ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

C A P. CIX.

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.

[2d *July* 1801.]

Preamble.

WHEREAS, in order to diminiſh the Expence attending the paſſing of Acts of Incloſure, it is expedient that certain Clauſes uſually contained in ſuch Acts ſhould be comprized in One Law, and certain Regulations adopted for facilitating the Mode of proving the ſeveral Facts uſually required by Parliament on the paſſing of ſuch Acts; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of any of the Powers to be given by any Act hereafter to be paſſed for dividing, allotting, or incloſing any Lands or Grounds, except the Power of ſigning and giving Notice of the Firſt Meeting of the Commiſſioner or Commiſſioners for executing any ſuch Act, and of adminiſtering the Oath or Affirmation herein-after directed, until he ſhall have taken and ſubſcribed the Oath or Affirmation following:

No Perſon ſhall act as a Commiſſioner under any future Act for incloſing Lands, except ſigning Notice of Firſt Meeting and adminiſtering an

Oath, until he shall have taken the Oath hereinmentioned.

'I *A B.* do swear [*or*, being One of the People called *Quakers*, do solemnly affirm], That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner, by virtue of an Act for [*here insert the Title of the Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

'So help me GOD.'

Which Oath or Affirmation it shall be lawful for any One of the Commissioners, where more than One shall be appointed by any such Act, or any One Justice of the Peace for the County within which the said Lands or Grounds shall be situated, where only One Commissioner shall be so appointed, to administer, and they are hereby respectively required to administer the same; and the said Oath or Affirmation, so to be taken and subscribed by each Commissioner, and also the Appointment of every new Commissioner, shall be annexed to and inrolled with the Award of any Commissioner or Commissioners, and a Copy of the Inrolment thereof shall be admitted as legal Evidence.

Oaths, and Appointment of new Commissioners, to be inrolled with the Award, and a Copy of the Inrolment admitted as Evidence.

Commissioners declining to act, to give Notice of such Intention to the other Commissioners; and none shall purchase any Lands within any Parish in which the Inclosures are to be made, for a limited Time.

II. And be it further enacted, That every Person appointed a Commissioner in or by virtue of any such Act, who shall refuse or decline to act as such, shall forthwith give Notice in Writing to the other Commissioner or Commissioners of his Intention to refuse or decline acting as a Commissioner: Provided always, That no such Commissioner shall be capable of being a Purchaser of any Part or Parts of the Lands, Tenements, or Hereditaments within any Parish in which the Lands and Grounds intended to be inclosed are situate, either in his own Name, or in the Name or Names of any Person or Persons, until Five Years after the Date and Execution of the Award to be made by any such Commissioner or Commissioners.

Commissioners shall inquire into the Boundaries of Parishes, and if not sufficiently ascertained, they shall fix them, giving previous Notice of their Intention so to do.

III. And whereas Disputes or Doubts may arise, concerning the Boundaries of Parishes, Manors, Hamlets, or Districts, to be divided and inclosed, and of Parishes, Manors, Hamlets or Districts, adjoining thereto; be it therefore enacted, That the Commissioner or Commissioners appointed in or by virtue of any such Act shall, and he or they is and are hereby authorized and required, by Examination of Witnesses upon Oath or Affirmation (which Oath or Affirmation any One of such Commissioners is hereby empowered to administer), and by such other legal Ways and Means as he or they shall think proper, to enquire into the Boundaries of such several Parishes, Manors, Hamlets, or Districts; and in case it shall appear to such Commissioner or Commissioners that the Boundaries of the same respectively are not then sufficiently ascertained and distinguished, such Commissioner or Commissioners shall, and he or they is and are hereby authorized and required to ascertain, set out, determine, and fix the same respectively; and after the said Boundaries shall be so ascertained, set out, determined, and fixed, the same shall and are hereby declared to be, the Boundaries of such Parishes, Manors, Hamlets, or Districts: Provided always, That such Commissioner or Commissioners (before he or they proceed to ascertain and set out the Boundaries of such Parishes, Manors, Hamlets, or Districts) shall, and he or they

they is and are hereby required to give publick Notice, by Writing under his or their Hands to be affixed on the moſt publick Doors of the Churches of ſuch Pariſhes, and alſo by Advertiſement to be inſerted in ſome Newſpaper to be named in ſuch Act, and alſo by Writing to be delivered to or left at the laſt or uſual Places of the Abode of the reſpective Lords or Stewards of the Lords of the Manors in which the Lands and Grounds to be incloſed ſhall be ſituate, and of ſuch adjoining Manor or Manors, Ten Days at leaſt before the Time of ſetting out ſuch Boundaries, of his or their Intention to aſcertain, ſet out, determine, and fix the ſame reſpectively; and ſuch Commiſſioner or Commiſſioners ſhall, within One Month after his or their aſcertaining and ſetting out the ſame Boundaries, cauſe a Deſcription thereof in Writing to be delivered to or left at the Places of Abode of One of the Churchwardens or Overſeers of the Poor of the reſpective Pariſhes, and alſo of ſuch reſpective Lords or Stewards: Provided always, That if any Perſon or Perſons intereſted in the Determination of the ſaid Commiſſioner or Commiſſioners reſpecting the ſaid Boundaries, ſhall be diſſatisfied with ſuch Determination, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace acting in and for the County in which ſuch Lands or Grounds ſhall be ſituate at any General Quarter Seſſion of the Peace to be holden within Four Calendar Months next after the aforeſaid Publication of the ſaid Boundaries, by delivering or leaving ſuch Deſcription as aforeſaid, the Party or Parties making ſuch Appeal, giving Eight Days Notice of ſuch Appeal and of the Matter thereof in Writing to the Commiſſioners; and the Deciſion of the ſaid Juſtices therein ſhall be final and concluſive, and ſhall not be removed or removeable by *Certiorari* or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Commiſſioners ſhall cauſe a Deſcription of Boundaries to be delivered to One of the Churchwardens, *etc.* of the reſpective Pariſhes, and the Lords of Manors, or their Stewards.

Perſons diſſatisfied may appeal to the Quarter Seſſions.

Deciſion at the Seſſions to be final.

IV. And be it further enacted, That a true, exact, and particular Survey, Admeaſurement, Plan, and Valuation, of all the Lands and Grounds to be divided, allotted, and incloſed by any ſuch Act, and alſo of all the Meſſuages, Cottages, Orchards, Gardens, Homeſteads, ancient incloſed Lands and Grounds, within any ſuch Pariſh or Manor, ſhall be made and reduced into Writing, by ſuch Commiſſioner or Commiſſioners, or by ſuch other Perſon or Perſons as he or they ſhall nominate and appoint, as ſoon as conveniently may be, for the Purpoſes of ſuch Act, and the Number of Acres and decimal Parts of an Acre, in Statute Meaſure, contained in all the Lands and Grounds directed or authorized to be divided, allotted, and incloſed, and alſo in all the ancient incloſed Lands, Grounds, and Homeſteads aforeſaid, and of each and every Proprietor's diſtinct Property in the ſame reſpectively, at the Time of making ſuch Survey and Admeaſurement, ſhall be therein ſet forth and ſpecified; and that the ſaid Survey, Admeaſurement, Plan, and Valuation, ſhall be kept by ſuch Commiſſioner or Commiſſioners; and the Perſon or Perſons who ſhall make ſuch Survey, Admeaſurement, Plan, and Valuation, ſhall verify the ſame upon Oath or Affirmation, at any Meeting to be held after the making thereof (which Oath or Affirmation the Commiſſioners, or any One of them, are and is hereby empowered and required to adminiſter); and the Proprietors and their reſpective Agents, and all Perſons intereſted therein, ſhall at all ſeaſonable Times have Liberty to peruſe and inſpect ſuch Admeaſurement and Plan only, and to take Copies thereof and Extracts therefrom reſpectively.

A Survey, Admeaſurement, Plan, and Valuation of the Lands, *&c.* to be incloſed ſhall be made, and kept by the Commiſſioners, which ſhall be verified by the Perſons making them.

Proprietors may inſpect Admeaſurements and Plans, and take Copies.

V. And

Until the Diviſion ſhall be completed the Lands may be entered by the Commiſſioners, or any Perſons they may appoint, to make Surveys, &c.

V. And be it further enacted, That for ſurveying, admeaſuring, and valuing all the ſaid Lands and Grounds, and for other the Purpoſes of ſuch Act, it ſhall be lawful for ſuch Commiſſioner or Commiſſioners, every or any of them, or the Perſon or Perſons to be appointed by him or them, to make ſuch Survey, Admeaſurement, Plan, and Valuation, together with their and every of their Aſſiſtants and Servants, at any Time or Times whatſoever, until ſuch Diviſion ſhall be completed, to enter, view, and examine, ſurvey and admeaſure, all and every Part of the Lands and Grounds intended to be divided and allotted, and alſo all the ancient incloſed Lands, Grounds, and Homeſteads, directed to be ſurveyed, and to do or cauſe to be done any Act or Thing neceſſary for putting ſuch Act into Execution: Provided always, That any Map or Survey made at the Time of paſſing any ſuch Act, which ſhall be tendered to ſuch Commiſſioner or Commiſſioners, and which ſhall be in his or their Judgement, and to his or their Satisfaction a juſt and true Map or Survey, proper for the Purpoſe of carrying ſuch Act into Execution, may be uſed for that Purpoſe, if the ſaid Commiſſioner or Commiſſioners ſhall think fit, without any new Map or Survey being made of ſuch Part of the Lands and Grounds, as ſhall be comprized in any ſuch approved Map or Survey as aforeſaid.

