



ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 143.

An Act for dividing and inclosing the Open and Common Fields, Common Marshes, and Lammas Grounds, Chase Allotment, and other Commonable and Waste Lands, within the Parish of *Enfield*, in the County of *Middlesex*. [2d July 1801.]

WHEREAS there are within the Parish of *Enfield*, in the County ^{preamble.} of *Middlesex*, several Open and Common Fields, Common Marshes, and other Commonable and Waste Lands, containing together, by Estimation, Three thousand five hundred and forty Acres, or thereabouts: And whereas by an Act passed in the Seventeenth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for dividing the Chase of Enfield, in the County of Middlesex, and for other Purposes therein mentioned*; it was amongst other Things enacted, that a certain Portion of Land, therein particularly mentioned and described, containing One thousand seven hundred and thirty-two Acres, ~~Two~~ Roods, and Six Poles, and the Incroachments, Timber Trees, and other Trees, Tellers, and Sapplings thereon (except as therein mentioned) should, from and after the passing the said Act, become and from thenceforth be vested in the Churchwardens of the said Parish of *Enfield* for the Time being, and their Successors, in Trust for the sole Benefit of the Owners and Proprietors

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of Freehold and Copyhold Messuages, Lands, and Tenements, within the Parish of *Enfield*, their Heirs and Assigns, and their Lessees, Tenants, and Under-tenants for the Time being, entitled to a Right of Common or other Rights within the said Chase, according to their several Estates and Interests therein (of which Quantity Two hundred Acres have been since sold or leased, and are Tythe-free): And whereas the King's most Excellent Majesty, in Right of his Duchy of *Lancaster*, is seized to him, his Heirs and Successors, of, in, and to the Manor and Manorial Rights of *Enfield*, in the said County, whereof the said *Enfield* Allotment is Part and Parcel, and whereof Sir *Richard Gamon* Baronet, and *James Henry Leigh* Esquire, Committers of the most Noble *Anna Eliza* Duchess Dowager of *Chandos*, are Lessees; and the Master, Fellows, and Scholars of *Trinity College*, within the Town and University of *Cambridge*, of King *Henry* the Eighth's Foundation, are Lords of the Manor of the Rectory of *Enfield*; whereof Sir *John Eden* and Sir *Lawrence Park* Baronets, as Nominees for the Right Honourable *Wilmot* Earl of *Lisburne*, a Lunatick, are Lessees; and *Rawson Hart Boddam* Esquire is Lord of the Manor of *Capels* and *Honey Lands*; and *James Meyer* Esquire is Lord of the Manor of *Worcesters*; and *Newel Connop* Esquire is Lord of the Manor of *Durants* and *Gartons*; and *Elizabeth Stratboff* Widow is Lady of the Manor of *Gold Beaters*; all which last mentioned Manors are within the said Parish of *Enfield*: And whereas the said Master, Fellows, and Scholars of *Trinity College* are ImproPRIATORS of and entitled to the Great Tythes arising within the said Parish of *Enfield*, and also to certain Glebe Lands there, and also Patrons of the Vicarage of *Enfield* aforesaid; and *Harry Porter* Clerk is Vicar of the said Vicarage, and entitled to all Vicarial Tythes and Dues arising within the said Parish, and also to certain Glebe Lands there; and the said Sir *John Eden* and Sir *Lawrence Park*, as Nominees as aforesaid, are Lessees under the said College of the said Great Tythes and Glebe Lands: And whereas the said *Wilmot* Earl of *Lisburne*, Sir *George William Prescott* Baronet, *William Mellish*, and the said *Rawson Hart Boddam*, *James Meyer*, *Newel Connop*, Esquires, and divers other Persons, are Owners and Proprietors of the said Common Fields, Common Marshes, Lammas Grounds, Chase Allotment, and other Commonable and Waste Lands, and of Freehold and Copyhold Messuages, Cottages, Homesteads, and Tenements, within the said Parish: And whereas the said Lands in the said Common Fields, and Common Marshes, and Lammas Grounds, lie so dispersed and intermixed, that the same cannot be commodiously and advantageously occupied; and the same, as also the said Open or Waste Land, called *The Enfield Allotment*, and the said other Commonable and Waste Lands, are capable of great Improvement by an Inclosure; and it would be for the Advantage of all Persons interested therein, if the same were divided and allotted to and amongst the several Persons interested therein, according to their respective Rights of Common, and other Interests, and such Allotments 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 present Parliament assembled, and by the Authority of the same, That *Francis Wisshaw*, of *Thaieves Inn, Holborn*, in the County of *Middlesex*, *William Young* the Elder, of *Chancery Lane*, in the said County, and

Commissioners.

William Young his Son, and *Henry Crawler*, of *Cheeshunt*, in the County of *Hertford*, Gentlemen, and their Successors, to be elected in the Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing and inclosing the said Common Fields, Common Marshes, Lammes Grounds, Chale Allotment, and other Commonable and Waste Lands, within the said Parish of *Enfield*, and for putting this Act into Execution, in the Manner and subject to the Rules, Orders, Directions, and Exceptions herein-after mentioned.

II. And be it further enacted, That all Matters and Things by this Act authorized or directed to be done by the said Commissioners may be done and executed by any Two of them, and shall be as valid and effectual, to all Intents and Purposes, as if the same were done by all the said Commissioners; provided that all Matters and Things done by the said *William Young* the Elder and *William Young* his Son, shall only be considered as the Act of One Commissioner, and that the said *William Young* shall only act as a Commissioner in the Execution of this Act in the Absence of his said Father, when he shall not be present at any of the said Meetings.

Power vested
in Two Com-
missioners.

III. And be it further enacted, That if any of the Commissioners hereby nominated and appointed, or any succeeding Commissioners who may hereafter be nominated and appointed in the Manner herein-after mentioned, shall die, neglect, or refuse to act, for the Space of Three Calendar Months, when Occasion shall require their Attendance on the Business of the said Division and Inclosure, or shall refuse to act, or be rendered incapable of acting by Sickness, or any other Cause whatsoever, before the Powers and Authorities hereby vested in them shall be carried into Execution, a new Commissioner shall and may be nominated and appointed in the Place of every Commissioner so dying, or neglecting, refusing, or becoming incapable to act as aforesaid, in the Manner following; (that is to say), in case the said *Francis Wisbaw*, or any Commissioner to be appointed in his Stead, shall die, or neglect or refuse, or become incapable to act as aforesaid, it shall be lawful for the King's most Excellent Majesty, as Lord of the said Manor of *Enfield*, by Himself, or by His Chancellor of His Duchy of *Lancaster*, or his Deputy, or by the Clerk of the Council of the said Duchy, by any Writing under his Hand, or the Hand of the said Clerk, from Time to Time, within Two Calendar Months next after such Death, Neglect, Refusal, or Incapacity as aforesaid, shall happen, to nominate and appoint One other Person, not interested in the said Inclosure, to be a Commissioner in the Place of such Commissioner who shall so die, neglect, or refuse, or become incapable to act; and in case the said *William Young* the Elder, or any Commissioner to be appointed in his Stead, and in the Stead of his said Son, whose Power in that Case shall cease and determine, shall die, refuse to act, or be incapable of acting as a Commissioner in pursuance of this Act, or without some sufficient Cause to be approved by the said Master and Eight resident Senior Fellows of *Trinity College* aforesaid, shall neglect to attend by himself or the said *William Young* his Son, any Meetings of the said Commissioners for putting this Act into Execution, then and in such Case a new Commissioner, not interested in the said Inclosure, shall be appointed by the said Master, Fellows, and Scholars of *Trinity College*,

How new
Commission-
ers shall be
chosen.

College, by Writing or Writings under the Hands of the said Master and Eight of the said Senior Fellows then resident, and under the private Seal of the said College used upon such Occasions, within One Calendar Month after Notice in Writing to them thereof given by the surviving or remaining Commissioners or Commissioner, or by any Proprietor or Proprietors of Estates interested in carrying into Effect the said Division and Inclosure; and in case the said *Henry Crawler*, or any Commissioner to be appointed in his Stead, shall die, or neglect or refuse to act, or be incapable of acting as a Commissioner in pursuance of this Act, then and in such Case it shall be lawful for the Majority in Value of the Proprietors or Persons interested in the said Lands and Grounds, hereby directed to be divided and inclosed as aforesaid (other than and except the Lord of the said Manor of *Enfield*, the said Master, Fellows, and Scholars of *Trinity College*, and the said Vicar of the said Parish of *Enfield* for the Time being respectively), who either personally or by their respective Agents, shall be present at a Meeting to be holden for that Purpose, as herein-after is directed, by Writing under their respective Hands, to appoint One other Person (not interested in the said intended Inclosure) to be a Commissioner in the Place of such Commissioner who shall so die, neglect, refuse, or become incapable to act; which Meeting shall be holden at *Enfield* aforesaid, within Two Calendar Months after such Death, Neglect, Refusal, or Disability as last aforesaid, shall be signified in Writing by the surviving or remaining Commissioners or Commissioner, to any One or more of the said Proprietors resident in or near *Enfield* aforesaid, at such Time as such last mentioned Proprietor or Proprietors shall appoint, by a Notice in Writing to be fixed on the principal Door of the Church of *Enfield* aforesaid, upon a *Sunday*, before Divine Service, and to be inserted in some Newspaper usually circulated in that Part of the Country, Fourteen Days at least before such intended Meeting, and which Meetings they are hereby authorized and empowered to appoint accordingly; and in case any Vacancy shall afterwards happen by the Death, Neglect, Refusal, or Disability of any of the Commissioners who shall be elected and appointed in pursuance of this Act, such Vacancy shall be supplied from Time to Time, upon the like Notice, in the like Manner, and by the respective Persons in whom the Power of Appointment of a new Commissioner is vested and lodged as aforesaid; to the Intent and Purpose that until the Provisions of this Act shall be fully executed, there shall be One Commissioner of the Nomination of each of the aforesaid Parties; but in case the respective Parties, or any of them, shall at any Time make Default in appointing any such new Commissioner within the Time and in the Manner herein-before limited, the surviving or remaining Commissioners or Commissioner shall and may, and they and he are and is hereby empowered, by Writing under their or his Hands or Hand, within One Calendar Month after the Expiration of the Time allowed to the said respective Parties for naming and appointing such new Commissioners or Commissioner by them respectively as aforesaid, or as soon afterwards as conveniently may be, at any Meeting to be held in pursuance of this Act, to appoint One other Commissioner (not interested in the said intended Inclosure) in the Room and Stead of every such Commissioner so dying, neglecting or refusing to act, or being incapable to act; and every such new Commissioner, so to be appointed as aforesaid respectively, shall have the like Powers and Authorities in the Execution of this Act as if he had been named and appointed

appointed a Commissioner herein; and that such several Writings appointing such new Commissioners or Commissioner shall be inrolled in like Manner as the Award herein-after mentioned is directed to be inrolled.

IV. And be it further enacted, That *Thomas Bainbridge* of *Guildford Street* in the County of *Middlesex*, Surveyor, shall be and he is hereby appointed the Surveyor for the Purposes of this Act; and in case of his Death or Neglect, Refusal or Incapacity to act, and from Time to Time as often as there shall be Occasion, the said Commissioners may, by Writing under their Hands, nominate and appoint some other Person to be the Surveyor for the Purposes of this Act, in the Place or Stead of the said Surveyor who shall so die or neglect, refuse or become incapable to act as aforesaid.

Surveyor.

V. And be it further enacted, That *John Jessop* and *Henry Sawyer* Gentlemen, shall be and act as Clerk to the Commissioners herein-before named and appointed, but they shall not receive or be entitled to receive any greater Perquisites or Fees for their Attendance and Trouble as such Clerk than if One only of them was hereby appointed.

Clerks to the Commissioners.

VI. And be it further enacted, That no Person shall act as a Commissioner in the Execution of any of the Powers hereby given except the Power of giving Notice of the First Meeting of the Commissioners, and of administering the Oath herein-after directed, until he shall have taken and subscribed the Oath following; (that is to say),

Oaths to be taken by the Commissioners.

‘ I Do swear, That I will faithfully and honestly, to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act for dividing and inclosing the Open and Common Fields, Common Marshes, and Lammas Grounds, Chase Allotment, and other Commonable and Waste Lands, within the Parish of *Enfield*, in the County of *Middlesex*, 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 any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the said Commissioners; and that the said Oath so to be taken and subscribed by each Commissioner, shall be annexed to the Award of the said Commissioners herein-after directed to be made, and a Copy thereof shall be admitted as Evidence in like Manner as a Copy of the said Award is herein-after directed to be admitted.

VII. And be it further enacted, That the said Commissioners shall cause Notice in Writing under their Hands, to be affixed upon the principal Door of the Parish Church of *Enfield* 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 are hereby authorized and required to adjourn from Time to Time; and if at any Meeting by Adjournment or otherwise, only One Commissioner shall attend, such Commissioner shall and may adjourn such Meeting to

Notice of Meetings.

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a future Day not exceeding Twenty-one Days from such Adjournment, giving Notice thereof to the other Commissioners, and so from Time to Time.

Allowance to the Commissioners, Surveyors, and Clerks.

VIII. And be it further 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 Commissioners, Surveyor, and Clerk to the said Commissioners, as a Récompence for their Pains and Trouble, the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for each Day he shall be attending in the Execution of this Act, and in travelling to and from such Meetings; and that at all their Meetings the said Commissioners, Surveyor, and Clerk, shall defray their own Expences (except the Money they shall pay to Servants, and the Room or Rooms wherein such Meetings shall be held); and the said *William Young* the Elder and *William Young* his Son, shall be considered as One Commissioner only, and shall be paid accordingly.

Survey to be made.

