

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 139.

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

WHEREAS there are within the Pariſh of *Murſley*, in the County of *Buckingham*, divers Open and Common Fields, Common Meadows, Common Paſtures, Commons and Waſte Lands: And whereas the Right Honourable *Sampſon* Lord *Eardley* is Lord of the Manor of *Murſley* aforeſaid, and in Right of the ſaid Manor is entitled to the Soil of, in, and over the Waſte Lands and Grounds within the ſaid Manor: And whereas the ſaid *Sampſon* Lord *Eardley* is Patron of the Rectory of *Murſley*; and the Reverend *George Wagner* is the preſent Rector of the Rectory and Pariſh Church of *Murſley* aforeſaid, and as ſuch claims to be entitled to certain Glebe Lands, and unto all and every the Great and Small Tithes yearly ariſing, renewing, and increaſing within the ſaid Pariſh of *Murſley*: And whereas the ſaid *Sampſon* Lord *Eardley*, *Hugh Williatt*, *John Bradbery*, *Thomas Deverell*, *William Gardner*, *Charles Stone*, *Thomas Stevens*, and divers other Perſons, are the Owners and Proprietors of or intereſted in the ſaid Open and Common Fields, Common Meadows, Common Paſtures, Commons and Waſte Lands: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Open and Common Fields, Common Meadows, Common Paſtures, and Common Lands lie intermixed and diſperſed in ſmall Parcels, and are inconveniently ſituated for Occupation; and the

ſaid Commons and Waſte Lands, in their preſent State, yield but little Profit to the ſeveral Perſons intereſted therein, and it would be advantageous to them if the ſame Open Fields, Meadows, Paſtures, Commons, and Waſte Lands were divided, and ſpecific Shares thereof allotted to the ſeveral Perſons intereſted therein, according to their reſpective Eſtates, Rights, and Intereſts; but ſuch Diviſion, Allotment, and Incloſure cannot be made and effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Thomas Lilburne* of *Cardington*, in the County of *Bedford*, *John Burcham* of *Coningſby*, in the County of *Lincoln*, and *John Fellowes* of the Town and County of *Buckingham*, Gentlemen, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Open and Common Fields, Meadows, Paſtures, Commons, and Waſte Lands, and for carrying this Act into Execution, ſubject to the Rules, Orders, Directions, and Regulations herein-after contained, and ſubject to the Rules, Orders, Directions, and Regulations contained in the ſaid recited Act, ſo far as the ſame are not varied or altered by this Act; and that all Acts, Matters, and Things authorized or neceſſary to be done and executed by or before the ſaid Commiſſioners for effecting the Purpoſes aforeſaid, ſhall be valid and effectual to all Intents and Purpoſes.

Commiſſioners.

How new Commiſſioners ſhall be choſen, in caſe of Death, Refuſal, Neglect, or otherwiſe.

II. And be it further enacted, That if the ſaid *Thomas Lilburne*, or any Perſon to be appointed in his ſtead, ſhall die, or ſhall refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, before the Powers and Authorities hereby veſted in him or them ſhall be fully executed and accompliſhed, or ſhall refuſe or neglect to attend at the Firſt or Second Meeting appointed to be held for putting this Act into Execution, and duly qualify himſelf by taking the Oath in that Behalf preſcribed (Notice being given to him of ſuch intended Meeting under the Hands of the other Commiſſioners), or if he ſhall at any Time after having ſo qualified himſelf, wilfully abſent himſelf from any Two Meetings (the one immediately ſucceeding the other), appointed to be held as aforeſaid, he having firſt known of ſuch Meetings by his Preſence at their Appointment, or by Notice thereof in Writing having been given him, or left at his uſual Place of Abode by the Clerk or Clerks to the ſaid Commiſſioners, and ſuch Commiſſioner not being prevented by Sickneſs or other reaſonable Cauſe, then and in ſuch Caſe the ſaid *Sampſon* Lord *Eardley* ſhall and may within Forty Days after ſuch Death, Refuſal, Neglect, or Incapacity ſhall be made known to him, nominate and appoint a fit and proper Perſon (not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure), to be a Commiſſioner in the room and ſtead of the ſaid *Thomas Lilburne*, or of ſuch other Perſon appointed in his room and ſtead, as ſhall ſo die, refuſe to act, or become incapable of acting; and if the ſaid *John Burcham*, or any Perſon to be appointed in his ſtead, ſhall die, or ſhall refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, before the Powers and Authorities hereby veſted in him or them ſhall be fully executed and accompliſhed, or ſhall refuſe or neglect to attend

attend at the First or Second Meeting appointed to be held for putting this Act into Execution, and duly qualify himself by taking the Oath in that Behalf prescribed (Notice being given to him of such intended Meeting under the Hands of the other Commissioners), or if he shall at any Time after having so qualified himself, wilfully absent himself from any Two Meetings (the one immediately succeeding the other), appointed to be held as aforesaid, he having first known of such Meetings by his Presence at their Appointment, or by Notice thereof in Writing having been given him, or left at his usual Place of Abode by the Clerk or Clerks to the said Commissioners, and such Commissioner not being prevented by Sickness, or other reasonable Cause, then and in such Case the said *George Wagner* shall and may, within Forty Days after such Death, Refusal, Neglect, or Incapacity shall be made known to him, nominate and appoint a fit and proper Person (not interested in the said intended Division, Allotment, and Inclosure), to be a Commissioner in the room and stead of the said *John Burcham*, or of such other Person appointed in his room and stead as shall so die, refuse to act, or become incapable of acting; and if the said *John Fellowes*, or any Person to be appointed in his stead, shall die, or shall refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before the Powers and Authorities hereby vested in him or them shall be fully executed and accomplished, or shall refuse or neglect to attend at the First or Second Meeting appointed to be held for putting this Act into Execution, and duly qualify himself by taking the Oath in that Behalf prescribed (Notice being given to him of such intended Meeting under the Hands of the other Commissioners), or if he shall at any Time after having so qualified himself, wilfully absent himself from any Two Meetings (the one immediately succeeding the other), appointed to be held as aforesaid, he having first known of such Meetings by his Presence at their Appointment, or by Notice thereof in Writing having been given him, or left at his usual Place of Abode by the Clerk or Clerks to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause, then the Majority in Value (such Value to be ascertained by the Land Tax Assessment of the said Parish, as far as the same relates to or concerns the Lands or Grounds by this Act intended to be inclosed or exonerated from Tithes), of the Owners and Proprietors of Lands within the said Parish (exclusive of the said *Sampson* Lord *Eardley*, and the said *George Wagner*), who shall attend at a Meeting to be called for that Purpose, by Notice in Writing to be affixed on the principal Outer Door of the Parish Church of *Mursley* aforesaid, Ten Days before such Meeting, signed by Two or more of the said Persons so interested in the Lands and Grounds to be divided, allotted and inclosed, shall and may by Writing under their Hands appoint some fit and proper Person (not interested in the said intended Division, Allotment, and Inclosure), to be a Commissioner in the room and stead of the said *John Fellowes*, or of such other Person appointed by them in his room and stead as shall so die, refuse to act, or become incapable of acting as aforesaid.

