

ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

****

CAP. XXVII.

An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto.

[24th *July* 1833.]

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 the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; (that is to say,) the Word "Land" shall extend to Manors, Messuages, and all other corporeal Hereditaments whatsoever, and also to Tithes (other than Tithes belonging to a Spiritual or Eleemosynary Corporation Sole), and also to any Share, Estate, or Interest in them or any of them, whether the same shall be a Freehold or Chattel Interest, and whether Freehold or Copyhold, or held according to any other Tenure; and the Word "Rent" shall extend to all Heriots, and to all Services and Suits for which a Distress may be made, and to all Annuities and periodical Sums of Money charged upon or payable out of any Land (except Moduses or Compositions belonging to a Spiritual or Eleemosynary Corporation Sole);

Meaning of the Words in the Act:

"Land."

"Rent."

Person through whom another claims.

Sole); and the Person through whom another Person is said to claim shall mean any Person by, through, or under, or by the Act of whom, the Person so claiming became entitled to the Estate or Interest claimed, as Heir, Issue in Tail, Tenant by the Curtesy of *England*, Tenant in Dower, Successor, special or general Occupant, Executor, Administrator, Legatee, Husband, Assignee, Appointee, Devisee, or otherwise, and also any Person who was entitled to an Estate or Interest to which the Person so claiming, or some Person through whom he claims, became entitled as Lord by Escheat;

"Person."

and the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate, and to a Class of Creditors or other Persons, as well as an Individual;

Number and Gender.

and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

No Land or Rent to be recovered but within 20 Years after the Right of Action accrued to the Claimant or some Person whose Estate he claims.

II. And be it further enacted, That after the Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person shall make an Entry or Distress or bring an Action to recover any Land or Rent but within Twenty Years next after the Time at which the Right to make such Entry or Distress or to bring such Action shall have first accrued to some Person through whom he claims; or if such Right shall not have accrued to any Person through whom he claims, then within Twenty Years next after the Time at which the Right to make such Entry or Distress or to bring such Action shall have first accrued to the Person making or bringing the same.

When the Right shall be deemed to have accrued:

III. And be it further enacted, That in the Construction of this Act the Right to make an Entry or Distress or bring an Action to recover any Land or Rent shall be deemed to have first accrued at such Time as herein-after is mentioned; (that is to say,) when the

in the Case of an Estate in Possession;

Person claiming such Land or Rent, or some Person through whom he claims, shall, in respect of the Estate or Interest claimed, have been in Possession or in Receipt of the Profits of such Land, or in Receipt of such Rent, and shall while entitled thereto have been

on Dispossession;

dispossessed, or have discontinued such Possession or Receipt, then such Right shall be deemed to have first accrued at the Time of such Dispossession or Discontinuance of Possession, or at the last Time

on Abatement or Death;

at which any such Profits or Rent were or was so received; and when the Person claiming such Land or Rent shall claim the Estate or Interest of some deceased Person who shall have continued in such Possession or Receipt in respect of the same Estate or Interest until the Time of his Death, and shall have been the last Person entitled to such Estate or Interest who shall have been in such Possession or Receipt, then such Right shall be deemed to have first accrued at

on Alienation;

the Time of such Death; and when the Person claiming such Land or Rent shall claim in respect of an Estate or Interest in Possession granted, appointed, or otherwise assured by any Instrument (other than a Will) to him, or some Person through whom he claims, by a Person being in respect of the same Estate or Interest in the Possession or Receipt of the Profits of the Land, or in the Receipt of the Rent, and no Person entitled under such Instrument shall have

been in such Possession or Receipt, then such Right shall be deemed to have first accrued at the Time at which the Person claiming as aforesaid, or the Person through whom he claims, became entitled to such Possession or Receipt by virtue of such Instrument; and when the Estate or Interest claimed shall have been an Estate or Interest in Reversion or Remainder, or other future Estate or Interest, and no Person shall have obtained the Possession or Receipt of the Profits of such Land or the Receipt of such Rent in respect of such Estate or Interest, then such Right shall be deemed to have first accrued at the Time at which such Estate or Interest became an Estate or Interest in Possession; and when the Person claiming such Land or Rent, or the Person through whom he claims, shall have become entitled by reason of any Forfeiture or Breach of Condition, then such Right shall be deemed to have first accrued when such Forfeiture was incurred or such Condition was broken.

in case of future Estates;

in case of Forfeiture or Breach of Condition.

