



ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 107.

An Act for inclosing Lands in the Parish of *Marsworth*, in the County of *Buckingham*.

[20th May 1809.]

WHEREAS there are within the Parish of *Marsworth*, in the County of *Buckingham*, several Open and Common Arable Fields, Common Meadows, Common Pastures and other Commonable Lands and Waste Grounds, containing together in the Whole by Estimation One thousand and two hundred Acres, or thereabouts: And whereas *Edward Barker* Esquire, is Lord of the Manor of *Marsworth de la Hay*, within the said Parish of *Marsworth*, and in Right of his said Manor or Lordship claims to be entitled to certain Rights and Interests of and in the Waste Lands and Grounds by this Act intended to be divided, allotted and inclosed: And whereas *Sir Drummond Smith* Baronet, is Lord of the Manor of *Marsworth with Goldingtons*, within the said Parish of *Marsworth*, and as such claims to be entitled to certain Rights and Interests of and in the Waste Lands and Grounds intended by this Act to be divided, allotted and inclosed: And whereas the Mayor and Commonalty and Citizens of the City of *London*, Governours of the Possessions, Revenues and Goods of the Hospitals of *Edward King of England the Sixth, of Christ, Bridewell, and Saint Thomas the Apostle*, are Lords of the Manor of *Marsworth*, with the Appurtenances within the said Parish of *Marsworth*, and as such claim to be entitled to certain Rights and Interests of and in the Waste Lands and Grounds by this Act intended to be

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divided,

divided, allotted and inclosed, and are or claim to be entitled to Common of Pasture for their Sheep, upon the Heath and Waste Grounds lying adjacent to their Lands and Premises in the said Parish: And whereas the Master, Fellows and Scholars of the College of *The Holy and Undivided Trinity*, within the Town and University of *Cambridge*, of King Henry the Eighth's Foundation, are the Impropiators of the Rectory of *Marsworth* aforesaid, and are also entitled to the perpetual Advowson, Right of Patronage and Presentation to the Vicarage of the Parish and Parish Church of *Marsworth* aforesaid, and are also entitled to certain Glebe Lands, and to all the Great Tythes arising, renewing and increasing within the said Parish of *Marsworth*; and the said *Sir Drummond Smith* is the Lessee of all the said Glebe Lands and Tythes, lying and being within the said Parish of *Marsworth*, under and by virtue of a certain Lease thereof made or granted to him by the said Master, Fellows and Scholars of the said College: And whereas the Reverend *William Lak* is Vicar of the Vicarage and Parish Church of *Marsworth* aforesaid, and in Right of his said Vicarage is entitled to the Vicarage or Parsonage House, to certain Parcels of the Glebe Lands, and also to the Vicarial or Small Tythes arising, renewing and increasing within the Parish of *Marsworth* aforesaid: And whereas the Reverend *George Sandby* is Rector of the Rectory and Parish Church of *Hawridge*, in the said County of *Buckingham*, and in Right of his said Rectory is entitled to certain Glebe Lands lying within the said Parish of *Marsworth*, containing by Estimation Thirty Acres or thereabouts, Part and Parcel of the Lands and Grounds by this Act intended to be divided, allotted and inclosed: And whereas the said *Edward Barker*, the said *Sir Drummond Smith*, the said Mayor and Commonalty and Citizens, Governors aforesaid, the said Master, Fellows and Scholars of the said College, the said Vicar and Rector, the Right Honourable *John William Earl of Bridgewater*, *John Gregory*, *John Greening*, *Ann Baldwin*, the Company of Proprietors of the Grand Junction Canal, and divers other Persons, are Owners and Proprietors of all the said Open and Common Arable Fields, Common Meadows, Common Pastures and other Commonable Lands and Grounds within the said Parish of *Marsworth*: And whereas an Act was made and passed in the Forty-fifth Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands and Grounds of the several Proprietors in the said Open and Common Arable Fields, Common Meadows and Common Pastures lie dispersed and intermixed, and the same Lands, as well as the Wastes and other Commonable Lands aforesaid, in their present State are not capable of much Improvement; and it would be greatly to the Advantage of all Persons interested therein if the same Open and Common Fields and other Commonable Lands were set out, divided and allotted in specific Shares to and amongst the several Persons interested therein, according to their respective Rights, Property and Interests of and in the same, and such Allotments inclosed, and if in Consideration of an adequate Equivalent in Land all the Tythes arising as well from the Open Fields and other Commonable Lands, as from the inclosed Lands within the said Parish, were exonerated: But the several beneficial Purposes aforesaid 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

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 *Edward Horwood*, of *Buckland* in the County of *Buckingham*, Gentleman, *Alexander Watford*, of *Cambridge* in the County of *Cambridge*, Gentleman, and *Martin Nockolds*, of *Tring* in the County of *Hertford*, Gentleman, shall be and are hereby appointed Commissioners for dividing, setting out, allotting, inclosing and otherwise improving all the Open and Common Arable Fields, Meadows, Pastures, Wastes and other Commonable Lands and Grounds within the said Parish, and for carrying into Execution the several other Purposes of this Act, in such Manner as is herein-after provided or mentioned, and with such of the Powers, and subject to such of the Rules, Orders, Directions, Regulations, Restrictions and Provisions, contained in the said recited Act of the Forty-first Year of His present Majesty, as are not varied, altered or otherwise provided for by this Act; and that all Acts, Matters and Things which shall be done by any Two of the Commissioners named in or to be appointed by virtue of this Act, shall be as valid and effectual, to all Intents and Purposes, as if the same were done by all the Commissioners herein named and appointed.

Commissioners.

II. And be it further enacted, That in case any of the said Commissioners herein-before named and appointed, or to be appointed as herein-after mentioned, shall, previous to the finishing and completing of the said Division, Allotments and Inclosure, die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, a new Commissioner or Commissioners shall and may be nominated and appointed in Manner following; (that is to say), if the said *Edward Horwood* shall die, or refuse to act or become incapable of acting as aforesaid, it shall be lawful for the said *Edward Barker*, by any Writing under his Hand, to appoint One other fit and proper Person (not interested in the said Division, Allotment and Inclosure) to be a Commissioner in the Room of the said *Edward Horwood*, and so from Time to Time as often as any Commissioner so to be appointed by the said *Edward Barker* shall die, or refuse to act, or become incapable of acting as aforesaid; and if the said *Alexander Watford* shall die, or refuse to act, or become incapable of acting as aforesaid, it shall and may be lawful to and for the said Master, Fellows and Scholars of the said College, to appoint One other fit and proper Person (not interested in the said Division, Allotment and Inclosure) to be a Commissioner in the Room of the said *Alexander Watford*, and so from Time to Time as often as any Commissioner so to be appointed by the said Master, Fellows and Scholars shall die, or refuse to act, or become incapable of acting as aforesaid; and if the said *Martin Nockolds* shall die, or refuse to act, or become incapable of acting as aforesaid, it shall be lawful for the said *Sir Drummond Smith*, the Mayor and Commonalty and Citizens, Governors aforesaid, and the major Part in Value of the other Proprietors or Persons interested in the Lands and Grounds by this Act directed to be divided, allotted and inclosed, (exclusive of the said *Edward Barker*, and the said Master, Fellows and Scholars, their respective Heirs and Assigns), or for their respective Agents or Attornies duly authorized by Writing under their respective Hands, who shall be present at a Meeting to be held for that Purpose, in pursuance of Notice to be given in Manner herein-after mentioned, by the surviving or remaining Commissioners, or any Five or more of the said Proprietors or Persons interested, at least Twenty-one

Appointment of new Commissioners.

