ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 84.

An Act for dividing, allotting, and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, Commons, and Waſte Lands within the Pariſhes of *Great Kimble*, *Little Kimble*, and *Elleſborough*, in the County of *Buckingham*.

[11th *June* 1803.]

WHEREAS there are within the Pariſhes of *Great Kimble*, *Little Kimble*, and *Elleſborough*, in the County of *Buckingham*, ſeveral Open and Common Fields, Common Meadows, Common Paſtures, Commons, and Waſte Lands, containing in the Whole by Eſtimation Two thouſand five hundred Acres, or thereabouts: And whereas the Right Honourable *Thomas* Lord Viſcount *Hampden* is Lord of the Manor of *Great Kimble*, and the Right Honourable *George John* Earl *Spencer* is Lord of the Manors of *Great Kimble* otherwiſe *Upton* and *Marſhalls*, and *Fennells Grove* alias *Whittinghams*, within the ſaid Pariſh of *Great Kimble*, and the ſaid Earl is ſeiſed of the Rectory or Parſonage Impropriate of *Great Kimble* aforeſaid, and in Right thereof entitled to all the Great Tythes ariſing, growing, and payable within the ſaid Pariſh of *Great Kimble*, or to certain annual Payments in lieu thereof, except the Great Tythes ariſing out of and from certain Lands and Hereditaments within the ſaid Pariſh of *Great Kimble*, the Property of the ſaid *Thomas* Lord Viſcount *Hampden*: And whereas *Screpe Bernard* Eſquire, is Lord of the Manor of *Little Kimble* aforeſaid: And whereas *William Chapman*

Lord of the Manor of *Great Kimble*.

Lord of the Manors of *Great Kimble* alias *Upton*, *etc.*

Proprietor of the Great Tythes of *Great Kimble*.

Lord of the Manor of *Little Kimble*.

Patron of the Rectory and Rector of *Little Kimble.*

Chapman Clerk, is Rector of the Rectory and Parish Church of *Little Kimble* aforesaid, and as such is entitled to certain Glebe Lands; and all and every the Tythes, both Great and Small, yearly arising, renewing, and increasing within the said Parish of *Little Kimble*; and the said *William Chapman* is also seised of or entitled to the Advowson of the said Rectory and Parish Church of *Little Kimble*: And whereas Sir *George Russell* Baronet is Lord of the Manors of *Ellesborough*, *Chequers*, *Mordant*, *Scouches*, *Pooles*, and *Seatons*, within the said Parish of *Ellesborough*, and Proprietor or Owner of a considerable Part of the Lands within the said Parish of *Ellesborough*, hereby directed to be divided and inclosed: And whereas *John Mackaness* Esquire is or claims to be Lord of the Manor or reputed Manor of *Apsley*, within the said several Parishes, or some or One of them: And whereas *Richard Wells* Clerk is entitled to the perpetual Advowson, Right of Patronage, and Presentation, of, in, and to the Church of *Ellesborough*, and is Rector of the Rectory and Parish Church of *Ellesborough* aforesaid, and as such entitled to certain Glebe Lands, and One undivided Moiety of a considerable Part of the Great Tythes yearly arising and renewing within the Parish of *Ellesborough*, and is seized of One undivided Moiety of the Small Tythes arising within the said Parish; and *Joseph Wells* Gentleman is seised of or entitled to certain other Glebe Lands within the said Parish of *Ellesborough*; and the other undivided Moiety of the same Great and Small Tythes, and the remaining Great Tythes arising within the said Parish of *Ellesborough* are Impropriate, and for the most Part belong to the Proprietors of the Lands out of which the same issue: And whereas the said *Thomas* Lord Viscount *Hampden*, *George John* Earl *Spencer*, the Right Honourable *John Trevor*, Sir *George Russell* Baronet, *Scrope Bernard*, *Henry Deering*, *John Mackaness* Esquires, and divers other Persons are Owners or Proprietors of and interested in the Residue of the said several Open and Common Fields, Common Meadows, Common Pastures, Commons, and Waste Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said several Open and Common Fields within the said Parishes are contiguous to and intermixed with each other, and the respective Property of the several Owners and Proprietors lie intermixed and dispersed in small Parcels, and are inconveniently situated for Occupation, and in their present State incapable of any considerable Improvement; and it would be very advantageous and beneficial to the several Persons interested therein, and in the said Commons and Waste Lands, if the same were divided and inclosed, and specific Shares thereof allotted to the several Proprietors thereof, according to their respective Estates, Rights, and Interests therein; but such Division, Allotment, and Inclosure cannot be made and effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Rutt* of the City of *Oxford*, *William Collisson* of *Brackley*, in the County of *Northampton*, and *John Fellowes* of *Fofcott*, in the County of *Buckingham*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned shall be and they are hereby appointed Commissioners for dividing, allotting,

Lord of the Manors of *Ellesborough*, *etc.*

Patron of the Advowson of *Ellesborough.*

Rector.

Proprietors.

Advantage of Inclosure.

Commissioners.

and inclosing the said several Open and Common Fields, Common Meadows, Common Pastures, Commons, and Waste Lands, and for carrying this Act into Execution, subject to the Powers, Regulations, and Directions herein-after contained, and subject to such of the Powers, Regulations, Restrictions, and Provisions contained in the said recited Act, as are not varied or altered by or repugnant to any of the said Clauses, Provisions, or Regulations in this Act contained; and that all Acts, Matters, and Things authorized or directed to be done and executed by or before the said Commissioners, for effecting the Purposes aforesaid, may be done and executed by or before any Two of them, and the same when so done shall be as valid and effectual as if done and executed by or before all the said Commissioners.

For appointing new Commissioners.

