



ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 73.

An Act for inclosing Lands in the Parish of *Bayton* in the County of *Worcester*.

[18th May 1814.]

WHEREAS there are in the Parish of *Bayton*, in the Manor of *Abberley*, in the County of *Worcester*, divers Commons and Waste Lands, containing together, by Admeasurement, Two hundred and thirty-six Acres, Two Roods, and Twenty Perches: And whereas *Henry Bromley* Esquire is Lord of the Manor of *Abberley* aforesaid, and as such Lord claims to be entitled to the Soil of the said Commons and Waste Lands, and to the Timber and Wood growing and standing thereon: And whereas the King's most Excellent Majesty, in Right of His Crown, is Patron of the Vicarage of *Bayton* aforesaid; and *Robert Knight* Clerk is the present Vicar thereof, and as such is entitled to all the Great and Small Tythes arising and payable within the said Parish, subject to certain ancient Moduses or Payments herein-after mentioned; and in respect of the Glebe Lands belonging to the said Vicarage claims to be entitled to Rights of Common of Pasture in, over, and upon the said Commons and Waste Lands: And whereas the said *Henry Bromley*, *Sir Edward Blount* Baronet, *Sir William Smith* Baronet, *Edmund Meysey Wigley* Esquire, and *Anna Maria Meysey Wigley* his Wife, in Right of the said *Anna Maria Meysey Wigley*, *John Fox*, *John Corbett*, *John Cooke*, *Thomas Evans*, and others, are severally Owners and Proprietors of Estates in the

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said

41G.3.c.109. said Parish of *Bayton*, and are respectively entitled to Rights of Common of Pasture in, over and upon the said Commons and Waste Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act, certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Commons and Waste Lands are in their present State incapable of any considerable Improvement; and it would be very advantageous to the several Persons interested therein if the same were divided and specific Shares allotted to the several Proprietors thereof, in lieu of and in Proportion to their respective Rights and Interests; and if Compensation was made to the said Vicar for all Tithes arising, accruing, and payable within the said Parish; but the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Henry Clark* of *Shipston-upon-Stour*, in the County of *Worcester*, Gentleman, shall be and he is hereby appointed the sole Commissioner for dividing, allotting, and inclosing the said Commons and Waste Lands, and for putting this Act in Execution; subject to the Rules, Orders, Directions and Regulations of the said Act of the Forty-first Year of His present Majesty herein referred to, which shall be applied, deemed, and taken as Part of this Act, except in such Cases only as the same are hereby varied or altered.

Commissioner.

Power to elect
a future
Commissioner.

II. And be it further enacted, That if the said *Henry Clark*, or any Commissioner, to be appointed in his Stead, shall die or refuse to act or become incapable of acting as a Commissioner in the Execution of this Act, it shall be lawful for the major Part in Value (such Value to be ascertained by the Property Tax Assessment) of the Owners of or Persons interested in the said Commons and Waste Lands hereby directed to be divided and inclosed, within Twenty Days next after such Death, Refusal or Incapacity shall be known, at a public Meeting to be called for that Purpose, (of which Meeting Ten Days previous Notice shall be given in the Parish Church of *Bayton* aforesaid, and inserted in one of the Newspapers circulated in the County of *Worcester*) or as soon after as conveniently may be, by Writing under their Hands, appoint a proper Person (not interested in the said Division and Inclosure, nor Agent to any Person so interested) to be a Commissioner in the Room of the said *Henry Clark*, and in the Room of any Commissioner so appointed in his Stead, who shall die or refuse to act or become incapable of acting as aforesaid; and every such future Commissioner so to be appointed shall have the like Powers and Authorities for putting in Execution this Act and the said Act hereinbefore referred to, as if he had been named a Commissioner in and by this Act.

Commissioner
to appoint
a Clerk.

III. And be it further enacted, That the Commissioner for putting this Act in Execution shall and may appoint some fit and proper Person to be his Clerk, to assist him in carrying this Act into Execution, and from Time to Time remove such Clerk, and nominate some other fit and proper

proper Person to succeed him in such Office, as to the said Commissioner shall seem meet.

