ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 76.

An Act for incloſing Lands in the Pariſh of *Aſton Clinton*, in the County of *Buckingham*.

[18th *May* 1814.]

WHEREAS there are within the Pariſh of *Aſton Clinton*, in the County of *Buckingham*, (including the Hamlet of *Saint Leonards*, Part of the ſaid Pariſh), divers Open and Common Fields, Common Meadows, Common Paſtures, Commons, Downs, and other Commonable Lands and Waſte Grounds, which contain together, by Eſtimation, Two thouſand Acres or thereabouts: And whereas the Right Honourable *Francis Gerard* Viſcount *Lake* is Lord of the Manor of *Aſton Clinton*, otherwiſe *Chivery cum Cheddington*, and alſo Owner or Proprietor of Ancient Demeſnes and certain Old Incloſures within the ſaid Pariſh of *Aſton Clinton*, and of a conſiderable Part of the Open and Common Fields, Common Meadows, Common Paſtures, Commons, Downs, and other Commonable Lands and Waſte Grounds, intended by this Act to be divided, allotted, and incloſed: And whereas *Robert Stratfold Collet* Eſquire is or claims to be Lord of the Manor of *Wivels Gate*, Part of which laſt-mentioned Manor is within the Hamlet of *Saint Leonards*, in the Pariſh of *Aſton Clinton*, aforeſaid: And whereas the Wardens and Commonalty of the Myſtery of Mercers of the City of *London*, are or claim to be Lords of the Manor of the *Hayle*, Part of which laſt-mentioned Manor is alſo within the ſaid Hamlet of *Saint Leonards*, in the Pariſh of *Aſton Clinton* aforeſaid: And whereas the Principal Fellows and Scholars of Jeſus College, in the Univerſity of *Oxford*, of Queen *Elizabeth*'s Foundation, are Patrons

Patrons of the Rectory of *Aſton Clinton* aforeſaid, and the Reverend *John George* Clerk is Rector of the Rectory and Pariſh Church of *Aſton Clinton* aforeſaid, and as ſuch intitled to certain Old Incloſures within the ſaid Pariſh of *Aſton Clinton*, and to divers Glebe Lands, Pieces or Plots of Land or Ground in the ſaid Open and Common Fields, Common Meadows, and Common Paſtures, with Right of Common thereto belonging; and alſo to all the Great and Small Tithes yearly ariſing, renewing, and increaſing within the Pariſh of *Aſton Clinton* aforeſaid: And whereas *Warwick Lake*, *George Rowland Minſhull*, and *James Senior*, Eſquires, the ſaid Wardens and Commonalty of the Myſtery of Mercers, *William Bull*, and *John Gurney Turvey*, Gentlemen, *Henry Wells*, *Richard Slaughter*, *John Baſton*, *Francis Wells*, *Thomas Spencer*, and divers other Perſons, are Owners or Proprietors of the Reſidue of the ſaid Open and Common Fields, Common Meadows, Common Paſtures, and other Commonable Lands; and alſo are, with *Edward Darrell* Eſquire, the ſaid *Robert Stratfold Collett*, and *Farmor Bull*, and *Timothy Honnor*, Gentlemen, the Truſtees of *Saint Leonards* Chapel, and divers other Perſons, Proprietors of the Reſidue of the ſaid Old Incloſures, with certain Rights of Common thereunto reſpectively belonging, in and over the ſaid Commons, Downs, and Waſte Grounds: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure; and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the Lands and Grounds of the Owners or Proprietors of the ſaid Open and Common Fields, Common Meadows, Common Paſtures, and other Commonable Lands, lie intermixed and diſperſed in ſmall Parcels, and are in their preſent Situation with the ſaid Commons, Downs, and Waſte Grounds, incapable of any conſiderable Improvement; and it would be very advantageous and beneficial to the ſeveral Perſons intereſted therein, if the ſame were exonerated from the Payment of Tithes, and were divided and incloſed, and ſpecific Parts and Shares thereof allotted and awarded unto and among the ſeveral Proprietors thereof, according to their reſpective Eſtates, Rights, and Intereſts therein, but as ſuch Diviſion, Allotment, and Incloſure, cannot be effectually made and eſtabliſhed without the Authority of Parliament: 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 of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Edward Horwood* of *Buckland*, in the ſaid County of *Buckingham*, *Martin Nockolds* of *Tring*, in the County of *Hertford*, and *William Colliſſon* of *Brackley*, in the County of *Northampton*, Gentlemen, and their Succeſſors, to be appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for carrying the Purpoſes of this Act into Execution, ſubject to the Powers, Proviſions, Rules, and Regulations of the ſaid recited Act (except in ſuch Caſes where the ſame are hereby varied or altered); and that all Acts, Matters, and Things done by any Two of the Commiſſioners named in or to be appointed by virtue of this Act, ſhall be to all Intents and Purpoſes as valid and effectual as if the ſame were done and performed by all the Commiſſioners.

41 G. 3. c. 109.

Commiſſioners appointed.

Appointment of new Commiſſioners.

II. And be it further enacted, That in caſe either or any of the ſaid Commiſſioners herein-before named and appointed, or to be appointed as herein-

herein-after mentioned ſhall, previous to the finiſhing and completing the ſaid Diviſion and Allotment, die, or refuſe to act, or become incapable of acting as a Commiſſioner or as Commiſſioners in the Execution of this Act, a new Commiſſioner or new Commiſſioners ſhall and may be nominated, and appointed in Manner following; (that is to ſay) if the ſaid *Edward Horwood* ſhall die, or refuſe to act, or become incapable of acting as aforeſaid, the ſurviving or remaining Commiſſioners or Commiſſioner ſhall, within Twenty-one Days afterwards give Notice thereof in Writing to the ſaid *Francis Gerard* Viſcount *Lake*, or the Lord or Lords of the ſaid Manor of *Aſton Clinton*, otherwiſe *Chivery cum Cheddington*, for the Time being, and thereupon it ſhall be lawful for him or them, within Twenty-one Days next after ſuch Notice, by any Writing under his or their Hand or Hands, or for his or their known Agent, to appoint one other Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a Commiſſioner in the room of the ſaid *Edward Horwood*, and ſo from Time to Time, as often as any Commiſſioner ſo to be appointed by him the ſaid *Francis Gerard* Viſcount *Lake*, or the Lord or Lords of the ſaid Manor for the Time being as aforeſaid, ſhall die or refuſe to act, or become incapable of acting as aforeſaid; and if the ſaid *Martin Nockolds* ſhall die or refuſe to act, or become incapable of acting, the ſurviving or remaining Commiſſioners or Commiſſioner ſhall, as ſoon as conveniently may be, give Notice thereof in Writing to the ſaid *John George*, or his Succeſſors, Rectors as aforeſaid; and thereupon it ſhall and may be lawful to and for the ſaid *John George* and his Succeſſors, Rectors as aforeſaid, at any Time within Twenty-one Days next after ſuch Notice by any Writing under his or their Hand or Hands, or under the Hand of his or their known Agent, to appoint one other Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a Commiſſioner in the room of the ſaid *Martin Nockolds*; and ſo from Time to Time as often as any Commiſſioner ſo to be appointed by the ſaid *John George*, or his Succeſſors, Rectors as aforeſaid, ſhall die or refuſe to act, or become incapable of acting as aforeſaid; and if the ſaid *William Colliſſon* ſhall die or refuſe to act, or become incapable of acting, it ſhall be lawful for the major Part in Value (to be aſcertained by the Land Tax Aſſeſſment in the ſaid Pariſh) of the other Proprietors, or Perſons intereſted in the Lands and Grounds directed by this Act to be divided, allotted, and incloſed, (or for the known Agents or Attornies of any of them), who ſhall be preſent at a Meeting to be held for that Purpoſe, at ſome Place within the Pariſh of *Aſton Clinton* aforeſaid, or ſome other convenient Place within the Diſtance of Eight Miles thereof, in purſuance of Notice to be advertiſed by the ſurviving or remaining Commiſſioners or Commiſſioner in the *Oxford Journal*, or the *County Chronicle*, or in ſome other Newſpaper publiſhed or circulated in the ſaid County of *Buckingham*, and alſo affixed on the principal Outer Door of the Church of the ſaid Pariſh of *Aſton Clinton*, at leaſt Fourteen Days before ſuch Meeting, to appoint one other Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a Commiſſioner in the room of the ſaid *William Colliſſon*; and ſo from Time to Time, as often as any Commiſſioner to be appointed as laſt aforeſaid ſhall die or refuſe to act, or become incapable of acting; and in caſe the reſpective Parties, or any of them, ſhall make Default in appointing a new Commiſſioner or new Commiſſioners within the Time, or at ſuch Meeting reſpectively as aforeſaid, it ſhall be lawful for the ſurviving or remaining Commiſſioners or Commiſſioner, and they are or he is hereby required by Writing under their Hands or his Hand, to appoint a new

Commiſſioner

Commiſſioner or new Commiſſioners (not intereſted in the ſaid intended Diviſion and Incloſure) in the room of ſuch Commiſſioner or Commiſſioners ſo dying or refuſing to act, or becoming incapable of acting as aforeſaid; and that the ſeveral Writings, appointing ſuch new Commiſſioner or Commiſſioners (if either or any), ſhall be annexed to and enrolled and depoſited with the Award directed to be made by the ſaid Commiſſioners; and every ſuch new Commiſſioner ſo to be appointed (having firſt taken the Oath preſcribed in that Behalf) ſhall have the like Powers and Authorities for putting this Act and the ſaid recited Act into Execution, in all Reſpects whatſoever, as the Commiſſioner in whoſe Place he ſhall have been ſo appointed and choſen, was veſted with by virtue of this Act.

Clerk to Commiſſioners.

III. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and empowered to appoint a Clerk to aſſiſt them in the Execution of the Powers of this Act, and from Time to Time to remove ſuch Clerk and appoint another in his ſtead, and ſo *toties quoties*.

Notice of Firſt Meeting.

