



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. 8.

An Act for inclosing Lands in the Parish of
Berkeley in the County of *Gloucester*.

[4th June 1839.]

WHEREAS there are within the Parish of *Berkeley* in the County of *Gloucester* divers Commons, Commonable Lands, Open and Common Fields, Common Meadows, Pastures, Heaths, and other commonable, intermixed, and waste Lands and Grounds, called *Micklewood* otherwise *Saint Michael Wood Chase*, *Berkeley Heath*, *Ham Green*, *Stone Green*, *Lower Stone Heath*, *Halmore Green*, *Breadstone Green*, *Woodford Green*, and *Matford Meadow*, and divers other Open and Commonable Waste Lands and Grounds, containing together by Estimation Seven hundred Acres or thereabouts: And whereas the Right Honourable *William Fitzhardinge* Lord *Segrave* is or claims to be Lord of the several Manors of *Berkeley Borough*, *Ham*, *Alkington*, and *Hinton*, within the said Parish of *Berkeley*, and entitled to the Soil of all the said Commons, Heaths, and other Commonable and Waste Lands and Grounds within the said Parish of *Berkeley*: And whereas the said *William Fitzhardinge* Lord *Segrave* and divers other Persons are the Owners and Proprietors of or interested in the said Commons, Commonable Lands, Open and Common Fields, Common Meadows,
[Private.] Pastures,

41 G. 3. c. 109. Pastures, Heaths, and other commonable, intermixed, and waste Lands and Grounds, or some or one of them: And whereas an Act was passed in the Forty-first Year of the Reign of His 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 another Act was passed in the First and Second Years of the Reign of His Majesty King George the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands, in England*: And whereas the said Commons, Open and Common Fields, Common Meadows, Pastures, Heaths, and other commonable and intermixed waste Lands and Grounds, in their present State yield but little Profit, and are comparatively of little Value to the several Persons interested therein; but the same Lands and Grounds respectively are capable of considerable Improvement, and if the same were divided and allotted amongst the several Persons and Parties interested therein, in proportion to their several Rights, Properties, and Interests, and such Allotments inclosed, the same might be cultivated and improved, to the manifest Advantage of the several Persons and Parties interested therein: But the same cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 *Thomas Fulljames* of *Hasfield Court* in the County of *Gloucester*, Esquire, and his Successor to be appointed in manner herein-after mentioned, shall be and he is hereby appointed sole Commissioner for dividing, allotting, and inclosing the said Commons, Common Land, Open and Common Fields, Common Meadows, Pastures, Heaths, and other commonable, intermixed, and waste Lands and Grounds, and for carrying this Act and the said recited Acts into execution, as far as relates to the Purposes of this Act.

Appointment
of Commis-
sioner.

Commis-
sioner not to
act until he
has made the
following
Declaration.

II. And be it further enacted, That neither the said *Thomas Fulljames* nor any other Person shall be capable of acting as a Commissioner in the Execution of this Act (except to make an Appointment for and to give Notice of his first Attendance to execute the same) until he shall have made and subscribed the Declaration following; (that is to say,)

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully,
‘ impartially, and honestly, according to the best of my Skill and
‘ Ability, execute and perform the several Trusts, Powers, and Au-
‘ thorities vested and reposed in me as a Commissioner by virtue of
‘ an Act passed in the Second Year of the Reign of Her Majesty Queen
‘ *Victoria*, 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.

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said first-recited Act to be taken and subscribed by Persons acting as Commissioners in the Execution of

of any Act for dividing, allotting, or inclosing any Lands or Grounds; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed, and shall be annexed to and enrolled with the Award of the said Commissioner to be made under this Act.

Declaration to be annexed to the Award.

III. And be it further enacted, That in case the said *Thomas Fulljames*, or any Person hereafter to be appointed a Commissioner of this Act in his Stead, shall, before the finishing of the said Division, Allotment, or Inclosure, or before the full Execution of all and every the Powers and Authorities hereby reposed in such Commissioner, die, or shall neglect, refuse, or become incapable to act for the Space of Three Calendar Months as a Commissioner in the Execution of this Act, then and in every such Case it shall be lawful for the Lord of the said Manors, and any Two or more of the Proprietors of or Persons interested in the Lands and Grounds by this Act authorized to be divided, allotted, and inclosed, by Advertisement in the *Gloucester Journal* or some other Newspaper published and usually circulated within the said County of *Gloucester*, and by Writing under their Hands to be affixed on the principal Door of the Parish Church of *Berkeley* aforesaid, and on the Door of the Chapel of *Stone*, upon a *Sunday* before Divine Service, to give Notice of a Meeting to be held within the Parish of *Berkeley* aforesaid, at least Fourteen Days before such Meeting, for the Purpose of appointing some Person to be a Commissioner in the Room of the said *Thomas Fulljames*, or of such Person hereafter to be appointed in his Stead (as the Case may be); at which Meeting it shall be lawful for the Majority in Value, to be ascertained by the Poor's Rate Assessment, of the Proprietors or Persons interested in the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, or their known Agents or Attornies, who shall be present at such Meeting, by Writing under their Hands, to nominate and appoint some proper Person (not interested in the said Division, Allotment, and Inclosure) to be a Commissioner in the Room and Stead of the said *Thomas Fulljames*, or of such Person appointed in his Stead so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every new Commissioner so nominated and appointed shall, from and immediately after his Appointment, and making the Declaration prescribed in that Behalf, have such and the like Powers and Authorities for carrying this Act and the said recited Acts into execution, to all Intents and Purposes as if he had been named and appointed a Commissioner in and by this Act.

How new Commissioner is to be appointed.

New Commissioner to make the Declaration.

IV. And be it further enacted, That it shall be lawful for the said *Thomas Fulljames*, and for any Commissioner for executing this Act, to appoint a Surveyor for the Purposes of this Act and of the said recited Acts, and from Time to Time to make a new Appointment as often as the said Office shall be vacant by reason of the Death, Refusal, Neglect, or Incapacity to act of any Surveyor; but no such Commissioner shall be employed to act as Surveyor in the Execution of this Act or the said recited Acts during the Time he shall so act as Commissioner.

Commissioner may appoint a Surveyor.

Commissioner not to act as Surveyor.

V. And

Allowance to Surveyor.

V. And be it further enacted, That it shall be lawful for any such Commissioner to allow the Surveyor for the Time being acting under this Act, for his Time and Trouble, any Sum not exceeding One Shilling and Sixpence *per Acre* for surveying, measuring, mapping, and planning the said Lands, and also any Sum not exceeding Two Pounds and Two Shillings for each and every Day he shall be actually and wholly employed in the Business of the said Division, Allotment, and Inclosure, exclusive of the Allowance for the said Survey; and which said several Allowances shall be in full Satisfaction for the Time, Trouble, and all the travelling and other Expences of such Surveyor in and about the Execution of this Act and the said recited Acts.

Surveyor not to act until he has made the Declaration.

VI. And be it further enacted, That no Person shall be capable of acting as Surveyor in the Execution of this Act until he shall have made and subscribed the Declaration following; (that is to say,)

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as Surveyor by virtue of an Act passed in the Second Year of the Reign of Her Majesty Queen *Victoria*, 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.’

Surveyor's Declaration to be annexed to the Award.

Which Declaration the Commissioner for the Time being, or any Justice of the Peace for the said County of *Gloucester*, is hereby empowered and required to administer and receive; and the said Declaration, so made and subscribed by any such Surveyor, shall be annexed to and enrolled with the Award of any Commissioner under this Act.

Penalty on making false Declaration.

VII. And be it further enacted, That any Person making and subscribing a Declaration under the Authority of this Act, and who shall wilfully and corruptly make and subscribe such Declaration, shall be subject to the like Pains and Penalties to which Persons guilty of a Misdemeanor are or may be liable.

Clerk appointed.

VIII. And be it further enacted, That every Commissioner for executing this Act shall have a Clerk to assist him in carrying this Act and the said recited Acts into execution; and that Messieurs *Bloxsones* and *Jackson of Dursley* are hereby appointed such Clerk; and in case of the Death, Incapacity, Refusal to act, or Neglect of Duty of them the said Messieurs *Bloxsones* and *Jackson*, or of any succeeding Clerk, the Commissioner shall without Delay appoint another proper and sufficient Person to be such Clerk in their Room.

Allowances to Commissioner and Clerk.

IX. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioner and Clerk hereby appointed, or to be appointed

as herein-before directed, shall be respectively paid, for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, during the first Eighteen Months next after the passing of this Act, the Sum of Four Pounds and Four Shillings and no more, and after the Expiration of the said Eighteen Months, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Rooms for Meetings or Attendances, and the Costs and Expences, of Agreements, Notices, and Advertisements, and of drawing, copying, ingrossing, and enrolling the Award of the said Commissioner, or in any Manner attendant thereupon or connected therewith, or preparatory or incidental thereto; Provided always, that in case the Progress of the said Division and Inclosure shall be hindered or delayed beyond the said Eighteen Months by or through any Suit or Suits at Law or in Equity, touching the Rights or Claims of any Proprietor in or to the said Commons, Lands, or Grounds hereby directed and authorized to be divided, allotted, and inclosed, or by or through any Appeal or Appeals against the Order or Determination of the said Commissioner in any Matter or Thing arising out of or in relation to the said Division, Allotment, and Inclosure, or in the setting out of the Roads or Ways, the said Allowance of Four Pounds and Four Shillings *per Diem* to the said Commissioner and Clerk shall be extended to and for such further Time as shall be occupied in or occasioned by or through such Suit or Suits, Appeal or Appeals.