IV. And be it further enacted, That nothing in the said Act herein-before referred to, or this Act contained, shall extend to require the said Commissioner, or any Surveyor to be appointed by the said Commissioner, to make or cause to be made any Survey, Admeasurement or Plan of any of the inclosed Lands or Grounds within the said Parish, unless the said Commissioners shall deem such Survey, Admeasurement or Plan necessary or expedient for the Purposes of the said Act herein-before referred to or of this Act.

Surveys of inclosed Lands not to be made unless specially directed by the Commissioner.

V. Provided always, and be it further enacted, That in all Cases where any Map or Survey shall be produced to the said Commissioner which shall appear to be incorrect, or shall not be satisfactory to the said Commissioner, or in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, claiming any Allotment or Allotments in and upon the said Commons and Waste Lands, shall neglect or refuse to produce to the said Commissioner, within Twenty-eight Days next after Notice to him, her, or them for that Purpose given, sufficient and satisfactory Maps, Surveys or Admeasurements of his, her, or their respective inclosed Lands, in respect whereof he, she, or they shall claim to be entitled to any Allotment or Allotments under this Act and the said Act herein-before referred to, then and in either of such Cases it shall be lawful for the said Commissioner and he is hereby required to make and take, or cause to be made and taken by the said Surveyor, Maps, Surveys or Admeasurements of all such inclosed Lands whereof no satisfactory Maps, Surveys or Admeasurements shall be produced to him as aforesaid; and the Costs and Expences of such Surveys, Maps or Admeasurements shall be borne and defrayed by the respective Owners of such inclosed Lands, and be paid by them within Twenty-eight Days next after Demand thereof made; and in Default of such Payment within the Time aforesaid, the said Commissioner shall and he is hereby required to rate, charge, and assess the Owners of such inclosed Lands with the Amount thereof, and the same shall be thereby effectually charged on such inclosed Lands, and shall be recoverable in such and the like Manner as the Rate hereby directed or authorized to be made in the Event herein-after for that Purpose mentioned, is directed to be recovered.

Surveys of Inclosures to be made at the Expence of the Parties who fail to produce satisfactory Plans to the Commissioner.

VI. And be it further enacted, That the said Commissioner shall cause Notice to be given in the Parish Church of *Bayton* aforesaid, on some *Sunday* immediately after Divine Service, or in Writing to be affixed upon the outer Door of the said Church, and in such other Manner as he may think fit, of the Time and Place of his first and every other Attendance or Meeting for the Execution of this Act, or of the Powers contained in the said Act herein-before referred to, at least Ten Days before any such Attendance or Meeting (Meetings by Adjournment only excepted); and the said Commissioner shall and may adjourn his Attendance or Meeting from Time to Time as he shall see Occasion, for the further Execution of this Act.

Notice of Meetings.

Adjournment of Meetings.

VII. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioner in pursuance

How other Notices are to be given.

Meetings to
be within
Eight Miles
of the Parish.

fuance of this Act, shall be given by Advertisement to be inserted in the *Worcester Journal*, or in some other Newspaper circulated in the said County of *Worcester*: Provided also, that all Attendances or Meetings of the said Commissioner for executing this Act shall be given or held at some convenient Place in the Parish of *Bayton* aforesaid, or within the Distance of Eight Miles from the Boundaries thereof.

Commissioner to determine Differences;

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Commons and Waste Lands, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any Allotment or Compensations to be made in lieu thereof, or touching or concerning any other Matter or Thing relating to the Division or Allotment hereby directed to be made, it shall be lawful for the said Commissioner and he is hereby required to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Lands, Tenements, or Hereditaments whatsoever.

but not
Titles.

Power to
assess Costs.

IX. And be it further enacted, That in case the said Commissioner shall, upon the Hearing or Determination of any Claim or Claims, or Objection or Objections to be delivered to him in pursuance of this Act or the said Act herein-before referred to, see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination shall be made, by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, or Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioner and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing
Parties to try
their Rights
at Law.

X. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said Commons and Waste Lands, shall be dissatisfied with any Determination of the said Commissioner touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the said Commons and Waste Lands, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate so dissatisfied, to proceed to a Trial at Law in any of His Majesty's Courts of Record at *Westminster*, of the Matter so determined by the said Commissioner, at any Assizes to be holden for the
County

County of *Worcester*, within the Space of Twelve Calendar Months next ensuing after such Determination, and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be dissatisfied with the Determination of the said Commissioner, shall, within Three Calendar Months next after such Determination, cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept one or more Issue or Issues, whereby the Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, unless the Court in which such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be given, and final Judgment obtained thereon, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner, touching such Rights or Interests in, over, or upon the said Commons and Waste Lands, which shall not be objected to, or which being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as herein-before directed, shall be final and conclusive upon all Parties.

