CAP. LXXIX.

An Act to amend and further extend the Acts for the Inclosure, Exchange, and Improvement of Land. [30th *June* 1852.]

8 & 9 Vict. c. 118. 9 & 10 Vict. c. 70. 10 & 11 Vict. c. 111. 11 & 12 Vict. c. 99. 12 & 13 Vict. c. 83. 14 & 15 Vict. c. 53.

'WHEREAS Acts were passed in the Sessions of Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred and eighteen, in the Ninth and Tenth Years of Her Majesty, Chapter Seventy, in the Tenth and Eleventh Years of Her Majesty, Chapter One hundred and eleven, in the Eleventh and Twelfth Years of Her Majesty, Chapter Ninety-nine, in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-three, and in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-three: And whereas it is expedient that the Provisions of the said Acts should be amended and further extended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Lands to be inclosed without the previous Authority of Parliament.

I. Notwithstanding the Provisions in the said firstly-recited Act, it shall not be lawful for the Inclosure Commissioners after the passing of this Act to give Notice of their Intention to proceed with the Inclosure of any Lands without the previous Direction of Parliament, and no Land shall be inclosed under the said recited Acts and this Act without the previous Authority of Parliament in each particular Case, as in the said firstly-recited Act provided with reference to Waste Land of any Manor on which the Tenants of such Manor have Rights of Common, and other Lands therein particularly mentioned.

Outfall Drains.

II. For the Purpose of obtaining or improving the Outfall of any Drain or Watercourse in Land to be inclosed, the Valuer acting in the Matter of such Inclosure shall be deemed to be the Person interested under the Provisions of the Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty, Chapter Thirty-eight, in the Land to be inclosed; and it shall be lawful for such Valuer to direct by his Award by whom and in what Manner such Outfall shall be maintained and repaired; and it shall be lawful for such Valuer to set out and make and also to provide for the proper Repair, Cleansing, and Maintenance of Drains, Watercourses, Embankments, Tunnels, Bridges, and any other necessary Works in or over any Land other than the Land the Subject Matter of such Inclosure, notwithstanding such Land may not be in the Parish or respective Parishes in which the Land to be inclosed may be situate: Provided always, that the same Consent shall be required as if the said Land had been in the Parish or respective Parishes in which the Land to be inclosed is situate; provided also, that when such Inclosure is completed the Valuer shall cease to be deemed the Person interested as aforesaid.

Drains, &c. may be made in Lands out of the Parish in which the Lands to be inclosed are situate.

Remedy in case of Nonpayment of Expenses.

III. The Service of the Notice by the said first-recited Act required to be given by the Valuer, that the Proportion of Expenses payable by any Person is in arrear, and requiring Payment thereof, may be effected in such Manner as is therein directed, or by leaving the same with the Agent of the Person liable to pay such Proportion of Expenses, or at the usual Place of Abode of such Agent; and if the Proportion of Expenses so in arrear, together with lawful Interest and Two Shillings and Sixpence for the Costs of the Preparation and Service of such Notice as aforesaid, shall not be paid on the Expiration of Thirty Days after Service of such Notice, it shall be lawful for the Valuer to recover the same in such Manner as the Proportion of Expenses and Interest are by the said firstly-recited Act authorized to be raised, or, with the Approbation of the Commissioners, to sell the whole or such Part of the Allotment made to such Person so in arrear as shall be sufficient to defray such Expenses, Interest, and Costs, and the Expenses of making and completing such Sale.

Sale of Land directed to be inclosed.

IV. After the Determination of the Claims in the Matter of any Inclosure, and before the Valuer shall have divided and allotted the Lands to be inclosed, it shall be lawful for the Commissioners, upon the Application in Writing of Persons, the aggregate Amount of whose Interests in the Land proposed to be inclosed shall not be less in Value than Two Thirds of the whole Interest in such Land, and who shall not be less in Number than Two Thirds

Thirds of the Persons whose Claims have been allowed by the Valuer, and also upon the Application in Writing of the other Persons (if any) whose Consents may be necessary under the Provisions of the herein-before firstly-recited Act, in case the said Commissioners shall be of opinion that the Sale of such Lands in whole or in part, but so nevertheless that the Land so proposed to be sold shall not exceed Fifty Acres, would be expedient, by an Order under their Seal, to authorize the Sale thereof in whole or in part, and thereupon all the Provisions of the said firstly-recited Act as to the Sale of Land for the Expenses of an Inclosure, the Conveyance thereof, and the Receipt of the Purchase Money shall be applicable to the Sale of such Land: Provided also, that before any such Sale shall be made, it shall be approved of by the Persons whose Claims have been allowed by the Valuer, at a Meeting convened by the Commissioners for the Purpose of considering the same, and the Majority present at such Meeting shall bind the Minority and all absent Parties.