Days before such Meeting, to appoint one other fit and proper Person (not interested in the said Division, Allotment and Inclosure) to be a Commissioner in the Room of the said *Martin Nockolds*, and so from Time to Time and as often as any Commissioner to be appointed as last aforesaid shall die, or refuse to act or become incapable of acting; and in case the said respective Parties, or any of them shall make Default in appointing a new Commissioner within the Space of Two Calendar Months next after the Vacancy shall happen, it shall be lawful for such surviving or remaining Commissioners or Commissioner by Writing under their Hands or his Hand, to appoint a new Commissioner (not interested in the said Division, Allotment and Inclosure) in the Room of each Commissioner so dying, or refusing to act, or becoming incapable to act as aforesaid, and that the several Writings appointing such new Commissioners (if any) shall be annexed to and deposited with the Award of the said Commissioners; and every such new Commissioner to be appointed, having first taken the Oath prescribed in that Behalf, shall have the like Powers and Authorities for carrying this Act into Execution, as the Commissioner in whose Place he shall have been so appointed and chosen was vested with by virtue of this Act.

Power to appoint a Clerk.

III. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby fully authorized and empowered from Time to Time, as they shall think necessary, to appoint a Clerk to assist them in the Execution of this Act, and such Clerk to remove and to appoint another in his Stead when and as Occasion shall require.

Allowance to the Commissioners and Clerk.

IV. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the said Commissioners and their Clerk, the Sum of Two Pounds and Two Shillings for each Day they shall be respectively attending in the Execution of this and the said recited Act, and in travelling to and from the Meetings to be held under the same, over and above the necessary Expences of such Commissioners and their Clerk respectively.

Survey to be made.

V. 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 or Admeasurement and also a fair Plan shall be made of the said Open and Common Arable Fields, Meadows, Pastures, Commons, Wastes, and other Commonable Lands and Grounds so intended to be divided and inclosed as aforesaid, and also of all the Homesteads, Gardens, Orchards, Home Closes, and other ancient Inclosures, which are situated in the Parish of *Marfworth* aforesaid, so soon as conveniently may be by such Person or Persons as shall be employed for that Purpose by the said Commissioners; and such Survey or Admeasurement shall be reduced into Writing, and the Number of Acres, Roods and Perches belonging to each Proprietor shall be set forth and ascertained therein, and the said Survey or Admeasurement and Plan 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 upon Oath by the said Surveyor or Surveyors who shall have taken and made the same, which Oath the said Commissioners, or either of them, are and is hereby authorized and required to administer.

VI. And

VI. And be it further enacted, That the said Commissioners shall and they are hereby required to give Notice by Advertisement to be inserted in the *Northampton Mercury* and *County Chronicle*, now usually circulated in the said County, or in case those Newspapers shall not then be published, then in Two other Newspapers published or generally circulated in the said County of *Buckingham*, and also by Writing to be affixed on the principal outer Door of the Parish Church of *Marsworth* aforesaid, of the Time and Place of their first Meeting for executing the Powers hereby vested in them, at least Six Days before such Meeting; and the said Commissioner; shall in like Manner give at least Six Days Notice of any subsequent Meeting (Meetings by Adjournment only excepted); and the said Commissioners shall and may adjourn themselves from Time to Time as they shall see Occasion for the due Execution of this Act; and in case Two Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which such Meeting shall be adjourned, it shall be lawful for any One of the Commissioners then present to adjourn such Meeting to any future Day not exceeding Fourteen Days from the Time of Adjournment, and shall give Notice thereof to the absent Commissioners; and in case no Commissioners shall attend at such Meeting, then the Clerk to the said Commissioners may adjourn the said Meeting to such Time and Place as shall be deemed by him most convenient, and he is hereby required forthwith to give Notice of the said Adjournment to the said Commissioners, any Thing herein contained to the contrary notwithstanding: Provided always, that no longer Time shall intervene between one Meeting and another, either by Adjournment or otherwise, than Six Weeks, and that no Meeting either of Commissioners or Proprietors in pursuance of this Act, shall be held at any Place or Places further distant than Eight Miles from the Parish Church of *Marsworth* aforesaid.

Commissioners to give Notice of their Meetings.

VII. Provided always, and be it enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by affixing such Notice on the principal outer Door of the Parish Church of *Marsworth* aforesaid, and by Advertisements to be inserted in the *Northampton Mercury* and *County Chronicle*, now generally circulated in the said County, or in case those Newspapers shall not then be published, in some other Newspapers generally circulated in the County of *Buckingham*.

Other Notices how to be given.

VIII. And be it further enacted, That in order to shorten the Boundaries between the Lands and Grounds hereby intended to be divided, allotted and inclosed, and any of the adjoining Parishes, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, with the Consent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, and under the Hands of the major Part in Value of the Land Owners in any Parish or Parishes interested in any Grounds adjoining to the Lands and Grounds hereby intended to be divided, allotted and inclosed, or such or so many of them as shall attend a Meeting to be for that Purpose called, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which such Boundary or Boundaries are intended to be made, to set out and ascertain the Boundary Fences to be made between the Lands and Grounds hereby intended to be divided, allotted and inclosed, and the other Lands adjoining thereto, in such Manner as they shall judge proper for the Purposes

For shortening Boundary Fences.

poses aforesaid; and after such Boundaries shall be set out and ascertained as aforesaid, the same shall be fenced or not, and by such Person or Persons in such Manner and at such Time or Times as the said Commissioners shall order and direct in and by their Award, and shall be for ever thereafter deemed and taken to be the Boundaries between the Lands and Grounds hereby intended to be divided, allotted and inclosed, and such adjoining Parish or Parishes; any Law, Usage or Custom to the contrary notwithstanding.

Commissioners to settle Disputes;

IX. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment and Inclosure, touching and concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching and concerning any other Matter or Thing relating to the said Division, Allotment and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear and determine the same; provided that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Lands, Tenements, or Hereditaments whatsoever.

but not to determine Titles.

