ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 151.

An Act for incloſing Lands in the ſeveral Manors of *Netherhall* and Rectory of *Bradfield*, in the Pariſh of *Bradfield*, in the County of *Eſſex*.

[17th *June* 1814.]

WHEREAS there are within the Manors of *Netherhall* and Rectory of *Bradfield*, in the Pariſh of *Bradfield*, in the County of *Eſſex*, ſeveral Heaths, Commons, and Waſte Grounds, containing by Eſtimation One hundred and fifty-four Acres or thereabouts, which in their preſent uncultivated State are of but ſmall and uncertain Value: And whereas *Francis Hale Rigby* Eſquire is Lord of the ſaid Manors of *Netherhall* and Rectory of *Bradfield* aforeſaid, and Lay Impropriator of the Great Tithes within the ſaid Pariſh of *Bradfield*: 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 it would tend greatly to the Improvement of the ſaid Heaths, Commons and Waſte Grounds, and to the Advantage of the ſeveral Perſons intereſted therein, if the ſame were divided, allotted, and incloſed; but the ſame cannot be 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

Commissioners. present Parliament assembled, and by the Authority of the same, That *Isaac Rogers* of *Ardleigh* in the County of *Essex*, Gentleman, and *Henry Coates* of *Great Holland*, in the said County, Gentleman, shall be and are hereby appointed Commissioners for valuing, dividing, allotting, and inclosing all the several Heaths, Commons, and Waste Grounds within the said Manors of *Netherhall* and Rectory of *Bradfield*, in the said Parish of *Bradfield*, and for carrying the other Purposes of this Act into Execution, subject to the Rules, Orders, and Directions in this Act contained; and also subject to the Powers and Provisions of the said recited Act, except where the same are hereby varied or altered; and that *John Skinner* of *Lawford*, in the same County, Gentleman, and his Successor for the Time being, to be appointed as herein-after mentioned, shall be, and he is hereby appointed to act as Umpire, touching any Matter on which there shall be a Difference in Opinion between the said Commissioners in the Execution of this and the said recited Act.

Umpire.

All Acts done by the Umpire and one Commissioner to be valid.

II. And be it enacted, That all Matters and Things by this Act or the said recited Act authorized and directed to be done by the said Commissioners, may be done and executed by the said Umpire and One of the said Commissioners, which shall be as valid and effectual to all Intents and Purposes as if the same were done by the said Commissioners.

Power to appoint new Commissioners.

III. And be it enacted, That if the said *Isaac Rogers*, or any Commissioner or Commissioners to be appointed in his or their stead, shall, before the Execution of all the Powers and Authorities hereby vested in him or them, die, refuse, or become incapacitated to act, then and in every such Case it shall be lawful for the said *Francis Hale Rigby*, or the Lord or Lords of the said Manors for the Time being, within Twenty Days next after such Death or Deaths, Refusal or Incapacity shall be made known to them, by Notice in Writing, by the surviving or remaining Commissioner, (and which Notice such Commissioner is hereby required to give to the Lord or Lords of the said Manors for the Time being) not interested in the said Division or Inclosure, in the stead of the said *Isaac Rogers*, or such Commissioner so dying, refusing, or becoming incapacitated to act; and in case no such Appointment of a Commissioner shall be made by the said Lord or Lords of the said Manors for the Time being, the said surviving or remaining Commissioner shall and may and he is hereby required, at a Meeting to be held for that Purpose, by Writing under his Hand, to appoint One other Commissioner for the Purpose of this Act, in the room and stead of such Commissioner so dying, refusing, or becoming incapacitated to act; and if the said *Henry Coates*, or any Commissioner to be appointed in his stead, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapacitated to act, then and in every such Case a new Commissioner (not interested in the said Inclosure) shall be appointed in the stead of the said *Henry Coates*, or such last mentioned Commissioner so dying, refusing, or becoming incapacitated to act, by a Majority of the Proprietors of the Lands and Grounds hereby directed to be inclosed, divided, or allotted (except the said *Francis Hale Rigby*, or the Lord or Lords of the said Manor for the Time being) within Twenty Days next after a Notice of such last mentioned Death, Refusal, or Incapacity, to be declared in Writing by the surviving Commissioner, by Notice to be affixed on the principal Outer Door of the Parish Church of *Bradfield* aforesaid; and if the said *John Skinner*, or any

Umpire to be appointed in his ſtead, ſhall, before the Execution of all the Powers and Authorities hereby veſted in him, die, refuſe, or become incapacitated to act, then and in every ſuch Caſe a new Umpire (not intereſted in the ſaid Incloſure) ſhall be appointed in the ſtead of the ſaid *John Skinner*, or ſuch Umpire ſo dying, refuſing, or becoming incapacitated to act, by the ſaid Commiſſioners and their Succeſſors, to be appointed as aforeſaid, within Twenty Days next after ſuch Death, Refuſal, or Incapacity; and every Appointment of a Commiſſioner and Umpire, in purſuance of this Act, ſhall be reduced into Writing, and ſigned by the Perſons making the ſame, and every new Commiſſioner and Umpire to be appointed as aforeſaid ſhall have the like Powers and Authorities, as if he had been named a Commiſſioner and Umpire in this Act.

Umpire to take an Oath.

IV. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as Umpire, in the Execution of this Act, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

Oath.

'I do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgment, execute and perform the ſeveral Powers and Authorities veſted and repoſed in me as an Umpire, by virtue of an Act paſſed in the Fifty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act for incloſing Lands in the ſeveral Manors of* Netherhall, *and Rectory of* Bradfield, *in the Pariſh of* Bradfield, *in the County of* Eſſex, 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 either of the ſaid Commiſſioners is hereby empowered and required to adminiſter, and the ſaid Oath ſo to be taken and ſubſcribed by ſuch Umpire, and alſo the Appointment of every new Umpire, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners.

