ANNO PRIMO

VICTORIÆ REGINÆ.

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Mountfitchet, and as such is or claims to be entitled to the Soil of all the Waste Lands within the said Manor: And whereas the said *Nicolson Calvert*, *John Martin Leake*, *Ebenezer Fuller Maitland*, *Robert Gosling*, and the Mayor, Commonalty, and Citizens of the City of *London*, as Governors of *Christ's Hospital*, *Thomas Seabrook*, *John Thomas* Esquire, *William Gorsuch Times*, and *Thomas Samuel Mott*, as Trustees under the Will of the late *Frances Fiske*, *Thomas Orger*, *Matthew Woodley*, and divers other Persons respectively, are Owners and Proprietors of the said Open and Common Fields, and Commonable and Waste Lands and Grounds, and inclosed Lands and Homesteads: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, 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 another Act was passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in* England: And whereas the Lands of the several Owners and Proprietors in the said Open and Common Fields, Commonable and Waste Lands and Grounds, are greatly intermixed, and lie dispersed in small Parcels, and are in their present State incapable of any considerable Improvement; and it would be advantageous if the same, except such Parts as are after mentioned, were divided and inclosed, and specific Parts thereof allotted unto and amongst the several Proprietors thereof according to their respective Rights and Interests therein, and such Allotments held in Severalty, and all Rights of Common in, over, and upon the same respectively extinguished; but the said beneficial Objects cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 the said recited Act passed in the Forty-first Year of the Reign of King *George* the Third, and all the Powers, Provisions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed by the said recited Act passed in the First and Second Years of the Reign of King *George* the Fourth,) and also the said recited Act passed in the First and Second Years of the Reign of King *George* the Fourth, and all and every the Powers and Provisions therein contained, shall, so far as the same respectively are not hereby varied, altered, or repealed, or otherwise provided for, be as valid and effectual for carrying into execution this Act as if the same had been respectively repeated and re-enacted in the Body of this Act.

41 G. 3. c. 109.

1 & 2 G. 4. c. 23.

Powers of recited Acts.

Commissioner appointed.

II. And be it further enacted, That *Martin Nockolds* of *Stansted Mountfitchet* in the County of *Essex* shall be and he is hereby appointed the Commissioner for dividing, allotting, and inclosing the said Open and Common Fields, Commonable and Waste Lands and Grounds,

Grounds, except such Parts as are after mentioned, and for carrying this Act and the said recited Acts into execution.

Appointment of Commissioners on Vacancies.

III. And be it further enacted, That if the said *Martin Nockolds*, or any Commissioner to be appointed in his Stead, as herein provided, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, or refuse or neglect to act for the Space of Three Calendar Months, or become incapable of acting, then and so often as any such Event shall take place a public Meeting of the several Persons who for the Time being shall respectively be interested in the said Lands and Grounds hereby authorized to be inclosed, divided, and allotted, and then remaining uninclosed, and requiring to be divided, allotted, and inclosed, shall be called by any Two of such Persons, and be held within Twenty-one Days next after such Notice shall be given (of which Meeting at least Fourteen Days previous Notice shall be given by affixing the same to the principal outer Doors of the Churches and Chapels of the said several Parishes, and by Advertisement in some Newspaper usually circulated in the said County of *Essex*); and the Persons at such Meeting assembled, being interested in the said Lands and Grounds, or the major Part of them in Value (such Value to be ascertained by the then last Poor Rate), or their respective Agents duly authorized by Writing under the Hand of such respective Persons, shall and may by Writing under their Hands appoint some other Person (not interested in the said Inclosure) to be a Commissioner in the Place of the said *Martin Nockolds*, or of other the Commissioner occasioning such Vacancy; and every Person so appointed as herein-before is mentioned shall have the same Powers and Authorities in all respects for carrying this Act and the said recited Acts into execution, and shall be subject to the same Regulations and Restrictions, as if he had been originally named a Commissioner in this Act; and every such Appointment, or Copies thereof, shall be annexed to and enrolled with the Award or Awards of the said Commissioner in manner herein-after directed with respect to such Awards.

Commissioner to make a Declaration.

IV. And be it further enacted, That no Person shall be capable of acting as Commissioner in the Execution of this Act until he shall have made and subscribed the Declaration following before One of Her Majesty's Justices of the Peace for the County of *Essex*; which Declaration the said Justice is hereby empowered to receive or administer; (that is to say,)

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, 'impartially, and honestly, according to the best of my Skill and 'Ability, execute and perform the several Trusts, Powers, and 'Authorities vested and reposed in me as a Commissioner by virtue 'of an Act passed in the Year of the Reign of Queen 'Victoria, intituled [*here insert the Title of this Act*], according to 'Equity and good Conscience, and without Favour or Affection, 'Prejudice or Partiality, to any Person whomsoever.'

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said first-recited Act to be taken and subscribed by Persons acting as Commissioners in the

Execution

Execution of any Act for dividing, allotting, or inclosing any Lands or Grounds; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed, and which Declaration, or Copies thereof, shall be annexed to and enrolled with the Award or Awards of the said Commissioner in manner herein-after directed with respect to such Awards.

Power to appoint a Clerk.

V. And be it further enacted, That it shall be lawful for the said Commissioner for the Time being to appoint a Clerk to assist him in the Execution of this Act and of the said recited Acts, and from Time to Time to remove such Clerk, and to appoint another in his Stead.

Allowance to Commissioner and Clerk.

VI. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and executing this Act the Commissioner and Clerk acting in the Execution of this Act shall respectively be paid, for each Day they shall travel or be engaged in any Business relating to the Execution of this Act, or of any of the Powers hereby vested in them, during the first Two Years after the passing of this Act, the Sum of Three Pounds Three Shillings to the Commissioner and Three Pounds Three Shillings to the Clerk, and no more, and after the Expiration of the said Two Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds Two Shillings to the Commissioner and Two Pounds Two Shillings to the Clerk, and no more, in full Satisfaction of their Time and Trouble, and for the several Expences which they may incur during their several Journies and Attendances in the Execution of this Act, other than and excepting any Expences for the Use of the Room in which the Sittings shall be holden for carrying this Act into execution, and the Costs and Expences of Notices and Advertisements, and of drawing, copying, engrossing, and enrolling the Awards of the said Commissioner, and all other proper and necessary Expences in any Manner attendant thereupon or connected therewith or incidental thereto.

For regulating the Duration of Sittings.

VII. And for regulating the Duration of all Sittings to be held for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours between the Twenty-fifth Day of *March* and Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March;* and any Sitting to be held for the Purposes of this Act of less Duration than Eight Hours or Six Hours (as the Case may be) shall be charged only as Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or Clerk, in which shall be entered the several Days on which the said Commissioner and the said Clerk, and the Hour on which the said Commissioner and Clerk respectively shall commence and conclude such Sittings, and such Book shall be signed by such Commissioner or Clerk at the Termination of each Sitting, and shall be open to the Inspection of all Persons interested in the said Inclosure, or their Agents, during all the Sittings to be held

held in pursuance of this Act; and all such Persons may take Copies of or Extracts from such Book, without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioner to retain or to repay himself or such Clerk out of any Monies to be received by him, or over which he may have any Control, by virtue of this Act, any Monies on account of the Allowance hereinbefore directed to be made to such Commissioner and Clerk respectively, beyond One Half of the Allowances to which they shall be entitled as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Awards to be made in pursuance of this Act, or in case the Accounts of the said Commissioner shall have been appealed against then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Death of the said Commissioner or of the said Clerk before the Execution of the said Awards herein-after directed to be made, the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made, pay to the Executors or Administrators of such deceased Commissioner or Clerk such Sum as shall appear by the said Accounts to be due thereon.

Appointment of Surveyor.

VIII. And be it further enacted, That it shall be lawful for the said Commissioner to appoint some fit and proper Person not interested in the said Inclosure to be the Surveyor for the Purposes of this Act; and in case of the Death, Neglect, Refusal, or Incapacity to act of the said Surveyor, then from Time to Time, as often as any such Event shall happen, to appoint some other fit and proper Person, not interested in the said Inclosure, to succeed to such Office in the Room or Stead of such Surveyor so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and the said Commissioner is hereby authorized, out of the Monies to be raised for defraying the Expences of obtaining and passing this Act and carrying the same into execution, to allow to every such Surveyor for his Time and Trouble any Sum not exceeding One Shilling and Sixpence *per* Acre for surveying, measuring, mapping, and planning the said Lands, or any of the Lands heretofore inclosed, which shall be necessary for the Purposes of this Act, and also any Sum not exceeding Two Pounds Twelve Shillings and Sixpence for each Day he shall be actually and wholly otherwise employed in the Business of the said Division, Allotment, and Inclosure, exclusive of the said Survey, and which said several Allowances shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences of every Description to be incurred by such Surveyor in and about the Execution of this Act: Provided always, that no Person shall act as Surveyor in the Execution of this Act until he shall have made and subscribed a Declaration in the Words or to the Effect following; (that is to say,)

Surveyor to make a Declaration.

