



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. 21.

An Act for inclosing and improving Lands in the Parishes of *Saint Helen* and *Saint Nicholas*, *Abingdon*, in the County of *Berks*.

[21st June 1841.]

WHEREAS there are in the Parishes of *Saint Helen* and *Saint Nicholas*, *Abingdon*, in the County of *Berks*, divers open Fields, Common Meadows, Common Pastures, and other Commonable Lands, and Waste Land, and divers old Inclosures, Orchards, and Homesteads, within the said Parishes respectively: And whereas Her Majesty in right or in respect of Her Duchy of *Cornwall* is the Lady of the Manor of *Shippon*, lying within the Parishes aforesaid or one of them: And whereas Her said Majesty in such Right as aforesaid is not only Lady of the Manor aforesaid, but is also a Proprietor in Remainder (subject to the Estates therein determinable on the dropping of certain Lives granted out on Leases by Indenture or Copy of Court Roll respectively) of a great Part of the said open Fields, as well as of old Inclosures, Orchards, and Homesteads, lying within the Township of *Shippon* aforesaid, as also within other Parts of the Parishes aforesaid, as Part of the Possessions of Her Majesty in respect of Her said Duchy of *Cornwall*, and Her said Majesty, with the said Leaseholders

[*Private.*]

so holding by Indenture or by Copy of Court Roll as aforesaid, is so seised and possessed of or otherwise interested in such Part of the said open Fields, old Inclosures, Orchards, and Homesteads within the same: And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Abingdon*, and the Master and Governors of the Hospital of *Christ* of *Abingdon* in the County of *Berks*, and their respective Leaseholders for Years, *John Oliver* Esquire, *Henry Knapp* Esquire, *Thomas Hedges Graham*, *John Stacy*, *William Lanham*, and divers other Persons, are Owners or Proprietors of the Remainder of the said open Fields, Common Meadows, Common Pastures, and other Commonable Lands, and Waste Land, and in respect thereof or otherwise are or claim to be entitled to certain Rights of Common of Pasture for their Cattle, and other Rights and Interests over the same or some Parts thereof, or are otherwise interested therein; and they, or One of them, together with Her said Majesty, and such Tenants by Lease or Copy of Court Roll as aforesaid, are or claim to be entitled to the first Crop or Mowth of Grass in *Abingdon Mead*, Part of the said Common Meadows: And whereas Her said Majesty, and such Tenants by Lease or Copy of Court Roll of Her said Majesty's Lands in the Hamlet of *Shippon*, are or claim to be entitled to the exclusive Right of Feed, from and after a certain Day in the Year, on a certain Meadow called *Sandford Mead*, in the said Parish of *Saint Helen*, Part of the Common Meadows aforesaid: And whereas the Owners or Proprietors of the Lands to be inclosed are or claim to be entitled to the Soil of the Waste of the Manor of *Abingdon*: And whereas certain Parts of the said open Fields, Common Meadows, Common Pastures, and other Commonable Lands, and Waste Land, called or known by the Names of *Abingdon Common*, *Abingdon Mead*, and *The Breaches*, are subject to certain Rights of Common for Horses and Cows of Housekeepers in the Town of *Abingdon*, and it is therefore inexpedient to divide and inclose the same: And whereas there is now sufficient open Space for the Recreation of the Inhabitants of the said Parishes on the Land called *Abingdon Common*, where Races are held annually, and which is not intended to be inclosed: And whereas the Lands of the several Owners and Proprietors of the said open Fields lie much intermixed, and dispersed in small Parcels, so as to render the Cultivation thereof inconvenient and expensive; and the same, as well as the said Common Meadows, Common Pastures, and other Commonable Lands, and Waste Ground, (exclusive of *Abingdon Common*, *Abingdon Mead*, and *The Breaches*) might be greatly improved if divided, and specific Parts thereof allotted to the Proprietors thereof, to be held in Severalty, and certain Parts thereof inclosed; and the said Land called *Abingdon Mead* might be greatly improved if the first Crop or Mowth of Grass, and the Right of Sheep Feed thereon, were allotted, fixed, and regulated between and amongst the several Proprietors and Persons interested therein, without Prejudice to the aforesaid Rights of the Housekeepers in *Abingdon*; but the respective Improvements aforesaid cannot be effected without the Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of 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*

proving the several Facts usually required on the passing of such Acts :

And whereas another Act was passed in the First and Second Year of the Reign of His late 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*: 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 the said Two recited Acts passed respectively in the Forty-first Year of the Reign of King *George* the Third, and in the Second Year of the Reign of King *George* the Fourth, and the several Enactments and Provisions thereof, shall, from the passing of this Act, be deemed to be and shall be executed as Part of this Act, except in such Cases wherein the same are hereby respectively repealed or varied, or wherein the same shall be inapplicable to the Purposes of this Act.

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c. 23.

Recited Acts
to form Part
of this Act.

II. And be it enacted, That *Edward Driver* of *Richmond Terrace, Whitehall, London*, Gentleman, and his Successors for the Time being, to be elected or appointed in manner herein-after mentioned, shall be Commissioner for carrying this Act and the said recited Acts into execution; and it shall be lawful for the said Commissioner and he is hereby required to divide, allot, and inclose the said open Fields, Common Meadows, Common Pastures, and other Commonable Lands, and Waste Land, in the said Parishes of *Saint Helen* and *Saint Nicholas, Abingdon* (except *Abingdon Common, Abingdon Mead, and The Breaches* aforesaid); and also to allot, fix, and regulate the first Crop or Mowth of Grass and Right of Sheep Feed in *Abingdon Mead* aforesaid, without Prejudice to the Rights of Common on the said *Abingdon Mead*, according to the Regulations and Provisions contained in the said recited Acts and this Act: Provided always, that no Person shall be capable of acting as such Commissioner (except in signing and giving Notice of the First Meeting of the Commissioner, and in receiving the Declaration herein-after directed,) until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in the Schedule to this Act; and such Declaration shall be in lieu of the Oath or Affirmation required by the said Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, or inclosing any Lands or Grounds.

Appointment
of Commis-
sioner.

Qualification
of Commis-
sioner.

III. And be it enacted, That if any Person, not having so qualified himself, shall act as a Commissioner, he shall for every such Offence forfeit the Sum of Fifty Pounds, with full Costs of Suit, to any Person who shall sue for the same, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

Penalty on
Persons
acting not
qualified.

IV. And be it enacted, That if any Person shall falsely or corruptly make and subscribe a Declaration under the Authority of this Act, knowing the same to be untrue in any material Particular, he shall be guilty of a Misdemeanor.

Penalty on
making a
false Declar-
ation.

V. And

Appointment
of Commis-
sioner on
Vacancies.

V. And be it enacted, That in case the said *Edward Driver*, or any Person to be appointed a Commissioner in his Room, by virtue of this Act, shall die, or become incapacitated, or neglect or refuse for the Space of Two Months to act as such Commissioner, it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment for the Time being) of the several Proprietors of the Lands to be inclosed or improved, who shall attend either personally or by their respective Agents at any Meeting to be held for that Purpose, of which Meeting Notice shall be given by some One or more of the Persons interested in the said Inclosure and Improvement, by Advertisement, and also on the principal outer Door of the Parish Churches, as herein-after directed, at least Fourteen Days before such Meeting, and the Clerk to the Commissioner shall send the like Notice by Post, addressed to the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or to the Person or Persons for the Time being having the immediate Management of the said Duchy of *Cornwall*, to appoint, by Writing under their Hands, some fit Person to be a Commissioner in the Room of the said *Edward Driver*, or of the Commissioner appointed in his Place, and so from Time to Time as often as any such Commissioner shall die, neglect or refuse or become incapable to act.

New Com-
missioner to
have same
Powers as if
originally ap-
pointed.

VI. And be it enacted, That every new Commissioner appointed under the Powers herein-before given shall be invested with the same Powers and Authorities for carrying this Act into execution, and shall be subject to the same Regulations, as if he had been originally named a Commissioner in this Act; and every such Appointment shall be annexed to and deposited with the Award of the Commissioner.

Appointment
of Surveyor.

VII. And be it enacted, That *Thomas Tilbrook* of *Horningsham* in the County of *Wilts*, and his Successors for the Time being, to be elected or appointed under such and the same Circumstances, with the like Notice, and in such and the like Manner, in all respects, as are herein-before expressed and contained respecting the Appointment of a new Commissioner, shall be Surveyor for the Purposes of this Act; and such Appointment, being transmitted to the Commissioner for carrying this Act and the said recited Acts into execution, shall be annexed to and deposited with his Award: Provided always, that no Person shall act as such Surveyor until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in the Schedule to this Act, which Declaration it shall be lawful for the Commissioner for the Time being, or any Justice of the Peace for the said County, to administer and receive; and the said Declaration so made and subscribed shall be annexed to and deposited with the Award of the Commissioner.

Surveyor to
make a De-
claration.

Appointment
of Clerk.

VIII. And be it enacted, That it shall be lawful for the Commissioner to appoint a Clerk to assist him in carrying this Act into execution, and from Time to Time to remove such Clerk, and to appoint another in his Stead.

IX. And

IX. And be it enacted, That no Person shall be appointed or shall act as a Commissioner or Surveyor in execution of this Act who shall be interested in the Lands to be inclosed or improved, or who shall be the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested.

No Party interested to be appointed a Commissioner, &c.

X. And be it enacted, That the said Commissioner and the said Clerk shall be paid respectively out of the Inclosure Expences Fund, for each Day they shall respectively travel or be engaged in any Business relating to the Execution of this Act, the Sum of Three Guineas for each Day they shall respectively be engaged as aforesaid for the first Two Years after the passing of this Act, and Two Guineas *per* Day afterwards; and such Payment shall be in full Satisfaction to the Commissioner and Clerk respectively for their Time and Trouble, and for the several Expences incurred by them during their several Journies and Attendance in the Execution of this Act, except the Expence of the Rooms in which the Meetings of the Commissioner shall be held, and the Expence of Appeals or other legal Proceedings against the Commissioner, and the Expence of Notices and Advertisements, and of preparing, proclaiming, and enrolling the Award, and such other like necessary Expences: Provided always, that it shall not be lawful for the Commissioner to retain or pay himself or the said Clerk any Money on account of the before-mentioned Allowances respectively beyond One Third of the Allowance to which they shall be respectively entitled until after the Expiration of Six Calendar Months from the Day of the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the Commissioner shall be appealed against then not until such Appeal shall have been heard and decided.

Allowances to Commissioner and Clerk.

XI. And be it enacted, That in computing the said Allowance to the Commissioner and Clerk a Day shall be deemed to consist of Eight Hours during the Period between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and Six Hours during the Period between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and where the Time occupied in going to and attending at and returning from any Meeting to be holden or on other Business to be transacted under the Provisions of this Act shall be of less Duration than Eight Hours in the first of the Periods aforesaid, or of Six Hours in the Second Period, the same shall be charged as only Half a Day, and the Commissioner and Clerk shall be paid accordingly.

