



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 111.

An Act for inclosing Lands in the Parish of *Newnton Blossomville* otherwise *Newton Blossomville*, in the County of *Buckingham*. [18th May 1810.]

WHEREAS there are within the Parish of *Newnton Blossomville* otherwise *Newton Blossomville*, in the County of *Buckingham*, several Open and Common Fields, Common Meadows, Common Pastures, and other Commonable and Waste Lands and Grounds: And whereas *Farrer Grove Spurgeon Farrer* Esquire is Lord of the Manor of *Newnton Blossomville* otherwise *Newton Blossomville* aforesaid, and is seised of or entitled to the Advowson of the Rectory and Parish Church of *Newnton Blossomville* otherwise *Newton Blossomville* aforesaid, and is also Proprietor or Owner of a very considerable Part of the said Open Fields and other Commonable Lands: And whereas *Robert Harris Hurst*, Clerk, is Rector of the Rectory and Parish Church of *Newnton Blossomville* otherwise *Newton Blossomville* aforesaid, and as such entitled to certain Glebe Lands lying within the said Open Fields and other Commonable Lands, and to all the Tythes both Great and Small yearly arising, renewing and increasing within the said Parish: And whereas *Elizabeth Christian Skevington*, *Ann Skevington*, *Alexander Small* Esquire, *William Andrews*, *John Hale*, and *William Talbott*, as Rector of *Clifton Reynes* in the said County of *Buckingham*, and several other Persons, are entitled to the Residue of the said Open Fields and other Commonable Lands; and the said Proprietors of Lands, or some of them, are also entitled to and do enjoy Common of Pasture for their Cattle in and over the same, or some Part thereof, at stated Times in the Year: And

[*Loc. & Per.*]

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whereas

whereas the said *Alexander Small*, and certain other Persons, are Owners and Proprietors of Estates in the adjoining Parish of *Clifton Reynes* in the said County of *Bucks*, and respectively have and exercise jointly with the said Proprietors or Owners of Lands and Grounds lying in the said Open Fields hereby directed to be divided and inclosed, Rights of Common yearly at stated Times in over and upon certain Parts of the said Open Fields and other Commonable Lands, hereby directed to be divided and inclosed, for and in Right of such their respective Estates in the said Parish of *Clifton Reynes*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands of the said respective Proprietors in the said Open and Common Fields and Common Pastures lie so intermixed and inconveniently situated in their present State as to admit of little Improvement; but if the same, and the said other Commonable Lands and Waste Grounds, were divided and allotted to and amongst the Proprietors, and such Allotments were inclosed and held in Severalty, great Advantages would accrue to the several Persons interested therein: But such Division and Inclosure cannot be effected without the 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 the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds in the Parish of *Newnton Blossomville* otherwise *Newton Blossomville* aforesaid, shall be divided, allotted and inclosed in the Manner hereinafter mentioned, and that *John Fellowes*, of the Town of *Buckingham* in the said County of *Buckingham*, Gentleman, and *Thomas Thorpe*, of *Great Barford* in the County of *Bedford*, Gentleman, and their Successors to be appointed in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for the Purpose of dividing, allotting and inclosing the said Open and Common Fields, Common Meadows, Common Pastures and other Commonable Lands and Waste Grounds, and for carrying into Execution the several Purposes of this Act, subject nevertheless to the Rules, Orders and Directions hereinafter mentioned, and also subject to the Regulations and Directions of the said recited Act, except where the same are varied, altered or otherwise provided for by this Act.

Appointment
of Commis-
sioners.

New Com-
missioners.

II. And be it further enacted, That if the said *John Fellowes*, or his Successor to be appointed as hereinafter is mentioned, shall die, neglect or refuse to act, or become incapable of acting as a Commissioner for the Purposes of this Act, then and in such Case, and as often as the same shall happen, it shall and may be lawful to and for the major Part in Value (to be ascertained by the Land Tax Assessment) of the Proprietors or Persons interested in the said Lands and Grounds by this Act intended to be divided and inclosed (except the said *Robert Harris Hurst* and his Successors, Rectors as aforesaid), and they are hereby authorized and empowered, by any Writing or Writings under their Hands, within Twenty-one Days after such Death, Neglect, Refusal or Incapacity to act as aforesaid, to nominate and appoint some other proper Person

