



Ecclesiastical Corporations Act 1832

1832 CHAPTER 80

An Act to authorize the identifying of Lands and other Possessions of certain Ecclesiastical and Collegiate Corporations. [3d August 1832]

WHEREAS the Archbishops and Bishops, of the several Dioceses, and the Deans, and Deans and Chapters, Archdeacons, Prebendaries, and Canons, and other Dignitaries and Officers of the several Cathedral and Collegiate Churches and Chapels, and the Masters or other Heads, and Fellows and Scholars or other Societies of the several Colleges and Halls in the Universities of *Oxford* and *Cambridge*, and of the Colleges of *Winchester* and *Eton*, are Proprietors of divers,, Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments, and in many Cases the Boundaries or Quantities and the Identity of Lands within such Manors, and of such Messuages, Lands, Tenements, and Hereditaments, and of Lands subject to any such Tithes, or some Part or 'Parts thereof; are unknown or disputed, and it would be a great Benefit, as well to such Proprietors respectively, as to their Lessees, Copyhold or Customary Tenants, Sub-lessees, or Under-tenants, their, his, or her Heirs, Executors, Administrators, or Assigns, if the said Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments were identified, and the Boundaries and Quantities thereof ascertained and finally settled :

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,

Archbishops, Bishops, Deans and Chapters, &c. may enter into Agreements or Deeds of Reference with their Lessees, to ascertain and settle unknown or disputed Boundaries or Quantities of Manors &c. leased.

That from and after the passing of this Act it shall and may be lawful to and for any Archbishop, Bishop, Dean, Dean and Chapter, or other Corporation Aggregate or Sole herein-before mentioned, to enter into an Agreement of Reference or Deed of Submission with his or their Lessee or Lessees, Copyhold or Customary Tenant or Tenants, Sub-lessee or Sub-lessees, Under-tenant or Under-tenants, his, her, or their Heirs, Executors, Administrators, or Assigns, or with the Owner or Owners of any other Hereditaments adjoining to or intermixed with the said Manors, Messuages, Lands, Tenements, Tithes, or Hereditaments, whereby it shall be agreed that any unknown

or disputed Boundaries or Quantities of such Manors, Messuages, Lands, Tenements, Tithes, or Hereditaments, or any Part thereof, shall be referred to the Adjudication of such Person or Persons as may be agreed upon and named by the said Archbishop, Bishop, Dean, Dean and Chapter, or other Corporation Aggregate or Sole, and by his or their Lessee or Lessees, Copyhold or Customary Tenant or Tenants, Sub-lessee or Sub-lessees, Under-tenant or Under-tenants, his, her, or their Heirs, Executors, Administrators, or Assigns, or by such Owner or Owners of any other Hereditaments situate as aforesaid;

Referees to make Surveys, Maps, and Admeasurements ; to summon and examine Witnesses on Oath ;

and that such Referee or Referees shall be fully authorized to make or cause to be made Surveys, Maps, and Admeasurements of the said Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments, or any Part thereof, and to summon any Persons as Witnesses, and examine them on Oath (which Oath he or they are hereby authorized to administer) touching or concerning any of the Matters or Things so referred as aforesaid , or in any Way relating thereto ;

to call for all Deeds, &c. ;

and also to call for the Production of all Surveys, Maps, Deeds, Books, Papers, and Writings in the Custody or Power of any of the Parties to the said Reference, or of any other Person or Persons, of or concerning the Matters in question ;

to make Awards with Maps thereto, on Parchment or Vellum.

and the said Referee or Referees, having well and sufficiently investigated and considered the same, and all Matters to him or them referred, shall and may make his or their Award or Awards in Writing, under his or their Hand and Seal or Hands and Seals, with a Map or Maps drawn thereupon or thereunto annexed, and which said Award or Awards and Map or Maps shall be upon Parchment or Vellum, and shall award and determine, identify, delineate, and describe the Boundaries, Quantities, Particulars, and Situations of the said Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments so referred to him or them as aforesaid;

Awards and Maps to be laid before Parties, and their Approbation to be written.

and the said Award or Awards and Map or Maps shall be laid before all the Parties to any such Agreement of Reference or Deed of Submission, including the Party or Parties whose Consent is, required by this Act, whose Approbation thereof shall be written upon the said Award or Awards, and shall be signed and sealed by them, and thereupon the said Award or Awards and Map or Maps shall be for ever afterwards binding upon all Parties, and final and conclusive as to all Matters therein contained or thereby referred to.

II Certain Consents required to render valid Proceedings under this Act.