Meeting to consent to Sale.

V. After the making of such Order as aforesaid, and of a Sale in pursuance of such Order, the Commissioners shall call a Meeting, in such Manner and with such Notice as to them shall seem fit, of all Persons whose Claims have been allowed by the Valuer, and at such Meeting the Majority in respect of Interest present at such Meeting shall determine, by Resolutions to be passed at such Meeting, how any Surplus of such Purchase Monies as may remain unappropriated after the Payment of all such Expenses as the Commissioners may certify as proper Expenses in the Matter of such Inclosure and in the Proceedings attendant thereon or incident thereto or to the Sale of such Lands shall be appropriated; and it shall be lawful for such Meeting, by Resolutions to be passed in the Manner aforesaid, to appropriate such Surplus of such Purchase Monies to the Endowment of Schools, the Construction or Maintenance of Bridges, Highways, Schoolhouses, Drains, Watercourses, or any other Works or Objects whatever of public Utility, and to provide in what Manner such Monies shall be expended, invested, or managed for the Purposes to which such Monies are so appropriated by such Resolutions.

Meeting of Persons interested to determine Appropriation of Surplus.

VI. Provided that no Resolutions passed at any such Meeting shall be of any Force or Effect until or unless the same shall be confirmed and allowed by the said Commissioners under their Seal.

Resolutions a such Meeting to be confirmed by Commissioners.

VII. If the said Commissioners shall vary or disallow any Resolutions so passed as aforesaid, they shall, as soon as conveniently may be, call a Second Meeting of Persons whose Claims have been allowed by the Valuer, which Second Meeting shall be attended by an Assistant Commissioner, who shall preside thereat; and at such Second Meeting the Resolutions passed at the First Meeting may, by a like Majority of the Persons present interested in respect of Value, be varied, altered, or rescinded, and other Resolutions may be passed for appropriating such Surplus Monies for the Purposes herein-before mentioned; provided that such Resolutions shall in like Manner be of no Force or Effect unless confirmed and allowed by the said Commissioners under their Seal.

Second Meeting may be held.

VIII. In case the said Commissioners shall disallow the Resolutions passed at such Second Meeting, or if at any Meeting so to be called as aforesaid no Resolutions to the Effect aforesaid shall be passed, then such Surplus of such Purchase Monies shall be expended from Time to Time in lieu or in aid of the Rate for the Maintenance or Repair of the Highways of the Parish or Parishes within which such Land liable to be inclosed is situate, and in case the said Lands shall be situate in more than One Parish then the Division of such Surplus Monies between the said Parishes shall be proportioned to the Quantity of the Land liable to be inclosed which is situate within each Parish.

Appropriation of Surplus if Resolutions disallowed.

IX. After the Confirmation of such Resolutions as aforesaid the said Commissioners or an Assistant Commissioner shall frame an Award, in such Manner and with all such Formalities as are required by the said first-recited Act for a final Inclosure Award, and thereby, after reciting the Sums allowed by the said Commissioners, and paid for Expenses incurred in the Matter of the Inclosure, and in the Proceedings attendant thereon or incident thereto, or to the Sale of such Lands, or to the Improvement thereof for Purposes of Sale or otherwise, shall award and direct the Appropriation of the Surplus Monies, if any, in such Manner as to carry out the true Intent and Meaning of any Resolutions passed and confirmed as herein-before

Award to be made.

before mentioned, or in default of any such confirmed Resolutions, then of the Appropriation of such Surplus in the Manner herein-before provided by this Act.

Award not to be impeached.