IV. Provided always, That when any Right to make an Entry or Distress or to bring an Action to recover any Land or Rent by reason of any Forfeiture or Breach of Condition shall have first accrued in respect of any Estate or Interest in Reversion or Remainder, and the Land or Rent shall not have been recovered by virtue of such Right, the Right to make an Entry or Distress or bring an Action to recover such Land or Rent shall be deemed to have first accrued in respect of such Estate or Interest at the Time when the same shall have become an Estate or Interest in Possession, as if no such Forfeiture or Breach of Condition had happened.

Where Advantage of Forfeiture is not taken by Remainderman, he shall have a new Right when his Estate comes into Possession.

V. Provided also, That a Right to make an Entry or Distress or to bring an Action to recover any Land or Rent shall be deemed to have first accrued, in respect of an Estate or Interest in Reversion, at the Time at which the same shall have become an Estate or Interest in Possession by the Determination of any Estate or Estates in respect of which such Land shall have been held, or the Profits thereof or such Rent shall have been received, notwithstanding the Person claiming such Land, or some Person through whom he claims, shall, at any Time previously to the Creation of the Estate or Estates which shall have determined, have been in Possession or Receipt of the Profits of such Land, or in Receipt of such Rent.

Reversioner to have a new Right.

VI. And be it further enacted, That for the Purposes of this Act an Administrator claiming the Estate or Interest of the deceased Person of whose Chattels he shall be appointed Administrator shall be deemed to claim as if there had been no Interval of Time between the Death of such deceased Person and the Grant of the Letters of Administration.

An Administrator to claim as if he obtained the Estate without Interval after Death of deceased.

VII. And be it further enacted, That when any Person shall be in Possession or in Receipt of the Profits of any Land, or in Receipt of any Rent, as Tenant at Will, the Right of the Person entitled subject thereto, or of the Person through whom he claims, to make an Entry or Distress or bring an Action to recover such Land or Rent shall be deemed to have first accrued either at the Determination of such Tenancy, or at the Expiration of One Year next after the Commencement

In the Case of a Tenant at Will, the Right shall be deemed to have accrued at the End of One Year.

ment of such Tenancy, at which Time such Tenancy shall be deemed to have determined: Provided always, that no Mortgagor or Cestuique Trust shall be deemed to be a Tenant at Will, within the Meaning of this Clause, to his Mortgagee or Trustee.

No Person, after a Tenancy from Year to Year, to have any Right but from the End of the first Year or last Payment of Rent.

VIII. And be it further enacted, That when any Person shall be in Possession or in Receipt of the Profits of any Land, or in Receipt of any Rent, as Tenant from Year to Year or other Period, without any Lease in Writing, the Right of the Person entitled subject thereto, or of the Person through whom he claims, to make an Entry or Distress or to bring an Action to recover such Land or Rent shall be deemed to have first accrued at the Determination of the first of such Years or other Periods, or at the last Time when any Rent payable in respect of such Tenancy shall have been received (which shall last happen).

Where Rent amounting to 20*s.*, reserved by a Lease in Writing, shall have been wrongfully received, no Right to accrue on the Determination of the Lease.

IX. And be it further enacted, That when any Person shall be in Possession or in Receipt of the Profits of any Land, or in Receipt of any Rent, by virtue of a Lease in Writing, by which a Rent amounting to the yearly Sum of Twenty Shillings or upwards shall be reserved, and the Rent reserved by such Lease shall have been received by some Person wrongfully claiming to be entitled to such Land or Rent in Reversion immediately expectant on the Determination of such Lease, and no Payment in respect of the Rent reserved by such Lease shall afterwards have been made to the Person rightfully entitled thereto, the Right of the Person entitled to such Land or Rent, subject to such Lease, or of the Person through whom he claims, to make an Entry or Distress or to bring an Action after the Determination of such Lease shall be deemed to have first accrued at the Time at which the Rent reserved by such Lease was first so received by the Person wrongfully claiming as aforesaid; and no such Right shall be deemed to have first accrued upon the Determination of such Lease to the Person rightfully entitled.