Length of Day for estimating Allowances.

XII. And be it enacted, That it shall be lawful for the Commissioner to pay to the Surveyor to be appointed as aforesaid, out of the Inclosure Expences Fund, a Sum not exceeding the Sum of One Shilling and Sixpence *per* Acre for surveying, measuring, mapping, and planning the Land requiring to be surveyed under the Provisions of this Act, and the Sum of Two Guineas for each Day that he shall travel or be actually and wholly engaged in the Duties imposed by this Act, exclusive of the Time he may be engaged in surveying, measuring, mapping, and planning as aforesaid; and such Payments

Allowances to Surveyor.

[*Private.*]

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shall

shall be in full Satisfaction for the Time and Trouble of the Surveyor, and for all travelling and other Expences of every Description to be incurred by him whilst engaged in the Duties of surveying under this Act.

Proprietors
may agree
with Com-
missioner
and Surveyor
for One Sum.

XIII. Provided always, and be it enacted, That it shall be lawful for the major Part in Value of the Proprietors and Persons interested in the Lands to be inclosed or improved, at any Meeting to be called and held in manner herein-before mentioned respecting Meetings for the Appointment of any Commissioner on Vacancies, to make any Agreement with the Commissioner and Surveyor, or either of them, for the Payment to them respectively of one Sum as the Allowance for the whole Duty, or any Part thereof, to be performed by them or either of them in the Execution of this Act.

Only a Por-
tion of Sum
agreed for to
be paid until
Accounts are
allowed.

XIV. And be it enacted, That in case any such Agreement shall be made for paying the Commissioner and Surveyor, or either of them, One Sum as such Allowance as aforesaid, for the Performance of their Duties respectively in the Execution of this Act, then it shall not be lawful for the Commissioner to retain or pay himself or the Surveyor any Money on account of such Allowances respectively beyond One Third of the Allowance to which they shall be respectively entitled, until after the Expiration of Six Calendar Months from the Day of the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the Commissioner shall be appealed against then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease, ceasing to act, or Resignation of the Commissioner or the Surveyor, previous to the Execution of the said Award, the Commissioner for the Time being shall apportion the Compensation herein-before provided to be paid to such Party so dying or resigning, between such Party, his Executors or Administrators, and the Person who shall be appointed in his Place, and the like Apportionment shall be made as often as such Case shall happen, so that the Sums so agreed to be paid to such Commissioner and Surveyor shall not be increased by any such Decease, ceasing to act, or Resignation; and the Commissioner shall, after the Expiration of the Period 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 Surveyor, and his Successors, such Sum as shall appear by the said Accounts to be due to such deceased Commissioner or Surveyor, and Successors,

Meetings,
and Notices
thereof.

XV. And be it enacted, That the Commissioner shall cause Notice to be given by Advertisement and on the principal outer Door of the Parish Churches of *Saint Helen* and *Saint Nicholas Abingdon* respectively, and shall send the like Notice by Post to the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or to the Person or Persons for the Time being having the immediate Management of the said Duchy, of the Time and Place when and where his First and every subsequent Meeting shall be held (Meetings by Adjournment only excepted), and he may from Time to Time adjourn any such Meetings; and if
at

at the Time and Place appointed for any such Meeting the Commissioner shall not attend, it shall be lawful for the Clerk to adjourn such Meeting for not more than Twenty-one Days, to be held at the same Place, giving timely Notice thereof to the Commissioner: Provided always, that all Meetings of the Commissioner for executing this Act shall be held within One of the said Parishes of *Saint Helen* or *Saint Nicholas*, or within Eight Miles thereof respectively.

XVI. And be it enacted, That all Notices by this Act directed to be given by Advertisement shall be given by Advertisement to be inserted in some Newspaper or Newspapers printed or usually circulated in the said County; and all Notices directed to be given on the Church Door shall be by Writing under the Hands of the Party giving such Notice, to be affixed on the principal outer Door of the Parish Churches of *Saint Helen* and *Saint Nicholas* aforesaid respectively, on *Sunday* before Divine Service, and also by sending Notices to the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or to the Person or Persons for the Time being having the immediate Management of the said Duchy; and all Notices necessary to be given by the Commissioner, the Mode of giving which is not hereby particularly directed, shall be by one of the Two first-mentioned Methods, and to the said Commissioners or Person or Persons aforesaid; and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices shall relate, any thing in the said first-recited Act to the contrary notwithstanding.

Notices how
to be given.

XVII. And be it enacted, That if the Commissioner shall not attend the First or Second Meeting appointed to be held for putting this Act into execution, and to qualify himself by making the Declaration in that Behalf prescribed, or if he shall, at any Time after having qualified himself as aforesaid, wilfully absent himself from any Two successive Meetings of such Commissioner, the Times of such Meetings being known to him by his having been present at the Appointment of the first thereof, or by a Notice thereof in Writing under the Hand of the Clerk of the Commissioner having been given to him, or left at his usual Place of Abode, (such Commissioner not being prevented by Sickness, or by other reasonable Cause,) or if any Commissioner to be hereafter elected or appointed as aforesaid shall not attend and qualify himself at the First or Second Meeting to be held after his Appointment, or shall, after having qualified himself as aforesaid, wilfully absent himself in manner aforesaid, after such Notice, and without Cause or Excuse as aforesaid, every such Absence or Non-attendance shall be deemed to be a Refusal to act.

What shall
be a Refusal
to act.

XVIII. And be it enacted, That if any Person, having been summoned to testify the Truth upon Oath touching any Matter relating to the Execution of this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the Commissioner, to defray the Charges of his Attendance, shall not appear before the Commissioner, pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn

Persons
summoned
by the Com-
missioner,
and refusing
to give Evi-
dence, to be
punished.

sworn or to give Evidence touching the Premises, it shall be lawful for the Commissioner, upon Proof of such Summons, and Tender made before him upon Oath (which Oath he may administer), by Warrant directed to any Person whomsoever to cause any Sum of Money not exceeding Ten Pounds to be levied by Distress upon the Person so neglecting or refusing to appear or give Evidence; and the Money so to be levied as aforesaid shall be considered as Part of the Inclosure Expences Fund, and shall be applied accordingly.

For regulat-
ing Dis-
tresses.

XIX. And be it enacted, That when in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, shall be directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the surplus Monies arising from such Sale, after satisfying such Sum of Money, and the Costs and Expences attending the Distress and Sale, shall, on Demand, be rendered to the Party whose Goods and Chattels shall have been distrained.

Proceedings
to be entered
in a Book.

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

Proprietors
to pay their
own Ex-
pences, &c.

XXI. Provided always, and be it enacted, That the several Persons interested in the said Inclosure, and their respective Agents, shall pay their own Expences whenever they shall attend any of the Meetings to be held in pursuance of this Act.

Debts to be
paid, and
Accounts to
be audited.

XXII. And be it enacted, That the Commissioner shall not at any Time permit any just Claim or Demand upon him as such Commissioner to remain unpaid for a longer Period than Three Months; and once at least in every Twelve Months during the Execution of this Act, and until the Account of the Commissioner shall be finally allowed, (the first of such Periods to be computed from the Day of the passing hereof,) he shall make out a true and accurate Account of all Sums of Money by him received and expended in the Execution of this Act, and of all Sums due to him for his own Trouble or Expences; and in such Account shall be particularly specified the several Items and Articles for which each particular Sum shall have been paid; and such Account, when so made out, together with the Vouchers relating thereto, shall be by the Commissioner laid before One or more of Her Majesty's Justices of the Peace acting for the said County not interested in the Premises, to be by him or them examined and balanced.

Accounts to
be published.

XXIII. And be it enacted, That the Balance of such Account shall be by such Justice or Justices stated in the Book of Account to be kept in the Office of the Person acting as Clerk to the Commissioner; and an Abstract of such Account, so examined and balanced, shall,

shall, with Fourteen Days after the same shall have been so examined and balanced, be inserted in some Newspaper printed or usually circulated within the said County; and no Charge or Item in any such Account shall be binding on the Parties concerned, or be valid in Law, unless the same shall have been duly allowed by such Justice or Justices, nor until such Abstract thereof shall have been published in some such Newspaper as aforesaid, subject, nevertheless, to the Power of Appeal herein-after contained.

XXIV. And be it enacted, That it shall be lawful for the Commissioner to adopt and make use of any Survey, Admeasurement, or Plan already made of the Lands to be inclosed, or of the old inclosed Lands, within the said Parishes respectively, without causing a new Survey, Admeasurement, or Plan to be made thereof: Provided always, that nothing in the said first-recited Act or in this Act contained shall require the Commissioner to make or cause to be made any Survey, Admeasurement, Plan, or Valuation of any of the Messuages, Cottages, Gardens, and Inclosures in the said Parishes, unless he shall deem the same expedient for the Purposes of this Act.

Existing
Plans, &c.
may be used.

XXV. And be it enacted, That for the Purpose of shortening or rendering straight any Boundary Fences between the Lands to be inclosed and the old inclosed Land in the said Parishes, or between such Allotments and inclosed Lands, or any of them, and any adjoining Lands, it shall be lawful for the Commissioner (with the Consent of the Lord of any Manor in which the Lands are situate, and of the Owners of any such adjoining Lands, testified by Writing under their respective Hands, or under the Common Seal of any of them, being a Corporation Aggregate), to set out and determine the Boundaries between the Lands to be inclosed and any adjoining Lands lying in the same or in any adjoining Manor, as they shall judge proper for the Purposes aforesaid; and after such Boundaries shall have been so set out and determined as aforesaid the same shall be made, fenced, ditched, or mounded by such Person, in such Manner, and at such Times as the Commissioner shall direct, and shall for ever thereafter be deemed the Boundaries between the allotted and the old inclosed Lands respectively, or (as the Case may be) between the allotted or old inclosed Lands and such adjoining Lands.

For shorten-
ing Bound-
aries.

XXVI. And be it enacted, That it shall be lawful for the Commissioner to enlarge, cleanse, or alter the Course of and improve any of the present Ditches or Watercourses, Banks or Bridges, as well in and over the Lands to be inclosed as also in any ancient Inclosures or other Lands within the said Parishes, as the Commissioner shall deem necessary (making such Satisfaction to the Proprietors of such ancient Inclosures or Lands for the Damage done thereby as the Commissioner shall think just); and the Expences of enlarging, altering, and cleasing such Ditches, Watercourses, Banks, and Bridges, when the same shall be first done, in pursuance of this Act, if not otherwise provided for, shall be raised by the Commissioner in the same Manner as the other Expences of carrying this Act into execution; but all such Ditches, Watercourses, Banks, and Bridges shall

Commis-
sioner to
enlarge and
turn Water-
courses.

[Private.]

at all Times afterwards be repaired, cleansed, and maintained by such Persons and in such Manner as the Commissioner shall by his Award direct: Provided that no Watercourse be diverted or turned without the Consent in Writing of the Persons from whose Lands the same may be diverted, and of the Persons into whose Lands the same may be turned, or to the Prejudice of any Person interested in such Watercourse, except with his Consent in Writing.

