



ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

\*\*\*\*\*

## Cap. 201.

An Act for inclosing Lands within the Parish of *Slapton*, in the County of *Buckingham*, and within the Hamlet of *Horton*, lying in the same Parish, and in the several Parishes of *Ivinghoe*, *Eddlesborough*, and *Pightlesthorpe*, in the same County.

[15th June 1810.]

**W**HEREAS there are within the Parish of *Slapton*, and within the Hamlet of *Horton*, in the County of *Buckingham*, divers Open and Common Fields, Common Meadows, Commons, and Waste Grounds: And whereas *John William* Earl of *Bridgewater* is Lord of the several Manors of *Slapton* and *Ivinghoe*, with the Members and Murrants, with *Narnetts* and *Butlers* in *Pightlesthorpe*, and in Right of his said Manors, or some or one of them, claims to be entitled to certain Rights and Interests of and in the Waste Lands and Grounds by this Act directed to be divided, allotted, and inclosed: And whereas *Christopher Johnson* Esquire is Lord of the Manor of *Horton*, and as such entitled to certain Rights and Interests of and in the Waste Lands and Grounds by this Act directed to be divided, allotted, and inclosed: And whereas *Philip* Earl of *Chesterfield* claims to be Lord of the Manor of *Horton* and *Slapton*, and as such to be entitled to certain Rights and Interests of and in the Waste Lands and Grounds by this Act directed to be divided, allotted and inclosed: And whereas the said *Philip* Earl of *Chesterfield* is Lord of the Manor of *Eddlesborough*, and as such claims to be entitled to certain Rights and Interests of and in the Waste Lands and Grounds directed by this Act to be divided, allotted, and inclosed: And whereas the Dean and Chapter of the Cathedral

[*Loc. & Per.*]

Church of *Christ in Oxford*, of the Foundation of King *Henry* the Eighth, are Patrons, and *Hugh Hanmer Morgan* Clerk is Rector of the Rectory and Parish Church of *Slapton* aforesaid, and as such is entitled to sundry Glebe Lands, and to all Tithes arising from the Lands and Grounds within the said Parish of *Slapton*, subject to the Right or Claim of the said Earl of *Bridgewater* for and in respect of such Exemption for a certain Farm called *Slaptonbury Farm and Lands*, as after mentioned; and also from that Part of the said Hamlet of *Horton* which lies in the same Parish, and to Common Right over the said Open and Commonable Lands and Waste Grounds in the same Parish in respect of the said Glebe Lands: And whereas the said *John William* Earl of *Bridgewater* is or claims to be entitled to or exempted from the Payment of Two-thirds of the Tithe for or in respect of a certain Farm and Lands belonging to him, situate in the Parish of *Slapton* aforesaid, called *Slaptonbury Farm and Lands*, containing together by Estimation Two hundred and ninety-five Acres, and now in the Occupation of *John Buckmaster* as Tenant thereof, and to be liable only to yield and pay One Thirtieth in respect of the same: And whereas the Great Tithes of certain Lands within that Part of the said Hamlet of *Horton*, which lies in the said Parishes of *Ivinghoe* and *Pightlesthorpe*, containing by Estimation One hundred and thirty-one Acres or thereabouts, were purchased by the Governors of her late Majesty Queen *Anne's* Bounty, incorporated by an Act of Parliament made and passed in the Second and Third Years of the Reign of her said late Majesty, intituled, *An Act for making more effectual her Majesty's gracious Intentions for the Augmentation of the Maintenance of the Poor Clergy, by enabling her Majesty to grant in Perpetuity the Revenues of the First Fruits and Tenths, and also for enabling any other Persons to make Grants for the same Purpose*; as and for the Augmentation of the Vicarage of the Parish Church of *Totternhoe* in the County of *Bedford*: And whereas the Reverend *John Oakeley* is Vicar of the Vicarage of the Parish Church of *Totternhoe* aforesaid, and in Right of his said Vicarage is entitled to the Great Tithes of the before mentioned Lands within that Part of the said Hamlet of *Horton* which lies in the said Parishes of *Ivinghoe* and *Pightlesthorpe*, which were so purchased as aforesaid: And whereas the said *John William* Earl of *Bridgewater* is seized of the Improprate Rectories of *Ivinghoe* and *Eddlesborough* aforesaid, and in Right of the said Rectories entitled to the Tithes thereto belonging, and arising within that Part of the said Hamlet of *Horton* which lies in the said Parishes of *Ivinghoe* and *Eddlesborough*: And whereas the said *John William* Earl of *Bridgewater* is seized of the Improprate Rectory of *Pightlesthorpe* aforesaid, and in Right of the said Rectory entitled to the Tithes both Great and Small thereto belonging, and arising within that Part of the said Hamlet of *Horton* which lies in the said Parish of *Pightlesthorpe*, subject only out of the same and the Tithes of other Lands in the same Parish to the Payment of an annual Stipend of Twenty Pounds to the Perpetual Curate for the Time being of the said Parish: And whereas the said *John William* Earl of *Bridgewater*, and several other Persons, are the Owners of certain Great Tithes arising from certain Lands within that Part of the said Hamlet of *Horton* which lies in the said Parish of *Ivinghoe*: And whereas the said *John William* Earl of *Bridgewater* is also seized of the perpetual Advowsons, Rights of Patronage and Presentations of and to the Vicarages of the Parish Churches of *Ivinghoe* and *Eddlesborough* aforesaid; and also of the Nomination and  
Right

Right of Presentation of and to the Perpetual Curacy of the Church of *Pightlesthorpe* aforesaid: And whereas the Reverend *Isaiah Blythe* is the Vicar of the Vicarage and Parish Church of *Ivinghoe* aforesaid, and in Right of his said Vicarage is entitled to the Vicarial Tithes arising within that Part of the said Hamlet of *Horton* which lies in the said Parish of *Ivinghoe*: And whereas the Reverend *Edward Northey* is the Vicar of the Vicarage and Parish Church of *Eddlesborough* aforesaid, and in Right of his said Vicarage is entitled to the Vicarial Tithes arising within that Part of the said Hamlet of *Horton* which lies in the said Parish of *Eddlesborough*: And whereas the said *John William* Earl of *Bridgewater*, and *Christopher Johnson* Esquire, together with *Joseph Tilcock* and *Eleanor Buckmaster*, and divers other Persons, are the Owners and Proprietors of all the Lands and Grounds within the said Parish of *Slapton*, and in respect thereof are entitled to Right of Common on, or otherwise interested in the said Open and Common Fields, Common Meadows, Commons, and Waste Grounds within the same Parish; and the said *John William* Earl of *Bridgewater*, *Christopher Johnson* and *William Hayton* Esquires, together with *John Buckmaster*, and divers other Persons, are the Owners and Proprietors of all the Lands and Grounds within the Hamlet of *Horton* aforesaid, and in respect thereof are entitled to Right of Common, or otherwise interested in the Open and Common Fields, Common Meadows, Commons, and Waste Grounds within the same Hamlet: 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 in the said Open Fields within the Hamlet of *Horton* lie as well within the said Parish of *Slapton* as within the said several other Parishes of *Ivinghoe*, *Eddlesborough*, and *Pightlesthorpe*, or some of them, and are so very much intermixed with each other, and the Common Rights are so blended together, that it has been found impossible to ascertain and define the Boundaries of the said respective Parishes with Accuracy and Precision: And whereas the said Open and Common Fields within the said Parish of *Slapton* and Hamlet of *Horton* are contiguous and much intermixed with each other, and the Properties of the several Owners and Proprietors in the said Open and Common Fields and Common Meadows lie dispersed and in small Parcels, and are, as well as the said Commons and Waste Grounds, in their present State and Condition, incapable of any considerable Improvement, and the Proprietors thereof and Persons interested therein are desirous that the same should be divided and allotted unto, between, and among them, proportionally and according to the Value of their respective Estates, Rights, and Interests therein, and be inclosed and holden in Severalty, and that Compensation should be made for all Tithes arising, renewing, and increasing within the Parish of *Slapton* and Hamlet of *Horton* aforesaid; but as such Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Collifson* of *Brackley*, in the County of *Northampton*, Gentleman, *Richard Davis* of the *Grove*, in the Parish of *Aston Rowant* in the County of *Oxford*, Gentleman, and *John Fellowes* of *Buckingham*, Gentleman, and their Successors, to be elected

