ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 149.

An Act for incloſing Lands in the Pariſh of *Boxford*, in the County of *Berks*. [17th *June* 1814.]

WHEREAS there are in the Pariſh of *Boxford*, in the County of *Berks*, ſeveral Open and Common Fields, Common Meadows, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds, containing by Eſtimation One thouſand and five hundred Acres, or thereabouts; and alſo ſeveral Incloſed Lands and Grounds, containing by Eſtimation One thouſand and one hundred Acres, or thereabouts: And whereas *John Archer Houblon* Eſquire is Lord of the Manor of *Welford* with its Members, and of the Manor of *Benham Lovel* and *Weſtbrook*; and the Right Honourable *William* Earl of *Craven* is Lord of the Manor of *Benham Valence* and *Weſtbrook*, in the ſaid County of *Berks*: And whereas the Reverend *John Wells* is Rector of the ſaid Pariſh of *Boxford*, and as ſuch is entitled to certain Glebe Lands lying therein: And whereas the ſaid *John Archer Houblon*, and *John Wells* and *Church Weſtbury*, *James Tanner*, and divers other Perſons, are Proprietors of the Lands and Grounds in the ſaid Open and Common Fields and Paſtures; and the Lands and Grounds of the ſeveral Proprietors lie greatly intermixed and diſperſed, and are otherwiſe inconveniently ſituated; and the Proprietors of the ſaid Open and Common Fields, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds, are deſirous that

the ſame ſhould be divided and allotted unto and among them proportionably, and according to the Value of their reſpective Eſtates, Rights, and Intereſts therein, and that ſuch Allotments ſhould be incloſed and held in Severalty; but the ſeveral beneficial Purpoſes aforeſaid cannot be effected without the Aid of Parliament: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts:* 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 *Thomas Chapman* of *Richmond*, in the County of *Surrey*, Gentleman, and *George Barnes* of *Andover*, in the County of *Hants*, Gentleman, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, and allotting all the Open and Common Fields, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds, and for putting this Act into Execution, in ſuch Manner, and ſubject to ſuch Regulations as are herein-after contained, and with ſuch of the Powers, and ſubject to ſuch of the Rules, Orders, Directions, Authorities, Regulations, Reſtrictions, and Proviſions contained in the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty, as are not controlled by or repugnant to any of the Clauſes, Proviſions, or Regulations contained in this Act.

Commiſſioners appointed.

Power to appoint new Commiſſioners.

II. And be it further enacted, That if the ſaid *Thomas Chapman* ſhall die or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, before all the Powers, Authorities, and Truſts hereby repoſed in the ſaid Commiſſioners ſhall be fully executed and performed, it ſhall be lawful for the ſaid *John Archer Houblon*, or the Lord or Lords of the Manors of *Welford* with its Members, and *Benham Lovel* and *Weſtbrooke* aforeſaid, for the Time being, by Writing under his or their Hand or reſpective Hands, to nominate and appoint one other fit and proper Perſon, not intereſted in the Lands to be allotted by virtue of this Act, to be a Commiſſioner in the Place of the ſaid *Thomas Chapman*; and if any Commiſſioner or Commiſſioners who ſhall be appointed in the Place of the ſaid *Thomas Chapman* ſhall die or refuſe to act, or become incapable of acting as aforeſaid, ſuch future Vacancies ſhall be filled up in like Manner by the ſaid *John Archer Houblon*, or the Lord or Lords of the ſame Manors for the Time being; and if the ſaid *George Barnes* ſhall die or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, before all the Powers, Authorities, and Truſts hereby repoſed in the ſaid Commiſſioners ſhall be fully executed and performed, it ſhall be lawful for the ſaid *John Wells*, or the Rector of *Boxford* for the Time being, and the reſpective Proprietors of the Lands and Grounds intended to be hereby divided or allotted, except the Lord and Lords of the ſaid Manors of *Welford* with its Members, and *Benham Lovel* and *Weſtbrooke* aforeſaid for the Time being, or the Majority of them in Value, according to the Land Tax Aſſeſſment, who by themſelves, or their reſpective Agents or Attornies, duly authorized by the ſaid Proprietors in Writing under their Hands, ſhall be preſent at a Meeting to be holden for that Purpoſe, by Writing under the reſpective Hands of

ſuch

such Rector, Proprietors or Agents, to nominate and appoint one other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place of the said *George Barnes*, provided that Twenty Days Notice of the Time, Place, and Purpose of such Meeting shall be given by Two or more of the said Proprietors, in like Manner as herein-after is directed, with respect to the Meetings of the said Commissioners; and that such Meeting shall be held in the Parish of *Boxford* aforesaid, or within the Distance of Eight Miles from the Boundary of the said Parish; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *George Barnes* shall die, or refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled in like Manner; and if any Commissioner shall neglect to attend Two successive Meetings of the said Commissioners, unless prevented by Sickness, such Neglect shall be deemed and taken to be a Refusal to act in the Execution of this Act; and if any of such Vacancies in the Commission aforesaid shall not be filled up in the Manner herein-before directed within the Space of Three Calendar Months next after the same shall respectively happen, it shall be lawful for the surviving or remaining Commissioner for the Time being, by Writing under his Hand, to nominate and appoint one other fit and proper Person, not interested as aforesaid, to be a Commissioner for supplying such Vacancy, and so from Time to Time as often as there shall be Occasion; and every Person who shall be nominated and appointed a Commissioner in Manner aforesaid, shall have the like Powers and Authorities in the Execution of this Act as if he had been appointed a Commissioner in and by this Act.

Umpire.

III. And, for the Purpose of settling and determining any Difference or Dispute which may arise between the said Commissioners, touching or concerning any of the Matters and Things to be by them determined and performed, or executed in pursuance of the said recited Act or of this Act, be it further enacted, That the said Commissioners shall at their First Meeting, and before they shall proceed to carry this Act into Execution, and they are hereby required and authorized, by Writing under their Hands, to nominate and appoint one fit and proper Person, not interested as aforesaid, to act as Umpire, who is hereby authorized and required to hear and determine every such Difference or Dispute as may arise between the said Commissioners touching any Act, Matter, or Thing relating to the said Division, Allotment and Inclosure, or any of the Purposes of this Act; and in every Case in which the said Umpire shall determine between the said Commissioners, the Judgment and Determination of the said Umpire shall be deemed and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Judgment and Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive.

Appointment of Umpire on Vacancies.

