ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. 6.

An Act for inclosing Lands in the Parish of *Buckland* in the County of *Buckingham*.

[13th *May* 1842.]

WHEREAS there are within the Parish of *Buckland* in the County of *Buckingham* divers Open and Common Fields, Common Meadows, Common Pastures, and other Commonable and Waste Lands and Grounds, and divers inclosed Lands and Homesteads: And whereas *Peter Parrott* Gentleman is or claims to be Lord of the Manor of *Buckland* aforesaid: And whereas the Dean and Chapter of the Cathedral Church of *Lincoln* are or claim to be Owners of the Appropriate Rectory of *Bierton* with the Chapelry of *Buckland* annexed, and entitled to certain Glebe Lands in the said Parish of *Buckland*, and *Charles Eyston* Esquire is Lessee thereof: And whereas the said *Peter Parrott*, *John Camden Neild*, *Edward Horwood*, and *John Parkinson*, Esquires, *Thomas Horwood*, and divers other Persons, are the Owners or Proprietors of the said Open and Common Fields, and Commonable and Waste Lands and Grounds, and of the said inclosed Lands and Homesteads, and of

ancient Commonable Messuages or Tofts within the said Parish, and in respect thereof or otherwise are or claim to be entitled to certain Rights of Sheepwalk, Common of Pasture for their Cattle, and other Rights and Interests in and over the same or some Parts thereof, or are otherwise interested therein: And whereas the Lands of the said several Owners and Proprietors are in their present State incapable of any considerable Improvement, and it would be of great Advantage to the Proprietors thereof and Persons interested therein to have the same divided and inclosed, and specific Parts thereof allotted to the Proprietors thereof, to be held in Severalty, and all Rights of Common therein extinguished; but the Purposes aforesaid cannot be effected without the Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of King *George* the Third, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts:* And whereas another Act was passed in the Second Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in* England: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Two recited Acts passed respectively in the Forty-first Year of the Reign of King *George* the Third and in the Second Year of the Reign of King *George* the Fourth, and the several Enactments and Provisions thereof, shall from the passing of this Act be deemed to be and shall be executed as Part of this Act, except in such Cases wherein the same are hereby respectively repealed or varied, or wherein the same shall be inapplicable to the Purposes of this Act.

41 G. 3. c. 109.

1 & 2 G. 4. c. 23.

Recited Inclosure Acts to form Part of this Act.

Appointment of Commissioners.

II. And be it enacted, That *Thomas Hart* of *Ascott* in the County of *Buckingham*, Gentleman, and *John King* of *Winslow* in the said County of *Buckingham*, Gentleman, and their Successors for the Time being, to be elected or appointed in manner herein-after mentioned, shall be Commissioners for carrying this Act and the said recited Acts into execution; and it shall be lawful for the said Commissioners and they are hereby required to divide, allot, and inclose the said Open and Common Fields and other Commonable and Waste Lands and Grounds in the said Parish, according to the Regulations and Provisions contained in the said recited Acts and this Act: Provided always, that no Person shall be capable of acting as such Commissioner (except in signing and giving Notice of the First Meeting of the Commissioners, and in receiving the Declarations herein-after directed,) until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in Schedule (A.) to this Act, and such Declaration shall be in lieu of the Oath or Affirmation required by the said Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, or inclosing any Lands or Grounds, which Declaration

ration it shall be lawful for any Justice of the Peace for the said County to administer, and the Declaration so made and subscribed shall be annexed to and deposited with the Award of the Commissioners.

Penalty on Persons acting not qualified.

III. And be it enacted, That if any Person, not having so qualified himself, shall act as a Commissioner, Umpire, or Surveyor, he shall for every such Offence forfeit the Sum of Fifty Pounds, with full Costs of Suit, to any Person who shall sue for the same, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

Appointment of Commissioners on Vacancies.

IV. And be it enacted, That in case the said *Thomas Hart*, or any Person to be appointed a Commissioner in his Room by virtue of this Act, shall die, or become incapacitated, or neglect or refuse for the Space of Two Months to act as such Commissioner, it shall be lawful for the Lord for the Time being of the said Manor of *Buckland* to appoint, by Writing under his Hand, some fit Person to be a Commissioner in the Room of the said *Thomas Hart* or of any Commissioner appointed in his Place, and so from Time to Time as often as any such Commissioner shall die, neglect or refuse or become incapable to act; and in case the said *John King*, or any Person to be appointed a Commissioner in his Room by virtue of this Act, shall die, or become incapacitated, or neglect or refuse for the Space of Two Months, to act as such Commissioner, it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment for the Time being) of the several Proprietors of Lands within the said Parish (exclusive of the Lord of the said Manor) who shall attend either personally or by their respective Agents at any Meeting to be held for that Purpose (of which Meeting Notice shall be given by some One or more of the Persons interested in the said Inclosure by Advertisement, and also on the Church Door, as hereinafter directed, at least Fourteen Days before such Meeting,) to appoint by Writing under their Hands some fit Person to be a Commissioner in the Room of the said *John King*, or of the Commissioner appointed in his Place, and so from Time to Time as often as any such Commissioner shall die, neglect or refuse or become incapable to act.

In case Parties neglect to appoint a new Commissioner, remaining Commissioner may appoint.

V. Provided always, and be it enacted, That in case any of the Parties herein-before authorized to appoint a new Commissioner shall not appoint a new Commissioner within the Space of Six Weeks next after Notice of such Death, Neglect, Refusal, or Incapacity shall have been given as aforesaid, the other Commissioner shall, within Three Weeks next after the Expiration of the Time so allowed for appointing such new Commissioner, by Writing under his Hand appoint some other fit Person to be a Commissioner in the Room of the Commissioner causing such Vacancy as aforesaid; and every new Commissioner appointed under either of the Powers herein-before given shall make the same Declaration, and be invested with the same Powers and Authorities for carrying this Act into execution, and shall be subject to the same Regulations, as if he had been originally named a Commissioner in this Act; and every such Appointment, together

together with the Declaration aforesaid, shall be annexed to and deposited with the Award of the Commissioners.

Umpire to be appointed.

VI. And for the Purpose of settling and determining any Difference that may arise between the Commissioners concerning any of the Things to be done in pursuance of this Act, be it enacted, That the Commissioners shall, previously to acting in the Execution of this Act, by Writing under their Hands, appoint some fit Person to be the Umpire, and such Umpire is hereby authorized to hear and determine every such Difference as may arise between the Commissioners relating to any of the Purposes of this Act; and the Determination of such Umpire, and of every other Umpire to be appointed as herein-after mentioned, shall be reduced into Writing, and shall be considered to be the Determination of the Commissioners, and shall be final and conclusive upon the Commissioners, and upon all other Persons concerned in the said Inclosure, so far as the Judgment and Acts of the Commissioners would in such Case have been final and conclusive; and for the Purposes aforesaid every such Umpire shall have and he is hereby invested with the same Powers and Authorities as by the said recited Acts and this Act are given to and vested in the said Commissioners: Provided always, that no Person shall act as Umpire in the Execution of this Act until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in Schedule (A.) to this Act, which Declaration it shall be lawful for any Commissioner for the Time being, or any Justice of the Peace for the said County, to administer; and the Declaration so made and subscribed shall be annexed to and deposited with the Award of the Commissioners.

Umpire to make Declaration.

Appointment of Umpire on Vacancy.

VII. And be it enacted, That in case any Umpire so to be appointed shall die, or become incapacitated, or neglect or refuse to act as such Umpire, and to decide any Matter referred to him, and to notify his Decision to the Commissioners, within One Month after such Matter shall be referred to him, it shall be lawful for the Commissioners, by Writing under their Hands, at any Meeting to be holden for the Execution of this Act, to appoint some other fit Person to be an Umpire in the Stead of such Umpire; and so often as a Vacancy shall afterwards happen, by the Death, Neglect, Refusal, or Incapacity of the Umpire, such Vacancy shall be supplied by the Commissioners in manner aforesaid; and the Umpire so to be appointed shall make the same Declaration, and shall have the like Powers and Authorities, as such first-appointed Umpire; and in case the Commissioners shall make default in appointing such Umpire previous to their acting in the Execution of this Act, or in appointing a new Umpire within Twenty-eight Days next after any such Vacancy as aforesaid, the Commissioners shall, as soon as conveniently may be, give Notice thereof by Advertisement and on the Church Door, and thereupon it shall be lawful for the major Part in Value of the said Proprietors (including the Lord of the said Manor), according to their respective Interests, to be ascertained as aforesaid, at a Meeting to be holden in like Manner as is herein-before directed with respect to the Meeting to be held for the Appointment of a new Commissioner in the Place of the said *John King*, to appoint another fit Person to be an Umpire in the Stead of the Umpire dying, becoming incapacitated,

or

or neglecting or refusing to act as aforesaid, and so from Time to Time as Occasion shall require.

Appointment of Surveyor.

VIII. And be it enacted, That *William Brown* of *Tring* in the County of *Hertford*, Land Surveyor, or his Successor, to be appointed as herein-after mentioned, shall be the Surveyor for the Purposes of this Act; and in case of the Death, Neglect, Refusal, or Incapacity to act of the said *William Brown*, or of any such Surveyor, then, as often as such Event shall happen, it shall be lawful for the Commissioners, from Time to Time, by Writing under their Hands, to appoint a fit Person to be a Surveyor for the Purposes of this Act during the Pleasure of the Commissioners, in the Room and Stead of the Surveyor so dying, neglecting, refusing, or becoming incapable to act as aforesaid: Provided always, that no Person shall act as such Surveyor until he shall have made and subscribed a Declaration, in the Words or to the Effect set forth in Schedule (A.) to this Act, which Declaration it shall be lawful for any Commissioner for the Time being, or any Justice of the Peace for the said County of *Buckingham*, to administer and receive; and the said Declaration, so made and subscribed, shall be annexed to and deposited with the Award of the Commissioners.

Surveyor to make a Declaration.

Penalty for making false Declaration.