Power to
stop up or
divert Roads,
&c.

XXVII. And be it enacted, That in setting out the several public Carriage Roads, Highways, Bridle Roads, and Footpaths, in pursuance of this Act or of the first-recited Act, the Commissioner may, if he think it necessary or proper, with the Consent and under the Order in Writing of any Two Justices of the Peace for the Borough or County where such Carriage Roads, Highways, Bridle Roads, and Footpaths shall be situate, discontinue, stop up, divert, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footpaths passing through any of the Lands to be inclosed, or any of the old Inclosures within the said Parishes; and the Soil of such of the Roads and Ways so to be discontinued and stopped up as pass through allottable Lands shall be deemed Part of the Lands to be inclosed: Provided always, that nothing herein contained shall authorize the altering or diverting of any Turnpike Road, 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 obtained.

Proceedings
previously to
stopping up
and diverting
Roads, &c.

XXVIII. Provided always, and be it enacted, That before any public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, diverted, stopped up, or altered by the Commissioner, or any such Order of Two Justices shall be made, the Commissioner shall cause to be affixed at each End of such public Carriage Road, Highway, Bridle Road, or Footpath, a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the Commissioner; and the Commissioner shall also cause the same Notice to be given by Advertisement for Four successive Weeks, and also on the principal outer Door of the Parish Churches of *Saint Helena* and *Saint Nicholas* aforesaid, respectively, on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so given, and after such Order as herein-before mentioned shall have been made, such 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 as is herein-after mentioned.

Appeal to the
Quarter Ses-
sions.

XXIX. Provided also, and be it 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 Four Months after the making of the said Order, to make his Complaint thereof by Appeal to the Recorder or to the Justices of the Peace at the Quarter Sessions within the Jurisdiction of which such Carriage Road, Highway, Bridle Road, or Footpath shall be situate, upon giving to the Commissioner or his Clerk Ten
Days

Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; but it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been given as aforesaid, nor on any Hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

XXX. And be it enacted, That in case of such Appeal the Recorder or the Justices at such Quarter Sessions shall, for the Purpose of determining whether such public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby 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 him or them the said Jury shall return a Verdict that such public Carriage Road, Highway, Bridle Road, or Footpath 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 thereby, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the Commissioner, and the same shall be recoverable in the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that such public Carriage Road, Highway, Bridle Road, or Footpath 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 thereby, the said Court 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 the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the Commissioner out of the Inclosure Expences Fund.

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

XXXI. And be it enacted, That the Expences attending the purchasing of the Soil of such Roads, or the stopping up, discontinuing, diverting, and altering of such Roads, and the Money Compensation in respect thereof, shall be paid out of the Inclosure Expences Fund.

Expences of discontinuing or altering Roads.

XXXII. And be it enacted, That when and so soon as Two or more of Her Majesty's Justices of the Peace for the said Borough or County shall certify any of the public Carriage Roads to be set out in pursuance of this Act to be sufficiently formed and completed, such Roads shall thenceforth be kept in repair by such Persons and in such Manner as the public Roads within the said Parishes are or ought by Law to be kept in repair; and every such Certificate shall, at the Quarter Sessions of the Peace to be holden for the said Borough or County next after the Date thereof, be filed of Record by the Clerk of the Peace for the said Borough or County.

Justices may declare any of the Carriage Roads completed.

XXXIII. And

Commis-
sioner to
appoint pri-
vate Roads.

XXXIII. And be it enacted, That the Commissioner shall set out such private Roads, Bridleways, and Footpaths through the Lands to be inclosed as he shall think requisite, giving such Notice and subject to such Examination as is required by the said first-recited Act in the Case of public Roads; and any Expences which the Commissioner may think fit to incur prior to the Time of making his Award, relative to the setting-out or the Formation or Completion of such private Roads, Bridleways, and Footpaths, or any of them, shall be paid out of the Inclosure Expences Fund; and the said private Roads, Bridleways, and Footpaths shall thereafter be maintained and kept in repair by and at the Expence of the Owners and Proprietors for the Time being of any of the Lands within the said Parishes, in such Shares and Proportions, and in such Manner, as the Commissioner shall by his Award direct.

Commis-
sioner em-
powered to
suspend or
extinguish
Rights of
Common.

XXXIV. And be it enacted, That it shall be lawful for the Commissioner, at such Time as he shall think proper, and before the Execution of his Award, by Notice on the principal outer Door of the Parish Churches of *Saint Helen* and *Saint Nicholas* aforesaid respectively, to order all or any Part of the Rights of Sheepwalk, Common or other Rights, in or over the Lands to be inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended during such Time as shall be expressed in such Notice; and from the Time mentioned in such Notice such Rights shall be extinguished or suspended accordingly.

Cattle depas-
turing in
breach of
the Commis-
sioner's
Order to be
distrained.

XXXV. And be it enacted, That if during the Suspension or after the Extinguishment of any such Rights of Sheepwalk, Common or other Rights as aforesaid, any Owner or Occupier of Land, or of any Commonable Messuage or Cottage, within the said Parishes, or any other Person, shall permit his Cattle or Sheep to go or depasture upon any of the Lands over which such Rights shall be suspended or extinguished, it shall be lawful for the Commissioner or any other Person by his Order (testified in Writing under his Hand), and also for any other of the said Owners or Occupiers, to distrain such Cattle or Sheep being upon such Lands or Grounds contrary to such Order, and to impound the same until the Person so offending shall pay to the Person so distraining such Sum of Money as the Commissioner shall, by Writing under his Hand, to be delivered to or left at the Place of Abode of the Person whose Cattle or Sheep shall be so distrained, have previously ordered, not exceeding Ten Shillings for each Head of Cattle, and Five Shillings for each Sheep so distrained; and in case the same shall not be paid within Seven Days after the Delivery of such Writing, the Commissioner is hereby authorized, upon Proof of such Offence having been committed, and of Nonpayment of the Penalty hereby imposed, to cause the Cattle or Sheep so distrained or impounded, or such of them as he shall think necessary, or any other Goods or Chattels of the Person so offending, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress, rendering the Surplus (if any) to the Owner of such Cattle or Sheep.

XXXVI. And

XXXVI. And be it enacted, That it shall be lawful for the Commissioner, as soon after the passing of this Act as conveniently may be, and from Time to Time as he shall think fit, by Notice on the principal outer Door of the Parish Churches of *Saint Helen* and *Saint Nicholas* aforesaid respectively, to direct the Course of Husbandry and the Stint or Rule of Stocking that shall be observed upon the Lands to be inclosed, until the Time when they shall have completed the Division, Allotment, and Inclosure thereof, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding of the Commonable Lands and Fallows or Stubbles upon the same, and to make such Recompence as they shall think right to any Person injured by such Directions, all which Directions shall be binding upon all Parties interested, their Farmers and Tenants; and the Commissioner shall impose such pecuniary Penalties on every Person not conforming to such Directions as he shall think necessary, not exceeding the Sum of Five 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 Offence; and shall also determine, in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation, by whom and in what Sum of Money such Tenant shall be compensated for any such Manure left or given up by him; and such Penalties and other Sums of Money shall be recovered in the Manner directed by the said first-recited Act with respect to the levying and recovering of Penalties.

Commissioner to direct the Course of Husbandry.

XXXVII. And be it enacted, That all Persons claiming any Interest in any of the Lands to be inclosed shall deliver their respective Claims in Writing under their Hands, or the Hands of their Agents, unto the Commissioner, at the Meetings to be held for that Purpose, stating the several Particulars in respect whereof such Claims are made, and distinguishing Freehold, Copyhold, and Leasehold Property from each other, and the Parish in which they are situate; and no such Claim shall be received by the Commissioner after the last Meeting to be held for that Purpose of which due Notice shall have been given, and so expressed therein, except for some special Cause to be allowed by the Commissioner.

Claims to be delivered to the Commissioner.

XXXVIII. And be it enacted, That after the said Claims shall be so received the Commissioner shall cause Notice on the principal outer Door of the Parish Churches of *Saint Helen* and *Saint Nicholas* aforesaid respectively to be given of a Time (at least Ten Days distant) and a Place for all Parties concerned to appear before him, and show Cause for or against the Allowance or Disallowance of the said Claims; and at such Meeting the Commissioner shall proceed to examine into and determine the same, and shall make such Order therein as to him shall appear just; and in case any Doubts or Difficulties shall arise respecting such Claims, or any Differences shall happen between any Person or Persons, whether the same shall be Her Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, or any of the said Proprietors, touching their respective Rights or Claims, or touching the respective Shares which

Adjudication upon Claims.

[*Private.*]

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they

they ought to have in the Allotments, the Commissioner shall, by Examination of Witnesses upon Oath (which Oath the Commissioner is hereby empowered to administer), and by such other Evidence as to him shall seem proper, hear and determine the same, and shall make such Order therein as to the Commissioner shall appear just, which Order shall be final, unless any Party shall be dissatisfied with the Determination of the Commissioner, and shall proceed to try his Rights by an Issue at Law, as hereafter mentioned.

Commis-
sioner not to
determine
Titles con-
trary to
Possession.

XXXIX. And be it enacted, That this Act shall not authorize the Commissioner to determine the Title to any Lands, or to determine any Right between any Parties, contrary to the actual Possession of such Parties (except in respect of Encroachments, as herein-after mentioned), but in case the Commissioner shall be of opinion against the Rights of the Party in possession he shall forbear to make any Determination thereon until the Possession shall have been given up by such Party, or recovered from him by due Course of Law.

Parties dis-
satisfied
authorized
may try their
Rights at
Law.

XL. And be it enacted, That if Her Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, or any Person claiming to be interested in the said Inclosure or Improvement, shall be dissatisfied with any Determination of the Commissioner concerning any Claim or any Right or Interest in or to the Lands to be inclosed or improved, or concerning any Objection to such Claim, it shall be lawful for Her, or such Person, to bring an Action upon a feigned Issue against the Person in whose Favour such Determination shall have been made, within Three Months next after such Determination shall have been notified in Writing to the Person against whom such Determination shall have been made, or to his known Agent; or in case any such Determination shall affect the Interest of Her Majesty, or of the Duke of *Cornwall* for the Time being, then such Determination shall be notified in Writing to the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or to the Person or Persons for the Time being having the immediate Management of the said Duchy, and thereupon Her said Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, or the Person so dissatisfied, may proceed to a Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes, which may be holden for the said County after such Action shall have been commenced; and the Defendant in such Action shall, upon being served with the usual Process therein, appear and plead thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim, and the Right and Interest thereby insisted on, may be tried and determined (such Issues to be settled by the proper Officer of the Court in which such Action shall be commenced, in case the Parties differ); and the Verdict given upon the Trial of such Action shall be binding and conclusive upon Her said Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, and upon all the Parties thereto, unless the Court shall set aside such Verdict, and order a new Trial to be had; and after such Verdict shall be given, and final Judgment obtained thereon, the Commissioner shall act in conformity thereto, and allow or disallow the Claim thereby determined according

according to the Event of such Trial, and the Costs attending any such Actions shall abide the Event of the Trial.

