

the Reverend *Miles Wrigley* Clerk is Vicar thereof, and intituled to all the Small or Vicarial Tithes arising within the said Parish, except of the said One hundred Acres, and also to an Annual Payment of Two Pounds, and to Four Quarters of Wheat, Four Quarters of Barley, and Four Quarters of Oats, due from or chargeable upon the said Improprate Rectory; and the Reverend *John Horsman* Clerk is Rector of the Consolidated Rectories of *Haydon* and *Little Chisbill*, and as such is also entitled to certain Glebe Lands, and to all the Great and Small Tithes arising within the said Parish of *Little Chisbill*, except of about Twenty Acres, and to the Tithes of the said One hundred Acres, in *Great Chisbill*; and the Reverend *Charles Chester*, Clerk, in Right of his Rectory of *Barley*, in the County of *Hertford*, is entitled to about Five Acres of Glebe Land, lying within the said Parishes of *Great Chisbill* and *Little Chisbill*, and to the Tithes of the said Twenty Acres, Part of the Lands to be divided and allotted by virtue of this Act: And whereas the said *Thomas Brand*, *John Wilkes*, and divers other Persons, are Proprietors of the Lands and Grounds in the said Open and Common Fields; and some of them are or claim to be intituled to Common of Pasture for their Cattle, in, over, or upon the same, or some Part or Parts thereof, and the same Lands and Grounds are greatly intermixed and dispersed, and it would be greatly to the Advantage of all Parties interested, if the said Open and Common Fields, Commons, Wastes, and other Commonable Lands and Grounds, were divided and allotted to and among the Proprietors, in Manner hereinafter mentioned; and if, in consideration of an adequate Compensation, all the Lands and Tenements in the said Parishes respectively, as well open as inclosed, were discharged from Tithes; but the several beneficial Purposes aforesaid cannot be effected without the Aid 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 *Anthony Jackson* of *Barkway* in the County of *Hertford*, Gentleman, *Martin Nockolds* of *Tring* in the County of *Hertford*, Gentleman, and *Thomas Brown* of *Luton* in the County of *Bedford*, Gentleman, shall be, and they are hereby appointed Commissioners for dividing and allotting all the said Open and Common Fields, Commons, Wastes, and other Commonable Lands and Grounds, in the said Parishes of *Great Chisbill* and *Little Chisbill*, and for putting this Act into Execution, in such Manner, and subject to such Regulations as are herein-after contained; and with such of the Powers, and subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions, and Provisions, contained in an Act passed in the Forty-first Year of the Reign of His present Majesty, entitled, *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*, as are not controuled by, or repugnant to any of the Clauses, Provisions, or Regulations contained in this Act.

Power to
appoint new
Commission-
ers.

II. And be it further enacted, That if the said *Anthony Jackson* shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities and Trusts, hereby reposed in the said Commissioners, shall be fully executed and performed,

performed, it shall be lawful for the said *Thomas Brand*, his Heirs or Assigns, by Writing under his or their Hand or Hands, to nominate and appoint One other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place of the said *Anthony Jackson*; and if any Commissioner or Commissioners, who shall be appointed in the Place of the said *Anthony Jackson*, shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by the said *Thomas Brand*, his Heirs or Assigns; and if the said *Martin Nockolds* shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts hereby reposed in the said Commissioners, shall be fully executed and performed, it shall be lawful for the said *John Wilkes*, his Heirs and Assigns, by Writing under his or their Hand or Hands, to nominate and appoint One other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place of the said *Martin Nockolds*; and if any Commissioner or Commissioners, who shall be appointed in the Place of the said *Martin Nockolds*, shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by the said *John Wilkes*, his Heirs and Assigns; and if the said *Thomas Brown* shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities and Trusts aforesaid, shall be fully executed and performed, it shall be lawful for the Majority in Value (such Value to be ascertained by the then last preceding Land Tax Assessment) of the said Proprietors, exclusive of the said *Thomas Brand* and *John Wilkes*, or his or their respective Heirs or Assigns, or the respective Agents or Attornies of such Proprietors, present at a Meeting to be holden for that Purpose, by Writing under their respective Hands, to nominate and appoint One other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place of the said *Thomas Brown*, provided that Fourteen Days Notice of the Time, Place, and Purpose of such Meeting shall be given by One or more of the said Commissioners, or of such Proprietors; and that such Meeting shall be held in the Parish of *Great Chisbill* or *Little Chisbill* aforesaid, or within the Distance of Eight Miles therefrom; and if any Commissioner or Commissioners, who shall be appointed in the Place of the said *Thomas Brown*, shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall in like Manner be filled up by the Majority in Value (to be ascertained in Manner aforesaid) of the Proprietors of Lands and Grounds as aforesaid; and if any Commissioner shall neglect to attend Two successive Meetings of the said Commissioners, unless prevented by Sickness, such Neglect shall be deemed and taken to be a Refusal to act in the Execution of this Act; and if any of such Vacancies in the Commission aforesaid shall not be filled up in the Manner hereinbefore directed, within the Space of Three Calendar Months next after the same shall respectively happen, it shall be lawful for the surviving or remaining Commissioners or Commissioner for the time being, by Writing under their respective Hands or his Hand, to nominate and appoint One other fit and proper Person, not interested in the Premises, to be a Commissioner for supplying such Vacancy; and so from time to time as often as there shall be Occasion; and every Person who shall be nominated and appointed a Commissioner in Manner aforesaid, shall have the like Powers and Authorities in the

Execution of this Act, as if he had been appointed a Commissioner in and by this Act.

Two Commissioners may act.

III. And be it further enacted, That it shall be lawful for any Two of the Commissioners of this Act for the time being, to do, execute and perform, any and every Act, Matter and Thing, by this Act directed or expressed to be done, executed and performed by the said Commissioners, as fully and effectually, to all Intents and Purposes, as if all the said Commissioners had concurred therein.

Commissioners Meetings.

IV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to cause a Notice in Writing under their Hands, specifying the Time and Place of their first Meeting for executing this Act, to be affixed on the principal Door of each of the Parish Churches of *Great Chisbill* and *Little Chisbill* aforesaid, on some *Sunday*, Seven Days at least before such Meeting; and also to cause the like Notice to be given of every such subsequent Meetings (Meetings by Adjournment only excepted). And it shall be lawful for the said Commissioners to adjourn their Meetings from time to time as they shall see Occasion, for the Execution of this Act; and if only One Commissioner shall be present at any Meeting, it shall be lawful for him to adjourn such Meeting from time to time, until Two or more Commissioners shall be present; and in case no Commissioner shall attend, the Clerk to the said Commissioners shall adjourn such Meeting in Manner aforesaid; and the Commissioner or Clerk respectively making such Adjournments is hereby required forthwith to give Notice thereof to the absent Commissioners, and all the Meetings of the said Commissioners shall be held at some Place within the Parishes of *Great Chisbill* or *Little Chisbill* aforesaid, or one of them, or within the Distance of Eight Miles from some Part of the said Parishes.

Other Notices, how to be given.

V. Provided always, and be it enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by affixing such Notice on the principal Doors of the Parish Churches of *Great Chisbill* and *Little Chisbill*, or by Advertisement in the *Cambridge Chronicle*, or in case that Newspaper shall not then be published, in some other Newspaper generally circulated in the County of *Essex*.

Appointment of Clerk.

VI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered, to appoint a Clerk or Clerks to assist them in the Execution of this Act.

Commissioners to determine Differences.

VII. And be it further enacted, That in all Cases where any Dispute or Difference shall happen to arise between the Parties that now are or shall be interested in the said intended Division, touching or concerning the respective Shares or Proportions which they or any of them shall claim in the Lands and Grounds hereby intended to be divided and allotted as aforesaid, or touching or concerning the respective Shares and Proportions which they or any of them ought to have, of or in the said intended Division and Allotment, it shall be lawful for the said Commissioners, and

and they are hereby authorized and required, to hear and determine the same.

VIII. Provided always, That nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments, or 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 by or recovered from such Person or Persons by Ejectment, or other due Course of Law. But not
Titles con-
trary to Pos-
session.

IX. 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 the said recited Act, or of this Act, see cause to award any Costs, it shall be lawful for them to settle, assess, and award such Costs and Charges, as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then, and in such Case, the said Commissioners are hereby authorized, 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, or may recover the same by Action at Law in any of His Majesty's Courts of Record at Westminster. May award
Costs.

X. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politick or Corporate, interested, or claiming to be interested, in the said intended Division and Allotment, or in, or to the Lands and Grounds to be discharged from Tithes, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims to any Rights of Common, Tithes, or other Rights or Interests, in, over, or upon the Lands and Grounds hereby directed to be divided and inclosed, or discharged from Tithes, or any Part thereof respectively, and shall by Writing under his or their Hand or Hands, or the Hand or Hands of his, her, or their known Agent, or under their common Seal respectively, signify the same to the said Commissioners, within One Calendar Month next after any such Determination shall have been made and signified by Writing, under the Hands of the said Commissioners, to the Person or Persons, Body or Bodies Politick or Corporate, against whom the same shall have been so made, or to his, her, or their known Agent or Attorney, it shall be lawful for the Person or Persons, Body or Bodies Politick or Corporate, so dissatisfied with such Determination, to have the Subject of such Claim or Objection, in respect of which such Determination shall be made, Power to try
disputed
Claims at
Law.

