



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 99.

An Act for inclosing Lands in the Parish of *Stewkley*,
in the County of *Buckingham*. [14th May 1811.]

WHEREAS there are within the Parish of *Stewkley* in the County of *Buckingham*, divers Open and Common Fields, Common Meadows, Common Pastures, Commons and Waste Lands, containing together by Estimation Three thousand Acres or thereabouts: And whereas the Dean and Canons of the King's Free Chapel of *Saint George* within His Castle of *Windsor*, are Lords of the Manor of *Stewkley* aforesaid, and *Thomas Leigh* Clerk, and *James Henry Leigh*, are Lessees under the said Dean and Canons of the said King's Free Chapel; and in Right of the said Manor claim to be entitled to certain Rights and Interest of and in the Waste Lands and Grounds by this Act directed to be divided, allotted, and inclosed: And whereas Sir *Thomas Sheppard*, Baronet, claims to be Lord of the Manor of *Littlecote* in the Parish of *Stewkley* aforesaid, and in Right of the said Manor claims to be entitled to certain Rights and Interests of and in the Waste Lands and Grounds by this Act directed to be divided, allotted, and inclosed: And whereas the said Sir *Thomas Sheppard* also claims to be Lord of the Manor of *Grange*, in the Parish of *Stewkley* aforesaid, and in Right of the said Manor, also claims to be entitled to certain Rights and Interests in and to the Waste Lands and Grounds by this Act directed to be divided, allotted, and inclosed: And whereas

[*Loc. & Per.*]

22 T

William

William Wodley Clerk, claims to be Lord of the Manor of *Vauxes* alias *Fowlers*, within the said Manor and Parish of *Stewkley* aforesaid, and in Right of the said Manor claims to be entitled to certain Rights and Interests of and in the Waste Lands and Grounds by this Act directed to be divided, allotted, and inclosed: And whereas *William Ward* Gentleman, claims to be Lord of the Manor of *Stewkley Grange*, within the said Parish of *Stewkley* aforesaid, and in Right of the said Manor claims to be entitled to certain Rights and Interests of and in the said Waste Lands and Grounds by this Act directed to be divided, allotted, and inclosed: And whereas the Right Reverend Father in God *Charles* Lord Bishop of *Oxford*, in Right of his See, is Patron of the Improprate Rectory, and also of the Vicarage of *Stewkley* aforesaid; and *William Wodley* Clerk, and *William Hedges* Yeoman, are Lessees of the said Rectory, and as such are entitled to certain Glebe Lands, and all and every the Tythes of Corn and Grain, Lambs and Wool, yearly arising, renewing, and increasing within the said Parish, (except as herein-after is mentioned); and *Charles Ashfield* Clerk, is Vicar of the said Vicarage of *Stewkley*, and in Right of his said Vicarage is entitled to certain Glebe Lands and Right of Common within the said Parish, and also to the Tythe of Hay, and all the Vicarial or Small Tythes (except the Tythes of Lamb and Wool) arising within the said Parish of *Stewkley*; and also except the Great and Small Tythes yearly arising out of and from a certain Part of the Lands and Grounds by this Act intended to be divided, allotted, and inclosed, called *Clackbill*, containing by Estimation, Seven Acres, to which *William Lord* Doctor in Divinity, is entitled as Rector of the Rectory and Parish Church of *Drayton Parslow*, in the said County of *Buckingham*: And whereas the said *Charles* Lord Bishop of *Oxford*, *Sir Thomas Shepard* Baronet, the said *William Wodley*, *Charles Ashfield*, the Trustees of several Estates for charitable and other publick Purposes, the Reverend *John Wheeldon* Clerk, Minister or Curate of the Chapel of *Markyate Cell*, in the Parish of *Caddington*, in the County of *Hertford*, in Right of his said Curacy, *William Ward*, *Thomas Adams*, *John Tomes* of *Stewkley*, *Ann Stevens*, *Thomas Chew*, *John Barrett*, *Daniel Gillman*, *William Stonhill*, *John Chillingworth*, *John Walter*, and divers other Persons, are the Owners and Proprietors of or interested in the said Open and Common Fields, Common Meadows, Common Pastures, Commons and Waste Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Open and Common Fields, Common Meadows, Common Pastures, and Common Lands, lie intermixed and dispersed in small Parcels, and are inconveniently situated for Occupation, and the said Commons and Waste Lands in their present State yield but little Profit to the several Persons interested therein; and it would be advantageous to them if the same Open Fields, Meadows, Pastures, Commons, and Waste Lands were divided, and specific Shares thereof allotted to the several Persons interested therein, according to their respective Estates, Rights and Interests; but such Division, Allotment, and Inclosure cannot be made and effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

Advantages
of Inclosure.

in

in this present Parliament assembled, and by the Authority of the same, That *Edward Horwood* of *Buckland*, in the County of *Buckingham*, Gentleman, *John Davis* of *Bloxham*, in the County of *Oxford*, Gentleman, *John Fellowes* of the Town and County of *Buckingham*, Gentleman, and *Benjamin Bevan* of *Leighton Buffard*, in the County of *Bedford*, Gentleman, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open and Common Fields, Meadows, Pastures, Commons, and Waste Lands, and for carrying this Act into Execution, subject to the Rules, Orders, Directions and Regulations herein-after contained, and subject to the Rules, Orders, Directions, and Regulations contained in the said recited Act, so far as the same are not varied or altered by this Act; and that all Acts, Matters and Things authorized or necessary to be done and executed by or before the said Commissioners, for effecting the Purposes aforesaid, may be done and executed by or before any Three of them, and the same when so done shall be as valid and effectual to all Intents and Purposes as if such Acts, Matters and Things had been made, done, and executed by or before all the said Commissioners.