IV. And be it further enacted, That if the said Umpire, or any future Umpire to be appointed as herein-after is mentioned, shall refuse to act, or to qualify himself as an Umpire under this Act, or shall die or become incapable of acting, before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, then the said Commissioners

fioners ſhall, before they ſhall proceed further in the Execution of this Act, and they are hereby authorized to appoint, by Writing under their Hands, ſome other fit Perſon (not intereſted as aforeſaid) to be an Umpire in the Place of the Umpire ſo refuſing to act, or to qualify himſelf, or dying or becoming incapable of acting; and if the ſaid Commiſſioners cannot agree in the Choice of a Perſon to be Umpire, or to ſupply the Place of an Umpire on any Vacancy, then each of ſuch Commiſſioners is hereby required to ſet down in Writing the Name of ſome fit Perſon (not intereſted as aforeſaid) whom he ſhall propoſe to fill ſuch Vacancy, and the Names to be ſet down, being written on Papers of the ſame Size and Kind, and folded up in the ſame Form, or as nearly as may be to the ſame Size and Form, ſhall at ſome Meeting of the Commiſſioners for the Execution of this Act, of which due Notice ſhall have been given, be put together in a Box or Glaſs, from which ſome indifferent Perſon, preſent at ſuch Meeting, ſhall publicly, and in the Preſence of all Perſons intereſted who ſhall chooſe to attend, draw out one of ſuch Papers, and the Perſon whoſe Name ſhall be written on the Paper firſt drawn out ſhall be the Umpire; and the ſaid Commiſſioners are hereby required to certify by Writing under their Hands the Choice and Appointment of ſuch Perſon to be Umpire accordingly; provided that the Inſtrument or Certificate of the Appointment of every Commiſſioner and Umpire to be elected and appointed by virtue of this Act, ſhall be inrolled with the Award of the Commiſſioners, and a Copy of ſuch Inſtrument or Certificate, atteſted by the proper Officer of the Court where the ſame ſhall be inrolled, ſhall be full and ſufficient Evidence thereof.

V. Provided alſo, and be it enacted, That no Perſon ſhall be capable of acting in the Execution of this Act as Umpire, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

Umpire's Oath.

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Judgment and Ability, execute and perform the Truſts, Powers, and Authorities veſted and repoſed in me as Umpire, by virtue of an Act paſſed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here ſet forth the Title of this Act*], according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath it ſhall be lawful for the ſaid Commiſſioners, or either of them, to adminiſter, and they are hereby required to adminiſter the ſame; and ſuch Oath ſo taken and ſubſcribed by ſuch Umpire ſhall be annexed to and inrolled with the Award of the ſaid Commiſſioners.

Surveyor appointed.

VI. And be it further enacted, That *Thomas Denton* of *Staines*, in the County of *Middleſex*, Land Surveyor, ſhall be the Surveyor for the Purpoſes of this Act, for and during the Will and Pleaſure of the Commiſſioners; and on his Death or Removal it ſhall be lawful for the ſaid Commiſſioners, by Writing under their Hands, to appoint one or more fit and proper Perſon or Perſons (not intereſted as aforeſaid) to be the Surveyor or Surveyors for the Purpoſes of this Act, for and during the Will and Pleaſure of the ſaid Commiſſioners; and on any future Vacancies in like Manner to appoint ſome other Surveyor or Surveyors, and ſo from

from Time to Time as often as there ſhall be Occaſion; and every ſuch Surveyor ſhall at the Firſt Meeting of the ſaid Commiſſioners after his Appointment, or before he ſhall proceed to act as Surveyor, take and ſubſcribe an Oath in the Form following:

Surveyor's Oath.

'I Do ſincerely promiſe and ſwear, That I will act in the Execution of the Powers, Authorities, and Truſts repoſed in me as a Surveyor, by virtue of an Act paſſed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here ſet forth the Title of this Act*], truly, impartially and honeſtly, according to the beſt of my Skill, Judgment and Ability, without Favour or Affection, Prejudice or Malice to any Perſon or Perſons whomſoever.

'So help me GOD.'

And any one of the ſaid Commiſſioners is hereby authorized to adminiſter the ſaid Oath to the ſaid Surveyor; and the ſaid Oath ſo taken and ſubſcribed by ſuch Surveyor ſhall be inrolled with the Award of the ſaid Commiſſioners.

Power to appoint a Clerk.

VII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to appoint a Clerk to aſſiſt them in the Execution of this Act, and from Time to Time to remove ſuch Clerk, and appoint another in his Stead, as to the ſaid Commiſſioners ſhall ſeem meet; and from and out of the Money to be provided for the Purpoſes of this Act, to allow and pay to ſuch Clerk ſuch Salary or Allowance for his Trouble and Expences as to the ſaid Commiſſioners ſhall appear juſt and reaſonable.

Power to enter Lands to make Surveys, &c.

VIII. And be it further enacted, That for ſurveying, admeaſuring, and valuing all the ſaid Lands and Grounds, and for other the Purpoſes of this Act, it ſhall be lawful for the ſaid Commiſſioners, and each of them, and the ſaid Surveyor, together with their and every of their Aſſiſtants and Servants, at any Time or Times whatſoever, until the Diviſion ſhall be completed, to enter into, view, examine, ſurvey and admeaſure, all and every Part of the Lands and Grounds intended to be divided and allotted, or which ſhall be otherwiſe affected by this Act: Provided always, that any Map or Survey which ſhall have been made previouſly to the Time of paſſing this Act, and which ſhall be tendered to the ſaid Commiſſioners, and ſhall be in their Judgment and to their Satisfaction a juſt and true Map, or proper for the Purpoſe of carrying this Act into Execution, may be uſed for that Purpoſe, if the ſaid Commiſſioners ſhall think fit, without any new Map or Survey being made of ſuch Part of the Lands as ſhall be comprized in any ſuch approved Map or Survey as aforeſaid.

Maps already made may be uſed.

Commiſſioners Meetings.

IX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby required to cauſe a Notice in Writing under their Hands, ſpecifying the Time and Place of their Firſt Meeting for executing this Act, to be affixed on the principal outer Door of the Church of *Boxford* aforeſaid, on ſome *Sunday* before Divine Service, Fourteen Days at leaſt before ſuch Meeting; and alſo to cauſe the like Notice to be given of every ſuch ſubſequent Meeting (Meetings by Adjournment only excepted); and it ſhall be lawful for the ſaid Com-

missioners to adjourn their Meetings from Time to Time, as they shall see Occasion, for the Execution of this Act; and if only One Commissioner shall be present at any Meeting, it shall be lawful for him to adjourn such Meeting from Time to Time until the other Commissioner shall be present, and the Commissioner making such Adjournment is hereby required forthwith to give Notice thereof to the absent Commissioner; and all the Meetings of the said Commissioners shall be held within the Parish of *Boxford*, or within the Distance of Eight Miles from the Boundary thereof.

How Notices are to be given.

X. Provided always, and be it enacted, That all Notices necessary and requisite to be given by the said Commissioners in pursuance of the said Act or this Act (except such as are otherwise particularly directed by this Act) shall be given by Advertisement in *The Reading Mercury*, if then published; if not, then in some other Newspaper or Newspapers circulated in the said County of *Berks*.

Commissioners to determine Differences, but not Titles nor Rights contrary to Possession.

XI. And be it further enacted, That in case any Dispute or Difference shall happen to arise between the Parties that now are or shall (before the making of the Award herein-after mentioned) be interested in the said intended Division and Allotments, or any of them, touching or concerning the respective Shares or Proportions which they or any of them shall claim in the said Lands and Grounds hereby intended to be divided and allotted as aforesaid, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Allotment, it shall be lawful for the said Commissioners and Umpire, and they respectively are hereby authorized and required to hear and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever, nor any Right between any Parties contrary to the Possession of any such Parties, except in regard to such Encroachments as are herein-after directed to be deemed Parts of the Lands to be allotted by virtue of this Act; but in case the said Commissioners or Umpire shall be of opinion against the Right of the Person or Persons so in Possession, they respectively shall forbear to make any Determination thereupon until the Possession shall have been taken from such Person or Persons by Ejectment or other due Course of Law.