Appointment  
of Commis-  
sioners.

electd in Manner herein mentioned, shall be, and they are hereby appointed Commissioners for dividing, allotting, and inclosing all the said Open and Common Fields, Common Meadows, Commons, and Waste Grounds within the Parish of *Slapton* and within the Hamlet of *Horton* aforesaid, and for carrying this Act into Execution, subject to such Rules, Orders, and Directions as are herein-after contained, and also subject to the Powers and Provisions of the said recited Act (except in such Cases where the same are hereby altered or varied); and that all Powers, Authorities, Directions, Acts, Matters, and Things, hereby vested in or authorized or directed to be done by or before the said Commissioners, may be done and executed by or before any Two of them; and the same shall be as good, valid, and effectual, as if done and executed by or before all the Commissioners herein nominated, or to be electd in Manner herein mentioned.

Appointment  
of new Com-  
missioners.

II. And be it further enacted, That if the said *William Collifson*, or any Person hereafter appointed in his Stead, shall die, or shall refuse or become incapable to act as a Commissioner in Execution of this Act, before the Powers and Authorities hereby vested in him or them shall be fully executed and accomplished, then and in all such Cases the said *John William Earl of Bridgewater*, his Heirs or Assigns, Lords of the Manor of *Slapton* aforesaid, for the Time being, shall and may by any Writing under his, her, or their Hand or Hands, within Twenty-one Days after such Death, Refusal, Neglect, or Incapacity, shall be made known to him, her, or them, nominate and appoint a proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room and Stead of the said *William Collifson*, or of such other Person appointed in his Room or Stead, as shall so die, refuse, or become incapable to act as aforesaid; and if the said *Richard Davis*, or any Person hereafter to be appointed in his Stead, shall die, or shall refuse or become incapable to act as a Commissioner in Execution of this Act, before the Powers and Authorities hereby vested in him or them shall be fully executed and accomplished, then and in such Case the said Dean and Chapter shall and may under their Common Seal and within Twenty-one Days after such last mentioned Death, Refusal, or Incapacity shall be made known to them, nominate and appoint a proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of the said *Richard Davis*, or of such other Person appointed in his Room or Stead as shall so die, refuse, or become incapable to act; and if the said *John Fellowes*, or any Person hereafter appointed in his Stead, shall die, or shall refuse or become incapable to act as a Commissioner in the Execution of this Act, before the Powers and Authorities hereby vested in him or them shall be fully executed and accomplished, then and in such Case, the Majority in Value to be ascertained by the Land Tax Assessment of the Proprietors and Persons interested in the said Division and Inclosure, or their Agents, duly authorized, (exclusive of the said Dean and Chapter, and the said *Earl of Bridgewater*), attending at any Meeting to be called for that Purpose by Notice in Writing to be affixed on the Doors of the Churches of *Slapton*, *Ivinghoe*, and *Pightlethorne*, Twenty-one Days before such Meeting, signed by any Three or more of the Persons interested in the Lands and Grounds to be divided and inclosed by virtue of this Act, shall and may, by any Writing under their Hands, appoint some proper Person (not interested in the said Division or Inclosure) to be a Commissioner in the Room or Stead of the  
said

said *John Fellowes*; or of the Person appointed in his Room or Stead who shall so die, refuse, or become incapable to act as aforesaid; and every Commissioner so to be appointed, shall, after taking the Oath prescribed in that Behalf, have the like Power and Authority for carrying this Act and the said recited Act into Execution to all Intents and Purposes as the Commissioner in whose Room or Stead he shall succeed was vested with.

III. Provided always, That if at any Time or Times it shall so happen that the several Persons, Body or Bodies Politick, Corporate or Collegiate, herein respectively authorized and empowered to appoint such new Commissioners, shall not make such Appointment within the Time for that Purpose limited, and in Manner aforesaid, then and in every such Case it shall and may be lawful to and for the surviving or remaining Commissioner or Commissioners, and he and they is and are hereby authorized and required from Time to Time within Twenty-one Days next after the Expiration of such Time allowed for appointing such new and succeeding Commissioner or Commissioners as aforesaid, by Writing under his or their Hand or Hands, to appoint some other fit and proper Person to be a Commissioner in the Room or Stead of every Commissioner dying, refusing or becoming incapable to act as aforesaid, and every such new Commissioner so appointed, shall after taking the Oath prescribed in that Behalf, have the like Power and Authority for carrying this Act and the said recited Act into Execution, to all Intents and Purposes as the Commissioner in whose Room or Stead he shall succeed was vested with.

Proprietors  
omitting to  
appoint, Com-  
missioners  
may.

IV. Provided also, and be it enacted, That if any of the Commissioners shall refuse or neglect to attend at the First or Second Meeting appointed to be holden for putting this Act and the said recited Act into Execution, and duly qualify himself, by taking the Oath in that Behalf prescribed, or if any One of the said Commissioners shall at any Time after the First or Second Meeting wilfully absent himself from any Two succeeding Meetings appointed to be holden as aforesaid, such Meetings being known to him by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him or left at his usual Place of Abode by the Clerk to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause (to be allowed by the other Commissioners), from attending at such subsequent appointed Meetings, or if any Commissioner hereafter to be elected and appointed in Manner aforesaid, shall not attend and qualify himself at the First or Second Meeting after his Election to be appointed by the surviving or the remaining Commissioners for putting this Act and the said recited Act into Execution, or shall thereafter absent himself in Manner aforesaid, having first known of such a Meeting, or after such Notice and without such Cause as hereinbefore is mentioned, every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

Commission-  
ers Non-  
attendance  
deemed a  
Refusal to act.

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

Commission-  
ers to appoint  
a Clerk.

Commissioners Allowance how to be paid

VI. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and executing this Act shall be paid to each of the Commissioners and their Clerk the Sum of Three Pounds Three 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, such Sums to be in full Satisfaction for the Trouble and Expences of such Commissioners and their Clerk respectively.

Proprietors, &c. to pay their own Expences.

VII. Provided always, That the said Proprietors, their Attornies or Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

Notice of Meetings.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this Act, to be inserted in the *Northampton Mercury* and *County Chronicle*, if those Newspapers be then published, and if not, then in some other Newspapers printed and circulated within the said County of *Buckingham*, and also to be affixed on the principal Doors of each of the Churches of *Slapton*, *Ivinghoe* and *Pightlesthorpe*, Seven Days at least before every such Meeting (Meetings by Adjournment only excepted), and every such Meeting shall be holden within the said Parish of *Slapton*, or at some Place within Eight Miles of the said Parish of *Slapton*, and if at any Meeting appointed to be holden by the said Commissioners, not more than one of the said Commissioners shall attend, the Commissioner so attending may adjourn such Meeting to such Time within the Space of Twenty-one Days as shall by him be deemed most convenient; and if no Commissioner shall attend, it shall be lawful for the Clerk to the said Commissioners to adjourn such Meeting for any Time not exceeding Twenty-one Days, due Notice being sent to the Commissioners of such Meeting.