Person (not interested in the said Division and Inclosure) to be a Commissioner in the Place and Stead of the said *John Fellowes*; and in case the said *Thomas Thorpe*, or his Successor to be appointed in Manner hereinafter mentioned, shall die, neglect or refuse to act, or become incapable of acting as a Commissioner for the Purposes of this Act, then and in such Case, and as often as the same shall happen, it shall and may be lawful to and for the said *Robert Harris Hurst*, or his Successors, Rectors as aforesaid, and he is hereby authorized and empowered, by Writing under his or their Hands, within Twenty-one Days next after such Death, Neglect, Refusal or Incapacity to act as aforesaid, to nominate and appoint some other proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place or Stead of the said *Thomas Thorpe*; but if the said Proprietors, or the said Rector or his Successors, shall neglect or refuse to make such Appointment as aforesaid, within the Time aforesaid, then, and in every such last-mentioned Case, it shall and may be lawful to and for the surviving or continuing Commissioner, and he is hereby authorized and required, within Twenty-one Days next after the Expiration of any and every the before-mentioned Times and Notice in Writing to him for that Purpose given, by any Proprietor or Person interested in the said intended Division and Inclosure, or so soon afterwards as conveniently may be, by any Writing under his Hand to nominate and appoint some other proper Person to be a Commissioner in the Place and Stead of every such Commissioner so dying, neglecting, refusing or becoming incapable of acting as aforesaid; and that every such Commissioner so to be nominated and appointed in pursuance of this Act, shall from and immediately after his Appointment, and taking the Oath prescribed by the said recited Act, have and be invested with all the same Powers and Authorities as the Commissioner, in whose Place he shall be chosen, was vested with, under and by virtue of this Act.

III. Provided always, and be it further enacted, That if the Commissioners for the Time being for executing this Act, and the said recited Act, shall disagree in their Opinion upon any Point or Matter relating to the Execution of this Act, or the said recited Act, *James Lilburne*, of *Soutbill* in the said County of *Bedford*, Gentleman, shall be, and is hereby appointed an Umpire, to determine the Point or Matter of such Disagreement or Disagreements in Opinion; and in case the said *James Lilburne* shall die, or refuse to act, or become incapable of acting as such Umpire, the said Commissioners shall, within One Month after such Event, appoint another Person (not interested in the said Division and Inclosure), to be an Umpire in the Room, Place or Stead of the said *James Lilburne*, and so from Time to Time as Occasion shall require.

Appointment
of Umpire.

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

I *A. B.* do swear, That I will faithfully, impartially and honestly, according to the best of my Skill and Judgment, execute and perform the several Powers and Authorities vested and reposed in me as an Umpire, by virtue of an Act, passed in the Fiftieth Year of the Reign of King *George the Third*, intituled, [*here set forth the Title of this Act*] according

Umpire's
Oath.

‘ 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 the said Commissioners or either of them are and is hereby empowered to administer, and such Oath, and also the Writing containing such Reference to the said Umpire, shall be annexed to the said Award of the said Commissioners.

Appointment
of Surveyor.

V. And be it further enacted, That *Richard Gee*, of *Turvey* in the said County of *Bedford*, Land Surveyor, shall be, and is hereby appointed Surveyor for the Purposes of this Act, and that in case the said *Richard Gee* shall die, neglect or refuse to act, or become incapable of acting as a Surveyor on the said intended Inclosure, then another proper Person shall be elected and appointed in his Place or Stead, by the said Commissioners.

Notice of first
and subse-
quent Meet-
ings.

VI. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause public Notice in Writing to be affixed on one of the outer Doors of the Parish Church of *Newnton Blossomville*, otherwise *Newton Blossomville* aforesaid, on some *Sunday* before or during Divine Service, of the Time and Place of their first and every other Meeting for executing the Powers vested in them, by this and the said recited Act, at least Ten Days before any such Meeting (Meetings by Adjournment, which the said Commissioners are hereby authorized to make, only excepted); and that if at any such appointed or adjourned Meeting only One of the said Commissioners shall attend, such One shall and may adjourn the same to the same or any other Place within Eight Miles of the said Parish of *Newnton Blossomville*, otherwise *Newton Blossomville* aforesaid, in such Manner as he shall think proper and convenient, for any Time not exceeding Twenty-one Days from the Day of Adjournment, and shall give Notice of such Adjournment to the absent Commissioner.

One Commis-
sioner may
adjourn.

How other
Notices are to
be given.

VII. And be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners, in pursuance of the said recited Act or of this Act, shall be so given by Advertisement, to be inserted in the Newspaper called *The Northampton Mercury*, or some other Paper published or generally circulated in the said County of *Buckingham*.

Commis-
sioners to deter-
mine Differ-
ences.