II. And be it further enacted, That in case the said *William Rutt*, or any Person to be appointed in his Stead, shall die before the finishing of the said Division, Allotment, and Inclosure, or shall neglect, refuse, or become incapable to act as a Commissioner in the Execution of this Act, then and in such Case it shall be lawful for the said Sir *George Russell*, his Heirs or Assigns, by any Writing under his or their Hand or Hands, within Twenty-one Days after such Death, Refusal, or Incapacity to act, shall be made known to him or them, to nominate and appoint a proper Person, (not interested in the said Division and Inclosure), to be a Commissioner in the Room and Stead of the said *William Rutt*, or of such other Person appointed in his Stead so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said *William Collisson*, or any Person to be appointed in his stead, shall die before the finishing of the said Division, Allotment, and Inclosure, or shall neglect, refuse, or become incapable to act as a Commissioner in the Execution of this Act, then and in such Case it shall be lawful for the said *Richard Wells* and his Successors, and the said *Joseph Wells*, his Heirs and Assigns, by any Writing under their Hands, within Twenty-one Days after such Death, Refusal, or Incapacity shall be made known to them, to nominate and appoint a proper Person, (not interested in the said Division and Inclosure), to be a Commissioner in the Room and Stead of the said *William Collisson*, or of such other Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said *John Fellowes*, or any Person to be appointed in his Stead, shall die before the finishing of such Division, Allotment, and Inclosure, or shall neglect, refuse, or become incapable to act as aforesaid, then and in such Case it shall be lawful for the Majority in Value of the Proprietors of the Lands within the said several Parishes, (exclusive of the said Sir *George Russell*, his Heirs and Assigns, and the said *Richard Wells* and his Successors, and the said *Joseph Wells*, his Heirs and Assigns), in like Manner, and within the like Space of Time, to nominate and appoint some proper and disinterested Person to be a Commissioner in the Room and Stead of the said *John Fellowes*, or of the Person appointed in his Stead so dying, neglecting, refusing, or becoming incapable to act as aforesaid: Provided always, that if it shall happen that the Persons hereinbefore respectively authorized and empowered to appoint such new Commissioners, shall not make any such Appointment within the Time hereinbefore for that Purpose limited, then and so often as it shall so happen, the surviving or remaining Commissioners or Commissioner from Time to Time, shall within Fourteen Days next after the Expiration of such Time

Proprietors omitting to appoint new Commissioners, the old Commissioners may.

Time allowed for appointing such new or succeeding Commissioner or Commissioners as aforesaid, appoint some other fit and proper Person or Persons to be a Commissioner or Commissioners in the Place and Stead of such Commissioner or Commissioners so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every new Commissioner so nominated and appointed under either of the Powers herein-before given, shall, from and immediately after his Appointment and taking the Oath prescribed in that Behalf, have such and the like Powers and Authorities for carrying this Act into Execution, to all Intents and Purposes, as if he had been named and appointed a Commissioner in and by this Act.

Commissioners not attending to be deemed a Refusal.

III. And be it further enacted, That if any of the said Commissioners shall refuse or neglect to attend at the First or Second Meeting appointed to be held for putting this Act in Execution, and duly qualify himself by taking the Oath in that Behalf prescribed (Notice being given to him of such intended Meeting, under the Hand of either of the other Commissioners), or if any One of the said Commissioners shall at any Time after the First or Second Meeting, wilfully absent himself from any Two succeeding Meetings appointed to be held as aforesaid, he having first known of such Meetings by his Presence at their Appointment, or Notice thereof in Writing having been given him or left at his usual Place of Abode by the Clerk or Clerks to the said Commissioners, and such Commissioner not being prevented by Sickness, or other reasonable Cause to be allowed by the other Commissioners attending at such subsequent appointed Meetings, or if any Commissioner to be elected and appointed in Manner aforesaid, shall not attend, and qualify himself at the First or Second Meeting after his Election, to be appointed by the surviving or remaining Commissioner for putting this Act in Execution, or shall then-after absent himself in Manner aforesaid (having first known, or after such Notice), and without such Cause as last herein-before is mentioned, every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

Notice of Meetings.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, to be inserted in the Newspaper called *Jackson's Oxford Journal*, or in the Newspaper called *The Northampton Mercury*, or in some other Newspaper usually circulated within the said County of *Buckingham*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners not more than One of them shall attend, the Commissioner so attending may adjourn such Meeting to such Time and Place within Eight Miles of the said Parishes, as shall be by him deemed most convenient.

Other Notices.

V. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisements to be inserted in the said Newspaper called *Jackson's Oxford Journal*, or in the said Newspaper called *The Northampton Mercury*, or in case neither of them shall then be published, then in some other Newspaper usually circulated in the said County of *Buckingham*.

VI. And

Commissioners Quality to be open to Inspection.

VI. And be it further enacted, That the said Commissioners shall, at some convenient Time after the several Allotments herein-after directed to be made are set out; and before the same are confirmed, cause the Valuation and Appraisement to be made by them by virtue of the said recited Act, to be reduced into Writing and signed by them, which Valuation and Appraisement shall and may be inspected by all Persons interested therein, at all and any of the subsequent Meetings of the said Commissioners without Fee or Reward; and any Person or Persons so interested shall be entitled to a Copy of such Valuation and Appraisement, or any Part or Parts thereof, paying for the same at a reasonable Price to be ascertained by the said Commissioners.

Encroachments to be thrown open under certain Restrictions.

VII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, to enquire into and determine what Inclosures have been taken from, and what Encroachments have been made upon the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, or upon any Part or Parts thereof; and all such Inclosures taken from or Encroachments made upon any of the Lands and Grounds, (save and except such as have been held and enjoyed for Twenty Years before the passing of this Act, without Interruption, and which shall be proved by any reasonable Evidence to the Satisfaction of the said Commissioners to have been so held and enjoyed), shall be deemed and taken to be as Part and Parcel of the Lands and Grounds to be divided, allotted, and inclosed under and by virtue of this Act, and shall be divided, allotted, and inclosed accordingly as Part thereof.

Freeboard to be determined by Commissioners.

Allotments in lieu of Freeboards.

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

For straightening Boundary of Parishes.

IX. And be it further enacted, That in order to shorten the Boundaries of the said several Parishes of *Great Kimble*, *Little Kimble*, and *Ellesborough*, and the Parishes or Places adjoining thereto respectively, it shall be lawful for the said Commissioners (by and with the Consent in Writing under the Hand or Hands of the Owner or Owners, for the Time being, of the adjoining Lands intended to be affected thereby), to shorten, alter, or vary the Line of such Boundaries, in such Manner as to the said Commissioners shall appear just and advantageous to all Parties interested; and the Determination of the said Commissioners therein shall be final and conclusive to all Intents and Purposes whatsoever; any Law, Usage, or Custom to the contrary notwithstanding.

Commissioners to settle Disputes.

X. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the

the ſaid Diviſion, Allotment, and Incloſure, touching or concerning any Right or Rights to the Soil of the ſaid Commons and Waſte Lands, or touching or concerning any other Right, Matter, or Thing relating to the ſame, it ſhall be lawful for the ſaid Commiſſioners to examine into, hear, and determine the ſame: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Tenements, Lands, or Hereditaments whatſoever.

And may award Coſts.

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

Parties may try Rights at Law by a feigned Iſſue.

XII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure ſhall be diſſatisfied with any Determination or Order of the ſaid Commiſſioners, touching or concerning any Diſpute or Diſputes, Difference or Differences as aforeſaid, or touching or concerning the Claim or Claims of any Rights or Intereſts in and to the Soil of the ſaid Commons and Waſte Lands, or any Rights of Common, or other Rights or Intereſts in, over, or upon the Lands and Grounds herein directed to be divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for ſuch Perſon or Perſons to proceed to a Trial at Law reſpecting the Matter ſo determined by the ſaid Commiſſioners, at the then next or at the following Aſſizes to be holden for the ſaid County of *Buckingham*; and for that Purpoſe ſuch Perſon or Perſons who ſhall be diſſatisfied with the Determination or Order of the ſaid Commiſſioners, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination or Order ſhall have been made, within Three Calendar Months next after ſuch Determination or Order of the ſaid Commiſſioners ſhall be made; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby

inſiſted

inſiſted on, may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive, upon all and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in Conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners, touching ſuch Claim or Claims of Right to the Soil of the ſaid Commons and Waſte Lands, or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, which ſhall not be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action or Actions to be brought and proceeded in as aforeſaid, ſhall be final, binding, and concluſive upon all Parties.

If any of the Parties die Proceedings not to abate.

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

Allotment to Truſtees for the Poor of *Elleſborough*.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to aſſign, ſet out, and allot unto the Lord of the Manor of *Elleſborough* aforeſaid, and the Rector of the ſaid Rectory of *Elleſborough*, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Elleſborough*, and their Succeſſors for the Time being for ever, ſuch Plot or Plots of Ground, Part of a certain Common or Waſte Land in the Pariſh of *Elleſborough* aforeſaid, called *The Scrubbs* otherwiſe *The Scrubb Wood*, as in the Judgement of the ſaid Commiſſioners ſhall be equivalent to and a full Satisfaction and Compenſation for the Right or Liberty in the poor Inhabitants of the ſaid Pariſh of *Elleſborough*, to cut, take, and uſe Scrubbs, Furze, Fern, or other Fuel from the ſaid Common; and ſuch Plot or Plots of Ground ſhall, on the Execution of the Award of the ſaid Commiſſioners, be veſted in the Lord of the ſaid Manor of *Elleſborough*, and the Rector of the ſaid Rectory of *Elleſborough*, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Elleſborough* for the Time being for ever, as Truſtees for the Poor of the ſame Pariſh; and the Furze, Fern, and other Fuel ariſing from the Lands ſo to be allotted as aforeſaid, ſhall be cut, taken, and uſed by ſuch poor Inhabitants of the ſaid Pariſh of *Elleſborough*, in ſuch Quantities, at ſuch Time or Times in each and every Year, under ſuch Orders, Rules, and Regulations, and in ſuch Manner as the ſaid Truſtees for the Time being, or the major Part of them, ſhall from Time to Time appoint; and the ſaid Truſtees, or the major Part of them, are hereby empowered and required from Time to Time, as they in their Diſcretion ſhall think proper, either to let or ſet from Year to Year, or otherwiſe by Writing under their Hands, to leaſe and demiſe the Whole or ſuch Part or Parts of the ſaid Plot or Plots as they ſhall think

think proper, to any Perſon or Perſons whomſoever, for any Term or Number of Years not exceeding Twenty-one Years; ſo that on every ſuch Letting and in every ſuch Leaſe there be reſerved and made payable to the Truſtees for the Time being, or the major Part of them, by Two equal Half-yearly Payments, the moſt improved yearly Rent or Rents that can be obtained for the ſame, without taking any Income, Fine, Premium, or Foregift in Conſideration of ſuch Letting, or of granting ſuch Leaſe or Leaſes; and that on every ſuch Letting, and in all ſuch Leaſes reſpectively, there be contained the uſual Covenants or Stipulations, and ſuch Security be given for the Performance of the ſame as the ſaid Truſtees, or the major Part of them, ſhall think proper to require; and the Rents and Profits ariſing from the ſaid Plot or Plots ſhall, from Time to Time be laid out in purchaſing Fuel; and ſuch Fuel ſhall be diſtributed among the poor Inhabitants of the ſaid Pariſh of *Elleſborough*, in ſuch Proportions and Quantities, at ſuch Times in every Year, and according to ſuch Rules and Orders as the Truſtees for the Time being, or the major Part of them, ſhall appoint and preſcribe for that Purpoſe, and not otherwiſe.

Lords, *etc.* to act by Proxy.

XV. Provided always, and be it further enacted, That it ſhall be lawful for the Lord of the Manor of *Elleſborough* aforeſaid, the Rector of the ſaid Rectory, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Elleſborough* for the Time being, to act in the Execution of the Truſts hereby repoſed in them by their Agents and Proxies reſpectively, ſuch Agents or Proxies being appointed by Writing under the Hand or Hands of the Perſon or Perſons for whom ſuch Agents or Proxies ſhall act, and producing ſuch his or their Appointment at the Time of his or their acting by virtue thereof.

Allotments for Stone and Gravel Pits.

XVI. And be it further enacted. That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized, (if they ſhall think it neceſſary and proper), to ſet out and appoint, out of and from the Lands and Grounds hereby directed to be divided, allotted, and incloſed, One or more Plot or Plots of Land or Ground within the ſaid Pariſh of *Great Kimble*, not exceeding Two Acres in the Whole; and alſo One or more Plot or Plots of Land or Ground within the ſaid Pariſh of *Little Kimble*, not exceeding Two Acres in the Whole; and the like Allotment or Allotments within the ſaid Pariſh of *Elleſborough*, for the Purpoſe of getting Materials for repairing the Roads and Ways already made and to be made or ſet out by virtue of this or the ſaid recited Act, in the Pariſhes hereby directed to be divided, allotted, and incloſed; and that the Herbage growing and renewing in and upon the ſaid Plot or Plots of Ground, ſhall be veſted in ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall in their Award declare, order, and direct.