Allowance to the Commiſſioners, Umpire, Surveyor, and Clerk.

V. And be it enacted, That out of the Money which ſhall be raiſed as herein-after mentioned, for defraying the Expences of obtaining, paſſing, and executing this Act, there ſhall be paid to each of the ſaid Commiſſioners, and to the Umpire and Surveyor, and alſo to the Perſon who ſhall act as Clerk to the ſaid Commiſſioners, as a Recompence for their Pains and Trouble, the Sum of Two Pounds and Two Shillings each, and no more, for every Day they ſhall be employed in attending the Execution of this Act, and in travelling to and from ſuch Meetings, together with all travelling and other Expences which the ſaid Commiſſioners, Umpire, Surveyor, and Clerk ſhall actually pay on account thereof.

Appointment of Surveyor.

VI. And be it enacted, That *Peter Le Neve* of *Ardleigh*, in the County of *Eſſex*, Land Surveyor, ſhall be and he is hereby appointed Surveyor for the Purpoſes of this Act; and in caſe of the Death or Refuſal to act of the ſaid *Peter Le Neve*, then the ſaid Commiſſioners ſhall, by Writing under their Hands, from Time to Time appoint ſome other fit and proper Perſon to be Surveyor for the Purpoſes aforeſaid; and that the Survey, Admeaſurement, and Plan to be made for the Purpoſes of this Act, ſhall be verified upon Oath by the ſaid *Peter Le Neve*, or by the Perſon to be appointed in his ſtead, at any Meeting to be held after the making thereof, which Oath the Commiſſioners, or any one of them, are and is hereby empowered and required to adminiſter.

VII. And

Power to enter Lands for the Purpose of surveying, &c. the same.

VII. And be it enacted, That for surveying, admeasuring, and valuing all the said Lands and Grounds, and for other the Purposes of this Act, it shall be lawful for the said Commissioners, or any of them, and the said Surveyor, 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, examine, value, survey, and admeasure all and every Part and Parts of the Lands and Grounds hereby intended to be divided and allotted, and also the ancient inclosed Lands, Grounds, and Homesteads within the said Parish, and all other Lands and Grounds necessary to be valued or surveyed in the Execution of this Act, and to do, or cause to be done, any Act or Thing necessary for putting such Act into Execution, without being liable to any Action or Suit for so doing.

Notices how to be published.

VIII. And be it enacted, That all Notices, which by the said recited Act or this Act are required to be given or published in any Newspaper, of setting out public Carriage Roads, and of reading and executing the Award of the Commissioners, or of any other Matter or Proceeding in the Execution of the said recited Act or this Act, shall be given and published in the Newspaper called *The Chelmsford Chronicle*, or in some other Newspaper usually circulated in that Part of the said County of *Essex*, in which the said Parish is situate, or upon the principal Outer Door of the Parish Church of *Bradfield* aforesaid.

Commissioners to give Notice of their Meetings.

IX. And be it enacted, That the said Commissioners shall cause public Notice in Writing, under their Hands, to be affixed upon the principal Outer Door of the Church of the said Parish of *Bradfield* aforesaid, of the Time and Place of their First and every other Meeting, for the Execution of this Act, at least Eight Days before any such Meeting shall be holden (Meetings by Adjournment only excepted), and the said Commissioners shall and may adjourn themselves from Time to Time, as they shall see Occasion for the due Execution of this Act; and in case only One Commissioner shall so attend at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner who shall so attend at such Time and Place, to adjourn the said Meeting, to be held on a future Day, not exceeding Thirty Days from the Day of such Adjournment, to be held at the same or any other Place within the said Parish of *Bradfield* aforesaid, or within Eight Miles thereof, as he shall think most convenient, giving timely Notice thereof to the absent Commissioner; and all the Meetings of the said Commissioners shall be held within the said Parish, or within Eight Miles of the Boundary thereof.

Notice to be given for receiving Claims.

X. And be it enacted, That the said Commissioners shall as soon as conveniently may be, cause Notice, in Writing, to be affixed on the principal Outer Door of the Parish Church of *Bradfield* aforesaid, on some *Sunday* before Divine Service, of the Day or Days appointed by them for receiving Claims of Rights or Interests, in or over the Lands and Grounds hereby intended to be divided and inclosed (which Day or Days shall at least be Eight Days from the Time of giving Notice thereof), and that at such Meeting or Meetings all and every Person and Persons having or claiming to have any Right or Rights of Common, or Share in the said Commons and Waste Lands, or any other Right, Property or Interest in or over any of the said Open Commons, and Waste Lands, shall and are hereby