XLI. Provided always, and be it enacted, That if no such Action shall be commenced, or if the Plaintiff therein shall not proceed to Trial within the Time herein-before limited for that Purpose (unless the Court for sufficient Cause put off such Trial), the Determination of the Commissioner shall be final.

If no Action brought within Time limited.

XLII. And be it enacted, That if any Person, 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 (the Heir or Devisee, or other Person entitled to the Interest of the deceased Party in the Matter in question, being served with Process in the Action); 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 Action brought, 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 the Commissioner or his Clerk with the usual Process for commencing such Action, in the same Manner as the deceased Person might have been served therewith if living, and it shall thereupon be incumbent on such Clerk to serve with such Process the Heir or Devisee or personal Representative of the deceased Person, or other the Person who shall claim the Benefit of such Determination as aforesaid, and on such Process being served such Heir or Devisee or personal Representative or other Person shall appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had thereon in the same Manner as if such Person had been living, and the Rights, Interests, and Claims of all Parties shall be equally bound by the Event of any Action so brought or continued as aforesaid as if the Death of any of the Persons interested therein had not occurred.

Deaths of Parties not to abate Proceedings; and in case Parties die before Action brought, the Suits to be carried on and defended in their Names.

XLIII. And be it enacted, That if any Person interested in the said Inclosure shall die before the same shall have been completed, the Powers and Authorities hereby vested in the Commissioner shall not be thereby determined or suspended, but he shall proceed in the Execution of such Powers and Authorities in such Manner as he might have done in case such Person had not died; and the Share of the Person so dying shall be allotted to such Person as by Law shall become entitled to the same, and shall be accepted and fenced by such Party according to the Directions of this Act, and he shall be liable to the Charges and Expences and other Conditions of this Act.

If Parties die before Inclosure, &c. is completed, Allotments to be made to their Representatives.

XLIV. And be it enacted, That in case the Commissioner, upon the Determination of any Claim or Objection to be delivered to him in pursuance of this Act, shall see Cause to award any Costs, it shall be lawful for him, upon Application, to assess and award such Costs

Commissioner to award Costs.

as

as he shall think reasonable to be paid by the Person whose Claim or Objection shall have been disallowed to the Person in whose Favour any Determination shall have been made; and in case any Person liable to pay such Costs shall refuse or neglect to pay the same, upon Demand, the Commissioner shall, by Warrant directed to any Person whomsoever, cause the same to be levied by Distress; and if there be no Goods or Chattels whereon to levy such Costs, it shall be lawful for the Person in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action 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 Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Leases at
Rack Rent
to be void.

XLV. And be it enacted, That, immediately after such Time as the Commissioner shall by Writing under his Hand in this Behalf appoint, every Lease and other Agreement at Rack Rent subsisting of all or any Part of the Lands to be inclosed for any Term of Years not exceeding Twenty-one Years shall determine and be void as to all such Lands, but not as to any other Lands comprised therein, such Compensation as between Lessor and Lessee being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated as the Commissioner shall, by Writing under his Hand, order in that Behalf (except as to any Leases or Allotments wherein it is stipulated or agreed to make void the same in case of an Allotment in Severalty or Inclosure, in which Case no Compensation shall be made); and if any such Compensation shall not be paid to the Party entitled to receive the same within One Month after Demand made in Writing under the Hand or Common Seal (as the Case may require) of the Party to whom the same shall be payable, the Commissioner shall raise and levy the same, for the Use of the Party entitled thereto, by such Ways and Means as the Rates to be levied for defraying the Inclosure Expences are directed to be raised and recovered; and it shall be lawful for the Commissioner by Writing under his Hand to ascertain and direct what Rent or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed in their respective Holdings to their respective Landlords, from the Time of the passing of this Act, until such Lands shall be marked and staked out, and be directed to be entered upon as aforesaid.

Certain
Leases not to
be vacated.

XLVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to set aside or make void any Lease or Agreement comprising inclosed and not Commonable Lands only, unless otherwise agreed on between the Lessors and Lessees respectively; or unless there shall be any Stipulation in any existing Lease or Agreement for making void the same on any Allotment in Severalty or Inclosure, nor to set aside or make void any beneficial Lease of any Lands within the said Parish, but the Party entitled to such beneficial Lease shall be entitled to hold and enjoy his Term under the Rents and Covenants specified in his Lease.

XLVII. Pro-

XLVII. Provided also, and be it enacted, That nothing in this Act contained shall extend to revoke, make void, or alter any Will or Settlement, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Portion, Debt, Charge, Rent, or Incumbrance, out of or affecting any of the Lands to be inclosed, or any of the Lands 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, or Partition, be and enure, and the several Persons to whom the same shall be so allotted or given in Exchange or Partition as aforesaid shall be seised and possessed thereof respectively, to, for, and upon the same Estates, Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the several Lands in respect whereof such Allotments, Exchanges, and Partitions shall have been made would have stood limited for or been subject to in case the same respectively had not been allotted, exchanged, or parted with as aforesaid, or as if this Act had not been passed, subject, nevertheless, to all such Mortgages and Sales as shall be made by virtue of this Act.

Wills and Settlements not to be affected.

XLVIII. And be it enacted, That if at any Time before the Execution of the Award of the Commissioner any Person shall sell his Right of Common or other Right or Interest in the Lands to be inclosed, or any Part thereof, to any Person, the Commissioner shall, upon any such Sale being made, make an Allotment of Land to the Purchaser, or to his Heirs or Assigns, in respect of the Right or Interest so sold; and every such Purchaser, or his Heirs or Assigns, shall, from the Execution of the said Award, hold and enjoy the Land so to be allotted to him in the same Manner as the Vendor might or ought to have done in case such Sale had not been made; and it shall be lawful for any Person who shall be entitled to any Allotment under this Act to devise, grant, surrender, mortgage, or otherwise convey and assure the same Allotment, or all or any Part of his Interest therein, at any Time before the Execution of the said Award; and every such Devise, Grant, Surrender, and other Assurance shall be of the same 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 to sell, dispose of, and convey the Estate in right of which he may be entitled to such Allotment, separate from and retaining to himself such Allotment, Common Right, and Interest, and the Commissioner is hereby required to award such Allotment accordingly.

Persons may sell their Common Rights, and Persons entitled to have Allotments may mortgage, &c., before Execution of the Award.

XLIX. And be it enacted, That all Encroachments and Inclosures which shall have been made by any Person from or upon any Part of the Lands to be inclosed within Twenty Years next before the passing of this Act, whether any Amerciament, annual Rent, or any Money Payment or Acknowledgment, hath or hath not been paid in respect of the same to or for the Use of the Lord of the Soil or any other Person, except such as have been made by the Lord or Lords, Lady or Ladies of the said Manors, or any or either

Encroachments.

[Private.]

of them, or their Tenant or Tenants respectively by their Authority, adjoining the Freehold Lands of such Lord or Lords, Lady or Ladies respectively, shall be deemed Parcel of the Lands to be inclosed, and shall be divided, allotted, and inclosed accordingly.

Allotment of old Inclosures, with Consent of Proprietors.

L. Provided always, and be it enacted, That it shall be lawful for the Commissioner, with the Consent in Writing and at the Request of any Proprietor of any Houses, Homesteads, Gardens, Orchards, or old inclosed Lands within the said Parishes, whether such Owner or Proprietor shall be a Corporation, Tenant in Fee Simple, or for Life, or in Fee Tail, General or Special, or by the Curtesy of *England*, or for Years determinable on any Lives, with the Consent of the Lessor of any such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands holden for Years determinable as aforesaid, and not otherwise, or with the Consent of the Guardian, Trustee, Feoffee for charitable or other Uses, Husband, Committee, or Attorney of or acting for any such Proprietor as aforesaid who 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 respectively testified, in case of a Corporation, by Writing under their Common Seal, or by Writing under the Hand of the Agent of such Corporation, or in case of an Individual under his Hand,) to order and direct such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands to be considered as allottable, and Parcel of the Lands to be inclosed; and such Allowance shall be made to the Proprietors of such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands, on account of the Situation or other beneficial Circumstances thereof, as the Commissioner shall adjudge to be just and reasonable, and he shall allot and award unto such Proprietors so much and such Part of the Lands to be inclosed as he shall think reasonable and just.

Insulated old Inclosures to be deemed allottable Lands.

LI. And be it enacted, That all inclosed Lands within the said Parishes, whether lying in single Pieces or in several adjoining Pieces, which are surrounded by open Field Land, and thereby placed in an insulated Situation, shall be deemed Part of the Lands to be inclosed.

Pieces of Land by the Side of the Road may be allotted.

LII. And be it enacted, That all small Parcels of inclosed Waste or Common Land (the Soil whereof shall belong to the Lords of any Manor in right thereof) lying by the Side of any Turnpike Road or other public Road or Lane within the said Parishes, and which in the Judgment of the Commissioner may be conveniently inclosed without incommoding the public Intercourse on such Road or Lane, or rendering such Turnpike Road of less Breadth than Forty-five Feet, and such other public Road or Lane of less Breadth than Forty Feet respectively, shall be deemed Part of the Lands to be inclosed.

Allotment to be set out for Recreation of the Inhabitants.

LIII. And be it enacted, That the Commissioner shall allot and award unto the Churchwardens and Overseers for the Time being of the said Parishes, out of any Part of the said Land called *Abingdon Common*, One Piece of Land not exceeding Ten Acres nor less than Five

Five Acres as a Place of Exercise and Recreation of the neighbouring Population, and such Allotment shall be held by the Churchwardens and Overseers for the Time being of the said Parishes for the Purposes aforesaid, and shall be in the first instance fenced at the general Expence, and the Fences of such Allotment shall for ever afterwards be repaired and maintained by the said Parishes in such Proportions and Manner as shall be directed by the Award of the Commissioner.

LIV. And be it enacted, That the Commissioner, if he shall be so required to do by any Notice in Writing to be signed by Her Majesty's Commissioners of Woods, Forests, and Land Revenues, or the Person or Persons for the Time being having the Management and Control of the Affairs of the said Duchy, shall allot and award unto Her Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, as Lady or Lord for the Time being of the said Manor of *Shippon*, and to such Person or Persons as shall in the Judgment of the Commissioner be entitled to the Soil of the Waste Land in the said Parishes, or any Part thereof, so much and such Part of the Waste Land to be inclosed as shall in the Judgment of the Commissioner be a full Compensation for and in lieu of Her, his, or their Right and Interest in the Soil of such Waste Land, exclusive of any other Allotments which may be made to Her said Majesty, Her Heirs or Successors, or the Duke of *Cornwall* for the Time being, or to such Person or Persons as aforesaid, in lieu of or in satisfaction for any other Rights or Interests in the Lands to be inclosed.