A mere Entry not to be deemed Possession.

X. And be it further enacted, That no Person shall be deemed to have been in Possession of any Land within the Meaning of this Act merely by reason of having made an Entry thereon.

No Right to be preserved by continual Claim.

XI. And be it further enacted, That no continual or other Claim upon or near any Land shall preserve any Right of making an Entry or Distress or of bringing an Action.

Possession of one Coparcener, &c. not to be the Possession of the others.

XII. And be it further enacted, That when any One or more of several Persons entitled to any Land or Rent as Coparceners, Joint Tenants, or Tenants in Common, shall have been in Possession or Receipt of the Entirety, or more than his or their undivided Share or Shares of such Land or of the Profits thereof, or of such Rent, for his or their own Benefit, or for the Benefit of any Person or Persons other than the Person or Persons entitled to the other Share or Shares of the same Land or Rent, such Possession or Receipt shall not be deemed to have been the Possession or Receipt of or by such last-mentioned Person or Persons or any of them.

XIII. And

Possession of a younger Brother not to be the Possession of the Heir.

XIII. And be it further enacted, That when a younger Brother or other Relation of the Person entitled as Heir to the Possession or Receipt of the Profits of any Land, or to the Receipt of any Rent, shall enter into the Possession or Receipt thereof, such Possession or Receipt shall not be deemed to be the Possession or Receipt of or by the Person entitled as Heir.

Acknowledgment in Writing given to the Person entitled, or his Agent, to be equivalent to Possession or Receipt of Rent.

XIV. Provided always, and be it further enacted, That when any Acknowledgment of the Title of the Person entitled to any Land or Rent shall have been given to him or his Agent in Writing signed by the Person in Possession or in Receipt of the Profits of such Land, or in Receipt of such Rent, then such Possession or Receipt of or by the Person by whom such Acknowledgment shall have been given shall be deemed, according to the Meaning of this Act, to have been the Possession or Receipt of or by the Person to whom or to whose Agent such Acknowledgment shall have been given at the Time of giving the same, and the Right of such last-mentioned Person, or any Person claiming through him, to make an Entry or Distress or bring an Action to recover such Land or Rent shall be deemed to have first accrued at and not before the Time at which such Acknowledgment, or the last of such Acknowledgments if more than One, was given.

Where Possession is not adverse at the Time of passing the Act, the Right shall not be barred until the End of Five Years afterwards.

XV. Provided also, and be it further enacted, That when no such Acknowledgment as aforesaid shall have been given before the passing of this Act, and the Possession or Receipt of the Profits of the Land, or the Receipt of the Rent, shall not at the Time of the passing of this Act have been adverse to the Right or Title of the Person claiming to be entitled thereto, then such Person, or the Person claiming through him, may, notwithstanding the Period of Twenty Years herein-before limited shall have expired, make an Entry or Distress or bring an Action to recover such Land or Interest at any Time within Five Years next after the passing of this Act.

Persons under Disability of Infancy, Lunacy, Coverture, or beyond Seas, and their Representatives, to be allowed Ten Years from the Termination of their Disability or Death.

XVI. Provided always, and be it further enacted, That if at the Time at which the Right of any Person to make an Entry or Distress or bring an Action to recover any Land or Rent shall have first accrued as aforesaid such Person shall have been under any of the Disabilities herein-after mentioned, (that is to say,) Infancy, Coverture, Idiotcy, Lunacy, Unsoundness of Mind, or Absence beyond Seas, then such Person, or the Person claiming through him, may, notwithstanding the Period of Twenty Years herein-before limited shall have expired, make an Entry or Distress or bring an Action to recover such Land or Rent at any Time within Ten Years next after the Time at which the Person to whom such Right shall first have accrued as aforesaid shall have ceased to be under any such Disability, or shall have died (which shall have first happened).