hereby required, by themſelves or their Agents, to deliver in their reſpectives Claims in Writing, under their Hands, or the Hands of their Agent, diſtinguiſhing ſuch Claims, and the Tenure of the Eſtates in reſpect whereof ſuch Claims are made, and ſtating therein the Number of Meſſuages, Tofts, or Cottages, and Quantity of Land by Eſtimation, or other Hereditaments, in reſpect whereof they claim Right of Common or other Rights within the ſaid Pariſh, and ſuch further Particulars as ſhall in the Judgment and Opinion of the ſaid Commiſſioners be neceſſary to deſcribe ſuch Claims with Preciſion; and that no ſuch Claim ſhall be received by the Commiſſioners, after the Meeting, which in the Notice thereof ſhall be expreſſed to be the laſt Meeting for receiving ſuch Claims (except for ſome ſpecial Cauſe to be allowed by the Commiſſioners), and after the Claims ſhall be received, and an Abſtract thereof left for the Inſpection of the Proprietors and Perſons intereſted, the ſaid Commiſſioners ſhall give Notice, in the Manner herein-before mentioned, of the Day or Days appointed by them for hearing and determining the ſame, when and where all Parties concerned may appear before them, and ſhew Cauſe for or againſt the Allowance or Diſallowance of ſuch Claims; and in caſe any of the ſaid Claims ſhall be objected to, or any Doubt or Difficulty ſhall ariſe reſpecting ſuch Claims, or if any Diſpute or Difference ſhall happen between any Proprietors of Eſtates touching their reſpective Rights or Claims, the ſaid Commiſſioners, or the ſaid Umpire and One Commiſſioner ſhall and are hereby authorized and required to hear and determine the ſame.

Commiſſioners to determine Differences between the Parties intereſted in the Allotments.

XI. And be it enacted, That in caſe any Diſpute or Difference ſhall ariſe between the Parties that now are, or before the making of the Award herein-after mentioned, ſhall be intereſted or claim to be intereſted in the ſaid intended Diviſion and Incloſure, or any of them, touching or concerning the reſpective Shares, Rights, and Intereſts which they or any of them ſhall claim in the ſaid Lands and Grounds hereby intended to be divided and allotted, or any of them, or touching or concerning the reſpective Shares and Proportions which they or any of them ought to have in lieu of their Rights of Common or other Rights and Intereſts in the ſaid intended Diviſion and Incloſure, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, by Examination of Witneſſes upon Oath, (which Oath any one of the ſaid Commiſſioners is hereby empowered to adminiſter), or by other lawful Evidence, Enquiry, Ways, and Means to hear and determine the ſame; provided, that nothing herein contained ſhall authorize the ſaid Commiſſioners or Umpire to determine the Title to any Lands, Tenements, or Hereditaments whatſoever, nor to determine any Right between any of the Parties intereſted in the ſaid Lands and Grounds, contrary to the Poſſeſſion of any ſuch Parties; but in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they reſpectively ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been duly taken from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

Power to award Coſts to the Party in whoſe Favour the Commiſ-

XII. And be it 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 the ſaid recited Act, or of this Act, ſee Cauſe to award any Coſts, it ſhall and may be lawful

sioners shall determine.

lawful to and 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, Body or Bodies Politic or Corporate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic or Corporate, 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 and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by Warrant under their respective Hands and Seals, 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, Body or Bodies Politic or Corporate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons, Body or Bodies Politic or Corporate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try disputed Claims at Law.

XIII. Provided always, and be it hereby enacted, That if any Person or Persons making any Claim or Claims to any Lands, Common Rights, or Hereditaments, intended to be divided or affected by this Act, or any Right or Interest therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners or Umpire, and One of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights or Interests respectively tried at Law, and the Person or Persons so desirous of having the same tried at Law, shall by themselves or their respective Stewards, Receivers, Attornies, or Agents, give or cause to be given Notice thereof in Writing, to the said Commissioners, or any of them, within One Calendar Month next after such Determination shall have been so made by the said Commissioners, a Copy of which Notice the said Commissioners are hereby required immediately on Receipt thereof, or as soon after as conveniently may be, to deliver to or leave at the usual Place of Abode of the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, then but not afterwards it shall be lawful for the Person or Persons giving such Notice as aforesaid, their respective Heirs, Successors, and Assigns, and he, she, or they is and are hereby required to proceed to a Trial or Trials at Law of the same, in a feigned Action or Actions for that Purpose, to be commenced in one of His Majesty's Courts of Record at *Westminster*, by the Person or Persons giving such Notice as aforesaid, against any Person or Persons interested in the said Division or Inclosure, who shall make such Objection or Objections, within Three Calendar Months next after such Notice shall be given to the said Commissioners as aforesaid, and the Defendant or Defendants in such Action or Actions, shall forthwith name an Attorney or Attornies, who shall file Common Bail, or appear and accept One or more Issue or Issues, whereby all such Claim or Claims, Rights and Interests may be properly tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court where such Action shall be brought, if the Parties differ about the same); and if the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right

or Rights or Interests than was or were claimed by such Party, then it shall be lawful for the Jury, by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea, in Addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no Special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding and Indorsement, if any such shall be made, shall be binding and conclusive upon and to all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do as is usual in other Cases; and after any Verdict or Verdicts, or Special Finding or Indorsement shall have been obtained, and not set aside by the Court, the said Commissioners shall, and they are hereby authorized and required to conform thereto; but if no such Action or Actions at Law shall be brought or commenced by the Person or Persons giving such Notice, within the Time aforesaid, or if such Action or Actions shall not be proceeded in, to Trial or Trials at the First Assizes to be holden for the said County of *Essex*, after the Expiration of Two Calendar Months from the Day of giving such Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case, the Determination of the Commissioners shall be final, binding, and conclusive unto and upon all Parties whomsoever; provided, that it shall be lawful for the Court in which any such Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn to put off the Trial of such Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of such Action may be thereby exceeded: Provided always, that it shall be lawful for the said Commissioners to retain or pay all such Costs, Charges, and Expences as they shall incur or be put unto, or which shall be recovered against them, in or by reason or in consequence of any such Action or Actions, out of any Monies which shall come to their Hands for the Purposes of this Act: Provided also, that if any of the Parties in any Action or Actions to be brought in pursuance of this Act shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in as if no such Death had happened; and if any such Person or Persons in whose Favour any such Determination 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, Corporate, or Collegiate respectively, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Times limited as aforesaid, against such Person or Persons, as if actually living, and to serve the Clerk to the said Commissioners with Notice of such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall 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

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.

