ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

****

Cap. 22.

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

[21st *June* 1841.]

WHEREAS there are within the Manor and Parish of *Great Horwood* in the County of *Buckingham* certain Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands, Commons, and Waste Grounds, and also divers Woods and Wood Grounds, and inclosed Lands and Homesteads: And whereas the Warden and Scholars of *Saint Mary College* of *Winchester* in *Oxford*, commonly called *New College in Oxford*, are Lords of the Manor of *Great Horwood* aforesaid, and as such are entitled to the Soil of certain Woods and Wood Grounds called the *College Woods* (which are subject to certain Rights of Common), and also to the Soil of a certain Common called *The Great Common* or *Chase Common*, and of all other the Commons and Waste Lands within the said Manor and Parish: And whereas *William Selby Lowndes* Esquire is seised of a certain Chase called *Whaddon Chase*, with its Rights, Members, and Appurtenances, and as such is or claims to be entitled to certain Rights in, over, and upon the said Woods and Wood Grounds, Common and Waste Lands, or some Part thereof: And whereas the said Warden and Scholars, and also the Reverend *William Walkinshaw Mac Creight* Clerk, *Thomas Jones*, *Joseph Whitby*, *Robert Williatt Jones*, *William*

Viccars, and several other Persons, are seised and possessed of or otherwise interested in the Residue of the said Open and Common Fields, Common Meadows, and other Commonable Lands, and of and in the several ancient Inclosures within the Manor and Parish of *Great Horwood* aforesaid: And whereas the Lands and Grounds of the Owners and Proprietors of the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Grounds, lie intermixed with each other, and are dispersed so as to render the Cultivation of the same very inconvenient, and the same would be made much more valuable to the Parties interested therein, and much more profitable and improvable, if the same (together with the said Woods and Wood Grounds, Commons and Waste Grounds,) were divided and inclosed, and specific Parts thereof allotted to the Proprietors thereof, according to their respective Rights and Interests therein, and all Rights of Common in, over, and upon the same respectively extinguished; but the beneficial Objects aforesaid cannot be effected without the Authority of Parliament: And whereas an Act was passed in the Forty-
41 G. 3. c. 109. 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 an Act was passed in the Session held in the First and Second Years of the Reign of His late Majesty King *George* the
1 & 2 G. 4. c. 23. 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
Recited Acts to form Part of this Act. 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 Session held in the First and Second Years 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.

Commissioners appointed. II. And be it further enacted, That *John Davis* of *Banbury* in the County of *Oxford*, Gentleman, and *Thomas Hart* of *Ascot* in the Parish of *Wing* 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 and are hereby appointed 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, Common Meadows, Common Pastures, Woods and Wood Grounds, Commons and Waste Grounds; and other Commonable Lands and Grounds, according to the Regulations and Pro-
Qualification of Commissioners. visions 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

of the Commissioners, and in receiving the Declaration herein-after directed,) until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in the Schedule 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.

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, 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*.

Penalty on making a false Declaration.

IV. 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 Commissioners on Vacancies.

V. And be it further enacted, That in case the said *John Davis*, 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 in the Execution of this Act, then and in such Case it shall be lawful for the said Warden and Scholars, by Writing under their Common Seal, to appoint some fit Person to be a Commissioner in the Room of the said *John Davis*, 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; and 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 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 Manor and Parish of *Great Horwood* (exclusively of the said Warden and Scholars) 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 herein-after 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 *Thomas Hart*, 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 the remaining

VI. Provided always, and be it enacted, That in case any Persons or Parties herein-before authorized to appoint a new Commissioner shall not appoint a new Commissioner within the Space of Two Calendar Months next after Notice of such Death, Neglect, Refusal, or Incapacity shall have been given as aforesaid, the other Commissioner

Commissioner to appoint.

missioner 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 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 shall be annexed to and deposited with the Award of the Commissioners.

Umpire appointed.

VII. 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 *John Rolfe* of *Beaconsfield* in the said County of *Buckingham*, Gentleman, shall be and he is hereby appointed an Umpire 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 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: 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 the Schedule 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.

Appointment of Umpire on Vacancy.

VIII. And be it enacted, That in case the said *John Rolfe*, or any Umpire to be appointed in his Stead, as herein-after mentioned, 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 Matters 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 have the like Powers and Authorities as such first-appointed Umpire; and in case the Commissioners shall make default in appointing such 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 Lords 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

sioner in the Place of the said *Thomas Hart*, to appoint another fit Person to be an Umpire in the Stead of the Umpire dying, becoming incapacitated, or neglecting or refusing to act as aforesaid, and so from Time to Time as Occasion shall require.

Appointment of Surveyor.

IX. And be it enacted, That *John King* of *Winslow* in the said County of *Buckingham*, 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 *John King*, or of any such Successor, 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 or 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 the Schedule 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 receive; and the said Declaration so made and subscribed shall be annexed to and deposited with the Award of the Commissioners.

Existing Plans may be used.

X. And be it further enacted, That nothing in the said recited Acts or this Act contained shall extend to require the said Commissioners or Surveyor (unless the said Commissioners shall think fit) to make or cause to be made any new Survey, Admeasurement, Map, or Plan of the Open and Common Lands and Grounds, Common and Waste Grounds, Woods and Wood Grounds, by this Act intended and directed to be divided and inclosed, or of the Messuages, Cottages, Gardens, and old inclosed Lands and Grounds within the said Parish of *Great Horwood*, but that it shall be lawful for the said Commissioners, and, under their Direction, for the said Surveyor, to adopt and use, for the Purposes of this Act and the said recited Acts, (and either wholly or to such Extent only as the said Commissioners shall direct,) any Survey, Admeasurement, Map, or Plan already or to be hereafter made for the Purpose of the Parochial Assessment or the Commutation of the Tithes of the said Parish, or other Purpose whatsoever.

Appointment of Clerk.

XI. 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 appoint another in his Stead.

No Person interested to be a Commissioner, &c.