II. Provided always, and be it further enacted, That in all Cases in which any Difference of Opinion shall arise between any of the said Commissioners, which shall not upon the Meeting and Consideration of the Subject upon which such Difference of Opinion shall arise, by the whole of the Commissioners, be determined and settled, but there shall remain an Equality of Voices on such Question, then and in such Cases it shall be lawful for the said Commissioners and they are hereby required to choose an Umpire to decide such Difference, and the Decision of such Umpire shall be final and conclusive in all Cases in which the Decision of the Commissioners, if such Difference of Opinion had not arisen, would have been final and conclusive.

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

‘ I Do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as an Umpire, by virtue of an Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled, *An Act for inclosing Lands in the Parish of Stewkley, in the County of Buckingham*, according to Equity and good Conscience, and without Favour or Affection, Prejudice, or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

IV. And be it further enacted, That if the said *Edward Horwood*, or any Person to be hereafter appointed in his Stead, shall die, or shall refuse, or become incapable to act as a Commissioner in the Execution of this Act, before the Power and Authorities hereby vested in him or them shall be fully executed and accomplished, then and in such Case the said Dean and Canons shall and may, under their Common Seal, and within Forty Days after such last-mentioned Death, Refusal, Neglect or Incapacity shall be made

made known to them, nominate and appoint a proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room and Stead of the said *Edward Horwood*, or of such other Person appointed in his Room and Stead as shall so die, refuse, or become incapable to act; and if the said *John Davis*, or any Person to be appointed in his Stead, shall die before the finishing of the said Division, Allotment, and Inclosure, or shall refuse, or become incapable to act as a Commissioner in the Execution of this Act, the said *Charles* Lord Bishop of *Oxford*, and his Successors Bishops of *Oxford* for the Time being, under his Common Seal, within Forty Days next after such Death, Refusal, or Incapacity shall be made known to them, nominate and appoint a proper Person (not interested in the said Division, Allotment, and Inclosure) to be a Commissioner in the Room and Stead of the said *John Davis*, or of such other Person to be appointed in his Stead, so dying, refusing or becoming incapable to act as aforesaid; and if the said *John Fellowes* and *Benjamin Bevan*, or any Person or Persons to be appointed in his or their Stead, shall die before the finishing of such Division, Allotment, and Inclosure, or shall refuse, or become incapable to act as aforesaid, then the Majority in Value (such Valuation to be ascertained by the Land Tax Assessment of the said Parish) of the Owners and Proprietors of Lands within the said Parish of *Stewkley* (exclusive of the said Dean and Canons, and the said Lord Bishop of *Oxford*, and their Lessees), attending at a Meeting to be called for that Purpose, by Notice in Writing to be affixed on the Door of the Church of *Stewkley*, aforesaid Fourteen Days before such Meeting, signed by Two or more of the said Persons so interested in the Lands and Grounds to be divided and inclosed, shall and may, by Writing under their Hands, appoint some proper and disinterested Person or Persons to be a Commissioner or Commissioners in the Room or Stead of the said *John Fellowes* and *Benjamin Bevan*, or of the Person or Persons to be appointed by them in his or their Stead, so dying, refusing, or becoming incapable to act as aforesaid.

Proprietors omitting to appoint new Commissioners, the old Commissioner may appoint.

V. Provided always, and be it further enacted, That if it shall happen that the Persons herein-before respectively authorized and empowered to appoint such new Commissioners, shall not make any such Appointment within the Time herein-before for that Purpose limited, then and so often as it shall so happen, the surviving or remaining Commissioners from Time to Time, shall within Thirty Days next after the Expiration of such Time for appointing such new or succeeding Commissioner as aforesaid, appoint some other fit and proper Person to be a Commissioner in the Place and Stead of the Commissioner so dying, refusing, or becoming incapable to act as aforesaid, and every new Commissioner so nominated and appointed under either of the Powers herein-before given, shall from and immediately after his Appointment, and taking the Oath prescribed in that Behalf by the said recited Act, have such and the like Powers and Authorities for carrying this and the said recited Act into Execution, to all Intents and Purposes, as if he had been originally named and appointed a Commissioner in and by this Act.

Commissioners not attending, to be deemed a Refusal.

VI. And be it further enacted, That if any of the said Commissioners shall refuse or neglect to attend at the First or Second Meeting appointed to be held for putting this Act into Execution, and duly qualify himself by taking the Oath in that Behalf prescribed, (Notice being given to him of such intended Meeting under the Hand of either of the other Commissioners)

or if any One of the said Commissioners shall at any Time after the First or Second Meeting, wilfully absent himself from any Two succeeding Meetings appointed to be held as aforesaid, he having first known such Meetings by his Presence at their Appointment, or Notice thereof in Writing having been given him or left at his usual Place of Abode, by the Clerks to the said Commissioners, and such Commissioner not being prevented by Sickness, or other reasonable Cause to be allowed by the other Commissioners attending at such subsequent appointed Meetings; or if any Commissioner hereafter to be elected and appointed in Manner aforesaid shall not attend and qualify himself at the First or Second Meeting after his Election, to be appointed by the surviving or remaining Commissioners for putting this Act into Execution, or shall then after absent himself in Manner aforesaid, having first known of such Meetings, or after such Notice, and without such Cause as last herein-before is mentioned, every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

VII. 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 the Powers and Authorities of this and the said recited Act. and such Clerk or Clerks from Time to Time to remove and another to appoint in his or their Room, as to them shall seem most meet. Commissioners to appoint a Clerk or Clerks.

