



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. 23.

An Act for setting out and allotting certain Portions of the Lands in *Whaddon Chase* in the County of *Buckingham* in lieu of the Common Rights upon the said Chase, and for extinguishing such Common Rights. [21st June 1841.]

WHEREAS the Chase called *Whaddon Chase*, situate in the several Parishes or Places of *Whaddon*, *Nash*, *Little Horwood*, *Tattenhoe* otherwise *Tattenhall*, and *Shenley Brook End*, in the County of *Buckingham*, comprises divers extensive Woods, Woodlands, and Coppices, open Plains and Ridings, and other Lands and Grounds: And whereas *William Selby Lowndes* Esquire claims to be sole Owner of the said Chase, and to be seised of and entitled to all the Woods, Woodlands, and Coppices, open Plains and Ridings, and other Lands and Grounds situated within the Limits of the said Chase, in the said several Parishes or Places of *Whaddon*, *Nash*, *Little Horwood*, and *Tattenhoe* otherwise *Tattenhall*, (subject to certain Rights of Common thereon,) and of the Ground and Soil thereof, and all the Timber and other Trees, Wood and Underwood, upon the Chase Grounds within the said several Parishes or Places of *Whaddon*,

[*Private.*]

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Nash,

Nash, Little Horwood, and Tattenhoe otherwise Tattenhall: And whereas the said *William Selby Lowndes* claims to be entitled to the sole Right of keeping Deer without Stint within the said Chase, and to all the Deer so kept, and also to the Browse and Pasturage for such Deer in, over, and upon all the open Plains and Ridings, and other Lands and Grounds, (not being Woodlands,) within the said Chase, at all Times and Seasons of the Year, and also to range, browse, and pasture in and over all the Woods, Woodlands, and Coppices within the said Chase from the Expiration of certain Periods after every successive Fall of Underwood therein: And whereas *Matthew Knapp* Esquire claims to be Lord of the Manor of *Shenley Brook End* aforesaid, and in respect thereof to be entitled to the Soil of the Common Lands and Grounds within the said Manor, subject to certain Rights of Common in and over the same: And whereas the Owners and Proprietors of divers Messuages and Lands in the several Parishes, Townships, Liberties, Hamlets, or Precincts of *Whaddon, Nash, Little Horwood, Tattenhoe otherwise Tattenhall, and Shenley Brook End*, aforesaid, and the Owners of divers Messuages and Lands in the Parish of *Newton Longville*, in the said County of *Buckingham*, claim to be entitled to certain Rights of Common of Pasture in, over, and upon the said Chase, and the said Woods, Woodlands, Coppices, and other Lands and Grounds within the Limits thereof, at certain stated Seasons and Periods in the Year: And whereas the said Woods, Woodlands, Coppices, and other Lands and Grounds within the Limits of the said Chase, are capable of great Improvement, and such Parts thereof as are Woodlands would produce a large Quantity of Timber, and other Parts thereof not covered with Wood might be advantageously converted into and used as Farms, if the Deer and Commonable Cattle were excluded therefrom; and it will be expedient to set out and allot Portions of Land in convenient Situations, and adequate in Value, in lieu of and compensation for such Rights of Common, and to extinguish the same; but the Purposes aforesaid cannot be effected without the Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas an Act was passed in the First and Second Years 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, 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 First and Second Years 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.

41 G. 3. c. 109.

1 & 2 G. 4.
c. 23.Recited Acts
to form Part
of this Act.

II. And be it enacted, That *Henry Dixon* of the City of *Oxford*, and *John Davis* of *Banbury* in the County of *Oxford*, and their Successors for the Time being, to be elected or appointed in manner herein-after mentioned, shall be Commissioners for carrying this Act and the said recited Acts into execution; and it shall be lawful for the said Commissioners and they are hereby required to ascertain the several Rights of Common in, over, and upon the said Chase, and to set out Allotments in lieu and compensation thereof, 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 Commissioners, 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.

Appoint-
ment of Com-
missioners.

Qualification
of Commis-
sioners.

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 act-
ing not
qualified.

IV. And be it enacted, That in case the said *Henry Dixon*, 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 Owner or Proprietor for the Time being of the said Chase to appoint by Writing under his Hand some fit Person to be a Commissioner in the Room of the said *Henry Dixon*, or of any 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; and in case the said *John Davis*, 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 Lands within the said several Parishes or Places of *Whaddon*, *Nash*, *Little Horwood*, *Tattenhoe* otherwise *Tattenhall*, *Shenley Brook End*, and *Newton Longville*, (exclusively of the Owner or Proprietor of the said Chase,) 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 by Advertisement, and also on the Church Doors, as herein-after directed, at least Fourteen Days before such Meeting, to appoint by Writing under their Hands some fit Person to be a Commissioner in the Room of the said *John Davis*, 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.

Appoint-
ment of Com-
missioners on
Vacancies.

V. Pro-

In case Parties neglect to appoint a new Commissioner, the remaining Commissioner may appoint.

V. Provided always, and be it enacted, That in case any of the Parties herein-before authorized to appoint a new Commissioner shall not appoint a new Commissioner within the Space of Six Weeks next after Notice of such Death, Neglect, Refusal, or Incapacity shall have been given by Advertisement, and by affixing the same on the Church Doors, in manner herein-after provided with respect to Notices by this Act directed to be given, the other Commissioner shall, within Three Weeks next after the Expiration of the Time so allowed for appointing such new Commissioner, by Writing under his Hand appoint some other fit Person to be a Commissioner in the Room of the Commissioner causing such Vacancy as aforesaid, and every new Commissioner appointed under either of 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 Commissioners.

Umpire to be appointed.

VI. And for the Purpose of settling and determining any Difference that may arise between the Commissioners concerning any of the Things to be done in pursuance of this Act, be it enacted, That the Commissioners shall, previously to acting in the Execution of this Act, by Writing under their Hands, appoint some fit Person to be the Umpire, and such Umpire is hereby authorized to hear and determine every such Difference as may arise between the Commissioners relating to any of the Purposes of this Act, and the Determination of such Umpire shall be considered to be the Determination of the Commissioners, and shall be final and conclusive upon the Commissioners, and upon all other Persons concerned in the Purposes of this Act, so far as the Judgment and Acts of the Commissioners would in such Case have been final and conclusive: Provided always, that no Person shall act as Umpire in the Execution of this Act 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 any Commissioner for the Time being, or any Justice of the Peace for the said County, to administer; and the Declaration so made and subscribed shall be annexed to and deposited with the Award of the Commissioners.

Umpire to make Declaration.

Appointment of Umpire on Vacancy.

VII. And be it enacted, That in case any Umpire so to be appointed shall die, or become incapacitated, or neglect or refuse to act as such Umpire, and to decide any Matter referred to him, and to notify his Decision to the Commissioners, within One Month after such Matter shall be referred to him, it shall be lawful for the Commissioners, by Writing under their Hands, at any Meeting to be holden for the Execution of this Act, to appoint some other fit Person to be an Umpire in the Stead of such Umpire; and so often as a Vacancy shall afterwards happen by the Death, Neglect, Refusal, or Incapacity of the Umpire, such Vacancy shall be supplied by the Commissioners in manner aforesaid; and the Umpire so to be appointed shall have the like Powers and Authorities as such first appointed Umpire; and in case the Commissioners shall make default in appointing such Umpire previous to their acting in the Execution of this Act, or in appointing
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a new Umpire within Twenty-eight Days next after any such Vacancy as aforesaid, the Commissioners shall, as soon as conveniently may be, give Notice thereof by Advertisement and on the Church Doors, and thereupon it shall be lawful for the major Part in Value of the said Proprietors (excluding the Owner or Proprietor for the Time being of the said Chase), according to their respective Interests, to be ascertained as aforesaid, at a Meeting to be holden in like Manner as is herein-before directed with respect to the Meeting to be held for the Appointment of a new Commissioner in the Place of the said *John Davis*, to appoint another fit Person to be an Umpire in the Stead of the Umpire dying, becoming incapacitated, or neglecting or refusing to act as aforesaid, and so from Time to Time as Occasion shall require.