VIII. 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 Lands and Grounds hereby directed to be divided, allotted and inclosed, or any of the Homesteads, Homecloses and other ancient Inclosures within the said Parish of *Newnton Blossomville*, otherwise *Newton Blossomville* aforesaid, touching or concerning their Rights, Shares, or Proportions and Interests which they or any of them shall claim to have therein, or touching or concerning any other Matter or Thing relating to the said intended Division and Inclosure, it shall be lawful for the said Commissioners and Umpire respectively to examine into, hear and determine the same: Provided that it shall not be lawful for the said Commissioners or Umpire to determine any Matter of Title to any Messuages, Lands, Tenements or Hereditaments.

IX. Pro-

IX. Provided, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners or Umpire to determine any Right between any of the Parties interested in the said Lands and Grounds, contrary to the Possession of any such Parties (except in cases of Inclosure of, and Encroachments on any of the said Commons or Waste Lands, made within Twenty Years before the Passing of this Act); but in case the said Commissioners or Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they shall respectively forbear to make any Determination thereupon, until the Possession shall have been duly taken from such Person or Persons by Ejectment or other due Course of Law.

But not to determine Rights.

X. And be it further enacted, That upon the Hearing or Determination of any Claim or Claims, Objection or Objections, to be delivered to them in Pursuance of this or the said recited Act, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties, in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same upon Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands directed to any Person or Persons whomsoever, to cause such Costs and Charges to be forthwith 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.

Commissioners may award Costs upon Claims or Objections.

XI. Provided always, and be it further enacted, That in case any Person or Persons interested, or claiming to be interested in the said intended Division and Inclosure, shall not be satisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Right or Rights, Claim or Claims in, over, or upon the said Lands and Grounds, or of any Rights of Common or other Rights or Interests in, over, or upon the Lands and Commons hereby directed to be divided and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners at the then next, or at the following Assizes to be holden for the said County of *Bucks*, and for that Purpose the Person or Persons who shall be so dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Two calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she and they is, and are hereby required to name and appoint an Attorney or Attornies, who shall file Common Bail or appear thereto, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be

Parties allowed to try their Rights by an Issue at Law.

[*Loc. & Per.*]

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settled

settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties or their Attornies 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 the Parties thereto, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial or new Trials to be had, upon Cause shewn as in other Cases; and that 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; provided, 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; provided also, 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 Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate respectively, who might have brought such Action 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 of the said Commissioners with Notice of such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions, in the Name or Names of the Person or Persons so dead, and Proceeding shall be had thereon in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Commissioners may order the Course of Husbandry.

XII. And be it further enacted, That until such Divisions, Partitions and Allotments shall be made as aforesaid, all the Pasture, Tillage, and other Land lying in the said Open and Common Fields, Meadows, and Commonable Places, shall be stocked with such Cattle, and be kept, ordered and continued in such Course of Husbandry, as the said Commissioners shall by any Writing or Writings under their Hands in that Behalf order, direct and appoint, any Usage or Custom of Stocking, or Mode of Husbandry to the contrary notwithstanding; and that no Meadows, Pastures and fresh Grounds in the said Open and Common Fields or Meadows shall, before the Time to be appointed by the said Commissioners, be ploughed, broke up, or converted into Tillage; and also, that it shall and may be lawful for the said Commissioners, at any Time when they in their Judgment, shall think convenient and necessary, by Notice for that Purpoie under their Hands, to be affixed on One of the outer Doors of the Parish Church of *Newton Blossomville*, otherwise *Newton Blossomville* aforesaid, to suspend or totally extinguish all, or any Part of the Rights of Common in and over the said Open and Common Fields, Meadows, and Commonable Lands and Grounds hereby intended to be divided and inclosed, as by such Notice shall be directed or declared to be suspended or extinguished; and that from and after such Notice given, all such Right of Common over the said Open and Common Fields, Meadows, and Commonable Lands and Grounds, shall cease and be utterly

terly extinguished, or otherwise be suspended for such Time as the said Commissioners shall in and by such Notice direct.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, (if they shall think it necessary and proper), to set out, allot and award out of and from the Lands and Grounds hereby intended to be divided and inclosed, One or more Piece or Pieces of Ground, not exceeding Three Acres, for the Purpose of getting Stones, Gravel, Sand or other Materials for repairing the Roads and Ways already made or to be set out by virtue of the said recited Act and this Act, and that the Herbage growing and renewing in and upon the said Piece or Pieces of Ground, shall be vested in such Person or Persons as the said Commissioners in and by their Award shall order and direct. Allotment for Stone and Gravel Pits.

