

41 G. 3. c. 109.

Commission-
ers.

in Lieu thereof; and also to the Tythe of certain Parcels of Wood Land called *Long Compton Woods*, and is likewise entitled to Two Yard Lands in the said Open Fields, with Common Rights thereto belonging: And whereas the said *Charles Earl of Northampton, John Colbourn, Richard Heydon*, and several other Persons, are Owners and Proprietors of and interested in the Remainder of the Lands, Tenements, and Hereditaments by this Act intended to be divided, allotted, and inclosed: 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 Estates of the several Owners of the said Open and Common Fields, Common Meadows, Common Pastures, Commons and Waste Lands, lie intermixed and dispersed in small Parcels, and are inconveniently situated for Occupation; but if the same were divided and inclosed, and specific Shares thereof allotted to the several Persons interested therein according to their respective Estates, Rights, and Interests; and if the same were exonerated from the Payment of Tythes in Kind, it would be advantageous to the Proprietors thereof, and the Improvement thereof would be promoted; but as such Inclosure, Division, Allotment and Exoneration cannot be made 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 *Stephen Godson* of *Hook Norton* in the County of *Oxford*, Gentleman, *Thomas Eagle* of *Allesley* in the County of *Warwick*, Gentleman, and *Jabez Kimber* of *Little Tew* in the County of *Oxford*, Gentleman, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable and Waste Lands, and for carrying this Act into Execution; subject to the Powers, Regulations and Provisions in the said recited Act contained, or such of them as are not varied or altered by or repugnant to any of the Clauses or Provisions of this Act; and that all Acts, Matters, and Things authorized or directed to be done and executed by or before the said Commissioners for effecting the Purposes aforesaid, may be done and executed by or before any Two of them, and the same shall be as valid and effectual as if done and executed by or before all the said Commissioners.

Appointment
of new Com-
missioners.

II. And be it further enacted, That if the said *Stephen Godson*, or any Person hereafter to be appointed in his Stead, shall die or shall refuse to act, or become incapable of acting as a Commissioner by virtue of this Act before the same shall be fully carried into Execution, then and in such case the said *Charles Earl of Northampton*, or the Person or Persons for the Time being entitled to his Estate within the said Parish of *Long Compton*, shall and may by any Writing under his, her, or their Hand or Hands, within Thirty-one Days after such Death, Refusal 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 or Stead of the said *Stephen Godson*, or of such other Person in his Room or Stead so dying or refusing to act, or becoming incapable of acting as aforesaid; and if the said *Thomas Eagle*, or any Person hereafter to be appointed in his Stead, shall die or refuse to act, or become incapable of acting

acting as a Commissioner by virtue of this Act, before the same shall be fully carried into Execution, then and in such Case the said Provost and Fellows of *Eton* College shall and may by any Writing under their Common Seal, within Thirty-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 and Stead of the said *Thomas Eagle*, or of such other Person appointed in his Room or Stead, so dying or refusing to act or becoming incapable of acting as aforesaid: And if the said *Jabez Kimber*, or any Person hereafter to be appointed in his Stead, shall die, or refuse to act, or become incapable of acting as a Commissioner by virtue of this Act, before the same shall be fully carried into Execution, then and in such last mentioned case the Majority in Value to be ascertained by the Assessment to the Poor Rate of the Owners and Proprietors of Lands within the Parish of *Long Compton* aforesaid, (exclusively of the said *Charles Earl of Northampton*, or the Person or Persons for the Time being entitled to his Estate as aforesaid, and of the said Provost and Fellows of *Eton* College aforesaid), shall and may by any Writing under their Hands and within Thirty-one Days after such last-mentioned Death, Refusal or Incapacity shall be made known to them, appoint some proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room and Stead of the said *Jabez Kimber*, or of the Person appointed in his Room or Stead, so dying or refusing to act or becoming incapable of acting as aforesaid; and every Commissioner so to be appointed as aforesaid shall, after taking the Oath prescribed in that Behalf, have such and the like Powers and Authorities for carrying this Act into Execution as if he had been named and appointed a Commissioner in and by this Act; and in case of the Death of any Person so nominated and appointed a Commissioner in the Room of any Commissioner who shall die, neglect, or refuse to act, or become incapable of acting as aforesaid, the said Person or Persons respectively by whom such Commissioner was appointed, shall in like Manner appoint another Commissioner in his Room, and so as often as any Vacancy shall happen by such Death, Neglect, Refusal or Incapacity as aforesaid.

III. Provided always, and be it further enacted, That if at any Time or Times it shall happen that the several Persons 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 required from Time to Time within Thirty-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 or refusing to act or becoming incapable of acting as aforesaid; and every such new Commissioner so appointed shall, after taking the Oath prescribed in that Behalf, have such and the like Powers and Authorities for carrying this Act into Execution to all Intents and Purposes, as if he had been named and appointed a Commissioner in and by this Act; and every new Appointment so made by any of the Parties aforesaid shall be annexed to and inrolled with the Award of the Commissioners.

Proprietors
omitting to
appoint,
Commission-
ers may.

IV. Provided

Commissioners Non-attendance deemed a Refusal.

IV. Provided also, and be it further enacted, That if any of the said Commissioners shall refuse or neglect to attend at the First or Second Meeting appointed to be holden for putting this Act in 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 said 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 Eight Days previously given or left at his usual Place of Abode by the Clerk to the said Commissioners, and such Commissioners 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 remaining Commissioners for putting this Act in Execution, or shall thereafter absent himself in Manner aforesaid, (having first known of such Meeting, or after such Notice, and without such Cause as herein-before mentioned,) every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

Notice of Meetings.

V. 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 Warwick and Warwickshire Advertiser*, or in some other Newspaper circulated within the said County of *Warwick*, Eight Days at least before any such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners only one of them shall attend, the one so attending may adjourn such Meeting to such Time and Place within the said Parish of *Long Compton*, or within Eight Miles of the Boundary of such Parish, as shall be by him deemed most convenient.

Other Notices.

VI. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall be made and given by Advertisements in the said *Warwick and Warwickshire Advertiser*, or in some other Newspaper circulated in the said County of *Warwick*.

Proprietors, &c. to pay their own Expences.

VII. And be it further enacted, 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.

Power to appoint a Clerk.

VIII. And be it further enacted, That the said Commissioners shall appoint a Clerk to assist them in the Execution of this and the said recited Act, and shall or may remove such Clerk, and appoint another in his Room, as to them shall seem meet; and in case of the Death, Incapacity, or declining or neglecting to act of any such Clerk, then and in any such Cases the said Commissioners shall and may appoint any other Person or Persons they may think proper to be their Clerk.