X. After the Confirmation of any Instrument purporting to be an Award made and confirmed under the Provisions of this Act, such Instrument shall be unimpeachable, and shall be in all respects valid and operative as an Award for all the Purposes aforesaid.

Sales how to be made.

XI. The whole of the said Expenses, Interest, and Costs, or so much and such Parts thereof as shall be unpaid, or shall not have been recovered under the Provisions of the said firstly-recited Act, in case the Valuer shall have proceeded for the Recovery thereof as therein authorized, may be raised by such Sales, which shall be made by the Valuer, with the Approbation of the said Commissioners, in the same Manner and subject to the same Regulations as are in the said firstly-recited Act prescribed in respect of the Sale of Part of the Land subject to be inclosed towards defraying the Expenses of the Inclosure; and every Part of an Allotment for which the full Purchase Money shall be paid shall be conveyed by the Commissioners, at the Expense of the Purchaser, as he shall appoint, and shall be inclosed, and held by such Purchaser in Severalty, and any such Conveyance may be to the Effect set forth in the Schedule to the said Act, and shall be Evidence of the Regularity of the Sale in pursuance of which such Conveyance shall be made: Provided always, that nothing herein contained shall enable the Commissioners to convey any Allotments set out as Copyhold or Customary as Freehold, but such Copyhold or Customary Allotments shall be held by the Purchaser thereof by, under, and subject to the same Rents, Suits, and Services as such Allotments would have been held in case no such Sale had been made.

Application of Purchase Money.

XII. The Receipt of the Commissioners shall be a sufficient Discharge to the Purchaser for the said Purchase Money; and such Purchase Money shall be applied by the Commissioners in or towards defraying the Costs, Interest, and Expenses for raising which such Sale shall have been made, and the Surplus (if any) shall be paid to or for the Benefit of the Parties whose Allotments, or any Part thereof, shall have been sold; and the Shares of such of them as shall be Tenants in Fee Simple, free from Incumbrances, shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in such and the same Manner as the Surplus of any Monies arising from the Sale of Part of an Allotment for raising Money for Expenses is by the said firstly-recited Act directed to be applied and disposed of.

Obtaining Possession of Encroachments.

XIII. When any Person by whom any Encroachment or Inclosure, of whatever Value, which under the said firstly-recited Act shall be deemed to be Parcel of the Land subject to be inclosed, shall be actually occupied, shall neglect or refuse to quit and deliver up Possession of the same, or any Part thereof, to the Valuer acting in the Matter of the Inclosure, within One Calendar Month next after the Determination of Claims under the said firstly-recited Act, the Possession thereof may be recovered by such Valuer, under the Provisions of the Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her Majesty, Chapter Seventy-four, in such and the same Manner as if such Occupier of an Encroachment or Inclosure were the Tenant of a House, Land, or Corporeal Hereditament the Possession of which is recoverable under such last-mentioned Act, whose Term or Interest had ended, and the Valuer were the Landlord of the said Premises: Provided always, that the Form of Notice of Valuer's Intention to apply to Justices to recover Possession, "Complaint before Two Justices," and "Warrant to Peace Officer to take and give Possession," set forth in the Schedule to this Act, shall be substituted for the Forms set forth in the Schedule to the said last-mentioned Act; and all Costs and Expenses incurred by the Valuer in the Recovery of the Possession of Encroachments or Inclosures, or incident thereto or arising therefrom, shall be deemed Expenses in the Matter of such Inclosure.

Expenses.

Village Greens and Allotments for Exercise and Recreation shall not be fenced in certain Cases.

XIV. Notwithstanding the Provisions in the said firstly-recited Act with reference to the fencing of Allotments for Exercise and Recreation, and of Town Greens and Village Greens allotted for such Purposes, it shall be lawful for the Commissioners, by an Order under their Seal, in such Cases as they shall see fit, to direct that such Allotments, Town Greens,

Greens, and Village Greens respectively shall be distinguished by Metes and Bounds, but not fenced.

Report to be sent to Commissioners in One Month from staking out Allotments. Possession not to be given but by Order of Commissioners.

