



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.



Cap. 161.

An Act for inclosing and exonerating from Tythes
Lands in the Parish of *Braughing*, in the County
of *Hertford*. [9th June 1812.]

WHEREAS there are in the Parish of *Braughing*, in the County of *Hertford*, several Open and Common Fields and Pastures, Commons, Wastes, and other Commonable Lands and Grounds, containing by Estimation One thousand three hundred Acres, or thereabouts, including certain Lands called *Lammas Lands*, containing by Estimation Fifty Acres, or thereabouts, belonging exclusively to certain Persons, subject only to Rights of Common, which certain Persons enjoy thereon during a particular Part of the Year, and there are also several inclosed Lands and Grounds in the same Parish, containing Three thousand Acres, or thereabouts: And whereas *Eliab Harvey* Esquire is Lord of the several Manors of *Gatesbury* and *Braughing Bury*, *Catherine Martha Millish*, an Infant, is Lady of the several Manors of *Milkley Hamels*, otherwise *Hamels* and *Milkley*, otherwise *Mentley*, the Master, Fellows, and Scholars of *Trinity Hall* in the University of *Cambridge*, and *John Calvert* Esquire as their Grantee or Lessee for Lives, are Lords of the Manor of *Quinbury*, with *Mutford Parcels* and *Turks*, and *John Larkin* Esquire is Lord of the Manor of *Cockhamstead*, the Boundaries of all or some of which said Manors comprize the said Open and Common Fields and Pastures, Commons, Wastes, and other Commonable Lands and Grounds: And whereas the said *Eliab Harvey* and *John Archer Houblon* Esquire, are Rectors Impropriate of the Rectory of *Braughing* aforesaid, and as such are entitled to the Rectorial Tythes arising within the said Parish, except of certain Parcels of Land belonging to the said *Catherine*

[*Loc. & Per.*]

Martha Mellish, the Great Tythes whereof belong to her; and the said *Eliab Harvey* and *John Archer Houblon* are Patrons of the Vicarage of *Braughing* aforesaid, and entitled to alternate Presentations thereto: And whereas the Reverend *Francis Edward Saye* Clerk is Vicar of the said Vicarage, and as such is entitled to all Vicarial Tythes arising within the said Parish, as well as to certain Glebe Lands lying therein: And whereas the said *Eliab Harvey*, *John Archer Houblon*, as Freeholder, and also as Lessee under the said Master, Fellows, and Scholars, the said *Catherine Martha Mellish* and *John Larken*, *William Larken* Esquire, the said Master, Fellows, and Scholars, and the said *John Calvert*, as such their Grantee or Lessee as aforesaid, *John Prior*, and divers other Persons are Proprietors of the Lands or Grounds in the said Open and Common Fields and Pastures; and the Lands and Grounds of the said several Proprietors lie greatly intermixed and dispersed, and are otherwise inconveniently situated, and the Proprietors of the said Open and Common Fields, Pastures, Commons, Waste, and other Commonable Lands and Grounds, are desirous that the same should be divided and allotted unto and among them proportionably and according to the Value of their respective Estates, Rights, and Interests therein, and that such Allotments should be inclosed and held in Severalty, and the Proprietors, as well of the said Commonable Lands as the inclosed and other Lands and Tenements in the said Parish of *Braughing*, are desirous, in Consideration of an adequate Compensation, that all the Lands and Tenements in the said Parish, as well open as inclosed, should be discharged from the Tythes, 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 *William Custance* of *Cambridge*, in the County of *Cambridge*, Gentleman, and *Charles Wedge* of *Westley*, in the County of *Cambridge*, Gentleman, shall be and they are hereby appointed Commissioners for setting out, dividing, and allotting all the said Open and Common Fields, Pastures, Commons, Wastes, and other Commonable Lands and Grounds, 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, 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*, as are not controuled by or repugnant to any of the Clauses, Provisions, or Regulations contained in this Act.

Commis-
sioners ap-
pointed.

Power to ap-
point new
Commission-
ers.

II. And be it further enacted, That if the said *William Custance* 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 *Eliab Harvey*, *John Archer Houblon*, and *Francis Edward Saye*, or the Improprate Rectors and Vicar for the Time being of the said Parish, by Writing under their respective Hands, to nominate and appoint one other fit and proper Person not interested in the Lands to be allotted or exonerated from Tythes by virtue of this Act,

to be a Commissioner in the Place of the said *William Cufance*, and if any Commissioner or Commissioners who shall be appointed in the Place of the said *William Cufance* shall die or refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by the said *Eliab Harvey*, *John Archer Houblon*, and *Francis Edward Saye*, or the Improprate Rectors and Vicar for the Time being of the said Parish, or the Majority of them in Number; and if the said *Charles Wedge* 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 Proprietors of the Lands and Grounds hereby directed to be divided or allotted and exonerated from Tythes, (exclusively of the said Improprate Rectors and Vicar), or the Majority of them, in Value, (such Value to be ascertained by and according to the Land Tax Assesment for the then current Year), or their respective Agents or Attornies duly authorized by the said Proprietors, in Writing under their Hands, who shall be present at a Meeting to be holden for that Purpose, by Writing under the respective Hands of such Proprietors or Agents, 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 *Charles Wedge*, provided that Twenty Days Notice of the Time, Place, and Purpose of such Meeting, shall be given by Two or more of the said Proprietors in like Manner as hereinafter is directed with respect to the Meetings of the said Commissioners, and that such Meeting shall be held in the Parish of *Braughing* aforesaid, or within the Distance of Eight Miles from the Boundary of the said Parish; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *Charles Wedge* 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 as aforesaid of the said Proprietors; 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 Commissioner for the Time being, by Writing under his Hand, to nominate and appoint one other fit and proper Person not interested as aforesaid, to be a Commissioner for supplying every 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.

III. And for the Purpose of settling and determining any Dis-
 ference or Dispute which may arise between the said Commissioners, Umpire.
 touching or concerning any of the Matters and Things to be by them
 determined and performed, or executed in pursuance of the said Act
 or of this Act; be it further enacted, That the said Commissioners
 shall at the First Meeting of the said Commissioners, and before they
 shall proceed to carry this Act into Execution, and they are hereby
 required and authorized by Writing under their Hands, to nominate
 and

and appoint one fit and proper Person not interested as aforesaid to act as an Umpire, who is hereby authorized and required to hear and determine every such Difference or Dispute, as may arise between the said Commissioners, touching any Act, Matter, or Thing relating to the said Division, Allotment, and Inclosure, or any of the Purposes of this Act; and if either of the said Commissioners shall for the Space of Twenty Days after Notice in Writing from the other Commissioner, refuse or neglect to appoint to give Notice of or to attend a Meeting for the putting of this Act into Execution, or shall at any such Meeting refuse or neglect to proceed with due and reasonable Diligence and Dispatch in the Execution of the Trusts and Powers hereby vested in the said Commissioners, it shall be lawful for the said Umpire so to be appointed, or his Successor for the Time being, to join himself to and act with the other of the said Commissioners in all Things necessary for the Execution of this Act; and the said Umpire shall in all Cases be the sole Judge of such Refusal or Neglect; and in every Case in which the said Umpire shall determine between the said Commissioners, or shall upon any such Refusal or Neglect of one Commissioner act with the other, the Judgment and Determination of the said Umpire acting solely, or of the said Umpire and the said other Commissioner acting together therein, shall be deemed and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Judgment and Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive.