IX. And

IX. And be it further enacted, That *Decimus Godson* of *Lincoln's Inn Fields* in the County of *Middlesex*, and *John Eagle* of *Allestey* in the County of *Warwick*, Land Surveyors, shall be and they are hereby appointed joint Surveyors for the Purposes of this Act; but in case the said *Decimus Godson* or *John Eagle*, or either of them shall die, or shall refuse or neglect to act or become incapable of acting in the Execution of this Act for the Space of Thirty Days next after being thereunto required by the said Commissioners, then and in every such Case the Survivor of the said *Decimus Godson* and *John Eagle* shall act as the Surveyor for the Purposes of this Act, and in case of the Death of the Survivor of them, the said *Decimus Godson* and *John Eagle*, it shall be lawful for the said Commissioners, and they are hereby required, by Writing under their Hands to nominate and appoint any other Person (not interested in the said Division and Inclosure) to be the Surveyor in the Room of the Survivor so dying, neglecting, or refusing to act, or becoming incapable of acting: Provided always, that it shall be lawful for the said Commissioners to adopt and make use of any Survey, Admeasurement, and Plan already made of the Lands, Grounds, and Hereditaments hereby directed to be divided and inclosed or exonerated from Tythes, Moduses, Payments, or Compositions in lieu of Tythes, or any Part thereof, as authorized or allowed by the said recited Act.

Appointment
of Surveyor.

X. 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, Inclosure, and Exoneration, touching or concerning any Right or Interest, or any other Matter or Thing in anywise relating to such Division or Inclosure and Exoneration, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Titles to any Messuages, Cottages, Tythes, Lands or Hereditaments whatsoever.

Commission-
ers to settle
Disputes.

XI. And be it further enacted, That in case the said Commissioners shall upon the hearing and determining 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 whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such case it shall 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 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.

And may
award Costs.

Parties may
try Rights at
Law by
feigned Issue.

XII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division, Inclosure, and Exoneration, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim, Right or Interest, in, over or upon the Lands and Grounds hereby directed to be allotted and inclosed, or exonerated from Tythes, Moduses, Payments or Compositions in lieu of Tythes, or any Part thereof, it shall and may be lawful to and for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or the following Assizes to be holden for the said County of *Warwick*; and for that Purpose, the Person or Persons so dissatisfied 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 and Bodies Politic, 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.

Determina-
tion of the
Commis-
sioners not
objected to,
to be final.

XIII. Provided always, and be it further enacted, That in case the Determination of the said Commissioners touching any Claim or Claims of any Rights of Common, or other Rights or Interests, in, over or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or exonerated from Tythes, Moduses, Payments, or Compositions in lieu of Tythes, or any Part thereof, shall not be objected to, or being objected to, such Action or Actions at Law shall not be brought and proceeded in within the Time and in the Manner herein-before for that Purpose mentioned, such Determination shall be final, binding, and conclusive upon all Parties whomsoever.

Suits respect-
ing Titles,
not to impede
the Execu-
tion of this
Act.

XIV. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title, Right, or Interest of any Person or Persons in or to any Messuages, Cottages, Lands, Tenements, or Hereditaments hereby directed to be allotted and inclosed, or exonerated from Tythes, Moduses, Payments, or Compositions in lieu of Tythes, or any Part thereof, 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, but the said Allotment and Inclosure or Exoneration shall be proceeded in notwithstanding such

such Suit or Suits, and the Allotment or Allotments in Dispute may be had and taken by the Person or Persons who, upon the Determination of such Suit or Suits, shall become intitled to the same.

XV. 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 abate Actions.

XVI. 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 herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic, or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk 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 therein also 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 cases of Deaths of Parties before Actions brought, the same to be carried on and defended in their Names.

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

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

XVIII. 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 Notice in Writing under their Hands, to be affixed upon the Principal Door of the Parish Church of *Long Compton* aforesaid, to order and direct all or any Part of the Rights of Common in, over, and upon the said Commons and Waste Lands, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in 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 of affixing such Writing on the said Church Door, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage, or Custom to the contrary thereof notwithstanding.

Power to extinguish or suspend Right of Common.

XIX. And

No Turves,
&c. to be cut
without Con-
sent of the
Commission-
ers.

XIX. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, cut, dig, pare, or carry away any Turves, Furze, or Fuel, in, upon, or from the said Commons or Waste Lands, or any Part thereof, without or contrary to the Licence of the said Commissioners first had and obtained in Writing for that Purpose, (which Licence the said Commissioners are hereby empowered to grant, under such Orders, Rules, Regulations, and Restrictions as they shall think just and proper to be inserted therein); then and in every such Case the said Commissioners, upon due Proof made before them upon Oath, (which Oath any One of the said Commissioners is hereby authorized to administer), shall and they are hereby required by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Ten Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises; rendering the Overplus, (if any) upon Demand to the Person or Persons whose Goods and Chattels shall be so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards the Payment of the Costs and Charges of obtaining and executing this Act.

Power to
shorten Boun-
dary Fences.

XX. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds lying within the Parish of *Long Compton* aforesaid, and the Lands and Grounds in any adjoining Parish or Parishes, it shall be lawful for the said Commissioners, with the Consent in Writing under the Hands of the Lords or Ladies of the Manor or Manors, and of the Majority in Value (to be ascertained by the Assessment to the Poor Rate) of the Land Owners interested in any Lands or Grounds adjoining to the said Parish of *Long Compton*, and also under the Hand of any Owner of any adjoining Land, upon which any such Fences shall be intended to be made, to set out, ascertain, and determine the Boundary Fences to be made between the Lands lying within the Parish of *Long Compton* aforesaid and the Lands adjoining thereto, as they shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be so set out, ascertained, and determined, the same shall be fenced by such Persons, in such Manner, and at such Times as the said Commissioners shall direct; and shall for ever thereafter be deemed and taken to be the Boundary between the said Parish of *Long Compton* and such adjoining Parish or Parishes, any Law, Usage, or Custom to the contrary thereof notwithstanding.

Encroach-
ments within
Twenty Years
to be deemed
Part of Waste.

XXI. And be it further enacted, That all Incroachments which at any Time within Twenty Years now last past shall have been made upon the Commons and Waste Lands hereby directed to be allotted, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Incroachments or the Extent thereof, such Dispute or Difference shall be finally determined by the said Commissioners.

Power to set
out, &c.
Roads across
old Inclo-
sures, with
Consent of
the Owners.

XXII. And be it further enacted, That in setting out and appointing the several Carriage Roads, Bridle Roads, Footways, and Highways in pursuance of this Act, the said Commissioners shall and they are hereby authorized and empowered, if they shall think it necessary or proper, to continue such Carriage Roads, Bridle Roads, Footways, and Highways,

or any of them, through and over any of the old inclosed Lands or Grounds within the said Parish of *Long Compton*, and also to divert, turn, or stop up any of the old Carriage Roads, Bridle Roads, Footways, and Highways passing or leading through or over any such old inclosed Lands or Grounds; provided that no such Carriage Road, Bridle Road, Footway, and Highway be so set out, or appointed, or diverted, turned, or stopped up respectively, without the Consent of the Owners of the respective old inclosed Lands or Grounds through or over which such Carriage Road, Bridle Road, Footway, or Highway doth or is intended to pass, such Consent to be testified by some Writing under the Hands of such Owners respectively, nor without the Concurrence and Order of Two Justices of the Peace acting for the said County of *Warwick*, and such Order so to be made by such Justices shall be subject to an Appeal in Manner directed by the said recited Act.