Power for the Commissioners to assess Costs.

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

Allowing Parties dissatisfied with the Commissioners's Determination to try their Rights at Law.

XI. And be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Division, Allotment and Inclosure, shall be dissatisfied with the Determination of the said Commissioners, touching or concerning any Claim or Claims of any Lands, Right of Common or other Rights or Interests, in or to the Lands and Hereditaments intended to be divided or affected by this Act, or any Objection or Objections thereto, it shall be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the first Assizes to be holden for the said County of *Buckingham*, next after the Expiration of Six Calendar Months from the Time of such Determination

mination being made; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been respectively made, within Three Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she or they is and are hereby required to name an Attorney or Attornies who shall appear thereto or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims and the Right or Rights thereby insisted upon may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politic, Corporate and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the said Court to do, and also upon sufficient Cause shewn to put off the Trial of any such Action or Actions as is usual in other Cases, and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall, and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims, Objection or Objections thereby determined according to the Event of such Trial or Trials: Provided, that all the Determinations of the said Commissioners, touching any such Claim or Claims as aforesaid, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within the Time and in the Manner aforesaid, shall be final, binding and conclusive unto and upon all Parties: Provided also, that if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened.

Determinations not objected to, final.

Actions not to abate by the Death of Parties.

XII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in or to any Lands, Tenements or Hereditaments, in the said Parish of *Marsworth*, such Suit or Suits shall not impede, delay or hinder the said Commissioners from proceeding in the Execution of the Powers invested in them by this Act, but the said Division and Allotment shall be proceeded in notwithstanding such Suit or Suits, and the Allotment or Allotments to which any such Suit or Suits shall relate, may be had and taken by the Person or Persons and Body or Bodies Politic, Corporate or Collegiate, who upon the Determination of such Suit or Suits shall become entitled to the same.

Actions or Suits, &c. not to delay the Inclosure.

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore

Provision in case of Death of Parties before Actions brought.

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

Right of Possession not to be determined by the Commissioners.

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

Power to stop up Roads, &c.

XV. And be it further enacted, That it shall be lawful for the said Commissioners to stop up, discontinue, divert or alter any Carriage Road, Bridleway or Footpath, leading through or over the Lands and Grounds intended to be divided and inclosed by virtue of this Act, or passing or leading through any of the inclosed Lands in the said Parish, and the Soil of the Roads and Ways so to be stopped up or discontinued shall be deemed and taken as Part of the Lands and Grounds to be divided and inclosed by virtue of this Act, provided that no such Carriage Road, Bridleway or Footpath, passing or leading through any of the inclosed Lands in the said Parish, shall be stopped up, discontinued, diverted or altered, without the Concurrence and Order of Two Justices of the Peace for the said County of *Buckingham*, and not interested in the Repair of such Roads, and which Order shall be subject to an Appeal to the Quarter Sessions for the said County, in like Manner as if the same had been originally made by such Justices.

Power to widen and improve Ditches and Watercourses.

XVI. And be it further enacted, That the said Commissioners shall and may scour out and widen all such Brooks, Streams, Ditches, Watercourses, Tunnels and Bridges within the said Parish of *Marfworth*, and also shall and may set out, order and direct such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges, to be made of such Depth and Breadth and in such Situation and Direction as the said Commissioners shall think proper, as well in, through, over and upon the Lands and Grounds hereby intended to be divided, allotted and inclosed as aforesaid, as also in, through, over and upon any ancient Inclosures or other Lands, within the said Parish or any of the adjoining Parishes, making such Satisfaction to the Owners and Proprietors of the Lands and Grounds not hereby in-

tended to be divided, allotted and inclosed, for the Damage done thereby as they shall judge reasonable, and the said Commissioners shall and may and they are hereby directed in and by their Award to order and direct by whom, at whose Expence, at what Time and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges, shall be thereafter repaired, cleansed, scoured and maintained: Provided always, that no such Brook or Stream shall be diverted or turned without the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands or Grounds from which any such Brook or Stream shall be diverted, or into which any such Brook or Stream shall be turned.

XVII. Provided always, and be it further enacted, That no Carriage-way, Bridleway or Footway, leading over and across the Grand Junction Canal in the said Parish of *Marsworth*, shall be stopped up, discontinued, diverted or altered by virtue of the said recited Act or this Act, and no Brooks, Streams, Ditches, Watercourses, Tunnels, or Bridges within the said Parish now running into or forming Part of the Works of the said Canal shall be diverted, turned or altered, without the Consent of the said Company of Proprietors in Writing, under their Common Seal; and that nothing herein contained shall extend or be construed to extend to enable the said Commissioners to do, or order or cause to be done, any Act, Matter or Thing which shall injure or prejudice the Navigation or Works of the said Canal through the said Parish of *Marsworth*.

Not to alter any Carriage-way across the Grand Junction Canal.

XVIII. And be it further enacted, That the said Commissioners shall and may and they are hereby required to set out and allot within the said Parish of *Marsworth*, such Parts of the Lands and Grounds hereby directed to be divided and allotted, as the said Commissioners shall think necessary, not exceeding Six Acres in the Whole, as and for public Stone, Chalk and Gravel Pits, and the same Allotments when set out shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands, Tenements, and Hereditaments within the said Parish, and their Tenants for the Time being, in such Manner and subject to such Rules and Regulations as the said Commissioners in and by their Award shall direct and appoint, and that the Grass and Herbage growing and renewing in and upon such Piece or Parcel, or Pieces or Parcels of Land or Ground, shall be allotted in the Award to be made by the said Commissioners to such Person or Persons as the said Commissioners shall think fit.

Allotment for Stone and Gravel Pits.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next Place, to set out and allot unto and for the said Master, Fellows and Scholars of the said College, as such Impropropriators as aforesaid, and their Lessee, and unto and for the Vicar of the Vicarage of *Marsworth* aforesaid respectively, such Pieces or Parcels of the Lands and Grounds hereby intended to be divided, allotted and inclosed, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands and Rights of Common belonging to the said Impropropriators, and their Lessee and Vicar respectively, in the said Open Fields and other Commonable Lands.

Allotments to Trinity College as Impropropriators, and to their Lessee.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next Place, to set out and allot unto

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Allotment for Glebe and Rights of Common.

and for the said Rector of the Rectory of *Hawridge* aforesaid, such Pieces or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Land and Rights of Common belonging or reputed to belong to the Rector of the said Rectory of *Hawridge*, in the said Open Fields and other Commonable Lands.

Allotment in lieu of Great and Small Tythes.