IX. And, for the more just and regular Division and Distribution of the said Lands and Grounds, and for the better ascertaining the same, be it further enacted, That a Survey, Admeasurement, and Plan shall be made of the said Common Fields, Common Marshes, Lammas Grounds, Chase Allotment, Commons, and Waste Lands, and old Inclosures, within the Parish of *Enfield* aforesaid, or of such Part thereof as the said Commissioners shall deem necessary, as soon as conveniently may be, by the said *Thomas Bainbridge*, or such other Surveyor or Surveyors as the said Commissioners shall appoint, on his becoming incapable or neglecting or refusing to act; which Survey or Admeasurement shall be reduced into Writing, and the Number of Acres and Decimal Parts of an Acre in Statute Measure, belonging to each Proprietor, shall be set forth and ascertained therein; and the said Survey shall be laid before the said Commissioners at some or One of their Meetings to be held in pursuance of this Act, and shall be verified by the Oath of the Surveyor or Surveyors who made the same, which Oath the said Commissioners, or any One of them, are or is hereby authorized and required to administer.

Old Plans and Surveys may be used.

X. And, for saving all unnecessary Expence and Delay in the Execution of this Act, be it further enacted, That it shall and may be lawful to and for any Person or Persons, having in his or their Custody or Possession any actual Surveys, Maps, or Plans of any Lands or Grounds within the said Parish, or any of them, to deliver such Surveys, Maps, and Plans, unto the said Commissioners, at such Time or Times as the said Commissioners shall appoint for that Purpose, and that the said Commissioners shall thereupon enquire, by the Oath as well of the Person or Persons delivering such Surveys, Maps, or Plans respectively, as of such other Person or Persons as they shall think fit (which Oaths they are hereby authorized to administer upon the Holy Evangelists) as to the Authenticity and Accuracy of every such Surveys, Maps, and Plans; and in all Cases where the said Commissioners shall be satisfied that such Surveys, Maps, and Plans are authentick, and have been accurately made, and will answer the Purpose of a new Survey (but not otherwise) they the said Commissioners shall deliver the same over to the said Surveyors, with Directions for them to insert and copy the same into the aforesaid Survey of the said Parish,

rish, instead of making a new Admeasurement and Plan of the Lands and Grounds so comprized and described in the Maps and Plans aforesaid; and that the said Commissioners, out of the Monies to be raised by virtue of this Act, shall make Satisfaction to the Parties called before them for their Trouble and Attendance with the same, as well as for the Copies that shall be made thereof: Provided always, in case such Person or Persons, having the Possession of any such Surveys, Maps, or Plans, shall refuse or neglect to produce the same, at such Time or Times as the said Commissioners shall for that Purpose appoint, then such Surveys, Maps, or Plans, shall not at any Time thereafter be received or admitted by the said Commissioners.

XI. And be it further enacted, That the said Commissioners and Surveyor or Surveyors appointed or to be appointed under or by virtue of this Act, together with their Assistants, Servants, and Persons employed by them at any Time for the Purposes and in the Execution of this Act, may, and they are hereby empowered and invested with full Power and Authority, at any Time or Times whatsoever, to enter into, view, examine, survey, and admeasure the said Common Fields, Common Marshes, Lammas Grounds, Chase Allotment, and Waste Lands, and the old Inclosures within the said Parish of *Enfield*, without any Hindrance, Molestation, or Suit whatsoever.

Power to enter Lands.

XII. And be it further enacted, That the said Commissioners shall, as soon as conveniently may be, cause Notice in Writing to be affixed on the principal Door of the Church of the said Parish of *Enfield*, 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 be at least Ten Days from the Time of giving such 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 Common Fields, Common Marshes, Lammas Grounds, Chase Allotment, Common and Waste Lands, shall and they are hereby required, (by themselves or their Agents, to deliver in their respective Claims in Writing under their Hands, or the Hands of their Agents, distinguishing in such Claims the Tenure of the Estates in respect whereof such Claims are made, and stating therein the Number of Messuages or Cottages, and Quantity of Land by Estimation, in respect whereof they claim Right of Common, and the Quantity by Estimation of Common Field and Common Marsh Land, and such farther Particulars as shall be necessary to describe such Claims with Precision; and that no such Claims shall be received by the said Commissioners after the Meeting which in the Notice thereof shall be expressed to be the last Meeting for receiving Claims (except for some Special Cause to be allowed by the said Commissioners); and after the said Claims shall be so received, and an Abstract thereof left for the Inspection of the Proprietors and Persons interested, of which and of the Time when and Place where such Abstract shall be left, the like Notice shall be given as is herein-before directed with regard to Notice of Meetings to receive the Claims, the said Commissioners shall give the like Notice of the Day or Days by them appointed 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

Meetings for receiving Claims.

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red to, or any Doubts or Difficulties arise respecting such Claims, or if any Disputes or Differences shall happen between any Proprietors of Estates, touching their respective Rights or Claims, the said Commissioners shall, and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any One of them, are or is hereby required to administer) and by such other Evidence as they shall think proper, to hear and determine the same, and their Determination shall be binding, final, and conclusive upon all Parties.

Commissioners not to determine upon Titles.

XIII. Provided also, That nothing herein contained shall authorize the said Commissioners to hear and determine any Difference or Dispute which may arise touching the Title to any Messuage, Cottage, Lands, Tenements, or Hereditaments, but that with respect to such Title the Parties may commence and prosecute such Suits or Remedies at Law or in Equity as they shall be advised or think proper.

Disputes about Titles not to impede the Inclosure.

XIV. Provided also, That no such Difference or Dispute touching the Title to any Messuage, Cottage, Lands, Tenements, or Hereditaments, shall impede or delay the Commissioners in the Execution of the Powers vested in them by this Act, but they shall assign and set out the several Allotments herein after directed unto the Person or Persons who, at the Time of the said Division and Inclosure, shall have the actual Seisin and Possession of the Messuages, Cottages, Lands, Tenements or Hereditaments, in lieu or in Right whereof such Allotment shall be respectively made, and the Division and Inclosure intended by this Act shall in all Respects be proceeded in notwithstanding any such Differences and Disputes.

Commissioners may summon Witnesses.

XV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time as they shall see Occasion, by any Writing under their Hands, to summon and require any Person or Persons to appear before them at a Day, Time, and Place in such Writing to be named, then and there upon Oath (which Oath the said Commissioners or any One of them are or is hereby authorized and directed to administer) to testify the Truth touching any Matter in Difference between the said Proprietors or Persons claiming to be interested, or concerning any Matter or Thing relating to the Premises, wherein any Doubt or Difficulty shall occur to the said Commissioners, and to cause a true Copy to be served upon such Person required to testify, or left at his or her last or usual Place of Abode; and every such Person so summoned, who shall not appear before the said Commissioners pursuant to such Summons (except for some sufficient Excuse) or if appearing he or she shall refuse to be sworn or examined (the reasonable Charges of his or her Attendance being settled by the said Commissioners, and then paid or tendered) and being thereof convicted before any One of His Majesty's Justices of the Peace for the said County of *Middlesex*, upon Information thereof on Oath before any such Justice (who is hereby authorized and required to hear and determine every such Complaint or Information) shall forfeit and pay such Sum of Money not exceeding Ten Pounds, as such Justice shall think reasonable, to be levied by Warrant of such Justice, by Distress and Sale of the Goods and Chattels of the Person so convicted, rendering the Overplus (if any) to such Person, after deducting the Costs and Charges

Charges attending such Distress and Sale; and the Penalties so levied shall be paid to such Persons, or applied in such Manner as the said Justice shall direct.

XVI. And be it further enacted, That the said Commissioners may, as soon as conveniently may be after the passing of this Act, by some Writing or Writings under their Hands, to be affixed on the principal Door of the Parish Church of *Enfield* aforesaid, order and direct the Course of Husbandry that shall be used in, over, and upon the said Lands and Grounds intended by this Act to be divided, allotted, and inclosed, from the Time of such Notice or other Time to be therein specified, until the Time when they shall have made and completed the said intended Division and Allotments, as well with respect to the laying down, plowing, sowing, fallowing, and tilling thereof, as for the stocking and feeding the Fallows and Stubbles; and also shall and may, at any Time hereafter when in their Judgement they shall think necessary, by Notice for that Purpose under their Hands to be affixed on the principal Door of the Parish Church of *Enfield* aforesaid, suspend or totally extinguish all or any Parts of the Rights of Common, and all other Rights and Interests, in, upon, and over the said Lands and Grounds; and from and after such Notice given, all such Rights in, upon, and over such Lands and Grounds as by such Notice or Notices shall be directed or declared to be suspended or extinguished, shall cease and be utterly extinguished, or otherwise be suspended for such Time as the said Commissioners shall in and by such Notice order and direct; and if after such Suspension or Extinguishment of such Common Right, any of the Proprietors or Occupiers shall permit his, her, or their Horses, Beasts, Cattle, Sheep, Lambs, or Swine, to go, depasture, or feed on any of the Lands or Grounds so exonerated from Common Rights, then it shall be lawful for any of the said Proprietors or Occupiers to distrain such Horses, Beasts, Cattle, Sheep, Lambs, or Swine, being upon such Lands or Grounds contrary to such Order, and to impound the same until the Person or Persons offending shall pay to the Person or Persons so distraining the same any Sum not exceeding Forty Shillings nor less than Five Shillings, for every such Horse, Beast, Sheep, Lamb, or Swine so distrained; and in case the same shall not be paid before the next Meeting of the said Commissioners after such impounding, then the said Commissioners are hereby authorized and empowered, upon Proof of such Offence or Offences having been committed, and Non-payment of the Penalty hereby imposed, to cause the Cattle so distrained; or such Part thereof as shall be necessary, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress and Sale, rendering the Overplus (if any) to the Owner of such Cattle, Goods, or Chattels, so taken in Distress as aforesaid.

Commissioners may direct the Course of Husbandry:

may abolish Common Rights before allotting.

XVII. And be it further enacted, That the said Commissioners shall and may, by some Writing or Writings under their Hands, ascertain, order, and appoint what Recompence and Satisfaction in Money shall be made to the Owner or Owners of any Crops growing on any Part of the said Open and Common Fields, Meadows, and Marshes at the Time of making the said intended Division and Allotment for the said Crops, by the Person or Persons to whom the Lands on which such Crops are

Commissioners may make Satisfaction for Crops.

growing shall be allotted, unless such Owner or Owners shall, within the Time to be appointed by Writing under the Hands of the said Commissioners for that Purpose, declare his, her, or their Intention to reap and take away the same, and shall have Permission from the said Commissioners to take away the same; and in case of Non-payment of such Recompence and Satisfaction in Money for such Crops, at the Time and in the Manner to be appointed by the said Commissioners for that Purpose, or in case of such Election to reap and take away the same, then it shall be lawful for such Owner of such Crops, and his, her, and their Servants, Workmen, or Agents, to enter into and upon the Lands and Grounds whereon such Crops shall be growing, and to cut, reap, and carry away the said Crops, and to dispose thereof to hi, her, and their own Use; and also that the said Commissioners shall, by some Writing or Writings under their Hands, ascertain, order, and appoint what Recompence and Satisfaction shall be paid, and to whom, for the Standage of Crops, by such Owner or Owners electing, and having Permission from the said Commissioners to take away the same, as aforesaid, and also what Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Land within the said Parish of *Enfield*, as well for plowing, tilling, and manuring of any Lands or Grounds which shall be allotted to some other Person or Persons for the Profit and Advantage which any Person or Persons to whom the said Grounds shall be allotted, will obtain thereby, as for any Loss or Damage which any such Tenant or Tenants, Occupier or Occupiers, shall or may sustain by Means of the said Division and Inclosure; and if in either or any of the said Cases last mentioned, such Recompence and Satisfaction shall not be made at the Time and in the Manner to be appointed by the said Commissioners, then the said Commissioners shall and may, by any Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever (which Warrant or Warrants, they are hereby authorized and empowered to grant accordingly) cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Satisfaction and Recompence as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels.

Roads to be
set out.

XVIII. And be it further enacted, That the said Commissioners shall, as soon after the passing of this Act as they shall think proper, and before they proceed to make any of the Allotments herein-after directed, appoint and ascertain all such publick Carriage Roads and Highways over the Lands and Grounds hereby intended to be divided, and inclosed as they shall judge necessary; and all such publick Carriage Roads shall be and remain Forty Feet wide at the least between the Ditches and Fences on the Side thereof, except where the Fences are already made, and shall thereupon, by Writing under their Hands, to be affixed upon the Door of the said Church of *Enfield*, appoint a Day (which shall be at least Twenty-one Days from the Time of giving such Notice) for receiving any Objections that may be made to the Disposition of the said Roads, or against the Omission of any other Road, and shall then hear and determine the same; and their Determination shall be final and conclusive to all Parties.