X. And for regulating the Duration of all Meetings or Attendances for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged only as Half a Day, and every Commissioner and Clerk shall be paid accordingly; and a Book shall be kept by every Commissioner or his Clerk, in which shall be entered the several Days on which the said Commissioner attended, and at what Hours the Commissioner was present thereat, and at what Hour he left or adjourned the same, and such Book shall be signed by the said Commissioner and his Clerk at the Termination of each Meeting or Attendance, and shall be open to the Inspection of all Persons interested in the said Inclosure, their Agents or Attornies, during the several Meetings or Attendances to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book, without paying any thing for the same; provided nevertheless, that it shall not be lawful for any Commissioner to retain or pay himself or such Clerk, out of any Monies to be received by him or over

For regulat-
ing the Du-
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Meetings
and Payment
of Commis-
sioner and
Clerk.

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which

which he may have any Control in the Execution of this Act, any Sum or Sums of Money, on account of the Allowance herein-before directed to be made to such Commissioner and Clerk respectively, beyond One Half of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award to be made in pursuance of this Act, or in case the Accounts of such Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided; provided also, that in case of the Decease of any Commissioner or Clerk previous to the Execution of the said Award, the Commissioner for the Time being shall, after the Expiration of the Time allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due thereon.

Proprietors
and others to
pay their own
Expences
at Meetings.

XI. Provided always, and be it further enacted, That all Proprietors and Persons interested in the said Inclosure, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend at any of the Meetings or Attendances to be held in pursuance of this Act.

Proceedings
to be entered
in a Book,
and to be
Evidence.

XII. And be it further enacted, That all the Orders, Proceedings, and Determinations of any Commissioner at any Meeting or Attendance under this Act shall be entered in a Book to be provided for that Purpose, and shall be signed by the said Commissioner, and being so signed shall be deemed and taken to be Originals; and all such Books shall be deposited with and be kept by the Clerk to the said Commissioner, and shall and may be read in Evidence in all Cases of Appeals, Suits, Actions, and other Proceedings touching any Matter or Thing done in pursuance of or in relation to this Act.

Notices of
Meetings to
be given.

XIII. And be it further enacted, That any Commissioner appointed by or under the Powers of this Act shall cause Notice to be given in the *Gloucester Journal*, or some other Newspaper published and usually circulated in the said County of *Gloucester*, and also a Notice to be affixed upon the principal Doors of the Parish Church of *Berkeley* and Chapel of *Stone* aforesaid on some *Sunday* before Divine Service, of the Time and Place of his First and every subsequent Meeting or Attendance for executing the Powers hereby and by the said recited Acts vested in him, at least Seven Days before every such Meeting or Attendance shall be held (Meetings by Adjournment only excepted); and any such Commissioner may adjourn such Meetings from Time to Time, as he shall see Occasion, for the Execution of this Act and the said recited Acts: Provided always, that all Meetings of any Commissioner for executing this Act shall be held at some convenient Place in the said Parish of *Berkeley*.

Other
Notices.

XIV. Provided always, and be it further enacted, That all other Notices necessary to be given by any such Commissioner (except such as are herein-after otherwise directed) shall be given by Advertisement to be inserted in the said *Gloucester Journal* or some other Newspaper published and usually circulated in the said County

of *Gloucester*, and also by affixing such Notice on the principal Doors of the Parish Church of *Berkeley* and Chapel of *Stone* aforesaid.

XV. And be it further enacted, That nothing in the said recited Acts or this Act contained shall extend to require the said Commissioner, or any Surveyor to be employed by him, to make or cause to be made any Admeasurement, Plan, or Map of any of the inclosed Lands or Grounds within the said Parish of *Berkeley*; but that the said Commissioner shall use, for the Purposes of this Act and the said recited Acts, the Admeasurements, Plans, and Maps of the said Parish of *Berkeley* which shall have been made in effecting the Commutation of the Tithes of the said Parish of *Berkeley*, making such Deductions and Alterations in respect of any Errors that may have been discovered therein, or otherwise, as he shall think just and proper.

What Plans
are to be
used.

XVI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are or before the Execution of the Award of any such Commissioner may be interested in the said intended Division and Allotment, touching their respective Rights and Interests in the said Lands to be divided, allotted, and inclosed by virtue of this Act, or any other Matter or Thing relating to the said intended Division or Allotment, it shall be lawful for such Commissioner, and he is hereby required, upon Examination of Witnesses upon Oath (which Oath the said Commissioner is hereby authorized to administer), or of any other proper Evidence, to inquire into, hear, and determine the same: Provided always, That nothing herein contained shall authorize or empower any Commissioner to determine the Title to any Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any of the Parties contrary to the Possession of such Parties, except in Cases of Encroachment as herein-after mentioned; but in case any Commissioner shall be of opinion against the Right of the Party so in possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Party, or recovered from such Party by Ejectment or other due Course of Law.

Commis-
sioner to
settle Dif-
ferences with
respect to
Rights.

XVII. And be it further enacted, That in case any such Commissioner shall, upon the hearing or determining of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of the said first-recited Act or of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the Party or Parties whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs or Charges, shall refuse or neglect to pay the same, on Demand, then it shall be lawful for the said Commissioner, and

Power to
award Costs.

and he is hereby authorized and required, by Warrant under his Hand and Seal 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, Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and if there shall not be any Goods or Chattels whereon to levy the same, or in case the Party ordered to pay such Costs be a Body Politic, Corporate, or Collegiate, then and in either of the said Cases it shall be lawful for the Party or Parties in whose Favour such Costs shall be awarded to recover the same by Action or Actions of Debt or on the Case, in which Action or Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Allowing
Parties to
try their
Rights at
Law.

XVIII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said Division and Allotment, shall be dissatisfied with any Determination of any Commissioner for executing this Act, touching or concerning any Claim or Claims of Right of Common or other Rights and Interest in, over, or upon or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part or Parts thereof, or touching or concerning any Matter or Thing whatsoever relating to the Division, Allotment, or Inclosure by this Act directed (except where the Determination of any Commissioner is hereby declared to be final), it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with any such Determination, to cause an Action to be brought in One of Her Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, against whom such Determination shall have been made, or to his, her, or their known Agent or Attorney; and the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied as aforesaid, shall proceed to a Trial at Law of the Matter so determined by the said Commissioner at the next or second Assizes to be holden for the said County of *Gloucester* after such Action or Actions shall have been so commenced; and the Defendant or Defendants in such Action or Actions shall name, and he, she, and 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, Objection or Objections, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer

Officer of the Court in which such 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 Persons and Person, Bodies and Body Politic, Corporate, and Collegiate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioner, and any other Commissioner for executing this Act, shall act in conformity thereto, and allow or disallow the Claim or Claims, Right or Rights, Interest or Interests, thereby determined, according to the event of such Trial or Trials: Provided always, that if no such Action at Law as aforesaid shall be commenced within the Time herein-before limited, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time and in manner herein-before mentioned, the Determination of the said Commissioner shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

XIX. Provided also, and it is hereby further enacted, That if any Person, being Plaintiff or Defendant in any Action to be brought as aforesaid, shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened; and if any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person who might have brought such Action to bring the same within the Time so limited as aforesaid against such Person as if actually living, and to serve any Commissioner for executing this Act for the Time being, or his Clerk, with Process for commencing such Action, in the same Manner as the Party or Parties so dead might have been served therewith if living; and the said Clerk shall serve the Heir or other Person forthwith, or as soon as he may be ascertained or known; and on such Service being made by the said Clerk it shall be incumbent on the Heir or Devisee or personal Representative of the Person so dead, or other the Person who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action in the Name 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 every such Action.

Deaths of Parties not to abate Actions.

XX. Provided always, and be it further enacted, That if any Action or Suit shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Persons, or Party or Parties, in or to any Lands, Tenements, or Hereditaments whatsoever, for or in respect of which any Right or Interest in, over, or upon the said Lands hereby directed to be divided and allotted, or any Part thereof, shall be claimed, such Action or Suit shall not

Suits not to impede the Execution of the Act.

[Private.]

impede, delay, or hinder any Commissioner from proceeding in the Execution of the Powers vested in him by this Act or the said recited Acts, but the said Division and Allotment shall be proceeded in notwithstanding such Suit or Suits; and such Commissioner shall award the Allotment or Allotments in respect of the Hereditaments to which such Action or Suit shall relate to the Person or Persons, or Party or Parties, who shall be in the actual Possession or Enjoyment of such Hereditaments, and the same Allotment or Allotments shall follow the Event of any Action or Suit, and may be had and taken by the Person or Persons, or Party or Parties, who upon the Determination of such Action or Suit shall become entitled to the same.

Deaths of Parties not to delay the Execution of the Act.

XXI. And be it further enacted, That if any of the Parties interested in the said Division and Allotment shall die before the same shall be completed, the Powers and Authorities hereby given shall not be thereby determined or suspended, but every Commissioner for executing this Act shall proceed in the Execution of the Powers given to him by this Act and the said recited Acts in such Manner as he might have done in case such Party or Parties were still living; and the Share or Shares of the Person or Persons so dead shall be allotted to the Person or Persons who shall by Law become entitled to the same, and shall be accepted and taken by him, her, or them according to the Directions of this Act and the said recited Acts, and he, she, or they shall be liable to the Charges and Expences and the several Provisions of this Act and of the said recited Acts.

Power to shorten Boundary Fences.

XXII. And be it further enacted, That for the Purpose of shortening or rendering straight the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted and the old inclosed Lands in the said Parish of *Berkeley*, or between the said allottable Lands and Grounds, or the said old inclosed Lands, or any of them, and the Lands and Grounds in any adjoining Manor, it shall be lawful for any Commissioner for executing this Act, with the Consent of the Lord of any Manor in which the Lands are respectively situate, and the Owners of the Lands adjoining to such Boundary Fences, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate, to alter and straighten or shorten the same Boundary Fences, or any of them, or any Part or Parts thereof, and to set out, ascertain, and determine such Boundaries in such Manner as the said Commissioner shall think proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the same shall be made, fenced, ditched, or mounded by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioner shall order and direct; and such Boundaries shall for ever thereafter be deemed and taken to be the Boundaries between the said allotted and old inclosed Lands respectively, or (as the Case may be) between the said allotted and old inclosed Lands, and any adjoining Manor, any Law, Usage, or Custom to the contrary notwithstanding.