XXI. And, in order to the making an adequate Compensation to the said Impropropriators, their Lessee and Vicar respect vely, for the Great and Small Tythes arising within the said Parish of *Marsworth*; be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out and allot unto and for the said Master, Fellows and Scholars of the said College as such Impropropriators as aforesaid, and their Lessee, and the Vicar of the said Vicarage respectively, for and in lieu of all and all Manner of Tythes, both Great and Small, and all Moduses, Compositions, and other Payments in lieu of Tythes, and all other Ecclesiastical Dues and Payments whatsoever, (except a certain annual Stipend or Payment of Sixteen Pounds by the Year payable to the Vicar of the said Vicarage for the Time being, by the said Sir *Drummond Smith*, as Lessee under the said Master, Fellows and Scholars, and also except *Easter Offerings*, Mortuaries and Surplice Fees, and also except the Tythes or Tenths, or Compositions in lieu of Tythes or Tenths and other annual Payments (if any) payable by the said Company of Proprietors of the Grand Junction Canal) arising, growing, renewing, increasing, happening or payable, to the said Impropropriators, or their Lessee and Vicar respectively, within the said Parish of *Marsworth*, such Parts or Parcels of the Lands and Grounds hereby intended to be divided, allotted and inclosed, except the Lands and Grounds belonging to the said Company of Proprietors, as in the Judgement of the said Commissioners shall be equal in Value to all such Great and Small Tythes as aforesaid, (which Equivalent shall not in any Case be estimated as of less Value than One-fifth Part of all the Arable Lands, One-eighth Part of all the Meadow and Pasture or Sward Lands, and One-tenth Part of all the Wood Lands,) situate, lying and being in the Parish of *Marsworth* aforesaid, which are severally subject and liable to the Payment of Tythes in Kind, to the said Impropropriators or their Lessee and Vicar respectively, and which shall remain after the Allotments hereinbefore directed to be made shall have been taken out and deducted therefrom, and also equal in Value to all Moduses, Pensions and other perpetual Annuities or yearly Sums (except the said annual Stipend or Payment of Sixteen Pounds payable to the said Vicar, *Easter Offerings*, Mortuaries and Surplice Fees, and also except the Tythes or Tenths, or Compositions in lieu of Tythes or Tenths, and other annual Payments (if any) payable by the said Company of Proprietors of the Grand Junction Canal.)

Allotments in lieu of Tythes to be subdivided between the College, their Lessee, and the Vicar, &c.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to subdivide the several Lands and Allotments hereinbefore directed to be set out in lieu of Tythes, Moduses and other Ecclesiastical Payments (except the said annual Stipend or Payment of Sixteen Pounds, *Easter Offerings*, Mortuaries and Surplice Fees, and the Tythes and other Payments (if any) payable by the said Company of Proprietors) unto and between the said Master, Fellows and Scholars of the said College, as such Impropropriators as aforesaid, or their Lessee,

Lessee, and the Vicar of the said Vicarage of *Marfworth*, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be a just Compensation, Equivalent and Satisfaction for their respective Shares, Rights and Interests, of, in and to the Tythes, Moduses and other Ecclesiastical Payments (except as aforesaid) for or in respect of which such Allotments shall be set out and made as aforesaid, and such respective Shares and Proportions shall be allotted and awarded to the said Master, Fellows and Scholars, Impropriators as aforesaid, and their said Lessee, his Executors, Administrators or Assigns, and the Vicar of the said Vicarage for the Time being, and from and after Possession thereof shall be delivered to the Lessee of the said Master, Fellows and Scholars, and the Vicar of the said Vicarage, or at such other Time or Times as the said Commissioners shall appoint, all Tythes both Great and Small, Moduses and all other Ecclesiastical Payments whatsoever, (except as aforesaid), theretofore arising, renewing and happening within the said Parish of *Marfworth*, and payable to the said Impropriators, or their Lessee and Vicar respectively, shall cease, determine, and be for ever extinguished, but in the mean Time all such Tythes, Moduses and other Ecclesiastical Payments shall continue to be due and payable, and received and taken in like Manner as before the passing of this Act, and the said Tythes, Compositions and other annual Payments, if any, payable by the said Company of Proprietors, Surplice Fees, Mortuaries and *Easter Offerings*, and the said annual Stipend or Payment heretofore payable to the said Vicar, shall continue payable to him in such and the same Manner as if this Act had not been passed.

XXIII. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, Homeclofes, or inclosed Lands and Grounds in the said Parish of *Marfworth*, subject or liable to the Payment of Tythes in Kind, or to any Modus or other Payment in lieu of Tythes, the respective Proprietors whereof shall not happen to be entitled to any or a sufficient Allotment out of the Lands and Grounds hereby intended to be divided, allotted and inclosed, to make Compensation for the Tythes, Moduses or other Payments in lieu of Tythes issuing thereout, such Proprietor shall respectively pay or cause to be paid unto such Person or Persons and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Tythes, Moduses and other Payments in lieu of Tythes, issuing out of such Homesteads, Gardens, Orchards, Homeclofes, and inclosed Lands and Grounds respectively, or for such Part thereof for which a Compensation in Land cannot be made by the respective Proprietors thereof as aforesaid, which Sum or Sums of Money shall be applied towards Payment of the Charges and Expences of passing and executing this Act, and shall and may be raised, levied, and recovered in like Manner as the Charges and Expences of passing and executing this Act, are herein-after directed to be raised, levied, and recovered, and if after paying all the Charges and Expences of passing and executing this Act, there shall remain any Surplus of such Money, the same shall be divided between the several Persons interested in the Lands and Grounds hereby intended to be divided, allotted and inclosed, in such Shares as shall be in Proportion to their respective Property and Interests, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Proprietors of and
in

A Money
Payment to be
made for
Tythes of Old
Inclosures in
certain Cases.

in such surplus Money shall be applied and disposed of in the Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, in Cases where any Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or the Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands and Hereditaments to be settled to the same Uses.

Allotments to the Impro- priators, Lessee, Vicar and Rector, to be fenced at the Expence of the other Proprietors.

XXIV. And be it further enacted, That the several Allotments of Land and Ground so to be set out and allotted to and for the said Impro- priators and their Lessee and the Vicar of *Marsworth* aforesaid, and also to and for the Rector of *Hawridge* aforesaid, and each of them respec- tively, in lieu of Glebe Lands and Rights of Common, and in lieu of Tythes, Moduses and other Ecclesiastical Payments as aforesaid, shall be inclosed and fenced round with Posts and Rails, Ditches and Quickset Hedges, and other proper Mounds and Fences, at the Expence of such other of the Pro- priators of Lands and Grounds hereby intended to be divided, allotted, inclosed and exonerated from Tythes respectively, as the said Commission- ers shall order, direct or appoint, and the said Commissioners shall direct and appoint what Part of the said Ditches, Mounds and Fences shall after- wards belong to the said Impro- priators, Vicar and Rector, and their Suc- cessors respectively, and what Part to any other Proprietors; and the said Ditches, Mounds and Fences when properly made, shall for ever after be repaired and maintained by and at the Expence of the Person or Persons to whom the same shall be ordered and appointed to belong as afore- said.