XIV. And be it further enacted, That the said Commissioners shall, in the next place, set out and allot unto and for the said *Robert Harris Hurst*, Rector of the Parish of *Newnton Blossomville* otherwise *Newton Blossomville* afore said, and his Successors, (Rectors as afore said), so much of the Lands and Grounds within the said Parish of *Newnton Blossomville* otherwise *Newton Blossomville* afore said, 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 Lands belonging to the said Rectory of *Newnton Blossomville* otherwise *Newton Blossomville* afore said and Right of Common belonging thereto, in, over and upon the said Lands and Grounds, and which said Land to be allotted as afore said, with so much and such Part of the Lands as are hereinafter directed to be allotted to the said Rector in lieu of Tythes, as together shall not be less than Ten Acres, shall be laid adjoining to the Parsonage House, or as near thereto as the Estates or General Conveniency of the other Proprietors will admit of. Allotment to the Rector for Glebe.

XV. And be it further enacted, That the said Commissioners shall set out, allot and award unto and for the said Rector, and his Successors Rectors as afore said, for and in lieu of the Great and Small Tythes yearly issuing, arising or renewing to him out of or from all the Residue of the said Common Fields, Common Meadows, Common Pastures and other Commonable and Waste Lands and Grounds hereby directed to be divided and inclosed, and of the Homesteads, Gardens, Orchards, Closes and other Ancient Inclosures within the said Parish of *Newnton Blossomville* otherwise *Newton Blossomville* afore said, such Parcel or Parcels of such Residue as shall, in the Judgement of the said Commissioners, be equal in Value (Quantity and Quality considered) to One Fifth Part of all the Residue of the Arable Lands, and Two Seventeenth Parts of all the Residue of the Meadow, Pasture and Greensward Ground, and One Tenth Part of all the Wood Lands within the said Parish, which are severally subject or liable to the Payment of Tythes in Kind, or Compositions in lieu thereof, and which shall remain after all the publick Carriage-roads and Ways, and the several Allotments hereinbefore specifically directed to be made, are deducted therefrom, and also equal in Value to all Moduses or other Prescriptive or Perpetual Payments, in lieu of Tythes, if any there be. Allotment to the Rector for Tythes.

XVI. And

Allotment to
the Lord of
the Manor.

XVI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, in the next place, to assign, allot, and award to and for the said *Farrer Grove Spurgeon Farrer*, Lord of the Manor of *Newton Blossomville* otherwise *Newton Blossomville* aforesaid, such Parcel of the Lands and Grounds hereby directed to be divided and inclosed, as shall, in the Judgement of the said Commissioners, be fully equal in Value (Quantity and Quality considered), to One Eighteenth Part of the said Waste Lands and Grounds hereby directed to be divided and inclosed, in lieu of and Satisfaction and Compensation for all the Right and Interest belonging to the Lord of the said Manor, in and to the Soil of all the Waste Lands within the said Manor.

Allotments to
be made for
Rights of
Common of
the Proprie-
tors of Estates
in Clifton.

XVII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby required to set out, allot and award unto and for the said *Alexander Small*, and the several other Owners and Proprietors of Estates in the said Parish of *Clifton Reynes*, entitled to Rights of Common in and over the said Lands and Grounds hereby directed to be divided and inclosed, in respect of their Estates in the same Parish, so much and such Part or Parts of the said Lands and Grounds hereby directed to be divided and inclosed, in several specific Allotments, as shall in the Judgement of the said Commissioners be a full Equivalent, Compensation and Satisfaction for their and each of their several and respective Rights of Common, in, upon and over the said Lands and Grounds so to be divided and inclosed as aforesaid; and that the several Allotments to be set out, allotted and awarded to the said *Alexander Small*, and the several last mentioned Owners and Proprietors shall be set out, awarded and laid adjoining to the said Parish of *Clifton Reynes*, and as near to his and their respective Estates, in the same Parish, as may be, or in such other Situation as the same Owners or Proprietors shall respectively signify in Writing to the said Commissioners at or before their Second Meeting, to be holden in pursuance of this Act, or as near thereto as general Convenience will admit of.

Allotment of
Residue.

XVIII. And be it further enacted, That the said Commissioners shall set out and allot all the then Residue of the Lands and Grounds hereby directed to be divided and inclosed unto and amongst the Proprietors of or Persons interested in the said Common Fields, Common Meadows, Common Pastures and other Commonable Lands and Waste Grounds, in Proportion to their several and respective Lands, Rights of Common, and other Rights, Property or Shares therein respectively, at the Time of setting out and making the said Allotments, for which no Allotment or other Compensation is herein-before specifically directed to be made.