[Loc. & Per.]

21 R

tried

tried at Law, by an Action to be brought by him, her, or them, against any Person or Persons, Body or Bodies Politick, or Corporate, in whose Favour any Determination shall have been so made, or against the said Commissioners, upon a feigned Issue, to be settled by the proper Officer of the Court, where such Action shall be brought, in case the Parties differ about the same, such Action to be brought within Three Months next after any such Determination shall have been made, and Notice thereof given as before directed; and the Defendant or Defendants in such Action shall, and 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, by which the Matter of such Determination of the said Commissioners may be tried, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action, so as to have the same tried and determined at the Assizes to be holden for the said County of *Essex*, next after the Commencement of such Action; and the Verdict of the Jury, on such Trial, shall be binding, final, and conclusive, upon all the Parties interested therein, unless the Court wherein such Action shall be brought, shall set aside such Verdict, and order a new Trial to be had thereupon, which it shall be lawful for the Court to do, as is usual in other Cases; and also, upon sufficient Cause shewn, to put off the Trial of such Issue, and that after such Verdict shall have been given, and final Judgment obtained therein, 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 it shall be lawful for the said Commissioners to retain or pay all such Costs, Charges and Expences, as they shall incur, or be put unto, or which shall be recovered against them, in or by reason, or in consequence of any such Action or Actions, out of any Monies which shall come to their Hands, for the Purposes of this Act. Provided that all such Determinations of the said Commissioners as shall not be objected to by such Notice, to be given to the said Commissioners as aforesaid, or being so objected to, and the dissatisfied Party respectively not causing such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely final and conclusive.

Determina-
tion of Com-
missioners not
objected to,
to be final.

Actions not
to abate by
the Death of
Parties.

XI. Provided also, that if any of the Parties, in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Provision in
case of
Deaths of
Parties be-
fore Actions
brought.

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

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 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.

XIII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, in or to any Lands, Tenements, or Hereditaments, in the said Parishes of *Great Chisbill* or *Little Chisbill*, 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; 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, or Body or Bodies Politick, Corporate, or Collegiate, who, upon the Determination of such Suit or Suits, shall become entitled to the same.

Disputes about Titles not to impede the Proceedings on the Execution of this Act.

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

For suspending or extinguishing Rights of Common.

XV. And be it further enacted, That in order to shorten the Boundaries between the Lands to be divided and allotted in the said Parishes of *Great Chisbill* and *Little Chisbill*, or either of them, and any adjoining Parish, it shall be lawful 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, and Owner or Owners of the Soil in any Parish or Parishes adjoining to the said Parishes of *Great Chisbill* and *Little Chisbill*, or the Majority of them, or their known Agents attending a Meeting to be for that Purpose called, to set out and ascertain the Boundaries to be made between the said Parishes of *Great Chisbill* and *Little Chisbill*, or either of them, and such other Parish adjoining

For shortening Boundaries.

adjoining thereto, in such Manner as they shall judge proper; and after such Boundary shall be set out and ascertained as aforesaid, the same shall be fenced or not, and by such Person or Persons, in such Manner, and at such Time or Times, as the said Commissioners shall order and direct in and by their Award, and shall for ever hereafter be deemed and taken to be the Boundaries between the said Parishes of *Great Chisbill* and *Little Chisbill*, or either of them, and such adjoining Parish or Parishes, any Law, Usage, or Custom to the contrary notwithstanding.

Commis-
sioners may
scour out
Brooks,
make
Ditches, &c.

XVI. And be it further enacted, That the said Commissioners shall and may scour out and widen all such Brooks, Streams, Ditches, Watercourses, Tunnels, and Bridges, within the said Parishes of *Great Chisbill* and *Little Chisbill*, or either of them, and also shall and may set out, order, and direct such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges, to be made of such Depth and Breadth, and in such Situation and Direction as the said Commissioners shall think proper, as well in, through, over, and upon the Lands and Grounds hereby intended to be divided as aforesaid, as also in, through, and over any ancient Inclosures, or other Lands or Grounds within the said Parishes, or either of them, or any Part or Parts thereof, (making such Satisfaction to the Owners and Proprietors of such ancient Inclosures, or other Lands and Grounds, not hereby intended to be divided, for the Damage done thereby, as the said Commissioners shall judge reasonable,) and the said Commissioners shall and may, and they are hereby directed, in and by their Award, to order and direct, by whom and at whose Expence, and at what Time, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges, shall be thereafter repaired, cleansed, scoured, and maintained: Provided always, that no such Brook or Stream shall be diverted or turned, without the Consent of the Owner or Owners, Proprietor or Proprietors of such inclosed Lands and Grounds, from which any such Brook or Stream shall be diverted, or into which any such Brook or Stream shall be turned.

Power to
stop up
Roads be-
tween old
Inclosures.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners to stop up, discontinue, divert, or alter any Carriage-Road, Bridle-Way, or Foot-Path, leading through or over the Lands and Grounds intended to be divided by virtue of this Act, or passing or leading through any of the inclosed Lands in the said Parishes of *Great Chisbill* and *Little Chisbill*, 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 Lands and Grounds to be divided by virtue of this Act, Provided that no such Carriage-Road, Bridle-Way, or Foot-Path, passing or leading through any of the Inclosed Lands in the said Parish shall be stopped up, discontinued, diverted, or altered, without the Concurrence and Order of Two Justices of the Peace for the said County of *Essex*, 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.

Roads
dividing
Parishes.

XVIII. And be it further enacted, That in case any Publick Roads or Highways shall be set out or continued by the said Commissioners, in
any

any Situation or Direction where the said Parishes of *Great Chisbill* or *Little Chisbill*, or either of them, is or are divided from any adjoining Parish or Place, and where there now is, or usually hath been a Publick Road or Way, and such adjoining Parish or Place hath heretofore been charged, or liable, or ought to be charged, or liable to Part of the Repairs and Support of such Road or Way, then, and in such Case, the said Commissioners shall set out Fifteen Feet only from and out of the Lands and Grounds hereby intended to be divided and allotted, or so much as will enlarge the Breadth of the said Road or Way, to Thirty Feet; and apportion such Roads to or among the respective Parishes, liable to the Repair thereof, in such Way and Manner as they shall think fit.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners to cause such ancient Roads or Highways within the said Parishes of *Great Chisbill* and *Little Chisbill*, or either of them as they shall deem to be too narrow, to be widened and extended to the Breadth of Thirty Feet at the least, on making Recompence and Satisfaction to the respective Owners of the Lands, to be taken for that Purpose.

Ancient
Roads may
be widened.

XX. And be it further enacted, that it shall also be lawful for the said Commissioners, by and with the Consent of the Proprietor or Proprietors of any ancient Inclosures within the said Parishes, or either of them, to set out and appoint any publick or private Carriage Roads, Bridle Ways and Foot-paths, that they shall deem expedient or necessary, through or over any of the ancient Inclosures within the said Parishes, or either of them, making such Recompence and Satisfaction as aforesaid, to the respective Owner or Owners thereof, so as all such publick Carriage Roads shall be and remain Thirty Feet wide at the least.

Commissioners may set out Roads through inclosed Lands, with Consent of the Proprietors.

XXI. And be it further enacted, That when and so soon as Two or more of His Majesty's Justices of the Peace for the said County of *Essex*, shall certify any of the Publick Carriage Roads, to be set out or continued in pursuance of this Act, or any of such Roads, or any Part thereof, 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, shall thenceforth be supported and kept in Repair, by such Persons, and in like Manner as other Publick Roads are, or ought to be by Law amended and kept in Repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the said County, next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

Justices empowered to declare any of the Roads completed.

XXII. And be it further enacted, That the said Commissioners shall, and they are hereby required, in the first Place, to set out or allot all the Lands and Hereditaments intended to be divided or affected by this Act, into Two general or parochial Allotments between the Parishes of *Great Chisbill* and *Little Chisbill* aforesaid; and the Lands so set out or allotted, to or for the Parish of *Great Chisbill* aforesaid, shall from thenceforth be deemed to be within and be Parcel of that Parish; and the Lands so set out or allotted, to or for the Parish of *Little Chisbill* aforesaid, shall from thenceforth be deemed to be within, and be Parcel of that Parish. And each of the said general or parochial Allotments shall afterwards be sub-

The Lands to be first set out in Two General Allotments.

divided and allotted, unto and between the Proprietors of Lands and Hereditaments in the Parishes of *Great Chisbill* and *Little Chisbill* aforesaid, in the Manner hereinafter directed or mentioned.

Allotment
for Gravel
Pits.

XXIII. And be it further enacted, That the said Commissioners shall set out and allot within the said Parishes of *Great Chisbill* and *Little Chisbill*, such Parts of the Lands and Grounds hereby directed to be divided and allotted as the said Commissioners shall think necessary, for Publick Stone, Chalk and Gravel Pits, and Ponds for watering Cattle or washing Sheep; which said Allotments and Ponds shall be used by the Surveyors of the Highways, and by the Proprietors of Lands, Tenements and Hereditaments, within the said Parishes, and their Tenants for the time being, in such Manner, and under such Rules and Regulations as the said Commissioners shall by their Award direct or appoint; and shall also allot and award the Herbage of the said Pits, and of the several Roads to be by them set out or continued unto, and for such Person or Persons, as they shall deem best entitled thereto.

