ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 66.

An Act for incloſing and exonerating from Tythes, Lands in the Pariſh of *Bletchley*, in the County of *Buckingham*. [18th *April* 1810.]

WHEREAS there are within the Manors and Hamlets of *Water Eaton* and *Bletchley*, in the Pariſh of *Bletchley* and County of *Buckingham*, divers Open and Common Fields, Meadows, Paſtures, Waſte, and other Commonable Lands and Grounds, containing by Eſtimation Two thouſand two hundred Acres or thereabouts; and there are alſo within the ſaid Manors and Hamlets of *Water Eaton* and *Bletchley*, and the Manor and Hamlet of *Fenny Stratford*, which is alſo ſituate within the ſaid Pariſh of *Bletchley*, divers incloſed Lands and Grounds: And whereas *Philip Duncombe Pauncefort Duncombe* Eſquire, is Lord of the Manors of *Water Eaton*, *Bletchley*, and *Fenny Stratford*, and as ſuch is ſeiſed of the Soil of all the waſte Lands within the ſaid Manors: And whereas *John Willis* Eſquire is Patron of the Rectory and Pariſh Church of *Bletchley* aforeſaid, and the Reverend *Edward Orlebar Smith* Clerk is Rector of the ſaid Pariſh and Pariſh Church of *Bletchley*, and as ſuch is entitled to certain Glebe Lands, Parcel of the ſaid Open and Common Fields: And whereas the ſaid *Philip Duncombe Pauncefort Duncombe*, *Catherine Willis*, Widow, *Charles Marius Hardy*, *Edward Taylor*, *William Oſborn*, *Francis Hill Gregory*, *John Bowler*, *Edward Wells*, *James Pointer*, *Thomas Billington*, *Thomas Ager*, *James Croft*, and divers other Perſons, are Owners and Proprietors of all the Reſidue of the ſaid Open and Common Fields, Meadows, Paſtures, and other Commonable Lands and Grounds in the Pariſh of *Bletchley* aforeſaid, and are reſpectively entitled to Rights of Common and other Intereſts therein: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on*

passing of such Acts: And whereas the Lands and Grounds of the respective Proprietors in the said Open and Common Fields, Meadows and Pastures, lie intermixed with each other, and are in other Respects inconveniently situated, and in their present State are incapable of any considerable Improvement; and it would be beneficial to the several Proprietors thereof, and Persons interested therein, if the same and other the Commonable Lands and Grounds in the said Parish were divided and inclosed, and specific Shares thereof set out and allotted to them, in proportion to their several and respective Estates, Rights and Interests therein, and if all the Lands, as well open as inclosed within the said Parish, were exonerated from Tythes: But as such Division, Allotment, Inclosure and Exoneration from Tythes, 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 King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Open and Common Fields, Meadows, Pastures, Waste, and other Commonable Lands and Grounds within the said Parish of *Bletchley*, shall as soon as conveniently may be after the passing of this Act, be valued, qualified, appraised, divided, set out and allotted by *John Davis*, of Bloxham, in the County of *Oxford*, Gentleman; *William Jaques*, of *Hatton Garden*, in the County of *Middlesex*, Gentleman; and *John Fellowes*, of the Town of *Buckingham*, Gentleman; and they are hereby appointed Commissioners for carrying this Act into Execution, with, under, and subject to such of the Powers, Authorities, Provisions, Rules, Orders and Directions as are contained in the said recited Act, and are not repugnant to or otherwise provided for by this Act.

Commissioners.

Two Commissioners may act.

II. Provided always, and be it further enacted, That it shall be lawful for any Two of the said Commissioners hereby appointed, or who shall hereafter be appointed by virtue of this Act, and they are hereby authorized and empowered to execute, do and perform every Act, Matter, and Thing by this Act authorized to be done and performed by the said Commissioners; and every such Act, Matter and Thing which shall be executed, done and performed by any Two of such Commissioners, shall be as valid and effectual to all Intents and Purposes as if the same had been done and performed by all the said Commissioners.

For appointing new Commissioners.

III. Provided also, and be it further enacted, That if before all the Powers and Authorities hereby reposed in the said Commissioners, shall have been fully executed and performed, the said *John Davis* shall die, or shall neglect or become incapable, or refuse to act in the Execution of such Powers and Authorities, it shall be lawful for the said *Philip Duncombe Pauncefort Duncombe*, his Heirs or Assigns, by Writing under his or their Hand or Hands, to appoint some other fit Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place or Stead of the said *John Davis*, and so from Time to Time as often as any Commissioner to be appointed by the said *Philip Duncombe Pauncefort Duncombe*, his Heirs or Assigns, shall die, neglect, or become incapable, or refuse to act as aforesaid; and in

case

case the said *William Jaques* shall die, neglect or become incapable, or refuse to act in the Execution of such Powers and Authorities, it shall and may be lawful for the Rector of *Bletchley* aforesaid for the Time being, by Writing under his Hand, to appoint some other fit Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place or Stead of the said *William Jaques*, and so from Time to Time as often as any Commissioner to be appointed by the said Rector shall die, neglect, become incapable, or refuse to act as aforesaid; and in case the said *John Fellowes* shall die, neglect, become incapable, or refuse to act in the Execution of such Powers and Authorities, it shall be lawful for the major Part in Value (to be ascertained by the Land Tax Assessment) of the Proprietors of the Lands and Grounds so intended to be divided and inclosed (except the said *Philip Duncombe Pauncefort Duncombe*, and *Edward Orlebar Smith*, their respective Heirs, Successors and Assigns,) who by themselves or their respective Agents, duly authorized by Writing under their respective Hands, shall attend the Meeting or Meetings to be appointed in Manner hereinafter mentioned for that Purpose, by Writing under their respective Hands, to appoint some other fit Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place or Stead of the said *John Fellowes*, and so from Time to Time as often as any Commissioner, to be appointed by such major Part in Value of the said Proprietors as aforesaid, shall die, neglect, become incapable, or refuse to act as aforesaid; provided that the surviving or remaining Commissioners or Commissioner, or any Three or more of such last-mentioned Proprietors, shall cause Notice to be given of the Time and Place of the Meeting for every such Election (which Place shall be within the Parish of *Bletchley* aforesaid, or within the Distance of Eight Miles from the Boundary thereof) at least Fourteen Days before the Time of holding such Meeting, by affixing such Notice on one of the outer Doors of the Parish Church of *Bletchley* aforesaid, on some *Sunday*, and by causing the same to be published in the Newspaper called the *Northampton Mercury*, or if that Newspaper shall not then be published, in some other Newspaper generally circulated in the County of *Buckingham*; and if the said *Philip Duncombe Pauncefort Duncombe*, his Heirs or Assigns, or the said *Edward Orlebar Smith*, or his Successors, Rectors as aforesaid, or the Majority in in Value of the said other Proprietors, shall respectively refuse or neglect to appoint a new Commissioner in the Place or Stead of any Commissioner, who shall die, neglect, become incapable or refuse to act as aforesaid, for the Space of Forty Days after such Vacancy shall happen; then, and in every such Case, the surviving or remaining Commissioners or Commissioner shall, from Time to Time, by Writing under their or his Hands or Hand, appoint a fit and proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place of each Commissioner so dying, neglecting, becoming incapable, or refusing to act as aforesaid, whose Place shall not be filled up by the Person or Persons primarily enabled to appoint such New Commissioner or Commissioners within the Time aforesaid; and every Commissioner to be appointed by the Person or Persons respectively, and in the Manner hereby directed, shall have the like Powers and Authorities for putting this Act into Execution, as if he had been expressly named a Commissioner by this Act.

IV. And

Appointment of Surveyor.

IV. And be it further enacted, That all such Surveys, Admeasurements and Plans, as shall be necessary and requisite to be made and taken for the Purposes of this Act, shall be made and taken by *John King*, of *Nash*, in the said County of *Buckingham*, Land Surveyor; and in case of the Death, Inability, Neglect or Refusal of the said *John King* to act, then by such other Person or Persons as the said Commissioners shall by any Writing under their Hands nominate and appoint.

Notice of Meetings.