May award Costs.

XII. And be it further enacted, That in case the said Commissioners or Umpire shall, upon the hearing and determining of any Claim or Claims, Objection or Objections, to be delivered to the Commissioners in pursuance of the said recited Act or of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and Umpire, and they respectively 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 or Umpire shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful for

for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale, or the ſame may be recovered by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*.

Power to try diſputed Claims at Law.

XIII. Provided always, and be it further enacted, That if any Perſon or Perſons making any Claim or Claims to any Lands, Common Rights, or Hereditaments, 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 the Determination of the ſaid Commiſſioners or Umpire, and ſhall be deſirous of having ſuch Claim or Claims, Rights or Intereſts reſpectively, tried at Law, and the Perſon or Perſons ſo deſirous of having the ſame tried at Law ſhall, by themſelves or their reſpective Stewards, Receivers, Attornies or Agents, give or cauſe to be given Notice thereof in Writing to the ſaid Commiſſioners, or either of them, within Two Calendar Months next after ſuch Determination ſhall have been ſo made by the ſaid Commiſſioners or Umpire, (a Copy of which Notice the ſaid Commiſſioners are hereby required immediately on Receipt thereof, or as ſoon after as conveniently may be, to deliver to or leave at the uſual Place of Abode of the other Party or Parties intereſted therein, or his, her, or their reſpective Stewards, Receivers, Attornies or Agents), then, but not afterwards, it ſhall be lawful for the Perſon or Perſons giving ſuch Notice as aforeſaid, their reſpective Heirs, Succeſſors and Aſſigns, and he, ſhe, or they is or are hereby required to proceed to a Trial or Trials at Law of the ſame, 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 giving ſuch Notice as aforeſaid, againſt any Perſon or Perſons intereſted in the ſaid Diviſion, who ſhall make ſuch Objection or Objections within Three Calendar Months next after ſuch Notice ſhall be given to the Commiſſioners as aforeſaid, and the Defendant or Defendants in ſuch Action or Actions ſhall forthwith name an Attorney or Attornies, who ſhall file Common Bail, or appear, and accept one or more Iſſue or Iſſues, whereby all ſuch Claim or Claims, and Rights or Intereſts, may be properly tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court wherein ſuch Action ſhall be brought, if the Parties 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 be lawful for the Jury by whom ſuch Iſſue or Iſſues ſhall be tried to find and declare the ſame by their Verdict given on 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 Special Finding had been made; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions upon the Iſſue or Iſſues therein joined, in caſe there ſhall be no ſuch Special Finding, and ſuch Special Finding and Indorſement, if any ſuch ſhall be made, ſhall be binding and concluſive upon and to all and every Perſon and Perſons whomſoever,

ſoever, 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 or Trials to be had thereupon, which it ſhall be lawful for the Court to do as is uſual in other Caſes; and after any Verdict or Verdicts, or Special Finding or Indorſement, ſhall have been obtained, and not ſet aſide by the ſaid Court, the ſaid Commiſſioners ſhall and they are hereby authorized and required to conform thereto; but if no ſuch Action or Actions at Law ſhall be brought or commenced by the Perſon or Perſons giving ſuch Notice within the Time aforeſaid, or if ſuch Action or Actions ſhall not be proceeded in to a Trial or Trials within Six Calendar Months from the Day of giving ſuch Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in ſuch Caſe the Determination of the ſaid Commiſſioners ſhall be final, binding, and concluſive unto and upon all Parties whomſoever; provided that it ſhall be lawful for the Court in which any Action that may be commenced in purſuance of this Act ſhall be depending, upon ſufficient Cauſe ſhown, to put off the Trial of ſuch Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of ſuch Action may be thereby exceeded: Provided alſo, that if any of the Parties in any Action to be brought in purſuance of this Act ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened; and 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 Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate reſpectively, 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 of the ſaid Commiſſioners with Notice of ſuch Action or Actions, in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall 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 Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Actions may be proſecuted or commenced after the Death of Parties.

Rights of Common may be ſuſpended or extinguiſhed.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of the ſaid Award, by Notice in Writing under their Hands, to be affixed upon the principal Door of the Pariſh Church of *Bowford* aforeſaid, to order and direct all or any Parts of the Rights of Common in, over, and upon the ſaid Commonable Lands and Grounds, 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 Writing; and that all ſuch Rights of Common as the ſaid Commiſſioners ſhall by ſuch Writing order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall from

from the Time of affixing such Writing on the Door of the said Church cease, determine, and be extinguished, or the Exercise thereof suspended accordingly, any Law, Usage, or Custom to the contrary thereof notwithstanding.

Shortening Boundaries.

XV. And be it further enacted, That in order to straighten and shorten the Boundaries between the Lands by this Act directed to be divided and inclosed, and other Lands in any adjoining Parish or Parishes, it shall and may be lawful for the said Commissioners, with such Consent as hereinafter mentioned, to straighten or shorten such Boundaries as aforesaid, or any of them, or any Part or Parts thereof, and to set out and ascertain such Boundary Fences for the Purposes aforesaid, as the said Commissioners shall judge proper; and after such new Boundary Fences shall be set out and ascertained as aforesaid, the same shall be made by such Person or Persons, in such Manner, and at such Time or Times, as the said Commissioners shall order and direct, and such Fences shall accordingly for ever thereafter be deemed and taken to be the Boundaries between such Parishes respectively; provided that no new Boundary Fences shall be set out or made in pursuance of this Act without the previous Consent in Writing, under the Hand or Hands of the Lord or Lords of the Manor or Manors, or Owners of the Soil liable to be affected thereby, and the major Part in Value, (according to the Land Tax Assessment), of such Owners, and also the Owner or Owners of the Lands upon which any new Fence is intended to be made for that Purpose, first had and obtained.

Encroachments.

XVI. And be it further enacted, That all Encroachments which at any Time within Thirty Years now last past have been made upon or taken from the said Open and Common Fields, Common Meadows, Pastures, Wastes, and other Commonable Lands hereby intended to be divided and allotted, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent thereof, such Disputes shall be determined by the said Commissioners.

Commissioners may allot Herbage of Roads.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners to allot and award the Herbage of the Public Carriage Roads which shall be set out by virtue of this Act and the said recited Act, or any of them, or any Part or Parts thereof, to the Owners of any of the adjoining Lands on each or either Side of the said Roads, in such Manner as to the said Commissioners shall seem most convenient, and all such Herbage shall belong to and be exclusively enjoyed by the Persons to whom the same shall be so allotted.

Commissioners may scour out Rivers and Brooks, make Ditches, &c.