How the
Residue of
Lands are to
be allotted.

To Lords of
Manors.

Tithe
Owners.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorised and required, after having set out all the publick and private Roads and the Allotments for other publick Purposes, pursuant to the Directions and Provisions contained in the said Act of the Forty-first Year of His present Majesty, and this Act respectively, to subdivide, set out, and allot, all the Residue of the Open and Common Fields, Commons, Wastes, and other Commonable Lands and Grounds directed or intended to be divided and allotted, by virtue of this Act, in Manner following, that is to say, the said Commissioners shall set out and allot, unto and for the Lord or Lords of the several Manors within the said Parishes, such Plot or Plots of the Lands and Grounds hereby directed to be divided and allotted, as shall in the Judgment of the said Commissioners, be equivalent to One-fifteenth Part of the said Commons and Wastes, within their said respective Manors, as a Compensation for the Rights and Interest of the Lords of the said Manors respectively, in and to the Soil of all the said Commons and Wastes, within their said respective Manors, and apportion the same among the several Lords, according to their respective Rights and Interests therein, and the said Commissioners shall set out and allot unto, and for the Impropiator and Vicar of the said Parish of *Great Chisbill*, and unto and for the Rectors of the said Parishes of *Hayden*, *Little Chisbill* and *Barley*, respectively, such Plot or Plots, Part of the Lands and Grounds hereby directed to be divided and allotted, within the said respective Parishes, as shall, in the Judgment of the said Commissioners, be equivalent to One-fifth Part of all the Arable or Tillage Lands, and One-eighth Part of all the other Lands, in the same Parishes respectively, as well open as inclosed, which are subject and liable to the Payment of Tithes in Kind to the said Impropiator, Vicar and Rectors respectively, within the said Parishes, and which shall remain, after the publick and private Roads, and Allotments for other publick Purposes, shall be deducted therefrom, and such Allotment or Allotments shall be, and be deemed and taken to be, an equivalent Satisfaction and Compensation for all Tithes, both great and small, arising, happening, renewing and increasing, within the said respective Parishes, and for all Moduses, Compositions, and all other Ecclesiastical Dues and Payments whatsoever, except Mortuaries, *Easter Offerings*, and Surplice Fees,

Fees, and the said Annual Payment of Two Pounds, and the said Four Quarters of Wheat, Four Quarters of Barley, and Four Quarters of Oats, which shall continue due and payable to the said Vicar and his Successors as if this Act had not been made; which said Plot or Plots of Land and Ground shall be divided and apportioned unto and among the said Impropiator, Vicar, and Rectors respectively, by the said Commissioners, according to the respective Shares, Rights and Interests of the several Parties therein. And lastly, the said Commissioners shall set out and allot all the Residue and Remainder of the said Open and Common Fields, Commons, Wastes, and other Commonable Lands and Grounds hereby directed or intended to be divided or allotted, unto, for, or among the said *Thomas Brand*, *John Wilkes*, and the several other Proprietors, their respective Heirs, Successors, or Assigns, or the Person or Persons seised of their respective Estates for the time being, and all other the Proprietors of Land or other Hereditaments therein, (except the Lords of the said Manors, the said Impropiator, Vicar and Rectors respectively, in respect to their Rights to the Soil, Glebe and Tithes as aforesaid,) in such Quantities, Parts, Shares and Proportions, as the said Commissioners shall adjudge and determine to be a just equivalent Compensation and Satisfaction for their several Lands, and other Hereditaments and Interests, subject, nevertheless, to such particular Directions as are herein contained or referred to, concerning the same; and in setting out all such Allotments as aforesaid, the said Commissioners shall have due Regard to the Quantity, Quality, Situation and Convenience thereof, and shall lay the same as convenient as may be, to or for the Messuages, Buildings and inclosed Lands of the several Proprietors, to whom such Allotments shall be made, and in either or both the said Parishes, as the said Commissioners shall deem most expedient.

Land
Owners.

XXV. And be it further enacted, That all Tofts, Foundations or Scites of ancient commonable Messuages or Cottages, shall, upon Proof being made thereof, to the Satisfaction of the said Commissioners, be considered and deemed as commonable Messuages or Cottages, and that the respective Owners thereof shall be entitled to the same Compensation for the respective common Rights originally belonging thereto, as if such Messuages or Cottages were still standing.

Compensa-
tion to be
made for
Tofts.

XXVI. And be it further enacted, That the said Commissioners shall, and they are hereby required to appoint a Meeting for receiving Applications from the Proprietors of the said Lands and Grounds hereby directed to be divided and allotted, touching the Situations they would respectively choose to have their Lands and Grounds set out and allotted in, and shall give Seven Days Notice of the Time and Place of such Meeting, by Writing, to be affixed upon the principal Doors of the Churches of *Great Chisbill* and *Little Chisbill* aforesaid.

Applications
for Situa-
tions of
Allotments.

XXVII. And be it further enacted, That when, and so soon as the said Commissioners shall have ascertained the respective Shares, Rights and Interests of the said Proprietors, in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respec-

For deter-
mining Ob-
jections to
Allotments.

tively

tively in lieu thereof, they shall give Notice of some convenient Time and Place, when and where the said Proprietors may be informed of such intended Allotments, and see the Situation thereof delineated upon a Map to be produced for their Inspection: And in case any Proprietor or Proprietors should be dissatisfied with the intended Allotments, the said Commissioners shall, if required, at such Time and Place as last aforesaid, or at some other Time and Place, to be appointed by them for that Purpose, receive Statements in Writing, of the Complaints and Objections against such Allotment, and shall forthwith, or as soon after as conveniently may be, consider such Objections, and make such Determination therein, as they in their Judgment shall think proper and requisite, which shall be binding and conclusive upon all Parties.

Separate
Allotments
to be made
for Lands
held by dif-
ferent Te-
nures.

XXVIII. And be it further enacted, That when the Proprietor or Proprietors of any Lands or other Hereditaments, which shall be allotted or exchanged by virtue of this Act, shall hold their said respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioners shall ascertain and distinguish the Lands or other Hereditaments, held by each of such Tenures, for each of such Estates, and under each of such Titles respectively, and shall accordingly, in their said Award, set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments; and where, from the Want of such necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating, as hereinbefore is required, such different 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 Hands, to have such Omission supplied, by a separate Instrument; 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, as if their 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 where such Discrimination should be contained in the said Award; and every such separate Instrument shall have the same Effect, as if it was contained in the said Award; and the same supplemental Instrument shall be delivered to the Person or Persons, upon whose Request the said Omission shall have been supplied, or to 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 Commissioners most properly belong, for the time being; and all Expences which shall be reasonably incurred, in or about any such supplemental Instrument as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners as aforesaid, his, her, or their Executors or Administrators.

For fencing
the Tithe
Allotments.

XXIX. And be it further enacted, That the several Allotments of Land and Ground to be set out and allotted to and for the Impropiator, Vicar,

Vicar, and Rectors respectively, in respect of Glebe Lands and Rights of Common, and in lieu of Tithes, Moduses and other Ecclesiastical Payments as aforesaid, shall be inclosed and fenced round with Posts and Rails, Ditches and Quickset Hedges, or other proper Mounds and Fences, at the Expence of such other of the Proprietors of Lands and Grounds hereby intended to be divided and allotted, or exonerated from Tithes by virtue of this Act, and in such Proportions as the said Commissioners shall order or appoint; and the said Commissioners shall direct and appoint what Part of the said Ditches, Mounds and Fences, shall afterwards respectively belong to the said Impropiator, Vicar and Rectors respectively, their Successors and Assigns, and what Part thereof to any other Proprietors; and the said Ditches, Mounds and Fences, when properly made, shall, for ever after be maintained by and at the Expence of the Person or Persons to whom the same shall be ordered and appointed to belong as aforesaid.

XXX. And whereas it may not be convenient or advantageous for all the Proprietors to whom Allotments shall be made by virtue of this Act, to fence their respective Allotments within any particular Time to be limited by this Act, but that such Allotments should be inclosed and fenced at such future Time or Times as should be convenient to the Proprietors thereof respectively; be it further enacted, that it shall be lawful for the said Commissioners, and they are hereby required to appoint what Part or Proportion of the Boundary Fences of the respective Allotments shall be made, maintained, and repaired by the Proprietor or Proprietors for the time being of each and every Allotment to be set out by virtue of this Act, and to direct how and in what Manner such Fences shall be made, and the Part and Proportion of Boundary Fences allotted to be made by the Proprietor or Proprietors of each Allotment shall be expressed in the Award, and shall also be delineated or described in the Map or Plan to be annexed to the said Award: And it shall be lawful for the Proprietor or Proprietors of any Allotment, who shall be desirous to inclose the same, and who shall have made his, her, or their own Part or Proportion of the Boundary Fences thereof, by Notice in Writing, under his, her, or their Hand or Hands, to be delivered to the Proprietor or Proprietors of the adjoining Allotment or Allotments liable to make any other Part or Proportion of the said Boundary Fences, or to be left at his, her, or their respective Dwelling or Place of Abode, or delivered to the Tenant of the Premises to require such last-mentioned Proprietor or Proprietors to make his, her, or their Part or Proportion of the Boundary Fences of the Allotment or Allotments so intended to be inclosed according to the Directions of the said Commissioners, and within the Space of Nine Calendar Months, and after such Notice shall have been delivered or left as aforesaid; and if such Proprietor or Proprietors shall refuse or neglect to make his, her, or their Part or Proportion of the Boundary Fences of such last-mentioned Allotments according to such Notice and Requisition, it shall be lawful for the Proprietor or Proprietors giving such Notice, to make the Fence or Fences of the Person or Persons so refusing or neglecting as aforesaid; and to recover all the reasonable Expences which he, she, or they shall incur in making such last-mentioned Fences of the Person or Persons so refusing or neglecting as aforesaid, by Action

For fencing
Allotments
of other
Proprietors.

at Law, in any of His Majesty's Courts of Record at *Westminster*, with full Costs of Suit: Provided always, that no Person or Proprietor shall be liable to make any more or other Boundary Fence or Fences than such Person or Proprietor shall be required to do and make, by the said Commissioners, and which shall be expressed in their said Award.