Allotments
to be in Bar
of former
Estates and
Rights of
Common.

XIX. And be it further enacted, That the several Allotments which shall be set out and allotted as aforesaid, shall be and they are hereby vested in the Persons to and for whom the same shall be respectively set out, allotted, and awarded, and shall be accepted and taken by them in lieu and full Bar of and Compensation and Discharge for their several and respective Lands, Tythes and Dues, Rights of Common, Rights of Soil, and other Rights in lieu of which such Allotments shall be respectively set out and allotted; and that from and immediately after the Award of the said Commissioners, or such other Time as they shall by any
Writing

Writing under their Hands, to be affixed on the Principal Door of the Parish Church of *Newnton Blossomville* otherwise *Newton Blossomville* aforesaid, for that Purpose, limit and appoint, all such Tythes and Dues, Rights of Common, Rights of Soil, and other Rights, in, over and upon the Lands and Grounds by this Act directed to be divided and inclosed, or any Part or Parts thereof, or in, over and upon the said Homesteads, Gardens, Orchards and other ancient Inclosures within the said Parish of *Newnton Blossomville* otherwise *Newton Blossomville*, shall cease, determine and be for ever extinguished: Provided always, that nothing in this Act contained shall be construed to affect the Rights of the said Rector, and his Successors, to *Easter Offerings*, Mortuaries or Surplice Fees.

XX. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award in Exchange all or any of the Allotments to be set out and assigned in pursuance of this Act, or all or any of the Messuages, Cottages, Gardens, Orchards, Homesteads or ancient Inclosures within the said Parish of *Newnton Blossomville* otherwise *Newton Blossomville*, for any other Lands, Messuages, Cottages, Gardens, Orchards, Homesteads or ancient Inclosures within the same Parish, or any other Parish, Hamlet or Township adjoining to the said Parish of *Newnton Blossomville* otherwise *Newton Blossomville*, so as every such Exchange be made with the Consent and Approbation of the Owners and Proprietors of the Hereditaments so to be exchanged, whether such Proprietors or Owners be Bodies Politick, Corporate or Collegiate, or Tenants in Fee Simple, Fee Tail, for Life or Lives, or for Years determinable on any Life or Lives, or with the Consent of the Husbands, Guardians, Trustees or Committees of or for any such Owners or Proprietors being under Coverture, Minors, Idiots, Lunatics, beyond Seas, or otherwise incapable of acting for themselves, such Consent to be testified in Writing under the Common Seal of the Body Politick, Corporate or Collegiate, and under the Hands of the other consenting Parties; and that every such Exchange shall be for ever good, valid and effectual in the Law, to all Intents and Purposes whatsoever: Provided that no Exchange shall be made by virtue of this Act of any Lands or other Hereditaments held in Right of any Church or Chapel, or any other Ecclesiastical Benefice, without the Consent of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands and Hereditaments so to be exchanged shall lie or be situate, testified as aforesaid; and that all Costs, Charges and Expences attending the making and completing any Exchanges and Partitions shall be paid and borne by the several Parties making such Exchanges or Partitions, in such Manner and Proportion as the said Commissioners shall, by their said Award, order and direct.

XXI. And be it further enacted, That the Piece or Pieces of Land, which shall or may be set out for Stone, Sand or Gravel Pits, the Allotment or Allotments to be set out to the said Rector for his Glebe Land, Common Rights and Tythes, and the Allotments to the Clerk of the Parish of *Newnton Blossomville* otherwise *Newton Blossomville* aforesaid, for the Time being, and to the said *William Talbott*, as Rector of *Clifton Reynes* aforesaid, in lieu of their respective Properties, shall be inclosed and fenced on the outward Boundaries thereof with Ditches and

[Loc. & Per.]

27 F

Quickset

Power to exchange.

Allotments for Stone and Gravel Pits, and to the Rector, &c. to be ring-fenced.

