is to be entered into by the incumbent with the consent of the governors, such consent should be produced to the Commissioners by the party at the time of entering into the contract.

Some

(28)

Some difficulties are likely to occur from the great irregularity with which the assessments of Land Tax have been made. The act now under consideration proceeds upon the supposition that an equal rate would be made out in all cases, considering that as the Land Tax prescribes an equal pound rate upon all the lands in the same parish, at the same time giving full powers to rectify any disproportion, and as it must be acknowledged to be the interest of every individual that an equal rate should be made where the interest of any party would be affected by any inequality in the rate, care would be taken that no considerable disproportion would be introduced.

From various causes (not necessary to enumerate) a great disproportion in the assessment, has been introduced in many places, and suffered to continue from year to year. In some parishes, houses and lands untenanted are not rated, and to make up the deficiency arising thereby a greater proportion has been charged on the rest; in others a considerable sum beyond the quota has been raised to guard against deficiencies arising from failure in payment. Those excesses have accumulated until a new rate being made, less than the quota, the deficiency is supplied from the sums before levied, and thus the sums raised under the same powers in the same parish differ considerably in successive years. These abuses may tend materially to injure the sale, and the Commissioners will do well to attend to these matters minutely, and wherever they occur, to state the circumstances to the Board of Taxes as expeditiously as possible, that the matter may be properly digested, in case it shall be thought

(29)

proper to propose a remedy to Parliament. As the law now stands no remedy can be applied, but in the cases alluded to in the sixteenth section of the act, where the interests of different persons are blended in the same assessments, there the Commissioners of Land Tax may, on appeal, apportion the same between the parties, but in other cases, to effect a due apportionment of the rate for the present year, will require the aid of Parliament in the ensuing sessions.

TABLES

T A B L E S

Shewing the Amount of STOCK to be purchased for any LAND TAX bought. Also the SUM to be paid for it at each INSTALMENT.

TABLE I.

Amount of the Land Tax to be purchased.	Amount of Stock to be transferred.	One Sixteenth to be transferred at each Instalment (avoiding Fractions of One Penny).	The Stock in addition to be transferred at the last Instalment, to make up the Deficiency of former Transfers.
£. s. d.	£. s. d.	£. s. d.	s. d.
0 0 0 1 1/4	0 0 9 1/4	0 0 1	0 2 1/2
0 0 0 1 1/2	0 1 6 1/2	0 0 2	0 4 1/2
0 0 0 1	0 3 0 3/4	0 0 4	0 9 1/2
0 0 0 2	0 6 1 1/2	0 0 6	1 2
0 0 0 3	0 9 2 3/4	0 0 9	1 2 1/2
0 0 0 4	0 12 3 1/2	0 0 11	1 7 1/2
0 0 0 5	0 15 4	0 1 1	1 0
0 0 0 6	0 18 8	0 2 3	0 8
0 1 0	1 16 8	0 4 7	0 0
0 2 0	3 13 4	0 6 10	0 8
0 3 0	5 10 0	0 9 2	0 0
0 4 0	7 6 8	0 11 5	0 8
0 5 0	9 3 4	0 13 9	0 0
0 6 0	11 0 0	0 16 0	0 8
0 7 0	12 16 8	0 18 4	0 0
0 8 0	14 13 4	1 0 7	0 8
0 9 0	16 10 0	1 2 11	0 0
0 10 0	18 6 8	1 5 2	0 8
0 11 0	20 3 4	1 7 6	0 0
0 12 0	22 0 0	1 9 9	0 8
0 13 0	23 16 8	1 12 1	0 0
0 14 0	25 13 4	1 14 4	0 8
0 15 0	27 10 0	1 16 8	0 0
0 16 0	29 6 8	1 18 11	0 8
0 17 0	31 3 4	2 1 3	0 0
0 18 0	33 0 0	2 3 6	0 8
0 19 0	34 16 8		

TABLE I. continued.

Amount of the Land Tax to be purchased.	Amount of Stock to be transferred.	One Sixteenth to be transferred at each Instalment (avoiding Fractions of One Penny.)
£. s. d.	£. s. d.	£. s. d.
1 0 0	36 13 4	2 5 10
2 0 0	73 6 8	4 11 8
3 0 0	110 0 0	6 17 6
4 0 0	146 13 4	9 3 4
5 0 0	183 6 8	11 9 2
6 0 0	220 0 0	13 15 0
7 0 0	256 13 4	16 0 10
8 0 0	293 6 8	18 6 8
9 0 0	330 0 0	20 12 6
10 0 0	366 13 4	22 18 4
20 0 0	733 6 8	45 16 8
30 0 0	1100 0 0	68 15 0
40 0 0	1466 13 4	91 13 4
50 0 0	1833 6 8	114 11 8
60 0 0	2200 0 0	137 10 0
70 0 0	2566 13 4	160 8 4
80 0 0	2933 6 8	183 6 8
90 0 0	3300 0 0	206 5 0
100 0 0	3666 13 4	229 3 4
200 0 0	7333 6 8	458 6 8
300 0 0	11000 0 0	687 10 0
400 0 0	14666 13 4	916 13 4
500 0 0	18333 6 8	1145 16 8
600 0 0	22000 0 0	1375 0 0
700 0 0	25666 13 4	1604 3 4
800 0 0	29333 6 8	1833 6 8
900 0 0	33000 0 0	2062 10 0
1000 0 0	36666 13 4	2291 13 4
2000 0 0	73333 6 8	4583 6 8
3000 0 0	110000 0 0	6875 0 0
4000 0 0	146666 13 4	9166 13 4
5000 0 0	183333 6 8	11458 6 8
6000 0 0	220000 0 0	13750 0 0
7000 0 0	256666 13 4	16041 13 4
8000 0 0	293333 6 8	18333 6 8
9000 0 0	330000 0 0	20625 0 0

If stock should be at 50, then the half that which is shewn in the Table will be the purchase money, and so in proportion. To find the quantum of stock necessary to purchase any Tax not immediately noticed in this Table, it may be known by three or four additions, e. gr.

Should

TABLE I. continued.

Should the amount of the sum required be £.166. 12s. look in the Table for £.100. you find, £.3,666 13 4

for 6p.	2,200	0	0
for 6.	220	0	0
for 0. 12s.	22	0	0

The sum or purchase of £.166. 12s. £.6108 13 4

Or should the several instalments be wanted, instead of the whole purchase, look in the instalment column

for £.100. you find	£.229	3	4
for 6p.	137	10	0
for 6.	13	15	0
for 0. 12s.	1	7	6

.381 15 10

TABLE II.

Shewing the Rate of Purchase according to the PRICE of STOCK, together with the INTEREST of the MONEY.

Number of Years Purchase.	Price of £. 100. of Three per Cent. Stock.	Expressed to the nearest Fraction of One Eighth.	The Interest for the Money.
£.	£.	£.	£. s. d.
18	49 ¹⁰ / ₁₆	49 ⁷ / ₈	5 11 1 ¹ / ₂
19	51 ⁹ / ₁₆	51 ⁷ / ₈	5 5 3
20	54 ¹ / ₁₆	54 ¹ / ₂	5 0 0
21	57 ³ / ₁₆	57 ¹ / ₄	4 15 2 ¹ / ₂
22	60	60	4 10 1 ¹ / ₂
23	62 ⁸ / ₁₆	62 ³ / ₄	4 6 1 ¹ / ₂
24	65 ⁵ / ₁₆	65 ¹ / ₂	4 3 4
25	68 ¹ / ₁₆	68 ¹ / ₈	4 0 0
26	70 ¹² / ₁₆	70 ³ / ₄	3 16 11
27	73 ⁷ / ₁₆	73 ³ / ₈	3 14 1
28	76 ⁴ / ₁₆	76 ¹ / ₂	3 11 5

OBSERVATIONS

UPON

THE ACT

FOR THE

REDEMPTION OF THE LAND TAX.

THE benefits likely to arise from this measure to the public, are more important than from any other operation in Finance since the Funding System took place, except the Acts passed within the last twelve years for ensuring a gradual reduction of the National Debt; to individuals the advantages are equally certain and considerable: perhaps there is no instance of any measure so plainly and powerfully combining the public and private interests; while it will increase in a very great degree the resources of the country, it not only will not impose any burthen on the subject, but will actually give a pecuniary advantage to all those who become Purchasers.

It is perfectly well known, that the large sums now applicable in each quarter to the reduction of the Debt, occasion such a demand for Stock, as to render it difficult sometimes to find in the market the quantity wanted;

[2]

ed; an increased demand therefore arising from Purchases made by persons, not now Stock holders, in order to pay for their Land Tax, and the amount of Stock that will be taken out of the market by the Transfer from those who are holders of £3 per cents, must of necessity raise the price of the Funds considerably. If the whole of the Land Tax should be fold, (while the Funds are at their present price) Stock to the amount of £70,000,000 would be annihilated; but, if only a considerable part of it should immediately find purchasers, we may, without being sanguine, expect that we should thereby be enabled to borrow on reasonable terms, as much money in each year as shall be found necessary to make up with the sums to be raised within the year, the whole that will be wanted for the unavoidable expences of the war, even if we should be compelled by an implacable enemy to submit to the pressure of it for a considerable period yet to come.

How desirable it is for persons to become Purchasers of the Land Tax, especially for the Owners of Estates of such sums as are charged thereon, will be seen in the course of these Remarks.

The following Observations will, it is hoped, facilitate the execution of the Act by giving a distinct view of the different Provisions and Regulations which are contained in it, the consideration of which will naturally branch itself into two different heads:

1st. The

[3]

1st. The redemption of the Land Tax by persons having an interest in the lands.

2dly. The purchase of it by strangers, in the event of persons interested refusing to redeem.

1st. With respect to the redemption of the Land Tax by persons having an interest.

1st. Redemption of Land Tax by persons interested, &c.

The law having placed certain descriptions of persons, as public bodies, &c. under disabilities to purchase interests in lands, it became necessary in the execution of the measure to enable such incapacitated persons to contract.

The persons enabled to contract are of three descriptions.

1st. Public bodies, as bodies politic, corporate, or collegiate, corporations aggregate or sole, and all guilds, mysteries, fraternities, or brotherhoods, corporate or not corporate, and trustees for charities, or other public purposes.

2dly. Individuals on behalf of persons incapacitated by law, as committees of lunatics or idiots, and guardians of infants, and persons having authority to act for infants, married women, and other persons incapable of acting for themselves, and trustees on behalf of such persons for whom they are trustees.

3dly. Individuals having any beneficial estate or interest in their own right.

Each of these three classes may be divided into two descriptions.

A 2

1st. Bo-

1st. Bodies politic, or persons in possession.

2dly. Those in remainder, reversion, or expectancy, in the order of their succession.

Preference in the redemption.

The first object of the Legislature is to give every possible advantage to persons interested in the property charged, and to exclude strangers as much as possible, consistently with the general nature of the plan, and the benefit which the public have a right to expect from it.

Over strangers. Sect. 12, 13.

Persons having any interest, however remote, and whether vested or contingent, are very properly considered by the Legislature as having a better claim to purchase their Land Tax than strangers. Strangers are therefore excluded from becoming purchasers till after the 25th of March 1799; and where there are no persons in remainder, the land owner, or person having an interest in the land, will have till that period to determine whether he will redeem or not. If he does not redeem before that period, he will lose all benefits attached to his situation as owner of the land, and must then purchase, if at all, upon the same terms as a stranger.

Preference as between persons interested.

As the Land Tax is paid by the persons in the actual possession, they are of course more immediately interested in the redemption of it than the persons in remainder; the Legislature therefore on this ground gives them a preference: but as a certain period for making the contract must be allowed to those in remainder, where the persons in possession

mean

mean not to redeem, the time for making the contract by persons in possession, where there is any interest in remainder, is limited to the 25th of December 1798; after that period, and till the 25th of March 1799, the person in remainder will be at liberty to contract in exclusion of strangers; and a preference is given, as between the persons in remainder to those who are first in the order of succession to the estate. In case any difference shall arise between them as to the order of succession, the same is to be determined and settled by the Commissioners for sale.

If, however, the persons entitled to a preference give notice to the Commissioners for sale of their intention to waive it, those next entitled may redeem, or strangers, if there should not be any so entitled, may purchase, at any time before the ultimate period before-mentioned. Sect. 69.

It is proper to observe here, that tenants at rack rent, and tenants under the crown, or the duchies of Lancaster and Cornwall, either for years, or from year to year, or at will, are not entitled to any preference under the act. The person entitled to the rent reserved, in all cases of tenancies at rack rent, being considered as in the actual possession for the purpose of claiming the preference; and the crown, and the duchies of Cornwall and Lancaster having the exclusive privilege of purchasing the Land Tax charged upon the lands of their lessees. Sect. 14.

Sect. 14.

Where the Land Tax is payable by the tenant, the landlord, if he redeems, may add the amount of the Land Tax to the rent reserved, and use the like remedies for the recovery of it, as for the recovery of rent.

Fee farm rent.
Sect. 15.

In cases where the owner of lands charged with a fee farm or other annual rent redeems the whole Land Tax, he may continue to deduct a just proportion of the Land Tax out of the fee farm rent in the same manner as he may under the present Land Tax Act, upon payment of the rent. But the person entitled to the fee farm rent is at liberty to redeem his proportion of Land Tax, in preference to the land owner, in which case he must apply to the Commissioners of Land Tax to settle and adjust his due proportion, and afterwards proceed in the same manner as any other person redeeming.

The consideration.
Sect. 9.

In settling the consideration to be given for the redemption, regard has been had to two circumstances, namely, to procure a small annual profit to the public, and to guard against the possibility of loss from the rise of the Funds.

The consideration to be given for the redemption is to be so much of the 3*l.* per Cent. Consolidated, or 3*l.* per Cent. Reduced Bank Annuities; as will produce a dividend exceeding, by one tenth, the amount of the Land Tax to be redeemed. As, if my lands are charged with 10*l.* per annum Land Tax, I must purchase in the 3 per cents. 11*l.* per annum, or a capital stock of £.366. 13*s.* 4*d.* The nominal consideration

ation to be paid for any given quantity of Land Tax will therefore never vary; but the actual sum paid as a consideration for the whole, or any instalment, will depend upon the price of the Funds at the time of the purchase of the stock. The following table will shew the rates of purchase corresponding with the different prices of stock, and the interest which the land owner will obtain for his money laid out at those prices in the purchase of his Land Tax.

Number of Years Purchase.	Equivalent to 3 <i>l.</i> per Cents. at *	Interest of Money laid out.		
		£.	s.	d.
17	46 $\frac{3}{8}$	5	17	7 $\frac{3}{4}$
18	49 $\frac{1}{8}$	5	11	1
19	51 $\frac{7}{8}$	5	5	3
20	54 $\frac{1}{2}$	5	0	0
21	57 $\frac{1}{4}$	4	15	2 $\frac{3}{4}$
22	60	4	10	11
23	62 $\frac{3}{4}$	4	6	11 $\frac{1}{2}$
24	65 $\frac{1}{2}$	4	3	4
25	68 $\frac{1}{4}$	4	0	0
26	71	3	16	11
27	73 $\frac{5}{8}$	3	14	0
28	76 $\frac{3}{8}$	3	11	5
29	79 $\frac{1}{8}$	3	8	11 $\frac{1}{2}$
30	81 $\frac{7}{8}$	3	6	8

* Note. The proper fractions of stock are many of them a little more or less than those stated in the table; but the nearest $\frac{1}{8}$ above or below the proper fraction has always been taken.

A. 4

It

It will appear from the foregoing table, that at the present price of 3 per cent, a man will redeem his Land Tax at between seven-teen and eighteen years purchase, yielding an interest of more than 5 per cent, upon the most desirable security he can have, namely, his own estate, and without any risk, or trouble in the collection.

Times of pay-
ments.

One great object of the measure being to relieve the pressure in time of war, by taking out of the market as speedily as possible, a considerable quantity of the funded capital, and thereby raising the price of the Funds, it was necessary to fix a determinate, and not very distant period, within which all the payments should be completed. That period is four years from the 25th day of March 1799. The payments are to be made by sixteen equal instalments of three months each, namely, on the 1st of May, the 1st of August, the 1st of November, and the 1st of February, in every year. But any person may advance the whole consideration at once, or by any number of instalments less than sixteen, provided they are made at equal intervals, on the days above specified.

Sect. 10.

No transfer can be made till the 1st of May, 1799; it will therefore be a very important object to all those who are not already possessed of a sufficient quantity of stock in the Funds, immediately to invest money in the purchase of either of the 3 per Cent. Annuities, and thus guard against any accidental rise, in the mean time, which would operate to their disadvantage.

To

To those who have not the means of redeeming their whole Land Tax in the first instance, the times of payment are rendered so easy, that a prudent man may be enabled, if his Land Tax is not high, to redeem out of the savings of his income. Where that cannot be done, the Act affords every means that can be devised of procuring money for the purpose.

For the purpose of redeeming any Land Tax, the party must make out a schedule, or description in writing, of the property the Land Tax of which he proposes to redeem. The Schedule may be to the following purport:

Method of pro-
ceeding to com-
plete the con-
tract.

Sect. 17.

SCHEDULE of Estates, situate in the Parish of [blank], in the County of [blank], belonging to [blank], for which a Certificate of the Amount of the Land Tax charged thereon is required.

Schedule of pro-
perty.

FARM in the occupation of [blank], consisting of one Messuage with the Appurtenances, and [blank] Acres of Land;

or
the Tithes arising from the Lands in [blank] belonging to [blank]

Property of different descriptions, as mines, &c. if separately charged must be separately described.

This

This Schedule should be signed by the party intending to redeem, or by his agent as such.

If the same person should have property in different divisions, where there are different acting Commissioners of Land Tax, separate Schedules should be made out.

Certificate of Land Tax.

These Schedules must then be produced to the Commissioners of Land Tax, who will grant to the party applying, a Certificate of the amount of the Land Tax, in the form mentioned in the Schedule to the Act, marked (A.)

Contract.

Upon the production of the Certificate of the Commissioners of the Land Tax to the Commissioners for Sale (who are Commissioners specially selected by the Crown out of those persons already nominated by Parliament to act as Commissioners of Land Tax), a contract will be entered into between the Commissioners and the party intending to redeem, in the form mentioned in the Schedule to the Act, marked (B.)

The Certificate of the Commissioners of Land Tax, and the contract entered into with the Commissioners for Sale, must then be produced at the Bank of England, and the first instalment of the stock at the least must be transferred to the Commissioners for the reduction of the National Debt, at the time stipulated in the contract, upon which the party will be entitled to a certificate, or receipt

receipt, from the Cashier of the Bank acknowledging the transfer.

The next thing to be done is the registry of the certificate, contract, and receipt of the Cashier of the Bank, with the Commissioners for the Affairs of Taxes, or the proper officer to be appointed by them; which must be done within four months after the contract is entered into, and before the time stipulated for the transfer of the second instalment of stock.

Registry. Sect. 17. 75.

The only thing then remaining to render the contract complete, is the transfer of the subsequent instalments of stock at the times specified in the contract, and the payment of interest in lieu of the Land Tax redeemed, of which mention will be made hereafter.

Post, page 29.

It may be proper to observe here, that although particular times of payment should be stipulated in the contract, the party may nevertheless transfer the whole, or any greater proportion, of the consideration in advance, by which he will save the interest payable in cases where the stock is transferred by instalments.

Sect. 19.

In the foregoing observations respecting the mode of proceeding in order to complete the contract, we have supposed, that the party desirous of redeeming is provided with the stock or money to buy the stock necessary for the purpose, or has the absolute interest

Powers given to persons having limited estates.

rest in his estate, and may therefore raise money by selling, or charging any part of it, without any new authority from the Legislature.

Sect. 19, 20.

But the great bulk of the landed property of this kingdom is, probably, in settlement, or so tied up that unless powers were given to the present possessors of raising money by selling, or charging a portion of their estates, the measure must have been incomplete, and the greater part of the Land Tax would have remained unredeemed, or have been purchased by strangers, contrary to the wishes, probably, of both the immediate possessor, and the person in remainder. To prevent this inconvenience, and to facilitate as much as possible the redemption of the Land Tax by persons interested, in exclusion of strangers, the Act enables all bodies politic or corporate, and trustees for charitable, and other public purposes, and all other persons, if in the actual possession, or beneficially entitled to the rents, of any real estate, (except tenants at rack rent, and tenants under the Crown and the Duchies of Lancaster and Cornwall), and also committees of lunatics and guardians of infants, and all trustees having authority to act for incapacitated persons, for the purpose of raising money to redeem the Land Tax, to sell such part of the estate as shall be eligible and necessary, or to mortgage a sufficient part of it, or to grant a perpetual rent charge thereout, not exceeding the amount of the Land Tax to be redeemed.

Let

Let us first see in what manner persons are to proceed, who mean to avail themselves of these powers; and then examine whether the exercise of them can be really productive of any serious injury to the interests of the persons in remainder.

No sale or charge can be made by any archbishop or bishop, without the confirmation of the dean and chapter; nor by any parson or vicar, without the consent of the ordinary and patron; nor by any curate of any perpetual curacy, without the consent of the person having the power of appointment; nor by any master or fellows of any college, nor by any chapter of any cathedral or collegiate church, master or guardian of any hospital, or any spiritual or ecclesiastical person, without such consent as was required by law, before the disabling and restraining statutes*. Nor can any sale be made by any tenants for lives, or years determinable for lives, or years absolute, where any fine or premium was paid for the demise,

Corporations & ecclesiastical persons, &c. Sect. 19.

Lessees for lives or years, where fine was paid on the demise. Sect. 25.

* The consent required by Law, before the disabling and restraining Statutes, viz. 1. Eliz. c. 19. and 13. c. 10. may be collected from Gibson Cod. 744. Watt. Clerg. Law. 472. 2. Burn. ecc. Law. 334. and 4. Bac. Abr. 39. By which it seems, that Corporations aggregate, as Masters and Fellows of Colleges, Deans and Chapters, Masters and Brethren of Hospitals, might alien their Estates without any confirmation or consent whatever; but that Corporations sole, as Deans, Archdeacons, and Prebendaries, required the consent and confirmation of others: viz. Deans, of the Bishop and Chapter; and Archdeacons and prebendaries, of the Bishop, Dean and Chapter; but if the King be Patron of the Prebend, then the King and not the Bishop should confirm. Copyholds were exempted even from this restriction, and might be aliened by sole as well as aggregate corporations.

without

[14]

without the consent of the person next in remainder or reversion.

The first step, therefore, incumbent on all such persons who are under the necessity of alienating or incumbering any part of the estate, is to obtain the consent required by the Act.

The same directions as are before given, for ascertaining the just proportion of Land Tax, and obtaining a certificate from the Land Tax Commissioners, and for contracting with the Commissioners for Sale, must be pursued by every such person; he must also give one month's previous notice in writing to the Commissioners for Sale, and to the person having the next beneficial estate in remainder; and produce to the Commissioners a schedule in writing, declaring the quantity of his interest in the Lands, and, if he has not an estate of inheritance, the name of the person next entitled to any beneficial interest in remainder; and, if there shall be any mortgages or other incumbrances, the names of the persons having the same, and the order in which their securities stand.

This Notice and Schedule may be delivered to the Commissioners for Sale at the time of the production of the Certificate of the Commissioners of Land Tax.

Notice to Commissioners for sale and remainder men, and schedule of estates.
Sect. 38.
Sect. 29.

Form of the notice to Commissioners, and schedule.

Form of the NOTICE and SCHEDULE to be delivered to the Commissioners for Sale.

I A. B. of do hereby give notice to the Commissioners appointed to carry

[15]

carry into execution an act, entitled "An Act, &c." in the parish of , that unless C. D. of shall, before the expiration of one calendar month from the date hereof, agree to advance the money required for the redemption of the Land Tax charged upon [here describe the land as in the Certificate of the Land Tax Commissioners], being the same lands as are particularly described in the Certificate of the Commissioners of the Land Tax, produced by me to the said Commissioners for carrying the said Act into execution), I intend to [sell, or mortgage, or grant a rent charge out of, as the case may require] all that piece of land, &c. [here describe the part intended to be sold, mortgaged, or charged with a rent], (being parcel of the before described lands), for the purpose of raising money to redeem the Land Tax [or part of the Land Tax] charged upon all the lands, &c. comprised in the said Certificate.

I am entitled to the said Lands, &c. to me [and the heirs of my body or for the term of my life, or for a term of years, as the case may require]. The said C. D.

is entitled to the next beneficial estate in remainder to him [and his heirs for ever, or and the heirs of his body, or for the term of his life, or for the term of years].

The said lands are subject to a mortgage in fee simple, or for a term of years, for securing the sum of £. and interest to E. F.

Another mortgage, &c. to G. H.

A rent

[16]

A rent charge of £. payable to J. K.

Signed by the party,
and dated

*Form of the NOTICE to be given to the Person in
Remainder.*

Form of the no-
tice to remain-
der men.

I A. B. of, &c. do hereby give notice to
C. D. of that unless the said C. D.
shall, before the expiration of one calendar
month from the date hereof, agree to ad-
vance the money required for the redemption
of the Land Tax charged upon *[here describe the
lands as in the Notice to the Commissioners for Sale]*,
(to which lands, &c. the said C. D. is benefici-
ally entitled in remainder to him [and his heirs,
or and the heirs of his body, or for the term of
his life, or for the term of years, after the deter-
mination of my interest therein), I intend to [sell
or mortgage, or grant a rent-charge out of, as
the case may require] all that piece of land, &c.
*[here describe the part intended to be sold, mort-
gaged, or charged with a rent, as in the notice
to the Commissioners]*, (being parcel of the before
described lands), for the purpose of raising
money to redeem the Land Tax, [or part of
the Land Tax], charged upon all the said lands.

Signed by the party,
and dated

Sect. 38.

In case of the minority, or lunacy of the
person in remainder, the notice must be given
to the guardian or committee, who should be
stated to be such in the notice.

Where the person, desirous of selling or
charging, is the guardian, or committee of the
person

[17]

person in remainder, this notice to the party
cannot, of course, be given; and such person
may sell or charge in the same manner as if the
infant or lunatic had been of age, or sane, and
had refused, after notice, to advance the mo-
ney: but the notice and schedule must be de-
livered to the Commissioners, as before directed;
in which the infancy, or lunacy of the remain-
der-man ought to be stated. And in all such
cases when the remainder-man is not compe-
tent to take care of his own interests, it will be
more especially incumbent on the Commis-
sioners for Sale to see that no injury will accrue
to the estate from the sale, or charge of any
part of it.

It is to be observed, that the person next
in remainder, or his guardian or committee,
may prevent the estate being sold or charged,
by advancing the money for the redemption
of the Land Tax; in which case, the contract
is to be entered into in his name, and he must
pursue the same methods for completing it as
if the person in possession had refused to re-
deem, and he had himself redeemed, under
the preference given by the Act. Should the
contract have been previously entered into by
the person in possession, it must be assigned to
the remainder-man, on his advancing the
money for the purchase.

Remainder-
man may come
in and redeem
to prevent sale,
or charge.

Sect. 38.

If the person in remainder does not advance
the money, the next step to be taken by the
party, in the case of a proposed sale, is to procure
an affidavit to be made of the value of the
part of the estate proposed to be sold, and
that the sale thereof will not materially injure
the

Sect. 39.

the residue, and that the part proposed to be sold is proper (under all circumstances) to be sold for the purpose.

The Commissioners cannot authorize any sale without such an affidavit; it must, therefore, be produced to, and lodged with them by the party.

Should the Commissioners require further satisfaction, the party may be examined upon oath, and may produce witnesses, and must, if required, produce and shew any deeds or instruments relating to the property in question.

Sale must be by public auction.
Sect. 24.

The sale must be by public auction (of which ten days notice must be published by the Commissioners in some newspaper usually circulated in the place where the property is situate) before two or more Commissioners for sale, or some person appointed by them, but the land sold will be exempt from the duty, payable on sales by auction.

Sect. 112.

Sect. 35.

If the money is proposed to be raised by mortgage, and the person in remainder does not, after notice, come in and redeem, the party must apply to the persons (if any) who have mortgages or liens upon the estate in the order of their securities, and they are entitled to lend the money in preference to strangers.

Conveyance.
Sect. 19, 20.

The conveyance, mortgage, or grant, must be by indenture duly sealed and delivered, and enrolled within six calendar months after the execution, in the proper Court, that is to say, in one of the Courts of Record at Westminster, or in

the courts of Chester, Lancaster, or Durham, or of great sessions in Wales, or registered in the counties of Middlesex and York; and two at least of the Commissioners for sale are to be made parties to the deed, and are to sign and seal the same, (except where the authority of any court is required by the Act.)

In order to avoid expence, tenants in tail are enabled to convey and to bar all remainders over, by deed duly sealed, delivered, and enrolled or registered, as before mentioned; but if they avail themselves of this mode of conveyance, they must comply with all the forms required by the Act, which they need not do if they convey by fine or recovery.

Tenants in tail may convey by deed enrolled.
Sect. 22.

The Act directs, that no more money shall be raised by way of mortgage, or by the grant of any rent charge, than what shall appear to the Commissioners sufficient to purchase the amount of Bank Annuities to be transferred as the consideration for the redemption of the Land Tax; and no greater quantity of estate, nor any other part of the estate shall be sold, than what shall appear to them eligible and necessary to be sold for the purpose.

Commissioners to determine what quantity of money is to be raised, or of estate is to be sold.
Sect. 30.

Although a sale or mortgage may have been authorized by the Commissioners, any persons in remainder or expectancy of estates in England, conceiving themselves aggrieved thereby, may, at any time, before the conveyance shall have been actually executed, petition the Court of Chancery; and the Court is authorized

Remainder-man may apply to the Court of Chancery.
Sect. 31.

[20]

Sect. 21.

rized to make such order respecting the suspension of, or proceeding in, such sale or mortgage, or for the sale or mortgage of any other part of the estate in question as the Court shall think fit. In this case, the Commissioners need not be parties to the deed.

Application of monies.
Sect. 30.

The money arising from the sale, mortgage, or grant, is then to be paid into the Bank of England, to the account of the Commissioners for the reduction of the national debt, by the purchaser, mortgagee, or grantee, who will be entitled to a receipt from one of the cashiers, which will be a complete discharge to him for the money.

The person, whose Land Tax shall be thus redeemed, will also be entitled to a certificate or receipt from one of the cashiers of the Bank; which, together with the certificate of the Commissioners of Land Tax, and the contract, must be registered in the same manner as if the Land Tax had been redeemed with his own money.

Application of surplus.
Sect. 32.

If the precise quantity of estate which may be necessary cannot be sold, or there should be a sudden depression in the Funds, between the sale, mortgage, or grant, and the investment of the money, it may happen that there will be a surplus of stock, after reserving sufficient for the redemption of the Land Tax, in which case such surplus is directed to be placed in the name of the Accountant-General of the Court of Chancery; and the party may, by

petition

[21]

petition to, and under the direction of the Court, have the stock sold, and the money applied in the discharge of any debts affecting the estate of which the Land Tax shall have been redeemed, or in the purchase of other real estate, to be settled to the same uses as the estate remaining unsold; and in the mean time, the Dividends of the surplus are to be paid to the person who would be entitled to the rents of the purchased real estates; or such surplus may, under the direction of the Court, be transferred to the Commissioners for the reduction of the national debt, for the purchase of Land Tax on other estates, in which case the Land Tax purchased is to be deemed real estate, and go as the estate sold would have gone.

In order to prevent the trouble and expence of an application to the Court where the surplus stock is small, it is provided that if such surplus does not exceed £.200 stock, it may be transferred to a trustee to be named by the person redeeming the Land Tax, to be applied in the manner before directed, without application to the Court.

The conveyance, mortgage, or grant, will be rendered complete by the enrolment or registry, and by the payment of the money into the Bank of England; and grantees are enabled to use the same remedies for the recovery of the rent-charges as landlords have by law for the recovery of rent in arrear.

In enabling persons in possession to sell or charge their estates, the Legislature has been particularly solicitous to prevent the interests of

Saving of the rights of prior incumbrances.
Sect. 35.

[22]

sons having prior claims being prejudiced thereby. The Act therefore provides, that the rights of all prior mortgagees and incumbrancers shall not be affected by any sale, mortgage, or grant made under the Act, except that in the case of a mortgage, the persons lending money for the purposes of the Act, will have a prior claim upon the estate for the interest, but not for the principal. The Land Tax has a priority over every other charge upon the estate;—no claimant, therefore, can be injured by the interest of the money by which it is redeemed, being placed upon the same footing.

Sect. 36.

No person in remainder will be liable, on coming into possession of any estate mortgaged or charged with a rent-charge, to pay any arrears of interest, or of any rent charge for more than twelve calendar months preceding the time his right to the possession accrues.

Method of proceeding in Scotland.
Sect. 26, 27.

In Scotland, heirs of entail, or their tutors or curators, meaning to sell or to grant a heritable security to raise money for the purposes of the Act, must apply by petition to the Court of Session, in which must be stated the amount of the Land Tax; and, in the case of a sale, the part of the estate proposed to be sold, and the rent or annual value of it; and in case of a heritable security, the sum proposed to be borrowed, and whether the security is proposed to extend over the whole or part of the estate; and in the case of a sale, it must be proved to the satisfaction of the Court, that the residue of the estate will not be materially injured by it, and that the part proposed to be

[23]

be sold is proper, under all circumstances, to be sold. If no sufficient reason is stated by any person having interest against the sale, or heritable security, the Court may proceed, in a summary way, to authorize the sale or grant of the heritable security.

The party must then procure an extract of the decree of the Court, and produce the same to the Commissioners, which will be a sufficient authority to them to carry on the sale. Sect. 26.

The conveyance or grant must be by deed executed and registered in the manner required by the law of Scotland, but the Commissioners need not be parties. Sect. 19, 21.

