

ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

CAP. XXIII.

An Act to amend the Law respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands, in *England*. [19th *April* 1821.]

WHEREAS great Inconveniences have arisen to Landlords and other Persons, Owners of Allotments allotted and set out to them by the Commissioner or Commissioners under or by virtue of several Acts, already passed, for dividing, allotting, and inclosing of open and uninclosed Fields, Pastures, Moors, Commons, and Waste Lands, in *England*, by reason that such Landlords and other Persons, Owners of Allotments as aforesaid, cannot, before the Execution and Perfecting of the Award or Awards by such Acts directed to be made by such Commissioner or Commissioners, distrain for the Rent in Arrear or unpaid for or in respect of such Allotment or Allotments; or support an Action of Trespass for any Damage or Injury done to such Allotment or Allotments, or an Action of Ejectment to recover the Possession of such Allotment or Allotments, in consequence of the Freehold or Legal Seisin thereof respectively not being vested in such Landlords and other Persons, Owners of such Allotment or Allotments, by the Award or Awards of such Commissioner or Commissioners as aforesaid: For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of

Landlords, or Persons acting under their Orders, may enter upon Land allotted, and seize and distrain for Rent, notwithstanding the Commissioners' Award shall not be executed.

the same, That from and after the passing of this Act, it shall and may be lawful to and for all and every Person and Persons, to whom any Allotment or Allotments of Land has or have been set out or allotted, or which shall or may hereafter be set out or allotted, and to whom the Possession of such Allotment or Allotments hath been already given, by virtue of any Order or Direction, Orders or Directions, or to whom the Possession thereof shall hereafter be given, by virtue of any Order or Direction, Orders or Directions in Writing, in the Form and specified in the Schedule hereto annexed, and signed by the Commissioner or Commissioners acting under or by virtue of any Act or Acts of Parliament now or hereafter to be passed for dividing, allotting, and inclosing any Open Fields, Pastures, Commons, Moors, and Waste Lands in *England*, and who shall have demised the same, or any Part thereof, to any Tenant or Servant, or for their, his, or her Bailiff or Agent, Bailiffs or Agents, or any Person or Persons by them, him, or her authorized and employed for that Purpose, to enter into and upon any such Allotment or Allotments, and to seize and distrain any Goods, Chattels, or Effects which may be in or upon such Allotment or Allotments, or in or upon any other Lands, Tenements, or Hereditaments, held, occupied, or enjoyed by the Tenant or Occupier of such Allotment or Allotments along and together with any such Allotment or Allotments, for any Rent that may be in Arrear and unpaid for all or any Part of such Allotment or Allotments, and either alone or together with any such Allotment or Allotments, and any other Lands, Tenements, and Hereditaments, held, occupied, or enjoyed therewith, notwithstanding the Award or Awards of the Commissioner or Commissioners appointed in or named by or by virtue of any such Act or Acts so made and passed, or to be hereafter made and passed, shall not be executed and perfected by such Commissioner or Commissioners, by virtue or in pursuance of any such Act or Acts of Parliament.

Actions at Law may also be brought.

II. And be it further enacted, That it shall and may be lawful to and for all and every Person or Persons, to whom any such Allotment or Allotments is or are already set out or allotted, or which shall or may be hereafter set out or allotted, and to whom such Possession as aforesaid hath been already given, by virtue of any Order or Direction, Orders or Directions, or the Possession whereof shall hereafter be given to such Person or Persons by virtue of any Order or Direction, Orders or Directions in Writing, in the Form specified in the said Schedule as aforesaid, and signed by such Commissioner or Commissioners as aforesaid, and to his, her, or their Tenants, Stewards, Bailiffs, Agents, or Servants, to commence, prosecute, and maintain any Action or Suit at Law, for any Injury or Damage that may be done or committed by any Person or Persons whomsoever, to the Ground, Soil, or Herbage of any of such Allotment or Allotments, or to the Walls, Hedges, Fences, Ditches, Gates, Posts, Rails, Stills, Cloughs, Bridges or Tunnels, already erected or to be erected in or upon any such Allotment or Allotments, and to bring, maintain, and prosecute any Action or Actions of Ejectment, for recovering the Possession of any such Allotment or Allotments, or any Part or Parts thereof, from any Person or Persons whomsoever, notwithstanding the Award or Awards of the Commissioner or Commissioners appointed in or named by or by virtue of