VIII. And be it further enacted, That *John King* of *Nash*, in the said County of *Buckingham*, Land Surveyor, shall be and he is hereby appointed Surveyor for the Purposes of this Act, and in case of his Death, Incapacity or Refusal to act, the said Commissioners shall and may appoint some other fit and proper Person or Persons to be Surveyor or Surveyors in his stead, and as often as Occasion shall require. Appointment of Surveyor.

IX. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this and the said recited Act, to be inserted in the Newspaper called *The Oxford Journal*, or in the Newspaper called *The Northampton Mercury*, or in some other Newspaper circulated within the said County of *Buckingham*, Fourteen Days at least before every such Meeting shall be held, (Meetings by Adjournment only excepted), and if at any Meeting appointed to be holden by the said Commissioners, not more than One of the Commissioners shall attend, the Commissioner so attending shall and may adjourn such Meeting to such Time and Place within Eight Miles of the said Parish of *Stewkley*, as shall be by him deemed most convenient. Notice of Meetings.

X. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by the said Commissioners in the said Newspaper called *The Oxford Journal*, or in the said Newspaper called *The Northampton Mercury*, or in case neither of them shall be then published, then in some other Newspaper circulated in the said County of *Buckingham*. Other Notices.

XI. And be it further enacted, That all Encroachments, which at any Time within Twenty Years now last past have been made upon the said Encroachments within Twenty Years

to be deemed
part of Waste.

Commons and Waste Lands shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent thereof, such Dispute or Difference shall be determined by the said Commissioners.

Power to the
Commissioners
to hold a
Court of
Survey.

XII. And whereas the Copyhold Part of the Lands and Tenements lying and being within the said Parish of *Stewkley* aforesaid are in Part unknown, and cannot be particularly ascertained, nor can the Extent and Boundaries of the said Manors of *Stewkley*, *Littlecote*, *Grange*, *Vauxes* alias *Fowlers*, and *Stewkley Grange*, lying within the said Parish (it is supposed be ascertained without some Difficulty: And whereas it will be expedient and proper to ascertain and determine the Extent and Boundaries of the said Copyhold Lands and Tenements, and also the Extent and Boundaries of the said Manors; be it therefore further enacted, That it shall be lawful for the said Commissioners and they are hereby required to inform themselves by Examination of Witnesses upon Oath, (which Oath the said Commissioners or any One of them, are hereby empowered to administer), or by such other Ways and Means as they may think proper, of the Bounds, Limits, and Extents of the said respective Manors, and the Manorial Rights thereto respectively belonging within the said Parish; and to set out, ascertain and distinguish the same in their Award and Plan, and to which of the said Manors respectively the Lands and Grounds hereby intended to be divided and inclosed, and all other the Lands, Tenements, and Hereditaments in the Parish of *Stewkley* do belong or are situate, lying and being; and that the Bounds, Limits, and Extents of the said respective Manors within the said Parish, which shall be so set out and distinguished by the said Commissioners as aforesaid, shall from thenceforth be deemed and taken as the Bounds, Limits, and Extents thereof, and shall be binding and conclusive, if not appealed against, on all Persons interested in the Lands, Grounds, Tenements, and Hereditaments in the said Parish of *Stewkley*, and to all other Persons whomsoever.

Expence of
the Survey to
be borne by
the Lords and
their Lessees.

XIII. Provided always, and be it further enacted, That the said Dean and Canons, or their Lessees, and the said Sir *Thomas Sheppard*, *William Wodley*, and *William Ward*, shall bear, pay, and discharge the Expence of ascertaining of the said Bounds, Limits, and Extents of the said respective Manors, and Lands and Grounds, in such Parts, Shares and Proportions, and at such Times as the said Commissioners shall order and direct.

For straight-
ening Boun-
dary of Parish.

XIV. And be it further enacted, That in order to shorten the Boundary Fences between the Lands hereby directed to be divided, allotted, and inclosed, and the Lands in any adjoining Parish or Place, it shall be lawful for the said Commissioners, with the Consent in Writing under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which any Fence or Fences are intended to be made, to set out, ascertain, and determine the Boundary Fences to be made between the Lands and Grounds adjoining to the Lands and Grounds hereby intended to be divided, allotted, and inclosed, in such Manner as they shall judge proper for the Purpose aforesaid; and after such Boundary Fences shall be set out, ascertained and determined as aforesaid, the same shall be fenced by such Person

Person or Persons, in such Manner, and at such Time or Times, as the said Commissioners shall order and direct in and by their Award, and shall be for ever thereafter deemed and taken to be the Boundaries between the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and such adjoining Parish or Place; any Law, Usage, or Custom to the contrary notwithstanding.

XV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division, Allotment, and Inclosure, touching or concerning the respective Rights and Interests which they or any of them shall have, or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands or Hereditaments whatsoever.

Commissioners to settle Disputes,

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

and may award Costs.

XVII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Lands, or of any Rights of Common or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next Term or at the following Assizes to be holden for the said County of *Buckingham*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought

Parties may try Rights at Law by a feigned Issue.

upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Twelve Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced (in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Commons and Waste Lands, or other Rights or Interests in, over or upon the Lands and Grounds hereby intended to be divided, allotted and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be binding and conclusive upon all Parties.