XIX. And,

XIX. And, for the better enabling the said Commissioners to accommodate and supply any of the new Allotments of the said Proprietors with Water, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to direct, order, and award any Streams of Water, Springs, and Watercourses within the said Parish of *Enfield*, to be carried and conveyed in such Courses, and through such Lands and Grounds, Parcels of the said Lands hereby intended to be inclosed and divided, as they in their Discretion shall think necessary and proper for the Purposes aforesaid, so as not to prejudice the Owner of any Mill, or any other Person or Persons entitled to the Benefit of any such Stream of Water, Spring, or Watercourse. Watercourses may be returned.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, appoint, and allot a proper Quantity or Quantities, Parcel or Parcels of Land or Ground, Part of the Lands and Grounds hereby intended to be divided and allotted, not exceeding Ten Acres, for the Purpose of publick Watering Places for Cattle, and for getting Stone, Gravel, and Sand, for making and repairing the publick Roads and Ways within the said Parish; and for erecting a Pound for the Use of the said Parish, and providing a stray Field, which Lands shall be fenced in such Manner, and the Herbage thereof shall belong to such Person or Persons, as the said Commissioners shall by their said Award order and direct. Allotment for Quarries.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby required, by Writing under their Hands, to appoint some proper Person to be Surveyor of the said Carriage Roads and Highways, and such Surveyor shall cause the same to be formed and put into good and sufficient Repair, and shall be allowed such Salary and Reward for his Pains and Trouble therein as the said Commissioners shall by Writing under their Hands direct and appoint; which said Salary or Reward, and also the Expences (over and above a proportionable Part of the usual Statute Duty) of forming the said Roads, and making the same fit for the Passage of Travellers and Carriages, and of keeping the same so until the same shall be certified so to be by the Surveyor, as herein-after mentioned, shall be borne and paid out of the Monies to be raised by Sale of Land as is herein-after mentioned, and the Inhabitants of the said Parish (not being Owners or Proprietors of Lands or Grounds hereby intended to be divided and inclosed) shall not be burthened or charged with the Charges or Expences of first forming, making, or putting into Repair such Roads (other than the Statute Duty of the said Parish) until the said Roads shall be by the same Surveyor certified as herein-after expressed; and when the said Roads shall be fit for the Passage of Travellers and Carriages, the said Surveyor is hereby required, in Writing under his Hand, to certify the same to be so to the Justices of the Peace for the said County of *Middlesex*, at their General Quarter Sessions to be held in and for the said County, after the said Roads shall be put into such State of Repair as aforesaid, and which shall be within the Space of Two Years after the Execution of the Award herein-after mentioned, unless sufficient Reason be given to the Satisfaction of the said Justices, that further Time is necessary for that Purpose, in which Case the said Justices may and they are hereby empowered to allow such further Time for delivering in the said Certificate as they shall think proper, not exceeding Appointment of a Road Surveyor.

Setting out
private Roads
and Foot-
paths, &c.

exceeding One Year; and if the said Surveyor shall neglect or refuse to deliver such Certificate within the Time before limited, such Surveyor shall forfeit and pay any Sum, not exceeding Twenty Pounds, nor less than Ten Pounds, which said Forfeiture shall be levied and recovered as herein after mentioned, and applied to the General Purposes of this Act; and after such Certificate shall have been delivered to the said Justices by the said Surveyor, and shall have been by them allowed and confirmed, the said Roads shall from Time to Time be supported and kept in Repair in the same Manner as the other publick Roads within the said Parish of *Enfield* are by Law to be amended and kept in Repair; and the said Commissioners shall and they are hereby empowered and required to set out and appoint; and cause to be made, erected, and completed, such publick Bridle Roads and Footpaths, and private Carriage Roads and Ways, and also such Banks, Ditches, Drains, Watercourses, Bridges, Stiles, and other Conveniencies, in, over, and upon the Lands and Grounds hereby intended to be divided and inclosed, as they shall think requisite; and the same shall be made and erected, and at all Times thereafter repaired, cleaned, maintained and kept in Repair by such Persons and in such Manner as the said Commissioners shall direct and appoint; and that after the several publick and private Roads and Ways shall have been set out and made as herein before mentioned, it shall not be lawful for any Person to use any other Roads or Ways, either publick or private, over or upon the said Lands and Grounds.

Roads to be
fenced.

XXII. And be it further enacted, That such publick Carriage Roads so set out and appointed through and over the Lands and Grounds hereby intended to be divided and inclosed, shall be inclosed and fenced on each Side from the Land adjoining; and that it shall not be lawful for any Person to erect any Gate across any of the said Roads, or to plant any Trees in the Fences, on either Side thereof, nearer to each other than within the Distance of Fifty Yards.

Roads not to
be depastured
for Ten Year.

XXIII. And be it further enacted. That no Person or Persons whomsoever shall permit any Sort of Cattle, Beast, Sheep, Lambs, or Swine, to graze in any of the Highways, Lanes, or Passages, which the said Commissioners shall order or direct to be laned off, or fenced on both Sides, for the Space of Ten Years next after the signing of the Award of the said Commissioners herein after mentioned, under a Penalty of not more than Forty Shillings nor less than Ten Shillings for every Horse, Beast, Sheep, Lamb, or Swine, found grazing thereon, to be paid to the Person or Persons who shall take and impound the same (which any Person or Persons whomsoever is hereby authorized and empowered to do) which said Penalty shall, if not paid on Demand thereof being made of the Owner of any such Horse, Beast, Sheep, Lamb, or Swine, be recovered by Application and Complaint to any Justice of the Peace for the said County of *Middlesex*, not interested in the said Lands and Grounds, who is hereby authorized and required to summon the Parties concerned, and examine into the Facts by one or more Witnesses, or Witnesses on Oath (which Oath the said Justices are hereby empowered and required to administer); and after such Summons and Examination, shall and may, if he sees just Cause, order the said Penalty to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons to whom such Horse

Beast

Beast, Sheep, Lamb, or Swine, shall belong, rendering the Overplus (if any) to the Owner and Owners of such Goods and Chattels, after deducting the Costs of such Summons, Warrant, Distress, and Sale.

XXIV. And be it further enacted, That if, upon setting out the Roads and Footways as before mentioned, it shall appear to the said Commissioners that any ancient Footway or Path, in, through, or over any of the ancient inclosed Grounds in the said Parish of *Enfield*, shall by reason of the intended Division and Inclosure have become unnecessary or inconvenient, but not otherwise, it shall be lawful for the said Commissioners, and they are hereby required and authorized to stop up or turn such ancient Footpath, but no such Footpath shall be turned into any other ancient inclosed Ground, without the Consent in Writing of the Owner or Owners of such Ground; and if it shall appear to the said Commissioners that any Compensation ought to be made by the Owner of any such ancient inclosed Grounds, for whose Accommodation any Path may be stopped up or turned as aforesaid, it shall be lawful for the said Commissioners to ascertain and receive the same, and apply it towards the general Purposes and Expences of this Act; and if the Person or Persons directed to pay such Sum of Money shall make Default in Payment thereof at the Time to be for that Purpose appointed by the said Commissioners, it shall be lawful for them the said Commissioners, by any Warrant or Warrants under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any) after deducting the Expences of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and the said Commissioners are hereby directed to set forth in their Award herein-after mentioned, a Description of such Footpath so stopped up or turned; and that, from and after the Execution of the said Award, or at such earlier Time as the said Commissioners shall direct, such Footpath shall be, and is hereby declared to be discontinued, and from thenceforth it shall not be lawful for any Person or Persons to make Use of the same or any Part thereof as such Footpath.

Power to turn Footpaths.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, assign, and award, unto and for the King's most Excellent Majesty, Lord of the said Manor of *Enfield*, and His Lessees as aforesaid, and also unto the Master and Fellows of *Trinity College*, and unto the said *Rawson Hart Boddam*, *James Meyer*, and *Newel Connop*, Esquires, and *Elizabeth Strothoff* respectively, as Lords and Lady of the said Manors within the said Parish of *Enfield*, One Eighteenth Part of the said Waste Lands, except the said Chase Allotment, as a full Compensation and Satisfaction of and in lieu of their respective Rights to the said Soil, and other Manerial Rights and Interest of the King's most Excellent Majesty, and the said Master and Fellows of *Trinity College*, and the said *Rawson Hart Boddam*, *James Meyer*, *Newell Connop*, and *Elizabeth Strothoff*, as Lords and Lady of the said Manors, in and to the Soil of the said Commons and Waste Lands; which Allotment shall thereupon by the said Commissioners be divided between the King's most Excellent Majesty, and his Lessees as aforesaid, and the said other Lords and Lady, in Proportion to their several and respective Rights and Interests in the said Soil of the said Waste Lands, within their respective Manors.

Allotments to Lords of the Manors.

[Loc. & Per.]

31 G.

XXVI. And

Allotment to
the Occupiers
of the Messua-
ges for the
Poor.

XXVI. And be it further enacted, That the said Commissioners shall set out and allot unto the Vicar, Churchwardens, and Overseers of the Poor of *Enfield* for the Time being respectively, to be held by them and their Successors for ever, such Parts and Parcels of the said Chase called *The Enfield Allotment*, as is called or known by the Name of *Enfield Chase Green*, not exceeding in the Whole Twenty Acres, exclusive of all Roads and Ways in and over the same, as the said Commissioners shall think proper, to be inclosed in such Manner as the said Commissioners by their said Award shall direct and appoint; and when and as soon as the said Allotment or Allotments shall be assigned, set out, allotted, and inclosed as aforesaid, the said Vicar, and Churchwardens and Overseers for the Time being, and their Successors, shall from Time to Time stand seised thereof, with the Majority of Freeholders and Copyholders in Vestry assembled; which Vestry shall be called in the usual Manner, and under the same Regulations as the Chase Vestries are by Law directed to be held in the said Parish, and they shall have the sole and exclusive Management thereof, in any Way they at such Vestry shall direct for the Use and Benefit of the Poor of the said Parish of *Enfield*.

Allotment for
Tythes.

Of the Com-
mon Fields
and Marshes.

Allotment to
the Vicar.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, after having made a Valuation of all the Lands, Tenements, Hereditaments, and Premises, whether open or inclosed, in the said Parish, and after a Deduction for Roads, and for Stone and Gravel Pits, to set out, allot, and award, unto and for the said Master, Fellows, and Scholars of *Trinity College*, as Impropropriators as aforesaid, and to the said Sir *John Eden* and Sir *Lawrence Palk* as Lessees, and to the said *Harry Porter*, as Vicar as aforesaid, and to the Vicar of the said Parish of *Enfield* for the Time being, such Plot or Plots, Piece or Parcels of Land within the said Open and Common Fields, Common Marshes, and Lammas Grounds, by this Act intended to be divided, and inclosed, as shall (Quantity, Quality, and Situation considered) in the Judgement of the said Commissioners be equal in Value to One Fifth Part of all the Arable Lands within the said Open and Common Fields, Common Marshes, and Lammas Grounds, and Two Seventeenth Parts of all the Meadow, Pasture, and Greensward Ground within the said Open and Common Fields, Common Marshes, and Lammas Grounds, which are respectively subject and liable to the Payment of Tythes in Kind to the said Impropropriators or their Lessees, and Vicar of *Enfield* aforesaid, or either of them; and out of the same Lands so to be set out in lieu of the Tythes of the said Common Fields, Common Marshes, and Lammas Grounds, the said Commissioners shall and may, and they are hereby required, to allot unto the said *Harry Porter* and his Successors, Vicars of *Enfield* as aforesaid, One Plot or Allotment of Land, containing Twenty Acres, out of the West Side of the Common Field called *Church Bury Field*, as near to the Vicarage House in *Enfield* aforesaid, as Convenience will admit, so as not to take away from the Proprietors of Houses adjoining thereto such Gardens or other Plots of Ground as may be at present annexed to the said Houses, or be allotted to the same in lieu of their Rights of Common.

Allotment for
the Tythes of
Homesteads,
Inclosures, &c.
and the Chase
Allotments.

XXVIII. And whereas there are several Homesteads, Gardens, Orchards, Homecloses, and other Inclosures in *Enfield* aforesaid, belonging to Persons who now are, or before the making the said intended Division and Allotment

Allotment may be Owners or Proprietors of, or entitled to the Lands or Grounds, or Right of Common in and upon the said Lands and Grounds hereby intended to be divided and inclosed as aforesaid, and which Homesteads and other old Inclosures are subject and liable to the Payment of Tythes in Kind; be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required to set out so much of their Allotment in *Enfield Chase*, called *The Enfield Allotment* or Allotments, and their Common Field Land, Common Marsh Lands, or Lammas Grounds, to be allotted to such Person or Persons respectively, in lieu of their former Estates and Common Rights, as shall (Quantity, Quality, and Situation considered) in the Judgement of the said Commissioners be equal in Value to One Fifth Part of all the Arable inclosed Land; and Two Seventeenth Parts of all the said Chase Allotment, and all the Residue of the said Homesteads, and old Inclosures within the said Parish of *Enfield*, which are subject and liable to the Payment of Tythes in Kind as aforesaid, except as herein-after is mentioned, with respect to Persons who have not a sufficient Share in the said Lands and Grounds, hereby intended to be divided and inclosed.

XXIX. And whereas it may happen that the Proprietors of some of the Homesteads, Gardens, Orchards, and Homecloses, being old Inclosures in *Enfield*, which are tytheable as aforesaid, may not have Lands or Property in the said Lands and Grounds hereby intended to be divided and inclosed, to contribute to the Allotments to be made in lieu of Tythes, or not sufficient to satisfy the Whole thereof; be it therefore enacted, That, in such Cases where the said Commissioners shall think fit, they shall, and they are hereby authorized and required by and out of the respective Shares of the said Open and Common Fields, Common Marshes, Lammas Grounds, Chase Allotment, and Waste Lands of any of the Proprietors, to allot so much thereof as shall (Quantity, Quality, and Situation considered) in the Judgement of the said Commissioners, make up and be a full Compensation for the Tythes of any Homesteads, Gardens, Orchards, and Homecloses, and other old inclosed Lands, for which Compensation in Lands cannot be made by the respective Owners thereof as aforesaid, to be laid out and consolidated with the Allotments for Great and Small Tythes, according to the respective Rights of the Impropiator and Vicar therein; and the Person and Persons whose Homesteads, Gardens, Orchards, and Homecloses, and other inclosed Lands, which shall be exonerated and discharged from Tythes by such Compensation in Land taken from other Persons, shall pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall appoint, such Sum or Sums of Money as they shall deem and judge to be a full Re-compence and Satisfaction for the Land so taken from other Persons as aforesaid; which Sum or Sums of Money shall be applied towards the Charges and Expences attending the obtaining and passing this Act, and of the Expence attending the Execution thereof, as far as the same will extend.

And inclosed Lands of Persons not having Property in the Open Fields, etc.

XXX. And whereas it may happen that the Proprietors of some of the Homesteads, Orchards, Closes, and ancient Inclosures within the said Parish may not have sufficient Lands in the said Open and Common Fields, Common Marshes, Lammas Grounds, Chase Allotment, and Waste Lands, to make Compensation for both the Great and Vicarial Tythes

Corn Rents in lieu of Tythes.