VIII. And be it enacted, That *John King* of *Winslow* in the County of *Buckingham*, Surveyor, shall and he is hereby appointed Surveyor to the said Commissioners for carrying this and the said recited Acts of the Forty-first Year of the Reign of *George* the Third and the First and Second Years of the Reign of *George* the Fourth into execution; but if he shall die, neglect or refuse to act, or to qualify himself, or become incapable to act as Surveyor in the Execution of this and the said last-mentioned Acts, then the said Commissioners for the Time being shall from Time to Time appoint some other fit and competent Person, not interested in the Purposes of this Act, to be Surveyor to the said Commissioners: 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 any 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 Commissioners.

Appoint-
ment of Sur-
veyor.

Surveyor to
make a De-
claration.

IX. 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 Decla-
ration.

X. And in order to save all unnecessary Expences and Delays in the Execution of this Act, be it enacted, That it shall be lawful for any Person having in his Custody or Possession any actual Survey, Map, or Plan of any Lands within the said respective Parishes or Places of *Whaddon*, *Nash*, *Little Horwood*, *Tattenhoe* otherwise *Tattenhall*, *Shenley Brook End*, and *Newton Longville*, or any of them, to deliver such Surveys, Maps, and Plans unto the Commissioners at such Times as they shall appoint for that Purpose; and the Commissioners shall thereupon inquire, by the Oath as well of the Person delivering such Surveys, Maps, or Plans respectively as of such other Persons as they shall think fit (which Oath the Commissioners, or either of them, are hereby authorized to administer), as to the Authenticity and Accuracy of every such Survey, Map, and Plan; and in all Cases where the Commissioners shall be satisfied that such Surveys, Maps, and Plans are authentic, and have been

Surveys al-
ready made
may be used.

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accurately

accurately made, and will answer the Purpose of a new Survey (but not otherwise), the Commissioners shall cause the same to be used, in such Manner as they shall think proper, for the Purposes herein mentioned, instead of making a new Admeasurement and Plan of the Lands so comprised in the Maps and Plans aforesaid.

Appoint-
ment of
Clerk.

XI. And be it enacted, That it shall be lawful for the said Commissioners to appoint a Clerk to assist them in the Execution of this Act, and from Time to Time to appoint any other Clerk or Clerks, in case of the Death, Neglect, or Refusal to act of the said Person so first appointed.

No Party in-
terested to
be appointed
a Commis-
sioner.

XII. And be it enacted, That no Person shall be appointed or shall act as a Commissioner, Umpire, or Surveyor, in execution of this Act, who shall be interested in the Lands or Estates in any way affected by this Act, or who shall be the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested.

Allowances
to Commis-
sioners and
Clerk.

XIII. And be it enacted, That each of the said Commissioners, and the said Clerk and Umpire, shall be paid respectively for each Day they shall respectively travel or be engaged in any Business relating to the Execution of this Act the Sum of Three Pounds and Three Shillings for each Day they shall respectively be engaged as aforesaid for the first Two Years after the passing of this Act, and Two Pounds and Two Shillings *per* Day afterwards; and such Payment shall be in full Satisfaction to the Commissioners, and Clerk and Umpire, respectively, for their Time and Trouble, and for the several Expences incurred by them during their several Journies and Attendances in the Execution of this Act (except the Expence of the Rooms in which the Meetings of the Commissioners shall be held, and the Expence of Appeals or other legal Proceedings against the Commissioners, and the Expence of Notices and Advertisements, and of preparing, proclaiming, and enrolling the Award, and other proper and necessary Expences); and that all such Allowances, together with the Costs and Charges of obtaining and passing this Act, and of surveying, measuring, planning, dividing, and allotting the several Portions of Lands and Grounds to be set out and allotted as Parochial or General Allotments, and of making the Fences to such several Parochial or General Allotments, as herein-after mentioned, and also of making such Subdivision of the said Parochial or General Allotments, or any of them, which shall be required under the Provisions for that Purpose herein-after contained, previous to the Execution of the Award first herein-after directed to be made, and of preparing and inrolling the Award first herein-after mentioned, and all other the necessary Expences about and concerning the Premises (except where it is otherwise directed and provided by this Act), shall be paid, borne, and defrayed by the said *William Selby Lowndes*, or the Owner or Proprietor of the said Chase for the Time being, at such Time and Times as the said Commissioners shall in and by their said Award, or any other Writing under their Hands, direct or appoint: Provided always, that it shall not be lawful for the said Commissioners or the said Clerk to demand any Money on account of the

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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 Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided.

XIV. And be it enacted, That in computing the aforesaid Allowance to the Commissioners 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 Commissioners and Clerk shall be paid accordingly.

Length of Day for estimating Allowances.

XV. And be it enacted, That it shall be lawful for the Commissioners to allow to the said *John King*, and in case of his Death, Neglect, or Refusal to act as Surveyor, then to the Person to be appointed by them to act as Surveyor, the Sum of One Shilling and Sixpence *per Acre* for surveying, measuring, mapping, and planning the Land required to be surveyed under the Provisions of this Act, and the Sum of Two Pounds and Two Shillings for each Day that he shall 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 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.

Allowances to Surveyor.

XVI. And be it enacted, That the Commissioners shall cause Notice to be given by Advertisement and on the Church Doors of the Time and Place when and where their First and every subsequent Meeting shall be held (Meetings by Adjournment only excepted), and they may from Time to Time adjourn any such Meetings; and if at the Time and Place appointed for any such Meeting the Commissioners shall not attend, it shall be lawful for their 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 Commissioners: Provided always, that all Meetings of the Commissioners for executing this Act shall be held within one of the said several Parishes or Places of *Whaddon, Nash, Little Horwood, Tattenhoe* otherwise *Tattenhall, Shenley Brook End, and Newton Longville*, or within Eight Miles thereof.

Meetings, and Notices thereof.

XVII. 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

Notices how to be given.

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 Church of each of the said several Parishes of *Whaddon, Little Horwood, Tattenhoe* otherwise *Tattenhall, Shenley, and Newton Longville*, on *Sunday* before Divine Service; and all Notices necessary to be given by the Commissioners, the Mode of giving which is not hereby particularly directed, shall be by the Methods 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: Provided nevertheless, that previous to ascertaining and setting out the Boundaries of any of the Parishes or Places within which any of the Lands or Grounds comprised within the Limits of the said Chase are situate, the said Commissioners shall give Notice of their Intention in that Behalf, in manner provided by the said first-recited Act.

What shall
be a Refusal
to act.

XVIII. And be it enacted, That if either of the Commissioners 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 either of them shall at any Time, after having qualified himself as aforesaid, wilfully absent himself from any Two successive Meetings of such Commissioners, 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 Commissioners 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, to be allowed by the other Commissioner attending such Meetings,) 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 of Excuse as aforesaid, every such Absence or Non-attendance shall be deemed to be a Refusal to act.

Persons summoned by the Commissioners and refusing to give Evidence to be punished.