XXIII. 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 hereby directed to be divided and allotted, 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 plowing, 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 as well in respect thereof as for any Seeds, Crop, Tillage, Manure, or Preparation for a Crop or Crops on any of the Lands and Grounds hereby directed to be allotted to be paid by any Person or Persons interested therein, or his, her, or their Tenant or Tenants, and to such Person or Persons as they the said Commissioners shall think reasonable and direct; 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 accordingly within the Space of Fourteen Days after the same shall have been ordered and demanded, then it shall be lawful for the said Commissioners, and they are hereby required by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay such Sum or Sums of Money as aforesaid, rendering the Overplus, if any, upon Demand, to such Person or Persons respectively, after deducting the Costs and Charges of taking and making every such Distress and Sale; and in case such Distress cannot be taken as aforesaid, it shall be lawful for the said Commissioners, or any Person authorized by them for that Purpose, to enter into and upon such Lands as aforesaid, or any Part thereof respectively, and receive the Rents, Issues, and Profits thereof respectively, until thereby and therewith or otherwise the full Amount of such Sum and Sums of Money as aforesaid, and all Costs, Charges, and Expences occasioned by or attending such Entry upon and receiving the Rents and Profits of the same Premises, shall be respectively fully paid and satisfied, which Sum or Sums of Money so to be levied, received, or raised, shall, after discharging such Costs, Charges, and Expences as aforesaid, be applied in making such Recompence and Satisfaction to the Person or Persons entitled thereto, as aforesaid,

Commissioners to direct the Course of Husbandry.

Drains and
Ditches.

XXIV. 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 scour out, deepen, widen, and change the Course and Direction of all and every such ancient Ditches, Drains, Watercourses, Tunnels, and Bridges, in the Parish of *Long Compton* aforesaid, or which divide or run between the said Parish and any adjoining Parish or Liberty, as they shall think proper, and also shall and may set out and appoint such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges, to be made of such Depth, Width, and Extent, and in such Situation and Direction as they the said Commissioners shall think fit, as well in, through, and over the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, as also in, over, and through any ancient Inclosures or other Lands or Grounds within the Parish of *Long Compton* aforesaid, making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands or Grounds not hereby intended to be divided and inclosed, for the Damage done thereby, as they shall judge reasonable; and the said Commissioners shall and may, and they are hereby directed in and by their said Award to order and direct by whom, at whose Expence, at what Time, and in what Manner, the said Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges, shall be thereafter repaired, cleansed, scoured, and maintained: Provided always, that nothing in this Act contained shall authorize the said Commissioners to divert or turn any such Watercourse, or any Stream, Brook, or Rivulet, without the Consent in Writing of the respective Owners of the Lands, or of their Agent for the Time being, from or into which the same shall be directed or turned.

Allotment for
Stone, and
Gravel Pits.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, before any Allotment or Allotments shall be made in pursuance of this Act, to set out and allot One or more Plot or Plots, Parcel or Parcels of Ground in the said Parish, for the Purpose of getting Stone, Sand, Gravel, and other Materials, for the Repairs of the several publick and private Roads and Ways within the said Parish of *Long Compton*, as they the said Commissioners shall think necessary and proper for that Purpose, which said Plot or Plots shall be fenced in such Manner and by such Person or Persons as the said Commissioners shall order, direct, or appoint, and the Soil and Herbage of such Plot or Plots shall be allotted to such Person or Persons as the said Commissioners shall think proper to award the same.

Allotment to
the Lord of
the Manor
for Waste.

XXVI. And be it further enacted, That the said Commissioners shall assign, set out, allot, and award unto and for the Lord of the Manor aforesaid, such Part of the Commons and Waste Lands within the said Manor and Parish as in the Judgement of the said Commissioners shall be equal in Value to One-thirtieth Part thereof, in full Compensation and Satisfaction for his Rights and Interests in and to the Soil of the said Common or Waste Lands.

Allotment in
lieu of Rec-
torial, Glebe
and Common
Right.

XXVII. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required to set out and allot, to and for the said Provost and Fellows of *Eton College* and their Lessee, in lieu of the said Glebe Lands and Right of Common belonging to them,

such Plot or Plots, Parcels or Quantities of the Lands by this Act intended to be divided and inclosed, as shall in the Judgement of the said Commissioners making such Allotments be a full Equivalent and Compensation to the said Provost and Fellows of *Eton College* and their Lessee, for such Glebe Lands and Right of Common, but subject to a proportionate Deduction for Roads, and the Allotments for Stone or Gravel Pits, and to the Trustees for the Poor of *Long Compton* aforesaid, as herein mentioned.

XXVIII. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required to set out and allot, unto and for the said *Francis Ellis* and his Successors, Vicars as aforesaid, in lieu of the said Vicarial Lands and Rights of Common thereunto belonging, such Plot or Plots, Parcels or Quantities of the Lands and Grounds by this Act intended to be divided and inclosed, as shall in the Judgement of the said Commissioners be a full Equivalent and Compensation for the said Vicarial Lands and Right of Common thereunto belonging, subject to a proportionate Deduction for Roads, and the Allotments for Stone or Gravel Pits, and to the Trustees for the Poor of *Long Compton* aforesaid, as herein mentioned.

Allotment to the Vicar for Lands and Common Right.

XXIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to assign, set out, and allot unto the Lord of the Manor aforesaid, and the Vicar of *Long Compton* aforesaid for the Time being, such Plot or Plots of Ground within the said Parish, as in the Judgement of the said Commissioners shall be equivalent to, and a full Compensation and Satisfaction for the Liberty given to the Poor Inhabitants of the Parish of *Long Compton* aforesaid, to cut, take and use Furze, and such Plot or Plots of Ground shall on the Execution of the Award of the said Commissioners be vested in the Lord of the Manor aforesaid, and the Vicar of *Long Compton* aforesaid, for the Time being for ever, as Trustees for the Poor of the same Parish; and the said Trustees are hereby empowered and required from Time to Time, as they in their Discretion shall think proper, either to let or set from Year to Year, or otherwise by Writing under their Hands to lease and demise, the whole or such Part or Parts of the said Plot or Plots as they shall think proper to any Person or Persons whomsoever, for any Term or Number of Years not exceeding Twenty-one Years, so that on every such letting and in every such Lease there be reserved and made payable to the Trustees for the Time being, by Two equal Half Yearly Payments, the most improved Yearly Rent or Rents that can be obtained for the same, without taking any Income, Fine, Premium, or Foregift in Consideration of such letting or of granting such Lease or Leases; and that on every such letting, and in all such Leases respectively, there be contained the usual Covenants or Stipulations, and Security be given for the Performance of the same, if the said Trustees shall think proper to require it, and the Rents and Profits arising from the said Plot or Plots shall from Time to Time be laid out for the Benefit of, or distributed among the Poor Inhabitants of the said Parish of *Long Compton*, in such Proportions, at such Times in every Year, and according to such Rules and Orders as the Trustees for the Time being shall appoint and prescribe for that Purpose, and not otherwise.

Allotment to Trustees for the Poor of Long Compton.

XXX. Provided

Trustees may
act by Proxy.

XXX. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees for the Time being to act in the Execution of the Trusts hereby reposed in them by their Agent or Proxy respectively, such Agent or Proxy being appointed by Writing under the Hand of the Person for whom such Agent or Proxy shall act.