Tythes of such Homesteads, Orchards, Closes, and ancient Inclosures; be it therefore enacted, That in all Cases where any Proprietor of any Homestead, Orchards, Gardens, Closes, or old Inclosure, shall not have sufficient Land in the said Open and Common Fields, Common Marshes, Lammas Ground, Chase Allotment, and Waste Lands, to make Compensation for such Great and Small Tythes as aforesaid, that then and in every such Case, (except where Land shall be taken from other Proprietors as aforesaid), the said Commissioners shall and they are hereby required and empowered to ascertain how much of the said Great and Small Tythes cannot be compensated for in Land as aforesaid; and there shall be issuing and payable to the said Master and Fellows, and their Lessees, and to the said *Harry Porter* and his Successors, Vicars of the said Parish of *Enfield* for the Time being, such several Yearly Corn Rents or Sums of Money out of the respective Homesteads, Gardens, Orchards, Closes, or other ancient Inclosures belonging to such last mentioned Proprietors, as the said Commissioners shall in and by their said Award set forth and appoint; which said Rents or Sums of Money shall for ever afterwards be payable and paid to the said Master, Fellows, and Scholars, and to their Lessees, and to the said Vicar of the said Parish respectively, in such Proportions and Manner as shall be set forth in the said Award, by equal Half-yearly Payments in every Year for ever, at or upon the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, the first Payment whereof shall grow due, and be made on such of the said Days as the said Commissioners shall, in and by their said Award, or by any other Writing under their Hands, appoint, and shall be free and clear of all Manner of Parochial Taxes whatsoever now imposed; and the said *William Young* the Elder, or the Commissioner for the Time being, appointed by and on Behalf of the said Master, Fellows, and Scholars, and the said Vicar of *Enfield*, is hereby required to ascertain what Part of the said Corn Rents or Money Payments in lieu of Tythes, and what Part of the said Allotment or Allotments shall, with the said Twenty Acres hereinbefore directed to be allotted to the said *Harry Porter* and his Successors, Vicars as aforesaid, in his Judgement, be a fair and equitable Compensation for all the Vicarial Tythes and other Payments in lieu of Tythes arising and payable within the same Parish of *Enfield* to the said Vicar of *Enfield*; and the said Commissioners shall set forth, in the Schedule herein-after directed to be made, which of the said Allotments shall belong to, and which of the said Corn Rents shall be payable to the said Vicar of *Enfield*, and which of the said Allotments shall belong to, and which of the said Corn Rents shall be payable to the said Master, Fellows, and Scholars, and their said Lessees; and the said Vicar shall have and be entitled as well to the said Twenty Acres of Land hereinbefore directed to be allotted to him, and the said Allotment or Allotments, as to the Corn Rents so ascertained and directed by the said Commissioners to be paid to the said Vicar of *Enfield*, in lieu of his Vicarial Tythes; and the said Master, Fellows, and Scholars, and their said Lessees, shall have and be entitled as well to the said Allotments of Land hereinbefore directed to be made to them, as to the Corn Rents or Yearly Tythe Rents, or Money Payments in lieu of Tythes so directed to be paid to the said Master, Fellows, and Scholars, and their said Lessees, in lieu of their Great or Improper Tythes; which said Plots or Allotments of Land and Corn Rents directed to be set out and allotted to the said Master, Fellow, and Scholars, and their said Lessees, and to the said *Harry Porter*, Vicar of *Enfield*

Tythe Allotment and Corn Rent to be divided between *Trinity College* and the Vicar.

aforesaid, shall, from the Time appointed by the said Commissioners as aforesaid, be deemed, taken, and considered as equal to the Value of, and shall be accepted in full Bar, Satisfaction, and Compensation of and for all Tythes both Great and Small, and all Modusses, Compositions, and Payments in lieu of Tythes, arising, renewing, or payable within the said Parish of *Enfield*, and from thenceforth all such Great and Small Tythes, Modusses, or Compositions, Dues, and Payments in lieu of Tythes shall cease, determine, and be for ever extinguished, (*Easter Offerings*, *Mortuaries*, and other *Surplice Fees*, which are hereby reserved to the said Vicar of *Enfield* only excepted), and the said Commissioners shall, from the *London Gazette*, ascertain what hath been the Average Price of good marketable Wheat in the County of *Middlesex*, during the Term of Twenty-one Years next preceding the First Day of *January*, which was in the Year One thousand eight hundred; and shall, in and by the Schedule herein-after directed to be made and annexed to their Award, ascertain and set forth what respective Quantities of Wheat shall, according to such Average Price as aforesaid, be equal to such of the said respective Corn Rents or Yearly Payments in lieu of Tythes so charged upon the said old Inclosures within the said Parish of *Enfield*, in lieu of Tythes as aforesaid.

XXXI. And be it further enacted, That immediately after the Expiration of Twenty-one Years from the Execution of the said Award, the Average Price of Wheat as aforesaid shall be again ascertained, for which Purpose the said Master, Fellows, and Scholars, and their Successors, and their said Lessees, or any future Lessee or Lessees, the Vicar of the said Parish of *Enfield*, and the major Part in Value of the Proprietors of the said inclosed Lands so to be exonerated from Tythes by the Payment of a Corn Rent, shall and may, and they are hereby required, within Three Calendar Months after the Expiration of the said Twenty-one Years, to elect and choose two fit and proper Persons not interested therein, One by the said Master, Fellows, and Scholars; and their Lessee or Lessees, and the said Vicar of *Enfield*, and the other by such Proprietors, to be Arbitrators, who shall immediately thereafter, by the *London Gazette*, so long as the Average Price of Wheat shall be published therein, and afterwards by such other Ways and Means as to them shall appear to be most expedient, enquire of, ascertain, and fix the Average Price of a *Winchester* Bushel of good marketable Wheat, within the County of *Middlesex*, where such Wheat shall have been openly and publicly sold during the whole Market, and not at particular Times thereof, nor on particular Contracts only, for the Term of Twenty-one Years then next preceding; and after such Average Price shall have been so ascertained and fixed, in case it shall appear from the Report of the said two Persons to be chosen as aforesaid, or their Umpire, in case they cannot agree that the Average Price of a Bushel of such Wheat is more or less than the Average Price thereof, set forth in the said Award, by the Value of Three-pence or upwards, the Amount of all Payments of the said respective yearly Corn Rents, shall be increased or diminished in proportion to such Variation, so as to be equal to the Value of the respective Quantities of Wheat, according to the Average Price which shall have been last ascertained and fixed thereon as aforesaid, and so from Time to Time, after the End of every succeeding Term of Twenty-one Years, the Average Price of Wheat shall be enquired of and ascertained, by which all future Payments

Corn Rents may be regulated every Twenty-one Years, by the Price of Wheat.

to the said Master, Fellows, and Scholars, and their Successors, and to their Lessee or Lessees of the said Tythes for the Time being, and to the Vicar of the said Parish of *Enfield*, shall and may be regulated and varied whenever the Average Price of a *Winchester* Bushel of Wheat shall be found to be more or less than the Average Price thereof set forth in the Report of the Persons to be chosen as aforesaid, to ascertain the Value thereof during the then next preceding Term of Twenty-one Years, by the Value of Three-pence or upwards, and in like Manner at the End of every Term of Twenty-one Years for ever; and for the due Execution of the Directions herein-before contained, the said Master, Fellows, and Scholars, and their Successors, Lessee or Lessees, and the said Vicar, is and are hereby required, within One Calendar Month after the End of every Twenty-one Years, to be computed as aforesaid, to cause due Notice to be given in the said Parish Church of *Enfield*, immediately after Divine Service, or by affixing such Notice on the principal Door of the said Church, that such Twenty-one Years have elapsed, which Notice shall also specify the Name and Place of Abode of the Person, the said Master, Fellows, and Scholars, and the said Vicar, shall elect and choose as an Arbitrator for the Purpose aforesaid; and in case the major Part in Value of the said Proprietors paying the said Corn Rent, shall not, within One Calendar Month from the Publication of the said Notice, leave a Notice in Writing for the officiating Minister of the said Parish Church at the Vicarage House in *Enfield* aforesaid, and at the said College in *Cambridge*, containing the Name and Place of Abode of such Person as they shall elect and choose as an Arbitrator for the Purpose aforesaid, then it shall and may be lawful for the said Master, Fellows, and Scholars, and their Lessee or Lessees for the Time being, and the said Vicar, and they and he are and is hereby authorized to elect and choose One other fit and proper Person as an Arbitrator, to be joined to the One so to be nominated as aforesaid; which Person so to be elected and chosen shall have the like Power and Authority in the Premises, as if the major Part in Value of the said Proprietors had joined in such Election: Provided always, that if the said Master, Fellows, and Scholars, their said Lessee or Lessees, and Vicar, shall not give such Notice, specifying the Name and Place of Abode of the Arbitrator which shall have been by them elected as aforesaid, then it shall be lawful for the major Part in Value of the said Proprietors to elect and choose two fit and proper Persons to be Arbitrators for the Purpose aforesaid, which said Persons shall have the like Power and Authority in the Premises as if the said Master, Fellows, and Scholars, their said Lessee or Lessees, and the said Vicar, had made such Election and given such Notice; but in case the said Arbitrators shall not agree in Opinion, touching the Matter aforesaid, then the same shall be fixed and settled by some Person to be by the said Arbitrators, by Writing under their Hands, appointed Umpire, who shall, by such Ways and Means as aforesaid, fix and settle the same; and if either of the said Arbitrators shall refuse or neglect to act in the Premises, then the Matter shall be fixed and settled by the other of the said Arbitrators by such Ways and Means as aforesaid; and the Determination to be had and made by the said Arbitrators or Umpire, as herein-before directed, shall be reduced into Writing, and signed and sealed by the Person or Persons making the same, and shall be binding and conclusive, and shall be forthwith deposited with the Clerk of the Peace of the said County, and by him kept with the Publick Records in his Custody, to be inspected at all seasonable

Times,

Times, by any Person or Persons requiring such Inspection, upon Payment of One Shilling for every such Inspection; and in case no Election of Arbitrators shall be made as aforesaid, within Three Calendar Months next after the Expiration of any such Term of Twenty-one Years, then the said Corn Rents, as the same shall have been last fixed by virtue of this Act, shall continue payable to the said Master, Fellows, and Scholars, and their said Lessee or Lessees, and Vicar, for the Space of Twenty-one Years then next ensuing; and the said Master, Fellows, and Scholars, and their said Lessee or Lessees, and Vicar, shall and may have and exercise such and the like Powers and Remedies for recovering the said respective Corn Rents, or Money Payments in lieu of Tythes, when the same shall be in Arrear, as by Law are provided and given to Landlords for Recovery of Fee Farm and Rack Rents in Arrear; and that upon the Death, Cession, or Resignation of the present or any future Vicar of the said Parish of *Enfield*, a full proportionate Part of the said Corn Rents or yearly Tythe Rents, or Money Payments in lieu of Tythes, shall be payable to and received by him, his Executors or Administrators, up to the Day of his Death, Cession, or Resignation, as the Case shall be, from the then last Day of Payment.

XXXII. And whereas it may be necessary and convenient for some One or more of the said Proprietors of old inclosed Lands, paying the said Corn Rents at future Periods, to sell and dispose of his, her, or their Estate or Estates in the said Parish of *Enfield*, or of some Part thereof, and others may be divided by Will, or let to separate or distinct Tenants, or otherwise, and upon a Division of any of the said old inclosed Land, in Manner aforesaid, it may be necessary and convenient to the Owner or Owners thereof for the Time being to divide and apportion the said Corn Rent or yearly Tythe Rent charged thereon respectively; be it further enacted, That it shall and may be lawful to and for the Owner or Owners of each and every Estate of the said old inclosed Land in the said Parish for the Time being, upon a Division thereof, either by Sale or otherwise, to apportion and charge each and every Part of the Estate so divided with a due and fair Proportion of the said Corn Rent or yearly Tythe Rent so charged thereon, and set forth by the said Commissioners; provided in every such Division due Regard be had to the Quantity of Acres, and the Rate by the Acre ascertained by the said Commissioners, upon the Whole or any Part of every such Estate; and that each and every Division may be made to bear a fair and just Proportion of the said Corn Rents so ascertained by the said Commissioners as near as may be, and as the Power of recovering the Arrears of such Rent is herein-before extended to the Whole of each and every Estate of old inclosed Land, the said Power shall continue and remain until such Division of the Estate and Apportionment of the said yearly Rent shall be made known to the said Master, Fellows, and Scholars, or their Lessee, or the said Vicar respectively, by a written Notice from such Owner or Owners, setting forth the Divisions of such Estate, and the Corn Rent or yearly Tythe charged upon each such Division; and after a Duplicate of such Notice shall be left at the said *Trinity College* in *Cambridge*, the Power of the Recovery of the Rents so apportioned, and being in Arrear, shall extend only to the Lands liable to the Payment thereof, as specified in such Notice.

For apportioning Corn Rents.

XXXIII. And,

For regulat-
ing the Corn
Rents.

XXXIII. And, in order to prevent any Difficulty to the said Master, Fellows, and Scholars, or their said Lessee or Lessees, or the said Vicar, or his Successors, by the Division of any Estates by Sale or otherwise, and to facilitate the future regulating the said Corn Rents, or Money Payments in lieu of Tythes; be it further enacted, That the said Commissioners shall, and they are hereby required to make or cause to be made Two complete Schedules or Descriptions of each and every Parcel of ancient Inclosure, subject to the Payment of any of the said Corn Rents, with the Name of the Owner thereof, the exact Measure in Acres, Roods, and Perches, the Corn Rent or yearly Payments in lieu of Tythes, issuing out of each respectively, and the Quantity of Wheat which is to govern each of the said future yearly Rents payable to the said Master, Fellows, and Scholars, their said Lessee or Lessees, and Vicar, and the Rate by the Acre by which the said Corn Rent shall be charged as aforesaid, and such other Requisites as shall be judged proper or necessary by the said Commissioners to render every Matter respecting the said Corn Rents clear and plain in future, One of which said Schedules or Descriptions shall be signed by the said Commissioners, and delivered to the said Master, Fellows, and Scholars, and the other annexed to the Award of the said Commissioners herein-after directed to be made.