IX. And be it enacted, That if any Person shall falsely or corruptly make and subscribe a Declaration under the Authority of this Act, knowing the same to be untrue in any material Particular, he shall be guilty of a Misdemeanor.

Appointment of Clerk.

X. And be it enacted, That it shall be lawful for the Commissioners to appoint a Clerk to assist them in carrying this Act into execution, and from Time to Time to remove such Clerk, and to appoint another in his Stead.

No Party interested to be appointed a Commissioner, &c.

XI. And be it enacted, That no Person shall be appointed or shall act as a Commissioner, Umpire, or Surveyor in execution of this Act, who shall be interested in the Lands to be inclosed, or who shall be the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested.

Allowance to Commissioners, Umpire, and Clerk.

XII. And be it enacted, That out of the Inclosure Expences Fund there shall be paid to each of the Commissioners acting in the Execution of this Act the Sum of One hundred and fifty Pounds, and no more, and to the Umpire, and to the Clerk to the said Commissioners, the Sum of Three Guineas, and no more, for each Day such Umpire and Clerk shall respectively travel or be engaged in any Business relating to the Execution of this Act, or any of the Powers hereby vested in such Commissioners, for the first Two Years after the Day of the Date of the passing of this Act, and Two Guineas *per* Day afterwards; which said Sums of One hundred and fifty Pounds so to be paid to each of the said Commissioners as aforesaid, and the said Sums of Three Guineas or Two Guineas, as the Case may be, so to be paid to the said Umpire and Clerk respectively, for each Day they shall be so respectively employed as aforesaid, shall be in full Satisfaction for the Time and Trouble of the said Commissioners, Umpire,

and Clerk respectively, and for the several Expences incurred by them during their several Journeys and Attendance in the Execution of this Act, except the Expences of the Rooms in which the Meeting of the Commissioners shall be held, and the Expence of Appeals and other legal Proceedings against the Commissioners, and the Expence of Notices and Advertisements, and of preparing, proclaiming, and enrolling the Award, and such other like necessary Expences: Provided always, that it shall not be lawful for the Commissioners to retain or pay themselves or the said Clerk any Money on account of the before-mentioned Allowance respectively beyond One Third of the Allowance to which they shall be respectively entitled, until after the Expiration of Six Calendar Months from the Time of the Proclamation of the Award to be made in pursuance of this Act, or in case the Accounts of the Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease, ceasing to act, Incapacity, or Resignation of either of the Commissioners, previous to the Execution of the said Award, the Commissioners for the Time being shall apportion the Compensation by this Act provided to be paid to such Party so dying, or resigning or becoming incapacitated, between such Party, or the Executors or Administrators of a deceased Party, and the Person who shall be appointed in his Place; and the like Apportionment shall be made as often as such Case shall happen, so that the before-mentioned Sums directed to be paid to such Commissioners shall not be increased by any such Decease, ceasing to act, becoming incapacitated, or Resignation; and the Commissioners shall, after the Expiration of Six Months from the Time of the Proclamation of the Award, or of the Period (as the Case may be) allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Parties respectively entitled thereto as aforesaid such Sum as by the Accounts shall appear to be justly due to each.

Length of Day for estimating Allowance.

XIII. And be it enacted, That in computing the aforesaid Allowance to the Umpire, Surveyor, and Clerk a Day shall be deemed to consist of Eight Hours during the Period between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and Six Hours during the Period between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and where the Time occupied in going to and attending at and returning from any Meeting to be holden, or on other Business to be transacted under the Provisions of this Act, shall be of less Duration than Eight Hours in the first of the Periods aforesaid, or of Six Hours in the second Period, the same shall be charged as only Half a Day, and the Umpire, Surveyor, and Clerk shall be paid accordingly.

Allowance to Surveyor.

XIV. And be it enacted, That it shall be lawful for the Commissioners to pay to the said *William Brown*, out of the Inclosure Expences Fund, a Sum not exceeding One Shilling and Sixpence *per* Acre, for surveying, measuring, mapping, and planning the Lands requiring to be surveyed under the Provisions of this Act, and the Sum of Two Guineas for each Day that he shall be actually and wholly engaged in the Duties imposed by this Act, exclusive of the Time he may be engaged in surveying, measuring, mapping, and

planning

planning as aforesaid, and such Payments shall be in full Satisfaction for the Time and Trouble of the Surveyor, and for all travelling and other Expences of every Description to be incurred by him whilst engaged in the Duties of surveying under this Act.

Old Surveys of Waste Lands may be used.

XV. And be it enacted, That it shall be lawful for the Commissioners to adopt and make use of any Survey, Admeasurement, or Plan already made of the Lands to be inclosed, or of any Part thereof respectively, without causing a new Survey, Admeasurement, or Plan to be made thereof.

Meetings, and Notices thereof.

XVI. And be it enacted, That the Commissioners or Umpire shall, Ten Days at least before any Meeting, cause Notice to be given by Advertisement, and also to be affixed on the Church Door, of the Time and Place when and where the first and every subsequent Meeting shall be held (Meetings by Adjournment only excepted), and they or he may from Time to Time adjourn such Meeting; and if at the Time and Place appointed for any such Meeting both the Commissioners shall not attend, or if Notice of such Meeting shall have been given by any Umpire, and both the Commissioners shall not attend the same, the Clerk shall adjourn such Meeting for not more than Twenty-one Days from the Day of Adjournment, to be held at the same Place, giving timely Notice thereof to the Commissioners and Umpire, as the Case may be: Provided always, that all Meetings of the Commissioners for executing this Act, or of the Umpire and Commissioners, shall be held within the said Parish, or within Eight Miles thereof.

Other Notices how to be given.

XVII. And be it enacted, That all Notices by this Act directed to be given by Advertisement shall be given by Advertisement to be inserted in some Newspaper or Newspapers printed or usually circulated in the said County of *Buckingham*, and all Notices directed to be given on the Church Door shall be by Writing under the Hands of the Party giving such Notice, to be affixed on the principal outer Door of the Parish Church of *Buckland* aforesaid on *Sunday*, before Divine Service; and all Notices necessary to be given by the Commissioners (the Mode of giving which is not hereby particularly directed) shall be by one of the Methods aforesaid, and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices shall relate, any thing in the said first-recited Act to the contrary notwithstanding.

What shall be a Refusal to act.

XVIII. And be it enacted, That if either of the Commissioners shall not attend the First or Second Meeting appointed to be held for putting this Act into execution, and to qualify himself by making the Declaration in that Behalf prescribed, or if either of them shall, at any Time after having qualified himself as aforesaid, wilfully absent himself from any Two successive Meetings of such Commissioners, or of such Commissioners and Umpire, the Times of such Meetings being known to him by his having been present at the Appointment of the first thereof, or by a Notice thereof in Writing under the Hand of the Clerk of the Commissioners having been given to him, or left

left at his usual Place of Abode, (such Commissioner not being prevented by Sickness, or by other reasonable Cause to be allowed by the other Commissioner attending such Meetings,) or if any Commissioner to be hereafter elected or appointed as aforesaid shall not attend and qualify himself at the First or Second Meeting to be held after his Appointment, or shall, after having qualified himself as aforesaid, wilfully absent himself in manner aforesaid, after such Notice, and without Cause of Excuse as aforesaid, every such Absence or Non-attendance shall be deemed to be a Refusal to act.

Persons summoned by the Commissioners, and refusing to give Evidence, punishable.

XIX. And be it enacted, That if any Person having been summoned to testify the Truth upon Oath touching any Matter relating to the Execution of this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the Commissioners, to defray the Charges of his Attendance, shall not appear before the Commissioners pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn, or being sworn to give Evidence touching the Premises, it shall be lawful for the Commissioners, upon Proof of such Summons, and Tender made before them upon Oath (which Oath they may administer), by Warrant directed to any Person whomsoever, to cause any Sum not exceeding Ten Pounds to be levied by Distress upon the Person so neglecting or refusing to appear or give Evidence, and the Money so to be levied as aforesaid shall be considered as Part of the Inclosure Expences Fund, and shall be applied accordingly.

For regulating Distresses.

XX. And be it enacted, That when in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, shall be directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, wheresoever they shall be found; and the surplus Monies arising from such Sale, after satisfying such Sum of Money, and the Costs and Expences attending the Distress and Sale, shall, on Demand, be rendered to the Party whose Goods and Chattels shall have been distrained.

Proceedings to be entered in a Book.

XXI. And be it enacted, That all the Orders, Proceedings, and Determinations of the Commissioners or Umpire at any Meeting to be held in pursuance of this Act shall be entered in a Book to be provided for that Purpose, and shall be signed by the Commisioners or Umpire, and being so signed shall be deemed to be Originals; and all such Books shall be deposited with and kept by the Clerk to the Commissioners, and may be read as Evidence in all Cases of Appeals, Suits, Actions, and other Proceedings touching any thing done in relation to this Act.

Proprietors to pay their own Expences at Meetings.

XXII. Provided always, and be it enacted, That the several Persons interested in the said Inclosure, and their respective Agents, shall pay their own Expences whenever they shall attend any of the Meetings to be held in pursuance of this Act.

Claims on Commis-

XXIII. And be it enacted, That the Commissioners or Umpire shall not at any Time permit any just Claim or Demand upon them as

as such Commissioners or Umpire to remain unpaid for a longer Period than Three Months; and once at least in every Twelve Months during the Execution of this Act, and until the Account of the Commissioners shall be finally allowed, (the first of such Periods to be computed from the Day of the passing hereof,) they shall make out a true and accurate Account of all and and every Sum and Sums of Money by them received and expended in the Execution of this Act, and of all Sums due to them respectively for their own Trouble or Expences, and in such Account shall be particularly specified the several Items and Articles for which each particular Sum shall have been paid; and such Account, when so made out, together with the Vouchers relating thereto, shall be by the Commissioners or Umpire laid before Three of Her Majesty's Justices of the Peace acting for the said County of *Buckingham*, not interested in the Premises, to be by them or any Two of them examined and balanced.

sioners, &c. to be paid; and Accounts to be audited.