XVIII. And be it further enacted, That the said Commissioners shall and may scour out and widen all such Rivers, Brooks, Streams, Ditches, Watercourses, Tunnels and Bridges, within the said Parish of *Boxford*; and also shall and may set out, order, and direct such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges, to be erected or made of such Size, Breadth and Depth, and in such Situation and Direction, as the said Commissioners shall think proper, as well in, through, over, and upon the Lands and Grounds hereby intended to be divided and allotted as aforesaid, as also in, through, and over any ancient

Inclosures, or other Lands or Grounds within the said Parish of *Boxford*, or any Part or Parts thereof (making such Satisfaction to the Owners and Proprietors of such ancient Inclosures, or other Lands and Grounds not hereby intended to be divided and allotted, for the Damage done thereby, as the said Commissioners shall judge reasonable); and the said Commissioners shall and may and they are hereby directed in and by their Award to order and direct by whom, and at whose Expence, and at what Time, and in what Manner the said Rivers, Brooks, Streams, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges, shall be thereafter repaired, cleansed, scoured, and maintained: Provided always, that the Channel or Course of such River, Brook or Stream, shall not be diverted or turned without the Consent in Writing of the Proprietor or Proprietors of the Inclosed Lands and Grounds, from which the Channel or Course of any such River, Brook or Stream, shall be diverted, or into which the same shall be turned, nor without the Consent in Writing of the Proprietor of any Mill or Mills worked by any such River, Brook or Stream.

Commissioners to set out Gravel Pits, &c.

XIX. And be it further enacted, That the said Commissioners shall set out, appoint, and allot, such and so many Gravel Pits and Loam Pits, and Ponds for watering Cattle or washing Sheep, as they shall think necessary, for the Use and Benefit of the Proprietors and Occupiers of the several Allotments which shall be set out in pursuance of this Act, and of all the Lands and Tenements in respect of which any such Allotment shall be made, to be used in or upon such Allotments, Lands, and Tenements respectively, or for making and repairing the Public Highways and Roads to be set out in pursuance of the said Act and this Act, but not for Sale or any other Use or Purpose; and the said Commissioners shall by their Award order and direct how and in what Manner the same shall be respectively worked or used for the general Advantage of the respective Persons interested therein, and allot to whom the Herbage of the Lands set out for any of the Purposes aforesaid shall belong.

Allotment to be made for the Rector of Boxford.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next Place, to set out and allot, unto and for the said *John Wells*, or the Rector of *Boxford* aforesaid for the Time being, and his Successors, such Parts of the said Lands and Grounds hereby intended to be divided and allotted, as, in the Judgment of the said Commissioners, shall be a full Equivalent and Compensation (Quantity, Quality, and Situation considered) for the Glebe Lands and Rights of Common belonging to the said Rector, in, over, and upon the Lands and Grounds hereby directed to be divided and allotted; and the said Commissioners shall cause such Allotment or Allotments to be ring-fenced with a Quickset Hedge, defended with Posts and Rails, by such Person or Persons interested in the said Division and Inclosure, other than and except the said Rector and his Successors, as the said Commissioners shall appoint.

How Lands are to be allotted.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to divide, set out, and allot, all the Residue of the Open and Common Fields, Pastures, Commons, Wastes, and other Commonable Lands and Grounds directed or intended to be divided and allotted by virtue of this Act, in

Manner following; (that is to ſay), the ſaid Commiſſioners ſhall ſet out and allot, unto or for the Lord or Lords of the Manor or Manors within which the Waſte Lands hereby directed to be divided and allotted are ſituate reſpectively, ſuch Plot or Plots of the Lands and Grounds hereby directed to be divided and allotted as ſhall, in the Judgment of the ſaid Commiſſioners, be equivalent to One Sixteenth of the Waſte Lands within the ſaid Manors reſpectively, as a Compenſation for the Rights and Intereſts of the Lords of the ſaid Manors reſpectively in and to the Soil of all the Waſte Lands within the ſaid reſpective Manors hereby directed to be divided and allotted; and the ſaid Commiſſioners ſhall ſet out and allot all the Reſidue and Remainder of the ſaid Open and Common Fields, Paſtures, Commons, Waſtes, and all other Commonable Lands and Grounds hereby directed or intended to be divided or allotted, unto, for, and among the ſaid *John Archer Houblon*, and the ſeveral other Proprietors of Lands, Common Rights, and other Hereditaments intended to be divided or allotted by this Act, their reſpective Heirs, Succeſſors or Aſſigns, or the Perſon or Perſons ſeiſed of their reſpective Eſtates for the Time being, for which no Allotment is herein-before ſpecifically directed to be made, in ſuch Quantities, Parts, Shares and Proportions, as the ſaid Commiſſioners ſhall adjudge and determine to be a juſt Equivalent, Compenſation, and Satisfaction for their ſeveral Lands, Common Rights, and other Hereditaments, in proportion to the reſpective Values thereof, ſubject nevertheleſs to ſuch particular Directions as are herein contained or referred to concerning the ſame; and, in ſetting out all ſuch Allotments as aforeſaid, the ſaid Commiſſioners ſhall have due regard to the Quantity, Quality, and Convenience thereof, and ſhall lay the ſame as contiguous as may be to the Meſſuages, Buildings, and Incloſed Lands of the Proprietors to whom ſuch Allotment ſhall be made.

Fencing the Allotments.

XXII. And be it further enacted, That the ſaid ſeveral Allotments to be made by virtue of this Act ſhall be incloſed, hedged, ditched, and fenced, at the Expence of the reſpective Proprietors to whom ſuch Fences ſhall be allotted or directed to belong, (other than and except the Rector of *Boxford* aforeſaid, in reſpect of his Glebe Lands), with Quickſets, and in ſuch other Manner, and within ſuch Time, as the ſaid Commiſſioners ſhall by their ſaid Award, or any other Writing under their Hands, direct or appoint: Provided always, that convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures for ſuch Space of Time next enſuing the Execution of the Award of the ſaid Commiſſioners, for the Paſſage of Carts, Carriages, and Cattle, as the ſaid Commiſſioners ſhall in and by their Award direct or appoint.

Separate Allotments to be made for Lands held by different Tenures.

XXIII. And be it further enacted, That when the Proprietor or Proprietors of any Lands, or other Hereditaments in the Pariſh of *Boxford* aforeſaid, ſhall hold their ſeveral and reſpective Lands or Hereditaments by different Tenures, or for different Eſtates, or under different Titles, the ſaid Commiſſioners ſhall, upon the Requeſt of ſuch reſpective Proprietors in Writing under their Hands, aſcertain and diſtinguiſh the Lands or other Hereditaments held by each of ſuch Tenures for each of ſuch Eſtates, and under each of ſuch Titles reſpectively; and ſhall accordingly in their Award ſet out and diſtinguiſh diſtinct and ſeveral Allotments for ſuch reſpective Lands and other Hereditaments; and where, from the want of neceſſary Information before the ſaid Commiſſioners, or from any other

other Cauſe, their Award ſhall omit diſcriminating, as herein-before is required, ſuch different Titles, different Eſtates, and different Tenures, and within Twelve Calendar Months after making the ſaid Award requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his, her, or their Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and, ſo far as that Purpoſe ſhall require, to examine Witneſſes, and in every other reſpect to proceed and act as if the Award had not been made; and when they ſhall have obtained what they ſhall think ſufficient Information, they are hereby alſo authorized, by any Deed under their Hands and Seals, to aſcertain and diſtinguiſh the Difference of Tenures, Eſtates, and Titles reſpectively, and accordingly to make diſtinct and ſeveral Allotments in the ſame Manner as is hereby required where ſuch Diſcrimination ſhould be made in the ſaid Award; and every ſuch ſeparate Inſtrument ſhall have the ſame Effect as if it were contained in the ſaid Award; and the ſame Supplemental Inſtrument ſhall be delivered to the Perſon or Perſons, upon whoſe Requeſt the ſaid Omiſſion ſhall have been ſupplied, or to the Perſon or Perſons to whom the Cuſtody of the Deeds or Writings relating to the Title to the Premiſes in Queſtion ſhall, in the Opinion of the ſaid Commiſſioners, moſt properly belong for the Time being; and all Expences which ſhall be reaſonably incurred in and about any ſuch Supplemental Inſtrument as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners as aforeſaid, his, her, or their reſpective Executors or Adminiſtrators.