Allotments
to be of the
Tenures, and
to go to the
same Uses as
the Estates
in lieu of
which they
were made.

XXXI. And it is hereby further enacted and declared, That the several Lands, Tenements and Hereditaments, which shall be respectively allotted by virtue of this Act, shall, upon the Allotment thereof, become, and be of the same Tenure, and be held under the same Rents and Services, as the Lands, Tenements, and Hereditaments, in respect of which the Allotments so made were previously held by, or subject unto; and further that the several Lands, Tenements, and Hereditaments, which shall be respectively allotted and exchanged by virtue of this Act, shall, upon the Allotment and Exchange thereof respectively, go and remain to the same Persons, for the same Estates and Interests, and to the same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Proviso's, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, and in the same Manner, as the Hereditaments in respect whereof the same Lands, Tenements, and Hereditaments, shall be respectively allotted and exchanged, would belong or stand, or be limited to, or upon, or subject unto, if such Allotment or Exchange thereof had not been made, or this Act had not been passed, except as to such Leases and Agreements at Rack-rent, as shall be determined under this Act, or where any other Provisions of this Act shall be to the contrary; but such Allotments shall nevertheless be subject to such Charges and Incumbrances thereon as shall be made in pursuance of this Act.

Exchanges.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, assign, or allot any of the Lands or Grounds hereby directed to be divided or allotted, or any Messuages, Buildings, inclosed Lands or Grounds, Tithes, or other Hereditaments in the Parishes of *Great Chisbill* or *Little Chisbill* aforesaid, in lieu of, and in exchange for any other Messuages, Buildings, Lands and Hereditaments, in the same Parishes, or in any adjoining Parishes or Townships, or in the Parish of *Elmdon*, in the said County of *Essex*, which is situate near or adjoining to the Parish of *Great Chisbill* aforesaid, so as every such Exchange be set forth and ascertained by the Award of the said Commissioners. And so also, that every such Exchange be made with the Consent of the respective Proprietors or Persons seized or entitled in Possession of, or to the Hereditaments so to be exchanged for any Life or Lives, or for some Estate of Inheritance less than an Estate in Fee Simple, or for Years determinable upon any Life or Lives, or with the Consent of the Husbands, Guardians, Trustees, Committees, or Attornies of any such Proprietors who shall, at the Time of making such Exchanges, be Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves, and so that every such Exchange of any Lands, Tenements, or Hereditaments, holden in Right of any Church, Chapel, or other Ecclesiastical Benefice be also made with the Consent of the

the Patron thereof and the Bishop of the Diocese within which such Lands, Tenements, or Hereditaments shall lie or be situate; and that all such Consents as aforesaid, be respectively signified by Writing under the Common Seal of any Corporation aggregate, and under the Hands of the other consenting Parties; and every Exchange which shall be so made and declared, shall, as well in respect of the Hereditaments within the Parishes of *Great Chisbill* or *Little Chisbill* aforesaid, as in respect of the Hereditaments within such other Parishes or Townships, be for ever good, valid, and effectual in the Law to all Intents and Purposes.

XXXIII. And be it further enacted, That it shall be lawful for the Commissioners at any Time previous to the Execution of the said Award in all Cases where they, in their Discretion, shall deem it necessary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands to determine, and make void all or any of the Leases or Agreements for Leases or other Tenancies at Rack-rent, or from Year to Year then subsisting of all or any Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, or which shall be exonerated from Tithes, and exchanged respectively by virtue of this Act; and of all other Lands and Hereditaments demised or agreed to be demised by, or comprised in such Leases, Agreements, or Tenancies respectively, either as to the whole or as to Part or Parts only of the Hereditaments comprised in such Leases, Agreements, or Tenancies respectively, and at such Time or Times in the Year as the said Commissioners shall, in their Discretion, think most convenient and expedient, according to the Circumstances of the Case, and in all Cases where any such Leases, Agreements, or Tenancies shall be so determined as aforesaid, the said Commissioners shall ascertain and declare, whether any, and what Sum and Sums of Money in gross ought to be paid, or any and what Deduction or Abatement in the reserved Rent or Rents ought to be made by the Lessors or Landlords, to the Lessees or Tenants as a Compensation or Satisfaction for such total or partial Determination of their respective Leases, Agreements, or Tenancies, (proper Allowance being made for all such Conditions in every such Lease, Agreement, or Tenancy, as shall not have been fulfilled by such Lessee or Lessees, Tenant or Tenants respectively,) and such Sums in gross and reduced Rents so ascertained and declared as aforesaid, shall respectively become payable, or commence at such Time or Times, and in such Manner as the said Commissioners shall direct and appoint; and all such Sums in gross shall be charged upon the Lands, in respect of which the same shall be payable, and shall and may be levied and recovered in like Manner as is herein-after provided or mentioned, with respect to the levying and recovering the Expences of passing and executing this Act; and all such reduced Rents shall, after the Commencement thereof, be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not passed; and in all Cases where such subsisting Leases, Agreements, or Tenancies shall continue, as to the whole or any Part or Parts of the Hereditaments therein comprised, it shall be lawful for the said Commissioners in like Manner to ascertain and declare, whether any, and what additional Rent or Rents ought to be paid by the Lessees or Tenants, to the Lessors or Landlords, for, or in respect of any Improvement in the Annual Value of the Hereditaments comprised in such Leases,

For deter-
mining
Leases at
Rack-rent.

Leases, Agreements, or Tenancies respectively, by reason of the same being divided, allotted, exonerated from Tithes, or exchanged respectively by virtue of this Act; and such additional Rents, so ascertained and declared as last aforesaid, shall commence at such Time or Times as the said Commissioners shall direct and appoint, and shall afterwards be payable and recoverable in like Manner, as the Rents originally reserved would have been payable and recoverable if this Act had not passed; and it shall be lawful for the said Commissioners in like Manner to settle, ascertain, and declare, the Course of Husbandry to be used by such Lessees or Tenants during the Remainder of their subsisting Leases, Agreements, or Tenancies in all Cases where they shall deem it necessary and proper so to do: Provided always, that if there shall be any such Lease, Agreement, or Tenancy at Rack-rent of Lands, Part of which lie in the said Parishes of *Great Chisbill* or *Little Chisbill*, and Part in any adjoining Parish, all such Leases and Agreements may be determined, but where any Lands shall have been taken in Exchange, which Lands shall be under any such Lease, Agreement, or Tenancy, and wholly situate in any adjoining Parish, such last-mentioned Lease or Agreement shall not be vacated.

Not to vacate
Beneficial
Leases.

XXXIV. Provided always, That nothing herein contained shall extend, or be construed to extend to set aside, or make void any Lease or Leases, from any Bodies Politick or Corporate, Person or Persons for any Life or Lives, or for Twenty Years or any longer Term, for the granting of which a Fine has been taken of any Lands, Tenements, Tithes, or Hereditaments to any Person or Persons whomsoever; but the Person or Persons entitled to such beneficial Lease or Leases, shall, and may hold and enjoy his, her, and their several and respective Allotments, of, or for such Lands, Tenements, Tithes and Hereditaments for his, her, or their several or respective Terms, and under the same Rents and Covenants as is, or are specified in his, her, or their respective Leases from the same Bodies Politick or Corporate, Person or Persons, to him, her, or them, respectively.