Disputes respecting Titles not to impede the Execution of Act.

XIV. And be it enacted, That if any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons, or Body or Bodies Politic or Corporate, to any Lands or Tenements, in the said Parish of *Bradfield*, 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 the said recited Act and this Act; but the said Division and Allotments shall be proceeded in notwithstanding such Suit or Suits, and the Allotment or Allotments to which such Suit or Suits shall relate, may be had and taken by the Person or Persons, or Body or Bodies Politic or Corporate, who upon the Determination of such Suit or Suits shall become entitled to the same.

Power for Justices to declare any of the public Roads complete.

XV. And be it enacted, That when and so soon as any of the public Carriage Roads to be set out in pursuance of the said recited Act and this Act, shall be completed and put in good and sufficient Repair, it shall be lawful for the Justices of the Peace of and for the said County of *Essex*, or any Two of them, at any Special Session or Meeting to be holden for the Purpose, to declare such Road or Roads to be fully and sufficiently formed, completed, and repaired, from which Time and for ever thereafter such Road or Roads shall be supported and kept in Repair by such Persons, and in like Manner as the public Roads within the same Parish now are or ought by Law to be amended and kept in Repair.

Commissioners may extinguish Right of Common

XVI. And be it enacted, That the said Commissioners shall, and they are hereby empowered, by Writing or Writings, under their Hands, to be published as aforesaid, to appoint the Day or Time when all Rights of Common and of intercommoning, and of all other Rights in and over the several Commons and Waste Lands mentioned by this Act to be divided and inclosed, shall cease and be extinguished, and also shall and may, by any such Writing to be published as aforesaid, make such Orders and Regulations for preventing all Persons from committing Waste or Destruction upon any Part of the said Lands and Premises, in the mean Time and until the Division and Allotments thereof shall be effected, as to the said Commissioners shall seem expedient; all which Directions, Appointments, Orders, and Regulations of the said Commissioners, shall be binding and conclusive upon all Parties interested; and the said Commissioners shall set and impose such Penalties or Forfeitures on Persons not conforming thereto, not exceeding Five Pounds on any one Person for one Offence, as they shall think necessary, which Penalties or Forfeitures shall be paid to such Person or Persons, and for such Uses and Purposes as the said Commissioners, by any Writing or Writings under their Hands, shall order or appoint; and if Default shall be made in Payment, then the said Commissioners shall and may, by any Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, together

together with reaſonable Coſts, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels.

Commiſſioners may ſcour out Brooks, make Ditches, &c.

XVII. And be it enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to cauſe to be ſcoured out and widened, all ſuch ancient Brooks, Dykes, Ditches, Drains, Watercourſes, Tunnels, and Bridges within the ſaid Pariſh, and alſo to ſet out and appoint, and cauſe to be made, ſuch new Ditches, Drains, Watercourſes, Tunnels, Watergates, Banks, and Bridges, of ſuch Depth and Breadth, as well in, through, and over the ſaid Lands and Grounds hereby directed to be divided and incloſed, as alſo in, over, and through any ancient Incloſures, or other Lands and Grounds within the ſaid Pariſh, as they ſhall think neceſſary and proper, making ſuch Satisfaction to the Owners and Proprietors of ſuch ancient Incloſures, or other Lands and Grounds not hereby directed to be divided and incloſed, for the Damage done thereby, as the ſaid Commiſſioners ſhall think fair and equitable, the Expence thereof to be borne and defrayed as the other Expences of this Act are herein directed to be borne and defrayed; and the ſaid Commiſſioners ſhall and may, and they are hereby directed in and by their Award, to order and direct by whom, at whoſe Expence, and at what Time and in what Manner the ſaid Brooks, Dykes, Ditches, Drains, Watercourſes, Tunnels, Bridges, and other Requiſites, ſhall be thereafter repaired, cleanſed, ſcoured, and maintained: Provided always, that nothing in this Act contained ſhall extend or be conſtrued to extend to authorize and empower the ſaid Commiſſioners to divert or turn any Rivulet, Brook, or Stream of Water, without the Conſent in Writing of the Owner or Owners of the Lands from which ſuch Rivulet, Brook or Stream of Water ſhall be diverted, or into which the ſame ſhall be turned.

Allotments for Stone and Gravel.

XVIII. And be it enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award ſuch Plot or Plots of the ſaid Lands and Grounds hereby intended to be divided and allotted as they ſhall think proper, not exceeding in the Whole Three Acres, as and for public Stone, Sand, and Gravel Pits, with convenient Roads to and from the ſame reſpectively, which ſaid Plots of Land ſo to be ſet out as aforeſaid ſhall be uſed in common by the Proprietors of Lands and Eſtates within the ſaid Manors and Pariſhes, and their Tenants, for their own neceſſary Uſes, or for the Repairs of the public or private Roads in the ſaid Pariſh; and the Graſs and Herbage growing, ariſing, and renewing on the ſaid Plot or Plots of Land or Ground, ſhall be and is hereby veſted in the ſeveral and reſpective Surveyor or Surveyors of the Highways of the Pariſh aforeſaid for the Time being, in Truſt to ſet and let the ſame for the beſt Rent he or they can get, and to apply the Rents and Profits in repairing the ſaid Roads and Ways, and account to the Inhabitants of the ſaid Manors and Pariſh, touching the Application thereof annually, on the Feaſt Day of *Saint Michael the Archangel*, in the Pariſh Church of *Bradfield* aforeſaid.