Allotment for Manerial Rights.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place aſſign, ſet out, and allot, unto and for the Lords of the ſeveral Manors within the ſaid Pariſhes of *Great Kimble*, *Little Kimble*, and *Elleſborough*, in Severalty, ſuch Parts of the Commons and Waſte Lands within the ſaid Manors reſpectively, as in the Judgement of the ſaid Commiſſioners ſhall be equivalent to, and a full Compenſation, Recompence, and Satisfaction for their Rights and Intereſts in and to the Soil of the ſaid Commons and Waſte Lands.

XVIII. And

Allotment for Earl *Spencer*'s Tythes in *Great Kimble*.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award, unto and for the ſaid *George John* Earl *Spencer*, his Heirs and Aſſigns, for and in lieu of all the Tythes yearly ariſing, iſſuing, and payable to him, out of all and every the Lands and Grounds within the ſaid Pariſh of *Great Kimble*, which are ſubject and liable to the Payment of Tythes in Kind to the ſaid *George John* Earl *Spencer*, ſuch Plot or Plots, Part of the Lands and Grounds within the ſaid Pariſh of *Great Kimble* ſo intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be a full Equivalent, Compenſation, Recompence, and Satisfaction for ſuch Tythes.

Old Incloſures in *Great Kimble*, to continue liable to the Payment of the ſame Tythes as before the paſſing of this Act.

XIX. Provided always, and be it further enacted, That in caſe any of the Owners or Proprietors of any old incloſed Lands or Grounds within the Pariſh of *Great Kimble* aforeſaid, which are ſubject and liable to the Payment of Tythes in Kind to the ſaid *George John* Earl *Spencer*, ſhall not be entitled to Lands or Grounds, or Common Rights in the Lands and Grounds within the ſaid Pariſh of *Great Kimble*, by this Act directed to be divided and incloſed, ſufficient to make Compenſation as aforeſaid, for the Tythes ſo payable to the ſaid *George John* Earl *Spencer*, then and in every ſuch Caſe ſuch old Incloſures ſhall continue liable to the Payment of Tythes in the ſame Manner as if this Act had not been made: Provided nevertheleſs, that if the Owners or Proprietors for the Time being, of any old incloſed Lands or Grounds within the ſaid Pariſh of *Great Kimble*, which are ſubject and liable to the Payment of Tythes in Kind to the ſaid *George John* Earl *Spencer*, who ſhall not have Lands or Common Rights in the ſaid Lands and Grounds within the ſaid Pariſh of *Great Kimble*, hereby directed to be divided, allotted, and incloſed, ſufficient to exonerate their Lands and Grounds from the Payment of Tythes in Kind, to the ſaid Earl as aforeſaid, ſhall be deſirous of having a Part of ſuch old incloſed Lands or Grounds aſſigned or ſet apart to exonerate the ſame Lands and Grounds from the Payment of ſuch Tythes, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, with the Conſent of the Proprietors or Owners in Poſſeſſion for the Time being, of ſuch old incloſed Lands and Grounds, to deduct and ſet out ſo much, and ſuch Part and Parts of ſuch old incloſed Lands or Grounds, as ſhall be equal in Value to the Tythes in Kind ſo payable thereout to the ſaid Earl, which Part or Parts of ſuch old incloſed Lands and Grounds ſo deducted and ſet out, ſhall be conſidered as Part of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, and ſhall be divided, allotted, and incloſed accordingly; and ſuch Deductions ſhall for ever thereafter be a full Satisfaction for and Diſcharge from the Payment of ſuch Tythes.

Allotment to Earl *Spencer* in lieu of Money Payment for Tythes.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and may, by and with the Conſent of the Owners or Proprietors for the Time being of any Lands or Grounds incloſed or unincloſed, within the ſaid Pariſh of *Great Kimble*, out of which any Sum or Sums of Money is or are iſſuing or payable to the ſaid *George John* Earl *Spencer* in lieu of Tythes, to be teſtified by ſome Writing under his or their Hand or Hands, to ſet out, allot, and award unto and for the ſaid *George John* Earl *Spencer*, his Heirs and Aſſigns, ſuch Plot or Plots, Part of the Lands or Grounds belonging to ſuch laſt mentioned Owners or Proprietors, as in the Judge-

ment of them the said Commissioners shall be a full Equivalent, Compensation, Recompence, and Satisfaction for such Sum or Sums of Money so payable thereout in lieu of Tythes as aforesaid.

This Act not to extend to old Inclosures in *Great Kimble*, without Consent of the Owners.

XXI. Provided always, and be it further enacted, That nothing herein or in the said recited Act contained, (except the several Clauses and Powers herein and in the said recited Act contained, relative to the Tythes and Exchanges, and the Expences thereof), shall extend or be construed to extend to affect or relate to any of the old inclosed Lands and Grounds within the said Parish of *Great Kimble*, unless by the Consent of the Owner or Owners for the Time being of the same old inclosed Lands and Grounds, to be testified by some Writing under his or their Hand or Hands.

Allotments to the Rectors of *Little Kimble* and *Ellesborough* for Glebe.

XXII. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot, unto and for the Rectors of the said several Rectories of *Little Kimble* and *Ellesborough*, and to the said *Joseph Wells*, his Heirs or Assigns, in Severalty, such Plots of Land or Ground, Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as shall in the Judgement of the said Commissioners be a full Equivalent and Compensation for all their respective Glebe Lands and Rights of Common thereto belonging, within the Parishes of *Little Kimble* and *Ellesborough* aforesaid.

Allotments for the Tythes of *Little Kimble* and *Ellesborough*.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next Place to set out and allot to and for the said Rectors, and *Joseph Wells*, his Heirs or Assigns in Severalty, for and in lieu of their respective Great and Small Tythes yearly arising, issuing, and payable out of all and every such Lands, Grounds, Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses, and old Inclosures within the said Parishes of *Little Kimble* and *Ellesborough*, as are subject and liable to Payment of Tythes in Kind to the Rectors thereof, or to the said *Joseph Wells* respectively, such Plots or Allotments, Parts of the Lands and Grounds within the said Parishes of *Little Kimble* and *Ellesborough*, so intended to be divided, allotted, and inclosed, as in the Judgement of the said Commissioners shall be equal in Value to One-Fifth Part of the Arable or Tillage Lands, and One Ninth Part of all the Remainder of the Lands or Grounds lying or being in the same Parishes, which are subject and liable to the Payment of Tythes in Kind to the Rectors thereof, and to the said *Joseph Wells* respectively, and which shall remain after the publick and private Roads, and the said Allotment or Allotments (if any) for Stone and Gravel Pits, shall be taken and deducted, which said Plots or Allotments so to be set out, allotted, and awarded for Tythes as last aforesaid, shall be in full Satisfaction and Discharge of and for all the Great and Small Tythes, and all Ecclesiastical Dues and Payments whatsoever issuing, arising, and renewing from and out of the said several Lands, Grounds, Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses, and old Inclosures, lying within the said Parishes of *Little Kimble* and *Ellesborough*, and hereby directed to be exonerated therefrom, Mortuaries, *Easter* Offerings, and Surplice Fees, due to the said Rectors respectively, and their Successors only excepted.