XV. The Valuer in the Matter of any Inclosure shall, within One Calendar Month next after the Division of the Land to be inclosed and staking out of the Allotments, send to the Office of the Commissioners his Report, with such a Map thereunto annexed as is required by the said firstly-recited Act, unless such Time be extended by the Commissioners by an Order under their Seal; and it shall not be lawful for the Valuer to direct the Allotments to be entered upon by the Persons for whom the same shall be intended until he shall be authorized so to do by an Order under the Seal of the Commissioners.

As to the Allotment of Fruit Trees.

XVI. Fruit Trees standing and growing upon any Land to be inclosed shall not be dealt with as Timber Trees and other Trees are by the said firstly-recited Act directed to be dealt with, but shall be allotted and go along with the Land whereon they respectively stand, and shall be deemed the Property of the several Persons to whom the same Land shall be respectively allotted; and in estimating the Value of such Allotments the Valuer shall make such Allowance for the increased Value of the Land by reason of the Fruit Trees standing and growing thereon as he shall deem just and reasonable.

Deposit of Orders of Exchange and Partition in certain Cases.

XVII. In any Case of Division of intermixed Land, Exchange, or Partition in which it shall appear to the Commissioners from the Number of Persons interested in the Subject Matter of the Division, Exchange, or Partition, or the Nature of their Interests, that the Direction in the said recited Acts that a Copy of the Order under the Seal of the Commissioners shall be delivered to each of the Parties upon whose Application such Order shall be made are inapplicable, it shall be lawful for them, instead of delivering a Copy of such Order to each of such Parties, to direct by an Order under their Seal that Copies shall be deposited in such and the same Manner as Copies of an Award in the Matter of an Inclosure under the said Acts are directed to be deposited, and thereupon all the Provisions in the said firstly-recited Act relating to the Deposit, Custody, and Inspection of Copies of such Awards, and for the furnishing of Copies of and Extracts therefrom, shall be applicable to Copies of such Orders of Division, Exchange, and Partition respectively: Provided always, that the Commissioners shall, upon the Request and at the Cost of any Person upon whose Application such Order was made, furnish him with a Copy of the Order sealed with their Seal.

Commencement of Rentcharge out of Labouring Poor Allotments.

XVIII. Notwithstanding the Provisions of the firstly-recited Act, it shall be lawful for the Valuer, with the Approbation of the Commissioners, by his Award in the Matter of any Inclosure, to direct that the first half-yearly Payment of a Rentcharge payable out of an Allotment for the Labouring Poor shall be made on any First Day of *July* or First Day of *January*, not being less than Six Months nor more than Three Years from the Confirmation of such Award; and in default of such Direction the first half-yearly Payment of such Rentcharge shall be made as directed by the said firstly-recited Act.

Rentcharge may be sold towards Expenses

XIX. It shall be lawful for the Valuer, in pursuance of Instructions duly given in that Behalf, to sell any Rentcharge payable out of Allotments for the Labouring Poor for the Purpose of raising all or any Part of the Expenses of the Inclosure; and such Rentcharge shall be sold and conveyed in such and the same Manner as if the same were Land sold under the said firstly-recited Act for Payment of the Expenses incident to an Inclosure.

8 & 9 Vict. c. 118. s. 54. need not be specially referred to in Claims.

XX. Upon the hearing of any Claim to a Right of Common or other Right in the Matter of an Inclosure, the Claimant shall have the full Benefit of the Provisions of the Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-one, and of the Fifty-fourth Section of the firstly-recited Act, without any special Reference being made thereto in such Claim.

Allotments set out under Local Acts may be exchanged.

XXI. Where any Allotment has been made in trust or otherwise under any Inclosure Award for any public or parochial Purpose, or for the Benefit of the Inhabitants or others within any Parish or Manor, and it shall appear to the said Commissioners to be no longer necessary, convenient, or suitable for the Purposes for which the same shall have been made, it shall be lawful for the Commissioners, upon the Application in Writing of the Churchwardens and Overseers of the Poor of the Parish in which such Allotment is situated, or the Trustees

Trustees for the Time being of such Allotment, and of the Person interested in any Land or other Subject Matter of Exchange under the said recited Acts or either of them which he may be willing to give in Exchange for such Allotment, in case they shall be of opinion that such Exchange would be mutually beneficial, to cause to be framed, and to confirm, an Order of Exchange of such Allotment for such other Land or other Subject Matter of an Exchange as aforesaid, and all the Provisions of the said recited Acts applicable to Exchanges shall extend and be applicable to any such Applications for Exchange: Provided always, that it shall be lawful thereby to declare any new Trusts, if the same shall have been approved of by a Majority of the Persons for whose Benefit such Allotment as aforesaid was set out present at a Meeting convened by the Commissioners for the Purpose of considering the same.