XII. 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, Um-

XIII. And be it further enacted, That out of the Inclosure Expences Fund there shall be paid to each of the Commissioners

pire, and Clerk.

sioners acting in the Execution of this Act, the Sum of Three hundred and eighty 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 passing of this Act, and Two Guineas *per* Day afterwards, which said Sums of Three hundred and eighty 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 Journies and Attendance in the Execution of this Act, except the Expences of the Rooms in which the Meetings 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 said Commissioners to retain or pay themselves or the said Clerk any Money, on account of the before-mentioned Allowances respectively, beyond One Third of the Allowance to which they shall be respectively entitled, until after the Expiration of Six Calendar Months from the Day of the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the Commissioner 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, or Resignation of either of the Commissioners, or the Surveyor or Clerk, previous to the Execution of the said Award, the Commissioners for the Time being shall apportion the Compensation herein-before provided to be paid to such Party so dying or resigning, between such Party, his Executors or Administrators, 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 Commissioner, Surveyor, and Clerk shall not be increased by any such Decease, ceasing to act, or Resignation; and the Commissioners shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner, Surveyor, or Clerk, and his Successors, such Sum as shall appear by the said Accounts to be due to such deceased Commissioner, Surveyor, or Clerk, and Successors.

Length of Day for estimating Allowance.

XIV. And be it enacted, That in computing the aforesaid Allowance to the Umpire and Clerk a Day shall be deemed to consist of Eight Hours 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 when the Time occupied in going to and attending and returning from any Meeting to be holden, or on other

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 Six Hours in the second Period, the same shall be charged only as Half a Day, and the said Clerk and Umpire shall be paid accordingly.

Allowance to the Surveyor to be in one Sum.

XV. And be it enacted, That the Surveyor hereby appointed and to be appointed as aforesaid shall be entitled to receive, and the Commissioners are hereby authorized, out of the Inclosure Expences Fund, to allow to such Surveyor, for his Time and Trouble, for surveying, measuring, mapping, and planning the said Lands, and all the ancient inclosed Lands in the said Parish, and for attending the Commissioners Meetings, and for all other Work, Labour, and Employment which shall be required of him by the Commissioners in respect to the Execution of this Act, and for all Expences he may incur or be put unto in respect thereof, the Sum of Four hundred and twenty Pounds, which shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences of every Description to be incurred by such Surveyor, in and about the Execution of this Act and the Matters aforesaid.

Meetings, and Notices thereof.

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

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 the *Aylesbury News*, or some other Newspaper printed or usually circulated in the said County; 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 *Great Horwood* 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

himself from any Two successive Meetings of such Commissioners, 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 at his usual Place of Abode (such Commissioner not being prevented by Sickness or 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 or Excuse as aforesaid, every such Absence or Non-attendance shall be deemed to be a Refusal to act.

Persons summoned by the Commissioners refusing to give Evidence to be punished.

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 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 of Money 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, 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 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 Commissioners, and being so signed shall be deemed to be original; 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, &c. 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.

XXIII. And

Debts to be paid, and Accounts to be audited,

XXIII. And be it enacted, That the Commissioners shall not at any Time permit any just Claim or Demand upon them as such Commissioners 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 passing thereof, they shall make out a true and accurate Statement of all Sums of Money by them received and expended in the Execution of this Act, or due to them for their own Trouble and Expences, till such Account shall be finally allowed, 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 laid before One or more of Her Majesty's Justices of the Peace acting for the said County, not interested in the Premises, to be by him or them examined and balanced.

Accounts to be published.

XXIV. And be it enacted, That the Balance of such Accounts shall be by such Justice or 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 the *Aylesbury News*, or some other Newspaper printed or usually circulated within the said County; 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 have been duly allowed by such Justice or Justices, nor until such Account thereof shall have been published in some such Newspaper as aforesaid, subject, nevertheless, to the Power of Appeal herein-after contained.

For shortening Boundaries.

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 Seal 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 Lands and such adjoining Lands.

Commissioners to set out Drains,

XXVI. And be it enacted, That it shall be lawful for the Commissioners to set out and make such Common Ponds, Ditches, Watercourses,

and enlarge and turn Water-courses.

Watercourses, Banks, and Bridges, of such Extent and Form, and in such Situations, as they shall deem necessary, in the Lands to be inclosed, and also to enlarge, cleanse, or alter the Course of and improve any of the present Ditches, or Watercourses, Banks, and Bridges, as well in and over the same Lands as also in any ancient Inclosures or other Lands within the said Parish, as the Commissioners shall deem necessary (making such Satisfaction to the Proprietors of such ancient Inclosures or Lands, for the Damage done thereby, as the Commissioners 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 in the same Manner as the other Expences of carrying 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 said Commissioners shall by their Award direct, provided that no Watercourse be diverted or turned without the Consent in Writing of the Person from whose Lands the same may be diverted, and of the Person into whose Land the same may be turned, or to the Prejudice of any Person interested in such Watercourse, except with his Consent in Writing.

Power to widen Roads, making Compensation to Land Owners.

XXVII. And be it enacted, That it shall be lawful for the Commissioners to widen any of the public Roads or Highways where they shall think it necessary in the said Parish, to any Extent they shall think fit, not exceeding Forty Feet, and for that Purpose to take a sufficient Quantity of the ancient inclosed Lands adjoining to such Roads (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House), the Commissioners making a full Compensation for the Value of the Land so taken, either by allotting and awarding unto the Person from whom any such inclosed Lands shall be so taken an adequate Part of the Lands to be inclosed, or out of the Inclosure Expences Fund, and also making good and substantial Fences on each Side of all such widened public Roads and Highways in lieu of the Fences which shall be injured or destroyed by means of such widening.

Power to stop up or divert Roads, &c.

XXVIII. 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 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.

Proceedings previously to stopping up and 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 Four 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 One Month 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, 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. may be discontinued, &c.