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

III. Provided always, and be it further enacted, That if it shall happen that the Persons herein-before respectively authorized and empowered to appoint such new Commissioners, shall not make any such Appointment within the Time herein-before for that Purpose limited, then and so often as it shall so happen, the surviving or remaining Commissioners from Time to Time

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

Two Commiſſioners may act.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners hereby appointed, or who ſhall be appointed in Manner herein-before mentioned, or any Two of them, to do, execute, and perform all and every or any Act, Matter or Thing, by this or the ſaid recited Act authorized to be done, executed and performed by the ſaid Commiſſioners; and any Act, Matter or Thing which ſhall be done, executed, or performed by any ſuch Two Commiſſioners, ſhall be as valid and effectual to all Intents and Purpoſes as if all the ſaid Commiſſioners had been preſent, or had done, executed, and performed the ſame.

Commiſſioners to appoint a Clerk or Clerks.

V. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and empowered to appoint a Clerk or Clerks to aſſiſt them in the Execution of the Powers and Authorities of this and the ſaid recited Act, and ſuch Clerk or Clerks from Time to Time to remove, and to appoint another or others in his or their room, as to them ſhall ſeem meet.

Appointment of Surveyor.

VI. And be it further enacted, That *John King* of *Winſlow*, in the ſaid County of *Buckingham*, Land Surveyor, ſhall be and he is hereby appointed Surveyor for the Purpoſes of this Act; and in caſe of his Death, Incapacity or Refuſal to act, then and in either of the ſaid Caſes, the ſaid Commiſſioners ſhall and may appoint ſome other fit and proper Perſon or Perſons, not intereſted in the ſaid Diviſion and Incloſure, to be Surveyor for the Purpoſes aforeſaid; and in caſe of the Death, Incapacity, or Refuſal to act, of the Perſon ſo to be appointed as laſt aforeſaid, then the ſaid Commiſſioners ſhall and they are hereby authorized and empowered to appoint ſome other Perſon or Perſons, not intereſted as aforeſaid, as they ſhall think proper, to be Surveyor for the Purpoſes aforeſaid, as often as Occaſion ſhall require: Provided always, that no Commiſſioner acting in the Execution of the Powers hereby given to the ſaid Commiſſioners ſhall be competent to act as a Surveyor by virtue of this Act.

Surveyor to be ſworn.

VII. Provided always, and be it further enacted, That the ſaid *John King*, or ſuch other Perſon ſo to be appointed Surveyor as aforeſaid, before he ſhall proceed to act as ſuch Surveyor, ſhall take and ſubſcribe the Oath following; (that is to ſay,)

Oath.

'I do ſwear, That I will faithfully, impartially, 'and honeſtly, do, execute, and perform the ſeveral Duties incumbent 'on me as Surveyor, under and by virtue of an Act, paſſed in the Fifty-'fourth Year of the Reign of King *George* the Third, intituled *An Act*,

[*here*

'[*here insert the Title of this Act,*] according to the best of my Skill and 'Judgment, and according to Equity and good Conscience, and without 'Favour or Affection, Prejudice or Partiality to any Person or Persons 'whomsoever. So help me GOD.'

Which Oath it shall be lawful for the said Commissioners or any of them to administer, and they, or One of them, are and is hereby required to administer the same at their First Meeting, or as soon after as conveniently may be; and the said Oath so taken and subscribed by such Surveyor shall be annexed to and enrolled with the Award of the said Commissioners, and a Copy of the Enrolment thereof shall be admitted as legal Evidence; and all and every other Person and Persons interested in the said intended Division and Inclosure, and their respective Agents, may at all reasonable Times inspect and take Copies and Extracts from such Survey, Admeasurement or Plan as shall be made by the Direction of or used by the said Commissioners for the Purposes of this Act.

Notice of Meetings.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this and the said recited Act to be inserted in the Newspaper called *The Northampton Mercury*, or in some other Newspaper circulated within the said County of *Buckingham*, Eight Days at least before every such Meeting shall be held, (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners, only One of the said Commissioners shall attend, the Commissioner so attending shall and may adjourn such Meeting to a future Day, not exceeding Twenty-eight Days from the Day on which such Meeting was appointed to have been held, giving Notice thereof to the absent Commissioners; and all the Meetings of the said Commissioners shall be holden within the said Parish of *Mursley*, or within Eight Miles of the Boundaries thereof: Provided always, that in case it shall happen that neither of the said Commissioners shall be present at the Time and Place appointed for any Meeting as aforesaid, it shall be lawful for the Clerk to the said Commissioners then present to adjourn such Meeting to a future Day, not exceeding Twenty-eight Days from the Day on which such Meeting was appointed to have been held, giving Notice thereof in Writing to the said Commissioners: Provided also, that the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

No Commissioner attending, the Clerk may adjourn.

Other Notices.

IX. Provided always, and be it further enacted, That all other Notices necessary and requisite to be made and given by the said Commissioners shall be so made and given by the said Commissioners in the said Newspaper called *The Northampton Mercury*, or in case the same shall not be then published, then in some other Newspaper circulated in the said County of *Buckingham*.

Commissioners to settle Disputes;

X. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said Division, Allotment and Inclosure, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating

relating to the ſaid Diviſion, Allotment and Incloſure, it ſhall be lawful for the ſaid Commiſſioners to examine into, hear and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands or Hereditaments whatſoever.

and may award Coſts.