Appointment
of Umpire on
Vacancies.

IV. And be it further enacted, That if the said Umpire or any future Umpire to be appointed as herein-after is mentioned shall refuse to act, or to qualify himself as an Umpire under this Act, or shall die or become incapable of acting before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, then the said Commissioners shall, before they shall proceed further in the Execution of this Act, and they are hereby authorized to appoint by Writing under their Hands, some other fit Person (not interested as aforesaid) to be an Umpire in the Place of the Umpire so refusing to act, or to qualify, or dying, or becoming incapable of acting; and if the Commissioners cannot agree in the Choice of a Person to be Umpire, or to supply the Place of an Umpire on any Vacancy, then each of such Commissioners is hereby required to set down in Writing the Name of some fit Person (not interested as aforesaid) whom he shall propose to fill such Vacancy, and the Names so set down being written on Papers of the same Size and Kind, and folded up in the same Form, or as nearly as may be to the same Size and Form, shall at some Meeting of the Commissioners for the Execution of this Act, of which due Notice shall have been given, be put together in a Box or Glass, from which some indifferent Person present at such Meeting shall publicly and in the Presence of all Persons interested who shall choose to attend, draw out one of such Papers, and the Person whose Name shall be written on the Paper first drawn out shall be the Umpire, and the said Commissioners are hereby required to certify by Writing under their Hands the Choice and Appointment of such Person to be Umpire accordingly, provided that the Instrument or Certificate of the Appointment of every Commissioner and Umpire to be elected and appointed by virtue of this Act, shall be inrolled with the Award of the Commissioners, and a Copy of such

Appointment
of Commis-
sioners and
Umpire to be
enrolled, and
Copy to be
Evidence.

such Instrument or Certificate attested by the proper Officer of the Court where the same shall be inrolled, shall be full and sufficient Evidence thereof in all Courts.

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

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Trusts, Powers, and Authorities vested and reposed in me as Umpire, by virtue of an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever. So help me GOD.’

Oath of Umpire.

Which Oath it shall be lawful for the said Commissioners, or either of them, to administer, and they are hereby required to administer the same; and such Oath so taken and subscribed by such Umpire shall be annexed to and inrolled with the Award of the said Commissioners.

VI. And be it further enacted, That it shall be lawful for the said Commissioners, by Writing under their Hands, to appoint one or more fit and proper Person or Persons not interested as aforesaid, to be Surveyor or Surveyors for the Purposes of this Act, for and during the Will and Pleasure of the said Commissioners, and on his Death or Removal in like Manner to appoint some other Surveyor or Surveyors, and so from Time to Time as often as there shall be Occasion; and every such Surveyor shall at the First Meeting of the said Commissioners after his Appointment, or before he shall proceed to act as Surveyor, take and subscribe an Oath in the Form following:

Surveyor to be appointed.

‘ I Do sincerely promise and swear, That I will act in the Execution of the Powers, Authorities, and Trusts reposed in me as Surveyor, by virtue of an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*], truly, impartially, and honestly, according to the best of my Skill, Judgement, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.’

Surveyor's Oath.

And any one of the Commissioners is hereby authorized to administer the said Oath to the said Surveyor, and the Oath so taken and subscribed by each Surveyor shall be enrolled with the Award of the said Commissioners.

VII. And be it further enacted, That it shall be lawful for the said Commissioners to appoint a Clerk to assist them in the Execution of this Act, and from Time to Time to remove such Clerk and appoint another in his Stead, as to the said Commissioners shall seem meet; and from and out of the Money to be provided for the Purposes of this Act, to allow and pay to such Clerk such Salary or Allowance for his Trouble and Expences, as to the said Commissioners shall appear just and reasonable.

Power to appoint a Clerk.

VIII. And be it further enacted, That for surveying, admeasuring, and valuing all the said Lands and Grounds, and for the other Purposes of this Act, [Loc. & Per.] 39 T. Maps made at the Time of passing this Act, may

be used without making new ones, if the Commissioners shall think fit.

Act, it shall be lawful for the said Commissioners and each of them, and the Person or Persons to be appointed in Manner as aforesaid to act as Surveyor, and to make such Survey, Admeasurement, Plan, and Valuation, together with their and every of their Assistants and Servants, at any Time or Times whatsoever, until such Division shall be completed, to enter into, view, examine, survey, and admeasure all and every Part of the Lands and Grounds intended to be divided and allotted by virtue of this Act, and also all the inclosed Lands and other Tenements directed to be exonerated from Tithes: Provided always, that any Map or Survey, which shall have been made previously to the Time of passing this Act, and which shall be tendered to the said Commissioners, and which shall be in their Judgment and to their Satisfaction a just and true Map, or proper for the Purpose of carrying this Act into Execution, may be used for that Purpose, if the said Commissioner or Commissioners shall think fit, without any new Map or Survey being made of such Part of the Lands as shall be comprized in any such approved Map or Survey as aforesaid.

Commissioners Meetings.

IX. And be it further enacted, That it shall and may 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 outer Door of the Parish Church of *Braughing* aforesaid, on some *Sunday* before Divine Service, Fourteen Days at least before such Meeting, and also to cause the like Notice to be given of every such subsequent Meeting, (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 the other Commissioner shall be present; and the Commissioner making such Adjournments is hereby required forthwith to give Notice thereof to the absent Commissioner; and all the Meetings of the said Commissioners shall be held at some Place within the Parish of *Braughing* aforesaid, or within the Distance of Eight Miles from the Boundary thereof.

How Notices are to be given.

X. Provided always, and be it enacted, That all Notices necessary and requisite to be given by the said Commissioners in pursuance of the said Act or this Act, (except such as are otherwise particularly directed by this Act), shall be given by Advertisement in the *County Chronicle*, if then published; if not, then in some other Newspaper or Newspapers printed or generally circulated in the said County of *Hertford*.

Commissioners to determine Differences.

XI. And be it further enacted, That in case any Dispute or Difference shall happen to arise between the Parties that now are or shall, before the making of the Award herein-after mentioned, be interested in the said intended Division and Allotment, or any of them, touching or concerning the respective Shares or Proportions which they or any of them shall claim in the said 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 they are hereby authorized and required to hear and determine the same.