Allotments
to be set out
for Right of
Soil.

LV. And be it enacted, That it shall be lawful for the Commissioner, immediately after the passing of this Act, and from Time to Time when in his Judgment it shall be requisite, to mark and stake out for Sale any Parts or Parcels of the Land to be inclosed, sufficient for raising Monies for the Inclosure Expences Fund, and from Time to Time to sell the same by public Auction or private Contract, subject to the Regulations prescribed by the said first-recited Act in respect of such Sales, and upon Payment of the Purchase Money for any Land so sold to convey the same, by any Deed in Writing under his Hand and Seal, as Freehold of Inheritance, to the Purchaser, his Heirs and Assigns, or otherwise to such Uses and Purposes as the Purchaser shall direct or appoint; and such Conveyances may be according to the Form in the Schedule (B.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and every such Conveyance shall be a valid and effectual Conveyance in Law of such Land according to the Form and Effect thereof, and the Receipt of the Commissioner shall be an effectual Discharge to the Purchaser from all Liabilities in respect of the Application of the Purchase Money.

Power to sell
Land for
Payment of
Expences.

LVI. And be it enacted, That if any Purchaser of any Land which shall be put up for Sale, or agreed to be sold as aforesaid, shall not within the Time limited by the Commissioner complete his Purchase, then and in such Case such Land may be again put up for Sale, and re-sold, or sold by private Contract, to any other Person, for the

Power of
Re-sale if
Purchase not
completed.

the Purposes aforesaid, or shall be divided and allotted in the same Manner as the Residue of the Lands to be inclosed are by this Act directed to be divided and allotted.

Duchy Lands
not to be
sold.

LVII. Provided always, and be it enacted, That nothing herein contained shall authorize the Commissioner to sell or dispose of any Lands whatsoever belonging to or held of or being Part and Parcel of the Possessions of the Duchy of *Cornwall*.

Allotment
of Residue.

LVIII. And be it enacted, That, after the several Allotments herein-before directed shall have been set out and made, the Commissioner shall divide, allot, and award all the Remainder of the Lands to be inclosed unto and amongst the several Owners and Proprietors thereof, in such Shares and Proportions as the Commissioner shall adjudge and determine to be proportionate to the Value of their respective Rights and Interest therein; and from and after such Allotments shall be made the respective Owners, Proprietors, Copyholders, Tenants, and Occupiers thereof, and Persons interested therein, shall hold the same in Severalty, discharged of all Rights of Common whatsoever.

Commis-
sioner to de-
liver Pos-
session to
Owners of
Allotments
before Award.

LIX. And be it enacted, That the Commissioner shall and may, from Time to Time, as he shall find convenient, deliver to the several Persons interested in the several Divisions and Allotments to be set out under this Act Possession of their respective Allotments hereby directed to be made and set out; and such Possession so delivered shall be kept and retained by the several Persons entitled thereto against all Persons whomsoever, although the Award of the Commissioner shall not then have been made and executed.

Abingdon
Mead to be
regulated.

LX. And be it enacted, That the Commissioner shall inquire into and ascertain the several Rights and Property in and to the first Crop or Mowth of Grass in *Abingdon Mead* aforesaid, whether the same be fixed and known, or drawn by Lot and uncertain, and by his Award to set, and stone out, allot, and fix, as permanent Property, the first Crop or Mowth of Grass in every Year for ever of the whole of the said *Abingdon Mead*, to, between, and amongst the several Proprietors and other Persons interested therein, according and in proportion to their several and respective Shares, Rights, and Interests of, in, and to the said first Crop or Mowth of Grass of the said Mead; and the Commissioner may and shall by his said Award fix and regulate such Courses, Modes, and Times of mowing the said first Crop, or any Part or Parts thereof, yearly, and of feeding Sheep and Cattle thereon, as he shall judge expedient for the Regulation thereof, and to enable the several Persons possessing Allotments in the said Mead to have convenient Access thereto, and to take and carry away the Hay arising upon such Allotments respectively; but nothing in this Act contained shall extend to prejudice or affect the Rights of Common of the Housekeepers in *Abingdon* aforesaid, or of the Proprietors of Allotments of Land in *Abingdon Fields*, or of any other Person or Persons, in and over the said *Abingdon Mead*, or any Part thereof; and the several Proprietors and Possessors of Allotments stoned or set out in the said Mead in pursuance of this Act shall not

be at liberty to inclose any such Allotments, or to hinder the Commoners from Time to Time having and using their Rights of Common in the said Mead.

LXI. And be it enacted, That the Commissioner shall appoint a Meeting for receiving Applications from the several Proprietors of the Lands to be inclosed, touching the Situations in which they would respectively choose to have their Allotments set out, and shall give Ten Days Notice of the Time and Place of such Meeting by Advertisement or on the principal outer Door of the Parish Churches of *Saint Helen* and *Saint Nicholas* aforesaid respectively.

Applications
for Situations
of Allot-
ments.

LXII. And be it enacted, That as soon as the Commissioner shall have ascertained the respective Rights and Interests of the several Parties interested in the Lands to be inclosed, and also the Allotments by him proposed to be made to such Parties respectively in lieu of such Interests, he shall hold a Meeting, of which Ten Days Notice shall be given by Advertisement or on the principal outer Door of the Parish Churches of *Saint Helen* and *Saint Nicholas* aforesaid respectively, where such Parties may be informed of the Situation of such intended Allotments, and see the same delineated upon a Map or Plan to be produced for their Inspection; and if any of such Parties upon such Inspection shall be dissatisfied with the proposed Allotments, the Commissioner shall, at such Meeting, or at some other Meeting to be appointed by him for that Purpose, receive Statements in Writing of Complaints and Objections thereto, and shall forthwith, or as soon after as conveniently may be, determine the same, and such Determination shall be final.

For deter-
mining Ob-
jections to
Allotments.

LXIII. And be it enacted, That the several Allotments to be made in pursuance of this Act (excepting the Allotment to the Churchwardens and Overseers aforesaid) shall be inclosed, ditched, and fenced, if the Commissioner shall so direct, at the Expence of the respective Persons to whom the same shall be allotted, in such Manner and within such Times as the Commissioner shall by his Award or any Writing under his Hand direct; and the Fences so to be made shall for ever afterwards be repaired and maintained by such Persons as the Commissioner shall by his Award direct.

Allotments
to be fenced.

LXIV. Provided always, and be it enacted, That in case any or either of the Proprietors or Persons interested in the Lands to be inclosed shall desire to have their Allotments thrown together, and distinguished by Metes and Bounds, but not fenced from each other, and shall give Notice in Writing to the Commissioner of such their Desire, then the Commissioner shall set out the several Allotments of the said Persons so giving Notice as aforesaid accordingly, but not requiring them to make any Subdivision Fences or other Fences save such ring or outer Fences as may be necessary, and may be ordered by the Commissioner to be made for dividing such Allotments from the Residue of the Lands to be inclosed.

Allotments
may be laid
together in
One Ring
Fence.

LXV. And be it enacted, That if from Situation or from any other Circumstance it shall happen that any of the Proprietors of the Lands

Equalizing
the Share of
Fencing.

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to be inclosed, or any Person to whom any Allotments shall be made, shall not have a fair Proportion of the Boundary Hedges, Ditches, Mounds, or Fences assigned to him to make by virtue of this Act, it shall be lawful for the Commissioner to ascertain and appoint what Sum of Money shall be 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 Commissioner shall by any Writing under his Hand direct, and the same may be recovered by any of the Means which by the said first-recited Act are 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 Allotments shall be made; and every such Order of the Commissioner shall be final.

* Cattle not to be depastured in the Highways for Seven Years.

LXVI. And be it enacted, That no Person shall graze or keep any Beast or Cattle upon any of the Roads or Ways which the Commissioner shall order to be set out, and which shall be fenced on both Sides, for the Space of Seven Years next after the Execution of the Award of the Commissioner; and every Owner of Lands within the said Parishes, his Servants and Labourers, and also every Peace Officer and Parish Officer of the said Parishes for the Time being, is hereby empowered to take and impound any such Beast or Cattle which shall be found so grazing as aforesaid, as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent the Proprietors of the Lands which shall next adjoin the said Roads and Ways from depasturing their Cattle thereon, so far as the Frontage of their respective Lands extends.

The Allotments to be of the same Tenure as the Lands in lieu of which they were made.

LXVII. And be it enacted, That all such Lands as shall be given in Exchange or on Partition, or be allotted, by virtue of this Act, shall be held by the Person to whom they are given in Exchange or on Partition, or allotted, under the same Tenures, Rents, Customs, and Services as the Lands in respect of which such Lands are given in Exchange or on Partition, or allotted, would have been held in case this Act had not been passed; and the Lands given in Exchange or on Partition, or allotted, in respect of Freeholds, shall be deemed Freehold; and the Lands given in Exchange or on Partition, or allotted, in respect of Copyhold or Customary Lands, shall be deemed Copyhold or Customary Lands, and shall be held of the Lords of the same Manors under the same Rents and by the same Customs and Services as the Copyhold or Customary Lands in respect of which they may be given in Exchange or on Partition, or allotted, were or ought to have been held, and shall pass by the like Surrenders as the Copyhold or Customary Lands in respect whereof such Exchanges, Partitions, or Allotments shall be made now do; and the Lands given in Exchange or on Partition, or allotted, in respect of Leasehold Lands, shall in like Manner be deemed Leasehold, and shall be held under the same Rents and Covenants as the Lands in respect of which they may be allotted were held, and the Remainder or Reversion thereof shall be vested in the same Lessors respectively

respectively as the Remainder or Reversion of such other Lands was vested before the passing of this Act, except where otherwise particularly directed by this Act, any Law or Usage to the contrary notwithstanding.

LXVIII. And be it enacted, That it shall be lawful for the Commissioner at any Time before the Execution of his Award to make any Alterations which he may think right and expedient in the Allotments or in the Fences which he may have set out and ordered, or in the private Roads over such Allotments, or in any of the Orders or Directions relating thereto which he may have made in pursuance of this Act; and in case any Person shall be injured by any such Alteration, on account of any Expences he may have incurred or otherwise, the 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 Inclosure Expences Fund, or shall direct by whom and in what Manner such Recompence shall be made; and in case of Nonpayment thereof the same shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties or Forfeitures.

Power for
Commis-
sioner to
make Altera-
tions in Al-
lotments

LXIX. And be it enacted, That when any Person to whom any Allotment shall be made or Lands assigned in Exchange, by virtue of this Act, shall hold such Lands, or the Lands in respect of which such Allotment or Exchange is made, under different Titles and for different Estates, and as to Copyholds by separate Quit Rents, the Commissioner shall ascertain and distinguish the Lands held for each of such Estates and under each of such Titles respectively, and shall accordingly in his Award set out distinct and several Allotments for such respective Lands, and also in the said Award, and the Map annexed thereto, set out and distinguish the several Estates holden by several and distinct Quit Rents.