XXIV. And be it enacted, That the Balance of such Account shall be by such Justices stated in the Book of Account to be kept in the Office of the Person acting as Clerk to the Commissioners; and an Abstract of such Account, so examined and balanced, shall, within Fourteen Days after the same shall have been so examined and balanced, be inserted in some Newspaper printed or usually circulated within the said County of *Buckingham*; and no Charge or Item in any such Account shall be binding on the Parties concerned, or be valid in Law, unless the same shall be so annually brought to Account, and have been duly allowed by such Justices, nor until such Abstract thereof shall have been published in some such Newspaper as aforesaid; subject nevertheless to the Power of Appeal herein-after contained.

Accounts to be published.

XXV. And be it enacted, That for the Purpose of shortening or rendering straight any Boundary Fences between the Lands to be inclosed and the old inclosed Lands in the said Parish, or between such Allotments and inclosed Lands, or any of them, and any adjoining Lands, it shall be lawful for the Commissioners (with the Consent of the Lord of any Manor in which the Lands are situate, and of the Owners of any such adjoining Lands, testified by Writing under their respective Hands, or under the Common Seals of any of them, being a Corporation Aggregate,) to set out and determine the Boundaries between the Lands to be inclosed, and any adjoining Lands lying in the same or in any adjoining Manor, as they shall judge proper for the Purposes aforesaid, and after such Boundaries shall have been so set out and determined as aforesaid the same shall be made, fenced, ditched, or mounded by such Person, in such Manner, and at such Times as the Commissioners shall direct, and shall for ever thereafter be deemed the Boundaries between the allotted and the old inclosed Lands respectively, or (as the Case may be) between the allotted or old inclosed Land and such adjoining Lands.

For shortening Boundaries.

XXVI. And be it enacted, That it shall be lawful for the Commissioners or Umpire to set out and make such common Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges, of such Extent and Form and in such Situations as they shall deem necessary, in the Lands

Commissioners to set out Drains, and enlarge and turn Watercourses.

Lands to be inclosed; and also to enlarge, cleanse, or alter the Course of and improve any of the present Ditches or Watercourses, Banks or Bridges, as well in and over the same Lands as also in any ancient Inclosure or other Lands within the said Parish as the Commissioners or Umpire shall deem necessary (making such Satisfaction to the Proprietors of such ancient Inclosures or Lands for the Damage done thereby as the Commissioners or Umpire shall think just); and the Expences of making and enlarging, altering and cleansing, such Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first done, in pursuance of this Act, if not otherwise provided for, shall be raised by the Commissioners or Umpire in the same Manner as the other Expences of carrrying this Act into execution, but all such Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, and maintained by such Persons and in such Manner as the Commissioners or Umpire shall by their Award direct; provided that no Watercourse be diverted or turned without the Consent in Writing of the Persons from whose Lands the same may be diverted, and of the Persons into whose Lands the same may be turned, or to the Prejudice of any Person interested in such Watercourse, except with his Consent in Writing.

Power to stop up or divert Roads, &c.

XXVII. And be it enacted, That in setting out the several public Carriage Roads, Highways, Bridle Roads, and Footpaths, in pursuance of this Act or of the first-recited Act, the Commissioners or Umpire may, if they think it necessary or proper, with the Consent and under the Order in Writing of any Two Justices of the Peace for the County of *Buckingham*, discontinue, stop up, divert, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footpaths passing through any of the Lands to be inclosed, or any of the old Inclosures, within the said Parish, and the Soil of such of the Roads and Ways so to be discontinued and stopped up as pass through allottable Lands shall be deemed Part of the Lands to be inclosed: Provided always, that nothing herein contained shall authorize the altering or diverting of any Turnpike Road, unless the Consent of the Majority of the Trustees of such Turnpike Road, assembled at a public Meeting called for that Purpose on Ten Days Notice, be first obtained.

As to Ways from Grand Junction Canal.

XXVIII. Provided always, and be it enacted, That no Carriage-way, Bridleway, or Footway leading over and across the Canals or collateral Cuts from the Grand Junction Canal to the Towns of *Aylesbury* and *Wendover* or either of them, within the said Parish of *Buckland*, shall be stopped up, discontinued, diverted, or altered by virtue of the said recited Act or this Act; and no Brooks, Streams, Ditches, Watercourses, Tunnels, or Bridges within the said Parish of *Buckland*, now running into or forming Part of the Works of the said Canals or collateral Cuts, or either of them, shall be diverted, turned, or altered, without the Consent of the Company of Proprietors of the said Grand Junction Canal, in Writing under their Common Seal.

XXIX. Pro-

Proceedings previously to stopping up or diverting Roads, &c.

XXIX. Provided always, and be it enacted, That before any public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, diverted, stopped up, or altered by the Commissioners, or any such Order of Two Justices shall be made, the Commissioners shall cause to be affixed at each End of such public Carriage Road, Highway, Bridle Road, or Footpath a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the Commissioners; and the Commissioners shall also cause the same Notice to be given by Advertisement for Four successive Weeks, and also on the Church Door on the Four *Sundays* of the said successive Weeks; and after the said several Notices shall have been so given, and after such Order as herein-before mentioned shall have been made, such public Carriage Road, Highway, Bridle Road, or Footpath shall be and be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject, however, to such Appeal as is herein-after mentioned.

Appeal to the Quarter Sessions.

XXX. Provided also, and be it enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footpath should be discontinued, stopped up, diverted, or altered, as the Case may be, within Four Months after the making of the said Order, to make his Complaint thereof by Appeal to the Justices of the Peace at the Quarter Sessions for the said County of *Buckingham*, upon giving to the Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof, but it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been given as aforesaid, nor on any Hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether the Roads, &c. shall be discontinued.

XXXI. And be it enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purposes of determining whether such public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that such public Carriage Road, Highway, Bridle Road, or Footpath is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the Commissioners, and the same shall be recoverable in the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that such public Carriage Road, Highway, Bridle Road, or Footpath is not unnecessary, or that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and such

such public Carriage Road, Highway, Bridle Road, or Footpath shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order for restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the Commissioners out of the Inclosure Expences Fund.

Expences of discontinuing Roads.

XXXII. And be it enacted, That the Expences attending the stopping up, discontinuing, diverting, or altering of such Roads shall be paid out of the Inclosure Expences Fund.

Justices may declare any of the Carriage Roads completed.

XXXIII. And be it enacted, That when and so soon as Two or more of Her Majesty's Justices of the Peace for the said County of *Buckingham* shall certify any of the public Carriage Roads to be set out in pursuance of this Act to be sufficiently formed and completed, such Roads shall thenceforth be kept in repair by such Person and in such Manner as the public Roads within the said Parish are or ought by Law to be kept in repair; and every such Certificate shall, at the Quarter Sessions of the Peace to be holden for the same County next after the Date thereof, be filed of Record by the Clerk of the Peace of the same County.

Commissioners to appoint private Roads.

XXXIV. And be it enacted, That the Commissioners shall set out such private Roads, Bridleways, and Footpaths through the Lands to be inclosed as they shall think requisite, giving such Notice and subject to such Examination as is required by the said first-recited Act in the Case of public Roads; and any Expences which the Commissioners may think fit to incur prior to the Time of making their Award, relative to the setting out or Formation or Completion of such private Roads, Bridleways, and Footpaths, or any of them, shall be paid out of the Inclosure Expences Fund, and the said private Roads, Bridleways, and Footpaths shall thereafter be maintained and kept in repair by and at the Expence of the Owners and Proprietors for the Time being of any of the Lands within the said Parish, in such Shares and Proportions, and in such Manner, as the Commissioners shall by their Award direct.

Commissioners empowered to suspend or extinguish Rights of Common.

XXXV. And be it enacted, That it shall be lawful for the Commissioners, at such Time as they shall think proper, and before the Execution of their Award, by Notice on the Church Door, to order all or any Part of the Rights of Sheepwalk, Common, or other Rights in or over the Lands to be inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended during such Time as shall be expressed in such Notice, and from the Time mentioned in such Notice such Rights shall be extinguished or suspended accordingly.

Cattle depasturing in breach of the Commissioners Order to be distrained.

XXXVI. And be it enacted, That if during the Suspension or after the Extinguishment of any such Rights of Sheepwalk, Common, or other Rights as aforesaid, any Owner or Occupier of Land, or of any Commonable Messuage or Cottage, or the Site of any Commonable Messuage or Cottage, within the said Parish, or any other

Person, shall permit his Cattle, Sheep, or Pigs to go or depasture upon any of the Lands over which such Rights shall be suspended or extinguished, it shall be lawful for the Commissioners, or any other Person by their Order (testified in Writing under their Hands), and also for any other of the said Owners or Occupiers, to distrain such Cattle, Sheep, or Pigs being upon such Lands or Grounds contrary to such Order, and to impound the same until the Person so offending shall pay to the Person so distraining such Sum of Money as the Commissioners shall by Writing under their Hands, to be delivered to or left at the Place of Abode of the Person whose Cattle, Sheep, or Pigs shall be so distrained, have previously ordered, not exceeding Ten Shillings for each Head of Cattle, and Five Shillings for each Sheep or Pig so distrained; and in case the same shall not be paid within Seven Days after the Delivery of such Writing the Commissioners are hereby authorized, upon Proof of such Offence having been committed, and of Nonpayment of the Penalty hereby imposed, to cause the Cattle, Sheep, or Pigs so distrained or impounded, or such of them as they shall think necessary, or any other Goods or Chattels of the Person so offending, to be sold, for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress, rendering the Surplus (if any) to the Owner of such Cattle, Sheep, or Pigs.

Commissioners to direct the Course of Husbandry.