Copyholds
may be en-
franchised.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered with the Consent of the respective Lords of the Manor or Manors of whom any Messuages, Cottages, Lands, or Tenements, shall be holden by Copy of Court-Roll, and of the Customary Tenant or Tenants, by whom any such Messuages, Cottages, Lands, or Tenements shall be respectively holden, in and by the Award of the said Commissioners to declare any such Copyhold or Customary Messuages, Cottages, Lands or Tenements, to be enfranchised, and the Tenures by which the same are holden, and the Fines, Heriots, and other Services incident thereto, to be discharged and extinguished; and that the same Messuages, Cottages, Lands, or Tenements, or any Part or Parts thereof respectively, shall thenceforth be holden of the Lord or Lords of the same respective Manors, either by the Rents which shall have been theretofore paid, or payable in respect thereof, or by any less Rent or Rents, to be in such Writing or Writings ascertained and declared, or without Rent, and in lieu of and Compensation for every such Enfranchisement, to award to the respective Lord or Lords of the same Manor or Manors, such Sum or Sums of Money to be applied in
the

the Manner hereinafter directed, or to assign and set out, to and for such Lord or Lords respectively, such Compensation, by, and out of any of the Lands and Tenements hereby directed to be divided and allotted, as shall in the Judgment of the said Commissioners, be an Equivalent and Satisfaction for the Customary Payments, Burthens, and Services to which such Copyhold Messuages, Cottages, Lands, or Tenements respectively, shall have been subject or liable; and the Lord or Lords for the time being, of the Manor or Manors to whom any such ancient Rent shall be reserved and continued, or any less Rent assigned, shall have the like Powers and Remedies for the Recovery of such Rents respectively, as by the Laws of this Realm are given for the Recovery of Rents Seck, Rents of Assize, and Chief Rents, and from and after any such Declaration shall be made and executed, and such Sum of Money or other Compensation shall be paid or assigned in Exchange for such Copyhold Tenure, the Lands and Tenements in every such Declaration comprised, and thereby expressed to be enfranchised, shall be held, possessed and enjoyed by the Owner or Owners thereof paying, or making such Compensation, their respective Heirs or Assigns, or other Persons claiming in Reversion, or Remainder of the Lord or Lords of such Manors respectively in free and common Soccage, discharged of the Tenure by Copy of Court-Roll, and of all Services and Duties incident to such Tenure, and of all other Services and Payments, except the Rent or Rents which may be continued, or reserved to such Lord or Lords in respect thereof, and the Lands or other Hereditaments so to be assigned to such Lord or Lords, shall be by him, or them, and by his or their Heirs; Successors, or Assigns, or by the Person or Persons who shall be entitled in Reversion or Remainder to such Manor or Manors respectively, held and enjoyed in Compensation for the Tenure so to be extinguished, for such and the like Estates, and upon such Uses, Trusts, Intents, and Purposes, as the Manor or Manors of which the Copyhold Hereditaments, so enfranchised shall be holden, shall at the Time of every such Enfranchisement stand settled and limited.

XXXVI. Provided always, and be it further enacted, That the Money to be received for the Enfranchisement of any Copyhold Lands or Tenements, in pursuance of this Act, shall be paid to the Lord or Lords of the Manor or Manors respectively, of whom the Copyhold Hereditaments so to be enfranchised, shall at the Time of the Enfranchisement thereof, be holden where such Lord or Lords shall be seized of such Manor or Manors in Fee Simple; and in all other Cases the Money to be received for such Enfranchisement shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of the present Reign, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Appropriation of the Money.

XXXVII. And be it further enacted, That in case there shall be any Homesteads, Gardens, Orchards, Home Closes, or other inclosed Lands or Tenements in the said respective Parishes, belonging to any Proprietor or Proprietors not entitled to Lands or other Property in the said Open and Common Fields or other Commonable Lands hereby directed to be

Satisfaction in Money to be made for the Tithes of old Inclosures belonging

ing to Persons
not having
sufficient
open field
Land for that
Purpose.

divided and allotted, sufficient to make Satisfaction and Compensation for the Tithes of such Homesteads, Gardens, Orchards, Home Closes, or other inclosed Lands or Tenements, and who shall not have made Satisfaction and Compensation for such Tithes, by any other of the Ways or Means hereinafter mentioned, then the respective Proprietors of such last mentioned Homesteads, and other Lands and Tenements, shall pay to such Person or Persons, and at such Time or Times as the said Commissioners shall direct, such Sum or Sums of Money as the said Commissioners shall adjudge to be a full Consideration for the Purchase of the Fee Simple and Inheritance of the Tithes of such last mentioned Homesteads and other Lands and Tenements respectively, which Sum or Sums of Money shall be applied towards defraying the Charges and Expences of passing and executing this Act, or such Parts and Shares thereof, and in such Manner as the said Commissioners shall appoint; which Sum or Sums shall be charged upon the Lands in respect of which the same shall be payable, and which said Sum or Sums of Money so directed to be paid as aforesaid, shall and may be raised, levied, and recovered in like Manner, and by such Ways and Means as the Expences of passing this Act are hereinafter authorized to be raised, levied and recovered; and if any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided between the several Persons from whose Allotment or Allotments any Deduction or Deductions shall have been made for the Purpose of making such Satisfaction and Compensation for Tithes as aforesaid, and in such Shares and Proportions as to the said Commissioners shall seem right and proper; and the Shares of such of them as shall be Tenants thereof in Fee Simple, shall be paid to them respectively; and the Shares of such other Persons shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of His present Majesty, with respect to the Money paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or the Timber or Wood growing thereon; and which Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses.

Old Inclosures may be assigned by Commissioners in lieu of Tithes.

XXXVIII. And be it further enacted, That the said Commissioners shall or may, with the Consent of the Impropiator, Vicar, or Rectors for the time being respectively, according to their respective Interests, and of the Owners of any old Inclosures within the said Parishes respectively (such Consents to be signified in Writing under their respective Hands) allot and appoint any of the old Inclosures belonging to such respective Owners, within the said Parishes respectively, to the said Impropiator, Vicar, or Rectors respectively, in lieu of, and as a Recompence and Satisfaction for any Great or Small Tithes, payable from or out of any Lands or Hereditaments in the said Parishes of *Great Chisbill* and *Little Chisbill*, or either of them.

Compensations for Tithes of Homesteads and Old Inclosures to be made by a Corn Rent

XXXIX. Provided also, and be it further enacted, That if any Proprietor or Proprietors of any Messuages, Gardens, Orchards, or inclosed Lands, within the said Parishes of *Great Chisbill* and *Little Chisbill*, or either of them, which are subject and liable to the Payment of Tithes in kind, and who shall not be entitled to any or a sufficient Allotment for that Purpose, shall be desirous of making such Compensation as aforesaid, for the Tithes

issuing

issuing or payable out of or from such Messuages, Gardens, Orchards, or inclosed Lands, or any Part thereof, by a Corn Rent to be ascertained as hereinafter is directed, and the said Impropiator, Vicar or Rectors respectively, shall consent to accept the same, then the said Commissioners shall, and they are hereby required to make a just and true Valuation of all the Tithes, both Great and Small, issuing or payable out of, for, or in respect of all such last-mentioned Inclosed Lands and Tenements, subject to the Payment of Tithes in kind to the said Impropiator, Vicar, or Rectors, according to the present Annual Value of such Tithes, according to the Proportions hereinafter directed; and that such Yearly Sum of lawful Money of *Great Britain*, as according to the Valuation aforesaid is equivalent to such Tithes, shall be charged upon the said last-mentioned Lands and Tenements, as Yearly Rents payable thereout respectively to the said Impropiator, Vicar and Rectors respectively, and their Successors, in lieu of the Tithes thereof; and the same Rents shall accordingly be, and are hereby charged on the said several Lands and Tenements of the said several Proprietors; and the said Commissioners shall also from the *London Gazette*, or by such other Ways and Means as they shall think most proper, ascertain and determine what hath been the Average Price of a *Winchester* Bushel of good marketable Wheat in the County of *Essex* during the Term of Twenty Years next preceding the First Day of *January*, One thousand eight hundred and eleven, and the said Commissioners shall set forth the several Particulars herein-before directed to be ascertained in their Award; and the several Yearly Rents or Sums which shall be ascertained and set forth as aforesaid, shall be issuing and payable from and out of the several Lands and Tenements to be charged therewith as aforesaid; and the same yearly Rents shall be payable and paid to the said Impropiator, Vicar, and Rectors respectively, and their respective Successors, by Four equal Quarterly Payments, on the Twenty-fifth Day of *March*, Twenty-fourth Day of *June*, Twenty-ninth Day of *September*, and Twenty-fifth Day of *December* in every Year; the first Payment thereof to begin and be made on such of the said Quarterly Days as the said Commissioners shall direct by their said Award, or by any Notice in Writing to be given and published as aforesaid, previous to the Execution of the said Award, and in case the said yearly Rents or Sums, or any of them, or any Part or Parts thereof, shall at any Time or Times be behind and in Arrear after the same shall become due and payable, it shall be lawful for the said Impropiator, Vicar, and Rectors respectively, and their respective Successors, to have and exercise the same Powers and Remedies by Distress and otherwise for recovering the same, as by the Law of *England*, whether at Common Law, or under any Statutes or Statute, are applicable for the Recovery of the Arrear of Rent reserved on any Lease or Demise of Lands; and upon the Death, Cession, Resignation or Removal of any Impropiator, Vicar or Rectors of the said Parishes respectively, or either of them, before the Time at which any Quarterly Payment of the said Rents shall become due, such Impropiator, Vicar or Rectors respectively, and his or their Executors or Administrators, shall be entitled to a Proportion of every such Quarterly Payment, according to the Number of Days elapsed from the Quarterly Day of Payment then last past, to the Day of his Death, Cession, Resignation or Removal; and the Remainder of every such Quarterly Payment shall belong to the Person who shall be Impropiator, Vicar, or Rector respectively, when the particular Quarter shall become

in certain.
Cases with
Consent.

complete; and such apportioned Sums shall be recoverable by the Persons respectively entitled to the same, in the same Manner as entire Quarterly Payments are hereby made recoverable as aforesaid.

For re-ascertaining Corn Rents by the future average Price of Wheat.