Maps made at the Time of paſſing Acts may be uſed, without making new Ones, if the Commiſſioners ſhall think fit.

Claimants of Rights in Lands to be incloſed, to deliver to the Commiſſioners Schedules of Particulars, or ſhall be excluded, which Claims may be inſpected, and Copies taken.

VI. And be it further enacted, That all Perſons, and Bodies Corporate or Politick, who ſhall have or claim any Common or other Right to or in any ſuch Lands ſo to be incloſed, ſhall deliver or cauſe to be delivered to ſuch Commiſſioner or Commiſſioners, or One of them, at ſome One of ſuch Meetings as the ſaid Commiſſioner or Commiſſioners ſhall appoint for the Purpoſe (or within ſuch further Time, if any, as the ſaid Commiſſioner or Commiſſioners ſhall for ſome ſpecial Reaſon think proper to allow for that Purpoſe) an Account or Schedule in Writing, ſigned by them, or their reſpective Huſbands, Guardians, Truſtees, Committees, or Agents, of ſuch their reſpective Rights or Claims, and therein deſcribe the Lands and Grounds, and the reſpective Meſſuages, Lands, Tenements, and Hereditaments, in reſpect whereof they ſhall reſpectively claim to be entitled to any and which of ſuch Rights in and upon the ſame or any Part thereof, with the Name or Names of the Perſon or Perſons then in the actual Poſſeſſion thereof, and the particular computed Quantities of the ſame reſpectively, and of what Nature and Extent ſuch Right is, and alſo in what Rights, and for what Eſtates and Intereſts they claim the ſame reſpectively, diſtinguiſhing the Freehold from the Copyhold or Leaſehold; or on Non-compliance therewith, every of them making Default therein ſhall, as far only as reſpects any Claim ſo neglected to be delivered, be totally barred and excluded of and from all Right and Title in or upon ſuch Lands ſo to be divided reſpectively, and of and from all Benefit and Advantage in or to any Share or Allotment thereof; all which ſaid Claims or Accounts ſhall, at all ſeaſonable Times until after the Execution of the ſaid Award, be open to the Inſpection and Peruſal of all Parties intereſted or claiming to be intereſted in the Premiſes, their reſpective Agents or Attornies, who may take Copies thereof, or Extracts therefrom reſpectively; and if any Perſon or Perſons, or Body Politick or Corporate intereſted, or claiming to be intereſted in the Premiſes, ſhall have any Objection to offer to any ſuch Account or Claim, the Particulars of ſuch Objection ſhall be reduced into Writing, and ſigned by them or their reſpective Huſbands, Guardians, Truſtees, Committees,

Objections to Claims to be delivered to the Commiſſioners at or before the Meeting appointed for

Committees, or Agents, and shall be delivered to the said Commissioner or Commissioners, at or before some other Meeting of such Commissioner or Commissioners, to be by him or them appointed for that Purpose; and no such Objection shall afterwards be received, unless for some legal Disability or special Cause to be allowed by the said Commissioner or Commissioners.

that Purpose, or shall not be received except for special Cause.

VII. Provided also, and be it further enacted, That nothing herein contained shall authorize such Commissioner or Commissioners to hear and determine any Difference or Dispute which may arise, touching the Right or Title to any Lands, Tenements, or Hereditaments, but such Commissioner or Commissioners shall assign and set out the several Allotments directed to be made unto the Person or Persons, who, at the Time of the Division and Inclosure, shall have the actual Seisin or Possession of the Lands, Tenements, or Hereditaments, in lieu or in right whereof such Allotment shall be respectively made: Provided also, That no Difference or Suit, touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the Commissioner or Commissioners in the Execution of the Powers vested in him or them, by virtue of any such Act; but the Division or Inclosure directed to be made shall be proceeded in, notwithstanding such Difference or Suit.

Commissioners not hereby authorized to determine Disputes touching Rights; but they shall assign the Allotments to the Persons in actual Possession of the Lands, in lieu whereof made

VIII. And be it further enacted, That such Commissioner or Commissioners shall, and he or they is and are hereby authorized and required, in the first Place, before he or they proceed to make any of the Divisions and Allotments directed in and by any such Act, to set out and appoint the publick Carriage Roads and Highways, through and over the Lands and Grounds intended to be divided, allotted, and inclosed, and to divert, turn, and stop up, any of the Roads and Tracts, upon and over, all, or any Part of the said Lands and Grounds, as he or they shall judge necessary, so as such Roads and Highways shall be, and remain Thirty Feet wide at the least, and so as the same shall be set out in such Directions as shall, upon the Whole, appear to him or them most commodious to the Publick, and he or they are hereby further required to ascertain the same by Marks and Bounds, and to prepare a Map in which such intended Roads shall be accurately laid down and described, and to cause the same, being signed by such Commissioner, if only one, or the major Part of such Commissioners, to be deposited with the Clerk of the said Commissioner or Commissioners, for the Inspection of all Persons concerned; and as soon as may be after such Carriage Roads shall have been so set out, and such Map so deposited, to give Notice in some Newspaper to be named in such Bill, and also by affixing the same upon the Church Door of the Parish, in which any of the Lands so to be inclosed shall lie, of his or their having set out such Roads, and deposited such Map, and also of the general Lines of such intended Carriage Roads, and to appoint in and by the same Notice, a Meeting to be held by the said Commissioner or Commissioners, at some convenient Place, in or near to the Parish or Township within which the said Inclosure is to be made, and not sooner than Three Weeks from the Date and Publication of such Notice, at which Meeting, it shall and may be lawful, for any Person who may be injured or aggrieved by the setting out of such Roads to attend; and if any such Person shall object to the setting out of the same, then such Commissioner or Commissioners, together with any Justice or Justices of Peace, acting

Commissioners before making any Allotments to appoint publick Carriage Roads, and prepare a Map thereof to be deposited with their Clerk, and give Notice thereof, and appoint a Meeting, at which, if any Person shall object, the Commissioners, with a Justice of the Division, shall determine the Matter.

acting in and for the Diviſion of the County in which ſuch Incloſure ſhall be made, and not being intereſted in the ſame, who may attend ſuch Meeting, ſhall hear and determine ſuch Objection, and the Objections of any other ſuch Perſon, to any Alteration that the ſaid Commiſſioner or Commiſſioners, together with ſuch Juſtice or Juſtices, may in Conſequence propoſe to make, and ſhall, and he or they are hereby required, according to the beſt of their Judgement upon the Whole, to order and finally direct how ſuch Carriage Roads ſhall be ſet out, and either to confirm the ſaid Map, or make ſuch Alterations therein as the Caſe may require: Provided always, That in Caſe ſuch Commiſſioner or Commiſſioners ſhall by ſuch Bill be empowered to ſtop up any old or accuſtomed Road, paſſing or leading through any Part of the old Incloſures in ſuch Pariſh, Townſhip, or Place, the ſame ſhall in no Caſe be done without the Concurrence and Order of Two Juſtices of the Peace, acting in and for ſuch Diviſion, and not intereſted in the Repair of ſuch Roads, and which Order ſhall be ſubject to an Appeal to the Quarter Seſſions, in like Manner and under the ſame Forms and Reſtrictions as if the ſame had been originally made by ſuch Juſtice as aforeſaid.

If the Commiſſioners, by any Bill, ſhall be empowered to ſtop up any old Road, it ſhall not be done without the Order of Two Juſtices, and which ſhall be ſubject to Appeal, to the Quarter Seſſions.