XXXI. And be it enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose 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 injured or aggrieved thereby, 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 such Appeal to be paid to the Commissioners by the Party, appealing 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

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 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 Party appealing the Costs of prosecuting such Appeal, and such Costs shall be paid by the Commissioners out of the Inclosure Expences Fund.

Expences of discontinuing or widening Roads.

XXXII. And be it enacted, That the Expences attending the purchasing of the Soils of such Roads, or the discontinuing, stopping up, diverting, and altering of such Roads, and the Money Compensation in respect thereof, 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 or so soon as Two or more of Her Majesty's Justices of the Peace for the said County 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 Persons 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 held for the said County next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

Commissioners to appoint private Roads.

XXXIV. And be it enacted, That the said 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, or prior to the Time of making their Award, relative to the setting out or the 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 or 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.

XXXVI. And

Cattle depasturing in breach of 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 othe Person, shall permit his Cattle or Sheep 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 or Sheep, being upon such Lands or Grounds contrary to such Order, and to impound the same, until the Person so offending shall pay to the Person so distraining 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 or Sheep shall be so distrained, have previously ordered, not exceeding Ten Shillings for each Head of Cattle and Five Shillings for each Sheep so distrained; and in case the same shall not be paid within Seven Days after the Delivery of such Writing, the Commissioners are hereby authorized, upon Proof of such Offence having been committed, and of Nonpayment of the Penalty hereby imposed, to cause the Cattle or Sheep so distrained or impounded, or such of them as 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 or Sheep.

Commissioners to direct the Course of Husbandry.

XXXVII. And be it enacted, That it shall be lawful for the said Commissioners, so 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 said Lands to be inclosed, until the Time when they shall have completed the said 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 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, all which Directions shall be binding upon all Parties interested, their Farmers and Tenants; and the said 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 Recovery 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 on 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 waygoing 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 paid at the Time and in the Manner ordered by the Commissioners, they shall raise and levy the same, for the Use of the Person entitled thereto, in such 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 the Manors in which they are situate; 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 especial Cause to be allowed by the Commissioners.

Adjudication upon Claims.

XL. And be it enacted, That 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, and at such Meeting the Commissioners shall proceed to examine into and determine the same, 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.

XLI. And

Commissioners not to determine Titles contrary to Possession.

XLI. And be it enacted, That this Act shall not authorize the said Commissioners to determine the Title 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 Commissioner shall be of opinion against the Right of the Party so in possession he shall forbear to make any Determination thereon until the Possession shall have been given up by such Party, or recovered from him by due Course of Law.

Parties dissatisfied authorized to try their Rights at Law.

XLII. And be it enacted, That if any Person claiming to be interested in the Inclosure shall be dissatisfied with any Determination of the said 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 Calendar Months next after such Determination shall have been notified in Writing to the Person against whom such Determination shall have been made, or to 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 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 file Common Bail, 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 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 within Time limited, Determination of Commissioners final.

XLIII. 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; and in case Parties die before Action brought, Suits to be carried on

XLIV. 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 any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom Action might have been

and defended in their Names.

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 thereupon be 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 such Action which shall be so brought or continued as aforesaid as if the Death of any of the Persons interested therein had not occurred.

Suits not to impede Execution of the Act.

XLV. And be it further enacted, That no Difference, Dispute, Action, or Proceeding as aforesaid, nor any Difference concerning the Title to any Lands, shall impede or delay the said Commissioners in the Execution of this Act, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Difference, Action, or Proceeding, and the Allotment in respect of any disputed Property shall be taken and held by the Person who upon the Determination of such Difference, Dispute, Action, or Proceeding shall become entitled thereto.

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

XLVI. And be it enacted, That if any Person interested in the said Inclosure shall die before the same shall be 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.

Commissioner may award Costs.

XLVII. 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, see Cause to award any Costs, it shall be lawful for them, upon Application, to assess and award such Costs and Charges 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.

XLVIII. 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 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 to be void.

XLIX. 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 to be inclosed, 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), shall determine and be void as to all such Lands, but not as to any other Lands comprised therein, such Compensation as between Lessor and Lessee being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated, as the Commissioners shall by Writing under their Hands order in that Behalf; 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 Share or Proportion of Rent, shall be paid by the several Tenants of the Lands to be inclosed 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.

L. 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 within the said Parish, but 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.

LI. 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 that as well the Land allotted and exchanged, as the Land 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 in 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 Award.

LII. 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, the Commissioners shall, upon 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, or otherwise convey and assure the same Allotment, or all or any Part of his Estate or 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.

LIII. 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 to be inclosed within Twenty Years next before the passing of this Act, whether any Amerciament, annual Rent, or any Money Payment or Acknowledgment hath or hath not been paid in respect of the same, to or for the Use of the Lord of the Soil or any other Person, shall be deemed Parcel of the Lands to be inclosed, and shall be divided, allotted, and inclosed accordingly.

LIV. Pro-

Allotment of old Inclosures, with Consent of Proprietors.

LIV. Provided always, and be it enacted, That it shall be lawful for the Commissioners, with the Consent in Writing and at the Request 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 Curtesy 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 Seas, or otherwise disabled to act for himself, (such Consent to be respectively testified, in case of a Corporation, by Writing under their Common Seal, 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.

Insulated old Inclosures to be deemed allottable Lands.

LV. And be it enacted, That all inclosed Lands within the said Parish, whether lying in single Pieces or in several adjoining Pieces, which are surrounded by open Field Land, and thereby placed in an insulated Situation, shall be deemed Part of the Lands to be inclosed.

Pieces of Land by the Sides of Roads may be allotted.

LVI. And be it enacted, That all small Parcels of uninclosed Waste or Common Land the Soil whereof shall belong to the Lords of any Manor in right thereof, lying by the Side of any 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 public Road or Lane of less Breadth than Forty Feet, shall be deemed Part of the Lands to be inclosed.