Allotments to
the Provost
and Fellows,
and Vicar, in
lieu of
Tythes.

XXXI. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required to set out and allot, unto and for the said Provost and Fellows of *Eton College* as Impropropriators and their Lessee, and to and for the said *Francis Ellis* and his Successors, as Vicars of the said Vicarage of *Long Compton*, for and in lieu of their several and respective Great and Small Tythes yearly arising, issuing and renewing out of all and every the Tytheable Parts of the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable and Waste Lands hereby intended to be divided and inclosed (except the Woodlands called *Long Compton Woods*), such Plot or Plots, Parcel or Parcels of the said open and Common Fields, Common Meadows, Common Pastures and other Commonable Lands, which shall contain or be equal in Value to One-fifth Part of all such Arable and Tillage Lands, One-eighth Part of the Tract or Parcel of Greensward Land called *Kingstone Common*, which contains Two hundred and twenty-five Acres or thereabouts, and One-ninth Part of all the Meadow, Pasture and Greensward Ground, which are subject to the Payment of Tythes, after deducting the Land or Ground set out for Roads, and the Allotments herein-before directed to be set out as aforesaid for Stone or Gravel Pits, and to the Trustees for the Poor of *Long Compton* aforesaid, and the respective Allotments to the said Provost and Fellows and their Lessee, and to the said *Francis Ellis* and his Successors, Vicars as aforesaid, for Glebe and other Lands and Common Rights thereto belonging, which said Plot or Plots, Allotment or Allotments, shall respectively be taken and deducted from and out of the respective Shares of the Open and Common Fields and Commonable Lands belonging to the several Persons whose Commonable and other Lands shall be exonerated from the said Tythes, or from and out of the Lands to be allotted to them respectively in lieu of their Commonable and other Lands in the said Fields hereby intended to be allotted and inclosed, and shall be in lieu and bar and discharge of and in full Satisfaction and Compensation for all Tythes, Moduses or Compositions whatsoever in lieu thereof, arising, issuing or renewing from and out of the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands in the Parish of *Long Compton* aforesaid, hereby intended to be allotted and inclosed, which shall for ever afterwards be extinguished: Provided always, that nothing in this Act contained shall prejudice, lessen, or defeat the Right or Title of the said *Francis Ellis* and his Successors, Vicars as aforesaid, to any Mortuaries, Easter Offerings, or other usual Surplice Fees, but the same shall remain due and payable and continue to be paid in the same Manner as if this Act had not been passed.

Subdivision
to be made
between the
said Provost
and Fellows,
and Vicar.

XXXII. Provided always, and be it further enacted, That when and as soon as conveniently may be after the said Plot or Plots, Allotment or Allotments, shall have been so made or allotted to and for the said Provost and Fellows of *Eton College* and their Lessee, and the said *Francis Ellis* and his Successors, Vicars as aforesaid, for and in lieu of their several Great and Small Tythes, the said Commissioners shall and they are hereby re-
quired

quired to subdivide, assign and allot the said Plot or Plots, Allotment or Allotments, so set out for Great and Small Tythes as aforesaid, unto and between the said Provost and Fellows of *Eton* College and their Lessee, and the said *Francis Ellis* and his Successors, Vicars as aforesaid, in Proportion to their respective Rights and Interests in the Tythes in lieu whereof the said Plot or Plots, Allotment or Allotments, is or are herein-before directed to be awarded and made.

XXXIII. And be it further enacted, That after the several Divisions and Allotments by this Act directed to be made, shall have been allotted and set out in the Manner and for the Purposes herein directed, the said Commissioners shall set out and allot the Residue and Remainder of the said Open and Common Fields, Common Meadows, Common Pastures and other Commonable and Waste Lands hereby directed to be divided and allotted unto and amongst the several Proprietors thereof and Persons interested therein, in such Quantities, Shares and Proportions, and in such Manner, as by the Commissioners shall be adjudged and determined to be a just and full Compensation and Satisfaction for, and equal to their several and respective Rights and Interests therein; and the said Allotments shall be fenced in, and the several Mounds and Fences for dividing and inclosing the same shall be made and for ever thereafter maintained and supported, in such Manner as the said Commissioners shall in and by their Award, or by any Writing or Writings under their Hands, previous to the making of the said Award, order and direct.

Allotments of the Residue of the Open Fields.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, by and with the Consent of the respective Owners of old Inclosed Lands, Grounds or Hereditaments lying within the Parish of *Long Compton* aforesaid, or any of them, but not otherwise, to order and direct the same, or such Part or Parts thereof as the Owners thereof respectively shall consent and desire, to be taken up, and considered and allotted as Part and Parcel of the Lands hereby directed to be divided and inclosed, which shall be done accordingly; and thereupon such Allowances shall be made to the respective Owners thereof, on account of the beneficial Circumstances and Situation of the Property, as the Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the respective Owners of such old inclosed Lands, Grounds and Hereditaments in lieu thereof, so much and such Plot or Plots of Land, Part of the Lands and Grounds hereby directed to be allotted or inclosed, as they the said Commissioners (Quantity, Quality, and Situation considered) shall think reasonable and just, subject to the Rules, Orders, and Directions herein contained.

Power to divide and allot ancient Inclosures, with the Consent of Owners.

XXXV. And be it further enacted, That in case of the Proprietor or Proprietors of any Lands or other Hereditaments by this or the said recited Act authorized to be allotted, exchanged, or exonerated from Tythes, Moduses, Payments or Compositions in lieu of Tythes, shall hold their respective Lands or Hereditaments for different Estates, or by different Tenures, or subject to different Trusts, Charges or Incumbrances, the said Commissioners shall ascertain and distinguish the Lands or other Hereditaments so held, and shall also set out and distinguish the different Al-

Distinct Allotments to be made for Lands holden by different Titles.

[*Loc & Per.*]

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lotments

lotments or other Hereditaments to be accepted and taken as an Equivalent in respect of each of them so circumstanced; and the said Commissioners shall and they are hereby authorized and empowered to set forth and declare, in and by their said Award, in Right of what Land or Hereditaments in particular such Allotments shall have been respectively made; and therein also separately describe and ascertain the Situation and Boundaries of any such Allotment; and when for want of Information or from any other Cause the said Commissioners shall have omitted in their Award to distinguish and ascertain the Allotments in respect of Lands or other Hereditaments so circumstanced, and within Twelve Calendar Months after the making of such Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners shall and they are hereby authorized to do every Thing necessary for supplying such Omission; and so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if their Award had not been made, and having obtained what they shall think sufficient Information, they are hereby also authorized, by any Deed under their Hands and Seals, to make distinct and separate Allotments in respect of the Lands and Hereditaments so circumstanced, in the same Manner as they might have done in their Award; and every such separate Instrument shall be inrolled in the same Place, and Evidence thereof given in the same Manner as by the said recited Act, or this Act, or either of them, are or is directed concerning the said Award; and all reasonable Expences which shall be incurred in or about such separate Instrument or Instruments as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators; and every such separate Instrument shall, from and immediately after the due Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes as if the Contents or Substance thereof had been inserted and contained in the said Award; and the same shall, after such Inrollment as aforesaid, be delivered to the Person or Persons upon whose Request any such Omission shall have been so supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall in the Opinion of the said Commissioners most properly belong.

