CAP. XIV.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*. [26th *April* 1855.]

'WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of '"The Acts for the Inclosure, Exchange, and Improvement of Land," issued their 'Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule 'to this Act, and have in their Tenth Annual General Report certified their Opinion that 'such Inclosures would be expedient; but the same cannot be proceeded with without the 'previous Authority of Parliament:' 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:

Inclosures mentioned in Schedule may be proceeded with.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title.

II. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use either the Expression "The Annual Inclosure Act, 1855," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Kirkland	Cumberland	15th June 1854.
North Coats	Lincoln	22d June 1854.
Bowerchalke	Wilts	22d June 1854.
Engollan Common	Cornwall	13th July 1854.
Ulleskelf	York	4th October 1854.
Thrandeston	Suffolk	9th September 1854.
Milburn Fell Pasture	Westmorland	8th June 1854.
Ilkley Cow Pasture	York	4th October 1854.
Great Boughton	Chester	18th May 1854.
Melmerby	Cumberland	14th January 1853.
Dymock	Gloucester	27th October 1854.
Westwick	Cambridge	27th July 1854.
Pendine	Carmarthen	3d January 1855.
Barnes	Surrey	3d January 1855.
Ramsden Bellhouse	Essex	11th January 1855.
West Lulworth and Winfrith Newburgh	Dorset	18th January 1855.
Bootle	Cumberland	17th January 1854.
Penlline and Langan	Glamorgan	25th January 1855.
The Wash Common	Berks	4th January 1855.
Horsepath and Shotover	Oxford	26th January 1855.

CAP. XV.

An Act for the better Protection of Purchasers against Judgments, Crown Debts, Cases of Lis pendens, and Life Annuities or Rentcharges. [26th *April* 1855.]

1 & 2 Vict. c. 110.

'WHEREAS an Act of Parliament was passed in the Session of the First and Second 'Years of Her Majesty, intituled *An Act for abolishing Arrest on Mesne Process in 'Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the 'Property*

'*Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in* 'England; and another Act in the Session of the Second and Third Years of Her Majesty, 'intituled *An Act for the better Protection of Purchasers against Judgments, Crown Debts,* 2 & 3 Vict. 'Lis pendens, and Fiats in Bankruptcy; and another Act in the Session of the Third and c. 11. 'Fourth Years of Her Majesty, intituled *An Act for further amending the Act for abolishing* 3 & 4 Vict. '*Arrest on Mesne Process in Civil Actions:* And whereas the Provisions of the said Acts c. 82. 'respecting Judgments, Decrees, Orders, and Rules, and Lis pendens, ought to include and 'be applicable to the Counties Palatine of *Lancaster* and *Durham*, and the Common Law 'and Equity Courts thereof respectively: And whereas an Act was passed in the Session of 'the Thirteenth and Fourteenth Years of Her Majesty, intituled *An Act to amend the* 13 & 14 Vict. '*Practice and Proceedings of the Court of Chancery of the County Palatine of* Lancaster, by c. 43. s. 24. 'force whereof the said Provisions do to some Extent include and are applicable to the 'County Palatine of *Lancaster*, as far as regards the Court of Chancery thereof:' 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:

Judgments of Common Law Palatinate Courts obtained before coming into operation of 1 & 2 Vict. c. 110., and not registered under the same, not to affect Lands, &c., unless registered within limited Time.

Fee for Entry of Judgments.

I. Any Judgment of the Court of Common Pleas of the County Palatine of *Lancaster*, or of the Court of Pleas of the County Palatine of *Durham*, obtained before the coming into operation of the said Act of the Session of the First and Second Years of Her Majesty, and not already registered in the said Courts respectively under the Provisions of the same Act, and which shall not be registered in the said Courts respectively under the same Provisions as amended by this Act, on or before the First Day of *November* One thousand eight hundred and fifty-five, shall not after that Day affect any Lands, Tenements, or Hereditaments in the said Counties Palatine respectively as to Purchasers, Mortgagees, or Creditors, unless and until such Memorandum or Minute of such Judgment as is in the said Act prescribed shall be left with the Prothonotary of the Court in which the Judgment has been obtained, who shall forthwith enter the same in manner by the same Act as amended by this Act directed in regard to Judgments thereby authorized to be registered, and shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence; and the Provision for Re-registration, *toties quoties*, herein-after mentioned, as explained by this Act, is hereby extended and applied, *mutatis mutandis*, to Judgments registered under this present Provision.

Certain Provisions of 1 & 2 Vict. c. 110. extended to Common Law Palatinate Courts, and to Equity Court of Durham.