Allotment to be set out for Materials for Repairs 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 Parcels of the Lands to be inclosed as they shall think necessary and most convenient for supplying Stones 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 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

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 Parish, out of any Part of the Lands to be inclosed, One Piece of Land, not exceeding Six Acres nor less than Five Acres, in the most appropriate Situation, for the Purpose of Exercise and Recreation of the neighbouring Population, 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 in such Proportions and Manner as shall be devised by the Award of the Commissioners.

Allotment for Watering Places.

LIX. And be it further enacted, That the said Commissioners shall, if they think fit and for the public Benefit, but not otherwise, set out and allot unto the Surveyors of the Highways within the said Parish such Parts and Parcels of the Common and Waste Lands by this Act authorized to be divided, allotted, and inclosed as the said Commissioners shall think proper, as and for public Watering Places for Cattle or otherwise.

Allotment to be set out for the Lords of the Manor for Right of Soil.

LX. And be it enacted, That the Commissioners shall allot and award unto the said Warden and Scholars, Lords of the said Manor of *Great Horwood*, 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 Twentieth Part of such Common and Waste Lands, Quality and Value considered, in lieu of the Right and Interest in the Soil of the said Common and Waste Lands, exclusive of any other Allotments which may be made to the said Warden and Scholars in lieu of or in satisfaction for any other Rights or Interests in such Common and Waste Grounds.

Allotment for Glebe.

LXI. And be it enacted, That the Commissioners shall allot and award unto the Rector of the Rectory and Parish Church of *Great Horwood* aforesaid such Parcel of the Lands to be inclosed as in their Judgment shall be a full Equivalent and Compensation for the Glebe Lands and the Right of Common respectively belonging to the said Rector in and over the said Lands.

Allotment to Trustees for the Poor.

LXII. And whereas the Poor of the said Parish of *Great Horwood* have been accustomed to cut and take away Furze growing

in and upon certain Part or Parts of the Common Grounds hereby intended to be divided, allotted, and inclosed; be it therefore enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot, in lieu of such Custom, unto and to the Use of the Minister, Churchwardens, and Overseers of the Poor of the said Parish of *Great Horwood* for the Time being, from and out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, such Plot or Plots of Ground, to be situate as near to the Village of *Great Horwood* aforesaid as conveniently may be, as, in the Judgment of the said Commissioners, shall be a Compensation for such Custom as the Poor of the said Parish have hitherto enjoyed; and the said Minister, Churchwardens, and Overseers of the Poor for the Time being shall stand seised of the said Plot or Plots of Ground so to be allotted to them upon Trust to let and set the same, annually or otherwise, as they shall see fit, and the Rents, Issues, and Profits arising therefrom the said Minister, Churchwardens, and Overseers of the Poor for the Time being shall and they are hereby required yearly to divide and distribute, either in Money, or in Fuel to be purchased therewith, or partly in Money and partly in Fuel, to such of the aged, necessitous, and industrious Poor in the said Parish, in such Shares and Proportions, at such Time or Times, and in such Manner, as the said Minister, Churchwardens, and Overseers of the Poor for the Time being shall think proper.

Allotment of the Residue.

LXIII. And be it enacted, That after the several Allotments herein-before directed shall have been set out and made 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: Provided always, that the Commissioners shall and may, upon the Request in Writing of any Two or more Owners of Common Rights only within the said open Fields, or of other small Properties therein, set out, allot, and award unto and for the Persons respectively making such Request, in each respective Case, so much and such Parcel and Quantity of Land, Part of the Lands to be inclosed (or of the old Inclosures herein-after mentioned), as the Commissioners shall adjudge and ascertain to be a full Compensation for such their respective Rights of Common, or other small Properties as aforesaid, which said Parcel or Quantity of Land shall be held and enjoyed in common by the said Owners unto whom the same shall be so set out, allotted, and awarded, or (at their Option) shall be apportioned between or amongst them in and by the Award of the said Commissioners, but without any Obligation to fence the same as so apportioned.

Applications for Situations of Allotments.

LXIV. 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 Situations in which they would

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.

LXV. 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 by them proposed to be allotted to such Parties respectively in lieu of such Interests, they shall hold a Meeting, of which Ten Days Notice shall be given by Advertisement or 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 Allotment, 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.

LXVI. And be it enacted, That the several Allotments to be made in pursuance of this Act, except the Allotments to the Rector, to the Surveyor, to the Churchwardens, and Overseers of the Poor, for the Purpose of Recreation, and to the Minister, Churchwardens, and Overseers of the Poor, in Trust for the Poor of the said Parish of *Great Horwood*, 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.

Rector's Allotments to be fenced at the general Expence.

LXVII. And be it enacted, That the Allotments to be made to the said Rector in respect of Glebe Lands belonging to the said Rectory shall be well and sufficiently inclosed and fenced on all such Parts and Sides as shall not be directed to be fenced 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 Rector, or by the Persons for the Time being entitled in Possession to the said Allotments.

Equalizing the Share of Fencing.

LXVIII. And be it enacted, That if from Situation or from any other Circumstance 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 Person 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 Ways and Means which by the said first-recited Act are provided for raising and recovering the Expences of obtaining and executing Acts of Inclosure in Cases where such Expences are directed to be paid in proportion by the Proprietors of Lands to whom any Allotment shall be made, and every such Order of the Commissioners shall be final.

No Sheep or Lambs to be kept in the Allotments for Seven Years, unless Fences protected; and no Cattle to be depastured on the Highways for a like Period.

LXIX. And be it enacted, That no Sheep or Lambs shall, during the Term of Seven Years next after the Execution of the said Award, be kept in any of the Allotments to be made by virtue of this Act, which shall be bounded by any new Fence, unless the Person keeping the same shall, at his own Expence, well and sufficiently guard and protect such Fence from being hurt or damaged by such Sheep or Lambs, whether such Fence be made by the Owner or Occupier of such Allotments or by the Owner or Occupier of any Allotment adjoining thereto; and 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 like Space of Seven Years next after the Execution of the said Award; 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, is hereby empowered to take and impound any such Sheep, Lambs, 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.