V. And be it further enacted, That the said Commissioners shall and they are hereby required to give public Notice in Writing, to be affixed upon One of the outer Doors of the Parish Church of *Bletchley* aforesaid, on some Sunday during Divine Service, of the Time and Place of their First and every subsequent Meeting for executing the Powers vested in them by this Act, at least Six Days before the Time appointed for holding every such Meeting (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners at any of their Meetings to be holden in pursuance of this Act, from Time to Time as they shall find it convenient, to continue such Meeting by Adjournment for the due Execution of this Act, leaving Notice at the Place where the Commissioners shall be sitting at the Time of such Adjournment, of the Time and Place to which such Meetings shall be adjourned.

One Commissioner may adjourn.

VI. Provided always, and be it further enacted, That if only One of the said Commissioners shall attend at the Time and Place appointed for any Meeting to be holden in pursuance of this Act, or to which any such Meeting shall be adjourned, it shall be lawful for such One Commissioner, or if no such Commissioner shall attend, for the Clerk to the said Commissioners, and they or he are respectively hereby empowered to adjourn such Meeting to any future Day, not exceeding Twenty-one Days from the Day of Adjournment, to be holden at the same or any other Place within the Distance hereinafter limited, and so from Time to Time until Two of the said Commissioners shall meet, and the Commissioners, Commissioner or Clerk, making any such Adjournment, are, and is hereby required to give Notice thereof to the absent Commissioners or Commissioner.

Meetings of the Commissioners to be at Bletchley, or within Eight Miles.

VII. And be it further enacted, That all the Meetings of the said Commissioners for putting this Act into Execution, shall be held within the Parish of *Bletchley* aforesaid, or within the Distance of Eight Miles from the Boundary thereof.

Meetings to receive Applications for Situations of Allotments.

VIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to appoint a Time and Place for receiving Applications from the Proprietors touching the Situation they would respectively choose, to have their Allotments set out and allotted in, and to give at least Eight Days' Notice in Writing of such Meeting to be affixed upon One of the outer Doors of the Parish Church of *Bletchley* aforesaid on some *Sunday*; and at or as soon as conveniently may be after such Meeting, the Valuation or Quality which the said Commissioners are by the said recited Act directed to make, shall be reduced into Writing and signed by the said Commissioners,

Quality of Land may be inspected.

and

and shall be lodged with their Clerk for the Inspection of any Person or Persons interested therein, or his, her or their Agent or Agents, who shall be entitled to a Copy thereof, on paying for the same, after the Rate of Four Pence for every Folio of Seventy-two Words to the said Clerk; and the said Commissioners shall appoint a Meeting for receiving and hearing any Objections that may be made to such Valuation or Quality, and shall then receive and hear such Objections, and the Determination of the said Commissioners shall be binding and conclusive on all Parties.

Course of Husbandry.

IX. And be it further enacted, That the said Commissioners shall as soon after the passing of this Act as conveniently may be, by Writing or Writings under their Hands, to be affixed on One of the outer Doors of the Parish Church of *Bletchley* aforesaid, on some *Sunday* during Divine Service, order and direct the course of Husbandry that shall be used, in, over and upon the Lands and Grounds to be divided, allotted and inclosed by virtue of this Act, until the Time when they shall have made and completed the said intended Division and Allotments, as well with respect to the laying down, ploughing, sowing of Grass, Turnips or other Seeds, fallowing and tilling thereof, as the stocking and eating the Fallows or Stubbles, and also to the cutting of Furze, Thorns or Bushes upon the said Lands and Grounds, and by the same or any other Writing or Writings under their Hands, to be affixed as aforesaid, make such further Orders, Directions and Regulations, touching the Conduct of the Farmers and Occupiers of the said Lands and Grounds, for preventing them from committing waste thereon or upon any Part thereof, until the Execution of the Award of the said Commissioners, as to them shall seem expedient; all of which Orders, Directions and Regulations of the said Commissioners shall be final, binding and conclusive upon all Parties concerned; and that the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures on any Person or Persons not conforming to such Orders, Directions and Regulations, as they shall think necessary, not exceeding the Sum of Five Pounds for any One Offence; and the said Commissioners shall also settle and determine what additional Rent shall be paid in respect of such Lands, and the Tythes thereof respectively, as shall in the Season immediately preceding the passing of this Act be cropped, otherwise than in the customary Way, or contrary to any subsisting Agreement, such additional Rent to be paid and payable at the same Time and in the same Manner as the original Rent.

Proprietors whose Allotments shall have been ploughed, to make Satisfaction for the same.

X. And be it further enacted, That in all cases whereon the said intended Division, Allotment and Inclosure, any or Allotments shall be made and set out, which or any Part of which shall not have been sown with any Sort of Corn or Grain, but shall have been ploughed, tilled, folded or manured, or on which there shall at the Time of setting out such Allotments be any Tillage, Manure, or other Preparation for a Crop, the Person or Persons to whom such Allotment or Allotments shall be made and belong, shall pay to the Person or Persons who shall have ploughed, tilled, folded or manured the same, or his Executors or Administrators respectively, such Sum and Sums of Money, and at such Times as the said Commissioners shall adjudge and think reasonable, and by any Order or Orders under their Hands (which Order or Orders they are hereby empowered and

required to make) ſhall direct; and in caſe any Sum of Money ſo ordered ſhall not be paid at the Time appointed by the ſaid Commiſſioners for that Purpoſe, the ſame ſhall be raiſed, levied and recovered in ſuch Manner as the Expences of paſſing this Act, and carrying the ſame into Execution, are directed to be raiſed, levied and recovered.

Freeboards to be allotted.

XI. And be it further enacted, That in all caſes where any of the Lands to be divided and incloſed by virtue of this Act ſhall adjoin to any Freeboard, or any Screed or Parcel of Land left on the Outſide of the Fences of any adjoining Pariſh or Townſhip, ſuch Freeboard, Screed or Parcel of Land, ſhall be deemed to be Part of the Lands to be divided and incloſed by virtue of this Act, and after ſuch Diviſion and Allotment thereof, ſhall be deemed to be ſituate within and Part of the Pariſh of *Bletchley* aforeſaid, and the ſaid Commiſſioners ſhall ſet out and allot unto the Owner or Owners of ſuch Freeboard, Screed or Parcel of Land, ſuch Allotment or Allotments in lieu thereof, adjoining to ſuch Pariſh or Townſhip reſpectively as ſhall be equal in Value to ſuch Freeboard, Screed or Parcel of Land; which laſt-mentioned Allotment or Allotments ſhall after ſuch Diviſion and Incloſure be deemed to be Part of the Pariſh, Townſhip and Manor reſpectively to which ſuch Freeboard, Screed or Parcel of Land formerly belonged.

For ſtraightening and ſhortening Boundary Fences between Hamlets and Pariſhes.

XII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, with the Conſent in Writing under the Hand and Seal or Hands and Seals of the Lord or Lords, Lady or Ladies of any Manor or Manors adjoining to the ſaid Hamlets of *Bletchley*, *Water Eaton*, and Pariſh of *Bletchley* reſpectively, and of the major Part in Value of the Owners and Proprietors of Lands and Grounds, in any adjoining Hamlet or Hamlets, Pariſh or Pariſhes, and of the Owner or Owners of the Land upon which any ſuch Boundary Fence or Fences, as next hereinafter mentioned ſhall or may be intended to be made, in order to ſtraighten, ſhorten, and make regular the Boundary Fence or Fences between the Lands by this Act directed to be divided and incloſed, and of any adjoining Hamlet or Hamlets, Pariſh or Pariſhes, to ſet out, aſcertain and determine the Boundary Fence or Fences to be made between the Lands by this Act directed to be divided and incloſed; and ſuch adjoining Hamlet or Hamlets, Pariſh or Pariſhes; and after ſuch Boundaries ſhall be ſo made, ſet out, aſcertained and determined as aforeſaid, the ſame ſhall be fenced, and ſuch Fence or Fences made and kept in repair, in ſuch Manner and by ſuch Perſon or Perſons as the ſaid Commmiſſioners ſhall order and direct, and ſhall for ever thereafter be deemed and taken to be the Boundaries between the ſaid Hamlets of *Bletchley* and *Water Eaton*, and Pariſh of *Bletchley* reſpectively, and ſuch adjoining Hamlet or Hamlets, Pariſh or Pariſhes, any Uſage or Cuſtom to the contrary notwithſtanding; and a Deſcription of the Boundary to be made, ſet out, aſcertained and determined as aforeſaid, ſhall be inſerted in the Award of the ſaid Commiſſioners, and delineated on their Map or Plan of the ſaid Hamlets of *Bletchley* and of *Water Eaton*, and Pariſh of *Bletchley* reſpectively; and that all Encroachments which at any Time within Twenty Years before the paſſing of this Act have been made upon or taken from the ſaid Open and Common Fields, Meadows, Paſtures, Waſtes and other Commonable Lands, ſhall be deemed Part of the Lands to be divided and allotted by virtue of this Act, and ſhall be

be allotted accordingly; and in case any Difference or Dispute shall arise touching any such Encroachments, or the Extent thereof, the same shall be settled by the said Commissioners.