XII. Pro-

XII. Provided always, That nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever, nor any Right between any Parties contrary to the Possession of any such Parties, except in regard to such Encroachments as are herein-after directed to be deemed Parts of the Lands to be allotted by virtue of this Act; 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 taken from such Person or Persons by Ejectment, or other due Course of Law.

But not Titles
nor Rights
contrary to
Possession.

XIII. And be it further enacted, That in case the said Commissioners shall upon hearing and determining any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said Act, or of this 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 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 it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, in like Manner as for Rent reserved on any Lease of Lands.

May award
Costs.

XIV. Provided always, and be it further enacted, That if any Person or Persons, making any Claim or Claims to any Lands, Common Rights, or Hereditaments, intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons so desirous of having the same tried at Law shall, by themselves, or their respective Stewards, Receivers, Attornies, or Agents, give, or cause to be given, Notice thereof in Writing to the said Commissioners, or any of them, within Two Calendar Months next after such Determination shall have been so made by the said Commissioners (a Copy of which Notice the said Commissioners are hereby required, immediately on Receipt thereof, or as soon after as conveniently may be, to deliver to or leave at the usual Place of Abode of the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents), then, but not afterwards, it shall be lawful for the Person or Persons giving such Notice as aforesaid, their respective Heirs, Successors, and Assigns, and he, she, or they is and are hereby required to proceed to a Trial or Trials at Law of the same, in a feigned Action or Actions for that Purpose to be commenced in His Majesty's Court of King's Bench or Common Pleas at *Westminster* by the Person or Persons giving such Notice as aforesaid, against any Person or Persons interested in the said Division, who shall make such Objection or Objections, within Three Calendar Months next after such Notice shall be given to the said Commissioners.

Power to try
disputed
Claims at
Law.

miffioners as aforefaid ; and the Defendant or Defendants in fuch Action or Actions fhall forthwith name an Attorney or Attornies, who fhall file Common Bail, or appear and accept One or more Issue or Issues, whereby all fuch Claim or Claims, and Rights and Interests, may be properly tried and determined, fuch Issue or Issues to be fettled by the proper Officer of the Court wherein fuch Action fhall be brought, if the Parties differ about the fame ; and if at the Trial of any fuch Issue or Issues, it fhall appear that the Party claiming is entitled to any qualified or lefs Right or Rights, or Interests, than was or were claimed by fuch Party, then it fhall be lawful for the Jury by whom fuch Issue or Issues fhall be tried, to find and declare the fame by their Verdict, which fhall be indorfed on the *Possea*, in addition to the Verdict given on the Issue or Issues joined ; but nevertheless the Cofts of fuch Action or Actions fhall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no fpecial Finding had been made ; and the Verdict or Verdicts which fhall be given in fuch Action or Actions, upon the Issue or Issues therein joined, in cafe there fhall be no fuch fpecial Finding and Indorfement, or fuch fpecial Finding and Indorfement, if any fuch fhall be made, fhall be binding and conclusive upon and to all and every Perfon and Perfons whomfoever, unlefs the Court wherein fuch Action or Actions fhall be brought fhall fet afide fuch Verdict or Verdicts, or Finding and Indorfement, and order a new Trial or Trials to be had thereupon, which it fhall be lawful for the Court to do, as is ufual in other Cafes ; and after any Verdict or Verdicts, or fpecial Finding or Indorfement fhall have been obtained, and not fet afide by the Court, the faid Commiffioners fhall, and they are hereby authorized and required to conform thereto ; but if no fuch Action or Actions at Law fhall be brought or commenced by the Perfon or Perfons giving fuch Notice within the Time aforefaid, or if fuch Action or Actions fhall not be proceeded in to a Trial or Trials within Six Calendar Months from the Day of giving fuch Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in fuch Cafe the Determination of the Commiffioners fhall be final, binding, and conclusive unto and upon all Parties whomfoever : Provided, that it fhall be lawful for the Court in which any fuch Action commenced in purfuance of this Act, fhall be depending upon fufficient Cause fhewn to put off the Trial of fuch Action, or to award a new Trial therein, although the Time herein before limited for the Trial of fuch Action may be thereby exceeded : Provided alfo, that if any of the Parties in any Action to be brought in purfuance of this Act fhall die pending the fame, fuch Action fhall not abate by reason thereof, but fhall be proceeded in as if no fuch Event had happened ; and if any Perfon or Perfons in whole Favour any fuch Determination as aforefaid fhall have been made, and againft whom any fuch Action or Actions might have been brought if living, fhall die before any Action or Actions fhall have been brought, and before the Expiration of the Time herein before limited for bringing fuch Action or Actions, it fhall be lawful for the Perfon or Perfons, Body or Bodies Politic, Corporate, or Collegiate refpectively, who might have brought fuch Action againft the Perfon or Perfons fo dying, to bring the fame within the Time fo limited as aforefaid againft fuch Perfon or Perfons as if actually living, and to ferve the Clerk of the faid Commiffioners with Notice of fuch Action or Actions, in the fame Manner as the Party or Parties might have been ferved therewith if living ; and it fhall be incumbent on the Heir or Heirs, or other Perfon or Perfons who fhall claim the Benefit of fuch Determination as aforefaid, to

Action not to
 abate by the
 Death of the
 Parties.

How to be
 brought in
 cafe of Death
 of Parties.

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 Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

XV. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of the said Award, by Notice in Writing under their Hands, to be fixed upon the Principal Door of the Parish Church of *Braughing* as aforesaid, to order and direct all or any Part of the Rights of Common in, over, and upon the Commonable Lands and Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing, and that all such Right of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended, as aforesaid, shall from the Time of affixing such Notice on the Door of the said Church, cease, determine, and be extinguished, or the Exercise thereof suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Rights of
Common to
be suspended
or extin-
guished.

XVI. And be it further enacted, That in order to straighten and shorten the Boundary Fences between the Lands by this Act directed to be divided and inclosed, and other Lands in any adjoining Parish or Parishes, Manor or Manors, it shall and may be lawful for the said Commissioners, with such Consent as herein-after mentioned, to straighten or shorten such Boundary Fences as aforesaid, or any of them, or any Part or Parts thereof, and to set out and ascertain such Boundary Fences for the Purpose aforesaid as the said Commissioners shall judge proper; and after such new Boundary Fences shall be set out and ascertained as aforesaid, the same shall be made by such Person or Persons, in such Manner and at such Time or Times as the said Commissioners shall order and direct; and such Fences shall accordingly for ever thereafter be deemed and taken to be the Boundaries between such Parishes and Manors respectively; provided that no new Boundary Fence shall be set out or made in pursuance of this Act, without the previous Consent in Writing, under the Hand or Hands of the Lord or Lords of the Manor or Manors, or Owner or Owners of the Soil liable to be affected thereby, or the major Part in Value (such Value to be ascertained according to the Land Tax Assessment for the then current Year) of such Owners, and also of the Owner or Owners of the Lands upon which any new Fence is intended to be made for that Purpose, first had and obtained.