If any of the Parties die, Proceedings not to abate.

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

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

XIX. 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 in or to any Messuages, Cottages, Lands, Tenements, or Hereditaments, for or in respect of any Right of Common or other Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, 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, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits, and may be had and taken by the Person or Persons who upon the Determination of such Suit or Suits shall be become entitled to the same.

Provision in case of Death of Parties before Actions brought.

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

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

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

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

XXII. And be it further enacted, That the said Commissioners shall and they are hereby required to assign, set out, and allot unto the Vicar of the said Vicarage of *Stewkley*, and the Churchwardens and Overseers of the Poor of the Parish of *Stewkley* aforesaid, and their Successors for ever, such Plot or Plots of Ground, as in the Judgment of the said Commissioners shall be equivalent to and a full Satisfaction and Compensation for the Right or Liberty of the poor Inhabitants of the said Parish of *Stewkley*, to cut, take, and use Peat, Fern, and other Fuel from the said Commons; and such Plot or Plots shall on the Execution of the Award of the said Commissioners, be vested in the Vicar of the said Vicarage, and the Churchwardens and Overseers of the Poor of the said Parish of *Stewkley* for the Time being for ever, as Trustees for the Poor of such Parish; and the Peat, Fern, and other Fuel arising from the Lands so to be allotted as aforesaid shall be cut, taken, and used by such poor Inhabitants of the said Parish of *Stewkley*, in such Quantities, at such Time or Times in each and every Year, under such Orders, Rules, and Regulations, and in such Manner as the said Trustees for the Time being, or the major Part of them, shall from Time to Time appoint; and the said Trustees, or the major Part of them, are hereby empowered and required, from Time to Time, as they in their Discretion shall think proper, either to let or set from Year to Year, or otherwise, by Writing under their Hands and Seals, or to lease and demise, such Part and Parts of the said Plot or Plots as they shall think proper, to any Person or Persons whomsoever, for any Term or Number of Years not exceeding Twenty-one Years, so that on every such Letting, and in every such Lease, there be reserved and made payable to the Trustees for the Time being, or the major Part of them, by Four equal Quarterly Payments, the most improved yearly Rent or Rents that can reasonably be obtained for the same, without taking any Income, Fine, Premium, or Foregift, in Consideration of such Letting; or of granting such Lease or Leases; and that on every such Letting, and

Allotment to Trustees for the Poor.

in all such Leases respectively, there be made and contained the usual Covenants or Stipulations, and such Security be given for the Performance of the same, as the said Trustees or the major Part of them shall think proper to require; and the Rents and Profits arising from the said Plot or Plots shall from Time to Time be laid out in purchasing Fuel, and such Fuel shall be distributed amongst the poor Inhabitants of the said Parish of *Stewkley*, in such Proportions and Quantities, at such Times in every Year, and according to such Rules and Orders, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise.

Allotment for
Stone and
Gravel Pits.

XXIII. And be it further enacted, That after setting out the Roads and Ways directed to be set out by the said recited Act, it shall be lawful for the said Commissioners and they are hereby authorized (if they shall think it necessary and proper), to set out and appoint, out of and from the Lands and Grounds hereby directed to be divided, allotted, and inclosed, One or more Plot or Plots of Land or Grounds, not exceeding Two Acres in the Whole, for the Purpose of getting Materials for repairing the Roads and Ways already made, or to be set out by virtue of this or the said recited Act, in the said Parish of *Stewkley*; and that the Herbage growing or renewing in and upon the said Plot or Plots of Ground shall be vested in such Person or Persons as the said Commissioners shall in and by their Award declare, order, or direct.

Allotment to
the Impropr-
iator and
Vicar for
Glebe.

XXIV. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot unto and for the said *Charles* Lord Bishop of *Oxford* and his Lessees, and the Vicar of the said Vicarage of *Stewkley* aforesaid, such Plots or Allotments of Land or Ground, Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as shall in the Judgment of the said Commissioners be a full Equivalent and Compensation for all the Rights of Common in respect of Glebe or other Lands belonging to the said *Charles* Lord Bishop of *Oxford* and his Lessees, and the said Vicar respectively, in, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed.

Allotment for
the Rector of
Drayton
Parflow.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto and for the said *William* Lord, and his Successors, Rectors of *Drayton Parflow* aforesaid, for and in lieu of the Tithes arising from and out of the Seven computed Acres of Land lying on *Clackhill* aforesaid, so much and such Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as in the Judgment of the said Commissioners shall be a full Compensation for his Right and Interest in the said Tythes; and from and after the said Allotment shall be so set out to the said *William* Lord and his Successors, the same shall from thenceforth for ever be deemed as Part of the said Parish of *Drayton Parflow*.