For determining Differences.

XIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in any of the Lands or other Hereditaments intended to be divided or affected by this Act, touching or concerning any of their Claims, Estates, Rights or Interests therein, or any Allotment or Compensation to be made in lieu thereof, it shall be lawful for the said Commissioners, and they are hereby empowered to examine into, hear and determine the same respectively: Provided that nothing herein contained shall authorize the said Commissioners to determine any Dispute or Difference which may arise touching or concerning the Title to any Messuages, Lands or Hereditaments whatsoever.

Power to assess Costs.

XIV. And be it further enacted, That in case the said Commissioners shall upon the hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect, or refuse to pay the same on Demand, then and in such case, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing Parties to try their Rights by Law.

XV. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic or Corporate, interested or claiming to be interested in any Lands, or other Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with any Determination of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person and Persons, Body or Bodies Politic or Corporate, so desirous to have the same tried at Law, shall and do by themselves or their respective Attornies or Agents give or cause to be given Notice thereof in Writing to the said Commissioners or either of them, within Forty Days next after such Determination shall have been so made by the said Commissioners, of which Notice the said Commissioners are hereby required, immediately on Receipt thereof, or as soon afterwards as may conveniently be done, to give Information to the adverse Party or Parties, his, her, or their respective

Stewards,

Stewards, Receivers or Agents, by Writing under their reſpective Hands, to be delivered to or left at the uſual Place of Abode of ſuch Party or Parties, Attornies or Agents as aforeſaid, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic or Corporate giving ſuch Notice as aforeſaid, their reſpective Heirs, Succeſſors or Aſſigns, to proceed to a Trial or Trials at Law of the Matter ſo determined by the ſaid Commiſſioners at the Firſt Aſſizes to be holden for the ſaid County of *Buckingham* next after the Expiration of Four Calendar Months from the Time of ſuch Determination, in a feigned Action or Actions for that Purpoſe, to be commenced in One of His Majeſty's Courts of Record at *Weſtminſter*, by the Perſon or Perſons, Body or Bodies Politic or Corporate giving ſuch Notice as aforeſaid, againſt the Perſon or Perſons, Body or Bodies Politic or Corporate, in whoſe Favour ſuch Determination ſhall have been made, within Two Calendar Months next after ſuch Determination of the ſaid Commiſſioners; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required forthwith to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept One or more Iſſue or Iſſues, to be ſettled by the proper Officer of the Court, in which the ſaid Action or Actions ſhall be commenced, in caſe the ſaid Parties ſhall differ about the ſame; and if at the Trial of any ſuch Iſſue or Iſſues it ſhall appear that the Party claiming is entitled to any qualified or leſs Right or Rights or Intereſts, than was or were claimed by ſuch Party, then it ſhall and may be lawful for the Jury by whom ſuch Iſſue or Iſſues ſhall be tried, to find and declare the ſame by their Verdict, which ſhall be indorſed on the *Poſtea*, in Addition to the Verdict given upon the Iſſue or Iſſues joined; but nevertheleſs the Coſts of ſuch Action or Actions ſhall abide and be determined by the Verdict given upon the Iſſue or Iſſues joined, as if no ſuch ſpecial Finding had been made; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions, in caſe there ſhall be no ſuch ſpecial Finding and Indorſement, or ſuch ſpecial Finding or Indorſement, if any ſuch ſhall be made, ſhall be final, binding and concluſive upon all and every Perſon and Perſons, Body and Bodies Politic and Corporate whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, or Finding and Indorſement, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts, or ſpecial Finding and Indorſement ſhall be obtained, the ſame not being ſet aſide by the Court, the ſaid Commiſſioners ſhall, and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners touching ſuch Claim or Claims, Rights and Intereſts as aforeſaid which ſhall not be objected to within the Time to be appointed by the ſaid Commiſſioners for that Purpoſe, or being objected to, the Party or Parties objecting not giving ſuch Notice, cauſing ſuch Action to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

Determination of the Commiſſioners to be final if not objected to, or Action not brought.

If any of the Parties die,

XVI. And be it further enacted, That if any of the Parties in any Action to be brought in purſuance of this Act, ſhall die pending the ſame

same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened. Proceeding not to abate

XVII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who might have brought such Action against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all such Parties shall be equally bound and concluded by the Event of such Action or Actions. In cases of Deaths of Parties before Actions brought, the same to be carried on and defended in their Name.

XVIII. Provided also, and be it further enacted, That Nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties except in cases of Encroachments or Inclosures, made from any Part of the said Wastes or other Commonable Lands, within the Period of Twenty Years previous to the passing of this Act; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law. Persons in possession not to be molested without due course of Law.

XIX. And be it further enacted, That the said Commissioners shall and may scour out, widen, divert, turn or alter all such ancient Brooks, Drains, Ditches, Watercourses, Staunches, Tunnels and Bridges, as well in, through and over the Lands and Grounds hereby intended to be divided, allotted and inclosed, as also in, through and over any ancient Inclosures or other Lands and Grounds, within the Parish of *Bletchley*, of such Depth and Width, and in such Courses and Directions as the said Commissioners shall think proper, making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands, Grounds, and Hereditaments, not hereby intended to be divided, allotted and inclosed, for so doing, as they shall think reasonable and proper; and the said Commissioners shall and may, and they are hereby required in and by their Award to order, direct and appoint by whom, at whose Expence, at what Time, and in what Manner the said Brooks, Drains, Ditches, Watercourses, Staunches, Tunnels and Bridges, shall be made and thereafter repaired, cleansed, scoured and maintained: Provided always, that nothing herein contained shall authorize the said Commissioners Cleansing Watercourses, &c.

missioners to turn or divert any Watercourse, Stream or Rivulet, without the Consent of the Owners of the Land from and into which the same shall be turned or diverted.

Old Roads may be stopped up.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, with the Concurrence and Order of two Justices of the Peace acting in and for the said County of *Buckingham*, and not interested in the repair of any such Roads as next hereinafter mentioned, to divert, turn or stop up any old or accustomed Road or Roads, Way or Footpath (not being a Turnpike Road) lying and being in or passing or leading through any of the old inclosed Lands or Grounds, in the said Parish of *Bletchley*; and such Order shall be subject to an Appeal to the Quarter Sessions in like Manner, and under the same Forms and Restrictions as Orders originally made by Justices for diverting and turning Roads and Ways; and that all and every Roads, Ways or Foot-paths which shall be so stopped up, shall be deemed Part of the Lands and Grounds to be divided and allotted by virtue of this Act.

Allotment for Stone, Sand, and Gravel Pits.

XXI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to set out, allot and award, from and out of the Lands and Grounds hereby intended to be divided, allotted and inclosed, one or more Piece or Parcel or Pieces or Parcels of Land, not exceeding in the whole two Acres, in the Hamlet of *Bletchley*, and in the Hamlet of *Water Eaton* two Acres, as and for publick Stone, Sand, and Gravel Pits, with convenient Roads to and from the same respectively, to be used for the first forming, and afterwards for the Repairs of the publick and private Roads within the same Hamlets respectively; and the Herbage growing and renewing in and upon such Piece or Parcel, Pieces or Parcels of Land or Ground respectively shall be and is hereby vested in the Surveyor or Surveyors of the Highways for the Time being of the same Hamlets respectively in Trust; to let the same for the best Rent or Rents that can be reasonably had or gotten for the same, and to apply the Rents and Profits thereof towards the Repairs of the publick Roads and Ways within the same Hamlets respectively.

Allotment to the Lord of the Manor.