IX. And be it further enacted, That ſuch Carriage Roads ſo to be ſet out as aforeſaid, ſhall be well and ſufficiently fenced on both Sides, by ſuch of the Owners and Proprietors of the Lands and Grounds intended to be divided, allotted, and incloſed, and within ſuch Time as ſuch Commiſſioner or Commiſſioners ſhall, by any Writing under his or their Hands, direct or appoint, and that it ſhall not be lawful for any Perſon or Perſons to ſet up or erect any Gate acroſs any ſuch Carriage Road, or to plant any Trees in or near to the Hedges on the Sides thereof, at a leſs Diſtance from each other than Fifty Yards; and ſuch Commiſſioner or Commiſſioners ſhall, and he or they is and are hereby empowered and required, by Writing under his or their Hands, to nominate and appoint One or more Surveyor or Surveyors, with or without a Salary, for the Firſt forming and completing ſuch Parts of the ſaid Carriage Roads as ſhall be newly made, and for putting into complete Repair ſuch Part of the ſame as ſhall have been previouſly made, which Salary (if any) and alſo the Expence of forming, completing, and repairing ſuch Roads reſpectively, over and above a Proportion of the Statute Duty on the Roads ſo to be repaired, ſhall be raiſed in like Manner as the Charges and Expences of obtaining and paſſing any ſuch Act, and of carrying the ſame into Execution, ſhall be thereby directed to be raiſed, and ſhall be paid to ſuch Surveyor or Surveyors on or before the Execution of the Award of ſuch Commiſſioner or Commiſſioners; and in caſe the ſame ſhall be thereby provided to be raiſed by Sale of any Part of the Lands ſo to be divided and incloſed, that then ſuch Commiſſioner or Commiſſioners ſhall make a conditional Rate upon the Owners and Proprietors of the ſame, in caſe the Produce of ſuch Sale ſhould prove inſufficient for the Purpoſes aforeſaid; and ſuch Surveyor or Surveyors ſhall, and he or they is and are hereby directed to be in all Reſpects ſubject to the Juriſdiction and Controul of the Juſtices of the Peace acting in and for the County in which ſuch Roads ſhall reſpectively lie, and ſhall account to ſuch Juſtices in like Manner for all Monies ſo to be by him or them received and expended, and for the Re-payment of any Surplus which may remain in his or their Hands to ſuch Perſons as ſhall have been made liable to contribute thereto, according to the Proportion ſo as above aſcertained

The Carriage Roads ſhall be fenced on both Sides by ſuch of the Land Owners as the Commiſſioners ſhall direct, and no Perſon ſhall erect any Gate acroſs any Road, or plant any Trees on the Sides, at leſs than 50 Yards Diſtance.

The Commiſſioners ſhall appoint Surveyors, and if with a Salary, ſuch Salary and the Expence of making the Road, over and above the Statute Duty, ſhall be raiſed as other Expences, and paid on or before Execution of the Award.

Surveyors to be ſubject to the Controul of the Juſtices, and ſhall account to them for Monies received.

by such Commissioner or Commissioners; and such Justices shall have the like Powers of levying any such Rate as may by them be thought necessary for the Purposes aforesaid, according to the Proportions previously ascertained by such Commissioner or Commissioners, as if such Surveyor or Surveyors had been appointed under or by virtue of the General Highway Act passed in the Thirteenth Year of the Reign of his present Majesty; and in case such Surveyor or Surveyors shall neglect to complete and repair such Roads respectively within the Space of Two Years after such Award, unless a further Time, not exceeding One Year, shall for that Purpose be allowed by such Justices, and then within such further Time, he or they shall forfeit the Sum of Twenty Pounds, and the Inhabitants at large of the Parish, Township, or Place wherein such Roads shall be respectively situate, shall be in no wise charged or chargeable towards forming or repairing the said Roads respectively, except such Proportion of such Statute Duty as aforesaid, till such Time as the same shall, by such Justices in their special Sessions, be declared to be fully and sufficiently formed, completed, and repaired, from which Time, and for ever thereafter, the same shall be supported and kept in Repair by such Persons, and in like Manner as the other publick Roads within such Parish, Township, or Place, are by Law to be amended and kept in Repair.

Justices may levy Rates.

If Surveyors neglect to complete Roads within a limited Time, they shall forfeit 20 *l.* and the Inhabitants shall not be chargeable to them (except Statute Duty), till declared to be completed at a Special Session.

X. And be it further enacted, That such Commissioner or Commissioners shall, and he or they is and are hereby empowered and required to set out and appoint such private Roads, Bridleways, Footways, Ditches, Drains, Watercourses, Watering Places, Quarries, Bridges, Gates, Stiles, Mounds, Fences, Banks, Bounds, and Land Marks, in, over, upon, and through or by the Sides of the Allotments to be made and set out in pursuance of such Act, as he or they shall think requisite, giving such Notice and subject to such Examination as to any private Roads or Paths, as are above required in the Case of publick Roads, and the same shall be made, and at all Times for ever thereafter be supported and kept in Repair, by and at the Expence of the Owners and Proprietors for the Time being of the Lands and Grounds directed to be divided and inclosed, in such Shares and Proportions as the Commissioner or Commissioners shall in and by his or their Award order and direct.

Commissioners shall appoint private Roads, &c.

XI. And be it further enacted, That after such publick and private Roads and Ways shall have been set out and made, the Grass and Herbage arising thereon shall for ever belong to and be the sole Right of the Proprietors of the Lands and Grounds which shall next adjoin the said Roads and Ways on either Side thereof, as far as the Crown of the Road; and all Roads, Ways, and Paths, over, through, and upon such Lands and Grounds which shall not be set out as aforesaid, shall be for ever stopped up and extinguished, and shall be deemed and taken as Part of the Lands and Grounds to be divided, allotted, and inclosed, and shall be divided, allotted, and inclosed accordingly: Provided, That nothing herein contained shall extend, or be construed to extend, to give such Commissioner or Commissioners any Power or Authority to divert, change, or alter any Turnpike Road that shall or may lead over any such Lands and Grounds, unless the Consent of the Majority of the Trustees of such Turnpike

The Grass and Herbage on Roads shall belong to the Proprietors of the Lands adjoining on either Side; and all Roads which shall not be set out shall be allotted and inclosed.

No Turnpike Road shall be altered without the Consent of the Trustees.

Turnpike Road, aſſembled at ſome publick Meeting called for that Purpoſe on Ten Days Notice, be firſt had and obtained.

Commiſſioners, in making Allotments, to have regard to the Situation of Houſes as well as the Quantity and Quality of Land, as far as may be conſiſtent with general Convenience.

XII. And be it further enacted, That ſuch Commiſſioner or Commiſſioners in making the ſeveral Allotments directed by any ſuch Act, ſhall have due Regard as well to the Situation of the reſpective Houſes or Homeſteads of the Proprietors, as to the Quantity and Quality of the Lands and Grounds to be allotted to them reſpectively, ſo far as may be conſiſtent with the general Convenience of the ſaid Proprietors; and that ſuch Commiſſioner or Commiſſioners in making the ſaid Allotments ſhall have particular Regard to the Convenience of the Owners or Proprietors of the ſmalleſt Eſtates in the Lands and Grounds directed to be allotted and exchanged.

Commiſſioners may direct ſmall Allotments to be laid together and ring-fenced, and ſtocked and depaſtured in Common by the Proprietors.

XIII. And whereas the Proprietors and Perſons intereſted in Open Common Fields, Meadows, Paſtures, Commons, and Waſte Lands, directed to be divided and allotted, whoſe Allotments thereof will be ſmall, and expenſive to incloſe, may be deſirous of ſtocking and depaſturing their Allotments in common, and of ſharing ſuch Produce as may grow thereon, under proper Regulations; be it therefore further enacted, That ſuch Commiſſioner or Commiſſioners ſhall be, and he or they is and are hereby fully authorized and empowered, on Application of the Parties intereſted at their Firſt or Second Meeting for receiving Claims, and on an attentive View and full Conſideration of the Premiſes, to award, order, and direct any ſuch Allotments to be laid together and ring-fenced, and to be ſtocked and depaſtured in common, and to make ſuch Orders and Regulations for the equitable Enjoyment thereof, and for the Participation of any Produce growing or to grow thereon, as ſuch Commiſſioner or Commiſſioners may think beneficial and proper for the ſaid ſeveral Parties intereſted therein.

Allotments to be in full Compenſation for all Rights in the Lands, which ſhall ceaſe on Notice from the Commiſſioners being affixed on the Door of the Pariſh Church.

XIV. And be it further enacted, That the ſeveral Shares of and in any Lands or Grounds which ſhall upon any ſuch Diviſion be aſſigned, ſet out, allotted, and applied, unto and for the ſeveral Perſons who ſhall be entitled to the ſame, ſhall, when ſo allotted, be and be taken to be in full Bar of and Satisfaction and Compenſation for their ſeveral and reſpective Lands, Grounds, Rights of Common, and all other Rights and Properties whatſoever, which they reſpectively had or were entitled to, in and over the ſaid Lands and Grounds, immediately before the paſſing of any ſuch Act; and that from and immediately after the making the ſaid Diviſion and Allotments, and the Execution of the Award of ſuch Commiſſioner or Commiſſioners, or at any other Time as ſuch Commiſſioner or Commiſſioners ſhall, by Writing under his or their Hands, to be affixed on the principal Door of the Church of the Pariſh in which the Lands and Grounds ſhall be ſituate, direct or appoint, all Rights of Common, and all Rights whatſoever, by ſuch Act intended to be extinguiſhed, belonging to or claimed by any Perſon or Perſons whomſoever, Bodies Politick or Corporate, in, over, or upon ſuch Lands or Grounds, ſhall ceaſe, determine, and be for ever extinguiſhed.