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

Parties may try Rights at Law by a feigned Iſſue.

XII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners touching or concerning any Claim or Claims of any Rights of Common or other Rights or Intereſts in, over or upon the Lands and Grounds hereby directed to be divided, allotted and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners at the then next or at the following Aſſizes to be holden for the ſaid County of *Buckingham*, and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determinations ſhall have been made, within One Calendar Month next after ſuch Determination of the ſaid Commiſſioners; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced (in caſe the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding and concluſive upon all and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide all

ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners touching ſuch Claim or Claims of Right to the Soil of the ſaid Commons and Waſte Lands, or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby intended to be divided, allotted and incloſed, or any Part thereof, which ſhall not be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action or Actions at Law to be brought and proceeded in as aforeſaid, ſhall be final, binding and concluſive upon all Parties.

If no Objection made, Commiſſioners Determination to be final.

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

If any of the Parties die, Proceedings not to abate.

XIV. And be it further enacted, That if any Suit or Suits ſhall be commenced or proſecuted touching or concerning the Title of any Perſon or Perſons in or to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments, for or in reſpect of which any Right of Common, or other Right or Intereſt in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and incloſed, or any Part thereof, ſhall be claimed, ſuch Suit or Suits ſhall not impede, delay or hinder the ſaid Commiſſioners from proceeding in the Execution of the Powers veſted in them by this and the ſaid recited Act, but the ſaid Diviſions, Allotments and Incloſure, ſhall be proceeded in notwithſtanding ſuch Suit or Suits, and may be had and taken by the Perſon or Perſons who upon the Determination of ſuch Suit or Suits ſhall become entitled to the ſame.

Suits reſpecting Titles not to impede the Execution of this Act.

XV. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination of the ſaid Commiſſioners as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic or Corporate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame, within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk to the ſaid Commiſſioners with Proceſs for commencing ſuch Action or Actions, in the ſame Manner as the Party or Parties might have been ſerved therewith if living, and it ſhall thereupon be incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living, and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Proviſion in caſe of Death of Parties before Actions brought.

XVI. Pro-

Perſons in Poſſeſſion not to be moleſted without due Courſe of Law.

XVI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties, contrary to the Poſſeſſion of any of ſuch Parties (except in Caſes of Encroachments made within the Period of Twenty Years, as herein-after mentioned); but in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up by or recovered from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

Encroachments within Twenty Years ao be deemed Part of Waſte.

XVII. And be it further enacted, That all Encroachments which at any Time have within Twenty Years now laſt paſt been made upon the ſaid Commons and Waſte Lands ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly; and in caſe any Diſpute or Difference ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Diſpute or Difference ſhall be determined by the ſaid Commiſſioners.

For ſtraightening Boundary of Pariſh.

XVIII. And be it further enacted, That in order to ſhorten the Boundary Fences between the Lands hereby directed to be divided, allotted and incloſed, and the Lands in any adjoining Pariſh or Place, it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which any Fence or Fences is or are intended to be made, to ſet out, aſcertain, and determine the Boundary Fences to be made between the Lands and Grounds adjoining to the Lands and Grounds hereby intended to be divided, allotted and incloſed, in ſuch Manner as they ſhall judge proper for the Purpoſe aforeſaid; and after ſuch Boundary Fences ſhall be ſet out, aſcertained and determined as aforeſaid, the ſame ſhall be fenced by ſuch Perſon or Perſons, in ſuch Manner, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall order and direct in and by their Award, and ſhall be for ever thereafter deemed and taken to be the Boundaries between the Lands and Grounds hereby directed to be divided, allotted and incloſed, and ſuch adjoining Pariſh or Place; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Power to ſtop Roads between or over old Incloſures.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to divert or ſtop up any old Carriage Road, Driftway, Bridleway or Footpath, public or private, leading between, through, and over any of the old Incloſures in the ſaid Pariſh of *Murſley*, and the Soil of the Roads and Ways ſo to be ſtopped up ſhall be deemed and taken to be Part of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act; provided that no ſuch Carriage Road, Driftway, Bridleway or Footpath, paſſing or leading between, through or over any of the old Incloſures in the ſaid Pariſh, ſhall be diverted or ſtopped up without the Concurrence and Order of Two Juſtices of the Peace of the ſaid County of *Buckingham*, not intereſted in the Lands and Grounds to be divided, allotted and incloſed; and that every ſuch Order ſhall be ſubject to an Appeal to the Quarter Seſſions of the ſaid County of *Buckingham*, in like Manner and under the ſame Forms and Reſtrictions as Orders originally made by the Juſtices for diverting and turning Roads and Ways.

XX. And

Justices empowered to declare any of the Roads completed.

XX. And be it further enacted, That when and as ſoon as Two or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Buckingham*, at any Special Seſſions to be holden by them, ſhall find, and ſhall, under their Hands and Seals, certify and declare any of the public Carriage Roads to be ſet out in purſuance of the ſaid recited Act and of this Act, or any Part of ſuch Road, to be fully and ſufficiently formed, repaired and completed, ſuch Road or Roads, or ſo much thereof as ſhall in any ſuch Certificate be deſcribed and certified, ſhall thenceforth be ſupported and kept in Repair by ſuch Perſons and in like Manner as the public Roads within the ſaid Pariſh ought by Law to be amended and kept in Repair; and every ſuch Certificate ſhall, at the General Quarter Seſſions of the Peace to be holden for the County of *Buckingham* next after the Date thereof, be filed of Record by the Clerk of the Peace for the ſaid County.