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

Suits not to abate on the Death of Parties.

XII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioner with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall be thereupon incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein as if such Person or Persons had been actually living; and the Right of all

In case of Death of Parties before Actions brought, the same to be carried on and defended in their Names.

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Parties

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

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

XIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties, contrary to the Possession of any of such Parties (except in Cases of Encroachments as herein-after mentioned); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been taken from such Person or Persons by Ejectment or other due Course of Law.

For ascertaining Boundaries.

XIV. And be it further enacted, That the said Commissioner shall, with all convenient Speed after the passing of this Act, cause Notice of his Intention to perambulate the Boundaries of the Parish of *Bayton* aforesaid, to be inserted in some Newspaper circulated in the County of *Worcester*, Eight Days at least before the Time of such Perambulation; and after the Expiration of the Time to be specified in such Notice, the said Commissioner is hereby authorized and required to perambulate, inquire into, set out, ascertain, fix and determine the Boundaries of the Parish of *Bayton* aforesaid: Provided always, that if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested in the Determination of the said Commissioner respecting the said Boundaries, shall be dissatisfied with the Determination of the said Commissioner, such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or any of them, may appeal to the Justices of the Peace acting for the County of *Worcester*, at any General Quarter Sessions of the Peace to be held within Four Calendar Months next after the Publication of the said Boundaries, as in the said Act herein-before referred to is directed, on giving to the said Commissioner Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Decision of the said Justices therein shall be final and conclusive.

Appeal to Sessions against Boundaries.

For shortening the Boundary Fences.

XV. And be it further enacted, That if the said Commissioner shall deem it expedient or proper to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and inclosed, and the Lands and Grounds in any Manor or Parish adjoining thereto, or to make the same regular, it shall be lawful for the said Commissioner, with the Consent in Writing under the Hand or Hands of the Lord or Lords of the Manor or Manors in which the Land is situate, or of the Owner or Owners of the Land upon which any Fence or Fences shall or may be intended to be made, to set out the Boundary between the Lands and Grounds by this Act directed to be divided and inclosed, and the Lands and Grounds in any adjoining Manor or Parish, in such Manner as they shall judge proper for the Purpose aforesaid, and after such Boundaries shall be so set out as aforesaid, the same shall be fenced by such Person or Persons, in such Manner and at such Time or Times as the said Commissioner shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the Parish of *Bayton* aforesaid, and such adjoining Manor or Parish, any Law, Usage, or Custom to the contrary notwithstanding.

XVI. And

XVI. And be it further enacted, That the said Commissioner shall and may scour out and widen all such Brooks, Streams, Ditches, Watercourses, Tunnels, and Bridges, within the said Parish of *Bayton*, and also shall and may set out, order, and direct such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges to be made, of such Depth and Breadth and in such Situation and Direction as the said Commissioner shall think proper, as well in, through, over, and upon the Lands and Grounds hereby directed to be divided and inclosed, as also in, through and over any Inclosures or other Lands or Grounds within the said Parish of *Bayton*, or any Part or Parts thereof, making such Satisfaction to the Owners and Proprietors of such Inclosures or other Lands and Grounds not hereby directed to be divided and inclosed, for the Damage done thereby, as the said Commissioner shall judge reasonable; and the said Commissioner shall and may and he is hereby directed in and by his Award, to order and direct by whom and at whose Expence, and at what Time and in what Manner, the said Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges shall be thereafter repaired, cleansed, scoured, and maintained; provided always, that no such Brook or Stream shall be diverted or turned without the Consent in Writing of the Owner or Owners, Proprietor or Proprietors of such inclosed Lands and Grounds from which any such Brook or Stream shall be diverted, or into which any such Brook or Stream shall be turned.

Commissioner may scour out Brooks, and make Ditches, Drains, &c.