But no Action, &c. shall be brought beyond Forty Years after the Right of

XVII. Provided nevertheless, and be it further enacted, That no Entry, Distress, or Action shall be made or brought by any Person who, at the Time at which his Right to make an Entry or Distress or to bring an Action to recover any Land or Rent shall have first accrued, shall be under any of the Disabilities herein-before mentioned, or by any Person claiming through him, but within Forty Years next after

Action accrued.

after the Time at which such Right shall have first accrued, although the Person under Disability at such Time may have remained under One or more of such Disabilities during the whole of such Forty Years, or although the Term of Ten Years from the Time at which he shall have ceased to be under any such Disability, or have died, shall not have expired.

No further Time to be allowed for a Succession of Disabilities.

XVIII. Provided always, and be it further enacted, That when any Person shall be under any of the Disabilities herein-before mentioned at the Time at which his Right to make an Entry or Distress or to bring an Action to recover any Land or Rent shall have first accrued, and shall depart this Life without having ceased to be under any such Disability, no Time to make an Entry or Distress or to bring an Action to recover such Land or Rent beyond the said Period of Twenty Years next after the Right of such Person to make an Entry or Distress or to bring an Action to recover such Land or Rent shall have first accrued, or the said Period of Ten Years next after the Time at which such Person shall have died, shall be allowed by reason of any Disability of any other Person.

Scotland, Ireland, and the adjacent Islands, not to be deemed beyond Seas.

XIX. And be it further enacted, That no Part of the United Kingdom of *Great Britain* and *Ireland*, nor the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, nor any Island adjacent to any of them (being Part of the Dominions of His Majesty), shall be deemed to be beyond Seas within the Meaning of this Act.

When the Right to an Estate in Possession is barred, the Right of the same Person to future Estates shall also be barred.

XX. And be it further enacted, That when the Right of any Person to make an Entry or Distress or bring an Action to recover any Land or Rent to which he may have been entitled for an Estate or Interest in Possession shall have been barred by the Determination of the Period herein-before limited, which shall be applicable in such Case, and such Person shall at any Time during the said Period have been entitled to any other Estate, Interest, Right, or Possibility, in Reversion, Remainder, or otherwise, in or to the same Land or Rent, no Entry, Distress, or Action shall be made or brought by such Person, or any Person claiming through him, to recover such Land or Rent, in respect of such other Estate, Interest, Right, or Possibility, unless in the meantime such Land or Rent shall have been recovered by some Person entitled to an Estate, Interest, or Right which shall have been limited or taken effect after or in defeasance of such Estate or Interest in Possession.

Where Tenant in Tail is barred, Remaindermen, whom he might have barred, shall not recover.

XXI. And be it further enacted, That when the Right of a Tenant in Tail of any Land or Rent to make an Entry or Distress or to bring an Action to recover the same shall have been barred by reason of the same not having been made or brought within the Period herein-before limited, which shall be applicable in such Case, no such Entry, Distress, or Action shall be made or brought by any Person claiming any Estate, Interest, or Right which such Tenant in Tail might lawfully have barred.

Possession adverse to a Tenant in Tail shall run

XXII. And be it further enacted, That when a Tenant in Tail of any Land or Rent, entitled to recover the same, shall have died before the Expiration of the Period herein-before limited, which shall be

applicable in such Case, for making an Entry or Distress or bringing an Action to recover such Land or Rent, no Person claiming any Estate, Interest, or Right which such Tenant in Tail might lawfully have barred shall make an Entry or Distress or bring an Action to recover such Land or Rent but within the Period during which, if such Tenant in Tail had so long continued to live, he might have made such Entry or Distress or brought such Action.

on against the Remaindermen whom he might have barred.

XXIII. And be it further enacted, That when a Tenant in Tail of any Land or Rent shall have made an Assurance thereof, which shall not operate to bar an Estate or Estates to take effect after or in defeasance of his Estate Tail, and any Person shall by virtue of such Assurance, at the Time of the Execution thereof, or at any Time afterwards, be in Possession or Receipt of the Profits of such Land, or in the Receipt of such Rent, and the same Person, or any other Person whatsoever (other than some Person entitled to such Possession or Receipt in respect of an Estate which shall have taken effect after or in defeasance of the Estate Tail), shall continue or be in such Possession or Receipt for the Period of Twenty Years next after the Commencement of the Time at which such Assurance, if it had then been executed by such Tenant in Tail or the Person who would have been entitled to his Estate Tail if such Assurance had not been executed, would, without the Consent of any other Person, have operated to bar such Estate or Estates as aforesaid, then at the Expiration of such Period of Twenty Years such Assurance shall be and be deemed to have been effectual as against any Person claiming any Estate, Interest, or Right to take effect after or in defeasance of such Estate Tail.