Commissioner to set out Ponds, &c., make

XXIII. And be it further enacted, That it shall be lawful for any Commissioner for executing this Act to set out, appoint, and make any

any common Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges in, through, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and also to enlarge, widen, alter, turn, scour, and cleanse all or any of the present Drains, Ditches, Streams, or Watercourses, as well in, through, and over the same Lands and Grounds as in, through and over any ancient Inclosures or other Lands and Grounds within the said Parish of *Berkeley* (other than Banks or Forelands maintained for Purposes of Drainage), in such Manner as to him the said Commissioner shall seem proper and necessary, making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands or Grounds, for the Damage done thereby, as the said Commissioner shall think fair and reasonable; and the Costs and Expences of making, enlarging, widening, altering, turning, scouring, and cleansing of such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first made and done, in pursuance of this Act, shall be paid and borne by the Party or Parties thereby benefited, at such Time or Times, and in such Manner, Share or Shares, and Proportions, as the said Commissioner shall deem right and proper; or in case the same shall be for the public Benefit, or Benefit of the Parish generally, then such Costs and Expences shall be raised and levied by the said Commissioner in the same Manner and by the same Means as the other Costs and Expences of carrying this Act into execution; but all such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, scoured, and maintained by such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, and in such Manner, as the said Commissioner shall in and by his said Award order and direct; provided that no Stream or Watercourse through any Lands or Grounds already inclosed shall be diverted or turned without the Consent in Writing of the Person or Persons from whose Lands the same may be diverted, and of the Person or Persons into whose Lands the same may be turned, or to the Prejudice of any Person or Persons entitled to or interested in such Stream or Watercourse, except with their Consent in Writing.

Bridges, and
enlarge and
turn Water-
courses, &c.

XXIV. And be it further enacted, That in setting out and appointing any public Carriage Roads, Highways, Bridle Roads, and Footways, in pursuance of this Act or either of the said recited Acts, every Commissioner for executing this Act is hereby authorized and empowered, with the Consent and with the Order in Writing of any Two Justices of the Peace of the County of *Gloucester*, in Petty Sessions assembled (such Justices not being interested in the said Division, Allotment, and Inclosure), to discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footways passing or leading through, over, or to any of the Lands or Grounds intended to be divided and allotted by virtue of this Act, or passing or leading through, over, or to any of the old Inclosures within the said Parish of *Berkeley*; and the Soil of the Roads and Ways so to be discontinued and stopped up shall, in all Cases where such Roads and Ways pass through, over, or to any allottable Lands or Grounds, be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided
always,

Commis-
sioner may
stop or alter
existing
Roads, &c.

always, that nothing herein contained shall authorize the diverting or altering of any Turnpike Road leading through the said Parish of *Berkeley*, unless the Consent of the Majority of the Trustees of such Turnpike Road, assembled at a public Meeting called for that Purpose on Ten Days Notice, be first had and obtained.

Power to
widen Roads,
making Com-
pensation.

XXV. And be it further enacted, That it shall be lawful for the said Commissioner, where he shall see it necessary, to widen any of the Roads or Highways within the said Parish of *Berkeley*, and for that Purpose to take a sufficient Quantity of the Open and Common Meadows or Fields or the inclosed Lands adjoining to such Roads or Highways (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House), and to make a full Compensation for the Value of the Land so to be taken, and of any Trees or Bushes growing thereon, for the widening of any such Road or Highway, by a Payment in Money, or by allotting and awarding unto the Person from whom such Land shall be so taken an adequate Part of the said Open and Common Meadows or other Commonable and Waste Lands and Grounds, at the Option of the Person whose Land shall be so taken, and also to make good and substantial Fences on each Side of all such widened Roads and Highways for or in lieu of the Fences which shall be injured or destroyed by means of such widening.

What Notices
to be given
previously to
stopping up
or altering
Roads.

XXVI. Provided always, and be it further enacted, That before any Order shall be made by such Two Justices as aforesaid, or any public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, diverted, stopped up, or altered by the said Commissioner, he shall cause to be affixed at each End of the said public Carriage Road, Highway, Bridle Road, or Footpath, so proposed to be discontinued, diverted, stopped up, or altered, a Notice to the Effect that such public Carriage Road, Highway, Bridle Road, or Footpath is intended to be discontinued, stopped up, diverted, or altered (as the Case may be); and the said Commissioner shall also cause the same Notice to be inserted in the *Gloucester Journal*, or some other Newspaper published and usually circulated in the said County of *Gloucester*, for Two successive Weeks, and shall also cause a like Notice to be affixed on the principal Doors of the Parish Church of *Berkeley* and Chapel of *Stone* aforesaid on Two successive *Sundays*; and after the said several Notices shall have been so published and affixed as aforesaid, and after such Order as aforesaid shall have been made, the said public Carriage Road, Highway, Bridle Road, or Footpath shall be and be deemed to be discontinued, stopped up, diverted, or altered (as the Case may be), subject however to such Appeal to the Court of General Quarter Sessions for the County of *Gloucester* as is herein-after mentioned.

Persons ag-
grieved may
appeal.

XXVII. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footpath should be discontinued, stopped up, diverted, or altered (as the Case may be), within Two Calendar Months after the making of the said Order, to make his Complaint thereof by Appeal to the
Justices

Justices of the Peace at the said Quarter Sessions, upon giving to the said Commissioner or his Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

XXVIII. And be it further enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether the said public Carriage Road, Highway, Bridle Road, or Footpath so intended to be discontinued, stopped up, diverted, or altered shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the public Carriage Road, Highway, Bridle Road, or Footpath so intended to be discontinued, stopped up, diverted, or altered is unnecessary, or may, beneficially to the Public, be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal, and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioner, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said recited Act of the Forty-first Year of the Reign of His Majesty King *George* the Third; but if the said Jury shall return a Verdict that the public Carriage Road, Highway, Bridle Road, or Footpath so to be discontinued, stopped up, altered, or diverted is not unnecessary, or that the same could not, beneficially to the Public, be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved by such public Carriage Road, Highway, Bridle Road, or Footpath being so discontinued, stopped up, diverted, or altered, as the Case may be, the said Court of Quarter Sessions shall allow such Appeal, and such public Carriage Road, Highway, Bridle Road, or Footpath shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order for restoring such public Carriage Road, Highway, Bridle Road, or Footpath to its original State; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal; and such Costs and Expences shall be paid by the said Commissioner, and shall be raised by him in such and the same Manner as he is hereby directed or empowered to raise the Money for discharging the Costs, Charges, and Expences of this Act.

In case of Appeal, Jury at Sessions to determine whether old Road, &c. shall be discontinued.

XXIX. And be it further enacted, That the Charges and Expences attending or occasioned by the stopping up, discontinuing,

[*Private.*]

diverting,

Expences of discontinuing or alter-

ing Roads
provided for.

diverting, or altering and widening of such Roads shall be paid by such Person as the Commissioner may direct, or be raised in such and the like Manner as the Expences of passing and executing this Act are hereby directed to be raised.

How public
Carriage
Roads are to
be repaired
when certi-
fied to be
complete.

XXX. And be it further enacted, That when and so soon as any Two or more of Her Majesty's Justices of the Peace for the said County of *Gloucester*, at any Petty or Special Sessions of the Peace, shall certify under their Hands and Seals that any public Carriage Road set out or made under the Authority of this Act or either of the said recited Acts has been fully and sufficiently formed and completed, such Road or Roads, or so much thereof as shall in any such Certificate be described or certified, shall thenceforth be supported and kept in repair by such Persons as the said Commissioner shall in and by his Award order and direct, or, if the said Commissioner shall think fit, in like Manner as the public Roads within the said Parish of *Berkeley* are or ought to be by Law amended and kept in repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the said County of *Gloucester* next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County, and be valid and effectual to all Intents and Purposes.

Commis-
sioner to
appoint pri-
vate Roads;

XXXI. And be it further enacted, That the said Commissioner for the Time being shall and he is hereby empowered and required to set out and appoint such private Roads, Bridleways, and Footways through and over the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, as he shall think requisite, giving such Notice and subject to such Examination as is required by the herein-before recited Act of the Forty-first Year of the Reign of King *George* the Third in the Case of public Roads; and any Charges and Expences which the said Commissioner may think fit to incur or direct to be incurred, prior to the Time of making his Award, relative to the setting out or the Formation or Completion of such private Roads, Bridleways, and Footways, or any of them, shall be raised in like Manner as the Charges and Expences of obtaining and passing this Act, and carrying the same into execution; and the said private Roads, Bridleways, and Footways shall thereafter be made, supported, and kept in repair by and at the Expence of the Owners and Proprietors for the Time being of any of the Lands and Grounds within the said Parish of *Berkeley*, in such Shares and Proportions and in such Manner as the said Commissioner shall in and by his Award order and direct, or by the Inhabitants of the said Parish, or either of the Tithings thereof, in such Manner as the public Roads within the same are by Law liable to be supported and kept in repair, if the said Commissioner shall by his said Award so direct.

to allot the
Herbage of
private
Roads.

XXXII. And be it further enacted, That the said Commissioner shall in and by his Award order and appoint the Grass and Herbage growing and renewing upon all and every the private Roads to be set out by him by virtue of this Act to be, and for ever thereafter remain, to and for the Use and Benefit of such Persons as the
said

said Commissioner shall in his Judgment think best entitled to the same.

XXXIII. And be it further enacted, That no Person whomsoever shall graze or keep any Sort of Beast or Cattle in or upon any of the Roads or Ways which the said Commissioner shall order and direct to be set out, and which shall be fenced on both Sides, for the Space of Seven Years next after the making and executing of his Award; and any Owner of Land within the said Parish of *Berkeley*, his Servants and Labourers, and also the Haywards, Peace Officers, and Parish Officers of the said Parish of *Berkeley* and the Tithings thereof for the Time being, are hereby respectively empowered to take and impound any such Beast or Cattle which shall be found so grazing as aforesaid as Cattle Damage feasant.