Allotments to the Lords of the Manors.

XXV. And be it further enacted, That the said Commissioners shall, after the respective Allotments herein-before directed, shall have been made and set out as aforesaid, assign, set out, allot and award unto the Lords of the said several Manors respectively, as Owners of the Soil of the said Commons and Wastes hereby authorized to be divided, allotted and in- closed, such Part or Parts of the said Lands and Grounds hereby intended to be divided, allotted and inclosed, as in the Judgement of the said Com- missioners shall be equal in Value to One-twentieth Part of the said Com- mons and Wastes, for and in lieu of their respective Rights to the Soil of the same Commons and Wastes, and shall apportion the same among the Lords of the respective Manors aforesaid, in Proportion to their respective Estates, Rights and Interests of and in the same.

Allotments of the Residue.

XXVI. And be it further enacted, That the said Commissioners shall divide, set out, allot and award all the Residue and Remainder of the said Open and Common Arable Fields, Meadows, Commons, Wastes and other Commonable Lands and Grounds hereby directed to be divided, allotted and inclosed, unto, amongst and between the several Owners thereof and Persons interested therein, in such Quantities, Parts, Shares and Proportions, as the said Commissioners shall adjudge to be a full and just Compensa- tion, Equivalent and Satisfaction for their several and respective Lands, Grounds, Sheep Walks, Rights of Common and other Rights and Interests therein, for which no Allotment or other Compensation is herein-before pecially directed to be made.

XXVII. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the said Proprietors in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, they the said Commissioners shall give Notice in the Manner before directed, of some convenient Time and Place when and where the said Proprietors may be informed of such intended respective Allotments, and see the Scheme thereof set out and delineated upon a Map to be produced for their Inspection; and as some Proprietors may, upon Inspection of such Map, be dissatisfied with the intended Allotments, the said Commissioners shall at such Time and Place as last aforesaid, or at some other Time or Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections against such Allotments, and shall forthwith, or as soon after as conveniently may be, at some Meeting to be for that Purpose held, determine the same, and their Determination being reduced into Writing and signed by them, shall be binding and conclusive upon all Parties.

Commissioners when they have ascertained the Shares of the Proprietors to give Notice to them when and where they may see the Map of the same, &c.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized at any Time or Times before the Execution of their Award, by Writing under their Hands, to be affixed upon the principal outer Door of the Parish Church of *Marsworth* aforesaid, to order and direct all or any Part of the Rights of Common or any other Commonable Rights whatsoever, in, over or upon the Lands and Grounds intended so to be divided, allotted, and inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time and Times as shall be expressed in such Writing, and that all Rights of Common and other Commonable Rights which the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Writing on the said Church Door, or from such other subsequent Time in the said Notice to be expressed, cease, determine, and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Custom, or Usage, to the contrary notwithstanding.

Extinguishing Rights of Common.

XXIX. Provided always, and be it further enacted, That if any Person hath sold, or contracted or agreed to sell, or shall at any Time hereafter and before the Execution of the said Award sell, or contract or agree to sell, his or her Right, Interest, or Property, in, over or upon the said Open Fields and other Commonable Lands, or any Part thereof, to any other Person or Persons, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, upon Application made to them for that Purpose, by Writing under the Hands of the contracting Parties, to make an Allotment or Allotments of Land unto the Vendee or Purchaser in such Sale, Contract or Agreement, or to his or her Heirs or Assigns, for or in respect of such Right, Interest, or Property so sold, or contracted or agreed to be sold as aforesaid; and every such Vendee or Purchaser, and his and her Heirs and Assigns, shall and may, from and after the Completion of such Sale, hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner, pursuant to the Terms of such Contract, Sale, or Agreement, to all Intents and Purposes, as the Vendor in every such

In Cases where Proprietors have sold their Rights, &c. the Allotment to be set out to the Purchaser.

Sale, Contract, or Agreement might, could or ought to have held and enjoyed the same in case such Sale, Contract or Agreement had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

Power to sell
Rights before
the Execution
of the Award.

XXX. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments to be made by virtue of this Act, to sell, assign, mortgage, convey or dispose of all or any Part of his, her, or their Allotment or Allotments for his, her, or their Interest therein, at any Time before the Execution of the said Award, and every such Conveyance and Assurance shall be of the same Force and Effect as if the same had been made after the Execution of the said Award.

Allotments to
be of the same
Tenure as the
Lands in lieu
of which the
same shall be
made.

XXXI. And be it further enacted, That all the Allotments which shall be set out or allotted to any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, by virtue of this Act, shall be deemed or taken to be held, and shall be accordingly held by and under the same Tenures, Rents, Fines, Customs, and Services respectively, as the Lands and Hereditaments in lieu or in respect whereof such Allotments were made were previously held by or subject unto, and the said Commissioners shall in and by their Award distinguish the Tenures of the said Allotments respectively, and of or within what Manor or Manors the same are holden or situate respectively.

Directing the
Course of
Husbandry.

XXXII. And be it further enacted, That from and after the passing of this Act, until the Execution of the said Award, all the Arable and Grass Lands hereby directed to be divided, allotted, and inclosed, shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time by any Writing under their Hands appoint, as well with regard to the stocking, as to the ploughing, tilling, sowing, and laying down the same, and it shall be lawful for the said Commissioners (any Usage or Custom of sowing or stocking to the contrary notwithstanding), to order and direct such Sum and Sums of Money, in respect thereof, to be paid by any Person or Persons interested in the said Arable Lands, or any Part thereof, or his, her, or their Tenant or Tenants, to any other Person or Persons in like Manner interested therein, or his, her, or their Tenant or Tenants, as the said Commissioners shall think reasonable; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money, on any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to raise and levy the same, for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as any Penalties and Forfeitures imposed by the said recited Act or this Act may be levied or recovered.

