



# Inclosure Act 1845

## 1845 CHAPTER 118

### **XXXIX Power to set out Boundaries of Parishes. Appeal on Questions of Boundary.**

And be it enacted, That in case it shall be represented to the Commissioners by the Valuer acting in the Matter of any Inclosure, that the Boundaries of any Parish or Manor in which the Land proposed to be inclosed, or any Part thereof, shall be situate, and of any Parish or Manor adjoining thereto, are not then sufficiently ascertained and distinguished, it shall be lawful for the Commissioners, or any Assistant Commissioner by them appointed for that Purpose, after giving such Notices as they or he shall think necessary for the Protection of the Rights of all Persons interested in this Behalf, to ascertain and set out the same respectively in Writing under the Hand and Seal of such Assistant Commissioner, or under the Seal of such Commissioners; and after the said Boundaries shall be so ascertained and set out and fixed the same shall and are hereby declared to be the Boundaries of such Parishes and Manors respectively; and the Commissioners or Assistant Commissioner shall, within One Calendar Month after ascertaining and setting out the Boundaries, publish the same, by causing a Description thereof in Writing to be delivered to or left at the Place of Abode of One of the Churchwardens or Overseers of the Poor of each of the Parishes of which the Boundary shall be so set out, and of the Lords of the several Manors of which the Boundary shall be so set out, or of the Stewards of the respective Manors, and shall give Notice that such Boundary has been so set out, and that such Description has been so left as aforesaid, by Advertisement: Provided always, that any Person interested in the Determination of the Commissioners or Assistant Commissioner respecting the said Boundaries, who shall be dissatisfied with such Determination, may within One Calendar Month next after the Publication of the said Boundaries, by delivering or leaving such Description as aforesaid, give Notice in Writing of his Dissatisfaction to the Commissioners, specifying the Particulars in respect whereof he may be dissatisfied, and request that the Matter in dispute may be submitted to the Determination of a Jury; or any Person dissatisfied may, within One Calendar Month after such Publication of the said Boundaries, give Notice in Writing to the Commissioners of such Dissatisfaction, and of such Particulars thereof, and of his Intention to apply to the Queen's Bench to remove the Determination of the Commissioners or Assistant Commissioner, by Certiorari, into the said Court; and in every Case in -which any Person shall have requested that the Matter in dispute may be submitted to the Determination of a Jury as aforesaid, and no Notice

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

shall have been given to the Commissioners by any Person, within the Time herein-before limited, of his Intention to apply to the Court of Queen's Bench to remove the Determination of the Commissioners or Assistant Commissioners, by Certiorari as aforesaid, or such Determination shall not have been removed within the Time hereinafter limited, the Commissioners shall and they are hereby required to issue a Warrant under their Hands and Seal to the Sheriff of the County in which the Parishes and Manors in question, or One of them, shall be situate, commanding such Sheriff to impanel, summon, and return, and such Sheriff is hereby accordingly empowered and required to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of the Realm to be returned for Trial of Issues in Her Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and returned are hereby required to appear before any Assistant Commissioner specially appointed by the Commissioners for that Purpose at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the said Assistant Commissioner, or by some Person to be by him appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Westminster* are by Law directed to be drawn ; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties, concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Assistant Commissioner is hereby empowered and required to summon before him. all Persons who shall be thought necessary to be examined as Witnesses touching the Matter in question, and may authorize or order the said Jury, or any Six or more of them, to view the Boundaries, or the Part thereof which is in controversy; and such Jury shall upon their Oaths, or being Quakers upon their Affirmations, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Assistant Commissioner is hereby empowered and required to administer,) inquire into and ascertain the said Boundaries, or such Part thereof as shall have been in controversy, and shall declare whether the said Boundaries, as described and set out and published as aforesaid, are or are not the true Boundaries of the respective Parishes and Manors respectively, and in case they shall declare that the same are not the true Boundaries, then shall declare in what Manner the Boundaries so described and set out and published as aforesaid ought to be amended, and shall give Verdict accordingly; and the Assistant Commissioner shall reduce such Verdict to Writing, and certify the same to the Commissioners, under his Hand and Seal; and in case such Jury shall have declared that the Boundaries so described and set out and published as aforesaid ought to be amended, the Commissioners shall amend the same in accordance with such Verdict, and such amended Boundaries shall thenceforth be conclusive on all Persons whomsoever.