



Inclosure Act 1852

1852 CHAPTER 79

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

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 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

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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.