All such sales and heritable securities will be as valid as if the estate were held by the feller or grantor in fee simple, but no part of the entailed estate is to be adjudged either for interest or principal of the money lent. Sect. 28.

The money to arise from such sales or grants is to be paid into the Bank of England by the purchaser or lender, and the same receipts and certificates obtained, and the same steps pursued, as are before mentioned in cases of sales or mortgages of estates in England.

But if there shall be any surplus exceeding £.200 stock, the party redeeming must apply to the Court of Session to authorize the Sale of the same by the Bank of England, and the placing the money in one of the two public Banks of Scotland; upon the production of which authority at the Bank of England, the

same will be sold, and transmitted by one of the cashiers to the Bank of Scotland, where it will remain subject to the order of the Court of Session; and the party may, by petition to that Court, have the money laid out in the payment of debts affecting the entailed lands, or in the purchase of other lands, or of Land Tax, to be respectively settled to the uses of the entailed estate; and, in the mean time, the money is to be laid out at interest on such security as the Court shall approve, for the benefit of the person, for the time being, entitled to such entailed estate. If the surplus does not exceed £200 it may be transferred to a trustee as before-mentioned.

In all cases where the provisions in the Act are not controuled or altered, by particular clauses applicable to one country only, they extend equally to both, and the same steps must be pursued in carrying them into effect.

Timber.
Sect. 47.

There are only two other provisions necessary to be noticed here, as coming under the head of powers given to persons having limited estates. The first applies equally to England and Scotland, the second to England only. The general powers respecting the application of trust money, and the property of charitable institutions, will be noticed hereafter.

First. Persons in possession, who are restrained from cutting timber, may apply by petition in a summary way to the Court of Chancery if in England, and the Court of Session

Session if in Scotland; and, under the direction of those Courts, may cut down and sell timber for the purpose of redeeming the Land Tax charged on the estate on which the timber was growing; and if there shall be any surplus, the same is to be applied under the direction of the court, in the manner before directed, with respect to the surplus money arising by sale, and the Court is to direct the application of the income.

Secondly. Lords of manors in England may, by petition to, and with the approbation of the Court of Chancery, enfranchise copyhold estates, and apply the money in the manner before directed with respect to timber.

Enfranchisement
of Copyholds.

Let us now examine whether the exercise of the powers, given to persons having limited estates, is, in reality, likely to be productive of any serious injury to the interests of persons in remainder.

The numerous restrictions laid on the powers of selling and charging, will sufficiently shew the anxiety of the Legislature to protect the interests of persons in remainder. An attentive examination of them will shew that those interests are amply protected. With respect to the powers of sale (to which the principal objections have been made), it is only necessary to observe, that persons are by this Act only *enabled* to do what by every Canal Act *they* are *compelled* to do, and persons in remainder are *compelled* to *submit* to.

The principle, that private inconvenience must not prevent a great public benefit, has always

always been admitted in the latter case as a sufficient justification of this violation of the right of private property. It was undoubtedly necessary to the success of this measure, from which the public, it is contended, are likely to derive such considerable advantage, that every avenue should be opened to the land owners to procure money for the purpose of redeeming the Land Tax.

The principle must surely be admitted as a justification, in the one instance as much as in the other, and the interests of the persons in remainder are not less attended to in the one than the other.

With respect to the powers of mortgaging and granting rent-charges, it is only necessary to observe, that the power of mortgaging under restrictions is given in almost every Inclosure Act; and, as the rent-charge to be granted cannot exceed the amount of the Land Tax, no injury can thence accrue to the remainder-man.

The advantage which the persons in remainder, as well as those in possession, may in many instances derive from the sale of a small portion of an estate to exonerate the remainder, is so obvious as hardly to require an illustration.

A man sells at twenty-eight year's purchase to buy his Land Tax at eighteen. By the sale of sixty-five pounds per annum he will therefore exonerate his estate from a Land Tax of £.100 per annum, and thus increase

crease his income, and consequently the income of the remainder-man, £.35 per annum.

Before we proceed to shew the effects of the contract under the different circumstances of the persons contracting, it will be proper to take notice of a provision in the Act, which forms an exception to the general rule, that persons interested only are in the first instance to contract, and which is intended to relieve persons whose Land Tax is small from the trouble of going through all the forms before mentioned*.

Appointment of a trustee. Sec. 66.

Where the Land Tax does not exceed 25s. per annum, any number of persons entitled to preference are empowered by deed, under their hands and seals, to appoint a common trustee for the purpose of redeeming their Land Tax. Each of the parties should make out a schedule of his property in writing in the manner before mentioned.

The trustee must produce all these schedules to the Commissioners of Land Tax, who will grant certificates of the amount of the Land Tax of each. Before the Trustee can proceed to contract, each of the parties to the trust deed must make an affidavit that he is in the possession and receipt of the rents and profits, and that the money required is to be advanced out of his own estate.

The trustees will then produce to the Commissioners for sale the certificate of the Land

* This will be found extremely convenient in Mary-le-bone, and other places under similar circumstances.

Tax

Tax Commissioners, and also the deed of trust, and the affidavits of the parties, upon which the Commissioners are empowered, by one contract, to agree with the Trustee for the sale of such Land Tax as one sum, and as if the same was charged upon the property of the Trustee, without mentioning the proportions. The contract, therefore, will not differ in form from the contract in common cases.

The Trustee will proceed to complete the contract in the same manner, and obtain the same certificates, and receipts, as if the Land Tax redeemed were his own; taking care to register a memorial of the deed of trust, as well as the certificates of the Land Tax Commissioners and the contract. Upon the application of any of the parties, the Trustee is to assign their respective proportions of the Land Tax, in the form mentioned in the Schedule to the Act marked; (F.)—Memorials of the assignment must be registered.—After the assignment, the Assignee will hold his Land Tax, in all respects, as if he had himself redeemed it.

Neither the trust deed, or assignment, will be liable to any stamp duty.

No person, constituting a Trustee, can sell, or charge his estate under the Act for the purpose of raising the money to redeem the Land Tax.

Effect of the Contract.

Sec. 17.

Upon the registry of the certificates of the Land Tax, the contract, and the receipts of the cashier of the Bank, with the proper officer to be appointed by the Commissioners of Taxes, the land will be wholly exonerated from the Land Tax, and from all further assessments, unless

unless the party should choofe that the same should continue to be assessed, with a view to take advantage of any future diminution.

In both cases, the Land Tax will cease to be payable for the benefit of the Crown; and therefore the party must, upon the transfer of the second, and every subsequent, instalment, pay into the Bank a sum of money, by way of interest, equal to the amount of the Land Tax which would then have been due, deducting a sum bearing the same proportion thereto as the stock before transferred will bear to the whole stock agreed to be transferred.—Suppose the Land Tax to be £64. annually, and the stock to be transferred quarterly by sixteen instalments, the reduction of the quarterly payments of interest will be 1-16th; that is to say, at the second instalment, where 1-16th has been paid, the payment will be £15; at the third, where 2-16ths have been paid, £14. and so on; gradually reducing the quarterly payments by 1-16th part of the original sum. If the stock be to be transferred half yearly or yearly, the deduction of the half yearly or yearly payment will be in the same proportion, by deducting 1-8th or 1-4th of the original sum at each payment. The cashier of the Bank will give a receipt for the interest, which will be a sufficient discharge for the same.

Payment of Interest.
Sec. 91.

1st. To consider the effect of the contract where the land is wholly exonerated.

1st. Where the Land is exonerated.

If the person redeeming has an estate of inheritance in the lands, or redeems the Land Tax with money arising from the sale, mortgage

Sec. 17.

gage, or charge, of part of the estate, the money laid out in the redemption will of course sink into the estate.

But if the person redeeming has a less estate, and redeems with his own money, this will not be the case.

It cannot be supposed that persons, having limited estates, would apply their own personal property, in the purchase of the Land Tax, for the benefit of those who are to succeed to them.

Sec. 37.

Where any person therefore, not having an estate of inheritance, purchases his Land Tax out of his own property, the estate will become chargeable, for his benefit, with the amount of stock transferred by him for the redemption, and with the payment of interest thereon, equal to the amount of the Land Tax; but the person in remainder will be liable to the payment of interest only from the time of his coming into possession.

This provision is conformable to the practice of the Court of Chancery.—If a tenant for life pays off an incumbrance, the Court will keep the charge on foot, for the benefit of his personal estate, unless he shall have made an express declaration to the contrary; for it will not be presumed, that he intended to benefit the estate of the remainder-man, at the expence of his own.

Gentlemen of landed estates which are in strict settlement, and who have laid up a provision for the younger branches of their families,

lies, will thus be enabled to exonerate their estates from the Land Tax, without prejudice to their younger children; it will be only varying the security.

2dly. To consider the effect of the contract where the land is not exonerated.

Where the Land is not exonerated.

It has before been observed that the Land Tax is to be redeemed according to the rate and assessment of the present year.

In parishes therefore where, from the enclosure of commons, and in great towns, where, from the increase of buildings, a considerable increase in the value of property, and a consequent diminution in the Land Tax was to be expected, the Land Tax would never be redeemed, unless some provision had been made for the remuneration of the party upon the diminution taking place. For it is not to be supposed that a man would redeem and pay for his Land Tax as a perpetuity of £10. *per Annum* when there was an immediate prospect of its reduction to £8.

The option given to the party to continue his Land Tax liable to future assessments, completely removes the difficulty.

If the party should elect to have the Land Tax continued liable to future assessments, he must at the time of entering into the contract declare his option to that effect, and such declaration must be inserted at the end of the contract, and may be as follows:

Sec. 17.

And

[32]

" And the said *A. B.* hath declared his option to be considered on the same footing as a person not interested in the said land, is, by the said Act, considered."

The consequence of this will be, that the Land Tax will continue to be assessed in the same manner as if it had not been redeemed. And if, through any reduction in the value of the estate, or the improvement of other estates in the same district, any abatement shall take place, the person redeeming will be entitled (at his option) either to call upon the Receiver-General for the difference annually, clear of all deductions, or to receive back from the Commissioners for the reduction of the national debt, so much of the capital stock originally transferred for the redemption, as will yield an interest exceeding the amount of the abatement by one tenth part.

Persons in remainder coming into possession entitled to an assignment.

On the abatement being made, the party must apply to the Commissioners of Land Tax for a certificate of it, which he must produce to the Receiver-General, if he elects to take the annual difference, or to the Commissioners for the reduction of the national debt, on his election to take back a proportional part of his capital.

Sect. 37.

In every case where the option is declared by a person having a limited estate, such person will continue to hold the Land Tax as an annuity issuing out of the estate, and transmissible to his representatives: but as the preference in the redemption is given to the person

Sect. 18.

[33]

son in possession, as being more immediately interested than persons in remainder, the Act for the same reason enables those in remainder, when their estates actually vest in possession, to demand an assignment of the Land Tax annuity from the former proprietor, or his representatives, upon the transfer of the same quantity of stock as was transferred for the original consideration, if no part of such stock shall have been re-transferred by the Commissioners for reduction of the national debt, on account of any abatement in the Land Tax; or if any shall have been transferred, then so much as shall remain in the names of the commissioners.

In case of refusal to assign, the Court of Chancery in England, and of Sessions in Scotland, or the Courts of Exchequer in both countries, may, upon the petition of the party, compel the assignment. And all persons under any legal disability, or incapacity, are enabled, under the direction of such courts, to assign.

If the Assignee chooses that the Land Tax should continue to be assessed, his option must be inserted in the assignment; otherwise the land will be exonerated from the Land Tax, although the original purchaser should have declared his option to continue the same assessable.

Though land shall have been sold or charged in order to redeem, the party contracting may, nevertheless, declare his option to be considered on the footing of a purchaser; but in this case no assignment of the Land Tax annuity to the persons in remainder, on coming into possession, will be necessary; for by force of the

C

Act,

Sect. 31.

[34]

Act, it will continue attendant upon the estate, and be payable by the Receiver-General, for the benefit of the persons for the time being entitled, and the receipt of the person, for the time being actually receiving the rents and profits, will be a discharge to the Receiver-General.

General
Powers.
Trust Proper-
ty.
Sect. 39.

Where any real estate is settled to any particular uses, and any personal property is subject to trust to be laid out in the purchase of other real estates to be settled to the same uses; such personal property may (with the consent of the person whose consent is requisite to the investment of it under the instrument creating the trust, or by the order of any Court, if the trust property shall be under the direction of such Court) be applied in redemption of the Land Tax charged upon the settled estate.

The Land Tax will in this case become merged in the estate.

The person in possession of the settled estate should enter into the contract, and the Trustees, by his direction, invest the property, (if not already consisting of £ 3 *per Cents*) in that stock, and transfer the stock to the commissioners for the reduction of the national debt. —For their own security they should take a receipt from one of the cashiers of the Bank, in the same manner as a purchaser or mortgagee.

A declaration of the application of the trust-money, under the authority of the Act, should then be made, and executed by the Trustees, and other parties concerned.

Property

[35]

Property of this description cannot be invested more advantageously for all the parties interested in the trust fund, than in this manner.—If invested according to the terms of the trust, namely, in land, say at 28 years purchase, it would not have produced an income of more than $3\frac{1}{2}$ *per cent.* and that, liable to casual deductions; whereas, in the redemption of the Land Tax, it will, at the present time, produce a clear income of more than $5\frac{1}{2}$ *per cent.*

The Act authorizes the gift, or bequest, of money for the purpose of redeeming, or purchasing the Land Tax charged on any estates settled to charitable uses.—And also enables governors, and directors of charitable institutions to apply legacies, and voluntary donations, not directed to be applied in any particular manner, in the redemption of their Land Tax.

Charitable In-
stitutions.
Sect. 43. 65.

Parishes entitled to the benefit of any real estate, settled to charitable uses, may redeem out of their poor's-rates, if the rents of the estate are applicable for the benefit of the poor, or out of the church-rate, if applicable to the repair of any church or chapel.

Parishes.
Sect. 44.

The parochial officer, whose duty it is to apply these rates, namely, the overseer if the poor's rates, and the churchwardens if the church rates, is the person to enter into the contract; but the approbation of two justices of the peace is necessary, which must be certified in writing, by them, to the Commissioners for sale, and notice must be previously given on two *Sundays* during divine service

Sect. 44.

vice in the church, or chapel, of the parish, of such intended application of the rates; which notice must be proved on oath before the justices.

Queen Ann's
bounty.
Sect. 64.

The governors of Queen Ann's Bounty may apply any part of their funds towards the redemption of the Land Tax charged upon the profits of livings coming within the meaning of their charter.

The contract is to be entered into by the incumbent with the consent of the governors.

With respect to the provisions made for the redemption of the Land Tax charged on lands of the crown, and the duchies of Lancaster and Cornwall. It is only necessary to observe here, that wherever the Land Tax is redeemed, it is to be considered as rent, and recoverable as such against the immediate lessees, and by them against the under lessees.

Purchase of
Land Tax by
strangers.

Secondly, With respect to the sale of Land Tax to persons not interested in the lands charged. There are two instances only in which strangers may purchase before the 25th March 1799, namely, where all persons interested shall have given notice that they decline redeeming, or as assignees of forfeited contracts.

Sect. 69.

Except in these cases no stranger can purchase till after the 25th March 1799; he may then purchase either the whole or any part of the Land Tax not redeemed in any parish, without specifying the lands on which the charge is to rest, or the Land Tax on any particular property.

In the part of the act which relates to the duties of officers it will be observed that the Land Tax after that period may be put up to sale, and that means are afforded to purchasers of ascertaining by the returns directed to be made, and the register that will be kept, what Land Tax remains unredeemed. The purchaser will then make out a schedule of the Land Tax he proposes to purchase; specifying the property (if he wishes the charge to be specific) in the form before given, and take it to the Commissioners of Land Tax in the district, who will give the proper certificate, according to the form prescribed in the Act. The Commissioners for sale will, on the production of this certificate (for no enquiries with respect of title, &c. arise here) immediately contract. If the purchase is made at a sale by auction, the preparatory steps with respect to search and enquiry, and the schedule, are unnecessary; for as no such sale can take place but by the authority of officers appointed under the Act, the purchaser will be perfectly safe in bidding; and on being declared the highest bidder may immediately contract, and proceed to transfer his stock, take his receipts, and register his contract, as directed in the case of redemption.

Sect. 68.

Mode of completing his contract.
Sect. 72.

Sect. 73.

The rate of purchase is higher than the rate of redemption, the stock transferred is to yield a dividend exceeding by one fifth at the least, instead of one tenth, the value of the Land Tax purchased, which, at the present rate of stock, is about twenty years purchase; and

Rate of purchase.
Sect. 70.

the purchase must be completed within one year instead of four, and by four instalments instead of sixteen; unless the purchaser wishes to make the whole transfer at once, which, if the Funds have not risen, will most certainly be adviseable for him to do.

Effect of the contract.

Sect. 77.

Sect. 87, 89.

Sect. 82.

Sect. 77.

Sect. 89.

He will be entitled to demand his Land Tax of the Receiver-General, who is required, on the production of the contract and receipts, or the certificate of registry properly signed, without further enquiry, to pay the Land Tax so purchased half yearly, viz. on the 20th September and 16th March in each year, which is before the Land Tax is due from the Land Owner. As an additional security to the purchaser, if the receiver should refuse (though from the latitude given as to the application of monies, such security will probably in no instance be resorted to), the purchaser may give notice to the collector of the parish of his intention to receive the Land Tax of him; and if he also should make default, the purchaser may at last resort to the occupier, giving him ten days notice of the defaults of the Receiver-General and collector, and on his refusal to pay (unless he has before such notice paid it to the collector) may recover it by all the remedies used for the recovery of rent. These regulations shew almost an excess of caution; for it can hardly be supposed that either the Receiver-General or collector, who are both allowed to pay the Land Tax out of any public money in their hands arising from any assessed or other duties, and are both subject to penalties for refusing to

to pay if they have money in their hands (which with respect to the Receiver-General is, from the common and invariable arrangement of his office, always the case) will ever refuse. But that the purchaser might have a landed security, he is entitled, as an ultimate resort, if any neglect should arise, to have recourse to the land.

In giving this security to the purchaser of Land Tax, it was necessary at the same time to guard as much as possible against any unnecessary interference with the land owner whose Land Tax was thus purchased. The Land Tax will, therefore, continue to be assessed and levied under the provisions of the Land Tax Act. He is still entitled, upon any diminution in value of his property, to an abatement of Land Tax as under the old Act, with this precaution in his favour, that the charge upon his property can in no instance go beyond four shillings in the pound, which in some parishes it now does. The mode of collection also still continues to be the same; and payment by him to the collector, if he has no notice given of the collector's default and that payment is to be made to the purchaser, indemnifies him against any demand of the purchaser. The clause, imposing a penalty upon the Receiver-General and collector, gives the land owner, as well as the purchaser, a remedy against them for any damage arising out of his default.

As the Land Tax not redeemed is still subject to abatement, the landed security of the purchaser,

purchaser, who is not entitled to consider the land as answerable to him beyond the amount of the Land Tax charged upon it, might be considered as lessened. To obviate this objection it is provided, that the purchaser shall be entitled either to receive the difference from the receiver general, that is in fact, to continue to receive the same sum from the receiver general, without reference to the abatement that has taken place, or if he thinks his security lessened, and wishes to have back a proportional part of his purchase money, he may apply to the Commissioners of Land Tax for a certificate of the abatement having taken place, or an attested copy of such certificate, which the Commissioners are bound by the act to give; and on the production of this certificate at the Bank, the Commissioners for the reduction of the national debt will immediately re-transfer a proper proportion of the original stock back again, that is to say, as much stock as will produce an interest, exceeding by 1-5th or 1-10th, or other proportion (according to the original contract), the amount of the abatement of Land Tax.

Sect. 85.

Sect. 86.

Sect. 82.

Sect. 86.

Interest of the purchaser. Sect. 92.

Sect. 93.

The purchaser is entitled to hold his security till the Old Sinking Fund shall have reached the highest accumulation allowed by the act of the twenty-sixth George the Third, which probably will be about 1808.

The power of redemption of persons entitled to lands charged with Land Tax purchased revives, at that period, and upon the redemption

tion taking place, notice in writing will be given by the Receiver-General or collector to the purchaser when he comes to demand payment of his Land Tax.

Sect. 94.

The purchaser, on application to the Commissioners for the reduction of the national debt, will then at his option receive a re-transfer of the stock originally transferred under the contract, or the value in money of the stock transferred, according to the price of stock at the time of the transfer of the first instalment, which price will have been indorsed and appear upon the original contract.

It cannot be necessary to make many observations on this part of the Act; its provisions are simple and clear; the interest produced by money so laid out, at any price of stock, may be seen by reference to the table; on which it cannot escape observation, that the opportunity of the Funds being low, ought not to be lost.

The efficiency of the security, and punctuality of payment of interest are obvious; the length of time the purchaser is entitled to hold his security gives it a sufficient degree of permanency, and the last option given of receiving stock or value, secures him against loss of capital. He may receive, therefore, a certain interest for his money upon landed security, with the advantage attending investments of money in the Funds of the probable increase of value of capital.

TABLE

TABLE
Of Rate of Purchase corresponding with different Prices of Stock.

No. of Years Purchase.	Equivalent to 3 per Cent. at	Interest of Money laid out.
19	47½	5 5 3
20	50	5 0 0
21	52½	4 15 2½
22	55	4 10 11¼
23	57½	4 6 11½
24	60	4 3 4
25	62½	4 0 0
26	65	3 16 11
27	67½	3 14 0
28	70	3 11 8¼
29	72½	3 8 11½
30	75	3 6 8

Investment of trust-money in purchase of Land Tax. Sect. 40.

It is also provided, that trust property, directed to be invested in stock in the public funds or other securities, or to be laid out in the purchase of real estate, may be invested in the purchase of Land Tax. If the trust is to purchase real estate, the Land Tax is to be deemed real estate, and go in the same manner as real estate, if purchased, would have gone.

But entails thereof may be barred by deed enrolled in any of the courts of record at Westminster, or the courts of the Counties Palatine, or of great Sessions in Wales, or registered in the counties of Middlesex or York.

Land

Land Tax, whether redeemed or purchased, will in every instance (except where the land is wholly exonerated from it, or where it is attendant on the estate, or where it is purchased with trust-money directed to be invested in real estate) be personal estate, and transmissible as such. Land Tax personal property. Sect. 99.

Every redemptioner or purchaser must register his certificate, contract, and receipt within four months, and before the payment of the second instalment, at the office to be appointed for that particular purpose in London, and every subsequent assignment or transfer of interest under such contract must also be registered; for which purpose, in cases of assignment, the production of the deed of assignment to the proper officer will be sufficient. Transmission by marriage must be authenticated by an affidavit, containing a copy of the register of marriage, to be sworn before a judge or master in Chancery, judge of the court of Session in Scotland, magistrate or bailie of a corporate town, or justice of the peace. Transmission by will, or administration, by a production of the probate, or letters of administration. In all these cases entries will be made by the proper officer, and certificates given to the party entitled, which certificates will authorize him to demand the Land Tax originally purchased, and entitle him to all the benefits and advantages of a purchaser. Registry. Sect. 75.

The copy of such entry, signed by the proper officer with whom such registry shall have been Sect. 76.

been made, is also made good evidence in any court of justice.

Care is also taken, as much as possible, to avoid expence; for in none of the instances above mentioned is any fee whatever to be taken; and it will also be observed that the regulation with respect to registry and certificates prevent in the end infinite trouble to the parties interested; for without these regulations the Receiver-General must have either been subject to continued impositions, or have investigated every demand upon him, which (if the nature of his office would have admitted of it) must have occasioned great delay and inconvenience to the parties.

Forfeiture.

Sect. 96.

The next head is that of forfeiture. Some regulation was certainly necessary to enforce the completion of contracts entered into. It is therefore enacted, That on neglect or refusal to complete any contract, the contract itself becomes void, the Land Tax may be again sold, and the value of the amount of the first instalment is forfeited to the use of His Majesty. The penalty in itself does not seem a severe one, but care has been taken that it shall attach only on wilful defaulters, for the courts of Exchequer in England and Scotland are authorized, on a petition preferred in a summary way, stating the ground of the application, to grant such relief as shall seem reasonable; a provision that most effectually does away the possibility of any hardship arising from unavoidable or accidental forfeitures.

That

That the great object of the act in the general sale of the Land Tax may not be lost sight of, it is provided that, in cases of contracts becoming void, any stranger may apply to the court, and on making good the contract by payment of the instalments due, place himself in the situation of the person first redeeming or purchasing. Sect. 100.

It is further provided, that if in three months no such application is made, and the penalty is not sued for, the Commissioners for the reduction of the national debt shall retain the first instalment, and re-transfer the remainder to the person entitled. Sect. 101.

In case of death before the completion of the contract without any provision made by will or otherwise with regard to the future instalments, such future instalments shall be paid out of the assets of the deceased person as a debt to the crown upon record; if there shall be no assets, the contract may be sold, and the purchaser will be bound to complete it upon the same terms and conditions as the deceased person would if living; but with the same power of applying to the court of Exchequer for relief as is given to other defaulters. Sect. 79.
Sect. 80.
Sect. 96, 97.

The Act also contains general provisions, that the Land Tax in each parish shall cease upon the redemption of the whole of the Land Tax charged in such parish.

No contracts, or receipts, or assignments under this act, are liable to any stamp duty.

Notices

[46]

Notices given under this act may be left at the places of abode of the parties, or, if abroad, published in the Gazette.

The act also makes it forgery to counterfeit any contract or instrument.

There are also the general clauses with respect to the recovery of penalties within six months by informers, with power to the Attorney-General to stay proceedings.

FINIS.

ANNO REGNI
GEORGI III.
REGIS

Magnæ Britanniae, Franciæ, & Hiberniæ,

TRICESIMO OCTAVO.

At the Parliament begun and holden at *Westminster*, the Twelfth Day of *July* Anno Domini 1796, in the Thirty-sixth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

And from thence continued, by several Prorogations, to the Second Day of *November* 1797; being the Second Session of the Eighteenth Parliament of *Great Britain*.



LONDON:

Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1798.

(3)

ANNO TRICESIMO OCTAVO

GEORGII III. Regis.

C A P. LX.

An Act for making perpetual, subject to Redemption and Purchase in the Manner therein stated, the several Sums of Money now charged in Great Britain as a Land Tax for One Year, from the Twenty-fifth Day of March One thousand seven hundred and ninety-eight.

[21st June 1798.]

WHEREAS it may materially conduce Preamble.
to strengthening and supporting the
Publick Credit, and to augmenting
the National Resources at this important Con-
juncture, that the Duty now payable for One
Year on Land should be made perpetual, but
subject to Redemption and Purchase, on trans-
ferring to the Commissioners for the Reduction
of the National Debt a certain Proportion of
Capital Stock, in the Manner herein-after stated;
be it therefore enacted by the King's most Ex-
cellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament as-
sembled,

A 2

c. 5.
Land Tax,
after March
25, 1799,
shall be raised
yearly for
ever;

See § 2, 3.

subject to Re-
demption or
Purchase.

sembled, and by the Authority of the same, That the several and respective Sums of Money charged by virtue of an Act of the present Session of Parliament, intituled, *An Act for granting an Aid to His Majesty by a Land Tax, to be raised in Great Britain, for the Service of the Year One thousand seven hundred and ninety-eight*, on the respective Counties, Ridings, Stewartries, Cities, Boroughs, Cinque Ports, Towns, and Places in *Great Britain*, in respect of the Manors, Messuages, Lands, Tenements, and Hereditaments in the said Act mentioned, lying within the same Counties, Ridings, Stewartries, Cities, Boroughs, Cinque Ports, Towns, and Places respectively, to be raised, levied, and paid unto His Majesty, within the Space of One Year from the Twenty-fifth Day of *March* One thousand seven hundred and ninety-eight, shall, from and after the Expiration of the said Term, (except as herein-after mentioned), continue, and be raised, levied, and paid yearly to His Majesty, His Heirs and Successors, from and after the Twenty-fifth Day of *March* in every Year for ever; and that all the several Powers, Rules, Directions, Provisions, Articles, Clauses, Matters, and Things, contained in the said Act of the present Session of Parliament, as far as the same are not varied or otherwise provided for in and by this Act, shall continue and be in full Force, and be duly observed, practised, and put in Execution as fully and effectually as if the same Powers, Rules, Directions, Provisions, Articles, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act, and expressly applied to the Provisions thereof,

subject

subject nevertheless to the Rules, Regulations, Restrictions, and Conditions of Redemption or Purchase herein mentioned.

II. Provided always, and be it further enacted, That none of the Provisions in this Act contained shall extend, or be construed to extend, to any Sum or Sums of Money charged, by virtue of the said Act of the present Session of Parliament, upon any Estate in Ready Money, Debts, Goods, Wares, Merchandizes, or Personal Estate; or upon any Person or Persons in respect of any Publick Office or Employment of Profit, or any Salaries, Gratuities, Bounty Monies, Rewards, Fees, Profits, Perquisites, Advantages, Pensions, Annuities, Stipends, or Yearly Payments, payable out of the Receipt of His Majesty's Exchequer in *England*, or out of His Majesty's Publick Revenues in *Great Britain*, in the said Act mentioned, but that the several Sums of Money charged upon any Estate in Ready Money, Debts, Goods, Wares, Merchandizes, or Personal Estate, by the said Act, and also the several Sums of Money charged under and by virtue of the said Act upon any Offices or Employments of Profit, or any Salaries, Gratuities, Bounty Monies, Rewards, Fees, Profits, Perquisites, Advantages, Pensions, Annuities, Stipends, or Yearly Payments, shall, after the Twenty-fifth Day of *March* One thousand seven hundred and ninety-nine, be ascertained, raised, levied, collected, and paid, according to the Directions of any Act or Acts to be passed for that Purpose.

This Act shall not extend to Personal Estate, Offices, Pensions, &c.; the Rates on which, after *March* 25, 1799, shall be levied according to the Direction of future Acts.

Rates on Personal Estate, Offices, Pensions, &c. in the Year ending March 25, 1799, shall be distinguished from those on Land in the Assessments and Duplicates.

III. And be it further enacted, That the several and respective Sums of Money, charged or to be charged under and by virtue of the said Act of the present Session of Parliament, for and in respect of any Estate in Ready Money, Debts, Goods, Wares, Merchandizes, or Personal Estates, and for and in respect of any Offices or Employments of Profit, Salaries, Gratuities, Bounty Monies, Rewards, Fees, Profits, Perquisites, Advantages, Pensions, Annuities, Stipends, or Yearly Payments aforesaid, by any Assessment made in the Year ending on the Twenty-fifth Day of March One thousand seven hundred and ninety-nine, shall, in every Parish or Place where such Sums are charged and assessed, be separated and divided from the Remainder of the Monies charged in such Parish or Place, by virtue of the said Act of the present Session of Parliament, and shall be so returned in the several Duplicates thereof, to be transmitted according to the Directions of the said Act.

The King may appoint Commissioners for selling the Land Tax from the Land Tax Commissioners in each District.

IV. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by Warrant under His Royal Sign Manual, to nominate and appoint, in every County, Riding, Stewartry, City, Borough, Cinque Port, Town, and Place, in Great Britain, such and so many of the Persons who are or shall be named or appointed in or by any Act or Acts now in force, or hereafter to be passed, to carry into Execution the Act of the present Session of Parliament before-mentioned or this Act, as to His said Majesty shall seem fit, to be Commissioners for the Purpose of selling

selling the Land Tax arising in the several Counties, Ridings, Stewartries, Cities, Boroughs, Cinque Ports, Towns, and Places, wherein they are or shall be respectively specially nominated and appointed, and the said several Persons so to be nominated or appointed by His Majesty, His Heirs or Successors, shall be Commissioners for the said Purpose.

V. And be it further enacted, That every Commissioner especially nominated and appointed for the Purpose of this Act, and also every Commissioner of Appeals, before he shall enter upon the Execution of the said Office, shall take an Oath to the Effect following; that is to say,

‘ I A. B. do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the several Powers and Trusts reposed in me by an Act of the Thirty-eighth Year of the Reign of His Majesty King George the Third, intituled, *An Act for making perpetual, subject to Redemption and Purchase in the Manner therein stated, the several Sums of Money now charged in Great Britain as a Land Tax for One Year, from the Twenty-fifth Day of March One thousand seven hundred and ninety-eight*, according to the Tenor and Purport of the said Act.

‘ So help me GOD.’

Which Oath shall and may be administered by any One of the Persons appointed to be a Commissioner to any other or others of them.

Commissioners may examine and receive Information, on Oath, from Persons desirous of redeeming or purchasing any Land Tax; and from other Persons interested in the Lands in Remainder, &c.

with Power to require Inspection of any Deed relating thereto; and to receive Affidavits of the Fact;

VI. And be it further enacted, That it shall be lawful for the Commissioners specially appointed for the Purposes of this Act, and they are hereby authorized and empowered, to examine upon Oath or Affirmation (which Oath or Affirmation they or any One or more of them are and is hereby authorized to administer) all Persons who shall be desirous of redeeming or purchasing any Land Tax under this Act, and all other Persons who shall be willing to be examined touching any Matters or Things, relating to the Title of any Person or Persons in Remainder, Reversion, or Expectancy to any Estate, or having any Mortgage, Lien, or Incumbrance upon any Estate, the Land Tax charged upon which is proposed to be redeemed or purchased under this Act, or touching any Matter or Thing relating thereto, that such Commissioners may think necessary for their Information, for the Execution of the Powers vested in them; and also to require, from any Person or Persons claiming any Benefit of Preference under this Act, the Production, upon Oath or Affirmation, of any Deed, Conveyance, or Instrument relating to such Estate; and to receive any Affidavit or Deposition in Writing, upon Oath or Affirmation, which shall be made in any Part of *Great Britain* above the Distance of Ten Miles from the Place where the said respective Commissioners shall meet, before any Mayor or Magistrate of any City, Town, or Place, having Authority to administer an Oath in any Matter Civil or Criminal in such City, Town, or Place, or before any Justice of the Peace of any County or District where the Person

son making such Affidavit, Deposition, or Affirmation shall happen to be; or to receive any Affidavit or Deposition in Writing, upon Oath, or Affirmation, which shall be made in any Parts beyond the Seas, before any Magistrate of the County, Territory, or Place, having competent Power and Authority to administer an Oath, and residing near the Place where the Person making such Oath or Affirmation shall also reside, and certified and transmitted to the said Commissioners under the Hand and Seal of such Magistrate: Provided, That in every such Affidavit, Deposition, or Affirmation, there shall be expressed the Addition of the Party making the same, and the particular Place of his or her Abode, and the same shall be entitled an Affidavit, Deposition, or Affirmation made in pursuance of this Act.

provided the Affidavit be made in pursuance of the Act.