XXIV. And

Allotments to the other Proprietors of Great Tythes in *Elleſborough*.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award, unto and for the ſeveral other Impropriators of Great Tythes within the ſaid Pariſh of *Elleſborough*, for and in lieu of their ſaid Impropriate Tythes, yearly ariſing, iſſuing, and payable to them, out of the ſaid Lands and Grounds within the ſaid Pariſh of *Elleſborough*, which are ſubject and liable to the Payment of Tythes in Kind to them reſpectively, and to and for the ſaid Rector of *Elleſborough* and the ſaid *Joſeph Wells*, in reſpect of their ſaid Small Tythes of ſuch laſt mentioned Lands, ſuch Plot or Plots, Part of the Lands and Grounds within the ſaid Pariſh of *Elleſborough*, ſo intended to be divided, allotted, and incloſed, as in the Judgement of them the ſaid Commiſſioners ſhall be equal in Value to One Fifth Part of the Arable or Tillage Lands, and One Ninth Part of all the Remainder of the Lands or Grounds laſt mentioned, and which ſhall remain after ſuch Deductions thereout as herein-before mentioned; which ſaid Plots or Allotments ſo to be ſet out, allotted, and awarded for Tythes as laſt aforeſaid, ſhall be in full Satisfaction and Diſcharge of and for all the Great and Small Tythes, and all Eccleſiaſtical Dues and Payments whatſoever, iſſuing, ariſing, and renewing from and out of the ſaid ſeveral laſt mentioned Lands and Grounds lying within the ſaid Pariſh of *Elleſborough*, and hereby directed to be exonerated therefrom, (Mortuaries, *Eaſter* Offerings, and Surplice Fees excepted), and ſhall be divided, apportioned, and allotted by the ſaid Commiſſioners, to and between the ſaid Impropriators and Rector, in ſuch Shares and Proportions reſpectively, as they the ſaid Commiſſioners ſhall judge to be equal to their reſpective Intereſts therein.

Payments to be made for Tythes of old Incloſures at *Little Kimble* and *Elleſborough*, where the Owners have not Land in the Common Field to diſcharge them.

XXV. Provided always, and be it further enacted, That in caſe any of the Owners or Proprietors of any ſuch Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Homecloſes, and old Incloſures within the Pariſhes of *Little Kimble* and *Elleſborough* aforeſaid, ſhall not be entitled to Lands or Common Right in the ſaid Lands and Grounds by this Act directed to be divided, allotted, and incloſed, ſufficient to make ſuch Compenſation as aforeſaid for the Tythes thereof, then and in every ſuch Caſe Compenſation ſhall be made as aforeſaid for ſuch Tythes or Deficiency of Tythes, by and out of the Lands and Grounds belonging to the ſeveral other Proprietors within the ſame Pariſhes, in ſuch Manner as the ſaid Commiſſioners ſhall order, direct, and appoint; and ſuch Perſon or Perſons, who ſhall be entitled to or poſſeſſed of any ſuch Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Homecloſes, and old Incloſures, ſhall pay or cauſe to be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall direct or appoint, ſuch Sum or Sums of Money as they the ſaid Commiſſioners ſhall think equivalent to, and a full Satisfaction and Compenſation for the Tythes of the ſaid Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Homecloſes, and old Incloſures, which Sum and Sums of Money ſhall be applied in the Account of the Proprietors of Lands within the ſaid Pariſhes of *Little Kimble* and *Elleſborough* reſpectively, towards Payment of the Charges and Expences of obtaining and paſſing this Act, and carrying the ſame into Execution; and the ſaid Monies ſo directed to be paid, ſhall be and the ſame are hereby charged on ſuch Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Homecloſes, and old Incloſures; and in caſe the Monies ſo directed to be paid, ſhall not be paid

within

within Three Calendar Months next after the ſame ſhall be demanded, by the Perſon or Perſons entitled to receive the ſame, it ſhall be lawful for ſuch Perſon or Perſons as the ſaid Commiſſioners, by any Writing under their Hands and Seals, ſhall order, direct, or appoint, to enter into and upon ſuch Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Homecloſes, and old Incloſures, which ſhall be ſeverally charged with ſuch Sum or Sums of Money, and to hold and enjoy the ſame, and receive and take the Rents, Iſſues, and Profits thereof, until ſuch Sum or Sums of Money, with Intereſt for the ſame after the Rate of Five Pounds *per Centum per Annum*, and all Coſts, Charges, and Expences attending ſuch Entry and Receipt of the Rents and Profits thereof, ſhall be thereby or otherwiſe fully paid and diſcharged.

Or ſuch Owners of old Incloſures may aſſign Land to exonerate the ſame from Tythes.

XXVI. Provided nevertheleſs, and be it further enacted, That if the Owners or Proprietors of any ſuch old Incloſures, not having any or ſufficient Land in the ſaid Lands and Grounds within the ſaid Pariſhes of *Little Kimble* and *Elleſborough*, hereby directed to be divided, allotted, and incloſed, to exonerate their Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Homecloſes, and old Incloſures from Payment of Tythes in Kind as aforeſaid, ſhall be deſirous of having a Part of ſuch old Incloſures, aſſigned or ſet apart to exonerate the ſame Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Homecloſes, and old Incloſures from the Payment of Tythes in Kind, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, with the Conſent of the Proprietors or Owners in Fee or in Tail, or for Life, in Poſſeſſion of ſuch old Incloſures, to deduct and ſet out ſo much and ſuch Part and Parts of ſuch old Incloſures, as ſhall be equal in Value to the Tythes, both Great and Small, payable by the Owner or Owners of ſuch old Incloſures, in reſpect of his, her, or their reſpective Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Homecloſes, and old Incloſures within the ſaid Pariſhes of *Little Kimble* and *Elleſborough*, which Part or Parts of ſuch old Incloſures ſo deducted and ſet apart, ſhall be conſidered as Part of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, and ſhall be divided, allotted, and incloſed accordingly as Part thereof; and ſuch Deductions ſhall be for ever thereafter deemed, taken, and conſidered to be a full Satisfaction for and Diſcharge from the Payment of ſuch Tythes.

