'is in force until the End of this present Session of Parliament; 'and it is expedient that the said Act should be continued;' be it therefore further enacted, That the said recited Act shall be and the said Act is hereby continued and shall remain in force from the End of the present Session of Parliament for the Term of One Year, and thenceforth until the End of the then next Session of Parliament.

CAP. LXXI.

An Act for shortening the Time of Prescription in certain Cases. [1st *August* 1832.]

'WHEREAS the Expression 'Time Immemorial, or Time 'whereof the Memory of Man runneth not to the contrary,' 'is now by the Law of *England* in many Cases considered to include 'and denote the whole Period of Time from the Reign of King '*Richard* the First, whereby the Title to Matters that have been 'long enjoyed is sometimes defeated by shewing the Commence-'ment of such Enjoyment, which is in many Cases productive of 'Inconvenience and Injustice;' for Remedy thereof 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 no Claim which may be lawfully made at the Common Law, by Custom, Prescription, or Grant, to any Right of Common or other Profit or Benefit to be taken and enjoyed from or upon any Land of our Sovereign Lord the King, His Heirs or Successors, or any Land being Parcel of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, or of any Ecclesiastical or Lay Person, or Body Corporate, except such Matters and Things as are herein specially provided for, and except Tithes, Rent, and Services, shall, where such Right, Profit, or Benefit shall have been actually taken and enjoyed by any Person claiming Right thereto without Interruption for the full Period of Thirty Years, be defeated or destroyed by shewing only that such Right, Profit, or Benefit was first taken or enjoyed at any Time prior to such Period of Thirty Years, but nevertheless such Claim may be defeated in any other Way by which the same is now liable to be defeated; and when such Right, Profit, or Benefit shall have been so taken and enjoyed as aforesaid for the full Period of Sixty Years, the Right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was taken and enjoyed by some Consent or Agreement expressly made or given for that Purpose by Deed or Writing.

Claims to Right of Common and other Profits à prendre, not to be defeated after Thirty Years Enjoyment by shewing the Commencement;

after Sixty Years Enjoyment the Right to be absolute, unless had by Consent or Agreement.

II. And be it further enacted, That no Claim which may be lawfully made at the Common Law, by Custom, Prescription, or Grant, to any Way or other Easement, or to any Watercourse, or the Use of any Water, to be enjoyed or derived upon, over, or from any Land or Water of our said Lord the King, His Heirs or Successors, or being Parcel of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, or being the Property of any Ecclesiastical or Lay Person, or Body Corporate, when such Way or other Matter as herein last before mentioned shall have been actually enjoyed by any Person claiming Right thereto without Interruption

In Claims of Right of Way or other Easement the Periods to be Twenty Years and Forty Years.

for the full Period of Twenty Years, shall be defeated or destroyed by shewing only that such Way or other Matter was first enjoyed at any Time prior to such Period of Twenty Years, but nevertheless such Claim may be defeated in any other Way by which the same is now liable to be defeated; and where such Way or other Matter as herein last before mentioned shall have been so enjoyed as aforesaid for the full Period of Forty Years, the Right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was enjoyed by some Consent or Agreement expressly given or made for that Purpose by Deed or Writing.

Claim to the Use of Light enjoyed for 20 Years indefeasible, unless shewn to have been by Consent.

III. And be it further enacted, That when the Access and Use of Light to and for any Dwelling House, Workshop, or other Building shall have been actually enjoyed therewith for the full Period of Twenty Years without Interruption, the Right thereto shall be deemed absolute and indefeasible, any local Usage or Custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some Consent or Agreement expressly made or given for that Purpose by Deed or Writing.

Before-mentioned Periods to be deemed those next before Suits for Claims to which such Periods relate.

IV. And be it further enacted, That each of the respective Periods of Years herein-before mentioned shall be deemed and taken to be the Period next before some Suit or Action wherein the Claim or Matter to which such Period may relate shall have been or shall be brought into question, and that no Act or other Matter shall be deemed to be an Interruption, within the Meaning of this Statute, unless the same shall have been or shall be submitted to or acquiesced in for One Year after the Party interrupted shall have had or shall have Notice thereof, and of the Person making or authorizing the same to be made.

In Actions on the Case the Claimant may allege his Right generally, as at present.