VII. And be it further enacted, That if any Person, upon Examination on Oath or Affirmation before the said Commissioners respectively, or in any Affidavit, Deposition, or Affirmation, before any Mayor, Magistrate, or Justice of the Peace in *Great Britain*, in any Matter relating to the Execution of this Act, shall wilfully and corruptly give false Evidence, or shall in any such Affidavit, Deposition, or Affirmation, wilfully and corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such Person so offending, and being thereof duly convicted, shall be, and is hereby declared to be subject and liable to such Pains and Penalties as, by any Law now in being, any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Persons making any false Oath or Affidavit; shall incur the Penalties of Perjury.

VIII. And

Two Commis-
sioners may
contract with
Persons and
Corporations
holding
Lands, for
Redemption
of the Land
Tax thereon,
by virtue of
the Act of the
present Ses-
sion.

VIII. And be it further enacted, That it shall be lawful for the Commissioners specially to be appointed for the Purpose of this Act, or so many of them as shall be present at any Meeting or Meetings to be holden in any County, Riding, Stewartry, City, Borough, Cinque Port, Town, or Place, or any Two or more of them, to contract and agree with all and every Persons or Person, Bodies Politick and Corporate, Guilds, Mysteries, Fraternities, and Brotherhoods, whether Corporate or not Corporate, having or holding any Manors, Messuages, Lands, Tenements, or Hereditaments described in the said Act of the present Session of Parliament, for the Redemption of the Land Tax charged upon their respective Manors, Messuages, Lands, Tenements, or Hereditaments aforesaid, according to the Assessment and Rate made or to be made in pursuance of the said Act, upon the Terms and Conditions, and in Manner herein-after described and mentioned.

Form of the
Contract in
Schedule (B.)

IX. And be it further enacted, That every Contract and Agreement made and entered into by virtue of this Act, with the Commissioners specially to be appointed for the Purpose aforesaid, by any Person or Persons, Bodies, Corporations, or Companies before described, for the Redemption of any Land Tax charged upon his, her, or their Manors, Messuages, Lands, Tenements, or Hereditaments aforesaid, shall be in the Form mentioned and described in the Schedule to this Act annexed, marked (B.), and the Consideration therein to be inserted, and contracted and agreed to be given for such Redemption as aforesaid.

The Consider-
ation of the
Redemption
shall be so

aforesaid, shall be so much Capital Stock of Publick Annuities transferrable at the Bank of England, bearing an Interest after the Rate of Three Pounds per Centum per Annum, commonly called *The Three Pounds per Centum Consolidated Annuities*, and *The Three Pounds per Centum Reduced Annuities*, as will yield an Annuity or Dividend exceeding the Amount of the Land Tax so to be redeemed as aforesaid by One Tenth Part thereof, such Capital Stock to be transferred to the Commissioners appointed by an Act of the Twenty-sixth Year of the Reign of His present Majesty for the Reduction of the National Debt, in Trust for the Purposes of this Act.

much Stock in
3 per Cent.
Consols. or
3 per Cent.
Reduced, as
will produce
a Dividend
exceeding the
Amount of
the Land Tax
redeemed by
1-10th.

X. And be it further enacted, That the Transfer of the whole Amount of the Capital Stocks in the Three Pounds per Centum Annuities, or either of them, to be transferred as before mentioned, shall be made to the Commissioners for the Reduction of the National Debt, within the Period of Four Years from the Twenty-fifth Day of March One thousand seven hundred and ninety-nine, by Four Instalments in every Year; *videlicet*, on or before the First Day of May, the First Day of August, the First Day of November, and the First Day of February in each Year, the First Instalment to be made on such of the said Days as shall next ensue the entering into such Contract: Provided always, That it shall be lawful for any Person or Persons, Bodies, Corporations, or Companies before described, to stipulate with the said Commissioners for the Transfer of the Whole of the said Capital Stock

Such Stock
shall be trans-
ferred to the
Commissioners
for reducing
the National
Debt, within
Four Years,
from March
25, 1799, by
Four Instal-
ments in each
Year; or the
Whole may be
transferred at
once, (when
no Interest
shall be pay-
able (See §
91), or by
shorter Instal-
ments, it is
stipulated.

Stock at One Time, or that the same shall be transferred by Instalments within a less Period than Four Years, so that the same be made by even Instalments at equal Intervals within the Period agreed upon, and on the respective Days before-mentioned in each such Year, or on such of the said Days as shall fall within the Period agreed upon for such Transfer: Provided also, That any Person so contracting as aforesaid, may transfer the whole Stock so agreed to be transferred as the Consideration for such Contract, or any Part thereof, in advance, to the Commissioners for the Reduction of the National Debt; and that, from and after the Transfer of any Stock in advance, no Interest on Account of such Stock so transferred in advance shall be paid, as herein-after is directed: Provided always, That if the Whole of the Stock so agreed to be transferred shall not be transferred at One Time, but by Instalments, and if a Division of the entire Quantity of Stock into equal Sums, to be paid by such Instalments, would occasion a Fraction, less than the Fraction of One Penny, the fractional Part or Parts less than One Penny, necessary to such equal Division, shall be taken from the prior Instalment and added to the last Instalment, so as to avoid any Fraction less than a Penny.

Fractions less than 1^d. to be avoided.

Corporations, Trustees for Charities, &c. Committees of Lunatics, Guardians, and private Trustees for incapacitated Persons, en-

XI. And be it further enacted, That it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Guilds, Mysteries, Fraternities, or Brotherhoods, whether Corporate or not Corporate, and all Trustees for Charities or other publick Purposes,

* 5

Purposes, who are or shall be seised or possessed of any Manors, Messuages, Lands, Tenements, or Hereditaments whereon any Land Tax hereby made saleable shall be charged, to contract and agree for the Redemption of such Land Tax, or any Part thereof, notwithstanding any Statutes of Mortmain, or other Statutes or Acts of Parliament to the contrary; and it shall be also lawful for all Committees and Curators of Lunaticks or of Idiots, and for all Tutors and Guardians of Infants, and for all Persons having Authority to act for Infants, married Women, and other Persons incapable of acting for themselves, to contract and agree on Behalf of such Lunaticks, Idiots, Infants, married Women, and other Persons incapable of acting for themselves, for the Redemption of the Land Tax charged on any Manors, Messuages, Lands, Tenements, or Hereditaments, wherein such Lunaticks, Idiots, Infants, married Women, or other Persons incapable of acting for themselves, shall be interested, or any Part thereof, in the same Manner as such Persons might have done if not under any Incapacity; and it shall also be lawful for all Trustees to contract and agree in like Manner, on Behalf of the Persons for whom they shall be Trustees, for the Purchase of any Land Tax charged on any Manors, Messuages, Lands, Tenements, or Hereditaments, of which they shall be Trustees.

abled to contract for Redemption of the Land Tax, on their respective Trust Estates.

XII. And be it further enacted, That it shall be lawful for all such Bodies Politick and Corporate, and Companies, and Persons before described, and all other Persons having any

Such Corporations and Trustees, and Persons in Possession or Reversion, or having any

Land, (except Tenants at Rack Rent or Tenants of Crown Lands, etc.), enabled to contract, in Preference to all others, till March 25, 1799.

§ 2.

any Estate or Interest in, or being substitute Heirs of Entail entitled in their Order to succeed to any Manors, Messuages, Lands, Tenements, or Hereditaments, whereon any Land Tax hereby made saleable shall be charged (except Tenants at Rack Rent for any Term of Years, or from Year to Year, or at Will, and except Tenants holding, under the Crown any Lands or Tenements within the Survey and Receipt of the Exchequer or the Duchy of *Lancaster*, or under the Duke of *Cornwall* any Lands or Tenements belonging to and Parcel of the Duchy of *Cornwall*, for Years, or from Year to Year, or at Will) to contract and agree with the said Commissioners specially to be appointed for the Purposes of this Act, in the County, Riding, Stewartry, City, Borough, Cinque Port, Town, or Place, where such Manors, Messuages, Lands, Tenements, or Hereditaments, are situate, for the Redemption of the said Land Tax charged thereon, or any Part thereof, upon the Terms and Conditions, and subject to the Regulations herein-after mentioned, and that such Bodies Politick and Corporate, Companies, and Persons having such Estate or Interest as aforesaid, shall be entitled so to contract, in Preference to all other Bodies Politick and Corporate, and Persons whatsoever, provided they shall contract on or before the Twenty-fifth Day of *March*, which will be in the Year One thousand seven hundred and ninety-nine.

Corporations, and Persons in Possession,

XIII. Provided always, and be it further enacted, That all such Bodies Politick and Corporate,

porate, and Companies, and all Persons who shall be in the actual Possession of or immediately entitled to the Rents and Profits of any such Manors, Messuages, Lands, Tenements, or Hereditaments as aforesaid, whereon any Land Tax hereby made saleable shall be charged, (other than and except Tenants at Rack Rent for any Terms of Years, or from Year to Year, or at Will, and except Tenants holding, under the Crown any Lands or Tenements within the Survey and Receipt of the Exchequer or the Duchy of *Lancaster*, or under the Duke of *Cornwall* any Lands or Tenements belonging to and Parcel of the Duchy of *Cornwall*, for any Term of Years, or from Year to Year, or at Will), and such Committees, Curators, Tutors, Guardians, or Trustees as aforesaid, on the Behalf of the Persons to whom they are such Committees, Curators, Tutors, Guardians, or Trustees, shall be preferred in the Purchase of such Land Tax, or any Part thereof, to any Bodies, Corporations, or Companies, or Persons having any Estate or Interest in Remainder, Reversion, or Expectancy, or being substitute Heirs of Entail, in the same Manors, Messuages, Lands, Tenements, or Hereditaments: Provided such Bodies Corporate, or Companies, and Persons so to be preferred, shall offer to contract for the Redemption of such Land Tax on or before the Twenty-fifth Day of *December* One thousand seven hundred and ninety-eight; and in case no Contract shall be entered into, by or in the Behalf of the Bodies, Corporations, or Companies, or Persons so in Possession, or immediately entitled as aforesaid, for the Redemption

shall be preferred to those in Reversion, till Dec. 25, 1798, and those in Reversion shall be preferred to all having no Interest in the Land, till March 25, 1799.

demption of the said Land Tax, on or before the said Twenty-fifth Day of *December* One thousand seven hundred and ninety-eight, then the Bodies, Corporations, or Companies, or the Person or Persons having such Estates and Interests in Remainder, Reversion, or Expectancy, or the substitute Heirs of Entail called to succeed in the said Manors, Messuages, Lands, Tenements, or Hereditaments, or their respective Committees, Curators, Tutors, Guardians, or Trustees, on their Behalf, shall be entitled to redeem such Land Tax, or any Part thereof, in preference to any other Person or Persons having no Estate or Interest therein, and not being called to succeed therein as substitute Heirs of Entail, according to the Priority of such respective Estates or Interests, such Priority to be settled by the said Commissioners, in case the Parties shall differ about the same: Provided always, That no such Bodies Politick or Corporate, or Companies, or Persons in Remainder, Reversion, or Expectancy, or substitute Heirs of Entail as aforesaid, shall be entitled to such Benefit of Preference as last-mentioned, unless a Contract for the Redemption of such Land Tax shall be entered into by or on the Behalf of him, her, or them, on or before the said Twenty-fifth Day of *March* One thousand seven hundred and ninety-nine.

Persons beneficially entitled to Rents of Lands, &c. let at Rack Rents, shall be considered as actual Possessors.

XIV. And be it further enacted, That where any such Manors, Messuages, Lands, Tenements, or Hereditaments as aforesaid, shall be leased or demised at a Rack Rent for any Term or Number of Years, or at Will, the Person

Person or Persons, Bodies, Corporations, or Companies beneficially entitled to the Rent reserved or made payable on any such Lease or Demise, shall (notwithstanding any Covenant or Agreement for the Payment of the Land Tax charged on such Manors, Messuages, Lands, Tenements, or Hereditaments; by the Tenant or Lessee thereof) be considered as being in the actual Possession of such Manors, Messuages, Lands, Tenements, or Hereditaments, for the Purpose of claiming and being entitled to such Benefit of Preference as aforesaid; and where any such Tenant or Lessee shall be bound by Agreement to pay such Land Tax during the Continuance of any such Demise, and the Contract for such Land Tax shall be entered into by or on the Behalf of the Person or Persons, Bodies, Corporations, or Companies, so beneficially entitled, the Amount of the Land Tax so purchased shall, during the Continuance of such Lease or Demise, be considered as Rent reserved or made payable on such Lease or Demise, and the same Powers shall be had, used, or enjoyed, for the Recovery thereof, as for the Recovery of such Rent when in Arrear.

Where Land Tax is payable by Tenant and redeemed by Landlord, it shall be added to the Rent, and recoverable as such.

XV. And be it further enacted, That it shall be lawful for all and every Persons and Person, Bodies, Corporations, or Companies, who shall, under and by virtue of this Act, redeem any Land Tax charged upon any Manors, Messuages, Lands, Tenements, or Hereditaments, that shall, at the Time of such Redemption, be charged with or subject to the Payment of any Fee Farm, Feu Duty, or other

Where Lands are charged with Fee Farm Rents, &c. out of which a Proportion of the Land Tax may now be deducted by the Owner of the Land, such Deduction may continue to be made by

him after his Redemption of his Land Tax.

Where Tythes, Fee Farm Rents, &c. have not been distinctly assessed to the Land Tax, the Commissioners of Land Tax may adjust the Proportions to be paid by the Owners of such Tythes, &c. and which they shall be preferably entitled to redeem.

other Annual Rent, for which he, she, or they would, upon Payment of the Land Tax, be entitled to abate and deduct a just Proportion of Rate under the Act of this present Session of Parliament, to continue to abate and deduct a just Proportion, from Time to Time, upon every Payment of such Fee Farm, Feu Duty, or other Annual Rent, as if such Land Tax had not been redeemed.

XVI. Provided always, and be it further enacted, That in case any Difficulty shall arise in the Sale of the Land Tax which ought to be charged on any Tythes, or any Fee Farm Rent, Feu Duty, or other Rent, or any Lands, Tenements, or Hereditaments, because such Tythes, or such Rents, Feu Duty, Lands, Tenements, or Hereditaments, have not been assessed, or not distinctly assessed to the Land Tax, or because the Land Tax has been by the several Acts imposing the same directed to be deducted out of such Rents, by the Owners or Occupiers of the Lands charged with such Rents, it shall be lawful for the Persons, Bodies Politick or Corporate, entitled to such Tythes, Rents, Lands, Tenements, and Hereditaments, to apply to the Commissioners of Land Tax or Supply, to settle and adjust the Proportion of Land Tax which ought to be borne and paid by such Persons, Bodies Politick or Corporate respectively, on Account of such Tythes, Rents, Lands, Tenements, or Hereditaments which have not been assessed, or not distinctly assessed as aforesaid, and thereupon it shall be lawful for such Persons, Bodies Politick and Corporate respectively, to claim the like Benefit of

of Preference for Redemption of such Land Tax, and to contract for the Purchase thereof, and to do all Acts necessary for the Purpose of carrying such Contract into Execution, in the same Manner as if such Tythes, Rents, Lands, Tenements, or Hereditaments had been distinctly assessed to the Land Tax.

XVII. And be it further enacted, That all and every Persons and Person, Bodies, Corporations, or Companies, claiming on their own Behalf, or on the Behalf of others, the Benefit of Preference herein mentioned, shall produce to any Two Commissioners of Land Tax acting in and for the Hundred, Ward, Lathe, Wapentake, Rape, or other Division of the County, Riding, City, Borough, Cinque Port, Town, or Place in *England*, or if in *Scotland* to any Two Commissioners of Supply of the County or Stewartry, or Chief Magistrate of the City or Borough, within which any Manors, Messuages, Lands, Tenements, or Hereditaments charged with Land Tax proposed to be redeemed are situate, a Schedule or Description in Writing of all and every the Manors, Messuages, Lands, Tenements, or Hereditaments charged with such Land Tax, which Schedule shall contain the respective Natures and Quantities, or reputed Quantities, of the Premises, and the Name or Names of the Occupier or Occupiers thereof, and the said Commissioners of Land Tax or Supply, or Chief Magistrate respectively, shall ascertain, settle, and adjust the Amount of the Land Tax charged upon the respective Manors, Messuages, Lands, Tenements, or Hereditaments contained in such Schedule,

Persons claiming Benefit of Preference, shall produce a Description of their Lands charged, containing the Particulars thereof, to the Land Tax Commissioners, who shall settle and certify the Amount of the Land Tax thereon, (See Schedule (A).)

On the Production of which Certificate to the Commissioners under this Act, they may examine, and amend the same if requisite, and make and certify a Contract for the Redemption of such Land Tax, (See Schedule (B).)

On the Production of this Contract and Certificate at the Bank, and transferring the 3 per Cent. Stock, agreed for, or the First Instalment thereof, to the Commissioners for reducing the

Schedule, distinguishing according to the Form and Method in the Schedule to this Act annexed, marked (A.), the Parish or Place, Parishes or Places, within which, and the Manors, Messuages, Lands, Tenements, or Hereditaments, upon which each separate Assessment of Land Tax shall be charged, and the District or Division within which such Land Tax shall be charged, and shall grant a Certificate thereof to the Person or Persons, Bodies, Corporations, or Companies applying for the same; and on the Production of the said Certificate to the Commissioners specially appointed for the Purposes of this Act, for the County, Riding, Stewartry, City, Borough, Cinque Port, Town, or Place, within which such Manors, Messuages, Lands, Tenements, or Hereditaments are respectively situate, the said last-mentioned Commissioners are hereby authorized and required to examine such Certificate, and amend the same, if necessary, according to the Assessment of Land Tax, and thereupon to contract and agree with the Person or Persons, Bodies, Corporations, or Companies, applying for the Redemption of such Land Tax, according to the Directions of this Act, and in the Form set forth in the Schedule to this Act annexed, marked (B.); and upon the Production, at the Bank of *England*, of such Contract and Certificate, and upon the Transfer to the Commissioners for the Reduction of the National Debt, of so much Stock in the Three Pounds *per Centum* Bank Annuities before-mentioned, or either of them, as will yield an Annuity or Dividend exceeding the Amount of the Land Tax so to be redeemed or purchased

chased by One Tenth Part thereof, or of such Proportion of such Stock as shall have been contracted and agreed to be transferred as the First Instalment thereof, (being not less than One Sixteenth of the whole Amount of the Capital Stock to be transferred on Account of the Redemption or Purchase of such Land Tax), every such Person, Body, Corporation, or Company, shall be entitled to have a Certificate or Receipt from the Cashier or Cashiers of the Governor and Company of the Bank of *England*, acknowledging such Transfer, which Certificate or Receipt the said Cashier or Cashiers is or are hereby required to give, and the same may either be indorsed on such Contract, in the Form prescribed in the Schedule to this Act annexed, marked (C.), or be distinct therefrom, as the Governor and Company of the Bank of *England* shall judge expedient, or in such other Form as the said Governor and Company shall devise, which Certificate or Receipt shall be an Acquittance and Discharge to the Person or Persons, Bodies, Corporations, or Companies aforesaid, transferring such Stock as aforesaid; and upon the Registry or Entry of such Certificates, Contracts, and Receipts, with His Majesty's Commissioners for the Affairs of Taxes, the said Manors, Messuages, Lands, Tenements, and Hereditaments, comprized in such Contract, shall thenceforth be wholly freed and exonerated from the Land Tax charged thereon, and from all further Assessments thereof, unless the Person or Persons, Bodies, Corporations, or Companies, contracting for such Land Tax, shall, at the Time of entering into the

National Debt, the Cashiers of the Bank shall give a Receipt, (Schedule (C).)

On the Registry or Entry of this Receipt with the Commissioners for Taxes, the Lands shall be exonerated from the Land Tax, unless the Person contracting has declared his Option to be considered on the Footing of a Third Person pur-

chasing the Land Tax, in which Case he shall be entitled to the same Benefits, and subject to the same Restrictions as such Third Person.

(See § 37; 72; 77, &c.)

the Contract for the same, declare to the Commissioners, with whom such Contract shall be entered into, his, her, or their Option to be considered on the same Footing as a Person not interested in the said Manors, Messuages, Lands, Tenements, or Hereditaments, purchasing the Land Tax charged thereon, is by this Act considered; in which Case, and upon such Option and Declaration so made being inserted in the Contract, the Person or Persons, Bodies, Corporations, or Companies, so contracting, his, her, or their Executors, Administrators, or Assigns, shall be entitled and subject to such and the like Benefits, Advantages, Conditions, and Restrictions, as Persons not interested as aforesaid would be entitled and subject to on their becoming the Purchasers of such Land Tax under this Act, after the said Twenty-fifth Day of March One thousand seven hundred and ninety-nine.

If Land Tax is contracted for under such Preference by Persons not having the Fee Simple of the Lands, any Reversioner, &c. on his Estate vesting in Possession, shall be entitled to demand from the original Contractors, their Executors, &c. an Assignment of their Interest in such Contract,

XVIII. And be it further enacted, That when any Land Tax shall have been contracted for, under any such Benefit of Preference as aforesaid, by or on the Behalf of any Person or Persons, Bodies, Corporations, or Companies, aforesaid, not having the absolute Estate or Interest in Fee Simple therein, then and in every such Case the Person or Persons, Bodies, Corporations, or Companies, having or being beneficially entitled to any Estate or Interest in Succession, Remainder, Reversion, or Expectancy, or being substitute Heirs of Entail, entitled to succeed in their Order, in the Manors, Messuages, Lands, Tenements, or Hereditaments, the Land Tax whereof shall have been

been so contracted for, shall, at any Time or Times after such Estate or Interest shall vest in Possession, by reason of the Determination of the preceding Estate or Interest, or by the Estate devolving upon the substitute Heir of Entail, be entitled, and he, she, and they is and are hereby authorized and empowered to demand from the original Contractors for such Land Tax, their Executors, Administrators, or Assigns, an Assignment of his, her, or their Interest in such Contract, or such Part thereof as shall then be in force, to them, their Executors, Administrators, or Assigns, upon transferring to such original Contractors, their Executors, Administrators, or Assigns, the like Amount of Three Pounds *per Centum* Bank Annuities in the same Stocks respectively as was transferred by such original Contractors as the Consideration for the Redemption of such Land Tax, or such Part thereof as shall then be remaining in the Names of the Commissioners for the Reduction of the National Debt in pursuance of this Act, which Assignment such original Contractors, their Executors, Administrators, or Assigns, are hereby required to execute accordingly, and so from Time to Time every other Person, Body, Corporation, or Company, beneficially entitled in Remainder, Reversion, or Expectancy, and every substitute Heir of Entail called to succeed to the said Manors, Messuages, Lands, Tenements, or Hereditaments, shall at any Time or Times after their respective Estates and Interests shall vest in Possession by reason of the Determination of the preceding Estate, or of the Estate devolving upon the substitute

upon transferring to them the same Quantity of *3 per Cents.* as such Contractors paid for the Redemption of the Tax; and so in all Cases the Reversioner, &c. coming into Possession may call for such Assignment from the Proprietor, who may be compelled to make the same by Order of Chancery, &c. though an Infant, or under any other legal Disability: On such Assignment the Land to be exonerated, unless the Assignee declares a like Option as the original Contractor. (See § 17.)

stitute Heir of Entail, in like Manner be entitled, and he, she, and they is and are hereby authorized and empowered to demand an Assignment from the Person or Persons, Bodies, Corporations, or Companies, who shall then be the Proprietor or Proprietors of such Land Tax, of his, her, or their Interest therein, upon transferring to him, her, or them, the like Amount of Three Pounds *per Centum* Bank Annuities as aforesaid, which Assignment such Proprietor or Proprietors is or are hereby required to make and execute accordingly; and in case any Proprietor or Proprietors hereby required to make any such Assignment as aforesaid (being of full Age, and competent to make the same) shall refuse so to do, then and in every such Case the Proprietor or Proprietors so refusing shall and may be compelled, by an Order of the High Court of Chancery in *England*, or Court of Session in *Scotland*, or the Court of Exchequer in *England* or *Scotland* respectively, (to be made upon hearing all Parties concerned, on the Petition of the Party hereby authorized to demand the same), to make such Assignment as aforesaid, and such Court shall have Power to award Costs to either Party, if upon the Circumstances it shall think fit so to do; and it shall be lawful for any such Proprietor or Proprietors hereby required to make any such Assignment as aforesaid, who at the Time the same shall be demanded shall be under the Age of Twenty-one Years, or be under any other legal Disability or Incapacity, by the Direction of the said Court of Chancery, Session, or Exchequer, respectively, signified by an Order

to

to be obtained as aforesaid; to make such Assignment, which shall be as good and effectual in Law to all Intents and Purposes whatsoever, as if he, she, or they were of the full Age of Twenty-one Years, and free from any legal Disability or Incapacity; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding: Provided always, That upon every such Assignment, the Manors, Messuages, Lands, Tenements, and Hereditaments, whereon the Land Tax so assigned shall have been charged, shall from thenceforth be freed and exonerated from such Land Tax, unless the Assignee or Assignees thereof shall cause the like Option to be inserted in the Assignment, which is herein before directed to be inserted in the original Contract, in Cases where such Option shall have been declared by the original Contractor.

XIX. And be it further enacted, That for the Purpose of redeeming the Land Tax charged on any Manors, Messuages, Lands, Tenements, or Hereditaments, it shall be lawful for all Bodies Politick or Corporate, and Companies aforesaid, and all Trustees for charitable and other publick Purposes, being in the actual Possession, or entitled beneficially to the Rents and Profits of such Manors, Messuages, Lands, Tenements, or Hereditaments, under the Restrictions and Regulations herein-after mentioned, to sell such Part or Parts of such Manors, Messuages, Lands, Tenements, or Hereditaments, as shall be eligible and necessary, for the Purpose of redeeming or purchasing such Land Tax, and, by Indenture or Indentures

For the Purpose of redeeming the Land Tax, Corporations and Trustees for publick Purposes enabled to sell Part of the Lands charged, and to convey the same to any Persons, freed from Land Tax, by Indentures duly enrolled (or registered, as the Case may require); or to mortgage any Part to free

the Whole
from Land
Tax; or to
grant any
Rent Charge
to the Amount
of the Land
Tax.

tures duly sealed and delivered, and enrolled for Estates in *England* within Six Calendar Months after the Execution thereof in any of His Majesty's Courts of Record at *Westminster*, or in the Courts of the Counties Palatine of *Chester*, *Lancaster*, or *Durham*, or in the Courts of Great Session in *Wales*, as the Case shall require, or registered in the Counties of *Middlesex* and *York* in the Manner required by Law for Conveyances of Real Estates situated in those Counties respectively, and by proper Deeds or other Conveyances, to be executed and registered in the Manner required by the Law of *Scotland* for Estates in *Scotland*, absolutely to convey the same, freed and discharged from Land Tax, unto any Person or Persons whomsoever; or to charge a sufficient Part of the said Manors, Messuages, Lands, Tenements, or Hereditaments, with such Sum or Sums of Money as shall be sufficient to redeem or purchase the Land Tax charged on the Whole of the said Manors, Messuages, Lands, Tenements, or Hereditaments, and for securing the Repayment of such Sum or Sums of Money, with Interest, by like Indenture or Indentures enrolled or registered as aforesaid, to convey, surrender, or demise, by Way of Mortgage or other Real Security, such Part of the said Manors, Messuages, Lands, Tenements, and Hereditaments, freed and discharged from Land Tax, as shall be a sufficient Security for that Purpose, to any Person or Persons who shall advance or lend such Sum or Sums of Money upon the Security thereof, his, her, or their Heirs, Executors, Administrators, or Assigns, either in Fee Simple, or for any Term or Number

ber of Years; or, by like Indenture or Indentures enrolled or registered as aforesaid, to grant, limit, or appoint any Yearly Sum or Sums of Money by Way of a perpetual Rent Charge, not exceeding the Amount of the Land Tax charged upon the said Manors, Messuages, Lands, Tenements, or Hereditaments, to be issuing out of, and charged and chargeable upon such Manors, Messuages, Lands, Tenements, or Hereditaments: Provided always, That nothing herein-before contained shall be construed to extend to authorize any Sale, Conveyance, or Mortgage or Grant of any Rent Charge by any Archbishop or Bishop, without the Confirmation of the Dean and Chapter, or by any Parson, Vicar, or other Person having any Spiritual or Ecclesiastical Living or Benefice, without the Consent of the Ordinary, and also of the Patron, if adult, and within the Realm; or by any Curate of any Perpetual Curacy without the Consent of the Person having the Power of Appointment to such Curacy; or by any Master or Fellows of any College, or by any Chapter of any Cathedral or Collegiate Church, Master or Guardian of any Hospital, or any Spiritual or Ecclesiastical Person or Persons whatever, without such Consent as by Law was required for that Purpose before the making of any Statute or Statutes for restraining the Sales, Conveyances, Mortgages, or Grants of such Persons, Bodies Politick or Corporate, or any of them, or for disabling such Persons, Bodies Politick or Corporate, from making any such Sales, Conveyances, Mortgages, or Grants, or any of them.

Ecclesiastical
Persons, Fel-
lows of Col-
leges, &c. to
be subject to
the same Re-
straints as at
present.

Persons in actual Possession of Lands, but not having the absolute Interest (except Tenants at Rack Rents, or Tenants of Crown Lands, &c.) and all Committees of Lunatics, Guardians, Executors, and private Trustees whatsoever, enabled in like Manner to sell, mortgage, or grant a Rent Charge for redeeming the Land Tax.

XX. And be it further enacted, That for the Purpose of redeeming or purchasing the Land Tax charged on any Manors, Messuages, Lands, Tenements, or Hereditaments, it shall be lawful for all and every Persons and Person being in the actual Possession, or entitled beneficially to the Rents and Profits thereof, but not having the absolute Interest therein (other than and except Tenants at Rack Rent for any Terms of Years, or from Year to Year, or at Will, and Tenants holding under the Crown any Lands or Tenements within the Survey and Receipt of the Exchequer, or the Duchy of *Lancaster*, or under the Duke of *Cornwall* any Lands or Tenements belonging to and Parcel of the Duchy of *Cornwall*), and also for all Committees and Curators of Lunatics or of Idiots, and Tutors or Guardians of Infants, seized or possessed of any such Manors, Messuages, Lands, Tenements, or Hereditaments, and for all Executors and Administrators, Curators or Trustees whatsoever, seized or possessed of any such Manors, Messuages, Lands, Tenements, or Hereditaments, who have Authority to act for Infants, Minors, Issue unborn, Females Covert, or other incapacitated Persons, or Persons incapacitated by Law or Deed to act for themselves, under the Restrictions and Regulations herein-after mentioned, to sell such Part or Parts of such Manors, Messuages, Lands, Tenements, or Hereditaments, as shall be eligible and necessary, for the Purpose of redeeming or purchasing such Land Tax, and, by Indenture or Indentures duly sealed and delivered, and executed and enrolled, or registered as here-

in-before

in-before mentioned, absolutely to convey the same, freed and discharged from Land Tax, unto any Person or Persons whomsoever; or to charge a sufficient Part of the said Manors, Messuages, Lands, Tenements, or Hereditaments, with such Sum or Sums of Money as shall be sufficient to redeem or purchase the Land Tax charged on the Whole of the said Manors, Messuages, Lands, Tenements, or Hereditaments; and for securing the Re-payment of such Sum or Sums of Money, with Interest, by like Indenture or Indentures, enrolled or registered as aforesaid, to convey, surrender, or demise, by Way of Mortgage or other Real Security, such Part of the said Manors, Messuages, Lands, Tenements, and Hereditaments, freed and discharged from the Land Tax to be purchased as aforesaid, as shall be a sufficient Security for that Purpose, to any Person or Persons who shall advance or lend such Sum or Sums of Money upon the Security thereof, his, her, or their Heirs, Executors, Administrators, or Assigns, either in Fee Simple or for any Term or Number of Years; or, by like Indenture or Indentures enrolled or registered as aforesaid, to grant, limit, or appoint, any Yearly Sum or Sums of Money by Way of a perpetual Rent Charge, not exceeding the Amount of the Land Tax charged upon the said Manors, Messuages, Lands, Tenements, or Hereditaments, to be issuing out of, and charged and chargeable upon such Manors, Messuages, Lands, Tenements, or Hereditaments: Provided always, That no Sale, Conveyance, Mortgage, or Grant, which shall be made by virtue and in

Two Commissioners under this Act to be Parties to all Conveyances pur-

for the Pur-
poses thereof,
(but see § 21.)

Heir of Entail
in Possession in
Scotland, to act
only under the
Authority of
the Court of
Session.

See § 26.

When the
Authority of
a Court is re-
quired, Com-
missioners
need not be
Parties.

