ANNO TERTIO & QUARTO

# GULIELMI IV. REGIS.

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## CAP. LXXXVII.

**An Act for remedying a Defect in Titles to Messuages, Lands, Tenements, and Hereditaments allotted, sold, divided, or exchanged under Acts of Inclosure, in consequence of the Award not having been inrolled, or not having been inrolled within the Time limited by the several Acts; and for authorizing the Appointment of new Commissioners in certain Cases where the same shall have been omitted. [28th *August* 1833.]**

WHEREAS by divers Acts of Inclosure the Awards or Instruments in Writing, thereby directed to be formed and drawn up or made by the Commissioner or Commissioners appointed by or by virtue of such Acts for executing the Powers and Authorities thereof respectively, are directed or required to be inrolled by or with the Clerk of the Peace of the County, Riding, Division, Soke, or Place in which the Lands to which such Acts respectively relate are situated, or in one of His Majesty's Courts of Record at *Westminster*, or in some other Court, and, in certain of the said Acts, within certain Times mentioned in such Acts next after the Execution of such Awards or Instruments in Writing respectively; and in certain of the said Acts new Commissioners are directed to be appointed within certain Times thereby respectively

 limited:

limited: And whereas in a great Number of Instances such Awards or Instruments in Writing have not been inrolled, or have not been inrolled within the Time directed or required by the several Acts; and by reason of such Omission the Title to the Messuages, Lands, Tenements, and Hereditaments allotted, sold, divided, or exchanged under such Acts respectively may be considered defective; and in many Instances new Commissioners have not been appointed within the Time directed by the several Acts: And whereas it is expedient that Provision should be made for remedying such Defects: May it therefore please Your Majesty that it may be enacted; and 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 the same, That every Award already made and executed under or in pursuance of any Act of Inclosure, and which has not been inrolled, or which has not been inrolled within the Time limited by the Act under or in pursuance of which such Award shall have been made, shall from the Time of the Execution of such Award be as good and valid and of the same Effect in all respects as if such Award had been inrolled in the Manner, and within the Time, if any, appointed and limited for that Purpose in the Act under or in pursuance of which the same has been made.

All Awards already made but not inrolled shall, from the Execution thereof be as valid as if inrolled within the Time limited by the Act.

II. And be it further enacted, That where any Award already made and executed under or in pursuance of any Act of Inclosure has not been inrolled, it shall be lawful for any Person or Persons having or deriving Title to any Messuages, Lands, Tenements, and Hereditaments under such Award, at his, her, or their Expence, to require and cause such Award, with any Maps or Plans annexed or relating thereto, to be inrolled in any one of His Majesty's Courts of Record at *Westminster*, or by the Clerk of the Peace of the County, Riding, Division, Soke, or Place in which the Lands to which such Award shall relate are situated, to the end that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof no more than One Shilling shall be paid; and a Copy of such Award when so inrolled, or of any Part thereof, signed by the proper Officer of the Court wherein the same shall be inrolled, or by the Clerk of the Peace for such County, Riding, Division, Soke, or Place, or his Deputy, purporting the same to be a true Copy, shall from Time to Time be made and delivered by such Officer or Clerk of the Peace for the Time being, or his Deputy, to any Person or Persons requesting the same, for which no more shall be paid than Three-pence for every Sheet of Seventy-two Words; and every Award already made, whether inrolled or not, and every Copy of such Award when inrolled as aforesaid, or of any Part thereof, signed as aforesaid, shall at all Times be admitted and allowed in all Courts whatsoever as legal Evidence.

Proprietors of Lands may cause Awards to be inrolled.

Copy of any Award so inrolled and signed by the proper Officer to be delivered to any Person requiring the same.

III. And be it further enacted, That if any Commissioner shall be dead or incapable of acknowledging his Award before such Award shall be inrolled, the same Award may be inrolled without the Acknowledgment of such Commissioner, on due Proof being

As to Practice requiring Acknowledgment of Deeds.

given that such Award is the Deed or Instrument of such Commissioner.

As to the Possession of Awards when deposited.