II. And be it declared and enacted as follows: The Provisions contained in the Sections of the said Act of the First and Second Years of Her Majesty numbered respectively XVIII., XIX., and XX., giving to certain Rules of Courts of Common Law, and Decrees and Orders of Courts of Equity, the Effect of Judgments in the Superior Courts of Common Law, and constituting the Persons therein mentioned Judgment Creditors, and giving to Courts of Equity the Powers by the same Act given to the Judges of the said Superior Courts, and giving to the Persons so constituted Judgment Creditors as aforesaid such Remedies as are therein mentioned, and authorizing the Registration of such Decrees, Orders, and Rules as aforesaid, and providing for the Writs to be sued out of Courts of Equity, shall extend and are applicable, *mutatis mutandis*, to the said Counties Palatine and the Courts of Common Law thereof respectively, and to the Court of Chancery of the County Palatine of *Durham*, within the Limits of their respective Jurisdictions, to the end that the same Law in the respects aforesaid may apply to the Courts of the said Counties Palatine, and the Decrees, Orders, Judgments, and Rules thereof, so far as relates to Lands, Tenements, and Hereditaments within the Jurisdiction of such Courts respectively, as under the previous Statutes amended by this Act, will regulate the Operation of Judgments in the Superior Courts of Common Law: But no Judgment, Decree, Order, or Rule of any Court shall bind Lands, Tenements, and Hereditaments in the said Counties Palatine respectively, as against Purchasers, Mortgagees, or Creditors, unless and until such Memorandum or Minute thereof as herein-before is mentioned shall be left with the Prothonotary of the Palatine Court in which are situated the Lands, Tenements, and Hereditaments intended to be charged thereby.

Certain Provisions of 2 & 3 Vict. c. 11. and

III. The Provisions contained in the Sections of the said Act of the Second and Third of Her Majesty numbered respectively III., IV., V., and VII., and in the Section of the said

3 & 4 Vict. c. 82. extended to Common Law and Equity Courts of Counties Palatine.

said Act of the Third and Fourth of Her Majesty numbered II., respecting the Particulars to be inserted in the Register by the Master, and respecting the Re-registration of Judgments, Decrees, or Orders, and Rules, and respecting the Registration and Re registration of Lis pendens, and respecting the Protection of Purchasers, Mortgagees, and Creditors, as explained or amended by this Act, shall extend and are applicable, *mutatis mutandis*, to the Counties Palatine and the Courts of Common Law and Courts of Chancery thereof respectively, within the Limits of their respective Jurisdictions.

No Judgment, &c. registered under 3 & 4 Vict. c. 82. to affect Lands, &c. as to Purchasers, &c. until registered.

IV. 'And whereas the Protection afforded to Purchasers, Mortgagees, and Creditors, by 'the said Act of the Third and Fourth of Her Majesty, against Judgments, Decrees, Orders, 'or Rules not duly registered, any Notice thereof notwithstanding, is confined to Judgments, 'Decrees, Orders, or Rules binding by virtue of the said Act of the First and Second 'Years of Her Majesty: And whereas the Docket or Register previously in use has been 'closed, and the said Provision ought not to be so restricted:' Be it therefore enacted, that no Judgment, Decree, Order, or Rule which might be registered under the said Act of the First and Second Years of Her Majesty shall affect any Lands, Tenements, or Hereditaments, at Law or in Equity, as to Purchasers, Mortgagees, or Creditors, unless and until such a Memorandum or Minute as in the said Act in that Behalf mentioned shall have been left with the proper Officer of the proper Court, any Notice of any such Judgment, Decree, Order, or Rule to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding.

Purchasers protected against Judgments not re-registered.

V. 'And whereas it is expedient that certain Doubts which have arisen upon some of the 'Provisions for the Protection of Purchasers against Judgments in the said Acts contained 'should be removed:' Be it therefore declared and enacted as follows: The Provision contained in the Section numbered II. of the said Act of the Third and Fourth Years of Her Majesty extends and shall be deemed to extend as well to the Act therein referred to as to the Section numbered IV. of the said Act of the Second and Third of Her Majesty, as explained by this Act, so that Notice of any Judgment, Decree, Order, or Rule, not duly re-registered, shall not avail against Purchasers, Mortgagees, or Creditors, as to Lands, Tenements, or Hereditaments.

Provision for Re-registration explained.

VI. Where by the said Act of the Second and Third Years of Her Majesty Re-registry of Judgments, Decrees, Orders, or Rules is required within such Period of Five Years as is therein mentioned, in order to bind Purchasers, Mortgagees, and Creditors, it shall be deemed sufficient to bind such Purchasers, Mortgagees, and Creditors if such a Memorandum or Minute as was required in the first instance is again left with the Senior Master of the Common Pleas within Five Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest, in or to any such Purchaser or Mortgagee for valuable Consideration, or as to Creditors within Five Years before the Right of such Creditors accrued, as directed by the said last-mentioned Act, although more than Five Years shall have expired by Effluxion of Time since the last previous Registration before such last-mentioned Memorandum or Minute was left, and so *toties quoties* upon every Re-registry.