Where there shall have been Possession, under an Assurance, by a Tenant in Tail, which shall not bar the Remainders, they shall be barred at the End of Twenty Years after the Time when the Assurance, if then executed, would have barred them.

XXIV. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person claiming any Land or Rent in Equity shall bring any Suit to recover the same but within the Period during which by virtue of the Provisions herein-before contained he might have made an Entry or Distress or brought an Action to recover the same respectively if he had been entitled at Law to such Estate, Interest, or Right in or to the same as he shall claim therein in Equity.

No Suit in Equity to be brought after the Time when the Plaintiff, if entitled at Law, might have brought an Action.

XXV. Provided always, and be it further enacted, That when any Land or Rent shall be vested in a Trustee upon any express Trust, the Right of the Cestuique Trust, or any Person claiming through him, to bring a Suit against the Trustee, or any Person claiming through him, to recover such Land or Rent, shall be deemed to have first accrued, according to the Meaning of this Act, at and not before the Time at which such Land or Rent shall have been conveyed to a Purchaser for a valuable Consideration, and shall then be deemed to have accrued only as against such Purchaser and any Person claiming through him.

In Cases of express Trust, the Right shall not be deemed to have accrued until a Conveyance to a Purchaser.

XXVI. And be it further enacted, That in every Case of a concealed Fraud the Right of any Person to bring a Suit in Equity for the Recovery of any Land or Rent of which he, or any Person through whom

In Cases of Fraud no Time shall run whilst

the Fraud remains concealed.

whom he claims, may have been deprived by such Fraud, shall be deemed to have first accrued at and not before the Time at which such Fraud shall or with reasonable Diligence might have been first known or discovered; provided that nothing in this Clause contained shall enable any Owner of Lands or Rents to have a Suit in Equity for the Recovery of such Lands or Rents, or for setting aside any Conveyance of such Lands or Rents, on account of Fraud, against any *bonâ fide* Purchaser for valuable Consideration who has not assisted in the Commission of such Fraud, and who at the Time that he made the Purchase did not know and had no Reason to believe that any such Fraud had been committed.

Saving the Jurisdiction of Equity on the Ground of Acquiescence or otherwise.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed to interfere with any Rule or Jurisdiction of Courts of Equity in refusing Relief on the Ground of Acquiescence or otherwise to any Person whose Right to bring a Suit may not be barred by virtue of this Act.

Mortgagor to be barred at the End of Twenty Years from the Time when the Mortgagee took possession, or from the last written Acknowledgment.

XXVIII. And be it further enacted, That when a Mortgagee shall have obtained the Possession or Receipt of the Profits of any Land, or the Receipt of any Rent, comprised in his Mortgage, the Mortgagor or any Person claiming through him shall not bring a Suit to redeem the Mortgage but within Twenty Years next after the Time at which the Mortgagee obtained such Possession or Receipt, unless in the meantime an Acknowledgment of the Title of the Mortgagor or of his Right of Redemption shall have been given to the Mortgagor, or some Person claiming his Estate, or to the Agent of such Mortgagor or Person, in Writing signed by the Mortgagee or the Person claiming through him; and in such Case no such Suit shall be brought but within Twenty Years next after the Time at which such Acknowledgment, or the last of such Acknowledgments if more than One, was given; and when there shall be more than One Mortgagor, or more than One Person claiming through the Mortgagor or Mortgagors, such Acknowledgment, if given to any of such Mortgagors or Persons, or his or their Agent, shall be as effectual as if the same had been given to all such Mortgagors or Persons; but where there shall be more than One Mortgagee, or more than One Person claiming the Estate or Interest of the Mortgagee or Mortgagees, such Acknowledgment, signed by One or more of such Mortgagees or Persons, shall be effectual only as against the Party or Parties signing as aforesaid, and the Person or Persons claiming any Part of the Mortgage Money or Land or Rent by, from, or under him or them, and any Person or Persons entitled to any Estate or Estates, Interest or Interests, to take effect after or in defeasance of his or their Estate or Estates, Interest or Interests, and shall not operate to give to the Mortgagor or Mortgagors a Right to redeem the Mortgage as against the Person or Persons entitled to any other undivided or divided Part of the Money or Land or Rent; and where such of the Mortgagees or Persons aforesaid as shall have given such Acknowledgment shall be entitled to a divided Part of the Land or Rent comprised in the Mortgage, or some Estate or Interest therein, and not to any ascertained Part of the mortgaged Money, the Mortgagor or Mortgagors shall be entitled to redeem the same divided