XXII. And be it further enacted, That the said Commissioners shall in the next Place set out, allot and award unto and for the said *Philip Duncombe Pauncefort Duncombe*, as Lord of the Manors of *Water Eaton* and *Bletchley* aforesaid respectively, his Heirs and Assigns, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as shall in the Judgement of the said Commissioners be equal in Value to and a full Compensation and Satisfaction for all his Rights and Interests in and to the Soil of the said Commons and Waste Lands, within the said Manors hereby intended to be divided, allotted and inclosed.

Allotment to the Rector in lieu of Glebe.

XXIII. And be it further enacted, That the said Commissioners shall in the next Place set out, allot and award unto and for the said *Edward Orlebar Smith*, and his Successors, Rectors of *Bletchley* aforesaid, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed as in the Judgement of the said Commissioners shall

shall be a full Equivalent and Compensation for the Glebe Lands belonging to the Rectory of *Bletchley* aforesaid.

Allotment for Tythes.

XXIV. And be it further enacted, That the said Commissioners shall in the next Place set out, allot and award unto and for the said *Edward Orlebar Smith*, and his Successors, Rectors of *Bletchley* aforesaid, for and in Lieu of and Satisfaction for all Tythes both Great and Small, arising, growing, renewing, happening, or payable, within the Parish of *Bletchley* aforesaid, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided, allotted, and inclosed as in the Judgement of the said Commissioners shall be equal in Value to One Fifth Part of all the Arable Land, and One-Ninth Part of the Grass, Commons and Waste Grounds, within the Parish of *Bletchley* aforesaid, which are severally subject and liable to the Payment of all Manner of Tythes in kind (except in the cases hereinafter expressly provided to the contrary) and which shall remain after the publick and private Roads, Sewers, Drains, and Watercourses, and the Allotments for Glebe Lands, Stone, Gravel, and Sand Pits, shall be taken and deducted therefrom, and also equal in Value to the particular Tythes, if any payable, from or out of any Lands in the said Parish which are not liable to the payment of all Manner of Tythes, and also equal in Value to all Moduses or other prescriptive or perpetual Payments in lieu of Tythes, if any; and the Lands so awarded to the said Rector shall be deemed of freehold tenure, and be vested in the said Rector and his Successors for ever, in right of the said Rectory; Provided, that where any such Freeboard, Screed or Parcel of Land, as aforesaid, shall heretofore not have been subject and liable to the Payment of Tythes to the Rector of *Bletchley* aforesaid, all and every Allotment and Allotments to be made in lieu of such Freeboard, Screed or Parcel of Land as aforesaid, shall be valued, ascertained, and set out and allotted unto the Proprietor or Proprietors, such Freeboard, Screed or Parcel of Land as aforesaid, without any Diminution or Subtraction therefrom for or on account or in lieu and Subtraction of the Tythes due and payable to the Rectors of *Bletchley* aforesaid, any Thing hereinbefore contained to the contrary notwithstanding.

For exonerating the Inclosures not exceeding 20 Acre of Proprietors not having Open Field produce.

XXV. Provided always, and be it further enacted, That in case the Proprietor or joint Proprietors of any Messuages, Cottages, Homesteads, Gardens, Orchards or inclosed Lands or Grounds, in the said Parish of *Bletchley*, shall not be entitled upon the said Division to a sufficient Quantity of the Lands and Grounds hereby directed to be divided and allotted, to exonerate from Tythes the said Messuages Cottages, Homesteads, Gardens, Orchards or inclosed Lands or Grounds, and the inclosed Lands or Grounds of such last-mentioned Proprietor or Proprietors, shall not exceed Twenty Acres; then and in such cases the Commissioners shall, and they are hereby authorized and empowered to charge the Proprietor or joint Proprietors thereof respectively with such Sum or Sums of Money as shall in the Judgement of the said Commissioners be a just and full Compensation and Satisfaction for the Fee Simple of the Tythes thereof respectively, according to the Proportions, Directions and Regulations aforesaid, and such Sum and Sums of Money shall be paid by such Proprietor or joint Proprietors respectively to the said Commissioners, to be by them applied in such

Manner

Manner as they shall think proper, towards defraying the Expences of obtaining this Act and carrying the same into Execution; and in case of Non-payment thereof at the Time appointed by the Commissioners for that purpose, the same shall be raised and levied in such Manner as is provided for raising and levying the Expences of obtaining and executing this Act, in case of Neglect or Refusal to pay the same; Provided that in case more Money shall be paid to Commissioners in respect of Tythes than will be required to defray such Expences as last aforesaid, the surplus Money shall be divided and apportioned among the Proprietors of the several Allotments to be set out in pursuance of this Act, in such Shares and Proportions as the said Commissioners shall direct, and the Shares of such of them as shall be Tenants of their Estates in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors in such surplus Money shall be applied in Manner directed by the said recited Act in Cases where any Money is to be paid for any Lands or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses.

The like of inclosed Lands exceeding Acres.

XXVI. Provided and be it further enacted, That if any Proprietor or joint Proprietors of any ancient Inclosure or Inclosures in the Parish of *Bletchley* aforesaid exceeding the Quantity of Twenty Acres, who shall not have any Lands or Hereditaments in the Common and Open Fields, Meadows, Lands, Common or Commonable Places hereby directed to be divided and inclosed, or not sufficient to make a Compensation for the Tythes of such ancient Inclosure or Inclosures, and the Rector of the said Parish of *Bletchley* for the Time being shall by Writing or Writings under their respective Hands, to be delivered to the Commissioners at any Time previous to the Allotments being set out as herein directed, signify their Desire that a sufficient Part of such ancient Inclosures should be set out for the Tithes thereof, then and in such Case or Cases the said Commissioners shall and they are hereby authorised and required to set out such Part of the said ancient inclosed Lands as together with such Proprietor's Share of the Common and Open Fields, Commons and other Commonable Lands within the Parish of *Bletchley* (if any) shall in their Judgement, according to the Proportions, Directions and Regulations aforesaid, be equal in Value to the Tythes of the Messuages, Homesteads, Gardens, and ancient Inclosures of such Proprietor or Proprietors; and such Proprietor or Proprietors shall pay such Proportion of the Rate to be made for defraying the publick Expences, and also shall fence off such Part or Parts of such ancient Inclosure or Inclosures to be set out as such Compensation as aforesaid, as the said Commissioners shall order and direct, and such Lands so to be set out by the Commissioners shall be allotted to the Rector for the Time being, and shall be accepted and taken by him as a full Compensation and Satisfaction for all and all Manner of Tithes of such Messuages, Homesteads, Orchards, Gardens, and ancient Inclosures of such Proprietor or Proprietors; which shall for ever afterwards be exonerated and discharged from Tythes as fully and effectually as if the Compensation had consisted of any Part of the Lands and Grounds to be divided and inclosed by virtue of this Act; but in Case no such Allotment or Compensation shall be set out and made to the

the said Rector as last aforesaid, all such last-mentioned Inclosures shall remain subject and liable to the Payment of Tithes in kind as if this Act had not passed.

Allotments to be in full compensation for all Tythes.

XXVII. And be it further enacted, that the Lands and Grounds which shall be set out, allotted and awarded by virtue of this Act for and in lieu of Tythes, shall be accepted and taken by the said *Edward Orlebar Smith*, and his Successors, Rectors of *Bletchley* aforesaid, in full Satisfaction and Discharge of and for all and all manner of Tythes arising and payable from, out of, or for and in respect of all and every the Messuages, Homesteads, Orchards, Gardens, ancient Inclosures, Common Fields, Meadows, Pastures, Waste Lands, and all other Lands and Grounds within the Parish of *Bletchley* aforesaid, for the Tythes whereof Compensation shall be made by virtue of this Act (Easter Offerings, Mortuaries and Surplus Fees only excepted); Provided that until the said Allotments in lieu of Tythes shall be set out, and Notice thereof given by the said Commissioners to the said *Edward Orlebar Smith* or his Successors, Rectors of *Bletchley* aforesaid for the Time being, he and they shall receive and enjoy such and the same Tythes, and Payments in lieu of Tythes, as he or they respectively could or might have done in case this Act had not been made.

Allotments to the Poor of Water Eaton and Bletchley in lieu of their Privilege of cutting Furze Bushes and Thorns.