Commiſſioners may exchange by Allotments, Meſſuages,

XV. And be it further enacted, That ſuch Commiſſioner or Commiſſioners ſhall, and he or they is and are hereby authorized, to ſet out, allot, and award any Meſſuages, Buildings, Lands, Tenements, Hereditaments,

taments, new Allotments, or old Incloſures, within ſuch Pariſh or Manors, in lieu of or in Exchange for any other Meſſuages, Buildings, Lands, Tenements, Hereditaments, new Allotments, or old Incloſures within the ſaid Pariſh or Manors, or within any adjoining Pariſh or Place; ſo as that all ſuch Exchanges be made with the Conſent of the reſpective Owners, Proprietors, or other Perſons, ſeiſed of the Lands, Hereditaments, and Premiſes which ſhall reſpectively be ſo exchanged as aforeſaid, or of the Huſbands, Guardians, Truſtees, Committees, or Attornies acting for or on Behalf of ſuch Owners, Proprietors, or other Perſons reſpectively, who are under Coverture, Minors, Lunaticks, or beyond the Seas, or under any other Diſability or Incapacity of acting for themſelves (ſuch Conſent to be teſtified by Writing under their reſpective Hands); and ſo that all ſuch Exchanges be aſcertained, ſpecified, and ſet forth in the Award of ſuch Commiſſioner or Commiſſioners; and ſo that all ſuch Exchanges of any Lands, Tenements, or Hereditaments, belonging to or held in Right of any Church, Chapel, or Eccleſiaſtical Benefice, ſhall alſo be made with the like Conſent, in Writing, of the Biſhop of the Dioceſe, and of the Patron of any Church, Chapel, or Eccleſiaſtical Benefice for the Time being; and all ſuch Exchanges ſo made as aforeſaid ſhall be for ever good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever.

Lands, &c. with the Conſent of the Proprietors, or if belonging to Churches, *etc.* with the Conſent of the Biſhop and of the Patron.

XVI. And whereas it may happen that ſome of the Proprietors of Meſſuages, Cottages, Tenements, or Lands, in any ſuch Pariſh or Manor, and Perſons entitled to Allotment or Allotments to be made by virtue of any ſuch Act, may be ſeiſed thereof or entitled thereto in Joint Tenancy, or as Coparceners, or Tenants in common, and cannot, by reaſon of Infancy, Settlement, or Abſence beyond Seas, make an effectual Diviſion thereof; be it therefore further enacted, That it ſhall be lawful for any ſuch Commiſſioner or Commiſſioners, and he or they is and are hereby authorized and empowered (upon the Requeſt in Writing of ſuch Joint Tenants or Coparceners, or Tenants in common, or any or either of them, or of the Huſbands, Guardians, Truſtees, Committees, or Attornies of ſuch as are under Coverture, Minors, Lunaticks, or under any other Incapacity as aforeſaid, or abſent beyond Seas) to make Partition and Diviſion of the Meſſuages, Cottages, Tenements, Lands, and Allotment or Allotments, to ſuch of the ſaid Owners or Proprietors who ſhall be entitled to the ſame as Joint Tenants, Coparceners, or Tenants in common, and to allot the ſame accordingly to ſuch Owners and Proprietors in Severalty; and from and immediately after the ſaid Allotments ſhall be ſo made and declared, the ſame ſhall be holden and enjoyed by the Perſon or Perſons to whom the ſame ſhall be allotted in Severalty, in ſuch and the ſame Manner, and ſubject to ſuch and the ſame Uſes, as the undivided Parts or Shares of ſuch Eſtates would have been held in caſe ſuch Partition and Diviſion had not been made.

Commiſſioners may make Allotments in Severalty to joint Tenants, or Tenants in common.

XVII. And be it further enacted, That all and every Perſon or Perſons, to whom any Allotment or Allotments ſhall be made by virtue of any ſuch Act, ſhall, and he, ſhe, or they is and are hereby required to accept his, her, and their reſpective Allotments within the Space of Two Calendar Months next after the Execution of the Award, directed

Perſons to accept their Allotments in a limited Time, or to forfeit their Right.

to be made in and by any such Act; and in case any Person or Persons shall neglect or refuse to accept of his, her, or their Share or Allotment within the Time before mentioned, such Person or Persons so neglecting or refusing shall be totally excluded from having or receiving any Estate or Interest, or Right of Common whatsoever, in any Part of the Lands and Grounds to be divided and inclosed by virtue of any such Act.

Guardians, *etc.* may accept for incapacitated Persons, and Tenants for Life shall accept of Allotments.

XVIII. Provided always, and be it further enacted, That it shall and may be lawful for the respective Guardians, Husbands, Trustees, Committees, or Attornies of any Person or Persons being Minors, Femes Covert, Lunaticks, beyond the Seas, or otherwise incapable by Law to accept any such Allotments as shall be made by virtue of any such Act, to and for the Use of such Person or Persons so incapacitated as aforesaid; and also that any Person or Persons entitled to any Allotment or Allotments as Tenant or Tenants for Life or Lives, shall be, and he, she, and they is and are hereby respectively enabled and required to accept of and take such Allotment or Allotments respectively; and every such Acceptance respectively shall be and is hereby declared to be valid and effectual, to all Intents and Purposes whatsoever: Provided further, That the Non-claim or Non-acceptance of any such Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or in any Way prejudice the Right of any Infant, Feme Covert, Lunatick, or other Person or Persons being under any Disability or Incapacity as aforesaid, or absent beyond the Seas, who shall claim or accept such Share or Allotment within Twelve Calendar Months next after such Disability or Incapacity shall be removed, or of any Person entitled as Heir in Remainder after the Death of any Person dying during such Incapacity or Disability, who shall claim or accept the same within One Year next after his, her, or their Right, Title, or Interest shall have accrued, descended, or vested, or be known so to be.

Non-acceptance of Guardians, *etc.* shall not prejudice the Rights of incapacitated Persons who shall accept in a limited Time after enabled so to do.

Before Execution of the Award, Allotments may be ditched and inclosed, with the Consent of the Commissioners.

XIX. And be it further enacted, That after the Allotments shall be set out by such Commissioner or Commissioners, and at any Time before the Execution of his or their Award, it shall be lawful for any Person or Persons to whom any Allotment or Allotments shall be so made, and staked or marked out, by and with the Consent of such Commissioner or Commissioners in Writing under his or their Hands, to ditch, fence off, and inclose their respective Allotments, in such Manner as such Commissioner or Commissioners shall so direct and appoint.

Trees, *etc.* to be allotted with the Lands whereon they stand, the Parties paying to the Owners such Sums as the Commissioners shall direct; but in Case of Neglect the Owners may cut them down and take them away.

XX. And be it further enacted, That the Timber Trees and other Trees, Thorns, and Bushes, standing and growing upon any Waste Lands or other Lands to be allotted by such Act, shall be allotted and go along with the Lands whereon they respectively stand, and shall be deemed the Property of the several Persons to whom the same Lands shall be respectively allotted, such Persons paying to the Owner or respective Owners of the said Trees, such Sums of Money for the same, and at such Time or Times, and Place or Places, as the said Commissioner or Commissioners shall by Writing under his or their Hand or Hands direct; but if the said Parties who are to make such respective Payments shall neglect or refuse to make the same accordingly, then it shall be lawful to and for the respective Parties who shall be entitled to have and receive such

ſuch Payments, to enter on the ſaid Lands, and cut down, take, and carry away to their own Uſe, the ſaid Trees, Thorns, or Buſhes, in reſpect of which the ſaid Payments were reſpectively to be made to them, at any ſeaſonable Time or Times within One Year next after ſuch Neglect or Default, they doing as little Damage on the ſaid Lands as may be.

Where Money is to be paid for Lands, *etc.* and which ought to be laid out in other Purchaſes to be ſettled to the ſame Uſes, the Commiſſioners may thereout defray a Proportion of the Expences of paſſing the Act, and putting it in Execution, *etc.*; and if the Surplus amount to 200 *l.* it ſhall, as ſoon as may be, be laid out in other Purchaſes, and in the mean Time be paid into the Bank and applied under the Direction of the Court of Chancery.

XXI. And be it further enacted, That whenever any Sum of Money is, under the Proviſion of this Act, or any ſuch Bill, to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes, it ſhall and may be lawful, to and for ſuch Commiſſioner or Commiſſioners, out of ſuch Sum to defray ſuch Proportion of the Expence of paſſing ſuch Act, and of carrying the ſame into Execution, as ſhall, if any be, charged upon any of the Lands, Tenements, or Hereditaments, of the Perſon or Perſons, Body Politick or Corporate, Truſtees or Feoffees, in Poſſeſſion of the Lands, Tenements, or Hereditaments ſo ſold or exchanged, or on which ſuch Timber or Wood actually grew, and alſo the Expence of any permanent Improvement, ſuch as building, ſub-dividing, draining, or planting, and the like, which ſhall in the Judgement of ſuch Commiſſioner or Commiſſioners be proper to be made, and ſhall be made under his or their Direction, upon any Lands to be by virtue of ſuch Act allotted to ſuch Perſon or Perſons, Body Politick or Corporate, Truſtees or Feoffees reſpectively; and in caſe the Surplus of ſuch Money ſhall amount to the Sum of Two hundred Pounds, then the ſame ſhall, with all convenient Speed, be inveſted in the Purchaſe of any Lands or Hereditaments, which ſhall be conveyed and ſettled upon, and ſubject to the like Uſes, Truſts, and Limitations, as ſuch Lands ſo ſold or exchanged, or the Lands on which ſuch Timber grew, were ſettled, limited, or aſſured; and in the mean Time, and until ſuch Purchaſe can be made, ſuch Money ſhall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the ſaid Commiſſioner or Commiſſioners, without Fee or Reward, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to ſuch Lands, Tenements, and Hereditaments, or Timber reſpectively, either in or towards the Redemption or Purchaſe of Land Tax, or towards the Diſcharge of any Debts or Incumbrances affecting the Lands or Hereditaments ſo purchaſed or exchanged, or on which ſuch Timber grew, or until the ſame ſhall, upon the like Application, in a ſummary Way, be laid out by Order of the ſaid Court in the Purchaſe of other Lands, or Hereditaments to be ſettled to the like Uſes; and in the mean Time, and until Order can be made, ſuch Money may, by Order of the ſaid Court, be laid out in ſome of the Publick Funds, or on Government or real Securities, and the Dividends or Intereſt ariſing therefrom, ſhall, by Order of the ſaid Court, be paid to ſuch Perſon or Perſons, as would, for the Time being, be entitled to the Rents and Profits of ſuch Lands, Tenements, and Hereditaments, ſo to be purchaſed, conveyed, and ſettled.