Allotments
for Great and
Small Tythes.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto and for the said Lord Bishop of *Oxford*, and his Lessees, and the said *Charles* *Ashfield*, as Vicar of *Stewkley* aforesaid, and his Successors, for and in lieu of their several and respective Great and Vicarial or Small Tythes, yearly arising, issuing, and payable out of all and every the Lands and

and Grounds hereby directed to be divided, allotted, and inclosed, and for and in lieu of the Tythes of all such Messuages, Tenements, Gardens, Orchards, Homesteads, Homeclofes, and old Inclosures within the said Parish, as are subject and liable to the Payment of Tythes in Kind to the said Lord Bishop of *Oxford* and his Lessees, and the said *Charles Ashfield* as Vicar respectively, such Plot or Plots, Part of the Lands and Grounds so intended to be divided and inclosed, as in the Judgment of them the said Commissioners shall be equal in value to One Fifth Part of the Arable or Tillage Lands, and One Ninth Part of all the Remainder of the Lands and Grounds lying or being in the Parish of *Stewkley* aforesaid, which are subject and liable to the Payment of Tythes in Kind to the said Lord Bishop of *Oxford* and his Lessees, and the said *Charles Ashfield* as Vicar as aforesaid, and which shall remain after the said public and private Roads, and the said Allotment or Allotments for Stone and Gravel Pits, shall be taken and deducted, which said Plot or Plots, Allotment or Allotments, so to be set out for Tythes as aforesaid, shall be divided, apportioned, and allotted by the said Commissioners to and between the said Impropiator and the said Vicar, in such Shares respectively as they the said Commissioners shall judge to be equal to their respective Interest therein; and such Allotment or Allotments to be set out, allotted, and awarded for Tythes as aforesaid, shall be in full Satisfaction and Discharge of and from all the said Great and Vicarial or Small Tythes respectively, and all Ecclesiastical Dues and Payments whatsoever, issuing, arising, and renewing from and out of the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable and Waste Lands, Grounds, and Places, and out of the said Messuages, Tenements, Gardens, Orchards, Homesteads, Homeclofes, and old Inclosures, lying within the said Parish, (Mortuaries, Easter Offerings, Moduses, and Surplice Fees due to the said Vicar and his Successors, excepted).

Allotments
to be in Dis-
charge of
Tythes.

XXVII. Provided always, and be it further enacted, That in case any of the Owners or Proprietors of any such Messuages, Tenements, Gardens, Orchards, Homesteads, Homeclofes, and old Inclosures within the Parish of *Stewkley* aforesaid, shall not be entitled to Lands or Common Rights in the said Lands and Grounds by this Act directed to be divided, allotted, and inclosed, sufficient to make Compensation as aforesaid for the Tythes thereof, then and in every such Case Compensation shall be made as aforesaid for such Tythes or Deficiency of Tythes, by and out of the Lands and Grounds belonging to the several other Proprietors, in such Manner as the said Commissioners shall order, direct, and appoint, and such Person or Persons who shall be entitled to or possessed of any such Messuages, Tenements, Gardens, Orchards, Homesteads, Homeclofes, and old Inclosures, shall pay or cause to be paid to such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as they the said Commissioners shall think equivalent to and a full Satisfaction and Compensation for the Tythes of the said Messuages, Tenements, Gardens, Orchards, Homesteads, Homeclofes, and old Inclosures, which Sum and Sums of Money shall be applied towards Payment of the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution; and in case any Surplus shall remain after Payment of such Charges and Expences of obtaining and passing this Act, and carrying the same into Execution as aforesaid, such Surplus shall be divided amongst the Persons from whose Allotments Deductions shall have

Payments to
be made for
the Tythes of
Old Inclo-
sures, where
the Owners
have not
Land in the
Common
Field to dis-
charge them;

have been made, in such Shares as shall be in Proportion to their Rights and Interests; and the Shares of such of them as shall be seized in Fee Simple, shall be paid to them respectively, and the Remainder shall be paid into the Bank of *England*, in the Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses; and the said Monies so directed to be paid by the said Commissioners shall be and the same are hereby charged on such Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses, and old Inclosures; and in case the Monies so directed to be paid shall not be paid within Six Calendar Months next after the same shall be demanded by the Person or Persons entitled to receive the same, it shall be lawful for such Person or Persons as the said Commissioners by any Writing under their Hands shall direct and appoint, to enter into and upon such Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses, and old Inclosures, which shall be severally charged with such Sum or Sums of Money, and to hold and enjoy the same, and receive and take the Rents, Issues, and Profits thereof, until such Sum or Sums of Money, with Interest for the same after the Rate of Five Pounds *per Centum per Annum*, and all Costs, Charges, and Expences attending such Entry and Receipt of the Rents and Profits, shall be thereby or otherwise fully paid and discharged: Provided nevertheless, that if the Owners or Proprietors of any such old Inclosures, not having any or sufficient Land in the said Lands and Grounds hereby directed to be divided, allotted and inclosed, to exonerate their Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses, and old Inclosures from the Payment of Tythes in Kind as aforesaid, shall be desirous of having a Part of such old Inclosures assigned or set apart to exonerate the same Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses, and old Inclosures from the Payment of Tythes, it shall be lawful for the said Commissioners and they are hereby authorized and empowered, with the Consent of the Proprietors or Owners in Fee, or in Tail, or for Life, in Possession of such old Inclosures, to deduct and set out so much and such Part or Parts of such old Inclosures as shall be equal in value to the Tythes both Great and Small, payable by the Owner or Owners of such old Inclosures, in respect of his, her, or their respective Messuages, Tenements, Gardens, Orchards, Homesteads, Homecloses, and old Inclosures within the said Parish of *Stewkley*; which Part or Parts of such old Inclosures so deducted and set out shall be considered as Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and shall be divided, allotted, and inclosed accordingly, as Part thereof; and such Deductions shall for ever thereafter be a full Satisfaction for and Discharge from the Payment of such Tythes.

or such Owners of Old Inclosures, may assign Land to exonerate the same from Tythes.

Tythes payable until Award made, or Commissioners otherwise direct.