Allotments
to Trustees
for the Poor,
and Provost,
and Fellows
and Vicar,
ring-fenced.

XXXVI. And be it further enacted, That the several Plots of Ground which shall or may be set out and allotted to the Trustees for the Poor, and the Allotment or Allotments to be made and set out to and for the said Provost and Fellows and their Lessee, and the said *Francis Ellis* and his Successors as Vicars as aforesaid, shall be respectively inclosed round with Quickset Hedges, and Ditches, and substantial Posts and Rails on each Side thereof, with good and substantial Gates and Stiles in the said Fences, where necessary, and kept in Repair for the Space of Seven Years after the same shall be made, by or at the Expence of all or such of the other Proprietors of Lands, Grounds and Hereditaments which shall be exonerated from Tythes, Moduses, Payments or Compositions in lieu of Tythes by virtue of this Act, in such Manner and in such Shares and Proportions as the said Commissioners shall by any Writing under their Hands, or by their Award order and direct; and such Proportions of the said Fences as the said Commissioners shall by their Award order and direct shall be for ever thereafter maintained

maintained and kept in Repair by and at the Expence, Costs and Charges of the respective Owners and Proprietors of the said Allotments for the Time being; and the said several other Allotments of the said Lands and Grounds after the Division thereof shall within Three Calendar Months, to be computed from the Execution of the said Award, be inclosed, hedged, ditched, and fenced at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Manner, Shares and Proportions as the said Commissioners shall in and by their said Award order and direct; and in case any such Person who shall be made subject or liable by such Order and Direction of the said Commissioners, to make or to repair, support or maintain any such Fences, shall neglect or refuse to make or to repair, support or maintain the same, according to such Direction of the said Commissioners, it shall be lawful for the Person or Persons interested in the Lands next adjoining the Lands allotted to the Person or Persons so neglecting or refusing to make and raise, or to repair such Fences of the Person or Persons so neglecting or refusing, and when the same shall be so made and raised, or repaired, to recover the Costs and Charges of doing thereof, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

XXXVII. And be it further enacted, That where any Parcel of the Lands so to be allotted as aforesaid shall abut or adjoin upon any Freeboard belonging to any Common Field or inclosed Lands next adjoining to the Lands and Grounds hereby intended to be inclosed, the Person or Persons to whom such Parcels of Land shall be allotted shall and may, and is and are hereby empowered to set up and erect Gates or any other Kind of Fence or Fences, in, over and upon such Freeboards, for the raising and preserving the Quicksets, Banks, Woods, Plants, and other the Fences to be raised upon such Parcels of Land, until such Time as the Owner or Owners of such Freeboards shall have sufficiently at his, her, or their own Expence, ditched, fenced and mounded out the same Freeboard from the said Parcels of Land adjoining thereto, except where such Freeboard shall be a Part of a publick Road necessary to be continued, and then such Freeboard shall be and remain as Part of such Road.

How Lands adjoining Freeboards, shall be fenced.

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

Gaps to be left open for Six Months after the Award executed.

XXXIX. And be it further enacted, That the several Lands and Grounds to be allotted and awarded upon the said Division, Allotment and Inclosure, to the several Persons interested therein, in pursuance of this or the said recited Act, shall immediately after the making of such Allotments be, remain and enure, and the several Persons to whom the same shall be respectively allotted or awarded upon such Division, shall from thenceforth stand and be seised and possessed thereof, to such and the same Uses, Estates, Trusts and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases, (except Leases at Rack Rent), Charges and Incumbrances as the several and respective Messuages, Lands,

New Estates to remain to the same Uses.

Tenements, old Inclosures, new Allotments, or other Hereditaments in lieu whereof such Allotments shall be respectively made as aforesaid, are now held under or subject to, or liable to be charged with or affected by, or might or could have been held under or subject to, or liable to be charged with or affected by, in case this Act had not been made.

Persons selling Rights before Execution of the Award.

XL. Provided always, and be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the said Award sell his, her or their Right, Interest or Property in, over, or upon the Lands and Grounds hereby intended to be divided and allotted, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser, or to his or her Heirs, Executors, Administrators or Assigns, for and in respect of such Right, Interest and Property so sold.

Power to make Exchanges.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Long Compton*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Hamlet, Township or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees or Attornies of or acting for such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided always, that no Exchange shall be made of any Lands, Tenements or Hereditaments held in right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent (testified as aforesaid) of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged shall lie or be situate.

Expences of Exchanges, how to be paid.

XLII. Provided always, and be it further enacted, That all Costs, Charges and Expences attending the making and completing any Exchanges and 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.

Vacating Leases at Rack Rent.

XLIII. And be it further enacted, That all and every subsisting Lease and Leases at Rack Rent, upon the making or renewing of which no Fine

or

or Fines hath or have been paid, of any of the Lands or Grounds to be allotted or exonerated from Tythes, Moduses, Payments or Compositions in lieu of Tythes, by virtue of this Act, or the Tythes thereof or any Part thereof, either alone or jointly with any other Lands, Tenements, Tythes or Hereditaments, and all subsisting Agreements for any Time or Term therein, as to the whole of the Tenements comprized in such Lease or Leases, Agreement or Agreements, shall on such Day as the said Commissioners shall by Writing under their Hands for that Purpose limit or appoint, cease, determine, and be utterly void; and the respective Lessees or Tenants thereof shall thereupon be entitled to demand and receive of and from the respective Landlords, Owners or Proprietors of the same Premises, such Allowance or Satisfaction in Money, and at such Time or Times as such Commissioners shall ascertain, order and direct, as reasonable to be paid to such Lessees or Tenants, on Account thereof, or as an Equivalent for the same, and such Lessees or Tenants respectively shall, upon the Determination of every such Lease or Agreement, be liable to pay 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 and Occupation thereof, as the said Commissioners shall in like Manner ascertain, order, and direct as reasonable and proper in that Behalf: Provided always, that where any Land under Lease wholly situate in an adjoining Parish or Liberty shall be taken in Exchange, the Lease thereof shall not be vacated; Provided also, that in ascertaining and settling the Sum or Sums of Money to be paid by or to such Lessee or Lessees as aforesaid, the said Commissioners shall have due Regard to the several Covenants and Stipulations of the Lease or Leases, Agreement or Agreements to be vacated, and shall make such Addition thereto or Abatement therefrom as they shall judge to be just, in case any such Covenants or Stipulations shall not have been fulfilled.

Lessees to be compensated.

XLIV. 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 Bodies Politic or Corporate, or other Person or Persons, of any Lands, Tenements, Tythes or Hereditaments in the Parish of *Long Compton* aforesaid, 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, or their respective Allotments of such Lands, Tenements, Tythes or Hereditaments, for his, her or their several and respective Terms, and under the same Rents and Covenants as is or are specified in his or their respective Leases, from the same Bodies, Politic or Corporate, or other Person or Persons, to him, her or them respectively.

Not to vacate beneficial Leases.