Cattle not to be depastured in the Roads set out by the Commissioner for Seven Years after the Award made.

XXXIV. And be it further enacted, That all Inclosures which shall have been at any Time or Times before the passing of this Act made upon or from the said Commons, Heaths, Commonable Places, or Waste Lands, and now held by Lease, shall, with the Cottages and Buildings thereon, be deemed for the Purposes of this Act to belong to and be the Property of the Person or Persons possessing the same under the said Leases for the Continuance thereof, subject to the Conditions of such Leases, and after the Determination thereof be the Property of the Lord of the said Manors for the Time being, as Part of his Manorial Rights, and be allotted by the said Commissioner accordingly; and all other Inclosures and Encroachments which shall have been made upon or from the said Commons, Heaths, Commonable Places, or Waste Lands, and held for Twenty Years or upwards before the passing of this Act, without the Payment of any Chief Rent or other annual Payment, shall, with the Cottages and Buildings thereon, be deemed for the Purposes of this Act to belong to and be the Property of the Person or Persons possessing, occupying, or receiving Rent for the same in his, her, or their own Right; and all such Inclosures and Encroachments in respect of which a Chief Rent or other annual Payment shall have been paid shall belong to and be allotted to the Person or Persons entitled to and in the Receipt of such Chief Rent or other annual Payment; and that all other Encroachments made from or on any Part of the said Commons, Heaths, Commonable Places, or Waste Lands within Twenty Years next before the passing of this Act shall be deemed Part and Parcel of the Lands by this Act directed to be divided, allotted, and inclosed; and in case any Dispute shall arise touching any such Encroachments, or the Extent or Duration thereof, such Disputes shall be settled and determined by the Commissioner for the Time being for executing this Act.

How Encroachments now on Lease are to be allotted.

XXXV. Provided always, and be it further enacted, That the Lands comprised in any Encroachment which shall have been made within Twenty Years next before the passing of this Act shall be allotted to the Person in possession thereof, or who shall be in Receipt of or entitled to the Rent for the same, so far as such Person shall be entitled to any Allotment of sufficient Value by virtue of this Act; and in that Case the Value of such Encroachment

Encroachments within Twenty Years to be allotted to Persons in Possession, or to be sold.

ment shall, as Circumstances require, be deducted from or be deemed a Compensation for the Allotments to which such Person shall be entitled under this Act; but if such Person as aforesaid shall not be entitled to any Allotment by virtue of this Act, or shall not be entitled to any Allotment equivalent to the Value of such Encroachment, then and in either of those Cases the whole or the surplus Quantities (as the Case may be) of such Encroachment shall be sold by the said Commissioner to the Person so in Possession or in Receipt of or entitled to the Rent thereof as aforesaid, or in case of his Refusal or Inability to purchase within One Calendar Month next after Offer thereof made to him, then to any other Person, and shall be conveyed by him the said Commissioner in Fee Simple to the Purchaser thereof; and the Money arising by such Sale shall be applied towards defraying the Expences of this Act.

No Common Right to be allotted for Encroachments.

The Value of Encroachments to be estimated without regard to the Cottages thereon.

XXXVI. Provided always, and be it further enacted, That no Allotment shall be made for or in respect of any Common Right which may be claimed in respect of any Cottages, Buildings, or Encroachments and Inclosures from the said Commons, Heaths, Commonable Places, or Waste Lands; and that in estimating the Value of any Inclosure or Encroachment from the said Commons, Heaths, Commonable Places, or Waste Lands, either for the Purpose of Allotment or of Sale (as the Case may be), the said Commissioner shall estimate the Value of the Land only, without regard to any Cottages, Buildings, or Improvements thereon, and according to the Price *per Acre* of the Waste Lands immediately adjoining.

Commissioner to set out Land on Ham Green and Stone Green for the Recreation of the Poor.

XXXVII. And be it further enacted, That the said Commissioner shall set out, allot, and award unto the Lord of the said Manors a certain Portion of the Commons called *Ham Green* and *Stone Green*, not exceeding Four Acres, Part of the Lands and Grounds to be inclosed by virtue of this Act, as a Place of Exercise and Recreation for the Population of the said Parish; and such Allotment shall be held by the Lord for the Time being of the said Manors for the Purposes aforesaid.

Allotment for the Right of Soil.

XXXVIII. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the Lord of the said Manors for the Time being, or other the Person who is or shall be entitled to the Soil of the said Chase, Commons, and Waste Lands respectively, so much and such Part of the said Chase, Commons, and Waste Lands hereby authorized to be divided, inclosed, and allotted as shall in the Judgment of the said Commissioner be a full Recompence, Compensation, and Satisfaction to the Lord of the said Manors or other the Person as aforesaid for and in lieu of such his Right or Rights to the said Soil, but not to exclude him from taking or receiving any other Allotment or Allotments to which he may be entitled under the Provisions herein-after contained.

Situation of Allotment to Lord of the Manors.

XXXIX. And be it further enacted, That the said Commissioner shall, after he has ascertained the Quantity of Allotment to which the Lord of the said Manors or other the Person aforesaid is entitled in respect of Right of Soil or otherwise, and he is hereby required, to

to set out, allot, and award so much and such Part or Parts or (if necessary) the Whole of the said Chase of *Michaelwood* to and for the Lord of the said Manors or other the Person aforesaid, in lieu of his Right of Soil and of any other Allotment or Allotments to which the said Lord or other Person aforesaid shall or may be entitled under or by virtue of this Act.

XL. And be it further enacted, That the Commissioner for the Time being shall appoint a Meeting for receiving Applications from the other several Proprietors of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, touching the Situations in which they may be desirous of having their Allotments set out and allotted, and shall give Ten Days Notice of the Time and Place of such Meeting by Writing to be affixed upon the principal Doors of the Parish Church of *Berkeley* and Chapel of *Stone* aforesaid.

Meeting to be appointed for Applications for Situations of other Allotments.

XLI. And be it further enacted, That the said Commissioner shall apportion, divide, set out, allot, and award all other the Lands and Grounds by this Act authorized to be divided, allotted, and inclosed unto and amongst the several Persons and Corporations and other Owners and Proprietors thereof who shall be entitled to any Estate, Right, or Interest therein, in such Quantities, Shares, Proportions, and Situations as the said Commissioner shall adjudge and determine to be proportionate to the Value of and a full Compensation and Satisfaction to them for their several and respective Rights and Interests in, to, over, and upon the said Lands and Grounds by this Act directed to be divided, allotted, and inclosed.

Allotment of Residue.

XLII. And be it further enacted, That in case any Person shall be desirous of receiving a Compensation in Money for his Right and Interest in the Open and Common Fields, Common Meadows, Pastures, Heaths, and other commonable, intermixed, and waste Lands hereby directed to be divided, allotted, and inclosed, in lieu of such Allotment in respect thereof as is directed by this Act, and shall signify such Desire to the said Commissioner under his Hand prior to the said Allotment being made, within such Time as the said Commissioner shall appoint for that Purpose, it shall be lawful for the said Commissioner and he is hereby required to estimate what Sum or Sums of Money ought to be awarded and allowed to such Person as and for such Compensation as aforesaid; and in every such Case in which such Compensation shall not exceed Twenty Pounds it shall be lawful for the said Commissioner and he is hereby required to pay the said Sum or Sums of Money so to be estimated to the Person entitled thereto by and out of the Monies which shall come to his Hands for the general Purposes of this Act.

Commissioner may make Compensation for small Allotments in Money.

XLIII. And be it further enacted, That from and immediately after such Allotments and Compensations shall be made for such Rights of Common and other Rights in or upon the said Commons or Waste Lands by this Act directed to be divided and inclosed, all and singular such Rights of Common and other Rights shall cease, and be for ever utterly extinguished and abolished; and it shall and

Extinguishment of Commonable Rights.

[*Private.*]

3 p

may

may be lawful for the Commissioner, from Time to Time, and at any Time before the Execution of his Award, by Notice for that Purpose under his Hand, to be affixed on the principal Doors of the Parish Church of *Berkeley* and Chapel of *Stone* aforesaid, to order all or any of the Rights of Common or other Commonable Rights in, upon, and over the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, to be extinguished or suspended from or for and during such Time or respective Times as shall be mentioned and fixed in any such Notice; and all such Rights of Common and other Commonable Rights as shall be thereby directed to be extinguished or suspended shall cease and be extinguished or suspended accordingly, any Law, Usage, or Custom to the contrary thereof notwithstanding.

Penalty on
Persons
stocking
Lands, or
otherwise
exercising
Common
Rights, after
Extinguish-
ment of Right
of Common.

XLIV. And be it further enacted, That if any Person, after any Right of Common or Feeding shall be extinguished or suspended under or by virtue of this Act or the said recited Acts, and before the Execution of the Award of the said Commissioner, shall, during such Extinguishment or Suspension thereof, stock or depasture with Cattle, Sheep, or other Stock any Part of the said Lands or Grounds on which such Right of Common or Feeding shall be so directed to be extinguished or suspended as aforesaid, it shall be lawful for any Person or Persons by the said Commissioner to be appointed from Time to Time to distrain all such Cattle, Sheep, and other Stock then being or depasturing upon any Part of the said Lands and Grounds after the said Right of Common or Feeding shall be extinguished or suspended, and the same to be impounded as Cattle Damage feasant; and if any Person shall during such Extinguishment or Suspension use or exercise any of the said Rights of Common otherwise than by feeding or depasturing any of the said Lands or Grounds with Cattle, Sheep, or other Stock, every Person so offending, and being convicted thereof before a Justice of the Peace for the said County of *Gloucester* not interested in the Premises, upon the Oath or Affirmation of One or more Witness or Witnesses (which Oath or Affirmation such Justice is hereby empowered to administer), shall forfeit and pay by way of Penalty any Sum of Money, in the Discretion of such Justice, not exceeding the Sum of Five Pounds; and such Justice shall and he is hereby empowered, by Warrant under his Hand and Seal, directed to any Person whomsoever, to cause such Sum of Money to be levied by Distress and Sale of the Goods and Chattels of the Person so offending in the Premises, rendering the Surplus of the Money levied (if any), after satisfying the said Penalty, and the Costs and Charges of such Distress and Sale, to the Owner or reputed Owner of such Goods and Chattels; and the said Penalty shall be paid to the said Commissioner, and applied by him towards the several Purposes of this Act; and in case any Person so offending and convicted as aforesaid shall not have sufficient Goods and Chattels within the Jurisdiction of such Justice whereon or whereby the said Penalty and Costs and Charges can be levied as aforesaid, it shall be lawful for the said Justice to commit such Person to the House of Correction, there to remain for any Time in the Discretion of the said Justice not exceeding Two Calendar Months.