IV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to cauſe Public Notice to be given, in the Church of the ſaid Pariſh of *Aſton Clinton*, upon ſome *Sunday* immediately after Divine Service, or by Notice in Writing to be affixed on the principal Outer Door of the ſaid Church, and alſo by Advertiſement to be inſerted in the *Oxford Journal*, or the *County Chronicle*, or in ſome other Newſpaper publiſhed or circulated in the ſaid County of *Buckingham*, of the Time and Place of their Firſt Meeting for the Execution of this Act, at leaſt Five Days before ſuch Meeting ſhall be held, and ſhall give at leaſt Five Days Notice in the ſame Manner of every ſubſequent Meeting (Meetings by Adjournment only excepted); and all the Meetings of the ſaid Commiſſioners ſhall be held within the ſaid Pariſh of *Aſton Clinton*, or at ſome Place within the Diſtance of Eight Miles thereof.

Notice of other Meetings.

V. Provided always, and be it further enacted, That all other Notices neceſſary to be given by the ſaid Commiſſioners, ſhall be given by Advertiſement, to be inſerted in the ſaid *Oxford Journal* or *County Chronicle*, or in ſome of the Newſpapers publiſhed or circulated in the ſaid County, or by affixing the ſame upon the principal Outer Door of the Pariſh Church of *Aſton Clinton* aforeſaid: Provided always, that if at any Meeting appointed to be holden as aforeſaid, only One of the ſaid Commiſſioners ſhall attend, ſuch Commiſſioner ſo attending ſhall and may adjourn ſuch Meeting to ſuch Time, within the Space of Ten Days, and to ſuch Place within the ſaid Pariſh of *Aſton Clinton*, or within Eight Miles thereof, as he ſhall think moſt convenient; and if no Commiſſioner ſhall attend, it ſhall be lawful for the Clerk to the ſaid Commiſſioners to adjourn ſuch Meeting for any Time not exceeding Ten Days, and to the Place laſt appointed.

For extinguiſhing Rights of Common.

VI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized, at any Time or Times before the Execution of their Award, by Writing under their Hands, to be affixed to the principal Outer Door of the Pariſh Church of *Aſton Clinton* aforeſaid, to order and direct all or any Part of the Rights of

of Common, or any other Commonable Rights whatſoever, in, over, or upon the Lands and Grounds intended to be divided, allotted, and incloſed, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended, for and during ſuch Time and Times as ſhall be expreſſed in ſuch Writing; and that all Rights of Common and other Commonable Rights, which the ſaid Commiſſioners ſhall by ſuch Writing order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall, from the Time of affixing ſuch Writing on the ſaid Church Door, or from ſuch other ſubſequent Time in the ſaid Notice to be expreſſed, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Notice to receive Applications for Allotments.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to appoint a Time and Place, by Notice to be given in Manner herein-before directed, reſpecting the Firſt Notice to be given by them under this Act for receiving Applications from the Proprietors touching the Situation they would reſpectively wiſh to have their Allotment ſet out and allotted in.

Power to determine Claims of Freeboard.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and empowered to receive, hear, and determine all Claims of Freeboard, upon the ſaid intended Diviſion, Allotment, and Incloſure; and if any ſuch Claim ſhall be fully eſtabliſhed by ſufficient Proof, to the Satisfaction of the ſaid Commiſſioners, they are hereby authorized and empowered to ſet out and allot one or more Plot or Plots, Allotment or Allotments of Land in lieu of any ſuch Freeboard ſo eſtabliſhed, and ſuch Plot or Plots, Allotment or Allotments, ſhall for ever thereafter reſpectively be deemed to be within and Part of ſuch Pariſh or Pariſhes, as the ſaid Commiſſioners in and by their Award ſhall adjudge and determine.

Encroachments.

IX. And be it further enacted, That all Encroachments which at any Time within Twenty Years now laſt paſt have been made reſpectively upon the ſaid Open and Common Fields, Common Meadows, Common Paſtures, Commons, Downs, and other Commonable Lands and Waſte Grounds, ſhall be deemed Part thereof, and ſhall be divided, allotted, and incloſed accordingly; and in caſe any Diſpute or Difference ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Diſputes ſhall be finally determined by the ſaid Commiſſioners.

Compenſation for Tofts.

X. And be it further enacted, That all Tofts, Foundations, or Sites of ancient Commonable Meſſuages or Cottages, ſhall, upon Proof being made thereof to the Satisfaction of the ſaid Commiſſioners, be conſidered and deemed as Commonable Meſſuages or Cottages, and that the reſpective Owners thereof ſhall be entitled to the ſame Compenſation for the reſpective Common Rights originally belonging thereto, as if ſuch Meſſuages or Cottages were ſtill ſtanding.

Power to ſettle Diputes.

XI. And be it further enacted, That in caſe any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, touching or concerning the reſpective Rights and Intereſts which they or any of them

ſhall have or claim to have in the ſame, or touching or concerning any other Matter or Thing relating to the ſaid intended Diviſion, Allotment, and Incloſure, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized to examine into, hear, and determine the ſame.

Not to determine Titles.

XII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable or authoriſe the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever, nor to determine any Right between any Parties, contrary to the Poſſeſſion of any ſuch Parties (except in Caſes of Encroachment made within the Period of Twenty Years); but in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been given up by ſuch Perſon or Perſons, or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Power to aſſeſs Coſts, &c.

XIII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, Diſpute or Difference, to be delivered to or brought before them, in purſuance or by virtue of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, Diſpute or Difference ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame, on Demand made in Writing by the Perſon or Perſons entitled to receive the ſame, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale: Provided always, that in caſe the Perſon or Perſons whoſe Claim ſhall have been ſo over-ruled or diſallowed by the ſaid Commiſſioners, ſhall cauſe an Action to be brought, in Manner herein-after mentioned, and ſhall, upon the Trial of ſuch Action, eſtabliſh the Claim which ſhall have been ſo over-ruled or diſallowed by the ſaid Commiſſioners, the Coſts and Charges ſo aſſeſſed and awarded by the ſaid Commiſſioners ſhall not, nor ſhall any Part thereof be paid by or be levied upon the Goods and Chattels of the Perſon or Perſons by whom the ſaid Commiſſioners ſhall have awarded the ſame to be paid as aforeſaid.

Parties may try Rights by feigned Iſſues at Law.

XIV. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted, or claiming to be intereſted in the ſaid Diviſion, Allotment, and Incloſure, ſhall be diſſatisfied with any Determination of

the ſaid Commiſſioners touching or concerning any Claim or Claims, or other Rights or Intereſts, in, over, or upon the Lands and Grounds hereby intended to be divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, at the Firſt or Second Aſſizes to be holden next after ſuch Determination, for the ſaid County of *Buckingham*, (firſt giving Twenty-one Days Notice of his, her, or their Intention to bring ſuch Action to the ſaid Commiſſioners or their Clerk); and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners ſhall cauſe an Action to be brought, upon a feigned Iſſue, againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months next after ſuch Determination of the ſaid Commiſſioners; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame,) and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final and concluſive upon all and every Perſon or Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall, and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners touching ſuch Claim or Claims, or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, which ſhall not be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

Actions not to abate by Death of Parties;

XV. And be it further enacted, That if any of the Parties in any Action to be brought in purſuance of this Act ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

but to be carried on in their Names.

XVI. Provided always, and be it further enacted, That if any Perſon or Perſons, in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any Action or Actions might have been brought (if living) ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk of the ſaid Commiſſioners

ſioners with Proceſs for commencing ſuch Action or Actions in the ſame Manner as the Party or Parties might have been ſerved therewith (if living); and it ſhall be thereupon incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Power to ſhorten Boundary Fences.

XVII. And be it further enacted, That in order to ſhorten the Boundary Fences between the Lands and Grounds hereby directed to be divided, allotted, and incloſed, and any adjoining Pariſh or Pariſhes, it ſhall and may be lawful to and for the ſaid Commiſſioners, with the Conſent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, or Owner or Owners of the Soil, and under the Hands of the major Part in Value (ſuch major Part to be aſcertained by the Land Tax Aſſeſſments) of the Land Owners in any Pariſh or Pariſhes intereſted in any Common or Waſte Grounds adjoining to the ſaid Pariſh of *Aſton Clinton*, and alſo under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which ſuch Fence or Fences are intended to be made, to ſet out and aſcertain the Boundary Fences to be made between the ſaid Commons and Waſte Grounds, and other Lands adjoining to the Lands and Grounds hereby intended to be divided, allotted, and incloſed, in ſuch Manner as they ſhall judge proper for the Purpoſes aforeſaid; and after ſuch Boundary Fences ſhall be ſet out and aſcertained as aforeſaid, the ſame ſhall be fenced by ſuch Perſon or Perſons, in ſuch Manner and at ſuch Time or Times as the ſaid Commiſſioners ſhall order and direct in and by their Award, and ſhall be for ever thereafter deemed and taken to be the Boundaries between the Lands and Grounds hereby directed to be divided, allotted, and incloſed, and ſuch adjoining Pariſh or Pariſhes as aforeſaid, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Power to ſtop up or turn ancient Roads, &c.