XIX. 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 Commissioners, to defray the Charges of his Attendance, shall not appear before the Commissioners, pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn or to give Evidence touching the Premises, it shall be lawful for the Commissioners, upon Proof of such Summons, and Tender made before them on Oath (which Oath they 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 Expences for the Purposes of this Act, and shall be applied accordingly.

XX. And

XX. 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.

For regulat-
ing Dis-
tresses.

XXI. And be it enacted, That all the Orders, Proceedings, and Determinations of the Commissioners 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 Commissioners, 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 Commissioners, 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, and may be inspected by any of the Parties concerned at all seasonable Times, who shall be entitled to have Copies or Extracts of any such Orders, Proceedings, and Determinations, on paying for the same after the Rate of Sixpence for every One hundred Words.

Proceedings
to be entered
in a Book.

XXII. Provided always, and be it enacted, That the several Persons interested in the Provisions of this Act, 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.

Proprietors
to pay their
own Ex-
pences.

XXIII. And be it enacted, That the Commissioners shall, once at least in every Twelve Months during the Execution of this Act, and until their Accounts shall be finally allowed, (the first of such Periods to be computed from the passing hereof,) make out a true and accurate Account of all Sums of Money by them received and expended in the Execution of this Act, and of all Sums due to them respectively for their own Trouble and 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 Commissioners 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; and no Charge or Item in any such Account shall be binding on the said *William Selby Lowndes*, or be valid in Law, unless the same shall have been so allowed by such Justice or Justices.

Debts to be
paid and
Accounts to
be audited.

XXIV. And be it enacted, That it shall be lawful for the said Commissioners to ascertain, set out, and determine, and also to shorten or render straight, the Boundaries between such Portions of the said Common Grounds within the Limits of the said Chase the Soil whereof does not belong to the said *William Selby Lowndes*, and the several Woods, Woodlands, Coppices, Plains, and Ridings within the said several Parishes of *Whaddon*, *Little Horwood*, and *Tattenhoe* or *Tattenhall* respectively; and after such Boundaries shall have been so ascertained, set out, and determined as aforesaid, the

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sioners to
ascertain and
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same shall be made, fenced, ditched, or mounded by the said *William Selby Lowndes*, and shall for ever thereafter be deemed the Boundaries between such Chase Lands and Common Grounds respectively; and such Common Grounds shall thenceforth be dischased, and for ever thereafter held and enjoyed free from any Claims or Liabilities in respect of the said Chase.

Commissioners to quality and appraise the Lands herein described.

XXV. And be it enacted, That the said Commissioners shall, as soon as conveniently may be after the passing of this Act, value, quality, and appraise all the said Lands comprised within the Limits of the said Chase in the said several Parishes or Places of *Whaddon, Nash, Little Horwood, Tattenhoe* otherwise *Tattenhall*, and *Shenley Brook End* aforesaid, (subject to such Rights of Common as aforesaid,) and also inquire into and ascertain all the Rights of Common in, over, or upon the said Lands (subject thereto) in respect of Messuages and Lands in the said several Parishes or Places of *Whaddon, Nash, Little Horwood, Tattenhoe* otherwise *Tattenhall, Shenley Brook End*, and *Newton Longville* respectively, (save and except the Rights of Common of Pasture for Sheep in, over, and upon the Common called *Shenley Common*, in respect of Lands and Estates in the Parish of *Shenley Brook End* aforesaid, not intended to be affected by this Act,) and determine the Value of the whole of such Rights of Common, and also settle and distinguish the Value of the Rights of Common appertaining to Messuages and Lands in each of the said Parishes or Places of *Whaddon, Nash, Little Horwood, Tattenhoe* otherwise *Tattenhall, Shenley Brook End*, and *Newton Longville*, in such Manner and so as to distinguish the Value of the Rights of Common appertaining to each of the said respective Parishes or Places in or upon the said Lands before mentioned, or such of them respectively over which the Occupiers of Lands in such respective Parishes or Places are entitled to Rights of Common.

Surveyor, &c., may enter Lands to survey, &c.

XXVI. And be it enacted, That it shall be lawful for the said Commissioners and Surveyor, together with their Agents, Servants, and Assistants, when employed in the Execution of this Act, at all Times, until the Award first herein-after mentioned shall be made, finished, and completed, to enter into, examine, survey, and admeasure all the Lands for or in respect of which any Rights of Common may be claimed in, over, or upon the said Chase, or in respect whereof any Allotment shall be made, by virtue of this Act, without being liable to any Action or Molestation for so doing.

Claims to be delivered in a certain Time.

XXVII. And be it enacted, That the said *William Selby Lowndes* and all other Persons claiming any Rights of Common in, over, or upon the said Lands within the Limits of the said Chase, or any of them, in respect of any Messuages and Lands within the said several Parishes or Places of *Whaddon, Nash, Little Horwood, Tattenhoe* otherwise *Tattenhall, Shenley Brook End*, and *Newton Longville* respectively, shall deliver their respective Claims, in Writing under their Hands or the Hands of their Agents, unto the Commissioners at the Meetings to be held for that Purpose, stating the several Particulars in respect whereof such Claims are made, distinguishing Freehold, Copyhold, and Leasehold Property from each other, and the Manors, Parishes, or Places in which they are respectively situate;

situate; and no such Claim shall be received by the Commissioners 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 Commissioners; and after the said Claims shall be so received the Commissioners shall cause Notice on the Church Doors of each of the said several Parishes of *Whaddon, Little Horwood, Tattenhoe* otherwise *Tattenhall, Shenley,* and *Newton Longville* to be given of a Time (at least Fourteen Days distant from the Expiration of the Twenty-one Days hereinafter allowed for Inspection of such Claims) and a Place for all Parties concerned to appear before them, and show Cause for or against the Allowance or Disallowance of any of the said Claims which shall be objected to in manner herein-after mentioned: Provided always, that as soon as conveniently may be after the last Meeting to be held for receiving such Claims the said Commissioners shall cause all such Claims to be entered in a Book to be provided for that Purpose, which Book shall be deposited at the *Haunch of Venison* Public House in the Parish of *Whaddon* for the Space of Twenty-one Days; for the Inspection of all Parties concerned, who shall be at liberty to take Copies or Extracts thereof or therefrom, Seven Days previous Notice of their Intention to deposit the said Book being given by the said Commissioners in manner last aforesaid.

XXVIII. And be it enacted, That if the said *William Selby Lowndes*, or the Owner for the Time being of the said Chase, or any of the Parties interested in the said Rights of Common, shall have any Objection to any of the Claims which shall be delivered to the said Commissioners by virtue of this Act, such Objection shall be reduced into Writing, and Two Parts thereof shall be signed by the Party making the same, or by some Person in his Behalf, and one Part thereof shall be served upon or left at the last or usual Place of Abode of the Party whose Claim shall be objected to, or upon his Agent, making such Claim, within Seven Days after the Expiration of the Twenty-one Days allowed for inspecting such Claims, and the other Part delivered to the said Commissioners, or one of them, or to their Clerk, at such Time or respective Times as the said Commissioners shall appoint, by such Notice to be given by them as last aforesaid.

Objections
to Claims.

XXIX. And be it enacted, That the Commissioners shall, at some Meeting or Meetings to be appointed for that Purpose, of which Notice shall be given as last aforesaid, and also by Advertisement, proceed to examine into and determine such of the said Claims which shall be objected to, and shall make such Order therein as to them shall appear just, and in case any Doubts shall arise respecting the Validity of such Claims, or any Differences shall happen between any of the said Proprietors touching their respective Rights or Claims, or touching the respective Shares which they ought to have in the Land set out and allotted in lieu of and Compensation for such Rights of Common, the Commissioners shall, by Examination of Witnesses upon Oath, (which Oath the said Commissioners are hereby empowered to administer,) and by such other Evidence as to them shall seem proper, hear

Adjudica-
tion upon
Claims.

hear and determine the same, and shall make such Order therein as to the Commissioners shall appear just, which Order shall be final, unless any Party shall be dissatisfied with the Determination of the Commissioners, and shall proceed to try his Rights by an Issue at Law as hereafter mentioned.