XXVIII. And be it further enacted, That the said Commissioners shall in the next Place, set out, allot and award unto and for the Lord of the Manors of *Bletchley* and *Water Eaton* aforesaid, and to the Rector of the Parish of *Bletchley* aforesaid for the Time being, in Trust for the Poor of the Hamlets of *Bletchley* and *Water Eaton* aforesaid for the Time being respectively, such Plot or Allotment, or Plots or Allotments of Land or Ground, in such Situation as in the Judgement of the said Commissioners shall be most convenient for that Purpose, and equal in Value to and a full Compensation for the Privilege which the Poor of the Hamlets of *Bletchley* and *Water Eaton* aforesaid, now enjoy of cutting Thorns and Furze Bushes on the said Cow Common and on the said *Leys* called *Bletchley Leys*; and the Rents and Profits of such last-mentioned Allotment shall be applied by the said Trustees in purchasing Fuel for the most industrious and necessitous Poor of the same Hamlets respectively.

Allotment of the Residue.

XXIX. And be it further enacted, that after the several Allotments hereinbefore directed to be made, shall have been assigned and set out, the said Commissioners shall divide, set out, allot and award all the Residue of the said Lands and Grounds hereby intended to be divided, allotted and inclosed unto and amongst the several Proprietors thereof and Persons interested therein, in such Quantities, Shares, and Proportions as by the said Commissioners shall be adjudged and determined to be a just Compensation and Satisfaction for and equal to their several and respective Lands, Rights of Common and other Rights and Interests therein, for which no Allotment or Compensation is herein-before specifically directed to be made.

Fencing of the Tythe Allotments.

XXX. And be it further enacted, that the Allotment or Allotments hereinbefore directed to be set out, allotted, and awarded to the said *Edward*

Edward Orlebar Smith, and his Succeſſors, Rectors of *Bletchley* aforeſaid, in lieu of Glebe Lands and Rights of Common, and the ſeveral Allotments hereinbefore directed to be ſet out, allotted, and awarded for and in lieu of Tythes as aforeſaid, and for the Uſe of the Poor of the ſaid Hamlets of *Water Eaton* and *Bletchley*, ſhall be reſpectively incloſed and fenced on all ſuch Parts or Sides thereof, as ſhall not be directed by the ſaid Commiſſioners to be made and maintained by any other Proprietor or Proprietors, with Quickſet Hedges and Ditches, or other proper Mounds or Fences, with proper Poſts, Rails and other Guard Fences to ſuch Quickſet Hedges, within ſuch Times and in ſuch Manner as the ſaid Commiſſioners ſhall order and appoint, at the Expence of all or ſuch of the Proprietors of the Lands and Grounds which ſhall be exonerated from Tythes by virtue of this Act, and in ſuch Manner and Proportion as the ſaid Commiſſioners ſhall order and appoint; and ſuch Hedges, Ditches, and other Fences (after the ſame ſhall have been properly made) ſhall be preſerved, repaired, and maintained by and at the Expence of the ſevera Proprietors to whom the ſame Allotments ſhall be allotted or directed to belong.

How Allotments for Freeboards are to be fenced.

XXXI. And be it further enacted, That where the Fences of any adjoining Pariſh or Hamlet as aforeſaid, within which any Freeboard, Screed or Parcel of Land belonging to ſuch adjoining Pariſh or Hamlet as aforeſaid ſhall be ſituate, ſhall after ſuch Diviſion and Incloſure become the Boundary Fences between the ſaid Pariſh of *Bletchley* and ſuch adjoining Pariſh or Hamlet, and an Allotment of Land ſhall be made to the Proprietor of ſuch Freeboard, Screed or Parcel of Land in lieu thereof, then the ſaid Allotment ſhall be incloſed and fenced on all ſuch Parts or Sides thereof as ſhall not be directed by the ſaid Commiſſioners to be made and maintained by any other Proprietor or Proprietors thereof, in ſuch Manner and at the Expence of the other Proprietors of Lands in the Pariſh of *Bletchley*, and in ſuch Proportions, and under the like Powers as the Fences to the Tythe Allotment or Allotments are hereinbefore directed to be made, maintained, and repaired.

Fences of Proprietors' Allotments.

XXXII. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out, appoint and award ſuch Boundary Hedges, Ditches and Fences, for the incloſing, ſeparating and dividing of the ſaid Lands and Grounds hereby intended to be divided, allotted and incloſed, as they ſhall think neceſſary, and the ſaid Hedges, Ditches and Fences ſhall be made, and at all Times thereafter repaired by ſuch of the ſaid Proprietors to whom the ſaid Lands and Grounds ſhall be allotted (except as hereinbefore is particularly directed to the contrary) within ſuch Time, and in ſuch Manner and Proportions as the ſaid Commiſſioners by their Award, or any Writing under their Hands in that behalf ſhall award, order, direct or appoint; and the Orders and Directions of the ſaid Commiſſioners in that behalf ſhall be binding and concluſive to the ſeveral Parties ſo intereſted in and entitled to ſuch Shares and Allotments as aforeſaid.

Gates may be made acroſs Bridle-

XXXIII. And be it further enacted, That the reſpective Proprietors of the Lands and Grounds to be divided and incloſed by virtue of this

Act,

Act, shall have full Power and Liberty from Time to Time and at all Times after the Execution of the said Award, to set up and continue a Swing-Gate or Swing-Gates, or other Gate or Gates, across any Part or Parts of the publick or private Bridleroads or Ways, or private Carriage and Drift-roads to be made and set out through their respective Allotments, or across any Freeboard or Meerway for keeping out Cattle, and separating such Proprietors' Allotments, so as such Gate or Gates shall not prevent any Person or Persons entitled to use the said Roads, with or without Horses, Cattle or Carriages, from passing or repassing along such Roads, or enjoying any Right, Title or Property which he, she or they ought to have or enjoy over such Road, Freeboard or Meerway. roads and private Carriage and Drift-roads,

XXXIV. And be it further enacted, That no Person or Persons whomsoever shall graze or keep any sort of Cattle whatsoever in or upon any of the Roads or Ways which the said Commissioners shall order or direct to be set out and fenced on both Sides, for the Space of Seven Years next after the making and executing the said Award, under a Penalty not exceeding Ten Shillings for any Beast, Horse, Sheep or Lamb which shall be found therein, to be paid to the Person or Persons who shall take and impound the same; and every Proprietor and Occupier of Lands within the said Parish of *Bletchley*, and their and every of their Servants and Labourers, and also the Hayward or Pinder of the Hamlet and Parish aforesaid for the Time being, is and are hereby empowered to take and impound any such Beast, Horse, Sheep or Lamb which shall be found grazing as aforesaid at any Time or Times after any Quickets shall be planted next the said Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Seven Years. No Cattle to be depastured in the Highways for Years.

XXXV. And for the more convenient Situation and Disposition of the several Farms, Lands, and Estates in the Parish of *Bletchley* aforesaid, upon and after the said intended Division and Inclosure; Be it further enacted, That it shall be lawful for the said Commissioners to assign and set out any of the Allotments to be made by virtue of this Act, or any Part or Parts of such Allotments, or any Messuages, Cottages, old Inclosures, Tenements, Rents or other Hereditaments situate or arising within the Parish of *Bletchley*, in lieu of and in Exchange for any other Messuages, Cottages, old Inclosures, Allotments, Tenements, Rents or Hereditaments in the Parish of *Bletchley* aforesaid, or within any adjoining Parish, Hamlet, or Place, so that every such Exchange be ascertained, declared or set forth in the Award of the said Commissioners, and so that every such Exchange be made by and with the Consent and Approbation of the Owner or Owners, Proprietor or Proprietors or other Person or Persons seised or possessed of the Hereditaments or Premises which shall respectively be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, or other Person or Persons seised or possessed of the Hereditaments or Premises which shall respectively be so exchanged, shall be a Body or Bodies Politic, Corporate or Collegiate, or Tenant or Tenants in Fee Simple, or in Fee Tail general or special; or for Life or Lives, or by the Courtesy of *England*, or for Years determinable upon any Life or Lives, or by and with the Consent of the Husbands, Trustees or Guardians, Power to make Exchanges.