XXII. Provided

If ſuch Money be leſs than 200*l.* and upwards of 20*l.* it ſhall at the Option of the Perſon entitled to the Rents of the Lands, be paid into the Bank, or to Two Truſtees to be approved of by the Commiſſioners, to be applied as before directed;

XXII. Provided always, and be it further enacted, That if any ſuch Money ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in ſuch Caſe the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in the Manner before directed; or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the Commiſſioner or Commiſſioners (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

and if leſs than 20*l.* it ſhall be applied to the Uſe of the Perſon intitled to the Rents of the Lands, as the Commiſſioners ſhall think fit.

XXIII. Provided alſo, and be it further enacted, That where ſuch Money ſhall be leſs than Twenty Pounds, then and in ſuch Caſe the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, in ſuch Manner as the ſaid Commiſſioner or Commiſſioners ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

If any Perſon does not accept, incloſe, and fence his Allotment as the Commiſſioners ſhall direct, they may cauſe it to be incloſed and fenced and let, and receive the Rents until the Expences are ſatisfied, or they may charge them upon the Proprietor.

XXIV. And be it further enacted, That if any Perſon to whom any Allotment or Allotments ſhall be made, or any Guardian, Huſband, Truſtees, Feoffees, Committees, or Attorney of any Infant, Feme Covert, Charity or Charities, Lunatick, Idiot, Perſon or Perſons beyond the Seas, or otherwiſe incapable of acting reſpectively, or any Tenant in Tail, or for Life, or Truſtee or Truſtees for any Settlement, or any Mortgagee or Mortgagees, or other Creditor in Poſſeſſion, ſhall neglect or refuſe to accept, incloſe, and fence his, her, or their Allotment or Allotments, within ſuch Time or Times as ſuch Commiſſioner or Commiſſioners, by any Writing as aforeſaid, or by his or their Award, ſhall order or direct, it ſhall be lawful for ſuch Commiſſioner or Commiſſioners to cauſe ſuch Allotment or Allotments to be incloſed and fenced, and to let the ſame to any Perſon or Perſons he or they may think proper, and to receive the Rents and Profits thereof, until the Expences attending the Incloſure and fencing thereof are paid and ſatisfied, or to charge ſuch Expences upon the Proprietor or Proprietors of the ſame Allotment or Allotments; and by any ſuch Writing as aforeſaid, or by his or their ſaid Award, to appoint to whom, and at what Time or Times the ſame ſhall be paid, ſubject to the ſame Mode, and with the like Powers of Recovery thereof, as may be provided reſpecting the other Expences of paſſing any ſuch Act, and carrying the ſame into Execution, or otherwiſe directed by any ſuch Act.

XXV. And

Within Seven Years after fencing of Allotments, Fences may be erected on the Outside of the Ditches, and the Materials carried away by the Proprietors.

XXV. And be it further enacted, That it shall be lawful for the several Proprietors of the Allotments to be made in pursuance of any such Act, their Agents or Workmen, at any seasonable Time or Times, within the Space of Seven Years next after the fencing of any Allotment or Allotments, to set up and erect Posts and Rails, or other dead Fences, on the Outside of the Ditches bounding their respective Allotments, not exceeding Three Feet from such Ditches, for the Preservation of their Quickset Hedges, and at any seasonable Time or Times before the Expiration of the said Term, to take and carry away the Materials of such outside Fences when they shall think proper.

No Fences or Hedges standing when any Act is passed, shall be destroyed till the Execution of the Award, without Consent of the Commissioners, and if assigned by them as a Boundary or Division Fences, they shall be left uncut, the Persons to whom the Allotments shall belong making Compensation to the former Owners.

XXVI. And be it further enacted, That no Fences or Hedges which at the Time of the passing of any such Act shall be standing or growing in or upon any of the Lands directed to be divided and inclosed, shall be cut down or destroyed by the Owners and Proprietors thereof, after the passing of such Act, until the Execution of the Award, without the Consent of such Commissioner or Commissioners first had and obtained in Writing for that Purpose; and if any such Fences or Hedges shall be assigned or approved by such Commissioner or Commissioners as and for a Boundary Fence, or as and for a Subdivision Fence to and for any of the Allotments to be made in pursuance of such Act, all such Fences and Hedges shall be left uncut for the Benefit of the Person or Persons to whom such Allotment or Allotments shall belong; and he, she, or they shall make such Compensation in Money to the former Owners and Proprietors thereof, as such Commissioner or Commissioners shall, by Writing under his or their Hand or Hands in that Behalf order and appoint, subject to the same Mode, and with the like Powers of Recovery thereof, as may in such Act be provided respecting the other Expences of passing any such Act, and carrying the same into Execution.

Where the Boundary of any Common Fields or inclosed Grounds shall be fenced by any Mound, &c. the Proprietors of the adjoining Allotments shall not be compelled to fence them next such Common Fields and Inclosed Grounds, and such Boundaries shall be maintained by the respective Proprietors; the Expences of which the Commissioners may apportion.

XXVII. Provided always, and be it further enacted, That no Proprietors whose Allotments or Shares shall, upon any such Inclosure, lie and be situate next and adjoining to any Common Fields or inclosed Grounds, the Boundary of which shall be fenced by any Mound, Fence, Brook, or Rivulet, shall be compelled to make or erect any Hedges, Ditches, or Fences, next adjoining to any such Common Fields or inclosed Grounds, for inclosing such their Allotments or Shares; but that the whole Mound, Fence, Brook or Rivulet, or other sufficient Fences which divide any such Common Fields or inclosed Grounds from such Allotments, shall for ever be and remain a Boundary Fence for the Purpose of such Division, and shall from Time to Time be maintained, kept, cleansed, scoured, and repaired, by the respective Proprietors thereof, in the same Manner as before the passing of this Act, or in such other Manner as such Commissioner or Commissioners shall order and direct: Provided nevertheless, That in case it shall happen that some of the Proprietors shall have a greater Proportion of Fences to make and maintain upon any of the Lands directed to be divided and inclosed, than in the Judgement of such Commissioner or Commissioners the Allotments of such Proprietors ought to be charged with, it shall be lawful for such Commissioner or Commissioners, where he or they shall judge it proper, to ascertain and appoint such Sum of Money to be paid to every such Proprietor towards making and maintaining such Fences, by such other of the Proprietors who may have a less Proportion of Fencing, according to the Value and Quantity of the

Lands to be allotted to them, and to grant such other Relief in respect thereof, out of the Money to be raised for defraying the Expences of carrying such Act into Execution, as he or they shall think reasonable, and in case any such Money shall be so directed to be raised, in order that the said Boundary Fences may be brought as near as may be to a just and equal Proportion.

If any Person shall destroy or damage any Fence, &c. put up under the Authority of any Act, he shall forfeit 5*l.* and the Proprietor of the Lands, &c. may give Evidence.

XXVIII. And be it further enacted, That in case any Person or Persons shall wilfully and unlawfully break down, destroy, carry away, or damage any Fence, Stile, Post, Rail, Gate, Bridge, or Tunnel, which may be put up or placed under the Authority and for the Purposes of any such Act, every Person so offending, and being thereof convicted before any Justice of the Peace for the County in which the Lands or Grounds to be inclosed shall be situate, on Confession or on Proof of the Offence, by Oath of One or more credible Witness or Witnesses (which Oath the said Justice is hereby authorized to administer) shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and every Person shall be allowed to give Evidence of such Offence notwithstanding he may be a Proprietor or Occupier of Lands within, or an Inhabitant of such Parish, and notwithstanding he may be the Owner of any such Fence, Stile, Post, Rail, Gate, Bridge, or Tunnel; to be recovered as hereinafter provided.

If it shall be provided by any Act, that the Expences of obtaining and carrying it into Execution, shall be paid by the Proprietors, and they neglect so to do, the Commissioners may cause the same to be levied by Distress, or may take Possession of the Allotments, and receive the Rents, till satisfied.