XXVIII. Provided always, and be it further enacted, That until the Execution of the Award of the said Commissioners, or until such other previous Time as the said Commissioners shall by Writing under their Hands direct or appoint, or until the said Messuages, Cottages, or Tenements shall be exonerated from Tythes by virtue of an Act of Parliament, the said Lord Bishop of *Oxford*, or his Lessees, and the said *Charles Ashfield*, or his Successors, shall severally be entitled to, and shall have, receive, and enjoy all their respective Tythes, in such Manner as they respectively

respectively could or might have had, received, and enjoyed the same, in case this Act had not been made.

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

Allotment to the Lord of the Manor of Soil.

XXX. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required (after the making such Allotments as herein-before directed) to divide set out, allot and award all the Residue and Remainder of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, unto and amongst the several and respective Owners and Proprietors thereof and Persons interested therein, in such Quantities, Shares, and Proportions, and in such Parts and Places as the said Commissioners shall adjudge and determine to be a just Compensation and Satisfaction for and equal to their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein.

Allotment of Residue.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, by and with the Consent of the respective Owners of old inclosed Lands or Grounds lying within the Parish of *Stewkley* aforesaid, and having Open and Common Field Land adjoining or lying near thereto, to order and direct the same, or such Part or Parts thereof as the Owners thereof respectively shall consent and desire to be surveyed, measured, and taken up, and the same shall be considered, and divided and allotted as Part and Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed; and thereupon such Allowances shall be made to the respective Owners thereof, on account of the beneficial Difference of Property between old inclosed Land and Common Field Land, as the said Commissioner shall adjudge to be just and reasonable, and the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the respective Owners of such old Inclosures in lieu thereof, so much and such Plot or Plots of Land, Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they the said Commissioners shall think reasonable.

Power to divide and allot ancient Inclosures.

XXXII. And be it further enacted, That the several Lands and Grounds so to be allotted and awarded upon the said Division and Inclosure, to the several Persons interested in pursuance of this or the said recited Act, shall immediately after such Allotments are made as aforesaid, be, remain, and enure, and the several Persons to whom the same shall be respectively al-

New Allotments to remain to the same Uses.

lotted or awarded upon such Division, shall from thenceforth stand and be seized or possessed thereof to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases, (except Leases at Rack Rent), Charges, and Incumbrances, as the several and respective Messuages, Lands, Tenements, old Inclosures, new Allotments, or other Hereditaments, in lieu whereof such Allotments shall be respectively made as aforesaid, are now held under, or subject to, or liable to be charged with, or affected by, or might or could have been held under or subject to, or liable to have been charged with or affected by, in case this Act had not been made.

Power for
Mr. Wheeldon to lease
his Allotment.

XXXIII. And be it further enacted, That it shall be lawful for the said *John Wheeldon*, and his Successors, Ministers, or Curates for the Time being of the Chapel of *Markyate Cell*, by and with the Consent and Approbation of the Bishop of *Lincoln*, and the Patron of the said Chapel respectively for the Time being, to be signified under their Hands and Seals, to lease or demise all or any Part of the Allotment or Allotments to be set out unto or for the said *John Wheeldon*, and his Successors, Ministers, or Curates as aforesaid, by virtue of this Act, to any Person or Persons, for any Term or Number of Years not exceeding Twenty-one Years, without taking any Fine or Fines, Foregift, Premium, Sum of Money, or any other Consideration for any such Lease, such Term of Twenty-one Years to be from the Expiration of Twelve Calendar Months next after the passing of this Act, and so that no such Lease be made without Impeachment of Waste; and so that the Lessee or Lessees to whom every such Lease shall be made be yearly obliged to spend, spread, and consume in an Husband-like Manner, in and upon the Premises so to be demised, the Dung and Manure arising and to arise from the Produce thereof, and be subject to such other Covenants and Rules of good Husbandry as are proper and usual in like Cases; and so that there be contained in every such Lease Clauses of Re-entry on Non-payment of the Rent to be therein and thereby reserved; and so that the Lessee or Lessees to whom every such Lease shall be made, do seal, execute, and deliver a Counterpart of such Lease or Leases; and every such Lease or Leases so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes, any Law, Statute, or Usage to the contrary notwithstanding.

Leases at
Rack Rent to
be void.

XXXIV. And be it further enacted, That all and every Lease and Leases at Rack Rent (upon the making or renewing of which no Fine or Fines hath or have been paid) subsisting of all or any Part of the Lands or Grounds hereby intended to be divided, allotted, and inclosed, or the Tythes thereof, or any Part thereof, either alone or jointly with any other Lands, Tenements, Tythes, or Hereditaments, and all subsisting Agreements for any Term or Time therein, as to the whole of the Tenements comprized in such Lease or Leases, Agreement or Agreements (except as therein-after is mentioned) shall on such Day as the said Commissioners shall by Writing under their Hands for that Purpose limit or appoint, cease, determine, and be utterly void; and the respective Lessees or Tenants thereof shall thereupon be entitled to demand and receive of and from the respective Landlords, Owners or Proprietors of the same Premises, such Allow-

Lessees to be
compensated.

ance

ance or Satisfaction in Money, and at such Time or Times as such Commissioners shall ascertain, order and direct, as reasonable to be paid to such Lessees or Tenants on Account thereof, or as an Equivalent for the same; and such Lessee or Tenants respectively shall upon the Determination of every such Lease or Agreement be liable to pay the respective Landlords, Owners and Proprietors of the same Premises, such Rents or Sums of Money, up to the Time of vacating such Leases or Agreements respectively, for the Use and Occupation thereof, as the said Commissioners shall in like Manner ascertain, order and direct, as reasonable and proper in that behalf: Provided always, that if there shall be any Lease or Leases of Lands, Part of which shall lie in the Parish of *Stewkley* aforesaid, and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may and shall be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last-mentioned Lands shall not be vacated.