XVIII. And be it further enacted, That if upon ſetting out the Public or Private Carriage or Bridle Roads, Highways and Footways, or Paths, as directed by the ſaid recited Act, it ſhall appear to the ſaid Commiſſioners that any ancient Carriage or Bridle Road, Highway, Footway, or Path, in, through, or over, any of the ancient Incloſed Grounds in the ſaid Pariſh of *Aſton Clinton*, ſhall by reaſon of the intended Diviſion, Allotment, and Incloſure, have become unneceſſary or inconvenient (but not otherwiſe), it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required and authorized to ſtop up or turn ſuch ancient Carriage or Bridle Road, Highway, Footway, or Path; but no ſuch Carriage or Bridle Road, Highway, Footway, or Path, ſhall be made or turned into any other ancient Incloſed Ground, without the Conſent in Writing of the Owner or Owners of ſuch Ground; and if it ſhall appear to the ſaid Commiſſioners that any Sum of Money as a Compenſation ought to be paid by the Owner of any ſuch ancient Incloſed Grounds, for whoſe Accommodation any ſuch Carriage or Bridle Road, Highway, Footway, or Path may be ſtopped up or turned as aforeſaid, or to whom the ſame ſhall be allotted or awarded, it ſhall be lawful for the ſaid Commiſſioners to aſcertain and receive the ſame, and apply it towards the general Purpoſes and

Expences

Expences of this Act; and if the Person or Persons directed to pay such Sum of Money shall make Default in Payment thereof, at the Time to be for that Purpose appointed by the said Commissioners, it shall be lawful for them the said Commissioners to proceed to recover the same in like Manner as the Rates to be charged by the said Commissioners, upon the respective Proprietors, by virtue of this Act, shall be recovered and recoverable; and the said Commissioners are hereby directed to set forth, in their Award herein-after mentioned, a Description of such Carriage or Bridle Road, Highway, Footway, or Path so stopped up, allotted, made, or turned as aforesaid; and that from and after the Execution of the said Award, or at such earlier Time as the said Commissioners shall direct, such Carriage or Bridle Road, Highway, Footway, or Path shall be and is hereby declared to be discontinued; and from thenceforth it shall not be lawful for any Person or Persons to make use of the same or any Part thereof, as such Carriage or Bridle Road, Highway, Footway, or Path: Provided always, that in every Case where the said Commissioners shall stop up, turn, or make any such Carriage or Bridle Road, Highway, Footway, or Path in and over the said ancient Inclosed Grounds, the said Commissioners shall not deviate from such Directions, Provisions, and Restrictions as are enacted in the said recited Act, relative to the stopping up any old or accustomed Road, passing through, over, or between Old Inclosures, and to the setting out and making the public and private Roads, Highways, Footways, and Paths, in and over the Open Fields, Lands, and Grounds.

Power to widen ancient Roads;

XIX. And be it further enacted, That it shall be lawful for the said Commissioners to cause such ancient Carriage Roads or Highways, within the said Parish of *Aston Clinton*, as they shall deem to be too narrow, to be widened and extended to the Breadth of Thirty Feet at the least, on making Recompence and Satisfaction to the respective Proprietors of the Lands, Buildings, Fences, and Trees to be taken or destroyed for that Purpose.

and to set out Roads through ancient Inclosures with Consent.

XX. And be it further enacted, That it shall also be lawful for the said Commissioners, by and with the Consent in Writing of the Proprietor or Proprietors of any ancient Inclosures, Lands, Tenements, or Hereditaments within the said Parish, to set out and appoint any Public or Private Carriage Roads or Highways, Bridleways and Footways, or Paths, that they shall deem expedient or necessary through or over any of the same Proprietors' ancient Inclosures, Lands, Tenements, or Hereditaments within the said Parish, making such Recompence and Satisfaction as aforesaid to the respective Proprietor or Proprietors thereof, so as all such Public Carriage Roads or Highways shall be and remain Thirty Feet wide at the least.

Justices to certify Roads completed.

XXI. And be it further enacted, That when and so soon as Two or more of His Majesty's Justices of the Peace for the said County of *Buckingham* shall certify any of the Public Carriage Roads or Highways to be set out or continued in pursuance of this Act, or any of such Roads or Highways, or any Part thereof, to be fully and sufficiently formed, repaired, and completed, such Road or Roads, Highway or Highways, or so much thereof as shall in any such Certificate be described, shall thenceforth be supported and kept in Repair by such Persons and in like Manner as other

Public Roads or Highways are or ought to be by Law amended and kept in Repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the said County, next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

Power to award Herbage of Roads.

XXII. And be it further enacted, That the said Commissioners shall and may, in and by their Award, order and appoint the Grass and Herbage growing and renewing on and upon all and every the Public and Private Roads and Highways to be set out and ascertained by them, in the said Parish of *Aston Clinton*, by virtue of the said recited Act, and in and upon the Sides of the Turnpike Road or Highways in the same Parish, to be and for ever thereafter remain to and for the Use and Benefit of such Person or Persons as they the said Commissioners shall in their Opinion think best entitled to the same.

Drains and Watercourses, &c. to be made, diverted, &c. but Grand Junction Canal or Cuts, &c. not to be prejudiced.

XXIII. And be it further enacted, That the said Commissioners shall and may cause to be scoured out, widened, diverted, turned, or altered, all such ancient Brooks, Streams, Drains, Ditches, Watercourses, Tunnels, Gates, and Bridges, in the said Parish of *Aston Clinton*, and also shall and may cause to be made, erected, built, set out, and appointed, such new Drains, Ditches, Watercourses, Tunnels, Water Gates, Banks, and Bridges (except any Bridges over the Canals in the said Parish) to be made of such Depth and Width, and in such Situations, Courses, and Directions, as the said Commissioners shall think proper, as well in, through, over, and upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed, as also in, through, over, and upon any ancient Inclosures, or other Lands and Grounds within the said Parish, or any Part or Parts thereof, making such Satisfaction to the Owners of such ancient Inclosures or other Lands (not hereby intended to be divided or allotted) for the Damage done thereby, as the said Commissioners shall think reasonable and proper, provided that no such Brook or Stream shall be diverted or turned without the Consent of the Owner or Owners of such Inclosed Lands and Grounds, from which any such Brook or Stream shall be diverted, or into which any such Brook or Stream shall be turned or made; and the said Commissioners shall and may, and they are hereby authorized and required, in and by their Award, to order, direct, and appoint by whom, at whose Expence, at what Times, and in what Manner the said Brooks, Streams, Ditches, Drains, Watercourses, Bridges, Tunnels, Watergates, Banks, and Bridges shall be made, and thereafter repaired, cleansed, scoured, and maintained: Provided also, that nothing herein contained shall authorize and empower the said Commissioners to alter, change, or divert any of the Streams of Water, Springs, Channels, or Watercourses now used for supplying the Grand Junction Canal with Water, or for conveying Water to or from the said Canal and Collateral Cuts belonging thereto, or any or either of them, without the Consent in Writing of the Company of Proprietors of the Grand Junction Canal, under their Common Seal; and that nothing in this Act contained shall extend to enable the said Commissioners to do, or order or cause to be done, any Act, Matter, or Thing, which shall hinder or prejudice the Navigation or Works of the said Canal or Collateral Cuts, or any or either of them, through the said Parish of *Aston Clinton*.

XXIV. And

Allotment for Stone, Gravel, or Clay Pits.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out and allot unto the Surveyors of the Highways within the ſaid Pariſh of *Aſton Clinton*, for the Time being, ſuch Parts of the Commons and Waſte Lands hereby directed to be divided, allotted, and incloſed, as the ſaid Commiſſioners ſhall think neceſſary, not exceeding Five Acres, as and for Public Stone, Gravel, and Clay Pits; and the ſame Allotments, when ſet out, ſhall for ever thereafter be uſed by the ſaid Surveyors of the Highways, and by the reſpective Proprietors of Lands, Tenements, and Hereditaments, within the ſaid Pariſh of *Aſton Clinton*, and their Tenants for the Time being, in ſuch Manner, and under ſuch Rules and Regulations, as the ſaid Commiſſioners ſhall by their Award direct or appoint.

Allotments to the Lords of the Manors.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to ſet out and allot in Severalty unto and for the ſeveral Lords for the Time being of the ſaid Manors, as ſhall be reſpectively entitled thereto, in Proportion to and in lieu and Satisfaction of their reſpective Rights and Intereſts in the Soil of the ſaid Commons, Downs, and Waſte Grounds, ſuch Parts of the Lands and Grounds hereby intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One Sixteenth Part of the ſaid Commons, Downs, and Waſte Grounds over and above any other Allotment or Allotments which they may reſpectively have or be entitled to receive, in reſpect of any other Rights or Intereſts in the Lands and Grounds hereby directed to be divided, allotted, and incloſed.

Allotment for Glebe.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to ſet out and allot unto the ſaid *John George*, as Rector, as aforeſaid, and his Succeſſors, Rectors of *Aſton Clinton* aforeſaid, ſuch Plot or Plots of the Lands and Grounds hereby intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be a full Equivalent and Compenſation for the Glebe Lands and Rights of Common belonging to the ſaid Rector.

Allotment for Tithes, except Wood Grounds.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to ſet out and allot unto and for the ſaid *John George*, as Rector, and his Succeſſors, Rectors as aforeſaid, for and in lieu of the Great and Small Tithes, and all Moduſes, Compoſitions, and other Payments in lieu of Tithes, and all Eccleſiaſtical Dues and Payments whatſoever (except *Eaſter* Offerings, Mortuaries, and Surplice Fees) yearly ariſing, iſſuing, and payable within the ſaid Pariſh of *Aſton Clinton*, ſuch Plots or Parcels of the ſaid Lands and Grounds hereby intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One Fifth Part of all the Arable Lands, and to One Eighth Part of all the Remainder of the Lands or Grounds, (except Wood Grounds) lying and being within the ſaid Pariſh of *Aſton Clinton*, which are ſubject and liable to the Payment of Tithes in Kind, both Great and Small, and which ſhall remain after the Public and Private Roads, Highways, Footways, and Paths, and the ſaid Allotment for Stone, Gravel, and Clay Pits, herein-before directed to be made, ſhall have been ſet out and deducted; and alſo equal in Value to ſuch Moduſes, Compoſitions, or other Payments in lieu of Tithes, and all other Eccleſiaſtical Dues and Payments whatſoever.

XXVIII. Pre-

Tithes of Merry Mead and Chicken's Mead how taken.

XXVIII. Provided nevertheleſs, and be it further enacted, That certain Pieces of Meadow Land, ſituate in *Merry Mead* and *Chicken's Mead*, within the ſaid Pariſh of *Aſton Clinton*, and called *The Rector's Tithe Pieces*, ſhall be by the ſaid Commiſſioners deemed and taken to have been formerly ſet out to the Rector of the ſaid Pariſh, for and in lieu of the Tithes of Two Commonable Meads or Meadows in the ſaid Pariſh of *Aſton Clinton*, called *Merry Mead* and *Chicken's Mead* as aforeſaid; and if the ſaid Tithe Pieces ſhall be equal to One Eighth Part of the Value of the ſaid Meads or Meadows, then and in that Caſe no other Tithes ſhall be paid or payable from the ſaid Meads or Meadows; but if not, then ſo much only ſhall be taken therefrom for the Tithes thereof, as together with the ſaid Tithe Pieces ſhall be equal to One Eighth Part in Value of ſuch Meads or Meadows.

