



Allotments Act 1832

1832 CHAPTER 42

An Act to authorize (in Parishes inclosed under any Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers. [1st June 1832]

WHEREAS in Parishes inclosed under Acts of Parliament there are in many Cases Allotments made for the Benefit of the Poor, chiefly with a view to Fuel, which are now comparatively useless and unproductive: And whereas it would tend much to the Welfare and Happiness of the Poor if those Allotments could be let at a fair Rent, and in small Portions, to industrious Cottagers of good Character, while the Distribution of Fuel might be augmented by appropriating the said Rents to the Purchase of an additional Quantity;

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,

Trustees and Parish Officers in Vestry assembled may let Portions of Poor Allotments to industrious Cottagers.

That it shall and may be lawful for the Trustees of the said Allotments, together with the Churchwarden's and Overseers of the Poor, in Parish Vestry assembled, and they are hereby required, to let Portions of any such Allotment, not less than One Fourth of a Statute Acre, and not exceeding One such Acre, to any One Individual, according to their Discretion, as a yearly Occupation from *Michaelmas* to *Michaelmas*, (and at such Rent as Land of the same Quality is usually let for in the said Parish,) to such industrious Cottagers of good Character, being Day Labourers or Journeymen legally settled in the said Parish, and dwelling within or near its Bounds, as shall apply for the same in the Manner herein-after mentioned.

II Land to be duly cultivated.

Provided also, and be it further enacted, That the Person hiring the same shall be held bound to cultivate it in such a Manner as shall preserve the Land in a due State of Fertility.

III Vestry to be held annually to receive Applications. Order of Vestry to authorize Occupation.

And be it further enacted, That for the Purpose of carrying this Act into effect a Vestry shall be held in the First Week in *September* in every Year, of which Ten Days Notice shall be given in the usual Manner, at which Vestry the Trustees of the said Allotments may attend and vote, if they shall so think fit, and at which Vestry, or some Adjournment thereof, any industrious Cottager of good Character who may desire to rent such Portion of Land as aforesaid may apply for the same; and the said Vestry are hereby required, taking into consideration the Character and Circumstances of the Applicant, to determine the Case, either by rejecting his Application, or by making an Order that he shall be permitted to occupy such Portion of the Poor Allotment, being not less than One Fourth of a Statute Acre nor exceeding One such Acre, as the said Vestry in their Discretion shall determine, and upon the Terms hereinbefore enacted ; and the said Order of Vestry shall be held to all Intents and Purposes to be a sufficient Title and Authority to such Applicant to enter into the Occupation of such Land at the Time therein appointed.

IV Payment of Rent.

Provided always, and be it further enacted, That the Rent shall be reserved and payable to the Churchwardens and Overseers of the Poor, on behalf of the Vestry, in one gross Sum for the whole Year, and shall be paid to one or either of them at the End of the Year's Occupation.

V If Rent is in arrear, or Land not duly cultivated, Tenant may be evicted.

And be it further enacted, That if the Rent of such Portion of Land shall at any Time be Four Weeks in arrear, or if at the End of any One Year of Occupation it shall be the Opinion of the Vestry that the Land has not been duly cultivated, so as to fulfil the useful and benevolent Purposes of this Act, then and in such Case the Churchwardens and Overseers of the Poor, or any or either of them, with the Consent of the Vestry, may serve a Notice to quit upon the Occupier of such Portion of Land ; whereupon the said Occupier shall deliver up Possession of the same to the Churchwardens and Overseers aforesaid, or any or either of them, within One Week after the said Notice has been duly served upon him.

VI Power to recover Possession of Land illegally held aver, by summary Process.

And be it further enacted, That if any Person to whom such Portion of Land as aforesaid shall have been let, for his or her own Occupation, shall refuse to quit and to deliver up Possession thereof when thereto required according to the Terms of this Act, or if any other Person or Persons shall unlawfully enter upon or take or hold Possession of any such Land, it shall be lawful for the Churchwardens and Overseers of the Poor, or any or either of them, to exhibit a Complaint against the Person so in Possession of such Land before Two of His Majesty's Justices of the Peace, who are hereby authorized and required to issue a Summons, under their Hands and Seals, to the Person against whom such Complaint shall be made, to appear before them at a Time and Place appointed therein ; and such Justices are hereby required and empowered, upon the Appearance of the Defendant before them, or upon Proof on Oath that such Summons has been duly served upon him, or left at his usual Place of Residence, or if there should have been any Difficulty in finding such usual Place of Residence, then upon Proof on Oath of such Difficulty, and that such Summons has been affixed

on the Door of the Parish Church of the said Parish in which such Land is situated, and in any Extra-parochial Place on some public Building or other conspicuous Place therein, to proceed to hear and determine the Matter of such Complaint, and if they shall find and adjudge the same to be true, then by Warrant under their Hands and Seals to cause Possession of the Land in question to be delivered to the Churchwardens and Overseers of the Poor, or to some of them.

VII Arrears of Rent how to be recovered.

And be it further enacted, That all Arrears of Rent for the said Portions of Land shall be recoverable by the Churchwardens and Overseers of the Poor, or any of them, on behalf of the Vestry, by Application to Two of His Majesty's Justices of the Peace in Petty Sessions assembled, who shall thereupon summon the Party complained against, and after hearing what he has to allege, should they find any Rent to be due, they are required to issue a Warrant under their Hands and Seals to levy the same upon the Goods and Chattels of the Person from whom the said Rent shall be due and owing.

VIII Application of Rent.

And be it further enacted, That the Rent of the said Portions of Land shall be applied by the Vestry in the Purchase of Fuel, to be distributed in the Winter Season among the poor Parishioners legally settled and resident in or near the said Parish.

IX Power to exchange, for greater Convenience of Cottagers.

And be it further enacted, That if any of the said Allotments shall be found to lie at an inconvenient Distance from the Residences of the Cottagers, it shall be lawful for the Vestry, by an Order made to that Effect, to let such Allotment, or any Part thereof, for the best Rent that can be procured for the same, and to hire in lieu thereof, for the Purposes of this Act, Land of equal Value, more favourably situated.

X No Habitations to be erected.

And be it further enacted, That no Habitations shall be erected on the Portions of Land demised under this Act, either at the Expence of the Parish or by the Individuals renting the same.

XI Extending Powers and Provisions of this Act to 1 & 2 W.4 c.42 and c.59.

And whereas by Two Acts of the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend an Act of the Fifty-ninth Year of His Majesty King George the Third, for the Relief and Employment of the Poor*, and the other intituled *An Act to enable the Churchwardens and Overseers to inclose Lands belonging to the Crown, for the Benefit of poor Persons residing in the Parish in which such Crown Land is situated*, Power is given, under certain Restrictions, to inclose any Quantity not exceeding Fifty Acres of Waste Land and Crown Land respectively, for the Use and Benefit of the Poor; be it further enacted, That in any Parish where such Inclosure shall exist or shall hereafter take place, or where Land shall in any other Manner be found appropriated for the general Benefit of the Poor of any Parish, then and in such Cases the Powers and Provisions of this Act shall be held to apply, in so far as the same may be found applicable.