Separate
Allotments
for Land held
by different
Titles.

LXX. And be it enacted, That in the Allotment or Allotments so to be made of the said Residue of all and singular the said open Fields, Common Meadows, Common Pastures, and other Commonable Lands, and Waste Land, unto and amongst the several Tenants and Proprietors of Lands holding by Lease (whether by Indenture of Demise or by Copy of Court Roll, and either for Life, Lives, or Years, under Her said Majesty, as Lady of the Manor of *Shippon* aforesaid), due regard shall be had by the Commissioner, and he is hereby authorized, required, directed, and empowered to make separate and distinct Allotments to every separate Tenant, whether by Lease or Copy of Court Roll of the Manor aforesaid, so far as the same can be done consistently with the convenient future Occupation and Cultivation of such Lands, according to the Requirements of the present improved System of Agriculture, for each and every separate and distinct Estate so held by him or them immediately before the passing of this Act; and that all Quit Rents now issuing out of any of the Messuages, Lands, or Grounds so held of the said Manor, or chargeable upon all, every, or any of the said Estates so held as aforesaid, and now payable to Her said Majesty as Part of the

Allotments
to Lease-
holders under
Her Majesty
to be distinct
and separate
to each.

the Possessions of Her Duchy of *Cornwall*, shall be and become chargeable in like Manner upon all and every such separate and distinct Allotments so to be made and allotted as aforesaid, and shall be payable in like Manner as the same were respectively payable out of the said Estates immediately before the passing of this Act; and that Her Majesty, and other the Personage for the Time being who shall hereafter be entitled to the Inheritance of the said Duchy, shall and may have the like Remedies for Recovery thereof, and of all Arrears thereof, of such former Messuages, Lands, Grounds, Hereditaments, and Premises, in case this Act had not been made.

Power for the Tenants of Her Majesty, to borrow Money.

LXXI. And whereas some of the Proprietors of the said Allotments held or to be holden under Her said Majesty may have occasion to borrow Money or to advance Money to defray their Proportion of the Charges and Expences of obtaining and executing this Act in manner aforesaid, and of inclosing their Allotments, and cannot by reason of some Impediments or Incumbrances make an effectual Security thereon to the Satisfaction of a Mortgagee; be it enacted, That it shall and may be lawful to and for any Proprietor of any Estate to whom any Allotment or Allotments shall be made, or who shall become interested in the said Inclosure, by virtue of this Act, as a Tenant of Her said Majesty, or holding of or under the said Manor of *Shippon*, and for any Guardian, Husband, or Committee, Trustee, or Attorney for any Infant, Idiot, Lunatic, Feme Covert, Person beyond the Seas, or otherwise incapable to act for herself, himself, or themselves, or for any Tenant in Tail, or Tenant for Life or Lives, or Lessee for Years, whose Leases are not avoided by this or the said recited Acts, or either of them, Trustees or Trustee of any Settlement, or Trustees or Trustee for charitable Uses, or any Mortgage or other Creditor in Possession of any of the said Lands and Grounds, or any of them, to charge the said Lands and Grounds or old Inclosures which shall be so allotted and awarded to them as Tenants of Her said Majesty, or holding of or under the said Manor of *Shippon*, with any Sum or Sums of Money not exceeding Five Pounds *per Acre*, as the Commissioner by Writing under his Hand shall direct or appoint, such Sum or Sums of Money to be paid to such Person or Persons as the Commissioner shall by any such Writing authorize to receive the same, in order to be wholly applied to the Purposes before mentioned; and for the securing the Repayment of such Sum and Sums of Money, with Interest, to make a Surrender or assign the Lease by or under which the said Lands or Grounds so to be charged are so held under Her said Majesty, unto such Person or Persons who shall advance such Sum or Sums respectively, for the whole of their Interest therein, so as such Surrender or Assignment of Lease be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered and vacated, when such Sum or Sums of Money, with the Interest thereof, shall be paid; and every such Surrender or Assignment shall be good and effectual in the Law, notwithstanding the Want of legal Title in the Person or Persons so making and executing the same under the Directions aforesaid; provided also, that all Sum or Sums of Money so to be advanced as aforesaid

aforesaid shall remain a Charge upon the Lands and Grounds which shall be so surrendered or assigned as aforesaid, until the same shall revert to Her said Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, unless the said Sum or Sums of Money shall be previously discharged.

LXXII. And be it enacted, That Her said Majesty, and other the Personage who may hereafter for the Time being be entitled to the Inheritance of the said Duchy, shall be answerable and subject and forthwith made liable to allow so much, but no greater or other Proportion, of such Sum or Sums of Money so to be raised respectively, and charged upon the Owner or Owners of such Estates respectively, under the Authority and for the Purposes aforesaid, than what the said Commissioner shall in his Award (herein-before directed to be made) assess and allot, as a fair and adequate Equivalent for Her said Majesty's reversionary Interest and Benefit of and in the said Estate or Estates so held at the Time of his making such his said Award, and which said Proportion or Equivalent he the Commissioner is hereby authorized, empowered, and directed to make and assess accordingly, between Her said Majesty and other the Personage for the Time being who may hereafter be entitled to the Inheritance of the said Duchy, and such Tenants or Tenant of Her said Majesty under the said Manor of *Shippon*, according to the best of his Skill and Judgment, due regard being had by him as to the respective Rights and Interests of each Party therein respectively at the Time of making the same, and whether then held for One, Two, or Three Lives, or for any Term or Number of Years.

Commis-
sioner to ap-
portion the
Charges be-
tween the
Duchy and
its Tenants.

LXXIII. And be it enacted, That all Persons to whom any Grant, Mortgage, Lease, Surrender, Assignment, or Demise shall be made by the Authority of this or the said recited Acts respectively, or who shall be entitled to the Money thereby secured, may from Time to Time, by any Deed or Writing by him duly executed, assign, surrender, or transfer the Security, or the Principal Money and Interest thereby secured, and all his Right, Title, and Interest in and to the same, unto any other Person, who may again in like Manner assign or be admitted to the same, and so *toties quoties*; and such Mortgagee or Surrenderee or Assignee, his Executors and Administrators, and all Persons claiming under them or any of them, may use, take, and pursue all such lawful Methods, Courses, and Expedients in Law and in Equity, for the recovering and obtaining Possession of the Premises so to be mortgaged, demised, assigned, or surrendered, in case of Nonpayment of the Principal Money or Interest to be thereby secured, or any Part thereof, as is or are used, taken, and pursued in all Cases of the like Nature; and in all Cases where the said Estate so to be mortgaged, leased, surrendered, assigned, or demised for securing of Money as aforesaid, and for the Purposes aforesaid, are held under Her said Majesty as Lady of the Manor of *Shippon* aforesaid, it shall and may be lawful to and for all and every Person and Persons to whom any such Mortgage, Lease, Surrender, or Assignment shall be made by the Authority of this Act, or who shall be entitled to the Money thereby secured, from Time to Time, upon the dropping of the Life or Lives whereon the said Premises may be held, to

Power to
assign Mort-
gages.

[Private.]

apply for and endeavour to procure the Renewal or Re-grant of such Premises for such Term, and whether determinable on a Life or Lives or Years, and on such Conditions, as to Her Majesty, or the Personage for the Time being entitled to the Revenues and Possessions of the said Duchy, or the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or other the Persons having the immediate Management of the said Duchy, shall seem fit, and as may be given or granted, paying such Fine or Fines, or Rent and Fine, as may be demanded and required for the same, as a Security for the Money so lent and secured thereon, and so from Time to Time as often as the same may happen pending the Existence of such Security, and to charge the Sum or Sums of Money from Time to Time so paid for such Renewals by way of Fine or Rent, and Charges of taking up the same, together with Interest thereon at and after the Rate of Five Pounds *per Centum per Annum*, and that no Estate or Estates so in Mortgage as aforesaid shall be redeemed and redeemable until as well the said original Mortgage Money and Interest so secured and covenanted to be paid as aforesaid by way of Fine, Rent, and Charges, with Interest thereon as aforesaid, shall be fully paid and satisfied, any thing herein contained to the contrary thereof notwithstanding.

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

LXXIV. And be it enacted, That where the Commissioner shall have omitted to distinguish in his Award the several Tenures under which any of the said Lands shall be holden, or the different Estates or Titles for or under which the same shall be held, or to set out and award several and distinct Allotments, as by this Act directed, it shall be lawful for him, at any Time within Twelve Months after the Execution of his Award, and he is hereby required, upon Request in Writing to him made by any Proprietor of any such Allotment or Lands, or other Person interested therein, or his Agent, to do all such Acts as may 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 also the Allotments and Lands held by, for, or under different Estates or Titles respectively, in the same Manner as he is by this Act 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 such Instrument shall be enrolled and deposited with the Award of the Commissioner, and shall thenceforth be deemed to be Part thereof to all Intents and Purposes; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry, or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Party who shall have requested the Commissioner to make and execute the same, or by his Heirs, Executors, or Administrators.

Partitions may be made in certain Cases.

LXXV. And whereas it may happen that some of the Proprietors of Lands in the said Parishes, and Persons entitled to Allotments to be made by virtue of this Act, may be seised or possessed thereof
or

or entitled thereto in undivided Moieties, Joint Tenancy, or as Coparceners, or Tenants in Common, and cannot, by reason of Infancy, Settlement, Absence beyond the Seas, or other Disability or Incapacity, make an effectual Division thereof; be it therefore enacted, That it shall be lawful for the Commissioner, upon the Request in Writing of any such Proprietors, being seised or possessed or entitled in undivided Moieties, or as Coparceners, Joint Tenants, or Tenants in Common, or of the Husbands, Guardians, Trustees, Committees, or Attornies duly authorized of such of them as may be under Coverture, Minors, Lunatics, or beyond Seas, or under any other legal Disability or Incapacity, to make Partition and Division of the said Lands or Allotments coming to such of the said Proprietors as shall be so seised or possessed or entitled, and to allot the same to such Owners and Proprietors in Severalty; and immediately after the said Allotments shall be so made and declared, the same shall be holden and enjoyed by the Persons to whom the same shall be allotted in Severalty, in the same Manner, and subject to the same Uses and Trusts, as the undivided Parts or Shares of such Estates would have been in case such Partition and Division had not been made; and every such Partition shall be specified in the Award of the Commissioner, or some other Instrument under his Hand and Seal; and every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

LXXVI. And be it enacted, That all Costs 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 Commissioner shall order, and in case of Nonpayment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures. Expences of Partitions.