XLV. Pro-

XLV. Provided always, and be it further enacted, That all Inclosures containing the Properties of Two or more Persons, or containing the Property of One Person only if held by or under different Tenures or Interests, shall, with the Consent of such Person or Persons, be deemed Part of the Land to be divided and allotted under this Act; and it shall be lawful for the said Commissioner, by and with the Consent in Writing and at the Request of the respective Owners or Proprietors of any Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds within the said Parish of *Berkeley*, whether such Owners or Proprietors shall be a Corporation, or Tenant in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor of any such Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds holden for Years determinable as aforesaid, and not otherwise, 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 shall be Infants, Femmes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, (such Consent to be respectively testified, in case of a Corporation, by Writing under their Common Seal, and in the Case of an Individual under his Hand,) and with the Consent of the Patron and Ordinary where such Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds shall be held in right of any Benefice, or shall belong to any Ecclesiastical Corporation, to deem such Homesteads, Gardens, Orchards, and old inclosed Lands as allottable, and Part and Parcel of the Lands, Grounds, and Hereditaments hereby authorized to be divided, allotted, and inclosed, and to allot the same accordingly; and such Allowance shall be made to the Proprietors of such Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds, as well on account of Situation as for the Timber, Trees, and Bushes growing thereon, and other beneficial Circumstances, as the said Commissioner shall adjudge to be just and reasonable; and the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the Proprietors of such Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds, or other Hereditaments, in lieu thereof, so much and such Part or Parts of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed as he shall think reasonable and just, subject to the Rules, Orders, and Directions in this Act and the said first-recited Act mentioned.

Allotment
of old Inclo-
sures.

XLVI. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Rights and Interests of the several Proprietors in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, he the said Commissioner shall hold a Meeting at some convenient Time and Place, and give Information of the said Allotments to the several Proprietors, and exhibit the same upon a Map or Plan to be produced for their Inspection; and if any of the said Proprietors upon such Inspection shall be dissatisfied with the proposed Allotments or the Situation thereof,

Meeting for
giving Infor-
mation of
Allotments,
and hearing
Objections.

thereof, the said Commissioner shall, at such Time and Place aforesaid, or at some other Time and Place to be appointed by him for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietor against any Allotment, and shall forthwith, or so soon after as conveniently may be, determine the same, and such Determination shall be binding and conclusive on all Parties interested in such Allotment.

Directions
for fencing
Allotments.

XLVII. And be it further enacted, That the several Allotments to be made in pursuance of this Act shall be inclosed, ditched, and fenced at the Expence of the several Persons to whom the same shall be respectively allotted, at such Time, in such Manner, and under and subject to such Regulations and Restrictions as the Commissioner for the Time being shall, by Writing under his Hand or in or by his Award, order or direct; and the Fences so to be made shall for ever afterwards be repaired and maintained by such Persons as the said Commissioner shall by his Award order and direct.

Equalizing
the Share of
Fencing.

XLVIII. Provided always, and be it further enacted, That if from Situation or from any other Circumstances, it shall happen that any of the Proprietors of the Lands hereby authorized to be divided, allotted, and inclosed, or any Person to whom any Allotments shall be made, shall not have a proportionable Share of the Boundary Hedges, Ditches, Mounds, or Fences assigned to him to make by virtue of this Act, it shall be lawful for the said Commissioner to ascertain and appoint what Sum of Money shall be paid and contributed by such Proprietor or Person towards making the Boundary Hedges, Ditches, Mounds, and Fences of the Allotments of such other of the said Proprietors and Persons as shall have too great a Proportion thereof to make; and such Money shall be paid to such Persons and in such Manner as the said Commissioner shall by any Writing under his Hand direct or appoint; and the same shall and may be received and recovered by all or any of the Ways and Means which by the said first-recited Act are given or provided for raising and recovering the Expences of obtaining and executing Acts of Inclosure in Cases where such Expences are directed to be paid in proportion by the Proprietors of Lands to whom any Allotment shall be made; and every such Order of the said Commissioner shall be final, binding, and conclusive on all Parties interested and concerned therein.

Commis-
sioner may
make Parti-
tions in case
of Lands held
by Coparce-
ners or joint
Tenants, &c.

XLIX. And be it further enacted, That it shall and may be lawful for the said Commissioner to make Partition of any Lands or Grounds by this Act authorized to be divided, allotted, and inclosed, held by any Persons as Coparceners, Joint Tenants, or Tenants in Common, and of any Lands, Tenements, or Hereditaments within the said Parish of *Berkeley* held therewith, and to make Allotments thereof in Severalty to the Parties respectively entitled thereto; provided that every such Partition be made upon the Request of any One or more of the Proprietors of the said Lands, Grounds, Tenements, or Hereditaments, signified in Writing under his Hand, or under the Hands respectively of the Husbands, Guardians, Trustees, Committees, or Attornies duly authorized of any of the said several Proprietors who

may be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other legal Disability or Incapacity to act; and provided further, that every such Partition be specified in the Award of the said Commissioner, or some other Instrument under his Hand and Seal; and it is hereby declared, that every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

L. And be it further enacted, That all the Costs, Charges, and Expences attending any Partition to be made by virtue of this Act shall be borne and defrayed by the several Proprietors of or Persons interested in the Estates which shall be so parted in such Manner and Proportions as the said Commissioner shall order and direct; and in case of Nonpayment thereof shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Expences of Partitions how to be paid.

LI. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands or Grounds hereby authorized to be divided, allotted, and inclosed, or any other Lands, Tenements, and Hereditaments within the said Parish of *Berkeley*, in lieu of and exchange for any Lands, Tenements, or Hereditaments within the said Parish of *Berkeley*, or within any adjoining Parish, Township or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner shall be a Corporation, or a Tenant in Fee Simple or Fee Tail, General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, (by and with the Consent of the Lessor thereof, but not otherwise,) or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owner as aforesaid who at the Time of making such Exchange or Exchanges shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, such Consent to be testified in Writing under the Common Seal of the Corporation, and under the Hands of the other consenting Parties respectively; and every Exchange 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 or 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 Lands, Tenements, or Hereditaments so to be exchanged shall be situate.

Power to make Exchanges.

No Exchange of Church Lands without Consent of the Patron and Bishop of the Diocese.

LII. And be it further enacted, That all the Costs, Charges, and Expences attending the making of any Exchanges under and by virtue of this Act shall be paid, borne, and defrayed by the several Parties between whom such Exchanges shall be made in such Shares and Proportions, and at such Time, and to such Person or Persons as the said Commissioner shall by any Writing under his Hand direct

Expences of Exchanges, how to be paid.

[Private.]

or appoint ; and in case of Nonpayment thereof shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Commis-
sioner to
direct the
Course of
Husbandry.

LIII. And be it further enacted, That it shall be lawful for every Commissioner acting in the Execution of this Act, from Time to Time as he shall think fit, by Writing under his Hand, to be affixed on the principal Doors of the Parish Church of *Berkeley* and Chapel of *Stone* aforesaid, to order and direct what Course of Husbandry and what Stint or Rule of stocking and enjoying shall be respectively observed and used in, over, and upon the Lands to be divided, allotted, and inclosed by virtue of this Act, until such Time as he shall have completed the said Division and Inclosure, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding the Commonable Lands and Fallows or Stubbles upon the said Lands or Grounds, and to make such Recompence for the same as he shall think right ; and shall and may make such further Orders and Regulations touching the Conduct of the Farmers and Occupiers within the said Parish of *Berkeley*, for preventing them from ploughing up, committing Waste or Destruction upon, or improperly managing or stocking any of the said Lands or Grounds to be divided, allotted, and inclosed, until the said Division and Inclosure shall be completed, as to the said Commissioner shall seem proper and expedient, all which Orders and Regulations shall be binding and conclusive upon all Parties interested, their Farmers and Tenants ; and the said Commissioner shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as he shall think necessary, not exceeding the Sum of Ten Pounds *per* Acre in case of cross-cropping, or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case for any One Offence ; and shall and may also settle, adjudge, and determine, in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation, by whom such Tenant shall be compensated for any such Manure left or given up by him ; and such Penalties, Forfeitures, and other Sum and Sums of Money so to be settled, ordered, adjudged, and determined to be paid for or on account of the several Matters and Things aforesaid, shall be recovered and recoverable in the Manner directed in and by the said first-recited Act with respect to the levying and Recovery of Penalties.

Satisfaction
to be made
for Trees
and growing
Crops.