Drains and Watercourſes.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour and widen all ſuch ancient Brooks, Ditches, Drains, Watercourſes, Tunnels and Bridges in the Pariſh of *Murſley* aforeſaid; and alſo ſhall and may ſet out new Ditches, Drains or Watercourſes, Tunnels, Watergates, Banks and Bridges, as well through and over the Lands and Grounds hereby directed to be divided, allotted and incloſed, as alſo in, through and over any ancient Incloſure, or other Lands and Grounds in the Pariſh of *Murſley* aforeſaid, making ſuch Satisfaction to the Proprietors to ſuch ancient Incloſures, and other Lands and Grounds not hereby directed to be divided, allotted and incloſed, for the Damage done thereby, as they ſhall think proper, of ſuch Breadth and Depth, and in ſuch Directions as the ſaid Commiſſioners ſhall think proper; and the ſaid Commiſſioners ſhall and may, and they are hereby directed in and by their ſaid Award, to order and award by whom and at whoſe Expence, and at what Time and in what Manner ſuch Brooks, Ditches, Drains, Watercourſes, Tunnels, Watergates, Banks and Bridges ſhall be made and thereafter repaired, cleanſed, ſcoured and maintained: Provided always, that no ſuch Streams, Springs of Water or Watercourſes, ſhall be diverted or turned without the Conſent in Writing of the Perſon or Perſons from or out of whoſe Lands the ſame ſhall be diverted or turned.

Allotment for Stone and Gravel Pits.

XXII. And be it further enacted, That after ſetting out the Roads and Ways directed to be ſet out by the ſaid recited Act, it ſhall be lawful for the ſaid Commiſſioners and they are hereby authorized (if they ſhall think it neceſſary and proper) to ſet out and allot, out of and from the Lands and Grounds hereby directed to be divided, allotted and incloſed, One or more Plot or Plots of Land or Ground, not exceeding Three Acres in the whole, as and for public Stone, Gravel or Sand Pits, with convenient Roads and Ways to and from the ſame, to be uſed in common by the reſpective Proprietors of Lands and Eſtates within the ſaid Pariſh of *Murſley*, and by their Tenants, as well for their own neceſſary Uſes as for making and repairing the Public and Private Roads and Ways already made or to be ſet out by virtue of this or the ſaid recited Act in the ſaid Pariſh of *Murſley*; and that the Herbage growing and renewing in and upon the ſaid Plot or Plots of Ground ſhall be veſted in ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall in and by their Award order or direct.

Allotment in lieu of the Glebe Lands.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place, aſſign, ſet out and allot, unto and for the ſaid *George Wagner*, and his Succeſſors, Rectors of *Murſley* aforeſaid, ſuch Plots or Allotments of Land or Ground, Part of the Lands and Grounds hereby directed to be divided, allotted and incloſed, as ſhall in the Judgment of the ſaid Commiſſioners be a full Equivalent and Compenſation for the Glebe Lands and Right of Common thereto belonging.

Allotment to the Lord of the Manor, for his Right to the Soil.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall aſſign, ſet out and allot, unto and for the Lord of the Manor aforeſaid, for the Time being, ſuch Part and Parts of the Lands and Grounds hereby directed to be divided, allotted and incloſed, as ſhall in the Judgment of the ſaid Commiſſioners be equal in Value to One full Eighteenth Part of all the Commons and Waſte Lands hereby directed to be divided, allotted and incloſed, as lie within the ſaid Manor of *Murſley*, in lieu of and as a Compenſation for his Right to the Soil of the ſaid Waſte and Common Lands.

Allotments for Great and Small Tithes.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot and award, unto and for the ſaid *George Wagner*, and his Succeſſors, Rectors of *Murſley* aforeſaid, for and in lieu of all Tithes yearly ariſing, iſſuing, and payable out of all and every the Lands and Grounds hereby directed to be divided, allotted, and incloſed, ſuch Plot or Plots, Part of the Lands and Grounds ſo intended to be divided and incloſed, as in the Judgment of them the ſaid Commiſſioners ſhall be equal in Value to One Fifth Part of the Arable or Tillage Lands, and One Ninth Part of all the Remainder of the Lands and Grounds lying or being in the Pariſh of *Murſley* aforeſaid, which are ſubject and liable to the Payment of Tithes to the ſaid *George Wagner*, and which ſhall remain after the ſaid Public and Private Roads, and the ſaid Allotment or Allotments for Stone and Gravel Pits, ſhall be taken and deducted therefrom; and the ſaid Commiſſioners ſhall and they are hereby directed and required to ſet out, allot and award, unto and for the ſaid *George Wagner*, and his Succeſſors, Rectors of *Murſley* aforeſaid, for and in lieu of all Tithes yearly ariſing, iſſuing and payable out of all ſuch Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Home Cloſes, and old Incloſures within the ſaid Pariſh, as are ſubject and liable to the Payment of Tithes to the ſaid *George Wagner* as Rector as aforeſaid, ſuch Plot or Plots of the Lands and Grounds ſo intended to be divided, allotted and incloſed, as in the Judgment of them the ſaid Commiſſioners ſhall be equal in Value to ſuch Tithes as laſt aforeſaid; and ſuch Allotment or Allotments ſo to be ſet out, allotted, and awarded for all Tithes reſpectively as aforeſaid, ſhall be in full Satisfaction and Diſcharge of and from all ſuch Tithes reſpectively, and all Eccleſiaſtical Dues and Payments whatſoever, iſſuing, ariſing, and renewing from and out of the ſaid Open and Common Fields, Common Meadows, Common Paſtures, and other Commonable and Waſte Lands, Grounds, and Places, and out of the ſaid Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Home-Cloſes, and old Incloſures lying within the ſaid Pariſh, (Moduſes, Mortuaries, *Eaſter* Offerings, and Surplice Fees due to the ſaid Rector and his Succeſſors, excepted).

Allotments to be in Diſcharge of Tithes.