Part

Part of the Land or Rent on Payment, with Interest, of the Part of the Mortgage Money which shall bear the same Proportion to the whole of the Mortgage Money as the Value of such divided Part of the Land or Rent shall bear to the Value of the whole of the Land or Rent comprised in the Mortgage.

No Lands or Rents to be recovered by Ecclesiastical or Eleemosynary Corporations Sole but within Two Incumbencies and Six Years, or Sixty Years.

XXIX. Provided always, and be it further enacted, That it shall be lawful for any Archbishop, Bishop, Dean, Prebendary, Parson, Vicar, Master of Hospital, or other Spiritual or Eleemosynary Corporation Sole, to make an Entry or Distress or to bring an Action or Suit to recover any Land or Rent within such Period as herein-after is mentioned next after the Time at which the Right of such Corporation Sole, or of his Predecessor, to make such Entry or Distress or bring such Action or Suit shall first have accrued; (that is to say,) the Period during which Two Persons in succession shall have held the Office or Benefice in respect whereof such Land or Rent shall be claimed, and Six Years after a Third Person shall have been appointed thereto, if the Times of such Two Incumbencies and such Term of Six Years taken together shall amount to the full Period of Sixty Years; and if such Times taken together shall not amount to the full Period of Sixty Years, then during such further Number of Years in addition to such Six Years as will with the Time of the holding of such Two Persons and such Six Years make up the full Period of Sixty Years; and after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no such Entry, Distress, Action, or Suit shall be made or brought at any Time beyond the Determination of such Period.

No Advowson to be recovered but within Three Incumbencies or Sixty Years.

XXX. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person shall bring any Quare impedit or other Action or any Suit to enforce a Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice, as the Patron thereof, after the Expiration of such Period as herein-after is mentioned; (that is to say,) the Period during which Three Clerks in succession shall have held the same, all of whom shall have obtained Possesssion thereof adversely to the Right of Presentation or Gift of such Person, or of some Person through whom he claims, if the Times of such Incumbencies taken together shall amount to the full Period of Sixty Years; and if the Times of such Incumbencies shall not together amount to the full Period of Sixty Years, then after the Expiration of such further Time as with the Times of such Incumbencies will make up the full Period of Sixty Years.

Incumbencies after Lapse to be reckoned within the Period, but not Incumbencies after Promotions to Bishopricks.

XXXI. Provided always, and be it further enacted, That when on the Avoidance, after a Clerk shall have obtained Possession of an Ecclesiastical Benefice adversely to the Right of Presentation or Gift of the Patron thereof, a Clerk shall be presented or collated thereto by His Majesty or the Ordinary by reason of a Lapse, such last-mentioned Clerk shall be deemed to have obtained Possession adversely to the Right of Presentation or Gift of such Patron as aforesaid; but when a Clerk shall have been presented by His Majesty upon the Avoidance of a Benefice in consequence of the Incumbent thereof having been made a Bishop, the Incumbency of

such Clerk shall, for the Purposes of this Act, be deemed a Continuation of the Incumbency of the Clerk so made Bishop.

When Person claiming an Advowson in Remainder, &c. after an Estate Tail, shall be barred.