Tenants in
Tail may con-
vey for the
Purpose of
such Redemp-
tion, by Deed
enrolled or
registered,
without Fine
or Recovery.

purfuance of this Act, shall be valid and effect-
tual, unless Two at least of the Commissioners,
to be specially appointed for the Purposes of
this Act, in the County, Riding, Stewartry,
City, Borough, Cinque Port, Town, or Place,
where the said Manors, Messuages, Lands,
Tenements, or Hereditaments, to be sold,
mortgaged, or charged by virtue of this Act,
shall be situate, shall certify their Consent there-
to and Approbation thereof by signing and
sealing the same as Parties thereto: Provided
also, That nothing in this Act contained shall
be construed to extend to the empowering any
Heir of Entail in Possession of any entailed
Estate in *Scotland*, to sell or dispose of any Part
of the said Estate without Application to the
Court of Session by Petition, and obtaining the
Authority of that Court to such Sale, and to
the due Application of the Money thence aris-
ing, as herein-after directed.

XXI. Provided also, and be it further enact-
ed, That in all Cases in which the Authority
of any Court is required by this Act for any
Sale, Disposition, or Purchase, warranted by
this Act, it shall not be necessary also to require
the Consent of the Commissioners appointed
for the Purposes of this Act, to authorize
such Sale, Disposition, or Purchase.

XXII. And be it further enacted, That it
shall be lawful for any Person who shall be
seised in Fee Tail of any Manors, Messuages,
Lands, Tenements, or Hereditaments, in *Eng-
land*, to convey such Part or Parts thereof as
shall be deemed eligible and necessary to be
fold

fold for the Purpose of redeeming or purchasing
the Land Tax charged on such Manors, Mes-
suages, Lands, Tenements, or Hereditaments,
by Deed duly sealed and delivered, and ac-
knowledge and enrolled in any of His Ma-
jesty's Courts of Record at *Westminster*, or in
the Courts of the Counties Palatine of *Chester*,
Lancaster, or *Durham*, or in the Courts of
Great Session in *Wales*, or registered in the
Counties of *Middlesex* or *York*, as the Case shall
require; and such Deed being duly executed
and enrolled, or registered as aforesaid, shall
as effectually and absolutely bar all Estates
Tail, and other Estates in Possession, Reversion,
Remainder, or Expectancy, in the Heredita-
ments so conveyed, as if such Tenant in Tail
had levied a Fine, or suffered a common Re-
covery thereof in due Form of Law.

XXIII. And be it further enacted, That every
Sale, Mortgage, or Grant of any Rent Charge,
which shall be made by virtue of this Act,
shall, after the same shall be enrolled or re-
gistered as aforesaid, and after the Payment
of the Purchase or Mortgage Money into the
Bank of *England*, in the Manner herein-after
directed, be good, valid, and effectual in the
Law, to all Intents and Purposes whatsoever;
and the respective Persons to whom any Rent
Charges shall be granted, by virtue of this Act,
shall have and be entitled to use and take the
same Powers, Remedies, Benefits, and Ad-
vantages, for the Recovery thereof, as Land-
lords by Law have or are entitled to use and
take for the Recovery of Rents reserved on
common Leases or Demises.

XXIV. Pro-

After enrol-
ling and re-
gistering Con-
veyance, and
Payment of
Money into
the Bank, the
Sale, &c. to
be valid to all
Intents.

Grantees of
Rent Charges
entitled to all
the Remedies
of Landlords.

All such Sales to be by publick Auction before Two Commissioners, who shall give 10 Days Notice thereof.

XXIV. Provided always, and be it further enacted, That every Sale of any Manors, Messuages, Lands, Tenements, or Hereditaments, to be made for the Purpose of purchasing Land Tax under this Act, shall be by publick Auction before Two or more of the Commissioners specially to be appointed for the Purposes thereof, or some Person or Persons appointed by them for that Purpose, and such Commissioners shall cause Notice to be published in some Newspaper usually circulated in the County, Riding, Stewartry, or Place, where such Property intended to be sold shall be situate, of such Sale, at least Ten Days before the same shall take place.

Tenants for Lives or Years, where a Fine was paid, not to sell without Consent of the Reversioner.

XXV. Provided always, and be it further enacted, That nothing herein contained shall be construed to extend to enable any Tenant for Lives, or for Years determinable on Lives, or for Years absolute, though not at Rack Rent, to sell any Part of the Tenement demised in any Case of a Demise for which any Fine or Premium was paid, without the Consent of the Person or Persons, Bodies Politick or Corporate, entitled to the immediate Estate in Reversion upon such Demise.

Heirs of Entail in Possession in Scotland, their Tutors, &c. shall apply by Petition to the Court of Session, in all Cases of intended Sales, for the Pur-

XXVI. And be it further enacted, That where any Heir of Entail in Possession of an entailed Estate in Scotland, or his or her Tutor or Tutors, or where he or she is an Idiot or Lunatick, his or her Curator or Curators, mean to sell Part of the said Estate to purchase the Land Tax of the Estate, in Terms of this Act, it shall be competent and requisite for

for him, her, or them, to apply by Petition to the Court of Session, stating the Amount of the Land Tax payable out of the said Estate, what Part of the Estate it is proposed to sell, and the Rent or annual Value of that Part of the Estate, and praying the Court, upon the Allegations on these Points being proved to the Satisfaction of the Court, and it being shewn that the Sale of the Part of the Estate proposed to be sold will not materially injure the Residue of the Estate remaining unsold, and that the Part so proposed to be sold is proper (considering all Circumstances) to be sold for the Purpose aforesaid, to authorize such Sale to proceed in Manner herein-after enacted; and the Judges of the said Court are hereby authorized and required to order such Petitions to be intimated upon the Walls of the outer and inner House of the said Court in common Form, for Ten Sederunt Days, which Intimation shall be a valid and effectual Intimation and Service, to all Intents and Purposes, as much as if the said Petitions had been personally intimated to or served upon all Persons having or pretending to have any Interest with regard to the said Estate, as substitute Heirs of Entail, Creditors on the said Estate, or in any other Way or Character whatever, and such Intimation being duly made, the Court shall proceed summarily in the Matter, and shall authorize the Sale of that Part of the Estate which the Petitioner or Petitioners are willing to sell, which the Court thinks ought to be sold for the Purpose above mentioned, and against the Sale of which no sufficient Reason is stated by

pose of redeeming the Land Tax; the said Court shall proceed summarily to authorize such Sale, and the Extract of their Decree shall authorize the Commissioners to sell.

any Person having Interest; and the Extract of the Decree of the Court authorizing the Sale, shall be sufficient Authority to the Commissioners appointed by this Act to carry on the Sale in the Manner herein-after directed.

In Cases of borrowing Money by such Heir, &c. in Scotland, and granting heritable Security for the same, like Application to be made to, and Proceedings had by, the Court of Session.

XXVII. And be it further enacted, That where any Heir of Entail in Possession of an entailed Estate in *Scotland*, or his or her Tutor or Tutors, or where he or she is an Idiot or Lunatick, his or her Curator or Curators, mean to burthen the said Estate with a Sum of Money to be borrowed, to enable him, her, or them, to purchase the Land Tax of the said Estate, it shall be competent and necessary for him, her, or them, to apply by Petition to the Court of Session, stating the Amount of the Land Tax payable out of the Estate, the Sum proposed to be borrowed, and whether it is proposed to grant the heritable Security over the Whole or Part of the Estate, and if over Part of the Estate what Part, and praying the Court to authorize him, her, or them, to borrow such Sum as the Court shall think proper for the Purposes of this Act, and to grant heritable Security in common Form for that Sum over the whole Estate, or Part thereof, as the Case may be, and the Judges of the said Court are hereby authorized and required to order such Petitions to be intimated in the same Manner as Petitions praying for Authority under this Act to sell Part of entailed Estates are by this Act ordered to be intimated, and the Effect of such Intimation shall be the same in both Cases; and such Intimation being duly made, the Court shall proceed

ceed summarily in the Matter, and shall authorize the Petitioner or Petitioners to grant heritable Security over the Whole of the entailed Estate, or Part thereof, provided no sufficient Reason is stated to the contrary by any Person having Interest.

XXVIII. And be it further enacted, That where any Part of an entailed Estate in *Scotland* is sold for the Purposes of this Act in the Manner herein-before directed, and where any heritable Security is granted upon any entailed Estate also in the Manner herein-before directed, such Sale and heritable Security shall be as valid and effectual, to all Intents and Purposes, as if the Estate, Part of which is so sold, or upon which the heritable Security is granted, had been held by the Seller and Grantor of the heritable Security in Fee Simple unfettered by any Entail, and the Person to whom such heritable Security is granted, his Heirs, Executors, and Assignees, shall have and be entitled to use all the Powers, Remedies, and Means known in Law, to recover either the Interest due upon the Money lent or the Principal Sum: Provided always, That it shall not be competent to adjudge all or any Part of the entailed Estate, either for the Interest or Principal Sum of the Money so lent.

Such Sales in *Scotland* and heritable Securities shall be valid to all Intents; but the entailed Estate shall never be adjudged for Money lent on Interest.

XXIX. Provided always, and be it further enacted, That before any Sale, Mortgage, or Grant as aforelaid shall be made by virtue of this Act, the Person or Persons desirous of making the same shall produce to the Commissioners

Previous to any Sale, Mortgage, or Grant, under this Act, a Schedule shall be produced to the Com-

missioners by the Seller, &c. stating the Particulars of his Interest, and that of all Reversioners and Mortgagees. Money shall be paid by the Purchasers, &c. under this Act, into the Bank, to the Account of Commissioners for reducing the

missioners specially to be appointed for the Purposes of this Act, in the County, Riding, Stewartry, or Place, where the Manors, Messuages, Lands, Tenements, and Hereditaments intended to be sold, mortgaged, or charged, are situate, a Schedule, in Writing, declaring the Quantity or Duration of the Estate or Estates which he, she, or they shall have in the Manors, Messuages, Lands, Tenements, or Hereditaments, whereon the Land Tax proposed to be redeemed shall be charged; and if the same shall not be an Estate of Inheritance, then the Name or Names of the Person or Persons, Bodies, Corporations, or Companies next entitled to any beneficial Interest in such Manors, Messuages, Lands, Tenements, or Hereditaments, expectant on the Determination of the immediate Estate or Interest therein, and if such Manors, Messuages, Lands, Tenements, or Hereditaments shall be subject to any Mortgage, Charge, Lien, or Incumbrance, then the Name or Names of the Person or Persons, Bodies, Corporations, or Companies, having such Mortgage, Charge, Lien, or Incumbrance, and the Amount thereof, and (if more than One) the Priorities of the respective Incumbrances. XXX. And be it further enacted, That all and every Sum and Sums of Money to arise by virtue of any Sale, Mortgage, or Grant, to be made in pursuance of this Act, shall be paid by the respective Purchasers, Mortgagees, or Grantees, into the Bank of England, to be there placed to the Account of the Commissioners for the

the Reduction of the National Debt, under the Title "An Account of the Sale of the Land Tax," who shall keep distinct Accounts thereof, and invest the same in the Purchase of Three Pounds *per Centum* Bank Annuities, according to the Directions of this Act; and the Receipt of the Cashiers of the Bank, or any One of them, shall be a full and sufficient Discharge to the several Purchasers, Mortgagees, or Grantees, paying in such Monies as aforesaid; and the Person or Persons, Bodies, Corporations, or Companies, whose Land Tax shall have been redeemed therewith, shall be entitled to have and receive the same Certificates and Discharges, and his, her, or their Estate shall be exonerated and discharged from such Land Tax in the same Manner, in all Respects, as if the Quantity of Three Pounds *per Centum* Bank Annuities, to be purchased with such Monies, had been actually transferred by him, her, or them to the said Commissioners, as the Consideration for the Redemption of such Land Tax: Provided always, That no more Money shall be raised by Way of Mortgage, or by Grant of any Rent Charge, than what shall appear to the said Commissioners for the Purposes of this Act, to be sufficient to purchase the Amount of Bank Annuities to be transferred as the Consideration for the Redemption of such Land Tax: Provided also, That no other or greater Quantity of Estate shall be sold, than what shall appear to the said Commissioners eligible and necessary to be sold for the Purposes aforesaid: Provided also, That the said Commissioners shall not certify their Consent to, or Approbation of, any such Sale as aforesaid,

National Debt, who shall invest the same in 3 *per Cent*; the Cashier's Receipt shall discharge the Purchasers; and the Persons whose Land Tax shall be so redeemed, shall stand in the same Situation as if they had transferred 3 *per Cent*. No more Money shall be raised, or Land sold, than the Commissioners shall think necessary, on an Estimate upon Oath of the Value, and that the Estate will not be materially injured.

faid, without having an Estimate in Writing, upon Oath or solemn Affirmation, of the Value of such Part of the Estate as shall be proposed to be sold, and that the Sale thereof will not materially injure the Residue of the Estate remaining unfold, and that the Part so proposed to be sold is proper (considering all Circumstances) to be sold for the Purposes aforeaid.

Reversioners of Estates in England, or their Guardians, etc. may petition Chancery against such Sales or Mortgage.

XXXI. Provided always, and be it enacted, That it shall be lawful for any Person or Persons interested in Remainder, Reversion, or Expectancy, in any Estate in England, any Part of which shall be proposed to be sold, or mortgaged under the Authority of this Act, or for the Guardians, Committees, or Trustees, of any such Person or Persons who shall be aggrieved by such intended Sale or Mortgage, or conceive themselves so to be, at any Time before such Estate shall have been actually conveyed by way of Sale or Mortgage, to present a Petition to the High Court of Chancery, which Court shall have Power in a summary Way to make such Order respecting the Suspension of or proceeding in such Sale or Mortgage, or for the Sale or Mortgage of any other Part of the Estate in Question, as well as for the Payment of any Costs occasioned by such Petition, as such Court shall think fit.

If on such Sale, etc. there shall be any Surplus of Stock, after transferring, sufficient to redeem the Land Tax,

XXXII. And be it further enacted, That wherever, by reason of any Fluctuation in the Price of the said Bank Annuities, or that the precise Quantity of Estate necessary to be sold for the Purposes aforeaid cannot be set apart to be so sold, there shall be any Surplus of Stock

Stock purchased with the Money arising by any Sale, Mortgage, or Grant, to be made under or by virtue of this Act, after reserving so much of Three Pounds per Centum Bank Annuities as shall be agreed to be transferred as the Consideration for such Land Tax, the said Surplus Stock shall, where such Manors, Messuages, Lands, Tenements, or Hereditaments so sold, mortgaged, or charged, are situated in England, be placed in the Books of the Bank of England, in the Name and with the Privy of the Accountant General of the Court of Chancery, to the Intent that the same may be applied in the Manner herein-after mentioned; (that is to say), to the Intent that such Surplus Stock may at a convenient Time be sold, and the Money arising therefrom applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, in the Discharge of any Debt or Debts, or Part thereof, affecting the Manors, Messuages, Lands, Tenements, or Hereditaments, the Land Tax charged whereon shall have been so redeemed, or where the same shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Manors, Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon, such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Manors, Messuages, Lands, Tenements, and Hereditaments, which shall be so sold, mortgaged, or charged, as aforeaid, stood settled and limited, or such of them

such Surplus (from Lands in England) shall be invested in the Bank in the Accountant General's Name, and applied under Order of Chancery in Payment of Debts affecting the Seller's Estate, or in the Purchase of other Lands, to be settled as the Lands sold were; the Dividends meanwhile to be paid to the Person entitled to the Lands; or such Surplus may be laid out in the Purchase of Land Tax, which shall then be considered as Real Estate.

them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking effect, and in the mean Time the Dividends and Annual Produce of such Surplus Stock shall from Time to Time go and belong to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the said Manors, Messuages, Lands, Tenements, and Hereditaments, in case such last-mentioned Purchase and Settlement were made; or to the Intent that such Surplus Stock may be transferred to the Commissioners for the Reduction of the National Debt, under the Direction and with the Approbation of the said Court of Chancery, to be signified in Manner aforesaid, for the Purchase of any Land Tax charged on any Manors, Messuages, Lands, Tenements, or Hereditaments, situate in any Part of Great Britain; and such Land Tax, when so purchased, shall be deemed to be of the Nature of Real Estate, and shall go and be applied in the same Manner as the Estate sold would have gone and been applied, if the same had not been so sold.

In Scotland such Surplus Stock shall be placed in One of the publick Banks, subject to the Order of the Court of Session, who may apply the same in Payment of Debts, or the Purchase of

XXXIII. Provided always, and be it further enacted, That where such Manors, Messuages, Lands, Tenements, and Hereditaments so sold, mortgaged, or charged, are situated in Scotland, such Surplus Stock may be sold and the Money arising therefrom be paid into or placed in One or other of the Two Publick Banks of Scotland, with the previous Authority of the Court of Session, the Judges of which Court are hereby empowered and required, upon summary Petition

tion to be presented to them by or on the Behalf of the Proprietor or Heir in Possession for the Time, to direct and order that the said Surplus Money or Balance shall be laid out and employed as soon as conveniently may be, under the Direction and with the Approbation of the said Court, either in the Payment of Debts affecting the said entailed Estate, or in the Purchase of other Lands, Tenements, or Hereditaments, or of any Land Tax, which respectively shall be limited and settled to the same Persons and Uses, and under the same Clauses and Conditions as the said Manors, Messuages, Lands, Tenements, and Hereditaments, which shall be so sold, mortgaged, or charged as aforesaid, stood settled and limited; and in the mean Time, till the said Surplus Money or Balance shall be so employed, to order and direct the Money to be laid out upon such Security as to the Court shall seem proper, upon Interest, and to direct such Clauses to be inserted in the Bond or other Security to be taken for the Money, as shall be effectual to secure the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Manors, Messuages, Lands, Tenements, and Hereditaments, in case such Sale, Mortgage, or Grant had not been made, and the succeeding Heirs of Entail who shall successively come to the Possession of the same, the Enjoyment of the Interest of the said Money, and to preserve the Capital until the Money shall be employed as aforesaid.

other Lands or Land Tax; and mean- time place the same out at Interest for the Benefit of the Person entitled to the Lands.

XXXIV. Provided always, and be it further enacted, That if such Surplus as aforesaid shall not

If the Surplus does not exceed 200*l*. Stock, it may

be transferred to a Trustee without Interference of the Courts.

not exceed the Amount of Two hundred Pounds Principal Stock, the same shall be transferred to a Trustee to be named by the Person or Persons, Bodies, Corporations, or Companies redeeming such Land Tax, in order that the same may be applied in any Manner hereinbefore directed, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery or Court of Session as aforesaid.

Mortgagees, &c. under this Act not to have Priority over former Mortgagees of Estates, except for Interest of Mortgage; and such former Mortgagees to have the Preference of advancing Money to redeem the Land Tax.

XXXV. Provided always, and be it further enacted, That all and every Persons or Person, Body, Corporation, or Company, having any Mortgage, Charge, Lien, or Incumbrance on any Manors, Messuages, Lands, Tenements, or Hereditaments, which shall be mortgaged, or out of which any Rent Charge shall be granted by virtue of this Act, shall have and be entitled to all such Remedies, Privileges, and Advantages, both at Law and in Equity, as he, she, or they would have had or been entitled to in case this Act had not been passed, or no Mortgage or Grant had been made under or by virtue thereof; and the Person or Persons lending any Money for the Purposes of this Act shall not have Priority of Security on the said Manors, Messuages, Lands, or Hereditaments, by force and virtue of this Act, over any such prior Mortgage, Charge, Lien, or Incumbrance, in respect of the Principal Money lent for the Purposes of this Act, but in respect of the Interest thereof only: Provided also, That all Persons, Bodies, Corporations, or Companies, having any prior Mortgages, Charges, Liens, or Incumbrances on such Manors, Messuages, Lands,

Lands, Tenements, or Hereditaments, shall be entitled, according to their respective Priorities, to advance the Money required for the Redemption of such Land Tax in preference to all other Persons.

XXXVI. And be it further enacted, That no Person or Persons, Bodies, Corporations, or Companies, entitled in Remainder, Reversion, or Expectancy to, or having any future Interest in any Manors, Messuages, Lands, Tenements, or Hereditaments, which shall be so conveyed, surrendered, or demised by Way of Mortgage, or whereout any such Rent Charge or Rent Charges, as aforesaid shall be granted and made payable, in pursuance of this Act, shall be liable, upon his, her, or their coming into the Possession of, or being beneficially entitled to such Manors, Messuages, Lands, Tenements, or Hereditaments, to the Payment of Arrears of Interest on any Sum or Sums of Money, secured by Mortgage as aforesaid, or of Arrears of any Rent Charge for more than Twelve Calendar Months preceding the Time that the Title to such Possession shall have accrued.

No Reversioner, on coming into Possession, to be liable to the Payment of more than One Year's Interest, &c. in Arrear.

XXXVII. And be it further enacted, That where any Person or Persons having such Benefit of Preference as hereinbefore mentioned, and who shall not be seized of or entitled to any Estate of Inheritance in the Manors, Messuages, Lands, Tenements, and Hereditaments, whereon any Land Tax shall be charged, shall redeem such Land Tax by and out of his, her, or their own Estate, and shall, at the Time of entering into the Contract for the Redemption thereof,

Any Person having Benefit of Preference, and not an Estate of Inheritance, redeeming the Land Tax out of his own Estate, and declaring his Option to be considered as a Purchaser, shall hold the Land Tax re-

deemed as an Annuity issuing out of the Lands; (subject to the Reversioner's Right of Redemption under § 8); but if the Lands are exonerated from the Tax, the Purchaser will be entitled to the Amount of the 3 per Cents. transferred as the Consideration, with Interest equal to the Land Tax redeemed;

and if the Lands are not redeemed, the Purchaser shall be liable to the Payment of such Interest as shall be equal to the Amount of the Land Tax redeemed: Provided always, That no Person or Persons in Remainder, Reversion, or Expectancy, or having any future Interest

but Reversioners shall be liable to the Payment of such Interest

thereof, have declared his, her, or their Option to be considered on the Footing of a Purchaser or Purchasers as aforesaid, such Person or Persons, his, her, or their Executors, Administrators, or Assigns, shall have, hold, and enjoy the Land Tax so redeemed by him, her, or them, as an Annuity issuing out of such Manors, Messuages, Lands, Tenements, and Hereditaments (subject to such Right and Power of Redemption thereof as herein before is given to the Person or Persons beneficially entitled to the next Estate or Interest in Reversion, Remainder, or Expectancy, as and when such Estate or Interest shall vest in Possession); and when any such Person or Persons as aforesaid shall not, at the Time of entering into the Contract for the Redemption of such Land Tax, have declared his, her, or their Option as aforesaid, whereby such Manors, Messuages, Lands, Tenements, or Hereditaments, whereon the Land Tax shall have been charged, will by virtue of this Act be exonerated therefrom, such Manors, Messuages, Lands, Tenements, or Hereditaments shall be and become chargeable for the Benefit of such Person or Persons, his, her, or their Executors, Administrators, or Assigns, with the Amount of the Three Pounds per Centum Bank Annuities, which shall have been transferred as the Consideration for the Redemption of the said Land Tax, and with the Payment of such Yearly Sum or Sums of Money, by way of Interest thereon, as shall be equal to the Amount of the Land Tax redeemed: Provided always, That no Person or Persons in Remainder, Reversion, or Expectancy, or having any future Interest

as aforesaid, who shall afterwards, in Order of Succession, come into the Actual Possession, or be beneficially entitled to the Rents and Profits of such Manors, Messuages, Lands, Tenements, or Hereditaments, shall be liable to the Payment of any such Annuity, or of any Yearly Sum or Sums of Money by way of Interest as aforesaid, save only from the Time he, she, or they shall come into Possession, or be beneficially entitled as aforesaid.

XXXVIII. Provided always, and be it further enacted, That no Manors, Messuages, Lands, Tenements, or Hereditaments, shall be sold or mortgaged, nor any Rent Charge granted, in pursuance of the Powers and Authorities given by this Act, without One Calendar Month's previous Notice in Writing given to the said Commissioners specially to be appointed for the Purposes of this Act, by the Person or Persons desirous of making such Sale, Mortgage, or Grant, nor if the Person or Persons who shall be beneficially entitled to the First or next beneficial Estate in Remainder, Reversion, or Expectancy therein, (if any such shall be), or the Guardian or Guardians of such Person or Persons, in case of Minority, or Committee or Committees of his or her Estate, in case of Lunacy, shall, within One Calendar Month after Notice in Writing shall be given to him, her, or them, by the Person or Persons desirous of making such Sale, Mortgage, or Grant, (which Notice such Person or Persons is and are hereby required to give in every such Case), agree to advance the Money, which shall be required for the Purchase

only from the Time of their coming into Possession, or be beneficially entitled to the Rents and Profits of such Manors, Messuages, Lands, Tenements, or Hereditaments, shall be liable to the Payment of any such Annuity, or of any Yearly Sum or Sums of Money by way of Interest as aforesaid, save only from the Time he, she, or they shall come into Possession, or be beneficially entitled as aforesaid.

No Lands shall be sold or mortgaged for the Purpose of this Act, without One Month's Notice to the Commissioners; nor if the Person entitled to the first or next beneficial Estate, or his Guardian, etc. shall, on One Month's Notice, (which in every Case must be given him), advance the Money necessary; in which Case they shall be considered as preferably entitled.

chase of the Stock to be transferred, as the Consideration for the Redemption of the Land Tax charged on such Manors, Messuages, Lands, Tenements, or Hereditaments, and which Money such Guardian or Guardians, Committee or Committees, is or are hereby authorized or empowered to advance for that Purpose; and in every such Case the Contract shall be made in the Name of, or assigned to the Person or Persons by whom or on whose Behalf such Money shall be advanced, who shall be bound to complete the same, and have and enjoy all Benefits and Advantages arising therefrom, in the same Manner as if such Person or Persons had been originally entitled to such Benefit of Preference as aforesaid: Provided always, That nothing herein contained shall extend to prevent any Person or Persons, hereby required to give such Notice to the said Commissioners as aforesaid, who shall be the Guardian or Guardians of such Infant, or Committee or Committees of such Lunatick Person or Persons in Remainder, Reversion, or Expectancy from making any such Sale, Mortgage, or Grant of any Rent Charge, in the same Manner as if such Infant Person or Persons had been of full Age, and had refused to advance such Money as aforesaid.

Guardians of Infants in Remainder, &c. may sell as if Infants had been of full Age, and had refused to advance the Money on Notice.

Trust Property directed to be laid out in Land may be applied in Redemption of the Land Tax on the limited Lands, and the Land Tax shall in

XXXIX. Provided always, and be it further enacted, That where any Manors, Messuages, Lands, Tenements, or Hereditaments, shall be settled or limited to or for any particular Uses, Trusts, Intents, or Purposes, and any other Property shall be subject to any Trust to be laid out or invested in the Purchase of other Manors,

Manors, Messuages, Lands, Tenements, or Hereditaments, to be settled to or for the same Uses, Trusts, Intents, or Purposes, or to be applied in the Payment of any Debts or Charge affecting the same, then and in every such Case it shall be lawful to apply such other Property in the Redemption of the Land Tax charged upon such settled Manors, Messuages, Lands, Tenements, and Hereditaments, with such Consent as shall be necessary for the Purpose of applying such other Property in the Purchase of any Manors, Messuages, Lands, Tenements, or Hereditaments, according to the Terms of the Trust affecting the same, whether such Trust shall have been created or directed by any Act of Parliament, Deed, Will, or otherwise; and when any such Trust Property shall be under the Direction or Controul of any Court, the same shall be so applied under the Order of such Court; and such Land Tax, when all the Instalments shall be completed, shall sink and become merged in the same Manors, Messuages, Lands, Tenements, or Hereditaments, for the Benefit of the Person or Persons for the Time being beneficially entitled thereto.

such Case merge in the said Lands.

XL. And be it further enacted, That any Trust Property, which by any Act of Parliament, or any Deed or Will, or otherwise, is directed to be applied in the Purchase of Stock in the Publick Funds or other Securities, at the Discretion of any Trustee or Trustees, or Curator or Curators, or subject to the Consent of the Person or Persons for whose Benefit the Trust shall be created, or any of them, then

Trust Property directed to be laid out in the Funds, may be invested in the Purchase of Land Tax under this Act; as also Trust Property to be applied in Purchase of Real Estate; in

which Case the Land Tax shall be considered as Real Estate; but the Entail in which may be barred by Deed enrolled and registered.

then and in every such Case it shall be lawful to lay out and invest the same in the Purchase of any Land Tax which shall be sold in pursuance of this Act, in the same Manner in all Respects as if such Investment had been authorized by the Terms of the Trust, affecting such Property; and if any such Trust Property shall be subject to any Trust to apply the same in the Purchase of Real Estate, to be settled to or for any particular Uses, Intents, or Purposes; it shall be lawful to apply the same in the Purchase of any Land Tax to be purchased in pursuance of this Act; and such Land Tax, when so purchased and conveyed to the Uses, and subject to the Trusts, and for the Intents and Purposes to and for which such Real Estate, if purchased, would have been subject, shall be deemed to be of the Nature of Real Estate, and shall go and be applied in the same Manner as Real Estate, if purchased with the same Funds, would have gone and been applied: Provided always, That it shall be lawful for all and every Person and Persons who shall become entitled to any such Land Tax so purchased and settled as Real Estate, to bar and destroy any Entail thereof, which might have been barred by Recovery or Fine by Deed acknowledged by such Person or Persons, and enrolled in One of His Majesty's Courts of Record at *Westminster*, or in the Courts of the said Counties Palatine, or the Great Sessions in *Wales*, as the Case shall require, or registered in the Office for registering Deeds in the Counties of *Middlesex* or *York*, as the Case shall require.

XLI. And

XLI. And be it further enacted, That for the Purpose of redeeming or purchasing the Land Tax charged on any Manors, Messuages, Lands, Tenements, or Hereditaments subject to any Restriction, in the Power of the Person or Persons in Possession, or entitled to the Rents and Profits thereof, to cut down Timber standing thereon, it shall be lawful for such Person or Persons in Possession, with the Approbation (if in *England*) of the Court of Chancery, and (if in *Scotland*) of the Court of Session, upon an Application in a summary Way, to cut down such Quantity of Timber as the said Courts shall respectively direct, and apply the Produce thereof, under the Directions of such Courts, in the Redemption or Purchase of the Land Tax, or any Part thereof, charged on any Manors, Lands, Tenements, or Hereditaments, whereon the said Timber shall be growing, or any Manors, Messuages, Lands, Tenements, or Hereditaments, subject to the same Restriction; and in case there shall be any Surplus of Money arising by Sale of such Timber, the same shall be applied in Manner herein-before directed, with respect to Surplus Money arising by Sale of any Manors, Messuages, Lands, Tenements, or Hereditaments, hereby authorized to be sold: Provided always nevertheless, That the Court by whose Direction any such Timber shall be sold, shall further direct in what Manner the Income derived therefrom ought to be applied during so long Time as the Manors, Lands, Tenements, or Hereditaments, on which such Timber shall be growing, shall be in Possession of any Person or Persons having a limited Interest or limited Interests there-

D

in,

Timber may be cut down by Persons in Possession under Order of Chancery, &c. and the Produce and Surplus applied in Redemption of Land Tax; &c. as in cases of Real Estate, under the Direction of the Courts; having regard to the Rights of all Persons interested.

in, having regard to the Rights of all Persons interested therein.

Copyhold or Customary Estates may be enfranchised for the same Purposes.

XLII. And be it further enacted, That it shall be lawful for any Body Politick or Corporate, or Company, and for any Person or Persons seised of any Manors in *England*, of which any Copyhold or Customary Estates shall be holden, with the Approbation of the Court of Chancery, to enfranchise any such Copyhold or Customary Estates, and to apply the Money arising thereby, under the Direction of the said Court, in the same Manner and under the same Restrictions as herein-before directed and provided with respect to any Timber hereby authorized to be cut down on any Manors, Lands, Tenements, or Hereditaments, for the like Purpose.

Money may be given or devised for the Redemption of the Land Tax on Estates of Charities.

XLIII. And be it further enacted, That it shall be lawful for any Person or Persons by Will or otherwise, or any Bodies Politick or Corporate, to give any Sum or Sums of Money for the Purpose of applying the same in the Redemption or Purchase of the Land Tax charged on any Manors, Messuages, Lands, Tenements, or Hereditaments settled to any charitable Uses, and which may and shall be applied accordingly; any Statutes of Mortmain, or other Statute or Law to the contrary notwithstanding.

Parishes entitled to Lands settled to charitable Uses, may redeem the Land Tax

XLIV. And be it further enacted, That it shall be lawful for any Parish or Place entitled to the Benefit of any Lands, Tenements, or Hereditaments settled to charitable Uses, to apply

apply such Sum or Sums of Money as shall be necessary for the Redemption of the Land Tax charged thereon, out of any Rate made or to be made on such Parish or Place for the Relief of the Poor, in case the Rents and Profits of such Lands shall be applicable for the Benefit of the Poor, and out of any Church Rate, in case the Rents and Profits shall be applicable to the Repairs of any Church or Chapel, or otherwise out of such Parish Rate as the Circumstances of the particular Case shall require: Provided always, That no such Rate shall be so applied without the Approbation of Two Justices of the Peace of the County, Riding, Division, or Place, certified in Writing to the Commissioners specially to be appointed for the Purposes of this Act, and upon Proof before such Justices on Oath or Affirmation, of Notice having been given during Divine Service on Two *Sundays* at the least in the Church or Chapel, belonging to such Parish or Place, or where there shall be no Church or Chapel, then in the Church or Chapel of some Parish adjoining thereto, of an Intention to make such Application, and of the Time and Place of applying for the Approbation of such Justices.

thereon out of the Pools Rate, &c. with the Approbation of Two Justices, and on public Notice in the Church for Two *Sundays*.