XXIX. And whereas it may often be provided by such Act, that the Expences of obtaining the same, and also the Expences of carrying the same into Execution, shall be paid in proportion by the Proprietors of Lands or Grounds to whom any Allotments shall be made; be it further enacted, That in such Case, when and so often as any such Person or Persons, except the Person or Persons thereby exempted from Payment of any such Charges and Expences, shall refuse or neglect to pay his, her, or their Proportion of the Charges and Expences, or shall refuse or neglect to pay the Expences attending the inclosing and fencing of any such Allotments, as upon the Neglect or Refusal of the Proprietors shall be inclosed and fenced by such Commissioner or Commissioners as herein-after mentioned, at the respective Days and Times to be appointed for Payment of such Charges and Expences, it shall be lawful for such Commissioner or Commissioners, by any Warrant or Warrants under his or their Hands and Seals, directed to any Person or Persons whomsoever, to cause the said Costs, Charges, and Expences, and Sum or Sums of Money respectively, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her, or their Husbands, Guardians, Trustees, Committees, or Attornies, wheresoever the same shall be found, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted, together with the Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Share or Shares, Proportion or Proportions, from the Time the same shall be directed to be paid by such Commissioner or Commissioners as aforesaid; or otherwise it shall be lawful for such Commissioner or Commissioners, or any Person or Persons authorized by him or them, to enter upon and take Possession of the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to receive and take the Rents and Profits thereof,

thereof, until thereby, therewith, or otherwiſe, the Share or Shares, Proportion or Proportions, and the ſaid Coſts and Charges ſo ordered and directed by ſuch Commiſſioner or Commiſſioners to be paid by ſuch Perſon or Perſons as aforeſaid, and all Intereſt on ſuch Share or Shares, Proportion or Proportions, to be computed from the Time the ſame ſhall by ſuch Commiſſioner or Commiſſioners be directed to be paid as aforeſaid, and alſo all Coſts, Charges, and Expences, occaſioned by or attending ſuch Entry upon and Perception of the Rents and Profits of the ſaid Premiſes, ſhall be fully paid and ſatisfied.

Huſbands, &c. may charge Allotments with ſuch Sums as the Commiſſioners ſhall adjudge neceſſary for defraying the aforeſaid Expences; and if Perſons in Poſſeſſion liable to a Share thereof, or enabled to charge the Lands with the ſame, ſhall advance the Money, the Commiſſioners may mortgage the Lands to them for Reimburſement.

XXX. And be it further enacted, That in ſuch Caſe as laſt aforeſaid, it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the Owners or Proprietors of ſuch Allotment or Exchanged Lands, being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Diſability, and for any of the ſaid Owners or Proprietors being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwiſe, intereſted as aforeſaid (except the Rector or Vicar of ſuch Pariſh) to charge ſuch Allotments, or Exchanged Lands and Premiſes, with ſuch Sum or Sums of Money as ſuch Commiſſioner or Commiſſioners ſhall by his or their Award, or by Writing under his or their Hands, either before or after the Execution of ſuch Award, adjudge neceſſary to pay and defray the ſaid reſpective Shares of the Charges and Expences incident to and attending the obtaining ſuch Act, and carrying the ſame into Execution, and of charging the ſaid Lands as aforeſaid, ſo that the ſame ſhall not exceed Five Pounds for every Acre of ſuch Allotments or Exchanged Lands, and to grant, mortgage, ſurrender, leaſe, or demiſe, or otherwiſe ſubject the Lands, Tenements, and Hereditaments ſo to be charged, unto ſuch Perſon or Perſons who ſhall advance and lend the ſame reſpectively, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years; or in caſe any Perſon in Poſſeſſion, who ſhall or may be liable to and charged with a Share of the Expences as aforeſaid, or enabled by this or any ſuch Act to charge ſuch Lands and Grounds with the ſame, ſhall chooſe to advance, pay, and diſcharge ſuch Sum or Sums of Money, then it ſhall be lawful for the ſaid Commiſſioner or Commiſſioners, by any Deed or Writing under his or their Hands and Seals, to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, ſurrender, leaſe, demiſe, or otherwiſe ſubject the ſaid Lands, Tenements, and Hereditaments, to ſuch Perſon or Perſons reſpectively, paying and diſcharging the ſame, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years, to and for the Payment of ſuch Sum and Sums of Money ſo advanced, paid, and diſcharged by him or them, with Intereſt for the ſame, to commence on the Termination of his, her, or their Right in the Premiſes; ſo that every ſuch Grant, Mortgage, Surrender, Leaſe, or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered or re-aſſigned, when ſuch Sum or Sums of Money thereby to be ſecured ſhall be fully paid and ſatisfied; and alſo with a Covenant to pay and keep down the Intereſt, ſo that no Perſon or Perſons afterwards becoming poſſeſſed or entitled to any ſuch Lands, Tenements, or Hereditaments, ſhall be liable to pay any further or larger Arrear of Intereſt than for Six Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced;

menced; and that every such Charge, Grant, Mortgage, Surrender, Lease, or Demise, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Commissioners may deduct from Allotments for Charity or School Lands, what shall be deemed equal to the proportionable Share of the Expences of passing and executing any Act, and allot the same to such Persons as will undertake to pay it.

XXXI. And whereas in such Cases as aforesaid, where Provision may be made in any such Act for charging the Expences of passing such Act, or of executing the Powers therein contained, or of fencing the respective Allotments on the several Proprietors thereof, it may be more convenient for the Feoffees or Trustees of any Charity Lands or School Lands, to have Lands deducted from the respective Allotments to be made for such Charity Lands or School Lands, for paying the proportionable Share in respect of such Allotments of such Expences respectively, than to raise Money on Mortgage for those Purposes; be it therefore further enacted, That it shall be lawful for any such Commissioner or Commissioners, if he or they shall judge it right or expedient, to deduct from the respective Allotments to be made to such Feoffees or Trustees as aforesaid, so much Land as shall in the Judgement of such Commissioner or Commissioners be equal in Value to their respective Proportions of the said Expences, and to allot, assign, and award the same to such Person or Persons as such Commissioner or Commissioners shall think proper, and who will undertake to pay and defray, and shall pay and defray, all such Expences.

If it shall be provided by any Act that the Expences of obtaining and carrying it into Execution shall be paid by Sale of Part of the Lands, the Commissioners shall set out and sell such Part as they think will raise a sufficient Sum, and the Purchasers shall immediately deposit a Part of the Purchase Money, which shall be forfeited, if the Remainder be not duly paid.

XXXII. And be it further enacted, That in case it shall be provided by any such Act, that the Expences attending the same shall be paid by Sale of any Part of the Land so to be inclosed, the said Commissioner or Commissioners shall mark and set out such Part or Parts of the said Waste or Commonable Lands, as in his or their Opinion will by Sale thereof raise a Sum of Money sufficient to pay and discharge all such Charges and Expences as may by any such Act be directed to be paid and discharged out of the same; and the said Commissioner or Commissioners shall sell such Part or Parts of the said Lands to any Person or Persons for the best Price or Prices that can be gotten for the same, by private Contract, or by publick Auction or Auctions to be holden for that Purpose, of which Six Weeks previous Notice shall be given, in such Manner as shall by any such Act be directed with respect to the other Notices thereby required; and the Person or Persons so purchasing the same, shall immediately pay (by Way of Deposit) into the Hands of the said Commissioner or Commissioners, or such Person or Persons as he or they shall direct and appoint, One Tenth Part of his, her, or their Purchase Money, and pay the Remainder thereof within Three Calendar Months next after, or at such other Time as the said Commissioner or Commissioners shall appoint, and in Default thereof, the Money so deposited shall be forfeited, and shall be applied in carrying such Act into Execution; and the said Allotment or Allotments for which the Whole of such Purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, shall be again put up to Sale, and sold in Manner aforesaid, for the best Price or Prices that can be gotten for the same, or be sold by the said Commissioner or Commissioners by private Contract, for any Sum or Sums not less than the remaining Nine Tenths of the Price or respective Prices for which the same was or were respectively before sold, or the Amount of One Bidding above the Sum or respective Sums at which the same was or

were respectively put up in the said former Auction; and every Allotment for which the full Purchase Money shall be paid, shall immediately thereupon be absolutely discharged of and from all Common and other Right thereon or therein, and be vested in Fee Simple in, and be inclosed, and thenceforth held in Severalty by such Purchaser or Purchasers thereof respectively, as his, her, or their private and absolute Property, and shall be allotted accordingly by the said Commissioner or Commissioners; and the said Purchase Money shall be applied in defraying such Charges and Expences as may be in any such Act directed to be paid and discharged by the Sale of such Land.

Commissioners may summon Witnesses, who shall be subject to Penalty for Neglect.