Recompence
to be made
for growing
Crops, &c.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, to settle and ascertain what Recompence shall be made or paid to the respective Occupiers, whether Owners or not, of any of the said Open and Common Arable Lands, for the Value of any Crop or Crops, or for any Clover or other Layer of artificial Grass, growing or being upon any of the Lands or Grounds to be divided, allotted, inclosed, or exchanged in pursuance or
by

by virtue of this or the said recited Act, or for any Tillage, Manure, or Preparation for a Crop or Crops, on any of the said Lands and Grounds respectively allotted and inclosed, on which such Crop or Crops, or Layer of artificial Grass shall be growing, or wherein such Tillage, Manure, or Preparation shall be made or laid as aforesaid, and by Writing or Writings under their Hands in that Behalf, to order the Payment of such Recompence and Satisfaction to be made as they shall deem reasonable, by the Person or Persons who shall have the Benefit of such Crop or Crops, or Layer of artificial Grass, or such Tillage, Manure, or Preparation; and in case such Person or Persons shall neglect or refuse to pay, or make such Recompence or Satisfaction accordingly, within the Space of Ten Days after the same shall have been ordered and demanded, then it shall be lawful for the said Commissioners, and they are hereby required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay or make such Recompence or Satisfaction as aforesaid, rendering the Overplus (if any) upon Demand, to such Person or Persons respectively, after deducting the Costs and Charges of taking and making every such Distress and Sale; and in case such Distress cannot be taken as aforesaid, it shall be lawful for the said Commissioners, or any Person authorized by them for that Purpose, to enter into and upon such Lands as aforesaid, or any Part thereof respectively, and to receive the Rents, Issues, and Profits thereof respectively, until thereby and therewith or otherwise the full Amount of such Recompence and Satisfaction, and all Costs, Charges, and Expences occasioned by or attending such Entry upon and receiving the Rents and Profits of the same Premises, shall be respectively fully paid and satisfied, which Sum or Sums of Money so to be levied, received, or raised, shall, after discharging such Costs, Charges, and Expences as aforesaid, be applied in making such Recompence and Satisfaction to the Person or Persons to whom it shall belong as aforesaid, rendering the Overplus (if any) on Demand, to the Owner or Proprietors, Occupier or Occupiers, or such other Person or Persons as the Case may be.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the said Parish of *Marsworth*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Township, Hamlet or Place: Provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtely of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable and other Uses, Husbands, Committees, or Attornies, of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing, under the Com-

Exchanges.

mon Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made, shall be good, valid, and effectual in Law, to all Intents and Purposes whatsoever: Provided always nevertheless, that no such Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese, in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Expence of Exchanges, &c. by whom to be paid.

XXXV. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchange or Partition to be made by virtue of the said recited Act or of this Act, shall be borne and defrayed by the several Persons making such Exchange or Partition, in such Manner and in such Proportions as the said Commissioners shall by their Award order and direct.

Leases at Rack Rent to be void.

XXXVI. And be it further enacted, That all Leases and Agreements for Leases at Rack Rent now subsisting, of all or any of the Lands, Tenements, and Hereditaments, which shall be divided, allotted, exonerated from Tythes, and exchanged respectively by virtue of this Act, within the said Parish of *Marsworth*, shall cease and be void at such Time or Times as the said Commissioners by Writing under their Hands, to be affixed upon the principal outer Door of the said Parish Church of *Marsworth* shall direct, the respective Lessors or Landlords making such Satisfaction in Money to their respective Lessees or Tenants, for the Lessees they shall sustain by the Determination of their respective Leases or Agreements as the said respective Parties shall agree upon between themselves, or as the said Commissioners, upon an Application made to them in Writing by either Party, shall order and direct; and if the Money so to be paid as aforesaid, shall not be paid according to the Directions of the said Commissioner, within Forty Days next after Demand thereof made in Writing under the Hand or Hands of the Person or Persons to whom the same shall be payable, it shall be lawful for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, may be raised and recovered: Provided always, that if there shall be any Leases of Lands, Part of which shall lie in the said Parish of *Marsworth*, and Part in any adjoining Parish, all and every such Lease or Leases may be vacated, but where any Land shall have been taken in Exchange, which Land shall be under Lease and wholly situate in an adjoining Parish, the Lease of such last-mentioned Lands shall not be vacated; provided that nothing herein contained shall make void or voidable the beneficial Lease herein-before mentioned to have been granted by the said Master, Fellows, and Scholars of the said College, to the said *St. Drummond Smith*, of the Glebe Lands and Great Tythes aforesaid, or any of them, or any Part thereof.

Other Allotments to be fenced, &c.

XXXVII. And be it further enacted, That the said several other Allotments to be made by virtue of this Act shall, within Fourteen Calendar Months next after the Date and Execution of the Award of the said Commissioners, or within any shorter Space of Time to be fixed by the said Commissioners in or by their said Award, be inclosed, hedged, ditched, and fenced,

fenced, at the proper Costs and Charges of such Person and Persons to whom the same shall respectively be assigned and allotted, in such Manner as the said Commissioners shall by any Writing or Writings under their Hands, or by their Award, order and direct.

XXXVIII. And be it further enacted, That it shall be lawful for any of the Proprietors after their respective Allotments shall have been ascertained, marked and set out, notwithstanding the said Commissioners shall not have signed their Award, to ditch and fence their own particular Allotments in such Manner as the said Commissioners shall order, direct, and appoint, and also to plant Quicksets, in order for the better Division and Separation thereof.

Proprietors to ditch out their Allotments before the Execution of the Award.

XXXIX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend, to compel or oblige any of the said Proprietors whose Allotment or Allotments shall upon the said intended Inclosure lie and be situated next and adjoining to any Freeboards, Common Fields, or inclosed Grounds, or to any antient or inclosed Grounds, the Boundaries whereof are already fenced, to make or erect any Hedges, Ditches, Mounds, or Fences, across such Freeboard, or next adjoining to such Common Field or inclosed Grounds, for inclosing such their Allotments or Shares, but that the ancient Mound or Fence, Brook or Rivulet, or other sufficient Fences on the opposite Side of the said Freeboard, or which shall divide such Common Fields or inclosed Grounds from such Allotments, shall for ever be and remain a Boundary Fence for the Purpose of such Division, and shall from Time to Time be maintained, cleansed, scoured, and repaired by the respective Proprietors thereof, in the same Manner as before the passing of this Act; any Thing herein contained to the contrary notwithstanding.

Ancient Boundary Fences to continue.

XLI. And be it further enacted, That it shall be lawful for the Owners and Proprietors of the Allotments to be made in pursuance of this Act, or any Person or Persons employed by them or on their Behalf, at any reasonable or convenient Time or Times in the Year, within the Space of Nine Years next after the Date of the said Award, to set up, erect, and make, and to repair, support, and continue Posts, Rails, or other dead Fences, on the Outside of the Ditches bounding their respective Allotments, not exceeding Three Feet from such Ditches, (which said Boundary Ditches shall be Three Feet wide at the least), for the due Preservation of their Quicksets or other Hedges, and to back, ditch, or fence such Posts, and Rails, or other Fences, by digging on the Outside of such Posts, Rails, and other dead Fences, and at any reasonable Time or Times within the said Term of Nine Years, to take and carry away the Materials thereof when decayed, filling in and levelling the back Ditch and Post-holes, and that it shall not be lawful for any Person or Persons, for the Space of Six Years, to keep or depasture any Sheep or Lambs in or upon any of the Allotments to be made by virtue of this Act, unless the Person or Persons keeping such Sheep or Lambs shall at his or their own Expence, effectually and sufficiently fence off, or guard, and duly keep fenced off or guarded, the Quickset Hedges or other live Fences of the Proprietor or Proprietors, whose Allotment or Allotments may adjoin to the Allotment or Allotments where such Sheep or Lambs shall be so kept, so as to prevent any Damage being done to such Quickset Hedges, or other live Fences, by such Sheep or Lambs.