XXXVII. And be it enacted, That it shall be lawful for the Commissioners, as soon after the passing of this Act as conveniently may be, and from Time to Time, as they shall think fit, by Notice on the Church Door, to direct the Course of Husbandry, and the Stint or Rule of Stocking, that shall be observed upon the Lands to be inclosed, until the Time when they shall have completed the Division, Allotment, and Inclosure thereof, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding of the Commons, Commonable Lands, and Fallows or Stubbles upon the same, and to make such Recompence as they shall think right to any Person injured by such Directions, and by the same or any other Writing or Writings under their Hands, to be affixed as aforesaid, shall and may make such Orders and Regulations touching the Conduct of the Owners and Occupiers of the same Lands to be inclosed by virtue of this Act, for the preventing the committing of Waste or Destruction by any Person or Persons whomsoever upon any of the same Lands, in the meantime, and until the Allotments and Divisions thereof shall be effected, as to the Commissioners shall seem expedient; all which Orders, Directions, and Regulations shall be binding upon all Persons interested, their Farmers and Tenants; and the Commissioners shall impose such pecuniary Penalties on every Person not conforming to such Directions as they shall think necessary, not exceeding the Sum of Five Pounds *per* Acre in case of cross-cropping, or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case, for any One Offence, and shall also determine, in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation, by whom and in what Sum of Money such Tenant shall be compensated for any such Manure left or given up by him; and such Penalties and other Sums of Money

shall be recovered in the Manner directed by the said first-recited Act with respect to the levying and recovering of Penalties.

Satisfaction to be made for growing Crops.

XXXVIII. And be it enacted, That the Commissioners shall, by Writing under their Hands, order what Recompence in Money shall be made to the Owner of any Crops growing, according to the customary Mode of Cultivation within the said Parish, upon the Lands to be inclosed, at the Time such Division, Allotment, and Inclosure shall be made, for the said Crops, by the Person to whom the Lands upon which such Crops are growing shall be allotted, and also what Recompence in Money shall be paid, and by whom, to any Tenant or Occupier of any Land, as well for ploughing, tilling, cultivating, manuring, or folding any of the Lands to be inclosed, for the Benefit accruing thereby to the Person to whom such Lands shall be allotted, as for any Loss or Disadvantage which any such Tenant or Occupier may sustain by the Loss of his following or way-going Crops upon the Lands to be inclosed; and if in any of the said Cases the Money to be paid for such Recompence be not so paid at the Time and in the Manner ordered by the Commissioners they shall raise and levy the same on the Party liable thereto, for the Use of the Person entitled thereto, in the same Manner as the Inclosure Expences are herein directed to be raised and levied.

Claims to be delivered to the Commissioners.

XXXIX. And be it enacted, That all Persons claiming any Interest in any of the Lands to be inclosed shall deliver their respective Claims, in Writing under their Hands, or the Hands of their Agents, unto the Commissioners, at the Meetings to be held for that Purpose, stating the several Particulars in respect whereof such Claims are made, and distinguishing Freehold, Copyhold, and Leasehold Property from each other; and no such Claim shall be received by the Commissioners after the last Meeting to be held for that Purpose of which due Notice shall have been given, and so expressed therein (except for some special Cause to be allowed by the Commissioners); and after the said Claims shall be so received the Commissioners shall cause Notice on the Church Door to be given of a Time (at least Ten Days distant) and a Place for all Parties concerned to appear before them, and show Cause for or against the Allowance or Disallowance of the said Claims.

Objections to Claims.

XL. And be it enacted, That if any of the Parties interested in the said Lands and Grounds shall have any Objection to any of the Accounts or Claims which shall be delivered to the said Commissioners by virtue of this Act, such Objection shall be reduced into Writing, and Two Parts thereof shall be signed by the Party making the same, or by some Person on his Behalf, and one Part thereof shall be served upon the Party whose Claim or Account shall be objected to, or upon his Agent making such Claim or Account, at such Time as the said Commissioners shall appoint for that Purpose, and the other Part shall be delivered to the said Commissioners.

Adjudication upon Claims.

XLI. And it is hereby further enacted, That at such Meeting the said Commissioners shall proceed to examine into and determine the

said Claims, and shall make such Order therein as to them shall appear just; and in case any Doubts or Difficulties shall arise respecting such Claims, or any Differences shall happen between any of the said Proprietors touching their respective Rights or Claims, or touching the respective Shares which they ought to have in the Allotments, the Commissioners shall, by Examination of Witnesses upon Oath (which Oath the said Commissioners are hereby empowered to administer), and by such other Evidence as to them shall seem proper, hear and determine the same, and shall make such Order therein as to the Commissioners shall appear just; which Order shall be final, unless any Party shall be dissatisfied with the Determination of the Commissioners, and shall proceed to try his Rights by an Issue at Law as herein-after mentioned.

The Valuation of the allottable Lands to be reduced into Writing, and to be open to the Inspection of the Parties interested.

XLII. And be it enacted, That the said Commissioners shall, as soon as conveniently may be after the Lands by this Act directed to be inclosed shall have been valued in the Manner directed by the said firstly-recited Act, to reduce the Valuation thereof into Writing; and that the same, or a Copy thereof, shall be open for the Inspection of all Persons interested therein, or their Agents, at some Meeting of the said Commissioners to be held previously to their proceeding to set out the Allotments to be made by virtue of this Act; of which Meeting, and that the said Valuation will be open for Inspection thereat, public Notice shall be given as herein-before is prescribed with respect to Meetings of the said Commissioners.

Commissioners not to determine Titles contrary to Possession.

XLIII. And be it enacted, That this Act shall not authorize the Commissioners to determine the Titles to any Lands, or to determine any Right between any Parties, contrary to the actual Possession of such Parties (except in respect of Encroachments, as herein-after mentioned), but in case the Commissioners shall be of opinion against the Rights of the Party in possession they shall forbear to make any Determination thereon until the Possession shall have been given up by such Party, or recovered from him by due Course of Law.

Parties dissatisfied authorized to try their Rights at Law.

XLIV. And be it enacted, That if any Person claiming to be interested in the said Inclosure shall be dissatisfied with any Determination of the Commissioners concerning any Claim or any Right or Interest in or to the Lands to be inclosed, or concerning any Objection to such Claim, it shall be lawful for such Person to bring an Action upon a feigned Issue against the Person in whose Favour such Determination shall have been made, within Three Months next after such Determination shall have been notified in Writing to the Person against whom such Determination shall have been made, or his known Agent, and thereupon the Person so dissatisfied may proceed to a Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes, which may be holden for the said County of *Buckingham* after such Action shall have been commenced; and the Defendant in such Action shall, upon being served with the usual Process therein, appear and plead thereto, or enter a Common Appearance, and accept One or more Issue or Issues, whereby such Claim, and the Right and Interest thereby insisted on, may be tried and determined (such Issues to be settled by

by the proper Officer of the Court in which such Action shall be commenced, in case the Parties differ); and the Verdict given upon the Trial of such Action shall be binding and conclusive upon all the Parties thereto, unless the Court shall set aside such Verdict, and order a new Trial to be had; and after such Verdict shall be given, and final Judgment obtained thereon, the Commissioners shall act in conformity thereto, and allow or disallow the Claim thereby determined according to the Event of such Trial; and the Costs attending any such Action shall abide the Event of the Trial.

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

XLV. Provided always, and be it enacted, That if no such Action shall be commenced, or if the Plaintiff therein shall not proceed to Trial within the Time herein-before limited for that Purpose (unless the Court, for sufficient Cause, put off such Trial), the Determination of the Commissioners shall be final.

Deaths of Parties not to abate Proceedings.

XLVI. And be it enacted, That if any Person, Plaintiff or Defendant, in any Action to be brought as aforesaid, shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened (the Heir or Devisee or other Person entitled to the Interest of the deceased Party in the Matter in question being served with Process in the Action); and if

In case Parties die before Actions brought Suits to be carried on and defended in their Names.

any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before Action brought, it shall be lawful for the Person who might have brought such Action to bring the same within the Time so limited as aforesaid against such Person as if actually living, and to serve the Commissioners or their Clerk with the usual Process for commencing such Action, in the same Manner as the deceased Person might have been served therewith if living, and it shall be thereupon incumbent on such Clerk to serve with such Process the Heir or Devisee or personal Representative of the deceased Person, or other the Person who shall claim the Benefit of such Determination as aforesaid, and on such Process being served such Heir or Devisee or personal Representative, or other Person, shall appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had thereon in the same Manner as if such Person had been living, and the Rights, Interests, and Claims of all Parties shall be equally bound by the Event of any Action so brought or continued as aforesaid as if the Death of any of the Persons interested therein had not occurred.

If Parties die before Inclosure, &c. is completed, Allotments to be made to their Representatives.

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

XLVIII. And

Commissioners to award Costs.

XLVIII. And be it enacted, That in case the Commissioners, upon the Determination of any Claim or Objection to be delivered to them in pursuance of this Act, shall see Cause to award any Costs, it shall be lawful for them, upon Application, to assess and award such Costs as they shall think reasonable to be paid by the Person whose Claim or Objection shall have been disallowed to the Person in whose Favour any Determination shall have been made; and in case any Person liable to pay such Costs shall refuse or neglect to pay the same, upon Demand, the Commissioners shall, by Warrant directed to any Person whomsoever, cause the same to be levied by Distress; and if there be no Goods or Chattels whereon to levy such Costs it shall be lawful for the Person in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the Commissioners, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Tofts to be deemed Commonable Messuages.

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

Leases at Rack Rent may be voided.

L. And be it enacted, That immediately after the Allotments herein directed to be made shall have been marked and staked out, and the Commissioners shall have directed the same to be entered upon by the Persons respectively for whom the same shall be intended, every Lease and other Agreement at Rack Rent subsisting of all or any Part of the Lands and Grounds hereby authorized to be inclosed, or of any Common Rights thereon, for any Term of Years not exceeding Twenty-one Years, (except such Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure, and except also a certain Lease now subsisting, bearing Date the Twenty-ninth Day of *September* One thousand eight hundred and thirty-six, and made between *William L Newton* Esquire of the one Part, and *Joseph Glenister* of the other Part,) or which shall be exchanged in pursuance of this Act, shall, so far only as respects the Lands hereby authorized to be divided and allotted or exchanged, cease and be void at such Times as the Commissioners shall by Writing under their Hands direct, so as the respective Lessors of such Lands do, before or at the respective Times at which such Leases shall be directed to cease, pay such Satisfaction to the respective Lessees for the Loss which shall be sustained by the Determination of such Leases respectively as shall be mutually agreed between them, or as the Commissioners, being required by either of the Parties, shall direct; and if any such Compensation shall not be paid to the Party entitled to receive the same within One Month after Demand made in Writing

under the Hand or Common Seal (as the Case may require) of the Party to whom the same shall be payable, the Commissioners shall raise and levy the same, for the Use of the Party entitled thereto, by such Ways and Means as the Rates to be levied for defraying the Inclosure Expences are directed to be raised and recovered; and it shall be lawful for the Commissioners, by Writing under their Hands, to ascertain and direct what Rent or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed, or Common Rights in their respective Holdings, to their respective Landlords, from the Time of the passing of this Act, until such Lands shall be marked and staked out, and be directed to be entered upon as aforesaid.