Tythes payable until Award made, or Commiſſioners otherwiſe direct.

XXVII. Provided always, and be it further enacted, That until the Execution of the Award of the ſaid Commiſſioners, or until ſuch other previous Time as the ſaid Commiſſioners ſhall, by Writing under their Hands, direct or appoint, the ſaid *George John* Earl *Spencer*, *William Chapman*, *Richard Wells*, and *Joſeph Wells*, and the other Impropriators, ſhall ſeverally be entitled to, and ſhall have, receive, and enjoy all their reſpective Tythes, in ſuch Manner as they reſpectively could or might have had, received, and enjoyed the ſame, in caſe this Act had not been made.

Beech, Box, and other Wood, and Wood Lands to remain tytheable as heretofore.

XXVIII. Provided alſo, and be it further enacted, That the ſeveral Beech, Box, and other Woods and Wood Lands, lying and being within the ſaid ſeveral Pariſhes, ſhall reſpectively remain and continue ſubject and liable to the Payment of ſuch Tythes as the ſame Woods and Wood Lands would reſpectively have been ſubject and liable to in caſe this Act had not been made.

XXIX. And

Allotment of Residue.

XXIX. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, after the making of such Allotments as herein-before directed, to divide, set out, allot, and award all the Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, unto and amongst the respective Owners and Proprietors thereof, and Persons interested therein, in such Quantities, Shares, and Proportions, and in such Parts and Places as the said Commissioners shall adjudge and determine to be a just Compensation and Satisfaction for, and equal to their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein, subject to such Rules, Provisions, and Directions as are in and by this and the said recited Act declared, expressed, appointed, and prescribed.

Power to divide and allot ancient Inclosure as Open Field Land.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, by and with the Consent in Writing of the respective Owners of the old inclosed Lands or Grounds lying within any of the Parishes by this Act directed to be divided, allotted, and inclosed, and having Open and Common Field Land adjoining or lying near thereto, to order and direct the same, or such Part or Parts thereof as the Owners thereof respectively shall consent and desire to be surveyed, measured, and taken up, and the same shall be considered and divided and allotted, as Part and Parts of the Lands hereby directed to be divided, allotted, and inclosed, and thereupon such Allowances shall be made to the respective Owners thereof, on Account of the beneficial Difference of Property between old inclosed Land and Common Field Land, as the said Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall and they are hereby required to set out, allot, and award, unto and for the respective Owners of such old Inclosures in lieu thereof, so much and such Plot or Plots of Land, Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they the said Commissioners shall think reasonable, subject to the Rules, Orders, and Directions in this and the said recited Act contained.

New Estates to remain to the same Uses.

XXXI. And be it further enacted, That the several Lands and Grounds to be allotted and awarded upon the said Division, Allotment, and Inclosure, to the several Persons interested, and the several Messuages, Lands, Tenements, old Inclosures, new Allotments, and other Hereditaments, which shall be exchanged in pursuance of this or the said recited Act, shall immediately after such Allotments and Exchanges are made, be, remain, and enure; and the several Persons to whom the same shall be respectively allotted or given in Exchange, or awarded upon such Division, shall from thenceforth stand and be seised and possessed thereof to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases, Charges, Tenures, Rents, Services, and Incumbrances as the several and respective Messuages, Lands, Tenements, old Inclosures, new Allotments, or other Hereditaments, in lieu whereof such Allotments or exchanged Premises shall be respectively made or taken as aforesaid, are now held under or subject to, or liable to be charged with or affected by, or might or could have been held under or subject to, or liable to have been charged with or affected by, in case this Act had not been made.

Leaſes at Rack Rent to be void.

XXXII. And be it further enacted, That all and every Leaſe and Leaſes at Rack Rent ſubſiſting upon the making or renewing of which no Fine or Fines hath or have been paid, of all or any Part of the Lands or Grounds to be divided, allotted, and incloſed by virtue of this Act, or the Tythes thereof, or any Part thereof, either alone or jointly with any other Lands, Tenements, Tythes, or Hereditaments, and all ſubſiſting Agreements for any Term or Time therein, as to the Whole of the Tenements compriſed in ſuch Leaſe or Leaſes, Agreement or Agreements, ſhall on ſuch Day as the ſaid Commiſſioners ſhall, by Writing under their Hands for that Purpoſe, limit or appoint, ceaſe, determine, and be utterly void; and the reſpective Leſſees or Tenants thereof, ſhall thereupon be entitled to demand and receive of and from the reſpective Landlords, Owners, or Proprietors of the ſame Premiſes, ſuch Allowance or Satisfaction in Money, and at ſuch Time or Times as ſuch Commiſſioners ſhall aſcertain, order, and direct, as reaſonable to be paid to ſuch Leſſees or Tenants on Account thereof or as an Equivalent for the ſame; and ſuch Leſſees or Tenants reſpectively ſhall, upon the Determination of every ſuch Leaſe or Agreement, be liable to pay the reſpective Landlords, Owners, and Proprietors of the ſame Premiſes, ſuch Rents or Sums of Money, up to the Time of vacating ſuch Leaſes or Agreements reſpectively, for the Uſe and Occupation thereof, as the ſaid Commiſſioners ſhall in like Manner aſcertain, order, and direct, as reaſonable and proper in that Behalf: Provided always, that if there ſhall be any ſuch Leaſe or Leaſes, Agreement or Agreements for a Leaſe or Leaſes at Rack Rent, of Lands, Part of which ſhall lie in the ſaid Pariſhes of *Great Kimble*, *Little Kimble*, or *Elleſborough*, and Part in an adjoining Pariſh, all and every ſuch Leaſe or Leaſes upon Rack Rent may be vacated; but where any Land ſhall have been taken in Exchange, which Land ſhall be under any Leaſe or Leaſes, Agreement or Agreements, and wholly ſituate in an adjoining Pariſh, ſuch laſt mentioned Leaſe or Leaſes, Agreement or Agreements ſhall not be vacated.