Woods ſubject to Tithes.

XXIX. Provided alſo, and be it further enacted, That the ſeveral Woods and Wood Grounds ſtanding and being within the ſaid Pariſh of *Aſton Clinton*, ſhall reſpectively remain and continue ſubject and liable to the Payment of ſuch Tithes to the ſaid Rector for the Time being, as the ſame Woods and Wood Grounds would reſpectively have been ſubject and liable to, in caſe this Act had not been made; and the ſaid Commiſſioners ſhall, and they are hereby required in and by their Award and reduced Plan, to deſcribe and declare the ſeveral Woods and Wood Grounds growing and being within the ſaid Pariſh at the Time of carrying this Act into Execution, and which ſhall be left ſo ſubject and liable to Tithes as aforeſaid.

Compenſation for Tithes in Money from Perſons not having ſufficient Lands; and Powers to allot Lands from other Proprietors and make Compenſation.

XXX. And be it further enacted, That in caſe there are any Homeſteads, Gardens, Orchards, Home Cloſes, or ancient incloſed Lands and Grounds in the ſaid Pariſh of *Aſton Clinton*, ſubject or liable to the Payment of Tithes in Kind, or to any Modus or Compoſition, or other Payment in lieu of Tithes, or any other Eccleſiaſtical Dues or Payments, the reſpective Proprietors whereof ſhall not happen to be entitled to any ſufficient Lands or Common Rights in the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, to make Compenſation for the ſame; then and in every ſuch Caſe, Compenſation ſhall be made as aforeſaid for ſuch Tithes, Moduſes, or Compoſitions, or any Deficiency thereof, by and out of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, belonging to the ſeveral other Proprietors, in ſuch Manner as the ſaid Commiſſioners ſhall order, direct, and appoint; and ſuch Proprietors, whoſe Eſtates ſhall be ſo exonerated from Tithes, Moduſes, or other Payments in lieu of Tithes, by the Aid of any other Perſon or Perſons Property, ſhall reſpectively pay or cauſe to be paid unto ſuch Perſon or Perſons from whoſe Allotment or Allotments any Land ſhall be taken for making ſuch Compenſation as aforeſaid, and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct or appoint, ſuch Sum or Sums of Money, as the ſaid Commiſſioners ſhall adjudge and determine to be a full Compenſation and Satisfaction for ſuch Tithes, Moduſes, Compoſitions, or other Payments in lieu of Tithes or other Eccleſiaſtical Dues or Payments iſſuing or payable out of ſuch Homeſteads, Gardens, Orchards, Home Cloſes, and ancient incloſed Lands and Grounds reſpectively, or for ſuch Part or Parts thereof, for which a Compenſation in Land cannot be made by the Proprietors thereof as aforeſaid; which Sum

Sum or Sums of Money ſhall be applied towards Payment of the Charges and Expences of the ſeveral Perſons, in Proportion to and from whoſe Allotments any Deductions ſhall have been made, for making Compenſation for Tithes, Moduſes, or Compoſitions as aforeſaid, attending the obtaining and paſſing this Act, and carrying the ſame and the ſaid recited Act into Execution, and ſhall and may be raiſed, levied, and recovered in like Manner as the Coſts, Charges, and Expences of obtaining and paſſing this Act, and carrying the ſame and the ſaid recited Act into Execution, are hereinafter directed to be raiſed, levied, and recovered; and if any Surplus ſhall remain after Payment of ſuch Expences as aforeſaid, ſuch Surplus ſhall be diſtributed in a due Proportion, among the ſeveral Perſons from whoſe Allotments any Deductions ſhall have been ſo made, and ſeverally paid to them, in caſe they ſhall be Tenants thereof, in Fee Simple, (or as Leſſees for any long Period of Time to come, when the Eſtate ſhall be of Leaſehold Tenure); and the Shares of the others of the ſaid Perſons ſhall reſpectively be paid into the Bank of *England*, in the Manner directed by the ſaid recited Act with reſpect to Money to be paid for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes: Provided nevertheleſs, that if the ſaid Proprietors of any ſuch Homeſteads, Orchards, Gardens, and ancient Incloſures, not having any or ſufficient Lands, or Common Rights in the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, to exonerate their ſaid Homeſteads, Orchards, Gardens, and ancient Incloſures from the Payment of Tithes in Kind, or any Modus, or any Compoſition in lieu thereof, as aforeſaid, ſhall be deſirous of having a Part of ſuch Homeſteads, Orchards, Gardens, and ancient Incloſures, aſſigned or ſet apart to exonerate the ſame from the Payment of Tithes, or any Modus or Compoſition in the Nature of Tithes, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, with the Conſent in Writing of the Proprietors or Owners in Poſſeſſion of ſuch Homeſteads, Orchards, Gardens, and ancient Incloſures, to deduct and ſet out ſo much and ſuch Part or Parts thereof, as ſhall be equal in Value to the Tithes, both Great and Small, or any Modus or Compoſition in lieu of Tithes, payable by the Owner or Owners of the ſame in reſpect thereof, or of any Part thereof, provided they the ſaid Commiſſioners ſhall approve thereof, and conſent thereto, but not otherwiſe; which Part or Parts ſo deducted and ſet out, ſhall afterwards be conſidered as Part of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, and ſhall be divided, allotted, and incloſed accordingly.

Power to ſet out ancient Incloſures, with Conſent of Proprietors to exonerate Tithes.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out and allot all the then Reſidue and Remainder of the Lands and Grounds hereby directed to be divided, allotted, and incloſed unto and amongſt all and every Perſon or Perſons and Body and Bodies Politic, Corporate, or Collegiate, having any Right or Intereſt in, to, over, or upon the ſame, or any Part thereof, in ſuch Quantities, Shares, and Proportions as the ſaid Commiſſioners ſhall adjudge and deem to be a juſt Compenſation and Satisfaction for, and equal to their ſeveral and reſpective Rights and Intereſts therein.

Allotment of Reſidue.

For confirming Allotments.

XXXII. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Rights and Intereſts of the ſaid Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, they the ſaid Commiſſioners ſhall give Notice in Manner aforeſaid, of ſome convenient Time and Place, when and where the Proprietors may be informed of ſuch intended Allotments, and a Map or Plan thereof ſhall be produced for their Inſpection; and as ſome Proprietors may upon Inſpection of ſuch Map or Plan be diſſatisfied with the intended Allotments, the ſaid Commiſſioners ſhall, at ſuch Time and Place as laſt aforeſaid, or ſome other Time or Place to be appointed by them for that Purpoſe, receive Statements in Writing of the Complaints and Objections againſt ſuch Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame; and their Determination therein, as to the ſaid Allotments, ſhall be final and concluſive on all Parties.

Fencing Rector's Allotments.

XXXIII. And be it further enacted, That the ſeveral Allotments hereinbefore directed to be made and ſet out, allotted, and awarded, to and for the ſaid *John George*, as Rector, and his Succeſſors, Rectors as aforeſaid, for and in lieu of his ſaid Glebe Lands, Rights of Common and Tithes, Moduſes or Compoſition in lieu of Tithes as aforeſaid, ſhall be incloſed, or ring-fenced (where the Ring or Boundary Fences ſhall be appointed to belong to the ſaid Rector) with Quickſet Hedges and Ditches, with ſubſtantial Poſts and Rails on each Side thereof, or other proper Mounds or Fences, with good and ſubſtantial Gates and Stiles in the ſaid Fences, where neceſſary; and the ſame ſhall be ſupported and maintained for the Term of Seven Years, or until ſuch Quickſets ſhall have become ſufficient Fences of themſelves, by or at the Expence of all or ſuch of the Owners of the Lands and Grounds, Tenements, and Hereditaments, which ſhall be exonerated from Tithes by virtue of this Act, in ſuch Manner, and in ſuch Shares and Proportions, as the ſaid Commiſſioners ſhall, by any Writing or Writings under their Hands, or by their Award or Inſtrument, order and direct; and ſuch Part or Parts which ſhall be ſo appointed to belong to the ſaid Rector, ſhall afterwards reſpectively be maintained and kept in Repair by the ſaid Rector; and the ſeveral other Allotments to be made by virtue of this Act, ſhall be incloſed, hedged, ditched, or otherwiſe fenced, and ſuch Fences for ever thereafter repaired and ſcoured out by and at the Expence of the reſpective Perſons to whom the ſame ſhall be allotted, within ſuch Time, and in ſuch Proportions and Manner, as the ſaid Commiſſioners ſhall, in and by their Award, or any other Writing under their Hands, order and direct.

Gaps left in Fences.

XXXIV. Provided always, That convenient Gaps and Openings ſhall be left in the Fences to be made by virtue of this Act, for the Space of Six Calendar Months next enſuing the Execution of the ſaid Award, for the Paſſage of Carts, Cattle, and Carriages, in and through the ſame, unleſs the ſaid Commiſſioners ſhall, by their Award or other Inſtrument in Writing under their Hands, order that the ſame be ſooner fenced and made up.

Not to depaſture Sheep

XXXV. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons, for the Space of Four Years, to keep or depaſture any Sheep

Sheep or Lambs, in or upon any of the Allotments to be made by virtue of this Act, unleſs the Perſon or Perſons keeping ſuch Sheep or Lambs ſhall, at his or their own Expence, effectually and ſufficiently fence off, or guard and duly keep fenced off and guarded, the Quickſet Hedges, or other live Fences of the Proprietor or Proprietors of ſuch Allotment or Allotments, where ſuch Sheep or Lambs ſhall be ſo kept, and alſo of ſuch Allotment or Allotments adjoining thereto, ſo as to prevent any Damage being done to ſuch Quickſet Hedges.

or Lambs for Four Years without guarding Fences.

