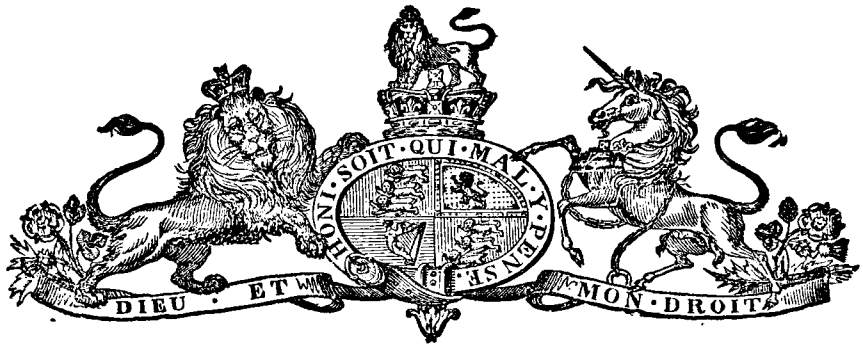


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LIII.

An Act to consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the Completion of Proceedings under the Tithe Commutation Acts. [1st *August* 1851.]

WHEREAS the Appointments of the Tithe Commissioners for *England* and *Wales*, and the other Appointments and Powers of Appointment under the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, 6 & 7 W. 4. c. 71. Chapter Seventy-one, and the Acts continuing and amending the same, will expire at the End of the present Session of Parliament; but certain Proceedings for the Commutation of Tithes under the said Acts have not been completed, and other Powers and Duties under such Acts have not been fully executed and performed: And whereas by the Act of the Session holden in the Fourth and Fifth 4 & 5 Vict. c. 35. Years of Her Majesty, Chapter Thirty-five, the said Tithe Commissioners for the Time being were appointed to be "the Copyhold Commissioners" for carrying that Act into execution, and should the same not be fully carried into effect before the Duties of the said Tithe Commissioners should cease One of Her Majesty's Principal Secretaries of State was empowered to appoint any Number of fit Persons, not exceeding Three, to be such Copyhold Commissioners: And whereas by the Act of the Session holden in the Eighth 8 & 9 Vict. c. 118. and Ninth Years of Her Majesty, Chapter One hundred and eighteen, Provision was made for the Appointment of Two Persons, who, with the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, were to be the Commissioners for carrying that Act into execution, and were to be styled "The Inclosure Commissioners for *England* and *Wales*:" And whereas the said Acts relating to the said Copyhold and Inclosure Commissioners have

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9 & 10 Vict. c. 101.

been amended by other Acts: And whereas under an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and other Acts relating to the Drainage of Lands in *Great Britain*, certain Powers and Duties are vested in the said Inclosure Commissioners in relation to such Drainage: And whereas the Appointments and Powers of Appointment of the said Copyhold Commissioners and Inclosure Commissioners, and of their Assistant Commissioners, Secretaries, and other Officers, will expire at the End of the present Session of Parliament: And whereas it is expedient to continue for the Period herein-after mentioned, and subject as herein provided, the Powers of Appointment contained in the said Act of the Fourth and Fifth Years of Her Majesty, and to transfer to the Commissioners to be appointed thereunder the Duties and Powers of the said Inclosure Commissioners, and to provide for the Completion of the Proceedings for the Commutation of Tithes which have not been completed, and for the Exercise and Performance of such of the Powers and Duties of the said Tithe Commissioners as remain to be exercised or performed: Be it therefore 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:

So much of 4 & 5 Vict. c. 35. as authorizes the Appointment of Commissioners, &c. continued for Two Years. Salary of a Commissioner not to exceed 1,500*l.*

I. So much of the said Act of the Fourth and Fifth Years of Her Majesty as authorizes the Appointment of Commissioners and other Officers as therein mentioned shall be continued for Two Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and the Powers of Appointment so continued shall be construed as authorizing such Appointments as aforesaid, for all the Purposes of this Act: Provided always, that the Salary of any Commissioner to be appointed under the Power hereby continued shall not exceed Fifteen hundred Pounds.

Commissioners to come in the Place of Copyhold and Inclosure Commissioners, and to complete Proceedings under Tithe Acts, and to exercise all other Powers now vested in Copyhold, &c. Commissioners.

II. The Commissioners to be appointed as aforesaid shall be Commissioners for executing the said Acts of the Fourth and Fifth and the Eighth and Ninth Years of Her Majesty, and the Acts amending, explaining, and extending the same, and the Acts relating to the Drainage of Lands in *Great Britain*, in the Place of the said Copyhold Commissioners and Inclosure Commissioners respectively, and all the Powers and Duties of the said Tithe Commissioners which at the End of the present Session of Parliament are not fully exercised and performed shall by virtue of this Act be transferred to and become vested in the Commissioners appointed under this Act, and where under any Act of Parliament any Powers or Duties are or may be vested in or to be performed by the said Copyhold Commissioners, Inclosure Commissioners, or Tithe Commissioners, or any or either of such Commissioners, all such Powers and Duties shall be vested in and performed by the said Commissioners to be appointed as aforesaid; and the Commissioners appointed under this Act shall, in all Proceedings in the Exercise and Performance of the Powers and Duties to be exercised and performed by them under this Act, in the Place of the said Copyhold Commissioners, Inclosure Commissioners,

or

or Tithe Commissioners, adopt and use the Style and Seal of the Commissioners in whose Place they come under this Act in respect of such Powers and Duties.