Power for Rector to lease his Allotment.

LXX. And be it enacted, That it shall be lawful for the Rector for the Time being of the Parish of *Great Horwood* aforesaid, by Indenture under his Hand and Seal, with the previous Consent and Approbation of the Patrons of the said Rectory for the Time being, such Consent to be had previous to the Execution of such Indenture or Indentures 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 Rector in right of his Rectory, 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 Rector for the Time being by quarterly Payments in every Year, and so that there be thereby also reserved and made payable to such Rector 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

Lease a 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 Rector for the Time being, with the previous Consent and Approbation of the Bishop of the Diocese and of the Patrons of the Rectory, 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.

Power for Rector to erect Buildings, and to borrow Money for defraying the Expences thereof and of making Subdivision Fences.

LXXI. And whereas, in order to the convenient and advantageous Occupation of the Allotment to be set out to the said Rector as aforesaid, and to render the same of greater Value to him and his Successors, it may be necessary that some convenient Building should be erected therein, and some necessary interior or Subdivision Fences made, planted, and raised in and upon the said Allotment: And whereas the erecting of such Buildings, and the making, planting, and raising such interior or Subdivision Fences, will be attended with considerable Expence, and the same will probably be more beneficial to the Successors of the said Rector than to himself: And whereas also the said Rector will have to bear and pay a proportionate Part in respect of the said Allotment, in the obtaining this Act, and carrying the same into execution; be it therefore enacted, That it shall be lawful for the said Rector and his Successors, by and with the Consent in Writing of the Bishop of the Diocese and also of the Patrons for the Time being, to erect or cause to be erected such Buildings and Conveniences upon such Part or Parts of the said Allotment so as aforesaid to be made to such Rector and his Successors (which Buildings and Conveniences the said Rector and his Successors is and are hereby required to cause to be insured in a Sum equal to the Value thereof annually in some or One of the Offices in *London* or *Westminster* established for Insurance against Fire), and also to make, plant, and raise such interior or Subdivision Fences in and upon the said Allotment, as the said Commissioners shall judge necessary and proper for the Occupation of the Lands so to be allotted to him and them as aforesaid, and by any Deed or Writing under his Hand and Seal, by and with the Consent in Writing of the said Bishop of the Diocese and Patrons for the Time being, to charge such Allotment as aforesaid to be made to the said Rector and his Successors, and the Buildings and Conveniences to be erected thereon, with such Sum of Money as the said Commissioners shall think necessary for the Purpose of and in order to be applied for paying and defraying the Charges and Expences of erecting the said Buildings and Conveniences, and of making, planting, and raising such interior or Subdivision Fences, of exercising the Powers given to and vested in the said Rector or his Successors by this Act or the said

said first-recited Act, and of paying and defraying such proportionate Part of the Charges and Expences of obtaining and carrying into execution this present Act, which Sum or Sums of Money shall be paid to such Person as the said Commissioners shall nominate and appoint, in order to be paid, applied, and disposed of accordingly; and for securing the Repayment of such Sum of Money, with Interest for the same, to grant, mortgage, lease, or demise the Allotment so as aforesaid to be made to the said Rector and his Successors, and the Buildings and Conveniences so to be erected thereon, unto such Person as shall lend and advance the same, his Executors, Administrators, and Assigns, for any Term or Number of Years, so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso to cease and be void, or with an express Trust or Condition to be surrendered, when the Sum of Money thereby to be secured, with the Interest thereof, shall be respectively fully paid and satisfied, and such Mortgagee advancing or lending the Money so to be borrowed shall not be obliged to see to the Application or be in anywise answerable for the Misapplication of such Monies or any Part thereof; and the said Rector and his Successors for the Time being shall, at the End of every Year after the Commencement of the said Term of Years, pay to the Person to whom such Grant, Mortgage, Lease, or Demise shall be made, his Executors, Administrators, or Assigns, One Twentieth Part of the Principal Money so to be borrowed, until the whole thereof shall by such annual Payments be paid off and discharged, and also to pay and keep down the Interest of the said Monies so to be borrowed, so that every future Rector of the said Parish of *Great Horwood* becoming possessed of such Allotment of Land, Buildings, or Conveniences, shall not respectively be subject or liable (and he is hereby discharged from being subject or liable) to pay any further or larger Share of such Monies than his Proportion thereof, according to such last-mentioned Condition, and the Time he shall be Rector of the Rectory aforesaid, nor any Interest for the same, save only for Six Calendar Months previous to the Death, Resignation, or Cession of the Predecessor of such future Rector, but that all Arrears of such Interest beyond Six Calendar Months prior to such Death, Resignation, or Cession shall be paid by such Predecessor, his Executors or Administrators; and that it shall be lawful for the Person who shall advance or lend such Monies, his Executors, Administrators, or Assigns, for the more easily recovering the said One Twentieth Part of the said Principal Sum to be so raised as aforesaid, and the whole of the Interest which is hereby required to be paid half-yearly, to have, use, exercise, and take such and the same Powers and Remedies by Entry, and Distress on any Effects to be from Time to Time found upon the said Allotment of Land, Buildings, and Conveniences so mortgaged as aforesaid, and by Sale of such Distresses, as by the Laws now in force are provided for and given to Landlords, or as they can use and take for the Recovery of Rents in arrear.

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

LXXII. And be it enacted, That, subject to the Power of Enfranchisement herein-after contained, 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,

tition, 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, and shall be held of the Lords of the said 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 was 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.

LXXIII. 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 order and 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 first-recited Act directed with respect to the Recovery of Penalties or Forfeitures.

Separate Allotments for Lands held by different Titles.

LXXIV. 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 Copyhold 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 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

LXXV. And be it enacted, That where the Commissioners shall have omitted to distinguish in their Award the several Tenures under

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 made 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 such 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.