Commis-
sioners not to
determine
Titles.

XXX. And be it enacted, That this Act shall not authorize the Commissioners to determine the Title to any Messuages and Lands in respect of which the Rights of Common aforesaid, or any of them, may be claimed.

Parties dis-
satisfied may
try their
Rights at
Law.

XXXI. And be it enacted, That if any Person claiming any such Rights of Common shall be dissatisfied with any Determination of the Commissioners concerning the same, or concerning any Objection to such Claim, it shall be lawful for such Person to bring an Action upon a feigned Issue against the Person in whose Favour such Determination shall have been made, within Three Calendar 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, and thereupon 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 of *Bucks* 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 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 Commissioners shall act in conformity thereto, and allow or disallow the Claim thereby determined according to the Event of such Trial, and the Costs attending any such Actions shall abide the Event of the Trial.

If no Action
brought
within Time
limited.

XXXII. 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 Commissioners shall be final.

Deaths of
Parties not
to abate Pro-
ceedings;
and if Par-
ties die be-
fore Action
brought,
Suits to be
carried on
and de-

XXXIII. 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

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 Commissioners or their 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.

fenced in
their Names.

XXXIV. And be it enacted, That it shall be lawful for any Person having or being entitled to any Right of Common in, over, or upon the said Chase, or any Part thereof, at any Time before the forming or drawing up the Award of the said Commissioners, to sell to any Person any such Right of Common separate and apart from the Messuages and Lands to which such Right of Common is appurtenant.

Power to sell
Common
Rights.

XXXV. And be it enacted, That the said Commissioners shall ascertain separately and distinctly the Value of the Feed for Deer and Chase Rights and Interests now belonging to the said *William Selby Lowndes* in, over, or upon the said Common called *Shenley Common*, in common with the other Lands and Grounds lying within the Limits of the said Chase, and shall set out and allot such Parcel of Land or Ground (being Part of the said Common called *Shenley Common*) as shall in the Judgment of the said Commissioners be a full Equivalent and Compensation for such last-mentioned Feed Rights and Interests unto the said *Matthew Knapp*, which shall be accepted by him in part Compensation for the Rights of Common in, over, and upon the said Chase appertaining to Messuages and Lands in *Shenley Brook End* aforesaid belonging to him the said *Matthew Knapp*, and the further Compensation to the said *Matthew Knapp* shall be included in the Parochial or General Allotment to be set out in respect of the Rights of Common in, over, and upon the said Chase appertaining to Messuages and Lands in *Shenley Brook End* aforesaid, and the Allotment so to be made to the said *Matthew Knapp* shall, from and after and so soon as the same shall be fenced in and severed from the other Part of the said Common called *Shenley Common*, become and remain freed and discharged of and from all Rights of Common of Pasture of or belonging to any other Person or Persons whatsoever.

Value of Mr.
Lowndes's
Chase Rights
over Shenley
Common be
allotted to
Mr. Knapp.

XXXVI. And be it enacted, That the said Commissioners shall set out separate Allotments for the Rights of Common appertaining to Messuages and Lands in each of the said Parishes or Places of *Whaddon, Nash, Little Horwood, Shenley Brook End, and Newton*

Parochial
Allotments.

[Private.]

Longville, (save and except as to the Rights of Common of Pasture for Sheep in, over, and upon the said Common called *Shenley Common* not intended to be affected by this Act, as herein-before mentioned,) and that the Portions or Parcels of Land so to be set out and allotted for the Proprietors of Messuages and Lands in each of the said Parishes or Places respectively, in lieu of such their Rights of Common, shall be set out and allotted distinct and divided from the Portions or Parcels of Land to be set out and allotted for any other of the same Parishes or Places; and that such Parochial or General Allotments shall (if the said Commissioners find it conveniently practicable to make the same) consist of One Piece or Parcel of Land only for each of the said Parishes or Places, and shall be set out and allotted to the several Proprietors, so that each of such Parochial or General Allotments may be held, occupied, and enjoyed by the several Persons entitled to Rights of Common as before mentioned, as conveniently as may be.

Whaddon.

XXXVII. And be it enacted, That in regard to the Persons entitled to Rights of Common in respect of Messuages and Lands in the Parish of *Whaddon*, so much and such Part of the Common called *Whaddon Common*, within the said Parish of *Whaddon*, shall be set out and allotted, as the Commissioners shall deem sufficient in Quantity and Value to be a full Equivalent and Compensation for such Rights of Common in, over, or upon the said Woods, Woodlands, Coppices, and other Lands subject to such Rights of Common as aforesaid; and in case the said Common called *Whaddon Common* shall not happen to be sufficient in Quantity and Value to make by Allotment of the whole thereof a full and fair Equivalent and Compensation to the several Persons having such Rights of Common in respect of Messuages and Lands in the said Parish of *Whaddon*, such further and other Portion or Parcel of Land within the Limits of the said Chase adjoining the said Common, and within the said Parish of *Whaddon*, shall be set out and allotted as the Commissioners shall deem sufficient to make up a full and fair Equivalent and Compensation for such last-mentioned Rights of Common.

Nash.

XXXVIII. And be it enacted, That in regard to the Persons entitled to Rights of Common in respect of Messuages and Lands in the Hamlet of *Nash*, such Parcels of Land shall be set out and allotted in addition to the Common called *Nash Common* (including a certain Piece of Land called *Singleborough Land*) as the said Commissioners shall deem sufficient in Quantity and Value to be a full and fair Equivalent and Compensation for such last-mentioned Rights of Common in, over, or upon the said Woods, Woodlands, Coppices, and Lands subject thereto.

Little Horwood.

XXXIX. And be it enacted, That in regard to the Persons entitled to Rights of Common in respect of Messuages and Lands in the said Parish of *Little Horwood*, so much and such Part of a Common within the same Parish of *Little Horwood* called *Shucklow Warren* shall be set out and allotted as the said Commissioners shall deem sufficient in Quantity and Value to be a full and fair Equivalent and Compensation for such Rights of Common; and in case the said Common

called *Shucklow Warren* shall not happen to be sufficient in Quantity and Value to make, by Allotment of the whole thereof, a full and fair Equivalent and Compensation to the several Persons having such Rights of Common in respect of Messuages and Lands in the said Parish of *Little Horwood*, such further and other Portion or Parcel of Land within the Limits of the said Chase adjoining the said Warren, and within the said Parish of *Little Horwood*, shall be set out and allotted as the Commissioners shall deem sufficient to make up a full and fair Equivalent and Compensation for such last-mentioned Rights of Common.

XL. And be it enacted, That in regard to the Persons entitled to Rights of Common in respect of Messuages and Lands in the said Parish or Place of *Shenley Brook End*, such Parcel of Land in and upon the Common called *Tattenhoe* otherwise *Tattenhall Common*, and adjoining the Common called *Shenley Common*, shall be set out and allotted as the Commissioners shall deem sufficient in Quantity and Value to be a full and fair Equivalent and Compensation to the Persons entitled to such Rights of Common in respect of Messuages and Lands in the said Parish or Place of *Shenley Brook End*, in, over, or upon the said Lands subject to such Rights of Common; and in case the said Common called *Tattenhoe* otherwise *Tattenhall Common* shall not be sufficient in Quantity and Value to make by Allotment of the whole thereof a full and fair Equivalent and Compensation to the several Persons having such Rights of Common in respect of Messuages and Lands in the said Parish or Place of *Shenley Brook End*, such further and other Portion or Parcel of Land within the Limits of the said Chase, and as near as may be to the said Parish of *Shenley Brook End*, shall be set out and allotted as the said Commissioners shall deem sufficient to make up a full and fair Equivalent and Compensation for such last-mentioned Rights of Common.