V. And be it further enacted, That in all Actions upon the Case and other Pleadings, wherein the Party claiming may now by Law allege his Right generally, without averring the Existence of such Right from Time immemorial, such general Allegation shall still be deemed sufficient, and if the same shall be denied, all and every the Matters in this Act mentioned and provided, which shall be applicable to the Case, shall be admissible in Evidence to sustain or rebut such Allegation; and that in all Pleadings to Actions of Trespass, and in all other Pleadings wherein before the passing of this Act it would have been necessary to allege the Right to have existed from Time immemorial, it shall be sufficient to allege the Enjoyment thereof as of Right by the Occupiers of the Tenement in respect whereof the same is claimed for and during such of the Periods mentioned in this Act as may be applicable to the Case, and without claiming in the Name or Right of the Owner of the Fee, as is now usually done; and if the other Party shall intend to rely on any Proviso, Exception, Incapacity, Disability, Contract, Agreement, or other Matter herein-before mentioned, or on any Cause or Matter of Fact or of Law not inconsistent with the simple Fact of Enjoyment, the same shall be specially alleged and set forth in answer to the Allegation of the Party claiming, and shall not be received in Evidence on any general Traverse or Denial of such Allegation.

In Pleas to Trespass and other Pleadings, where Party used to allege his Claim from Time immemorial, the Period mentioned in this Act may be alleged; and Exceptions or other Matters to be replied to specially.

Restricting the Presumption to be allowed in support of

VI. And be it further enacted, That in the several Cases mentioned in and provided for by this Act, no Presumption shall be allowed or made in favour or support of any Claim, upon Proof

Claims herein provided for.

of the Exercise or Enjoyment of the Right or Matter claimed for any less Period of Time or Number of Years than for such Period or Number mentioned in this Act as may be applicable to the Case and to the Nature of the Claim.

Proviso for Infants, &c.

VII. Provided also, That the Time during which any Person otherwise capable of resisting any Claim to any of the Matters before mentioned shall have been or shall be an Infant, Idiot, Non compos mentis, Feme Covert, or Tenant for Life, or during which any Action or Suit shall have been pending, and which shall have been diligently prosecuted, until abated by the Death of any Party or Parties thereto, shall be excluded in the Computation of the Periods herein-before mentioned, except only in Cases where the Right or Claim is hereby declared to be absolute and indefeasible.

What Time to be excluded in computing the Term of Forty Years appointed by this Act.

VIII. Provided always, and be it further enacted, That when any Land or Water upon, over, or from which any such Way or other convenient Watercourse or Use of Water shall have been or shall be enjoyed or derived hath been or shall be held under or by virtue of any Term of Life, or any Term of Years exceeding Three Years from the granting thereof, the Time of the Enjoyment of any such Way or other Matter as herein last before mentioned, during the Continuance of such Term, shall be excluded in the Computation of the said Period of Forty Years, in case the Claim shall within Three Years next after the End or sooner Determination of such Term be resisted by any Person entitled to any Reversion expectant on the Determination thereof.

Not to extend to Scotland or Ireland.

IX. And be it further enacted, That this Act shall not extend to *Scotland* or *Ireland*.

Commencement of Act.

X. And be it further enacted, That this Act shall commence and take effect on the First Day of *Michaelmas* Term now next ensuing.

Act may be amended.

XI. And be it further enacted, That this Act may be amended, altered, or repealed during this present Session of Parliament.

CAP. LXXII.

An Act to extend the Provisions of an Act of the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, relative to Remedies against the Hundred. [1st *August* 1832.]

'WHEREAS it is expedient to extend the Provisions of an Act made and passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled 7 & 8 G. 4. c. 31. '*An Act for consolidating and amending the Laws in* England *relative to Remedies against the Hundred*, to Threshing Machines:' Be it therefore 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 if any Threshing Machine, whether fixed or moveable, or any Part thereof, shall be feloniously cut, broken, damaged, or destroyed by any Persons riotously and tumultuously assembled together, then and in every such Case the Inhabitants of the Hundred, Wapentake, Ward, or other District in the Nature of a Hundred, or by whatever Name it shall be denominated, in which any such Offence shall be committed, shall be liable to

Remedy may be had against the Hundred for Damages done to Threshing Machines.

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