Leaſes to be compenſated.

Commiſſioners to direct Courſe of Huſbandry.

XXXIII. And be it further enacted, That, from and after the paſſing of this Act, until the Execution of the Award of the ſaid Commiſſioners, all the Open Fields hereby directed to be divided and allotted, ſhall be ſubject and liable to ſuch Directions and Regulations as the ſaid Commiſſioners ſhall from Time to Time by Writing under their Hand appoint, as well with regard to the ſtocking as to the ploughing, folding, tilling, ſowing, and laying down the ſame; and it ſhall be lawful for the ſaid Commiſſioners to order and direct ſuch Sum or Sums of Money in reſpect thereof, to be paid by any Perſon or Perſons intereſted in the ſaid Open Fields, his, her, or their Tenant or Tenants, as they the ſaid Commiſſioners ſhall think reaſonable; and in caſe any Perſon or Perſons who ſhall be directed to pay any Sum or Sums of Money on any of the Accounts aforeſaid, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to raiſe and levy the ſame, for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, may be raiſed and levied.

Power to turn Watercourſes in old Incloſures.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to direct,

direct, order, and award all or any of the Streams of Water, Springs, and Watercourſes within the ſaid Pariſhes, or which divide or run between the ſaid Pariſhes and any adjoining Pariſh or Liberty, to be conveyed and turned in ſuch Courſes, and through ſuch Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and incloſed as they ſhall think moſt beneficial and convenient for watering the new Allotments which ſhall be made in purſuance hereof, and for ſtraightening the Boundary of the ſaid Pariſhes, as herein-before is directed; provided ſuch Streams of Water, Springs, and Watercourſes be not diverted or altered without the Conſent in Writing of the Proprietor or Proprietors of the Lands or Hereditaments from which ſuch Streams, Springs, or Watercourſes ſhall be diverted, or into whoſe Lands or Hereditaments the ſame ſhall be turned.

No Sheep to be kept in new Allotments for Four Years.

XXXV. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons for the Space of Four Years next after the Execution of the Award of the ſaid Commiſſioners, to keep or depaſture any Sheep or Lambs in or upon any of the Allotments to be made by virtue of this Act, unleſs the Perſon or Perſons keeping ſuch Sheep or Lambs, ſhall at his, her, or their own Expence, effectually and ſufficiently fence off, or guard aud duly keep fenced off the Quickſet Hedges or other Live Fences of the Proprietor or Proprietors of ſuch Allotment or Allotments where ſuch Sheep or Lambs ſhall be ſo kept, and of ſuch Allotment or Allotments adjoining thereto, ſo as to prevent any Damage being done to ſuch Quickſet Hedges.

Allotments for Tythes and for Stone Pits, and the Poor's Allotment to be Ring-fenced.

XXXVI. And be it further enacted, That the ſeveral Plots of Ground which ſhall or may be ſet out and allotted for Stone or Gravel Pits, and the Allotment or Allotments to be made and ſet out to and for the Poor of the Pariſh of *Elleſborough* in Truſt as aforeſaid, the ſeveral Allotments for Glebe Lands and Common Rights thereto belonging, and the ſeveral Allotments to be ſet out and allotted by virtue of this Act, to and for the reſpective Tythe Proprietors in lieu of their Tythes, ſhall be incloſed round with Quickſet Hedges and Ditches, and ſubſtantial Poſts and Rails on each Side thereof, or other proper Mounds or Fences, according to the Cuſtom of the Country, with good and ſubſtantial Gates and Stiles in the ſaid Fences where neceſſary; and the ſame ſhall be thereafter ſupported and maintained for the Term of Seven Years, or until the Quickſets ſhall have become ſufficient Fences of themſelves, by or at the Expence of all or ſuch of the other Proprietors of Lands and Grounds within the ſaid ſeveral Pariſhes, in ſuch Manner, and in ſuch Shares and Proportions, as the ſaid Commiſſioners ſhall, by any Writing under their Hands or by their Award, order and direct; and ſuch Proportions of the ſaid Fences as the ſaid Commiſſioners ſhall order and direct, ſhall be for ever thereafter maintained and kept in Repair by the ſaid reſpective Tythe Owners, as the ſaid Commiſſioners ſhall likewiſe by their ſaid Award order and direct; and the Fences of the Lands and Grounds to be ſet out for Stone and Gravel Pits, and for the Poor, ſhall afterwards be ſupported and maintained for ever by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall direct or appoint; and the ſaid ſeveral other Allotments for the ſaid Lands and Grounds after the Diviſion thereof, ſhall within Three Calendar Months, to be computed from the Execution of the ſaid Award, be incloſed, hedged, ditched, and fenced at the proper

Coſts

Coſts and Charges of the reſpective Perſons to whom the ſame ſhall be reſpectively allotted, in ſuch Manner, Shares, and Proportions, as the ſaid Commiſſioners ſhall in and by their ſaid Award order and direct; and in caſe any ſuch Perſon who ſhall be made ſubject or liable, by ſuch Order and Direction of the Commiſſioners, to make or to repair, ſupport, or maintain, any ſuch Fence, ſhall neglect or refuſe to make or to repair, ſupport, or maintain the ſame according to ſuch Direction of the ſaid Commiſſioners, it ſhall be lawful for the Perſon or Perſons intereſted in the Lands next adjoining the Lands allotted to the Perſon or Perſons ſo neglecting or refuſing, to exhibit a Complaint in Writing againſt ſuch Perſon or Perſons before any One of His Majeſty's Juſtices of the Peace for the County of *Buckingham*, not being intereſted in the Lands and Grounds ſo to be fenced and incloſed as aforeſaid, who ſhall and may ſummon the Parties concerned, enquire into the Nature of the Complaint, and examine all proper Witneſſes upon Oath, which Oath ſuch Juſtice ſhall and may, and is hereby authorized to adminiſter; and after ſuch Summons, Enquiry, and Examination, ſhall and may, if he ſhall ſee Cauſe, order, direct, and appoint the Perſon or Perſons exhibiting ſuch Complaint to make and raiſe, or to repair ſuch Fences of the Perſon or Perſons ſo neglecting or refuſing, and when the ſame ſhall be ſo made and raiſed or repaired, ſuch Juſtice may aſcertain the Coſts and Charges of doing thereof; and alſo ſhall and may, by Warrant under his Hand and Seal directed to the Perſon or Perſons exhibiting ſuch Complaint, cauſe the ſame Coſts and Charges ſo aſcertained, Demand thereof being firſt made before One credible Witneſs, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and making ſuch Diſtreſs and Sale, or otherwiſe ſhall and may, by Writing under his Hand and Seal, authorize and empower the Perſon or Perſons exhibiting ſuch Complaint, to enter into and upon the Premiſes ſo to be allotted to ſuch Perſon or Perſons refuſing or neglecting to pay as aforeſaid, and to receive and take the Rents and Profits thereof reſpectively, until thereby, therewith, or otherwiſe, the Charges and Expences of making and maintaining, or repairing ſuch Fences of the Perſon or Perſons ſo neglecting or refuſing to pay as aforeſaid; and alſo all Coſts, Charges, and Expences occaſioned by and attending ſuch Entries upon, and Perception of the Rents and Profits of the ſaid Premiſes, ſhall reſpectively be fully paid and ſatisfied: Provided always, that convenient Gaps and Openings ſhall be left in all the Fences to be made by virtue of this Act, for the Space of Six Calendar Months next enſuing the Execution of the ſaid Award, for the Paſſage of Cattle, Carts, and Carriages, in and through the ſame, unleſs the ſaid Commiſſioners ſhall by their Award, or other Inſtrument in Writing under their Hands, order that the ſame be ſooner fenced in and made up.