Guardians, Committees or Attornies of or acting for any such Owner or Owners, Proprietor or Proprietors or Persons so seised or possessed respectively, who at the Time of making any such Exchange shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, himself or herself, such Consents to be respectively testified in Writing under the Common Seal of any Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively, and every such Exchange so to be made and declared shall be for ever good, valid, and effectual in Law to all Intents and Purposes: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments held in Right of any Church, Chapel or other Ecclesiastical Benefice without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Expences of the Exchanges or Partitions to be borne by the Parties.

XXXVI. Provided always, and be it further enacted, That all the Cost, Charges and Expences of making such Exchanges, and of Partitions made in pursuance of this Act, shall be paid by the respective Parties interested therein, or some of them, in such Manner and Proportions as the said Commissioners shall order and direct.

Proprietors may sell their Allotments before the Execution of the Award.

XXXVII. And be it further enacted, That it shall and may be lawful for any Person or Persons who hath or have, or shall have, or may be entitled to any Estate, Right or Interest in, upon or over any of the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of such their respective Estates, Rights and Interests; and it shall be lawful for the said Commissioners and they are hereby authorized and empowered to award all and every such Allotment or Allotments which shall be sold or disposed of to any Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition.

Commissioners to distinguish Lands held by different Tenures, or under different Titles.

XXXVIII. And be it further enacted, that where any Person or Persons shall be seised or possessed of any Lands or other Hereditaments in the said Parish of *Bletchley* held by different Tenures, or for, by or under different Estates or Titles, whether the same shall be Freehold, Copyhold or Leasehold, the said Commissioners shall (upon the request of the Person so seised or possessed respectively) inquire into, ascertain and determine the respective Lands or other Hereditaments held by such several Tenures, or for, by or under such different Estates or Titles respectively, and shall set out distinct Allotments in respect of such Parts thereof as shall lie or arise within the Common and Open Fields, Commons and Waste Lands hereby directed to be divided and inclosed, regard being had to the Deductions which shall have been made for the Tythes of ancient Inclosures held by the same Tenures and for the same Estates respectively.

This Act not to affect Wills, Deeds, &c.

XXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed, adjudged, deemed or taken to extend to revoke, make void, alter or annul any Settlement, Deed, Will or

or Leaſe, or to prejudice any Perſon or Perſons having any right, or claim of Dower, Jointure, Portion, Legacy, Annuity, Mortgage, Debt, Rent-charge or Incumbrance whatſoever, in, out of, upon or anyways affecting any of the Lands or Grounds hereby intended to be divided, allotted and incloſed, or any of the Meſſuages, Lands, Tenements, or other Hereditaments which ſhall be parted, exchanged or aſſigned in Compenſation for any other Eſtate or Right by virtue of this Act or any Part or Parts thereof reſpectively, but as well the Land allotted, as the Meſſuages, Lands, Tenements and Hereditaments which ſhall be aſſigned on any Partition or in Exchange, or in Compenſation for any other Eſtate or Right, ſhall immediately after ſuch Allotment, Partition or Exchange ſhall be made be veſted, remain and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted, aſſigned or given on Partition or in Exchange as aforeſaid, ſhall from thenceforth ſtand and be ſeiſed thereof reſpectively to, for and upon ſuch and the ſame Uſes, Eſtates, Intents, Truſts and Purpoſes reſpectively, and ſubject and liable to ſuch and the ſame Wills, Settlements, Limitations, Remainders, Conditions, Charges, and Incumbrances, as the ſeveral Meſſuages, Tenements and Hereditaments, in reſpect thereof ſuch Allotments, Aſſignments, Partitions, and Exchanges ſhall have been made, ſhould or would have ſtood ſeverally limited, ſettled or veſted, or ſubject or liable to be charged with, or held or affected by in caſe the ſame had not been incloſed, aſſigned, parted, or exchanged, and this Act had not been made, ſave and except ſuch Leaſes and Tenancies at Rack Rent as ſhall become void by this Act, and ſubject nevertheleſs to ſuch Mortgages, Sales, Charges, and Incumbrances as ſhall be made in Purſuance of this Act.

Leaſes at Rack Rent to be void.

XL. And be it further enacted, That all and every Leaſes, Agreements and Tenancies at Rack Rents now ſubſiſting of all and every or any Part or Parts of the Lands and Grounds hereby intended to be divided and incloſed, or by virtue of this Act to be exonerated from Tythes, or which ſhall be exchanged or divided in Partition, and of all Meſſuages, Cottages, Lands, and Tenements within the Pariſh of *Bletchley* aforeſaid, and in any adjoining Pariſh, Hamlet or Place, held therewith, ſhall ceaſe and be void at ſuch Time or Times as the ſaid Commiſſioners ſhall by Writing under their Hands order and direct, the reſpective Leſſors, Owners or Proprietors of ſuch Meſſuages, Cottages, Lands or Tenements making ſuch reaſonable Satisfaction to ſuch Leſſee or Leſſees, Tenant or Tenants for the Loſs which ſhall be ſuſtained by the Determination of ſuch Leaſes or Agreements reſpectively, and at ſuch Times as ſhall be mutually ſettled and agreed upon between them, or as the ſaid Commiſſioners, being thereunto required by either of the ſaid Parties, ſhall aſcertain, order, direct, and appoint; and the ſaid Commiſſioners being ſo required, are empowered and directed to appoint a reaſonable and proportionable Part, according to the ſeaſon of the Year, of the Rent reſerved on ſuch Leaſe or Agreement, for and in reſpect of the Time which has been elapſed between the laſt Day on which any Payment of the ſaid Rent ſhall have been due and the Determination of the Leaſe or Agreement, and ſuch Part of the Rent ſhall be recoverable by ſuch Ways and Means as may by the Laws of this Realm be uſed for the recovery of Rent in arrear: Provided always, that if there ſhall be any Leaſe of Lands, Part of which ſhall lie in the Pariſh of *Bletchley* and Part in an adjoining Pariſh, Hamlet, or Place, all and every ſuch Leaſe or Leaſes upon Rack Rent now ſubſiſting may be vacated;

cated; but where any Land ſhall have been taken in exchange, which Land ſhall be under Leaſe, and wholly ſituate in an adjoining Pariſh, Hamlet, or Place, the Leaſe of ſuch laſt-mentioned Lands ſhall not be vacated; Provided alſo, that if there ſhall be any Leaſe of incloſed Lands in the Pariſh of *Bletchley*, not compriſing in any of the Lands intended to be divided and incloſed by virtue of this Act, ſuch laſt-mentioned Leaſe ſhall not be vacated, but in caſe ſuch incloſed Lands ſhall be exonerated from Tithes by virtue of this Act, the Leſſee or Leſſees ſhall pay ſuch additional Rent or Rents on account of ſuch Exoneration, and to commence and be payable at ſuch Time or Times, and in ſuch Proportions and Manner, as the ſaid Commiſſioners ſhall by their Award, or any Writing ſigned by them previous to the Execution of the Award, direct or appoint.

Commiſſioners may ſuſpend or extinguiſh Common Rights.

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time when they in their Judgment ſhall think it convenient and neceſſary, by Notice for that Purpoſe under their Hands, to be affixed on one of the outer Doors of the Pariſh Church of *Bletchley* aforeſaid, on ſome Sunday during Divine Service, to extinguiſh or ſuſpend all or any Part of the Right of Common in, upon and over the Lands and Grounds hereby intended to be divided, allotted and incloſed or any of them, and from and after ſuch Notice given all ſuch Rights of Common as ſhall by ſuch Notice or Notices be directed or declared to be extinguiſhed or ſuſpended, ſhall ceaſe and be utterly extinguiſhed, or ſhall otherwiſe be ſuſpended for ſuch Time as the ſaid Commiſſioners ſhall in and by ſuch Notice direct.

Penalty on Perſons turning Cattle into Lands ſuſpended or extinguiſhed from Common during Suſpenſion and after Extinguiſhment.