XXXVI. And be it further enacted, That in caſe any Proprietor or Proprietors of any Lands, Tenements, or Hereditaments, hereby or by the ſaid recited Act authorized to be divided, allotted, or exchanged, ſhall hold their reſpective Lands, Tenements, or Hereditaments, for various Uſes or Truſts, or under Contingencies, or by different Tenures, the ſaid Commiſſioners ſhall aſcertain and diſtinguiſh the Lands, Tenements, or Hereditaments, held for each of ſuch Eſtates, and by each of ſuch Tenures reſpectively, and ſhall alſo ſet out and diſtinguiſh the different Allotments, or other Tenements or Hereditaments to be accepted and taken as an Equivalent in reſpect of each of them; and the ſaid Commiſſioners ſhall, and they are hereby authorized and required to ſet forth and declare, in and by their ſaid Award, in right of what Eſtates in particular ſuch Allotments ſhall have been reſpectively made, and therein alſo ſeparately to deſcribe and aſcertain the Situation of every ſuch Allotment.

Commiſſioners to diſtinguiſh Tenures.

XXXVII. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons, at any Time before the Execution of the ſaid Award, to ſell his, her, or their Right, Intereſt, or Property in, over, or upon the Lands and Grounds hereby intended to be divided, allotted, and incloſed, or any Part thereof, to any other Perſon or Perſons; and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to make an Allotment of Land, unto or to the Uſe of the Vendee or Purchaſer, or to his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively, for and in reſpect of ſuch Right, Intereſt, and Property ſo ſold.

Power of Sale before Execution of Award.

XXXVIII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments under or by virtue of this Act, to appoint, give, grant, bargain, ſell, demiſe, mortgage, limit, convey, and aſſure the ſame for all or any Part of his, her, or their Eſtate or Intereſt therein, or Right thereto, at any Time before the Execution of the Award of the ſaid Commiſſioners; and every ſuch Appointment, Gift, Grant, Bargain, Sale, Demiſe, Mortgage, Limitation, Conveyance, and Aſſurance, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and alſo that it ſhall be lawful for any of the Owners or Proprietors of any Common Rights upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof by virtue of this Act, ſeparate and diſtinct from the Eſtate in right of which they, he, or ſhe are or is entitled to the ſame, in like Manner as they, he, or ſhe, might have done at any Time after the Execution of the ſaid Award.

Proprietors may ſell or mortgage before Execution of Award.

XXXIX. And

Power for Exchanges.

XXXIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners to ſet out, allot, and award any Lands, Tenements, or Hereditaments, within the Pariſh of *Aſton Clinton* aforeſaid, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet, or Townſhip, provided that all ſuch Exchanges ſhall be aſcertained, ſpecified, and declared in the ſaid Award, and be made with the Conſent of the Proprietor or Proprietors of the Premiſes which ſhall be ſo exchanged, whether ſuch Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, or Feoffees, for Charitable, Parochial, or other Uſes, Huſbands, Committees or Attornies of or acting for any ſuch Proprietor or Proprietors, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Ideots, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf (ſuch Conſents to be teſtified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively); and all and every ſuch Exchange and Exchanges ſo to be made, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments, held in the Right of any Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſhall be ſituate, and of the Patron of ſuch Eccleſiaſtical Benefice.

Power to divide and allot ancient Incloſures with Conſent of Owners.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, by and with the Conſent of the reſpective Owners of ancient incloſed Lands or Grounds lying within the ſaid Pariſh of *Aſton Clinton*, to order and direct ſuch ancient incloſed Lands or Grounds, or ſuch Part or Parts thereof as the Owners thereof reſpectively ſhall conſent and deſire in Writing to be ſurveyed, meaſured, and taken up, for the Purpoſe of being divided and allotted under this Act; and the ſame ſhall be divided and allotted as Part and Parts of the Lands and Grounds hereby directed to be divided, allotted, and incloſed; and thereupon ſuch Allowances ſhall be made to the reſpective Owners thereof, on account of the beneficial Difference of Property between ancient incloſed Land and Common Field Land, as the ſaid Commiſſioners ſhall adjudge to be juſt and reaſonable; and the ſaid Commiſſioners ſhall and they are hereby required to ſet out, allot, and award unto, and for the reſpective Owners of ſuch ancient incloſed Lands in lieu thereof, ſo much and ſuch Plot or Plots of Land, Part of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, as they the ſaid Commiſſioners ſhall think reaſonable.

Allotments of ſame Tenure with former Eſtates.

XLI. And be it further enacted, That all Lands, Tenements, and Hereditaments, which ſhall be allotted by virtue of this or the ſaid recited Act to any Perſon or Perſons, ſhall be held by ſuch Perſon or Perſons under the ſame Rents, Cuſtoms, and Services, as the Lands, Tenements, and Hereditaments, in reſpect of which ſuch Allotments ſhall be made or given, were reſpectively held and enjoyed by ſuch Perſon or Perſons as aforeſaid

aforeſaid before the paſſing of this Act, or would have been held and enjoyed in caſe this Act had not paſſed; and the ſeveral Lands, Tenements, and Hereditaments, which ſhall be allotted for Freehold Lands, Tenements, and 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 Lands, Tenements, and Hereditaments, for which they were allotted, were before that Time held; and the ſeveral Lands, Tenements, and Hereditaments, which ſhall be allotted for Copyhold or Cuſtomary Lands, Tenements, and Hereditaments, ſhall in like Manner be deemed Copyhold or Cuſtomary Lands, Tenements, 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 Lands, Tenements, and Hereditaments, for which they were ſo allotted, were or ought to have been held, and ſhall paſs by the like Surrenders as the Copyhold or Cuſtomary Lands, Tenements, and Hereditaments, in reſpect whereof ſuch Allotments ſhall be made now do; and the Lands, Tenements, and Hereditaments, which ſhall be allotted for Leaſehold Lands and Tenements, ſhall in like Manner be deemed Leaſehold Lands and Tenements, and ſhall be held under the ſame Rents and Covenants as the Lands and Tenements for which they were ſo allotted were held; and the Reverſion and Remainder of the reſpective Eſtates, and the Reſidue of the Term or Terms reſpectively thereof then to come in the Leaſehold Eſtates, ſhall be veſted in the ſame Proprietors or Leſſees reſpectively, as the Reverſion and Remainder and Reſidue of the Term or Terms reſpectively of ſuch other Lands, Tenements, and Hereditaments, were veſted before the paſſing of this Act; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

When Commiſſioners ſhall not have diſtinguiſhed Allotments by their different Tenures, Titles, &c. Power to declare ſame by Deed after Award made.

XLII. And be it further enacted, That when the Proprietor or Proprietors of any Lands, Tenements, or Hereditaments, which ſhall be divided, allotted, or exchanged, by virtue of this or the ſaid recited Act, ſhall hold his, her, or their Lands, Tenements, or Hereditaments, by or under various Eſtates, Uſes, Truſts, or Contingencies, or by different Tenures, and where, from the want of neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall have omitted the aſcertaining and diſtinguiſhing of the Lands, Tenements, or Hereditaments, ſo ſeverally holden by or under ſuch Eſtates, Uſes, Truſts, or Contingencies, and by each of ſuch Tenures as aforeſaid, and the ſetting out and awarding of ſeveral and diſtinct Allotments for ſuch reſpective Lands, Tenements, or Hereditaments, as herein-before is required, and within Twelve Calendar Months after the making of the ſaid Award, Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his, her, or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument; then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require, to examine Witneſſes, and in every other Reſpect to proceed and act as if their Award had not been made; and when they ſhall have obtained what they ſhall think ſufficient Information, they are hereby alſo authorized, by any Deed under their Hands and Seals, to diſtinguiſh and aſcertain the Difference of ſuch Eſtates ſo under Uſes, Truſts, or Contingencies, or different Tenures reſpectively, and accordingly to make diſtinct and ſeveral Allotments in the ſame Manner as is hereby required, where ſuch Diſ-

crimination ſhall be contained in the ſaid Award; and every ſuch ſeparate Inſtrument ſhall be annexed to the ſaid Award, and enrolled and depoſited therewith; and Evidence thereof ſhall be given in the ſame Manner as by the ſaid recited Act and this Act, or either of them, is directed concerning the ſaid Award; and all reaſonable Expences incurred in or about ſuch ſeparate Inſtrument as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall ſo requeſt the ſaid Commiſſioners to make and execute the ſame, or by his, her, or their reſpective Heirs, Executors, or Adminiſtrators; and every ſuch ſeparate Inſtrument ſhall, from and immediately after the due Execution thereof by the ſaid Commiſſioners, have the ſame Effect, to all Intents and Purpoſes, as if the Contents thereof had been inſerted and contained in their ſaid Award; and a Duplicate thereof ſhall be delivered to the Perſon or Perſons upon whoſe Requeſt any ſuch Omiſſion ſhall have been ſupplied, or to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in queſtion ſhall, in the Opinion of the ſaid Commiſſioners, moſt properly belong.

Power to borrow Money to exonerate Tithes, and pay Expences of Incloſure.