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Powers and Duties vested in and imposed upon me as Surveyor by virtue of an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled

' intituled [*here insert the Title of this Act*], according to Equity ' and good Conscience, and without Partiality, Favour, or Affection ' to any Person whomsoever.'

Which Declaration it shall be lawful for the Commissioner for the Time being, or any Justice of the Peace for the said County of *Essex*, to administer and receive.

Existing Plans and Valuation may be used.

IX. And be it further enacted, That it shall be lawful for the said Commissioner to adopt and make use of any Survey, Admeasurement, Plan, and Valuation already made of all or any Part of the said Open and Common Fields, Commonable and Waste Lands and Grounds, hereby authorized to be divided, allotted, and inclosed, or of the Lands heretofore inclosed within the said Parishes, without causing a new Survey, Admeasurement, Plan, and Valuation to be made thereof respectively; and nothing in the said first-recited Act contained shall extend to require the said Commissioner to make or cause to be made any Survey, Admeasurement, Plan, or Valuation of any of the Messuages, Cottages, and inclosed Lands within the said Parishes, unless the said Commissioner shall deem such Survey, Admeasurement, Plan, or Valuation expedient for the Purposes of this Act.

Notice of Sittings of Commissioner.

X. And be it further enacted, That the said Commissioner shall cause Notice of the Time and Place of his first and every subsequent Sitting for the Execution of this Act to be inserted in some One Newspaper usually circulated in the said County of *Essex*, and to be affixed to the principal outer Doors of all the Churches and Chapels of all the said several Parishes Eight Days at least before every such Sitting (Sittings by Adjournment only excepted); and the said Commissioner may from Time to Time adjourn such Sitting to a fixed Day as he may think proper.

Mode of giving other Notices.

XI. Provided always, and be it further enacted, That all other Notices necessary to be given by the said Commissioner (unless herein-after otherwise directed) shall be given by Advertisement in some Newspaper usually circulated in the said County of *Essex*, and by Writing to be affixed to the principal outer Doors of the Churches and Chapels of the said several Parishes, or such of them as shall be concerned or interested in the Business thereby notified to be done, Eight Days at least before the Period for doing the Business to which such Notice shall relate; and all such Notices so given shall be deemed sufficient Notice to all Persons and Corporations Aggregate or Sole concerning and respecting all Matters and Things to which such respective Notices shall relate, any thing in the said first-recited Act contained to the contrary notwithstanding; and a Certificate purporting to be signed by the Commissioner of any Notice required to be given by him having been given shall be considered Evidence that such Notice was duly given, without it being necessary to prove the Appointment of any such Commissioner.

Sittings to be held within Seven Miles.

XII. And be it further enacted, That all Sittings of the said Commissioner in the Execution of this Act, at which the Presence of any of the Persons interested in the Inclosure hereby authorized shall

shall be requisite, shall be held within Seven Miles of the Boundaries of the said Parishes of *Berden*, *Manewden*, or *Stansted Mountfitchet*, or of one of them.

Proprietors to pay their own Expences at Sittings.

XIII. And be it further enacted, That the several Persons interested in the Inclosure hereby authorized, and their respective Agents, shall pay their own Expences whenever they shall attend the said Commissioner at any of his Sittings to be held in pursuance of this Act.

Commissioner to settle disputed Claims;

XIV. And be it further enacted, That if any Dispute shall arise between any of the Parties claiming to be interested in the Lands hereby authorized to be divided, allotted, and inclosed, touching or concerning the respective Portions which they may claim, or touching or concerning any other Claims, or any Objections to such Claims, or to any Rights or Interests affecting or relating to the said Inclosure, it shall be lawful for the said Commissioner, and he is hereby required, by Examination of Witnesses upon Oath (which Oath the said Commissioner is hereby empowered to administer), and by such other Evidence and Inquiry as to him shall seem proper, to examine into, hear, and determine the same, and make such Order therein as to him the said Commissioner shall appear equitable and just; provided that in case any Person shall object to any Claim delivered to the said Commissioner, as required by the first-recited Act, such Person or his Agent shall cause Notice of such his Objection to be given to the Party whose Claim shall be objected to, or to his Agent, in such Manner and at such Time previous to the Sitting for hearing such Objection as the said Commissioner shall appoint.

but not to determine Title.

XV. Provided always, and be it further enacted, That nothing herein contained shall extend to empower the Commissioner to determine the Title to any Lands, Tenements, or Hereditaments, or to determine any Right between any Parties contrary to the Possession of any such Parties (except in respect of Encroachments as herein-after mentioned); but in case the said Commissioner shall be of opinion against the Right of the Party so in possession he shall forbear to make any Determination thereon until the Possession shall have been given up by such Party, or recovered from such Party by due Course of Law.

Commissioner to assess Costs in certain Cases.

XVI. And be it further enacted, That in case the said Commissioner, upon the Hearing and Determination of any Claim or Objection to be delivered to him in pursuance of this or the said first-recited Act, shall see Cause to award any Costs, Charges, or Expences, it shall be lawful for the said Commissioner and he is hereby required, upon Application made to him for that Purpose, to assess and award such Costs, Charges, and Expences as he shall think reasonable to be paid to the Party in whose Favour any Determination of the said Commissioner shall have been made by the Party whose Claim or Objection shall have been thereby disallowed or overruled; and in case any Party liable to pay such Costs, Charges, and Expences shall refuse or shall neglect to pay the same within Fourteen Days after Demand

Demand thereof made in Writing by or on behalf of the Party entitled to receive the same, the said Commissioner is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person whomsoever, to cause such Costs, Charges, and Expences to be levied by Distress and Sale of the Goods and Chattels of the Party so refusing or neglecting to pay the same, rendering the Overplus (if any) to the Party whose Goods and Chattels shall have been so distrained and sold, after deducting the Expences attending such Warrant, Distress, and Sale; and if there shall not be any Goods and Chattels whereon to levy such Costs, Charges, and Expences, or in case the Party ordered to pay such Costs be a Corporation, then and in either of the said Cases it shall be lawful for the Party in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioner, and in consequence of such Order; and the Production and Proof of such Order shall be sufficient Evidence to entitle him to recover in such Action, without setting forth or proving any other Proceedings under this Act.

Parties dissatisfied authorized to try their Rights at Law.

XVII. Provided always, and be it further enacted, That if any Party claiming to be interested in the said Inclosure shall be dissatisfied with any Determination of the said Commissioner touching any Claim, Right, or Interest in, over, or upon the Lands hereby authorized to be divided, allotted, and inclosed, or touching any Objection to any such Claim, it shall be lawful for such Party to bring an Action upon a feigned Issue against the Party in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Party against whom such Determination shall have been made, or to his known Agent, and thereupon the Party so dissatisfied may proceed to Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes, which may be held for the said County of *Essex* after such Action shall have been commenced; and the Defendant in such Action is hereby required to name an Attorney, who shall appear thereto, and accept One or more Issue or Issues (such Issues to be settled by the proper Officers of the Court in which such Action shall be commenced, in case the Parties shall differ about the same), whereby such Claims, and the Rights thereby insisted on or objected to, may be tried and determined; and the Verdict which shall be given in such Action shall be binding and conclusive upon all Parties thereto, and the Commissioner shall act in conformity thereto, and allow or disallow the said Claims as thereby determined, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had thereon, which it shall be lawful for the Court to do as in other Cases: Provided always, that the Determination of the said Commissioner touching any such Claim or other Right or Interest as aforesaid, which shall not be objected to in due Time, or to which, being objected to, the Party objecting shall not cause such Action to be brought within the Time herein-before limited, or to be proceeded with as aforesaid, shall be final and conclusive upon all Parties.

If no Action brought within Time limited, Determination of Commissioner to be final.

XVIII. And

Actions not to impede Execution of Act.

XVIII. And be it further enacted, That no Difference, Dispute, Action, or Proceeding as aforesaid, nor any Difference touching the Title to any Lands, shall impede or delay the Commissioner in the Execution of this Act, but the Inclosure by this Act authorized shall be proceeded in notwithstanding any such Difference, Action, or Proceeding, and the Allotments in respect of any disputed Property shall be taken and held by the Party or Parties who upon the Determination of such Difference, Action, or Proceeding shall become entitled thereto.

Actions not to abate by the Death of any of the Parties.