Commiſſioners to ſell Part of the Waſtes for defraying the Expences of Act.

XIX. And be it enacted, That for defraying the Charges and Expences incident to and attending the paſſing and carrying the ſaid recited Act and this Act into Execution, and of the ſurveying, planning, valuing, dividing, and allotting the Lands and Grounds directed to be divided and allotted by virtue of this Act, and of preparing and depoſiting the Award of the ſaid Commiſſioners, and of forming and making the ſeveral public

and private Roads or Ways, Ditches, Fences, Drains, Banks, and Bridges, and the Coſts, Charges, and Expences of the ſaid Commiſſioners and their Clerk, and all other neceſſary Coſts, Charges, and Expences in and about carrying this Act into full Execution, together with Intereſt for any Monies advanced for obtaining or effecting the Purpoſes thereof, the ſaid Commiſſioners ſhall, and they are hereby required, with all convenient Speed, to ſell and diſpoſe of ſuch Part or Parts of the ſaid Lands and Grounds, hereby directed to be divided and allotted (not exceeding in the Whole Twenty-ſix Acres), by public Auction, either in one Lot or ſeparate Parcels or otherwiſe, in the Manner and ſubject to the Directions and Regulations contained and preſcribed in and by the ſaid recited Act, unto any Perſon or Perſons willing to become the Purchaſer or Purchaſers thereof, and for ſuch Price or Prices in Money, as to the ſaid Commiſſioners ſhall appear to be the moſt that can be reaſonably gotten for the ſame, and to ſign and give to ſuch Purchaſer or Purchaſers, a Receipt or Receipts in Writing, for his, her, or their Purchaſe Money; and the Purchaſer or Purchaſers of the ſaid Allotment or Allotments, on paying his, her, or their Purchaſe Money, and taking ſuch Receipt or Receipts for the ſame as aforeſaid, ſhall be thereupon and thereby diſcharged from his, her, or their Purchaſe Money, and from any Obligation of ſeeing to the Application thereof; and immediately after ſuch Receipt or Receipts ſhall be given to ſuch Purchaſer or Purchaſers, the Allotments, Pieces, or Parcels of Land ſo purchaſed by him, her, or them, ſhall, by virtue of this Act, become veſted in him, her, or them, and his, her, and their reſpective Heirs and Aſſigns, in abſolute Fee Simple, and ſhall be encloſed and held in Severalty by the Purchaſer or Purchaſers thereof reſpectively, as his, her, or their private and abſolute Property, and ſhall be allotted accordingly by the ſaid Commiſſioners, but that ſuch Allotment ſhall be ſubject to the Payment of the ſame Fine, as and for an Acknowledgment of Freehold Tenure, upon Death or Alienation, and to the Payment of the ſame annual Quit Rent, or Free Rent, as other Freehold Allotments are charged and chargeable with by this Act.

Surplus of Monies ariſing from Sale to be paid to Parties intereſted.

XX. Provided always, That in caſe any Part of the ſaid Lands and Grounds ſo directed to be ſold as aforeſaid ſhall be ſold for more Money than will be required to defray ſuch Coſts, Charges, and Expences as aforeſaid, then and in ſuch Caſe, the Surplus Money ariſing from ſuch Sales ſhall be divided and apportioned between the ſeveral Proprietors of the Lands or Grounds hereby directed to be divided and allotted, according to their ſeveral and reſpective Intereſts therein, and paid to them, in caſe they ſhall be ſeiſed in Fee Simple of their ſeveral Allotments, or otherwiſe ſuch Surplus Money ſhall be paid into the Bank of *England*, in Manner directed by the ſaid recited Act with reſpect to Money thereby directed to be paid into the Bank, for the Purchaſe or Exchange of Land, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes: Provided alſo, that in caſe the Money ariſing by ſuch Sale or Sales to be made in purſuance of this Act as aforeſaid ſhall not be ſufficient to defray all the Coſts, Charges, and Expences aforeſaid, then the Deficiency ſhall be made up by the ſeveral Perſons intereſted in the ſaid Lands and Grounds hereby directed to be divided and allotted, and ſhall be paid in ſuch Shares and Proportions, within ſuch Time, and to ſuch Perſon or Perſons as the ſaid Commiſſioners,

missioners shall direct, nominate, and appoint; and in case any Person herein 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 Manner directed by the said recited Act.

Allotment to the Lord for the Right of Soil.

XXI. And be it enacted, That the said Commissioners shall, and they are hereby required to set out and allot unto and for the said *Francis Hale Rigby*, or the Lord or Lords of the Manors of *Netherhall* and Rectory of *Bradfield* aforesaid, for the Time being, in lieu of his or their Right, Title, and Interest in and to the Soil of the said several Heaths, Commons and Waste Grounds hereby directed to be divided and allotted, as lie within the said Manors, such Part or Parts thereof as shall in the Judgment of the said Commissioners, (Quantity, Quality, and Situation considered), be equal in Value to One Twelfth Part of all the said Heaths, Commons, and Waste Lands as lie within the same Manors, and as shall remain after the public Roads or Ways, and the Allotment or Allotments for getting Stone and other Materials, shall be set out as aforesaid, and for paying and defraying the Expences of carrying this Act into Execution, and over and above any other Allotment or Allotments which such Lord or Lords shall or may be entitled to have or receive, in respect of any other Right or Interest in the said Lands or Grounds hereby directed to be divided and allotted.

Allotment of the Residue.