Allotment for
Glebe and
Tythes to be
ring-fenced,
and Subdivi-
sion Fences
made.

XXXIV. And be it further enacted, That the Lands and Grounds which shall be set out and allotted unto and for the said Master, Fellows, and Scholars of *Trinity College*, and the said *Sir John Eden* and *Sir Lawrence Palk*, as their Lessees, and unto the said *Harry Porter*, as Vicar as aforesaid, in lieu of their respective Glebe and Tythes, and to His said Majesty and His said Lessees, for His manerial Rights, shall be ring-fenced or inclosed on such Sides, the Fences whereof shall not be directed to be made by other Persons by the said Commissioners, or by such Persons as they shall contract with out of the Money herein-before directed to be raised by the Sale of Land belonging to the said Proprietors, in a good and substantial Manner, with live quick Fences, and sufficient Ditches, Banks, and Guards; and preserved for the Space of Seven Years, and together with the Subdivision Fences, Gates, Stiles, and Buildings, herein-after mentioned, shall be afterwards made and kept in Repair by the Master, Fellows, and Scholars, or the said *Sir John Eden* and *Sir Lawrence Palk*, their Lessees, and the Vicar for the Time being, or their Lessees or Tenants respectively; and that the several other Allotments herein directed to be set out, shall within Three Calendar Months next after the Date of the said Award, or within any shorter Space of Time to be appointed by the said Commissioners, be well and effectually inclosed, hedged, ditched, and fenced, and such Hedges, Ditches, and Fences be repaired, maintained, and supported by and at the Expence of the respective Owners and Proprietors thereof for the Time being, in such Manner and Proportions as the said Commissioners shall, in and by their said Award, order, direct, and appoint.

Fences of the
other Allot-
ments to be
made by the
Proprietors.

Commission-
ers to sell Part
of Allotment
in lieu of
Tythes, to
erect Build-
ings, etc.

XXXV. And be it further enacted, That the said Commissioners shall, and they are hereby required, by and with the Consent and Approbation of the said Impropiators, and their Lessee or Lessees, and of the said Vicar for the Time being respectively, by the Sale of so much of the Allotments to be set out to the said Impropiators and Vicar, to raise such Sum of Money, not exceeding Three thousand five hundred Pounds, as shall

shall in their Judgement be sufficient to defray the Costs and Charges of making and erecting the Buildings and Subdivision Fences herein-after directed to be made and erected upon the said Allotments, to the said Impropiators and Vicar, and of purchasing the Barns, Outhouses, and other Buildings herein-after authorized to be purchased, and to defray the Expences relating to the said Sales last hereby authorized to be made by the said Commissioners, such Sale to be by publick Auction after Twenty Days Notice thereof in Writing shall have been affixed upon the principal outer Doors of the said Parish Church of *Enfield*, and advertised in One or more of the Newspapers usually circulated in that Part of the Country; and the Purchaser or Purchasers at such Auction shall at the Time of such Sale pay a Deposit of One Seventh Part of the Purchase Money into the Hands of the said Commissioners, and the Remainder of such Purchase Money shall be paid to the said Commissioners at such Time as shall be agreed upon between them and such Purchaser or Purchasers, not exceeding Six Calendar Months after such Sale; and the Receipt or Receipts of the said Commissioners for the Purchase Money, which shall be agreed to be paid for the Land which shall be so sold, shall be a full and complete Discharge or full and complete Discharges to the Purchaser or Purchasers thereof, for the Consideration Money, which shall be therein expressed to be received, and such Purchaser or Purchasers, after such Receipt or Receipts shall not be obliged to see to the Application of such Purchase Money, which shall be therein expressed to be received, or any Part thereof, nor be answerable or accountable for the Misapplication or Non-application thereof, or of any Part thereof; and in Default of such Payment, the Money deposited as aforesaid, shall be forfeited and applied towards completing the Sum of Money to be raised as aforesaid, and the Allotment or Allotments to be so sold, shall be again put up to Sale in Manner aforesaid, and the Money arising from the Sale thereof, together with the Sum of Money so forfeited, shall be applied for the Purposes aforesaid; and after Payment of the full Purchase Money for any such Allotment or Allotments, the Purchaser or Purchasers shall thereupon respectively have and take to himself, herself, or themselves, and his, her, or their respective Heirs and Assigns, an absolute Estate of Inheritance in Fee Simple, of and in the Lands which shall be comprized in such his, her, or their respective Purchase or Purchases, and for which such Consideration Money shall be so paid as aforesaid, and the same shall be also conveyed unto the respective Purchasers thereof; and a Conveyance thereof by Lease and Release, made and executed by the said Commissioners, shall be valid and effectual in Law to vest the same in such respective Purchasers, their Heirs and Assigns.

XXXVI. And be it further enacted, That all and every Sum and Sums of Money to be raised by such Sales as last aforesaid, shall be applied by the said Commissioners in defraying the Expences relating to such Sales, and in erecting such Barns, Outhouses, and other Buildings upon such Parts of the Lands and Grounds hereby directed to be allotted to the said Impropiators, and to the said Vicar respectively, or in purchasing such Barns, Outhouses, and other Buildings, for the Use of the said Impropiators and Vicar respectively, and in making and raising such Interior and Subdivision Fences in and upon such Allotment or Allotments as the said Commissioners shall judge necessary and proper for the Occupation

Application of
Monies to
arise from
such Sale.

[*Loc. & Per.*]

31 I

of

of the Lands and Grounds to be allotted in lieu of Tythes as aforesaid; and the said Commissioners shall, in and by their Award, or by some separate Instrument under their Hands, to be annexed thereto and inrolled therewith, specify the respective Amount of the Money expended for the Purposes aforesaid, on the Allotment or Allotments made to the said Impropropriators and Vicar respectively; and in case any Surplus of the Money to arise from such Sales shall remain in the Hands of the said Commissioners after the said Buildings shall have been erected or purchased, and the said Fences shall have been made as aforesaid, and the Expence of such Sales shall have been paid, the Amount of such Surplus shall be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Master, Fellows, and Scholars, and their Successors, and *ex parte* the said Vicar and his Successors, or either of them, according as the Case shall apply, and such Surplus shall be applied and disposed of in the Manner herein-after directed, respecting the Money to be paid by the said Impropropriators and Vicar, and their Successors respectively, into the Hands of the said Accountant General.

Directing One Fortieth Part of the Monies so raised to be repaid yearly by the Impropropriators and Vicar.

XXXVII. And be it further enacted, That the said Master, Fellows, and Scholars of *Trinity College*, and their Successors, and the said Vicar and his Successors, Vicars as aforesaid, shall respectively, at the End of every Year, during the Period of Forty Years from the Completion of such Sales, pay into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Master, Fellows, and Scholars, and their Successors, and *ex parte* the said Vicar and his Successors, One Fortieth Part of the respective Sums expended on the Allotment or Allotments to the said Impropropriators and Vicar, to be from Time to Time by the said Accountant General laid out, together with the Surplus Monies before directed to be paid by the said Commissioners into the Bank, in the Name of the said Accountant General, in the Purchase of Navy or Victualling Bills or Exchequer Bills; and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills or Exchequer Bills; all which said Navy or Victualling Bills, or Exchequer Bills, shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until proper Purchases shall be found and approved of by the Court of Chancery as herein-after mentioned; and the Interest arising from the Navy or Victualling Bills or Exchequer Bills, belonging to the said Master, Fellows and Scholars, and their Successors, shall from Time to Time, by the said Accountant General, be paid to the said Master, Fellows, and Scholars, and their Successors, for their Use and Benefit; and the Interest arising from the Navy or Victualling Bills or Exchequer Bills, belonging to the said Vicar and his Successors, shall in like Manner be paid to the said Vicar and his Successors, for his or their Use and Benefit.

Monies to arise by such Payments to be re-invested in Land.

XXXVIII. And be it further enacted, That at the Expiration of Forty Years from the Completion of such Sales as aforesaid, the Whole of the Navy or Victualling Bills or Exchequer Bills so purchased, belonging to the said Master, Fellows, and Scholars, and their Successors, and to the said

faid Vicar and his Successors respectively, shall and may, upon a Petition or Petitions to be preferred to the said Court of Chancery in a summary Way, be ordered to be sold by the said Accountant General, and the respective Monies arising from such Sales shall be laid out, under the Direction of the said Court, in the Purchase of Freehold Lands, Tenements, and Hereditaments, in that Part of *Great Britain* called *England*, of a clear Estate of Inheritance in Fee Simple in Possession, free from Incumbrances, (except Fee Farm or Chief Rents), and such Part thereof as shall be purchased with the Produce of the Navy, or Victualling Bills or Exchequer Bills, belonging to the said Master, Fellows, and Scholars, and their Successors, shall, by virtue of this Act, from and after such Purchase, be settled upon and vested in the said Master, Fellows, and Scholars, and their Successors for ever; and such Part thereof as shall be purchased by the Produce of the Navy or Victualling Bills or Exchequer Bills, belonging to the said Vicar and his Successors, shall, by virtue of this Act, from and after such Purchase, be settled upon and vested in the said Vicar and his Successors for ever.

XXXIX. And be it further enacted, That after the several Divisions and Allotments herein-before directed to be made, shall have been assigned and set out in the Manner herein-before directed, and after such Sale or Sales as is or are herein-after mentioned, the said Commissioners shall divide, set out, and allot all the then Residue of all the said Open and Common Fields, Common Marshes, Lammas Grounds, and Waste Lands, and the said *Enfield Allotment of Enfield Chase*, (except the Allotment of Two hundred Acres before mentioned), hereby intended to be divided, allotted, and inclosed as aforesaid, unto and among the several Proprietors of the Messuages, Cottages, Tofts, and Lands, Persons, Bodies Politick and Corporate, who shall be entitled to any Estate, Property, or Interest therein, according to their respective Rights and Interests, in such Quantities, Shares, and Proportions as by the said Commissioners shall be adjudged and declared to be a Compensation and Satisfaction for their several and respective Rights of Common and other Rights or Interests; and in making such Allotments the said Commissioners shall have Regard as well to the Quantity as to the Quality and Situation of the Land to be allotted to each Party; and the Allotments to be made to any Parties having Homesteads, or inclosed Lands adjoining to the Lands and Grounds hereby intended to be divided and inclosed, shall be laid as near to such Homesteads or inclosed Lands, or some of them, if they shall so request it, as the said Commissioners shall deem to be consistent with general Convenience.

Allotment of
the Residue
of the Lands.

XL. Provided nevertheless, and be it further enacted, That as 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 Persons respectively in lieu thereof, they the said Commissioners shall give Notice in Manner aforesaid of a Day or Days, and Place where all Persons interested may peruse a Schedule of such intended Allotments, and inspect a Map or Plan thereof, whereon the same shall be set out and delineated, and may have and receive a Copy of such Schedule, so far as the same relates to each Person respectively; and in regard that some Per-

For hearing
Appeals
against Allot-
ments.

sons

sons may, upon Perusal of the said Schedule, and Inspection of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioners shall give Notice of One Meeting at the least to be held by them for hearing Complaints and Objections against such intended Allotment, 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 or Allotment within the Time to be for that Purpose appointed by the Commissioners, by Writing under their Hands, and published in Manner herebefore mentioned, or shall molest or disturb the Possession of any other Proprietor or Proprietors who shall have accepted of and entered upon his, her, or their Allotment, every such Person shall and is hereby divested of all Right of Possession, Right of Pasturage and Common, and all 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 Damages as a Trespasser either before or after the Execution of the said Award, in case he or she shall trespass upon any of the said Allotments.

River Lee
Rents to be
apportioned.

XLII. Provided always, and it is hereby further enacted, That if in the Division or Exchange of any of the Lands or Grounds hereby directed to be divided, allotted, and inclosed, any Parts of the River or Stream called *The River Lee*, shall run over or through the Lands or Grounds of any of the Proprietors, for which an annual Rent or Sum of Money is now paid to them or either of them by the Trustees of the said River Lee, it shall be lawful for the said Commissioners by their Award, or any Writing under their Hands to take effect in the mean Time, and they are hereby authorized to order and direct to whom the said annual Rent or any Part thereof shall afterwards be paid or payable by the said Trustees, and in what Proportion; and the same shall, from and immediately after such Order and Award so made by them as aforesaid, be paid to such Person or Persons accordingly.

Not to im-
peach the
Leases of the
Two hundred
Acres.

XLII. Provided always, and it is hereby further enacted, That nothing herein contained shall extend to set aside, vitiate, impeach, or affect any Lease or Leases, Order or Orders, or any other Act done by the Churchwardens and Overseers of the said Parish of *Enfield*, relative to Two hundred Acres of Land, Part of the said Allotment, which they are now authorized to inclose, let, set, lease, or demise, but the same and every Matter and Thing therein mentioned, relative to the said Two hundred Acres, shall remain and be in full Force and Effect, and continue under their Direction and Management, as the same now is.

Land to be
sold to defray
Expences.