XIX. And be it further enacted, That if any of the Parties, Plaintiffs or Defendants, in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not be defeated or abate by reason thereof, but may be proceeded in as if no such Event had taken place; and if any Party in whose Favour any such Determination as aforesaid shall have been made, and against whom such Action might have been brought if living, shall die before such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Party who might have brought such Action to bring the same within the Time so limited as aforesaid against such Party, as if actually living, and to serve the Clerk of the said Commissioner with Process for commencing such Action in the same Manner as the Party might have been served therewith if living; and it shall thereupon be incumbent on the Heir of the Party so dead, or other the Party who shall claim the Benefit of such Determination, on being served with such Process, or a Copy of the same, to appear and defend such Action in the Name of the Party so dead, and Proceedings shall be had therein in the same Manner as if such Party had been living, and the Rights of all Parties to the said Action shall be equally concluded by the Event of such Action.

Commissioner empowered to suspend or extinguish Rights of Common.

XX. And be it further enacted, That it shall be lawful for the said Commissioner, at such Time as he shall think proper, and before the Execution of his Awards, by Notice in Writing under his Hand, to be affixed on the principal outer Doors of the Churches and Chapels belonging to the Parish within which such Lands shall be situate on some *Sunday* previous to Divine Service, to order and direct all or any Part of the Rights of Common or other Rights in, over, or upon the Lands or Grounds hereby authorized 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 as shall be expressed in such Notice; and from and after the Time mentioned all such Rights as shall be thereby directed to be extinguished shall be extinguished, or the Exercise thereof suspended accordingly, any Law, Usage, or Custom to the contrary notwithstanding; and if during the Suspension or after the Extinguishment of any such Rights of Common or other Rights as aforesaid any Owner or Occupier of Land, or other Person claiming to have a Right of Common over the said Lands the Rights whereof shall be so extinguished or suspended, shall permit his Cattle or Sheep to go, depasture, or feed upon any of the Lands or Grounds over which such Rights of Common or other Rights shall be suspended or extinguished, it shall

Penalty on Breach of Commissioner's Order.

shall be lawful for the said Commissioner, or any other Person by his Order, and also for any other of the said Owners or Occupiers, to distrain such Cattle or Sheep being upon such Lands or Grounds contrary to such Order, and to impound the same until the Person so offending shall pay to the Person so distraining (to be applied in such Manner as the said Commissioner shall direct) such Sum of Money as the said Commissioner shall, by Writing under his Hand to be delivered to or left at the Place of Abode of the Person whose Cattle or Sheep shall be so distrained, order and direct, not exceeding the Sum of Ten Shillings for each Head of Cattle, and not exceeding the Sum of Five Shillings for each Sheep so distrained; and in case the same shall not be paid within Seven Days after the Delivery of such Writing, the said Commissioner is hereby authorized, upon Proof of such Offence having been committed, and of Nonpayment of the Penalty hereby imposed, to cause the Cattle or Sheep so distrained or impounded, or such of them as he shall think necessary, or any other Goods or Chattels of the Person so offending, to be sold for raising and paying the Penalty aforesaid, together with the Costs, Charges, and Expences attending such Distress, and also rendering the Surplus (if any) to the Owner of such Cattle or Sheep.

Commissioner to direct the Course of Husbandry to be followed.

XXI. And be it further enacted, That it shall be lawful for the said Commissioner, by any Writing under his Hand to be affixed on the principal outer Doors of the Churches and Chapels of the respective Parishes within which such Lands shall be situate, from Time to Time, and until the making of his respective Awards as hereinafter provided, to order and direct the Course of Husbandry that shall be used in, over, and upon the Lands about to be divided, allotted, and inclosed, until the Time when he shall have made and completed the intended Division, Allotment, and Inclosure thereof, as well with respect to breaking up and laying down as the ploughing, sowing, fallowing, and tilling the same Lands, and by the same or any other Writing under his Hand, to be affixed as aforesaid, to make such Orders and Regulations touching the Conduct of the Owners and Occupiers of the same Lands, for preventing the committing of Waste or Destruction by any Person or Persons whomsoever upon any of the Lands to be divided, allotted, and inclosed by virtue of this Act, in the meantime and until the Divisions, Allotments, and Inclosure thereof shall be effected, as to the said Commissioner shall seem expedient; all which Orders and Regulations of the said Commissioner shall be binding and conclusive upon all Parties interested therein, their Farmers and Tenants; and that the said Commissioner shall set and impose such pecuniary Penalties and Forfeitures upon every Person not conforming to such Orders and Regulations as he shall think necessary, not exceeding Five Pounds *per* Acre; all which Penalties and Forfeitures shall be paid to such Person or Persons, and for such Uses and Purposes, as the said Commissioner shall by any such Writing as aforesaid direct or appoint; and the said Commissioner is hereby authorized and required to raise and levy the same, for the Use of the Person or Persons he may consider entitled thereto, by such Ways and Means as the Costs of carrying into execution this

Act

Act and the said recited Acts may be raised and levied from Parties neglecting to pay their Proportion of the said Costs.

Satisfaction for standing Crops.

XXII. And be it further enacted, That the said Commissioner shall and he is hereby authorized to ascertain, and by Writing under his Hand to order and appoint, what Recompence or Satisfaction in Money shall be made to the Owner of any Crops growing according to the customary Mode of Cultivation within the said Parish upon the Lands or Grounds hereby authorized to be divided, allotted, and inclosed, at the Time such Division, Allotment, and Inclosure shall be made, for the said Crops, by the Person to whom the Lands or Grounds upon which such Crops are growing shall be allotted, and also what Recompence or Satisfaction in Money shall be paid, and by whom, to any Tenant or Occupier of any Land, as well for ploughing, tilling, manuring, or folding any of the Lands or Grounds which shall be divided, allotted, and inclosed by virtue of this Act, for the Benefit and Advantage accruing thereby to the Person to whom such Lands and Grounds shall be allotted, as for any Loss or Disadvantage which any such Tenant or Occupier may sustain by the Loss of his following or way-going Crops upon the Lands or Grounds by this Act authorized to be divided, allotted, and inclosed; and if in any 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 by the said Commissioner, it shall be lawful for the said Commissioner and he is hereby required to raise and levy the same for the Use of the Person entitled thereto by such Ways and Means as the Costs of obtaining and executing this Act are herein directed to be raised and levied from Parties neglecting to pay their Proportion of the said Costs.

Commissioner empowered to improve Drains.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioner to scour out, widen, deepen, and enlarge or alter the Course of and improve any of the ancient Drains, Brooks, Streams, Watercourses, Banks, Tunnels, and Bridges within the said Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet* respectively, and also to set out and appoint, build and make, such new Drains, Watercourses, Banks, Tunnels, and Bridges, of such Size and Extent and in such Situations as the said Commissioner shall think necessary, as well in, through, and over the Lands hereby authorized to be divided, allotted, and inclosed, as also in, through, and over any ancient Inclosures or other Lands or Grounds within the said Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet*, or either of them, making such Satisfaction to the Owners of such ancient Inclosures or other Lands and Grounds, for the Damage done thereby, as herein-after mentioned, the Expence of executing such Drainage and other Works as aforesaid to be charged upon and defrayed by the Proprietors of the Lands thereby benefited in such Proportions and to be raised by such Means as the said Commissioner shall direct; and the said Commissioner is hereby required, in and by his Award, to order and direct by whom, at whose Expence, at what Time, and in what Manner such Drains and other Works as aforesaid shall be thereafter repaired, cleansed, and maintained: Provided that where any such new Drains, Watercourses, Banks, or Bridges shall

be

be set out, appointed, or made in, through, or over any ancient Inclosures or other Lands within the said Parishes not hereby directed to be divided, allotted, and inclosed, or any ancient Streams, Brooks, or Watercourses which now pass through, over, or across any ancient Inclosures within the said Parishes, shall be diverted or stopped, so that the same shall no longer pass through, over, or across such ancient Inclosures, or shall carry a less Body of Water, the said Commissioner shall make full Compensation to the Proprietors of such Lands for the Value of the Land or Ground to be taken for the Purposes aforesaid, and for the Damage done thereby respectively, either by an increased Allotment of Land, or by and out of the Monies to be raised by virtue of this Act for the Payment of the Expences thereof: Provided also, that no such new Drains, Watercourses, Banks, or Bridges shall be set out, appointed, or made in, through, or over any ancient Inclosures or other Lands within the said Parishes not hereby directed to be divided, allotted, and inclosed, without the Consent in Writing of the Proprietors of such ancient Inclosures or other Lands.

For shortening Boundaries.