Where Lands distinguished by the Award, the Defect may be remedied by a separate Instrument.

LXXVI. And whereas it may happen that some of the Proprietors of Lands in the said Parish, and Persons entitled to Allotments to be made by virtue of this Act, may be seised or possessed thereof or entitled thereto in undivided Moieties, Joint Tenancy, or as Coparceners, or Tenants in Common, and cannot, by reason of Infancy, Settlement, Absence beyond the Seas, or other Disability or Incapacity, make any effectual Division thereof; be it therefore enacted, That it shall be lawful for the Commissioners, upon the Request in Writing of any such Proprietors, being seised or possessed or entitled in undivided Moieties, or as Coparceners, Joint Tenants, or Tenants in Common, or of the Husbands, Guardians, Trustees, Committees, or Attornies duly authorized of such of them as may be under Coverture, Minors, Lunatics, or beyond Seas, or under any other legal Disability or Incapacity, to make Partition and Division of the said Lands or Allotments coming to such of the said Proprietors as shall be so seised or possessed or entitled, and to allot the same to such Owners and Proprietors in Severalty; and immediately after the said Allotments shall be so made and declared the same shall be holden and enjoyed by the Persons to whom the same shall be allotted in Severalty in the same Manner, and subject to the same Uses and Trusts, as the undivided Parts or Shares of such Estates would have been in case such Partition and Division had not been made; and every such Partition shall be specified in the Award of the Commissioners, or some other Instrument under their Hands and Seals; and every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Partitions may be made in certain Cases.

LXXVII. And

Expences of Partitions.

LXXVII. And be it enacted, That all Costs and Expences attending any Partition to be made by virtue of this Act shall be borne and defrayed by the several Proprietors of or Persons interested in the Estates which shall be so parted in such Manner and Proportions as the said Commissioners shall order, and in case of Nonpayment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Power of Exchange.

LXXVIII. 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 Curtesy 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 Nonpayment thereof shall be recovered in the Manner by the first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Exchange and Partition of Copyhold to be perfected by Admission.

LXXIX. And be it enacted, That every Person to whom any Copyhold Lands shall be allotted in Exchange or upon Partition, as aforesaid, shall, as soon as conveniently may be, and at all events before the Expiration of Twelve Calendar Months after the Execution of the Award of the said Commissioners, or at the then next General Court Baron to be held for the Manor whereof such Copyhold Lands shall be respectively held, be admitted Tenant of the Copyhold Lands so allotted, but in no such Case of an Admission by virtue of this Act shall any Fine, Rent, or Heriot, Fees or other Payments, be made to the Lords of the said Manors respectively, or to their Stewards, save only the Sum of Two Pounds Two Shillings to such Stewards for the Fees of each Admission, over and besides the Stamp Duty payable by Law thereon.

LXXX. And

Power to enfranchise Copyholds.

LXXX. And be it enacted, That it shall be lawful for the Owners of any Lands of Copyhold or Customary Tenure within and Parcel of the said Manor of *Great Horwood*, whether such Owners shall be Corporations or Tenants in Fee Simple, or in Fee Tail, General or Special, or for Life, and for the Guardians, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who shall happen to be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, and for Trustees or Feoffees for charitable or other Uses, on giving Notice in Writing of such their Intention to the said Warden and Scholars, as Lords of the said Manor of *Great Horwood*, to contract and agree with the said Wardens and Scholars, as such Lords, for the absolute and perpetual Enfranchisement of all or any of such Copyhold or Customary Lands, and all Allotments in respect thereof, and for the Extinguishment of the Heriots, Quit Rents, and all other Rights of the said Lords in or over the same, for a Compensation either in Money or Land, as in any such Contract shall be provided.

Provision where the Enfranchisement shall be made for a Compensation in Land.

LXXXI. And be it enacted, That in all Cases where such Enfranchisement and Extinguishment shall be contracted to be made for a Compensation in Land the Commissioners shall, upon the Application of any of the Parties interested, to be made at any Meeting to be holden under the Powers of this Act before the setting out of the Allotments, set out and allot unto the said Warden and Scholars, as Lords of the said Manor of *Great Horwood*, such Parts of the Lands to be inclosed, belonging to the Persons contracting for such Enfranchisement and Extinguishment as aforesaid, as shall in the Judgment of the Commissioners be a full Compensation and Satisfaction for such Enfranchisement and Extinguishment, according to the Terms which shall be agreed upon between the Parties.

Provision where the Enfranchisement shall be made for a Compensation in Money.

LXXXII. And be it enacted, That in all Cases where such Enfranchisement and Extinguishment shall be contracted to be made for a Compensation in Money, and which Contract may be made at any Time before the Execution of the Award of the Commissioners, the Commissioners shall, upon the like Application of any of the Parties interested as aforesaid, ascertain and determine the Amount of such Compensation, according to the Terms which shall be agreed upon between the Parties; and all such Money Payments shall be made to the Commissioners, whose Receipts shall be an effectual Discharge for the same, and the Commissioners shall pay such Monies to the said Warden and Scholars, or to their Bursar or Steward.

Enfranchisements to be specified in the Award, and entered on the Court Roll.

LXXXIII. And be it enacted, That all such Enfranchisements and Extinguishments, when completed, shall be specified in the Award of the Commissioners; and an Entry of every such Enfranchisement and Extinguishment shall be made on the Court Rolls of the said Manor, and a Copy of such Entry, certified by the Steward or Deputy Steward of the said Manor, shall be admitted in

in all Cases as sufficient Evidence of such Enfranchisement and Extinguishment, and the Contract for the same, and of the Payment of the Consideration Money, when the same shall have been paid in Money.

Lands enfranchised to be held in Free and Common Socage.

