



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. 1.

An Act for amending an Act of the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for inclosing Lands in the Tithings of Arle and Arleston otherwise Allstone in the Parish of Cheltenham in the County of Gloucester, and for discharging from Tithes Lands in the said Tithings.* [22d May 1834.]

WHEREAS in the Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, and intituled *An Act for inclosing Lands in the Tithings of Arle and Arlestone otherwise Allstone in the Parish of Cheltenham in the County of Gloucester, and for discharging from Tithes Lands in the said Tithings,* no Provision is contained respecting the Tenure of the Allotments to be made by virtue thereof, or for making distinct Allotments in lieu or in respect of distinct Tenements held by the same Person or Persons: And whereas Difficulties have arisen and are likely to arise in effecting the Purposes of the said Act where the Consents of certain Parties are thereby required to be given: And whereas it is expedient that the Provisions of the said Act should in these and in other respects be extended and amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent

[Private.] 11 G. 4. c. 6.

Tenure of
Allotments.

sent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Lands and Hereditaments which shall be allotted by virtue of this Act or the said recited Act to any Person or Persons shall be held by such Person or Persons under the same Tenure, Rents, Customs, and Services as the Messuages, Cottages, Lands, and other Hereditaments in respect of which such Allotments shall be respectively made or given were respectively held under or enjoyed by such Person or Persons as aforesaid before the passing of the said recited Act, or would have been held under or enjoyed by in case the said recited Act and this Act had not passed ; and the several Lands and Hereditaments which shall be allotted for any Freehold Messuages or Cottages, Lands or Hereditaments, shall be deemed Freehold, and shall be held of the Lord or Lords of the Fee thereof under the same Rents or other Payments as the Freehold Messuages, Cottages, Lands, and Hereditaments for which they were allotted were before that Time held under ; and the several Lands and Hereditaments which shall be allotted for Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments shall in like Manner be deemed Copyhold or Customary Lands and Hereditaments, and shall be held of the Lord or Lords of the Fee thereof under the same Rents and by the same Customs and Services as the Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments for which they were so allotted were or ought to have been held under, and shall pass by the like Surrenders as the Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments in respect whereof such Allotments shall be made do now pass by ; and that all and every Persons and Person to whom such Copyhold or Customary Lands and Hereditaments shall be allotted as aforesaid may, at any Court which shall be holden for the Manor or Manors whereof such Copyhold or Customary Lands and Hereditaments shall be respectively holden, after the Execution of the Award thereof, be admitted Tenant and Tenants to the same, without paying any Fine or other Charge to the Lord or Lords or to the Steward or Stewards of the said Manors (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and the customary Fees to the Stewards of the said Manors respectively) ; but in case the Person or Persons to whom such Copyhold or Customary Lands and Hereditaments shall be allotted shall die without Admission thereto, then the customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Copyhold or Customary Lands and Hereditaments ; and after every such first Admission as aforesaid the Copyhold or Customary Lands and Hereditaments so to be allotted as aforesaid shall at all Times be held under and subject to the same Tenures, Fines, and other Payments as the present Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments in respect whereof such Lands and Hereditaments were allotted are now held under and are subject to ; any Law, Usage, or Custom to the contrary notwithstanding.

A distinct
Allotment to
be made in
respect of
each Copy-
hold Tene-
ment.

II. Provided always, and be it further enacted, That in the making and setting out of the Copyhold or Customary Allotments to be allotted and awarded under the said recited Act and this Act due Regard shall be had by the Commissioner or Commissioners appointed or to be appointed by virtue of the said recited Act to the different Copyhold or Customary

Tenements for or in lieu or in respect of which such Allotments shall be made, and the said Commissioner or Commissioners is and are hereby authorized and required to allot and award One or more distinct Allotment or Allotments for or in lieu or in respect of each separate and distinct Copyhold or Customary Tenement.

III. And be it further enacted, That in all Cases in which the said Commissioner is by the said recited Act empowered to allot generally or by way of Exchange old Inclosures with the Consent in Writing of the respective Persons seised or in Possession thereof in their own Rights, either in Fee Simple, Fee Tail, or for Life or Lives, or for any Term or Terms of Years, or who should be a Trustee or Trustees for charitable or other Purposes, or of the major Part of such Trustees, or with the Consent in Writing of the Husbands, Guardians, Feoffees, Committees, Attornies, or known Agents of any Persons, seised or possessed in their own Right as aforesaid, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or any other Disability of acting for themselves, such Power shall extend to Lands of Copyhold Tenure as well as of Freehold Tenure.