Shenley
Brook End.

XLI. And be it enacted, That in regard to the Persons entitled to Rights of Common in respect of Messuages and Lands in the said Parish of *Newton Longville* (which said Parish lies at a considerable Distance from and in no Part thereof adjoins the said Chase), such Part or the whole of a certain Common called *Tattenhoe* otherwise *Tattenhall Bare* (Part of the said Chase Grounds), and within the Parish of *Tattenhoe* otherwise *Tattenhall* aforesaid (being the nearest Point of Communication with the said Chase by the Owners and Occupiers of Lands within the said Parish of *Newton Longville*), as the Commissioners shall deem sufficient in Quantity and Value to be a full Equivalent and Compensation for such Rights of Common; and if the said Common called *Tattenhoe* otherwise *Tattenhall Bare* shall not happen to be sufficient in Quantity and Value to make by Allotment of the whole thereof a full and fair Compensation to the several Persons having such Rights of Common in respect of Messuages and Lands in the said Parish of *Newton Longville*, then the Commissioners shall set out and allot such Part of the said Common called *Tattenhoe* otherwise *Tattenhall Common* (also Part of the said Chase Grounds), in addition to the said Common called *Tattenhoe* otherwise *Tattenhall Bare*, and contiguous thereto, as in the Judgment of the said Commissioners

Newton
Longville.

missioners shall make up a full and fair Equivalent and Compensation for such Rights of Common in respect of the said Messuages and Lands in *Newton Longville* aforesaid, in, over, and upon the said Woods, Woodlands, and other Lands subject to such last-mentioned Rights of Common, to the several Persons entitled thereto; and in case no Portion of the said Common called *Tattenhoe* otherwise *Tattenhall Common* shall remain after making a full and fair Equivalent and Compensation to the several Persons entitled to Right of Common in respect of Messuages and Lands in the said Parish or Place called *Shenley Brook End*, or if after making such last-mentioned Equivalent and Compensation the Remainder of the said Common called *Tattenhoe* otherwise *Tattenhall* shall not be sufficient in Value and Quantity to make up a full and fair Equivalent and Compensation to the several Persons having such Rights of Common in respect of Messuages and Lands in the said Parish of *Newton Longville*, such further and other Portion or Parcel of Land within the Limits of the said Chase shall be set out and allotted as the Commissioners shall deem sufficient to make up a full and fair Equivalent and Compensation for such last-mentioned Rights of Common.

Parish Allotments to belong to the Commoners of each Parish.

XLII. And be it enacted, That the respective Parcels of Land so to be set and allotted by way of Parochial or General Allotments in respect of each of the said several Parishes or Places of *Whaddon*, *Nash*, *Little Horwood*, *Shenley Brook End*, and *Newton Longville* as aforesaid, shall belong to the Owners of such Messuages and Lands entitled to Rights of Common as aforesaid in such of the said several Parishes or Places respectively for or in respect of which such respective Parcels of Land shall be set out and allotted, and shall be held and enjoyed separately and distinctly by the Commoners in each Parish or Place respectively, independent of the Commoners of and free from all Rights of Common in respect of any Messuages or Lands in any other of the said Parishes or Places; and that the Owners of Estates in each of the said Parishes or Places shall enjoy and be confined to the Portion or Parcel of Land to be set out and allotted in lieu of and compensation for their several Rights of Common in each of the said Parishes or Places for which such Portion or Parcels of Land shall be set out and allotted, and according to their respective Rights and Interests therein; and that such Portion or Parcel of Land so to be set out and allotted for each of the said Parishes or Places respectively shall be within and made Part of the Parish or respective Parishes in which the Messuages and Lands for which such Portion or Parcel of Land shall be so set out and allotted as aforesaid are situate.

Allotments to be within the same Parishes as the Premises for which made,

Parishes to have Rights of Common upon their separate Allotments.

XLIII. And be it enacted, That immediately after such several Parochial or General Allotments shall have been so set out and allotted to the several Owners of Messuages and Lands in each of the said several Parishes or Places of *Whaddon*, *Nash*, *Little Horwood*, *Shenley Brook End*, and *Newton Longville* respectively, as aforesaid, all such Owners, in respect of whose Rights of Common such Parochial or General Allotments have been set out and allotted as before mentioned, shall be entitled thereto, and the same shall attach

attach to the several Messuages and Lands in respect of which the same shall be so set out and allotted, in lieu of their Rights of Common in, over, or upon the said Woods, Woodlands, Coppices, and other Lands subject thereto as aforesaid, and shall be held and enjoyed by such Owners exclusive of all other Common Rights whatsoever, and free from the Deer of the said Chase, in lieu of and substitution for such Rights of Common as aforesaid.

XLIV. And be it enacted, That all such Lands as shall be given in Exchange or be allotted by virtue of this Act shall be held by the Person to whom they are given in Exchange or allotted under the same Tenures, Rents, Customs, and Services, and be subject and liable to the same Estates, Uses, Trusts, Intents, and Purposes, Wills, Settlements, Limitations, Remainders, Conditions, Charges, and Incumbrances, as the Messuages and Lands in respect of which such Lands are given in Exchange or allotted would have been held or subject or liable to in case this Act had not been passed; and the Lands given in Exchange or allotted in respect of Freeholds shall be deemed Freehold; and the Lands given in Exchange or allotted in respect of Copyhold or Customary Lands shall be deemed Copyhold or Customary, 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 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 Exchange or Allotments shall be made now do; and the Lands given in Exchange 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 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.

Tenure of
Allotments.

XLV. And be it enacted, That all new Fences which shall be requisite for fencing out the said Parcels of Land which shall be parochially set out and allotted for or in lieu of the said Rights of Common in, over, or upon the said Woods, Woodlands, Coppices, and other Lands and Grounds, shall be made by and at the Expence of the said *William Selby Lowndes*; and in case such new Fences, or any Part thereof, shall immediately adjoin upon the said Chase, or any other of the Estates of the said *William Selby Lowndes*, then and in such Case the said Fences, or so much and such Parts thereof as shall adjoin the said Chase, or the Estates of the said *William Selby Lowndes*, shall be thenceforth maintained and kept in repair by and at the Expence of the said *William Selby Lowndes* and the Owners of the said Chase and Estates for the Time being; but if the said Chase or Estates shall not immediately adjoin the said Parcels of Land so to be set out and allotted as aforesaid, then such new Fences, when made by the said *William Selby Lowndes*, shall be thereafter maintained and kept in repair by and at the Expence of the Owners for the Time being of the Lands in respect of which the said Parcels

Fences for
Parish Al-
lotments.

[Private.]

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of Land shall be parochially allotted, or by such Persons as are now bound to keep in repair and maintain the same, or would have been so bound in case this Act had not been passed.

Common Rights to cease over the Chase when the Allotments are set out, cleared of Wood and fenced.