LIV. And be it further enacted, That it shall be lawful for any such Commissioner, by Writing under his Hand, to ascertain, order, and appoint what Recompence or Satisfaction in Money shall be made to the Owner or Owners of any Tree or Trees or Crops growing upon the Lands or Grounds hereby directed to be divided, allotted, and inclosed, at the Time such Division and Allotment shall be made, for the said Trees or Crops, by the Person or Persons to whom the Lands and Grounds on which such Tree or Trees or Crops are growing shall be allotted, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants or Occupier or Occupiers of any Land, as well for ploughing, tilling,

and manuring any of the Lands and Grounds which shall be divided and allotted by virtue of this Act, for the Benefit and Advantage accruing thereby to the Person or Persons to whom such Lands and Grounds shall be allotted, as for any Loss or Disadvantage which any such Tenant or Tenants, Occupier or Occupiers shall or may sustain by the Loss of their following or off-going Crops upon the Lands or Grounds by this Act directed to be divided and allotted; and if in any of the said Cases the Money to be paid for such Recompence and Satisfaction shall not be paid at the Time and in the Manner to be appointed as aforesaid by the said Commissioner, it shall be lawful for the said Commissioner, and he is hereby authorized and required, to raise and levy the same, for the Use of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act are herein directed to be raised, levied, and recovered.

LV. And be it further enacted, That all such Lands as shall be allotted by virtue of this Act shall be held by the Persons or Corporations to whom they are allotted by and under the same Tenures (whether Freehold, Copyhold, or Leasehold), and subject to the same Rents, Payments, Heriots, Fines, Customs, and Services, by, under, and subject to which the several Lands in lieu or in respect of which the same Lands shall be so allotted and awarded were respectively held immediately before the passing of this Act; and all such Allotments shall thereupon become Freehold, Copyhold, or Leasehold (as the Case may be), and shall be so distinguished in the Award to be made by the said Commissioner, any Law or Custom to the contrary notwithstanding.

Tenure of Allotments to be the same as of the Lands in lieu of which they are allotted.

LVI. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack Rent subsisting on any Lands or Hereditaments which shall be allotted by virtue of this Act within the said Parish of *Berkeley* shall, immediately after the Allotments herein directed to be made shall be marked and staked out, and the Commissioner for the Time being shall have directed the same to be entered upon by the Persons respectively to or for whom the same shall be intended, and whereof Notice in Writing shall be given by such Commissioner to such Tenant or Occupier for that Purpose, deliver up the full and peaceable Possession of such allotted Lands and Hereditaments to the Person or Persons to whom the same shall be allotted; but the Tenants or Occupiers of such allotted Lands and Hereditaments shall receive from the respective Owners and Proprietors thereof such Satisfaction as the said Commissioner shall ascertain, order, and direct to be paid to such Tenants respectively as an Equivalent for the Loss or Losses they may respectively sustain thereby; and if the Money to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand thereof, it shall and may be lawful to and for the said Commissioner, and he is hereby 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 executing this Act can or may be raised or levied: Provided always, that nothing herein contained shall

Leases at Rack Rent to be void.

shall be considered to extend to vacate any Lease or Leases otherwise than as aforesaid.

Separate Allotments to be made for Land held under different Titles.

LVII. And be it further enacted, That when any Proprietor of Lands which shall be allotted or exchanged, or any Person to whom any Allotment is made by virtue of this Act, shall hold such Lands, or the Lands in respect of which such Allotment is made, under different Titles and for different Estates, the said Commissioner shall, so far as he may be enabled so to do, ascertain and distinguish the Lands held for each of such Estates and under each of such Titles respectively, and in his Award set out and distinguish distinct and several Allotments for such respective Lands.

Where Allotments under different Titles are omitted to be distinguished by the Award, the Defect may be remedied by a separate Instrument.

LVIII. And be it further enacted, That if, from Want of Information or other Cause, the said Commissioner shall have omitted to distinguish in his Award the several Tenures under which any of the said Lands are or shall be holden, or the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same are or shall be subject, or the different Estates or Titles for or under which the same are or shall be held, or to set out and award several and distinct Allotments, as is hereby required, it shall be lawful for the said Commissioner, at any Time within Twelve Calendar Months after the Date and Execution of his Award, upon Request in Writing to him made by any Proprietor of any such Allotment or Lands, or other Persons interested therein, or his Agents, to do all such Acts as shall be necessary for supplying such Omission, and for that Purpose to examine Witnesses and proceed as if his Award had not been made, and by any Deed or Instrument under his Hand and Seal to distinguish and set out the Allotments and Lands held by different Tenures, and the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same respectively may be subject, and also the Allotments and Lands held by, for, or under different Estates or Titles respectively, in the same Manner as he is hereby authorized and required to do in Cases where such Allotments and Lands are directed to be ascertained, distinguished, and set out by his Award; and every such separate Instrument shall have the same Force and Effect as if it were contained in the said Award, and shall be enrolled therewith, and shall thenceforth be deemed and taken to be Part thereof to all Intents and Purposes; and all the Expences which shall be reasonably incurred in or about such subsequent Inquiry or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Person who shall have requested the said Commissioner to make and execute the same, or by his Heirs, Executors, or Administrators.

Persons may sell or mortgage their Estates before Execution of Award.

LIX. And be it further enacted, That if any Person has sold, or shall at any Time before the Execution of the Award of the Commissioner for the Time being sell, his Right, Interest, and Property in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, to any Person, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby required, upon such Sale being made, to make an Allotment of Land unto the Purchaser in every such Sale, or to his Heirs or Assigns,

Assigns, for and in respect of such Right, Interest, and Property so sold as aforesaid; and every such Purchaser, or his Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him as aforesaid in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had remained vested in such Vendor at the Time of making such Allotments as aforesaid; and it shall be lawful for any Person who shall be entitled to any Allotment under this Act to give, grant, bargain, sell, surrender, demise, mortgage, limit, appoint, convey, and assure the same, or all or any Part of his Estate or Interest therein or Right thereto, at any Time before the Execution of the said Award; and every such Gift, Grant, Bargain, Sale, Surrender, Demise, Mortgage, Limitation, Appointment, Conveyance, and Assurance shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person entitled to any Allotment as aforesaid to sell, dispose of, and convey the Estate in right of which he may be entitled to any such Allotment separate and apart from and retaining to himself such Allotment, Common Right, and Interest; and the said Commissioner is hereby required to award such Allotment accordingly.

LX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to revoke, annul, make void, or alter any Deed, Will, or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Rent-charge, Annuity, Debt, Rent, or Incumbrance, out of, upon, or affecting any of the Lands or Grounds hereby directed to be divided, allotted, and inclosed, or any of the Messuages, Lands, or Hereditaments which may be exchanged or parted with in pursuance of this Act, but that as well the Lands allotted and exchanged as the Lands which shall be assigned in partition, or in compensation for any other Estate or Right by virtue of this Act, shall, immediately after such Allotment, Exchange, Partition, or Assignment, remain and enure, and the several Persons to whom the same shall be so allotted, assigned, or given in Exchange or on Partition as aforesaid shall be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes, and subject and liable to such and the same Wills, Settlements, Limitations, Remainders, Conditions, Charges, and Incumbrances, as the several Lands in respect whereof such Allotments, Exchanges, Partitions, and Assignments shall have been made should or would have stood severally limited, settled, vested, or been subject or liable to, or been held by, in case the same respectively had not been allotted, exchanged, parted with, or assigned as aforesaid, and this Act had not been passed, and subject nevertheless to all such Mortgages and Sales as shall be made by virtue of this Act, and to all the other Provisions of this Act.

LXI. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the passing of this Act, and the
 [Private.] several Provision for defraying the Expences of

executing
this Act.

several Sums of Money and Allowances hereby directed or authorized to be paid and allowed to the said Commissioner, Clerk, and Surveyor, for Expences, Time, and Trouble, and the Costs and Charges that the Commissioner shall be put unto in respect of any Appeal against his Decision, or of any Suit or Suits at Law or in Equity, either before or after the Execution of his Award, and the Costs of preparing and enrolling the Award of the said Commissioner, and all other Costs, Charges, and Expences necessarily incurred in and about the carrying of this Act and the said recited Acts into execution (except where it is herein otherwise directed), shall be borne and defrayed by the several Owners and Proprietors of and Persons interested in the said Lands and Grounds hereby authorized to be allotted, divided, and inclosed, in such Shares and Proportions, not exceeding the Value of such Allotments, and shall be paid at such Time and Place, and to such Person, as the said Commissioner shall, by Writing under his Hand, to be affixed upon the principal Doors of the said Parish Church of *Berkeley* and Chapel of *Stone* aforesaid, or delivered to the Persons liable to the Payment of such Costs, Charges, and Expences, at least Twenty-one Days before the Time appointed for such Payment, order and direct; and the said Commissioner is hereby empowered from Time to Time to make and form Estimates of all such Costs, Charges, and Expences, and to raise the Amount of such Estimates at such Time-or Times as he shall deem necessary or proper, either before or after the Execution of his Award; and in case any Person or Persons shall refuse or neglect to pay his Proportion of such Costs, Charges, and Expences as aforesaid, within the Time and to such Person as the said Commissioner shall appoint, it shall be lawful for the said Commissioner to recover the same, together with lawful Interest, to be computed from the Day on which the same ought to have been paid as aforesaid, by Action at Law, in his own Name, in any of Her Majesty's Courts of Record at *Westminster*, or it shall be lawful for the said Commissioner, by Warrant under his Hand and Seal, directed to any Person whomsoever, to cause the same, with such Interest thereon as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or it shall be lawful for the said Commissioner, or any Person authorized by him, immediately after such Neglect or Refusal, to enter into and upon the Premises so to be allotted to such Person, and demise the same, and receive and take the Rents, Issues, and Profits thereof, until thereby or therewith or otherwise such Share or Proportion, with lawful Interest for the same, to be computed from the Time such Money shall be ordered to be paid, and also all the Costs, Charges, and Expences as aforesaid by or attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

Power to
make additional
Rate
in case of
Deficiency.

LXII. Provided always, and be it further enacted, That if at any Time after the Allotments shall have been staked out it shall appear to the said Commissioner, either before or after the Execution of his

Award, that the Money to arise by any previous Rates shall not be sufficient to defray the Costs, Charges, and Expences aforesaid, then the Deficiency shall be made up and raised from Time to Time by a Rate to be made and levied upon the several Persons interested in the said Lands and Grounds hereby authorized to be divided, allotted, and inclosed, in such Shares and Proportions, not exceeding Forty Shillings for every Acre of such Lands and Ground respectively, within such Time, and to be paid to such Person as the said Commissioner shall from Time to Time direct, nominate, and 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 Share or Proportion of any such Rate within the Time to be respectively appointed as aforesaid, or at any Time after, upon Demand, the same shall and may be levied and recovered in the Manner directed by this Act with respect to the previous Rate.