XXXII. And be it further enacted, That in the Construction of this Act every Person claiming a Right to present to or bestow any Ecclesiastical Benefice, as Patron thereof, by virtue of any Estate, Interest, or Right which the Owner of an Estate Tail in the Advowson might have barred, shall be deemed to be a Person claiming through the Person entitled to such Estate Tail, and the Right to bring any Quare impedit, Action, or Suit shall be limited accordingly.

No Advowson to be recovered after 100 Years.

XXXIII. Provided always, and be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person shall bring any Quare impedit or other Action or any Suit to enforce a Right to present to or bestow any Ecclesiastical Benefice, as the Patron thereof, after the Expiration of One hundred Years from the Time at which a Clerk shall have obtained Possession of such Benefice adversely to the Right of Presentation or Gift of such Person, or of some Person through whom he claims, or of some Person entitled to some preceding Estate or Interest, or undivided Share, or alternate Right of Presentation or Gift, held or derived under the same Title, unless a Clerk shall subsequently have obtained Possession of such Benefice on the Presentation or Gift of the Person so claiming, or of some Person through whom he claims, or of some other Person entitled in respect of an Estate, Share, or Right held or derived under the same Title.

At the End of the Period of Limitation the Right of the Party out of Possession to be extinguished.

XXXIV. And be it further enacted, That at the Determination of the Period limited by this Act to any Person for making an Entry or Distress, or bringing any Writ of Quare impedit or other Action or Suit, the Right and Title of such Person to the Land, Rent, or Advowson for the Recovery whereof such Entry, Distress, Action, or Suit respectively might have been made or brought within such Period, shall be extinguished.

Receipt of Rent to be deemed Receipt of Profits.

XXXV. And be it further enacted, That the Receipt of the Rent payable by any Tenant from Year to Year, or other Lessee, shall, as against such Lessee or any Person claiming under him (but subject to the Lease), be deemed to be the Receipt of the Profits of the Land for the Purposes of this Act.

Real and mixed Actions abolished after the 31st December 1834;

XXXVI. And be it further enacted, That no Writ of Right Patent, Writ of Right Quia dominus remisit curiam, Writ of Right in capite, Writ of Right in *London*, Writ of Right Close, Writ of Right de rationabili parte, Writ of Right of Advowson, Writ of Right upon Disclaimer, Writ De rationabilibus divisis, Writ of Right of Ward, Writ De consuetudinibus et servitiis, Writ of Cessavit, Writ of Escheat, Writ of Quo jure, Writ of Secta ad molendinum, Writ De essendo quietum de theolonio, Writ of Ne injuste vexes, Writ of Mesne, Writ of Quod permittat, Writ of Formedon in descender, in remainder, or in reverter, Writ of Assize of novel disseisin, Nuisance, Darrein-presentment, Juris utrum, or Mort d'ancestor, Writ of Entry sur disseisin, in the quibus, in the per, in the per and cui, or in the post, Writ of Entry sur intrusion, Writ of Entry sur alienation, Dum

fuit non compos mentis, Dum fuit infra ætatem, Dum fuit in prisona, Ad communem legem, In casu proviso, In consimili casu, Cui in vita, Sur cui in vita, Cui ante divortium, or Sur cui ante divortium, Writ of Entry sur abatement, Writ of Entry Quare ejecit infra terminum, or Ad terminum qui præteriit, or Causa matrimonii prælocuti, Writ of Aiel, Besaiel, Tresaiel, Cosinage, or Nuper obiit, Writ of Waste, Writ of Partition, Writ of Disceit, Writ of Quod ei deforceat, Writ of Covenant real, Writ of Warrantia chartæ, Writ of Curia claudenda, or Writ Per quæ servitia, and no other Action real or mixed (except a Writ of Right of Dower, or Writ of Dower unde nihil habet, or a Quare impedit, or an Ejectment,) and no Plaint in the Nature of any such Writ or Action (except a Plaint for Freebench or Dower), shall be brought after the Thirty-first Day of *December* One thousand eight hundred and thirty-four.

except for Dower, Quare impedit, and Ejectment.