XLV. And be it further enacted, That it shall be lawful for the Surveyor General of the Land Revenues of the Crown, in respect of the Land Tax charged on the Manors, Messuages, Lands, Tenements, Rents, or other Revenues of the Crown, within the Survey and Receipt of the Exchequer for the Time being, with the Consent of the Lord High Treasurer,

Surveyor General of the Crown, the Chancellor and Council of the Duchy of Lancaster, and Surveyor General of the Duchy of Cornwall, may agree for Redemption of

the Land Tax on Lands within their respective Surveys, as in the case of Bodies Corporate.

surer, or the Commissioners of the Treasury for the Time being, and for the Chancellor and Council of the Duchy of *Lancaster* for the Time being, in respect of the Land Tax charged on the Manors, Messuages, Lands, Rents, Tenements, Hereditaments, or other Revenues of the Crown, within the Survey and Receipt of the said Chancellor and Council, and Officers of the said Duchy, and for the Surveyor General of the Duchy of *Cornwall*, in respect of the Land Tax charged on the Manors, Messuages, Lands, Tenements, Rents, and other Revenues of the Duchy of *Cornwall*, to contract and agree with the Commissioners specially to be appointed for the Purposes of this Act, for the Redemption of the Land Tax charged upon any of the said Manors, Messuages, Lands, Tenements, Rents, or other Revenues respectively, and to proceed to the Completion of such Contract, in such and the like Manner, in all Respects, as is herein-before directed in Cases of Redemption of any Land Tax, with and subject to such Benefit of Preference, and with such Power of Redemption as is herein-before given to any Bodies Politick or Corporate by this Act, except where it shall be otherwise expressly provided by this Act.

The King may appoint Persons to ascertain the Land Tax on the Crown Lands in the Survey of the Exchequer; a Report of which shall be sent to the Treasury.

XLVI. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by Warrant under His Royal Sign Manual, to nominate and appoint such and so many Persons as His Majesty may think proper, for the Purpose of ascertaining the Proportions of the Land Tax charged upon all and every of the

the Manors, Messuages, Lands, Tenements, Rents, or other Revenues belonging to the Crown, within the Survey and Receipt of the Exchequer in *England*, and such Commissioners are hereby required, as soon as they conveniently can, to certify and report, in Writing under their Hands and Seals, unto the Commissioners of His Majesty's Treasury for the Time being, the Proportions of such Land Tax, and the several Parishes and Places within which, and the Manors, Messuages, Lands, Tenements, Rents, or other Revenues upon which the same is charged and payable, and to transmit a Copy of such Certificate to the Surveyor General of His Majesty's Land Revenue.

XLVII. And be it further enacted, That it shall be lawful for the Surveyor General of the Land Revenues of the Crown, now or for the Time being, to contract or agree with any Person or Persons, or any Bodies Politick or Corporate, for the Sale, from Time to Time, of such or so much of the Manors, Messuages, Lands, Tenements, Tythes, Mines, Minerals, Collieries, Woods, Wood Grounds, Tens, Marshes, or Waste Lands belonging to the Crown, as are within the Survey and Receipt of the Exchequer in *England*, for the best Prices or Considerations in Money which the said Surveyor General shall be able to procure for the same, as will raise a Sum of Money sufficient for the Redemption of the Land Tax charged upon the Manors, Messuages, Lands, Tenements, Rents, or any other Revenues of or belonging to the Crown, and the Purchase

Surveyor General of the Crown may contract for Sale of Part of the Crown Lands, to redeem the Land Tax thereon; the Money to be paid into the Bank, and laid out by his Order in the Purchase of 3 per Cents. in the Name of the Treasury, as under 34 Geo. III. c. 75; but the Accounts to be kept distinct from those under that Act.

Monies to be paid for the same shall from Time to Time be paid into the Bank of *England*, to the Account of the Commissioners of His Majesty's Treasury, under which Title the Governor and Company of the Bank of *England* are hereby required to open an Account accordingly, and shall be laid out by Order of the Surveyor General in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, in the Names of the Commissioners of His Majesty's Treasury, in like Manner as is directed by an Act, passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled, *An Act for the better Management of the Land Revenue of the Crown, and for the Sale of the Fee Farm and other unimproveable Rents*; but nevertheless in such Manner that the Accounts thereof may be kept separate and distinct from the Accounts of the Sales made, and Stock purchased, in pursuance of that Act.

Such Contracts to be made only by Warrant from the Treasury, and not by the Chancellor, &c. of the Duchy of Lancaster, may appoint Persons to ascertain the Land Tax on Crown Lands within Survey of the

XLVIII. Provided always, and be it further enacted, That no such Contract shall be made, unless by Special Warrant to be issued for that Purpose by the Lord High Treasurer, or the Commissioners of the Treasury for the Time being.

XLIX. And be it further enacted, That it shall be lawful for the Chancellor and Council of the Duchy of *Lancaster* for the Time being, under the Seal of the said Duchy, to nominate and appoint such and so many Persons as the said Chancellor and Duchy may think proper, for the Purpose of ascertaining the Pro-

portions

portions of the Land Tax charged upon all and every the Manors, Messuages, Lands, Tenements, Rents, and other Revenues belonging to the Crown, within the Survey and Receipt of the said Duchy and its Officers; and such last-mentioned Commissioners are hereby required, as soon as they conveniently can, to certify and report, in Writing under their Hands and Seals, unto the Chancellor and Council, the Proportions of such Land Tax, and the several Parishes and Places within which, and the Manors, Messuages, Lands, Tenements, Rents, or other Revenues upon which the same is charged and payable, and to transmit a Copy of such Certificate to such Officer of the said Duchy as the said Chancellor and Council shall appoint.

Duchy to be reported to them.

L. And be it further enacted, That whenever the said Surveyor General shall have contracted with any Person or Persons, Bodies Politick or Corporate, for the Sale of any Manors, Messuages, Lands, Tenements, Tythes, or other Hereditaments belonging to the Crown, the said Surveyor General shall grant to the respective Purchaser or Purchasers a Certificate under his Hand, specifying the Premises so contracted for, and the Amount of the Purchase Money to be paid for the same; and the Cashiers of the Bank, or One of them, shall, upon the Production of such Certificate, accept and receive the Purchase Monies therein specified, and at the Foot or on the Back of such Certificate acknowledge the Receipt of the same, without Fee or Reward; and the said Certificate and

Surveyor General, on making a Contract, shall give a Certificate thereof to the Purchaser; on the Production of which, the Cashiers of the Bank shall receive his Money, and give him a Receipt; which Certificate and Receipt shall be enrolled in the Office of Auditor of the Land Revenue, &c. and the Enrolment, attested on the said Certificate, shall be full

Evidence of the Purchaser's Title.

Receipt shall be afterwards enrolled in the Office of the respective Auditor of the Land Revenue, or in the Office of the Clerk of the Pipe, if the Premises shall be in Charge before him; and such Auditor or Clerk of the Pipe, or their respective Deputy or Deputies, having enrolled the said Certificate and Receipt, shall attest the same under his or their Hand or Hands, and return the said Certificate and Receipt to the Purchaser or Purchasers, and from and immediately after such Enrolment, and thenceforth for ever, the respective Purchasers, their Heirs, Successors, or Assigns, shall by Force of this Act be adjudged, deemed, and taken to be in the actual Seisin and Possession of the Premises so by them respectively purchased, and shall hold and enjoy the same peaceably and quietly, freed and discharged of and from all Claims and Demands which can or may be made by His Majesty, His Heirs or Successors, or by any Person or Persons lawfully claiming, by, from, or under him or them, and of and from all Manner of Incumbrances whatsoever, as fully and amply, to all Intents and Purposes, as His Majesty, His Heirs or Successors, might or could have held or enjoyed the same.

Expences of Surveys necessary, shall be defrayed by the Treasury

LI. And be it further enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of the Treasury for the Time being, to order any Expences that may be necessarily incurred for making Surveys of any of the Manors, Messuages, Lands, Tenements, or Hereditaments, hereby authorized

rized to be sold or otherwise, in relation to the Sale thereof, to be defrayed out of the Purchase Monies arising from such Sales.

LII. And be it further enacted, That every Contract made under the Authority of this Act, for the Sale of any Part of the Land Revenues of the Crown within the Survey and Receipt of the Exchequer, shall be in the Form specified in the Schedule hereunto annexed, marked (F.); and every Certificate for the Sale of any Part of the Revenues of the Crown within the Survey or Receipt of the Chancellor and Council of the Duchy of Lancaster, shall be in the Form specified in the Schedule hereunto annexed, marked (E.); and every Certificate of Contract for the Sale of any Part of the Revenues of the Duchy of Cornwall, shall be in the Form in the Schedule hereunto annexed, marked (G.); and the Receipt or Acknowledgement for the Consideration of every such Sale shall be in the Form in the Schedule hereunto annexed, marked (H.)

Form of Contracts and Receipts on Sale of such Lands, in Schedules, E, F, G, H.

LIII. And be it further enacted, That it shall be lawful for the Chancellor and Council of the Duchy of Lancaster for the Time being, to sell and dispose of, to any Person or Persons, Bodies Politick or Corporate, from Time to Time, and thereupon to grant and assure, in the Name of His Majesty, His Heirs and Successors, under the Seal of the said Duchy, such and so much of the Manors, Messuages, Lands, Tenements, Tythes, Mines, Minerals, Collieries, Woods, Grounds,

Chancellor, &c. of Duchy of Lancaster may sell Lands, &c. within the Duchy, to redeem the Land Tax, the Purchase Money to be paid to the Receiver General of the Duchy, and invested under the Directions of 19 Geo. III. Cap. 45.

Grounds, Fens, Marshes, or Waste Lands, belonging to the Crown, as are within the Survey and Receipt of the said Duchy and the Officers of the same, at or for the best Prices or Considerations in Money which the said Chancellor and Council shall be able to procure for the same, as will raise a Sum of Money sufficient for the Redemption of the Land Tax charged upon the Manors, Messuages, Lands, Tenements, Rents, or any other Revenues of or belonging to the Crown, within the Survey and Receipt of the said Duchy and the Officers of the same, and the Purchase Money to be paid for the same shall from Time to Time be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Acquittances and Receipts given by him for the same, and the same shall be laid out and invested in like Manner, in all Respects, as is directed by an Act, passed in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act to enable the Chancellor and Council of the Duchy of Lancaster to sell and dispose of certain Fee Farm Rents, and to enfranchise Copyhold and Customary Tenements, within their Survey, and to encourage the Growth of Timber on Lands held of the said Duchy, or any other Act or Acts now in Force for the Sale of any Manors, Messuages, Lands, Tenements, Rents, or Hereditaments, within the Survey and Receipt of the said Duchy or its Officers.*

The Treasury, and the Chancellor, &c. of the Duchy, may, from the

LIV. And be it further enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of the Treasury, in respect

respect of the Crown Lands within the Survey and Receipt of the Exchequer, and for the Chancellor and Council of the Duchy of *Lancaster* in respect of the Crown Lands in the Survey and Receipt of the said Duchy, for the Time being, by Order of His Majesty in Council, from Time to Time to cause to be transferred to the Commissioners for the Reduction of the National Debt, so much of the Capital Stock vested in their respective Names, arising from any Sales made by them respectively in pursuance of the said respective Acts of the Nineteenth and Thirty-fourth Years of the Reign of His present Majesty and of this Act, or any other Act or Acts now in Force for the Sale of any of the Manors, Messuages, Lands, Tenements, Rents, and other Revenues of the Crown, within the Survey and Receipt of the Exchequer, or the Duchy of *Lancaster*, as may be necessary for the Redemption of the Land Tax charged upon any of the said Manors, Messuages, Lands, Tenements, Rents, and other Revenues of the Crown respectively; and that in the mean Time, and until the same shall be so transferred, the Interest or Yearly Dividends thereof, and also the Interest or Yearly Dividends of any Part of such Capital Stock which shall not be applied or disposed of for the Redemption or Purchase of such Land Tax, shall be from Time to Time received, accounted for, applied, and appropriated in like Manner, in all Respects, as is directed by the said Acts of the Nineteenth and Thirty-fourth Years of His Majesty's Reign, in respect of the Dividends of Stock purchased in pursuance of the said Acts.

Produce of such Sales respectively, transfer to Commissioners for reducing the National Debt, so much Stock as shall be necessary to redeem their respective Proportions of Land Tax on the Crown Lands.

The Interest, meantime, and that of the Surplus, if any, to be applied according to the Directions of 19 Geo. III, and 34 Geo. III.

purfuance of the said Acts, or either of them, respectively.

On such Transfer the Crown Lands to be exonerated from the Land Tax, and the Amount thereof payable by Tenants of the Crown, to be considered and recoverable as Rent.

LV. And be it further enacted, That upon the Redemption by the Transfer of Stock, in the Manner herein-before mentioned, of any Land Tax charged upon any Manors, Messuages, Lands, or Rents, or any other Revenues belonging to the Crown, and upon the Registry thereof in the Manner herein directed, the Manors, Messuages, Lands, or Rents, or any other Revenue belonging to the Crown, upon which such Land Tax shall have been charged, shall thenceforth be wholly freed and exonerated from the Land Tax charged thereon, and from all further Assessments thereof, and the Amount of such Land Tax shall thenceforth during the Continuance of any Lease or Demise now in being, be considered as Rent due to His Majesty, His Heirs and Successors, and be recovered and recoverable as such by His Majesty, His Heirs and Successors, against any Lessee or Lessees, and by such Lessee or Lessees against his, her, or their Under Lessees or Tenants respectively, and shall be collected and received by such Person or Persons, and subject to such Orders and Regulations as the Lord High Treasurer or Commissioners of the Treasury in respect of the Crown Lands within the Survey and Receipt of the Exchequer, and the Chancellor and Council of the Duchy of *Lancaster* in respect of the Crown Lands in the Survey and Receipt of the said Duchy, shall from Time to Time appoint and establish for the better collecting and

answering

answering the same to His Majesty, His Heirs and Successors.

LVI. And be it further enacted, That it shall be lawful for His Royal Highness *George* Prince of *Wales* and Duke of *Cornwall*, by Warrant under His said Royal Highness's Sign Manual, to nominate and appoint such and so many Persons as His said Royal Highness may think proper, for the Purpose of ascertaining the Proportions of the Land Tax charged upon any of the Manors, Messuages, Lands, Tenements, or other Revenues belonging to and Parcel of the Duchy of *Cornwall*, and such Commissioners are hereby required, as soon as they conveniently can, to certify and report, in Writing under their Hands and Seals, unto the Council or Commissioners of the Revenues of His said Royal Highness, the Proportions of such Land Tax, and the District within which, and the Manors, Messuages, Lands, Tenements, or other Revenues upon which the same is charged and payable, and to transmit a Copy of such Certificate to the Surveyor General of the Duchy of *Cornwall*.

Prince of *Wales* may appoint Persons to ascertain His Proportions of Land Tax in the Duchy of *Cornwall*; to be reported to His Council, &c. and a Copy sent to the Surveyor General of the Duchy.

LVII. And be it further enacted, That it shall be lawful for the Surveyor General of the Duchy of *Cornwall*, now or for the Time being, to contract or agree with any Person or Persons, or any Bodies Politick or Corporate, for the Sale, from Time to Time, of such or so much of the Manors, Messuages, Lands, Tenements, Rents, Tythes, Mines, Minerals, Collieries, Woods, Wood Grounds, Fens, Marshes, or Waste Lands, belonging to and Parcel

Surveyor General of the Duchy may contract for Sale of Lands to redeem the Land Tax; the Purchase Money to be paid into the Bank.

Parcel of the said Duchy of *Cornwall*, for the best Prices or Considerations in Money, which the said Surveyor General shall be able to procure for the same; as will raise a Sum of Money sufficient for the Redemption of the said Land Tax charged upon the Manors, Messuages, Lands, Tenements, or any other Revenues belonging to and Parcel of the said Duchy of *Cornwall*, and the Purchase Money to be paid for the same shall, from Time to Time, be paid by the respective Purchasers into the Bank of *England*, to be there received by the Cashiers of the Bank, and accounted for and invested in the Manner herein-after directed.

Such Contracts shall be made only by Warrant from the Prince's Council, &c.

The Bank shall open an Account with the Duchy: The Surveyor, on contracting for the Sale of Lands, shall give the Purchaser a Certificate; on the Production of which and Payment of the Money, the Bank shall give him a Receipt:

LXVIII. Provided always, and be it further enacted, That no such Contract shall be made, unless by Special Warrant to be issued for that Purpose by the Council or Commissioners of the Revenues of His said Royal Highness, or any Three or more of them, for the Time being.

LIX. And be it further enacted, That the Governor and Directors of the Bank of *England* shall, and they are hereby required to open an Account in their Books, under the Title of "The Account of the Duchy of *Cornwall*," and carry to the Credit of such Account the several Monies directed as afore-said to be paid to the Cashiers of the Bank, for or on Account of the Purchase of any such Manors, Messuages, Lands, Tenements, Rents, or other Revenues of the said Duchy of *Cornwall*; and whensoever the Surveyor General

General of the said Duchy of *Cornwall* shall have contracted with any Person or Persons, Bodies Politick or Corporate, for the Sale of any such Manors, Messuages, Lands, Tenements, Rents, or other Revenues of the said Duchy of *Cornwall*, the said Surveyor General shall grant unto the Purchaser or Purchasers a Certificate under his Hand, specifying the Premises so contracted for, and the Amount of the Purchase Money to be paid for the same; and the said Cashiers of the Bank, or One of them, shall, upon the Production of such Certificate, accept and receive from such Purchaser or Purchasers the Purchase Monies therein specified, and at the Foot or on the Back of such Certificate acknowledge the Receipt of the said Monies without Fee or Reward; and the said Certificate and Receipt shall be afterwards brought to the Office of the Auditor of the Duchy of *Cornwall*, and be there forthwith inrolled in proper Books, to be provided and kept for that Purpose, separate and apart from the other Business and Proceedings of the said Office; and the said Auditor, or his lawful Deputy, having inrolled the said Certificate and Receipt, shall attest the same under his Hand, and return the said Certificate and Receipt to the Purchaser or Purchasers; and from and immediately after such Inrolment, and thenceforth for ever, the respective Purchasers of any such Manors, Messuages, Lands, Tenements, Rents, Tythes, Mines, Minerals, Collieries, Woods, Wood Grounds, Fens, Marshes, or Waste Lands, belonging to and Parcel of the said Duchy of *Cornwall*, and the Heirs,

The Certificate and Receipt shall be enrolled in the Office of the Auditor of the Duchy, and the Enrolment attested thereon, &c.

Heirs, Successors, or Assigns of such Purchasers, shall, by Force of this Act, be adjudged, deemed, and taken to be in the actual Seisin and Possession of the Manors, Messuages, Lands, Tenements, Rents, or other Revenues so by them respectively purchased, and shall hold and enjoy the same peaceably and quietly, and in as full and ample Manner, to all Intents and Purposes, as His said Royal Highness, His Heirs or Successors, Dukes of Cornwall, might or could have held or enjoyed the same.

Contracts, if not certified and enrolled and the Money paid within 40 Days, to be void, unless the Surveyors General shall respectively order the Certificate to be enrolled *nunc pro tunc*.

LX. Provided always, and be it further enacted, That if any Person or Persons, with whom the Surveyor General of the Land Revenue of the Crown or of the Duchy of Cornwall shall contract for the Sale of any of the Manors, Messuages, Lands, Tenements, Rents, or other Revenues, by this Act authorized to be sold as aforesaid, shall neglect to procure and sue forth the Certificate of the respective Surveyor General of his, her, or their Contract, or shall neglect to pay into the Bank of England the Consideration Money therein to be specified, or shall neglect to enrol such Certificate, and the Cashier's Receipt for the said Money, according to the Directions of this Act, for the Space of Forty Days, to be computed from the Day on which such Contract shall have been made, the said Contract shall be null and void, and the Consideration Money, if paid into the Bank, shall be forfeited, unless the respective Surveyor General shall, for any reasonable Cause to him shewn for the Omission of such Inrolment, order the said Certificate

Certificate to be inrolled *nunc pro tunc*, and which, upon such Cause being shewn, he is hereby authorized to order accordingly.

LXI. And be it further enacted, That all and every Sum and Sums of Money, which shall be paid into the Bank of England, under or by virtue of this Act, on Account of the Duchy of Cornwall, shall, from Time to Time be laid out, by Order of the Council or Commissioners of the Revenues of His said Royal Highness for the Time being, in the Purchase of Three Pounds *per Centum* Bank Annuities, in the Name of the Duke of Cornwall, in which Name the Governor and Company of the Bank of England are hereby authorized and required to permit Transfers to be made of the Annuities, Funds, or Stocks, so to be purchased, and such Transfers to be accepted by the Receiver General of the Duchy of Cornwall, or his Deputy, for and in the Name of the Duke of Cornwall, and the said Receiver General, or his Deputy, is hereby required to accept the same accordingly; and that all and singular the Annuities so to be purchased and accepted shall remain invested in the Name of the Duke of Cornwall, and shall not be transferred or transferable to any Person or Persons whatsoever, except in the Manner herein-after described; and that all the Dividends shall, from Time to Time, be paid by the said Governor and Company into the Hands of the said Receiver General of the Duchy of Cornwall for the Time being, or his Deputy, and shall, by force and virtue of this Act, be deemed and taken by

Money paid into the Bank under this Act on Account of the Duchy, shall be and remain invested in 3 *per Cent*. in the Name of the Duke of Cornwall, and the Dividends shall be paid into the Hands of the Receiver of the Duchy as Part of the Revenues thereof.

Law to be Part of the Revenues of the said Duchy of *Cornwall*, and shall be from Time to Time answered, accounted for, applied, and appropriated, to such and the same Uses and Purposes as the Revenues of the Duchy of *Cornwall* now are or would hereafter have been liable to, and been applied and appropriated in case this Act had not been made.

The Prince's Council, &c. may transfer to the Commissioners for reducing the National Debt so much of the said Stock as shall be necessary for the Redemption of His Land Tax.

LXII. Provided always, and be it further enacted, That it shall be lawful for the Council or Commissioners of the Revenues of His said Royal Highness for the Time being, or any Three or more of them, by Warrant or Power of Attorney under their Hands and Seal of Office, from Time to Time to transfer to the Commissioners for the Reduction of the National Debt so much of the Capital Stock vested in the Name of the Duke of *Cornwall*, arising from any Sales made in pursuance of this Act, as may be necessary for the Redemption of the Land Tax charged upon any of the Manors, Messuages, Lands, Tenements, or other Revenues belonging to and Parcel of the said Duchy of *Cornwall*.

The Lands of the Duchy to be thereupon exonerated from the Land Tax, which shall be considered as Rent where payable by the Tenants.

LXIII. And be it further enacted, That upon the Redemption, by the Transfer of Stock in the Manner herein-before mentioned, of any Land Tax charged upon any Manors, Messuages, Lands, Tenements, or other Revenues belonging to and Parcel of the said Duchy of *Cornwall*, and upon the Registry thereof in the Manner herein directed, the Manors, Messuages, Lands, Tenements, or any other Revenues belonging to and Parcel of the said Duchy

Duchy of *Cornwall*, upon which such Land Tax shall have been charged, shall thenceforth, during the Continuance of any Demise, be wholly freed and exonerated from the Land Tax charged thereon, and from all further Assessments thereof, and the Amount of such Land Tax shall thenceforth during the Continuance of any Demise be considered as Rent, and be recovered and recoverable as such by His said Royal Highness the Prince of *Wales* and Duke of *Cornwall*, His Heirs and Successors, against any Lessee or Lessees, or Tenant or Tenants, and by such Lessee or Lessees, or Tenant or Tenants, against his, her, or their Under Lessees or Under Tenants respectively.

LXIV. And be it further enacted, That it shall be lawful for the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, to lay out from Time to Time any Sum or Sums of Money, which now are or hereafter shall be applicable by them towards the Augmentation of any Living or Livings, under and by virtue of any Act or Acts, Law or Laws, now in Force, or of the Charter granted in the Reign of Queen *Anne* for that Purpose, in the Purchase of so much of Three Pounds *per Centum* Bank Annuities before-mentioned, as may be necessary for the Redemption of the Land Tax charged, or hereafter to be charged, in pursuance of the said Act of the present Session, upon the Lands, Tythes, or other Profits arising from any Living or Livings being within the Meaning of the said Charter, or any Act or Acts now in Force, directing the Application of such Bounty, and

Governors of Queen Anne's Bounty may lay out Money in redeeming Land Tax on Livings.

which Land Tax shall have been contracted for within the Time before limited by the Incumbent or Incumbents of such Living or Livings, with the Consent of the said Governors, and from Time to Time to transfer to the Commissioners for the Reduction of the National Debt such Three Pounds *per Centum* Bank Annuities according to such Contracts; and such Transfer of Stock shall, from the Quarter Day preceding the making thereof, wholly exonerate and discharge the Lands, Tythes, or other Profits of such Living or Livings, from the Payment of the Land Tax so redeemed.

Governors of Hospitals may apply Legacies in Redemption of Land Tax.

LXV. And be it further enacted, That it shall be lawful for the Governors and Directors of Hospitals and other charitable Institutions, to apply any Legacies or voluntary Donations bequeathed or given to or for the Benefit of such Hospitals and charitable Institutions, and which shall not have been directed by the Person or Persons bequeathing or giving the same to be applied in any particular Manner, for or towards the Redemption of the Land Tax charged upon any Manors, Messuages, Lands, Tenements, and Hereditaments belonging to such Hospitals or charitable Institutions.

Any Number of Persons whose Land Tax shall not exceed 25s. each, may join in appointing a Trustee (by Deed duly re-

LXVI. And be it further enacted, That in every Case where the Land Tax charged on the Messuages, Lands, Tenements, or Hereditaments, of any Person, shall not exceed the Annual Sum of Twenty-five Shillings, it shall be lawful for any Number of such Persons whose Land

Land Tax respectively shall not exceed such Sum, being respectively entitled to the Benefit of Preference as aforesaid, and who shall respectively advance the Money required for the Purchase of such Land Tax out of his, her, or their own Estate, by any Deed or Instrument in Writing under their respective Hands and Seals, (a Memorial of which Deed shall be registered *gratis* with the proper Officer to be appointed as herein is directed), to substitute and appoint any other Person or Persons to be a Trustee or Trustees, for the Purpose of redeeming the Land Tax charged upon their respective Messuages, Lands, Tenements, or Hereditaments; and such Trustee or Trustees shall have full Power and Authority to demand the proper Certificates from the Commissioners for executing the said Act of the present Session, of the Amount of Land Tax charged upon the several Parties to such Deed or Instrument, and also upon obtaining such Certificates to contract and agree, in his or their own Name or Names, with the Commissioners specially to be appointed for the Purposes of this Act, for the Redemption of such Land Tax, upon the same Terms and Conditions, and in the same Manner, and to do all such other Acts necessary for completing such Contract, as the Persons so substituting him or them could severally and respectively have done by virtue of this Act; and the said Commissioners are hereby authorized and empowered by One Contract, to contract and agree with such Trustee or Trustees, in his, her, or their own Names, for the Sale of the Whole of such Land Tax accordingly, and as if the

gistered) to redeem their respective Land Taxes, and such Trustee may purchase the Whole of such respective Land Taxes in One Contract, producing to the Commissioners the Deed of Trust, and the necessary Affidavits as to Right of Preference, and Payment of the Money, &c.

Whole of such Land Tax was charged on the Property of such Trustee or Trustees, without mentioning the Proportions thereof: Provided always, That such Trustee or Trustees shall produce and shew to the said Commissioners, the Deed or Instrument constituting such Trust, and also an Affidavit, Deposition, or Affirmation, of each of the Parties to such Trust Deed or Instrument, to be made in the Form and Manner herein directed, with respect to Affidavits, Depositions, and Affirmations authorized by this Act, declaring that the Deponent in such Affidavit, Deposition, or Affirmation is entitled by virtue of this Act to the Benefit of Preference granted by this Act, by reason of his or her Estate in the Lands, Tenements, or Hereditaments, whereon his or her Proportion of the Land Tax, intended to be purchased by such Trustee, is charged; and that he or she has advanced, or has agreed to advance, the whole Sum required for the Purchase of such Proportion of Land Tax to such Trustee or Trustees out of his or her Estate: Provided also, That nothing herein contained shall be construed to authorize any Sale or Mortgage of any Lands, Tenements, or Hereditaments, or Grant of any Rent Charge to be made by any Person or Persons joining in such Trust Deed or Instrument as aforesaid, for the Purpose of raising the Money required for the Purchase of such Land Tax, or any Part thereof: Provided also, That no Deed or Instrument, appointing any such Trustee or Trustees, and registered as aforesaid, shall be liable to any Stamp Duty whatever.

Not to authorize Sale or Mortgage, etc. of Lands by Persons joining.

Such Trust Deeds not liable to Stamp Duty.

LXVII. And

LXVII. And be it further enacted, That the said Trustee or Trustees shall, and he or they is or are hereby authorized and empowered, at any Time after the Purchase of the Land Tax to be contracted for by him or them shall have been completed, (upon the Application of the respective Persons by whom he or they shall have been substituted), to assign to such Persons respectively their respective Proportions of the Land Tax so purchased, and such Assignment shall be in the Form specified in the Schedule hereunto annexed, marked (I.); and Memorials of all such Assignments shall be registered and Certificates thereof granted, and Duplicates of such Certificates delivered to the Receiver General in England, or Collector in Scotland, in such Manner in all Respects as is herein directed, in case of Assignments of Land Tax for valuable Consideration; and after such Assignment, the Assignee of the Land Tax thereby assigned, shall have, hold, and enjoy, the same, upon the same Terms, and with the same Benefits and Advantages, and liable to the same Conditions as if the same had been originally redeemed by him or her; and no Assignment to be made by any such Trustee or Trustees as aforesaid, shall be liable to any Stamp Duty whatever.

Such Trustees to assign their Portion of Land Tax to each Party (Schedule I.); and the Assignee shall thereby become entitled to the Land Tax.

§ 78.

Assignment not liable to be stamped.

LXVIII. And be it further enacted, That as soon after the Twenty-fifth Day of March One thousand seven hundred and ninety-nine, as Circumstances will permit, the Commissioners appointed for the Purposes of this Act, or any Two or more of them, in every of the said Counties, Ridings, Stewartries, Cities, Boroughs,

After March 25, 1799, Commissioners may put up to Sale such Land Tax as shall remain unfold in their respective Districts.

E 4

roughs, Cinque Ports, Towns, and Places, where the Whole of the Land Tax hereby made saleable shall not have been contracted for according to the Preference hereby given, shall put up to Sale, either by publick Auction or otherwise, as the Commissioners of the Treasury for the Time being shall direct, the Whole, or any Part or Parcel of the Land Tax so remaining unsold within their respective Districts, and it shall be lawful for the Commissioners, specially to be appointed for the Purposes of this Act, or any Two or more of them, to contract and agree with any Person or Persons, Bodies, Corporations, or Companies, for the Sale of the Land Tax so remaining unsold, in such Parcels as the said Commissioners, with the Approbation of the Commissioners of His Majesty's Treasury, shall think fit, such Sales to be completed by the Purchaser or Purchasers, by such Rules, Methods, and Directions as are prescribed with respect to Contracts to be entered into by any Person or Persons entitled to such Preference as aforesaid, as far as such Rules, Methods, or Directions are applicable to such Sales respectively: Provided always, That in every such Contract, a Clause or Proviso shall be inserted for the Redemption of such Land Tax by the Person or Persons in Possession of or beneficially entitled to the Manors, Messuages, Lands, Tenements, or Hereditaments whereon such Land Tax shall be charged, or by any Person or Persons, Bodies, Corporations, or Companies, in Remainder, Reversion, or Expectancy, or having any future Interest as aforesaid, at such Time and in such Manner as is herein directed;

A Clause to be inserted in the Contract of Sale, for the Redemption of the Land Tax, by Persons beneficially interested.

rected: Provided also, That in all such Cases all the said Manors, Messuages, Lands, Tenements, and Hereditaments, whereon the Land Tax so purchased as last aforesaid shall be charged, situated in the same Parish, Constablewick, or Place, shall, until such Redemption shall take place, be subject to a new Assessment of the said Land Tax, from Year to Year, by an equal Rate, according to the Annual Value of such Manors, Messuages, Lands, Tenements, or Hereditaments, in common with each other, without any Power in the Purchaser or Purchasers thereof to exonerate the said Manors, Messuages, Lands, Tenements, or Hereditaments, from the same, or to fix the Rate of Land Tax to be charged thereon, or, if the Premises be in *Scotland*, by an Assessment according to the Rules, and in the Manner established by Law or Custom in regard to the Cess, or Land Tax in that Country, as herein-after mentioned.

LXIX. Provided always, and be it further enacted, That if at any Time before the Twenty-fifth Day of *March* One thousand seven hundred and ninety-nine, any Person or Persons, Body or Bodies Politick or Corporate, entitled to the Benefit of Preference aforesaid, shall give Notice to the Commissioners appointed for the Purposes of this Act, that he, she, or they does not or do not intend to claim the Benefit of such Preference, it shall be lawful for the said Commissioners immediately to treat and contract with the Person or Persons, Body Politick or Corporate, next entitled to such Benefit of Preference, and so from Time to Time

See § 18, 93. Till such Redemption, their Lands to be subject to a new Assessment of the Land Tax, by an equal Pound Rate, without any Power in the Purchaser to exonerate them from, or to fix the Rate of Land Tax.

If, before *March 25, 1799*, Persons entitled, shall give Notice to Commissioners that they do not mean to claim their respective Benefit of Preference, Commissioners may sell to Persons next entitled, and finally to Persons not entitled to such Preference.

Time as long as any Person or Persons, Body Politick or Corporate, shall be entitled to such Benefit, and shall not have given Notice of his, her, or their Intention not to claim the Benefit thereof; and if all the Persons, Bodies Politick or Corporate, so entitled, shall, before the said Twenty-fifth Day of *March* One thousand seven hundred and ninety-nine, give Notice to the said Commissioners that they respectively do not intend to claim such Benefit, it shall be lawful for the said Commissioners to treat and contract with any Person or Persons not entitled to such Preference, in the same Manner as the said Commissioners might otherwise do after the said Twenty-fifth Day of *March* One thousand seven hundred and ninety-nine.