LXIII. Provided also, and be it further enacted, That if at the Time of the Execution of the said Award there shall remain due from any Person any Sum of Money which shall have been adjudged, ordered, or directed to be paid by virtue of this Act, it shall be lawful for the said Commissioner, and he is hereby required, to levy and raise the same in like Manner as he might or could have done before the Execution of his Award.

Monies may be recovered after Execution of the Award.

LXIV. And be it further enacted, That if before the said Monies herein-before authorized to be raised by the said Commissioner can be raised and received by him he shall find it necessary or expedient to obtain by Loan any Sum or Sums of Money for or towards defraying the Costs, Charges, and Expences aforesaid, it shall be lawful for the said Commissioner to borrow and take up at Interest, from any Persons willing to advance the same, such Sum or Sums of Money as he the said Commissioner shall from Time to Time think necessary for the Purposes aforesaid, which Money so to be borrowed shall be repaid by the said Commissioner, with Interest for the same, out of the Monies to be raised and received by him by any of the Ways or Means aforesaid.

Power for Commissioner to borrow Money.

LXV. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, or Committees of such of the Proprietors of any of the Lands and Grounds to be by virtue of this Act divided, allotted, and inclosed as shall be under Coverture, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapacitated, and also for any Tenants in Tail or for Life only, or Feoffees for charitable or other Uses, or any of them, by and with the Consent of the said Commissioner, testified in Writing under his Hand and Seal, from Time to Time to charge the Lands and Grounds which shall be so set out and allotted to them respectively by virtue of this Act with any Sum or Sums of Money which the said Commissioner shall in his Discretion judge necessary, not exceeding Five Pounds for every Acre of such Lands and Grounds respectively, for or towards their respective Proportions of the Expences occasioned by obtaining and carrying this Act into execution, and

Persons having limited Interests may raise Money by Mortgage for Expences.

and of making and preparing the Deed of such Charge; and for securing the Repayment of such Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise the Lands and Grounds so to be set out and allotted as aforesaid, or any Part thereof, to any Person who shall advance and lend the same respectively, for any Term or Number of Years; but so that such Grant, Demise, Lease, or Mortgage be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when the Money thereby secured, with the Interest thereof, shall be fully paid and satisfied; and so that in every such Grant, Demise, Lease, or Mortgage which shall be made by or on behalf of any Person or Persons interested or entitled to any such mortgaged Premises for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the said Money, to be secured during his Life, in such Manner as that no Person afterwards becoming possessed of such Lands and Grounds shall be subject or liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title of such Possession shall accrue or commence; and every such Grant, Mortgage, Lease, or Demise shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Mortgages
may be
assigned.

LXVI. And be it further enacted, That every Person to whom any Grant, Mortgage, Lease, or Demise shall be made by virtue of this Act, as a Security for any Sum or Sums of Money by him lent and advanced on the Credit of and for the Purposes mentioned in this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed, Surrender, or Writing under his Hand and Seal, to be executed in the Presence of and attested by some credible Witness, assign and transfer the same Security, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his Estate, Right, Title, or Interest and Term of Years then to come and unexpired of, in, and to the same, unto any Person whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Mortgagee or Assignee, his Executors or Administrators, and all Persons claiming under him or them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients in Law or Equity, for recovering or obtaining Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Nonpayment of the Principal Money and Interest to be thereby secured, or any Part thereof respectively, as is or are used, taken, and pursued in Cases of the like Nature.

Direction for
charging
Copyhold
Lands with
Expences.

LXVII. Provided always, and be it further enacted, That every Mortgage which shall by virtue of the said first-recited Act or of this Act be made of any Copyhold Lands, Tenements, or Hereditaments, whether by Deed or otherwise, shall be presented and entered on the Court Rolls of the Manor under which such Copyhold Lands shall be held, whereupon the same Fees and other Payments shall be due and paid as in other Cases of Surrender by way of Mortgage, and shall operate as a Surrender to the Use of the Mortgagee and his Heirs or Assigns respectively, according to the Custom of such
Manor,

Manor, subject nevertheless to Redemption on Repayment of the Principal Monies thereby respectively intended to be secured, with Interest thereon, as is herein provided in the Case of other Mortgages, instead of being demised to such Mortgagee or Mortgagees, and his, her, or their Executors, Administrators, and Assigns, for a Term of Years, as mentioned and prescribed in and by the said first-recited Act.

LXVIII. And be it further enacted, That the said Commissioner, if he shall deem it more convenient and expedient to raise the Whole or any Part of the Expences of obtaining and carrying this Act into execution by Sale of the said Commons or Wastes, or any Part thereof, or by Sale of any Portion of the said Open Common Fields, shall mark and set out and allot such Parts and Parcels of the said Commons and Wastes, Pasture or Open and Common Fields, as he shall judge sufficient in Value when sold to defray the Costs, Charges, and Expences attending the applying for and obtaining and passing of this Act, and carrying the same and the said recited Acts into effect, and of surveying, measuring, planning, valuing, dividing, and allotting the said Open and Common Fields, Meadows, Pastures, Commons, and Waste Lands, and of preparing and enrolling his Award, and all other the Costs, Charges, and Expences arising and accruing in the course of carrying the Powers in this Act and the said recited Acts contained into full and complete Execution and Effect, or any Proportion of such Costs, Charges, and Expences, and shall from Time to Time sell such Allotments, either by public Auction or private Contract, in the Manner and subject to the Regulations mentioned and contained in the said first-recited Act; and the said Commissioner shall, on Payment of the Purchase Money for such Allotments so to be sold for the Purposes aforesaid, and he is hereby authorized and empowered, by Indenture or Indentures under his Hand and Seal, duly executed and attested, (such Conveyance or Conveyances to be prepared at the Expence of the Purchaser or Purchasers,) to convey, assure, and confirm, by way of Lease and Release, or by Deed of Feoffment, the same Allotments unto and to the Use of the Purchaser or Purchasers thereof, his, her, and their Heirs and Assigns for ever, or unto such Person or Persons, and to and for such Uses, Ends, Intents, and Purposes, and upon and for such Trusts, as such Purchaser or Purchasers shall by such Deeds of Lease and Release or Deed of Feoffment direct or appoint; and every such Conveyance shall be valid and effectual in the Law, according to the Form and Effect of such Conveyance or Conveyances, any thing in the said first-recited Act to the contrary notwithstanding; and the Money arising by such Sale or Sales shall, after Payment of the Charges and Expences attending such Sale or Sales, be applied by the said Commissioner for the Purposes above mentioned; and in case any Surplus shall remain after Payment of all such Costs, Charges, and Expences as aforesaid, then and in such Case such surplus Money shall be divided and apportioned between the several Proprietors and Persons interested in the Lands hereby directed to be divided, allotted, and inclosed, in such Shares as shall be in proportion to their respective Rights and Interests; and the Shares of such of them as shall be Tenants in Fee Simple

Commis-
sioner may
sell certain
Allotments
to defray the
Expences.

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shall

shall be paid to them respectively, and the Shares of all others of such Proprietors and Persons shall be paid, applied, and disposed of in manner directed by this Act in Cases where any Money to be paid for the Purchase or Exchange of Land is directed to be paid into the Bank of *England*, and to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments, to be settled to the same Uses; provided that nothing herein contained shall be construed to deprive the Purchaser of the Land so sold to defray Expences from any Allotment which would otherwise have been made in respect thereof.

Allowing Parties to pay their Shares of Costs in Money, instead of by Sale of Land.

LXIX. Provided always, and be it further enacted, That in case any Proprietor or Proprietors of the said Open and Common Fields, Common Meadows, Pastures, Commons, Heaths, and other commonable, intermixed, and waste Lands or Allotments, shall be desirous of paying his, her, or their respective Shares of the said Expences in Money, instead of sustaining a Loss of Land for that Purpose, and shall give Notice to the Commissioner, in Writing, within Three Calendar Months from the Time of passing this Act, of such his, her, or their Desire, then and in all such Cases such Expences shall be paid, borne, and defrayed by such respective Proprietor or Proprietors, or Persons interested in the said Lands or Allotments, in such Shares and Proportions, and at such Time or Times, and to such Person or Persons, as the said Commissioner shall, by Writing under his Hand, to be given to such Proprietor or Proprietors, or left for him, her, or them at his, her, or their last or usual Place of Abode, at least Ten Days before such Time or Times of Payment, order and direct, instead of the Land of such Proprietor being sold, the Commissioner nevertheless keeping a separate Account of the Expences which may be occasioned by the dividing and allotting the same Lands, and rating the respective Proprietors thereof proportionably; and in case any such Proprietor or Proprietors shall refuse or neglect to pay his, her, or their Proportion or Proportions of such Expences within the Time or Times directed by the said Commissioner, the same shall or may be levied and recovered in manner directed or provided by the said first-recited Act for Recovery of any Charges and Expences.

Application of Monies paid for Purchase or Exchange, if amounting to 200*l*.

LXX. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said first-recited Act or this Act, directed to be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, to be settled to the same Uses, it shall and may be lawful for the said Commissioner, out of such Money, to defray the Proportion (if any) of the Expences of obtaining this Act, and of carrying the same and the said recited Acts into execution, which shall be charged upon any of the Lands

of the respective Parties in possession of the Lands, or of the Timber or Wood growing thereon, which shall be so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioner be proper to be made, and shall be made, under his Direction, upon any Lands to be by virtue of this Act allotted to such Parties; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said Court shall authorize to be purchased, redeemed, or paid, or discharged, or such Parts thereof as shall be necessary; or until the same shall, upon the like Application, in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands, which shall be conveyed, limited, or settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands stood limited or settled, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or of Government or Real Securities; and in the meantime, and until the said Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Proceeds of such Annuities or Securities shall from Time to Time be paid, by the Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased, conveyed, and settled.