XXII. And be it enacted, That the said Commissioners shall and they are hereby required, immediately after making such Allotments as aforesaid, to set out and allot all the Residue of the Lands and Grounds hereby directed to be divided and allotted unto and amongst all and every the Proprietors thereof, and Persons interested therein, in such Quantities, Shares, and Proportions, and in such Parts and Places, as by the said Commissioners shall be adjudged and determined to be fair, just, and reasonable, according to their several and respective Lands, Rights of Common, and other their Rights and Interests therein.

Quit Rents to be paid for Allotments.

XXIII. And be it enacted, That for each and every Acre of the Allotments of the Lands and Grounds directed to be divided and allotted by virtue of this Act (except the Land so to be set out for public Roads, Stone, Sand, and Gravel Pits, as aforesaid), the Tenants or Occupiers thereof for the Time being shall pay to the Lord or Lords of the said Manors for the Time being the annual Sum of One Shilling *per* Acre, by way of Quit Rent and Free Rent, which said annual Sums shall be respectively paid on the Feast Day of *Saint Michael the Archangel* in every Year, and the same shall be mentioned on the respective Entries of the Admittances thereto, so far as the same relates to the Copyhold Part of the said Allotments, and on the respective Entries of the Acknowledgements of Freehold Tenure, so far as the respective Entries of each Acknowledgement relate to the Freehold Part of the said Allotments respectively; and the said annual Rents shall be recoverable by the Lord or Lords of the said Manors for the Time being, by the same Means as Quit Rents and Free Rents payable for other Lands within the said Manors are recoverable, and no other Quit or Free Rents or Quit or Free Rent whatsoever shall be paid for the said Lands and Premises.

XXIV. Provided

Allotments subject to Great and Small Tithes.

XXIV. Provided always, and be it enacted, That all the Commons and Waſte Lands intended to be incloſed under the Powers of this and the ſaid recited Act, from and after the paſſing of this Act, ſhall be ſubject and liable to the Payment of Great and Small Tithes in the ſame Manner as other Lands in the ſaid Pariſh of *Bradfield*.

How Allotments are to be fenced.

XXV. And be it enacted, That the ſeveral Allotments to be made by virtue of this Act ſhall, within Six Calendar Months next after the Execution of the Award of the ſaid Commiſſioners, or ſuch other Time previous to the making thereof as the ſaid Commiſſioners ſhall, by any Writing or Writings under their Hands, order and direct, be encloſed, 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 as the ſaid Commiſſioners ſhall, by Writing or Writings under their Hands, order and direct.

For determining Objections to Allotments, and accepting the ſame on Notice.

XXVI. And be it enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Rights of the Perſons intereſted in the ſaid intended Incloſure, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, they the ſaid Commiſſioners ſhall give Notice in Manner aforeſaid, of the Day or Days, and Place, where all Perſons intereſted may peruſe a Schedule of ſuch intended Allotments, and inſpect the Map or Plan whereon the ſame ſhall be delineated, and may have and receive a Copy of ſuch Schedule, ſo far as the ſame relates to each Perſon reſpectively; and as ſome Perſons may, upon Peruſal of the ſaid Schedule, or Inſpection of ſuch Map or Plan, be diſſatisfied with their intended Allotments, the ſaid Commiſſioners ſhall give Notice of One Meeting, at leaſt, to be held by them for hearing Complaints and Objections againſt ſuch intended Allotments, and for hearing and determining all ſuch Objections, and their Determination in the Premiſes ſhall be binding, final, and concluſive upon all Parties; and if any Perſon, after ſuch Determination, ſhall refuſe to accept his or her Share of Allotments, within the Space of Two Calendar Months, or ſhall moleſt or diſturb the Poſſeſſion of any other Proprietor or Proprietors, who ſhall have accepted of and entered upon his or her Allotment, every Perſon ſhall be, and is hereby diveſted of all Right of Paſturage and Common, and other Right, Eſtate, and Intereſt whatſoever, of and in any of the Lands and Grounds which ſhall be allotted to any other Perſon or Perſons by virtue of this Act, and ſhall be liable to Damage as a Treſpaſſer, in caſe he or ſhe ſhall treſpaſs upon any of the ſaid Allotments.

Proprietors may ſell or mortgage their Allotments before the Execution of the Award and their Right of Common ſeparate from their other Property.

XXVII. And be it 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, and 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 Hereditaments hereby directed to be divided and allotted, 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, ſeparate and diſtinct 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; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to award all and every ſuch Allotment and Allotments, which ſhall be ſold and diſpoſed of to the Purchaſer or Purchaſers thereof, or other Perſon or Perſons who ſhall be entitled to the ſame by any ſuch Sale or Diſpoſition.

Separate Allotments to be made for Land held by different Tenures.