Application of Compensation for Common Rights paid under the Lands Clauses Consolidation Act, 1845.

XXII. Where any Money shall have been or may hereafter be paid to a Committee under "The Lands Clauses Consolidation Act, 1845," or under any Railway or other special Act by which Money may have been directed or authorized to be paid to a Committee, as Compensation for the Extinction of Commonable or other Rights, or for Lands being Common Lands or in the Nature thereof, the Right to the Soil of which may have belonged to the Commoners, and such Committee shall be of opinion that the Provisions of such Act for the Apportionment thereof cannot be satisfactorily carried into effect, such Committee may make Application in Writing to the Commissioners to call a Meeting of the Persons interested in such Compensation Money for the Appointment of Trustees of such Compensation Money and for the Investment thereof, and for the Application of the Interest and annual Produce thereof to such Purposes for the Benefit of the Persons interested therein as the Commissioners shall approve; and if the said Commissioners shall think fit to proceed with such Application they shall call a Meeting accordingly, and the Decision of the Majority in Number and the Majority in respect of Interest of the Persons present at such Meeting shall bind the Minority and all absent Parties: Provided always, that if no Instructions shall be resolved upon, or in case the Commissioners shall deem such Instructions unjust or unreasonable, they may, by an Order under their Seal, give such Instructions for the Investment of such Compensation Money and for the Application of the Income thereof as they shall think fit; and such Order under the Seal of the Commissioners, or the Order approving of such Instructions as aforesaid, shall contain Provisions for the Appointment of new Trustees from Time to Time, and Copies of such Order shall be deposited and kept in like Manner as Copies of an Award are by the firstly herein-before recited Act directed to be deposited and kept, and the said Committee shall be absolutely discharged from all Liability in respect of such Compensation Money upon Payment thereof to the said Trustees, who shall, out of such Money, in the first place pay and discharge all Expenses which may be incurred by the said Commissioners in respect of or in any way incident to such Application and Order, and apply or invest the Surplus thereof in such Manner as shall by such Order be authorized or directed.

In Cases of Boundary Appeal, Commissioners may order Production of Maps, &c.

Costs of Appeal.

XXIII. The said Commissioners, or any Assistant Commissioners specially appointed by them, in Cases of Appeal to a Jury on Questions of Boundary, may, if they or he shall see fit, order the Production of any Terriers, Maps, Plans, and Surveys, or Copies thereof, touching the Matter in question; and all Costs, Charges, and Expenses properly incurred by the said Commissioners and Assistant Commissioner, or by the Valuer, or any other Person or Persons, in supporting the Award and Decision of the said Commissioners or of the Assistant Commissioner, and incidental thereto, including the Costs, Charges, and Expenses of producing, and of the making or procuring and producing Office or other Copies or Extracts of Maps, Surveys, or other Documents, shall be included in the Costs of such Appeal, and be payable and recoverable in like Manner as if the same were Expenses of Witnesses under the firstly herein-before recited Act.

Extending Provisions of firstly-recited Act as to Bond in Cases of Boundary Appeal.

XXIV. The Provisions of the said firstly-recited Act, whereby a Bond with Two sufficient Sureties is directed to be entered into by any Person requiring a Jury to be summoned to try any Question relating to Boundaries for Payment of the Costs and Expenses therein mentioned, shall extend to and include all Costs, Charges, and Expenses which may be properly incurred by the said Commissioners and Assistant Commissioner, or by the Valuer, or any other Person or Persons in supporting the Award and Decision of the said Commissioners,

missioners, or of the Assistant Commissioner, and incidental thereto, in case such Decision and Award shall be confirmed by the Jury summoned to try the same under the said Act.

Power to recover Costs in Cases of feigned Issue.