Shortening
Boundary
Fences.

XVII. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon or taken from the said Open and Common Fields and Common Meadows, Pastures, Wastes, and other Commonable Lands hereby intended to be divided and allotted, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments or the Extent thereof, such Dispute shall be determined by the said Commissioners.

Encroach-
ments.

Commissioners may scour out Brooks, make Ditches, &c.

XVIII. 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 Parish of *Braughing*, 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 and allotted as aforesaid, as also in, through, and over any ancient Inclosures or other Lands or Grounds within the said Parish of *Braughing*, 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 and allotted, 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 the Channel or Course of such Brook or Stream shall not be diverted or turned without the Consent in Writing of the Proprietor or Proprietors of the inclosed Lands and Grounds from which the Channel or Course of any such Brook or Stream shall be diverted, or into which the same shall be turned, nor without the Consent in Writing of the Proprietor of any Mill or Mills worked by any such Brook or Stream.

Commissioners to set out Gravel Pits and Mortar Pits, &c.

XIX. And be it further enacted, That the said Commissioners shall set out, appoint, and allot such and so many Gravel Pits, and Loam Pits, and Ponds for watering Cattle, or washing Sheep, as they shall think necessary for the Use and Benefit of the Proprietors and Occupiers of the several Allotments which shall be set out in pursuance of this Act, and of all Lands and Tenements in respect of which any such Allotment shall be made, to be used in or upon such Allotments, Lands, and Tenements respectively; or for making and repairing the public Highways and Roads to be set out in pursuance of the said Act and this Act, but not for Sale, or for any other Use or Purpose; and the said Commissioners shall by their Award order and direct how and in what Manner the same shall be respectively worked or used for the general Advantage of the respective Persons interested therein, and allot to whom the Herbage of the Lands set out for any of the Purposes aforesaid shall belong.

How Lands are to be allotted.

To Lords of Manors.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to divide, set out, and allot all the Residue of the Open and Common Fields, Pastures, 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 or for the several Lords of the said several Manors of *Gatesbury*, *Braughing Bury*, *Milkley Hamels*, otherwise *Hamels Milkley*, otherwise *Mentley*, *Quinbury with Mutford*, *Darcells*, and *Turks*, and *Cockhamstead*, respectively, 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-sixteenth of the Waste Lands within the said

Manors

Manors respectively, as a Compensation for the Rights and Interest of the Lord and Lords of the said Manors respectively in and to the Soil of all the Waste Lands within the said respective Manors hereby directed to be divided and allotted; and the said Commissioners shall set out unto and Tithe Owners. for the Improprate Rectors and Owners of the Rectorial Tithes, and the Vicar of the said Parish of *Braughing*, such Plot or Plots of the said Lands and Grounds hereby directed to be divided and allotted as shall in the Judgment of the said Commissioners be equivalent to One-fifth Part of all the Arable or Tillage Lands, and One-tenth of all the Wood Land, and One-eighth Part of all the Meadow, Pastures, Commons, Wastes, and other Lands and Grounds in the same Parish, as well open as inclosed, which are subject and liable to the Payment of Tythes in Kind to the said Rectors and Owners of the Rectorial Tythes and Vicar respectively, and which shall remain after the Roads and other public Conveniences hereby directed to be set out in the same Parish shall be deducted therefrom, (except as to the Tythes of such inclosed Lands for which some other Compensation is herein-after provided), and which Allotments the said Commissioners shall subdivide between the said Rectors and Owners of the Rectorial Tythes and Vicar, in such Shares and Proportions as they shall adjudge and determine the said respective Parties to be entitled thereto; and the said Commissioners shall set out and allot all the Residue and Remainder of the said Open and Common Fields, Pastures, Lammas Lands, Commons, Wastes, and other Commonable Lands and Grounds hereby directed or intended to be divided or allotted unto, for, and among the said *Eliab Harvey*, and the several other Proprietors of Lands, Common Rights, and other Hereditaments intended to be divided, extinguished, or affected by this Act, their respective Heirs, Successors, or Assigns, or the Person or Persons seized of their respective Estates for the Time being, for which no Allotment or other Compensation is herein-before specifically directed to be made, 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 said several Lands, Common Rights, and other Hereditaments, in Proportion to the respective Values thereof, 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 contiguous as may be to the Messuages, Buildings, and inclosed Lands of the Proprietors to whom such Allotment shall be made.

XXI. And be it further enacted, That the said Commissioners shall, and they are hereby required to set out and allot unto and for the said *Francis Edward Saye*, and his Successors, Vicars as aforesaid, a certain Piece of Land called *Lammas Piece*, containing One Acre Three Roods and Sixteen Perches, adjoining on the East to the Orchard belonging to the said Vicarage, and a certain other Piece of Land called *Lammas Mead*, adjoining on the East to Part of the Garden of the said Vicarage, and containing Two Roods and Thirty-eight Perches, and another Piece of Land lying between the said Two last-mentioned Pieces on the East, and the River on the West, containing One Rood, all which said Pieces of Land belong to the said Master, Fellows, and Scholars, and *John Archer Houblon* their Lessee; and such Allotments shall be, and shall be deemed and taken to be in Part of the Compensation and Recompence to be made to

How the
Lammas
Lands shall
be allotted.

the said Vicar for his Tythes as aforesaid; and the said Commissioners shall set out and allot unto the said *Catharine Martha Mellish* a certain Parcel of Lammas Land lying in *Langrey Mead*, containing above Five Acres, and also another Parcel of Lammas Land now planted with Oziars, lying in *Sow Mead*, containing about One Rood, both which Parcels of Lammas Land now belong to the said *Catharine Martha Mellish*; and the said Commissioners shall set out and allot all the Residue of the Lammas Lands in Manner herein directed respecting the Open Field Lands.

Proprietors of small Allotments may give up same for a Sum of Money.

XXII. Provided always, and be it further enacted, That if any Person or Persons who shall be absolutely entitled in Fee Simple to any Allotment or Allotments of any of the Lands by this Act directed to be divided and allotted, shall by Writing under their respective Hands, to be delivered to the said Commissioners at any Time before their Second Meeting, express a Desire to give up his, her, or their Right or Title to any Allotment or Allotments for a valuable Consideration in Money, then and in such Case he, she, or they shall have such pecuniary Compensation paid to him, her, or them in lieu thereof, as shall be ascertained by the said Commissioners to be a full Equivalent, provided the Amount of the Sum so to be ascertained and paid as aforesaid shall not in any Case exceed Twenty Pounds; and in all Cases where pecuniary Payments shall be made in lieu of such small Allotments as aforesaid, the same Allotments shall be divided among the other Owners of Allotments, according to their several Proportions, and the Sums payable in lieu of such Allotments shall be paid by the said Commissioners out of the Monies hereby directed to be raised for carrying this Act into Execution.