Payments to be made for the Tithes of

XXVI. Provided always, and be it further enacted, That in caſe any of the Owners or Proprietors of any ſuch Meſſuages, Tenements, Gardens,

Orchards, Homesteads, Home Closes and old Inclosures, within the Parish of *Mursley* aforesaid, shall not be entitled to Lands or Common Rights in the said Lands and Grounds by this Act directed to be divided, allotted, and inclosed, sufficient to make Compensation as aforesaid for the Tithes thereof, then and in every such Case Compensation shall be made as aforesaid for such Tithes or Deficiency of Tithes, by and out of the Lands and Grounds by this Act directed to be divided, allotted and inclosed, belonging to the several other Proprietors, in such Manner as the said Commissioners shall order, direct and appoint; and such Person or Persons who shall be entitled to or possessed of any such Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes and old Inclosures, shall pay or cause to be paid to such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as they the said Commissioners shall think equivalent to and a full Satisfaction and Compensation for the Tithes of the said Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses and old Inclosures, which Sum and Sums of Money shall be applied towards Payment of the Charges and Expences of obtaining and passing this Act and carrying the same into Execution, the Share or Shares to be paid by the several Persons from whose Allotments such Deductions shall have been made as aforesaid; and in case any Surplus shall remain after Payment of such Charges and Expences of obtaining and passing this Act, and carrying the same into Execution as aforesaid, such Surplus shall be divided amongst the Persons from whose Allotments such Deductions shall have been made, in such Shares as shall be in Proportion to their Rights and Interests; and the Shares of such of them as shall be seised in Fee Simple shall be paid to them respectively, and the Remainder shall be paid into the Bank of *England*, in the Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses; and the said Monies so directed to be paid by the said Commissioners shall be and the same are hereby charged on such Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes and old Inclosures; and in case the Monies so directed to be paid shall not be paid within One Calendar Month next after the same shall be demanded by the Person or Persons entitled to receive the same, it shall be lawful for such Person or Persons as the said Commissioners by any Writing under their Hands shall direct and appoint, to enter into and upon such Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes and old Inclosures, which shall be severally charged with such Sum or Sums of Money, and to hold and enjoy the same, and receive and take the Rents, Issues and Profits thereof, until such Sum or Sums of Money, with Interest for the same, after the Rate of Five Pounds *per Centum per Annum*, and all Costs, Charges and Expences attending such Entry and Receipt of the Rents and Profits, shall be thereby or otherwise fully paid and discharged: Provided nevertheless, that if the Owners or Proprietors of any such old Inclosures, not having any or sufficient Land in the said Lands and Grounds hereby directed to be divided, allotted and inclosed, to exonerate their Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes, and old Inclosures, from the Payment of Tithes as aforesaid, shall be desirous of having a Part of such old Inclosures assigned

old Inclosures, where the Owners have not Land in the Common Field to discharge them &c.

or

or ſet apart to exonerate the ſame Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Home Cloſes and old Incloſures, from the Payment of Tithes, it ſhall be lawful for the ſaid Commiſſioners, if they in their Judgment ſhall think fit, and they are hereby authorized and empowered with the Conſent in Writing of the Proprietors or Owners, in Fee or in Tail, or for Life, in Poſſeſſion of ſuch old Incloſures, to deduct and ſet out ſo much and ſuch Part or Parts of ſuch old Incloſures as ſhall be equal in Value to the Tithes, both Great and Small, payable by the Owner or Owners of ſuch old Incloſures, in reſpect of his, her or their reſpective Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Home Cloſes, and old Incloſures within the ſaid Pariſh of *Murſley*, which Part or Parts of ſuch old Incloſures ſo deducted and ſet out, ſhall be conſidered as Part of the Lands and Grounds hereby directed to be divided, allotted and incloſed, and ſhall be divided, allotted and incloſed accordingly as Part thereof, and ſuch Deductions ſhall for ever thereafter be a full Satisfaction for and Diſcharge from the Payment of ſuch Tithes.

Tithes payable until Award made, or Commiſſioners otherwiſe direct.

XXVII. Provided always, and be it further enacted, That until the Execution of the Award of the ſaid Commiſſioners, or until ſuch other previous Time as the ſaid Commiſſioners ſhall by Writing under their Hands direct or appoint, or until the ſaid Meſſuages, Cottages or Tenements ſhall be exonerated from Tithes, the ſaid *George Wagner* ſhall be entitled to and ſhall have, receive and enjoy all his Tithes, in ſuch Manner as he could or might have had, received and enjoyed the ſame before the paſſing of this Act, or in caſe this Act had not paſſed.

Allotment of the Reſidue.

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

Determining Objections to Allotments.

XXIX. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Shares, Rights and Intereſts of the Proprietors in the Lands and Grounds to be divided, allotted and incloſed by virtue of this Act, and alſo the reſpective Shares and Proportions by them reſpectively propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, they the ſaid Commiſſioners ſhall give Notice in Manner firſt herein-before directed, of ſome convenient Time and Place when and where all Perſons intereſted may inſpect the Plan whereon the ſame ſhall be ſketched out and delineated; and as ſome Perſons may on ſuch Inſpection be diſſatisfied with their intended Allotments, the ſaid Commiſſioners ſhall give Notice of One Meeting at leaſt to be held by them for receiving Complaints and Objections, and the Determination of the Commiſſioners with reſpect to ſuch Allotments ſhall be final, binding and concluſive upon all Parties.

XXX. And

Power to divide and allot ancient Inclosures.

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

New Allotments to remain to the same Uses.

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

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

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

Leaſes at Rack Rent to be void.

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

Leſſees to be compenſated.

Leaſes of Eſtates where One-fourth Part is not Open Field Land, to remain valid.

XXXIV. Provided alſo, and be it further enacted, That if in any Caſe there ſhall not be included in the Eſtate or Eſtates ſo held under or by virtue of ſuch Leaſe or Leaſes, Agreement or Agreements, One-fourth Part thereof in Number of Acres of Open or Common Field Land, or Ground ſo intended to be divided, allotted, and incloſed as aforeſaid, that then and in ſuch Caſe the ſaid Commiſſioners ſhall not have Power to vacate or in anywiſe render void ſuch Leaſe or Leaſes, Agreement or Agreements (except as to Tithes), as to ſuch Parts of the Open or Common Field Land or Ground ſo intended to be allotted and incloſed, but the ſaid Leaſe or Leaſes, Agreement or Agreements, and all the Meſſuages, Lands, Tenements, and Hereditaments held by virtue thereof (except as before excepted), and the Allotment or Allotments to be made in lieu of or in exchange for the ſaid Open and Common Field Land or Ground, ſhall be held by the Tenant or Tenants, Leſſee or Leſſees of any ſuch Eſtate during his or her Term or Intereſt therein; and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners to aſſign and allot the ſame reſpectively unto ſuch Tenant or Tenants, Leſſee or Leſſees accordingly, and to fix and ſettle what additional Rent (if any) ſhall be thereafter paid by him or them to the Perſon or Perſons entitled thereto, for or in reſpect of the Exoneration of the ſaid Lands from Tithes, as well as for the Expences which ſuch Perſon or

Tenants to pay additional Rent for Incloſure, &c.