XXV. Where any Determination of the Commissioners or Assistant Commissioner shall be removed by Writ of Certiorari under the Provisions of the said firstly-recited Act into Her Majesty's Court of Queen's Bench, and the same shall be confirmed, such Court may make such Rules and Orders therein as to the Costs, Charges, and Expenses incurred therein, or in any feigned Issues thereon, by the Commissioners, or by the Person or Persons supporting the same, as may appear just and reasonable, notwithstanding the same may exceed the Amount of the Recognizance required by the said Act to be entered into, and the like Execution may be had for the same, as if such Costs had been recovered upon a Judgment of Record of the said Court.

Costs incurred by Commissioners to be deemed Part of Inclosure Expenses in certain Cases.

XXVI. In every Case of such Removal by Certiorari of the Determination of the Commissioners or Assistant Commissioner, and in every Case of feigned Issue to which the said Commissioners or Assistant Commissioner shall be a Party, the Costs, Charges, and Expenses incurred by them or him in supporting the Determination or Award in dispute, as well as the Amount of any Costs paid by them or him to any other Party or Parties pursuant to the Decision of the said Court, shall be deemed to be Part of the Expenses of the Inclosure to which such Determination or Award shall relate, and shall be paid by such Parties and in such Proportions as the said Commissioners or Assistant Commissioner shall direct, subject nevertheless to the Provisions herein-before contained.

Fee to Clerk of the Peace upon the Deposit of Copy of Inclosure Award.

XXVII. 'And whereas it is doubtful whether any or what Fee is payable to the Clerk of 'the Peace upon the Deposit with him of a Copy of an Inclosure Award under the Provi- 'sions of the said firstly-recited Act:' Be it enacted, That the Fee upon such Deposit shall be the Sum of Ten Shillings and no more.

The Word "Parish" to include District having separate Surveyor of Highways.

XXVIII. 'And whereas by the said fifthly-recited Act Power is given to the Valuer 'in the Matter of any Inclosure to declare by his Award how much and which Part of any 'of the Lands to be allotted and divided or dealt with by such Award, or of any Roads 'passing over or through the same or any Part thereof, shall be and be deemed to be situate 'in any Parish or Parishes in which any of the Land so to be divided, allotted, or dealt 'with shall be situated:' Be it enacted, that the Words "Parish" or "Parishes" herein-before recited shall include and also be intended to mean District or Districts having a separate Surveyor or Surveyors of the Highways.

Confirmed Awards and Orders may be corrected.

XXIX. In case of any fraudulent or other Error or Omission in any Award or Order confirmed by the Commissioners, the said Commissioners may, by an Order under their Hands and Seal, by Indorsement or otherwise, correct such Error or supply such Omission, and such Order shall be ingrossed, and, where not indorsed as aforesaid, be deposited with the original Award or Order, and shall thenceforth be and be deemed to be Part thereof, to all Intents and Purposes; and all the Expenses incident thereto shall be paid by the Party (if any) who shall have requested the Commissioners to make and execute the same, or by his Executors or Administrators.

Copy of Map may be annexed to the Award.

XXX. The Commissioners may, if they shall think fit, direct the Valuer to annex to his Award, in substitution for the Map referred to by his Report, a Copy thereof, of which the Accuracy shall be certified under their Seal.

Land held under separate Titles, &c. by the same Person may be partitioned.

XXXI. Any Person interested in any Land or other Subject Matter of Partition in undivided Shares held under separate Titles, or for distinct and separate Interests, or subject to separate Charges or Incumbrances, may effect a Partition of the same in such and the same Manner as if different Persons had been interested therein.

Power to effect Partitions and Exchanges where Parties interested in Land, Subject Matter of Partition, and also in the Entirety of any Land.