XL. And be it further enacted, That at any Time after the Expiration of Twenty Years from the Date of the said Award, it shall be lawful, as well for the said Impropiator, Vicar and Rectors respectively, and his and their Successors and Assigns, as for the Owner or Owners of any Lands or Tenements charged with the said Yearly Rents or Sums, or any of them, or any Part or Parts thereof respectively, to apply to any Court of Quarter Sessions of the Peace to be holden for the said County of *Essex*, (Notice of such intended Application in Writing, under their or his respective Hands or Hand, being affixed on the principal Door of the Parish Churches of *Great Chisbill* and *Little Chisbill* aforesaid, on some Sunday during Divine Service, Fourteen Days at least before the Day on which such Sessions shall be appointed to be held, to nominate and appoint three Persons to be Arbitrators for ascertaining the Average Price of a *Winchester* Bushel of good marketable Wheat, within the County of *Essex*, for the Term of Twenty Years then last past, and the Justices then and there assembled shall, by Order of the same Court, upon Proof of such Notice having been given as aforesaid, nominate and appoint Three fit and disinterested Persons, to be Arbitrators for the Purposes aforesaid; and if the Occasion shall appear to the said Justices to require, nominate and appoint any other such Person or Persons to the same Office, instead of any Person or Persons first nominated, until the Purpose of such Arbitration shall be wholly completed, and the said Arbitrators, or any Two of them, are hereby authorized and required, from the *London Gazette*, or by such other Ways and Means as they shall think proper, to ascertain the average Price of a *Winchester* Bushel of good marketable Wheat, within the County of *Essex*, during the said Term of Twenty Years then last past; and the said Arbitrators, or any Two of them, shall, by their Report in Writing under their Hand, to be delivered to the Court of Quarter Sessions to be held for the said County, next after their Appointment, set forth such average Price; and in case such average Price shall be found more or less by the Value of Two Pence per Bushel, or upwards, than the average Price of Wheat set forth in the said Award, the said Yearly Rents or Sums then charged upon each Proprietor's Estate, in lieu of Tithes, shall be varied and increased, or diminished, in proportion to the Amount which the average Price so found by them, the Arbitrators, shall bear to the average Price so ascertained and set forth by the said Commissioners as aforesaid; and the said Arbitrators, or any Two of them, shall, by their said Report, set forth the exact Amount to which each of such Yearly Rents or Sums shall be increased or diminished as aforesaid; and the said several Yearly Rents or Sums, so varied and ascertained as last aforesaid, shall, from the Quarter Day of Payment then last preceding, be, remain, and continue issuing and payable to the said Impropiator, Vicar, and Rectors, and their and his respective Successors, from and out of the several Lands and Tenements charged therewith, for the Term of Twenty Years then next ensuing; and until the same Yearly Rents or Sums shall afterwards, upon a like Application be again varied and ascertained, according to the average Price of Wheat during the Term of Twenty Years then last past, and such future Applications the Parties

are

are hereby respectively authorized to make from time to time, after the Expiration of every Term of Twenty Years for ever, in such or the like Manner and Form as herein-before are mentioned and directed, with respect to the said first Application; but the Costs, Charges and Expences of every such Application to the Court of Quarter Sessions, and of varying and re-ascertaining such several Yearly Rents or Sums as aforesaid, shall be paid and defrayed by the Person or Persons who shall give Notice of such Application respectively.

XLI. And for facilitating the Apportionment of the said yearly Rent or Sums, be it further enacted, That the said Commissioners shall, in a Schedule to their Award, describe or specify the several Lands and Tenements which, by their said Award, shall be charged with the said yearly Rents or Sums, the Names of the respective Owners of the said Lands or Tenements, the Quantity thereof, in Statute Measure, the yearly Rents or Sums charged thereupon, and the Rate by the Acre, by which the same Lands and Tenements shall be charged with the said yearly Rents or Sums, and such other Particulars as the said Commissioners shall judge necessary or proper for facilitating the Apportionment of the said yearly Rents or Sums and the Recovery thereof.

For facilitating such Apportionment.

XLII. And be it further enacted, That it shall be lawful for the respective Owners for the time being, of any Lands or Tenements charged with the said yearly Rents or Sums, or any of them, or any Part or Parts thereof respectively, and the Impropiator, Vicar or Rectors, with the Approbation of the Patron of the said Rectories and Vicarage respectively, and the Bishop or Ordinary of the Diocese in which the same lies, for the time being respectively, by any Instrument in Writing, to be by such Owners, Patron, Impropiator, Vicar, Rector and Bishop, or Ordinary respectively, signed, from time to time, to divide and apportion all or any of the said yearly Rents or Sums, and to declare what Parts and Proportions thereof respectively, shall, in future, be severally charged upon any Part or Parts of the Lands or Grounds originally charged with such entire yearly Rents or Sums as aforesaid, and after every such Apportionment the yearly Rents or Sums so apportioned shall be payable in such Parts and Proportions, and chargeable only upon such Lands and Grounds as shall be specified in such Instrument of Apportionment in that Behalf, and every such Instrument of Apportionment, or a Duplicate thereof, shall, within Three Calendar Months after the Date thereof, be entered with the Register of the Archdeaconry of *Essex*.

How such Rents may be apportioned.

XLIII. And be it further enacted, That the several Allotments herein directed to be made to the said Impropiator, Vicars and Rectors, and the several Corn Rents (if any) herein directed to be issuing and payable to them respectively, shall be in full Satisfaction and Discharge of and from all Tithes both great and small, and all Moduses, and all other Ecclesiastical Dues and Payments whatsoever, except the said annual Sum of Two Pounds and the said Corn Rents issuing out of the Improprate Rectory of *Great Chisbill* aforesaid, issuing, arising, renewing, or payable to the said Impropiator, Vicar or Rectors respectively, from and out of such of the Lands and Grounds by this Act directed to be divided and allotted, and such of the several Messuages, Tenements, Gardens, Or-

Allotments and Corn Rents to be in bar of Tithes.

chards and old Inclosures lying and being within the said Parishes of *Great Chisbill* and *Little Chisbill*, for which such Satisfaction or Compensation shall have been made in Manner aforesaid; but Mortuaries, *Easter Offerings* and Surplice Fees, shall not be prejudiced.

Tithes payable until Compensation set out and Commissioners otherwise direct.

XLIV. 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; the said Impropiator, Vicar and Rectors respectively, shall be entitled to, and shall have, receive and enjoy all their respective Tithes, in such Manner as they respectively could or might have had, received and enjoyed the same, in case this Act had not been made.

Old Inclosures may be assigned in Tenure in lieu of Open Field Lands given in Discharge of Tithes.

XLV. And whereas some of the Proprietors may be seised of or entitled to Freehold or Copyhold Lands, or other Freehold or Copyhold Rights or Interests in the Open and Common Fields of *Great Chisbill* and *Little Chisbill*, all or Part of which may be allotted or awarded in Satisfaction for the Tithes issuing out of the Homesteads, Gardens, Orchards, Homecloses or inclosed Lands and Grounds held by such Proprietors, by and under different Tenures, Rents, Customs and Services from the said Common Field Lands or other Rights or Interests so allotted and awarded as aforesaid: Be it therefore enacted, that the said Commissioners shall assign, set out, allot, and award so much and such Part or Parts of the said Homesteads, Gardens, Orchards, Homecloses or inclosed Lands or Grounds within the said Parishes of *Great Chisbill* and *Little Chisbill*, or One of them, as in the Judgment of the said Commissioners shall be equal in Value to the said Common Field Lands, or other Rights or Interests so allotted and awarded, in Satisfaction for such Tithes to be afterwards held by and under the same Tenures, Rents, Customs and Services as the Lands and Grounds, or other Rights and Interests in lieu, or in respect whereof, such Allotments shall be made, were previously held by or subject unto.

Commissioners to direct the Course of Husbandry.

XLVI. And be it further enacted, That from and after the passing of this Act, until the Execution of the said Award, all the Arable and Grass Lands hereby directed to be divided and allotted shall be subject and liable to such Directions and Regulations as the said Commissioners shall, from time to time, by any Writing under their Hands, order, direct or appoint, as well with regard to the stocking, as to the ploughing, tilling, sowing, manuring or laying down the same, any Usage or Custom of stocking or sowing to the contrary notwithstanding; and the said Commissioners are hereby authorized and empowered, at their Discretion, to appoint One or more Person or Persons, with or without a Salary, to superintend the proper Execution of all or any of their Orders and Directions, with respect to such ploughing, tilling, sowing, manuring and laying down the said Lands and Grounds hereby directed to be divided and allotted, and the Charges and Expences attending such ploughing, tilling, sowing, manuring and laying down, and of making out Statements or Accounts thereof, shall be paid by the respective Persons who shall receive the Benefit thereof, or the Person or Persons to whom such Lands shall be allotted, and at such Time, and in such Manner and Pro-

portions as the said Commissioners shall, by any Writing or Writings under their Hands, direct and appoint to be recoverable and recovered in such Manner, and by such Ways and Means, as the Expences of passing and executing this Act are herein directed to be raised, levied and recovered; and that no Meadow or Pasture Grounds, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the Time of passing this Act, shall, before such Division and Allotment, be ploughed, broken up or converted into Tillage without the Consent in Writing of the said Commissioners; and every Occupier of any such Lands or Grounds who shall refuse or neglect to comply with any such Direction of the said Commissioners, or who shall plough, break up or convert into Tillage, any such Meadow, Pasture or fresh Ground, without the Consent in Writing of the said Commissioners, shall forfeit and pay a Sum not exceeding Ten Pounds for every Acre of such Tillage Lands with respect to which such Refusal or Neglect shall happen, and for every Acre of such Meadow, Pasture or fresh Ground which shall be ploughed, broken up or converted into Tillage, and so in proportion in each Case, for a greater or less Quantity than an Acre.