XLIII. And, in order to raise a sufficient Sum of Money to defray the Allowances to the Commissioners, Clerk, and Surveyor, together with the Charges and Expences of obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds hereby intended to be divided and inclosed, and also for surveying the said Homesteads and ancient Inclosures, and of forming, making, and putting into good and sufficient Repair the said Roads and Highways, until they shall be certified by the Surveyor to be in such State of Repair

Repair as aforesaid, and of fencing the Glebe and other Allotments hereby allotted to the said Master, Fellows, and Scholars of *Trinity College*, as Impropriators or their Lessees as aforesaid, and the said Vicar of *Enfield*, and to His said Majesty and His Lessees as aforesaid for Manerial Rights, and of preparing the said Award of the Commissioners and of defending any Actions or Suits that may be brought against them, or any of them, for any Thing to be done by them in pursuance of the Powers and Authorities hereby intended to be vested in them, or against any other Person by them employed in the Execution of this Act, and all other Charges and Expences arising and accruing in carrying this Act into Execution, and hereby directed; be it further enacted, That it shall be lawful for the said Commissioners, as soon after the passing of this Act as they shall think proper, and so from Time to Time, as often as they shall think necessary, to sell by Private Contract, or by Publjek Sale by Auction, unto any Person or Persons, such Part or Parts of the said Common Fields, Common Marshes, Lammas Grounds, Chase Allotment, Commons, and Waste Lands, within the said Parish of *Enfield* hereby directed to be divided, allotted, and enclosed, as they shall deem sufficient for the Purposes aforesaid; and the Purchase Money of the said Lands so to be sold as aforesaid shall be paid into the Hands of the said Commissioners, and the Receipt or Receipts of the said Commissioners for such Purchase Money shall be a sufficient Discharge to the Purchaser or Purchasers for the same; 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, without any further or other Conveyance, Assurance, Instrument, or Writing whatsoever; all which said Pieces or Parcels of Land sold by the said Commissioners shall respectively be, from the Date of such Receipt, subject to or discharged from such Roads or Ways over the same, and under such Restrictions as to building thereon, or the Fencing thereof as shall be mentioned in the said Receipt, and in the Award herein-after directed to be made: Provided always, that every Purchaser or Purchasers of any of the said Freehold Lands and Grounds shall cause a Memorial or Memorials of such Purchase or Purchases to be made and registered in the Office for registering of Deeds in the said County of *Middlesex*, within the Space of Six Calendar Months next after the completing of such Purchase or Purchases.

XLIV. And be it further enacted, That it shall be lawful for any Person or Persons interested in the said Inclosure, at any Time before the Execution of the said Award, to sell and dispose of such Estate, Right, Title, and Property which he or they shall have, in, to, or upon the said Lands and Grounds hereby intended to be divided and inclosed, or in or to any Allotment to be made in respect of any Common Right or other Right therein respectively by virtue of this Act, and to assign the same to any Person or Persons who shall choose to become the absolute Purchaser thereof by any Deed in Writing, in case the same shall appertain to a Freehold Estate, in the following Words, or Words to the same Effect; (*videlicet*),

Power to sell
Common
Rights.

BY virtue of an Act lately passed for dividing and inclosing the Open and Common Fields, Common Marshes, and Lammas Grounds,
[*L.c. & Per.*]

and other commonable, and Waste Lands, within the Parish of *Enfield*, in the County of *Middlesex*; I *A. B.* in Consideration of the Sum of *...* do bargain, sell, and assign unto *C. D.* of *...* his Heirs and Assigns, all my Part and Share of and in all that Allotment, called *Enfield Allotment* [or, as the Facts are] in the said Act mentioned, which I am or shall be entitled to under the said Act in Right of the Freehold Estate I have in that Parish, and the common Rights appurtenant thereto; to hold to the said *C. D.* his Heirs and Assigns for ever. In Witness whereof I have hereunto set my Hand and Seal, this *...* Day of *...* One thousand eight hundred and *...*

And in case the same shall appertain and be appurtenant to a Copyhold or Customary Estate, then by a Surrender or Surrenders in the usual Form; and that all such Sales shall, and they are hereby declared to be valid and effectual, and such Common Rights or other Interests, or such Allotments; may be granted and conveyed accordingly, subject to such Incumbrances as aforesaid; and every such Sale shall be good, valid, and effectual to all Intents and Purposes whatsoever, and the said Commissioners shall award such Allotments to the Purchasers thereof accordingly.

Sales of Allotment to be registered.

XLV. Provided always, and be it further enacted, That such Assignment and Sale, if Freehold of Inheritance, shall be duly registered as the Statute made in the Seventh Year of the Reign of Queen *Ann*, Chapter *Twenty*, for registering Deeds in *Middlesex*, directs; and if Copyhold, the Surrender thereof shall be presented at the next or some other Court Baron to be holden for the Manor whereof the same Estates to which such Rights belong are holden, and the Party to whom the same shall be sold duly admitted thereto.

Power to fence when Proprietors omit.

XLVI. And be it further enacted, That in case any Person or Persons shall neglect or refuse to make, or keep in good Repair and Condition, the Fences and Ditches of his, her, or their respective Allotments of the said Lands or Grounds hereby directed to be divided and inclosed, or to Fence such other Allotments as he, she, or they may be required and directed to fence, or to make or duly repair, amend, support, cleanse, and scour any of the private Roads, or Ways, Ditches, Drains, Watercourses, Bridges, or other Requisites to be set and appointed as herein-before mentioned, at such Times, and according to such Orders and Directions as shall be for those Purposes contained in any Writing or Order of the said Commissioners, or in the Award of the said Commissioners (which Orders and Directions the said Commissioners are hereby authorized and empowered to make accordingly, and the same shall be binding and conclusive on all Parties), it shall be lawful to and for the Owner or Occupier of any Lands or Premises, who shall be aggrieved by any such Neglect or Default, to exhibit a Complaint upon Oath touching such Neglect or Default against any such Person or Persons before any Justice of the Peace for the said County of *Middlesex*, and such Justice is hereby required and empowered to summon the Parties concerned, and to examine any Witness or Witnesses upon Oath as to the Ground of such Complaint (which Oath the said Justice is hereby empowered to administer); and in case any such Complaint shall appear to be well founded, he shall and may order

order, and direct the Person or Persons exhibiting the same to cause the Works in respect whereof such Complaint shall be made, to be forthwith made and done according to the Directions which shall for that Purpose be contained in the said Writing, Order, or Award; and also shall and may, by Warrant under his Hand and Seal, directed to the Persons exhibiting such Complaint as aforesaid, or to any other Person, cause the Charges and Expences of making and doing the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing, or making Default, rendering the Overplus (if any) after the Payment of the Costs and Charges attending such Distress, and Sale, or otherwise occasioned by such Neglect, Refusal, or Default, to the Owner or Owners of such Goods and Chattels; or otherwise the said Justice shall and may, by Writing under his Hand and Seal, authorize and empower the Person or Persons exhibiting such Complaint to enter into and upon such Allotment or Allotments, and to receive and take the Rents thereof; until thereby or otherwise all Charges and Expences, together with the Costs and Charges occasioned by or attending such Entry and Perception of the Rents and Profits of the same Premises respectively, be fully paid and satisfied.

XLVII. Provided nevertheless, and be it further enacted, That in case it shall happen that some of the Proprietors shall have a greater Proportion of Boundary or other Fence to make and maintain, than in the Judgement of the said Commissioners the Allotments of such Proprietors ought to be charged with, it shall be lawful for the said Commissioners, when they shall judge it proper, to allot Land as a Recompence for such greater Proportion of Fencing, or otherwise ascertain and appoint, in and by any Writing under their Hands, or by their Award, such Sum of Money as they may think proper to be paid to every such Proprietor towards making or maintaining the same Fences by such other of the said Proprietors who have a less Proportion of Fencing according to the Value and Quantity of the Lands allotted to them, in order that the Expence of making the said Boundary Fences may be brought as near as may be to a just and equal Proportion; and unless such Money shall be paid upon Demand, the same shall be levied and recovered in the same Manner as is last herein-before mentioned with respect to the Expence of fencing any Allotment or Allotments which shall be made to any Person or Persons who shall neglect or refuse to inclose or fence the same themselves as aforesaid.

For regulating
Inequality of
of Fences.

Guard Fences.

XLVIII. And be it further enacted, That it shall be lawful for the respective Persons to whom any Share and Allotment shall be assigned and allotted by virtue of this Act, from Time to Time and at all Times for and during the Term of Seven Years next ensuing the Execution of the said Award, to set down and place Posts and Rails, or other proper Fences on the Outside of the Ditching or Fencing, bounding their respective Allotments not exceeding Four Feet from such Ditches or Fences, for the better Preservation of the young Quickset Hedges, and to back-ditch or trench such Posts and Rails, or other Fences, at his, her, and their free Wills and Pleasure, except at such Time where any Crops of Corn, Grain, and Hay, shall be growing upon the Land or Ground whereon the same shall have been standing respectively.

Gaps to be
left on Fences.

XLIX. And be it further enacted, That convenient Gaps and Openings shall be left in the said Fences and Inclosures for the Passage of Cattle, Carts, and Carriages, in and through the same, for such Space of Time not exceeding Twelve Calendar Months after the Execution of the said Award, as the said Commissioners shall direct.

Punishment of
Persons da-
maging the
Fences.

L. And be it further enacted, That in case any Person or Persons shall wilfully or unlawfully break down, destroy, carry away, steal, or damage any Fence, Stile, Post, Rail, Gate, Bridge, or Tunnel, which may be put up or placed under the Authority and for the Purposes of this Act, every Person so offending, and being thereof convicted before any Justice of the Peace for the said County of *Middlesex* on Confession, or on Proof of the Offence by the Oath of One or more credible Witnesses or Witnesses, (which Oath the said Justice is hereby authorized to administer), shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings, and every Person shall be allowed to give Evidence of such Offence, notwithstanding he may be a Proprietor or Occupier of Lands within or an Inhabitant of the said Parish of *Enfield*, and notwithstanding he may be the Owner of any such Fence, Stile, Post, Rail, Gate, Bridge, or Tunnel; and in case any such Offender or Offenders shall not immediately pay such Penalty or Penalties, or find Security to the Satisfaction of such Justice for the Payment thereof at such future Days as he shall think proper, it shall be lawful for such Justice to cause the same to be forthwith levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under His Hand and Seal, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of the Distress and Sale, One Moiety of which Penalty or Penalties, when paid or recovered, shall be paid to the Owner or Owners of such Fence, Stile, Post, Rail, Bridge, or Tunnel, so broken, destroyed, or carried away, and the other Moiety thereof shall go and be paid to the Overseers of the Poor of the said Parish for the Benefit of the Poor, and for Want of such Distress such Justice shall and may commit the Offender or Offenders to the House of Correction for the said County of *Middlesex*, there to be kept to hard Labour for any Space of Time not exceeding Six Calendar Months nor less than Fourteen Days.

Respecting the
Timber upon
Enfield Chase.

LI. And be it further enacted, That all the Timber Trees, Tellars, Pollards, Wood, and Bushes, now growing and being upon the said Chase Allotment, commonly called *The Enfield Allotment of Enfield Chase*, or such Part thereof as the said Commissioners shall think fit, shall be allotted to the Persons on whose Allotment or Allotments the same shall be standing and growing at the Time the said Allotments are made and set out respectively, and shall be measured and valued by the said Commissioners or Surveyor; and the same shall be paid for to the said Commissioners by the respective Person or Persons, Body or Bodies Politick or Corporate, upon whose Allotment or Allotments the same shall or may respectively be standing and growing, at such Time as the said Commissioners shall appoint for Payment thereof; and in case any of the said Person or Persons shall be Tenants for Life only, and shall not be able or willing to purchase the same, or if any other Person or Persons, Body or Bodies Politick or Corporate, shall not pay the Money so ordered to be paid for the said Timber, Tellars, Pollards, Wood, and Bushes allotted to them respectively,

respectively, at such Time as aforesaid, and shall not have Effects which can be distrained as herein-after mentioned, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to sell the same, and the Purchaser or Purchasers thereof shall and may, with Workmen, Horses, Cattle, and Carriages, enter into and upon the Allotments whereon the same shall be standing and growing, and cut down and carry away the same during such Time or Times as the said Commissioners shall appoint, either before or after the Execution of their Award; and in case any Person or Persons, Body or Bodies Politick or Corporate, not being under any legal Disability to purchase, shall, after having desired or agreed to have any of the said Timber Trees, Tellars, Pollards, Wood, and Bushes left standing upon his, her, or their respective Allotments, neglect or refuse to make good their respective Payments at such Time as the said Commissioners shall appoint for that Purpose, or at any Time after Demand thereof made, then and in that Case the said Commissioners shall and may cause the several Sums of Money, at which the same shall have been valued and appraised, together with the Costs and Charges of recovering the same, to be levied and recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, Body or Bodies Politick or Corporate, wheresoever the same may be found, by Warrant under the Hands and Seals of the said Commissioners, which Warrant the said Commissioners are hereby authorized and empowered to grant, and the Overplus (if any) after deducting the Charges of such Distress and Sale, shall be returned to the Party whose Goods and Chattels shall have been so distrained; or the said Commissioners may, if they shall think it fit and proper, or find that the said Timber Trees are small and unfit to cut down, deduct as much Land from the Allotment or Allotments of such Person or Persons, Body or Bodies Politick or Corporate, as shall be equal in value and equivalent to the Timber standing and growing upon any such Allotment, and may either sell the Land so deducted, or allot the same to any other Person or Persons.

LII. And be it further enacted, That the said Commissioners may, as soon after the passing of this Act as they shall think fit, and before or after making the said Allotments, sell and dispose of any Part of the said Timber Trees, Pollards, Wood, or Bushes growing on the said Allotment, which in their Judgement ought not to stand for Ornament or Improvement, and shall and may allow such Time as they shall deem sufficient for the Purchaser or Purchasers of the said Timber to take the same away, either before or after the Execution of their said Award, in which Cases it shall and may be lawful for the said Purchasers to enter upon the said Grounds and Allotment, to cut and carry away the same.

Commissioners may sell Part of the Timber for Sale.