Other Notices.

IX. Provided always, and be it further enacted, That all other Notices, necessary or requisite to be given by the said Commissioners, shall be so given by Advertisements in the said *Northampton Mercury* and *County Chronicle*, if then published, and if not, then in some other Newspapers printed and circulated in the said County of *Buckingham*, and also by Notices to be affixed on the principal Doors of each of the Churches of *Slapton*, *Ivinghoe*, and *Pightlesthorpe* aforesaid.

Power to shorten Boundary Fences.

X. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and any adjoining Parishes or Places, it shall and may be lawful to and for the said Commissioners, with the Consent in Writing, under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, or Owner or Owners of the Soil, and under the Hands of the major Part in Value of the Land Owners in any Parish, or Place, or Parishes or Places interested in any Grounds adjoining to the said Parish of *Slapton*, and Hamlet of *Horton*, or either of them, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which such Fence or Fences are intended to be made, to set out and ascertain

ascertain the Boundary Fences to be made between the Lands and Grounds hereby intended to be divided and allotted, and the other Lands adjoining thereto, in such Manner as they shall judge proper for the Purposes aforesaid, and after such Boundary Fences shall be set out and ascertained as aforesaid, the same shall be fenced by such Person or Persons in such Manner and at such Time or Times as the said Commissioners shall order and direct, in and by their Award, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Parish of *Slapton* and Hamlet of *Horton*, and such adjoining Parish or Place, or Parishes or Places as aforesaid, any Law, Usage, or Custom to the contrary notwithstanding.

XI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said Division and Allotment, touching or concerning the Right of the Soil of the said Commons and Waste Grounds, or any Part or Parts thereof, or touching or concerning the respective Rights and Interests which they, or any of them shall have, or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division and Allotment, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, upon proper and sufficient Enquiry and Evidence, to examine into, hear, and determine the same: Provided always, that nothing in this Act contained, shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, and Hereditaments whatsoever.

Commissioners to settle Disputes.

XII. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them in pursuance of this Act; see Cause to award any Costs, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled, and in case the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required by Warrant under their 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, or Body or Bodies Politick, Corporate or Collegiate, 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: Provided always, That in case the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, whose Claim shall have been so over-ruled or disallowed by the said Commissioners, shall and may cause an Action to be brought in Manner herein-after mentioned, and shall upon the Trial of such Action establish the Claim which shall have been so over-ruled or disallowed by the Commissioners, the Costs and Charges so assessed and awarded by the said Commissioners, shall not nor shall any Part thereof

Commissioners may award Costs.

be paid by or be levied upon the Goods and Chattels of the Person or Persons by whom the said Commissioners shall have awarded the same to be paid as aforesaid.

Parties may  
try Rights at  
Law by a  
feigned Issue.

XIII. Provided always, and be it 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 or Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Lands, or of any Rights of Common or of Tithes, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, or in, over, or upon other the Lands and Grounds within the said Parish of *Slapton* and the Hamlet of *Horton* aforesaid, or either of them, or any Part thereof respectively; then and in every such Case it shall and may be lawful to and for the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then First or Second Assizes to be holden for the said County of *Buckingham* next after such Determination, on first giving Thirty Days Notice in Writing of his, her, or their Intention to the said Commissioners or their Clerk, and for that Purpose the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, who shall be so dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been 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 on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politick, Corporate or 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 Court to do in case the said Court shall think proper, 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, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to or being objected to, the Party or Parties not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive on all and every Person and Persons, Body and Bodies Politick, Corporate and Collegiate.

XIV. Pro



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

In case of Death of Parties before Actions brought, to be carried on and defended in their Names.

XV. 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, 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 or recovered from such Person or Persons by Ejectment or other due Course of Law.

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

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

Death of Parties not to stop Proceedings.

XVII. And be it further enacted, That if any such Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons in or to any Lands, Tenements, or Hereditaments, within the said Parish of *Slapton*, and the Hamlet of *Horton* aforesaid, or either of them, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act, or by the said recited 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 who upon the Determination of such Suit or Suits shall become entitled to the same.

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

XVIII. 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 of *Slapton*, or Hamlet of *Horton*, or either of them, and the Soil of the Roads and Ways so to be stopped up or discontinued shall be deemed and taken as Part of the

Power to stop up Roads, &c.

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 said inclosed Lands in the said last-mentioned Parish or Hamlet, shall be stopped up, or 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.

Justices empowered to declare any of the Roads completed.

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

Power to turn Watercourses.

XX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to direct, order, and award all or any of the Streams, Springs, and Watercourses, within the said Parish of *Slapton* and Hamlet of *Horton*, and each of them, or which run between, or divide the said Parish or Hamlet, and any Parish, Place, or Liberty adjoining them, or either of them, to be widened, scoured, cleansed, diverted, and turned, or conveyed in such Course and through such Lands or Grounds as they shall judge necessary and convenient, either for preventing any Lands or Grounds within the Parish of *Slapton* and Hamlet of *Horton*, or either of them, from being overflowed or injured by Water, or for draining or watering such last-mentioned Lands or Grounds; and provided that no such Stream, Spring, or Watercourse, be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands or Grounds out of or from which any such Stream, Spring, or Watercourse, shall be diverted, or into which any such Stream, Spring, or Watercourse shall be turned.

Freeboards to be determined by the Commissioners.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to receive, hear, and determine, all Claims of Freeboard upon the intended Division and Allotment; and if any such Claim shall be fully established by sufficient Proof to the Satisfaction of the said Commissioners, they are hereby authorized and empowered to set out one or more Plot or Plots, Allotment or Allotments of Land, in lieu of any such Freeboards so established, and such Plot or Plots, Allotment or Allotments, shall for ever thereafter respectively be deemed to be within and Part of such Parish as the said Commissioners shall in and by their Award adjudge and determine.

XXII. And

XXII. And be it enacted, That the said Commissioners shall and they are hereby authorized and required by Examination of Witnesses on Oath, or by such other legal Ways and Means as they shall think proper, to inquire into the Particulars of the several Farms, Lands, and Estates lying and being within the said Hamlet of *Horton*, in order to ascertain and determine whether all or what Part or Parts, Proportion or Proportions, of the same are lying and being within the said several Parishes of *Slapton*, *Eddlesborough*, *Ivinghoe* and *Pightlesthorne*, or in which of the same Parishes the same are respectively lying and being, and allot and set out the same accordingly, and that all such Parts of the Lands hereby directed to be divided and inclosed as shall by the said Commissioners be set out and allotted unto any of the Proprietors of *Slapton* aforesaid, for and in lieu of his, her, and their Lands, Tithes or other Estates within that Parish, shall from and after the Execution of the Award of the said Commissioners, be for ever deemed and taken to all Intents and Purposes to be lying and being within the Parish of *Slapton* aforesaid: And that all such Parts of the Lands hereby directed to be divided and inclosed as shall by the said Commissioners be set out and allotted unto any of the Proprietors of *Horton* aforesaid, for or in lieu of his or their Lands, Tithes, or other Estates lying within that Hamlet, shall from and after the Execution of the Award of the said Commissioners be for ever deemed and taken to all Intents and Purposes to be lying and being within the Hamlet of *Horton* aforesaid, and in such of the said Parishes of *Slapton*, *Ivinghoe*, *Eddlesborough* and *Pightlesthorne*, as the Lands, Tithes, or Estates in respect of which such Allotments shall be made, shall be situate in or arising from.