Counter Fences may be made.

Penalty on
Persons de-
stroying
Gates, &c.

XLI. And be it further enacted, That in case any Person or Persons shall wilfully and unlawfully break down, destroy, carry away, spoil or damage any Gate, Stile, Post, Rail, or other Fence, to be put up or placed under the Authority of this Act, for the fencing or convenient occupying of the said several Allotments or any or either of them, every Person or Persons so offending, and being thereof convicted before any One of His Majesty's Justices of the Peace for the said County of *Buckingham* (not interested in the Premises), on the Confession of the Offender or Offenders, or on Proof of the Offence on the Oath of One or more credible Witnesses or Witnesses (which Oath every such Justice is hereby empowered to administer), every such Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and no Person shall be disqualified from giving Evidence of such Offence, by Reason of his or her being a Proprietor or Occupier of Lands or Hereditaments within or an Inhabitant of the said Parish of *Marfworth*, or by Reason he or she may be the Owner of such Gate, Stile, Post, Rail, or other Fence; and in case any such Offender or Offenders shall not immediately on Demand, pay such Penalty or Penalties, or find Securities to the Satisfaction of such Justice for the Payment thereof, at such future Day 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, upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting all Costs and Charges of the Distress and Sale, one Moiety of which Penalty or Penalties shall be paid to the Owner or Owners of such Gate, Stile, Post, Rail, or Fence so broken, destroyed, or carried away, and the other Moiety thereof shall go and be paid to the Informer or Informers; but if the Owner of such Gate, Stile, Post, Rail, or Fence, shall be the Informer, or shall give Evidence of the Offence, then the Whole of such Penalty or Penalties shall go and be paid to the Overseers of the Poor of the said Parish, for the Benefit of the Poor of such Parish, and for Want of such Distress, or in case of the same being an insufficient Distress, such Justice shall and may commit the Offender or Offenders to the Common Gaol or House of Correction, within the said County of *Buckingham*, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month.

Money ad-
vanced to be
repaid with
Interest.

XLII. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided and allotted, the Clerk to be appointed by the said Commissioners, or any other Person or Persons, shall advance and pay any Money in Discharge of the Fees or other Expences of obtaining and executing this Act, the Money so paid and advanced shall be repaid and satisfied by the said Commissioners, together with Interest for the same, at the Rate of Five Pounds *per Centum per Annum*, out of the first Monies to be raised by virtue of this Act.

Expences of
the Act, &c.

XLIII. And be it further enacted, That the Costs, Charges, and Expences occasioned by or incident to and attending the obtaining, soliciting and passing this Act, and of surveying, admeasuring, planning, valuing, dividing and allotting the Lands and Tenements to be divided, allotted, inclosed, and exonerated from Tythes, or otherwise affected by virtue of this Act, and of preparing and enrolling the Award of the said Commissioners, and all Costs and Charges that the said Commissioners shall be put unto,

in

in respect of any Appeal or Appeals against their Decisions, or of any Suit or Suits at Law or in Equity, that may be instituted against them, as Commissioners in the Execution of this and the said recited Act, and all the Charges and Expences of the said Commissioners and their Clerk and Assistants, and other Persons employed by them in and about the Execution of this Act, and all the Expences of forming, making, completing, and repairing the Public Carriage Roads, Highways, and Drains, to be set out and appointed by the said Commissioners, and all other Expences of carrying this and the said recited Act into full and complete Execution, shall, unless otherwise directed by this Act, or by the said Commissioners in pursuance thereof, be borne, paid, and defrayed by all and every the Proprietors and Owners of or Persons having Rights or Interests in the Lands and Grounds hereby directed to be divided, allotted, and inclosed; and the Homesteads and ancient Inclosures which shall be exonerated from Tythes, (other than and except the said Master, Fellows, and Scholars, of the said College, Impropiators as aforesaid, and their Lessee, the said Vicar of *Marsworth*, and the said Rector of *Hawridge*, in respect of their Allotments for the Glebe Lands with the Rights of Common thereto belonging, and Tythes), in such Shares and Proportions as the said Commissioners shall ascertain, settle, and direct, and the same shall be raised wholly or in part, either by a Sale or Sales of Part of the said Open Fields or other Commonable Lands, in the Manner and subject to the Regulations prescribed by the said recited Act, or wholly or in part by a Rate or Rates to be made in Manner herein-after mentioned, on the said respective Proprietors, as the said Commissioners shall think most convenient and proper, and the said Commissioners are hereby authorized and empowered, from Time to Time to make and form Estimates of all such Costs, Charges, and Expences, and to raise the Amount of such Estimates, at any Time after the Allotments shall have been staked out and confirmed, as they shall deem necessary and proper.

XLIV. Provided always, and be it further enacted, That in case the said Commissioners shall direct that the Whole of the Costs, Charges, and Expences aforesaid, shall be raised by Sale of Land as herein-before mentioned, and if any Surplus shall remain after Payment of such Costs, Charges, and Expences as aforesaid, then and in such Case such Surplus shall be divided amongst the several Persons entitled thereto, and interested in the Lands and Grounds hereby intended to be divided, allotted, and inclosed, in such Shares as shall be in Proportion to their respective Estates and Interests therein; and the Shares of such of them as shall be Tenants in Fee Simple, shall be paid to them respectively, and the Shares of such other Proprietors of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act, in those Cases where any Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Application of Surplus.

XLV. And be it further enacted, That if the said Commissioners shall think proper to raise the aforesaid Charges and Expences, or any Part or Proportion thereof, by a Rate or Rates as aforesaid, the same shall be paid by all and every the Proprietors and Owners of and Persons having Rights and Interests in the Lands and Grounds hereby directed to

Expences may be raised by a Rate if Commissioners shall think fit.

be divided and allotted, and the Homesteads, and ancient Inclosures, which shall be exonerated from Tythes, (except the said Master, Fellows, and Scholars of the said College, Impropropriators as aforesaid, and their Lessee as such Lessee only, and the said Vicar and Rector respectively, or who shall be otherwise liable to the Payment of any such Charges or Expences in pursuance of this Act), in such Parts, Shares and Proportions, as the said Commissioners shall direct or appoint, and the respective Sums so directed to be raised by any such Rate or Rates as aforesaid, shall be paid by the several Persons, Bodies Politic, Corporate, or Collegiate, chargeable therewith as aforesaid, their respective Heirs, Successors, Executors, and Administrators, at such Time and Place or Times and Places, to such Person or Persons, and in such Manner as the said Commissioners shall by any Writing under their Hands, either before or after the Execution of their Award, to be affixed on the principal outer Door of the said Parish Church of *Marfworth*, on some *Sunday* immediately preceding Divine Service, at least Fourteen Days before the Time appointed for such Payment, order and direct, and in default of Payment thereof, or of any Part or Parts thereof, according to such Direction or Appointment as aforesaid, the same shall and may be recovered in the Manner directed or authorized by the said recited Act.