XLIII. And be it further enacted, That it ſhall be lawful for the reſpective Proprietors or Perſons ſeiſed or poſſeſſed of, or entitled to any Eſtate for Life or Lives, or for Years determinable on any Life or Lives, or of Inheritance leſs than an Eſtate in Fee Simple, or otherwiſe of Leaſehold Tenure, of, in, or to any Lands, Tenements, or Hereditaments, hereby directed or authorized to be divided, allotted, incloſed, exchanged, or exonerated from Tithes reſpectively, and for Bodies Politic or Corporate or Collegiate, and for the Huſbands, Guardians, Truſtees, Committees, or Attornies of any ſuch Proprietors, being Femes Covert, Lunatics, beyond the Seas, or under any other legal Diſability or Incapacity of acting for themſelves (except the ſaid Rector and ſuch other Perſon or Perſons who ſhall have given up or ſold any Lands, Tenements, or Hereditaments, by virtue of this or the ſaid recited Act, to pay his, her, or their Expences, as herein is provided), at any Time or Times, either before or after the Execution of the ſaid Award, with the Conſent of the ſaid Commiſſioners, in Writing under their Hands, to borrow any Sum or Sums of Money which will be neceſſary to advance, and pay for the Exoneration of ancient Incloſures from Tithes, where no ſufficient Allotment is made, and to charge ſuch ancient Incloſure with the ſame and lawful Intereſt, and alſo to charge ſuch reſpective Allotments, Lands, Tenements, and Hereditaments, or any Part or Parts thereof, with any Sum or Sums of Money (not exceeding Five Pounds an Acre) which ſhall be charged thereon, or upon ſuch Owner or Owners by virtue of this Act (on the ſame Sum or Sums appearing to the Satisfaction of the ſaid Commiſſioners to be proper or neceſſary to be paid, laid out, and expended by the ſaid Proprietors), in defraying the reſpective Shares of the Charges and Expences incident to and attending the obtaining of this Act, and carrying the ſame and the ſaid recited Act into Execution, and of the Expences of incloſing, quicking, ditching, ſubdividing, fencing, and draining their reſpective Eſtates, or for the Exoneration thereof from Tithes, or in Compenſation for any Leaſe, Agreement, or Tenancy, and alſo the Expences of preparing ſuch Securities reſpectively; the ſame, when raiſed, to be paid to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, in order to be applied and diſpoſed of for the Purpoſes aforeſaid, with lawful Intereſt for ſuch Sum or Sums of Money, and for better ſecuring the Payment of ſuch reſpective Sum or Sums of Money with Intereſt, to convey, ſurrender, or demiſe,

demiſe, in the Way of Mortgage, without Impeachment of Waſte, any ſuch reſpective Lands, Tenements, Hereditaments, and Allotments as aforeſaid, or any of them, or any Part or Parts thereof, to the Perſon or Perſons who ſhall reſpectively advance and lend ſuch Sum or Sums of Money, or to ſuch Perſon or Perſons as he, ſhe, or they, his, her, or their Heirs, Executors, or Adminiſtrators ſhall reſpectively appoint, ſo as every ſuch Conveyance, Surrender, or Demiſe by way of Mortgage as aforeſaid, be made with a Proviſo that no Perſon in Remainder or Reverſion, who ſhould become intitled in Poſſeſſion to the Lands, Tenements, Hereditaments, and Premiſes therein comprized, ſhall be liable to pay any farther or larger Arrear of Intereſt on the Money ſo ſecured, than for One Year preceding the Time at which the Title to ſuch Poſſeſſion ſhall have commenced; and every ſuch Conveyance, Surrender, or Demiſe, by way of Mortgage, as ſhall be made in purſuance of this Act, before or after the Execution of the ſaid Award, ſhall be good, valid, and effectual in the Law.

Expences of Sales, Exchanges, &c. by whom paid.

XLIV. And be it further enacted, That all Coſts, Charges, and Expences attending the making of any Sales, Exchanges, or Partitions, and of aſcertaining the Tenures, Uſes, Truſts or Contingencies, which relate to each Eſtate, and of deſcribing the ſame in the ſaid Award and Enrolment thereof, to be made by virtue of this Act, or the ſaid recited Act, ſhall be paid, borne, and defrayed by the ſeveral Perſons for whoſe Uſe and Benefit the ſame ſhall reſpectively be made or done, in ſuch Manner and Proportion as the ſaid Commiſſioners ſhall, by their ſaid Award, or any other Writing under their Hands, order and direct, and ſhall be recovered in the ſame Manner as is herein directed, reſpecting the Recovery of the Coſts, Charges, and Expences of obtaining and executing this Act.

Leaſes at Rack Rent to be void.

XLV. And be it further enacted, That all and every Leaſe and Leaſes at Rack Rent now ſubſiſting of all or any Part of the Meſſuages or Tenements, ancient Incloſures, Lands or Grounds, Tithes, Hereditaments, and Premiſes hereby intended to be divided, allotted, and incloſed, exchanged, or exonerated from Tithes as aforeſaid; and all Agreements for any Term or Terms of Years, at Rack Rent, or from Year to Year, or at Will (provided there ſhall be no Clauſe in any ſuch Leaſe or Agreement to the contrary thereof), ſhall on ſuch Day as the ſaid Commiſſioners ſhall, by Writing under their Hands for that Purpoſe, to be affixed to the principal outer Door of the Pariſh Church of *Aſton Clinton* aforeſaid, order and direct, ceaſe, determine, and be void; and the reſpective Leſſees or Tenants thereof ſhall thereupon be entitled to demand and receive of and from the reſpective Landlords, Owners, or Proprietors of the ſame Hereditaments and Premiſes, ſuch Allowance or Satisfaction in Money, and at ſuch Time or Times as ſuch Commiſſioners ſhall aſcertain, order, and direct to be paid to ſuch Leſſees or Tenants on account thereof, or as an Equivalent for the ſame, proper Allowance being made for ſuch Conditions in the ſame, as ſhall not have been fulfilled by the Leſſee or Leſſees; and if the Money ſo to be paid as aforeſaid, ſhall not be paid to the Perſon or Perſons entitled to receive the ſame, within Twenty-one Days after Demand thereof in Writing, under the Hand or Hands of the Perſon or Perſons to whom the ſame ſhall be payable, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtain-

ing and executing this Act may be raiſed and recovered: Provided always, that if there ſhall be any ſuch Leaſe or Leaſes, Agreement or Agreements for a Leaſe or Leaſes at Rack Rent, of Lands, Part of which ſhall lie in the ſaid Pariſh of *Aſton Clinton*, and Part in an adjoining Pariſh, all and every ſuch Leaſe or Leaſes upon Rack Rent may be vacated; but where any Lands ſhall have been taken as an Allotment for any Lands, Tenements, and Hereditaments, given up to be allotted as aforeſaid, or by way of Exchange, which Land ſhall be under any Leaſe or Leaſes, Agreement or Agreements, and wholly ſituate in an adjoining Pariſh, ſuch laſt-mentioned Leaſe or Leaſes, Agreement or Agreements, ſhall not be vacated.

Wills and Settlements not to be affected.

XLVI. And be it further enacted, That nothing in the ſaid recited Act or in this Act contained, ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right, or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon or affecting any of the Meſſuages, Buildings, Tithes, Lands, Grounds, Tenements, or Hereditaments to be divided, allotted, or exchanged as aforeſaid, or any Part or Parts thereof reſpectively; but that the reſpective Perſons to whom any Lands, Tenements, or Hereditaments ſhall be allotted or given in Exchange by virtue of this Act or the ſaid recited Act, ſhall be ſeiſed or poſſeſſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Settlements, Jointures, Rents, Charges, and Incumbrances, and no other, as the Meſſuages, Buildings, Tithes, Lands, Grounds, Tenements, and Hereditaments, whereof ſuch Perſon was ſeiſed or poſſeſſed, at or immediately before the Execution of the Award to be made by the ſaid Commiſſioners, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to be charged with or affected by in caſe this Act had not paſſed.

Tithes payable until Allotments made.

XLVII. And be it further enacted, That until the Allotment or Allotments herein-before directed to be ſet out for the ſaid Rector in lieu of Tithes, ſhall have been made and Poſſeſſion thereof given to him, the ſaid Rector or his Succeſſors ſhall be entitled to, and ſhall receive and enjoy ſuch and the ſame Tithes and other Payments as he or they could, might, or ought to have reſpectively received and enjoyed, in caſe this Act had not paſſed.

After Extinguiſhment of Tithes, Rector not compelled to keep Bull or Boar.

XLVIII. And be it further enacted, That from and immediately after the Extinguiſhment of the ſaid Tithes, all Compulſion or Obligation on, or any Uſage or Cuſtom which hath hitherto prevailed, obliged, or compelled the ſaid Rector to keep or cauſe to be kept a Bull and a Boar, for the Uſe and Service of the Pariſhioners of the Pariſh of *Aſton Clinton* aforeſaid, ſhall alſo ceaſe, determine, and be for ever extinguiſhed.

Commiſſioners ſhall direct Courſe of Huſbandry.

XLIX. And be it further enacted, That from and after the paſſing of this Act, and until the Allotments ſhall have been ſet out and Poſſeſſion thereof given, all the Arable and Graſs Lands hereby directed to be divided, allotted and incloſed, ſhall be ſubject and liable to ſuch Directions and Regulations as the ſaid Commiſſioners ſhall, from Time to Time, by any Writing under their Hands, order, direct, or appoint, as well with regard

regard to the ſtocking, as to the ploughing, folding, tilling, ſowing, manuring, and laying down with artificial Graſs Seeds the ſame, any Uſage or Cuſtom of ſtocking or ſowing to the contrary notwithſtanding; and the ſaid Commiſſioners are hereby authorized and empowered, at their Diſcretion, to appoint One or more Perſon or Perſons, with or without a Salary, to ſuperintend the proper Execution of all or any of their Orders and Directions, with reſpect to ſuch ploughing, folding, tilling, ſowing, manuring, and laying down the ſaid Lands and Grounds, hereby directed to be divided, allotted, and incloſed, and the Charges and Expences attending ſuch ploughing, folding, tilling, ſowing, manuring, and laying down, and of making out Statements or Accounts thereof, ſhall be paid by the reſpective Perſons who ſhall receive the Benefit thereof, or the Perſon or Perſons to whom ſuch Lands ſhall be allotted, and at ſuch Time, and in ſuch Manner and Proportions as the ſaid Commiſſioners ſhall, by any Writing or Writings under their Hands direct and appoint to be recoverable, and recovered in ſuch Manner and by ſuch Ways and Means as the Expences of paſſing and executing this Act, are herein directed to be raiſed, levied, and recovered; and that no Meadow or Paſture Grounds, Part of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, and not in Tillage, at the Time of paſſing this Act, ſhall, before ſuch Diviſion and Allotment, be ploughed, broken up, or converted into Tillage, without the Conſent in Writing of the ſaid Commiſſioners, and every Occupier of any ſuch Lands or Grounds, who ſhall refuſe or neglect to comply with any ſuch Direction of the ſaid Commiſſioners, or who ſhall plough, break up, or convert into Tillage, any ſuch Meadow or Paſture Grounds, without the Conſent in Writing of the ſaid Commiſſioners, ſhall forfeit and pay a Sum not exceeding Twenty Pounds for every Acre of ſuch Tillage Lands, with reſpect to which ſuch Refuſal or Neglect ſhall happen, and for every Acre of ſuch Meadow or Paſture Grounds, which ſhall be ploughed, broken up, or converted into Tillage; and ſo in Proportion, in each Caſe, for a greater or leſs Quantity than an Acre.