LXXVII. And be it enacted, That it shall be lawful for the Commissioner to allot and award any Lands within the said Parishes in Exchange for any other Lands within the said Parishes, or any adjoining Parish, Township, or Place, provided that all such Exchanges be specified and declared in the Award of the Commissioner, and be made with the Consent in Writing of the Owner of the Lands so exchanged, whether such Owner shall be Her Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, or a Corporation, or a Tenant in Fee Simple, or for Life, or in Fee Tail, General or Special, or by the Curtesy of *England*, or for Years determinable on any Lives, (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 Owners as aforesaid who at the Time of making such Exchange 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 Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and every such Exchange so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless,

nevertheless, that no Exchange shall be made of any Lands held under Her said Majesty, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or of the Person or Persons for the Time being having the immediate Management of the said Duchy of *Cornwall*, or of any Lands 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 shall be situate: Provided also, that all Costs and Expences attending the making and completing of any Exchanges shall be borne by the several Parties making such Exchanges in such Manner and in such Proportions as the Commissioner shall by his Award direct, due regard being had to the Provisions and Exceptions in this Act contained as to Her said Majesty and other the Personage who may hereafter be entitled to the Inheritance of the said Duchy, and in case of Nonpayment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

For erecting
Buildings on
Her Ma-
jesty's Lands.

LXXVIII. And whereas, by reason of such Inclosure as aforesaid, and such Allotment and Division as herein-before directed to be made, it may become desirable, and tend greatly to the Improvement of the Possessions of the Duchy of *Cornwall* within the Manor of *Shippon* and Parishes aforesaid, as well as to the Comfort and convenient Occupation by the future Tenants and Occupiers of such Lands, that various Farm Buildings and Erections should be erected and built thereupon, and also that various of such Tenements or Portions of Tenements and Lands, whether the same be old or newly inclosed Land, now held by various Tenants for various Terms, should be consolidated, and laid together into One or more Farms or Tenements; be it enacted, That it shall and may be lawful to and for Her Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, to contract with the Person or Persons Tenant or Tenants of such Tenements or Portions of Tenements and Lands as aforesaid, for the Purchase or Surrender of his, her, or their Estate and Interest therein, for such Price or Prices in Money as may be agreed upon, or in case of Difference then at such Price or Prices as may be settled and ascertained by Two indifferent Persons or their Umpire, the one to be named by or on behalf of Her Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, and the other by the Person or Persons, Tenant or Tenants thereof, who is or are hereby required to nominate and appoint such indifferent Person on his, her, or their Behalf.

For enabling
Her Ma-
jesty to raise
Money for
the Purpose.

LXXIX. And be it enacted, That it shall and may be lawful for Her Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, by Sale, from Time to Time, of any Part of the Stock belonging to the Duchy of *Cornwall* now standing in the Name of the Duke of *Cornwall* in the Books of the Governor and Company of the Bank of *England*, to raise and pay such Sum or Sums of Money as may from Time to Time be requisite and necessary for the making such Farm Buildings and Erections, or such Purchase or Purchases as aforesaid, provided that in every Case such Erection or

Purchase

Purchase be certified to be requisite and necessary to be made, and for the Benefit and to the Interest of Her Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, by Writing signed by Her Majesty's Commissioners for the Time being of Woods, Forests, and Land Revenues, or by the Person or Persons then having the immediate Management of the Affairs of the said Duchy, and countersigned by Three of the Lords Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*.

LXXX. And be it enacted, That when any Money is, under the Provisions of the said first-recited Act or of 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, or 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 be lawful for the Commissioner out of such Money to defray the Proportion (if any) of the Inclosure Expences 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 to defray the Expence of any permanent Improvement, such as building, subdividing, dividing, draining, or planting, and the like, which shall in the Judgment of the 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.

Power to apply Compensation Money coming to Parties under Disability towards Inclosure Expences and substantial Improvements.

LXXXI. And be it enacted, That if the Surplus of any such Monies 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, 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 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, 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 to either of the following Purposes; (that is to say,)

Investment of the Surplus when amounting to 200*l*.

1 G. 4. c. 35.

The Redemption or Discharge of the Land Tax, or of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses or Trusts:

[*Private.*]

The Purchase of other Lands, to be conveyed or settled upon the like Uses or Trusts, or such of them as shall be then existing undetermined or capable of taking effect.

Payment of Dividends meanwhile.

LXXXII. And be it enacted, That in the meantime and until such Application shall be made the said Money may, by Order of the said Court, to be made upon the like Petition, 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 other Government or Real Securities, and the Dividends or Interest of such Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased, conveyed, and settled.

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

LXXXIII. And be it enacted, That in case the Surplus of such Monies 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 or Committees, in Cases of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the 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 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 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 Money so paid to such Trustees, and the Dividends and Produce arising therefrom, shall be by them applied in like Manner as is herein-before directed with respect to Money so to be paid into the Bank of *England*, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When under 20*l.*

LXXXIV. And be it enacted, That in case the Surplus of such Monies 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, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their Guardians, Committees, or Trustees for the Use and Benefit of the Parties respectively entitled thereto.

Provision for Payment of Expences of Inclosure.

LXXXV. And be it enacted, That the Expences of the Inclosure, that is to say, the Costs and Expences incident to and attending the passing of this Act, and the several Sums of Money and Allowances hereby directed or authorized to be paid and allowed to the Commissioner, Clerk, and Surveyor, for Expences, Time, and Trouble, and the

the Costs and Expences of preparing and enrolling the Award of the Commissioner, and all Costs and Expences that the Commissioner shall be put unto in respect of any Appeal against his Decision, or of any Suit at Law or in Equity that may be instituted by or against him as Commissioner in the Execution of this Act, either before or after the Execution of the said Award, and all other Costs and Expences whatsoever of carrying this Act into execution, (so far as the same relate to the Division, Allotment, and Inclosure hereby authorized to be made,) shall be paid out of the Monies to arise by Sale of Land as herein-before mentioned.

LXXXVI. And be it enacted, That if any of the Proprietors or Persons interested in the Lands to be inclosed, or any other Person, shall advance and pay any Money in discharge of the Fees or other Expences of obtaining this Act, every such Proprietor or other Person, or his Executors or Administrators, shall be repaid the same, with lawful Interest, out of the first Money to be raised by virtue of this Act.

Money advanced for Fees, &c. to be repaid, with Interest.

LXXXVII. And be it enacted, That in case any Surplus shall remain in the Hands of the Commissioner of the Monies by this Act authorized to be raised by the Sale of Land, after answering the several Purposes for which such Monies are applicable, such surplus Money shall be divided and apportioned between the several Proprietors of and Persons interested in the Lands to be inclosed, according to their several and respective Interests therein; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in manner directed by this Act with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon.

Application of surplus Money arising by Sale of Lands.

LXXXVIII. Provided always, and be it enacted, That in case any Owner or Person entitled to any Allotment of the Lands to be inclosed shall be desirous of paying his Share of the Expences of obtaining and passing this Act, and carrying the same into execution, in Money, instead of sustaining a Diminution of his Allotment by reason of the aforesaid Power of Sale of Land for the Purpose, and shall at any Meeting for receiving Claims, or within such other Time afterwards as shall be limited and prescribed by the Commissioner, signify in Writing such Desire to the Commissioner, then the Commissioner shall, notwithstanding the aforesaid Provision for such Sale, set out and allot to such Owner or Person such Share and Proportion of the said Lands as such Owner or Person would have been entitled to under and by virtue of this Act in case the aforesaid Provision for such Sale had not been made, and without any Deduction or Abatement whatsoever on that Account, and adjust and settle what Sum and Sums of Money ought to be borne and paid by such Owner or Person, for or in respect of his Share of such Expences, and the same shall be paid and recovered in the same Manner as is by this Act provided in respect to any Deficiency in the Monies to arise by such Sale as by this Act provided; and thereupon such

Persons desirous of paying Money to be exempt from the Power of Sale.

such Persons shall not be charged with any Part of the Expences attending or occasioned by the Sales herein-before directed.

Deficiency, if any, to be borne rateably.

LXXXIX. And be it enacted, That in case the Monies to arise by Sale of Land as aforesaid shall be insufficient for the Payment of all the Expences of the Inclosure aforesaid, then the Deficiency shall be borne and defrayed by the several Persons interested in the Lands to be inclosed in such Shares and Proportions, and shall be paid at such Time and Place, and to such Persons, as the Commissioner shall, by Notice on the principal outer Door of the Parish Churches of *Saint Helen* and *Saint Nicholas* aforesaid respectively, or delivered to the respective Persons liable to the Payment of such Costs and Expences, at least Fourteen Days before the Time appointed for such Payment, order; and the Commissioner shall from Time to Time make Estimates of all such Costs and Expences, and raise the Amount of such Estimates at such Times as he shall deem necessary or proper, either before or after the Execution of his Award.

Remedies in case of Non-payment.

XC. And be it enacted, That if any Person shall refuse or neglect to pay his Proportion of such Expences within the Time and to such Person as the Commissioner shall appoint, it shall be lawful for the Commissioner to recover the same, together with lawful Interest, to be computed from the Day on which the same ought to have been paid, 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 him, by Warrant, directed to any Person whomsoever, to cause the same, with such Interest thereon as aforesaid, to be levied by Distress; or it shall be lawful for the 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 the Rents and Profits thereof, until thereby or otherwise such Share or Proportion, with lawful Interest as aforesaid, and also all the Costs and Expences attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

Power for Commissioner to borrow Money.

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

Power to make additional Rate in case of Deficiency.

XCII. Provided always, and be it enacted, That if at any Time after the Allotments shall have been staked out it shall appear to the 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 Expences aforesaid, the Deficiency shall be made up and raised from Time to Time by a Rate to be made and levied upon the

the several Persons interested in the Lands to be inclosed, in such Shares and Proportions, within such Time, and to be paid to such Persons, as the Commissioner shall from Time to Time direct; and in case any Persons herein-before made subject to the Payment of any Money towards such Expences shall neglect or refuse to pay his Share or Proportion of any such Rate within the Time appointed for that Purpose, or at any Time after such Demand, the same shall be levied and recovered in the Manner directed by this Act with respect to the previous Rate.

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

Monies may be recovered after Execution of the Award.

XCVII. And be it enacted, That it shall be lawful for the respective Proprietors of Allotments to be made by virtue of this Act, being Tenants for Life or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Proprietors, being under Coverture, Infants, Lunatics, Idiots, or beyond the Seas, or otherwise incapacitated, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them in respect of any Lands held by them in Trust for any charitable, parochial, or other Uses, (with the Consent of the Commissioner, testified in Writing under his Hand and Seal,) from Time to Time to charge their Allotments with any Money, not exceeding Five Pounds *per* Acre, towards their respective Proportions of the Inclosure Expences, and for securing the Repayment of such Money, with Interest, to mortgage or demise the said Allotments unto or in Trust for any Person who shall advance such Money, for any Term of Years, but so that every such Mortgage or Demise be made with a Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when the Money thereby to be secured, with all Interest thereon, shall have been fully paid and satisfied, and so that in every such Mortgage or Demise which shall be made by or on behalf of any Person entitled to any such Allotment for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life in such Manner that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence; and every such Mortgage or Demise shall be valid in the Law for the Purposes thereby intended; and every such Mortgagee, and his Assigns, shall have the like Remedies, in case of Nonpayment of the Monies thereby secured, as in the Case of other Mortgages of the like Nature.