The allotted Lands to be in that Parish to which the uninclosed Lands before belonged.

XXIII. Provided always, and be it further enacted, That no Carriage Way, Bridle Way, or Foot Way leading over and across the Grand Junction Canal in the said Parish of *Slapton*, and Hamlet of *Horton* or either of them, 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 of *Slapton* and Hamlet of *Horton*, or either of them, 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 of the said Grand Junction Canal, 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 *Slapton* and Hamlet of *Horton*, or either of them.

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

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby required, before any other Allotment or Allotments shall be made in pursuance of this Act, to set out and allot unto the respective Surveyors of the Highways of the said Parish of *Slapton* and Hamlet of *Horton* and their respective Successors for the Time being, out of, from, and upon any of the Lands or Grounds by this Act intended to be divided, allotted and inclosed, (if any Part of the said last mentioned Lands or Grounds is found fit and proper to be set out for that Purpose), one or more Plot or Plots, Allotment or Allotments of Ground in such Parish and Hamlet respectively, for the Purpose of getting Stone, Gravel, Sand, and other Materials for the Repairs of the several publick and private Roads and Ways within the said Parish of *Slapton* and Hamlet of *Horton* respectively,

Allotments for Stone and Gravel Pits.

tively, as they the said Commissioners shall think necessary and proper for that Purpose; which said Allotment or Allotments shall be fenced in and inclosed, and the Fences thereof for ever after maintained and supported in such Manner, and by such Person or Persons in the said Parish and Hamlet respectively as the said Commissioners shall order or direct, and which said Allotments respectively shall and may be annually set out at Rack Rent by the said Surveyors respectively, subject to such digging of Materials for the Reparations of the said Roads respectively, for the best Rents that can be gotten for the same, which said Rents shall be applied to the Repairs of the said Roads in the said Parish of *Slapton* and Hamlet of *Horton* respectively for ever.

Where the Parishes are divided by Roads, they are to be set out of the Lands of each

XXV. And be it further enacted, That in case any publick Roads or Highways shall be set out or continued in any Situation or Direction where the said Parish of *Slapton* and Hamlet of *Horton*, or either of them, are or is divided from any other adjoining Parish or Place, and where there now is or usually hath been a publick Road or Meerway, then and in such Case, the said Commissioners shall, and they are hereby authorized and required to set out One Half only of such Road or Way from and out of the Lands and Grounds directed by this Act to be divided and inclosed for such Road or Way, and the said Commissioners are hereby authorized and required to set out and allot what particular Apportionment of the Length of such Boundary Roads or Lanes shall be for ever thereafter respectively repaired by such Parishes or Places severally, and to distinguish the same by proper Bound Marks, and that from thenceforth the Part or Parts of the said Boundary Roads or Lanes so allotted to the said Parishes or Places severally, shall be deemed and for every Purpose considered as Part or Parts of such respective Parishes or Places.

Allotment to the Rector of *Slapton* for Glebe.

XXVI. And be it further enacted, That after the several Roads and Ways, and the Plots or Allotments for Stone and Gravel Pits shall have been set out and appointed, the said Commissioners shall, and they are hereby authorized and required to set out, allot, and award unto and for the said *Hugh Hanmer Morgan*, and his Successors, Rectors of the Rectory and Parish Church of *Slapton* aforesaid, such Plot or Plots of the Lands and Grounds hereby directed to be divided and inclosed, and lying within the Parish of *Slapton* aforesaid, including that Part of the said Hamlet of *Horton*, which lies in that Parish, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation (Quantity, Quality, and Situation considered) for the Glebe Lands and Right of Common belonging thereto.

Allotment to the Rector of *Slapton* for Tithes.

XXVII. And be it further enacted, That the said Commissioners shall, and they are hereby required in the next Place to assign, set out, and allot unto the said *Hugh Hanmer Morgan*, and his Successors, Rectors of the said Rectory of *Slapton* aforesaid, such Part or Parts of the said Open and Common Fields, Common Meadows, Commons, or Waste Grounds, within the Parish of *Slapton* aforesaid, (including that Part of the Hamlet of *Horton* which is, and is finally determined to be situate in that Parish), as in the Judgement of the said Commissioners shall be equal in Value to One Fifth Part of all the Arable Land, and to One Ninth Part of all the Residue of the Land and Ground within the whole Parish of *Slapton* aforesaid, subject and liable to the Payment of full Tithes in Kind, and such Part or Parts

of the said Open and Common Fields, in case such Exemption as is so claimed by the said Earl of *Bridgewater*, for and in respect of the said *Slaptonbury* Farm and Lands as aforesaid shall be established, as shall be equal to One Fifteenth Part of the Arable Land, and to One Twenty-seventh Part of the Grass Land of the said Farm and Lands called *Slaptonbury* Farm, which shall remain after deducting the Land herein directed to be set out to the said Rector for Glebe Land and Right of Common, the Land to be set out for Roads and Ways, and for publick Stone and Gravel Pits within the said Parish, and the Lands belonging to the said Company of Proprietors, and also equal in Value to all Modusses and other Ecclesiastical Dues and Payments (Mortuaries, *Easter* Offerings, and Surplice Fees excepted), and such Allotment or Allotments, when so assigned, set out, and allotted to the said Rector and his Successors, shall be and be deemed to be a full Satisfaction and Compensation to the said Rector and his Successors for all Tithes, both Great and Small, and all Modusses, and all other Ecclesiastical Dues and Payments, (Mortuaries, *Easter* Offerings and Surplice Fees excepted), yearly arising, issuing, renewing, encreasing, or payable out of or from the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and all and every the Messuages, Gardens, Orchards, and old Inclosures within the whole Parish of *Slapton* aforesaid, except the Lands belonging to the said Company of Proprietors as aforesaid.

XXVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto the said *John William* Earl of *Bridgewater*, his Heirs and Assigns, and the said *Isaiab Blythe* and his Successors, Impropiators and Vicars of *Ivinghoe* aforesaid, and the said *John Oakeley* and his Successors, Vicars of *Totternhoe* aforesaid, and the several other Persons Owners of Tithes in that Part of the Hamlet of *Horton* which lies in the Parish of *Ivinghoe* aforesaid, such Part or Parts of the said Open and Common Fields, Common Meadows, Commons, or Waste Grounds in that Part of the Hamlet of *Horton* which shall be finally determined to be in the Parish of *Ivinghoe* aforesaid, as shall in the Judgement of the said Commissioners be equal in Value to One-Fifth Part of all the Arable Lands, and to One-Ninth Part of all the Residue of the Lands and Grounds within such last mentioned Part of the Hamlet of *Horton* aforesaid, which shall remain after deducting the Land or Ground set out for Roads, Ways, and for publick Stone and Gravel Pits, and the Lands belonging to the said Company of Proprietors, within such last mentioned Part of the said Hamlet, and such Allotment or Allotments shall be deducted and taken out of the several Allotments within such last mentioned Part of the said Hamlet of *Horton*, to be made to the several Persons and Bodies Politick, Corporate and Collegiate, by virtue of this Act, and such Allotment or Allotments, when so assigned, set out, and allotted to the said Impropiator and Vicar, and Owners of Tithes and their respective Heirs, Successors, and Assigns as aforesaid, shall be and be deemed to be a full Satisfaction and Compensation to them for all Tithes both Great and Small, and all Modusses and all other Ecclesiastical Dues and Payments, (Mortuaries, *Easter* Offerings, and Surplice Fees excepted), yearly arising, issuing, renewing, increasing, or payable out of or from the Lands and Grounds by this Act directed to be divided, allotted, and inclosed; and all and every the Messuages, Gardens, Orchards, and old Inclosures, within that Part of the Hamlet of *Horton* which is and is

Allotment in lieu of Great and Small Tithes of that Part of Horton which is in Ivinghoe.

finally determined to be situate in the Parish of *Ivinghoe* aforesaid, except the Lands belonging to the said Company of Proprietors as aforesaid.