Perſons

Perſons ſhall ſuſtain by virtue of this Act, and alſo for any Improvement which may be made thereby; and the ſaid Commiſſioners are hereby authorized and empowered, by any Writing under their Hands, to preſcribe the Terms and Conditions as to the Cultivation and Management under which the ſaid Allotment or Allotments is or are to be held during the Reſidue of the Terms in ſuch reſpective Leaſes or Agreements mentioned.

Commiſſioners to direct Courſe of Huſbandry.

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

Power to turn Watercourſes in old Incloſures.

XXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to direct, order, and award all or any of the Streams, Springs, and Watercourſes within the ſaid Pariſh of *Murſley*, or which divide or run between the ſaid Pariſh and any adjoining Pariſh or Liberty, to be conveyed and turned in ſuch Courſe, and through ſuch Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, as they ſhall think moſt beneficial and convenient for watering the new Allotments which ſhall be made in purſuance of this Act, and for ſtraightening the Boundary of the ſaid Pariſh as herein-before is directed; provided ſuch Diviſion or Allotment be with the Conſent in Writing of the Proprietor or Proprietors of ſuch Lands or Hereditaments, who ſhall or may be deprived of the Uſe to be derived from ſuch Streams of Water, Springs, or Watercourſes, which might have otherwiſe paſſed through his, her, or their Lands, if the Direction thereof had not been diverted or altered, and alſo with the Conſent in Writing of the Owner or Owners into whoſe Lands or Grounds the ſame ſhall be diverted or turned.

No Sheep to be kept in the new Incloſures for Six Years.

XXXVII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons for the Space of Six Years next after the ſeveral Allotments by this Act directed to be made and ſet out are fenced, as ordered and directed by the ſaid Commiſſioners, to keep or depaſture any Sheep or Lambs in or upon any of the Public or Private Roads to be ſet out by virtue of this or the ſaid recited Act, or in or upon any of the Allotments to be made by virtue of this Act, unleſs the Perſon or Perſons keeping ſuch Sheep or Lambs ſhall at his, her, or their own Expence effectually and ſufficiently

fence-off or guard and duly keep fenced-off or guarded the Quickſet Hedges or Live Fences of the Proprietor or Proprietors of ſuch Allotment or Allotments where ſuch Sheep or Lambs ſhall be ſo kept, and of ſuch Allotment or Allotments adjoining thereto, ſo as to prevent any Damage being done to ſuch Quickſet Hedges.

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

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

Fencing Stone Pits and Rector's Allotment.

XXXIX. And be it further enacted, That the Plot or Plots of Ground which ſhall or may be ſet out for Stone and Gravel Pits, and the Allotment or Allotments to be made and ſet out to and for the Glebe Lands and Common Rights thereto belonging, and the Allotment or Allotments to be ſet out and allotted by virtue of this Act in lieu of Tithes, ſhall be inclоſed round with Quickſet Hedges and Ditches, and ſubſtantial Poſts and Rails on each Side thereof, or other proper Mounds or Fences, according to the Cuſtom of the Country, with good and ſubſtantial Gates and Stiles in the ſaid Fences where neceſſary; and the ſame ſhall be thereafter ſupported and maintained for the Term of Five Years, or until the Quickſets ſhall have become ſufficient Fences of themſelves, by or at the Expence of all or ſuch of the Proprietors to whom the other Allotments of the ſaid Lands and Grounds ſhall be ſet out or allotted, in ſuch Manner and in ſuch Shares and Proportions as they the ſaid Commiſſioners ſhall, by any Writing under their Hands, or by their Award, order and direct; and ſuch Proportions of the ſaid Fences as the ſaid Commiſſioners ſhall order and direct ſhall be for ever thereafter maintained and kept in Repair by the ſaid reſpective Tithe Owners, as the ſaid Commiſſioners ſhall likewiſe by their Award order and direct; and that the Fences of the Allotment to be ſet out for Stone and Gravel Pits as aforeſaid ſhall afterwards be ſupported and maintained for ever by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall direct or appoint; and the ſaid ſeveral other Allotments of the ſaid Lands and Grounds, after the Diviſion thereof, ſhall, within Six Calendar Months after the Lands ſhall have been allotted as aforeſaid, or within ſuch other Time as the ſaid Commiſſioners ſhall by any Writing under their Hands order and direct, be inclоſed, hedged, ditched and fenced, at the proper Coſts and Charges of the reſpective Perſons to whom the ſame ſhall be reſpectively allotted, in ſuch Manner, Shares and Proportions as the ſaid Commiſſioners ſhall, in and by their ſaid Award, order and direct.

Fencing other Allotments.

Gaps to be left open for Twelve Calendar Months after the Lands are allotted.

XL. Provided always, and be it further enacted, That convenient Gaps and Openings ſhall be left in all the Fences to be made by virtue of this Act, for the Space of Twelve Calendar Months next after the ſaid Land ſhall be divided and allotted, or ſuch further Time as the ſaid Commiſſioners ſhall by Writing under their Hands order and direct, for the Paſſage of Carts, Cattle and Carriages, in and through the ſame, unleſs the ſaid Commiſſioners ſhall by their Award, or other Inſtrument in Writing under their Hands, order that the ſame ſhall be ſooner fenced in and made up.

XLI. And

Commiſſioners Allowance, &c. and Expences of the Act, how to be paid.