XXXV. Provided also, and be it further enacted, That if in any case there shall not be included in the Estate or Estates so held under or by virtue of such Lease or Leases, Agreement or Agreements, One Eighth Part thereof in Number of Acres of Open or Common Field Land or Ground so intended to be divided, allotted, and inclosed as aforesaid, that then and in such Case the said Commissioners shall not have Power to vacate or in anywise render void such Lease or Leases, Agreement or Agreements (except as to Tythes), as to such Parts of the Open or Common Field Land or Ground so intended to be allotted and inclosed, but the said Lease or Leases, Agreement or Agreements, and all the Messuages, Lands, Tenements, and Hereditaments, held by virtue thereof (except as before excepted), and the Allotment or Allotments to be made in lieu of or in Exchange for the said Open and Common Field Land or Ground, shall be held by the Tenant or Tenants, Lessee or Lessees of any such Estate during his or her Term or Interest therein; and in every such Case it shall be lawful for the said Commissioners to assign and allot the same respectively unto such Tenant or Tenants, Lessee or Lessees accordingly, and to fix and settle what additional Rent (if any) shall be thereafter paid by him or them to the Person or Persons entitled thereto, for or in respect of the Expences which such Person or Persons shall sustain by virtue of this Act, and also for any Improvement which may be made thereby; and the said Commissioners are hereby authorized and empowered, by any Writing under their Hands, to prescribe the Terms and Conditions as to the Cultivation and Management, under which the said Allotment or Allotments is or are to be held during the Residue of the Terms in such respective Leases or Agreements mentioned.

XXXVI. Provided always, and be it further enacted, That upon the Allotment of any Copyhold Land to a Vendee or Purchaser, and upon every Alienation of any Allotment or Allotments of Copyhold Land, by Way of Sale, Exchange, or otherwise, which shall be made before the Execution of the said Award, the Person or Persons to whom the same shall be so allotted or alienated shall be admitted by, and there shall be due and payable to, the Lord or Lords, and the Steward or Stewards of the

Manor

Leases of Estates where One Eighth Part is not Open Field Land to remain valid.

Tenants to pay additional Rent for inclosing, &c.

Purchasers of Copyholds before Award to be admitted.

Manor or respective Manors of which the same shall be held, upon every such Admission, the Fine, Fees, Charges, and Payments customary for Admissions upon Alienation.

Commissioners to direct Course of Husbandry.

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

Power to turn Watercourses in Old Inclosures.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to direct, order and award, all or any of the Streams, Springs, and Watercourses within the said Parish, or which divide or run between the said Parish and any adjoining Parish or Liberty, to be conveyed and turned in such Course, and through such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted and inclosed, as they shall think most beneficial and convenient for watering the new Allotments which shall be made in pursuance hereof, and for straightening the Boundary of the said Parish as herein-before is directed, provided such Diversion or Alteration be with the Consent in Writing of the Proprietor or Proprietors of such Lands or Hereditaments who shall or may be deprived of the Use to be derived from such Streams of Water, Springs, or Watercourses which might have otherwise passed through his, her, or their Lands, if the Direction thereof had not been diverted or altered; and also with the Consent in Writing of the Owner or Owners into whose Lands or Grounds the same shall be diverted or turned.

No Sheep to be kept in the New Inclosures for Six Years.

XXXIX. And be it further enacted, That it shall not be lawful for any Person or Persons, for the Space of Six Years next after the several Allotments are fenced as ordered and directed by the said Commissioners, to keep or depasture any Sheep or Lambs in or upon any of the Allotments to be made by virtue of this Act, unless the Person or Persons keeping such Sheep or Lambs shall, at his, her, or their own Expence, effectually and sufficiently fence off, or guard, and duly keep fenced off, the Quickset Hedges, or live Fences of the Proprietor or Proprietors of such Allotment or Allotments where such Sheep or
Lambs

Lambs shall be so kept, and on such Allotment or Allotments adjoining thereto, so as to prevent any Damage being done to such Quickset Hedges.

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

Persons advancing Money for obtaining this Act, to be repaid with Interest.

XLI. And be it further enacted, That the Plot or Plots of Ground which shall or may be set out for Stone or Gravel Pits, and the Allotment or Allotments to be made and set out to and for the Poor, the Allotment or Allotments for the Glebe Lands and Common Rights thereto belonging, and the Allotment or Allotments to be set out and allotted by virtue of this Act, to and for the respective Tythe Proprietors, shall be inclosed round with Quickset Hedges and Ditches, and substantial Posts and Rails on each Side thereof, or other proper Mounds or Fences, according to the Custom of the Country, with good and substantial Gates and Stiles in the said Fences where necessary, and the same shall be thereafter supported and maintained for the Term of Five Years, or until the Quicksets shall have become sufficient Fences of themselves, by or at the Expence of all or such of the Proprietors to whom the other Allotments of the said Lands and Grounds shall be set out or allotted, in such Manner, and in such Shares and Proportions, as they the said Commissioners shall by any Writing under their Hands, or by their Award, order and direct; and such Proportions of the said Fences as the said Commissioners shall order and direct shall be for ever thereafter maintained and kept in Repair by the said respective Tythe Owners, as the said Commissioners shall likewise by their Award order and direct; and that the Fences of the Grounds to be set out for Stone and Gravel Pits, and for the Poor, in Trust as aforesaid, shall afterwards be supported and maintained for ever by such Person or Persons as the said Commissioners shall direct or appoint; and the said several other Allotments of the said Lands and Grounds, after the Division thereof, shall within Three Calendar Months after the Lands shall have been allotted as aforesaid, or such other Time as the said Commissioners shall by any Writing under their respective Hands order and direct, be inclosed, hedged, ditched and fenced, at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Manner, Shares and Proportions, as the said Commissioners shall in and by their said Award order and direct.