Fencing the Rector's and Vicar's Allotment.

XXIII. And be it further enacted, That the Plot or Plots of Land which in Manner aforesaid shall be allotted to the said Rectors and Vicar of *Braughing*, or either of them, for their Tythes of or belonging to the said Rectory and Vicarage, and also to the said Vicar for his Glebe Lands, shall be inclosed and fenced round the Boundaries thereof with Ditches and Quickset Hedges, or other proper Fences, to be made in such Time and Manner, and at the Expence of such of the Proprietors of the Lands and Tenements to be exonerated from Tythes by virtue of this Act, and in such Proportions as the said Commissioners shall direct; and the said Commissioners shall direct what Parts and Proportions of the said Fences shall belong to and afterwards be kept in Repair by the said Rectors and the said Vicar respectively, and their respective Successors, and the other Proprietors of Allotments respectively; and the several other Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched, and fenced at the Expence of the respective Proprietors to whom such Fences shall be allotted or directed to belong, with Quicksets, and in such other Manner and within such Time as the said Commissioners shall by their said Award, or any other Writing under their Hands, direct or appoint.

Fencing the other Allotments.

Gaps to be left for a certain Time.

XXIV. Provided always, That convenient Gaps and Openings shall be left in the said Fences and Inclosures for such Space of Time next ensuing the Execution of the Award of the said Commissioners, for the Passage of Carts, Carriages, and Cattle, as the said Commissioners shall in and by their Award direct and appoint.

XXV. And

XXV. 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, upon the Request of such respective Proprietors, in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures for each of such Estates, and under each of such Titles respectively, and shall accordingly in their Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments; and where from the Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating as hereinbefore is 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 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 the Award had not been made; and when they shall have obtained what they shall think sufficient Information, they are hereby also authorized by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and several Allotments, in the same Manner as is hereby required where such Discrimination should be made in the said Award; and every such separate Instrument shall have the same Effect as if it were 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 and 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 respective Executors or Administrators.

Separate Allotments to be made for Lands held by different Tenures.

XXVI. 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 and allotted, or any Messuages, Buildings, Lands or Grounds, or other Hereditaments in the Parish of *Braughing* aforesaid, in lieu of and in Exchange for any other Messuages, Buildings, Lands, and Hereditaments in the same or any adjoining Parish, so as every such Exchange be set forth and ascertained by the Award of the said Commissioners, or some Deed or Deeds executed by them at any Time before the Date of the said Award, and mentioned or referred to in the said Award, 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 Years determinable upon any Life or Lives, or for some Estate of Inheritance, 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

Exchanges.

Seas, or under any other legal Disability or Incapacity of acting for themselves; and that every such Exchange of any Hereditaments belonging to the Vicarage of *Braughing* aforesaid, or any other Ecclesiastical Benefice, be also made with the Consent of the Patron thereof, and the Bishop or Ordinary of the Diocese within which the same lies, 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 Parish of *Braughing* aforesaid, as in respect of the Hereditaments within any Parish or Township adjoining thereto, be for ever good, valid, and effectual in the Law, to all Intents and Purposes.

For determining
Leases at
Rack Rent.

XXVII. And be it further enacted, That it shall be lawful for the said 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 at Rack Rent, or from Year to Year, then subsisting of all or any Part or Parts of the Lands or Hereditaments hereby directed to be divided and allotted, and which shall be exonerated from Tythes, and exchanged respectively by virtue of this Act, and of all other Lands and Hereditaments demised or agreed to be demised by or comprized in such Leases and Agreements respectively, either as to the Whole or as to some Part or Parts only of the Hereditaments comprized in such Leases and Agreements 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 or Agreements 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 or Agreements, 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 or Agreements shall continue, as to the Whole or any Part or Parts of the Hereditaments therein comprized, 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 comprized in such Leases or Agreements respectively, by reason of the same being divided, allotted, exonerated from Tythes, and exchanged respectively by virtue of this Act; and

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 or Agreements, in all Cases where they shall deem it necessary and proper so to do: Provided always, that if there shall be any such Lease or Agreement at Rack Rent of Lands, Part of which lie in the said Parish of *Braughing*, 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 such Lease or Agreement, and wholly situate in any adjoining Parish, such last-mentioned Lease or Agreement shall not be vacated.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, with the Consent in Writing of the respective Lords of the Manor or Manors, of which any Messuages, Cottages, Lands, or Tenements in the said Parish are or 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, or of the Husbands, Trustees, or Guardians, Committees or Attornies, of or for any such Lord or Lords, Tenant or Tenants, being Females Covert, Minors, Lunatic, beyond the Seas, or under any other Disability or Incapacity, in and by the Award of the said Commissioners, or by any other Writing to be signed and sealed by them before the Execution of the said Award, 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 other Rent or Rents to be in such Writing or Writings ascertained and declared, and in lieu of and in Compensation for every such Enfranchisement to award to the respective Lord or Lords of the said Manors respectively, such Sum and Sums of Money to be applied in the Manner herein-after directed, or to assign and let out to and for such Lord or Lords respectively, such Compensation by Part of the Copyhold Lands and Tenements to be enfranchised, or by and out of any of the Lands and Tenements hereby directed to be divided and allotted, or any other Lands, Tenements, or Hereditaments of any such Customary or Copyhold Tenant or Tenants respectively in the same Parish, 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 shall have been subject or liable; and the Lord or Lords for the Time being of the Manor to whom any such ancient Rents shall be reserved or continued, or any other Rent assigned, shall have the like Powers and Remedies for the Recovery of all 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 Decla-
ration

Power to enfranchise Copyholds.

ration shall be made and executed, and such Sum of Money or other Compensation shall be paid or assigned for such Copyhold Tenure, the Lands and Tenements in every such Declaration comprized, and thereby expressed to be enfranchised, shall be held, possessed, and enjoyed by the Owner or Owners thereof, paying or making such Compensation to 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 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 and for such Uses, Trusts, Intents, and Purposes as the Manor or Manors of which such Copyhold Hereditaments so enfranchised shall be holden, shall at the Time of every Enfranchisement stand settled and limited.

XXIX. Provided, 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 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 any 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 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.

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

XXX. And it is 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, Provisoos, 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 and Exchange thereof had not been made, or this Act had not been passed, except as to such Leases or 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.

XXXI. 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, and 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; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to award all and every such Allotment and Allotments which shall be so sold and disposed of to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by any such Sale or Disposition.