XXVIII. And be it enacted, That when the Proprietor or Proprietors of any Lands or Hereditaments, which ſhall be allotted by virtue of this Act, ſhall hold their reſpective Lands or Hereditaments by different Tenures, or for different Eſtates, or under different Titles, the ſaid Commiſſioners ſhall upon the Requeſt of ſuch reſpective Proprietors, in Writing under their Hands, aſcertain and diſtinguiſh the Lands or other Hereditaments held by each of ſuch Tenures, for each of ſuch Eſtates, and under each of ſuch Titles reſpectively, and ſhall accordingly, in their Award, ſet out and diſtinguiſh diſtinct and ſeveral Allotments for ſuch reſpective Lands or other Hereditaments; and where, from the Want of the neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall omit diſcriminating as herein-before is required, ſuch different Titles, different Eſtates, and different Tenures, and within Twelve Calendar Months, after making the ſaid Award, Requeſt ſhall be made to the ſaid Commiſſioners, by any Perſon or Perſons intereſted, by Writing under his, her, or their Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then, and in every ſuch Caſe, the ſaid Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require, to examine Witneſſes, and in every other reſpect to proceed and act as if the Award had not been made; and when they ſhall have obtained what they ſhall think ſufficient Information, they are hereby alſo authorized, by any Deed under their Hands and Seals, to aſcertain and diſtinguiſh the Difference of Tenures, Eſtates, and Titles reſpectively, and accordingly to make diſtinct and ſeveral Allotments in the ſame Manner as is hereby required, where ſuch Diſcrimination ſhould be made on the ſaid Award, and every ſuch ſeparate Inſtrument ſhall have the ſame Effect as if it were contained in the ſaid Award, and the ſame Supplemental Inſtrument ſhall be delivered to the Perſon or Perſons upon whoſe Requeſt the ſaid Omiſſion ſhall have been ſupplied, or to the Perſon or Perſons to whom the Cuſtody of the Deeds or Writings concerning the Title to the Premiſes in queſtion ſhall, in the Opinion of the Commiſſioners, moſt properly belong for the Time being; and all Expences which ſhall be reaſonably incurred in and about any ſuch Supplemental Inſtrument as aforeſaid ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners as aforeſaid, his, her, or their reſpective Executors or Adminiſtrators, and ſhall be recoverable and recovered by the ſaid Commiſſioners in the ſame Manner as the Expences of obtaining and paſſing this Act and carrying the ſame into Execution are hereby directed to be recovered.

Exchanges to be made.

XXIX. And be it enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award any Lands, Tenements, or Hereditaments

ments within the ſaid Manors, or either of them, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the ſame Manors reſpectively, or within the ſaid Pariſh of *Bradfield*, or within any adjoining Pariſh, Hamlet, Townſhip, or Precinct; provided that all ſuch Exchanges ſhall be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Proprietor or Proprietors of the Premiſes which ſhall be ſo exchanged, whether ſuch Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Sole or Aggregate, as 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 any Life or Lives, or with the Conſent of the Guardians, Truſtees, or Feoffees for Charitable, Parochial, or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietor or Proprietors who, at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Ideots, 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 and Exchanges ſo to be made, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments, held in Right of any Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſhall be ſituate, and of the Patron of ſuch Eccleſiaſtical Benefice: Provided alſo, that all Coſts, Charges, and Expences, attending the making of any Exchange and Partition, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges and Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall by their Award order and direct.

Allotments to follow Tenure of antient Eſtates.

XXX. And be it enacted, That all the Allotments to be made by virtue of this Act, ſhall be held by the ſame Tenure as the Lands or Hereditaments, in reſpect of which ſuch Allotments ſhall be made, were reſpectively held by and before the making of ſuch Allotments.

Allotments and exchanged Lands to remain to the ſame Uſes.

XXXI. Provided always, and be it enacted, That the Lands allotted ſhall, immediately after ſuch Allotment, remain and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted ſhall thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, to, for, and upon ſuch and the ſame Uſes, Eſtates, Intents, Truſts, and Purpoſes reſpectively, and ſubject and liable to ſuch and the ſame Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, in all Reſpects, as the ſeveral Lands, Tenements, and Hereditaments, in reſpect whereof ſuch Allotments ſhall have been made ſhould or would have ſtood ſeverally limited, ſettled, veſted, or ſubject or liable to, or been held by, in caſe this Act had not been made, and ſubject nevertheleſs, to all ſuch Mortgages and Sales as ſhall be made by Authority of this Act or of the ſaid recited Act.

XXXII. And

Money advanced for passing this Act to be repaid with Interest.

XXXII. And be it enacted, That the Money which shall be advanced or lent, for the Purpose of obtaining and passing this Act, shall be repaid with lawful Interest, to the Person or Persons who shall advance or lend the same, his, her, or their Executors, Administrators, or Assigns, out of the first Monies which shall be raised for defraying the Expences of passing and executing this Act.

Tenants for Life may charge Lands with Money paid for the Act, inclosing, &c.

XXXIII. And be it 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 divided or allotted, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or be 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 any other Contingency, or Trustees for Charitable Uses, or the major Part of such Trustees respectively (except such Owners, Proprietors, or Trustees, from whose Allotments, Lands shall have been deducted, in pursuance of the Provision herein-after contained in that Behalf), to charge such Lands and Grounds with such Sum or Sums of Money, as the said Commissioners shall direct to be paid by the Proprietors thereof, for their Share of the Costs and Charges of passing this Act, and carrying the same into Execution, and such Expences as the said Proprietors shall, in the Judgment of the said Commissioners necessarily incur, in inclosing, subdividing, and fencing their respective Allotments, such Costs, Charges, and Expences not to exceed in the Whole the Rate of Five Pounds an Acre of the Lands to be allotted by virtue of this Act; and to grant, mortgage, surrender, or lease or demise such Lands and Grounds so to be charged to the Person or Persons, who shall lend, advance, or pay the same, or to such other Person or Persons as he or they shall direct or appoint his, her, or their respective Executors, Administrators, and Assigns, for any Term of Years, or greater Estate, so that every such Grant, Mortgage, Surrender, Lease, or Demise be made, with a Covenant to keep down the Interest accruing thereon, and so that no Person, afterwards becoming entitled to any such Lands, shall be liable to pay any larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced.

Commissioners may raise Money by Sale of Lands.