XXIV. And be it further enacted, That for the Purpose of shortening or rendering straight any Boundary Fences between the Lands and Grounds by this Act authorized to be divided, allotted, and inclosed, and the old inclosed Lands in the said Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet*, or between such Allotments and inclosed Lands, or any of them, and any adjoining Lands and Grounds, it shall be lawful for the said Commissioner (with the Consent of the Lords of any Manor in which the Lands are respectively situate, and of the Owners of any such adjoining Lands, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate) to set out, ascertain, and determine the Boundaries between the Lands by this Act authorized to be divided, allotted, and inclosed, and any adjoining Lands or Grounds lying in the same or in any adjoining Manor, as he shall judge proper, for the Purposes aforesaid; and after such Boundaries shall have been so set out, ascertained, and determined as aforesaid, the same shall be made, fenced, ditched, or mounded by such Person, in such Manner, and at such Times as the said Commissioner shall direct, and shall for ever thereafter be deemed the Boundaries between the said allotted and inclosed Lands respectively; and a Description of the Boundaries so to be set out, ascertained, and determined as aforesaid shall be inserted in the Award of the said Commissioner, and delineated in the Map or Plan to be thereto annexed.

Commissioner may alter or discontinue Roads.

XXV. And be it further enacted, That it shall be lawful for the said Commissioner, with the Consent and under the Order in Writing of Two Justices of the Peace for the County of *Essex*, not interested in the said Inclosure, to discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footways (other than and except Turnpike Roads) passing or leading through or over any of the Lands in the said Parishes intended to be divided, allotted, and inclosed; and the Soil of the Roads and Ways so to be discontinued and stopped up, and which may

may pass through or over any of the said Lands or Fields, shall be deemed and taken as Part of the Lands to be divided, allotted, and inclosed by virtue of this Act; and the Soil of the Roads and Ways so to be discontinued and stopped up, and which may pass through or over any of the old inclosed Lands within the said Parishes, shall vest in the Owners of the Lands adjoining thereto in the following Proportions; that is to say, One Moiety thereof in the Owner of the Lands on the one Side thereof, and the Remainder in the Owner of the Lands on the other Side thereof.

Power to widen Roads, making Compensation to the Owners.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioner, where he shall see it necessary, to widen any of the public Roads or Highways within the said Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet*, or any of them, and for that Purpose to take a sufficient Quantity of the inclosed Lands adjoining to such Highways (the same not being a Yard, Garden, Orchard, Plantation, or Avenue to any House), and to make a full Compensation for the Value of the Land so to be taken for the widening of such public Roads or Highways by a Payment in Money, or by allotting and awarding unto the Person from whom any such ancient inclosed Land shall be so taken an adequate Part of the said Common and Waste Lands, at the Option of the Person whose Land shall be so taken, and also to make good and substantial Fences on each Side of such widened public Roads or Highways, for and in lieu of the Fences which shall be injured or destroyed by means of such widening.

Proceedings previously to diverting and stopping up Highways.

XXVII. Provided always, and be it further enacted, That before any such Order of Two Justices of the Peace as is herein-before mentioned shall have been made, or any public Road, Highway, Bridle Road, or Footway shall be discontinued, stopped up, or diverted by the said Commissioner, the said Commissioner shall cause to be affixed at each End of the said public Road or Highway, Bridle Road or Footway, so proposed to be discontinued, stopped up, diverted, or altered, a Notice to the Effect that the same is intended to be discontinued, stopped up, or diverted (as the Case may be) by the said Commissioner; and the said Commissioner shall also cause the same Notice to be inserted in some Newspaper usually circulated within the said County of *Essex* for Four successive Weeks, and also shall cause a like Notice to be affixed on the principal outer Doors of the respective Churches and Chapels of *Berden*, *Manewden*, and *Stansted Mountfitchet* on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid, the said public Road or Highway, Bridle Road or Footway, and the said Order shall have been made, shall be and shall be deemed to be discontinued, stopped up, diverted, or altered (as the Case may be), subject however to such Appeal to the Court of General or Quarter Sessions for the said County of *Essex* as is herein-after mentioned.

Persons aggrieved by any Road being di-

XXVIII. Provided always, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such public Road, Highway, Bridle Road, or Footway

verted, &c. may appeal.

way shall be discontinued, stopped up, diverted, or altered, to make his Complaint thereof by Appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Essex* within Four Calendar Months next after the Date of such Notice or the making of such Order as aforesaid, giving to the said Commissioner or his Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor in any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether old Highway may be discontinued.

XXIX. And be it further enacted, That in case of such Appeal, the Justices at the Quarter Sessions shall, for the Purpose of determining whether the public Road or Highway, Bridle Road or Footway, so discontinued, stopped up, diverted, or altered, or intended to be discontinued, stopped up, diverted, or altered, shall remain, or shall be discontinued, stopped up, diverted, or altered, (as the Case may be,) or whether the Party appealing would be injured or aggrieved thereby, impannel a Jury of Twelve indifferent Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if, after hearing the Evidence produced before them, the said Jury shall return a Verdict that the public Road or Highway, Bridle Road or Footway, so discontinued, stopped up, diverted, or altered, or intended so to be, is wholly unnecessary, or may without Detriment to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court of Quarter Sessions shall dismiss such Appeal; and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid to the said Commissioner by the Party appealing, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that the public Road or Highway, Bridle Road or Footway, so discontinued or stopped up, or intended so to be, is not unnecessary, or that the said public Road or Highway, Bridle Road or Footway, so diverted or altered, or intended so to be, could not beneficially to the Public be so diverted or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court of Quarter Sessions shall allow such Appeal, and the said public Road or Highway, Bridle Road or Footway, shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued or stopped up, diverted or altered, the said Court shall make an Order for restoring the same to its original State; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party appealing such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Commissioner, and shall be raised by him in such and the same Manner as he is hereby directed and empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

XXX. Pro-

XXX. Provided always, and be it further enacted, That from and after the Dismissal of any such Appeal as aforesaid the Order or Award of the said Commissioner for discontinuing, stopping up, diverting, or altering any such public Road or Highway, Bridle Road or Footway, shall be final and conclusive, and be of full Force and Effect, any thing in this Act contained to the contrary notwithstanding.

On Dismissal of Appeal, Order of Commissioner for discontinuing Highway to be final.

XXXI. And be it further enacted, That the Charges and Expences attending the discontinuing, stopping up, diverting, altering, or widening of such Roads or Highways, and making of such Fences as aforesaid, shall be raised and paid in such and the like Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid.

Expences of discontinuing or widening Roads.

XXXII. And be it further enacted, That when and so soon as Two or more of Her Majesty's Justices of the Peace for the said County of *Essex* at any Special Sessions shall find, and shall under their Hands and Seals certify, any of the public Carriage Roads to be set out in pursuance of the said first-recited Act or of this Act, or any Part of such Roads, to be fully and sufficiently formed and completed, such Road or Roads, or so much thereof as shall in any such Certificate be described or specified, shall thenceforth be supported and kept in repair by such Persons and in such Manner as the public Roads within the said Parishes are or ought by Law to be amended and kept in repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be held for the said County next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

Justices empowered to declare any of the Carriage Roads completed.

XXXIII. And be it further enacted, That the said Commissioner shall in and by his Award order and appoint the Grass and Herbage growing and renewing upon all and every the private Roads to be set out by him by virtue of this Act to be and for ever thereafter remain to and for the Use and Benefit of such Persons as he the said Commissioner shall in his Judgment think best entitled to the same.

To allot the Herbage of private Roads.

XXXIV. And be it further enacted, That the said Commissioner shall in the first place, if he shall think it for the public Benefit to do so, but not otherwise, set out and allot unto the Surveyors of the Highways within the said several Parishes such Parts and Parcels of the Common and Waste Lands by this Act authorized to be divided, allotted, and inclosed as the said Commissioner shall think proper, as and for public Watering Places for Cattle.

Allotments for Watering Places.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioner, if he shall see fit so to do, but not otherwise, to set out, assign, and appoint One or more Piece or Parcel, Pieces or Parcels of Ground in each of the said Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet*, not exceeding in the whole in any of the said Parishes Three Acres, Part of the Lands hereby authorized to be divided, allotted, and inclosed (if there shall be any within the said several Parishes proper for such Purposes), for the Purpose of getting Stone, Gravel, and other Materials for the making, forming, repairing, and sustaining the public and private Roads, Ways, Walls, Bridges,

Allotment to be set out for Gravel, &c., for Repair of Highways.

Bridges, and Drains, and other Works to be made by virtue of this Act; which said Allotment or Allotments so to be made and set out for the Purposes aforesaid, and also all Allotments which shall be set out by the said Commissioner as and for Watering Places for Cattle as herein-before mentioned, shall, from and after the Execution of the Awards of the said Commissioner, be vested in the Surveyor or Surveyors of the Highways respectively within the said Parishes for the Time being, in Trust for the Purposes aforesaid; and such Allotments shall be inclosed as the said Commissioner shall direct, and the Grass and Herbage of such Allotments shall belong to such Persons as the said Commissioner shall by his Award direct; and if the said Commissioner shall make no such Direction, then such Surveyors shall from Time to Time let the Herbage for the most Money that can be obtained for the same, and shall apply the Rents and Profits arising from the same towards the Repairs of the public and private Roads or Highways aforesaid; and the said Surveyors shall account for such Rents and Profits in the same Manner as they are by Law accountable for other Money which may come to their Hands in the Capacity of Surveyors of the Highways, and shall be under and subject to the like Penalties for Default therein.