Quickset Hedges, and substantial Posts and Rails on each Side thereof, and other proper Mounds or Fences, with good and substantial Gates and Stiles in the said Fences where necessary, and that the same respectively shall be supported and maintained for the Term of Seven Years then next following, or until the said Hedges shall become sufficient Fences, by or at the Expence of all or such of the Proprietors to whom the other Allotments of the said Open and Common Fields shall be set out or allotted, in such Manner and in such Shares and Proportions as the said Commissioners shall, by Writing under their Hands, or by their said Award, order or direct; and such Proportions of the Fences to be made on the said last-mentioned Allotments as the said Commissioners shall order and direct, shall be afterwards maintained and for ever kept in Repair by and at the Expence of the respective Proprietors thereof, in such Manner as the said Commissioners shall likewise order or direct; and that the Fences for the Ground to be set out for Stone, Sand or Gravel Pits, shall for ever afterwards be supported and maintained by such Person or Persons as the said Commissioners shall direct or appoint; and that the several other Allotments to be set out and allotted in pursuance of this Act, shall, within Six Calendar Months next ensuing 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 shall afterwards 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.

Allotments to the other Proprietors when and how to be fenced.

How Proprietor of old Inclosures, not having sufficient open Field Land, are to make Compensation for Tythes.

XXII. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, Closes or other ancient inclosed Lands in the said Parish of *Newnton Blossomville* otherwise *Newton Blossomville* aforesaid, subject and liable to the Payment of Tythes to the said Rector, the respective Proprietors whereof shall not be entitled to any or not to a sufficient Interest or Property in the Lands and Grounds hereby intended to be divided and inclosed to make Compensation for the Tythes issuing and payable thereout, such Proprietors 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 judge and determine to be a full Compensation and Satisfaction, according to the Proportions aforesaid, for the Tythes of such Homesteads, Gardens, Orchards, Closes and other ancient inclosed Lands or Grounds respectively, or of such Part thereof for which a Compensation in Land cannot be made as aforesaid; and the several Sums of Money to be paid in respect of such Tythes, shall be applied towards defraying the Expences of passing and executing this Act, and shall and may be raised and recovered in like Manner as such Expences are hereinafter directed to be raised and recovered: Provided always, That if any Surplus shall remain of such Sum or Sums of Money, the same shall be paid to the Person or Persons entitled thereto, where such Person or Persons shall be seised in Fee Simple, and in all other Cases shall be paid and applied in the Manner directed by the said recited Act of the Forty-first Year of His present Majesty, with respect to the Money to be paid for the Purchase or Exchange

change of any 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.

XXIII. And be it further enacted, That until the said Division and Inclosure shall be made in pursuance of this Act, or such other Time as the said Commissioners shall appoint, the said *Robert Harris Hurst*, and his Successors, Rectors as aforesaid, shall be entitled to and receive and enjoy such and the same Tythes as he could, might or ought to have received and enjoyed in case this Act had not been made; and that immediately after the making the Allotments as aforesaid, the said Rector and his Successors shall be for ever exonerated and exempt from providing and keeping a Bull and a Boar, or either of them, for the Use of the Inhabitants of *Newnton Blossomville* otherwise *Newton Blossomville* aforesaid.

Rector to enjoy his Tythes till Inclosure made, &c.

XXIV. Provided always, and be it further enacted, That the several Lands and Grounds so to be allotted and awarded upon the said Division and Inclosure, to and for the several Parties concerned, and the several Messuages, Cottages, Lands, Tenements, Tythes, Old Inclosures, New Allotments and other Hereditaments, which shall be exchanged in pursuance or by virtue of this Act, shall, immediately after such Allotments and Exchanges are made, be, remain and enure, and the several Persons to whom the same shall be respectively allotted or given in Exchange, shall, from thenceforth stand and be seised or possessed thereof to such and the same Uses, Estates, Trusts, Intents and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases (except Leases at Rack Rent), Charges and Incumbrances, as the several and respective Messuages, Lands, Tenements, Tythes, Old Inclosures or other Hereditaments, in lieu whereof such Allotments or Exchanges shall be respectively made or taken, as aforesaid, are now held under and subject to or liable to be charged with or affected by, in case this Act had not been made.

New Allotments, &c. to enure to same Uses, &c. as the Lands in lieu of which they are allotted are limited.

XXV. And be it further enacted, That convenient Gaps and Openings shall be left in the Fences to be made by virtue of this Act, for the Space of Six Calendar Months next ensuing the Execution of the said Award, for the passing of Cattle, Carts and Carriages in and through the same, unless the said Commissioners, by their said Award or other Instrument in Writing under their Hands, shall order that the same be sooner fenced and made up.

Gaps to be left.