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

XXXII. And be it further enacted, That in case the Proprietor or Proprietors of any Homesteads, Gardens, Orchards, Home Closes, or other inclosed Lands or Tenements in the said Parish, shall not be entitled to Lands or other Property in the said Open and Common Fields, or other Commonable Lands thereby directed to be divided and allotted equivalent to the Tithes of such Homesteads, Gardens, Orchards, Home Closes, or other inclosed Lands or Tenements, it shall be lawful for the said Commissioners with the Consent of the respective Proprietors of such last-mentioned Homesteads, and other Lands and Tenements, and of the said Impropropriators and Vicar respectively, (such Consents to be testified by Writing under the respective Hands of the consenting Parties), to set out to the said Impropropriators and Vicar respectively, for and in lieu of the Tythes of such Homesteads and other Lands and Tenements as last aforesaid, such Part or Parts of the same Homesteads and other Lands and Tenements as according to the Proportions aforesaid the said Commissioners shall adjudge an adequate Compensation, for such Tythes, which Lands so to be set out as last aforesaid shall be considered as Part of the Lands to be subdivided between the said Impropropriators and Vicar as aforesaid, and shall be allotted and awarded accordingly.

Satisfaction for Tithes of inclosed Lands where Proprietors have not sufficient Open Field Land by Allotment of Part of the inclosed Land.

XXXIII. And be it further enacted, That in all Cases where the said Impropropriate Rectors shall not receive a full Compensation in Lands for the Tythes of any inclosed Lands or other Tenements in the said Parish, the Proprietors of such last mentioned inclosed Lands or other Tenements shall pay to or for the Use of the said Impropropriate Rectors respectively, their respective Heirs or Assigns, at such Time or Times as the said Commissioners shall appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satis-

Compensation in lieu of Rectorial Tythes by Payment of Money in Gross.

[Loc. & Per.]

40 B.

faction.

faction for the Fee Simple and Inheritance of the Tythes of such last mentioned inclosed Lands respectively, or of such Parts thereof for which a Compensation in Land shall not have been made as aforesaid, which Sum or Sums shall be applied towards defraying such Improprate Rectors respective Proportions of the Expences of passing and executing this Act; and if any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be paid to the said Rectors respectively, in case they shall be seized in Fee Simple of the Tythes for which such Compensation shall be paid, but otherwise such Money shall be 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.

Compensation to the Rectors and Vicar in lieu of Tithes by Corn Rents.

XXXIV. And be it further enacted, That in all Cases where the said Vicar shall not receive a full Compensation in Land for the Tythes of any inclosed Lands or other Tenements in the said Parish as herein-before is provided; the said Commissioners shall and they are hereby required to calculate and ascertain the yearly Value of all the Small or Vicarial Tythes arising, issuing, and payable out of all such last mentioned inclosed Lands or other Tenements within the said Parish to the said Vicar, and by and from the *London Gazette*; or by such other Ways and Means as they the said Commissioners shall think proper, to enquire and ascertain what has been the average Price of a *Winchester* Bushel of good marketable Wheat in the County of *Hertford* during the Term of Fourteen Years immediately preceding the Twenty-ninth Day of *September* in the Year of our Lord One thousand eight hundred and eleven; and shall in and by their Award ascertain and distinctly set forth what Quantity of such Wheat will in their Judgment, according to such average Price as aforesaid, be equal in Value to such Small or Vicarial Tythes as last aforesaid, or so much thereof for which a Compensation in Land shall not have been made in Manner aforesaid, and after such Valuation the said Commissioners are hereby required to determine what Sum or Sums of Money will be equivalent to the Value of the Quantity of Wheat so ascertained by them as aforesaid, and such Sum or Sums of Money shall be apportioned by the said Commissioners upon such last mentioned inclosed Lands and other Tenements of each and every Proprietor, and such Sum or Sums of Money when so apportioned shall be issuing out of the Lands and Tenements which shall be charged therewith by the said Commissioners, and shall be paid and payable by the Person or Persons who for the Time being shall be in the Possession or Occupation of such Lands and Tenements, to the said Vicar and his Successors for ever, by Four equal Quarterly Payments in every Year, that is to say, on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*; the First Payment whereof shall grow due and be made on the Twenty-fifth Day of *March* after the Execution of the said Award, or such earlier Quarterly Days of Payment as the said Commissioners shall by any Writing or Writings under their Hands direct or appoint; and such Rents or Sums of Money as aforesaid shall be in lieu of and as a full Recompence and Satisfaction for all the Small or Vicarial Tythes, and all other Ecclesiastical Dues and Payments whatsoever, (Surplice Fees, *Easter Offerings*, and Mortuaries excepted,) arising, renewing, increasing, or happening

to the said Vicar and his Successors, out of or from such last mentioned inclosed Lands or other Tenements, and which Rents shall be free and clear of Poor Rates, and all other Parish Rates and Duties whatsoever.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Vicar for the Time being, or the Owner or Proprietor, Owners or Proprietors of the Lands or Tenements, out of which the said several Rents or Sums of Money are to issue, or the greatest Part in Value of such Owners and Proprietors, by Writing under their respective Hands, to apply at the First General Quarter Sessions of the Peace to be holden in and for the said County of *Hertford* in the Week after the Feast of *Saint Michael* the Archangel, after the Expiration of Fourteen Years after the Execution of the said Award, or at some Adjournment thereof, (Notice of such intended Application being first given in the *London Gazette*, and also in some Newspaper or Newspapers usually circulated in the said County of *Hertford*, and also affixed on the Doors of the Church of *Braughing* in the Month of *August* next preceding), to have Three Persons named or appointed by the Justices then and there assembled, to be Referees for the Purpose of enquiring and ascertaining by or from, or by Means of the *London Gazette*, or by such other Ways and Means as they shall think equitable and proper, the average Price of a *Winchester* Bushel of good marketable Wheat within the said County of *Hertford*, for the Fourteen Years then last past; and the said Justices shall and they are hereby required to nominate and appoint Three Persons not interested as aforesaid, as Referees; and such Three Referees, or any Two of them, shall, and they are hereby required to enquire into and ascertain by or from, or by Means of the *London Gazette*, or by such other Ways or Means as they shall think equitable and proper, the average Price of a *Winchester* Bushel of good marketable Wheat within the said County of *Hertford* for the Fourteen Years then last past, and after such Enquiry and Ascertainment, shall make and deliver a Report thereof, stating such average Price to the Court of Quarter Sessions to be holden in and for the said County of *Hertford*, then next ensuing, or some Adjournment thereof; and in case it shall by such Report appear that such average Price of a Bushel of such Wheat is more or less than the average Price thereof set forth in the said Award by the Value of Three-pence, then and in such Case such Sum or Sums of Money shall be increased or diminished in such Proportion as shall be declared by Order of the said Court, and the same shall from the Quarterly Day of Payment preceding such Order, remain and continue issuing and payable as aforesaid out of the respective Lands or Tenements within the said Parish of *Braughing*, charged by the said Award therewith, until such Sum or Sums of Money shall at the End of Fourteen Years then next ensuing, be again varied by such Application, and in such Manner as herein-before mentioned, and so from Time to Time at the End of Fourteen Years for ever.