Judgments of Inferior Courts, when removed, shall be re-gistered.

VII. Where by the Section numbered XXII. of the said Act of the First and Second Years of Her Majesty Power is given to remove Judgments, Rules, or Orders obtained in or made by certain Inferior Courts into the said Superior Courts, or into the Court of Common Pleas of *Lancaster*, as the Case may be, no such Judgment, Rule, or Order which has already been or hereafter shall be so removed shall bind any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors, unless and until after such Removal it shall be registered, and, if necessary, re-registered, in like Manner as in order to bind such Purchasers, Mortgagees, or Creditors it must have been if originally entered up in One of the said Superior Courts, or in the said Court of Common Pleas of *Lancaster*, as the Case may be; but from and after the passing of this Act every such Judgment, Rule, or Order so registered, and where necessary re-registered, shall be binding in like Manner, but not further or otherwise, as other Judgments, Rules, or Orders of the said Superior Courts or of the said Court of Common Pleas of *Lancaster* respectively, and the Proviso at the End of the said Section XXII. restricting the Operation of the same is hereby repealed.

VIII. Nothing

VIII. Nothing herein contained shall extend to revive or restore any Judgment which shall be extinguished or barred, or to affect or prejudice any such Judgment, or any Decree, Order, or Rule, as between the Parties thereto, or their Representatives, or those deriving as Volunteers under them. Extinguished Judgments not revived.

IX. For the Purposes of any Registration or Re-registration to be made in pursuance of this Act in either of the said Counties Palatine, all such Acts and Things as under the Provisions of the said several Acts of the Reign of Her Majesty ought to be done by or left with the Senior Master of the Court of Common Pleas at *Westminster* shall be done by or left with the Prothonotary or Deputy Prothonotary of the Court of Common Pleas of the County Palatine of *Lancaster*, or of the Court of Pleas of the County Palatine of *Durham*, as the Case may require, or such other Officer (if any) of the same Courts respectively as may for the Time being have been appointed by the same Courts respectively, for the Purpose of entering the Judgments thereof respectively under the Provisions of the said Act of the First and Second Years of Her Majesty; and the said Prothonotary, Deputy Prothonotary, or other Officer as aforesaid, shall be entitled to the Sum of Two Shillings and Sixpence, and no more, for the Duties to be performed on every Registration, and the Sum of One Shilling only for Re-registration; and all Persons shall be at liberty to search all or any of the Books kept in pursuance of any of the foregoing Provisions of this Act in each Court, for the Sum of One Shilling. Duties of Prothonotary. Fees for Registration and Searches.

X. 'And whereas by the Section numbered CXXIII. of the Bankrupt Law Consolidation Act, 1849, when any Person admits (in manner therein mentioned) that he is indebted to a Bankrupt, it is enacted that every Order of the Court of Bankruptcy for the Payment by such Person of the Amount so admitted, and Costs (if any), shall have the Effect of a Judgment in the said Superior Courts, and may be enforced accordingly, and by the Section numbered CCXLIX. of the same Act it is enacted that the said Court may in all Matters before it award Costs, and that the like Remedies may be had upon an Order of the said Court for Costs as upon a Rule of any of the said Superior Courts for Costs, but the said Act does not direct the Registration of any such Order as aforesaid:' Be it therefore enacted as follows: No such Order of the Court of Bankruptcy for Payment of Money or of Costs as aforesaid shall affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors, unless and until it shall be registered, and if necessary re-registered, in like Manner as in order to bind such Purchasers, Mortgagees, or Creditors it must have been if it had originally been a Judgment or Rule obtained or entered up in One of the said Superior Courts or in the said Palatine Courts respectively, any Notice of any such Order to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding. No Order of Court of Bankruptcy to affect Lands, &c. until registered.