XLVI. And be it enacted, That from and immediately after such several Parochial or General Allotments shall be so set out and allotted for each of the said Parishes or Places of *Whaddon, Nash, Little Horwood, Shenley Brook End, and Newton Longville* respectively, in lieu of and compensation for such Rights of Common as aforesaid, and shall be cleared of the Wood which shall be growing thereon or upon any Part thereof (if any such shall be), and such Fences made in manner aforesaid, and the several Owners of such Rights of Common in each of the said Parishes or Places shall be authorized to take possession of such Parochial or General Allotment of Land by Notice in Writing to be stuck up on one of the Church Doors of each of the same Parishes or Places, all the Rights of Common in, over, or upon the said several and respective Woods, Woodlands, Coppices, and other Lands and Ground within the Limits of the said Chase, and every Part thereof respectively, appertaining to Messuages and Lands in the said several Parishes of *Whaddon, Nash, Little Horwood, Shenley Brook End, and Newton Longville* aforesaid, shall cease and be for ever extinguished and abolished; and such several Parochial or General Allotments of Land so set out and allotted as Parochial Allotments, and the said Commons called *Nash Common* and *Shenley Common* respectively, shall thenceforth be discharged and for ever thereafter held and enjoyed free from any Claims or Liabilities in respect of the said Chase.

Power of Exchange.

XLVII. And be it enacted, That it shall be lawful for the Commissioners to allot and award any Lands within the said Parishes or Places respectively in Exchange for any other Lands within the same Parishes, or any adjoining Parish, Township, or Place, provided that all such Exchanges be specified and declared in the Award of the Commissioners, and be made with the Consent in Writing of the Owner of the Lands so exchanged, whether such Owner shall be 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, that no Exchange shall be made 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

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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 Commissioners shall by their Award direct, 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.

XLVIII. And be it enacted, That it shall be lawful for the Owners of any Lands of Copyhold or Customary Tenure, within and Parcel of the said Manors of *Whaddon* and *Nash* and *Little Horwood*, or either of them, whether such Owners shall be Corporations, or Tenants in Fee Simple, or in Fee Tail, General or Special, or for Life, and for the Guardians, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who shall happen to be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, and for Trustees or Feoffees for charitable or other Uses, on giving Notice in Writing of such their Intention to the Lord for the Time being of the said Manors or either of them, to contract and agree with such Lord for the absolute and perpetual Enfranchisement of all or any such Copyhold or Customary Lands, and all Allotments in respect thereof, and for the Extinguishment of the Heriots, Quit Rents, and all other Rights of the Lords in or over the same, for a Compensation, either in Money or Land, as in any such Contract shall be provided.

Power to enfranchise Copyholds.

XLIX. And be it enacted, That in all Cases where such Enfranchisement and Extinguishment shall be contracted to be made for a Compensation in Land, the Commissioners shall, upon the Application of any of the Parties interested, to be made at any Meeting to be holden under the Powers of this Act before the setting out of the Allotments, set out and allot unto the Lord of the said Manors of *Whaddon* and *Nash* and *Little Horwood*, or either of them, as the Case may be, such Parts of the Allotments belonging to the Persons contracting for such Enfranchisement and Extinguishment as aforesaid as shall in the Judgment of the Commissioners be a full Compensation and Satisfaction for such Enfranchisement and Extinguishment, according to the Terms which shall be agreed upon between the Parties.

Provision where the Enfranchisement shall be made for a Compensation in Land.

L. And be it enacted, That in all Cases where such Enfranchisement and Extinguishment shall be contracted to be made for a Compensation in Money, and which Contract may be made at any Time before the Execution of the Award of the Commissioners, the Commissioners shall, upon the like Application of any of the Parties interested as aforesaid, ascertain and determine the Amount of such Compensation according to the Terms which shall be agreed upon between the Parties; and all such Money Payments shall be made to the Commissioners, whose Receipt shall be an effectual Discharge for the same; and the Commissioners shall pay such Monies in the Manner herein-after directed with respect to Monies to be paid for the Purchase or Exchange of Lands, or of any Timber or Wood growing thereon, unless the Lord of the Manor whereof the Lands in question may be Parcel shall be absolutely and beneficially entitled

Provision where the Enfranchisement shall be made for a Compensation in Money.

entitled to such Manor, in which Case (subject to a Deduction for his Inclosure Expences) the Commissioners shall pay the Consideration Monies for such Enfranchisement to such Lord, for his own absolute Use.

Enfranchisements to be specified in the Award, and entered on the Court Roll.

LI. And be it enacted, That all such Enfranchisements and Extinguishments, when completed, shall be specified in the Award of the Commissioners; and an Entry of every such Enfranchisement and Extinguishment shall be made on the Court Rolls of the Manor whereof the Lands in question may be Parcel; and a Copy of such Entry, certified by the Steward or Deputy Steward of such Manor, shall be admitted in all Cases as sufficient Evidence of such Enfranchisement and Extinguishment, and the Contract for the same, and of the Payment of the Consideration Money, when the same shall have been paid in Money.

Lands enfranchised to be held in Free and Common Soccage.

LII. And be it enacted, That so soon as such Allotments and Payments shall be respectively made as the Consideration for such Enfranchisement and Extinguishment as aforesaid, the Lands which shall be so agreed to be enfranchised shall be held in Free and Common Soccage, freed from all Customary Fines, Heriots, Rents, Fealty, Suit of Court, Amerciaments, Forfeitures, and other Customary Payments, Duties, Services, and Penalties whatsoever, which, according to the Custom of the Manor whereof such Lands were Parcel, they had or would have been subject to if such Lands had not been enfranchised; and such Lands shall (subject to any Charge or Mortgage which may be made under the Authority of the said recited Acts or of this Act) go, remain, and be to the same Uses, on the same Trusts, and subject to the same Powers and Limitations (as near as the Difference of the Tenure will admit) as would have been subsisting if such Lands had not been enfranchised.

Incapacitated Persons may borrow Money for such Enfranchisements.

LIII. And be it enacted, That it shall be lawful for the respective Husbands, Guardians, Trustees, Feoffees or Trustees for charitable or other Uses, Committees, and Attornies of the Owners for the Time being of any such Copyhold Lands so to be enfranchised as aforesaid, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any legal Disability, and for any such Owner, being entitled for a particular or limited Estate only, to mortgage and charge the Lands to which such Enfranchisement shall relate with the Monies to be paid as the Consideration for such Enfranchisement, and with Interest thereon.

Old Inclosures may be allotted with Consent of W. Selby Lowndes.

LIV. And be it enacted, That it shall be lawful for the said Commissioners, by and with the Consent in Writing of the said *William Selby Lowndes*, to divide, set out, and allot any Part or Parts of the old inclosed Lands or Grounds of the said *William Selby Lowndes* lying within the said Parishes of *Whaddon, Nash, Little Horwood*, and *Tattenhoe* otherwise *Tattenhall*, or either of them, in or towards the Compensation to be set out and allotted in lieu of Rights of Common as aforesaid, for or instead of the several Parcels of Land by this Act directed to be set out within the Limits of the said Chase, or any of them, or any Part thereof respectively, due Regard being had to

to Convenience of Situation, and the Disposition of the Persons in respect of whose Rights of Common such old inclosed Lands shall be set out and allotted as aforesaid.

LV. 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 Commissioners 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 Expences of any permanent Improvement, such as building, subdividing, dividing, draining, or planting, and the like, which shall in the Judgment of the Commissioners be proper to be made, and shall be made, under their 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.

LVI. 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 Commissioners 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 to the like Uses or Trusts:

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.

LVII. 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,

Payment of Dividends meanwhile.

[Private.]

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.*

LVIII. 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 Land so purchased or exchanged, or their Guardians or Committees, in Cases of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the Commissioners, to be signified in Writing under their Hands, 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 Commissioners, 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.*

LIX. 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, Idiocy, 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.