Beneficial Leases not to be vacated.

LI. Provided always, and be it enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease of any Lands, Tenements, or Hereditaments within the said Parish for the granting or Renewal of which any Fine or Premium has been paid, and the Party entitled to such beneficial Lease shall be entitled to hold and enjoy his Term under the Rents and Covenants specified in his Lease.

Wills and Settlements not to be affected.

LII. Provided also, and be it enacted, That nothing in this Act contained shall extend to revoke, make void, or alter any Will or Settlement, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Portion, Debt, Charge, Rent, or Incumbrance, out of or affecting any of the Lands to be inclosed, or any of the Lands which may be exchanged or parted with in pursuance of this Act, but as well the Lands allotted and exchanged, as the Lands which shall be assigned in Partition or in Compensation for any other Estate or Right, by virtue of this Act, shall, immediately after such Allotment, Exchange, or Partition, be and enure, and the several Persons to whom the same shall be so allotted or given in Exchange or Partition as aforesaid shall be seised and possessed thereof respectively, to, for, and upon the same Estates, Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the several Lands in respect whereof such Allotments, Exchanges, and Partitions shall have been made would have stood limited for or been subject to in case the same respectively had not been allotted, exchanged, or parted with as aforesaid, or as if this Act had not been passed, subject nevertheless to all such Mortgages and Sales as shall be made by virtue of this Act.

Persons may sell their Common Rights, and Persons entitled to have Allotments may mortgage, &c. before Execution of the Award.

LIII. And be it enacted, That if at any Time before the Execution of the Award of the Commissioners any Person shall sell his Right or Interest in the Lands to be inclosed, or any Part thereof, to any Person, the Commissioners shall, upon any such Sale being made, make an Allotment of Land to the Purchaser, or to his Heirs or Assigns, in respect of the Right or Interest so sold; and every such Purchaser, or his Heirs or Assigns, shall from the Execution of the said Award hold and enjoy the Land so to be allotted to him in the same Manner as the Vendor might or ought to have done in case such Sale had not been made; and it shall be lawful for any Person who shall

be entitled to any Allotment under this Act to devise, grant, surrender, mortgage, sell, demise, or otherwise dispose of, convey, and assure the same Allotment, or all or any Part of his Interest therein, at any Time before the Execution of the said Award; and every such Devise, Grant, Surrender, and other Assurance shall be of the same Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person entitled to any Allotment to sell, dispose of, and convey the Estate in right of which he may be entitled to such Allotment separate from and retaining to himself such Allotment, Common Right, and Interest, and the Commissioners are hereby required to award such Allotment accordingly.

Encroachments.

LIV. And be it enacted, That all Encroachments and Inclosures which shall have been made by any Person from or upon any Part of the Lands and Grounds by this Act directed to be inclosed within Twenty Years next before the passing of this Act, unless authorized by Grant from the Lord of the said Manor of *Buckland*, with the Consent of the Homage according to the Custom of the said Manor, shall be deemed Parcel of the Lands to be inclosed, and shall be divided, allotted, and inclosed accordingly: Provided always, that it shall be lawful for the several Persons who shall be in possession of any such Encroachment or Inclosure, or in receipt of the Rent thereof, at the Time of the passing of this Act, to take down and remove all such Buildings, Fences, and other Erections as shall then be thereon, and to convert the Materials thereof to their own Use.

Allotment of old Inclosures with Consent of Proprietors.

LV. Provided always, and be it enacted, That it shall be lawful for the Commissioners, with the Consent in Writing of any Proprietor of any Houses, Homesteads, Gardens, Orchards, or old inclosed Lands within the said Parish, whether such Owner or Proprietor shall be a Corporation, Tenant in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Lives, with the Consent of the Lessor of any such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands holden for Years determinable as aforesaid, and not otherwise, or with the Consent of the Guardian, Trustee, Feoffee for charitable or other Uses, Husband, Committee, or Attorney of or acting for any such Proprietor as aforesaid, who shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Sea, or otherwise disabled to act for himself, (such Consent to be respectively testified, in case of a Corporation by Writing under their Common Seal, or by Writing under the Hand of the Agent of such Corporation, and in case of an Individual under his Hand,) to order and direct such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands to be considered as allottable, and Parcel of the Lands to be inclosed; and such Allowance shall be made to the Proprietors of such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands, on account of the Situation or other beneficial Circumstances thereof, as the Commissioners shall adjudge to be just and reasonable, and they shall allot and award unto such Proprietors so much and such Part of the Lands to be inclosed as they shall think reasonable and just.

LVI. And

Pieces of Land by the Side of the Road may be allotted.

LVI. And be it enacted, That all small Parcels of Waste or Common Land (the Soil whereof shall belong to the Lord of the Manor in right thereof) lying by the Side of any Turnpike Road or other public Road or Lane within the said Parish, and which in the Judgment of the Commissioners may be conveniently inclosed without incommoding the public Intercourse on such Road or Lane, or rendering such Turnpike Road of less Breadth than Forty-five Feet, and such other public Road or Lane of less Breadth than Thirty Feet respectively, shall be deemed Part of the Lands to be inclosed.

Allotment to be set out for Repair of Highways.

LVII. And be it enacted, That the Commissioners shall, if they shall see fit, allot to the Surveyor for the Time being of the said Parish, and to his Successors for ever, such and so many Parcels of the Lands to be inclosed as they shall think necessary and most convenient for supplying Stone, Chalk, Rag, Gravel, and other Materials for the Repairs of the several Roads and Ways by this Act authorized to be made, and of the several other Roads and Ways within the said Parish, and also for the general and particular Use of the Occupiers of Lands within the said Parish; and such Allotments shall be inclosed and fenced as the Commissioners shall direct, and shall from the Execution of their Award be vested in the Surveyor of the Highways within the said Parish for the Time being, in Trust for the Purposes aforesaid; and the Grass and Herbage of such Allotments shall belong to such Persons as the Commissioners shall by their Award direct; and if they shall make no such Direction, then such Surveyor shall from Time to Time let the Herbage for the most Money that can be obtained for the same, and shall apply the Rents and Profits towards the Repairs of the public Roads or Highways within the said Parish; and the said Surveyor shall account for such Rents and Profits in the same Manner as he is by Law accountable for other Monies that shall come to his Hands in the Capacity of Surveyor of the Highways, and shall be subject to the like Penalties for the Neglect thereof.

Allotment to be set out for the Recreation of the Inhabitants.

LVIII. And be it enacted, That the Commissioners shall allot and award unto the Churchwardens and Overseers for the Time being of the said Pariish, out of any Part of the Lands to be inclosed, One or more Piece or Pieces of Land, not exceeding Three Acres in the whole, nor less than One Acre, in the most appropriate Situation, as a Place of Exercise and Recreation for the Inhabitants of the said Parish and Neighbourhood, and such Allotment shall be held by the Churchwardens and Overseers for the Time being of the said Parish for the Purposes aforesaid, and shall be in the first instance fenced at the general Expence, and the Fences of such Allotment shall for ever afterwards be repaired and maintained by the said Churchwardens and Overseers, of such Proportions and Manner as shall be devised by the Award of the Commissioners, out of the Rents to be received for the Herbage of the said Allotment, or out of the Poor Rates of the said Parish, or otherwise; and the Grass and Herbage growing upon such Allotment may be from Time to Time let by such Churchwardens and Overseers, and the Rent which shall be received by them for the same shall be by them from Time to Time applied in the first place in maintaining and repairing the Fences of the said Allotment,

Allotment, and subject thereto in aid of the Rates for the Repair of the public Highways in the said Parish.

Allotment for Watering Places.

LIX. And be it enacted, That the said Commissioners may set out and allot unto the Surveyors of the Highways within the said Parish such Parts and Parcels of the Common and Waste Land by this Act authorized to be inclosed as the Commissioners shall think proper, as and for public Watering Places for Cattle or otherwise.

Allotments to be set out for the Lord of the Manor for Right of Soil.

LX. And be it enacted, That the Commissioners shall, after making the Allotments herein-before directed, and after setting out the public Carriage Roads and Highways as directed by the said first-recited Act, allot and award unto the Lord for the Time being of the said Manor of *Buckland*, or to such Person as shall in the Judgment of the Commissioners be entitled to the Soil of the Commons and Waste Lands in the said Parish, or any Part thereof, so much and such Part of the Lands to be inclosed as shall in the Judgment of the Commissioners be equal in Value to One Sixteenth Part of the Residue of such Commons and Waste Lands, Quality and Value considered, in lieu of his Right and Interest in the Soil of the said Commons and Waste Lands, exclusive of any other Allotments which may be made to such Lord in lieu of or in satisfaction for any other Rights or Interests in such Commons and Waste Lands.

Allotment to the Appropriators in lieu of Glebe and Common Rights.

LXI. And be it enacted, That the Commissioners shall allot and award unto the Appropriators of the Appropriate Rectory of *Bierton* with *Buckland* aforesaid, or unto their Lessee, such Parcels of the Lands to be inclosed as in their Judgment shall be a full Equivalent and Compensation for the Glebe Lands and Rights of Common respectively belonging to the said Appropriators in and over the said Lands.

Allotment of Residue.