XXXIV. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered and required, upon the Request of the said Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, (or of any Right or Interest therein, 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 other Disability or Incapacity, or of the Trustees for any Charitable or Public Uses, or the major Part of them respectively), to raise the respective Costs, Charges, and Expences, herein-before authorized to be charged by Way of Mortgage as aforesaid, by Sale of any of the Lands to be set out or allotted by virtue of this Act to the said Proprietors, making such Request as last aforesaid, in the Manner and subject to the

Rules prescribed by the said recited Act for the Sale of Lands directed to be sold for the Payment of the Expences attending the Execution of Acts of Inclosure; provided, that no more shall be sold of the Lands to be set out or allotted to the Person or Persons by whom or on whose Behalf any such Request shall be made, than the said Commissioners shall estimate to be sufficient to raise the Amount of the Sum or Sums of Money hereinbefore authorized to be raised or charged by Way of Mortgage for the Purposes of this Act.

Power to mortgage and sell, not to be applied to one Estate.

XXXV. Provided always, That in all Cases whereby the Sale of any Part or Parts of such Allotment or Allotments a Sum equal in Amount to the Sum that may be borrowed and charged on such Allotment or Allotments by virtue of the said recited Act and this Act shall not have been raised, it shall and may be lawful to and for the Owner or Owners, Proprietor or Proprietors, to borrow and charge, according to the Directions of the said recited Act and this Act, such his, her, or their Allotment or Allotments, with such Sum or Sums of Money, and no more, for the Payment of such Costs, Charges, and Expences, as shall be equal to the Excess or Difference; and if there shall be any Surplus arising from such Sales, after paying the Sums so directed to be raised, the same shall be applied in Manner directed by the said recited Act with respect to the Money paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or the Timber or Wood 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.

Lands may be deducted from the Allotments to Trustees of Charity Estates for the Expences of Act.

XXXVI. And whereas it may be more convenient for the Feoffees or Trustees of any Charity Lands, School Lands, or Lands, the Revenues of which are applied to public Purposes, to whom Allotments shall be made by virtue of this Act, to have Lands deducted from the respective Allotments to be made to them for their proportionate Shares of the Expences of passing and executing this Act, and of fencing or mounding such respective Allotments, than to raise Money on Mortgage; be it therefore enacted, That it shall be lawful for the said Commissioners, if requested by the Feoffees or Trustees of any such Lands, having Right, Interest, or Property in the Lands and Grounds hereby directed to be divided and inclosed as aforesaid, to deduct from the respective Allotments to be made to them respectively, so much Land as shall, in the Judgment of the said Commissioners, be equal in Value to their respective Proportions of the said Expences, and to allot, assign, and award the same to such other Proprietor or Proprietors, or other Person or Persons, as the said Commissioners shall think proper, and who will undertake to pay and defray all such Expences.

Commissioners Accounts to be audited and settled.

XXXVII. And be it enacted, That any Justice of the Peace, acting for the Hundred of *Tendring*, in the County of *Essex*, shall be, and he is hereby appointed Auditor of the said Commissioners' Accounts; and the Accounts of the said Commissioners, containing a true Statement of all Sums received by them, and expended or due to them, for their own Trouble and Expences respectively, shall at least once in every Year, from the passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by

by the Auditor for the Time being, and the Balance by him ſtated in their Books of Accounts, to be kept in the Office of the ſaid Commiſſioners or their Clerks; and no Charge or Item in the ſaid Account ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be allowed by the ſaid Auditor.

Award to be depoſited.

XXXVIII. And be it enacted, That the Award to be made by the ſaid Commiſſioners, when enrolled in Manner as directed by the ſaid recited Act, ſhall, together with a Map or Plan thereunto annexed, be depoſited in the Pariſh Church aforeſaid, in a ſtrong Box or Cheſt, to be provided for that Purpoſe, and there to be kept with the Pariſh Regiſters.

Perſons aggrieved may appeal to the Quarter Seſſions.

XXXIX. And be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Thing done in purſuance of this Act, or the ſaid recited Act, (except in ſuch Caſes where the Orders and Determinations of the ſaid Commiſſioners are, by the ſaid recited Act or this Act, directed to be final, and except in ſuch Caſes as are hereby directed or authorized to be tried, ſettled, and determined by an Iſſue at Law as herein-before mentioned), he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace, which ſhall be held for the ſaid County of *Eſſex* aforeſaid, within Six Calendar Months next after ſuch Cauſe of Appeal ſhall have ariſen, on giving to the ſaid Commiſſioners, or one of them, and to the Party or Parties concerned, Ten Days Notice in Writing of ſuch Appeal and of the Matter thereof, and the Juſtices at the ſaid Quarter Seſſions, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Orders therein, and award ſuch Coſts, as to them ſhall ſeem reaſonable, and by their Warrant to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties ordered to pay the ſame, rendering the Overplus (if any) to the Owner or Owners, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale, which 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, in any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

General Saving.

XL. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and all and every other Perſon or Perſons, Bodies Politic and Corporate, his, her, and their Heirs and Succeſſors, Executors, Adminiſtrators, and Aſſigns, other than and except the ſeveral Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act in reſpect of the Intereſt or Property for which ſuch Allotment ſhall be made, and except ſuch other Rights and Intereſts as the Intent and Purpoſe of the Incloſure hereby authorized ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed by this Act, all ſuch Eſtates, Rights, and Intereſts as they, every, or any of them had or enjoyed, of, in, to, or in reſpect of the ſaid Commons, Waſtes, and other Commonable Lands hereby directed to be divided and incloſed before the paſſing of this Act, or could or might have had or enjoyed, if this Act had not been made.

Evidence Clauſe.

XLI. And be it 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 that 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.