XXXIII. And, for the better enabling such Commissioner or Commissioners to determine the several Matters and Things by this or any such Act referred to his or their Determination, be it enacted, That it shall be lawful to and for the said Commissioner or Commissioners from Time to Time, as he or they shall see Occasion, by any Writing or Writings under his or their Hand or Hands, to summon and require any Person or Persons to appear before them at any Time and Place in such Writing to be appointed, to testify the Truth touching the Matter in Dispute between any Proprietors or interested Persons, or otherwise relating to the Execution of the Powers given by this or any such Act, and to cause a Copy of such Writing to be served on such Person or Persons required to give Evidence, or to be left at his, her, or their usual or last Place of Abode; and every Person or Persons so summoned, who shall not appear before the said Commissioner or Commissioners pursuant to such Summons (without assigning some reasonable Excuse for not appearing) or appearing shall refuse to be sworn or examined on Oath or Affirmation, which Oath or Affirmation the said Commissioner or Commissioners is and are hereby empowered and required to administer, (such Person or Persons having been paid or tendered to him, her, or them, the reasonable Charges of his, her, or their Attendance) and being thereof convicted before One of His Majesty's Justices of the Peace of the County or District in which such Lands are situated, upon Information thereof upon Oath made before any such Justice, shall, for every such Neglect or Refusal, forfeit and pay such Sum of Money, not exceeding Ten Pounds, nor less than Five Pounds, as such Justice or Justices shall think fit and order.

No Witness shall be obliged to travel beyond a certain Distance.

XXXIV. Provided always, and be it further enacted, That no Witness summoned to attend such Commissioner or Commissioners, shall be obliged to travel above Eight Miles from the Boundary of the Parish, Manor, or District, by any such Act intended to be inclosed.

Commissioners shall draw up an Award, containing sundry Particulars, which shall be read and executed, at a Meeting of the Proprietors, and proclaimed the next *Sunday* in the Parish Church, and then con-

XXXV. And be it further enacted, That as soon as conveniently may be after the Division and Allotment of the said Lands and Grounds shall be finished, pursuant to the Purport and Directions of this or any such Act, the said Commissioner or Commissioners shall form and draw up, or cause to be formed and drawn up, an Award in Writing, which shall express the Quantity of Acres, Roods, and Perches, in Statute Measure, contained in the said Lands and Grounds, and the Quantity of each and every Part and Parcel thereof which shall be so allotted, assigned, or exchanged, and the Situations and Descriptions of the same respectively, and shall also contain a Description of the Roads, Ways, Footpaths, Watercourses,

sidered as complete.

Watercourſes, Watering Places, Quarries, Bridges, Fences, and Land Marks, ſet out and appointed by the ſaid Commiſſioner or Commiſſioners reſpectively as aforeſaid, and all ſuch other Rules, Orders, Agreements, Regulations, Directions, and Determinations, as the ſaid Commiſſioner or Commiſſioners ſhall think neceſſary, proper, or beneficial to the Parties; which ſaid Award ſhall be fairly ingroſſed or written on Parchment, and ſhall be read and executed by the Commiſſioner or Commiſſioners, in the Preſence of the Proprietors who may attend at a ſpecial General Meeting called for that Purpoſe, of which Ten Days Notice at leaſt ſhall be given in ſome Paper to be named in ſuch Act and circulating in the County, which Execution of ſuch Award ſhall be proclaimed the next *Sunday* in the Church of the Pariſh in which ſuch Lands ſhall be, from the Time of which Proclamation only and not before, ſuch Award ſhall be conſidered as complete; and ſhall, within Twelve Calendar Months after the ſame ſhall be ſo ſigned and ſealed, or ſo ſoon as conveniently may be, be inrolled in One of His Majeſty's Courts of Record at *Weſtminſter*, or with the Clerk of the Peace for the County in which ſuch Lands ſhall be ſituated, to the End that Recourſe may be had thereto by any Perſon or Perſons intereſted therein, for the Inſpection and Peruſal whereof no more than One Shilling ſhall be paid; and a Copy of the ſaid Award, or any Part thereof, ſigned by the proper Officer of the Court wherein the ſame ſhall be inrolled, or by the Clerk of the Peace for ſuch County, or his Deputy, purporting the ſame to be a true Copy, ſhall from Time to Time be made and delivered by ſuch Officer or Clerk of the Peace for the Time being as aforeſaid, to any Perſon requeſting the ſame, for which no more ſhall be paid than Two-pence for every Sheet of Seventy-two Words; and the ſaid Award, and each Copy of the ſame, or of any Part thereof, ſigned as aforeſaid, ſhall at all Times be admitted and allowed in all Courts whatever as legal Evidence; and the ſaid Award or Inſtrument, and the ſeveral Allotments, Partitions, Regulations, Agreements, Exchanges, Orders, Directions, Determinations, and all other Matters and Things therein mentioned and contained, ſhall, to all Intents and Purpoſes, be binding and concluſive, except where ſome Proviſion to the contrary is herein or ſhall be by any ſuch Act contained, unto and upon the ſaid Proprietors, and all Parties and Perſons concerned or intereſted in the ſame, or in any of the Lands, Grounds, or Premiſes aforeſaid; and alſo that the ſaid reſpective Commiſſioners, if they think it neceſſary, ſhall form or draw, or cauſe to be formed and drawn, on Parchment or Vellum, ſuch Maps or Plans of the ſaid Lands and Grounds, the better to deſcribe the ſeveral new Allotments or Diviſions to be made, and Premiſes that ſhall be exchanged by virtue of this Act, and which ſhall expreſs the Quantity of each Allotment in Acres, Roods, and Perches, together with the Names of the reſpective Proprietors at the Time of ſuch Diviſion and Allotment; which ſaid Maps and Plans ſhall be annexed to and inrolled with the ſaid reſpective Award, and ſhall be deemed and conſtrued in every reſpect as and for Part of the ſaid Award.

Award to be inrolled in a Court of Record at *Weſtminſter*, or with the Clerk of the Peace of the County, and may be inſpected, and Copies obtained for a certain Sum.

Award and Copies to be legal Evidence, and Award to be binding on all Parties intereſted.

Commiſſioners may form Maps of the Grounds, which ſhall be annexed to the Award, and deemed Part thereof.

Commiſſioners ſhall keep an Account of all Monies received and diſburſed, which may be inſpected at

XXXVI. And be it further enacted, That ſuch Commiſſioner or Commiſſioners ſhall, and he or they is and are hereby required to enter in a Book to be provided for that Purpoſe, a particular Account of all Sums of Money whatever received from the Proprietors or others during the Progreſs of the Incloſure; and alſo of all the Charges, Expences, and Diſburſements which

which shall accrue or be made by virtue of any such Act, and in carrying the same into Execution; which Book of Accounts shall be kept at the Office of their Clerk, open at all seasonable Times during the Progress of the Inclosure, and till all the Accounts are finally settled, for the Inspection of any of the Proprietors, without Fee or Reward; and in case any such Commissioner or Commissioners, or his or their Clerk, shall neglect to provide and keep such Book of Accounts as aforesaid, or refuse the Inspection thereof to any of the Proprietors at seasonable Times in Manner before-mentioned, and shall be convicted thereof, upon the Oath of One or more credible Witness or Witnesses not interested in the intended Division and Inclosure, before any Justice of the Peace of the County in which the Lands or Grounds to be inclosed shall be situate, or of such other County or Place where such Commissioner or Clerk so offending shall be or reside, every such Commissioner or Clerk so causing such Neglect or Refusal, and convicted as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds, to be levied, recovered, and applied in the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied.

their Clerk's Office *gratis*.

Penalty for not keeping such Account, or for refusing the Inspection thereof.

XXXVII. And be it further enacted, That all Monies to be raised under and by virtue of the Powers contained in any such Act, shall, from Time to Time, as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker, or such Person or Persons as shall be approved by a Majority in Value of the Proprietors who may be present at the First Meeting of such Commissioner or Commissioners; and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker, or such other Person or Persons; and no such Monies deposited or paid into the Hands of such Banker, or other Person or Persons to be appointed as aforesaid, shall be issued or paid by him or them, without an Order in Writing under the Hands of such Commissioner or Commissioners, specifying the Person or Persons to whom the same are respectively payable, and the Service or Consideration for which the same are due; and the Balance, if any, upon the final Settlement of Accounts, shall be immediately repaid to the Land Owners in Proportion to the Sums respectively paid by them.

Monies raised under any Act shall be deposited as may be approved by a Majority in Value of the Proprietors, and not issued without an Order from the Commissioners.

XXXVIII. And be it further enacted, That it shall be lawful for the Rector or Vicar for the Time being of any Parish wherein the Lands and Grounds intended to be inclosed shall be situate, by Indenture or Indentures, under his Hand and Seal, with the Consent and Approbation of the Bishop of the Diocese, and of the Patron of the said Rectory or Vicarage, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to any such Rector or Vicar, by virtue of any such Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the executing the Award; so that the Rent or Rents for the same shall be thereby reserved to the Rector or Vicar for the Time being, by Four equal Quarterly Payments in every Year; and so that there be thereby also reserved and made payable to such Rector or Vicar, the best and most improved Rent or Rents that can reasonably be had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration, for the making or granting any such Lease or

The Rector or Vicar with the Consent of the Bishop of the Diocese, and of the Patron of the Living, may lease Allotments for 21 Years, upon certain Conditions.

or Demiſe; and ſo that no ſuch Leſſee by any ſuch Leaſe or Demiſe be made diſpuniſhable for Waſte, by any expreſs Words to be therein contained; and ſo that there be inſerted in every ſuch Leaſe, Power of Reentry on Non-payment of the Rent or Rents to be thereby reſerved, within a reaſonable Time to be therein limited, after the ſame ſhall become due; and ſo that a Counterpart of ſuch Leaſe be duly executed by the Leſſee or Leſſees to whom ſuch Leaſe ſhall be ſo made as aforeſaid; and every ſuch Leaſe ſhall be valid and effectual, any Law or Uſage to the contrary notwithſtanding.