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

XCVIII. Provided always, and be it enacted, That every Mortgage which shall by virtue of the said first-recited Act or of this Act be

[*Private.*]

7 p

made

For charging Copyhold Land with Expences.

made of any Copyhold Land shall, instead of being demised to such Mortgagee, and his Executors, Administrators, and Assigns, for a Term of Years, as mentioned and prescribed in and by the said first-recited Act, 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, 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.

Empowering
Commis-
sioner, upon
Application,
to sell Part of
Allotments
to defray
Expences.

XCVI. And be it enacted, That it shall be lawful for the Commissioner, on Application made to him in Writing by any of the Proprietors of Allotments to be made by virtue of this Act, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the said Proprietors, being Tenants in Tail, or for Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell any Part of any such Allotment for raising a Sum of Money sufficient to defray the proportionable Part of the Expences which shall in such Rates be charged upon such Parties, and of the Expences of making and completing such Sale: Provided always, that it shall not be lawful for any Proprietor of an Allotment to raise by any such Sale, or by Mortgage and Sale, any greater Sum of Money for the Purposes aforesaid than such Proprietor might have borrowed or charged upon his Allotment for such Purposes by virtue of the said first-recited Act, reckoning Five Pounds for each Acre thereof: Provided further, that in all Cases in which the Money so raised by any such Sale shall not be equal to the Money which might be borrowed or charged on such Allotment as aforesaid, it shall be lawful for the Proprietor Part of whose Allotment shall be sold as aforesaid to charge his Allotment with any Sum not exceeding the Difference.

Sales to be
made accord-
ing to the
general In-
closure Act.

XCVII. And be it enacted, That such Sales shall be made by the Commissioner in the same Manner and subject to the same Regulations as are prescribed by the said first-recited Act in respect of the Sale of Land towards defraying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands or Grounds; and every such Allotment for which the full Purchase Money shall be paid shall be vested in the Commissioner, and be conveyed by Lease and Release, executed by him at the Expence of the Purchaser, unto and to the Use of or in Trust for such Purchaser and his Heirs, or as he shall appoint, and shall be inclosed, and held by such Purchaser in Severalty: Provided always, that nothing herein contained shall enable the Commissioner to convey any Allotments set out by him as Copyhold of any Manor by Lease and Release as Freehold, but such Copyhold Allotments shall

shall be conveyed by the Commissioner by Indenture of Bargain and Sale, and shall be held by the Purchaser thereof by, under, and subject to the same Rents, Suits, and Services as such Allotment would have been held in case no such Sale had been made.

XCVIII. And be it enacted, That the Receipt of the Commissioner shall be a sufficient Discharge to the Purchaser for the said Purchase Money; and such Purchase Money shall be applied by the Commissioner in or towards defraying the Costs and Expences for raising which such Sale shall have been made, and the Surplus, if any, shall be paid to the Parties from whose Allotments such Sale shall have been so made respectively; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively; and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in manner by this Act directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of Lands, or of any Timber or Wood growing thereon.

Application
of Purchase
Monies.

XCIX. And be it enacted, That as soon as conveniently may be after the said Inclosure shall be completed, and within Three Years from the passing of this Act, the Commissioner shall draw up and execute an Award, and the Execution of the said Award shall be proclaimed upon the next or some subsequent *Sunday*, by affixing a Proclamation on the principal outer Door of the Parish Churches of *Saint Helen* and *Saint Nicholas* aforesaid respectively, previously to Divine Service, from the Time of which Proclamation only, and not before, such Award shall be considered as complete; and within Three Months after the Commissioner shall have so made and executed the said Award he shall cause the same, together with one of the reduced Plans herein-after directed to be made annexed thereto, to be delivered to the Clerk of the Peace of the said County, who is hereby required to deposit and keep the same among the Records of the said County, so that recourse may be had thereto by any Person interested in the Premises, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid; and the said Award shall from the Delivery thereof to the said Clerk of the Peace be deemed to be enrolled according to the Directions and within the Meaning of the said first-recited Act.

An Award to
be executed.

The Award
and a reduced
Plan of the
Parishes to be
deposited in
the Hands of
the Clerk of
the Peace.

C. And be it enacted, That a Copy of the said Award, fairly transcribed in a Book on plain or unstamped Paper or Parchment, with the other of the reduced Plans herein-after directed to be made, shall within the Time aforesaid be deposited in the Parish Church of *Saint Helen* aforesaid, and there kept in a Box to be provided for that Purpose by the Commissioner; and the said Award, and the said Copy thereof, and any other Copy of the said Award, or of any Part thereof, attested by the Clerk of the Peace for Time being of the said County, or his Deputy, (for every Sheet of which containing One hundred Words Sixpence, and no more, shall be paid,) shall thereafter be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

A Copy of
the Award
and a reduced
Plan to be
deposited in
the Parish
Church.

CI. And

Two reduced Plans of the Parishes to be drawn, and annexed to the Award, and also a Schedule of the old Inclosures.

CI. And be it enacted, That the Commissioner shall cause Two reduced Plans of the said Parishes to be drawn upon Parchment or Vellum, on which the public and private Roads, Paths, and Drains, with the Boundary Fences of the several Allotments mentioned and described in the said Award, and such other Matters and Things as the Commissioner shall think fit, shall be fairly and distinctly delineated and expressed; and the Commissioner shall sign the said Plans, one of which shall be annexed to the said Award, and the other shall be annexed to or shall go and be kept with the Copy of the said Award to be deposited in the Parish Church of *Saint Helen* aforesaid, and the Commissioner shall make and annex to the said Award a Schedule describing and setting forth the Quantities of all the Homesteads, Gardens, Orchards, and ancient Inclosures in the said Parishes; which said Plans, or either of them, shall be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

A Copy of the Award and of the Plan to be deposited in the Office of the Duchy.

CII. And be it enacted, That a true Copy of the Award to be made by the Commissioner, together with a Plan of the same, attested by the Commissioner, shall be deposited in the Office of the Duchy of *Cornwall*, with the Auditor of the said Duchy, for the Convenience of the Person or Persons for the Time being having the immediate Management of the said Duchy.

Power of Appeal.

CIII. And be it enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act, except as to the Allotments, and except as to such other Determinations as are by this Act directed to be final, and except such Cases wherein an Issue at Law shall be tried, as herein-before is mentioned, he may appeal to the General or Quarter Sessions of the Peace which shall be held for the Borough or County within the Jurisdiction of which the Matter of such Appeal shall arise, within Four Months next after the Cause of Complaint shall have arisen, on giving to the Commissioner and to the Party concerned Ten Days previous Notice in Writing of such Appeal, and of the Matter thereof, (except with respect to the Accounts of the Commissioner, which, notwithstanding the same shall have been examined and published as aforesaid, may be appealed against at any Time within One Month after the Enrolment of the Award, on giving to the Commissioner such Notice as last aforesaid); and the Recorder or Justices (not interested in the Premises) in such Sessions assembled is or are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages, as to him or them shall seem reasonable; and in case any such Appeal shall appear to the said Recorder or Justices to be frivolous, vexatious, or without Foundation, he or they shall award such Costs to be paid by the Appellant as to him or them shall seem reasonable, and such Costs shall be levied in manner aforesaid, and the Costs and Damages which shall be so awarded shall be levied by Distress, and the said Recorder or Justices shall issue his or their Warrant accordingly.

Order on Appeal to be final.

CIV. And be it enacted, That every Order and Determination of the said Recorder or Justices upon every such Appeal shall be final, and

and shall not be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

CV. And be it enacted, That nothing in this Act or in the said recited Acts or either of them contained shall prejudice, lessen, or defeat the Right, Title, or Interest of Her said Majesty, or other the Personage for the Time being who may hereafter be entitled to the Inheritance of the said Duchy of *Cornwall*, or Lady or Lord of the said Manor of *Shippon*, of, in, or to the Seignories or Royalties incident or belonging to such Manor, but that Her said Majesty, or other Personage aforesaid entitled thereto, shall and may, from Time to Time and at all Times hereafter, hold Courts, and receive Fines and Quit Rents, Waifs and Estrays, and enjoy all Royalties and Privileges to the same Manor belonging or incident thereto, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as Her said Majesty and other the Personage aforesaid might have held and enjoyed the same before the passing of this Act, or in case the same had never been made, save only as specially provided otherwise by this Act.

Saving the Rights of the Lady of the Manor of Shippon.

CVI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all other Persons, Bodies Politic, Corporate, or Collegiate, their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, 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,) which they or any of them could or might have had, in, to, or in respect of the Lands hereby authorized to be divided, allotted, and inclosed, in case this Act had not been passed.

General Saving.

CVII. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation Clause.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender only shall extend to Females as well as Males :

The Word "Month" shall mean Calendar Month :

The Word "Person" shall include Her Majesty, Her Heirs and Successors, and the Duke of *Cornwall* for the Time being, in right or respect of the Duchy of *Cornwall*, and Corporation, whether Aggregate or Sole :

The Word "Lands" shall include Tenements and Hereditaments of any Tenure :

The Expression "Lands to be inclosed" shall be understood to mean the Lands by this Act authorized to be divided, allotted, and inclosed :

[*Private.*]

The Expression "the Inclosure Expences Fund" shall be understood to mean the Monies by this Act authorized to be raised for defraying the Expences of obtaining this Act, and carrying the same into execution :

The Expression "the Commissioner" shall mean the Commissioner appointed and for the Time being acting by virtue of this Act.

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

CVIII. And be it 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.

SCHEDULES referred to in the foregoing Act.

(A.)

Form of Declaration by Commissioner or Surveyor.

I *A. B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Powers and Authorities vested and reposed in me as a Commissioner [*or Surveyor, as the Case may be,*] by virtue of an Act passed in the _____ 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 Malice to any Person whomsoever.

(B.)

Form of Conveyance.

I _____ the Commissioner acting in the Execution of an Act passed in the _____ Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], by virtue of the Power and Authority to me given by the said Act, and in consideration of the Sum of _____ paid into my Hands by _____ which said Sum is the Purchase Money agreed to be paid by him to me for the Purchase of the Lands and Hereditaments herein-after described, being Part and Parcel of the Lands by the said Act authorized to be sold and disposed of by me, and which said Sum is to be by me applied and disposed of in the Manner directed by the said Act, and the Receipt of which said Sum I do hereby acknowledge, do by this Deed, under my Hand and Seal, by the Direction of the said _____ testified by his Execution of these Presents, grant and convey unto _____ his Heirs and Assigns, all that [*here describe the Premises*], together with the Appurtenances to the said Premises belonging, and the Fee Simple and Inheritance thereof in possession, to have and to hold the same unto the said _____ his Heirs and Assigns [*here state the Uses, Trusts, or Purposes of the Conveyance, as the Case may require*]. Dated this _____ Day of _____ in the Year of our Lord One thousand eight hundred and forty-_____.