Encroachments made within Twenty Years to be deemed Part of the Land to be allotted.

XXXVI. And be it further enacted, That all Encroachments which at any Time within Twenty Years next preceding the passing of this Act have been made upon any of the said Lands hereby authorized to be divided, allotted, and inclosed shall be deemed and considered Part and Parcel of the Lands to be divided, allotted, and inclosed by virtue of this Act, as if the same were actually lying open and uninclosed, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments, or as to the Extent thereof, such Dispute or Difference shall be determined by the said Commissioner: Provided always, that every such Encroachment upon which any Buildings or Improvements shall have been made shall be allotted to the Person who shall at the Time of making the Allotment be in Possession of such Encroachment, or in Receipt of the Rents and Profits thereof, as the Whole or Part of the Share or Proportion of the said Lands to which such Person may be entitled by virtue of this Act, at the Value of the Land only, without considering the Value of such Buildings or Improvements; and if any such Person shall not be entitled to any Allotment, or to an Allotment equal to the Value of such Encroachment, but shall be willing to purchase the same, then the said Commissioner shall ascertain the Price thereof, or of such Part thereof as shall exceed the Value of the Allotment to which such Person shall be entitled under this Act, in ascertaining which Price the said Commissioner shall not value the Buildings or other Improvements thereon, but shall value the Land only; and upon such Person paying such Price to the said Commissioner at such Time as he shall appoint for that Purpose, and taking his Receipt for the same, every such Encroachment, or such Part thereof as shall be so purchased, shall be allotted to such Person, and shall be held and enjoyed by him accordingly; and the Purchase Money shall be applied by the said Commissioner to the Purposes of this Act.

XXXVII. And

Allotments to be set out for the Lords of the several Manors for Right of Soil.

XXXVII. And be it further enacted, That the said Commissioner shall set out, allot, and award unto the Lords for the Time being of the said several Manors of *Berden Hall*, *Manewden Hall*, *Battles Hall* in *Manewden*, *Stansted Hall*, and *Burnells* and *Benfield Bury* in *Stansted Mountfitchet*, or to such of them as shall in the Judgment of the said Commissioner be entitled to the Soil of the Waste Lands in the said several Manors respectively, or any Part thereof, so much and such Part of the Lands hereby authorized to be divided, allotted, and inclosed as shall in the Judgment of the said Commissioner be equal in Value to One Twentieth Part of such Waste Lands, Quality and Value considered, in lieu of and in full Satisfaction of and for their respective Rights and Interests to and in the said Soil of the said Waste Lands, over and above and exclusive of any other Allotments which may be made to such Lords in lieu of or in satisfaction for any other Rights or Interests in such Waste Lands, and such Allotments shall be divided between the respective Lords of the said several Manors entitled thereto as aforesaid in such Proportion as the said Commissioner shall direct and award.

Closes surrounded by allottable Lands to be subject to Operation of this Act.

XXXVIII. And be it further enacted, That detached Closes, or inclosed Land, if any, wholly surrounded by allottable Land, not exceeding Ten Acres, shall be deemed Part and Parcel of the Lands to be divided and allotted by virtue of this Act; but such Allowances shall be made to the respective Owners of such detached Closes or inclosed Lands as the said Commissioner shall judge to be fair and reasonable; and the said Commissioner is hereby authorized and required to set out, allot, and award unto and for the respective Owners of such Closes or inclosed Lands, and in lieu thereof, so much or such Parts of the Lands hereby authorized to be divided, allotted, and inclosed as the said Commissioner shall think reasonable and just, subject to the Order and Directions herein contained.

Old Inclosures may be allotted with Consent of Proprietors.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioner, at the Request and with the Consent of the respective Proprietors of any Houses, Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds within the said Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet*, or either of them, whether such Owner or Proprietor shall be a Corporation, Tenant 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, by and with the Consent of the Lessor of any such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds holden for Years determinable as aforesaid, and not otherwise, or with the Consent of the Guardian, Trustee, Feoffee for charitable or other Uses, Husband, Committee, or Attorney of or acting for any such Proprietor as aforesaid who shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, (such Consent to be respectively testified, in case of a Corporation, by Writing under their Common Seal, and in case of an Individual under his Hand,) to order and direct such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands to be considered as allottable, and Part and Parcel

Parcel of the Lands, Grounds, and Hereditaments hereby authorized to be divided, allotted, and inclosed, and such Allowance shall be made to the Proprietors of such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds, on account of the Situation or other beneficial Circumstances thereof, as the said Commissioner shall adjudge to be just and reasonable; and the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the Proprietors of such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds so much and such Part of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed as he shall think reasonable and just, subject to the Rules, Orders, and Directions in this Act and the said recited Acts mentioned.

Allotment of the Residue.

XL. And be it further enacted, That the said Commissioner shall in the next place divide and allot all the Residue of the Lands hereby authorized to be divided, allotted, and inclosed unto and amongst the several Persons having any Right or Interest in, to, over, or upon such Lands, in such Shares and Proportions as he the said Commissioner shall determine to be a just Compensation for their respective Rights or Interests in, to, over, or upon the same.

Certain WasteLands not to be included.

XLI. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or be construed or extend to authorize the Allotment, Division, or Inclosure of all or any of the Common or Waste Lands situate in the said Parishes herein-after described, that is to say, Four several Parcels of Common or Waste Land called *Park Green*, *Dews Green*, *Coles Green*, and *Wren Park*, containing altogether Nine Acres or thereabouts, and situate in the said Parish of *Berden*, a Parcel of Common or Waste Land called *Mallards Green*, containing Two Acres or thereabouts, and situate in the said Parish of *Manewden*, and Two Parcels of Common or Waste Land at *Benfield End* in the said Parish of *Stansted Mountfitchet*, containing Two Acres or thereabouts, but the same several Commons and Waste Lands shall remain vested in the Lords of the respective Manors wherein the same are situate, subject to such Rights of Common and other Rights and Privileges in and over the same, for the Purposes of Exercise, Recreation, or otherwise, as the Inhabitants of the said respective Parishes now are or have been at any Time heretofore accustomed to use and enjoy over the same Commons and Waste Lands respectively.

Commissioner to give Notice of Allotments being set out.

XLII. And be it further enacted, That the said Commissioner, after he shall have ascertained the respective Rights and Interests of the several Proprietors in the Lands about to be divided, allotted, and inclosed, and also the Shares or Proportions proposed to be allotted to such Proprietors respectively in lieu thereof, shall cause Notice to be given of some convenient Time and Place within each of the said Parishes when and where the said Proprietors may be informed of such intended Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection; and as some Proprietors may, upon the Inspection of such Map or Plan, be dissatisfied with the intended Allotments, the said Commissioner shall

shall at such Time and Place as last aforesaid, or at some other Time and Place to be appointed by him for that Purpose, on receiving Statements in Writing of Complaints and Objections against such Allotments, forthwith, or as soon as conveniently may be, determine the same, and the Determination of the said Commissioner respecting the Allotments shall be final and conclusive on all Parties who shall not within One Calendar Month from the Time of such Determination give Notice in Writing to the said Commissioner of their being dissatisfied with such Determination, and who shall not also give such Notice of Appeal as is herein-after required to be given in Cases of Persons thinking themselves aggrieved by any Order, Act, or Determination of the said Commissioner.

For fencing the Allotments.

XLIII. And be it further enacted, That the several Allotments to be made in pursuance of this Act shall be taken possession of, inclosed, drained, and fenced by such of the Proprietors within such Time and in such Manner as the said Commissioner shall direct and appoint; and the several Inclosures, Ditches, Drains, and Fences which shall be made as aforesaid shall be made and for ever afterwards repaired and maintained by such of the Proprietors as the said Commissioner shall direct and appoint: Provided always, that every Lessee of any of the Lands hereby authorized to be divided, allotted, and inclosed, held under a beneficial Lease, shall be at the sole Expence of inclosing, draining, and fencing, in respect of the Lands so held; and every Lease shall be considered beneficial for the Purposes of this Act the Rent reserved whereby shall not in the Judgment of the said Commissioner amount to Two Fifths of the improved Rent, and whereof there shall not be less than Twenty Years then unexpired.

Money to be contributed by Persons not having to bear full Proportion of fencing, &c.

XLIV. Provided always, and be it further enacted, That if from Situation, or from any other Circumstance, it shall happen that any of the Proprietors of the Lands hereby authorized to be divided, allotted, and inclosed shall not have a full proportionable Share of the Boundary Fences assigned to him to make by virtue of this Act, it shall be lawful for the said Commissioner to ascertain and appoint what Sum of Money shall be paid and contributed by such Proprietors towards making the Boundary Fences of the Allotments of such other of the said Proprietors as shall have too great a Proportion thereof to make, and such Money shall be paid to such Persons in such Manner as the said Commissioner shall by any Writing under his Hand direct; and the same shall and may be raised and recovered from the Persons liable to pay the same by the Ways and Means which by this Act are given or provided for raising and recovering the Expences of obtaining and executing Acts of Inclosure.