LXII. And be it enacted, That after the several Allotments herein-before directed shall have been set out and made, and after making Provision towards the Expences of the Inclosure by Sales of Land herein-after mentioned, the Commissioners shall divide, allot, and award all the Remainder of the Lands to be inclosed unto and amongst the several Owners and Proprietors thereof, and Persons who shall be entitled to any Estate, Right, or Interest therein, in such Shares and Proportions as the Commissioners shall adjudge and determine to be proportionate to the Value of their respective Rights and Interests therein.

Applications for Situations of Allotments.

LXIII. And be it enacted, That the Commissioners shall appoint a Meeting for receiving Applications from the several Proprietors of the Lands to be inclosed touching the Situation in which they would respectively choose to have their Allotments set out, and shall give Ten Days Notice of the Time and Place of such Meeting by Advertisement or on the Church Door.

For determining Objections to Allotments.

LXIV. And be it enacted, That as soon as the Commissioners shall have ascertained the respective Rights and Interests of the several Parties interested in the Lands to be inclosed, and also the Allotments

Allotments by them proposed to be made to such Parties respectively in lieu of such Interests, they shall hold a Meeting, of which Ten Days Notice shall be given by Advertisement and on the Church Door, where such Parties may be informed of the Situation of such intended Allotments, and see the same delineated upon a Map or Plan to be produced for their Inspection; and if any of such Parties upon such Inspection shall be dissatisfied with the proposed Allotments, the Commissioners shall at such Meeting, or at some other Meeting to be appointed by them for that Purpose, receive Statements in Writing of Complaints and Objections thereto, and shall forthwith, or as soon after as conveniently may be, determine the same, and such Determination shall be final.

Allotments to be fenced.

LXV. And be it enacted, That the several Allotments to be made in pursuance of this Act (except the Allotment to the said Appropriators, or their Lessee, Incumbents of Churches, Surveyor, and Churchwardens and Overseers respectively,) shall be inclosed, ditched, and fenced at the Expence of the respective Persons to whom the same shall be allotted, in such Manner and within such Times as the Commissioners shall by their Award or any Writing under their Hands direct, and the Fences so to be made shall for ever afterwards be repaired and maintained by such Persons as the Commissioners shall by their Award direct.

Appropriators Allotments to be fenced at the general Expence.

LXVI. And be it enacted, That the Allotments to be made to the said Appropriators in respect of Glebe Lands belonging to the said Rectory, and also to the Incumbents of Churches, shall be well and sufficiently inclosed and fenced on all such Parts and Sides as shall not be directed to be done by any other Proprietor, or as shall not adjoin any inclosed Land, or be bounded by any sufficient Watercourse or other sufficient Fence in the Judgment of the Commissioners, and the Expence attending the inclosing and fencing the same shall be discharged out of the Inclosure Expences Fund; and all such Inclosures and Fences, when made, shall for ever thereafter be kept in repair by the said Appropriators and Incumbents of Churches, or by the Persons for the Time being entitled in possession to the said Allotments.

Power to Incumbents to lease their Allotment.

LXVII. And be it enacted, That it shall be lawful for the Incumbents of Churches, by Indenture under their Hand and Seal, with the Consent and Approbation of the Patron for the Time being, such Consent to be had previous to the Execution of such Indenture by the other Parties thereto, and with the Consent of the Bishop of the Diocese, to lease or demise all or any Part of the Allotment to be made to such Incumbents in right of their Churches to any Person whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Months next after the passing of this Act, so that the Rent for the same shall be thereby reserved to the Incumbents for the Time being by quarterly Payments in every Year; and so that there be thereby also reserved and made payable to such Incumbents the best and most improved Rent that can be reasonably gotten for the same, without taking any Fine, Foregift, or other Consideration for granting such Lease; and so that no such Lessee

be made dispunishable for Waste by any express Words to be contained in such Lease; and so that there be inserted in every such Lease Power of Re-entry on Nonpayment of the Rent within a reasonable Time, to be therein limited, after the same shall become due; and so that a Counterpart of each such Lease be duly executed by the Lessee: Provided always, that whenever any such Lease shall by any Means become forfeited or void, or be surrendered, before the Expiration by Effluxion of Time of the Term thereby granted, then, and so often as the same shall happen, it shall be lawful for such Incumbents for the Time being, with the previous Consent and Approbation of the Bishop of the Diocese and of the Patron of the Church, to grant a new Lease of the Land so demised for such Term of Years as shall at the Time of such Avoidance be unexpired of the original Term, subject nevertheless to the Provisoes and Conditions contained in the original Lease, and then remaining unperformed and capable of taking effect; and every such Lease shall be valid and effectual, any thing in the said first-recited Act, or any Law or Usage, to the contrary notwithstanding.

Equalizing the Share of fencing.

LXVIII. And be it enacted, That if from Situation or from any other Circumstances it shall happen that any of the Proprietors of the Lands to be inclosed, or any Person to whom any Allotments shall be made, shall not have a fair Proportion of the Boundary Hedges, Ditches, Mounds, or Fences assigned to him to make by virtue of this Act, it shall be lawful for the Commissioners to ascertain and appoint what Sum of Money shall be contributed by such Proprietor or Person towards making the Boundary Hedges, Ditches, Mounds, and Fences of the Allotments of such other of the said Proprietors and Persons as shall have too great a Proportion thereof to make, and such Money shall be paid to such Persons and in such Manner as the Commissioners shall by any Writing under their Hands direct, and the same may be recovered by any of the Means which by the said first-recited Act are provided for raising and recovering the Expences of obtaining and executing Acts of Inclosure in Cases where such Expences are directed to be paid in proportion by the Proprietors of Lands to whom any Allotments shall be made; and every such Order of the Commissioners shall be final.

Cattle not to be depastured on the Highways for Twelve Years.

LXIX. And be it enacted, That no Person shall graze or keep any Beast or Cattle upon any of the Roads or Ways which the Commissioners shall order to be set out, and which shall be fenced on both Sides, for the Space of Twelve Years next after the Execution of the Award of the Commissioners; and every Owner of Lands within the said Parish, his Servants and Labourers, and also every Peace Officer and Parish Officer of the said Parish for the Time being, are hereby empowered to take and impound any such Beast or Cattle which shall be found so grazing as aforesaid as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent the Proprietors of the Lands which shall next adjoin the said Roads and Ways from depasturing their Cattle thereon so far as the Frontage of their respective Lands extends.

LXX. And

The Allotments to be of the same Tenure as the Lands in lieu of which they were made.

LXX. And be it enacted, That all such Lands as shall be given in Exchange or on Partition or be allotted by virtue of this Act shall be held by the Person to whom they are given in Exchange or on Partition or allotted under the same Tenures, Rents, Customs, and Services as the Lands in respect of which such Lands are given in Exchange or on Partition or allotted would have been held in case this Act had not been passed; and the Lands given in Exchange or on Partition or allotted in respect of Freeholds shall be deemed Freehold; and the Lands given in Exchange or on Partition or allotted in respect of Copyhold or Customary Lands shall be deemed Copyhold or Customary Lands, save only such Allotments as are awarded in lieu of Commonable Rights belonging to Copyhold Lands, which Allotments shall be deemed to be of Freehold Tenure, and shall be held of the Lord of the same Manor under the same Rents and by the same Customs and Services as the Copyhold or Customary Lands in respect of which they may be given in Exchange or on Partition or allotted were or ought to have been held, and shall pass by the like Surrenders as the Copyhold or Customary Lands in respect whereof such Exchanges, Partitions, or Allotments shall be made now do; and the Lands given in Exchange or on Partition or allotted in respect of Leasehold Lands shall in like Manner be deemed Leasehold, and shall be held under the same Rents and Covenants as the Lands in respect of which they may be allotted were held, and the Remainder or Reversion thereof shall be vested in the same Lessors respectively as the Remainder or Reversion of such other Lands were vested before the passing of this Act, except where otherwise particularly directed by this Act, any Law or Usage to the contrary notwithstanding.

Power for Commissioners to make Alterations in Allotments.

LXXI. And be it enacted, That it shall be lawful for the Commissioners, at any Time before the Execution of their Award, to make any Alterations which they may think right and expedient in the Allotments or in the Fences which they may have set out and ordered, or in the private Roads over such Allotments, or in any of the Orders or Directions relating thereto which they may have made in pursuance of this Act; and in case any Person shall be injured by any such Alteration, on account of any Expences he may have incurred, or otherwise, the Commissioners shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Inclosure Expences Fund, or shall direct by whom and in what Manner such Recompence shall be made; and in case of Nonpayment thereof the same shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties or Forfeitures.

Separate Allotments for Lands held by different Titles.

LXXII. And be it enacted, That when any Person to whom any Allotment shall be made or Lands assigned in Exchange by virtue of this Act shall hold such Lands, or the Lands in respect of which such Allotment or Exchange is made, under different Titles and for different Estates, and as to Copyholds by separate Quit Rents, the Commissioners shall ascertain and distinguish the Lands held for each of such Estates and under each of such Titles respectively, and shall accordingly in their Award set out distinct and several Allotments

ments for such respective Lands, and also in the said Award and the Map annexed thereto set out and distinguish the several Estates holden by several and distinct Quit Rents.

Where Allotments are omitted to be distinguished by the Award, the Defect may be remedied by a separate Instrument.

LXXIII. And be it enacted, That where the Commissioners shall have omitted to distinguish in their Award the several Tenures under which any of the said Lands shall be holden, or the different Estates or Titles for or under which the same shall be held, or to set out and award several and distinct Allotments as by this Act directed, it shall be lawful for them, at any Time within Twelve Months after the Execution of their Award, and they are hereby required, upon Request in Writing to them by any Proprietor of any such Allotment or Lands, or other Person interested therein, or his Agent, to do all such Acts as may be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and proceed as if their Award had not been made, and by any Deed or Instrument under their Hands and Seals to distinguish and set out the Allotments and Lands held by different Tenures, and also the Allotments and Lands held by, for, or under different Estates or Titles respectively, in the same Manner as they are by this Act authorized and required to do in Cases where such Allotments and Lands are directed to be ascertained, distinguished, and set out by their Award; and every such separate Instrument shall have the same Force and Effect as if it were contained in the said Award; and such Instrument shall be enrolled and deposited with the Award of the Commissioners, and shall thenceforth be deemed to be Part thereof to all Intents and Purposes; and all the Expences which shall be reasonably incurred in or about any subsequent Inquiry or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Party who shall have requested the Commissioners to make and execute the same, or by his Heirs, Executors, or Administrators.