LIII. And be it further enacted, That the Money arising from the Sale of the said Timber (after deducting the Expence of such Valuation and Sale, and all other Expences incident to the Management thereof, as well as such Sums as the said Commissioners shall judge to be a fair and just Proportion of the Expence of obtaining this Act, and carrying the same into Execution, shall with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex-parte* the Churchwardens of the Parish Church of *Enfield*, in the County of *Middlesex*, and from Time to Time be by the said Accountant General laid

Money for Timber to be paid to Accountant General.

out in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, in the Name of the said Accountant General, and the Dividends and Interest arising therefrom shall from Time to Time, by Order of the said Court, be paid to the Churchwardens of the said Parish of *Enfield*, and be applied and disposed of by them in the same Manner, and under and subject to the like Rules, Orders, Provisions, and Regulations, as the Monies arising by Sale of the Trees, Woods, Underwoods, and Bushes, growing on the said Allotment, called *The Enfield Allotment*, are directed to be applied and disposed of by the said Act before mentioned, intituled, *An Act for dividing the Chase of Enfield; in the County of Middlesex, and for other Purposes therein mentioned.*

Timber on
Allotments.

LV. Provided always, That in case any Person or Persons, on whose Allotment or Allotments any such Timber or other Trees shall be standing or growing as aforesaid, shall not be willing to purchase the same, or shall not pay the Money so ordered to be paid for the same at such Time as aforesaid, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, as well as the Purchasers of such Timber, with Horses, Cattle, and Carriages, to enter into and upon the Lands and Grounds whereon such Timber or other Trees shall be standing and growing, and to cut down and carry away the same, and the Money arising by such Sale shall, after deducting the necessary Charges of cutting down and felling the said Timber, be applied and disposed of in the same Manner as is before directed, in case the said Timber had been paid for as aforesaid.

Guardians,
etc. may ac-
cept.

LV. And be it further enacted, That the respective Guardians, Husbands, Trustees, Committees, or Attornies, for any Persons being Minors, Lunatics, under Coverture, or beyond the Seas, or otherwise incapable by Law to accept any such Share or Allotments as shall be made to them respectively by virtue of this Act, and all other Trustees whomsoever, shall be and are hereby enabled to accept thereof for and to the Use of such Persons so incapacitated as aforesaid; and also that any Persons entitled to any Allotments as Tenants for Life, shall be, and are hereby respectively enabled to accept of and take such Allotments respectively; and every such Acceptance shall be, and is hereby declared to be valid and effectual, any Law, Custom, or Usage, to the contrary notwithstanding: Provided always nevertheless, that the Non-claim or Non-acceptance of any Guardian, Trustee, Husband, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatick, Feme Covert, or any other Person under such Disability or Incapacity as aforesaid, who shall claim or accept his or her Allotment within One Year next after such Disability or Incapacity shall be removed, or of any other Person entitled as Heir or in Remainder after the Death of any Person being under such Disability or Incapacity, who shall claim or accept within One Year after his, her, or their Right, Title, or Interest, shall have descended, vested, or accrued, and be known so to be.

Partitions.

LVI. And be it further enacted, That for the more convenient Situation and Disposition of the several Farms, Messuages, Cottages, and Lands within the said Parish, to the several Owners or Proprietors thereof, upon the said intended Division and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and required to separate,

rate, divide, and make Partition of all the Messuages, Lands, Tenements, and Hereditaments, with the Common Rights thereto belonging within the said Parish which shall be held by Coparceners, Tenants in Common, or Joint Tenants, at the Time of making the said intended Division and Inclosure as aforesaid, upon Request of the several Coparceners, Tenants in Common, or Joint Tenants, or of his, her, or their Husband, Guardian, Trustee, Committee, or Attorney respectively, but not otherwise, and in and by their Award to set out, allot, and appoint specifick Shares thereof to and amongst such Proprietors in Severalty, in Proportion to their respective Estates and equitable Rights and other Interests therein.

LVII. And be it further enacted, That it shall be lawful for the said Commissioners, by and with the Consent of any of the Owners of any Messuages, Tenements, Buildings, Homesteads, or old Inclosures, or other Lands or Hereditaments within the said Parish, or any adjoining Parish or Place, in Writing under their respective Hands, or by and with the Consent of the said Master or Vice Master and Eight resident Senior Fellows of *Trinity College* then resident, and under the private Seal of the said College used upon such Occasions, or the Trustees of any Hospital or publick Charity, Poor School or Chapel, or their respective Lessees under their Common Seals, or by Writing under their respective Hands, or of the Trustees, Committees, Husbands, Guardians, or Attornies of or for any of the Persons aforesaid, who are under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity of acting for themselves, in Writing, under their respective Hands, with respect to the Estates belonging to them respectively, and not otherwise, to assign, allot, set out and appoint any Messuages, Tenements, or Buildings, old Inclosures, or other Lands and Hereditaments within the said Parish, or any adjoining Township, Parish, or Place, or any Allotments to be made by virtue of this Act, in exchange for any other Messuages, Tenements, Buildings, Houses, Lands, old Inclosures, Allotments, or other Lands and Hereditaments within the said Parish; so that all and every such Exchange or Exchanges be ascertained, specified, and described in the Award or Instrument herein-after directed to be made by the said Commissioners; and all and every such Exchange and Exchanges shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided always, that no such Exchanges shall be made of any Lands, Tenements, or Hereditaments belonging to His Majesty, His Heirs or Successors, in Right of his Duchy of *Lancaster*, without the Consent of the Chancellor of the said Duchy, or of any Lands, Tenements, or Hereditaments, held in Right of any Church or Chapel, without the Consent of the Lord Bishop of the Diocese, and of the Patron of such Church or Chapel respectively for the Time being in Writing.

LVIII. And whereas certain Quit Rents and Fee Farm Rents are issuing out of several Estates in the Parish of *Enfield* aforesaid, and payable to the King's most Excellent Majesty, who is seised of the same to himself, His Heirs and Successors in Fee Simple, being Parcel of the Estates and Possessions of the Duchy of *Lancaster*, amounting to Fourteen Pounds Thirteen Shillings and Seven-pence, or thereabouts, and it hath been agreed that the said respective Estates shall be exonerated and discharged, from the Payment of the said several Quit Rents and Fee Farm Rents, and an Equivalent given to his said Majesty who is so entitled thereto as aforesaid;

Quit Rents:
exonerated.

aforesaid; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to set out and allot to the said King's most Excellent Majesty, His Heirs and Successors, as Proprietor of and entitled to the said Fee Farm Rents and Quit Rents as aforesaid, or his said Lessees as aforesaid, such Plots or Parcels of the said Lands and Grounds called the *Enfield Allotment*, intended to be divided and inclosed, as in the Judgement of the said Commissioners shall be equal in Value to the Fee Simple and Inheritance of the Amount of the said Quit Rents and Fee Farm Rents, now paid or payable to the said King's most Excellent Majesty, or his Lessees as aforesaid; and the said Commissioners are hereby also empowered and required to ascertain and determine the Annual Amount of the Quit Rent or Quit Rents, Fee Farm Rent or Fee Farm Rents, payable by the respective Proprietors, and to deduct the Value of the Fee Simple of such Quit Rent or Quit Rents, Fee Farm Rent or Fee Farm Rents, from the respective Allotments to be made to each of such Proprietors; and their respective Estates shall from thenceforth, or from such other Time as the said Commissioners shall appoint, be exonerated and for ever discharged from the Payment of such Quit Rents or Fee Farm Rents respectively.

Lands allotted to be subject to the same Uses, &c. as former Estates.

LIX. And be it further enacted, That the several Lands and Grounds which shall be allotted by virtue of this Act, shall be held by and under the same Tenures, Rents, Customs, and Services, as the Property in respect whereof such Allotment shall be made, were respectively held and enjoyed before the passing of this Act, or would have been held and enjoyed in case this Act had not been made; and the several Lands and Grounds which in the Award of the said Commissioners shall be declared to have been allotted in Right of Freehold Property, shall from the making and executing thereof be deemed Freehold Lands, and shall from thenceforth be held of the Lord of the Fee under the same Rents, and by the same Services as the Freehold Property in lieu or in respect of which they were so allotted was before that Time held; and the several Lands and Grounds which shall be therein declared to have been allotted in lieu or in respect of Copyhold Property, shall be in like Manner deemed Copyhold or Customary Lands, and shall be held of the Lord of the same Manor under the same Rent or Rents, and no further or additional Rent or Rents, and by the same Customs, Duties, and Services, as the Copyhold Property in lieu or in respect of which they were so allotted, was held, and shall by virtue of this Act become legally and effectually vested in the Person or Persons to whom the same shall be so allotted, without his, her, or their being admitted thereto, and shall at all Times afterwards pass by the like Surrenders as the present Copyhold Messuages, Lands, Tenements, or Hereditaments, in respect whereof such Allotments shall be made, are now holden under or are liable to; any Law, Custom, or Usage, to the contrary notwithstanding: And that the Lands, Tenements, and Hereditaments, which shall be exchanged by virtue of this Act, shall be held in like Manner and under the same Tenure and Rents, and shall thereafter be deemed to be of the same Quality, whether Freehold or Copyhold respectively, as the Lands, Tenements, or Hereditaments, which shall be given and accepted in lieu thereof respectively, were held or deemed immediately after the making of any such Exchange.

Exchange Lands to exchange Qualities.

LX. Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed, deemed, judged, and taken to make void, or in anywise to affect any Grant, Assurance, Limitation of Use, Declaration of Trust, or any Deed, Will, or Lease whatsoever (except with respect to Leases so far only as is herein-after mentioned) or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrance or other Claim and Demand out of, upon, or affecting any of the Lands or Grounds hereby intended to be divided and inclosed, or any of the Lands, Tenements, or Hereditaments, which shall be exchanged in pursuance of this Act, but that the Lands and Grounds, so to be allotted, and the Lands and Tenements so to be exchanged shall, immediately after the making such Allotments and Exchanges respectively, be, remain, and endure, and be held and enjoyed, and the several Proprietors to and by whom the same respectively shall be allotted, or shall be received in Exchange as aforesaid, shall from thenceforth stand and be seized and possessed thereof respectively (subject to the Charges to be made by virtue of this Act in the Lands or Grounds hereby intended to be divided and inclosed) under and liable to the same Uses and Trusts, and to and for the same Estates and Interests, and subject to the same Powers, Provisoes, Limitations, Remainders, Charges, Tenures, Rents, Services, Incumbrances, and Demands (except with respect to such Leases as is above excepted, as the several Lands, Tenements, or Hereditaments of every such Proprietor in respect whereof such Allotments shall be made to him) as the Lands, Tenements, or Hereditaments, to be given by him in Exchange, are and shall be subject and liable at the Time of such Division and Inclosure.

This Act not
to affect Ti-
tles.

LXI. And be it further enacted, That it shall be lawful for the said *Harry Porter*, Vicar of *Enfield* aforesaid, for the Time being (by and with the Consent of the Lord Bishop of the Diocese, and of the Master or Vice Master, and other resident Senior Fellows of *Trinity College* aforesaid, under their private Seal, either before or after the Execution of the said Award) to lease or demise all or any Part of the Allotment or Allotments to be set out and allotted unto and for the said Vicar, by virtue of this Act, to any Person or Persons for any Term or Number of Years, not exceeding Twenty-one Years, without taking any Fine or Fines for any such Lease or Leases, such Term or Terms of Years to be computed from the *Lady Day* or *Michaelmas Day*, which shall first happen after the Execution of such Lease or Leases; and so as no such Lease or Leases be made without Impeachment of Waste; and so as the Lessee or Lessees to whom such Lease or Leases shall be made, shall yearly be obliged to spend, spread, and consume in a husbandlike Manner, in and upon the Premises so to be demised, the Dung and Manure arising and to arise out of and from the Produce thereof, and be subject to such other Covenants and Rules of good Husbandry as are proper and usual in like Cases; and so as there be contained in every such Lease or Leases a Clause of Re-entry on Non-payment of the Rent to be therein and thereby reserved; and so as the Lessee or Lessees to whom such Lease or Leases shall be made do seal and execute a Counterpart of the same; and such Lease or Leases, so to be made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, and shall bind every succeeding Vicar of *Enfield* aforesaid, until the Expiration or other

Vicar to lease
with Consent
of the Bishop
and College.

[Loc. & Per.]

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sooner

sooner Determination thereof; any Law, Statute, or Usage, to the contrary notwithstanding.

To determine
Leases.

LXII. And be it further enacted, That it shall be lawful for the said Commissioners at any Time before or after the Execution of the said Award, by any Writing or Writings under their Hands to determine and make void all or any of the Leases or Agreements at Rack Rent, or from Year to Year then subsisting of all, every, or any Part or Parts of the Lands and Grounds hereby directed to be divided, and which shall be divided, allotted, or exonerated from Tythes by virtue of this Act, and of all other Messuages, Buildings, Lands, Tenements, and Hereditaments, comprized in and demised by such Leases or Agreements, either as to the Whole or as to some particular Part or Parts only of the Hereditaments comprized in such Leases and Agreements respectively, and at such Time or Times in the Year as the said Commissioners shall in their Discretion think most convenient and expedient, according to the Circumstances of the Case; and in all Cases where any such Leases or Agreements shall be wholly or partially determined as aforesaid, the said Commissioners shall ascertain and declare whether any and what Sum or Sums of Money in gross ought to be paid, or any and what Deduction and Abatement in the reserved Rent or Rents ought to be made by the Lessors or Landholders to the Lessees or Tenants as a Compensation and Satisfaction for such total or partial Determination of their respective Leases or Agreements; and such Sum and Sums in gross, or reduced Rents, so ascertained and declared as aforesaid, shall respectively become payable and commence at such Time or Times, and in such Manner as the said Commissioners shall direct and appoint; and all such Sums in gross shall be charged upon the Lands in respect of which the same shall and may be levied and recovered in the like Manner as Rent in Arrear; and all such reduced Rents shall, after the Commencement thereof, be payable and recoverable in like Manner as the reserved Rents would have been payable and recoverable; and in all Cases where such subsisting Leases or Agreements at Rack Rent, or from Year to Year, shall not be determined as aforesaid, but shall continue in force, it shall be lawful for the said Commissioners in like Manner to ascertain and declare whether any and what additional Rent or Rents ought to be paid by the Lessees or Tenants, to the Lessors or Landlords for or in respect of any Improvement in the annual Value of the Hereditaments comprized in such Leases or Agreements respectively by reason of the same being divided, allotted, inclosed, and exonerated from Tythes respectively, by virtue of this Act; which additional Rents so ascertained and declared as aforesaid, shall commence at such Time or Times as the said Commissioners shall direct or appoint, and shall afterwards be payable and recoverable in like Manner as the Rents reserved by such Leases and Agreements are payable and recoverable respectively; and the Determination of the said Commissioners shall be binding, final, and conclusive upon all Parties.