Cattle not to be kept in new Inclosures unless Fences are protected.

XLV. And be it further enacted, That no Cattle, Horses, Sheep or Lambs, Asses, Pigs, or Geese, shall be depastured upon or be put into any of the Allotments to be made by virtue of this Act during the Term of Seven Years next after the Execution of the respective Awards to be made by the said Commissioner, unless there shall be made and maintained a sufficient Fence to guard the young Quickwood round such Allotments from being cropped or damaged by such

such Cattle, Horses, Sheep, Lambs, Asses, Pigs, or Geese, whether such Quickwood Fence be planted or set by the Owner or Occupier of such Allotment so depastured, or by the Owner or Occupier of any Allotments adjoining thereto; and if any Person shall be guilty of any Default herein he shall forfeit and pay for every such Default to the Person injured thereby any Sum not exceeding Five Pounds, to be levied in manner directed by the said first-recited Act respecting the Recovery of Penalties and Forfeitures; or it shall be lawful for the Owner or Occupier of any adjoining Allotment to enter upon the Allotment within which such Cattle, Horses, Sheep, Lambs, Asses, Pigs, or Geese shall be, and impound the same as Cattle Damage feasant.

Parties may sell Rights and Allotments before Execution of the Awards.

XLVI. And be it further enacted, That it shall be lawful for any Person who shall be entitled to any Allotment by virtue of this Act to give, grant, bargain, sell, demise, assign, surrender, mortgage, convey, and assure the same for all or any Part of his Estate or Interest therein or Right thereto, at any Time before the Execution of the Awards of the said Commissioner; and every such Gift, Grant, Bargain, Sale, Demise, Assignment, Surrender, Mortgage, Conveyance, and Assurance shall be of the same Force and Validity, both at Law and in Equity, as if made after the Execution of the same Awards; and it shall be lawful for any Person who shall be entitled to any Right in, over, and upon the Lands hereby authorized to be divided, allotted, and inclosed, at any Time before the Execution of the Awards of the said Commissioner, to sell, convey, and dispose of his Right, Share, or Interest in such Lands, or any Allotment to be made in respect thereof, separate and detached from the Property to which the same may be appurtenant, and upon Production to the said Commissioner of the Conveyance thereof the said Commissioner shall award and allot the same to the Purchaser or Mortgagee thereof in such Situation as the said Commissioner shall deem meet.

If Parties die before Awards, Allotments to be made to their Representatives.

XLVII. Provided always, and be it further enacted, That if any Person interested in the said Division, Allotment, and Inclosure shall die before the same shall be completed, the Powers and Authorities hereby vested in the said Commissioner shall not be thereby determined or suspended, but the said Commissioner shall proceed in the Execution of the Powers and Authorities so vested in him in such Manner as he might have done in case such Person had not died, and the Share of the Person so dying shall be allotted to such Person as by Law shall become entitled to the same, and shall be accepted and fenced by such Parties according to the Directions of this Act, and he shall be liable to the Charges and Expences and other Conditions of the same.

Lands held by different Tenures by the same Proprietor to be distinguished.

XLVIII. And be it further enacted, That in case any Person interested in the Lands hereby authorized to be divided, allotted, and inclosed, or exchanged, shall hold his Lands by different Tenures, or for, by, or under different Estates or Titles, the said Commissioner shall, upon the Request in Writing of such Proprietor or of other the Person

Person claiming an Interest in the Lands of such Proprietor, or their respective Agents, inquire into, ascertain, and determine the Lands held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and shall set out distinct Allotments of the Lands hereby authorized to be divided, allotted, and inclosed in respect of the Lands held by such different Tenures, or for, by, or under such different Estates or Titles respectively.

Lands held by different Tenures, omitted to be distinguished by the Awards, may afterwards be distinguished by a separate Instrument.

XLIX. And be it further enacted, That where, from the Want of necessary Information before the said Commissioner, or from any other Cause, his Awards shall have omitted to distinguish the Lands holden by such different Tenures, or for, by, or under such different Estates or Titles, or to set out and award several and distinct Allotments in respect thereof, as herein-before mentioned, it shall be lawful for the said Commissioner, at any Time within Twelve Calendar Months after the Execution of his General Awards, upon Request in Writing to him made by any Proprietor of any such Allotments or Lands, or of other the Person claiming an Interest in the Allotments and Land of such Proprietor, or their respective Agents, to do all such Acts as may be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and in every other respect to proceed and act as if his General Award respecting the Parish within which such Lands shall be situate had not been made, and by any Deed or Instrument under his Hand and Seal to distinguish and set out distinct and several Allotments in respect of the Lands so held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as he is hereby authorized to do in Cases where Requests have been made to him before the Execution of his said Awards; and every such separate Instrument shall have the same Force and Effect as if it were contained in the said General Award; and such Instrument shall be enrolled and deposited, and Evidence thereof shall be given, in the same Manner as is herein-after directed respecting the General Awards of the said Commissioner; and all the Expences which shall be reasonably incurred in or about such subsequent Inquiry and separate Instrument as aforesaid shall be paid by the Party who shall have requested the said Commissioner to make and execute the same, or by his Heirs, Executors, or Administrators.

Allotments to be subject to the same Tenures, &c. as Hereditaments in respect of which they are made.

L. And be it further enacted, That all such Lands as shall be allotted or exchanged by virtue of this Act shall be held by the Person to or with whom they are allotted or exchanged under the same Tenures, Rents, Customs, and Services as the Lands, Tenements, or Hereditaments in respect of which such Lands are allotted or exchanged would have been held in case this Act had not been passed, and the Lands allotted or exchanged in respect of Freeholds shall be deemed Freehold, and the Lands allotted or exchanged in respect of Copyhold or Customary Hereditaments shall, in like Manner, be deemed Copyhold or Customary, and shall be held of the Lord or Lady of the same Manor, under the same Rents and by the same Customs and Services as the Copyhold or Customary Hereditaments in respect of which they were so allotted or exchanged were or ought to have been held, and shall pass by the like

like Surrenders as the Copyhold or Customary Hereditaments in respect whereof such Allotments or Exchanges shall be made now do, and the Lands allotted or exchanged in respect of Leasehold Lands or Hereditaments shall be deemed Leasehold, and shall be held under the same Rents and Covenants as the Lands or Hereditaments in respect of which they may be allotted or exchanged were held, and the Remainder or Reversion thereof shall be and remain vested in the same Lessors respectively as the Reversion or Remainder of such other Lands or Hereditaments was vested before the passing of this Act, except where otherwise particularly directed by this Act, any Law or Usage to the contrary notwithstanding.

For allowing Exchanges.

LI. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands within any One of the said Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet*, or either of them, either now inclosed or which may be proposed to be allotted and inclosed in pursuance of this Act, in lieu of and in exchange for any other Lands or proposed Allotments and Inclosures as aforesaid, or either of them, within the same or any other of the said Parishes, or within any adjoining Parish, Township, or Place; provided that all the said Exchanges be ascertained, specified, and declared in the said Awards of the said Commissioner herein-after directed to be made, or in some other Instrument to be executed by the said Commissioner, either before or after the Execution of the said Awards, enrolled and deposited in the like Manner, and to be made with the Consent of the Owner for the Time being in Possession of the Lands which shall be so exchanged, or of the Person entitled to such Allotments and Inclosures as aforesaid, or both of them, (as the Case may be,) whether such Owner or other Person entitled shall be a Body Politic, Corporate, or Collegiate, or a Tenant in Fee Simple or in Fee Tail, or for Life, or by the Courtesy of *England*, or other Estate of Freehold, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor of the Lands held for Years determinable as aforesaid, or of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owner who at the Time of making such Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, such Consents to be respectively testified under the Common Seals of the Bodies Politic, Corporate, or Collegiate, and in Writing under the Hands of the other consenting Parties respectively; and all and every 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 held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands so to be exchanged shall lie and be situate.

Expences of Exchanges.

LII. Provided also, and be it further enacted, That all Costs, Charges, and Expences attending the making of any such Exchanges shall be borne and paid by the several Parties making such Exchanges

changes respectively in such Manner and in such Proportions as the said Commissioner shall by any Writing under his Hand order and direct, and shall be levied and recovered from the Parties making such Exchanges by all or any of the Ways and Means which by the said first-recited Act are given or provided for raising and recovering the Expences of obtaining and executing Acts of Inclosure.

For vacating Leases at Rack Rent.