Allotment in lieu of Great and Small Tythes of that Part of Horton which is in Eddlesborough.

XXIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto and for the said *John William* Earl of *Bridgewater*, his Heirs and Assigns, and the said *Edward Northey* and his Successors, Impropropriators and Vicars of *Eddlesborough* aforesaid, such Part or Parts of the said Open and Common Fields, Common Meadows, Commons, or Waste Grounds, in that Part of the said Hamlet of *Horton* which is and is finally determined to be situate in the Parish of *Eddlesborough* aforesaid, as shall in the Judgement of the said Commissioners be equal in Value to One Fifth Part of all the Arable Lands, and to One Ninth Part of all the Residue of the Lands and Grounds within such last mentioned Part of the said Hamlet of *Horton*, which shall remain after deducting the Land set out for Roads and Ways and for publick Stone and Gravel Pits, and the Lands belonging to the said Company of Proprietors within such last-mentioned Part of the Hamlet of *Horton* aforesaid; and such Allotment or Allotments shall be deducted and taken out of the several Allotments within such last mentioned Part of the said Hamlet of *Horton*, to be made to the several Persons and Bodies Politick, Corporate and Collegiate, by virtue of this Act; and such Allotment or Allotments when so assigned, set out, and allotted to the said Impropropriator and Vicar, and their respective Heirs, Successors, and Assigns, shall be and be deemed to be a full Satisfaction and Compensation to them for all Tithes, both Great and Small, and all Moduses, and all other Ecclesiastical Dues and Payments, (Mortuaries, *Easter* Offerings, and Surplice Fees excepted), yearly arising, issuing, renewing, increasing, or payable out of or from the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and all and every the Messuages, Gardens, Orchards, and old Inclosures within such last mentioned Part of the said Hamlet of *Horton*, except the Lands therein belonging to the said Company of Proprietors.

Allotment in lieu of Great and Small Tithes of that Part of Horton which is in Pightlesthorne.

XXX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out, allot, and award unto the said *John William* Earl of *Bridgewater*, his Heirs and Assigns, Impropropriators of *Pightlesthorne* aforesaid, and the said *John Oakeley*, Vicar of *Totternhoe*, and his Successors, such Part or Parts of the said Open and Common Fields, Common Meadows, Commons, or Waste Grounds, in that Part of the said Hamlet of *Horton*, which is, and is finally determined to be situate in the Parish of *Pightlesthorne* aforesaid, as shall in the Judgement of the said Commissioners be equal in Value to One Fifth Part of all the Arable Lands and Grounds, and to One Ninth Part of all the Residue of the Lands and Grounds within such last mentioned Part of the said Hamlet of *Horton* which shall remain after deducting the Land set out for Roads, Ways, or for publick Stone and Gravel Pits, and the Lands belonging to the said Company of Proprietors within such last mentioned Part of the said Hamlet of *Horton*, and such Allotment or Allotments shall be deducted and taken out of the several Allotments within such last mentioned Part of the said Hamlet of *Horton*, to be made for the several Persons, Bodies Politick, Corporate, and Collegiate, by virtue of this Act, and such Allotment or Allotments when so assigned, set out, and allotted to the said Impropropriator

proprietor of *Pightlesthorpe*, and Vicar of *Totternhoe*, and their respective Heirs, Successors, and Assigns shall be, and be deemed to be a full Satisfaction and Compensation to them for all Tithes, both Great and Small, and all Moduses, and all other Ecclesiastical Dues and Payments (Mortuaries, *Easter Offerings*, and Surplice Fees excepted), yearly arising, issuing, renewing, increasing, or payable out of or from the Lands and Grounds by this Act directed to be divided, allotted, and enclosed, and all and every the Messuages, Gardens, Orchards, and old Inclosures within such last mentioned Part of the Hamlet of *Horton*, except the Lands therein belonging to the said Company of Proprietors.

XXXI. Provided always, and be it further enacted, That when and as soon as conveniently may be, after the several Allotments in Compensation for Tithes shall have been made as aforesaid, the said Commissioners shall, and they are hereby required to sub-divide, assign, and allot the said several Allotments unto and between the said *John William Earl of Bridgewater*, his Heirs and Assigns, Impropropriators of *Ivinghoe*, and the said *Isaiab Blythe*, Vicar of *Ivinghoe*, and his Successors, and the said *John Oakeley*, Vicar of *Totternhoe*, and his Successors, and the several other Persons, Owners of Tithes, in that Part of the Hamlet of *Horton* which lies in the Parish of *Ivinghoe* aforesaid, and unto and between the said *John William Earl of Bridgewater*, his Heirs and Assigns, Impropropriators of *Eddlesborough*, and the said *Edward Northey*, Vicar of *Eddlesborough*, and his Successors, and unto and between the said *John William Earl of Bridgewater*, his Heirs and Assigns, Impropropriators of *Pightlesthorpe*, and the said *John Oakeley*, Vicar of *Totternhoe* and his Successors respectively, in Proportion to their respective Rights and Interests in the Tithes, in Lieu whereof the said several Allotments are hereby before directed to be made, and in Proportion to the Value of such Great and Small Tithes respectively.

Subdivision to be between Owners, Impropropriators, and Vicars of *Ivinghoe*, *Eddlesborough*, and *Pightlesthorpe*.

XXXII. And be it further enacted, That the several Allotments herein directed to be made in Compensation for Tithes, shall be in full Satisfaction and Discharge of and for all Tithes, both Great and Small, and all Moduses and other Ecclesiastical Dues and Payments whatsoever (Mortuaries, *Easter Offerings*, and Surplice Fees excepted), arising, issuing, renewing, or payable from or out of all and every the Messuages, Tenements, Gardens, Orchards, old Inclosures, Commons and Wastes, open Fields and Lands within the said Parish of *Slapton*, and Hamlet of *Horton* respectively, other than and except the Lands belonging to the said Company of Proprietors of the said Grand Junction Canal.

Allotments to be in Discharge of Tithes.

XXXIII. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, Homecloses, or inclosed Lands and Grounds in the said Parish of *Slapton*, or Hamlet of *Horton*, subject or liable to the Payment of Tithes in Kind, or to any Modus or other Payment in Lieu of Tithes, and which are to be exonerated therefrom by Virtue of this Act, the respective Proprietors whereof shall not happen to be entitled to any or to a sufficient Allotment out of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, to make Compensation for the Tithes, Moduses, or other Payments in Lieu of Tithes issuing thereout, such Proprietor or 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 Commis-

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

sioners

tioners shall adjudge and determine to be a full Compensation and Satisfaction for the Tithes, Modules, and other Payments in Lieu of Tithes, 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 to be raised, levied, and recovered; and in case there shall be any Surplus the same shall be divided and apportioned between the several Proprietors of the Lands hereby directed to be divided and inclosed according to their several and respective 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 Persons respectively shall be paid into the Bank of *England*, in Manner directed by the said recited Act with respect to Money thereby directed to be paid into the Bank for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or 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.

For fencing  
Tithe Allot-  
ments.