Power of Sale
of Charity Al-
lotments for
fencing.

LXIII. And be it further enacted, That it shall be lawful for the said Commissioners, from and out of the Allotments which shall be made to the Trustees acting for any Estates held for charitable Purposes, to sell and dispose (either by private Contract or publick Sale by Auction) of so much and such Parts of the said respective Allotments as shall be sufficient

cient and equal to pay the Expence of fencing the same in such Manner as the said Commissioners shall think proper and direct, and the Monies arising by such Sale (or so much thereof as shall be necessary for that Purpose, shall, under the Directions of the said Commissioners, be laid out and expended in fencing the said Allotments in Manner aforesaid, and the Residue of such Monies (if any) shall be paid to the said Trustees to be applied to the Use of such charitable Purposes, unless such Trustee shall elect and choose to keep the Whole of such Allotment, and to fence the same at their own Expence, in such Manner as shall be directed by the said Commissioners.

LXIV. And be it further enacted, That within the Space of Twelve Calendar Months next after the Division and Allotment of the said Lands and Grounds hereby intended to be divided and inclosed shall be made and completed, or as soon after as conveniently may be, the said Commissioners shall, according to the several Powers and Authorities hereby given to and vested in them, form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity in Statute Measure of Acres, Roods, and Perches, contained in all the said Lands and Grounds hereby intended to be divided and inclosed as aforesaid, and the Quantity and Contents in each and every Parcel of the same allotted to the several Parties intituled thereto respectively; and also a Description of the Situation of such Parcels and Allotments respectively, and of such Lands or other Property as shall be allotted in Exchange, or shall be partitioned by virtue of this Act, and shall distinguish how much and what Part of every Allotment is assigned in right of Freehold or Copyhold Estates respectively; and also shall contain proper Orders and Directions for and concerning the laying out, making, maintaining, supporting, cleansing, and keeping in Repair the several Roads, Ways, Fences, Gates, Stiles, Ditches, Banks, Drains, Bridges, Sewers, and other Works hereby directed or authorized to be made; and also all such Orders, Regulations, and Determinations, as are in and by this Act mentioned, directed, required, or authorized to be made or established, and all such other Orders, Regulations, Matters, and Things as shall be necessary and proper, conformable to the true Tenor and Meaning of this Act, for the more easy convenient and effectual Execution thereof, and for the preventing any Difficulties and Disputes in relation to the Matters herein contained, pursuant and according to the several Powers and Authorities hereby given to and vested in the said Commissioners respectively; Two Copies of which said Award or Instrument shall be fairly ingrossed or written upon Parchment, and shall be executed by the said Commissioners, which Execution shall be proclaimed the next *Sunday* in the Parish Church of *Enfield* aforesaid, from which Time only the said Award shall be considered as complete; and to each Part of the said Award shall be annexed a Plan of the said Parish of *Enfield*, and of every Person's distinct Property therein, after the Division and Allotments shall be made as aforesaid, signed by the said Commissioners, One of which Copies of the said Award and Plan annexed shall, immediately after the Execution thereof as aforesaid be put into and kept in a Tin Box or Chest to be placed and kept in the Vestry of the Parish Church of *Enfield* aforesaid, or in such other Place as the said Commissioners shall direct, and the other Copy thereof shall be deposited in the Office for registering Deeds in the County of *Middlesex*, to the End that Recourse may

Award to be made.

may

may be had to the same by any Person or Persons interested in the said Division and Inclosure; and a true Copy thereof, or of any Part thereof, certified by One of the Registers of the said County, shall from Time to Time and at all Times be admitted and allowed in all Courts whatsoever as legal Evidence, which Copy the said Register for the County of *Middlesex* aforesaid is hereby required to make and deliver to any Person or Persons requiring the same, he, she, or they paying for such Copy after the Rate of Two pence *per* Sheet, reckoning Seventy-two Words to each Sheet; and the said Officer shall suffer all Persons at all reasonable Times to inspect the said Inrolment, they paying for such Inspection One Shilling and no more; and the said Register shall be paid for registering and safekeeping the said Copy of the said Award the Sum of Two Pounds and Two Shillings, and no more; and that the said Allotments, Partitions, Divisions, and Exchanges, and all Orders and Directions, Penalties, Impositions, Regulations, and Determinations, so to be made as aforesaid, in and by such Award and Instrument, shall be and are hereby declared to be final and conclusive unto and upon all Persons whomsoever.

Extract of
the King's
Allotments to
be made and
transmitted to
the Clerk of
the Council of
the Duchy.

LXV. And be it further enacted, That the said Commissioners shall, and they are hereby required to make an Extract on Parchment under their Hands and Seals of so much of their general Award herein-before directed to be made as shall contain an accurate Description of the Allotment or Allotments so to be made to His said Majesty or His Lessee or Lessees, together with such Regulations or Provisions relative to the said Allotment or Allotments, or to any other Rights or Interest of His Majesty, or His Lessee or Lessees, as may be contained in such Award; and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Clerk of the Council of His Majesty's Duchy of *Lancaster* for the Time being, within Six Calendar Months after the making and executing the said Award; and the said Commissioners shall also make an Extract on Parchment, under their Hands and Seals, of so much of their general Award, herein-before directed to be made, as shall contain an accurate Description of the Allotment or Allotments so to be made to the said Master, Fellows, and Scholars of *Trinity College*, or their Lessee or Lessees, together with such Regulations or Provisions relative to the said Allotments, or to any other Rights or Interests, as may be contained in such Award, and also a Map, or Plan of such Allotment or Allotments, and transmit the same to the proper Officer at the said College, within Six Calendar Months next after the making and executing the said Award.

Recovery of
Penalties.

LXVI. And be it further enacted, That where any Penalties or Forfeitures, are created or inflicted in and by this Act, and the Amount thereof is not specified, or the Manner of recovering the same is not particularly directed, that then and in all such Cases it shall be lawful for any Justice of the Peace for the said County of *Middlesex*, upon the Oath or Oaths of One or more Witness or Witnesses (which Oath or Oaths any such Justice is hereby authorized to administer) to hear and determine upon any Information or Complaint which shall be made or brought before him or them for any such Penalty or Forfeiture; and if upon such Oath or Oaths, or upon Confession of the Party, it shall appear to such Justice that any such Penalty and Forfeiture has been incurred, then it shall be lawful for such Justice to fix the Amount of such Penalty or

Forfeiture according to the Provisions of this Act, and by any Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause the Amount of such Penalty or Forfeiture to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall have incurred the same, together with the Costs and Charges attending such Distress and Sale, rendering the Overplus (if any) to the Owner of such Goods and Chattels; and if the Application of such Penalties is not otherwise directed, the same shall be applied to and for such Uses and Purposes as such Justice shall direct.

LXVII. And be it further enacted, That all the Fences and Trees (as well Timber as other Trees) Woods, Underwoods, Hedges, Bushes, and Shrubs, growing and being upon any of the Lands or Grounds allotted or exchanged by virtue of this Act, shall be valued by the said Commissioners, and such Consideration shall be paid for the same to the then Owner or Owners of the Land or Ground whereon the same shall stand or grow respectively, as the said Commissioners shall think reasonable, by the Person or Persons to whom the same Land or Ground shall be allotted.

Trees to be valued and paid for by the Persons to whom the Land whereon they are growing shall be allotted.

LXVIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to enter in a Book to be provided for that Purpose, an Account of all Monies whatever received from the Proprietors or others during the Progress of the Inclosure, and also of all the Charges, Expences and Disbursements which shall accrue and be made by virtue of this Act, and in carrying the same into Execution; which Book of Accounts shall be kept at the Office of their Clerk, open at all reasonable Times during the Progress of the said Inclosure, and till all the Accounts are finally settled, for the inspection of any of the Proprietors, without Fee or Reward; and in Case the said Commissioners and their Clerk shall neglect to provide and keep such Book of Account as aforesaid, and refuse the Inspection thereof to any of the Proprietors at reasonable Times in Manner before mentioned, and shall be convicted thereof upon the Oath of One or more credible Witnesses or Witnessess not interested in the intended Division and Inclosure, before any Justice of the Peace of the said County of *Middlesex*, or of such other County or Place where such Commissioner or Clerk so offending shall be or reside, every such Commissioner or Clerk so causing such Neglect or Refusal, who shall be convicted as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Ten Shillings; and if he or they shall make Default in paying such Sum for the Space of Ten Days next after such Conviction, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant) and the Overplus, after such Penalty and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Money arising by such Forfeiture or Penalty shall be paid and applied to or to the Use of such Proprietor or Person interested in the Complaint.

Book of Accounts to be left with the Clerks for the Proprietors Inspection.

LXIX. And be it further enacted, That all the Monies to be raised and received under and by virtue of the Powers of this Act, during the Progress of the intended Division and Inclosure, shall from Time to Time

Monies received, when amounting to 50l. to be paid

[Loc- & Per.]

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as

into a Bank-
er's Hands,
etc.

as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker, or of such other Person or Persons as shall be approved of by a Majority in Value of the Proprietors who shall be present at the First Meeting of the said Commissioners, bearing such Interest as can be obtained for the same, and in the Notice of which Meeting shall be expressed their Intention of then appointing such Banker, or such other Person or Persons; and no such Money deposited or paid into the Hands of such Banker, or other Person or Persons to be appointed as aforesaid, shall be issued or paid by him or them without an Order in Writing under the Hands of the said Commissioners specifying the Person or Persons, to whom the same are respectively payable, and the Service or Consideration for which the same are due, and the Balance (if any) upon the final Settlement of all Accounts in anywise concerning the Business of the said intended Division and Inclosure, shall (except as herein-after mentioned) be immediately paid to the several Proprietors or Persons interested, in Proportion to their several Rights and Interests in the Lands sold for Payment of the Expences as aforesaid.

Application
of Surplus.

LXX. Provided always, and be it further enacted, That if any Surplus shall remain of the Money to be raised by Sale of Land as aforesaid; and any Share or Proportion thereof as aforesaid shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex-parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Corporation or Person or Persons aforesaid, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the Estates in respect of which Surplus Money shall be paid affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Estate in respect of which such Surplus Money shall be paid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the

the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made: But if any Money to be paid shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of such Estate, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified by Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option and approved of by the said Commissioners (such nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed so far as the Case be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery: And where such Money so to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons entitled to the Rents and Profits of such Estate, in respect of which the same shall be paid, in such Manner as the said Commissioners shall think fit; or in case of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

LXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, then and in such Case (except where the Orders and Determinations of the said Commissioners are directed to be final, he, she, or they may appeal to the General Quarter Sessions of the Peace, which shall be held for the County of *Middlesex*, within Six Calendar Months after such Cause of Complaint shall have arisen; and the Justices of the said Quarter Sessions are hereby required to hear and determine the Matter of every such Complaint, and to make such Order therein, and to award such Costs as they may think reasonable, and to direct the levying the Costs 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) to the Owner or Owners, after deducting the reasonable Charges; which Determination of the Justices shall be final and conclusive to all Parties concerned.

Persons aggrieved may appeal to the Quarter Sessions.

LXXII. And be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of His said Majesty, or His Lessees, or the said Master, Fellows, and Scholars of *Trinity College*, or their Lessees, or any or either of them, or any other Person or Persons who shall respectively for the Time being be Lord or Lords, Lady or Ladies, of the said Manor of *Enfield*, or of the said Manor of the Rectory of *Enfield*, with their or either of their Members, or of any other of the several and respective Manors herein-before mentioned

Saving Rights of the Lords of the Manor.

tioned, of, in, or to the Seigniorie or Royalties incident and belonging to such Manors or Lordships, or any of them, but that His said Majesty, His Heirs and Successors, and His Lessees, and such other Lord and Lords for the Time being, shall and may at all Times hereafter hold and enjoy the same, and all Courts, Perquisites, and Profits of Courts, Services, Franchises Privileges, Waifs, Estrays, and all other Royalties, Rights, and Appurtenances to such Manors or Lordships respectively incident or belonging (other than those which are intended to be barred and destroyed by this Act) in as full, ample, extensive, and beneficial a Manner as they respectively could or might have held and enjoyed the same in case this Act had not been made.

General
Saving.

LXXIII. Saving always to the King's most Excellent Majesty, His Heirs or Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators (other than and except the respective Persons to whom any Allotment or Allotments, or any Composition or Satisfaction in lieu of Tythes shall be made by virtue of this Act, in respect of the Interest or Property for which such Allotment or Allotments, or Compensation shall be made, and all Persons claiming any Right of Common in or upon the said Open and Common Fields, Common Marshes, Lammas Grounds, Chase Allotment, and Waste Lands, whose Claims shall not be allowed by the said Commissioners) all such Estates and Interest as they, every, or any of them had or enjoyed, in, to, or in respect of the said Open and Common Fields, Common Marshes, Lammas Grounds, Chase Allotment, and Waste Lands, before the passing of this Act, or would or ought to have had or enjoyed in case the same had not been made.

Publick Act.

LXXIV. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, or other Persons whomsoever, without specially pleading the same.

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