LIII. And be it further enacted, That all Leases at Rack Rent now subsisting of the Lands hereby authorized to be divided, allotted, and inclosed, or exchanged, and either with or without any Messuages or Tenements, old Inclosures or Homesteads, within the said Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet*, or either of them, and all Agreements for Terms of Years at Rack Rent, or from Year to Year, or at Will, shall cease and be void at such Times as the said Commissioner shall by Writing under his Hand order and direct; provided that such Order and Direction shall be made at the Request of the Lessors of such Premises respectively, to be signified to the said Commissioner by Writing under their Hands, and that the respective Owners of the Lands so let shall make such Satisfaction in Money to the respective Lessees or Tenants as the respective Owners and their Lessees or Tenants shall agree upon; or upon Application made in Writing by either Party to the said Commissioner, then as the said Commissioner shall ascertain and direct to be paid to such Lessees or Tenants as an Equivalent or Satisfaction for the Loss which they shall suffer by reason of the Determination of such Leases or Agreements, proper Allowance being made for such Covenants or Conditions therein as shall not have been fulfilled by the Lessees or Tenants; and if the Money so to be paid as aforesaid shall not be paid to the Persons entitled to receive the same within One Calendar Month after Demand in Writing under the Hands of the Persons to whom the same shall be payable, the said Commissioner is hereby required to raise and levy the same from the Person and Persons liable to pay the same, for the Use and Benefit of the Persons entitled thereto, by all or any of the Ways and Means which by the said first-recited Act are provided for raising and recovering the Expences of obtaining and executing Acts of Inclosure: Provided always, that if the greater Part of such Premises now under any such Lease or Agreement as aforesaid are situate in either of the said Parishes of *Berden*, *Manewden*, or *Stansted Mountfitchet*, and shall be comprised in such Lease or Agreement, together with other Premises of similar Rents, Term, or Holding situate in any adjoining Parish or Place, the whole of such Lease or Agreement shall be vacated in manner aforesaid; but where any Lands shall have been taken in exchange, which Land shall be under Lease or Agreement, of such Rent, Term, or Holding as aforesaid, and shall be wholly situate in any adjoining Parish or Place, the Lease or Agreement of such last-mentioned Land shall not be vacated by virtue of this Act.

Beneficial Leases not to be made void.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any such beneficial Lease as aforesaid of any Lands, Tenements, or Hereditaments within the said Parishes; but the Persons entitled to such beneficial

beneficial Leases shall and may hold and enjoy their respective Allotments to be made in respect of such Lands, Tenements, or Hereditaments for such Terms and under such Rents and Covenants as may be specified in their respective Leases.

Wills, Settlements, &c. not to be affected.

LV. Provided always, and be it further enacted, That nothing in this Act or in the said recited Acts contained shall extend to revoke, alter, or annul any Will or Settlement, or to prejudice any Person from having any Right or Claim to Dower, Jointure, Portions, Rent, Debt, Charge, or Incumbrance out of or upon or affecting any of the Lands hereby authorized to be inclosed, or any Lands which may be divided and allotted or exchanged by virtue of this Act, (except by substituting the Lands to be taken by way of Exchange or Partition, or Allotment, in lieu of the Lands to be given by way of Exchange or Partition, or to be extinguished or taken away by virtue of this Act,) but as well the Lands allotted as the Lands which shall be so exchanged by virtue of this Act shall immediately after such Allotment and Exchange remain and enure to and be held and enjoyed by, and the several Persons to whom the same shall be so allotted or given in Exchange shall from thenceforth be seised and possessed thereof, to, for, and upon such and the same Uses, Estates, Trusts, Intents, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Incumbrances, Remainders, Conditions, and Charges, in all respects, as the several Lands in respect whereof such Allotments and Exchanges shall have been made should or would have stood severally limited, settled, vested, or subject or liable to, or been held by in case the same had not been allotted or exchanged as aforesaid, or as if this Act had not been passed, subject nevertheless to all such Mortgages and Sales as may be made by virtue of this Act.

Expences of Act to be defrayed by a Rate.

LVI. And be it further enacted, That all the Costs, Charges, and Expences of obtaining this Act, and all Proceedings which have been taken relative or preparatory thereto, and all Costs, Charges, and Expences which may be incurred in carrying this Act and the said recited Acts into execution, shall be borne and defrayed by the several Owners or Persons interested in the Lands hereby authorized to be inclosed, divided, and allotted, or which shall be given up to be allotted under the Provisions herein-before contained, in proportion to the Value of their several and respective Rights and Interests therein, and the Amount thereof shall be ascertained and settled by the said Commissioner, and shall be paid at such Times and Places and to such Persons as the said Commissioner shall appoint; and the said Commissioner is hereby authorized and required accordingly, at any Time, either before or after the making of his Award, to make One or more Rate or Rates, Assessment or Assessments thereof respectively, under his Hand; and all such Rates or Assessments so made and signed shall be conclusive on all Parties thereby made liable, and their respective Executors and Administrators; and in case any Owner or Person shall refuse or neglect to pay his Proportion of any such Rate or Assessment within such Time and to such Person and at such Place as the said Commissioner shall appoint, the said Commissioner

missioner shall cause the same to be levied and recovered in manner directed by the said first-recited Act.

Commissioner, upon Application, may sell Part of Allotments to defray Expences.

LVII. And be it further enacted, That it shall be lawful for the said Commissioner, on Application made to him in Writing by any of the Owners for the Time being of the Lands hereby authorized to be allotted and inclosed, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Owners being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies for any of the said Owners, being Tenants in Tail or for Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell a Part of any Allotment to be made by virtue of this Act to the Person by whom or on whose Behalf any such Application shall be made, for the Purpose of raising a Sum of Money sufficient to defray the proportional Part of the Costs, Charges, and Expences of obtaining and carrying into execution this Act and the said recited Acts, and of fencing and inclosing and subdividing his, her, or their Allotment or Allotments, as shall in and by such Rates or Assessments be charged upon such Parties, and of the Costs, Charges, and Expences of making and completing such Sale, and such Sale shall be made by the said Commissioner in such and the same Manner, and subject to such and the like Rules and Regulations, as are mentioned and prescribed in and by the said first-recited Act in respect of the Sale of Lands towards defraying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands; and every such Allotment (being of the same Tenure as the Lands in respect of which such Allotment shall be made) for which the full Purchase Money shall be paid shall be vested in the said Commissioner, and be conveyed or surrendered by such Commissioner to the Purchaser thereof, at the Expence of such Purchaser, unto and to the Use of or in Trust for such Purchaser and his Heirs, or as he shall appoint, and shall be inclosed and held by such Purchaser in Severalty as his private and absolute Property, free from all previous Estates, Claims, and Incumbrances whatsoever; and the Receipt of the said Commissioner shall be a good and sufficient Discharge to the Purchaser for the Purchase Money, and he shall not afterwards be answerable or accountable or be bound to see to the Application thereof; and the Recitals in the Conveyance or Surrender shall be Evidence of the Truth of the Matters therein stated; and such Purchase Money shall be applied by the said Commissioner in or towards defraying such Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioner, such surplus Money shall be paid to the Parties from whose Allotments such Sales shall be so made respectively, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Owners of such surplus Money shall be applied and disposed of in manner herein-after directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of Timber or Wood growing thereon.

Tenants for Life, &c. not to raise more Money by Sale than they may charge on their Allotments.

LVIII. Provided always, and be it further enacted, That it shall not be lawful to raise by such Sale as herein-before is mentioned, or by any Charge, or by both of those Means together, any greater Sum of Money for the Purposes aforesaid than such Owners might have borrowed or charged upon their Allotments for such Purposes, reckoning Five Pounds for every Acre thereof: Provided also, that in all Cases where the Money so raised by any such Sale shall not be equal to the Money which might be borrowed or charged on such Allotment as aforesaid, it shall be lawful for the Owners, Part of whose Lands shall be sold as aforesaid, to charge their Allotments with any Sum not exceeding the Excess of Difference.

Tenants for Life, &c. to keep down the Interest of the Money borrowed.

LIX. And be it further enacted, That every such Tenant for Life or in Tail, and every other Person who shall be entitled to any such mortgaged Premises, shall pay and keep down the Interest of the Principal Money to be borrowed as aforesaid, so that no Person afterwards becoming entitled to the said Premises shall be liable, upon becoming possessed thereof, to the Payment of any larger Arrear of Interest than for Three Calendar Months preceding the Time when his Title to the Possession of such mortgaged Premises shall have commenced.

Directions as to charging Copyhold Lands with Expences.