XXXIV. And be it further enacted, That each of the several Allotments herein-before directed to be set out and allotted to the said *Hugh Hanmer Morgan* and his Successors in lieu of Glebe Lands and Right of Common, and in Compensation for Tithes as aforesaid, and to the Impropiator and Vicar in *Ivinghoe*, and Owners of Tithes in that Part of the Hamlet of *Horton* which lies in the Parish of *Ivinghoe*, and to the Impropiator and Vicar of *Eddlesborough*, and to the Impropiator of *Pightlesthorpe*, and Vicar of *Totternhoe* respectively, and their respective Heirs, Successors and Assigns, in Compensation for Tithes as aforesaid, shall be enclosed and fenced round the Boundary thereof with Quickset Hedges and Ditches, or other proper Mounds or Fences, with proper Posts, Rails, and other Guard Fences to such Quickset Hedges within such Times and in such Manner as the said Commissioners shall order and appoint, and for Seven Years after the same shall be properly made, shall be preserved, repaired or maintained by and at the Expence of all or such of the Proprietors of the Lands and Grounds lying within the same Parish, which shall be inclosed or exonerated from Tithes by virtue of this Act, and in such Manner and Proportions as the said Commissioners shall order and appoint.

Allotment to  
the Lord of the  
Manor for  
Soil.

XXXV. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot unto and for the Lord or Lords of the respective Manors aforesaid, or such of them as have any Right or Interest in or to the Soil of the Commons or Waste Grounds, such Part or Parts of the Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, as in the Judgment of the said Commissioners shall be equivalent to, and a full Compensation and Satisfaction for their respective Rights and Interests in and to the Soil of the said Commons and Waste Grounds, 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.

XXXVI. And



XXXVI. 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 commonable Fields, Meadows, Commons, Wastes, and other Lands and Grounds hereby directed to be divided, allotted and inclosed unto, between, and amongst 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 Compensation, 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 specially directed to be made.

Allotment of  
the Residue.

XXXVII. Provided always, and be it enacted, That until the Execution of the Award to be made by the said Commissioners, or until such other Time previous thereto as the said Commissioners shall by Writing under their Hands direct or appoint, and until Satisfaction and Compensation shall have been made for Tithes and Thirtieths as aforesaid, the said Impropriators, Owners of Tithes, Rector, Vicars, and their Successors shall severally be entitled to, and shall have, receive, and enjoy all his and their respective Tithes and Thirtieths in such Manner as he, she or they respectively could or might have had, received and enjoyed the same in case this Act had not been made.

Tithes payable  
until Award  
made, or Com-  
missioners shall  
otherwise  
direct.

XXXVIII. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided and allotted 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 Manner aforesaid of some convenient Time and Place when and where the said Proprietors may be informed of such intended Allotments, and see the same set out and delineated upon a Map or Plan thereof 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 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, determine the same; and their Determination, as to the Quantity and Situation of such Allotments, shall be final and conclusive on all Parties.

Allotments to  
be delineated  
upon a Plan,  
and shewn to  
the Proprie-  
tors.

XXXIX. And be it further enacted, That all the Lands and Grounds which shall be set out or allotted by virtue of this Act to any Person or Persons for or in respect of any Messuages, Cottages, Lands or Grounds holden of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Messuages, Lands or Tenements, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall from and after the Execution of the said Award be deemed and taken to be Copyhold or Leasehold, and shall be held as such by and under the same Tenure, Rents, Heriots, Reliefs, Payments, Fines, Customs, and Services, as the Copyhold or Leasehold Messuages, Cottages, Lands, or Tenements respectively, for or in respect whereof such Allotments shall be made, are now holden;

Allotments to  
be of the same  
Tenure as  
Lands for  
which they  
shall be  
allotted.

[Loc. & Per.]

49 R

and

and that all and every Person or Persons to whom such Copyhold Lands and Premises shall be allotted as aforesaid, shall from and after the Execution of the said Award be deemed fully admitted Tenant or Tenants to the same, without paying any Fine or other Charge to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor or Manors; but in case any Person or Persons to whom such Lands and Premises shall be allotted, shall die before the Execution of the said Award, then the customary Fines, Fees, and other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Lands and Premises; and the Copyhold Premises so to be allotted as aforesaid, shall at all Times be held under and subject to the same Tenures, Fines, and other Payments as the present Copyhold Messuages, Cottages, Lands, or Tenements, in respect whereof such Lands and Premises shall be allotted, are now holden under and subject to; and the said Commissioners shall by their Award determine, describe, and abut the Messuages, Cottages, Lands, and Grounds respectively, which are to be and remain Copyhold or Leasehold, and all other Lands and Grounds to be allotted by virtue of this Act (except such as shall be so ascertained by the said Commissioners to be Copyhold or Leasehold), shall be thenceforth deemed, taken, and enjoyed, as Freehold Lands, and Premises, subject nevertheless to such Free Rents and Services as are now due or payable out of or for the respective Messuages, Lands, Tenements, or Hereditaments, for or in respect whereof the same shall or may be allotted.

Leases at Rack  
Rent to be  
void.

Lessees to be  
compensated.

XL. And be it further enacted, That all and every Lease and Leases at Rack Rent, and without Fine or Fee paid or payable for the Renewal thereof, subsisting of all or any Part of the Lands or Grounds to be divided and inclosed exonerated from Tithes, or exchanged by virtue of this Act, or of the said recited Act, or of the Tithes arising from any such Lands or Grounds, either alone or jointly with any other Lands, Tenements, or Hereditaments, within the said Parish of *Slapton* and Hamlet of *Horton*, or either of them, and all other Agreements for any Term or Time therein, as to the Whole of such Lands, Tenements, or Hereditaments, comprized in such Lease or Leases, or Agreements, shall on such Day as the said Commissioners shall by any Writing under their Hands for that Purpose limit or appoint, cease, determine, and be utterly void, the respective Lessees or Tenants thereof receiving from the respective Landlords or Proprietors of the same Premises such Satisfaction as the said Commissioners shall ascertain, order, and direct, as reasonable to be paid to such Lessees or Tenants on account thereof; and such Lessees or Tenants respectively paying to the respective Landlords, Owners, and Proprietors of the same Premises, such Rents or Sums of Money up to the Time of vacating such Leases or Agreements respectively, for the Use or Occupation thereof, as the said Commissioners shall in like Manner ascertain, order, and direct, as reasonable and proper in that Behalf: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Parish of *Slapton* and Hamlet of *Horton*, or either of them, and Part in any adjoining Parish or Place, all and every such Lease and Leases upon Rack Rent now subsisting may be vacated, but where any Land shall have been taken in Exchange, and which Land shall be under Lease, and wholly situate in any adjoining Parish or Place, the Lease of such last-mentioned Land shall not be vacated.

XLI. Pro.

XLI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to set aside, or make void any beneficial Lease or Leases from any Body or Bodies Politick, Corporate or Collegiate, of any Manor, Messuage, Cottage, Tithes, Lands, Tenements, or other Hereditaments, in the said Parish of *Slapton*, or Hamlet of *Horton*, or either of them, to any Person or Persons whomsoever, but the Person or Persons intitled to such beneficial Lease or Leases shall and may hold and enjoy his, her, and their severall and respective Allotments, in respect of the Messuages, Cottages; Lands, Tenements, Tithes, or other Hereditaments, demised by any such Lease or Leases respectively, for his, her, and their severall and respective Term and Terms, and under the same Rents and Covenants as is or are specified in his, her, or their respective Lease or Leases from the said Body or Bodies Politick, Corporate or Collegiate, to him, her or them respectively.