The Consideration of Purchases by Persons not entitled to Preference, to be so much *per Cent.* Stock as will yield a Dividend exceeding the Amount of the Land Tax by 1-5th, to be transferred by Four Instalments within One Year, or the Whole may be transferred at once, or by larger Instalments, at not more than Three Months Interval.

LXX. And be it further enacted, That the Consideration to be inserted in any such last-mentioned Contract, shall be the Transfer of so much Stock at the least in either of the Three Pounds *per Centum* Annuities, transferrable at the Bank of *England* as aforesaid, unto the Commissioners appointed for the Reduction of the National Debt, as will yield an Annuity or Dividend exceeding the Amount of the Land Tax so to be purchased as aforesaid, by One Fifth Part thereof, such Transfer to be made within the Period of One Year from the Time of entering into such last-mentioned Contract, by Four Instalments of not less than One Fourth Part of the whole Amount of the Stock to be so transferred as aforesaid, at Intervals of Three Months from each other, and on the respective Days

Days before-mentioned; the Transfer of such Stock for the First Instalment to be made on such of the said Days as shall happen next after the Time of entering into such last-mentioned Contract: Provided always, That it shall be lawful for all such Person or Persons, Bodies, Corporations, or Companies, purchasing any such Land Tax as aforesaid, to contract and agree with the said Commissioners specially to be appointed for the Purposes of this Act, to transfer the Whole of the Stock agreed to be transferred, as the Consideration for such Redemption or Purchase at the Time herein-before prescribed for the Transfer of the First Instalment thereof, or to transfer such Stock in any greater Proportions, and in any less Number of Instalments than are herein-before prescribed, so as that such Instalments shall not be made at a greater Interval than Three Months from each other.

LXXI. And be it further enacted, That as soon after the Twenty-fifth Day of *March* One thousand seven hundred and ninety-nine as conveniently may be, the Commissioners for the Affairs of Taxes for the Time being shall cause to be prepared a Schedule or Description in Writing of the Amount and Proportions of Land Tax remaining unfold, in all and every the Counties, Ridings, and Places, in that Part of *Great Britain* called *England*, and the Receiver General for *Scotland* shall prepare a like Schedule or Description for the Land Tax remaining unfold in *Scotland*, and transmit a Duplicate thereof to the said Commissioners for the Affairs of Taxes, which said Duplicate shall be deposited

§ 10. After *March* 25, 1799, Returns to be made to Commissioners of the Taxes of the Land Tax remaining unfold; such Returns to be published by the said Commissioners, under Direction of the Treasury, with Notice of the intended Time and Place of Sale of such Land Tax.

deposited in some convenient Office for the Inspection of any Person or Persons during Office Hours, on Payment of, to the Clerk having the Custody thereof, the Sum of One Shilling and no more for each Search; and the said Commissioners for Taxes shall, with the Direction of the Commissioners of the Treasury, cause the said Schedules, or any Parts or Proportions thereof, to be from Time to Time published in the Newspapers usually circulated in the respective Counties, Ridings, Stewartries, and Places, where such Proportions of Land Tax shall be charged, and shall, in such Advertisements, give Notice of the Times and Places to be appointed for Sale thereof, or any Parcel or Proportion thereof, in order that all Persons desirous of purchasing such Land Tax may receive the necessary Information.

Persons desirous of purchasing, shall produce to the respective Land Tax Commissioners, Schedules of the Land Tax which they propose to purchase, which the said Commissioners are to adjust, and grant a Certificate (Schedule (A.)) on the Production of which the Commissioners under this Act may contract for the

LXXII. And be it further enacted, That all and every Persons and Person, Bodies, Corporations, or Companies, desirous of purchasing the Land Tax charged upon any Manors, Messuages, Lands, Tenements, or Hereditaments aforesaid, shall make out and produce to the Commissioners of the Land Tax acting in and for the Hundred, Rape, Lathe, Wapentake, Ward, or other Division in *England*, (or if in *Scotland*, to any Two Commissioners of Supply of the County or Stewartry, or the Chief Magistrate of the City or Burgh), within which such Manors, Messuages, Lands, Tenements, or Hereditaments are situate, a Schedule or Description in Writing, containing the Amount of the Land Tax he, she, or they is or are desirous of purchasing, and the County, Rid-

ing,

ing, or Stewartry, and the Parish, Constablewick, or Place, in which the said Land Tax is charged; and the said respective Commissioners or Chief Magistrate respectively are hereby required to settle and adjust the Amount of the Land Tax to be purchased, and to ascertain the particular Parish, Constablewick, or Place, in which such Land Tax is charged, and where the Case shall require the same, the particular Manors, Messuages, Lands, Tenements, or Hereditaments whereon the same is charged, and to grant a Certificate thereof in the Form in the Schedule to this Act annexed, marked (A.), distinguishing the Amount of each separate Assessment of Land Tax; and on the Production of the said last-mentioned Certificate, the Commissioners especially appointed for the Purposes of this Act, within the County, Riding, Stewartry, City, Borough, Cinque Port, Town, or Place, within which such Manors, Messuages, Lands, Tenements, or Hereditaments, are situate, may contract and agree for the Sale of such Land Tax, according to the Directions of this Act, and subject to the Power of Redemption herein contained; and upon the Production at the Bank of *England* of such last-mentioned Contract and Certificate, and upon the Transfer to the Commissioners for the Reduction of the National Debt, of so much Stock in either of the Three Pounds *per Centum* Bank Annuities before-mentioned, as shall be stated in such Contract to be the Consideration for the Purchase of the Land Tax therein mentioned, or of such Proportion of such Stock as shall have been agreed upon and settled in such Contract to be transferred, as the

Sale; on the Production of which Contract and Certificate at the Bank, and transferring the 3 *per Cent.* agreed for, or the First Instalment, the Cashiers shall give a Receipt, on the Registry or Entry of which, with the Commissioners of Taxes, the Purchaser shall be entitled to receive the Land Tax in Manner hereinafter directed, subject to Redemption by the Persons entitled to Preference.

the

the First Instalment, being not less than One Fourth Part of the whole Amount of the Stock so to be transferred as the Consideration of such Purchase, the Person or Persons, Bodies, Corporations, or Companies, transferring such Stock as last aforesaid, shall be entitled to have a Certificate from the Cashier or Cashiers of the Governor and Company of the Bank of England of such Transfer being made, which Certificate the said Cashier or Cashiers is or are hereby required to give, and the same may either be endorsed on such Contract, in the Form prescribed in the Schedule marked (C.), to this Act annexed, or be distinct therefrom, as the Governor and Company of the Bank of England shall judge expedient, or in such other Form as the said Governor and Company shall devise; and upon the Registry of such Certificate with the Commissioners for the Affairs of Taxes, all and every such Persons or Person, Bodies, Corporations, and Companies, shall be entitled to demand, have, and receive, for his, her, or their own Use, in the Manner herein directed, the full Amount of the Land Tax so purchased by him, her, or them as aforesaid, free of all Charges and Deductions whatever, at the respective Times, and in the respective Proportions herein directed: Provided always, That the Land Tax so purchased shall be redeemable by the Person or Persons, Bodies, Corporations, or Companies respectively entitled to the Benefit of Preference in respect of their Tenure in the said Manors, Messuages, Lands, Tenements, or Hereditaments, or claiming the same by, through, or under the Persons

sons so entitled, at the Period herein-after mentioned for the Redemption of the same.

LXXIII. And be it further enacted, That whenever any Land Tax shall be sold by Auction, by virtue of this Act, by the Commissioners specially to be appointed as aforesaid, a Contract or Contracts shall be forthwith entered into with the said Commissioners by or on the Behalf of the highest Bidder or Bidders at such Auction, specifying the Amount of the Land Tax purchased, and the Consideration agreed to be paid for the same, and also the County, Riding, or Stewartry, and the Parish or Place where such Land Tax shall be charged, according to the Directions of this Act, which last mentioned Contract or Contracts, being produced at the Bank of England, shall be as effectual to entitle the Purchaser or Purchasers to proceed to the Completion of such Sale, as in Cases of Contracts entered into in the Manner before directed.

Contracts may be also made by Commissioners with the highest Bidder at a publick Auction.

LXXIV. And be it farther enacted, That the Whole of the Land Tax charged on any Parish or Place shall (notwithstanding the Discharge of any Part thereof) continue to be inserted in the Certificates of Assessment to be signed by the Commissioners of Land Tax, so long as any Part of the Proportion of Land Tax charged and chargeable in such Parish or Place shall remain payable in such Parish or Place, either to His Majesty, His Heirs or Successors, or to any Purchaser or Purchasers thereof in pursuance of this Act; and that all such Manors, Messuages, Lands, Tenements, or Hereditaments, Yearly Assess-

The whole Land Tax charged on any Place shall continue to be certified by the Land Tax Commissioners, so long as any Part remains payable to the King, or any Purchaser; and such Lands as shall not be exonerated shall continue subject to

ments, not exceeding 4s. in the Pound; such remaining Land Tax to be raised as in the Lands chargeable formed an entire Parish, &c. the Collectors to return the Amount of the Land Tax redeemed in each Parish.

ments, that shall not be exonerated, by virtue of this Act, from the Land Tax, shall continue subject to a new Assessment, yearly and from Year to Year, by an equal Rate, according to the Annual Value of such Manors, Messuages, Lands, Tenements, or Hereditaments, not exceeding in any Year the Rate of Four Shillings in the Pound on such Annual Value; and that such Part of the said Land Tax, which shall remain payable as aforesaid in any Parish or Place, shall be raised, levied, collected, and received, in such and the like Form and Manner, and under such Penalties, Forfeitures, and Disabilities, and according to such Rules, Methods, and Directions, as if the Manors, Messuages, Lands, Tenements, or Hereditaments, charged with the Land Tax so remaining payable as aforesaid, formed an entire Parish or Place, and as are prescribed, directed, and appointed, by the Act of the present Session of Parliament with respect to the Quota of each Parish and Place: Provided always, That upon the Delivery of the Certificates and Precepts to the several Collectors, for the raising, levying, collecting, and recovering, such Part of the said Land Tax as shall so remain payable in such Parish or Place, the said Collectors shall be directed to return, in their Schedule to the Receiver General for the County, Riding, or Place, the Amount of the Land Tax which shall have been redeemed in such Parish or Place, and from the Payment of which such Parish or Place shall have been exonerated: Provided also, That if any such Lands, Tenements, or Hereditaments, are situated in *Scotland*, the same shall continue subject to a new Assessment

Assessment

Assessment yearly, and from Year to Year, according to the Rates and in the Manner established by Law or Custom in that Country.

LXXV. And be it further enacted, That every Contract entered into in pursuance of this Act for the Redemption or Sale of any Land Tax charged as aforesaid, shall, within Four Calendar Months after the making of such Contract, and before the Time appointed for transferring the Quantity of Stock to be transferred upon such Contract for the Second Instalment thereof, be registered with the proper Officer at the Office to be appointed for that Purpose by the said Commissioners for the Affairs of Taxes, which Registers shall be made in Books to be provided and kept by such Officer, and the said Officer is hereby required to make out Three Duplicates on Parchment, fairly written, under his Hand and Seal, of the several Amounts of the said Land Tax so redeemed and exonerated, or so redeemed or purchased as aforesaid, and not exonerated but remaining chargeable, distinguishing the several Parishes and Places where the same shall have been assessed, and to deliver or cause to be delivered One of such Duplicates to the Receiver General for the County, Riding, or Place where such Land Tax shall have been charged, and One other of such Duplicates to the Commissioners of Land Tax acting for the Division where the Parish or Place in which such Land Tax shall have been charged is situated, and a like Duplicate into the Office of the King's Remembrancer of the Exchequer, whenever the same shall be required.

F

LXXVI. And

Contract for Redemption of the Land Tax to be registered within Four Months, and before Payment of the 2d Instalment, at the Office of Commissioners for Taxes; Three Duplicates to be made and returned, One to the Receiver General of the County, One to Commissioners of Land Tax in their Division, and One into the Exchequer.

Copies of Registers shall be Evidence of Contracts.

LXXVI. And be it further enacted, That every Copy of any Register of any Contract made in pursuance of this Act, or Assignment thereof, registered according to the Directions of this Act, with the proper Officer to be appointed for that Purpose, which shall be signed by him, shall be allowed in all Courts and Places, and before all Persons, to be good and sufficient Evidence of such Contract or Assignment thereof respectively.

Receiver General, &c. on Production of the Contract, shall pay the Purchaser or his Assigns, the full Amount of the Land Tax purchased, on September 20 and March 16 in every Year.

LXXVII. And be it further enacted, That the Receiver General of or for any County, Riding, or Place in *England*, and the Collector of or for any County, Stewartry, Burgh, Town, or Place, in *Scotland*, where any such Land Tax shall remain chargeable as aforesaid, after the same shall have been redeemed or purchased as aforesaid, or His Deputy or Deputies, shall, before such Land Tax shall become due and payable, that is to say, on the Twentieth Day of *September*, for the Half Year ending on the Twenty-ninth Day of *September*, and on the Sixteenth Day of *March*, for the Half Year ending on the Twenty-fifth Day of *March* in every Year, upon Demand, and upon Production of the Contract, whenever the Receiver General or his Deputy in *England*, or Collector in *Scotland*, shall require the same, pay or cause to be paid to the Purchaser or Purchasers thereof, or the Executors, Administrators, or Assigns, of such Purchaser or Purchasers respectively, the full Amount of the Land Tax so purchased as aforesaid, free of all Charges and Deductions whatever, without Fee or Reward, out of any Money in the Hands of any such

such Receiver or Collector arising from the Produce of the Land Tax, if he shall have so much in his Hands, and if such Receiver or Collector shall not have sufficient Money in his Hands arising out of the Land Tax as aforesaid, then out of any other Monies in the Hands of such Receiver or Collector arising from any other Rates and Duties payable to His Majesty, His Heirs and Successors, and receivable and received by him as such Receiver or Collector as aforesaid: Provided, That such Monies of any other Rates and Duties shall be replaced by such Receiver or Collector out of the First Monies that shall be received by him of the Land Tax arising thereafter in such County, Riding, Stewartry, City, Borough, Cinque Port, Town, or Place.

LXXVIII. And be it further enacted, That it shall be lawful for the Proprietors for the Time being of any Land Tax which shall have been purchased in pursuance of this Act, to sell, dispose of, and transfer the same, in the Manner, and subject to the Rules and Conditions herein-after mentioned, and that the Assignment thereof shall be in Writing, in the Form specified in the Schedule hereunto annexed, marked (D.); and on every such Assignment, and also in every Case where any Assignment shall be made of any Land Tax in pursuance of any Claim or Demand by virtue of this Act, the Assignment of such Land Tax shall be produced to the proper Officer to be appointed for that Purpose, who shall enter a Memorial of such Assignment in a Book or Books to be provided and kept for that Purpose,

Proprietors may assign the Land Tax purchased by them (Schedule (D.)), and a Memorial of such Assignment shall be entered with the proper Officer to be appointed, with whom Persons, becoming entitled to Land Tax by Marriage, shall register Affidavits thereof, and Executors, &c. shall enter Probates, &c. Duplicates of such Entries to be

transmitted to Receiver General, who shall pay such Assignees, &c.

38° GEO. III. Cap. 60.
 pose, and shall certify the Entry of such Memorial by an Indorsement on such Assignment; and where any Person or Persons shall, in right or by virtue of his or their Marriage, become entitled to any Land Tax which shall have been redeemed or purchased in pursuance of this Act, an Affidavit, containing a Copy of the Register of such Marriage, shall be made and sworn to or affirmed by some credible Person, before a Judge of One of His Majesty's Courts of Record at Westminster, or before a Master in Chancery in England, or One of the Judges of the Court of Session in Scotland, or a Magistrate or Baillie of some Corporate Town, or One of His Majesty's Justices of the Peace, and shall be transmitted to such Officer as aforesaid, who shall make an Entry thereof in the Book or Books which shall be kept for entering Memorials of Assignments of such Land Tax, and such Officer shall, upon the Application of the Person or Persons entitled to such Land Tax, grant to him, her, or them, a Certificate of such Entry; and where any Person or Persons shall, as Executor or Executors, Administrator or Administrators, of any Person deceased, become entitled to any such Land Tax, the Probate of the Will or testamentary Instrument or Letters of Administration, under which such Person or Persons shall be so entitled, shall be produced and shewn to such Officer, who shall enter the same, and grant a Certificate thereof in Manner aforesaid; and such Officer is hereby required to make out a Duplicate of every such Certificate, fairly written under his Hand, and to deliver or cause to be delivered such Duplicate to

to the Receiver General in England, or Collector in Scotland, for the County, Riding, Stewartry, or Place, wherein such Land Tax shall be charged; and after the Delivery of such Duplicate to such Receiver General, or his Deputy or Deputies, or to such Collector, the Person or Persons to whom any such Land Tax shall have been transferred or transmitted as aforesaid, shall, upon the Production of such Certificate to such Receiver General, or his Deputy or Deputies, or such Collector, be entitled to demand, have, and receive, for his, her, or their own Use, the full Amount of the Land Tax which shall be specified and mentioned in such Certificate, free of all Charges and Deductions whatever, and in the same Manner, in all Respects, as if he, she, or they, had been the original Purchaser or Purchasers of such Land Tax, and the Receipt or Receipts of such Person or Persons shall be a sufficient Discharge to such Receiver General, or his Deputy or Deputies, and Collector, for the same: Provided always, That wherever, by reason of any Assignee not having declared such Option as herein-before is mentioned in the Assignment of any Land Tax, the Manors, Messuages, Lands, Tenements, or Hereditaments, charged therewith, shall be exonerated therefrom, such Officer is hereby required to transmit the like Duplicates as herein-before directed in Cases where any Manors, Messuages, Lands, Tenements, or Hereditaments, shall be exonerated from the Land Tax charged thereon in pursuance of the original Contract.

Where Assignee does not declare his Option, Lands to be exonerated.

F 3 LXXIX. And

Where Purchasers die before completing Contracts, the Payments due shall be considered and preferred as a Debt to the King on Record; and on Defect of Assets, Executors, &c. may sell and assign the Contract, of which the Assignee shall have all the Benefit.

LXXIX. And be it further enacted, That if any Person who shall have entered into any Contract with the said Commissioners, specially to be appointed for the Purposes of this Act, for the Redemption or Purchase of any Land Tax, shall die before the Transfer of all the Instalments of Stock contracted to be made by him or her, without having made any Provision, by Will or otherwise, how the future Instalments shall be made good, then and in such Case the future Instalments shall be paid out of the Assets of the Person so dying, as a Debt to His Majesty upon Record, and the Executors or Administrators of the Person so dying, and the Trustee or Trustees, Guardian or Guardians, Curator or Curators of any Infant, Minor, or other Person entitled to the Estate and Effects of the Persons so dying, shall be indemnified against such Infant or Minor, and all other Persons whomsoever, for making good the Instalments necessary to complete the said Contract, and if such Executor or Administrator, Trustee, Curator, or Guardian, shall not have Assets for that Purpose, then they shall and may, and they are hereby respectively authorized and empowered to sell, assign, and dispose of the said Contract in the Manner and Form herein-after directed; and the Person or Persons to whom such Contract shall be assigned, shall be bound to complete the same upon the same Terms and Conditions, by the same Instalments, and at the same Periods, and in the same Manner, and have and be entitled to the same Benefits and Advantages, as the Person so dying would have been bound to complete

plete the same, and would have been entitled to, in case he or she had been then living.

LXXX. Provided always, That the said respective Courts of Exchequer may, in all such Cases, give the like Relief by enlarging the Time for making good any future Instalment or Instalments, as they are hereby authorized to do in Cases of Forfeiture through the Default of the Party.

Courts of Exchequer may enlarge the Time for Payment of Instalments. § 96, 97.

LXXXI. And be it further enacted, That where any Person, Body, Corporation, or Company, shall have redeemed any Land Tax out of the Monies arising from the Sale or Mortgage of any Manors, Messuages, Lands, Tenements, or Hereditaments, or from the Grant of any Rent Charge thereout, under and by virtue of this Act, and shall have declared his, her, or their Option to be considered on the Footing of a Purchaser thereof as aforesaid, in every such Case the Land Tax so redeemed shall continue and be attendant upon the Estate and Interest of the Person or Persons, Bodies, Corporations, or Companies, who shall for the Time being be beneficially entitled to the Rents and Profits of the said Manors, Messuages, Lands, Tenements, or Hereditaments, and shall be payable by the Receiver General in England, or Collector in Scotland, his Deputy or Deputies, for the Benefit of such Person or Persons, Bodies, Corporations, or Companies; and the Receipt or Receipts of the Person or Persons who shall for the Time being be in the actual Perception of the Rents and Profits of the said Manors,

Where Persons redeeming the Land Tax by Sale of Part of their Lands, &c. shall declare their Option to be considered as Purchasers, the Land Tax so redeemed shall be attendant on the Estate of such Purchasers, and payable to them by the Receiver General.

Messuages, Lands, Tenements, or Hereditaments, shall be a sufficient Discharge to such Receiver General or Collector, or his Deputy or Deputies, for such Land Tax.

If the Receiver General, &c. refuses to pay the Land Tax to any Purchaser, the Occupier of the Lands charged shall pay it, unless previously paid (for Want of Notice) to the Collector, or unless the Value of the Estate is reduced; in which latter Case the Occupier shall not be liable to pay more than 4s. in the Pound on his Rack Rent; or in case of any Abatement of the Land Tax, such Sum only as shall then be charged thereon; to be recovered of such Occupier as Rent. In case of Reduction of the Value of the Estate, the Purchaser of the Land Tax may have his

LXXXII. And be it further enacted, That if the Receiver General in *England*, or Collector in *Scotland*, of any County, Riding, Stewartry, or Place, where any such Land Tax shall be purchased, as a specifick Charge upon any particular Estate, shall neglect or refuse to pay to the Purchaser or Purchasers of such Land Tax, or the Executors, Administrators, or Assigns, of such Purchaser or Purchasers respectively, the full Amount of the Land Tax so purchased as aforesaid, the same being lawfully demanded of such Receiver General or Collector, or his Deputy, in the Manner before directed, at or after the Time before limited for such Payment, it shall be lawful for such Purchaser or Purchasers, or the Executors, Administrators, or Assigns, of such Purchaser or Purchasers, to cause Notice of such Default to be given to the Occupier or Occupiers of the Manors, Messuages, Lands, Tenements, and Hereditaments, on which the Land Tax so purchased shall be charged, and such Occupier or Occupiers shall be obliged to pay the same upon like Demand, unless such Occupier or Occupiers shall have previously paid the same, for Want of such Notice, to the Collector or Collectors of the Parish or Place wherein such Land Tax shall arise, or unless the Yearly Value of the Estate whereon such Land Tax shall have been charged, (estimating such Value by the Rack Rents, and the

highest Improvements made of such Manors, Messuages, Lands, Tenements, or Hereditaments), shall be reduced, so that the Estate shall be charged with a higher Rate than Four Shillings in the Pound on such Value, in which case the Occupier or Occupiers shall not be liable to the Payment of any greater Sum than after the Rate of Four Shillings in the Pound on such Value, or unless the Land Tax charged on such Manors, Messuages, Lands, Tenements, or Hereditaments, shall by any Abatement thereof be reduced to a Sum less than the Sum charged on the same Manors, Messuages, Lands, Tenements, or Hereditaments, at the Time of the Purchase, in which Case such Occupier or Occupiers shall not be liable to the Payment of any greater Sum than the Sum charged on such Manors, Messuages, Lands, Tenements, or Hereditaments, at the Time when such Demand shall be made; and in case of Neglect or Refusal by such Occupier or Occupiers to pay the Land Tax so payable as aforesaid, such Occupier or Occupiers not having before paid the same, all the Remedies which may be practised by any Lessors or Landlords shall be applied and put in Execution for the Recovery of any Land Tax purchased in pursuance of this Act, as fully and effectually as if all such Remedies were severally and separately re-enacted in the Body of this Act: Provided always, That in case of any Diminution of the Sum to be paid by such Occupier or Occupiers to the Purchaser or Purchasers of any Land Tax, his, her, or their Executors, Administrators, or Assigns, by reason of such Reduction in the Value of the Estate charged therewith, such

Option, either to receive a Sum adequate to the Deficiency of the old Tax, or so much 3 per Cent. Stock as will produce 1-5th or 1-10th more than such Deficiency, according to the original Contract.

such Purchaser or Purchasers, his, her, or their Executors, Administrators, or Assigns, shall have the Option of continuing to receive a Sum necessary to complete in each Year the whole Annual Amount of the Land Tax originally purchased, or of receiving back from the Commissioners for the Reduction of the National Debt so much Capital Stock in the Three Pounds *per Centum* Bank Annuities originally transferred, in pursuance of the Contract, as shall yield an Interest exceeding the Amount of the Sum by which the Land Tax originally purchased shall have been diminished by One Tenth Part, or One Fifth Part, or other Proportion thereof, according to the Terms of the original Contract; and the said Commissioners are hereby authorized and required, on the Production of the Certificate of the Commissioners for executing the Act of the present Session and this Act, of such Abatement, or an attested Copy thereof, (which Certificate or Copy the said last-mentioned Commissioners are hereby required to give, after making any Allowance of such Abatement), to transfer such Capital Stock to such Person or Persons as aforesaid.

Receiver General wilfully refusing to pay Land Tax to a Purchaser, to forfeit 100*l.* to the Party aggrieved.

LXXXIII. And be it further enacted, That if any Receiver General in *England*, or Collector in *Scotland*, of or for any County, Riding, Stewartry, or Place, where any such Land Tax shall be purchased as aforesaid, or his Deputy, shall (having sufficient Money in his Hands arisen out of the Land Tax, or out of any other Rates or Duties receivable by him as such Receiver General or Collector) wilfully neglect

neglect or refuse to pay to the Purchaser or Purchasers, or the Heirs, Executors, Administrators, or Assigns of such Purchaser or Purchasers, within the Time herein-before limited, the full Amount of the Land Tax so purchased as aforesaid, free of all Charges and Deductions whatever, and without Fee or Reward, such Receiver General or Collector shall forfeit and pay to the Party grieved the Sum of One hundred Pounds, to be recovered as herein-after is directed.

LXXXIV. Provided always, and be it further enacted, That every Receiver General or his Deputy in *England*, and every Collector in *Scotland*, and every Collector of any Parish or Place in *England*, paying any such Land Tax to any Person or Persons, appearing by any Register kept by the proper Officer to be appointed for that Purpose, under the Direction of this Act, or by the Certificate of such Officer, to be the Person entitled to such Land Tax, shall be indemnified in making such Payment, notwithstanding any Defect of Title in the Person or Persons receiving the same.

Receiver General paying to the Person appearing by the Register to be entitled, shall be indemnified.

LXXXV. And be it further enacted, That where any Purchase shall be made of any Land Tax as a specifick Charge on any particular Manors, Messuages, Lands, Tenements, or Hereditaments, or where any Person or Persons, Bodies, Corporations, or Companies, entitled to Preference, shall have made his, her, or their Option, to be considered on the Footing of a Third Person purchasing the Land Tax, and any Abatement shall afterwards take place in

Where Land Tax is purchased, and any Abatement takes place, the Receiver General to make good the Deficiency to the Purchaser, unless he has received back an Equivalent in Stock.

in the Sum charged at the Time of such Purchase, the Receiver General in *England*, or Collector in *Scotland*, of or for the County, Riding, Stewartry, or Place, within which such Land Tax is charged, is hereby authorized and required, upon the Production of the Certificate of the Commissioners for executing the Act of the present Session of Parliament and this Act, of such Abatement, or an attested Copy thereof, to pay the full Amount thereof, free of all Charges and Deductions whatever, and without Fee or Reward, to such Person or Persons as aforesaid, in like Manner, and out of such Monies, and at such Times of Payment as is herein directed for the Payment of the Whole of the Land Tax purchased, unless such Person or Persons shall have received back a Proportion of Capital Stock in lieu of such Abatement, according to the Provisions of this Act.

See § 82. 86.

Where Purchase is made by Persons not entitled to Preference, the Purchaser may, at his Election, instead of receiving Amount of such Abatement from the Receiver General, demand an Equivalent in Stock.

LXXXVI. And be it further enacted, That where any Purchase shall be made of any Land Tax as a specifick Charge on any particular Estate or Estates, by any Person or Persons, Bodies, Corporations, or Companies, other than the Persons entitled to Preference as aforesaid, then such Person or Persons, Bodies, Corporations, or Companies may, at his, her, or their Election, instead of receiving the Amount of such Abatement from the Receiver General or Collector, demand of and from the Commissioners for the Reduction of the National Debt, a Transfer of so much Capital Stock in the Three Pounds *per Centum* Bank Annuities, as shall yield an Interest exceeding the Amount

5*

of

of such Abatement by One Fifth Part, or One Tenth Part, or other Proportion thereof, according to the Terms of the original Contract, and the said Commissioners are hereby authorized and required, on the Production of the Certificate of such Abatement herein-before mentioned, or an attested Copy thereof, to transfer such Capital Stock to such Person or Persons, Bodies, Corporations, or Companies as aforesaid.

LXXXVII. And be it further enacted, That if the Receiver General in *England* of any County, Riding, or Place, where any Land Tax shall remain chargeable, after the same hath been purchased in pursuance of this Act, shall neglect or refuse to pay to the respective Purchasers of such Land Tax, or the Executors, Administrators, or Assigns of such Purchasers respectively, the full Amount of the Land Tax so purchased as aforesaid, the same being lawfully demanded of such Receiver General, or his Deputy, at or after the Time before limited for such Payment in Manner before directed, then and in every such Case it shall be lawful for such Proprietors respectively, or their respective Executors, Administrators, or Assigns, to cause Notice of such Default to be given to the Collector for the Time being of the said Land Tax, for the Parish or Place where such Land Tax shall have been charged, and also of his, her, or their Intention to receive the Land Tax in future from such Collector, and on such Notice every such Purchaser, his or her Executors, Administrators, or Assigns, shall be entitled to receive

On Refusal of the Receiver General to pay the Land Tax to a Proprietor, the Collector, on Notice given, shall pay the same. (See § 82.)

ceive the Amount of such Land Tax from such Collector accordingly.

If the Receiver General shall refuse to pay the Amount of Abatement, the Collector shall pay the same.

LXXXVIII. And be it further enacted, That where any Abatement shall take place in *England* in the Land Tax purchased as a specifick Charge on any particular Estate or Estates, or by any Persons entitled to Preference, who shall have made their Option to be considered on the Footing of Third Persons purchasing the Land Tax, if the Receiver General of the County, Riding, or Place, shall neglect or refuse to pay to any of the Persons entitled to such Land Tax the full Amount of such Abatement, the same being lawfully demanded of such Receiver General, or his Deputy or Deputies, at or after the Time before limited for such Payment, then and in every such last-mentioned Case it shall be lawful for such Person or Persons to cause the like Notice to be given to the Collector for such Parish or Place as aforesaid, to entitle him, her, or them, to receive from such Collector the Amount of such Abatement.

Collector to pay Proprietor within 10 Days after Production of the Contract and Certificate of its Registry, and so from Time to Time, unless he shall have paid over his whole Receipts without Notice, to the Receiver General.

LXXXIX. And be it further enacted, That every such Collector, for any Parish or Place in *England*, on the Production of the Contract for the Purchase of such Land Tax, with the Certificate of the Registry thereof, or an attested Copy of such Certificate, is hereby authorized and required, within Ten Days after he shall have received the same, and after such Notice shall be given as aforesaid, and so from Time to Time as any Land Tax shall be payable to such Person or Persons, to pay or cause to be paid

paid to such Purchaser or Purchasers, his, her, or their Executors, Administrators, or Assigns, the full Amount of the Land Tax so purchased as aforesaid, or in case of any Abatement therein, the Amount of such Abatement, free of all Charges and Deductions whatever, and without Fee or Reward, out of any Money in the Hands of such Collector arising from the Produce of the Land Tax, or out of the First Monies which shall come into his Hands, arising from the Produce of the Land Tax in such Parish or Place, unless such Collector shall, for Want of such Notice as aforesaid, have paid the Whole of the Land Tax charged in such Parish or Place to the Receiver General of the County, Riding, or Place, within which such Parish or Place is situate, at the Time of any such Demand being made; and the Receipt of the Purchaser or Purchasers, his, her, or their Executors, Administrators, or Assigns, shall from Time to Time be a good and sufficient Discharge to such Collector for the Amount of the Land Tax or Abatement thereof so paid, and shall be taken by the respective Receivers as Cash, and returned by them as such into the Receipt of the Exchequer; and in case of Neglect or Default by such Collector to pay such Land Tax, such Collector not having before paid the same, all the Remedies which may be had or practised by any Receiver General on Behalf of His Majesty, or by the Commissioners for executing the Act of the present Session of Parliament, or this Act, shall be applied and put in Execution by the Person or Persons entitled to such Land Tax, against such Collector or Collectors, his, her,

Proprietor's Receipts shall be the Collector's Discharge, and taken as Cash of him.

Proprietor shall be entitled to all the Remedies as a Receiver General.

or

or their Estate or Effects, as fully and effectually as if all such Remedies were severally and respectively re-enacted in the Body of this Act.

Collector refusing to pay, after Notice, to forfeit 20 l. to the Party grieved.