XXXII. Where any Person or Persons interested in any undivided Parts or Shares of any Land or other Subject Matter of Partition, within the Meaning and Intent of the said recited Acts, or any of them, and also interested in the Entirety of any Land or other Subject Matter of Exchange within the Meaning and Intent of the said recited Acts or any of them, shall be desirous at one and the same Time of effecting a Partition and Exchange thereof, it shall be lawful for such Persons so desirous of effecting such Partition and Exchange

Exchange to agree between themselves to effect the Partition and Exchange, in such a Manner and in such Proportions as they shall think fit, so that the Land to be allotted to such Person or Persons in Severalty, by means of such Partition, together with the Land to be taken in Exchange by such Person or Persons, shall be a fair Equivalent in Value for the Land so to be allotted in Severalty to and the Land to be taken in Exchange by the other Person or Persons; and the Commissioners may, upon the Application in Writing of the Persons so interested, direct Inquiries whether such Arrangement would be beneficial to the Owners of such Lands and such undivided Parts or Shares respectively, and in case they shall be of opinion that such Arrangement would be beneficial, and that the Terms thereof are just and reasonable, they shall, unless Notice of Dissent be given in the Manner provided by the said several recited Acts, cause to be framed and confirmed an Order of Partition and Exchange, with a Map or Plan thereunto annexed, in which Order shall be specified and shown the Lands allotted and awarded to each Party under the said Arrangement; before making such Order of Partition and Exchange, the Commissioners shall ascertain, and shall in such Order specify, what Portions of the Lands so to be awarded and allotted to each or any Party is equivalent in Value to the undivided Part or Share of such Party in the Lands partitioned, and the said Portions so ascertained and specified shall be taken and deemed to be so awarded and allotted under the Partition; and the said Commissioners shall also ascertain, and shall in such Order specify, what Portion of the Lands so to be awarded and allotted to each or any Party is equivalent in Value to the Land given in Exchange by such Party, and such Portion so ascertained and specified shall be deemed to be so awarded and allotted by way of Exchange; and the Land awarded and allotted by such Order to each Party shall be held in the following Manner, *viz.*, so much thereof as by the said Order shall be awarded and allotted under the Partition shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the undivided Part or Share of the Party would have stood limited or been subject to in case the said Order had not been made, and so much of the said Land as by the said Order shall be awarded and allotted by way of Exchange shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the Land given in Exchange would have stood limited or been subject to in case such Order had not been made.

Penalty where Stock found on regulated Pastures.

XXXIII. Any Person having any Stock or Animals on any regulated Pasture contrary to the Regulations of such Pasture, on being convicted thereof before Two Justices of the Peace having Jurisdiction in the County or Place, shall forfeit and pay for and in respect of each Head of Stock or Animal found in such regulated Pasture such Sum of Money, not exceeding Five Pounds, as such Justices shall think proper to inflict, by way of Penalty, and such Sum shall be paid to the Field Reeve, to be applied by him in aid of the Rates by the firstly herein-before recited Act authorized to be raised on the Owners of Stints in regulated Pastures: and the Provisions of the Act of the Seventh and Eighth Years of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to malicious Injuries to Property*, concerning the Prosecution of Offenders punishable on Summary Conviction under such Act, and the Form of such Conviction, and concerning the Cases of a Summary Conviction under such Act, where the Sum which shall be forfeited for the Amount of Injury done shall not be paid, and all other Provisions of such Act consequent upon or in relation to such Proceedings and Conviction, shall be applicable to the Offences under this Act, and the Prosecution and Conviction for the same respectively, save that any Matter by the said Act directed to be done by the Justices shall be done by Two Justices as aforesaid: Provided always, that no Remedy which any Field Reeve might otherwise have under the firstly herein-before recited Act, or otherwise, shall be in any Manner prejudiced or affected by the Provision last herein-before contained.

Short Title.

XXXIV. In citing this Act, the said recited Acts, and the Acts passed in pursuance of the Annual or any Special Reports of the Commissioners, or any or either of them, in other Acts of Parliament, in Conveyances, Documents, and legal Instruments, it shall be sufficient to use the Expression, "The Acts for the Inclosure, Exchange, and Improvement of Land."

This Act to be deemed Part of recited Acts.

XXXV. This Act shall be taken to be a Part of the said recited Acts, and be construed therewith.

SCHE-

SCHEDULE to which this Act refers.

Form No. 1.

Notice of Valuer's Intention to apply to Justices to recover Possession where there are Buildings, Fences, or Erections.