As to Continuance of Secretary and Officers.

III. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct that such of the Secretaries, Assistant Secretaries, Clerks, and Officers employed under the said Tithe Commissioners, Copyhold Commissioners, and Inclosure Commissioners respectively as the said Commissioners of the Treasury shall think necessary be continued so long as such Commissioners may think fit, under and for the Purposes of this Act; and all such Officers may be removed as if they had been appointed under the Powers hereby continued; and no Assistant Commissioner, Secretary, or other Officer shall be appointed by the Commissioners appointed under this Act without the Consent of the said Commissioners of Her Majesty's Treasury.

Appointments and Powers of Assistant Commissioners continued.

IV. All Appointments and Powers of Assistant Commissioners under the said Acts or any of them which may be in force immediately before the End of the present Session of Parliament shall respectively continue in force until revoked by the Commissioners appointed under this Act, subject nevertheless to the Provision next herein-after contained.

Appointments under this Act limited to Two Years.

V. No Commissioner or Assistant Commissioner, Secretary, or other Officer or Person appointed or continued under this Act, shall hold his Office for a longer Period than Two Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of Two Years and of the then next Session of Parliament so much of this Act as authorizes any such Appointment shall cease.

Provisions applicable to Copyhold, &c. Commissioners applicable to this Act.

VI. Save as herein provided all Provisions of any Acts applicable to the said Copyhold Commissioners, Inclosure Commissioners, and Tithe Commissioners respectively shall be applicable in like Manner to the Commissioners under this Act.

Powers of Assistant Commissioners appointed by Tithe, Copyhold, or Inclosure Commissioners vested in Assistant Commissioners appointed or continued under this Act.

VII. Where, under the said Acts of the Sixth and Seventh Years of King *William* the Fourth, and the Fourth and Fifth and the Eighth and Ninth Years of Her Majesty, and the Acts amending, explaining, and extending the same respectively, or any of such Acts, or any other Acts of Parliament, Powers and Duties are vested in or to be performed by an Assistant Commissioner appointed by or under the said Tithe Commissioners, Copyhold Commissioners, or Inclosure Commissioners, such Powers and Duties shall and may be exercised and performed by an Assistant Commissioner appointed or continued under this Act; and all Provisions having reference to any Assistant Commissioner appointed by the said Tithe Commissioners, Copyhold Commissioners, or Inclosure Commissioners shall be construed as having reference to an Assistant Commissioner appointed or continued under this Act.

VIII. All

Matters commenced by Tithe Commissioners, &c. to be completed by Commissioners under this Act.

VIII. All Acts, Matters, and Things commenced by or under the Authority of the said Copyhold Commissioners, Inclosure Commissioners, or Tithe Commissioners shall and may be carried on and completed by or under the Authority of the said Commissioners appointed under this Act; and such Commissioners, for the Purpose of prosecuting or defending and carrying on all Actions, Suits, or Proceedings pending at the Time of the First Appointment of Commissioners under this Act, shall come into the Place of such Copyhold Commissioners, Inclosure Commissioners, or Tithe Commissioners respectively.

Extending Powers of third-recited Act to authorizing Reservation of Easements for working Mines.

IX. And whereas it is expedient that the Powers of the said Act of the Eighth and Ninth Years of Her Majesty, and the Acts amending the same, should be extended to authorize the Reservation of Easements for working Mines of the Lord of a Manor (whose Consent may be required to an Inclosure), although such Mines may not be under the Lands to be inclosed: Be it therefore enacted, That in the Provisional Order of the Commissioners concerning the Inclosure under the Provisions of the said Acts of any Waste Lands of any Manor it shall be lawful for the Commissioners to require, and in their Provisional Order to specify, as One of the Terms and Conditions of such Inclosure, the Reservation to the Lord of the Manor, his Heirs, Successors, and Assigns, of Rights of Way and other Easements over the Lands intended to be inclosed, for working and carrying away any Mines, Minerals, Stone, and other Substrata the Property of the Lord of the Manor, not under the Lands proposed to be inclosed, and whether within the Manor or not within the Manor, and also for working and carrying away any Mines, Minerals, Stone, and other Substrata which may be intended to be reserved to or remain the Property of the Lord of the Manor under the Lands proposed to be inclosed, or for any of the Purposes aforesaid; and in case it shall have been so declared in such Provisional Order, then the Valuer shall and may reserve and award to the Lord of the Manor, his Heirs, Successors, and Assigns, such Liberty to construct Railways, Waggon-ways, and Roads, and such Rights of Way and other Easements over the Lands intended to be inclosed, for working and carrying away any such Mines, Minerals, Stone, or other Substrata, the Property of the Lord of the Manor as aforesaid, as by the Valuer, with the Approbation of the Commissioners, shall be thought reasonable, and as shall not be inconsistent with the Terms of such Provisional Order; subject to such Provisions for Compensation for Damage to be done to the Surface in the Exercise and Enjoyment of such Rights and Easements as to the Valuer, with such Approbation as aforesaid, shall be thought reasonable.

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