LXXXIV. And be it enacted, That so soon as such Allotments and Payments shall be respectively made as the Consideration for such Enfranchisement and Extinguishment as aforesaid, the Lands which shall be so agreed to be enfranchised shall be held in Free and Common Socage, freed from all Customary Fines, Heriots, Rents, Fealty, Suit of Court, Amerciaments, Forfeitures, and other Customary Payments, Duties, Services, and Penalties whatsoever, which according to the Custom of the Manor whereof such Lands were Parcel they had or would have been subject to if such Lands had not been enfranchised; and such Lands shall (subject to any Charge or Mortgage which may be made under the Authority of the said recited Acts or of this Act) go, remain, and be to the same Uses, on the same Trusts, and subject to the same Powers and Limitations (as near as the Difference of the Tenure will admit) as would have been subsisting if such Lands had not been enfranchised.

Incapacitated Persons may borrow Money for such Enfranchisement.

LXXXV. And be it enacted, That it shall be lawful for the respective Husbands, Guardians, Trustees, Feoffees, or Trustees for charitable or other Uses, Committees and Attornies of the Owners for the Time being of any such Copyhold Lands so to be enfranchised as aforesaid who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any legal Disability, and for any such Owners being entitled for a particular or limited Estate only, to mortgage and charge the Lands to which such Enfranchisement shall relate with the Monies to be paid as the Consideration for such Enfranchisement, and with Interest thereon, in the same Manner as is by this Act provided for enabling Parties to borrow Money for defraying the Inclosure Expences.

Power to apply Compensation Money coming to Parties under Disability towards Inclosure Expences and substantial Improvements.

LXXXVI. And be it enacted, That when any Money is, under the Provision of the said first-recited Act or of this Act, directed to be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor or Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, to be settled to the same Uses, it shall be lawful for the Commissioners, out of such Money, to defray the Proportion (if any) of the Inclosure Expences which shall be charged upon any of the Lands of the respective Parties in possession of the Lands, or of the Timber or Wood growing thereon, which shall be so purchased or exchanged, or on which such Timber or Wood actually grew, and also to defray the Expence of any permanent Improvement, such as building, subdividing, draining, or planting,

planting, and the like, which shall in the Judgment of the Commissioners be proper to be made, and shall be made, under their Direction, upon any Lands to be by virtue of this Act allotted to such Parties.

Investment of the Surplus when amounting to 200*l.*

LXXXVII. And be it enacted, That if the Surplus of any such Monies shall amount to or exceed the Sum of Two hundred Pounds the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward; and shall, when so paid in, there remain, until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Lands, be applied to either of the following Purposes; that is to say,

1 G. 4. c. 35.

The Redemption or Discharge of the Land Tax, or of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses or Trusts:

The Purchase of other Lands, to be conveyed or settled upon the like Uses or Trusts, or such of them as shall be then existing undetermined or capable of taking effect.

Payment of Dividends meanwhile.

LXXXVIII. And be it enacted, That in the meantime, and until such Application shall be made, the said Money may, by Order of the said Court, to be made upon the like Petition, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or of other Government or Real Securities; and the Dividends or Interest of such Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased, conveyed, and settled.

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

LXXXIX. And be it enacted, That in case the Surplus of such Monies shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, the same shall, at the Option of the Parties for the Time being entitled to the Rents and Profits of the Lands so purchased or exchanged, or their Guardians or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the Commissioners, to be signified in Writing under their Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like

like Approbation, to Two Trustees, to be nominated by the Parties who for the Time being would be entitled to the Rents and Profits of the said Lands, such Nomination to be approved of by the Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands (or Common Seal, as the Case may be,) of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising therefrom, shall be by them applied in like Manner as is herein-before directed with respect to Money so to be paid into the Bank of *England*, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When under 20*l.*

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

Provision for Payment of Expences of passing this Act.

XCI. And whereas an Agreement has been made between the said Warden and Scholars on the one Part, and the several other Owners and Proprietors of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, on the other Part, in regard to the Costs, Charges, and Expences incident to and attending the passing of this Act; therefore, in order to carry the said Agreement into effect, be it further enacted, That such Costs, Charges, and Expences shall be borne and defrayed by the said Warden and Scholars, provided the same shall not exceed the Sum of Five hundred Pounds; and that in case such Costs, Charges, and Expences shall exceed the Sum of Five hundred Pounds, then the Sum of Five hundred Pounds, Part thereof, shall be borne and defrayed by the said Warden and Scholars, and be deemed and considered as their full Part, Share, and Proportion of such Costs, Charges, and Expences in respect of their Right and Interest in and to the said Woods, Wood Grounds, Commons, and Waste Grounds, hereby authorized to be divided, allotted, and inclosed, and that the Surplus of such Costs, Charges, and Expences over and above the said Sum of Five hundred Pounds shall be borne and defrayed by the said Warden and Scholars (in respect only of their other Lands and Grounds within the said Parish), and the several other Owners and Proprietors of and Persons interested in the said Lands and Grounds hereby authorized to be divided, allotted, and inclosed, (other than such of them as are herein-after excepted from being liable to contribute to the Expences of carrying this Act into execution,) in like Manner as is herein-after directed with respect to such last-mentioned Expences.

Provision for Payment of Expences of Inclosure.

XCII. And be it enacted, That 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, or of any Suit at Law or in Equity that may be instituted by or against them, as Commissioners in the Execution of this Act, either before or after the Execution of the said Award, and all other Costs and Expences whatsoever of carrying this Act into execution (so far as the same relate to the Division, Allotment, and Inclosure hereby authorized to be made,) shall be borne and defrayed by the several Persons interested in the Lands to be inclosed, (except the said Churchwardens and Overseers, in respect of the said Allotment for Recreation, and the Surveyors of the Highways for the Time being, in respect of the Allotments hereby authorized to be made to them for Materials for the Repairs of Roads, and for Watering Places, as aforesaid, and also the said Minister, Churchwardens, and Overseers, in respect of the Allotment or Allotments hereby directed to be made to them in Trust for the Poor,) in such Shares and Proportions, and shall be paid at such Time and Place, and to such Persons, as the said Commissioners shall, by Notice on the Church Door, or delivered to the respective Persons liable to the Payment of such Costs and Expences, at least Fourteen Days before the Time appointed for such Payment, order; and the Commissioners shall from Time to Time make Estimates of all such Costs and Expences, and raise the Amount of such Estimates, at such Times as they shall deem necessary or proper, either before or after the Execution of their Award.