XVII. And be it further enacted, That in case any public Carriage Roads or Highways to be set out under the Powers and Provisions of this Act, or the said Act herein-before referred to, shall be set out and continued in any Situation or Direction where the said Parish of *Bayton* is divided from any adjoining Manor, Parish, or Place, and where there now is or usually hath been a Public Road or Meerway, and such adjoining Manor, Parish, or Place, hath hitherto been charged or liable to be charged with One Half Part of the Repairs and Support of the said Road or Meerway, then and in such Cases the said Commissioner shall and he is hereby authorized and required to set out so many Feet only, or so much Land from and out of the said Commons and Waste Lands hereby directed to be divided and inclosed, as will enlarge the Breadth of such Road or Way to Forty Feet at the least.

Roads dividing Parishes or Places to be made up in the whole Forty Feet broad.

XVIII. And be it further enacted, That in case it shall appear to the said Commissioner that there are or is any Public Highways or Highway Bridle-roads or Bridle-road, Footways or Footway, or other Road or Roads, Way or Ways, Path or Paths, in, through, over, or on any of the inclosed Lands or other Lands within the said Parish of *Bayton*, which may in his Judgment be diverted or turned, without Inconvenience to the Public, into any other Public Highways or Highway, Bridle-roads or Bridle-road, Footways or Footway, or other Road or Roads, Way or Ways, Path or Paths, or be diverted or turned so as to make the same more convenient to the Public, or be stopped up and destroyed as superfluous and unnecessary, it shall be lawful for him, with the Concurrence and Order of Two Justices of the Peace acting in and for the said County of *Worcester*, (not being interested in the said Inclosure), and in Manner and subject to Appeal, as in this or the said Act herein-before referred to is mentioned, in and by his Award to order and direct such Public Highways or Highway, Bridle-roads or Bridle-road, Footways or Footway, or other Road or Roads, Way or Ways,

Commissioner may alter Roads through ancient Inclosures.

Ways, Path or Paths, to be altered, turned, stopped up, or discontinued, in such Manner as such Justices shall think proper.

Herbage of
Roads to be
awarded by
Commissioner.

XIX. And be it further enacted, That after the Public and Private Roads and Ways shall have been set out and made under the Powers and Provisions of this Act or the said Act herein-before referred to, the Grass and Herbage arising thereon shall for ever belong to and be the sole Right of such Person or Persons as the said Commissioner shall in and by his Award declare and order.

Encroach-
ments.

XX. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past shall have been made upon any of the Commonable and Waste Lands directed by this Act to be divided and inclosed, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching or concerning any such Encroachment, or the Extent thereof, such Dispute shall be determined by the said Commissioner, who shall proceed to settle such Dispute, in the same Manner as by the said Act herein-before referred to the Commissioner is directed to proceed in the Settlement of the Claims of Persons to any of the Lands hereby directed to be divided and inclosed.

Allotment
for Stone
and Gravel
Pits.

XXI. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, allot, and award One or more Plot or Plots of the said Commons and Waste Lands as he shall think proper, not exceeding in the whole Two Acres, as and for public Stone, Gravel, Sand, and Clay Pits, to be used for the Repairs of the Public Roads in the said Parish.

Allotment to
Lord of the
Manor.

XXII. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the Lord of the Manor of *Abberley* for the Time being, for and in lieu of his Right, Title, and Interest in and to the Soil of the said Commons and Waste Lands, such Part or Parts thereof (Quantity, Quality, and Situation being considered) as by the said Commissioner shall be deemed, declared, and adjudged to be equal in Value to One Fourteenth Part of so much thereof as shall remain after setting out such Parts as shall be required for Public Roads or Ways, and Stone and Gravel Pits; the Allotment or Allotments in this Behalf to be made to be over and besides, and not to exclude any Allotment or Allotments which would otherwise be made to such Lord, in Satisfaction of or for any Common of Pasture upon or over any Parts of the Lands and Grounds by this Act directed to be divided and inclosed, in respect of any Messuages, Cottages, Lands, or Tenements, belonging to such Lord, entitled to any such Common of Pasture.

Allotment to
the Vicar for
Rights of
Common.

XXIII. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, allot, and award, unto and for the said *Robert Knight*, and his Successors Vicars of the said Vicarage, so much and such Parts of the said Commons and Waste Lands, as in the Judgment of the said Commissioner (Quantity, Quality, and Situation considered) shall be a full and equivalent Compensation for his Right of Common in, over, and upon the said Commons and Waste Lands.