An Award to be made.

LX. And be it enacted, That so soon as conveniently may be after the said Commissioners shall have set out and allotted the several Parcels of Land for or in lieu of the said Rights of Common, in pursuance of this Act, as aforesaid, as Parochial or General Allotments, the said Commissioners shall draw up and execute an Award in Writing, which shall express and describe the Situation, Quantity, Abuttals, and Boundaries of each of the said Parcels of Land so to be set out and allotted as aforesaid to and for the Owners of the Messuages and Lands in each of the said Parishes or Places of *Whaddon, Nash, Little Horwood, Shenley Brook End, and Newton Longville* aforesaid, for which such Parochial or General Allotment shall

shall be set out and allotted as aforesaid, describing the Allotment or Allotments for each of the said Parishes or Places respectively separately and distinct from the Allotment or Allotments for any other of the said Parishes or Places, and shall also express which of the Fences of the said several Parcels of Land are to be made and maintained by the said *William Selby Lowndes* and the Owner or Proprietor of the said Chase for the Time being, and also which of them have been or ought to be maintained by any other Person or Persons, and by whom, or in respect of what Lands or Estates; and such Award shall also express and contain proper Directions for laying out such Roads, Ways, Drains, and Watercourses as shall be deemed necessary for Access to all or any of the said Allotments, and such other Particulars, Descriptions, Orders, Regulations, and Determinations as the said Commissioners shall adjudge necessary to be contained therein, conformably to the Intent and Meaning of this Act and the said recited Acts; which said Award shall be fairly engrossed and written on Parchment, and signed and sealed by the said Commissioners; and the Execution of the said Award shall be proclaimed upon the next or some subsequent *Sunday*, by affixing a Proclamation on or near the outer Door of the Church of each of the Parishes herein-before mentioned, previously to Divine Service, from the Time of which Proclamation, and not before, such Award shall be considered as complete; and within Six Calendar Months after the Commissioners shall have so made and executed the said Award they 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 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.

The Award with a reduced Plan of the General Allotments to be delivered to the Clerk of the Peace.

LXI. 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 *Whaddon*, and there kept in a Box to be provided for that Purpose by the Commissioners; 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 the 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 with a reduced Plan to be deposited in the Parish Church of Whaddon.

LXII. And be it enacted, That the Commissioners shall cause Two reduced Plans of the said Parochial or General Allotments to be drawn on Parchment, 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

Two reduced Plans of the General Allotments to be annexed to the Award;

and also a
Schedule of
old Inclo-
sures.

Things as the Commissioners shall think fit, shall be fairly and distinctly delineated and expressed; and the Commissioners 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 *Whaddon* aforesaid; which said Plans, or either of them, shall be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Commoners
may have
their General
Allotments
subdivided.

LXIII. And be it enacted, That if Four Fifths in Number and Value of the Owners of the Messuages and Lands in any or either of the Parishes and Places aforesaid (except the Parish of *Newton Longville*) for whom such Parochial or General Allotments shall be made as aforesaid, in lieu of the Rights of Common, as herein-before directed, shall by Writing under their Hands, at any Time within Two Months after such Allotment shall be set out, and Notice thereof given, as herein-before mentioned, signify to the said Commissioners, by Notice in Writing to their Clerk, their Request that any such Allotment or Allotments set out and allotted to or for such Owners may be subdivided and allotted in Severalty amongst such several Owners having Right of Common thereon according to their several Interests therein, it shall be lawful for the said Commissioners to subdivide the same accordingly, and to set out and allot to the respective Owners entitled to Rights of Common upon such several Parcels of Land so requested to be subdivided as aforesaid such Portions thereof respectively, in lieu of their respective Rights of Common, as the Commissioners shall deem to be proportionable to their respective Rights and Interests therein, and also to direct such Fences to be made and maintained by such Owners respectively for the Purpose of such Subdivision, and to set out such Roads and Ways to, in, or through the same several Allotments so subdivided, as the said Commissioners in their Judgment shall think fit.

Separate
Allotments
discharged
from Com-
mon Rights.

LXIV. And be it enacted, That in case any such Subdivision shall be made of any of the said respective Parochial or General Allotments, the Lands which shall be so set out and allotted on such Subdivision shall be accepted by the respective Persons to whom the same shall be so set out in lieu of their Rights of Common for which such Lands were so set out and allotted, and shall be held freed and discharged of the Rights of Common to which the same were before subject; and the Residue of the said Parochial or General Allotments out of which such Lands shall be allotted shall be discharged of the Rights of Common for or in lieu of which such Lands were allotted, and the Lands so allotted shall be respectively holden by the same Persons respectively, and for the same Estates or Interests respectively, and be subject to the same Charges respectively, as the Rights of Common were holden in lieu of which such Lands were allotted respectively, other than the Rights of Common from which the same are hereby directed to be discharged as aforesaid.

Separate
Allotments
shall be de-
scribed in
the Award.

LXV. And be it enacted, That if any such Subdivision shall be made within Two Months after the Parochial or General Allotments shall be set out, and Notice thereof given as aforesaid, the Award shall

shall express and describe the Quantity in Statute Measure of the Lands which shall be set out and allotted in Severalty on such Subdivision, to whom allotted, and for what Rights of Common respectively, and the Abuttals and Boundaries of the Lands so set out and allotted, with proper Directions for fencing and moulding the same, and for laying out and making proper Roads and Ways, Drains and Watercourses, to, in, through, or over the same, and such other Orders, Regulations, and Determinations as the Commissioners shall think proper.

LXVI. And be it enacted, That in case any One or more of the said Parochial or General Allotments shall be wholly or partially subdivided in manner aforesaid, the Expence of ascertaining and planning and setting out the Quantities for such Subdivision, and of the Proceedings relative thereto, as well as of the Additions to the said Award, shall be borne and paid by the said *William Selby Lowndes*.

Expences of Subdivision previous to first Award.

LXVII. And be it enacted, That if Requisitions for Subdivision of Parochial or General Allotments shall not be made until after the said Award shall be executed as aforesaid, then and in every Case, notwithstanding the Execution of the said Award, it shall be lawful for the said Commissioners to subdivide, set out, and allot any such Parochial or General Allotment to which any such Requisition shall relate, either wholly or in part, according to such Requisition, in the same Manner as if such Requisition had been made previous to the Execution of the same Award, and (provided such Requisition be made within Two Months after the Execution of the said Award, but not otherwise,) as soon as conveniently may be after such last-mentioned Subdivision shall be made, the Commissioners shall form and draw up an Award or Instrument in Writing which shall express and describe the Quantity in Statute Measure of such Parochial or General Allotment which shall be so subdivided, and the Quantity in like Manner of such Lands as shall have been set out and allotted for any such Subdivision, and to whom allotted, and in lieu of what Rights of Common respectively, and the Abuttals and Boundaries of the Lands so set out and allotted, and proper Directions for fencing and mounding the same, and for making and laying out proper Roads and Ways in, through, and over the same, and such other Orders, Regulations, and Determinations as the said Commissioners shall deem proper and necessary to be contained therein; which said Award or Instrument last mentioned shall be fairly engrossed or written on Parchment, and signed and sealed by the said Commissioners, and shall be proclaimed and deposited within the respective Times, and in the Manner, and subject to the same Directions as are in this Act specified with respect to their General Award.

If Subdivision after Award, then a new Award thereof to be made.