XLV. And be it further enacted, That the said Provost and Fellows of *Eton College* and their Lessee, and the Vicar of the said Vicarage, shall respectively have and receive of and from the Occupiers of the Lands and Hereditaments by this Act intended to be divided and inclosed, or exonerated from Tythes within the said Parish, a full rateable and proportionable Share of all such Tythes, Tythe Rents or Compositions, as shall in the Judgement of the said Commissioners arise and become due from and after the Tenth Day of *October* One thousand eight hundred and eleven, down to the Time the said Allotments shall be made and set out as aforesaid, or the full Value thereof in Money, which Money the said Commissioners are hereby directed to settle, ascertain and apportion between the said Provost

Tythes to be received until Allotments made.

[*Loc. & Per.*]

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and

and Fellows and their Lessee, and the said *Francis Ellis* and his Successors, Vicars as aforesaid.

Proprietors to
stock up or
cut down
Trees,
Thorns, and
Bushes.

XLVI. Provided always, and be it further enacted, That nothing in the said recited Act or herein contained shall prevent or hinder the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and inclosed, being seised thereof in Fee Simple or Fee Tail, in Possession or for Life without Impeachment of Waste (except the said Provost and Fellows, and the said *Francis Ellis* and his Successors, Vicars as aforesaid), from entering on the same, and stocking up or cutting, having, taking and carrying away all or any of the Oak, Ash, and Elm Timber Trees, of not less than Twenty-four Inches round in the Middle of the Body of such Trees, and other Trees evidently decaying and useles to stand, and all Thorns and Bushes standing and growing on such Lands and Grounds, to, and for his and their own Use, at any seasonable Time or Times, before and until the same Lands and Grounds shall be so divided and allotted, doing as little Damage to the said Lands as may be; but from and after such Division and Allotment shall be made, the said Timber and other Trees, Thorns, and Bushes there remaining, standing and being on the said Lands and Grounds, shall be deemed the Property of the several Persons to whom the Lands and Grounds shall be respectively allotted, such Person paying to the Owner or respective Owners of the said Trees, Thorns and Bushes, such Sum or Sums of Money for the same, and at such Time or Times, and Place or Places as the said Commissioners shall by Writing under their Hands direct: Provided, that in case the Parties who are to make such respective Payments shall neglect or refuse to make the same accordingly, it shall be lawful to and for the respective Parties who shall be intitled to have and receive such Payments, to enter on the said Lands or Grounds, and stock up or cut down, have, take, and carry away to his and their own Use, the said Trees, Thorns and Bushes in respect of which the said Payments were to have been respectively made to them, at any seasonable Time or Times within One Year next after such Neglect or Default, doing as little Damage on the said Lands as may be.

Allotment to
the Vicar for
Wood.

XLVII. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required to set out and allot unto and for the said *Francis Ellis* and his Successors, Vicars as aforesaid, for the Tythes of the said Wood and Woodlands called *Long Compton Woods*, hereby intended to be exonerated from Tythes, such Plot or Plots, Parcel or Parcels of the said Open and Common Fields, Common Meadows, Common Pastures and other Commonable Lands, which shall contain or be equal in Value to One-ninth Part of the present Value of such Woods, which said Plot or Plots, Allotment or Allotments, shall be taken and deducted from and out of the Share of the Open and Common Fields and Commonable Lands belonging to the Owner of such Woodlands, or from and out of the Lands to be allotted to him in lieu of his Commonable and other Lands in the said Fields hereby intended to be allotted and inclosed, and shall be in lieu, bar, and discharge of, and in full Satisfaction and Compensation for the Tythes of the said Woods or Woodlands, which shall for ever afterwards be extinguished.

Allotments to
the Provost,
&c.

XLVIII. And be it further enacted, That in case there are any Messuages, Cottages, Tenements, Farm Houses, Windmill or Mills, or other Mills,

Mills, Orchards, Gardens, Homesteads, Homeclofes, ancient Inclosures, or old inclosed Grounds within the said Parish of *Long Compton*, which are liable and subject to the Payment of Tythes in kind to the said Provost and Fellows of *Eton College* or their Lessee, or to the said *Francis Ellis* and his Successors, Vicars as aforesaid, or to the Payment of certain Moduses, Payments, or Compositions in lieu thereof, the said Commissioners shall and may, and they are hereby required to deduct and take from the open Fields, Lands, and Estates, of the respective Proprietors of such last-mentioned Premises, who now have respectively or who before the signing of the said Award may have or be possessed of, in the Lands and Grounds hereby directed to be inclosed, such Parcels or Quantities of Land, and to add and lay out the same to any of the new intended Allotments of the said Provost and Fellows and their Lessee, or of the said *Francis Ellis* and his Successors, Vicars as aforesaid respectively, according to their and his Right and Interest in the said Tythes, Moduses, Payments, or Compositions, to be ascertained, adjusted, and determined by the said Commissioners, as the said Commissioners shall deem and adjudge to be equal to the Value of the Tythes, Moduses, Payments, or Compositions arising or payable out of or in respect of the said Messuages, Cottages, Tenements, Farm Houses, Windmill or Mills, or other Mills, Orchards, Gardens, Homesteads, Homeclofes, and ancient Inclosures or old inclosed Grounds; and if any of the Proprietors of such Messuages, Cottages, Tenements, Homesteads, Homeclofes, ancient Inclosures or old inclosed Grounds shall not be Owners of any Lands or Right of Common in the said Fields, Lands, and Grounds hereby intended to be inclosed, or the Allotment or Allotments in lieu of such Lands or Right of Common shall not be a full Equivalent and Compensation for such last-mentioned Tythes, Moduses, Payments, or Compositions in lieu of Tythes, then and in such Cases respectively it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to allot, set out, and award unto the said Provost and Fellows and their Lessee, and to the said *Francis Ellis* and his Successors, Vicars as aforesaid, such Plot or Plots of the Lands and Grounds hereby directed to be divided and inclosed, belonging to the said several other Proprietors, as shall in the Judgement of the said Commissioners, alone or together with such last-mentioned Allotment or Allotments, which the Owner or Owners, Proprietor or Proprietors of such Messuages, Cottages, or Tenements, Windmill or Mills, or other Mills, Gardens, Orchards, Homesteads, Homeclofes, ancient Inclosures or old inclosed Grounds, shall be intitled to in the said Lands to be inclosed, be deemed a full Equivalent, Satisfaction, or Compensation for such last-mentioned Tythes, Moduses, Payments, or Compositions in lieu of Tythes, so that the Plot or Plots, Parcels or Quantities of Land, or Sum or Sums of Money in gross, which shall be allotted or awarded in lieu of such last-mentioned Tythes in kind, shall not nor do exceed One-fifth Part in Value of such old Inclosures as are Arable Land, and One-ninth Part in Value of such old Inclosures as are Meadow or Pasture Land, out of which such Tythes are issuing; and such Proprietor of such Messuages, Cottages, or Tenements, Windmill or Mills, or other Mills, Gardens, Orchards, Homesteads, Homeclofes, ancient Inclosures or old inclosed Grounds, shall pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the