XLVII. And be it further enacted, That the said Commissioners are hereby authorized and required, upon Request to them for that Purpose made by any Writing or Writings under their Hands to ascertain, order, and appoint what Recompence and Satisfaction in Money shall be made to any Owner or Owners of any Crop or Crops of Corn or Turnips, or Plants of Seeds growing upon the Lands and Grounds hereby directed to be divided and allotted by virtue of this Act, at the Time such Allotment or Division shall be made for the said Crops and the Standage thereof, by the Person or Persons to whom the Lands and Grounds on which such Crops are growing shall be allotted, or by whom they shall be respectively occupied, unless such Owner or Owners shall by the said Commissioners be permitted to cut, reap, and carry away, or feed off the same; and in case of Non-payment of such Recompence and Satisfaction for such Crops at the Time, and in the Manner to be directed by the said Commissioners, or, in case of such Permission by the said Commissioners, to reap and take away, or feed off the same, then it shall be lawful for such Owner or Owners, and his, her, and their Agents, Servants and Workmen, with Horses, Carts and Carriages, and with Sheep or other Cattle, to enter into and upon the Lands and Grounds whereon such Crops shall be growing, and to cut, reap, carry away, or feed off the same, for his and their own Use: Provided always, That all such Crops of Turnips shall be consumed upon the Lands whereon the same are grown, and be fed off in an husbandlike Manner; and the said Commissioners shall, and they are hereby required in like Manner, by any Writing or Writings under their Hands to ascertain, order and appoint what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of any Lands to be divided, allotted, exchanged or exonerated from Tithes by virtue of this Act for the Benefit and Advantage accruing thereby to the Person or Persons to whom such Lands and Grounds shall be allotted as by the Loss of their following or way-going Crops, upon such Lands, or by his, her, or their Allotment or Allotments falling or happening to be laid in the Fallow Field or Season, and if in any or either of the said Cases, the Money to be paid for such Recompence.

Commissioners to make Satisfaction for standing Crops.

penance and Satisfaction shall not be paid at the Time, and in the Manner to be appointed as aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to raise and levy the same, for the Use 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: Provided also, that it shall be lawful for the said Commissioners, if they shall think fit, to order and direct that any such Allotment or Allotments as aforesaid, or any Part thereof, shall remain in the Possession of the former Occupier or Occupiers thereof, for any Period they shall appoint, between the Time of setting out such Allotments, and the Execution of their Award.

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

XLVIII. And be it further enacted, That the Money which shall be advanced or lent for the Purpose of obtaining and passing this Act, shall be repaid with lawful Interest to the Person or Persons who shall advance or lend the same, his, her or their Executors, Administrators or Assigns, out of the first Monies which shall be raised for defraying the Expences of passing and executing this Act.

Commissioners' Allowances.

XLIX. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the said Commissioners and their Clerk, in Satisfaction for their Trouble and Expences, the Sum of Three Guineas for each Day they shall be respectively attending in the Execution of this Act, and in travelling to and from the Meetings to be held under the Authority of the same, and that at all such Meetings the said Commissioners and their Clerk, and also the several Proprietors, their Attornies and Agents, shall pay their own Expences.

For raising the Expences.

L. And be it further enacted, That the Costs, Charges, and Expences occasioned by, or incident to, and attending the obtaining, soliciting, and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Tenements to be divided, allotted and exonerated from Tithes, or otherwise affected by virtue of this Act, and of preparing and enrolling the Award of the said Commissioners, and all Costs and Charges that the said Commissioners shall be put unto, in respect of any Appeal or Appeals against their Decisions, or of any Suit or Suits at Law, or in Equity, that may be instituted by or against them as Commissioners in the Execution of this Act, and all reasonable Charges and Expences of the Assistants and other Persons employed by them in and about the Execution of this Act, either before or after the Execution of the said Award, and all Expences of forming, making, repairing, or completing, the Publick and Private Carriage Roads, Highways, Driftways, Drains, and Bridges, Watercourses, Watering Places, and other Conveniences to be set out and appointed by the said Commissioners, and all other Expences of carrying this Act into full and complete Execution shall, unless otherwise directed by this Act, or by the said Commissioners in pursuance thereof, be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made; or whose Lands shall be exonerated from Tithes, or exchanged by virtue of this Act (except the said Impropiator, Vicar, and Rector, in respect of the impropriate Rectory and Vicarage of *Great Chisbill*

Chisbill and the Rectories of *Little Chisbill*, *Hayden*, and *Barley* (afore said respectively), in proportion as near as may be to their respective Estates and Interests, due Regard being had to the Expences occasioned by each Person's Estate, and also to the Value and Improvement thereof; and the Shares and Proportions of the said Costs, Charges and Expences to be borne and paid by the said respective Owners and Persons interested shall be settled and ascertained by the said Commissioners, and shall be raised wholly or in part, either by a Sale or Sales of Part of the said Lands and Grounds in Manner directed by the said Act, or wholly or in part, by a Rate or Rates on the said respective Proprietors, as the said Commissioners shall think most convenient and proper, which said Rate or Rates the said Commissioners are hereby authorized and empowered to make, raise, and levy, from time to time, upon Estimates to be by them formed, either before or after the Execution of their Award, as they shall deem necessary or proper, and which shall be paid to such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, by Writing under their Hands, affixed on the Doors of the respective Churches of *Great Chisbill* and *Little Chisbill* (afore said); and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of the said Costs, Charges and Expences, according to such Direction and Appointment as afore said, the said Commissioners shall and may raise and levy the same, by such Remedies, Ways, and Means, as are provided or mentioned in and by the said Act of the Forty-first Year of His present Majesty, or by an Action at Law in any of His Majesty's Courts of Record at *Westminster*, as they think fit: Provided always, That nothing herein contained shall authorize any Person or Persons to raise by any of the Ways and Means in the said recited Act, or this Act mentioned, a further Sum than after the Rate of Five Pounds per Acre in the whole, for every Acre of the Lands to be divided, allotted, exchanged or exonerated from Tithes by virtue of this Act; except such Sum or Sums of Money as shall or may be paid by any Proprietor or Proprietors, under or by virtue of this Act, in consideration or Satisfaction for the Fee Simple and Inheritance of any Tithes, which Sum or Sums it shall be lawful for such Proprietor or Proprietors to raise by any of the Ways or Means herein mentioned.

LI. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Sales, Exchanges, or Partitions to be made by virtue of this Act, or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Sales, Exchanges, and Partitions, in such Manner and Proportion as the said Commissioners shall, by their said Award, or any other Writing under their Hands, order and direct, and shall be recovered in the same Manner as is herein directed respecting the Recovery of the Charges and Expences of obtaining and executing this Act.

Expences of Sales and Exchanges by whom to be paid.

LII. And be it further enacted, That it shall be lawful for the respective Proprietors or Persons seised or intitled to any Estate for Life or Lives, or for Years determinable on any Life or Lives, or of Inheritance, less than an Estate in Fee Simple of, in, or to any Lands or Hereditaments hereby directed or authorized to be divided, allotted, exchanged, or exonerated from Tithes respectively, and for the Husbands, Guardians, Trustees,

Power to raise Money by Mortgage.

Trustees, Committees, or Attornies of any such Proprietors being Femes Coverts, Lunaticks, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves, at any Time or Times, either before or after the Execution of the said Award, with the Consent of the said Commissioners, in Writing, under their Hands, to charge their respective Allotments, Lands, Tenements and Hereditaments, or any Part or Parts thereof, with any Sum or Sums of Money (not exceeding Five Pounds an Acre), which shall be charged thereon, or upon such Owner or Owners, by virtue of this Act, or appear to the Satisfaction of the said Commissioners to be proper or necessary to be paid, laid out and expended by the said Proprietors, for inclosing, ditching, draining, sub-dividing, hedging, and fencing their respective Estates, or for the Exoneration thereof from Tithes, or in Compensation for any Lease, Agreement or Tenancy, and also the Expences of preparing such Securities respectfully; the same when raised to be paid to such Person or Persons as the said Commissioners shall appoint, in order to be applied and disposed of for the Purposes aforesaid, with lawful Interest for such Sum or Sums of Money, and for better securing the Payment of such Sum or Sums of Money with Interest, to convey in the way of Mortgage, without Impeachment of Waste, any such respective Lands, Tenements, Hereditaments, and Allotments as aforesaid, or any of them, or any Part or Parts thereof, to the Person or Persons who shall respectively advance and lend such Sum or Sums of Money, or to such Person or Persons, as he, she, or they, his, her or their Executors or Administrators shall, respectively appoint, so as every such Conveyance, by way of Mortgage as aforesaid, be made with a Proviso that no Person in Remainder or Reversion who should become entitled in Possession to the Hereditaments and Premises therein comprized, shall be liable to pay any further or larger Arrear of Interest on the Money so secured than for One Year preceding the Time at which the Title to such Possession shall have commenced; and every such Conveyance by way of Mortgage, as shall be made in pursuance of this Act, before or after the Execution of the said Award shall be good, valid, and effectual in the Law.