XLI. And be it further enacted, That each of the Commiſſioners and their Clerks who ſhall act in the Execution of the Powers and Authorities veſted in them by this Act, ſhall be paid the Sum of Three Pounds and Three Shillings, and no more, for each Day they ſhall reſpectively actually attend to act in the Execution of this Act, the ſame Sums to be in full Satisfaction for the Trouble and Expences for which the ſaid Commiſſioners ſhall be reſpectively put unto in the Execution of the ſaid Powers and Authorities; which Sums, together with all the Coſts, Charges, and Expences incident to and attending the obtaining this Act, and ſurveying and admeaſuring, planning, valuing, dividing, and allotting the Lands, Grounds and Premiſes to be divided and allotted by virtue of this Act, and of preparing and enrolling the Award of the ſaid Commiſſioners, and all the Charges and Expences of Aſſiſtants and Servants, and all other neceſſary Expences of the ſeveral Perſons to be employed by the ſaid Commiſſioners in and about the Premiſes, either before or after the Execution of the Award of the ſaid Commiſſioners, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners, and all other Expences of carrying this and the ſaid recited Act into Execution, ſhall be borne and defrayed by the ſeveral Owners of the Lands, Grounds, and Hereditaments to be divided, allotted, and exonerated from the Payment of Tithes by virtue of this Act (ſave and except the ſaid *George Wagner*, and his Succeſſors, Rectors of *Murſley* aforeſaid, for or in reſpect of the Allotment or Allotments which ſhall be made to him or them in lieu of Tithes, Glebe Lands and Rights of Common, and alſo ſave and except the Surveyors of the Highways within the ſaid Pariſh for the Time being, for and in reſpect of the Allotment hereby directed to be made to them as aforeſaid); which ſaid Coſts, Charges, and Expences, together with the Proportions thereof to be paid by the ſeveral Perſons hereby made liable to the Payment thereof, ſhall be ſettled and adjuſted by the ſaid Commiſſioners, and ſhall be paid at ſuch Time and Place, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint; and in caſe any Perſon hereinbefore made ſubject to the Payment of any Money towards ſuch Coſts, Charges, and Expences as aforeſaid, ſhall neglect or refuſe to pay his or her Share or Proportion thereof within the Time to be appointed as aforeſaid, or at any Time after, upon Demand, the ſame ſhall and may be levied and recovered in the Manner directed by the ſaid recited Act.

Lands held by different Tenures or Titles by the ſame Proprietors to be diſtinguiſhed.

XLII. And be it further enacted, That where any Perſon or Perſons ſhall be ſeized or poſſeſſed of Lands or other Hereditaments in the ſaid Pariſh, held by different Tenures, or for, by, or under different Eſtates or Titles, the ſaid Commiſſioners ſhall and they are hereby authorized and required, upon the Requeſt of the Perſon ſo ſeized or poſſeſſed reſpectively to inquire into, and aſcertain and determine, by the Examination of Witneſſes upon Oath, or other ſufficient Evidence, the reſpective Lands or other Hereditaments held by ſuch different Tenures, or for, by, or under ſuch different Eſtates or Titles reſpectively, and to ſet out diſtinct Allotments in reſpect of ſuch Parts thereof as ſhall be or ariſe within the Common and Open Fields, or any other Lands and Grounds hereby directed to be divided, allotted and incloſed, regard being had to the Deductions which ſhall have been made for Tithes of old Incloſures held by the ſame Tenures, and for the ſame Eſtates reſpectively; and the ſaid Commiſſioners are hereby authorized and required upon ſuch Requeſt as aforeſaid,

to diſtinguiſh, aſcertain, and ſet out, by Metes and Bounds, the Buildings and old Incloſures in the ſaid Pariſh held by ſuch ſeveral Tenures, and for, by, and under ſuch different Eſtates or Titles; and all the Lands and other Hereditaments to be ſo aſcertained, diſtinguiſhed, and ſet out, ſhall be declared, ſet forth, and deſcribed in the Award of the ſaid Commiſſioners.

For aſcertaining the holding of Lands allotted, and ſupplying Omiſſions in the Award occaſioned by want of neceſſary Information to the Commiſſioners.

XLIII. And be it further enacted, That when the Proprietor or Proprietors of any Lands or other Hereditaments which ſhall be divided, allotted or exchanged by virtue of this or the ſaid recited Act, ſhall hold his, her, or their reſpective Lands and Hereditaments for different Eſtates, or by different Tenures, and where, from want of neceſſary Information, or from any other Cauſe, the ſaid Commiſſioners ſhall in their Award have omitted to diſtinguiſh and aſcertain the Lands or other Hereditaments ſo holden for ſuch different Eſtates, or by ſuch different Tenures, and to ſet out and award the ſeveral diſtinct Allotments for ſuch reſpective Lands or other Hereditaments as herein-before is required, and if within Twelve Calendar Months after the making of the ſaid Award Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his, her, or their Hand or Hands, to have ſuch Omiſſion ſupplied and rectified by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and they are hereby authorized to do every Thing neceſſary for ſupplying and rectifying ſuch Omiſſion, and for that Purpoſe are hereby required to examine Witneſſes, and in every other reſpect to proceed and act as if their Award had not been made; and when they ſhall have obtained ſuch Information as they ſhall think ſufficient, the ſaid Commiſſioners are hereby authorized, by Deed or Inſtrument in Writing under their Hands and Seals, to diſtinguiſh and aſcertain the Difference of ſuch Eſtates and Tenures accordingly, and to make diſtinct and ſeveral Allotments of the Lands and Hereditaments ſo as aforeſaid allotted and awarded, in the ſame Manner as is herein-before required where ſuch Deſcription ſhall be contained in the ſaid Award; and every ſuch ſeparate Inſtrument ſhall be annexed to and enrolled and depoſited with the ſaid Award, and Evidence thereof ſhall be given in the ſame Manner as by this Act and the ſaid recited Act, or either of them, is directed concerning the ſaid Award; and all reaſonable Expences incurred in and about ſuch ſeparate Inſtrument as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners to make and execute the ſame, or by his, her or their Heirs, Executors or Adminiſtrators; and every ſuch ſeparate Inſtrument ſhall, from and immediately after the due Execution thereof by the ſaid Commiſſioners, have the ſame Effect to all Intents and Purpoſes as if the Contents thereof had been inſerted and contained in their Award; and a Duplicate of the ſame ſhall be delivered to the Perſon or Perſons upon whoſe Requeſt any ſuch Omiſſion ſhall have been ſupplied and rectified, or the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title of the Premiſes in queſtion ſhall in the Opinion of the ſaid Commiſſioners moſt properly belong, at the Expence of the Perſon or Perſons requiring the ſame.