LX. Provided always, and be it further enacted, That whenever it may be necessary to charge any Copyhold Lands with any Money for defraying any of the Costs, Charges, and Expences of obtaining and executing this Act, and carrying the same into execution, and of charging such Copyhold Lands, such Copyhold Lands shall be surrendered; and in case such Charge shall be made by the said Commissioner, it shall be made by Deed, which shall operate as a Surrender of the same to the Use of the Person who shall lend such Money, and his Heirs and Assigns, according to the Custom of the Manor whereof the same shall be holden, by way of Mortgage, for securing such Money and Interest, instead of being mortgaged and surrendered to such Person, his Executors, Administrators, or Assigns, for a Term of Years, as mentioned in the said recited Act.

Persons advancing Money to be repaid with Interest.

LXI. And be it further enacted, That all Money which shall be advanced for the Purposes of defraying the Expences of obtaining this Act or of carrying the same into execution shall be repaid, with lawful Interest, to the Person advancing the same, his Executors, Administrators, or Assigns, out of the first Monies to be raised for defraying such Expences by virtue of this Act.

Application of Compensation Money when amounting to 200*l.*

LXII. And be it further enacted, That when any Money is, under the Provisions of the said first-recited Act or this Act, directed to be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out

out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses, it shall be lawful for the said Commissioner out of such Money to defray the Proportion (if any) of the Expence of obtaining this Act, and of carrying the same and the said first-recited Acts into execution, which shall be charged upon any Lands of the respective Parties in Possession of the Lands, or of the Timber or Wood growing thereon, which shall be so purchased or exchanged, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioner be proper to be made, and shall be made, under his Direction, upon any Lands to be by virtue of this Act allotted to such Parties; and in case the Surplus of such Monies shall amount to or exceed the Sum of Two hundred Pounds the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the Court, without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands standing settled therewith or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court shall authorize to be purchased, redeemed, or discharged, or such Parts thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, which shall be conveyed, limited, or settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the aforesaid Lands stood limited or settled, or such of them as at the Time of making such Conveyance and Settlement shall be existing or capable of taking effect; and in the meantime and until such Order shall be made the said Monies may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or of Government or Real Securities; and in the meantime and until the said Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends or Interest and annual Produce of such Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased, conveyed, and settled.

1 G. 4. c. 35.

LXIII. And

When less than 200*l.*, and amounting to 20*l.*

LXIII. And be it further enacted, That in case the Surplus of such Monies shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, the same shall, at the Option of the Parties for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of their Guardians or Committees in case of Infancy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Parties who for the Time being would be entitled to the Rents and Profits of the said Lands, such Nomination to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as herein-before directed with respect to Monies to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When less than 20*l.*

LXIV. And be it further enacted, That in case the Surplus of such Monies shall be less than Twenty Pounds, the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased or exchanged, for their own Use and Benefit; or in case of Infancy, Lunacy, or other Incapacity, then such Monies shall be paid to their Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

Alterations may be made in the Allotments before the final Awards.

LXV. And be it further enacted, That it shall be lawful for the said Commissioner, at any Time before the Execution of his final Award with regard to either of the said Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet*, to make any such Alterations in the Allotments or in the Fences which he may have set out and ordered, or in any of the Orders and Directions relating thereto, which he may have made in pursuance of this Act or the said recited Acts, as he may think right and expedient; and in case any Person shall be injured by any such Alteration, on account of any Expences he may have incurred, or otherwise, the said Commissioner shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Monies to come into his Hands in the Execution of this Act, or shall order and direct by whom and in what Manner such Recompence shall be made, the same to be levied and recovered from such Person, in case of Nonpayment, in the same Manner as the Costs and Charges of obtaining and executing this Act may be levied and recovered.

LXVI. And

Commissioner to make a separate Award for each of the Three Parishes.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioner, if he shall so think fit, to make and execute Three several Awards, each relating only to One of the said Parishes of *Berden*, *Manewden*, and *Stansted Mountfitchet* respectively, in lieu and stead of One General Award, as directed by the said first-recited Act, provided that each of such separate Awards be made and drawn up and Notice thereof given in manner directed by the said first-recited Act, and that the Award or Awards to be made by the said Commissioner under the Authority of this Act and the said first-recited Act, together with a proper Map or Plan of the said Lands and Grounds thereto annexed, shall within Twelve Calendar Months after the Execution thereof respectively be delivered to the Clerk of the Peace for the said County of *Essex*, who is hereby required to deposit and keep the same among the Records of the said County, so that recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Sum of Two Pounds Two Shillings shall be paid, and no more, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said first-recited Act; and One Copy of the said respective Award or Awards, fairly transcribed in a Book, with a proper Map or Plan of the Allotments to be set out for Owners of Estates in the said Parishes, shall, within Twelve Calendar Months after signing the said Award, be made and examined, and attested by the said Commissioner to be a true Copy of the said Award or Awards, and shall within the Time aforesaid be deposited in the respective Churches of *Berden*, *Manewden*, and *Stansted Mountfitchet*, and there be kept in a Tin Box to be provided for that Purpose; and the said Award or Awards and Copies thereof, as well as any other Copy of the said Award or Awards, or any Part or Parts thereof, which shall be attested by the said Clerk of the Peace or his Deputy (for every Sheet of which Copy containing Seventy-two Words Two-pence and no more shall be paid), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever, and by all Commissioners, Referees, and others; and from and after the Expiration of the Time allowed for an Appeal to the Quarter Sessions against such Award, and no Appeal made, or if any shall be made, from and after the Decision and Order of the Justices thereon shall have been confirmed or fulfilled, no Question shall be raised or entertained, nor any Inquiry allowed, as to whether the several Notices required by the said recited Act or this Act to have been given had been duly given by the said Commissioner or not.

Awards to be enrolled.

Commissioner's Accounts to be laid before a Justice.

LXVII. And be it further enacted, That once at least in every Twelve Calendar Months during the Execution of this Act (to be computed from the Day of the passing of this Act) the Commissioner acting by virtue hereof shall and he is hereby required to make a just and true Statement or Account of all Sums of Money by him paid or expended or due to him for his own Trouble and Expences in the Execution of this and the said recited Acts, and of all Sums of

Money paid and allowed to himself, or to his Clerk, Surveyor, or other Persons acting under him; and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account, when made, together with the Vouchers relating thereto, shall be by the said Commissioner laid before One of Her Majesty's Justices of the Peace acting in and for the said County of *Essex*, not interested in the said Inclosure, to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Account to be kept in the Office of the Clerk to the said Commissioner; and an Abstract of such Accounts so examined and balanced shall be from Time to Time published in some Paper usually circulated within the said County of *Essex*; and no Charge or Item in the said Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been allowed by such Justice, and published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Appeal to Quarter Sessions.

LXVIII. And be it further enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act or the said recited Acts, except in Cases where the Orders, Acts, or Determinations of the said Commissioner are declared to be final and conclusive, and except also in Cases where an Issue at Law may be tried, as herein-before mentioned, such Person may appeal to any General or Quarter Sessions of the Peace which shall be held for the said County of *Essex* within Four Calendar Months next after the Cause of Complaint shall have arisen, giving to the said Commissioner and to the Parties concerned Notice in Writing of such Appeal and of the Matter thereof Ten Days at least before such Sessions; and the Justices (not interested in the Premises) in such Sessions assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs, as to them in their Discretion shall seem reasonable, and by their Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any), upon Demand, to the Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, the said Justices shall award such Costs to be paid by the Appellant as to them shall seem reasonable, and such Costs shall be levied in manner aforesaid.

General Power to Justices and Commissioner to administer Oaths.

LXIX. And be it further enacted, That in all Cases where any Justices of the Peace or the said Commissioner are or is by the said first-recited Act or by this Act authorized to receive any Declaration, or to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for the said Justices or Commissioner, and they are hereby respectively empowered, to administer an Oath or to receive the Affirmation of any such Person before he shall be so examined; and any Person making

or

or subscribing any Declaration under the Authority of this Act, or giving his Testimony, or who shall wilfully or corruptly make and subscribe a false Declaration, or give false Evidence, shall be deemed to have been guilty of wilful and corrupt Perjury, and liable to the Pains and Penalties thereof.

Rule for Construction of Expressions used in this Act.

LXX. And be it further enacted, That wherever in this Act or in the said recited Acts any Word or Words is or are used importing the Singular Number or the Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons as well as one Person, and Females as well as Males; and wherever in such Act or Acts the Word "Lands" is used, the same shall extend to and shall be construed to include any Species of Land, Tenement, and Hereditament; unless in the before-mentioned Cases respectively it be otherwise specially directed or provided for, or there be something in the Subject or Context repugnant to such Construction.

General Saving.

LXXI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all Persons and Bodies, their Heirs, Successors, Executors, and Administrators, and all Persons claiming under or in Remainder after them, all such Estate, Right, Title, and Interest (except such as are intended to be compensated for, barred, or extinguished by this Act,) as they or any of them could or ought to have had and enjoyed in, to, or in respect of the Lands hereby authorized to be divided, allotted, and inclosed, in case this Act had not been passed.

Act to be printed by the Queen's Printers.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.