1 G. 4. c. 35.

LXXI. And be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, the same shall, at the Option of the Parties for the Time being entitled to the Rents and Profits of the Lands so purchased or exchanged, or their Guardians

When less than 200*l.*, and amounting to 20*l.*

dians or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Parties who for the Time being would be entitled to the Rents and Profits of the said Lands, such Nomination to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal (as the Case may be) of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Proceeds arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When under
20l.

LXXII. And be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased or exchanged, for their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their Guardians, Committees, or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Power to
make Altera-
tions in the
Allotments
before the
Award,

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioner, at any Time before the Execution of his final Award, to make any Alterations in the Allotments or in the Fences which he may have set out and ordered, or in the private Roads laid or to be laid over such Allotments, or in any of the Orders and Directions relating thereto, which he may have made in pursuance of this Act or the said recited Acts, or as he may think right and expedient; and in case any Person shall be injured by any such Alteration, on account of any Expences he may have incurred, or otherwise, the said Commissioner shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Monies to come to his Hands in the Execution of this Act, or shall order and direct by whom and in what Manner such Recompence shall be made; and in case of Non-payment thereof the same shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties or Forfeitures.

Directions
for executing
and deposit-
ing the
Award.

LXXIV. And be it further enacted, That as soon as conveniently may be after the said Division or Allotment shall be completed the said Commissioner shall prepare and execute an Award, and shall annex thereto a proper Map or Plan on which the Lands, Roads, Paths, and Drains described in the Award shall be delineated; and the Execution of such Award shall be made known by affixing a Notice thereof on the principal Doors of the said Parish Church of *Berkeley* and Chapel of *Stone* aforesaid, on some *Sunday* within One
Calendar

Calendar Month after the Execution thereof; and within Three Calendar Months afterwards he the said Commissioner shall cause the said Award, together with the said Map or Plan, to be delivered to the Clerk of the Peace for the said County of *Gloucester*, who is hereby required to deposit and keep the same among the Records of the said County, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid, and for the Inspection and Perusal whereof the Sum of Two Shillings and Sixpence, and no more, shall be paid; and the said Award shall from and after the Delivery thereof to the said Clerk of the Peace be deemed and taken to be enrolled according to the Directions and within the Meaning of the said first-recited Act; and a Copy of the said Award and Map or Plan, signed by the said Commissioner, shall within Three Calendar Months from the Execution of the said Award be deposited in the Parish Church of *Berkeley* aforesaid, and there kept in a proper Box to be provided for that Purpose; and the said Award, and the said Copy thereof, and any other Copy of the said Award, or of any Part or Parts thereof, attested by the Clerk of the Peace for the Time being of the said County, or his Deputy, (for every Folio of which, containing Seventy-two Words, Sixpence, and no more, shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

LXXV. And be it further enacted, That once at least in every Twelve Calendar Months during the Execution of this Act, the first of such Periods to be computed from the Time of the first Receipt of any Sum of Money under this Act, the said Commissioner shall make a true Statement and Account of all Sums of Money by him received and expended or applied in the Execution of this Act, and therein shall be stated to whom and for what Purpose each Sum shall have been paid and disbursed; and the said Statement or Account, together with the Vouchers relating thereto, shall be laid before One of Her Majesty's Justices of the Peace for the said County of *Gloucester* not interested in the said Inclosure, to be by him examined and balanced; and such Balance shall be stated in the Book of Accounts to be kept in the Office of the Person acting as Clerk to the said Commissioner; and an Abstract of such Account shall, within Fourteen Days after the same shall have been so examined and balanced, be published in the *Gloucester Journal*, or some other Newspaper published and usually circulated in the said County of *Gloucester*; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been allowed by such Justice, and until such Account, or the Abstract thereof, shall have been so published as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

LXXVI. And be it further enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act (other than and except as to the Allotments, and except as to such Determinations, Acts, and Proceedings as are by this Act or the said recited Acts, or either of them, directed to be binding and conclusive, and except in Cases where an Issue at Law shall be tried under the

[*Private.*]

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Provisions

Accounts to
be audited.

Power of
Appeal.

Provisions of this Act), he may appeal to the General or Quarter Sessions of the Peace which shall be holden for the said County of *Gloucester* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party concerned Ten Days previous Notice in Writing of such Appeal and the Matter thereof (except with respect to the Accounts of the said Commissioner, which, notwithstanding the same shall have been examined and balanced as aforesaid, may be appealed against at any Time within Six Calendar Months after the said Accounts shall have been audited and allowed by the Justice or Justices as aforesaid, on giving to the said Commissioner such Notice as last aforesaid); and the Justices (not interested in the Premises) at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs, as to them shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Warrant of Distress and Sale; and every Order and Determination of such Justices shall be final and conclusive on all Parties concerned, and shall not be removed by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous and vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant as to them shall seem reasonable, and such Costs shall be levied in manner aforesaid.

Recited In-
closure Acts
to form Part
of this Act.

LXXVII. And be it further enacted, That the said Two recited Acts passed respectively in the Forty-first Year of the Reign of King *George* the Third and in the First and Second Years of the Reign of King *George* the Fourth, and the several Enactments and Provisions thereof, shall be deemed and taken to be and be applied and executed as Part of this Act, except in Cases wherein the same are hereby respectively repealed or varied, or become inapplicable to any Purposes of this Act.

Meaning of
certain
Words in
this Act.

LXXVIII. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall mean and include several Persons or Parties as well as One Person or Party, and several Things as well as One Thing respectively, and the converse; and every Word importing the Masculine Gender only shall mean and include a Female as well as a Male; and the Word "Land" shall mean and include every Species of Land or Ground, whether Arable, Meadow, or Pasture, and whether Freehold, Copyhold or Customary, or of any other Tenure, and any Messuage or Cottage or Building; and the Word "Corporation" shall be understood to mean and include any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and the Word "Commissioner" to mean and include any Commissioner for executing this Act; unless in any of the Cases aforesaid it be otherwise specially

specially provided, or there be something in the Subject or Context repugnant to such Construction.

LXXIX. Provided always, and be it further enacted, That nothing in this Act contained is intended, or shall be deemed, construed, or taken to extend to prejudice, lessen, or defeat the Right, Title, or Interest of the said *William Fitzhardinge Lord Segrave*, or the Lord or Lords of the said Manors or either of them for the Time being, respecting the Seigniories, Franchises, Rights, Royalties, Privileges, Profits, and Advantages now used and enjoyed or exercisable by him in, over, or upon *Micklewood* otherwise *Saint Michael Wood Chase* aforesaid, and the said Manors or either of them, or respecting his and their Rights of, in, and to all Mines and Minerals, of what Nature or Kind soever, lying and being within or under any of the said Commons or Waste Lands intended to be inclosed by virtue of this Act; and that the said *William Fitzhardinge Lord Segrave*, and the Lord of the said Manors for the Time being, shall at all Times for ever hereafter have, hold, and enjoy all Quit Rents, Free Rents, and other Rents, Reliefs, Dues, Customs, Suits and Services, and all Fines, Amerciaments, Courts Leet, and View of Frankpledge; Courts Baron, and all Profits and Perquisites of Courts and Leets, and all Things which to Courts Leet and View of Frankpledge and Courts Baron do belong and appertain, and all Goods and Chattels of Felons, of Fugitives, Felons of themselves and put in Exigent, Deodands and Treasure Trove, Waifs, Estrays; Forfeitures, Escheats, Fairs, Markets, Tolls, Customs, Stallages, Dues, Rights, Royalties, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, and Emoluments whatsoever to the said Chase or the said Manors, or to the Lord or Lords thereof for the Time being, incident, belonging, or appertaining, (other than and except such as are intended to be barred or extinguished by this Act,) in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the said Lord or Lords respectively could or might have held or enjoyed the same if this Act had not been passed; and that the said Lord or Lords for the Time being of the said Manors, and his or their respective Heirs or Assigns, shall and may, from Time to Time and at all Times hereafter, have, hold, work, and enjoy exclusively all Mines and Minerals, of what Nature and Kind soever, within and under the said Chase, Commons, and Waste Lands, and every Part thereof, and the several Allotments thereof to be made in pursuance of this Act, together with all convenient Liberty for working the said Mines and Minerals, and loading and carrying away the Things to be gotten throughout, and of making Pits, Shafts, Drifts, Levels, and Watercourses, and of repairing, amending, and upholding the same, and of doing, executing, and performing all such other Works, Acts, Deeds, Matters, and Things, either now in use or hereafter to be invented, as shall or may be necessary or convenient for the full and complete Working, Use, and Enjoyment of such Mines and Minerals hereby reserved, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they respectively might or could have done in case this Act had not been passed: Provided always, that the Lord of the said Manors or his Lessee shall be obliged to pay, and shall from Time to Time pay, to the respective

Saving Rights
of the Lord
of the
Manors.

Owners

Owners and Occupiers of such Allotments respectively, such Sum or Sums of Money as shall be a reasonable and adequate Recompence and Satisfaction for all such Damages as shall from Time to Time be done to the Herbage or Soil of such Allotments in the working of any such Mines : Provided also, that all Quarries of Stone or Gravel in, under, or upon any or either of such Allotments shall be the Property of and belong to the Persons to whom such Allotments shall be respectively made.

General
Saving.

LXXX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Person and Persons, Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for, or intended to be barred and compensated for and extinguished by this Act,) as they, every or any of them, could or might have had, held, and enjoyed of, in, to, or out of the said Lands authorized to be divided, allotted, and inclosed, or any Part thereof, in case this Act had not been passed.

Act, as
printed by
the Queen's
Printers, to
be Evidence.

LXXXI. And be it further enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom ; and 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 E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1839.