XXVI. And be it further enacted, That where any Parcel of the Lands and Grounds to be set out and allotted in pursuance hereof, shall abut upon or adjoin any Freeboard or Ditch belonging to any Common Field or inclosed Land or Ground, in any other Township or Parish, the Person or Persons to whom such Parcel of Land shall be set out and allotted as aforesaid, may and shall, and is and are hereby empowered to make and set up Gates, Draw-rails, or any other Kind of Fences in, over and upon such Freeboard or Ditch, for preserving the Quickset Bank and other Fences to be raised upon his, her or their adjoining Land, until such Time as the Owner of the Freeboard or Ditch shall sufficiently, at his, her or their own Expence, have ditched, fenced or mounded out the same

Fencing upon Freeboards.

same Freeboard from such New Allotments; but such Gates and Draw-rails (if any) may in the mean Time be used by the respective Owners of such Freeboard.

For cleaning
Water-
courses.

XXXVII. And be it further enacted, That it shall and may be lawful for the said Commissioners to award, order or direct any of the ancient Brooks, Streams, Springs, Drains or Watercourses in or upon any of the Lands by this Act directed to be divided and inclosed, to be cleansed, scoured, widened, diverted, conveyed or turned, and used in such Manner and under and subject to such Rules, Orders and Regulations as they shall by their said Award direct, and also to appoint, order and direct such new Drains, Watercourses and Bridges as they shall think useful and necessary to be made for the Benefit of any of the said Proprietors; provided such Streams of Water, Springs or Watercourses be not diverted or turned, without the Consent in Writing of the Owner or Owners of the Lands from, through, and into which the same shall be so diverted or turned, nor be used so as to prejudice any Person or Persons interested in such Streams, Springs or Watercourses.

Distinct Al-
lotments to be
made in lieu
of Lands
held under
different
Titles.

XXVIII. And be it further enacted, That where the Proprietor or Proprietors of any Messuages, Lands or Tenements which shall be divided or allotted by virtue of this Act, or of the said recited Act, shall be seised of and hold their respective Messuages, Lands or Tenements by different Tenures, or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such respective Proprietors, ascertain and distinguish the Messuages, Lands and Tenements held by each of such Tenures for each of such Estates, and under each of such Titles respectively, and shall accordingly, in their said Award, set out and make distinct and several Allotments for such respective Messuages, Lands or Tenements; and in any Case where from Want of necessary Information before the said Commissioners, or from any other Cause, they shall in their said Award omit to discriminate and distinguish such different Tenures, different Estates and different Titles, and within Twelve Calendar Months after the making and executing such Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do and cause to be done all such Acts, Matters and Things as may be necessary and proper to be done for the Purpose of supplying such Omission or Omissions, and so far as that Purpose shall require to examine Witnesses, and in every other Respect to proceed and act as if the said Award had not been made; and when the said Commissioners shall have obtained such Information as they shall deem sufficient for the Purpose, they are hereby authorized by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of such Tenures, Estates and Titles respectively, and accordingly to make distinct and several Allotments, in the same Manner as is hereby required to be done where such Determinations should be made in and by the said Award; and every such separate Deed or Instrument duly executed by the said Commissioners, shall have the same Force and Effect as if it was contained in the said Award, and shall be delivered to the Person or Persons upon whose Request the same shall have been made and executed, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title of the Premises in question, shall

shall in the Opinion of the said Commissioners most properly belong for the Time being; and all the Charges and Expences which shall be reasonably incurred in or about such Discrimination and Distinguishment, and also in the preparing and executing any such supplemental Deed or Instrument, shall be borne and paid by the Person or Persons who shall request the said Commissioners to make and execute the same, or by his, her or their Heirs, Executors or Administrators; and in case such Charges and Expences shall not be so paid upon Demand made thereof, the same shall and may be recovered and levied in the same Manner and by the same Ways and Means as the Costs and Charges of obtaining and executing this Act can or may be levied and recovered.

XXVIII. And be it further enacted, That all and every Lease and Leases at Rack Rent subsisting of all or any Part of the Lands and Grounds hereby intended to be divided and inclosed, or by virtue of this Act to be exonerated of Tythes, or which shall be exchanged, within the said Parish of *Newnton Blossomville* otherwise *Newton Blossomville* aforesaid, or divided in Partition as aforesaid, or any Part thereof, either alone or jointly with any other Lands, Tenements or Hereditaments, and all other Agreements for any Term or Time therein, as to the whole of the Tenements comprised in such Lease or Leases or Agreement, shall, on such Day as the said Commissioners shall by any Writing under their Hands direct or appoint, cease, determine and be utterly void, and the respective Lessees or Tenants thereof shall have and receive of the respective Lessors, Owners or Proprietors of such Lands, Tythes, Tenements or Hereditaments, such Satisfaction as the said Commissioners shall ascertain to be reasonable, to be paid and allowed to such Lessee or Lessees, Tenant or Tenants in that behalf, and the respective Lessors or Landlords shall be entitled to such Rent or Rents and Privileges up to the Time of vacating such Leases or Agreements respectively, as the said Commissioners shall direct or appoint to be paid or given to them by such Lessees or Tenants for or with respect to such Lands, Tenements, Tythes or Hereditaments.