Power of Exchange.

LXXIV. And be it enacted, That it shall be lawful for the Commissioners to allot and award any Lands within the said Parish in Exchange for any other Lands within the said Parish, or any adjoining Parish, Township, or Place, provided that all such Exchanges be specified and declared in the Award of the Commissioners, and be made with the Consent in Writing of the Owner of the Lands so exchanged, whether such Owner shall be a Corporation, or a Tenant in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Lives, (with the Consent of the Lessor thereof, but not otherwise,) or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who at the Time of making such Exchange shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other Consenting Parties respectively; and every such Exchange so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands held in right

of any Church or Chapel or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands shall be situate: Provided also, that all Costs and Expences attending the making and completing of any Exchanges shall be borne by the several Parties making such Exchanges in such Manner and in such Proportions as the Commissioners shall by their Award direct, and in case of Non-payment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Payment of Expences of Inclosure to be borne rateably.

LXXV. And be it enacted, That the Expences of the Inclosure, that is to say, the Costs and Expences incident to and attending the passing of this Act, and the several Sums of Money and Allowances hereby directed or authorized to be paid and allowed to the said Commissioners, Umpire, Clerk, and Surveyor, for Expences, Time, and Trouble, and the Costs and Expences of preparing and enrolling the Award of the Commissioners, and all Costs and Expences that the Commissioners shall be put unto in respect of any Appeal against their Decision, and all other Costs and Expences whatsoever incident to or attending the carrying this Act into execution, shall be borne and defrayed by the said several Persons interested in the Lands to be inclosed, (except the said Dean and Chapter and their Lessee, Surveyors of Highways, Churchwardens and Overseers, in respect of the Allotments herein-before authorized or directed to be made to them respectively in those Capacities,) in such Shares and Proportions, and shall be paid at such Time and Place, and to such Persons, as the Commissioners, at least Thirty Days before the Time appointed for such Payment, by Notice in Writing either to be affixed on the Door of the principal Entrance of the Parish Church at *Buckland* or to be delivered to the respective Persons liable to the Payment of such Costs and Expences, or to be sent by the Post and addressed to such Persons at their respective last known Places of Abode in *England*, order or direct; and the Commissioners shall and may make any Order or Direction, or Orders or Directions, for the Payment of any such Costs and Expences, from Time to Time, and at such Time or Times as they shall deem necessary, either before or after the Execution of their Award.

Remedies in case of Non-payment.

LXXVI. And be it enacted, That if any Person shall refuse or neglect to pay his Proportion of such Expences within the Time and to such Persons as the Commissioners shall appoint, it shall be lawful for the Commissioners to recover the same, with full Costs of Suit, together with lawful Interest, to be computed from the Day on which the same ought to have been paid, by any Action at Law in their own Names in any of Her Majesty's Courts of Record at *Westminster*, or it shall be lawful for them, by Warrant directed to any Person whomsoever, to cause the same, with such Interest thereon as aforesaid, to be levied by Distress, wherever it may be found, as for Rent in arrear, the Commissioners, their Bailiffs, Agents, and Servants, having all the Remedies, Powers, Privileges, and Advantages as Landlords now or hereafter may have; or it shall be lawful for the Commissioners, or any Person authorized by them, immediately after

such Neglect or Refusal, to enter into and upon the Premises so to be allotted to such Person, and demise the same, and receive the Rents and Profits thereof, until thereby or otherwise such Share or Proportion, with lawful Interest as aforesaid, and also all the Costs and Expences attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

Power for Commissioners to borrow Money.

LXXVII. And be it enacted, That if before the said Monies herein-before authorized to be raised by the Commissioners can be raised and received by them they shall find it necessary or expedient to obtain by Loan any Money for or towards the defraying the said Expences, it shall be lawful for them to borrow and take up at Interest, not exceeding the Rate of Five Pounds for every One hundred Pounds *per Annum*, such Sums of Money as they shall from Time to Time think necessary for the Purposes aforesaid, which Money so to be borrowed shall be repaid by the Commissioners, with Interest for the same, out of the Monies to be raised and received by them by any of the Means aforesaid.

Power to make additional Rate in case of Deficiency.

LXXVIII. Provided always, and be it enacted, That if at any Time after the Allotments shall have been staked out it shall appear to the Commissioners, either before or after the Execution of their Award, that the Money to arise by any previous Rates shall not be sufficient to defray the Expences aforesaid, the Deficiency shall be made up and raised from Time to Time by a Rate to be made and levied upon the several Persons interested in the Lands to be inclosed (except as aforesaid), in such Shares and Proportions, within such Time, and to be paid to such Persons, as the Commissioners shall from Time to Time direct; and in case any Persons herein-before made subject to the Payment of any Money towards such Expences shall neglect or refuse to pay his Share or Proportion of any such Rate within the Time appointed for that Purpose, or at any Time after such Demand, the same shall be levied and recovered in the Manner directed by this Act with respect to the previous Rate.

Monies may be recovered after Execution of the Award.

LXXIX. Provided always, and be it enacted and declared, That if at the Time of the Execution of the said Award there shall remain due from any Person any Sum of Money which shall have been ordered to be paid by virtue of this Act, it shall be lawful for the Commissioners and they are hereby required to levy and raise the same in like Manner as they might have done before the Execution of their Award.

Persons having limited Interests may raise Money by Mortgage for Expences.

LXXX. And be it enacted, That it shall be lawful for the respective Incumbents of Churches and other Proprietors of Allotments to be made by virtue of this Act, being Tenants for Life or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Proprietors, being under Coverture, Infants, Lunatics, Idiots, or beyond the Seas, or otherwise incapacitated, and for the Churchwardens and Overseers of the Poor of the Parish of *Aldbury* in the County of *Hertford*, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them, in respect of

of any Lands held by them in Trust for any charitable, parochial, or other Uses, and they are hereby required, if necessary, (with the Consent of the Commissioners, testified in Writing under their Hands and Seals,) from Time to Time to charge their Allotments and old Inclosures with any Money not exceeding Five Pounds *per* Acre towards their respective Proportions of the Inclosure Expences, and for securing the Repayment of such Money, with Interest, to mortgage or demise the said Allotments unto or in Trust for any Person who shall advance such Money, for any Terms of Years, but so that every such Mortgage or Demise be made with a Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when the Money thereby to be secured, with all Interest thereon, shall have been fully paid and satisfied, and so that in every such Mortgage or Demise which shall be made by or on behalf of any Person entitled to any such Allotment for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life in such Manner that no Person afterwards becoming possessed of such Lands shall be subject or liable to any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence; and every such Mortgage or Demise shall be valid in the Law for the Purposes thereby intended; and every such Mortgagee and his Assigns shall have the like Remedies in case of Nonpayment of the Monies thereby secured as in the Case of such Mortgages of the like Nature.

Directions for charging Copyhold Land with Expences.

LXXXI. Provided always, and be it enacted, That every Mortgage which shall by virtue of the said first-recited Act or of this Act be made of any Copyhold Land shall, instead of being demised to such Mortgagee, or his Executors, Administrators, and Assigns, for a Term of Years, as mentioned and prescribed in and by the said first-recited Act, be presented and entered on the Court Rolls of the Manor under which such Copyhold Lands shall be held, whereupon the same Fees and other Payments shall be due and paid as in other Cases of Surrender by way of Mortgage, and shall operate as a Surrender to the Use of the Mortgagee and his Heirs or Assigns respectively, according to the Custom of such Manor, subject nevertheless to Redemption on Repayment of the Principal Monies thereby respectively intended to be secured, with Interest thereon, as is hereinbefore provided in the Case of other Mortgages.

Empowering Commissioners, upon Application, to sell Part of Allotments to defray Expences.

LXXXII. And be it enacted, That it shall be lawful for the Commissioners, on Application made to them in Writing by any of the Proprietors of Allotments to be made by virtue of this Act, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the said Proprietors, being Tenants in Tail or for Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell any Part of any such Allotment for raising a Sum of Money sufficient to defray the proportionable Part of the Expences

Expences which shall in such Rates be charged upon such Parties, and of the Expences of making and completing such Sale: Provided always, that it shall not be lawful for any Proprietor of any Allotment to raise by any such Sale, or by Mortgage and Sale, any greater Sum of Money for the Purposes aforesaid than such Proprietor might have borrowed or charged upon his Allotment for such Purposes by virtue of the said first-recited Act, reckoning Five Pounds for each Acre thereof: Provided further, that in all Cases in which the Money so raised by any such Sale shall not be equal to the Money which might be borrowed or charged on such Allotment as aforesaid, it shall be lawful for the Proprietor Part of whose Allotment shall be sold as aforesaid to charge his Allotment with any Sum not exceeding the Difference.

Sales to be made according to the General Inclosure Act.

LXXXIII. And be it enacted, That such Sales shall be made by the Commissioners in the same Manner and subject to the same Regulations as are prescribed by the said first-recited Act in respect of the Sale of Land towards defraying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands or Grounds; and every such Allotment for which the full Purchase Money shall be paid shall be vested in the Commissioners, and be conveyed, by Lease and Release, executed by them at the Expence of the Purchaser, unto and to the Use of or in Trust for such Purchaser and his Heirs, or as he shall appoint, and shall be inclosed, and held by such Purchaser in Severalty: Provided always, that nothing herein contained shall enable the Commissioners to convey any Allotments set out by them as Copyhold of the said Manor of *Buckland* by Lease and Release as Freehold, but such Copyhold Allotments shall be conveyed by the Commissioners by Indenture of Bargain and Sale, and shall be held by the Purchaser thereof by, under, and subject to the same Rents and Services as such Allotment would have been held in case no such Sale had been made.