Gaps to be left open for Six Months after the Award executed.

Perſons advancing Money for obtaining this Act, to be repaid with Intereſt.

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

XXXVIII. And

Commissioners Allowance, &c. how to be paid.

XXXVIII. And be it further enacted, That each of the Commissioners who shall act in the Execution of the Powers vested in them by this Act, and their Clerk shall be paid the Sum of Two Pounds Twelve Shillings and Sixpence for each Day they shall respectively and actually attend to act in the Execution of this Act, the same Sums to be in full Satisfaction for the Trouble and Expences which the said Commissioners and their Clerk shall be respectively put unto in the Execution of the Powers aforesaid; and the said Commissioners shall cause the Minutes of each Day's Proceeding to be entered in a Book on the same Day and signed by them, and that the same Sums, together with all the Costs, Charges, and Expences incident to and attending the obtaining this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Premises to be divided and allotted by virtue of this Act, and of preparing and inrolling the Award of the said Commissioners; and all the Charges and Expences of their Assistants and Servants, and all other necessary Expences of the several Persons to be employed by them in and about the Premises, either before or after the Execution of the Award, and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways, to be set out and appointed by the said Commissioners, and all other Expences for carrying this Act into Execution, shall be borne and defrayed by the several Owners of the Lands, Grounds, and Hereditaments to be divided, allotted, and inclosed, and exonerated from the Payment of Tythes by virtue of this Act, (save and except the said *George John* Earl *Spencer*, *William Chapman*, *Richard Wells*, and *Joseph Wells*, for or in respect of any Allotment or Allotments which shall be made to them respectively in lieu of Tythes or Glebe Lands, and also save and except the aforesaid Trustees of the Poor of the said Parish of *Ellesborough* for the Time being, for or in respect of the Allotment or Allotments hereby directed to be made to them in Trust as aforesaid; and also save and except the Surveyors of the Highways within the said Parishes for the Time being, for and in respect of the Allotments hereby directed to be made to them as aforesaid), which said Costs, Charges, and Expences, together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, and to such Person or Persons, as the said Commissioners shall appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof, within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act.

Expences of Exchanges, *etc.* how to be paid.

XXXIX. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions by virtue of this Act, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Commissioners to lay an Account of their own Fees and other Expences be-

XL. And be it further enacted, That Once in every Year during the Execution of this Act, (such Year to be computed from the Day of the passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them

fore Two Juſtices Once a Year.

them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before any Two or more of His Majeſty's Juſtices of the Peace for the County of *Buckingham*, (not intereſted in the ſaid Diviſion, Allotment, and Incloſure), to be by them examined and balanced; and ſuch Balance ſhall be by ſuch Juſtices ſtated in the Book of Accounts, to be kept in the Office of the Clerk to the ſaid Commiſſioners.

No Item to be valid unleſs allowed by ſuch Juſtices.

Proprietors to pay their own Expences.

XLI. And be it further enacted, That no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices: Provided always, that the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences, when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be held in purſuance of this Act.

Wills, &c. not to be altered.

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

Award where to be depoſited.

XLIII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, ſhall, when inrolled in the Manner directed by the ſaid recited Act, be depoſited in the Pariſh Church of *Elleſborough* aforeſaid, or in ſuch other Place as the ſaid Commiſſioners ſhall appoint; and that a true Copy or Extract of ſo much of the ſaid Award as relates to the ſaid Pariſh of *Great Kimble*, ſhall be made and ſigned by the ſaid Commiſſioners, and depoſited in the Pariſh Church of *Great Kimble* aforeſaid; and a true Copy or Extract of ſo much of the ſame Award as relates to the ſaid Pariſh of *Little Kimble*, ſhall be made and ſigned by the ſaid Commiſſioners, and depoſited in the Pariſh Church of *Little Kimble* aforeſaid; which Extracts, and each of them, ſhall and may be admitted and received in Evidence in all Courts and before all Perſons whatſoever.

Appeal to the Quarter Seſſions.

XLIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of this Act, (other than and except as to ſuch Claims, Matters, and Things as are herein-before directed or authorized to be tried, ſettled,

tled, or determined by the Verdict of a Jury, or where any of the Clauſes or Proviſions of the ſaid recited Act or of this Act, ſhall expreſs that the ſame ſhall be final and concluſive, and excepting ſuch Caſes wherein an Iſſue at Law ſhall be tried as herein-before mentioned), then and in every ſuch Caſe, he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Buckingham*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners, or to the Party or Parties concerned, Ten Days Notice in Writing of ſuch Appeal, and of the Matter thereof, and the Juſtices, (not intereſted in the Premiſes), in their ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and award ſuch Coſts and Damages, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the ſaid Appellant or Appellants as to them in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

General Saving.

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

Declaring the Act publick.

XLVI. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and when ſo printed may be given in Evidence in all Courts of Juſtice, and before all Judges and Juſtices whomſoever, who ſhall take judicial Notice thereof, in like Manner as if the ſame had been declared to be a publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1803.