Remedies in case of Non-payment.

XCIII. 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 Person as the Commissioners shall appoint, it shall be lawful for the Commissioners to recover the same, together with Interest for the same at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Day on which the same ought to have been paid, by 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; 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 Interest for the same at the Rate aforesaid, and also 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.

XCIV. 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 such Sums of Money as they shall from Time to Time think necessary for the Purposes aforesaid, which Money so to be borrowed

rowed 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.

XCV. 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 Person 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.

XCVI. 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.

XCVII. And be it enacted, That it shall be lawful for the respective 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 Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them in respect of any Lands held by them in Trust for any charitable, parochial, or other Uses, (with the Consent of the Commissioners, testified in Writing under their Hands and Seals,) from Time to Time to charge their Allotments with any Money not exceeding Five Pounds *per* Acre towards their respective Proportions of the Inclosure Expences, and for securing the Payment 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 Term 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

wards becoming possessed of such Lands shall be subject or liable to pay 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 other Mortgages of the like Nature.

Mortgages may be assigned.

XCVIII. And be it further enacted, That every Person to whom any Grant, Mortgage, Lease, or Demise shall be made, by virtue of this Act, as a Security for any Sum of Money by him lent and advanced on the Credit of and for the Purposes mentioned in this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed, Surrender, or Writing under his Hand and Seal, assign and transfer the same Security, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his Estate, Right, Title, and Interest, and Term of Years then to come and unexpired, of, in, and to the same, unto any Person whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Mortgagee or Assignee, and his Executors or Administrators, and all Persons claiming under him or them, shall and may take and pursue all such lawful Methods, Courses, and Expedients, in Law or in Equity, for recovering or obtaining Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Nonpayment of the Principal Money and Interest to be thereby secured, or any Part thereof respectively, as is or are used, taken, and pursued in Cases of the like Nature.

Direction for charging Copyhold Lands with Expences.

XCIX. Provided always, and be it enacted, That every Mortgage which shall by virtue of the first-recited Act or of this Act be made of any Copyhold Land shall, instead of being demised to such Mortgagee, and 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 herein provided in the Case of other Mortgages.

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

C. 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,

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 which shall in such Rate 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 an 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.

CI. 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 made 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 *Great Horwood* 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, Suits, and Services as such Allotment would have been held in case no such Sale had been made.

Application of Purchase Monies.

CII. And be it enacted, That the Receipt of the Commissioners shall be a sufficient Discharge to the Purchaser for the said Purchase Money; and 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 this Act directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon.

CIII. And

An Award to be executed.

CIII. 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 upon 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 Calendar Months after the said 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 for the said County, 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.

The Award, with a reduced Plan of the Parish, to be delivered to the Clerk of the Peace.

A Copy of the Award, and a reduced Plan, to be deposited in the Parish Church.

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

Two reduced Plans to be drawn and annexed to the Award, and also a Schedule of the old Inclosures.

CV. 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, Drains, Aqueducts, and Watercourses, 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 a Copy of the said Award to be deposited in the Church of *Great Horwood* 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.

Power of Appeal.

CVI. 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 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 within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the Commissioners and to the Party concerned Ten Days previous Notice in Writing of such Appeal and of the Matters thereof (except with respect to the Accounts of the said 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 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 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 Appellants as to them shall seem reasonable; and such Costs shall be levied in manner aforesaid, and the Costs and Damages which shall be awarded shall be levied by Distress, and the said Justices shall issue their Warrants accordingly.

Order on Appeal to be final.

CVII. And be it eacted, 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.

Directing Service of Notice.

CVIII. And be it further enacted, That in all Cases in which it may be necessary to serve any Summons or Demand, or any Notice, in any Suit or other Proceeding at Law or in Equity, or otherwise, upon the said Commissioners, or upon their Clerk, or upon any other Person, or upon any Corporation, under the Provisions of this Act, personal Service thereof upon such Commissioner or Clerk or other Person, or upon the Clerk, Treasurer, or other Officer of such Corporation, or delivering the same at the last or usual known Place of Abode of such Commissioner, Clerk, or other Person, or of such Clerk, Treasurer, or Officer of such Corporation, or at the Office of such Clerk, Treasurer, or Officer, shall be deemed a good and sufficient Service of the same respectively upon such Commissioner, Clerk, Person, or Corporation, (as the Case may be,) excepting Cases in which any other Mode of Service is by this Act particularly directed,

Saving Manorial Rights.

CIX. Provided always, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said Warden and Scholars, as Lords of the said Manor of *Great Horwood*, of, in, and to the Seignories, Royalties, Rights, and Services incident or belonging to the said Manor, but that the said Warden and Scholars shall and may, from Time to Time and at all Times hereafter, hold, receive, take, and enjoy all Rents, Fines, Services, and Profits of Courts, and all other Rights and Privileges to the said

Manor appendant, appurtenant, belonging, or appertaining, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they might or ought to have held and enjoyed the same in case this Act had not been passed.

General Saving.

CX. 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 passed.

Interpretation of certain Terms in the Act.

CXI. And be it further 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 importing the Masculine Gender only shall extend to Females as well as Males:

The Word "Month" shall mean Calendar Month:

The Word "Lands" shall include Tenements and Hereditaments:

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:

The Words "Parish of *Great Horwood*," and the Word "Parish" in relation thereto, shall mean and comprise only that Part of the said Parish of *Great Horwood* usually called or known by the Name of the Township and not the Hamlet of *Singleborough* within the said Parish, nor any Part thereof.

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

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

SCHE-

SCHEDULE referred to in the foregoing Act.

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.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1841.