extinguishing of such Tythes, Moduses, Payments, or Compositions in lieu of Tythes issuing or payable out of such Messuages, Cottages, or Tenements, Farm Houses, Windmill or Mills, or other Mills, Orchards, Gardens, Homesteads, Homeclofes, ancient Inclosures or old inclosed Grounds respectively, or for such Part thereof for which a Compensation in Land cannot be made by the Proprietors thereof as aforesaid, which Sum or Sums of Money shall be applied towards Payment of the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution; and in case any Surplus shall remain, such Surplus shall be divided and apportioned among the several Proprietors and Persons entitled thereto, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors and Persons shall be applied and disposed of in Manner directed by the said recited Act, in cases where Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses, and shall and may be raised, levied, and recovered, in like Manner as the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution, are to be raised, levied, and recovered; and that when and so soon as such Allotments shall be made, or such Sum or Sums of Money in gross ascertained and ordered to be paid, then the said Messuages, Cottages, or Tenements, Farm Houses, Windmill or Mills, or other Mills, Orchards, Gardens, Homesteads, Homeclofes, ancient Inclosures or old inclosed Grounds respectively, shall from thenceforth for ever be and remain discharged from all Tythes, Moduses, Payments, or Compositions in lieu of Tythes heretofore issuing thereout.

Power to the Commissioners to deduct from the Allotment to the Provost and Fellows of Eton College and their Lessee, Lands to defray the Expences of Buildings, and interior Fences.

XLIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to deduct from the Allotments herein-before directed to be set out to the said Provost and Fellows and their Lessee, in lieu of Tythes or of Lands in the said Fields with Common Rights thereto belonging, such Parcel or Quantity of such Allotments as shall in the Judgement of the said Commissioners sell for a sufficient Sum of Money, which, added to the Sum to be received for the Timber left upon the Lands in the said Fields belonging to the said Provost and Fellows and their Lessee, and to be paid for by the Persons to whom such Lands shall be awarded, will defray the Expences of making such interior Fences, and removing or erecting such Barns, Buildings, and other Conveniences upon the Remainder of the Allotments to be set out to the said Provost and Fellows and their Lessee as aforesaid, as the said Commissioners shall think necessary for the proper occupying or farming of the same, and to sell and dispose of the Land so deducted to any Person or Persons for the best Price they can reasonably get for the same by public Auction or otherwise, in Manner by the said recited Act directed, and in and by their said Award to assign, set out, and allot the Land so sold to the Purchaser or Purchasers thereof, and the Person or Persons to whom the same shall be so assigned, set out, and allotted, shall from thenceforth stand and be seised thereof to him or them, and his or their Heirs and Assigns for ever, as Freehold of Inheritance, and the Receipt or Receipts of the said Commissioners for the Purchase Money for the said Premises which shall be so sold, shall be a good and sufficient Dis-

charge

charge to the Purchaser or Purchasers thereof, for so much of the said Purchase Money as in such Receipt or Receipts shall be expressed to be received; and the Land so to be sold shall upon Payment of the Purchase Money for the same, be conveyed as Freehold of Inheritance in Fee Simple unto the Purchaser or Purchasers thereof, and a Conveyance thereof by Lease and Release shall be made and executed by the said Commissioners, and shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers, his, her, or their Heirs; and the Monies arising from such Sale shall be laid out under the Direction of the said Commissioners, in making such interior Fences, and in removing or erecting such Barns, Buildings, and other Conveniences upon the Remainder of the said Allotments, as the said Commissioners shall think necessary for the proper occupying or farming the same.

L. Provided always, and be it further enacted, That when and as soon as conveniently may be after the said Plot or Plots, Allotment or Allotments, shall have been so made or allotted to and for the said Provost and Fellows of *Eton College* and their Lessee, and the said *Francis Ellis* and his Successors, Vicars as aforesaid, for and in lieu of their several last-mentioned Great and Small Tythes, Moduses, Payments, or Compositions in lieu of Tythes, the said Commissioners shall and they are hereby required to subdivide, assign, and allot the said Plot or Plots, Allotment or Allotments, so set out for the said last-mentioned Great and Small Tythes, Moduses, Payments, or Compositions in lieu of Tythes, unto and between the said Provost and Fellows of *Eton College* and their Lessee, and the said *Francis Ellis* and his Successors, Vicars as aforesaid, in Proportion to their respective Rights and Interests in the said last-mentioned Tythes, Moduses, Payments, or Compositions in lieu of Tythes, in lieu whereof the said Plot or Plots, Allotment or Allotments is or are hereinbefore directed to be awarded and made.

Subdivision to be made between the said Provost and Fellows, and Vicar.

LI. And be it further enacted, That each of the Commissioners; who shall act in Execution of the Powers hereby vested in them, and their Clerk, shall be paid the Sum of Three Pounds Three Shillings for each Day they shall respectively actually attend or be from home, for the Purpose of acting in the Execution of this Act, which shall be in full Satisfaction for the Trouble and Expences which they shall respectively be put to in the Execution of the Powers aforesaid; and each of the said Commissioners, and Clerk, shall at all Meetings pay his own Expences, except the Money to be paid for the Use of Rooms; and the said Commissioners shall cause a Minute of their Proceedings to be entered in a Book to be signed by them, and the said Sums, together with all the Costs, Charges, and Expences incident to and attending the obtaining of this Act, and the surveying, measuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Premises to be divided and allotted or exonerated from Tythes, Moduses, Payments, or Compositions in lieu of Tythes 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 Clerk, Assistants, and Servants, and other necessary Expences of the 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 Expences of forming, completing, and repairing the publick Carriage Roads and Highways, and private Roads, to be set out and appointed

Commissioners Fees, and Costs of the Act.

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by the said Commissioners, of ring-fencing the Allotment or Allotments to the Trustees for the Poor, and the said Provost and Fellows and Vicar respectively; and all other Expences of carrying this Act into Execution, shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, and the Proprietors for the Time being of the several old Inclosures which shall be exonerated from Tythes, Moduses, Payments, or Compositions in lieu of Tythes, by virtue of this Act, (save and except the said Provost and Fellows, the said Vicar and his Successors, and the aforesaid Trustees for the Poor for the Time being, for and in respect of the Allotments hereby authorized to be made to them respectively as aforesaid), 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 appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion, or Shares or Proportions thereof, within the Time or Times to be appointed as aforesaid, or at any Time after upon Demand, the same with Interest shall and may be levied and recovered in the Manner directed by the said recited Act with respect to Monies payable by Persons to whom Allotments are made.

Commissioners to lay their Accounts before a Referee.

LII. 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 and Account of all Sums of Money by them received or 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 referred to and laid before *Richard Gresley* of *Kenilworth*, in the County of *Warwick*, Esquire, to be by him examined and balanced, and such Balance shall be by such Referee stated in the Book of Accounts to be kept at the Office or Offices of the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in the Law, unless the same shall have been duly allowed by the Referee.

In case of the Death of Mr. Gresley, another Referee to be appointed.