Proprietors to pay their own Expences at Meetings, etc.

Expences of Exchanges.

XLVI. Provided always, and be it further enacted, That the several Proprietors, their Attornies and Agents, who shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act, shall pay their own Expences at all such Meetings; and all the Costs, Charges, and Expences, of making and completing Exchanges and Partitions in pursuance of this Act, shall be paid and borne by the several Persons interested therein, in such Proportions and Manner as the said Commissioners shall order and direct.

Lands may be deducted from Allotments in lieu of and equivalent to the Expences

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think the Measure expedient, to deduct from any Allotment or Allotments to be set out by virtue of this Act, so much Land as in the Judgement of the said Commissioners shall be equivalent to the Part or Proportion of the Expences of the passing and executing this Act, which ought to be paid in respect of such Allotment or Allotments, and also the Expences of inclosing, hedging, ditching, and fencing such Allotment or Allotments; and the Land so deducted shall be allotted to or amongst the Proprietor or Proprietors, who shall pay the same Expences, in Proportion to the Sums they shall respectively pay or contribute thereto, but under the Restriction, however, that no such Deduction shall be made by the said Commissioners, without the previous Consent in Writing of the respective Proprietors or Persons seized or entitled in Possession for any Estate of Inheritance, less than an Estate in Fee Simple, or for Life or Lives, or as Lessee under any beneficial Lease for any Term of Years either absolute or determinable on Lives, of or to such Allotment or Allotments, or of the Husbands, Guardians, Trustees, Committees, or Attornies of any such Proprietor or Proprietors, being Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves.

Settlements, &c. not to be affected.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained, shall extend or be construed to extend to revoke, make void,

void, alter, or annul any Will, Settlement, or Lease (other than such Leases at Rack Rent as are herein-before made void), or to prejudice any Person or Persons having any Right or Title of Dower, Jointure, Portion, Debts, Rents or Incumbrances, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments, to be divided, allotted, inclosed, exchanged, or otherwise affected by virtue of this Act, or any Part or Parts thereof respectively, but that the respective Persons to whom any Lands or Hereditaments shall be allotted, or given in Exchange by virtue of this Act, shall be seised thereof to such and the same Uses, and for such and the same Estates and Interests, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, as the Lands, Tenements, and Hereditaments, for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

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

Supplemental Instrument may be executed by the Commissioners for supplying Omissions in certain Cases.

Award.

L. And be it further enacted, That the said Award to be made by the said Commissioners, and also a Counterpart, or an attested Copy of the said Supplementary Instrument (in case any such shall have been executed), when inrolled in the Manner directed by the said recited Act, shall be deposited in the Parish Church of *Marfworth* aforesaid, there to remain as a proper Deposit for the same Award.

Commission-
ers to account,
etc.

LI. And be it further enacted, That Once at least in every Year, during the Time which shall be taken up in the Execution of this Act, (such Year to be computed and reckoned from the Day of passing thereof), the said Commissioners shall, and they are hereby required to make a true and just Statement or Account of all such Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this and the said recited Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Buckingham*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Books of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justices.

Allowing an
Appeal.

LII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of the said recited Act or this Act (other than and except by such Orders, Determinations, and Proceedings of the said Commissioners as are by the said recited Act or this Act directed or declared to be final and conclusive, and except in such Cases as are herein-before directed or authorized to be ascertained, settled, tried, or determined by the Verdict of a Jury), then and in every such Case he, she, or they who shall be so aggrieved, may appeal to the Justices at the General Quarter Sessions of the Peace which shall be holden for the said County of *Buckingham*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners (in case the Appeal shall be made against any of their Acts, Determinations, or Proceedings) and to the other Party or Parties concerned, Thirty Days Notice in Writing of such Appeal and of the Matter thereof; and the Justices (not interested in the Premises) at their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal; and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Charges which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrants, Distress, and Sale; and the Determination of the said Justices assembled at the said Sessions, shall be final and conclusive to and upon all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant

or

or Appellants as to them in their Discretion shall seem reasonable, and to be recovered in Manner aforesaid.

LIII. And whereas it may be expedient to erect and build One or more Barn or Barns upon the Allotment or Allotments to be set out and allotted unto and for the said Impropiators, and their Lessee and the said Vicar respectively, and to subdivide, drain, and otherwise improve the several Allotments to the said Impropiators, and their Lessee and Vicar respectively; be it therefore further enacted, That it shall be lawful for the said Commissioners, by and with the Consent and Approbation of the said Master, Fellows, and Scholars, Impropiators as aforesaid, and their Lessee, and the Vicar of the said Vicarage respectively, which Approbation and Consent shall be expressed in Writing, under the Hand of the said Lessee and Vicar, and on the Part of the College Impropiators as aforesaid, under the Hand of the Senior Bursar, to put up to sale by public Auction, and to sell, convey, and assure so much and such Parts of the Lands and Grounds to be respectively allotted to them by virtue of this Act, as in the Judgment of the said Commissioners shall be deemed competent and sufficient for the Purposes aforesaid, and the Monies arising from such Sale shall be applied under the Direction of the said Commissioners for the Purposes aforesaid; and after Payment of the full Purchase Money for any such Allotment or Allotments, or Part or Parts thereof, 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 Allotment or Allotments, or Part or Parts thereof to be so sold as aforesaid, shall be also conveyed and assured unto the respective Purchasers or Purchaser 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 or Purchaser thereof, his, her, or their Heirs and Assigns.

Impropiators and Vicar empowered to sell Land for the Purpose of defraying the Expences of making and putting up Subdivision Fences, and for building Barns on their respective Allotments.

LIV. Saving always, to the King's most Excellent Majesty, His Heirs, and Successors, and to all and every other Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, in respect of the Interest or Property for which such Allotment or Allotments shall be made, and except such other Rights and Interests, as the Intents and Purposes of this Act shall absolutely require to be barred, destroyed, or extinguished by this Act,) all such Estates, Rights, and Interests, as they, every, or any of them, had or enjoyed before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

General Saving of all Rights

LV. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed, shall be admitted as Evidence thereof, by all Judges, Justices, and others.

Evidence Clause.