Recovery and Application of Penalties.

XXXIX. And be it further enacted, That all Penalties and Forfeitures impoſed by this or any ſuch Act, or which ſhall be impoſed by ſuch Commiſſioner or Commiſſioners under or by virtue of the Authority of this or any ſuch Act, ſhall be levied and recovered before any One Juſtice of the Peace for the County in which the Lands or Grounds to be incloſed ſhall be ſituate, and reſiding near any ſuch Pariſh, and not intereſted in the Matter in Queſtion; for which Purpoſe it ſhall be lawful for any ſuch Juſtice of the Peace, upon Complaint made to him, to ſummon the Party accuſed, and the Witneſſes on both Sides; and upon the Appearance or Contempt of the Party accuſed, to examine ſuch Witneſſes upon Oath, (which Oath any ſuch Juſtice is hereby empowered to adminiſter), and upon ſuch Evidence to give Judgement accordingly, and to condemn the Party accuſed (Proof of the Accuſation being made by One or more Witneſs or Witneſſes as aforeſaid) in ſuch Penalties and Forfeitures as the Offenders ſhall have incurred, and to levy ſuch Penalties and Forfeitures by Diſtreſs and Sale of the Offender's Goods and Chattels, together with reaſonable Coſts; all which Penalties and Forfeitures, the Application whereof is not particularly directed by any ſuch Act or this Act, ſhall, when and ſo ſoon as the ſame ſhall be levied, be paid and applied to and for ſuch Uſes, Intents, or Purpoſes, as ſuch Commiſſioner or Commiſſioners, in and by any Writing or Writings under his or their Hands, or in and by his or their Award, ſhall order, direct, or appoint.

Saving of the Rights of Lords of Manors.

XL. And be it further enacted and declared, That nothing in ſuch Act contained ſhall leſſen, prejudice, or defeat the Right, Title, or Intereſt of any Lord or Lady of any Manor or Lordſhip, or reputed Manor or Lordſhip, within the Juriſdiction or Limits whereof the Lands and Grounds thereby directed to be divided and allotted are ſituate, lying, and being, of, in, or to the Seigniories, Rights, and Royalties incident or belonging to ſuch Manor or Lordſhip, or reputed Manor or Lordſhip, or to the Lord or Lady thereof, or to any Perſon or Perſons claiming under him or her, but the ſame (other than and except the Intereſt and other Property as is or are meant or intended to be barred by ſuch Act) ſhall remain, in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as he or ſhe might or ought to have held or enjoyed ſuch Rights before the paſſing of ſuch Act, or in caſe the ſame had never been made.

General Saving.

XLI. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, and his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Eſtate, Right, Title, and Intereſt, (other than and except ſuch as are hereby intended to be barred, deſtroyed or extinguiſhed)

guiſhed) as they, every, or any of them, had or enjoyed of, in, to, or out of, or in reſpect of the ſaid Lands, Grounds, and Premiſes ſo directed to be divided, allotted, and incloſed, or exchanged as aforeſaid, before the paſſing of ſuch Act, or could or might have had or enjoyed in caſe the ſame had never been made.

Two Juſtices may take Affidavits of the Notices required having been given, &c. in the Forms in the Schedule, without Stamps.

XLII. And be it further enacted, That it ſhall and may be lawful for any Two or more Juſtices of the Peace to take Affidavits on Oath or Affirmation (which Oath or Affirmation ſuch Juſtices are hereby authorized and empowered to adminiſter) of the Notices required for ſuch Bills having been given, of the Conſents of the Parties intereſted therein, of the Allegations contained in the Preambles of ſuch Bills, and of the Quantity of the Land to be incloſed; and that ſuch Affidavits ſhall reſpectively be in the Forms contained in the Schedule hereunto annexed, as near as the Circumſtances of the Caſe will admit; and that ſuch Affidavits ſhall not be ſubject or liable to any Stamp Duties whatſoever.

Perſons forſwearing themſelves to be deemed guilty of Perjury.

XLIII. And be it further enacted, That if any Perſon or Perſons ſhall, in any Examination, Affidavit, Depoſition, or Affirmation, to be had or taken in purſuance of this Act, before ſuch Juſtice or Juſtices, or ſuch Commiſſioner or Commiſſioners, knowingly and wilfully ſwear or affirm any Matter or Thing which ſhall be falſe or untrue, every ſuch Perſon ſo offending ſhall, on Conviction thereof, be deemed guilty of Perjury, and ſhall ſuffer the like Pains and Penalties as Perſons guilty of wilful and corrupt Perjury are now ſubject and liable to.

Powers of this Act to be binding only as far as not otherwiſe provided in any future Act.

XLIV. Provided always, and be it enacted, That all and every the Powers, Authorities, Directions, and Proviſions in this Act contained, ſhall be only ſo far effective and binding in each particular Caſe, as they or any of them ſhall not be otherwiſe provided and enacted in any ſuch Act hereafter to be paſſed as aforeſaid.

SCHEDULE to which the ACT refers.

(A.)

FORM of AFFIDAVIT of NOTICES.

A. B. of maketh Oath and saith, [*or, being One of the People called Quakers,* upon his solemn Affirmation, saith] That he did see a Copy of the Notice hereunto annexed affixed on the Church Door of the Parish of in the County of [*or,* on the several Church Doors of the respective Parishes of in the County of *or,* in the several Counties of and] on the several *Sundays* hereinafter mentioned; *videlicet* [*specifying the Days on which the Notices were affixed.*]

Signed *A. B.*

Sworn [*or,* solemnly affirmed] before us, Two of His Majesty's Justices of the Peace acting in and for the and subscribed in our Presence, by the above named *A. B.* this Day of in the Year As Witness our Hands and Seals.

(B.)

FORM of AFFIDAVIT of CONSENT.

A. B. of maketh Oath and saith, [*or, being One of the People called Quakers,* upon his or her solemn Affirmation, saith] That he [*or* she] believes himself [*or* herself] to be interested in the proposed Inclosure of the in the [*here describe the Place, whether Parish, Hamlet, or Place*] in the County of by virtue of [*here set forth the Interest of the Deponent*]; [*or*] that he [*or* she] believes

lieves that *C. D.* of for whom he [*or* ſhe] is Guardian [*et cetera, as the Caſe may be*] is intereſted, *et cetera*; and that he [*or* ſhe] hath ſeen a Copy of an Act [*here ſet forth the Title of this Act*] and alſo a Copy of the Bill intended to be preſented to Parliament, and hath ſubſcribed his [*or* her] Name or hath ſet his [*or* her] Mark to the ſame reſpectively, and doth conſent to the ſaid Bill being paſſed into a Law.

Signed or marked *A. B.*

Sworn [*or*, ſolemnly affirmed] before us, Two of His Majeſty's Juſtices of the Peace, acting in and for the and ſubſcribed in our Preſence, by the above mentioned *A. B.* this Day of in the Year As Witneſs our Hands and Seals.

The ſame Form may be applied, *mutatis mutandis*, to the Caſe of ſeveral Perſons whoſe Intereſts are joint, or whoſe Intereſts, though diſtinct, are of a ſimilar Nature.

(C.)

FORM of AFFIDAVIT of ALLEGATIONS of the BILL.

A. B. of maketh Oath and ſaith, [*or*, *being One of the People called Quakers*, upon his or her ſolemn Affirmation, ſaith] That [*here ſet forth ſuch of the ſeveral Facts alledged in the Preamble of the Bill as are within the Knowledge of the Witneſs*] *or*, that he [*or* ſhe] is informed and verily believes that [*here ſet forth ſuch of the ſaid Facts as are within the Belief of the Witneſs.*]

Signed *A. B.*

Sworn, [*or*, ſolemnly affirmed] before us, Two of His Majeſty's Juſtices of the Peace, acting in and for the and ſubſcribed in our Preſence, by the above named *A. B.* this Day of in the Year As Witneſs our Hands and Seals.

FORM

(D.)

FORM of AFFIDAVIT of ADMEASUREMENT.

A. B. of maketh Oath and ſaith, [*or*, *being One of the People called Quakers*, upon his ſolemn Affirmation, ſaith] That he has ſurveyed and admeaſured the ſeveral Lands in the Pariſh or Hamlet of in the County of [*or*, Counties of] deſcribed in the Bill intended to be preſented to Parliament, and ſigned by the Deponent, by the Name [*or* Names] of and that the Quantity of ſuch Lands amounts to and no more, according to ſuch Admeaſurement, and the beſt of this Deponent's Judgement.

A. B.

Sworn [*or*, ſolemnly affirmed] before us, Two of His Majeſty's Juſtices of the Peace acting in and for the and ſubſcribed in our Preſence by the above named *A. B.* this Day of in the Year As Witneſs our Hands and Seals.

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