But not to vacate beneficial Leases.

XLII. And be it further enacted, That nothing in the said recited Act or in this Act contained, shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Messuages, Buildings, Lands, Grounds, or Hereditaments, to be divided, allotted, or exchanged, 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 or the said recited Act, shall be seized and possessed thereof, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Messuages, Buildings, Lands, Grounds, and Hereditaments, whereof such Person was seized or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

Wills and Settlements not to be affected.

XLIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the Parish of *Slapton* aforesaid, or within the Hamlet of *Horton* aforesaid, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments whatsoever, within the said Parish of *Slapton* or Hamlet of *Horton*, or within any Parish, Hamlet, or Township adjoining the said Parish of *Slapton* and Hamlet of *Horton*, or either of them, so as all such Exchanges be ascertained, specified, and declared in the said Award of the said Commissioners, and be made with the Consent of the respective Owners, Proprietors or other Persons, whether such Owners, Proprietors, or other Persons shall be a Body or Bodies Politick, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Life or Lives, 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, Femmes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled

Power to make Exchanges.

disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of any Corporation Aggregate, and under the Hands of the other consenting Parties respectively, and that all and every such Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made by the said *Hugh Hanmer Morgan*, or his Successors, without the Consent of the said Dean and Chapter under their Common Seal, nor of any Lands or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent of the Patron thereof; and the Bishop of the Diocese respectively testified as aforesaid.

Expences of Exchanges, how to be paid.

XLIV. Provided always, and be it enacted, That all Costs, Charges, and Expences attending the making and compleating any Exchanges or Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Power to suspend Right of Common.

XLV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered at any Time or Times before the Execution of the said Award, by giving Fourteen Days Notice in Writing under their Hands to be affixed upon the Doors of the Parish Churches of *Slapton*, *Ivinghoe* and *Pightlesthorpe* aforesaid, to order and direct all or any Part of the Rights of Common in, over and upon the said Open and Common Fields, Common Meadows, Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing, and that all such Rights of Common as 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 to be specified in such Notice cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage or Custom to the contrary thereof notwithstanding.

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

XLVI. 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 to 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 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

or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

XLVII. Provided always, and be it further enacted, That upon the Allotment of any Copyhold Land to any such Vendee or Purchaser as aforesaid, and also upon every Alienation of any Allotment or Allotments of Copyhold Land by way of Sale, Exchange or otherwise, which shall be made before the Execution of the said Award, the Person or Persons to whom the same shall be so allotted or alienated shall be admitted by, and there shall be due and payable to the Lord or Lords and Steward or Stewards of the Manor or respective Manors of which the same shall be held upon every such Admission, the Fine, Fees, Charges and Payments customary for Admissions upon Alienation.

Purchasers of Copyholds before Award to be admitted.

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

Commissioners to direct the Course of Husbandry.

XLIX. And be it further enacted, That in all Cases where any Open or Common Field Land, shall upon the said Inclosure be allotted and awarded to any Person or Persons other than the Proprietor or Proprietors thereof, immediately before such Division and Allotment, it shall and may be lawful for the said Commissioners, and they are hereby required to ascertain, order, and direct such Satisfaction as they shall think reasonable, to be paid by such Person or Persons, Bodies Politick, Corporate or Collegiate, to whom such Lands and Grounds shall be allotted, or his, her, or their Tenant or Lessee to the Occupier or Occupiers of such Lands or Grounds at the Time of the said Allotment, for or on Account of any Crops that shall be growing on such Lands and Grounds so allotted and awarded as aforesaid,

Compensation to be made for growing Crops.

L. And be it further enacted, That no Sheep or Lambs shall be kept on any of the Allotments to be made by virtue of this Act, out of the said Open and Common Fields, Common Meadows, Commons, and Waste Grounds, during the Space of Five Years next after the Allotments are set out by the said Commissioners, unless the Person or Persons so keeping the same shall first at his, her, or their own Expence make and maintain a Fence sufficient to guard the young Quick Fences round such Allot-

No Sheep, &c., to be kept in new Allotments.

ments from being cropped, hurt, or damaged by such Sheep or Lambs, whether such Quick Fences be planted or set by the Owners or Occupiers of such Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto.

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

LI. 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 and Persons seized in Fee Simple 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 Females Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability of acting for themselves.

Persons from whose Allotments Land shall be deducted not to charge their Lands with Money towards Payment of Expences.

LII. Provided always, and be it further enacted, That in all cases where any Land shall be deducted from the Allotment of any of the said Proprietors or Persons towards Payment of Expences as aforesaid, it shall not be lawful for the said Commissioners to deduct from any Allotment to be made to any Proprietor or Proprietors any further or greater Quantity of Land than would be equal in Value to the Sum of Money that such Proprietor or Proprietors is or are by this or the said recited Act empowered to borrow and charge on his, her, or their Lands, Tenements or Hereditaments, by this or the said recited Act; nor shall it be lawful for the Proprietor or Person from whose Allotment Land shall be deducted as aforesaid, to charge, his, her, or their Lands, Tenements or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences.

Persons advancing Money to be paid with Interest.

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

Costs of the Act.

LIV. And be it further enacted, That all the Costs, Charges, and Expences of ring-fencing and inclosing, but not of subdividing the Allotments which shall by virtue of this Act be made to the said *Hugh Hanmer Morgan*, in lieu of his said Tithes and Glebe Lands, and the several Allotments herein-before directed to be made to the said *John Oakeley*,

*Isaiab*

*Isaiab Blythe*, and *Edward Northey*, for and in lieu of their several and respective Tithes, and the several Allotments herein-before directed to be made to the said *John William* Earl of *Bridgewater*, and the said several other Tithe Owners for and in lieu of their several and respective Tithes, and all the Costs, Charges, and Expences incident to and attending the obtaining this Act, and of surveying, measuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Premises to be divided and allotted, or exonerated from Tithes, by virtue of this Act, and of preparing and inrolling the Award of the said Commissioners, and all Charges and Expences of the said Commissioners, their Clerks, Assistants and Servants, and other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, either before or after the Execution of the said Award, and all the Expences of forming, compleating, and repairing the publick Carriage Roads and Highways, to be set out and appointed by the said Commissioners, and all other Expences of carrying this Act into Execution, shall be borne and defrayed by all and every the Proprietors and Owners of, or Persons having Rights or Interests in the Lands or Grounds hereby directed to be divided and inclosed, and of the Homesteads and ancient Inclosures to be exonerated from Tithes, by virtue of this Act (save and except the said *Hugh Hanmer Morgan*, and his Successors, *John Oakeley*, *Isaiab Blythe*, and *Edward Northey*, and the said *John William* Earl of *Bridgewater*, and the several other Tithe Owners for or in respect only of any Allotment or Allotments which shall be made to him and them in lieu of Tithes and Glebe Lands, and the Surveyors of the Highways in respect of any Allotment or Allotments to be made to them as Surveyors as aforesaid; and also except the Persons from whose respective Allotments Deductions shall have been made for their respective Shares of the said Inclosure), which said Costs, Charges, and Expences, together with the Proportions thereof, to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place and to such Person or Persons as the said Commissioners shall by any Writing under their Hands from Time to Time, either before or after the Execution of their Award appoint.