Application of Purchase Monies.

LXXXIV. And be it enacted, That the Receipt of the Commissioners shall be a sufficient Discharge to the Purchaser for the said Purchase Money; and that such Purchase Money shall be applied by the Commissioners in or towards defraying the Costs and Expences for raising which such Sale shall have been made, and the Surplus (if any) shall be paid to the Parties from whose Allotments such Sale shall have been so made respectively; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in manner by the said first-recited Act directed with respect to Money to be paid into the Bank of *England*.

Commissioners may put up certain Allotments for Sale towards defraying Expences of Inclosure.

LXXXV. And be it enacted, That the Commissioners, after setting out such Portion thereof to such Persons as they may deem expedient for Commonable Rights, shall divide, and sell, either by public Auction or private Contract, and subject to such Conditions of Sale, and in such Lots, as in the Judgment of the said Commissioners shall be necessary, and be best calculated to invite Competition, with Power to buy in and resell the same, such Quantity of the Common or Waste Lands called

called *Buckland Common* as they shall think proper, for the Purpose of raising Money towards defraying the Expences of the Inclosure; (that is to say,) the Costs and Expences herein-before particularly mentioned and enumerated; and the Lands so sold by the Commissioners shall not be liable to any Share of the Expences of obtaining this Act, or of carrying the same into execution.

Commissioners to sign Receipts for Purchase Monies, and make Conveyances to Purchasers.

LXXXVI. And be it enacted, That upon every such last-mentioned Sale to be made by the Commissioners under the Provisions of this Act the Commissioners shall sign and deliver to each Purchaser a Receipt for his Purchase Money, which shall be a sufficient Discharge for the same; and upon Receipt of the whole Purchase Money for any of the Lands which shall be sold as aforesaid the Commissioners shall convey such Lands, and the Fee Simple and Inheritance thereof in possession, by Deed under their Hands and Seals, upon and for such Uses, Trusts, and Purposes as such Purchaser shall direct; and after such Conveyance the Premises conveyed shall become vested, as Freehold of Inheritance, upon and for such Uses, Trusts, and Purposes as shall be expressed by such Deed; and any such Conveyance may be to the Effect set forth in the Schedule (B.) to this Act.

Application of Purchase Monies.

LXXXVII. And be it enacted, That all such Purchase Monies as shall be from Time to Time raised or received by the Commissioners by such respective Sales as aforesaid shall, after Payment of the Charges and Expences attending such respective Sales, be paid and applied by the Commissioners towards the Inclosure Expences Fund; and the respective Purchasers or other Persons paying the same shall not in any Manner be liable to see to the Application or be answerable for Misapplication thereof.

Award to be deposited in the Hands of Clerk of the Peace.

LXXXVIII. And be it enacted, That as soon as conveniently may be after the said Inclosure shall be completed the Commissioners shall draw up and execute an Award, and the Execution of the said Award shall be proclaimed upon the next or some subsequent *Sunday*, by affixing a Proclamation on or near the outer Door of the Church of the said Parish previously to Divine Service, from the Time of which Proclamation only, and not before, such Award shall be considered as complete; and within Three Months after the Commissioners shall have so made and executed the said Award they shall cause the same, together with One of the reduced Plans herein-after directed to be made annexed thereto, to be delivered to the Clerk of the Peace of the said County of *Buckingham*, who is hereby required to deposit and keep the same among the Records of the said County, so that recourse may be had thereto by any Person interested in the Premises, for the Reception whereof the Fee of Two Pounds Two Shillings, and no more, shall be paid; and the said Award shall, from the Delivery thereof to the said Clerk of the Peace, be deemed to be enrolled according to the Directions and within the Meaning of the said first-recited Act.

Copy of the Award to be

LXXXIX. And be it enacted, That a Copy of the said Award, fairly transcribed in a Book on plain or unstamped Paper or Parchment,

ment, and signed by the Clerk as a true and attested Copy thereof, with the other of the reduced Plans herein-after directed to be made, shall within the Time aforesaid be deposited in the Parish Church of *Buckland* aforesaid, and there kept in a Box to be provided for that Purpose by the Commissioners; and the said Award, and the said Copy thereof, and any other Copy of the said Award, or of any Part thereof, attested by the Clerk of the Peace for the Time being of the said County of *Buckingham*, or his Deputy, (for every Sheet of which containing One hundred Words Sixpence and no more shall be paid,) shall thereafter be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever. deposited in the Parish Church.

XC. And be it enacted, That the Commissioners shall cause Two reduced Plans of the said Parish to be drawn upon Parchment or 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 Commissioners shall think fit, shall be fairly and distinctly delineated and expressed; and the Commissioners shall sign the said Plans, one of which shall be annexed to the said Award, and the other shall be annexed to or shall go and be kept with the Copy of the said Award to be deposited in the Parish Church of *Buckland* aforesaid; and the Commissioners shall make, and annex to the said Award, a Schedule describing and setting forth the Quantities of all the Homesteads, Gardens, Orchards, and ancient Inclosures in the said Parish; which said Plans, or either of them, shall be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever. Reduced Plan to be annexed to Award, and a Schedule of old Inclosures.

XCI. And be it enacted, That the Costs, Charges, and Expences preparatory to applying for and of obtaining and passing this Act shall be ascertained, and finally settled and paid, by the said Commissioners, within Three Months after the passing of this Act, to the Person or Persons who shall have incurred such Expences, out of the first Monies which shall be raised and collected in pursuance of or for the Purposes of this Act, and the same shall bear Interest at the Rate of Five Pounds *per Centum per Annum* from that Time until the Day of Payment. Costs of obtaining the Act to be first paid.

XCII. And be it enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act (except as to the Allotments and the Valuation of the allottable Lands, and except as to such other Determinations as are by this Act directed to be final, and except such Cases wherein an Issue at Law shall be tried, as herein-before is mentioned), he may appeal to the General or Quarter Sessions of the Peace which shall be held for the said County of *Buckingham* within Four Months next after the Cause of Complaint shall have arisen, on giving to the Commissioners, and to the Party concerned, Fourteen Days previous Notice in Writing of such Appeal, and of the Matter thereof (except with respect to the Accounts of the Commissioners, which, notwithstanding the same shall have been examined and published as aforesaid, may be appealed against at any Time within One Month after the Enrolment of the Award, Power of Appeal.

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on giving to the Commissioners such Notice as last aforesaid); and the Justices (not interested in the Premises) in such Sessions assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages, as to them shall seem reasonable; and in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, they shall award such Costs to be paid by the Appellant as to them shall seem reasonable, and such Costs shall be levied in manner aforesaid, and the Costs and Damages which shall be so awarded shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Order on Appeal to be final.

XCIII. And be it enacted, That every Order and Determination of the said Justices upon every such Appeal shall be final, and shall not be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

For saving Manorial Rights.

XCIV. Provided always, and be it enacted, That nothing in this Act contained shall prejudice or defeat the Right, Title, or Interest of the Lord for the Time being of the said Manor in or to any of the Royalties or Seigniories, Fisheries, Manorial and other Rights, Customs, and Services incident or belonging to the said Manor.

Saving Rights of Grand Junction Canal Company.

XCV. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to enable the Commissioners to do, or order or cause to be done, any Act, Matter, or Thing which shall injure or prejudice the Navigation or Works of the Canals or collateral Cuts or either of them, through the said Parish of *Buckland*, belonging to the said Grand Junction Canal Company.

General Saving.

XCVI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all other Persons, Bodies Politic, Corporate, or Collegiate, their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for, or intended to be barred and compensated for and extinguished by this Act,) which they or any of them could or might have had, in, to, or in respect of the Lands hereby authorized to be divided, allotted, and inclosed in case this Act had not been passed.

Interpretation Clause.

XCVII. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words "Proprietor," "Owner," and "Person" shall respectively extend as well to an Individual as to a Body Politic, Corporate, or Collegiate, and to a Corporation, as well Aggregate as Sole, whether

whether such Corporation be Eleemosynary or Civil, Ecclesiastical or Lay:

The Word "Incumbent" shall be construed to mean Rector, Vicar, or Perpetual Curate:

The Word "Land" shall extend to every Species of Land, whether Arable, Meadow, or Pasture, Commonable or Waste Land, and whether Freehold, Copyhold or Customary, Leasehold, or held by any other Tenure, and as well to One Piece or Parcel as to any Number of Pieces or Parcels of Land:

Words importing the Masculine Gender only shall extend to Females as well as Males:

The Word "Month" shall mean Calendar Month:

The Expression "Lands to be inclosed" shall be understood to mean the Lands by this Act authorized to be divided, allotted, and inclosed:

The Expression "the Inclosure Expences Fund" shall be understood to mean the Monies by this Act authorized to be raised for defraying the Expences of obtaining this Act, and carrying the same into execution:

The Expression "the Commissioners" shall mean the Commissioners appointed and for the Time being acting by virtue of this Act, and also the Umpire, wherever he may be called in.

Act as printed by the Queen's Printers to be Evidence.

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

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Declaration by Commissioner, Umpire, or Surveyor.

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

SCHEDULE (B.)

Form of Conveyance by Commissioners.

We the Commissioners acting in execution of an Act of Parliament passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], by virtue of the Power and Authority to us given by the said Act, and in consideration of the Sum of paid into our Hands by which Sum is the whole Purchase Money agreed to be paid by him to us for the Purchase of the Lands and Hereditaments herein-after described, being Part and Parcel of the Lands by the said Act authorized to be sold and disposed of by us, and the Receipt of which said Sum we do hereby acknowledge, do, by this Deed under our Hands and Seals, by the Direction of the said testified by his Execution of these Presents, grant and convey unto his Heirs and Assigns, all that [*here describe the Premises*], together with the Appurtenances to the said Premises belonging, and the Fee Simple and Inheritance thereof in possession, to have and to hold the same unto the said his Heirs and Assigns [*here state the Uses, Trusts, or Purposes of the Conveyance, as the Case may require*]. In witness whereof we have hereunto set our Hands and Seals this Day of .

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1842.