XLII. And be it further enacted, That if during the Suſpenſion or after the Extinguiſhment of any Right of Common, any of the Proprietors or Occupiers ſhall turn or permit his or their Cattle to go, depaſture or feed on any of the Lands or Grounds ſuſpended or extinguiſhed from Common, then it ſhall and may be lawful to and for any of the Proprietors or Occupiers to diſtrain ſuch Cattle being upon ſuch Lands or Grounds contrary to ſuch Order, and to impound the ſame until the Owner or Owners of ſuch Cattle ſhall pay to the Perſon or Perſons ſo diſtraining the ſame any Sum not exceeding Ten Shillings for each of the Cattle diſtrained; and in caſe the ſame ſhall not be paid before the next Meeting of the ſaid Commiſſioners after ſuch impounding, then the ſaid Commiſſioners are hereby authorized and empowered, upon proof of ſuch Offence being committed, by Warrant under their Hands and Seals, to cauſe the Cattle ſo diſtrained, or ſuch Part thereof as they ſhall think ſufficient, to be ſold for raiſing and paying the Penalty aforeſaid, together with the Coſts and Charges attending ſuch Diſtreſs and Sale and the Expence of keeping ſuch Cattle, rendering the Overplus (if any) to the Owner or Owners of ſuch Cattle.

Reduced Plan to be annexed to the Award, and a Plan of old Incloſures.

XLIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe two reduced Plans of the Pariſh of *Bletchley* aforeſaid, or ſo much and ſuch Parts thereof as ſhall be affected by this Act, to be drawn upon Vellum, on which the public and private Roads, Paths, and Drains, with the Boundary Fences of the ſeveral Allotments mentioned and deſcribed in the ſaid Award, and ſuch other Matters and Things as the ſaid Commiſſioners ſhall think proper to be deſcribed therein, ſhall be fairly and diſtinctly delineated, marked,

marked, and expreſſed; and the ſaid Commiſſioners ſhall ſign both the ſaid Plans, one of which ſhall be annexed to the ſaid Award, and the other ſhall be annexed to or go and be kept with the Enrolment thereof; and the ſaid Commiſſioners ſhall and they are hereby required to make and annex to the ſaid Award a Schedule deſcribing and ſetting forth the Quantities of all and every the Homeſteads, Gardens, Orchards, and ancient Incloſures in the Pariſh of *Bletchley* aforeſaid exonerated from Tythes or affected by this Act, and an alphabetical Index and Reference to the principal Matters in the ſaid Award contained.

Power for Juſtices to declare any of the Roads completed.

XLIV. And be it further enacted, That when and as ſoon as any of the public Carriage-roads to be ſet out in purſuance of the ſaid recited Act and this Act, ſhall be completed and put into good and ſufficient Repair, it ſhall be lawful for the Juſtices of the Peace of and for the ſaid County of *Buckingham*, or any two of them, at any Special Seſſion or Meeting to be holden for the Purpoſe, to declare ſuch Road or Roads to be fully and ſufficiently formed and completed, from which Time and for ever thereafter ſuch Road or Roads ſhall be ſupported and kept in repair by ſuch Perſons, and in like Manner as the public Roads in the ſame Hamlets now are or ought by Law to be amended and kept in repair.

Allowance to Commiſſioners and Clerk.

Commiſſioners and Proprietors to pay their own Expences.

XLV. And be it further enacted, That there ſhall be paid to each and every of the ſaid Commiſſioners, and to their Clerk, the Sum of Three Guineas for each and every Day's actual Attendance touching the Execution of this Act, and no more; and that no Commiſſioner ſhall require or be entitled to receive any Fee, Reward, or Gratuity whatſoever, except the ſaid Sum of Three Guineas per Day; and that at all Meetings to be held in purſuance of this Act the ſaid Commiſſioners and their Clerk ſhall pay their own Expences, and that the ſaid Proprietors, their Attornies or Agents ſhall pay their own Expences when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be held in purſuance of this Act, and that the Surveyor appointed and to be appointed by the ſaid Commiſſioners ſhall be paid ſuch Sum or Sums of Money per Day, or otherwiſe, for his Pains and Trouble in attending the ſaid Commiſſioners in the Execution of this Act, as to the ſaid Commiſſioners ſhall ſeem juſt and reaſonable.

For raiſing the Expences of paſſing and executing the Act.

XLVI. And be it further enacted, That the Coſts, Charges and Expences incident to and attending the obtaining, and paſſing this Act, of ſurveying, admeaſuring, planning, dividing, allotting and diſcharging from Tythes the open and common Fields, Meadows, Paſtures, waſte Lands, and other commonable Lands and Grounds, hereby directed to be divided, allotted, and incloſed, and the ſeveral Homeſteads and ancient Incloſures in the Pariſh of *Bletchley* aforeſaid reſpectively, and of fencing and making the public Roads to be ſet out, of preparing and enrolling the ſaid Award, and all the Charges and Expences of the ſaid Commiſſioners, and of the ſeveral Perſons to be employed by them either before or after the Execution of the ſaid Award, or in, about or concerning the Execution of this Act, ſhall be borne, paid, and defrayed by all and every the Proprietors and Owners of and Perſons having Rights or Intereſts in the Lands and Grounds hereby directed to be divided, allotted and incloſed, and the Homeſteads and ancient Incloſures which ſhall be exonerated from Tythes by

virtue

virtue of this Act (other than and except the said *Edward Orlebar Smith* and his Succeſſors, Rectors of *Bletchley* aforeſaid, in reſpect of the Allotments to be made to him in lieu of Glebe Lands, Common Rights, and Tythes) and the Lord of the ſaid Manor and Rector of the ſaid Pariſh of *Bletchley* aforeſaid, as Truſtees for the Poor of the Hamlets of *Water Eaton* and *Bletchley* aforeſaid, and the Proprietor or Proprietors of ſuch Freeboard, Screed or Parcel of Land belonging to or adjoining the Pariſh or Hamlets as aforeſaid, in reſpect of the Allotment to be made to him, her or them in lieu of the ſaid Freeboard, Screed, or Parcel of Land ſo to be divided, allotted and incloſed as aforeſaid, in ſuch Proportions, according to their reſpective Rights and Intereſts, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, either before or after the Execution of the ſaid Award as ſhall be ſettled, adjuſted, determined and appointed by the ſaid Commiſſioners by any Writing under their Hands; and in caſe any of the ſaid Proprietors or Perſons having ſuch Rights or Intereſts ſhall refuſe or neglect to pay his, her, or their Share or Proportion or Shares or Proportions of ſuch Charges and Expences, within the Time to be limited by the ſaid Commiſſioners for the Payment thereof, to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, then and in ſuch caſe the ſaid Commiſſioners may and they are hereby authorized by Warrant under their Hands and Seals directed to any Perſon or Perſons whomſoever, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to pay, rendering the Overplus (if any) on demand to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and ſelling ſuch Diſtreſs; or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, or ſuch other Perſon or Perſons as they ſhall appoint, to enter into and upon the Lands and Tenements ſo to be allotted to or taken in Exchange or upon Partition by ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, or into and upon the Homeſteads and other ancient Incloſures of ſuch Perſon or Perſons ſo refuſing or neglecting, which ſhall be exonerated from Tythes by virtue of this Act, and to receive the Rents and Profits thereof reſpectively until therewith or otherwiſe the Share or Proportion or reſpective Shares or Proportions of the aforeſaid Coſts, Charges, and Expences directed and appointed by the ſaid Commiſſioners to be paid by ſuch Perſon or Perſons reſpectively, and alſo all Coſts, Charges, and Expences occaſioned by and attending ſuch Entry upon and Perception of the Rents and Profits of the ſaid Premiſes, ſhall reſpectively be fully paid and ſatisfied; and it ſhall be lawful for the ſaid Commiſſioners and they are hereby authorized and empowered, upon any refuſal or neglect of Payment of their Proportion of the Coſts Charges and Expences aforeſaid by any Perſon or Perſons to whom any Allotment ſhall have been made by virtue of this Act, to raiſe by Mortgage, in Fee or for Years, of the Allotment or Allotments to him or them made, or of any Part or Parts thereof, Money ſufficient to pay the Share and Proportion of the Perſon or Perſons ſo refuſing or neglecting of the Charges and Expences laſt mentioned, and alſo all the Charges and Expences of and incident to ſuch Mortgage.

Money advanced for paſſing the

XLVII. And be it further enacted, That the Money which ſhall be advanced for the Purpoſe of defraying the Expence of obtaining and paſſing this Act, ſhall be repaid with Intereſt to the Perſon or Perſons advancing

advancing and paying the ſame, out of the Money which ſhall be firſt raiſed to defray the Expences of paſſing and executing this Act. Act to be repaid with Intereſt.