For re-ascertaining the Corn Rents.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Vicar and his Successors to recover the said several Rents or Sums of Money when and as often as the same or any Part thereof shall be in Arrear or remain unpaid after the respective Times herein appointed for Payment thereof, together with the Costs, Charges, and Expences of the Recovery thereof, from the Owner or Occupier, or Owners or Occupiers of the Lands, Tenements, and Hereditaments, out of which the said several

For the Recovery of the Corn Rent.

several Rents or Sums of Money are to be issuing, or of any Part thereof by such Ways and Means as by the Laws and Statutes of this Realm any Rents in Arrear are directed to be recovered.

Allotments
and Corn
Rents to be
Bar of
Tythes.

XXXVII. And be it further enacted, That the several Allotments and other Compensations herein-before directed to be made to the said Impropritate Rectors and Vicar, their Heirs, Successors, or Assigns, shall be in full Satisfaction and Discharge of all Tythes both Great and Small, and all Moduses and other Ecclesiastical Dues and Payments whatsoever, (Mortuaries, *Easter Offerings*, and Surplice Fees excepted,) issuing, arising, renewing, or payable to the said Rectors and Vicar, their Heirs, Successors, and Assigns, from and out of the said Lands by this Act directed to be divided and allotted, and the several Messuages, Tenements, Gardens, Orchards, and old Inclosures within the said Parish of *Braughing*, for which such Satisfaction or Compensation shall have been made in Manner aforesaid, and that from and after such Allotments and other Compensations shall be made as aforesaid, or at such other Time as the said Commissioners shall appoint, all Tythes both Great and Small, Moduses, and other Payments in lieu of Tythes, issuing, arising, or payable to the said Impropriators and Vicar respectively out of any Lands in the said Parish of *Braughing*, shall cease, determine, and be for ever extinguished; but in the mean Time the said Rectors and Vicar, their Heirs, Successors, and Assigns, shall respectively be entitled to, and shall have, receive, and enjoy all their respective Tythes and Payments in lieu thereof, in such Manner as they respectively could or might have had, received, and enjoyed the same in case this Act had not been made.

Commissioners
may direct
the Course of
Husbandry.

XXXVIII. And be it further enacted, That until such Division and Allotment as is hereby directed shall have been made of the Lands and Grounds to be divided and allotted, all such Lands and Grounds shall be stocked with such Cattle at such Times and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnips, or other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage as the said Commissioners shall by Writing under their Hands direct, any Usage or Custom to the contrary notwithstanding; and that no Meadow, Pasture, or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the passing of this Act, shall without the Consent in Writing of the said Commissioners be before the Allotment thereof ploughed, broken up, or converted into Tillage, and every Occupier of such Land or Ground 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 Land 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 any greater or less Quantity than an Acre, to be levied and recovered in the Manner hereby directed for the Recovery of the Charges and Expences of passing this Act and carrying the same into Execution, and to be applied in such Manner as the said Commissioners shall direct.

XXXIX. And

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required by any Writing or Writings under their Hands, to ascertain, order, and appoint what Recompence and Satisfaction in Money shall be made to the Owner or Owners of any Crop or Crops growing at the Time of the said intended Division and Allotments, shall be made for such Crop or Crops by the Person or Persons to whom the Lands on which the said Crop or Crops is or are growing shall be allotted, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of any Lands or Grounds to be divided, allotted, and inclosed by virtue of this Act, as well for ploughing, tilling, and manuring of such Lands or Grounds allotted for the Profit and Advantage which such Person or Persons to whom such Lands and Grounds shall be allotted, will thereby obtain, as for any Loss or Disadvantage which any Tenant or Tenants, Occupier or Occupiers shall or may sustain by the Loss of any Crop or Crops in or on any of the Lands or Grounds to be divided, allotted, and inclosed by virtue of this Act; and if such Recompence and Satisfaction shall not be made at the Time and in Manner to be appointed by the said Commissioners, then and in every such Case the said Commissioners shall and may by Warrant or Warrants under their Hands, directed to any Person or Persons whomsoever, which Warrant or Warrants they are hereby authorized and empowered to grant accordingly, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Recompence and Satisfaction as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels.

Compen-
sation to be
made for
growing
Crops.

XL. And be it further enacted, That no Horses, Cows, Sheep, Lambs, Mules, Asses, Pigs, or any Sort of Cattle shall be permitted to graze in any of the Highways, Roads, Lanes, or Passages which the said Commissioners shall set out as aforesaid, for the Space of Ten Years next after the signing of the Award of the said Commissioners, nor in any of the Allotments to be made in pursuance of this Act, for the Space of Ten Years next after the signing the Award of the said Commissioners, unless the Occupier of the Allotment into which such Horses, Cows, Sheep, Lambs, Mules, Asses, Pigs, or other Cattle shall be turned, shall have erected against the Boundary Fence of the said Allotment, whether the said Fence shall belong to the said Allotment or not, a good and sufficient Fence to prevent any Injury being done to the Quicksets planted in the said Boundary Fence.

For preserv-
ing young
Fences.

XLI. 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.

Money ad-
vanced for
passing the
Act to be
repaid with
Interest.

XLII. And be it further enacted, That each of the Commissioners who shall act in the Execution of this Act, shall be allowed and paid the Sum of Three Guineas for each Day he shall actually attend and be employed as a Commissioner in the Execution of this Act, or shall necessarily travel from

Commission-
ers Allow-
ances, &c.

Home to attend the Meetings of the Commissioners, or when returning Home after having attended such Meetings, in full Satisfaction for his Trouble and Expences in the Execution of this Act; and that at all Meetings to be held in pursuance of this Act the said Commissioners and their Clerk, and all Persons attending such Meetings, shall pay their own Expences.

Expences of
the Act.