XXXVII. Provided always, and be it further enacted, That when on the said Thirty-first Day of *December* One thousand eight hundred and thirty-four, any Person who shall not have a Right of Entry to any Land shall be entitled to maintain any such Writ or Action as aforesaid in respect of such Land, such Writ or Action may be brought at any Time before the First Day of *June* One thousand eight hundred and thirty-five in case the same might have been brought if this Act had not been made, notwithstanding the Period of Twenty Years herein-before limited shall have expired.

Real Actions may be brought until the 1st June 1835.

XXXVIII. Provided also, and be it further enacted, That when, on the said First Day of *June* One thousand eight hundred and thirty-five, any Person whose Right of Entry to any Land shall have been taken away by any Descent, Cast, Discontinuance, or Warranty, might maintain any such Writ or Action as aforesaid in respect of such Land, such Writ or Action may be brought after the said First Day of *June* One thousand eight hundred and thirty-five, but only within the Period during which by virtue of the Provisions of this Act an Entry might have been made upon the same Land by the Person bringing such Writ or Action if his Right of Entry had not been so taken away.

Saving the Rights of Persons entitled to real Actions only at the Commencement of the Act, &c.

XXXIX. And be it further enacted, That no Descent, Cast, Discontinuance, or Warranty which may happen or be made after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three shall toll or defeat any Right of Entry or Action for the Recovery of Land.

No Descent, Warranty, &c. to bar a Right of Entry.

XL. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Action or Suit or other Proceeding shall be brought, to recover any Sum of Money secured by any Mortgage, Judgment, or Lien, or otherwise charged upon or payable out of any Land or Rent, at Law or in Equity, or any Legacy, but within Twenty Years next after a present Right to receive the same shall have accrued to some Person capable of giving a Discharge for or Release of the same, unless in the meantime some Part of the Principal Money, or some Interest thereon, shall have been paid, or some Acknowledgment of the Right thereto shall have been given in Writing signed by the Person by whom the same

Money charged upon Land and Legacies to be deemed satisfied at the End of Twenty Years if there shall be no Interest paid or Acknowledgment in Writing in

the mean-time.

same shall be payable, or his Agent, to the Person entitled thereto or his Agent; and in such Case no such Action or Suit or Proceeding shall be brought but within Twenty Years after such Payment or Acknowledgment, or the last of such Payments or Acknowledgments if more than One, was given.

No Arrears of Dower to be recovered for more than Six Years.

XLI. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Arrears of Dower, nor any Damages on account of such Arrears, shall be recovered or obtained by any Action or Suit for a longer Period than Six Years next before the Commencement of such Action or Suit.

No Arrears of Rent or Interest to be recovered for more than Six Years.

XLII. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Arrears of Rent or of Interest in respect of any Sum of Money charged upon or payable out of any Land or Rent, or in respect of any Legacy, or any Damages in respect of such Arrears of Rent or Interest, shall be recovered by any Distress, Action, or Suit but within Six Years next after the same respectively shall have become due, or next after an Acknowledgment of the same in Writing shall have been given to the Person entitled thereto, or his Agent, signed by the Person by whom the same was payable, or his Agent: Provided nevertheless, that where any prior Mortgagee or other Incumbrancer shall have been in Possession of any Land, or in the Receipt of the Profits thereof, within One Year next before an Action or Suit shall be brought by any Person entitled to a subsequent Mortgage or other Incumbrance on the same Land, the Person entitled to such subsequent Mortgage or Incumbrance may recover in such Action or Suit the Arrears of Interest which shall have become due during the whole Time that such prior Mortgagee or Incumbrancer was in such Possession or Receipt as aforesaid, although such Time may have exceeded the said Term of Six Years.

Act to extend to the Spiritual Courts.

XLIII. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person claiming any Tithes, Legacy, or other Property for the Recovery of which he might bring an Action or Suit at Law or in Equity, shall bring a Suit or other Proceeding in any Spiritual Court to recover the same but within the Period during which he might bring such Action or Suit at Law or in Equity.

Act not to extend to Scotland, nor to Advowsons in Ireland.

XLIV. Provided always, and be it further enacted, That this Act shall not extend to *Scotland*; and shall not, so far as it relates to any Right to permit to or bestow any Church, Vicarage, or other Ecclesiastical Benefice, extend to *Ireland*.

Act may be amended.

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

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