XXIV. And

XXIV. And be it further enacted, That the said Commissioner shall and he is hereby required in the next place to set out, allot, and award unto the several Persons entitled to any Right of Common, or other Right on the said Commons and Waste Lands, in respect of any Messuages, Lands, and Tenements, situate or being out of the said Parish (if any such there be), so much and such Parts of the said Commons and Waste Lands as in the Judgment of the said Commissioner (Quantity, Quality, and Situation considered) shall be a full Compensation for all such Rights, after deducting from such Allotments a sufficient Part thereof to commute for the Tythes thereof, in the Proportions after mentioned.

Allotments for Rights of Common in respect of Lands lying out of the Parish of Bayton.

XXV. And be it further enacted, That the said Commissioner, after having set out the Public Roads, Stone, and Gravel Pits, and the other Allotments herein-before authorized and directed, shall and he is hereby required to set out, allot, and award, unto and for the said *Robert Knight*, and his Successors, Vicars of the said Vicarage, all the Residue and Remainder of the said Commons and Waste Lands, if in the Judgment of the said Commissioner the same shall not be more than equal in Value to One Ninth Part (Quantity, Quality, and Situation considered) of all the Commons and Waste Lands hereby directed to be divided and inclosed, and to One Fifth Part of all the Tillage or ploughed Land and Hop Grounds within the said Parish, and also to One Ninth Part of all the old inclosed Grass Land, Meadows, Woods, and Pastures in the said Parish, making the Allowances for Moduses as after-mentioned; and in case such Residue of the said Commons and Waste Lands shall in the Judgement of the said Commissioner be more than equal in Value to such Proportions of all such Lands and Grounds in the said Parish as last mentioned, then the said Commissioner shall set out and allot for the said *Robert Knight*, and his Successors Vicars as aforesaid, so much and such Part or Parts only of such Residue of the said Commons and Waste Lands, as will be equal in Value to the Proportions before mentioned of all such Lands and Grounds within the said Parish; and in case such Residue of the said Commons and Waste Lands shall not be equal in Value to such Proportions of all such Lands and Grounds in the said Parish as before mentioned, then and in that case the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the said *Robert Knight*, and his Successors, Vicars of the said Vicarage, so much and such Parts of the old inclosed Lands within the said Parish of *Bayton*, of all or any of the said Proprietors, whose Proportion and Share of the said Commons and Waste Lands if set out would not be equal to their said Tythes computed as aforesaid, and which lie detached, or may without Injury be separated from the said Lands, and of the Lands mentioned in the Schedule hereto annexed, as will, together with the Residue of such Commons and Waste Lands, be equal in Value to such Proportions of all such Lands and Grounds in the said Parish of *Bayton* as are herein-before directed to be allotted to the said Vicar as a Compensation for the Great and Small Tythes arising and payable within the said Parish: Provided always, that the said Commissioner shall and he is hereby required, in ascertaining such Allotments as aforesaid, to deduct therefrom the full Value of Two certain ancient Moduses or Payments in lieu of Tythes, that is to say, One Penny Haltpenny for the Milk of every Cow, and her Calf, and One Penny for House and Garden, commonly called Penny Smoak and Penny Garden; payable in respect of the Messuages, Gardens, Lands, and Grounds, in the said Parish.

General Allotments to the Vicar in lieu of Tythes.

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XXVI. And

Allotments
to be in lieu
of all Tythes.

XXVI. And be it further enacted, That the said several Allotments so to be made to the said *Robert Knight*, and his Successors, Vicars as aforesaid, shall be and are hereby declared to be in lieu of and in full Bar and Satisfaction for all Tythes both Great and Small, and for all Moduses, Compositions, and other Payments in lieu of Tythes arising, growing, issuing out of, or payable in respect of any Messuages, Homesteads, Orchards, Gardens, Commons, and Waste Lands, inclosed Lands, and all other Lands, Tenements, or Hereditaments in the said Parish of *Bayton*, except *Easter Offerings*, Surplice Fees, and Mortuaries, which shall be respectively payable, as if this Act had not been passed.

Tythes to be
payable till
Allotments
are made.