Compenſation for ſtanding Crops, &c.

L. And be it further enacted, That the ſaid Commiſſioners are hereby authorized and required, upon Requeſt to them for that Purpoſe made, by any Writing or Writings under their Hands, to aſcertain, order, and appoint what Recompence and Satisfaction in Money ſhall be made to any Owner or Owners of any Crop or Crops of Corn or Turnips, or Plants of Seeds growing upon the Lands and Grounds hereby directed to be divided and allotted, by virtue of this Act, at the Time ſuch Allotment or Diviſion ſhall be made for the ſaid Crops, and the Standage thereof, by the Perſon or Perſons to whom the Lands and Grounds on which ſuch Crops are growing, ſhall be allotted, or by whom they ſhall be reſpectively occupied, unleſs ſuch Owner or Owners ſhall by the ſaid Commiſſioners be permitted to cut, reap, and carry away, or feed off the ſame; and in caſe of Non-payment of ſuch Recompence and Satisfaction for ſuch Crops at the Time and in the Manner to be directed by the ſaid Commiſſioners, or in caſe of ſuch Permiſſion by the ſaid Commiſſioners to cut, reap, and carry away, or feed off the ſame, then it ſhall be lawful for ſuch Owner or Owners, and his, her, and their Agents, Servants, and Workmen, with Horſes, Carts, and Carriages, and with Sheep or other Cattle, to enter into and upon the Lands and Grounds whereon ſuch Crops ſhall be growing, and to cut, reap, and carry away, or feed off the ſame, for his,

her, and their own Uſe: Provided always, that all ſuch Crops of Turnips ſhall be conſumed upon the Lands whereon the ſame are grown, and be fed off in an huſbandlike Manner; and the ſaid Commiſſioners ſhall, and they are hereby required in like Manner, by any Writing or Writings under their Hands, to aſcertain, order, and appoint, what Recompence and Satisfaction in Money ſhall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers, of any Lands to be divided, allotted, exchanged, or exonerated from Tithes by virtue of this Act, for the Benefit and Advantage accruing thereby to the Perſon or Perſons to whom ſuch Lands and Grounds ſhall be allotted, for the Loſs of their following or way-going Crops upon ſuch Lands, or by his, her, or their Allotment or Allotments falling or happening to be laid in the Fallow Field or Seaſon; and if in any or either of the ſaid Caſes, the Money to be paid for ſuch Recompence and Satisfaction ſhall not be paid at the Time and in the Manner to be appointed as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to raiſe and levy the ſame, for the Uſe of the Perſon or Perſons intitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, may be raiſed and levied: Provided alſo, that it ſhall be lawful for the ſaid Commiſſioners, if they ſhall think fit, to order and direct that any ſuch Allotment or Allotments as aforeſaid, or any Part thereof, ſhall remain in the Poſſeſſion of the former Occupier or Occupiers thereof, for any Period they ſhall appoint between the Time of ſetting out ſuch Allotments, and the Execution of their Award.

Power to ſell Quit Rents of Aſton Clinton Manor, with Lord's Conſent.

LI. And whereas there are now iſſuing and payable out of and from certain ſpecific Eſtates within the ſaid Pariſh of *Aſton Clinton*, to the ſaid Viſcount *Lake*, as Lord of the Manor of *Aſton Clinton*, otherwiſe *Chivery-cum-Cheddington* aforeſaid, ſeveral Quit Rents, or Sums of Money in the Nature thereof; and there is alſo payable to the ſaid Viſcount *Lake*, as ſuch Lord, upon the Death or Alienation of every Perſon holding ſuch reſpective Eſtate, a Relief or Sum equal to ſuch reſpective groſs annual Quit Rent; and it is deſirable to have ſuch Quit Rents and Reliefs ſold, and the reſpective Eſtates diſcharged therefrom; and to have the Money ariſing by ſuch Sale applied in the Manner herein-after mentioned; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required, at any Time or Times after the paſſing of this Act, and before the finiſhing of ſuch Diviſion and Incloſure, to eſtimate ſuch Sum or Sums of Money, as in their Judgment ſhall be equal to the Purchaſe or Conſideration Money, or Value of ſuch net Quit Rents and Reliefs reſpectively; and with the Conſent in Writing of the Lord or Lords of the ſaid Manor of *Aſton Clinton*, otherwiſe *Chivery-cum-Cheddington*, for the Time being, to charge ſuch Purchaſe or Conſideration Money on all and every the Proprietors of ſuch ſpecific Eſtates in the ſaid Manor, which are ſituate within the Boundary of the ſaid Pariſh of *Aſton Clinton*, in a due Proportion to the ſeveral and reſpective Quit Rents and Reliefs, ſo payable by them reſpectively and abſolutely, with ſuch Conſent in Writing as aforeſaid, to ſell ſeverally to them all ſuch reſpective Quit Rents and Reliefs, which ſaid Sum or Sums ſo charged upon the ſaid ſeveral and reſpective Proprietors, as the Purchaſe Money as aforeſaid, ſhall be proportionably and ſeverally recovered and recoverable, in like Manner as the Coſts, Charges, and Expences of obtaining and carrying this Act into Execution, are herein directed to be recovered by virtue of this Act; and

and the ſaid Commiſſioners ſhall, and they are hereby required to receive the Conſideration or Purchaſe Money ariſing by ſuch Sale, at ſuch Time or Times as they ſhall direct or appoint, and to apply the ſame in Manner herein-after mentioned; and the ſeveral Receipts of the ſaid Commiſſioners for ſuch Conſideration or Purchaſe Money, written or printed on proper Receipt Stamps (if, from the Amount of the reſpective Sums paid, any ſuch Stamps ſhall be requiſite), ſhall well and effectually acquit, releaſe, and diſcharge the Purchaſer or Purchaſers of the ſaid Quit Rents and Reliefs, of and from the Payment of the ſaid Conſideration or Purchaſe Money, ſo expreſſed in ſuch ſeveral Receipts; and ſuch Purchaſer or Purchaſers ſhall not afterwards be anſwerable or accountable for any Loſs, Miſ-application or Non-application of ſuch Purchaſe Monies, or any Part thereof; and every ſuch Receipt ſhall, in all Reſpects, both at Law and in Equity, be adjudged and deemed to be, and operate as a good and valid Conveyance and Releaſe; and the ſeveral and reſpective Eſtates within the ſaid Pariſh of *Aſton Clinton*, liable to pay the ſame, ſhall be thereby diſcharged of and from all future Payments of ſuch Quit Rents or annual Sums of Money, and alſo of and from all Reliefs or Sums in the Nature thereof, which would otherwiſe thenceforth become due upon the Death or Alienation of any ſuch Tenant or Tenants of the ſaid Manor.

Commiſſioners to receive Purchaſe Money, and give Receipts.

LII. Provided always, and be it further enacted, That the Conſideration or Purchaſe Money to be received for the Sale of the ſaid Quit Rents and Reliefs in purſuance of this Act, ſhall be paid and applied in the Manner directed by the ſaid recited Act, with reſpect to Money to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon; and which Money ought to be laid out in the Purchaſe of Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

Application of Purchaſe Money.

LIII. And be it further enacted, That out of the Money which ſhall be raiſed for defraying the Expences of obtaining and executing this Act, there ſhall be paid to each of the ſaid Commiſſioners, in full Satisfaction for their Trouble and Expences, the Sum of Three Pounds and Three Shillings, and no more, for each Day they ſhall be reſpectively attending in the Execution of this Act, and in travelling to and from the Meetings to be held under the Authority of the ſame; and that their Clerk ſhall in like Manner be allowed ſuch Sum as the ſaid Commiſſioners ſhall think fit, not exceeding the Sum of Three Pounds and Three Shillings for his Trouble and Expences for each Day he ſhall be attending the ſaid Commiſſioners in the Execution of this Act; and that at all ſuch Meetings the ſaid Commiſſioners and their Clerk, and alſo the ſeveral Proprietors, their Attornies, and Agents, ſhall pay their own Expences.

Commiſſioners and Clerk's Allowances.

LIV. And be it further enacted, That the Coſts, Charges, and Expences occaſioned by or incident to and attending the obtaining, ſoliciting, and paſſing of this Act, and of ſurveying, admeaſuring, planning, valuing, dividing, and allotting the Lands, Grounds, Tenements, and Hereditaments to be divided, allotted, and incloſed, or given up to be allotted and exonerated from the Payment of Tithes, or otherwiſe affected by virtue of this and the ſaid recited Act, and of preparing and enrolling the Award of the ſaid Commiſſioners, and all Coſts and Charges that the ſaid Commiſſioners ſhall be put unto in reſpect of any Appeal or Appeals againſt

Expences of Act to be defrayed by Proprietors by Sale of Lands or a Rate.