Exchanges.

XXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners to ſet out, aſſign or allot, any of the Lands or Grounds hereby directed to be divided and allotted, or any Lands or Grounds, or other Hereditaments in the Pariſh of *Boxford* aforeſaid, in lieu of and in Exchange for any other Lands and Hereditaments in the ſame Pariſh, or in any adjoining Pariſh, ſo as every ſuch Exchange be ſet forth and aſcertained by the Award of the ſaid Commiſſioners; and ſo alſo, that every ſuch Exchange be made with the Conſent of the reſpective Proprietors or Perſons ſeiſed or entitled in Poſſeſſion of or to the Hereditaments ſo to be exchanged for any Life or Lives, or for Years determinable on any Life or Lives, and with the Conſent of the Leſſor or Leſſors, and not otherwiſe, or for ſome Eſtate of Inheritance, or with the Conſent of the Huſbands, Guardians, Truſtees, Committees, or Attornies of any ſuch Proprietors, who ſhall at the Time of making ſuch Exchange be Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Diſability or Incapacity of acting for themſelves; and that every ſuch Exchange of any Hereditaments belonging to the Rectory of *Boxford* aforeſaid, or any other Eccleſiaſtical Benefice, be alſo made with the Conſent of the Patron thereof, and the Biſhop or Ordinary of the Dioceſe within which the ſame lies; and that all ſuch Conſents as aforeſaid be reſpectively ſignified by Writing under the Common Seal of any Corporation Aggregate, and under the Hands of the other conſenting Parties; and every Exchange which ſhall be ſo made and declared ſhall be for ever good, valid, and effectual in the Law to all Intents and Purpoſes.

XXV. And

Expences of Exchanges, &c.

XXV. And be it further enacted, That all Costs, Charges and Expences, attending any Sales, Exchanges, or Partitions to be made by virtue of this Act, or the said Act of the Forty-first Year of the present Reign, shall be paid, borne, and defrayed by the several Persons whose Estates shall be sold, exchanged, and parted, in such Manner and Proportions, as the said Commissioners shall by any Writing under their Hands order and direct, and shall be recovered in the same Manner as is herein-before directed or referred to respecting the Recovery of the Charges and Expences of executing this Act.

For determining Leases at Rack Rent.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time previous to the Execution of the said Award, in all Cases where they in their Discretion shall deem it necessary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands, to determine and make void all or any of the Leases or Agreements for Leases at Rack Rent, or from Year to Year then subsisting, of all or any Part or Parts of the Lands or Hereditaments hereby directed to be divided and allotted, and which shall be exchanged by virtue of this Act respectively; and of all the Lands and Hereditaments demised or agreed to be demised by or comprized in such Leases and Agreements respectively, either as to the Whole, or as to some Part or Parts only of the Hereditaments comprized in such Leases and Agreements respectively, and at such Time or Times in the Year as the said Commissioners shall in their Discretion think most convenient and expedient, according to the Circumstances of the Case; and in all Cases where any such Leases or Agreements shall be so determined as aforesaid, the said Commissioners shall ascertain and declare whether any and what Sum or Sums of Money in Gross ought to be paid, or any and what Deduction or Abatement in any of the reserved Rent or Rents ought to be made by the Lessors or Landlords to the Lessees or Tenants, as a Compensation or Satisfaction for such total or partial Determination of their respective Leases or Agreements; and such Sums in Gross, and reduced Rents so ascertained and declared as aforesaid, shall respectively become payable, or commence at such Time or Times, and in such Manner as the said Commissioners shall direct and appoint; and all such Sums in Gross shall be charged upon the Lands in respect of which the same shall be payable, and shall and may be levied and recovered in the Manner as herein-after provided or mentioned with respect to the levying and recovering the Expences of passing and executing this Act; and all such reduced Rents shall, after the Commencement thereof, be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not passed; and in all Cases where such subsisting Leases or Agreements shall continue as to the Whole or any Part or Parts of the Hereditaments therein comprized, it shall be lawful for the said Commissioners in like Manner to ascertain and declare whether any and what additional Rent or Rents ought to be paid by the Lessees or Tenants to the Lessors or Landlords, for or in respect of any Improvements in the annual Value of the Hereditaments comprized in such Leases or Agreements respectively, by reason of the same being divided, allotted, and exchanged respectively by virtue of this Act; and such additional Rents so ascertained and declared as last aforesaid shall commence at such Time or Times as the said Commissioners shall direct and appoint, and shall afterwards be

payable and recoverable in like Manner as the Rents originally reſerved would have been payable and recoverable if this Act had not paſſed; and it ſhall be lawful for the ſaid Commiſſioners in like Manner to ſettle, aſcertain, and declare the Courſe of Huſbandry to be uſed by ſuch Leſſees or Tenants during the Remainder of their ſubſiſting Leaſes or Agreements, in all Caſes where they ſhall deem it neceſſary and proper ſo to do: Provided always, that if there ſhall be any ſuch Leaſe or Agreement at Rack Rent of Lands, Part of which lie in the ſaid Pariſh of *Boxford*, and Part in any adjoining Pariſh, all ſuch Leaſes and Agreements may be determined; but where any Lands ſhall have been taken in Exchange, which Lands ſhall be under ſuch Leaſe or Agreement, and wholly ſituate in any adjoining Pariſh, ſuch laſt-mentioned Leaſe or Agreement ſhall not be vacated.

Power to enfranchiſe Copyholds.

XXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby empowered, with the Conſent in Writing of the reſpective Lords of the Manor or Manors of which any Meſſuages, Cottages, Lands, or Tenements in the ſaid Pariſh are or ſhall be holden by Copy of Court Roll, and of the Cuſtomary Tenant or Tenants by whom any ſuch Meſſuages, Cottages, Lands, or Tenements ſhall be reſpectively holden, or of the Huſbands, Truſtees or Guardians, Committees, or Attornies of and for any ſuch Lord or Lords, Tenant or Tenants, being Femes Covert, Minors, Lunatics, beyond the Seas, or under any other Diſability or Incapacity, in and by the Award of the ſaid Commiſſioners, to declare any ſuch Copyhold or Cuſtomary Meſſuages, Cottages, Lands, or Tenements to be enfranchiſed, and the Tenures by which the ſame are holden, and the Fines, Heriots, and other Services incident thereto, to be diſcharged and extinguiſhed, and that the ſame Meſſuages, Cottages, Lands or Tenements, or any Part or Parts thereof reſpectively, ſhall thenceforth be holden of the Lord or Lords of the ſame reſpective Manors, either by the Rents which ſhall have been theretofore paid or payable in reſpect thereof, or by any other Rent or Rents to be aſcertained by the ſaid Commiſſioners; and in lieu of and in Compenſation for every ſuch Enfranchiſement, to award to the reſpective Lord or Lords of the ſaid Manors reſpectively ſuch Sum and Sums of Money, to be applied in the Manner herein-after directed, or to aſſign and ſet out, to and for ſuch Lord or Lords reſpectively, ſuch Compenſation, by Part of the Copyhold Lands and Tenements to be enfranchiſed, or by and out of any of the Lands and Tenements hereby directed to be divided and allotted, or any other Lands, Tenements or Hereditaments, of any ſuch Cuſtomary or Copyhold Tenant or Tenants reſpectively in the ſame Pariſh, as ſhall, in the Judgment of the ſaid Commiſſioners, be an Equivalent and Satisfaction for the cuſtomary Payments, Burthens and Services, to which ſuch Copyhold Meſſuages, Cottages, Lands or Tenements, ſhall have been ſubject or liable; and the Lord or Lords for the Time being of the Manor to whom any ſuch ancient Rents ſhall be reſerved or continued, or any other Rent aſſigned, ſhall have the like Powers and Remedies for the Recovery of all ſuch Rents reſpectively as by the Laws of this Realm are given for the Recovery of Rents Seck, Rents of Aſſize, and Chief Rents; and from and after ſuch Award ſhall be made and executed, and ſuch Sum of Money or other Compenſation ſhall be paid or aſſigned for ſuch Copyhold Tenure, the Lands and Tenements in every ſuch Award comprized,

