



Inclosure Act 1845

1845 CHAPTER 118

XLIX Titles not to be determined by Valuer, Commissioners, or Assistant Commissioners.

Provided also, and be it enacted, That nothing in this Act contained shall extend to enable the Valuer, or the Commissioners, or any Assistant Commissioner, to determine the Title of any Lands, or to determine any Right between any Parties contrary to the actual Possession of any such Party (except in Cases of Encroachment as herein-after mentioned), but in case the Valuer, or the Commissioners or Assistant Commissioner, shall be of opinion against the Rights of the Party in possession, they or he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Party, or recovered from him in due Course of Law, or, where the Circumstances shall admit, such Valuer, or the Commissioners or Assistant Commissioner, may declare what Right is appendant or appurtenant to any Land or Hereditament, or otherwise declare by any sufficient Description the Rights of the Owner for the Time being of any Land or Hereditament, without declaring by Name who may be the actual Owner of such Land or Hereditament.