XI. 'And whereas great Delay and Expense are occasioned upon Purchases and Mortgages of Lands in consequence of Judgments against Mortgagees and Crown Debts and Liabilities to the Crown of Mortgagees continuing to bind Lands, although the Mortgagees have been *bonâ fide* paid off, and the Lands have been actually conveyed to Purchasers, or to other Mortgagees:' For Remedy whereof, be it enacted as follows: Where any legal or equitable Estate or Interest or any disposing Power in or over any Lands, Tenements, or Hereditaments shall, under any Conveyance or other Instrument executed after the passing of this Act, become vested in any Person as a Purchaser or Mortgagee for valuable Consideration, such Lands, Tenements, or Hereditaments shall not be taken in execution under any Writ of Elegit, or other Writ of Execution, to be sued upon any Judgment, or any Decree, Order, or Rule against any Mortgagee or Mortgagees thereof, who shall have been paid off prior to or at the Time of the Execution of such Conveyance, nor shall any such Judgment, Decree, Order, or Rule, or the Money thereby secured, be a Charge upon such Lands, Tenements, or Hereditaments so vested in Purchasers or Mortgagees, nor shall such Lands, Tenements, or Hereditaments so vested in Purchasers or Mortgagees be extended or taken in execution, or rendered liable under any Writ of Extent or Writ of Execution or other Process issued by or on behalf of Her Majesty, Her Heirs or Successors, in respect of any Judgment, Statute, or Recognizance obtained against or entered into by, or Inquisition found against, or Obligation or Specialty made by, or Acceptance of Office by any Mortgagee or Mortgagees, whereby he or they hath or have become or shall become a Debtor or Accountant, or Debtors or Accountants to the Crown, where such Mortgagee or Mortgagees Legal Estate vested in Purchaser or Mortgagee not to be taken in execution.

Mortgagees shall have been paid off prior to or at the Time of the Execution of such Conveyance as aforesaid.

Life Annuities and Rentcharges not to affect Lands as to Purchasers, &c. until Memorandum left with Senior Master.

XII. 'And whereas by reason of the Repeal in the last Session of Parliament of the 'Act of the Fifty-third Year of King *George* the Third, Chapter One hundred and forty-one, 'requiring the Enrolment of Life Annuities or Rentcharges, Purchasers are no longer 'enabled to ascertain by Search what Life Annuities or Rentcharges may have been granted 'by their Vendors or others:' Be it therefore enacted by the Authority aforesaid as follows: Any Annuity or Rentcharge granted after the passing of this Act, otherwise than by Marriage Settlement, for One or more Life or Lives, or for any Term of Years or greater Estate determinable on One or more Life or Lives, shall not affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute containing the Name, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Person whose Estate is intended to be affected thereby, and the Date of the Deed, Bond, Instrument, or Assurance whereby the Annuity or Rentcharge is granted, and the Annual Sum or Sums to be paid, shall be left with the Senior Master of the Court of Common Pleas at *Westminster*, who shall forthwith enter the Particulars aforesaid in a Book in alphabetical Order by the Name of the Person whose Estate is intended to be affected by the Annuity or Rentcharge, together with the Year and the Day of the Month when every such Memorandum or Minute is so left with him, and he shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence, and all Persons shall be at liberty to search the same Book, together with the other Books or Registers in the Office, on Payment of the Sum of One Shilling.

Searches may be made by Parties themselves.

XIII. The Searches of the several Registers, by the said recited Acts or by this Act authorized to be made for the Sum of One Shilling, may be made by the Parties themselves, under proper Regulations in the Office, and the Sum of One Shilling only shall be payable on One Search, although more Names than One shall be searched for where such Names relate to the same Purchase, Mortgage, or other Transaction.

Annuities, &c. given by Will excepted from Act.

XIV. The Provisions of this Act shall not extend to require the Registry of Annuities or Rentcharges given by Will.

CAP. XVI.

An Act to authorize the letting Parts of the Royal Forests of *Dean* and *Woolmer*, and certain other Parts of the Hereditary Possessions of the Crown. [26th *April* 1855.]

'WHEREAS the Powers of leasing given by an Act of Parliament passed in the 'Tenth Year of His late Majesty King *George* the Fourth, Chapter Fifty, are by 'such Act declared not to extend to the leasing of any Part of the Royal Forests, Parks, or 'Chases in *England*, and by an Act of Parliament passed in the Fourteenth and Fifteenth 'Years of Her present Majesty, Chapter Seventy-six, the Powers of leasing given by the said 'Act of the Tenth *George* the Fourth, Chapter Fifty, were extended to certain Parts of the '*New Forest*, and it is expedient that such Powers of leasing should be extended to Parts 'of the Royal Forests of *Dean* and *Woolmer*, and certain other Parts of the Hereditary 'Possessions of the Crown:' Be it declared and 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:

Powers of leasing given by the 10 G. 4. c. 50. extended to certain Parts of the Royal Forests of Dean and Woolmer.

I. The Powers of leasing given by the said Act of the Tenth *George* the Fourth, Chapter Fifty, shall henceforth extend to enable the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, to lease all or any Parts of the Royal Forest of *Dean* in the County of *Gloucester*, and of the Royal Forest of *Woolmer* in the County of *Southampton*, the Soil and Freehold of which now are or hereafter may be permanently vested in Her Majesty, Her Heirs and Successors, discharged