Expences
may, on Re-
quest of Pro-
prietors, be
raised by
Sale.

LIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and required, upon the Request of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or exonerated from Tithes, or which shall be exchanged by virtue of this Act, or of any Right or Interest therein, being Tenants for Life or Lives, or for any Number of Years determinable on a Life or Lives, or for some Estate of Inheritance less than an Estate in Fee Simple, or for any other determinable Estate or Interest, or of the respective Husbands, Guardians, Trustees, Committees, Agents, or Attornies of or for any such Owners or Proprietors, being under Coverture, Minors, Lunaticks, or beyond the Seas, or under any other Disability or Incapacity, or of the Trustees for any charitable or Publick Uses, or the major Part of them respectively, to raise the Share and Proportion, or respective Shares and Proportions of the Person or Persons, by or on whose Behalf any such Request shall be made of such Charges and Expences as aforesaid, by Sale of any Part of the Lands or Hereditaments of such Person or Persons so to be allotted, exchanged or exonerated from Tythes respectively, in the Manner, and subject to the Rules prescribed by the said Act of the Forty-first Year of the present Reign, for the Sale of Lands directed

directed to be sold for the Payment of the Expences attending the Execution of Acts of Inclosure. Provided always, that no greater Sum of Money shall be raised by such Sale or Sales, than the Proprietor or Proprietors of such Lands could or might have raised by Mortgage, under or by virtue of this Act.

LIV. Provided always, and be it further enacted, That when and so often as it may be necessary to charge any such Lands, Tenements, or Hereditaments, which shall be or become Copyhold, with any Sum or Sums of Money by way of Mortgage as aforesaid, then, and in such Case, such Copyhold Lands and Premises shall be surrendered to the Use of such Person or Persons who shall lend and advance such Sum or Sums of Money, his, her, or their Heirs and Assigns, according to the Custom or Customs of the Manor or Manors, whereof the same shall be holden, by way of Mortgage, for securing such Sum or Sums of Money, and Interest for the same.

Copyhold
Lands to be
surrendered.

LV. And whereas it may be necessary for the said Vicar of *Great Chisbill* or Rector of *Little Chisbill* to expend a greater Sum in the Erection of additional Buildings for the convenient Occupation of their respective Allotments, and in making Subdivision Fences, than is hereby authorized to be raised, or than it may be convenient for the said Vicar and Rector to advance; Be it therefore further enacted, that the said Commissioners shall, and they are hereby required, upon Request to them made by the said Vicar or Rector, and with the Consent of the respective Patrons of the said Vicarage and Rectory, and of the Bishop or Ordinary of the Diocese in which the same are situate, to set out such Part or Parts of the Lands to be by virtue of this Act allotted to them respectively, as will in the Opinion of the said Commissioners raise by Sale thereof such Sum and Sums of Money for or towards the Charges and Expences of the Buildings and Subdivision Fences, which in the Judgment of the said Commissioners will be necessary for the convenient Occupation of the Remainder of the Land to be allotted to the said Vicar and Rector, and the said Commissioners are hereby authorized and required to sell such Land so to be set out in the Manner directed by the said Act of the Forty-first Year of His said Majesty's Reign, in Cases of Sales of Land for the Payment of Expences attending the Execution of Acts of Inclosure; and the Lands so directed to be sold, and for which the full Purchase Money shall be paid, shall immediately thereupon be conveyed and assured by the said Commissioners, to the Purchaser or Purchasers thereof, their, his, or her Heirs and Assigns, and the Hereditaments so conveyed shall accordingly become vested in the Purchaser or Purchasers thereof in Fee Simple, and such Purchase Money shall without delay be applied by the said Commissioners in Payment of the Charges and Expences of erecting such Buildings, and of making such Subdivision Fences as aforesaid: Provided that the Money so to be raised shall in no Case exceed what will in the Judgment of the said Commissioners be sufficient for the Erection of such Buildings, and for making such Subdivision Fences as shall be necessary for the convenient Occupation of the Land to be allotted to the said Vicar and Rector.

Power to sell
Part of the
Allotments
of the Vicar
and Rector
for the Erec-
tion of Build-
ings and
making Sub-
division
Fences.

LVI. 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

Accounts to
be settled
once a Year.

passing hereof, 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 *William Hunt* of *Cambridge*, in the County of *Cambridge*, Esquire, or such other Person, who shall be appointed Auditor for that Purpose, in the Manner hereinafter provided, to be by him examined and balanced, and such Balance shall be by him 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 the Law, unless the same shall have been duly allowed by the said *William Hunt*, or such other Auditor as aforesaid: Provided that in case the said *William Hunt* shall die, or refuse or decline to act, before all the Trusts reposed in him shall be fully executed and performed, then another Auditor shall be appointed in his Stead, by the Majority in Value (such Value to be ascertained by the then last preceding Land Tax Assessment) of the Proprietors of the Lands and Hereditaments liable to the Payment of the Expences of passing and executing this Act.

Proprietors may sell or mortgage their Allotments before the Execution of the Award and their Rights of Common separate from their other Property.

LVII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, sell, demise, mortgage, limit, convey, and assure the same for all or any Part of his, her, or their Estate or Interest therein, or Right thereto at any Time before the Execution of the Award of the said Commissioners; and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Conveyance and Assurance, shall be of the same Force and Validity, as if made after the Execution of the said Award. And also, that it shall be lawful for any of the Owners or Proprietors of any Common Rights upon the Lands and Grounds hereby directed to be divided and allotted to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separate and distinct from the Estate, in right of which, they, he, or she are, or is entitled to the same, in the same Manner as they, he, or she might have done at any Time after the Execution of the said Award.

Award to be enrolled.

LVIII. And be it further enacted, That the General Award to be made by the said Commissioners pursuant to the Directions of the said Act of the Forty-first Year of His present Majesty's Reign, and this Act, shall be enrolled with the Clerk of the Peace for the County of *Essex*, or in any of His Majesty's Courts of Record at *Westminster*, within Twelve Calendar Months after the Execution thereof by the said Commissioners, and the said Original Award, and such Plans or Surveys as may be annexed thereto, shall be lodged and deposited in the Parish Church of *Great Chisbill* aforesaid, to the end that Recourse may be had thereto by any Person or Persons interested in the said Division, which said Award and Plans, and every other Award and Instrument to be lodged with the said Award, shall and may be inspected at all seasonable Times, upon reasonable Notice given by the Party requiring such Inspection.

LVIX. And

LIX. 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 the said Act of the Forty-first Year of His present Majesty, or of this Act, (other than and except as to such Claims, Matters and Things, as are by the said Act, or this Act, directed or authorized to be ascertained, settled, tried or determined by the Verdict of a Jury, or where by any of the Provisions of the said Act, or this Act, the Determinations, Acts or Proceedings of the said Commissioners are directed to be final and conclusive,) he, she or they may appeal to any General or Quarter Sessions of the Peace which shall be holden for the County of *Essex*, within Three Calendar Months next after the Cause of Complaint shall have arisen, giving Notice in Writing of every such Appeal, to the said Commissioners, or their Clerk, Twenty-eight Days at least before such General or Quarter Sessions; and the Justices of the Peace assembled at such General or Quarter Sessions, or at any subsequent General or Quarter Sessions, to which the said Justices shall adjourn any such Appeal, either for the Want of such Notice having been given as aforesaid, or for any other Cause, which to the said Justices shall seem a sufficient Cause to adjourn such Appeals, are hereby authorized to hear and determine the same, and to make such Order therein, and award such Damages and Costs as to them in their Discretion shall seem reasonable; and by their Order or Warrant, to levy the Damages and Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus, (if any,) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and the Order and Determination of the said Justices, upon such Appeal, shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any Process or Writ whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Power to
appeal.

LX. Provided always, and it is hereby further enacted and declared, That nothing herein contained shall any otherwise prejudice, lessen, or defeat the Right, Title or Interest of the Lord or Lords of the several Manors aforesaid, for the time being, of, to, or in any Royalties, Franchises, Privileges, Courts, Escheats, Forfeitures, Services, Rights or Appurtenances whatsoever, incident or belonging to the said Manors respectively, than as the Intent and Purposes of the Inclosure hereby authorized shall absolutely require.

Saving ma-
norial
Rights.

LXI. Provided always, That nothing herein contained shall affect or prejudice any Grants made by the Lord or Lords, Lady or Ladies of the said Manors, according to the Custom of the same.

LXII. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick or Corporate, his, her, or their Heirs, Successors, Executors, Administrators and Assigns, (other than and except the respective Persons, to whom any Allotment or Allotments of Land, or other Compensation shall be made or provided by virtue this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made,

General
Saving.[*Loc. & Per.*]

21 Z

and

and except such other Rights and Interests, as the Intents and Purposes of the Inclosures hereby authorized, shall absolutely require to be barred, destroyed, or extinguished by this Act,) all such Estates, Rights, and Interests, as they, or any of them had or enjoyed, of, in and to, or in respect of the Open and Common Fields, and other Commonable Lands and the Grounds hereby directed to be divided before the passing of this Act, or could or might have had or enjoyed, if this Act had not been made.

Public Act.

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.

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