IV. And be it further enacted, That where any Award already made and executed under or in pursuance of any Act of Inclosure shall be deposited in any Parish Church, it shall be considered as in the Custody of the Officiating Minister and Churchwardens for the Time being of such Parish Church; and where any such Award shall be in the Possession of the Lord of any Manor to or for whom, or to or for any preceding Lord of which Manor, any Allotment shall have been made under such Award, or in the Possession of the Steward of such Manor, it shall be considered as in the Custody of the Lord of such Manor for the Time being; and the Steward shall, when required, deliver up the same accordingly; and the said Minister and Churchwardens, or Lord, as the Case may be, shall from Time to Time, upon the Request of any Person or Persons interested in any Allotment or Allotments, or otherwise, under such Award, cause the same to be produced for the Inspection of such Person or Persons on being paid by him, her, or them a just and reasonable Compensation for such Production, and shall also cause the same to be produced for the Purpose of being inrolled, or in any Court of Law or Equity, or on any other Occasion, for the Purpose of being given in Evidence, on being paid all just Expences.

Proprietors may require Awards to be deposited in the Church or with the Lord of the Manor.

V. And be it further enacted, That where any such Award as aforesaid shall not be deposited in the Parish Church of the Parish in which the Lands to which such Award shall relate are situated, and shall not be in the Possession of the Lord or Steward of any Manor to or for the present or any preceding Lord of which Manor an Allotment shall have been made under such Award, but shall be in the Possession of any other Person, it shall be lawful for any Person or Persons interested in any Allotment or Allotments, or otherwise, under such Award, to require the same to be deposited in the Parish Church of the Parish in which the Lands to which such Award shall relate are situated, and the Person in whose Possession the same shall be shall, on such Request, deliver up the same to the Minister and Churchwardens for the Time being of such Parish Church, for the Purpose of being so deposited.

Providing for Appointment of Commissioners in Cases where they have been neglected or omitted to be made.

VI. And be it further enacted, That in all Cases where in or by virtue of any Act or Acts of Inclosure heretofore passed Provision hath been made for the Election, Nomination, or Appointment, within a Time therein limited or directed, of a new Commissioner or Commissioners in the Event of the Death, Refusal, or Neglect to act of the Commissioner or Commissioners appointed by or by virtue of such Act or Acts, or of his or their becoming, by reason of Absence beyond the Seas, or otherwise, incapable of acting in the Execution of the Powers, Authorities, and Trusts in such Commissioner or Commissioners vested and reposed, before the same and every of them shall have been fully executed and performed, and where any such Election, Nomination, or Appointment as aforesaid, or any of them, shall have been neglected or omitted to have been made, pursuant to such Act or Acts, within the Time or Times thereby limited

limited or directed, then and in every such Case it shall and may be lawful to and for the Person or Persons by any such Act or Acts of Inclosure authorized or empowered for that Purpose, and on such Notice or Notices and at such Meeting or Meetings (if any) as required or directed by any such Act or Acts of Inclosure, to proceed at any Time after the passing of this Act to the Election, Nomination, and Appointment of, and to elect, nominate, and appoint in such Manner as by such Act or Acts of Inclosure is or are directed, One or more fit and proper Person or Persons (as the Case may require), not interested in the Division, Allotment, or Inclosure by such Act or Acts of Inclosure directed or authorized to be made, and not otherwise disqualified by such Act or Acts respectively, as a Commissioner or Commissioners in the Room, Place, or Stead of the Commissioner or Commissioners so dying, refusing, or neglecting, or becoming incapable of acting as aforesaid, and to do all other Acts, Matters, and Things which shall be requisite or necessary for effecting the Purposes aforesaid, notwithstanding the Time so limited or appointed as aforesaid for doing or performing the same shall then have elapsed, and so from Time to Time as often as any Commissioner so to be elected, nominated, or appointed as aforesaid shall die, refuse, neglect, or become incapable of acting as aforesaid; and the several Writings appointing such new Commissioner or Commissioners, and all other Documents (if any) relative thereto, shall be deposited or disposed of as by such Act or Acts of Inclosure is or are directed; and every Commissioner to be elected, nominated, or appointed by virtue of this Act to execute the Powers, Authorities, and Trusts of any Act or Acts of Inclosure as aforesaid, having first taken the Oath or Oaths, and complied with the other Terms or Conditions (if any) prescribed in and by such Act or Acts of Inclosure, shall have the same Powers and Authorities, and no others, for putting or carrying into execution such Act or Acts, as if he had been duly elected, nominated, and appointed for those Purposes, within the Time limited or directed by such Act or Acts of Inclosure.

Act not to give greater Validity to Awards than as respects the Defects.

VII. Provided always, and be it further enacted, That nothing herein contained shall extend to affect any public Right, or otherwise to give any greater Force or Validity to any Award already made and executed under or in pursuance of any Act of Inclosure, than such Award would have had if this Act had not been made, except so far as respects the several Defects herein-before respectively specified and provided for.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1833.