I of in the County of the Valuer acting in the Matter of the Inclosure of situate in the of in the County of hereby give you Notice, that the Encroachment [*or* Inclosure, *as the Case may be,*] from the said Lands to be inclosed [*shortly describing it*] situate now in your Possession, is, with the Residue of the said Lands, about to be divided, allotted, and inclosed, and that you are at liberty, within Two Calendar Months from the Service of this Notice, to take down and remove all Buildings, Fences, and other Erections now standing on the said Encroachment [*or* Inclosure], and to convert the Materials thereof to your own Use.

And I further give you Notice, that, unless peaceable Possession of the said Premises be given to me on or before the Expiration of Two Calendar Months from the Service of this Notice, I shall on the Day of next at of the Clock of the same Day at apply to Her Majesty's Justices of the Peace acting for the District of [*being the District, Division, or Place in which the said Premises or any Part thereof is situate,*] in Petty Sessions assembled, to issue their Warrant directing the Constables of the said District to enter and take Possession of the said Premises and to eject any Person therefrom.

Dated this Day of .

(Signed)

Valuer.

To .

Form No. 2.

Notice of Valuer's Intention to apply to Justices to recover Possession where there are no Buildings, Fences, or Erections.

I of in the County of the Valuer acting in the Matter of the Inclosure of situate in the of in the County of , hereby give you Notice, that, unless peaceable Possession of the Encroachment [*or* Inclosure, *as the Case may be,*] from the said Lands to be inclosed [*shortly describing it*], situate now in your Possession, be given to me on or before the Expiration of Seven clear Days from the Service of this Notice, I shall on the Day of next at of the Clock of the same Day at apply to Her Majesty's Justices of the Peace acting for the District of [*being the District, Division, or Place in which the said Premises or any Part thereof is situate,*] in Petty Sessions assembled, to issue their Warrant directing the Constables of the said District to enter and take Possession of the said Premises, and to eject any Person therefrom.

Dated this .

(Signed)

Valuer.

To .

FORM No. 3.

COMPLAINT BEFORE THE JUSTICES.

THE Complaint of the Valuer acting in the Matter of the Inclosure of situate in the of in the County of made before us, Two of Her Majesty's Justices of the Peace acting for the District of in Petty Sessions assembled, who saith that is in the Occupation of an Encroachment [*or* Inclosure] from the said Lands to be inclosed, consisting of and that on the Day of he determined the Claims in the Matter of the said Inclosure, and that on the Day of being more than One Calendar Month from the Determination of the said Claims, the said did serve on [*Person in possession of Encroachment or Inclosure*] a Notice in Writing of his Intention to apply to recover Possession of the said Premises (a Duplicate of which Notice is hereto annexed,) by giving, *&c.* [*describing the Mode in which the Service was effected,*] and that notwithstanding the said Notice the said refused [*or* neglected] to deliver up Possession of the said Premises, and still detains the same.

(Signed)

Taken the Day of before us,

(Signed)

A Duplicate of the Notice of Intention to apply is to be annexed to this Complaint.

FORM No. 4.

WARRANT TO PEACE OFFICERS TO TAKE AND GIVE POSSESSION.

WHEREAS [*set forth the Complaint*]: We, Two of Her Majesty's Justices of the Peace in Petty Sessions assembled, acting for the of do authorize and command you on any Day within Days from the Date hereof [*except on Sunday, Christmas Day, and Good Friday, to be added, if necessary,*] between the Hours of Nine in the Forenoon and Four in the Afternoon to enter (by Force, if needful,) and with or without the Aid of the Valuer, or any other Person or Persons whom you may think requisite to call to your Assistance, into and upon the said Encroachment or Inclosure, and to eject thereout any Person, and of the said Encroachment or Inclosure full and peaceable Possession to deliver to the said [*the Valuer*].

Given under our Hands and Seals, this Day of

To and all other
Constables and Peace Officers
acting for the
District of

CAP. LXXX.

An Act to abolish the Office of Master in Ordinary of the High Court of Chancery, and to make Provision for the more speedy and efficient Despatch of Business in the said Court. [30th *June* 1852.]

'WHEREAS Proceedings before the Masters in Ordinary of the High Court of Chancery are attended with great Delay and Expense, and it is expedient that the Business now disposed of in the Office of such Masters should be transacted by and under the more immediate Direction and Control of the Judges of the said Court:' Be it therefore