For vacating
Leases at
Rack Rent.

XXIX. And be it further enacted, That the said Commissioners and Umpire and their Clerk shall be paid for every Day on which they shall respectively travel, or be employed in transacting any business relating to the said intended Division and Inclosure, or in the Execution of any of the Powers hereby vested in them and not otherwise, the Sum of Three Guineas each in full Satisfaction for their Labour, Journies and Expences, and no more; and the said Surveyor or Surveyors or other Person or Persons, to be employed by them, shall be paid such Sum or Sums of Money for his or their Labour and Attendance as the said Commissioners shall allow and direct, which Payments, and all the Costs, Charges and Expences incident to and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing and allotting the Lands and Grounds hereby directed to be divided and inclosed, and also the several Homesteads and ancient Inclosures to be exonerated from Tythes as aforesaid, and settling the Compensations to be made in lieu of Tythes and the fencing and making the Public Roads to be set out and appointed, and the making, supporting and preserving the Boundary Fences to be made on the Lands to be allotted for Stone, Sand, and Gravel Pits, the Allotments to the Rector for Glebe and Tythes, the Allotments to the said Parish Clerk for the Time being, and the said

Allowance to
the Commis-
sioners and
Clerk.

William Talbott respectively, and the preparing and enrolling the Award, and all other Charges and Expences of the said Commissioners, and of the several Persons to be employed by them in, about, or concerning the Execution of this Act, shall be borne, paid and defrayed by all and every the Proprietors and Owners of and Persons having Rights or Interests in the Lands and Grounds hereby directed to be divided and inclosed; and the Homesteads and ancient Inclosures which shall be exonerated from Tythes by virtue of this Act (other than and except the said Rector and Parish Clerk, and the said *William Talbott*) in such Shares and Proportions, according to their respective Rights and Interests, and at such Time or Times, and to such Person or Persons, either before or after the Execution of the said Award, as shall from Time to Time be settled, adjusted, determined and appointed by the said Commissioners by any Writing or Writings under their Hands, and in default of Payment thereof shall be levied and recovered in Manner directed by the said recited Act.

Commission-
ers to account.

XXX. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended or due to them for their own Trouble or Expences in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before Two Justices of the Peace in and for the said County of *Bucks*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk of 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.

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

XXXI. And be it further enacted, That the Money which shall be advanced for the Purpose of defraying the Expences of obtaining and passing this Act shall be repaid, with lawful Interest, to the Person or Persons advancing the same, out of the Money which shall be first raised to defray the Expences of passing and executing this Act.

Award to be
deposited in
the Parish
Church.

XXXII. And be it further enacted, That the Award to be made by the said Commissioners pursuant to the Directions of the said recited Act of the Forty-first Year of the Reign of His present Majesty, when inrolled in the Manner by the said recited Act directed, shall be deposited in the Parish Church of *Newnton Blossomville* otherwise *Newton Blossomville* aforesaid, and there kept and preserved, so as that Recourse may at any Time be had thereto by any Person or Persons interested.

Appeal to
the Quarter
sessions.

XXXIII. And be it further enacted, That if any Person or Persons shall think him, her or themselves aggrieved by any Thing done in pursuance of the said recited Act or this Act (except such Determinations of the said Commissioners or Umpire as are by the said recited Act or this Act directed to be binding, final and conclusive, and except in such other Cases where an Issue at Law may be tried as herein is mentioned) then and in every such Case he, she or they may appeal to any General Quarter Sessions of the Peace which shall be held in and for the said County of *Bucks*,

Bucks within Four Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in their said General Quarter Sessions are hereby required to hear the Matter of every such Appeal, and to make such Order or Orders therein, and award such Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties, or Person or Persons liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determinations or Orders of the said Justices shall be binding and conclusive to and upon all Persons concerned therein, and shall not be removed or removable by *Certiorari* or any other Writ or Process into any of His Majesty's Courts of Record at *Westminster*.

XXXIV. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Body or Bodies Politick, Corporate or 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 and 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.

XXXV. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1810.