XLVIII. And be it further enacted, That it ſhall be lawful for the ſeveral Owners and Proprietors for the Time being of any of the Allotments to be made, or of any of the Homeſteads, Orchards, and ancient Incloſures to be exonerated from Tythes in purſuance of this Act or of any Part thereof, and to and for the Huſbands, Guardians, Truſtees, Committees, or Attornies, of or for the ſaid Owners or Proprietors, who may be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability or Incapacity, and to and for all Perſons acting as Guardians, Truſtees, Committees, or Attornies for any of the ſame Owners and Proprietors, being Tenants in Tail or for Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency or otherwiſe intereſted as aforeſaid, and to and for every of them reſpectively (other than and except the ſaid Rector of *Bletchley* and his Succeſſors, and ſuch Perſons from whoſe Allotments Deductions ſhall have been made for the Payment of the Expences of Incloſure) by and with the Conſent of the ſaid Commiſſioners in Writing under their Hands and Seals, from Time to Time, to charge ſuch reſpective Allotments, Homeſteads, and ancient Incloſures, or any Part or Parts thereof reſpectively, with any Sum or Sums of Money, at the Diſcretion of the ſaid Commiſſioners, not exceeding Five Pounds for every Acre of Land or Ground ſo to be allotted; and for every Acre of ſuch Homeſteads, Orchards, and ancient Incloſures which ſhall be exonerated from Tythes by a Compenſation in Land out of the ſaid Open and Common Fields, or Commonable Lands and Grounds to be paid to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall nominate and appoint, in order to be applied in defraying the ſeveral Shares and Proportions of ſuch reſpective Proprietors of the Charges and Expences of obtaining and executing this Act, and of dividing and incloſing the reſpective Allotments, and to charge the ſeveral Homeſteads and ancient Incloſures which ſhall be exonerated from Tythes wholly or in Part by any Payment in Money, with any Sum or Sums not exceeding the Amount of the reſpective Payments which ſhall be made by the Direction of the ſaid Commiſſioners, as a Compenſation for ſuch Exoneration from Tythes, and in Diſcharge of the Proportion and Share of the Expences of paſſing this Act and carrying the ſame into Execution, which ſhall be aſcertained and apportioned by the ſaid Commmiſſioners, in reſpect of the Homeſteads and ancient Incloſures ſo exonerated; and for ſecuring the Repayment of ſuch reſpective Sums with Intereſt, to grant, mortgage, ſurrender, or demiſe ſuch Lands and Tenements reſpectively to ſuch Perſon or Perſons as ſhall reſpectively advance and lend ſuch Sum and Sums of Money, or to ſuch other Perſon or Perſons as they ſhall reſpectively appoint, and to his, her or their reſpective Heirs, Executors, Adminiſtrators or Aſſigns, in Fee or for any Term or Number of Years, ſo as every ſuch Grant, Mortgage, Surrender, or Demiſe be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be reconveyed or ſurrendered when ſuch Sum or Sums of Money thereby ſecured, and the Charges occaſioned by preparing and executing ſuch Security, and of borrowing ſuch Sum or Sums of Money, with Intereſt for the ſame reſpectively, ſhall be paid and ſatisfied; and ſo as Proprietors under Diſability enabled to borrow Money.

in every such Grant, Mortgage, Surrender or Demise, which shall by virtue of this Act be made by any Tenant in Tail, or for Life or Lives; or Years determinable on a Life or Lives, or upon any other Contingency, there be contained a Proviso or Condition that no Person who shall afterwards become entitled in Remainder or Reversion to the Lands or Tenements therein comprised, shall be liable to pay any further or larger Arrear of Interest, in respect of the Money so to be charged as aforesaid, than for One Year preceding the Time that the Title to such Possession shall have commenced.

Or charge any Lands with the Proportion of Expences.

XLIX. Provided always, and be it further enacted and declared, That in the place of any such Grant, Mortgage, Surrender or Demise as aforesaid, it shall be lawful for the said Commissioners, by any Deed or Deeds, Writing or Writings under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of any of the said Owners and Proprietors being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, who shall respectively pay and discharge his, her or their Part and Proportion of the Payments, Charges and Expences aforesaid, to authorize and empower such Owners and Proprietors or either of them making such Request, to charge and subject the said Lands and Grounds so to be exonerated from Tythes, or allotted to or for them respectively, with any Sum or Sums of Money not exceeding the respective Sums hereinbefore limited, with Interest for the same as aforesaid, which Sum or Sums of Money so to be charged as last aforesaid shall be payable within One Year next after the Decease of every such Tenant in Tail or for Life or Lives, or for Years determinable on a Life or Lives, or after the Determination of any such contingent Estate or Interest respectively, with Interest to be computed from his, her or their respective Decease, or from the Determination of such contingent Estate or Interest, unto such Person or Persons as such respective Tenant in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or upon such other Contingency respectively, by any Deed or Will duly executed and attested, shall direct or appoint, and in Default of such Direction or Appointment to such Person or Persons, his, her or their Executors or Administrators.

Land may be deducted from Allotments for Expences.

L. And be it further enacted, That it shall be lawful to and for the said Commissioners, in all Cases where they in their Discretion shall think fit, upon the Request in Writing (to be delivered to the said Commissioners within such Time as they shall for that purpose appoint) of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Interest therein, whether seised in Fee or being Tenants in Tail, or for Life or Lives, or for any Number of Years determinable on a Life or Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents or Attornies of or for any such Owners or Proprietors being under Coverture, Minors, Lunatics or beyond the Seas, or under any other Disability or Incapacity, or for the Persons acting as such Guardians, Trustees, Committees, Agents or Attornies, or of the Trustees for any charitable or publick Uses, or the major Part of any

such

such Trustees respectively, to deduct from the Value or Amount of the Allotment or respective Allotments of such Owner or Owners, by whom or on whose behalf such request shall be made as aforesaid, so much as shall in the Judgement of the said Commissioners be equal to his, her and their Share and Proportion, or respective Shares and Proportions of the Charges and Expences of passing this Act, and of carrying the same into Execution, and of fencing their respective Allotments; Provided that the Value of the Land to be deducted shall not in any Case exceed the Rate of Five Pounds for each Acre of such respective Allotments, and that no Charge or Mortgage shall be made by virtue of this Act upon any Allotment from which any such Deduction shall be made as aforesaid; and the Person or Persons respectively to whom any such Allotment or Allotments shall be made and awarded shall be and become seised thereof of an absolute Estate in Fee Simple, freed and discharged from all former Titles, Charges and Incumbrances.

Accounts to be passed before a Magistrate.

LI. And be it further enacted, that once in each and every Year during the Execution of this Act, to be computed from the Day of the passing of this Act, the said Commissioners shall and they are hereby required to make a just Statement or Account of all Sums of Money by them received and expended in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before one of His Majesty's Justices of the Peace for the said County of *Buckingham* (not interested in the said Account) to be examined and balanced; and the said Balance shall be stated in a Book of Accounts to be kept in the Office of the Clerk of the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by such Justice.

Notice, &c. in News-papers.

LII. And be it further enacted, That all Notices and Advertisements necessary or requisite to be made and given by the said Commissioners, and not hereinbefore otherwise directed, shall be made and given by Advertisement in the *Northampton Mercury*, or in Case that News-paper shall not then be published then in some other News-paper generally circulated in the said County of *Buckingham*.

Appeal.

LIII. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Matter or Thing whatsoever to be done in pursuance of this or the said recited Act (other than and except in such Cases where the Orders, Determinations, Resolutions or Proceedings of the said Commissioners are hereby or by the said recited Act directed to be final, binding, and conclusive, and also except in such Cases where an Issue at Law is hereinbefore directed, then and in such Case he, she or they may appeal to the Justices assembled at the General Quarter Sessions of the Peace to be holden for the said County of *Buckingham* next after Three Calendar Months from the Time when such Cause of Complaint shall have arisen, every such Appellant giving Twenty Days previous Notice to the Parties appealed against of the Intention of bringing such Appeal; and the Justices in their said Quarter Sessions are hereby empowered and required to hear and determine the Matter of every such Appeal and to make such

Order

Order therein and to award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to cause to be levied the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties ordered and made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and every Order and Determination of the said Justices upon such Appeal shall be final and conclusive to all Parties concerned; and shall not be subject or liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

General Saving.

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

This Act may be given in Evidence.

LV. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1810.