XC. And be it further enacted, That if any such Collector of any Parish or Place in *England* where such Land Tax shall be purchased, (having sufficient Money in his Hands, arising out of the Land Tax charged on such Parish or Place, receivable and received by him as such Collector), shall at any Time or Times, after such Notice given as last-mentioned, neglect or refuse to pay to the Purchaser or Purchasers of any such Land Tax, or the Executors, Administrators, or Assigns of such Purchaser or Purchasers, within the Time hereinbefore limited, the full Amount of the Land Tax so purchased, or any such Abatement thereof as aforesaid, free of all Charges and Deductions whatever, and without Fee or Reward, the same being first lawfully demanded as aforesaid, such Collector shall forfeit and pay to the Party aggrieved the Sum of Twenty Pounds, to be recovered as herein-after is directed.

On the Transfer of the Second and all other Instalments of Stock, the Purchaser of Land Tax shall pay, by way of Interest, a Proportion of the Land Tax redeemed.

XCI. And be it further enacted, That upon every Contract entered into as aforesaid, upon which the Transfer of Stock shall be made by Instalments, there shall be paid at the Time of making the Second Instalment upon such Contract, and so of every subsequent Instalment upon such Contract, into the Hands of the Cashier or Cashiers of the Governor and Company of the Bank of *England*, (whose Receipt shall be a sufficient Discharge), to the Use of His Majesty, His

His Heirs or Successors, a Sum of Money by Way of Interest, equal to the Amount of the Land Tax redeemed or purchased, deducting therefrom a Sum bearing the same Proportion to such Land Tax, as the Amount of the Stock before then transferred bears to the whole Amount of the Stock agreed to be transferred on such Contract, having Regard to the Time when the First Dividend after the Transfer of such Stock will become payable; of which Sums so to be paid by way of Interest, a separate Account shall be kept at the Bank of *England*, and the same shall from Time to Time be paid separately into the Receipt of His Majesty's Exchequer, and shall be applicable to such Uses and Purposes as shall then have been or shall be voted by the Commons in Parliament.

XCII. And be it further enacted, That the Land Tax, or any Part or Parcel thereof, purchased under and by virtue of this Act, by any Person or Persons, Bodies, Corporations, or Companies, not entitled to Preference as aforesaid, shall not be subject to Redemption until the Period when the Dividends arising from the Purchases of Stock made by the Commissioners for the Reduction of such Part of the National Debt, which existed previous to the Commencement of the present War, shall, according to the true Intent and Meaning of the Acts now in Force, cease to accumulate, and be considered as redeemed and in the Disposition of Parliament.

Land Tax purchased by Persons not entitled to Preference, shall not be redeemed till the Dividends on the Stock purchased for reducing the National Debt existing previous to the War, shall cease to accumulate.

XCIII. And be it further enacted, That, from and after the Period herein last before mentioned,

After that Period, for Three Years, Persons pos-

ferred of or entitled to Lands charged with Land Tax purchased under this Act, shall, in Order of Preference, be entitled to redeem the same as they might have done, (under § 12, 13), giving Notice within 21 Days of such Redemption to Receiver General, who must give Notice to the Proprietors; all Payments to whom shall cease from the ensuing Quarter.

tioned, and at any Time during Three Years then next ensuing, all and every Persons and Person, Bodies, Corporations, and Companies, being in the Possession of, or Beneficially entitled to any Manors, Messuages, Lands, Tenements, or Hereditaments, charged with any Land Tax, which shall have been purchased under and by virtue of this Act, shall, in the Order in which they respectively shall be entitled to the Benefit of redeeming their Land Tax, according to the Rate of Preference for the Redemption herein-before mentioned, be entitled to treat with the Commissioners specially appointed for the Redemption of such Land Tax, or any Part or Parcel thereof, in such and the like Manner, in all Respects, as he, she, or they might have done within the Period first herein-before limited, and the said Commissioners are hereby authorized to contract and agree with him, her, or them respectively, for the Redemption of such Land Tax, or any Part or Parcel thereof, upon the same Terms and Conditions, and in like Manner in all Respects, as if such Contracts had been made within the Period first herein-before limited, provided that he, she, or they shall, within Twenty-one Days after the making of such Contract, give Notice in Writing to the Receiver General in *England*, or Collector in *Scotland*, of the County, Riding, Stewartry, or Place, within which such Land Tax shall be charged, of such Redemption as aforesaid, specifying in such Notice the Amount of the Land Tax so redeemed, the Parish or Place within which, and the Manors, Messuages, Lands, Tenements, or Hereditaments, upon

upon which the same is charged, and such Receiver General or Collector is hereby required to cause Notice in Writing of such Redemption to be given to the original Purchaser or Purchasers of such Land Tax, his, her, or their Executors, Administrators, or Assigns, or to the Person or Persons then entitled to receive the same from the said Receiver General or Collector of such Land Tax as aforesaid, as herein-before mentioned, whenever he, she, or they shall next demand the same; and all Payments to such original Purchasers on Account of the Land Tax so redeemed, shall cease and determine from the End of the Quarter of the Year next ensuing such Notice.

XCIV. And be it further enacted, That the Commissioners for the Reduction of the National Debt, on Application made to them by the original Purchaser or Purchasers of any Land Tax redeemed as aforesaid, his, her, or their Executors, Administrators, or Assigns, and on Production to the said Commissioners of the original Contract of Purchase of such Land Tax, or Assignment thereof, or Certificate of any Assignment thereof, or Copy, made under the Authority of this Act, of any such Certificate, and of the Notice given to such Purchaser or Purchasers, his, her, or their Executors, Administrators, or Assigns, by the Receiver General or Collector of the County, Riding, or Place, within which such Land Tax is charged, of the Redemption thereof, or any Part thereof, shall transfer to him, her, or them, so much Capital Stock in the Three Pounds *per Centum* Bank Annuities as shall

Commissioners for reducing the National Debt, shall thereupon transfer to such Proprietor so much of 3 *per Cent.* Stock as was transferred for the original Purchase; or, at the Option of such Proprietor, pay the Value of such Stock according to the Price at the Time of transferring the First Instalment; which Price shall be indorsed on the Contract.

have been transferred by such original Purchaser or Purchasers, his, her, or their Executors, Administrators, or Assigns, as the Consideration for the Purchase of such Land Tax, or such Part thereof as shall be in proportion to the Land Tax redeemed, or at his, her, or their Option, shall pay to him, her, or them a Sum of Money equal to what was the Value of such Capital Stock at the Time of the Transfer of the First Instalment on such Contract, which Value the Cashier or Cashiers of the Bank of *England* is or are hereby required to indorse on such Contract at the Time of such Transfer being made, and such Contract shall thereupon be determined and of no Effect, as to so much of the Land Tax which shall be so redeemed.

On fulfilling the Contract for Redemption, the Lands subject to the Land Tax redeemed to be exonerated.

XCV. And be it further enacted, That whenever any Land Tax purchased under and by virtue of this Act shall be afterwards redeemed in pursuance of this Act, and the Whole of the Capital Stock contracted for as the Consideration of such Redemption, or such Part thereof as shall have been contracted for on Account of the First Instalment, shall have been transferred to the Commissioners for the Reduction of the National Debt, and all other Matters and Things herein-before directed as to Contracts of Redemption made within the Period first herein-before limited, been duly performed, the Manors, Messuages, Lands, Tenements, and Hereditaments comprized in such Contract, shall be wholly freed and exonerated from the Land Tax charged thereon, and from all further Assessments thereof, and such Land

Land Tax shall be no longer payable to the Receiver General or Collector of the County, Riding, Stewartry, or Place, within which such Land Tax shall be charged, nor by such Receiver General or Collector to the Purchaser or Purchasers thereof, after Notice of such Redemption, unless such Contract shall become null and void on Failure of making good any Instalment contracted and agreed for thereon as herein-after mentioned.

XCVI. And be it further enacted, That if any Person or Persons, after entering into any such Contract as aforesaid for the Redemption or Purchase of any such Land Tax, shall afterwards refuse or neglect to complete the same by the due and regular Transfer of the several Instalments agreed to be made thereon, then and in every such Case, and immediately after Default shall be made in the Transfer of any of the said Instalments, such Contract shall become null and void, and the Whole of the Land Tax so contracted for (in case the same shall have ceased by virtue of this Act) shall be revived, and again become chargeable on the Manors, Messuages, Lands, Tenements, and Hereditaments, whereon the same was charged prior to such Contract, and such Land Tax (whether the same shall have been redeemed or purchased) shall be again assessed, raised, levied, and collected for the Use of His Majesty, His Heirs and Successors, or be again sold by the Commissioners specially appointed for the Purposes of this Act, in the same Manner as if such Contract had not been entered into, and the Person or Persons so

Where Persons refuse or neglect to complete their Contract it shall become void, and the Land Tax, if it has ceased, shall be revived, and be again raised, or again sold; and the Contractor making Default shall forfeit the Value of his First Instalment.

making Default shall, for the Non-performance of such Contract, be subject to a Penalty not exceeding the Amount of the Value of the Stock agreed to be transferred for the First Instalment.

Courts of Exchequer in England or Scotland may relieve against such Forfeitures.

XCVII. And be it further enacted, That where any Contract shall become forfeited, it shall be lawful for the Courts of Exchequer in England and Scotland respectively, on the Application of the Person or Persons who shall have incurred such Penalty, or any other Person or Persons who may be prejudiced by such Default, by Petition to be preferred in a summary Way, stating the Grounds of such Application, to enlarge the Time for the making good any subsequent Instalment or Instalments, and to grant such Relief to the Party or Parties as to the said Courts respectively shall seem meet, upon Payment of all Costs, and upon such other Terms and Conditions as to such Courts respectively shall appear reasonable.

Contracts may be assigned and registered.

XCVIII. And be it further enacted, That every Contract entered into and made, under and by virtue of this Act, shall be assignable by Indorsement made thereon, in the Form contained in the Schedule marked (D.), and where the Assignment is only a Part of the Land Tax comprized in such original Contract, then by a like Form to be indorsed upon an attested Copy of such original Contract, specifying the Proportion of the Land Tax so to be assigned, and the Premises upon which the same is charged, which Assignment and Assignments shall be registered, and Duplicates thereof

of delivered in such and the like Manner, in all Respects, as is herein-before described with respect to the original Contract entered into under and by virtue of this Act.

§ 78.

XCIX. And be it further enacted, That all Land Tax which shall be redeemed or purchased in pursuance of this Act, except where the same shall be discharged by virtue of this Act, or in Cases where other Provisions are made by this Act, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Estate.

Land Tax redeemed or purchased under this Act to be Personal Estate, except in certain Cases. (See § 32, 40.)

C. Provided also, and be it further enacted, That where any Contract shall have become null and void, in Manner herein-before described, it shall be lawful for any Person or Persons, although not interested therein, by Leave of, and under and subject to the Directions of the said respective Courts of Exchequer, on Application made in a summary Way, to contract with the Commissioners specially appointed for the Purposes of this Act, for the making good all such Instalments as shall remain due at the Time of such Contract becoming null and void as aforesaid, and on transferring to the Person or Persons, Bodies, Corporations, or Companies interested therein, the Quantity of Capital Stock that shall have been transferred under such Contract, or paying the Value thereof, in such Manner, and to such Person or Persons as the said respective Courts of Exchequer shall direct, and upon making good the Instalments that shall remain due

In case of Contracts becoming void, Strangers may, on Application to the Exchequer, make good the same and stand in the Place of the original Purchasers.

§ 96.

due as aforesaid, and upon such Registry and Delivery of Duplicates in Manner herein-before directed in Cases of Assignment of Contracts, such Person or Persons shall thenceforth be considered as the Purchaser or Purchasers of the Land Tax mentioned in such Contract, and shall be entitled to all such Benefits, Advantages, and Payments, as if he, she, or they had originally contracted for the Purchase thereof, subject to such Redemption thereof as is herein directed with respect to any Purchaser or Purchasers at the Period herein-after mentioned.

Where no such Application is made within Three Months, and the Penalty for Breach of Contract is not sued for, the Commissioners for reducing the National Debt may retain the Penalty out of the Stock actually transferred, and retransfer the Remainder to the Purchaser.

CI. Provided also, and be it further enacted, That where any Contract made under and by virtue of this Act shall have become null and void as aforesaid, and no Application to the said respective Courts of Exchequer shall have been made within Three Calendar Months from the Time of such Default, in Manner herein-before directed, by any Person or Persons not interested in such Contract, nor any Prosecution for the Penalty shall have been brought, it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby required to reserve to the Use of the Publick such Part of the Capital Stock transferred under such Contract as shall be equal to the Penalty incurred, and on Demand thereof made, to transfer the Remainder of such Capital Stock to the Person or Persons, Bodies, Corporations, or Companies, interested in such Stock, his, her, or their Executors, Administrators, or Assigns.

CII. And

CII. And be it further enacted, That the Governor and Directors of the Bank of *England* shall, and they are hereby required to open an Account in their Books under the Title of "An Account of the Sale of the Land Tax" as before directed, and to carry to the Credit of such Account the Monies directed to be paid into the Bank of *England*, upon the said Account, and the Cashier or Cashiers of the Bank of *England* is and are hereby required to accept and receive all such Monies from any Person or Persons, Bodies, Corporations, or Companies aforesaid, and to make Entries thereof in the Books of the Bank of *England* to be provided for that Purpose.

Bank to open an Account of the Sale of the Land Tax, and receive Monies, and make Entries accordingly.

§ 30.

CIII. And be it further enacted, That if any Assessment of Land Tax, which shall continue to be charged in pursuance of this Act, shall at any Time hereafter be found to exceed the Rate of Four Shillings in the Pound on the Annual Value of such Manors, Messuages, Lands, Tenements, or Hereditaments, the same shall be subject to an Abatement in the Manner in such Cases directed by the said Act of the present Session of Parliament; and that after such Abatement made, an Assessment specifying such Abatement shall be made thereof accordingly; and the Commissioners making such Assessment, shall cause Duplicates thereof to be returned to the said Receivers General, the Commissioners for the Affairs of Taxes, and the Offices of the King's Remembrancer at *Westminster* and *Edinburgh* respectively, in the Manner therein directed in other Cases of Assessments.

If any Assessment of the Land Tax shall exceed 4s. in the Pound, an Abatement shall be made, and Assessments made accordingly.

CIV. And

Where Lands now rated together shall be hereafter divided, the Land Tax continuing to be paid, it shall be apportioned by the Land Tax Commissioners; and if either of the Possessors shall be called on to pay the whole Land Tax, he shall recover from the other his Portion as Rent due.

CIV. And be it further enacted, That where any Manors, Messuages, Lands, Tenements, or Hereditaments which now are rated together, and chargeable with the Payment of One Gross Sum by way of Land Tax, (and which Land Tax shall be purchased and continued payable, and be collected under the Regulations contained in this Act), shall hereafter be separated or divided, and come into the Possession of different Persons prior to the Time when such Manors, Messuages, Lands, Tenements, or Hereditaments shall be exonerated therefrom by virtue of this Act, then and in every such Case the Commissioners of Land Tax acting in or for the Division wherein such Land Tax shall be charged, if in *England*, or the Commissioners of Supply acting for the County, Stewartry, or Place, if in *Scotland*, or any Two or more of them, shall cause such Land Tax to be apportioned as between such Persons respectively, according to the Value of their respective Estates, and to assess and charge the Proportions in which their respective Estates shall bear and sustain the same, or if in *Scotland* according to the Rules and Regulations followed there in the Division of *Cumulo* valued Rents; and in case any One of such Persons shall, at any Time or Times after such Land Tax shall be apportioned, be compelled to pay the Whole of the said Land Tax, or more than his or her due Proportion thereof, such Person or Persons shall and may, and is and are hereby authorized and empowered to demand of and from the Person or Persons who, under such Assessment, ought to have paid the same, such Sum or Sums of Money as he,

he, she, or they shall have been compelled to pay over and above his, her, or their due Proportion of such Land Tax, and on Refusal to pay the same, to proceed for the Recovery thereof in the same Manner, in all Respects, as Lessors or Landlords can or may, by virtue of any Laws or Acts now in Force in *England* and *Scotland* respectively, proceed for the Recovery of Rent in Arrear.

CV. And be it further enacted, That whenever, in any Parish or Place, separately assessed to the Land Tax, the Whole of the Land Tax charged upon the Manors, Messuages, Lands, Tenements, or Hereditaments in such Parish or Place, shall have been redeemed, and all the Manors, Messuages, Lands, Tenements, or Hereditaments in such Parish or Place shall be exonerated, under and by virtue of this Act, from the Payment of any Sum or Sums of Money as Land Tax, all Assessments in such Parish or Place, by virtue of this Act, shall cease and determine.

When the Whole of the Land Tax in any Parish is redeemed, and the Parish exonerated, all Assessments thereof shall cease.

CVI. And be it further enacted, That when any Capital Stock of the Three Pounds *per Centum* Bank Annuities shall, by virtue of this Act, be transferred to the Commissioners for the Reduction of the National Debt, the Interest or Dividend which would have been payable on such Stock, shall from thenceforth cease to be issued from the Receipt of the Exchequer, or to be charged on the Consolidated Fund, and the Money which would have been applicable to the Payment thereof shall remain and be a Part of the growing Produce of the Consolidated

The Interest on 3 *per Cents.* transferred under this Act to Commissioners for reducing the National Debt, shall not be issued from the Exchequer; but remain a Part of the growing Produce of the Consolidated Fund, disposable by Parliament.

Consolidated Fund, to be applied in such Manner as Parliament shall from Time to Time direct.

But when Stock is transferred by the said Commissioners to any One, the Dividends shall again be payable.

CVII. Provided always, and be it enacted, That whenever any Capital Stock shall be transferred by the said Commissioners to any Person or Persons in pursuance of this Act, the Dividends shall again be payable thereon in the same Manner as if the same had never been transferred to the said Commissioners.

Duties on Malt by 27 Geo. III, c. 13; on Sugar by 27 Geo. III, c. 13, 34 Geo. III, c. 4, and 37 Geo. III, c. 15, and the Duties of Excise on Tobacco, by 29 Geo. III, c. 68, to determine from March 25, 1799.

CVIII. And be it further enacted, That the several Duties imposed on Malt, by an Act made in the Twenty-seventh Year of the Reign of His present Majesty; on Sugar, by Three Acts of the Twenty-seventh, Thirty-fourth, and Thirty-seventh Years of the Reign of His present Majesty; and the Duties of Excise on Tobacco and Snuff, by an Act made in the Twenty-ninth Year of the Reign of His present Majesty, shall continue in Force until the Twenty-fifth Day of March One thousand seven hundred and ninety-nine, and no longer, but shall from thenceforth cease and determine, except as to Arrears due, or to grow due, unless the same shall be specially continued by Parliament.

Produce of Land Tax after March 25, 1799, to make Part of the Consolidated Fund.

CIX. And be it further enacted, That the several Sums of Money arising from the Produce of the Duty by this Act made perpetual as aforesaid, which shall be paid into the Receipt of the Exchequer in any Year after the said Twenty-fifth Day of March One thousand seven hundred and ninety-nine, shall from Time to

to

to Time be carried to and made Part of the Consolidated Fund.

CX. And be it further enacted, That no Contract entered into with the said Commissioners specially to be appointed by virtue of this Act, nor any Certificate or Receipt given under and by virtue of this Act, nor any Assignment thereof, shall be liable to any Stamp Duty whatever.

No Contracts, Receipts, Certificates, or Assignments, under this Act, liable to Stamp Duty.

CXI. Provided always, and be it further enacted, That whenever any Notice, required to be given by this Act, cannot be delivered to the Person or Persons to whom such Notice is directed, it shall be sufficient for the Party obliged to give such Notice, to leave the same at the last most usual Place of Abode of the Person or Persons to whom such Notice is to be given, if such Person shall be in Great Britain; or if such Person shall be beyond the Seas, then to publish the same in the London Gazette.

Notices under this Act may be left at the Parties Houses; or if they are Abroad, published in the Gazette.

CXII. And be it further enacted, That the Manors, Messuages, Lands, Tenements, or Hereditaments, which shall be sold by Auction according to the Provisions of this Act, shall be exempt from any Duty payable on Sales by Auctions.

Lands sold under this Act, exempted from Duty on Auctions.

CXIII. And be it further enacted, That it shall be lawful to and for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the Time being, to order and direct

Treasury may pay Salaries and Expences under this Act out of annual Supplies, not exceeding 3*l*. in the Pound

to Commis-
sioners on
Land Tax
fold.

direct any Sum or Sums of Money to be issued and paid out of any Aids or Supplies granted, or to be granted, by Parliament for the Service of the Year in which such Expences shall be incurred, for the Payment of Salaries to Commissioners, Clerks, and Officers, and for discharging such incidental Expences as shall necessarily attend the Execution of this Act, in such Manner as the said Lords Commissioners, or any Three or more of them, or the Lord High Treasurer, shall from Time to Time think fit and reasonable in that Behalf; Provided always, That no greater Sum shall be paid to the Commissioners specially to be appointed for the Purposes of this Act, for any County, Riding, Stewartry, City, Borough, Cinque Port, Town, or Place, than after the Rate of Three-pence in the Pound on the Amount of the Land Tax sold by them, to be applied and paid to and amongst them in equal Proportions: Provided also, That an Account of all such Expences shall be annually laid before Parliament: Provided also, That such Expences shall not be liable to account, otherwise than before the said Commissioners of the Treasury or Lord High Treasurer.

Account of
Expences to be
laid before
Parliament.

Two Commis-
sioners for re-
ducing the
National Debt,
sufficient for
Execution of
this Act.

CXIV. And be it further enacted, That it shall and may be lawful for any Two of the Commissioners for the Reduction of the National Debt for the Time being, to execute and do all Matters and Things which by this Act the Commissioners for the Reduction of the National Debt are required and empowered to do.

CXV. Pro-

CXV. Provided always, and be it further enacted, That the Acceptance of a Commission from His Majesty in pursuance of this Act, for the Purpose of selling the Land Tax, in any County, Riding, Stewartry, City, Borough, Cinque Port, Town, or Place, shall not vacate the Seat of any Person returned to serve in Parliament, nor shall the Election of any Person who shall have accepted such Commission, be in any Manner impeached thereby or made void; any Law or Statute to the contrary thereof in anywise notwithstanding.

Acceptance of
Commissions
under this
Act, not to
vacate Seats in
Parliament.

CXVI. And be it further enacted, That all Penalties and Forfeitures to be sued for by the Party aggrieved by virtue of this Act, shall and may be sued for by Action of Debt or on the Case in any of His Majesty's Courts of Law in *England* and *Scotland* respectively, holding Pleas to the Amount of Forty Shillings, in which Action or Suit the Plaintiff or Plaintiffs shall be entitled to his, her, or their full Costs, as in other Cases in the said Courts; and that One Moiety of all pecuniary Penalties and Forfeitures hereby imposed, other than to the Party aggrieved, shall, if sued for within the Space of Six Calendar Months from the Time of such Penalties or Forfeitures being incurred, be to His Majesty, His Heirs and Successors, and the other Moiety thereof, with full Costs of Suit, to the Person or Persons who shall inform or sue for the same within the Time aforesaid, and which shall and may be sued for in His Majesty's Court of Exchequer at *Westminster*, for Offences committed in *England*, or in His Majesty's Court of

Penalties to
Parties griev-
ed, where to
be sued for.

Costs to
Plaintiffs.

Other Penal-
ties to be sued
for in Six
Months, Half
to the Crown,
and Half to
the Informer.

Attorney General, &c. may stay Proceedings.

of Exchequer in Scotland for Offences committed in Scotland, by Action of Debt, Bill, Plaint, or Information, wherein no Effoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed; but nevertheless it shall be lawful for His Majesty's Attorney General in England, or His Majesty's Advocate in Scotland, in case it shall appear to his Satisfaction that any such last-mentioned Penalty or Forfeiture was incurred without Intention of Fraud, to stay all further Proceedings, by entering a *nolle prosequi*, or otherwise, with respect as well to the Share of such Penalty or Forfeiture claimed by such Informer or Informers, as to the Share thereof belonging to His Majesty.

After Six Months, Penalties shall be recoverable only in the Name of the Attorney General, &c. and be paid to Commissioners of Taxes, who may reward the Informer.

CXVII. Provided always, and be it further enacted, That in Default of Prosecution within the Time herein-before limited, no such last-mentioned Penalty or Forfeiture shall be afterwards recoverable except in the Name of His Majesty's Attorney General in England, and of His Majesty's Advocate in Scotland, by Information in the Court of Exchequer in England or Scotland respectively, in which Case the Whole of such Penalty or Forfeiture shall belong to His Majesty, His Heirs and Successors; and that all Penalties and Forfeitures, and Shares of Penalties and Forfeitures, incurred as aforesaid, belonging to His Majesty, His Heirs or Successors, shall be paid into the Hands of such Person or Persons as the Commissioners for the Affairs of Taxes shall appoint to receive the same, to the Use of His Majesty; and that in

in all Cases where the Whole of such pecuniary Penalties or Forfeitures shall be recovered to the Use of His Majesty, His Heirs or Successors, it shall be lawful for the said Commissioners to cause such Reward as they shall think fit, not exceeding One Moiety of such Penalty or Forfeiture so recovered, after deducting all Charges and Expences incurred in recovering the same, to be paid thereout, to or amongst any Person or Persons who shall appear to them entitled thereto as Informers, in respect of such Penalties or Forfeitures so recovered; any Thing herein contained to the contrary notwithstanding.

CXVIII. And be it further enacted, That if any Person shall forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly or wilfully act or assist in the forging, counterfeiting, or altering, any Contract or Contracts for the Sale of any Land Tax, or any Assignment or Assignments of such Contract or Contracts, or of any Portion of Land Tax therein comprized, or any Certificate or Certificates of the Commissioners of Land Tax or of Supply, or any Chief Magistrate authorized by this Act to make out such Certificate or Certificates, or of the Surveyor General of the Land Revenue of the Crown, or of the Duchy of Cornwall, or any Certificate or Certificates, Receipt or Receipts, of the Cashier or Cashiers of the Governor and Company of the Bank of England, or any Certificate or Certificates, or attested Copy of a Certificate or Certificates, directed by this Act to be made out by the

Persons forging, &c. any Contract, Assignment, Certificate, or Receipt, guilty of Felony without Benefit of Clergy.

the proper Officer to the Commissioners for the Affairs of Taxes, or shall wilfully deliver or produce to any Person or Persons acting under the Authority of this Act, or shall utter any such forged, counterfeited, or altered Contract, or Contracts, Assignment or Assignments, Certificate or Certificates, Receipt or Receipts, knowing the same to be forged, counterfeited, or altered, with Intent to defraud His Majesty, His Heirs or Successors, or any Body or Bodies Politick or Corporate, or any Person or Persons whomsoever, then and in every such Case all and every Person or Persons so offending, and being lawfully convicted thereof, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Limitation of Actions.

CXIX. And be it further enacted, That if any Action or Suit shall be brought against any Person or Persons for any Thing done in pursuance of this Act, such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid in the County or Place where the Cause of Complaint did arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and if the Jury shall find for the Defendant or Defendants in any such Action or Suit, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer

General Issue.

Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have the like Remedy for the same as any Defendant hath in any other Cases to recover Costs by Law.

CXX. And be it further enacted, That the several Persons who are or shall be named or appointed Commissioners of Land Tax, in or by any Act or Acts now in Force, or hereafter to be passed to carry into Execution the Act of the present Session of Parliament before mentioned, or this Act, in any County, Riding, or Place, such Persons being also Justices of the Peace of and for the same County, Riding, or Place, and not being Persons specially appointed Commissioners for the Purposes of this Act as aforesaid, shall be Commissioners for the Purpose of hearing Appeals to be made by virtue of this Act, for the Division of the County or Riding, or the District within which they usually act as Commissioners of Land Tax and Justices of the Peace as aforesaid.

Land Tax Commissioners, &c. being Justices of the Peace, may hear Appeals under this Act.

CXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Determination of the Commissioners specially to be appointed for the Purposes of this Act, with relation to any Right or Benefit of Preference in, or any Right of Redemption of any Land Tax to be sold by virtue of this Act, or with relation to the Sale or Mortgage of any Messuages, Lands, Tenements, or Hereditaments, or the Grant of any Rent Charge thereout, for

Persons aggrieved in Sale of Land Tax (the Consideration for which shall not exceed 500 l. Stock), may appeal to such Commissioners at the next Petty Sessions, and their Order shall be final and conclusive.

any of the Purposes of this Act with relation to the Redemption or Purchase of any Land Tax; (for the Redemption or Purchase of which not more than Five hundred Pounds Capital Stock, in the Three Pounds *per Centum* Bank Annuities, would be transferred in the Whole if such Land Tax was redeemed or purchased), it shall be lawful for such Person or Persons, in every such Case, to appeal to the Commissioners appointed by this Act, for the Purpose of hearing Appeals at the next Petty Sessions held by them, within and for the Division or District within which such Land Tax, or any Proportion thereof, shall be charged, and the said Commissioners, or any Two or more of them, shall, and they are hereby authorized and required to hear and determine all such Appeals, at any Petty Sessions, to be by them appointed, from Time to Time as there shall be Occasion, and on due Consideration of all the Circumstances attending the Case upon which such Appeal shall arise, and on Examination upon Oath or Affirmation of the Parties interested in such Appeal, and all other Persons who shall be willing to be examined touching any Matters or Things relating to the Matter in Dispute as aforesaid, which Oath or Affirmation they, or any Two or more of such Commissioners, are hereby authorized to administer, and on the Production, upon Oath or Affirmation as aforesaid, of any Deeds, Conveyances, or Instruments, or upon the Production of any Affidavits or Depositions in Writing, upon Oath or Affirmation, to be made in Manner herein directed as to such Affidavits, Depositions,

tions, or Affirmations, as may be produced to the Commissioners specially appointed for the Purposes of this Act, it shall be lawful for such Commissioners of Appeal, and they are hereby required to determine such Appeal, and give such Order therein, as in their Discretion shall seem expedient, which Order shall be final and conclusive upon all Parties; and if such Commissioners of Appeal shall have any Doubts, touching any Matters or Things relating to the Determination of such Appeal, it shall and may be lawful for such last mentioned Commissioners to require the Advice and Assistance, or the Opinion of any Counsel learned in the Law, being a Barrister of Five Years standing at the least, as to them shall seem most expedient, and such Commissioners shall and may award the Costs actually incurred in such Appeal, and no more, together with such Expence as shall have arisen from the obtaining the Advice, Assistance, or Opinion of Counsel, as the Case may be, if any such Expence shall have been incurred, to be paid either by the Party against whom such Appeal shall have been determined, or by both the Parties to such Appeal, in such Proportions as to such Commissioners shall seem just and reasonable; and in case of Refusal or Non-payment of any Sums so ordered to be paid, by the Space of Twenty-one Days next after such Determination, such Commissioners of Appeal, or any Two of them, shall and may issue forth their Warrant, to levy the same by Distress and Sale of the Goods and Chattels of the Person or Persons ordered to pay such Sum as aforesaid, rendering the Overplus to the Owner or Owners,

Commissioners of Appeal may have the Advice of Counsel, and award Costs, &c.

Where the Consideration exceeds 500*l.* Stock, Appeal may be by Petition to the Courts of Chancery, Exchequer, or Session.

Owners, after the Payment of the Charge of such Distress and Sale: Provided always, That where Capital Stock, which would be requisite to be transferred for the Redemption or Purchase of any Land Tax respectively, about which any such Dispute as aforesaid may arise, would in the Whole exceed Five hundred Pounds in such Publick Annuities, the Person or Persons so thinking himself, herself, or themselves aggrieved as aforesaid, shall and may apply to the Court of Chancery or Exchequer in *England*, or the Courts of Session or Exchequer in *Scotland*, by Petition, to be preferred in a summary Way, which Courts respectively may thereupon grant such Relief, and make such Order therein, as to the said Courts respectively shall seem meet.

Act may be varied or repealed this Session.

CXXII. Provided always, and be it enacted, That this Act may be altered, varied, or repealed, by any Act or Acts of this present Session of Parliament.

SCHEDULE

SCHEDULE to which this Act refers.

(A.)

FORM of the CERTIFICATE of the Amount of the Land Tax, and the Lands upon which it is assessed.

A. B. and C. D.

Two of the Commissioners of Land Tax, for the County of *Do hereby certify*, that the Lands [*briefly describing the Lands and Hereditaments chargeable*] are charged with Land Tax to the Amount of *[and if more Parcels of Land Tax than One, repeat the Description]*; and that the Messuage and Lands [*briefly describing the same*] are charged in like Manner to the Amount of making in the Whole the Amount of

(B.)

FORM of the CERTIFICATE of the CONTRACT.

KNOW all Men, That we A. B. and C. D. Two of the Commissioners appointed for the Purposes of an Act [*Here insert*]

insert the Title of the Act; for the *[County, Riding, &c.]* Do hereby certify, that we have contracted and agreed with *A. B.* for the *["Redemption by," or "Sale to" him, as the Case may require]* of *A. B.* Land Tax, being the Land Tax *[or, Parcel of the Land Tax, as the Case may require]* charged upon the *[describe the Lands as in the Certificate of the Commissioners of the Land Tax; and if any Land Tax redeemed or purchased on other Lands, to be specified in the same Manner]* or being Parcel of the Land Tax charged upon the Parish of *[insert the Parish and County, and if more Parishes, to be inserted in the same Manner.]* The Consideration of the Sale is declared to be

Capital Stock in the *per Centum* Bank Annuities, to be transferred to the Commissioners for the Reduction of the National Debt, at the Bank of England, in the following Proportions, and at the following Times; viz.

.	Stock	on or before the
.	Stock	on or before the
.	Stock	on or before the
&c.		&c.

See § 96.

with Interest, to be paid at the Time of the Second and each subsequent Instalment to the Cashier or Cashiers of the Governor and Company of the Bank of England, equal to the Amount of the Land Tax redeemed or purchased, deducting therefrom a Sum bearing the same Proportion to such Land Tax as the Amount of the Stock transferred before the Time of each Payment bears to the Whole Amount of Stock agreed to be transferred on such

such Contract: *[And, if the Contract is made with a Purchaser, Subject nevertheless to the Redemption of the Land Tax hereby sold, on such Conditions, and at such Time, and in the Manner directed in the Act herein-above mentioned.]*

(C.)