any such Act or Acts now made and passed, or to be hereafter made and passed, shall not be executed and perfected by such Commissioner or Commissioners, by virtue or in pursuance of any such Act or Acts of Parliament; any thing in any Act or Acts, or any Construction of or Implication from any Act or Acts, or any Law, Usage, or Custom to the contrary in anywise notwithstanding.

Act not to affect Right of Persons to appeal against Award of Commissioners.

III. Provided always, That nothing in this Act contained shall prevent or be construed to prevent or take away the Right of any Person or Persons, Bodies Politic or Corporate, and his, her, and their Heirs, Successors, and Assigns, to appeal against the Award or Awards, Order or Directions of any such Commissioner or Commissioners, when made and executed, or the Right of Possession to any such Allotment or Allotments, which may be affected by the Judgment of the Court or such Appeal; or to prevent or obstruct, or in anywise lessen or prejudice, any Alteration or Alterations to be made, ordered, or directed by any such Commissioner or Commissioners as aforesaid, for or in respect of any such Allotment or Allotments, in and by his or their Award or Awards, to be made and executed by virtue or in pursuance of any such Act or Acts of Parliament as aforesaid.

Where Leases granted under 41 G. 3. c. 109. become void before the Expiration of their Term, Incumbents may grant new Leases.

IV. Provided always, and be it further enacted, That whenever any Lease or Leases to be granted by any Rector, Vicar, or other Incumbent, under the Powers or Provisions of an Act passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, shall by any Means become forfeited or void, or be surrendered before the Expiration, by Effluxion of Time, of the Term or Terms thereby granted, then and in such Case, and as often as the same shall so happen, it shall and may be lawful for the Rector, Vicar, or other Incumbent for the Time being of the same Rectory, Vicarage, or Parish, by and with the previous Consent of the Ordinary and Patron, to grant a new Lease of the Lands so demised, for such Term or Terms of Years as shall, at the Time or Times of such Avoidance, be then to come and unexpired of the original Term or Terms granted by such original Lease or Leases, subject nevertheless to the Provisions and Conditions contained in such original Lease or Leases, and then remaining unperformed and capable of having Effect.

Powers of this Act only binding in Cases where not otherwise provided.

V. Provided always, and be it enacted, That the Powers, Authorities, and Provisions in this Act contained shall be only so far effective and binding, in each particular Case, as they or any of them shall not be otherwise provided and enacted in any Act hereafter to be passed, for dividing, allotting, and inclosing any Open Fields, Pastures, Commons, Moors, or Waste Lands in *England*.

SCHEDULE

SCHEDULE to which the Act refers.

I *A. B.* [*or*, in case of Two or more Commissioners, We, *A. B. C. D. &c.*] the Commissioner [*or* Commissioners] named and appointed in and by an Act of Parliament lately made and passed, intituled *An Act* [*here insert the Title of the Act by which the Commissioner or Commissioners is or are appointed*] do hereby order and direct, permit and authorize *T. F.* or his [her *or* their] Bailiff or Agent, to take Possession of all that Allotment [*here describe the Allotment or Allotments by Metes and Bounds*] by me [*or* us] set out or allotted, and staked or marked out to and for him [*or* her or their, *as the Case may be*], under and by virtue of the said Act, and to cultivate and manage, or to let and demise the same Allotment [*or* Allotments] to any Tenant or Tenants, as he [*or* as she or they, *as the Case may be*] shall think proper; but nevertheless subject and without prejudice to any such Order or Orders, Direction or Directions, as I [*or* we] may think proper and expedient to make, in and by the Award or Awards to be hereafter executed by me [*or* us], so far as respects such Allotment [*or* Allotments] so set out and allotted, and staked or marked out to and for the said *T. F.* As witness my Hand [*or* our Hands], this Day of

Witness, (Signed) *A. B.*

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