LXVIII. And be it enacted, That all Allotments proposed to be set out under the Provisions of this Act, whether Parochial or General or otherwise, shall, so soon as the same are ascertained by the said Commissioners, be set out and delineated upon a Map or Plan, which shall be produced at some Meeting or Meetings to be held for that Purpose at some convenient Time and Place by the said Commis-

For determining Objections to Allotments.

[*Private.*]

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sioners,

sioners, of which Meeting or Meetings Fourteen Days Notice shall be given by affixing the same on the Church Door of each such One or more of the said Parishes or Places of *Whaddon, Little Horwood, Tattenhoe* otherwise *Tattenhall, Shenley, and Newton Longville*, in or to which any such Allotments shall be situate or belong or be attached, and by Advertisement, at which Meeting or Meetings the several Parties interested in any such Allotments, or in the Rights and Interests in lieu of which the same are proposed to be set out, shall be informed of the Situation and Extent of such intended Allotments; and if any of such Parties shall thereupon be dissatisfied with the proposed Allotments, or any of them, the said Commissioners shall, at such Time and Place aforesaid, or at some other Time and Place to be appointed by them for that Purpose, receive Statements in Writing of such Objections against any such Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same; and such Determination shall in every Case be reduced into Writing, and signed by the said Commissioners.

Subdivision
Allotments
to be fenced
by the Pro-
prietors.

LXIX. And be it enacted, That all the separate Parcels of Land which shall on such Subdivision be made of the Parochial or General Allotments in Severalty, in pursuance of this Act, shall be inclosed, hedged, ditched, or otherwise fenced by and at the Expence of the respective Persons to whom the same shall be allotted, within such Time and in such Manner as the Commissioners shall direct; and if any Person shall neglect or refuse to inclose, hedge, ditch, or fence the same in the Manner and within the Time aforesaid, then and in every such Case it shall be lawful for the Persons interested in the Lands next adjoining to such unfenced Land to exhibit a Complaint in Writing against the Person who ought to have fenced the same, before any Justice of the Peace for the said County of *Buckingham*, not interested in the Lands to be inclosed, who shall thereupon summon the Parties concerned, and inquire into the Nature of the Complaint, and examine all proper Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), and after such Summons, and Examination had and taken, may, if he shall see Cause, direct the Person exhibiting such Complaint to make such Fences; and when the same shall be so made such Justice may ascertain the Expences of doing thereof, and by Warrant under his Hand and Seal, directed to the Person exhibiting such Complaint, or to any other Person, cause the Expence so to be ascertained to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale.

Expences of
Subdivision
subsequent
to the Award.

LXX. And be it enacted, That in case any such Subdivision of such Parochial or General Allotments shall be made subsequent to the Execution of the said General Award, and an additional Award shall be made in consequence of such Subdivision, then the whole of the Expences incident and preparatory to such Subdivision, and of such additional Award, shall be borne and paid by the Persons interested therein, and to whom Allotments shall be made, in such Proportions as the said Commissioners shall think proper and direct.

LXXI. And

LXXI. 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 Commissioners shall appoint, it shall be lawful for the Commissioners 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 their own Names, in any of Her Majesty's Courts of Record at *Westminster*, or it shall be lawful for them, 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 Commissioners, or any Person authorized by them, 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.

Remedies in case of Non-payment.

LXXII. And be it enacted, That in the event of a Subdivision of the Parochial Allotments in the Parishes or Places of *Whaddon, Nash,* and *Little Horwood*, or either of them, the Commissioners shall allot and award unto the Churchwardens and Overseers for the Time being of such Parishes or Parish One Piece of Land, Part of the Lands of the said *William Selby Lowndes*, in the most appropriate Situation, each such Piece of Land not being more than Three Acres nor less than Two Acres, as a Place of Exercise and Recreation for the neighbouring Population, and such Allotments shall be held by such Churchwardens and Overseers respectively for the Purposes aforesaid, and shall in the first instance be fenced at the Expence of the said *William Selby Lowndes*, and the Fences of such Allotments shall for ever afterwards be repaired and maintained by the said Parishes respectively in such Proportions and Manner as shall be directed by the Award of the Commissioners.

In the event of Subdivision of Parochial Allotments, an Allotment to be set out for Recreation in each Parish.

LXXIII. And be it enacted, That in case any One or more of the said Parochial or General Allotments which shall be made for each of the said Parishes or Places respectively under or by virtue of this Act shall remain unsubdivided, it shall be lawful for the Owners of the greater Part in Number and Value of the Lands or Estates in each of the said Parishes or Places for which such Parochial or General Allotment shall be made as aforesaid, having Right of Common thereon respectively, from Time to Time and at any Time thereafter, by Writing under their Hands, to make such Rules and Orders, for regulating the Manner of using and occupying the said Parochial or General Allotment, and of stocking the same with Cattle, Sheep, and other Stock, and for limiting and stinting the Number and Kinds of the said Stock, (each Person entitled to such Rights of Common continuing nevertheless to be entitled to a just Proportion according to the Extent of his Interest,) and for limiting the Times and Seasons of stocking, and such other Rules, Orders, and Regulations for the better Management and more convenient Enjoyment thereof as they from Time to Time shall think proper, and for the mutual Benefit of all Persons interested therein, according to their respective Rights and Interests;

Commoners to make Orders for regulating their Commons.

Interests ; and also from Time to Time, by Writing under the Hands of such Owners or Proprietors for the Time being of the greater Part in Value of such Lands and Estates respectively, to annul, repeal, or alter any such Rules, Orders, and Regulations, and to make such others, as they shall deem expedient, and for the mutual Benefit of all Persons interested therein, according to their respective Rights and Interests ; and such Rules, Orders, and Regulations, so long as the same shall continue in force, shall be binding upon and observed by all Persons interested in the said Parochial or General Allotments in respect of which such Orders, Rules, and Regulations shall be made ; and every such Rule, Order, or Regulation made by the Persons interested in One of the said Parochial or General Allotments shall be confined to such Allotment, and shall not extend to or affect any other of the said Parochial or General Allotments, so that each of the said Parochial or General Allotments may be distinct from and not connected with the other.

Commissioners to set out private Roads.

LXXIV. And be it enacted, That the said Commissioners shall set out such and so many private Roads and Ways as shall be necessary for giving convenient Access to the several Parcels of Land or Ground which shall on such Subdivision as aforesaid be set out and allotted severally as aforesaid to the several Persons entitled thereto.

Parties aggrieved may appeal to the General Quarter Sessions.

LXXV. And be it enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act (except as to such Determinations as are by this Act directed to be final, and except such Cases wherein an Issue at Law shall be tried as hereinbefore directed,) he may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Buckingham* within Four Calendar Months after such Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party concerned Ten Days previous Notice in Writing of such Appeal and of the Matter thereof, and the Justices at the said Quarter Sessions (not interested in the Premises) 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 them shall seem reasonable, and by their Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners, after deducting the reasonable Charges ; and in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, they shall award such Costs to be paid by the Appellant as to them shall seem reasonable, and such Costs shall be levied in manner aforesaid, and the Costs and Damages which shall be so awarded shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Order on Appeal to be final.

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

LXXVII. Saving

LXXVII. 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 referred to in this Act in case this Act had not been passed.

General
Saving.

LXXVIII. 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,)

Interpreta-
tion 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 "Lands" shall include Tenements and Hereditaments:

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

LXXIX. 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.

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

SCHEDULE referred to in the foregoing Act.

Form of Declaration by Commissioner, Umpire, 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 or Umpire, as the Case may be,*] by virtue of an Act passed in the _____ Year of the Reign of Her Majesty Queen Victoria, intituled “An Act _____,” according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice, to any Person whomsoever.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1841.