Tenants for Life may charge incloſed Lands with Money

XLIV. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the Owners or Proprietors of the Lands and Grounds which ſhall by virtue of this Act be exonerated from Tithes, by a Money Payment or Money Payments,

Payments, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, and for any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or Trustees for charitable Uses, or the major Part of such Trustees respectively, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioners shall direct to be paid for the Exoneration thereof from Tithes, and for such Proportion or Proportions of the Expences of the passing of this Act and carrying the same into Execution, as the Owners and Proprietors thereof shall be liable for or in respect of such Exoneration of the same from Tithes as aforesaid; and for the Security of any Person who shall advance and lend the same, to grant, mortgage, surrender, lease, or demise such Lands and Grounds, in such Manner, and subject to such Conditions and Restrictions, as are by the said recited Act enacted and provided for raising the Shares and Proportions of the Owners or Proprietors of allotted and exchanged Lands, of the Costs and Expences of passing Acts of Inclosure, and carrying the same into Execution.

paid in Exoneration for Tythes.

XLV. And be it further enacted, That it shall be lawful to or for the said Commissioners, upon the Request in Writing (to be delivered to the said Commissioners within such Time as they shall for that Purpose appoint) of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Interest therein, whether seised in Fee, or being Tenants in Tail, or for Life or Lives, or for any Number of Years determinable on a Life or Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents or Attornies of or for any such Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, or under any Disability or Incapacity, or for the Persons acting as such Guardians, Trustees, Committees, or Agents or Attornies, or of the Trustees for any charitable or public Uses, or the major Part of any such Trustees respectively, to deduct from the Value and Amount of the Allotment or respective Allotments of such Owner or Owners by whom or on whose Behalf such Request shall be made as aforesaid, so much as shall in the Judgment of the said Commissioners be equal to his, her, and their Share and Proportion, or respective Shares and Proportions of the Charges and Expences of passing this Act, and of carrying the same into Execution, and to allot, award, and divide the Land and Value so deducted, to and amongst such of the Owners and Proprietors as shall by the said Commissioners be charged with, and shall pay such Charges and Expences in Proportion to the Sums they shall respectively pay and contribute thereto; provided that it shall be lawful to and for the said Commissioners and they are hereby required, upon any such Request as aforesaid, and upon Payment by the Person or Persons making such Request of his, her, or their full Proportion of such Costs and Expences, to allot to the Person or Persons respectively by whom or on whose Behalf such Request and Payment shall be made, his, her, or their Heirs and Assigns, the Land which shall have been so deducted, and the Person or Persons respectively to whom any such Allotment shall be made and awarded shall be and become seised thereof of and for an absolute Estate in Fee Simple, freed and discharged from all former Titles, Charges, and Incumbrances.

Lands may be deducted from Allotments for Expences.

XLVI. Pro-

Reſtriction from deducting and borrowing alſo, unleſs the Land deducted be leſs than 5*l.* an Acre.

XLVI. Provided always, and be it further enacted, That it ſhall not be lawful to raiſe by ſuch Sale or Sales as aforeſaid any further or greater Sum of Money than the Perſon or Perſons (Part of whoſe Allotment ſhall be ſold as aforeſaid) would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments under or by virtue of the ſaid recited Act or this Act; nor ſhall it be lawful for the Perſon or Perſons from whoſe Allotment Land ſhall be deducted as aforeſaid to charge his, her, or their Allotment or Allotments by virtue of the ſaid recited Act or this Act, with any Money towards the Payment of ſuch Expences, unleſs the Money to ariſe by ſuch Sale ſhall not amount to the Sum of Five Pounds *per* Acre of ſuch Allotment or Allotments; and then and in ſuch Caſe it ſhall be lawful for ſuch Perſon or Perſons to charge his, her or their Allotment or Allotments, or to raiſe by Mortgage thereof, or by ſuch other Ways and Means as mentioned in the ſaid recited Act or this Act, the Remainder of ſuch Money for the Payment of the Expences of obtaining and executing this Act, ſo as that the whole Sum to be raiſed by virtue of this Act ſhall not exceed the Sum of Five Pounds *per* Acre, according to the Number of Acres contained in ſuch Allotment or Allotments.

Wills, &c. not to be altered.

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

Exchanges.

XLVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot and award any Lands, Tenements, or Hereditaments within the ſaid Pariſh of *Murſley*, in lieu of or in Exchange for any other Lands, Tenements or Hereditaments within the ſaid Pariſh of *Murſley*, or within any adjoining Pariſh, Townſhip, Hamlet, or Place, provided that all ſuch Exchanges be aſcertained, ſpecified and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, by and with the Conſent of the Leſſor or Leſſors, 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 or Proprietors as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall 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, himſelf or herſelf, 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 all and every ſuch Exchange or Exchanges ſo to be made ſhall be good, valid and effectual in Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements or Hereditaments held in Right of any Church, 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, Tenements and Hereditaments ſo to be exchanged ſhall lie and be ſituate.

Expences of Exchanges, &c. how to be paid.

XLIX. Provided always, and be it further enacted, That all Coſts, Charges and Expences attending the making and completing any Exchanges and Partitions to be made by virtue of this or the ſaid recited Act, ſhall be paid and borne by the ſeveral Perſons whoſe Eſtates ſhall be ſo exchanged or partitioned, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall by any Writing under their Hands order and direct; and ſhall be recovered in the ſame Manner as is herein-before directed reſpecting the Recovery of the Charges and Expences of executing this Act.

Commiſſioners to lay an Account of their own Fees before the Juſtices once a Year.

L. And be it further enacted, That Once at leaſt in every Year during the Execution of this Act (ſuch Year to be computed from the Day of the paſſing thereof) the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before any One or more of His Majeſty's Juſtices of the Peace for the County of *Buckingham* (not intereſted in the Premiſes) to be by them examined and balanced; and ſuch Balance ſhall be by ſuch Juſtices ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners.

No Charge valid unleſs allowed by ſuch Juſtices.

LI. And be it further enacted, That no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices.

Award where to be depoſited.

LII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, after having been enrolled in the Manner directed by the ſaid recited Act, ſhall, together with the Map or Plan thereto annexed, be kept and depoſited in a Box to be kept in the Pariſh Church of *Murſley* aforeſaid.

Appeals to Quarter Seſſions.

LIII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act, (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are herein or by the ſaid recited Act directed to be final or concluſive, and except in ſuch Caſes where

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

General Saving.

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

Act to be printed by the King's Printers.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1814.