againſt their Deciſion, or of any Suit or Suits at Law or in Equity that may be inſtituted by or againſt them, as Commiſſioners in the Execution of this Act, and all reaſonable Charges and Expences of the Aſſiſtants and other Perſons employed by them in and about the Execution of this Act, either before or after the Execution of the ſaid Award, and all Expences of forming, making, repairing, or completing the Public and Private Carriage Roads, Drift-ways, Drains, Bridges, Brooks, Watercourſes, Tunnels, Watering Places, and other Conveniences, to be ſet out and appointed by the ſaid Commiſſioners, and all other Expences of carrying this Act into full and complete Execution, ſhall (unleſs otherwiſe directed by this Act, or by the ſaid Commiſſioners in purſuance thereof,) be borne and defrayed by the ſeveral Perſons to whom any Allotment or Allotments ſhall be made, or whoſe Lands ſhall be exonerated from Tithes by virtue of this Act (except the ſaid *John George*, as Rector, and his Succeſſors, Rectors as aforeſaid, and the ſaid Surveyors as aforeſaid), in Proportion, as near as may be, to their reſpective Eſtates and Intereſts (due Regard being had to the Expences occaſioned by each Perſons Eſtate, and alſo to the Value and Improvement thereof); and the Shares and Proportions of the ſaid Coſts, Charges, and Expences to be borne and paid by the ſaid reſpective Owners and Perſons intereſted, ſhall be ſettled and aſcertained by the ſaid Commiſſioners, and ſhall be raiſed wholly or in Part either by Sale or Sales of Part of the ſaid Lands, Grounds, Tenements, and Hereditaments, in Manner herein directed, or wholly or in Part by a Rate or Rates on the ſaid reſpective Proprietors, as they and the ſaid Commiſſioners ſhall think moſt convenient and proper; which ſaid Rate or Rates the ſaid Commiſſioners are hereby authorized and empowered to make, raiſe, and levy, from Time to Time, upon Eſtimates to be by them formed, either before or after the Execution of their Award, as they ſhall deem neceſſary or proper, and which ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct or appoint, by Writing under their Hands, to be affixed on the principal Outer Door of the Church of *Aſton Clinton* aforeſaid; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of the ſaid Coſts, Charges, and Expences, according to ſuch Direction or Appointment as aforeſaid, the ſaid Commiſſioners ſhall and may raiſe and levy the ſame by ſuch Remedies, Ways, and Means as are provided and mentioned in and by the ſaid recited Act, or by an Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, as they ſhall think fit: Provided always, that nothing herein contained ſhall authorize any Perſon or Perſons to raiſe, by any of the Ways and Means in the ſaid recited Act or this Act mentioned, a further Sum than after the Rate of Five Pounds *per* Acre in the whole for every Acre of the Lands, Grounds, and Hereditaments to be divided, allotted, and incloſed, and exonerated from the Payment of Tithes by virtue of this Act, except ſuch Sum or Sums of Money as ſhall or may be paid by any Proprietor or Proprietors under or by virtue of this Act, in Conſideration or Satisfaction for the Fee Simple and Inheritance or Exoneration of any Tithes, which laſt-mentioned Sum or Sums it ſhall be lawful for ſuch Proprietor or Proprietors to raiſe by any of the Ways or Means herein mentioned.

Power on Requeſt of Proprietors, &c. and Per-

LV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered and required, upon the Requeſt of any of the Owners or Proprietors, being ſeiſed or poſſeſſed in

Poſſeſſion of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or of the Lands, Tenements, and Hereditaments to be exonerated from Tithes by virtue of this Act or the ſaid recited Act, or of any Right or Intereſt in ſuch Lands, Grounds, Tenements, or Hereditaments, being Tenants for Life or Lives, or for any Number of Years determinable upon a Life or Lives, or for ſome Eſtate of Inheritance leſs than an Eſtate in Fee Simple, or for any other determinable Eſtate or Intereſt, or of any Bodies Politic or Corporate, or of the reſpective Huſbands, Guardians, Truſtees, Committees, Agents, or Attornies of or for any ſuch Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Diſability or Incapacity, or of the Truſtees for any Charitable or Public Uſes, or the major Part of them reſpectively, to raiſe the Share and Proportion, or reſpective Shares and Proportions of the Perſon or Perſons by or on whoſe Behalf any ſuch Requeſt ſhall be made, of ſuch Charges and Expences as aforeſaid, either by Sale of any Part of the Lands, Tenements, or Hereditaments of ſuch Perſon or Perſons ſo to be allotted or exonerated from Tithes reſpectively, in the Manner and ſubject to the Rules preſcribed by the ſaid recited Act, for the Sale of Lands directed to be ſold for the Payment of the Expences attending the Execution of Acts of Incloſure, (and the ſame ſhall thereupon be allotted and awarded, and veſt the Poſſeſſion in Fee Simple in the Purchaſer or Purchaſers thereof), or by allotting any Part of ſuch Lands, Tenements, or Hereditaments to ſuch Perſon or Perſons who ſhall advance and pay ſuch Charges and Expences as aforeſaid: Provided always, that no greater Sum of Money ſhall be raiſed by ſuch Sale or Sales, or Allotment or Allotments, than the Proprietor or Proprietors of ſuch Lands, Tenements, or Hereditaments could or might have raiſed by Mortgage under and by virtue of this Act or the ſaid recited Act; and every Allotment to be made by virtue of this Act for a valuable Conſideration, ſhall, after the ſame ſhall be ſo awarded, veſt the Poſſeſſion in the Perſon or Perſons the ſame ſhall be awarded to in Fee Simple.

ſons under Diſability, to raiſe their Expences of Act by Sale of Allotment.

LVI. And be it further enacted, That the Perſon or Perſons who ſhall advance and lend any Sum or Sums of Money for defraying the Expences relative to applying for and obtaining this Act, and of carrying the ſame into Execution, ſhall be repaid the ſame out of the firſt Monies which ſhall be raiſed and collected in purſuance hereof, with Intereſt after the Rate of Five Pounds *per Centum per Annum*, from the Time of advancing and paying the ſame reſpectively.

Money advanced for defraying Expences to be repaid with Intereſt.

LVII. And whereas the ſaid *John George* and his Succeſſors, Rectors as aforeſaid, will have Occaſion to raiſe Money to pay and defray the neceſſary Charges and Expences which will attend the making the Buildings and Subdiviſion Fences, and other Conveniences which, in the Judgement of the ſaid Commiſſioners, will be neceſſary for the convenient Occupation of the Lands to be allotted to the ſaid Rector, and cannot, without the Aid or Authority of Parliament, receive, lay out, and expend a certain Sum of Money which has already been paid or agreed to be paid by the ſaid Company of Proprietors of the Grand Junction Canal, by virtue of Two certain Acts of Parliament, one of them made and paſſed in the Thirty-third Year of His preſent Majeſty's Reign, intituled *An Act for making and maintaining a navigable Canal, from the* Oxford *Canal Navigation at* Braunſton, *in the County of* Northampton, *to join the River* Thames *at or near* Brentford, *in the County of*

Power for Rector to apply Money to defray Expences of Buildings and Fences.

of Middlesex, *and also certain Collateral Cuts from the said intended Canal;* and the other of them made and passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for making certain Navigable Cuts from the Towns of* Buckingham, Aylesbury, *and* Wendover, *in the County of* Buckingham, *to communicate with the Grand Junction Navigation, authorized to be made by an Act of the last Session of Parliament, and for amending the said Act;* as the Purchase Money for Glebe Land and the Tithes of the same, taken and used for making the said Canal or Collateral Cuts and Banks thereof, amounting in the Whole to the Sum of Ninety-seven Pounds Twelve Shillings and Four-pence; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said *John George* and his Successors, Rectors as aforesaid, with the Consent in Writing of the Bishop of the Diocese under his Hand, and of the Patrons of the Rectory aforesaid under their Common Seal, to ask, demand, and receive, and to give a Receipt for the said Sum of Ninety-seven Pounds Twelve Shillings and Four-pence, being the Purchase Money as aforesaid, in order to be applied and disposed of for and towards the Purposes before mentioned.

Commissioners Accounts once in every Year to be laid before Two Justices.

LVIII. And be it further enacted, That Once in every Year, during the Execution of this Act, (such Year to be computed from the Day of the passing thereof,) the said Commissioners shall, and they are hereby required to make a full, true, and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act, and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Buckingham*, (not interested in the said Division, Allotment, and Inclosure,) to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts, to be kept in the Office of the Clerk to the said Commissioners: Provided always, that no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Award where to be deposited.

LIX. And be it further enacted, That the Award to be made by the said Commissioners, after the same shall have been duly enrolled, in Manner directed by the said recited Act, together with the reduced Plan, shall be deposited in the Parish Church of *Aston Clinton* aforesaid, or in such other Place as the said Commissioners shall appoint.

Appeal to the Quarter Sessions.

LX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done, or omitted to be done in pursuance of this or the said recited Act, then and in every such Case, (except as to the Allotments and where the Orders, Determinations, and Proceedings of the said Commissioners are hereby or by the said recited Act declared to be final and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before is mentioned,) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Buckingham*, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving to the said Commissioners, or to their Clerk, Twenty-one Days Notice at least, in Writing, of such Appeal,

peal, and of the Matter thereof; and the Juſtices at ſuch General Quarter Seſſions are hereby required to hear the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable and neglecting to pay the ſame, rendering the Overplus (if any) on Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale, which Determination of the ſaid Juſtices ſhall be final and concluſive upon all Parties concerned, and ſhall not be removed by *Certiorari* or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

General Saving of Manorial Rights.

LXI. Provided always, and it is hereby further enacted and declared, That nothing herein contained ſhall any otherwiſe prejudice, leſſen, or defeat the Right, Title, or Intereſt of the Lord or Lords of the ſeveral Manors herein-before mentioned, for the Time being, of, to, or in any Royalties, Franchiſes, Privileges, Courts, Eſcheats, Forfeitures, Services, Rights, or Appurtenances whatſoever, incident or belonging to the ſaid Manors reſpectively, than as the Intent and Purpoſes of the Incloſure hereby authorized ſhall abſolutely require: Provided always, that nothing herein contained ſhall affect or prejudice any Grants made by the Lord or Lords, Lady or Ladies of the ſaid Manors, according to the Cuſtom of the ſame.

General Saving.

LXII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, (except the ſeveral Perſons to whom any Allotment or Allotments ſhall be made in purſuance of this Act, for and in reſpect of ſuch Rights and Intereſts as are hereby meant and intended to be barred, deſtroyed, and extinguiſhed, and all Perſons reſpectively claiming under them, or in Reverſion or Remainder after them,) all ſuch Right, Title, and Intereſt as they, or every, or any of them could or ought to have had and enjoyed into or out of the Lands and Grounds, Tenements and Hereditaments hereby directed to be divided, allotted, and incloſed, in caſe this Act had not been made.

Act made Evidence.

LXIII. 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.

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Printers to the King's moſt Excellent Majeſty. 1814.