LV. And be it further enacted, That it shall be lawful for the several Owners and Proprietors for the Time being of any of the Allotments to be made, or of any of the Homesteads, Orchards, and ancient Inclosures, to be exonerated from Tithes in pursuance of this Act, or of any Part thereof, and to and for the Husbands, Guardians, Trustees, Committees, or Attornies; of or for any of the said Owners or Proprietors, who may be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, and to and for all Persons acting as Guardians, Trustees, Committees, or Attornies, for any of the same Owners or Proprietors, and to and for any of the said Owners and Proprietors being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, or otherwise interested as aforesaid, and to and for every of them respectively (other than and except the said Rector and Vicars, and their Successors, and such Persons from whose Allotments Deductions shall have been made for the Payment of the Expences of Inclosure, and other than except the Surveyor and Surveyors of the Highways in respect of any Allotment or Allotments as shall be made to them as Surveyors as aforesaid), by and with the Consent of the said Commissioners

Proprietors  
enabled to  
borrow  
Money;

missioners in Writing under their Hands and Seals, from Time to Time to charge such respective Allotments, Homesteads, and ancient Inclosures, or any Part or Parts thereof respectively, with any Sum or Sums of Money at the Discretion of the said Commissioners, not exceeding Five Pounds for every Acre of Land or Ground so to be allotted, and for every Acre of such Homestead, Orchards and ancient Inclosures, which shall be exonerated from Tithes by a Compensation in Land, to be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied in defraying the several Shares and Proportions of such respective Proprietors of the Charges and Expences of obtaining and executing this Act, and of dividing and inclosing the respective Allotments, and subdividing the same if proper, and to charge the several Homesteads and ancient Inclosures which shall be exonerated from Tithes wholly or in Part, by any Payment in Money with any Sum or Sums not exceeding the Amount of the respective Payments, which shall be made by the Direction of the said Commissioners as a Compensation for such Exoneration from Tithes, and in discharge of the Proportion and Share of the Expences of passing this Act and carrying the same into Execution, which shall be ascertained and apportioned by the said Commissioners in respect of the Homesteads and ancient Inclosures so exonerated, and for securing the Repayment of such respective Sums with Interest, to grant, mortgage, surrender, or demise such Lands and Tenements respectively to such Person or Persons as shall respectively advance and lend such Sum and Sums, and to his, her, and their respective Heirs, Executors, Administrators, and Assigns, in Fee, or for any Term or Number of Years, so that every such Grant, Mortgage, Surrender, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be re-conveyed or surrendered when such Sum or Sums of Money thereby to be secured, and the Charges occasioned by preparing and executing such Security, and of borrowing such Sum and Sums of Money, with Interest for the same respectively, shall be paid and satisfied; and so that in every such Grant, Mortgage, Surrender, or Demise, which shall by virtue of this Act be made by any Tenant in Tail, or for Life or Lives, or Years determinable on any Life or Lives, or upon any other Contingency, there be contained a Proviso or Condition that no Person who shall afterwards become entitled in Remainder or Reversion to the Lands or Tenements therein comprized, shall be liable to pay any further or larger Arrear of Interest in respect of the Money so to be charged as aforesaid, than for One Year preceding the Time that the Title to such Possession shall have commenced.

Charging the  
Lands with the  
Proportion of  
the Expences.

LVI. Provided always, and be it further enacted and declared, That in the Place of any such Grant, Mortgage, Surrender, or Demise as aforesaid, it shall be lawful for the said Commissioners by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, who shall respectively pay and discharge his, her, or their Part and Proportion of the Payment, Charges, and Expences aforesaid, to authorize and empower such Owners and Proprietors, or either of them making such Request, to charge and subject the said Lands and Grounds so to be exonerated from Tithes or allotted  
to



to or for them respectively, with any Sum or Sums of Money not exceeding the respective Sums herein-before limited, with Interest for the same as aforesaid, which Sum or Sums of Money so to be charged as last aforesaid, shall be payable within One Year next after the Decease of every such Tenant in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or after the Determination of any such contingent Estate or Interest respectively, with Interest to be computed from his, her, or their respective Decease, or from the Determination of such contingent Estate or Interest, unto such Person or Persons as such respective Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon such other Contingency respectively by any Deed or Will duly executed and attested shall direct or appoint; and in Default of such Direction or Appointment to such Person or Persons, his, her, or their Executors or Administrators.

LVII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or 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 hereinbefore 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, that 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.

Discrimination of Tenures to be made by separate Allotments, and supplemental Instruments may be executed by the Commissioners for supplying Omissions in certain Cases.

Commissioners  
to lay Ac-  
counts before  
Two Justices  
once a Year.

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

Rector of  
Slapton to  
raise Money  
for inclosing  
the Allot-  
ments.

LIX. And whereas it will be necessary that a Sum of Money should be raised by the said Rector of *Slapton*, towards the defraying the Expences of making the Interior Subdivision Fences to the Allotments to be made to him, and his Successors, in pursuance of this Act, and of erecting Buildings necessary for the Occupation thereof, or for draining or otherwise improving such Allotments; be it therefore enacted, That it shall and may be lawful for the said Rector of *Slapton*, or his Successors, to charge the Lands which shall be allotted to him and them as aforesaid, or any Part thereof, with such Sum or Sums of Money as in the Judgement of the said Commissioners shall be sufficient to defray the Expences of making such Interior or Subdivision Fences, and of erecting and making such Buildings and other Conveniences, or of draining or otherwise improving such Allotments as the said Commissioners shall think necessary for the Occupation of the Allotments to be made to the said Rector as aforesaid, and for securing the Re-payment of the Money so to be borrowed, with Interest for the same, it shall and may be lawful for the said Rector, or his Successors, by any Deed or Deeds under his or their Hand and Seal or Hands and Seals, to grant, mortgage, or demise the same Lands or any such Part thereof as shall be sufficient Security unto the Person or Persons who shall advance and lend such Money, and to his, her, or their Executors, Administrators, and Assigns respectively, for any Term or Number of Years, so as every such Grant, Mortgage, or Demise be made within Twelve Calendar Months from the Execution of the said Award, and with a Proviso to cease and be void, or with an express Trust or Condition to be surrendered when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied, and so as that the said Rector, and his Successors, do and shall respectively pay and keep down the Interest of the Money to be borrowed, in such Manner as that no further or larger Arrear of Interest than One Year shall be permitted to remain due at any one Time, and so as that he and they do and shall pay off and discharge One Twentieth Part of the Principal Sum yearly and every Year, so and in such Manner as that the Whole of such Money to be borrowed, and all Interest shall be fully discharged and paid off within the Term of Twenty Years from the Date of such Deed or Deeds respectively, the first of which Annual Payments shall be made at the End of Twelve Calendar Months next after the Date and Execution of such Grant, Mortgage, or Demise.

Award where  
to be depo-  
sited.

LX. And be it further enacted, That the Award to be made by the said Commissioners, and an attested Copy of the said Supplemental Instrument

in case any such shall have been executed, shall after the same shall have been inrolled in Manner directed by the said recited Act, be deposited in the Parish Church of *Slapton* aforesaid, and a Copy thereof ingrossed on Parchment shall be deposited in the Church of *Ivinghoe* aforesaid.

LXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, (other than and except such Orders and Determinations of the said Commissioners as are by the said recited Act or this Act directed to be final, binding, and conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein mentioned), then and in every such Case, he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Buckingham*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or any Two of them, and to the Party or Parties concerned Ten Days Notice in Writing of such Appeal, and of the Matter thereof, and the Justices (not interested in the Premises) in their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale, and the Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable; and such Costs shall be levied in Manner aforesaid.

Appeal to the  
Quarter  
Sessions.

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

General  
Saving.

LXIII. 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.

Act to be  
printed by the  
King's printer.

---

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