FORM of the CERTIFICATE or RECEIPT to be indorsed on the Contract.

Bank of England.	Days when Stock was transferred.	Amount of the Stock transferred.	Name of the Receiver or Acceptor.
1st Instalment.			
2d Instalment.			
3d Instalment.			
4th Instalment.			
&c. &c. &c.			

(D.)

FORM of ASSIGNMENT.

I *A. B.* of in Consideration of
 paid to me by *C. D.* of
do hereby bargain, sell, assign, and transfer to
the said *C. D.* his Executors, Administrators,
and Assigns, the Yearly Sum of
being the Whole [*or, Part*] of the Land Tax
charged upon certain Manors, Messuages, &c.
[*here describe the Nature of the Estate*] in the
Parish of in the County of
[*or, being Part of the Land Tax charged*
upon the Parish of] to hold to
the said *C. D.* his Executors, Administrators,
and Assigns, with the same Benefits and Ad-
vantages, and subject to the same Right and
Power of Redemption, Restriction, and Con-
ditions, as I held the same immediately before
the Execution hereof.

Witness our Hands and Seals, the
Day of in the Year of Our
Lord

(E.)

FORM of CONTRACT for Sale of
Crown Lands belonging to the Duchy
of Lancaster.

GEORGE the Third, by the Grace of
God, of *Great Britain, France, and Ireland,*
King, Defender of the Faith, and so forth, to
all to whom these Presents shall come, greet-
ing: Know ye, that We, in Consideration of
the Sum of paid into the Hands of
Our Receiver General of the Revenues of Our
Duchy of *Lancaster*, as appears by the Receipt
of the Receiver General indorsed on these Pre-
sents, by and with the Advice and Consent of
Our Chancellor and Council of Our said Duchy,
do by these Presents grant, bargain, and sell
unto *A. B.* his Heirs and Assigns, all [*describe*
the Manors, &c. sold] to have and to hold the
said [*Manors, &c.*] hereby bargained and sold,
and all Benefits and Advantages thereto be-
longing, unto and to the Use of the said *A. B.*
his Heirs and Assigns for ever. [*In case there*
be any subsisting Lease of the Manors, &c.
Words to the following Effect are to be added;
Subject nevertheless to the Term and Interest
in the said Manors, &c. by virtue of a Lease
granted under the Seal of bearing
Date on or about unto

 for a Term of
which will expire on or about]

In Witness whereof

(F.)
**FORM of CERTIFICATE of CON-
 TRACTS made by the Surveyor Ge-
 neral of the Land Revenue.**

By the Surveyor General of His Majesty's
 Land Revenue.

THESE are to certify, That in pursuance
 of a Warrant from the Right Honourable
 the Lords Commissioners of His Majesty's
 Treasury, bearing Date the _____ Day of
 _____ the said Surveyor General hath
 contracted and agreed with *A. B.* of _____
 for the Sale to the said *A. B.* of all [*here de-
 scribing the Premises to be sold*] at or for the
 Price or Sum of _____ of lawful
 Money of Great Britain, to be paid by the
 said *A. B.* into the Bank of England, and
 carried to the Account of the Commissioners
 of His Majesty's Treasury, [*and in case of any
 subsisting Lease, then the following Words to be
 added, subject nevertheless to, Here describing
 when and to whom such Lease was granted, for
 what Term of Years or Lives, and when the
 Term will expire, or which of the Lives are in
 being*], and from and immediately after the
 Payment of the said Sum in Manner afore-
 said, and the Enrolment of this Certificate,
 and the Receipt for the said Purchase Money,
 in the Office of the Auditor of the Land Re-
 venue for the County aforesaid, [*or, of the
 Clerk of the Pipe, as the Case may be*], and
 thenceforth for ever, the said *A. B.* and his
 [her,

[her, or their] Heirs, Successors, or Assigns,
 shall be adjudged, deemed, and taken to be in
 the actual Seisin and Possession of the said Pre-
 mises so by him [her, or them] purchased,
 and shall hold and enjoy the same peaceably
 and quietly, and in as full and ample Manner,
 to all Intents and Purposes, as His Majesty,
 His Heirs or Successors, might or could have
 held or enjoyed the same, by force and vir-
 tue of an Act of Parliament, passed in the
 Thirty-eighth Year of the Reign of His Ma-
 jesty King George the Third, intituled, *An Act,
 [inserting the Title of this Act]*.

Given under the Hand of the said Sur-
 veyor General the _____ Day of _____

Witness to the Signing by the said Surveyor
 General, _____
 [The Witness to be One of the Clerks,
 or other Officers in his Office.]

(G.)

**FORM of CERTIFICATE of CON-
 TRACTS to be made by the Sur-
 veyor General of the Duchy of
 Cornwall.**

By the Surveyor General of the Duchy of
 Cornwall.

THESE are to certify, That, by virtue of
 a Warrant from the Council of His Royal
 Highness

Highness the Prince of Wales and Duke of Cornwall, the said Surveyor General hath contracted and agreed with *A. B.* for the Sale to the said *A. B.* of all [*here describe the Premises, or the Rent, to be sold*] at or for the Price or Sum of _____ of lawful Money of Great Britain, to be paid by the said *A. B.* into the Bank of England, and carried to the Account of the Duchy of Cornwall, [*and in case of any subsisting Lease, or any Grant by Copy of Court Roll, then the following Words to be added, subject nevertheless to, Here describing when and to whom such Lease or Copy was granted, for what Term or Lives, and when the Term will expire, or which of the Lives are in being*], and from and immediately after the Payment of the said Sum in Manner aforesaid, and the Enrolment of this Certificate, and the Receipt for the said Purchase Money, in the Office of the Auditor of the Duchy of Cornwall, and thenceforth for ever, the said *A. B.* and his [*her, or their*] Heirs, Successors, or Assigns, shall be adjudged, deemed, and taken to be in the actual Seisin and Possession of the said Premises [*or Rent, as the Case may be*] so by him [*her, or them*] purchased, [*and where the Purchase shall be other than for a Rent, then the following Words to be added, "and shall hold " and enjoy the same, peaceably and quietly, " and in as full and ample Manner, to all Intents and Purposes, as His Royal Highness the Prince of Wales, His Heirs or Successors, " Dukes of Cornwall, might or could have " held or enjoyed the same," by force and virtue of an Act of Parliament, passed in the Thirty-eighth Year of the Reign of His Majesty*

Most Excellent Majesty King George the Third, intituled, *An Act, [inserting the Title of this Act.]*

Given under the Hand of the said Surveyor General of the Duchy of Cornwall, the Day of _____

Witness to the Signing by the said Surveyor General,

[*The Witnesses to be One of the Clerks, or other Officers in his Office.*]

(H.)

FORM of the CASHIER'S RECEIPT.

RECEIVED the _____ Day of _____ of and from the above [*or, within*] named *A. B.* the Sum of _____ of lawful Money of Great Britain, being the Consideration Money expressed in the above [*or, within*] written Certificate.

Witness my Hand,

For the Governor and Company of the Bank of England.

Cashier.

(I.)

FORM of ASSIGNMENT of LAND
TAX by a TRUSTEE.

I *A. B.* of _____ a Trustee appointed by *C. D.* of _____ together with several other Persons, to purchase their respective Land Tax, do hereby bargain, sell, assign, and transfer to the said *C. D.* his or her Executors, Administrators, and Assigns, the Yearly Sum of _____ being the Land Tax charged upon the [here describe the Nature of the Property] of him or her the said *C. D.* situate in [here insert the Place] and which is the Proportion purchased by me as a Trustee for the said *C. D.* to hold to the said *C. D.* his or her Executors, Administrators, and Assigns.

Witness my Hand and Seal, the _____ Day of _____
in the Year of our Lord

F I N I S.

I N D E X.

A.	PAGE
ABATEMENT of Land Tax; in case of, the occupier liable to the purchaser for the payment only of the sum charged at the time of the demand. (See Occupier.)	89
Certificate of, to be given to the purchaser by the Commissioners of Land Tax,	90
In case of, the Receiver General, or Collector, to make good the deficiency to the purchaser on the production of the certificate, or an attested copy thereof,	91, 92, 94, 95
To be made when any assessment shall exceed 4s. in the pound,	105
Account. (See Bank of England.)	
Accountant-General. (See Surplus Stock.)	
Act. The present may be varied during the same session, Act for raising Land Tax. Provisions of, to continue in force, except where varied by this Act,	118
Actions. Limitations of,	4
Administrator. (See Executor.)	114
Affidavits. Commissioners for Sale authorized to receive, To be made by persons constituting a Trustee to purchase their Land Tax,	8, 9
Of marriage of persons thereby becoming entitled to Land Tax, to be transmitted to the register of Land Tax,	70
Allowance to Commissioners for sale of Land Tax,	84
Annuity. Where option is declared, the Land Tax redeemed is to be enjoyed as an annuity, subject to redemption. (See Option.)	110
Appeal. Commissioners of Land Tax being justices, to be Commissioners of,	44
In relation to redemption for purchase of Land Tax, where the consideration does not exceed 500l. stock, lies to the Commissioners,	115
I	115, 116
Appeal	

INDEX.

PAGE

Appeal. Where the consideration exceeds 500l. stock, the party must apply to the Courts of Chancery, Session, or Exchequer. (See Commissioners of)	118
Apportionment of Land Tax to be made by Commissioners of; where lands rated together become separated. (See Fee Farm Rent, Tithes, &c.)	106
Arrears. Persons in remainder coming into possession to be liable only to one year's arrear of interest, or of rent-charge,	43
Assessments of Land Tax. Land Tax to be redeemed according to the assessment made under the present Land Tax Act,	10
Where lands shall be exonerated from all further assessments, and where not,	21, 22, 73, 80
Certificates of, to contain the whole Land Tax charged on the parish, so long as any Land Tax shall remain payable therein,	79
No new assessment to exceed 4s. in the pound,	80
New assessments in Scotland to continue according to the rates established there,	80, 81
In cases of abatement assessment to be made, specifying such abatement,	105
To cease whenever the whole Land Tax in any parish shall be redeemed, and the land exonerated,	107
Assets. Of any person dying before the instalments are completed, liable to make good the same as a debt to the king upon record,	86
Assignment of Land Tax may be demanded by persons in succession on coming into possession, and proprietors compellable, and if under legal disability empowered to make the same,	23, 24
By trustee appointed for the purchase of Land Tax, Form of, by trustee. (See Schedule I.)	71
Memorials of, to be registered,	71
Not liable to stamp duty,	71, 109
Form of, by proprietors. (See Schedule D.)	
Auction. (See Sales, Land Tax.)	
Auditor of the Land Revenue. To enrol the certificate of the Surveyor-General and the receipt of the Cashier of the Bank, and attest and return the same to purchasers of crown lands,	55, 56
Auditor of the Duchy of Cornwall. To enrol the certificate of the Surveyor-General of the duchy, and the receipt of the Cashier of the Bank, and	attest

INDEX.

PAGE

attest and return the same to purchasers of land under the duchy,	62, 63
B.	
Bank of England. Money arising from sale, mortgage, or grant, to be paid into,	36
To keep distinct accounts of such money, and invest the same in 3 per cent. stock,	37
Surplus stock to be purchased with such money to be placed in the books of, in the name of the Accountant-General,	39
To open an account with the Commissioners of the Treasury for the monies arising from the sale of the crown lands,	54
To open an account for the monies arising from the sale of lands under the duchy of Cornwall. (See Cornwall.)	62
To permit transfers to be made in the name of the Duke of Cornwall,	65
To keep a separate account of sums paid for interest,	97
To open an account under the title of "Account for the sale of the Land Tax,"	105
C.	
Cashier of the Bank of England. To give certificates or receipts for stock transferred,	21, 78
To give receipts to purchasers, mortgagees, and grantees, for money paid into the Bank,	37
To receive and give receipts for purchase monies for the crown lands,	55
To receive and give receipt for purchase monies for lands of the Duchy of Cornwall,	62, 63
To give receipt for interest,	96
In cases of purchase of Land Tax by strangers, to indorse upon every contract the value of the stock at the time of the first instalment,	100
To receive all monies paid in on account of the sale of the Land Tax, and make entries thereof,	105
Certificate of Land Tax to be produced at the Bank on transfer of the first instalment,	20, 77
To be registered,	21, 81
Forgery of felony,	113
Of Surveyor-General of crown lands, and of the Duchy of Cornwall, to be produced to the Cashier	
I 2	

INDEX.

	PAGE
Shier of the Bank on payment of the purchase money, - - - - -	55, 63
Chancery. (<i>See Courts.</i>)	
Charitable uses. Persons empowered to give money for redeeming Land Tax charged on lands settled to, -	50
Church rates. (<i>See Parish.</i>)	
Clerk of the Pipe to enrol certificate of the Surveyor-General and the receipt of the cashier of the Bank, and attest and return the same to purchasers of crown lands, - - - - -	56
Collectors in England to return to the Receiver-General the amount of Land Tax redeemed in each parish, -	80
To pay the Land Tax to purchasers thereof on default by the Receiver-General, and notice by the party, 93, 94, 95	
Purchaser's receipts sufficient discharge to them, -	95
Neglecting or refusing, having sufficient money in their hands, to forfeit 20 l. to the party aggrieved, -	96
In Scotland. (<i>See Receiver-General.</i>)	
Commissioners for sale of the Land Tax appointed by the King's warrant under his sign manual out of the Commissioners of Land Tax, - - - - -	6
Oath to be taken by them, - - - - -	7
May examine upon oath or affirmation, require the production of deeds, and receive affidavits, -	8
To settle the priorities of persons having preference, -	16
To examine, and amend (if necessary) the certificate of the Commissioners of Land Tax, and contract with the party, - - - - -	20
Two at least to be parties to every sale, mortgage, or grant (except where the authority of any court is required), - - - - -	30
To cause notice of every sale of lands to be published, - - - - -	32
Extract of the decree of the Court of Session sufficient authority for them to sell land in Scotland, -	34
To determine what quantity of money may be raised by mortgage or grant, and what quantity of estate may be sold, - - - - -	37
Not to consent to any sale without an estimate upon oath of the value of the part to be sold, -	37, 38
May contract with the Surveyors-General of the crown lands and of the Duchy of Cornwall, for the sale of the Land Tax charged on the lands of the crown and the said Duchies of Cornwall and Lancaster, - - - - -	52
	Com-

INDEX.

	PAGE
Commissioners for sale of the Land Tax may by one contract, contract with a trustee for sale of Land Tax of any number of persons, where it does not exceed 25s. each, - - - - -	69
After the 25th day of March 1799, may, with the approbation of the Commissioners of the Treasury, put up to sale the Land Tax remaining unredeemed, - - - - -	72
If persons having preference waive the benefit of it, may sell before that period, - - - - -	73, 74
May contract for sale of Land Tax subject to redemption by the person entitled to the lands, -	77
After the Sinking Fund has obtained its maximum, and for three years then next ensuing, may contract with persons entitled to the lands for the redemption of the Land Tax, - - - - -	98
Where contracts forfeited may resell the Land Tax, Of Appeal, oath to be taken by them, - - - - -	101
To determine all appeals respecting Land Tax, -	7
Their determination final, - - - - -	116
May have the advice of counsel, - - - - -	117
May award costs and expences, and issue their warrant to levy the same, - - - - -	<i>ibid</i>
For. (<i>See Appeal.</i>)	
The Affairs of Taxes after the 25th day of March 1799, to cause a schedule to be prepared of the Land Tax remaining unsold in England, - - - - -	75, 76
(Of the Land Tax) upon the application of the party to adjust the Land Tax upon property not before distinctly assessed, - - - - -	18
To adjust the Land Tax of parties producing a schedule, and grant a certificate thereof, - 19, 20, 76, 77	
Shall cause the whole Tax charged in any parish to be inserted in the certificate of assessment, signed by them, so long as any shall remain payable therein, - - - - -	79
On abatement of Land Tax purchased, to grant a certificate thereof, - - - - -	90
Where Land Tax shall exceed 4s. in the pound, and an abatement be made, to make out an assessment specifying such abatement, and cause duplicates thereof to be returned, as in other cases of assessment, - - - - -	105
To apportion Land Tax where lands now rated together become separated, - - - - -	106
	Com-

INDEX.

	PAGE
Commissioners of the Treasury, consent, if required, for the Redemption of the Land Tax charged upon the crown lands, - - -	51, 52
No contract for sale of crown lands to be without their special warrant, - - -	54
May order expences of making surveys of the crown lands to be defrayed out of the purchase money, - - -	56, 57
May cause stock vested in their names arising from sales under 19th and 34th Geo. III. and this act, to be transferred to the Commissioners of National Debt for the redemption of land tax, - -	58, 59
To regulate the collecting the Land Tax redeemed from the lessees of the crown, - - -	60
To direct the sale of Land Tax after the 25th day of March 1799, - - -	71, 72
To direct the payment of expences and salaries, -	109, 110
To the Reduction of the National Debt, consideration for the redemption and purchase of Land Tax to be transferred to them, - - -	11, 74
Monies paid into the bank by purchasers, mortgagees, or grantees, to be placed to their account, -	36, 37
In cases of abatement to re-transfer a proportional part of the consideration to the party, - -	90, 92, 93
In cases of forfeiture of the contract to reserve stock equal to the penalty incurred, and transfer the remainder to the party, - - -	104
Two of them a quorum, - - -	110
For ascertaining the Land Tax of the Crown to be appointed by his Majesty by warrant under his sign manual, - - -	52
To report to the Commissioners of the Treasury the proportions of such Land Tax, and transmit a copy thereof to the Surveyor General of the Land Revenues, - - -	53
For ascertaining the Land Tax of the Duchy of Lancaster to be appointed by the Chancellor and Council of the Duchy, - - -	54, 55
To report the proportions of Land Tax, and transmit a copy to the officer appointed by the Chancellor and Council, - - -	55
For ascertaining the Land Tax of the Duchy of Cornwall to be appointed by the Prince of Wales, -	61
To report the proportion of Land Tax, and transmit a copy to the Surveyor General of the duchy, -	61
Com-	

INDEX.

	PAGE
Commissioners of the Revenues of the Duke of Cornwall may transfer stock vested in his name to the Commissioners of the National Debt for the Redemption of Land Tax, - - -	66
Committees (of Lunatics). (See Guardians.)	
Confirmation. The same confirmation required in alienation by ecclesiastical persons and corporations as before the restraining and disabling statutes, -	27
Consideration for the redemption to be one tenth annually above the Land Tax, - - -	11
For the purchase to be one-fifth at least annually above the Land Tax, - - -	74
Times of transfer of, - - -	11, 12, 74, 75
Consolidated Fund. Dividends of stock transferred not to be charged on, - - -	107
Money applicable to the payment of such dividends part of, - - -	107, 108
Produce of Land Tax paid into the Exchequer after 25th March 1799, to be part of - -	108, 109
Contract, form of. (See Schedules, B. E. F. G.)	
Must be produced at the Bank of England upon the transfer of the first instalment, - - -	28, 77
Must be registered, - - -	21, 81
Where option is declared it must be inserted in, -	22
In every contract for purchase by a stranger a clause for redemption must be inserted, -	72
May be entered into by the Commissioners at auctions of Land Tax with the highest bidder, -	79
May be assigned, - - -	83, 102
Upon production of, by purchaser, Receiver General to pay the Land Tax, - - -	82, 83
Upon the Redemption of Land Tax after the period limited by the Act, contract with purchaser to be determined, - - -	100
In case of failure in the transfer of the instalments, to become void, - - -	101
Having become void may be completed by strangers, on application to the Exchequer, -	103
Not liable to stamp duty, - - -	109
Conveyance of lands under the Act to be by deed enrolled or registered, - - -	26, 28
Copy. (See Evidence.)	
Copyholds may be enfranchised with the approbation of the Court of Chancery, for the purpose of raising money to redeem Land Tax, -	50
Corn-	

INDEX.

	PAGE
Cornwall, Tenants for years under the Duchy of, cannot contract, nor sell, or charge the lands of the Duchy, - - -	14, 15, 28
Surveyor General of, may contract for the Redemption of the Land Tax, and for the sale of the lands of the Duchy for the purpose of redeeming, - - -	52, 61, 62
Bank to open an account with the Duchy of, Auditor of the Duchy of. (See Auditor.)	62
Contracts for the sale of the lands of the Duchy of, void if the certificate is not sued forth and enrolled, and the purchase money paid into the Bank within forty days, - - -	64
Money paid into the Bank on account of the Duchy to be invested in 3 per cent. stock in the name of the duke, - - -	65
Dividends to be part of the revenue of the Duchy, On Redemption of Land Tax charged upon any lands of the Duchy, the same to be taken and recoverable as rent, - - -	65, 66
(See Commissioners for the Duchy of Cornwall.)	
Corporations may contract for the Redemption of their Land Tax, - - -	10, 12
May alien and charge lands for the purpose of redemption, - - -	25, 26
What confirmation necessary, - - -	27
Costs. (See Court of Chancery. Appeal.)	
Courts of Chancery, session, and exchequer may compel and authorize assignments of Land Tax by proprietors, although under legal disabilities, - - -	24
Of Chancery may, upon petition, in a summary way suspend any sale or charge, - - -	38
Of Chancery and Session to direct the application of surplus stock exceeding £200 stock, - - -	39, 40, 41
May authorize timber to be cut down, and direct the application of the income of the surplus (if any), - - -	49, 50
Of Chancery may authorize the enfranchisement of copyholds, - - -	50
May award the payment of costs - - -	24, 38
Of Sessions must authorize every sale and charge in Scotland, - - -	30, 33, 34
Of Exchequer in England and Scotland may enlarge the times for payment of the instalments, - - -	87
May relieve against forfeitures, - - -	102
Courts	

INDEX.

	PAGE
Courts of Chancery may authorize strangers to complete contracts become void, - - -	103
Crown Lands. Tenants for years of, cannot contract for the Land Tax of, nor sell or charge the same, - - -	14, 15, 28
Surveyor-General of, may contract for the Redemption of the Land Tax thereon, and for the sale of any part thereof for the purpose of redeeming, - - -	51, 52, 53
Commissioners to be appointed by the King for ascertaining the Land Tax on, - - -	52, 53
Money arising from the sale of, to be paid into the Bank to the account of the Commissioners of the Treasury, - - -	53
Land Tax thereon redeemed, to be taken and recoverable as rent due to the Crown, - - -	60
Contracts for the purchase of, void if certificate not sued forth and enrolled, and purchase money paid into the Bank in forty days, - - -	64
D.	
Discharges. (See Receipts.)	
Dividends of stock transferred not to be issued from the Exchequer, - - -	107
When stock is re-transferred to the party dividends again become payable, - - -	108
Duplicates of the amount of Land Tax redeemed or purchased to be made out by the Register, and and transmitted as directed, - - -	81
Of the certificate of every entry to be made by the Register, and transmitted to the Receiver General in England, and Collector in Scotland, - - -	84, 85
Of Assignments, - - -	102, 103
Duties. Part of, on malt, sugar, tobacco, and snuff made annual, - - -	108
(See Stamp Duties.)	
E.	
Enfranchisement. (See Copyhold.)	
Entails of lands sold for the purpose of this Act, and also of Land Tax, where the same is made real estate, barred by deed enrolled or registered, - - -	30, 48
Estimate upon oath to be made of the value of any lands proposed to be sold, - - -	38
Evidence.	

INDEX.

	PAGE
Evidence. Copy of the register of any contract or assignment, signed by the proper officer, to be evidence,	82
Exchequer not to issue dividends upon stock transferred,	107
Executor indemnified for paying instalments out of effects of testator,	86
If no effects may assign the contract,	86
Expences and salaries paid by the Lords of Treasury,	109, 110

F.

Fee Farm Rents. Land Tax on, purchased by owner of estate, may be deducted therefrom,	17, 18
Owner or proprietor of, may have the Land Tax thereon distinctly assessed, and redeem the same,	18
Feu Duty. (See Fee Farm Rents.)	
Forfeitures. (See Penalties.)	
Forgery of contracts, assignments, certificates, or receipts, felony,	113
Form. (See Schedules.)	
Fraction of instalments less than a penny to be taken from the prior and added to the last instalment,	12

G.

Grant of rent charge for the purpose of redeeming, No more money to be raised by, than the Commissioners shall approve,	27, 29
Grantees of rent charges to have the same remedies as landlords,	37
To pay their purchase money into the Bank,	31
Receipt of the Cashier a sufficient discharge,	37
Guardians, committees, &c. may contract for infants and incapacitated persons, and sell or charge their estates,	13, 28
May petition the Court of Chancery on behalf of incapacitated persons in remainder, to suspend any sale or charge,	38
Notice to be given to them of any sale or charge by persons in possession,	45
May advance the money required for the Redemption, to prevent such sale or charge,	46

H.

Heretable Security. In Scotland, not to be granted without application to the Court of Sessions,	34, 35
Hospitals may apply legacies for the Redemption of their Land Tax,	68
Infants.	

INDEX.

PAGE

I.

Infants. (See Guardians.)	
May assign Land Tax by the direction of the Courts of Chancery, Session, or Exchequer,	24, 25
Instalments of stock, when transferrable,	11, 12, 74, 75
Interest payable at the time of the transfer of every instalment,	96, 97
Not payable on stock transferred in advance,	12
Mortgagees lending money to have priority in respect of,	42
(See Arrears.)	
Issue general, may be pleaded,	114
Justices to approve of the application of parish rates for the Redemption of Land Tax.	51

L.

Lancaster. Tenants for years under the Duchy of, cannot contract, nor sell, or charge the lands of the Duchy,	14, 15, 28
Chancellor and Council of, may contract for the Redemption of the Land Tax, and sell any Lands of the Duchy for the purpose of redeeming,	52, 57, 58
Land Tax made perpetual,	4
Where payable by the tenant and redeemed by the landlord, recoverable as rent,	17
Amount of, to be settled by Commissioners of,	19, 77
Purchased with surplus stock, or with monies directed to be laid out in the purchase of real estate to be considered real estate,	40, 47, 48
In all other cases deemed personal estate,	103
Where option declared held as an annuity issuing out of the lands,	44
Of the crown. (See Crown Lands.)	
Of the Duchies of Cornwall and Lancaster. (See Cornwall and Lancaster),	
When, does not exceed 25s. any number of persons may appoint a Trustee to redeem,	68, 69
After the 25th of March 1799, may be sold to strangers,	72
So sold not to be redeemable till after the period limited,	78, 79
Shall be certified by Commissioners of, so long as any part remains payable in any parish,	79
Land	

INDEX.

	PAGE
Land Tax remaining payable, to continue subject to new assessment not exceeding 4s. in the pound,	80
Amount of, redeemed to be returned by the collectors,	80
Full amount of, to be paid to the purchaser,	82, 83
May be assigned,	83, 84
Where redeemed by sale of lands, to continue attendant upon the estate, and payable by the receiver,	87
In default of payment by receiver or collector, purchaser may recover from the occupier,	88, 89
Where any abatement of the Receiver General, to make good the deficiency,	91, 92
When redeemable by persons interested in the lands,	97
After redemption, payment on account of, to cease, and lands exonerated therefrom,	99, 100, 101
On failure of completing the contract Land Tax revived,	101
(See Abatement, Assessment, Consolidated Fund.)	
Lessee. (See Tenant.)	
Living. (See Queen Ann's Bounty.)	
Lunatics. (See Guardians, Infants.)	

M.

Memorial. (See Register.)	
Money raised by sale, mortgage, or grant, to be paid into the Bank,	36, 37
Mortgage to be by deed inrolled,	26, 29, 31
No more money to be raised by, than Commissioners shall approve,	37
Court of Chancery may suspend,	38
Mortgagees to pay their money into the Bank,	37
Cashiers receipts sufficient discharge to,	37
Entitled to priority in respect of interest only,	42
Mortmain. Corporations may contract for the Redemption of the Land Tax, notwithstanding statutes of,	13

N.

Notice of sale, mortgage, or grant, to be given to the Commissioners and persons in remainder,	45
Of application of parish rates. (See Parish.	51
Of default of the Receiver-General to be given by purchasers to occupiers,	88
Notice	

INDEX.

	PAGE
Notice to the collector,	93, 94
Of redemption after the period limited to be given by persons entitled to the Receiver-General,	98
By Receiver-General to purchaser,	99
Left at the house of the party, or if abroad, published in the Gazette, sufficient,	109
O.	
Oath to be taken by Commissioners of Sale and Appeal, Examination upon,	7, 9
Occupier liable to the payment of Land Tax purchased in case of default by Receiver-General and Collector,	88, 89
Offices. (See Personal Estate.)	
Option. Effect of, declared by the party,	22, 43, 44, 87
Must be inserted in the contract,	22
Unless inserted in assignment, lands exonerated,	25

P.

Parishes entitled to lands may redeem their Land Tax, out of parish rates,	50, 51
Parliament. Seat in, not vacated by acceptance of a commission under this Act,	111
Penalties. How to be relieved from,	112
How recoverable,	111
Perjury. Persons making false oaths liable to the penalties of,	9
Personal Estate. Land Tax on, not affected by this Act,	6
Land Tax on, to be separated from the remainder of the Land Tax,	6
Persons in Possession. (See Preference.)	
May sell or charge for the purpose of redeeming the Land Tax,	28, 29
Landlords to be deemed persons in possession,	16, 17
In remainder, may demand an assignment of Land Tax on coming into possession,	22, 23, 24
May petition the Court of Chancery against any sale or mortgage,	38
Entitled to notice of sale or charge,	45
May prevent sale or charge by advancing money for redemption,	45, 46
(See Arrears.)	
Poor's	

INDEX.

	PAGE
Poor's Rate. (See Parish.)	
Preference in the redemption of the Land Tax as be- tween persons interested, -	14, 15, 16, 18
After the period limited by the Act parties in- terested may redeem according to their prefe- rence, -	98
Priority of persons having preference to be settled by the Commissioners, -	16
Of former incumbrances not affected by this Act, except in respect of interest of money lent, -	42
Probate. Where Land Tax is transferred by will pro- bate to be produced to the proper officer, -	84
Purchasers of Land to pay their purchase-money into the Bank, and Cashier's receipt to be a sufficient discharge, -	37
From the Crown and the Duchy of Cornwall, -	56, 63
Purchasers of Land Tax. Their remedies in default of payment, -	88, 89, 90, 93, 94, 95
In case of any abatement, intitled to have the deficiency made good by the Receiver-Ge- neral, or a proportional part of the stock re-transferred, -	91, 92

Q.

Queen Anne's Bounty. Governors of, may redeem the Land Tax on small livings out of their funds, -	67
--	----

R.

Rack Rent. (See Tenant.)	
Receipts to be given by the Cashier for payments into the Bank, -	21, 37, 96
Of purchasers sufficient discharges to the Re- ceiver-General and Collector, -	85, 95
Of persons in possession, where Land Tax is attendant upon the estate sufficient discharges to the Receiver or Collector, -	87, 88
Not liable to stamp-duty, -	109
Forgery of, felony, -	113
Receiver General to pay Land Tax to purchasers out of any monies in his hands, -	82, 83
Wilfully refusing to pay Land Tax to forfeit 100l. -	90, 91
Receiver-	

INDEX.

	PAGE
Receiver-General indemnified for paying the Land Tax to any person appearing from the register to be entitled thereto, -	91
In case of abatement, to make good the defici- ency, -	91, 92
To take the receipt of the purchaser from the Collector as cash, and return the same as such into the Exchequer, -	95
To give notice of redemption to the original purchaser, -	99
Redemption. (See Preference.)	
By persons entitled from purchasers after the pe- riod limited by the Act, 72, 73, 97, 98, 99, 100, 101	
Register. To keep proper books for the registry of contracts, &c. and register the same, -	21, 81
To transmit duplicates of the amount of Land Tax redeemed or purchased as directed, -	81, 85
To enter memorials of all assignments, and to make entries of every transfer of Land Tax by marriage, will, or otherwise, -	83, 84
Remainder. (See Persons.)	
Rent Charge. (See Grant-Arrears.)	

S.

Salaries. (See Expences.)	
Sales of Land to be by public auction, -	32
Exempt from duty, -	109
In Scotland to be under the authority of the Court of Sessions, -	33
Sales of Land Tax after the 25th of March 1799, to be as the Commissioners of the Treasury shall direct, not to be put up at less than one-fifth of annuity beyond the Land Tax, -	74
Schedule to be produced to the Commissioners of Land Tax, -	19, 76
To be produced to the Commissioners for sale, -	36
Scotland. Proceedings in cases of sale or charge in, -	26, 30, 32, 33, 34, 35, 40, 41
Session. (See Courts.)	
Sign Manual. (See Commissioners.)	
Stamp Duty. Deed constituting trustee, nor assign- ment made by him liable to, -	70, 71
No contracts, receipts, certificates, or as- signments under this Act liable to, -	109
Stock	

INDEX.

PAGE

Stock. (See Consideration.)
 Surplus stock, how to be applied, - - 39, 40, 41, 42
 Money, how to be applied, - - 41, 49
 Surveyor-General. (See Crown Lands, Cornwall.)

T.

Tenants at rack rents not entitled to preference, - 14, 15
 In tail. (See Entail.)
 For lives or years where fine was paid, cannot
 sell without the consent of reversioner, - 32
 Timber. (See Courts.)
 Trust Property may be invested in the purchase and re-
 demption of Land Tax, - - 46, 47, 48
 Trustees for charities, &c. - - 12, 25
 for private persons, - - 13, 28, 38, 86
 For the purchase of Land Tax under 25s. 69, 70, 71
 Tithes. Proprietors of, may have the Land Tax thereon
 distinctly assessed, and redeem the same.

W.

Warrant. (See Commissioners.)