Provided always, and be it further enacted, That in every Case in which any of the Powers herein-before contained shall be exercised by any Bishop, Dean, Archdeacon, Prebendary, or other Ecclesiastical Corporation Sole, the Deed of Submission or Agreement of Reference, and also the Approbation of the Award, shall, M the Case of a Bishop, be executed by the Archbishop of the Province testifying his Consent thereto; Or in Case of a Dean, the same shall be executed by the Dean and Chapter testifying their Consent thereto; or in the Case of an Archdeacon, Prebendary, or other Ecclesiastical Corporation Sole, the same shall be executed by the Archbishop or Bishop of the Diocese testifying his Consent thereto.

III Power to Infants, married Women, Lunatics, &c. to enter into Reference.

And be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Lessee or Lessees, Copyhold or Customary Tenant or Tenants, Sub-lessee or Sub-lessees, Under-tenant or Under-tenants, and such other Owner or Owners as herein-before named, his, her, or their Heirs, Executors, Administrators, or Assigns, who at the Time of making any Reference authorized by this Act shall be Tenant or Tenants in Fee Tail, General or Special, or for Life or Lives, and for the Guardians, Husbands, Committees, or Attornies of or acting for any such Lessee or Lessees, Copyhold or Customary Tenant or Tenants, Sub-lessee or Sub-lessees, Under-tenant or Under-tenants, and such other Owner or Owners as herein-before named, his, her, or their Heirs, Executors, Administrators, or Assigns, who at the Time of making any such Reference shall be respectively an Infant or Infants, Feme Covert or Femes Covert, or of unsound Mind, or beyond the Seas, or under any Other legal Disability, or otherwise disabled to act for themselves, himself, or herself, to sign, seal, and deliver any Agreement of Reference or Deed of Submission or Approbation of any Award or Awards and Map or Maps authorized by this Act to be made, as fully and effectually to all Intents and Purposes as if such Lessee or Lessees, Copyhold or Customary Tenant or Tenants, Sub-lessee or Sub-lessees, Under-tenant or Under-tenants, and such other Owner or Owners as herein-before named, his, her, or their Heirs, Executors, Administrators, or Assigns, had been Tenant or Tenants in Fee Simple, and of full Age, sole, of sound Mind, or within the Realm of *England*, and not under any other legal Disability.

IV Agreements or Deeds of Reference, Awards and Maps, to be deposited in Registry of Archbishop, Bishop, &c. Documents to be produced for Inspection. Registrar's Fees.

And be it further enacted, That immediately after the Execution by the Parties of the Instrument shewing their Approbation of any Award to be made by virtue of this Act, the Agreement of Reference or Deed of Submission, and also the Award or Awards and Map or Maps, authorized to be made by this Act, and a Copy of the Minutes of Evidence whereupon the same is made, shall be deposited, in the Case of any Reference by any Archbishop or Bishop, in the Office of their own Registrar; and in case of any Reference by any Dean, Dean and Chapter, Archdeacon, Prebendary, Canon, and other Dignitary and Officer of a Cathedral or Collegiate Church or Chapel, in the Office of the Registrar of the Dean and Chapter thereof; and in case of any Reference by any Masters or other Heads, or by any Fellows and Scholars, or other Societies herein-before named, in the Office of the Steward or other proper Officer of their said Colleges and Halls; and every such Registrar, Steward, or other Officer, or some Person or Persons on his Behalf, shall produce the Documents and Papers so deposited with him, or any of them, at all proper and usual Hours of Business, to every Person interested in the Subject Matter of such Award, or to his or her Agent duly authorized, who shall make Application to inspect the same or any of them, and shall furnish a Copy or Copies of the same or any of them to every such Person or Agent who shall make Application for such Copy or Copies; and every such Registrar, Steward, or other Officer shall in every Case be entitled to the Sum of Five Shillings and no more for receiving and preserving the Agreement of Reference or Deed of Submission, Award or Awards, Map or Maps, and Copy of the Minutes of Evidence as aforesaid ; and the Sum of One Shilling and no more for every Production of the same or any of them to be inspected; and the Sum of Sixpence and no more for every Folio containing Seventy-two Words of every Copy; and the Sum of Ten Shillings and no more for every Copy of a Map so made as aforesaid.

V Expences of Reference how to be paid.

And be it further enacted, That the Expences attending every Reference which shall be made under the Authority of this Act, and all the Proceedings hereby required relating to the same, shall be paid and borne by the Parties thereto in such Manner, Shares, and Proportions as they shall agree; and in case the said Parties shall not make any Agreement relating to such Expences, then all such Expences, or so much thereof as shall not be provided for by such Agreement, shall be paid and borne by the said Parties in equal Moieties.

VI Act limited to England and Wales.

Provided also, and be it further enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*.