comprized, and thereby expreſſed to be enfranchiſed, ſhall be held, poſſeſſed, and enjoyed by the Owner or Owners thereof, paying or making ſuch Compenſation to their reſpective Heirs or Aſſigns, or other Perſons claiming in Reverſion or Remainder of the Lord or Lords of ſuch Manors reſpectively, in Free and Common Soccage, diſcharged of the Tenure by Copy of Court Roll, and all Services and Duties incident to ſuch Tenure, and of all other Services and Payments, except the Rent or Rents which may be continued or reſerved to ſuch Lord or Lords in reſpect thereof; and the Lands or other Hereditaments ſo to be aſſigned to ſuch Lord or Lords ſhall be by him or them, and by his or their reſpective Heirs, Succeſſors or Aſſigns, or by the Perſon or Perſons who ſhall be entitled in Reverſion or Remainder to ſuch Manor or Manors reſpectively, held and enjoyed, in Compenſation for the Tenure ſo to be extinguiſhed, for ſuch and the like Eſtates, and upon and for ſuch Uſes, Truſts, Intents, and Purpoſes, as the Manor or Manors, of which ſuch Copyhold Hereditaments ſo enfranchiſed ſhall be holden, ſhall at the Time of every ſuch Enfranchiſement ſtand ſettled and limited.

Application of Money paid for Enfranchiſements.

XXVIII. Provided, and be it further enacted, That the Money to be ſecured for the Enfranchiſement of any Copyhold Lands or Tenements in purſuance of this Act, ſhall be paid to the Lord or Lords of the Manor or Manors reſpectively of whom the Copyhold Hereditaments ſo to be enfranchiſed ſhall at the Time of the Enfranchiſement be holden, where ſuch Lord or Lords ſhall be ſeiſed of ſuch Manor or Manors in Fee Simple; and in all other Caſes the Money to be received for any ſuch Enfranchiſement ſhall be paid and applied in the Manner directed by the ſaid Act of the Forty-firſt Year of the preſent Reign, with reſpect to Money to be paid for the Purchaſe or Exchange of any Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes.

Allotments to be of the Tenures, and go to the ſame Uſes as Eſtates in lieu of which they were made.

XXIX. And be it further enacted and declared, That the ſeveral Lands, Tenements and Hereditaments, which ſhall be reſpectively allotted by virtue of this Act, ſhall upon the Allotment thereof become and be of the ſame Tenure, and be held under the ſame Rents and Services, as the Lands, Tenements and Hereditaments, in reſpect of which the Allotments ſo made were previouſly held by or ſubject unto.

Allotment for Eſtates to go to the ſame Perſons, and to the ſame Uſes, as if ſuch Allotment had not been made.

XXX. And be it further enacted, That the ſeveral Lands, Tenements and Hereditaments, which ſhall be reſpectively allotted and exchanged by virtue of this Act, ſhall upon the Allotment and Exchange thereof reſpectively go and remain to the ſame Perſons, for the ſame Eſtates and Intereſts, and to the ſame Uſes, upon the ſame Truſts, and to and for the ſame Intents and Purpoſes, and be under and ſubject to the ſame Powers, Proviſoes, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Proviſions of every Kind, and in the ſame Manner as the Hereditaments in reſpect whereof the ſame Lands, Tenements and Hereditaments, ſhall be reſpectively allotted and exchanged, would belong or ſtand, or be limited to or upon or ſubject unto, if ſuch Allotment and Exchange thereof had not been made, or this Act had not been paſſed; except as to ſuch Leaſes or Agreements at Rack Rent as ſhall be determined under this Act, or where any other Proviſion of this Act ſhall be

to

to the contrary; but such Allotments shall nevertheless be subject to such Charges and Incumbrances thereon as shall be made in pursuance of this Act.

Proprietors may sell or mortgage their Allotments before the Execution of the Award, and their Rights of Common separately.

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

Commissioners may direct the Course of Husbandry.

XXXII. And be it further enacted, That until such Division and Allotment as is hereby directed shall have been made of the Lands and Grounds to be divided and allotted, all such Lands and Grounds shall be stocked with such Cattle, and at such Times, and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof with such Sort of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnip, or other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage, as the said Commissioners shall by Writing under their Hands direct, any Usage or Custom to the contrary notwithstanding; and that no Meadow, Pasture, or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the passing of this Act, shall, without the Consent in Writing of the said Commissioners, be before the Allotments thereof ploughed, broken up, or converted into Tillage; and every Occupier of such Land or Ground who shall refuse or neglect to comply with any such Direction of the said Commissioners, or who shall plough, break up, or convert into Tillage any such Meadow, Pasture, or fresh Ground, without the Consent in Writing of the said Commissioners, shall forfeit and pay a Sum not exceeding Ten Pounds for every Acre of such Tillage Land, with respect to which such Neglect or Refusal shall happen, and for every Acre of such Meadow, Pasture, or fresh Ground which shall be ploughed, broken up, or converted into Tillage, and so in Proportion in each Case for any greater or less Quantity than an Acre, to be levied and recovered in the Manner hereby directed for the Recovery of the Charges and Expences of passing and executing this Act, and to be applied in such Manner as the said Commissioners shall direct.

Compensation to be made for Growing Crops.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, by any Writing or Writings under their Hands, to ascertain, order, and appoint what Recompence and Satisfaction in Money shall be made to the Owner or Owners of any Crop or Crops growing at the Time of the said intended Division and Allotments, shall be made for such Crop or Crops by the Person or Persons to whom the Lands on which the said Crop or Crops is or are growing shall be allotted, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of any Lands or Grounds to be divided, allotted, and inclosed by virtue of this Act, as well for ploughing, tilling, and manuring of such Lands or Grounds, and for the Profits and Advantage which the Person or Persons to whom such Lands or Grounds shall be allotted will thereby obtain, as for any Loss or Disadvantage which any Tenant or Tenants, Occupier or Occupiers, shall or may sustain by the Loss of any Crop or Crops in or on any of the Lands or Grounds to be divided and allotted by virtue of this Act; and if such Recompence and Satisfaction shall not be made at the Time and in Manner to be appointed by the said Commissioners, then and in every such Case the said Commissioners shall and may, by Warrant or Warrants under their Hands directed to any Person or Persons whomsoever, which Warrant or Warrants they are hereby authorized and empowered to grant accordingly, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Recompence and Satisfaction as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels.