XLIII. And be it further enacted, That all the Costs, Charges, and Expences of soliciting and passing this Act, and of surveying, admeasuring, and valuing as well the said Open and Common Fields, Pastures, Commons, Wastes, and other Commonable Lands and Grounds hereby directed to be divided and allotted, as the said inclosed Lands and Tenements hereby directed to be exonerated from Tythes, and of dividing and allotting the same Open and Common Fields, Pastures, Commons, Waste, and other Commonable Lands and Grounds, and of forming and making the Public Roads, Public or Common Drains, Sewers, Watercourses, Watering Places for Cattle, Wells, Bridges, and other Conveniences which shall be set out by virtue of this Act, and of preparing and enrolling the said Award, and all other the Costs, Charges, and Expences of the said Commissioners, and of the several Persons employed by them, either before or after the Execution of the said Award, in, about, or concerning the Execution of this Act, and not herein otherwise directed to be paid, shall be paid, borne, and defrayed by all the Owners of or Persons interested in as well the same Open and Common Fields, Pastures, Commons, Wastes, and other Commonable Lands and Grounds, as the Lands, Tenements, and Hereditaments which shall be respectively exonerated from Tythes by virtue of this Act, (except the Rectors and Vicar of *Braughing*, in respect of the Glebe Lands and Tythes of or belonging to the said Rectory and Vicarage), 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 Estates, and also to the Value and Improvement thereof); and the Shares and Proportions of the said Costs, Charges, and Expences to be borne by the said respective Owners and Persons interested, shall be settled and ascertained by the said Commissioners, and shall be paid to such Person or Persons at such Time or Times, either before or after the Execution of the said Award, as the said Commissioners shall direct or appoint by Writing under their Hands, affixed on the principal Doors of the Parish Church of *Braughing* aforesaid; 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 or Appointment as aforesaid, 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 the Reign of His present Majesty: Provided always, that the Costs, Charges, and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, by virtue of this or the said Act, shall be borne, paid, and defrayed by the several Persons making such Exchanges and Partitions, in such Shares and Proportions as the said Commissioners shall order and direct.

Tenants for
Life may
charge Lands
with Money

XLIV. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of the Lands and Grounds which shall by virtue
of

of this Act be divided, allotted, or exonerated from Tythes, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or be under any other Disability or Incapacity, and for any of the said Owners or Proprietors being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or Trustees for charitable Uses, or the major Part of such Trustees respectively, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioners shall direct to be paid by the Proprietors thereof, for their Shares of the Costs and Charges of passing this Act and carrying the same into Execution, and such Expences as the said Proprietors shall in the Judgment of the said Commissioners necessarily incur in inclosing, subdividing, and fencing their respective Allotments, such Costs, Charges, and Expences not to exceed in the Whole the Rate of Five Pounds an Acre of the Lands to be allotted by virtue of this Act; and also with such Sum or Sums of Money in gross as shall be paid by any such Proprietors for exonerating their Lands from Tythes, and to grant, mortgage, surrender, lease, or demise such Lands and Grounds so to be charged to the Person or Persons who shall lend, advance, or pay the same, or to such other Person or Persons as he or they shall direct or appoint, his, her, or their respective Executors, Administrators, and Assigns, for any Term of Years or greater Estate, so that every such Grant, Mortgage, Surrender, Lease, or Demise be made with a Covenant to keep down the Interest accruing thereon, and so that no Person afterwards becoming entitled to any such Lands shall be liable to pay any larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced.

paid for Expences of the Act, inclosing, &c.

XLV. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered and required, upon the Request of the said Master, Fellows, and Scholars, or of any other of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or which shall be exonerated from Tythes by virtue of this Act, or of any Right or Interest therein, being Tenants in Tail, or for Life or Lives, or for any Number of Years determinable on a Life or Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents, or Attornies of or for any such Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or of the Trustees for any charitable or public Uses, or the major Part of them respectively, to raise the respective Costs, Charges, and Expences herein-before authorized to be charged by Way of Mortgage as aforesaid, by Sale of any of the Lands to be set out or allotted by virtue of this Act, to the said Master, Fellows, and Scholars, or to any other of such Proprietors making such Request as last aforesaid, 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 to be sold for the Payment of the Expences attending the Execution of Acts of Inclosure: Provided, that no more shall be sold of the Lands to be set out or allotted to the Person or Persons by whom or on whose Behalf any such Request shall be made, than the said Commissioners shall estimate to be sufficient to raise the Amount of the Sum or Sums of Money herein-before authorized to be raised or charged by Way of Mortgage for the Purposes of this Act, provided that both the Powers herein

Or may raise the same by Sale.

contained

contained of raising Money by Mortgage and Sale shall not be exercised in respect to the same Property, but that only one of such Powers shall be applied to the same Estate; and if there shall be any Surplus arising from such Sale, after paying the Sums so directed to be raised, the same shall be 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 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.

Commissioners to account.

XLVI. And be it further enacted, That the said Commissioners shall and they are hereby respectively required to keep or cause to be kept a just and true Statement and Account of all Sums of Money which shall be raised or received and laid out or expended by them or their Order, or for their Use, under or by virtue or in the Execution of this Act, and of what shall be due and owing to them for their own Trouble or Expences, and shall truly and regularly enter all the Particulars of such Statements and Accounts in a Book to be provided for that Purpose, and such Accounts shall at least once in every Year from the passing of this Act, till such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined and settled by such fit and proper Person as shall be appointed Auditor for that Purpose by the Majority in Value of all the said Proprietors, (such Value to be ascertained by and according to the Land Tax Assessment for the then current Year), at a Meeting to be holden in like Manner as is herein-before directed with respect to the Meeting of the said Proprietors, for the Purpose of appointing a Commissioner in the Place of the said *Charles Wedge*, and such Auditor for the Time being shall from Time to Time state in Writing under his Hand the Balance of the said Accounts in such Book as aforesaid, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by such Auditor.

Award to be enrolled and deposited.

XLVII. 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 *Hertford*, or in One of His Majesty's Courts of Record at *Westminster*, within Twelve Calendar Months after the Execution thereof by the said Commissioners, or so soon after as conveniently may be; 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 *Braughing* 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.

Power to appeal.

XLVIII. 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 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

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 *Hertford*, within Six Calendar Months next after the Cause of Complaint shall have arisen, giving Notice in Writing of every such Appeal, by affixing such Notice expressing the Cause of Complaint upon the principal Door of the Parish Church of *Braughing* aforesaid, Fourteen 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 other Process or Writ whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

XLIX. 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 Lords of any of the aforesaid Manors 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 to the Intent and Purposes of the Inclosure and Allotments hereby authorized shall absolutely require, and all Lands and Grounds which shall be allotted by the Commissioners under the Authority of this Act, to any Person or Persons other than the Lord or Lords of the said Manors respectively for the Time being, and now situated within the same respectively, shall continue to be deemed within the said Manors respectively, and notwithstanding having been Part of the Waste thereof, shall be escheatable to the said Lord or Lords for the Time being, according to the Nature of the Tenure of the Land in respect whereof the particular Allotment shall under this Act be made as aforesaid escheatable to the Lord or Lords of the said Manor.

Saving Manorial Rights.

L. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic 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 of this Act, in respect to the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as the Intents and Purposes of the Inclosures hereby authorized shall absolutely require to be barred, de-

General Saving.

[*Loc. & Per.*]

40 D

stroyed,

stroyed, 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 Grounds hereby directed to be divided and allotted before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

Evidence
Clause.

LI. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom, and that a Copy thereof so printed by any of them, 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. 1812.