Copyhold Lands may be allotted and exchanged.

IV. And whereas Proprietors of Estates situate in the said Tithings, which may consist in part of Allotments of old inclosed Lands which had been allotted under the Award of the Commissioner appointed by the said recited Act, by virtue of the Consent of the former Proprietor of such old inclosed Lands claiming to be in Possession of the same for some or one of the Estates or Interests specified in the said recited Act, may, after the Execution of the said Award, on dealing with such Estates, be subjected to great Expences by being required to produce Abstracts and other Evidences of the former Title of such old inclosed Lands, to prove that the Parties so consenting were legally entitled for some such Estate or Interest; be it therefore further enacted, That the Award of the Commissioner or Commissioners for the Time acting in the Execution of the said recited Act shall be sufficient and conclusive Evidence that the several Consents and Requests thereby made necessary for giving Validity to the said Award or any Part or Parts thereof have been duly given according to the Tenor of the said recited Act, in case it shall be shewn that such Consents and Requests shall have been given by the Party in Possession at the Time, and claiming such an Interest in the Estate as is required by the said recited Act, whether the Party so in Possession and so claiming was or was not legally entitled to such Interest.

Respecting certain Consents required by the said recited Act to be given.

V. And be it further enacted, That nothing in this Act contained shall extend to revoke, make void, impeach, annul, alter, or prejudice any Settlement, Will, Mortgage, Deed, or other Instrument whatsoever, or to prejudice any Person or Persons having any Estate, Right, Title, Interest, Claim, or Demand whatsoever, in, to, out of, upon, or affecting any Messuages, Grounds, Lands, or Hereditaments which shall be allotted or exchanged in pursuance of this Act or the said recited Act, or whereof Partition shall be made in pursuance of the said recited Act or the Acts therein referred to; but the several Messuages, Grounds, Lands, or Hereditaments which shall be so allotted or exchanged, or whereof Partition shall be made as aforesaid, shall, immediately after the making of such Allotments, Exchanges, and Partitions respectively, be,

For giving effect to Exchanges and Partitions.

[Private:]

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remain,

remain, and enure to such and the same Persons, for such and the same Estates and Interests, and to such and the same Uses, and for such and the same Intents and Purposes, and with, under, and subject to such and the same Powers, Provisoos, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind as the Messuages, Grounds, Lands, or Hereditaments in respect or in lieu whereof such Allotments, Exchanges, or Partitions shall be respectively made would have respectively remained limited, settled, or subject or liable unto if such Allotments, Exchanges, or Partitions respectively had not been made.

Continuing
for Two
Years the
Allowance
of Three
Guineas a
Day.

VI. And whereas it is provided by the said Act that the Commissioner, and the Clerk or Clerks appointed by him, should, for the Space of Three Years from the passing of the said Act, be paid after the Rate of Three Pounds and Three Shillings for each Day they should be respectively employed in the Business of the said Inclosure, and after that Period at the Rate of Two Pounds and Two Shillings only for each Day they should be so employed: And whereas due Diligence has been used in executing the Powers of the said Act, but owing to the complicated Nature of the Rights of the Parties, and other inevitable Circumstances, the Commissioner has been hitherto unable to make his Award; be it therefore further enacted, That the Allowances provided by the said recited Act for the Commissioner, and for the Clerk or Clerks to be appointed by him to assist him in carrying the said recited Act into execution, during the first Three Years next after the passing of the said Act, shall continue and be paid for the Term of Two Years to be computed from the passing of this Act.

General
Saving.

VII. Saving always unto the King's most Excellent Majesty, His Heirs and Successors, and to all and every Persons and Person, Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand, (other than such as are expressly barred and compensated for, or intended to be barred and compensated for, by this Act,) as they, every or any of them, could or might have had, held, and enjoyed in case this Act had not been passed.

Act to be
printed by
the King's
Printers.

VIII. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.