For preserving young Fences.

XXXIV. And be it further enacted, That no Horses, Cows, Sheep, Lambs, Mules, Asses, Pigs, or any Sort of Cattle, shall be permitted to graze in any of the Highways, Roads, Lanes, and Passages which the said Commissioners shall set out as aforesaid, for the Space of Ten Years next after the Signing of the Award of the said Commissioners, nor in any of the Allotments to be made in pursuance of this Act, for the Space of Ten Years next after the Signing of the Award of the said Commissioners, unless the Occupier of the Allotments into which such Horses, Cows, Sheep, Lambs, Mules, Asses, Pigs, or other Cattle shall be turned, shall have erected against the Boundary Fence of the said Allotments, whether the said Fences shall belong to the said Allotments or not, a good and sufficient Fence to prevent any Injury being done to the Quickets planted in the said Boundary Fence.

Money advanced for passing the Act to be repaid with Interest.

XXXV. And be it further enacted, That the Money which shall be advanced or lent for the Purpose of obtaining and passing this Act, or which after the passing of this Act shall be advanced to the said Commissioners for carrying the same into Execution, shall be repaid, with lawful Interest, to the Person or Persons who shall advance or lend the same, his, her, or their Executors, Administrators or Assigns, out of the first Monies which shall be raised for defraying the Expences of passing and executing this Act.

Commissioners Allowances.

XXXVI. And be it further enacted, That each of the Commissioners who shall act in the Execution of this Act shall be allowed and paid the Sum

Sum of Four Guineas, and no more, for each Day he ſhall actually attend and be employed as a Commiſſioner in the Execution of this Act, or ſhall neceſſarily travel from Home to attend the Meetings of the Commiſſioners, or when returning Home after having attended ſuch Meetings, in full Satisfaction for his Trouble and Expences in the Execution of this Act; and that at all Meetings to be held in purſuance of this Act the ſaid Commiſſioners and their Clerk, and all Perſons attending ſuch Meetings, ſhall pay their own Expences.

Expences of this Act.

XXXVII. And be it further enacted, That all the Coſts, Charges, and Expences of ſoliciting and paſſing this Act, and of ſurveying and meaſuring and valuing the ſaid Open and Common Fields, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds hereby directed to be divided and allotted, (including ſuch Surveys, Admeaſurements and Plans, as have already been made, and ſhall be uſed by the ſaid Commiſſioners for the Purpoſes of this Act), and of dividing and allotting the ſame Open and Common Fields, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds, and of forming and making the Public Roads, Public or Common Drains, Sewers, Watercourſes, Watering Places for Cattle, Wells, Bridges, and other Conveniencies, which ſhall be ſet out by virtue of this Act, and of preparing and inrolling the ſaid Award, and all other Coſts, Charges, and Expences of the ſaid Commiſſioners, and of the ſeveral Perſons employed by them, either before or after the Execution of the ſaid Award, in, about, or concerning the Execution of this Act, and not herein otherwiſe directed to be paid, ſhall be borne, paid, and defrayed by all the Owners of or Perſons intereſted in, as well the ſame Open and Common Fields, Paſtures, Commons, Waſtes, and other Commonable Lands and Grounds, as the Lands, Tenements, and Hereditaments which ſhall be exchanged by virtue of this Act, (other than and except the Rector of *Boxford* aforeſaid in reſpect of his Glebe Lands), in proportion, as near as may be, to their reſpective Eſtates and Intereſts (due regard being had to the Expences occaſioned by each Perſon's Eſtates, and alſo to the Value and Improvement thereof); and the Shares and Proportions of the ſaid Coſts, Charges, and Expences to be borne by the ſaid reſpective Owners and Perſons intereſted, ſhall be ſettled and aſcertained by the ſaid Commiſſioners, and ſhall be paid to ſuch Perſon or Perſons, at ſuch Time or Times, either before or after the Execution of the ſaid Award, as the ſaid Commiſſioners ſhall direct or appoint, by Writing under their Hands, affixed on the principal Door of the Pariſh Church of *Boxford* aforeſaid; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of the ſaid Coſts, Charges and Expences, according to ſuch Direction or Appointment as aforeſaid, the ſaid Commiſſioners ſhall and may raiſe and levy the ſame by ſuch Remedies, Ways and Means, as are provided or mentioned in and by the ſaid Act of the Forty-firſt Year of His preſent Majeſty.

Tenants for Life may charge Lands with Money paid for Expences of the Act and Inclofing;

XXXVIII. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Commiſſioners, or Attornies of any of the Owners or Proprietors of the Lands and Grounds which ſhall by virtue of this Act be allotted and incloſed, who ſhall be under Coverture, Minors, Lunatics, beyond the Seas, or be under any other Diſability or Incapacity, and for any of the ſaid Owners or Proprietors, being Tenants

in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or any other Contingency, or Truſtees for charitable Uſes, or the major Part of ſuch Truſtees reſpectively, to charge ſuch Lands and Grounds with ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall direct to be paid by the Proprietors thereof, for their Shares of the Coſts and Charges of paſſing this Act, and carrying the ſame into Execution, and ſuch Expences as the ſaid Proprietors ſhall in the Judgment of the ſaid Commiſſioners neceſſarily incur, in incloſing, ſubdividing, and fencing their reſpective Allotments, and in erecting neceſſary Buildings therein for the Occupation thereof, ſuch Coſts and Charges not to exceed in the Whole the Rate of Five Pounds an Acre of the Lands to be allotted by virtue of this Act, and to grant, mortgage, ſurrender, leaſe, or demiſe ſuch Lands and Grounds ſo to be charged, to the Perſon or Perſons who ſhall lend, advance, or pay the ſame, or to ſuch other Perſon or Perſons as he or they ſhall direct or appoint, his, her, or their reſpective Heirs, Executors, Adminiſtrators or Aſſigns, for any Term of Years or greater Eſtate, ſo that every ſuch Grant, Mortgage, Surrender, Leaſe or Demiſe, be made with a Covenant to keep down the Intereſt accruing thereon, and ſo that no Perſon afterwards becoming entitled to any ſuch Lands ſhall be liable to pay any larger Arrear of Intereſt than for Six Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced.

or may raiſe the ſame by Sale.

XXXIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby empowered and required, upon the Requeſt 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, being Tenants in Tail, for Life or Lives, or for any Number of Years determinable on any 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 of the Truſtees for any Charitable or Public Uſes, or the major Part of them reſpectively, to raiſe the reſpective Coſts, Charges, and Expences hereinbefore authorized to be charged by way of Mortgage as aforeſaid, by Sale of any of the Lands to be ſet out or allotted by virtue of this Act, to any of ſuch Proprietors making ſuch Requeſt as laſt aforeſaid, in the Manner and ſubject to the Rules preſcribed by the ſaid Act of the Forty-firſt Year of the preſent Reign for the Sale of Lands directed to be ſold for the Payment of the Expences attending the Execution of Acts of Incloſure; provided, that no more ſhall be ſold of the Lands to be ſet out or allotted to the Perſon or Perſons by whom or in whoſe Behalf any ſuch Requeſt ſhall be made, than the ſaid Commiſſioners ſhall eſtimate to be ſufficient to raiſe the Amount of the Sum or Sums of Money herein-before authorized to be raiſed or charged by way of Mortgage, for the Purpoſes of this Act; provided, that both the Powers herein contained of raiſing Money by Mortgage and Sale ſhall not be exerciſed in reſpect of the ſame Property, but that only One of ſuch Powers ſhall be applied to the ſame Eſtate; and if there ſhall be any Surplus ariſing from ſuch Sale, after paying the Sums ſo directed to be raiſed, the ſame ſhall be applied in the Manner directed by the ſaid Act of the Forty-firſt Year of His preſent

Majeſty,

Majeſty, with reſpect to the Money paid for the Purchaſe or Exchange of any Lands, Tenements or Hereditaments, or the Timber or Wood 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.

Commiſſioners to account.

XL. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby reſpectively required to keep or cauſe to be kept a juſt and true Statement and Account of all Sums of Money which ſhall be raiſed or received, and laid out or expended by them, or their Order, or for their Uſe, under or by virtue or in Execution of this Act, and of what ſhall be due and owing to them for their own Trouble and Expences; and ſhall truly and regularly enter all the Particulars of ſuch Statements and Accounts in a Book to be provided for that Purpoſe; and ſuch Accounts ſhall at leaſt once in every Year during the Execution of ſuch Act, ſuch Year to be computed from the Day of the paſſing of this Act, together with the Vouchers relating to the ſame, be examined and ſettled by ſuch fit and proper Perſon as ſhall be appointed Auditor for that Purpoſe, by the Majority in Value of the ſaid Proprietors, in like Manner as is herein-before directed for appointing a Commiſſioner in the Place of the ſaid *George Barnes*; and ſuch Auditor for the Time being ſhall from Time to Time ſtate in Writing under his Hand the Balance of the ſaid Account in ſuch Book as aforeſaid; and that no Charge or Item in ſuch Account ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be duly allowed by ſuch Auditor.

Award to be inrolled and depoſited.

XLI. And be it further enacted, That the General Award to be made by the ſaid Commiſſioners, purſuant to the Directions of the ſaid Act of the Forty-firſt Year of His preſent Majeſty's Reign, and this Act, with the Map or Plan together annexed, ſhall be inrolled with the Clerk of the Peace for the County of *Berks*, or in one of His Majeſty's Courts of Record at *Weſtminſter*, within Twelve Calendar Months after the Execution thereof, by the ſaid Commiſſioners, or ſo ſoon after as conveniently may be; and the ſaid original Award, and ſuch Plans or Surveys as may be annexed thereto, ſhall be lodged and depoſited in the Pariſh Church of *Boxford* aforeſaid, to the end that Recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Diviſion; which ſaid Award and Plans, and every other Award and Inſtrument to be lodged with the ſaid Award, ſhall and may be inſpected at all ſeaſonable Times upon reaſonable Notice given by the Party requiring ſuch Inſpection.

Power to appeal.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid Act of the Forty-firſt Year of His preſent Majeſty's Reign, or of this Act, (other than and except ſuch Claims, Matters, and Things as are by the ſaid Act or this Act directed or authorized to be aſcertained, ſettled, tried, or determined by the Verdict of a Jury, or where, by any of the Proviſions of the ſaid Act or this Act, the Determinations, Acts, or Proceedings of the ſaid Commiſſioners are directed to be final and concluſive), he, ſhe, or they may appeal to any General Quarter Seſſions of the Peace which ſhall be holden for the County of *Berks*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, giving Notice in Writing of every ſuch Appeal, by affixing

affixing ſuch Notice, expreſſing the Cauſe of Complaint, upon the principal Door of the Pariſh Church of *Boxford* aforeſaid, Fourteen Days at leaſt before ſuch General Quarter Seſſions; and the Juſtices of the Peace aſſembled at ſuch General or Quarter Seſſions, or at any ſubſequent General Quarter Seſſions, to which the ſaid Juſtices ſhall adjourn any ſuch Appeal, either for the want of ſuch Notice having been given as aforeſaid, or for any other Cauſe, which to ſuch Juſtices ſhall ſeem a ſufficient Cauſe to adjourn ſuch Appeals, are hereby authorized to hear and determine the ſame, and make ſuch Order therein, and award ſuch Damages and Coſts, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Damages and Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties awarded to pay the ſame, rendering the Overplus (if any) upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and the Order and Determination of the ſaid Juſtices upon ſuch Appeal ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Proceſs or Writ whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Saving Manorial Rights.

XLIII. Provided always, and it is hereby further enacted and declared, That nothing herein contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the Lords of the aforeſaid Manors for the Time being of, to, or in any Royalties, Franchiſes, Privileges, Courts, Eſcheats, Forfeitures, Services, Rents, or Appurtenances whatſoever, incident or belonging to the ſaid Manors reſpectively, other than and except ſuch as are hereby meant and intended to be compenſated for, barred, and extinguiſhed; but that the Lords of the aforeſaid Manors for the Time being ſhall and may hereafter hold, receive, take, exerciſe, and enjoy all Royalties, Franchiſes, Privileges, Courts, Eſcheats, Forfeitures, Services, Rights, and Appurtenances to the ſaid reſpective Manors incident, appendant, belonging or appertaining, except as aforeſaid, in as full, ample, and beneficial a Manner as they reſpectively could or might have held, exerciſed, or enjoyed the ſame if this Act had not been made.

Rights of the Lord of the Hundred of Fair Croſs not to be affected by this Act.

XLIV. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prejudice, leſſen, or affect any Right, Title, or Intereſt of the ſaid *William* Earl of *Craven*, as Lord of the Hundred of *Fair Croſs*, in the ſaid County of *Berks*, his Heirs, Executors, Adminiſtrators or Aſſigns, Lords of the ſaid Hundred, of, in, or to any of the Seigniories, Royalties, Franchiſes, Rents, or Services incident or belonging thereto.

General Saving.

XLV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politic or Corporate, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns, (other than and except the reſpective Perſons to whom any Allotment or Allotments of Land or other Compenſation ſhall be made or provided by virtue of this Act, in reſpect of the Intereſt or Property for which ſuch Allotment or Compenſation ſhall be made, and except ſuch other Rights and Intereſts, as the Intents and Purpoſes of the Diviſion, Allotment, and Incloſure hereby authorized, ſhall abſolutely

lutely require to be barred, deſtroyed, or extinguiſhed by this Act), all ſuch Eſtates, Rights and Intereſts, as they or any of them had or enjoyed of, in, and to, or in reſpect of, the Open and Common Fields, and other Commonable Lands and Grounds hereby directed to be divided and allotted before the paſſing of this Act, or could or might have had or enjoyed if this Act had not been made.

Evidence Clauſe.

XLVI. And be it further enacted, That this Act ſhall be printed by the ſeveral Printers to the King's moſt Excellent Majeſty, duly authorized to print the Statutes of the United Kingdom; and that 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 STRAHAN, Printers to the King's moſt Excellent Majeſty. 1814.