LIII. Provided always, and be it further enacted, That in case the said *Richard Gresley* shall die, or refuse to act as a Referee as aforesaid, before the Matters and Things to be done by virtue of this Act shall be entered upon or fully performed and finished, it shall be lawful for the Proprietors, or the major Part in Value, of the Lands and Grounds hereby intended to be divided and inclosed, or exonerated from Tythes, Moduses, Payments, or Compositions in lieu of Tythes, assembled at a Meeting specially convened for that Purpose, by Notice to be affixed on the principal Outer Door of the said Parish Church of *Long Compton* aforesaid, Ten Days at least before the Time appointed for holding such Meeting, by Writing under their Hands to appoint some other fit and proper Person (not interested in the said Division and Inclosure) to be Referee in the Place and Stead of the said *Richard Gresley*, and so as often as for the Reasons aforesaid, or any other Cause, as Occasion may require;

and the Person or Persons so to be from Time to Time nominated and appointed as Referee or Referees, shall have the like Power and Authority for executing the Purposes aforesaid.

LIV. And be it further enacted, That no Cattle, Sheep, or Lambs shall be kept in any of the Allotments to be made by virtue of this Act, out of the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable and Waste Lands, or in or by the Side of any of the Roads to be set out in pursuance of this or the said recited Act, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons keeping the same shall first, at his or their own Expence, make and constantly maintain a Fence sufficient to guard the young Quick Fences adjoining such Allotments or Roads from being cropped, hurt, or damaged by such Cattle, 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; and that if any Person or Persons shall keep any such Cattle, Sheep, or Lambs without first making and maintaining such sufficient Fence as aforesaid, then and in every such Case the Person or Persons keeping such Cattle, Sheep, or Lambs, shall for every such Offence forfeit and pay unto the Person or Persons whose Quick Fence shall be cropped, hurt, or damaged by such Cattle, Sheep, or Lambs, the Sum of Forty Shillings, to be recovered by the Person or Persons whose Quick Fence shall be cropped, hurt, or damaged as aforesaid, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

No Sheep, &c. to be kept in new Allotments or Roads, within a limited Time.

LV. And be it further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of any old inclosed Lands and Hereditaments within the said Manor or Parish, which shall be exonerated from Tythes, Modyses, Payments, or Compositions in lieu of Tythes, by virtue of this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners or 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, (except the said Provost and Fellows and their Lessee, and the Vicar of *Long Compton* aforesaid), to charge such old Inclosures and Premises with such Sum or Sums of Money as the said Commissioners shall by their Award, or by Writing under their Hands either before or after the Execution of such Award, adjudge necessary to pay and defray the Charges and Expences incident to and attending the obtaining this Act, and carrying the same into Execution, and of charging the said old Inclosures as aforesaid, so that the same shall not exceed the Sum of Five Pounds for every Acre of such old Inclosures, and to grant, mortgage, surrender, lease, or demise, or otherwise subject the Lands, Tenements, and Hereditaments so to be charged, unto such Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years; or in case any Person in Possession who shall or may be liable to and charged with a Share of the Expences as aforesaid, or enabled by this Act to charge such old Inclosures with the same, shall choose to advance, pay, and discharge such Sum or Sums of Money, then it shall

Power to borrow Money on Inclosures.

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be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease, demise, or otherwise subject the said old Inclosures and Premises to such Person or Persons respectively paying and discharging the same, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money so advanced, paid and discharged by him, her, or them, with lawful Interest for the same, to commence on the Termination of his, her, or their Right and Interest in the Premises, so that every such Grant, Mortgage, Surrender, Lease, or Demise, be made with a Proviso or Condition to cease or be void, or with an express Trust to be surrendered or re-assigned when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied, and also with a Covenant to pay and keep down the Interest, and a Proviso that no Person or Persons afterwards becoming possessed or entitled to any such old Inclosures and Premises shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced, and that every such Charge, Grant, Mortgage, Surrender, Lease, or Demise shall be valid and effectual in the Law for the Purposes thereby intended.

Persons advancing Money to be repaid, with Interest.

LVI. 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.

Award, where to be deposited.

LVII. And be it further enacted, That the Award to be made by the said Commissioners shall, after the same shall have been inrolled in Manner directed by the said recited Act, be deposited in a Tin Box, and kept in the Parish Church of *Long Compton* aforesaid.

Appeal to the Quarter Sessions.

LVIII. 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 or the said recited Act, (other than and except such Orders and Determinations of the said Commissioners as are herein or by the said recited Act directed to be final or 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 *Warwick* 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) at their said General Quarter Sessions, are hereby required to hear, and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and 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) unto the Owner or Owners of such Goods and Chattels, after deducting

ducting the reasonable Charges of such Warrant, Distress and Sale, (or such Costs and Damages shall and may be recovered by Action of Debt or otherwise in any of His Majesty's Courts of Record at *Westminster*), and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever 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.

LIX. Provided always, and be it further enacted, That nothing in this Act or the said recited Act contained, shall extend to or affect, or be construed to extend to or affect any of the Lands, Grounds, or Hereditaments lying within the Liberty, Hamlet or Township of *Weston*, in the Parish of *Long Compton* aforesaid, other than and except the Power herein-before given to fence across Freeboards.

This Act not to extend to the Hamlet of *Weston*.

LX. Provided always, and be it further enacted, That nothing in this Act contained, shall extend or be construed to extend to prejudice, alter, vary, affect, lessen, abridge, diminish, defeat, or determine, any of the Rights and Interests of the Lord of the said Manor for the Time being, in or to the Seignories, Royalties, Rights and Services incident and belonging to the said Manor; but that such Lord of the said Manor for the Time being, shall and may from Time to Time and at all Times hereafter, hold, exercise and enjoy, all Rents, Services, Courts, Perquisites, and Profits of Courts, Mines, Goods and Chattels of Felons, Fugitives, Felons of themselves, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdictions, Rights and Pre-eminences whatsoever, to the said Manor, or to the Lord thereof for the Time being, incident, appendant, appurtenant or belonging, or in anywise appertaining, (save and except such Right to the Soil of the said Commons and Waste Lands, and such Rights of Common of Pasture, and other Rights of Common and Interests in, over, and upon the said Commons, and Waste Lands, for which Satisfaction or Compensation shall have been made by virtue of this Act), in as full, large, ample, and beneficial Manner as they heretofore have been held, exercised, and enjoyed, or might or could have been held, exercised, or enjoyed, in case this Act had not been made.

Saving of the Rights of Lords of Manors.

LXI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person or Persons, Body or Bodies Politic, Corporate or Collegiate, his, her, and their Heirs, Successors, Executors and Administrators, all such Right, Title, and Interest, save and except such as is and are hereby meant and intended to be barred, destroyed and extinguished, as they and every or any of them, could or ought to have had and enjoyed, in, to, or out of the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable and Waste Lands, hereby directed to be divided, allotted and inclosed, in case this Act had not been made; but no such Person or Persons, Bodies Politic, Corporate or Collegiate, his, her, or their Heirs, Executors, Administrators or Successors, shall have Power to defeat the End and Design of this Act, by avoiding, impeaching, or in anywise destroying any of the

General Saving.

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several Divisions and Allotments so to be made as aforesaid, but shall accept the same in lieu of all such Lands, Grounds, Common Rights, Tythes, Moduses, Payments, or Compositions in lieu of Tythes and Interests, as he, she or they have therein, or would have been entitled to, in case this Act had not been made.

Evidence
Clause.]

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.