Fencing Stone Pits, the Poores, Improprator, and Vicar's Allotment.

Fencing other Allotment.

XLII. Provided always, and be it further enacted, That convenient Gaps and Openings shall be left in all the Fences to be made by virtue of this Act, for the Space of Six Calendar Months next after the said Land shall be divided and allotted, and ordered and directed as aforesaid, for the Passage of Carts, Cattle and Carriages, in and through the same, unless the said Commissioners shall by their Award, or other Instru-

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

ment in Writing under their Hands, order that the same be sooner fenced in and made up.

Commissioners Allowance, &c. how to be paid.

XLIII. And be it further enacted, That each of the Commissioners and their Clerks who shall act in the Execution of the Powers and Authorities vested in them by this Act, shall be paid the Sum of Three Pounds and Three Shillings for each Day they shall respectively actually attend to act in the Execution of this Act, the same Sums to be in full Satisfaction for the Trouble and Expences which the said Commissioners shall be respectively put unto in the Execution of the said Powers and Authorities, which Sums, together with all the Costs, Charges and Expences incident to and attending the obtaining this Act, and of surveying and admeasuring, planning, valuing, dividing and allotting the Lands, Grounds, and Premises to be divided and allotted by virtue of this Act, and of preparing and inrolling the Award of the said Commissioners, and all the Charges and Expences of Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, either before or after the Execution of the Award of the said Commissioners, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners, and all other Expences of carrying this Act into Execution, shall be borne and defrayed by the several Owners of the Lands, Grounds, and Hereditaments to be divided, allotted, and exonerated from the Payment of Tythes by virtue of this Act, (save and except the said *Charles* Lord Bishop of *Oxford* and his Lessees, and the said *Charles Ashfield* and *William Lord*, for or in respect of any Allotment or Allotments which shall be made to them respectively, in lieu of Tythes, or in respect of the said Vicarage; and also save and except the said Dean and Canons and their Lessees, in respect of any Allotment or Allotments hereby directed to be made to them, or either of them, and also save and except the aforesaid Trustees of the Poor of the said Parish for the Time being, for or in respect of the Allotment or Allotments hereby directed to be made to them in Trust as aforesaid; and also save and except the Surveyors of the Highways within the said Parish for the Time being, for and in respect of the Allotment hereby directed to be made to them as aforesaid); which said Costs, Charges, and Expences, together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, and to such Person or Persons, as the said Commissioners shall appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, or at any Time after, upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act.

Expences of the Act how to be paid.

Exchanges.

XLIV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Buildings, Lands, Tenements, Hereditaments, new Allotments, or old Inclosures whatsoever.

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

XLV. Provided always, and be it further enacted, That all Costs, Charges and Expences attending the making and completing any Exchanges and Partitions to be made by virtue of this or the said recited Act, shall be paid and borne by the several Persons making and completing such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Expences of Exchanges, &c. how to be paid.

XLVI. And be it further enacted; That it shall be lawful for the said *William Wodley* and *William Hedges*, by Indenture or Indentures under their Hands and Seals, with the Consent and Approbation of the Lord Bishop of *Oxford* for the Time being, testified by any Writing under his Hand and Seal, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to the said Lord Bishop of *Oxford*, and the said *William Wodley* and *William Hedges* as such Lessees by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to be computed from the End of Twelve Calendar Months next after the passing of this Act, so that the Rent or Rents for the same shall be thereby reserved to the said Lord Bishop of *Oxford* for the Time being, and the said *William Wodley* and

Power for the Improprators Lessees to grant Leases.

William Hedges his Lessees, and the Lessees of the said Bishop for the Time being, by Quarterly Payments in the Year, and so that the Rent or Rents to be thereby so reserved and made payable, be the best and most improved that can reasonably be had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration, for the making or granting any such Lease or Demise; and so that no Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained; and so that there be inserted in every such Lease, Powers of distraining for and Re-entry on Non-payment of the Rent or Rents to be therein reserved, within a reasonable Time to be therein limited, after the same shall become due; and so that a Counterpart of every such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be made as aforesaid; and every such Lease shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Commissioners to lay an Account of their own Fees, before Two Justices once a Year.

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

No Charge valid unless allowed by such Justices.

XLVIII. And be it further enacted, That no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices: Provided always, that the said Proprietors, their Attornies, and Agents, shall pay their own Expences, when they or any of them, shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

Wills, &c. not to be altered.

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be divided, allotted, inclosed, or exchanged as aforesaid, or any Part or Parts thereof respectively; but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this Act, shall be seized thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances and no other, as the Messuages, Buildings, Lands, Grounds, and Hereditaments,

ditaments, whereof such Persons were seised or possessed of at or immediately before the Execution of the Award to be made by the said Commissioners, or for which, or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

L. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in a Box, to be kept in the Parish Church of *Stewkley* afore-
Award where to be deposited.

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

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

Act may be
given in Evi-
dence, when
printed by
the King's
Printer.

LIII. 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 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.