XXVII. And be it further enacted, That the said Vicar and his Successors shall be entitled unto, and shall receive and enjoy such and the same Tythes, Moduses, Compositions, and Payments in lieu of Tythes, until the Allotments herein-before directed to be made in lieu thereof shall have been set out and fenced round, and Possession thereof given to the Vicar for the Time being of the said Vicarage, as he or they would or might have been entitled unto in case this Act had not been passed; and in case such Tythes, Moduses, Compositions, or Payments in lieu of Tythes shall cease or be determined before the End of any current Year, it shall be lawful for the said Commissioner to apportion such Tythes, Moduses, Compositions, or Payments in lieu thereof, between the said Vicar and the Tenants or Occupiers of Lands or Tenements within the said Parish, and to declare what Sum of Money shall be paid to the said Vicar for the Fraction of the Year which shall elapse prior to such Cessation.

Tythe Allot-
ments to be
ring-fenced.

XXVIII. And be it further enacted, That the several Allotments herein-before directed to be made to the said Vicar and his Successors shall, out of the Monies to be raised for defraying the Expences of this Act, be severally inclosed and fenced round (except on such Sides and Parts of the said Allotments as may be directed by the Commissioner to be fenced by the Proprietors of particular Allotments) with a sufficient Ditch, and planted with good thriving Quicksets, sufficiently guarded with substantial Posts and Rails on each Side, and one or more good and substantial Gates, as the said Commissioner shall direct, with Oak Posts, shall also be fixed on each Allotment as aforesaid, and the said Commissioner shall direct and order to whom such Hedges, Ditches, and Fences shall severally belong; and the said Hedges, Ditches, Fences, and Gates, when properly made, shall for ever thereafter be kept in Repair, maintained, supported, and scoured out, by and at the Expence of the Person or Persons to whom the same shall be by the said Commissioner in and by his Award declared to belong.

Proprietors
whose Lands
shall be al-
lotted for the
Tythes of
other Persons
to have other
Land allotted
to them of
equal Value,
or be paid
a Sum of
Money in-
stead.

XXIX. And whereas in order to accommodate the said *Robert Knight*, and his Successors, Vicars of the said Vicarage, it hath been agreed that Sixty Acres of the old inclosed Lands in the said Parish, lying adjoining to the Vicarage House in *Bayton* aforesaid, or so near thereto as that the same may, in the Judgment of the said Commissioner, be conveniently occupied therewith, shall be given up to the said *Robert Knight* in lieu and exchange for a Part or Parts of his said Tythe Allotments of equal Value, and the Residue thereof be laid out in one or more convenient Lots upon the said Commons and Wastes, or in such other convenient Places as the said Commissioner shall direct, with the Consent of the said Vicar for the
Time

Time being, and of the Owner and Proprietor of any other old inclosed Lands or Tenements so to be allotted; be it therefore further enacted, That the said Commissioner shall and may, and he is hereby required to set out and allot to the said *Robert Knight*, and his Successors, Vicars of the said Vicarage, or to any Person or Persons in Exchange for any other Lands and Tenements, more convenient and proper for the said Vicar and his Successors, the said Lands and Tenements specified in the Schedule to this Act, or so much and such Parts thereof as in the Judgment of the said Commissioner shall be fit and proper for the Purpose aforesaid, or any other Lands and Tenements that, with Consent of the Owner or Proprietor thereof, or the Husbands, Guardians, Trustees, and Committees of such Owners and Proprietors as are Females Covert, Infants, Lunatics, or under any legal Disability, shall be given up, and by the said *Robert Knight*, or his Successors, shall be desired and approved of as more proper and convenient for the Purpose aforesaid; and that in lieu thereof the said Commissioner shall and he is hereby required to set out and allot to the Person and Persons respectively, giving up such Lands and Tenements, so much and such Parts of the said Commons and Wastes, and other Allotments allotted to the said Vicar for his Tythes as aforesaid, as shall be equal in Value to the Lands and Tenements so given up as aforesaid: Provided always, that if it shall appear to the said Commissioner that any Messuages, Lands or Tenements in the said Parish, subject to any Tithes, Modus or Payment in lieu of Tythes, cannot conveniently be separated or divided, so as to give a Compensation in Land for the same, and the said Commons and Waste Lands are not sufficient to discharge all the said Tythes, Moduses, and Payments, then and in such Case the said Commissioner is hereby required to fix and determine what Sum of Money is equal to a full Satisfaction and Equivalent for such Parts and so much of the Tythes of such Messuages, Lands, and Tenements for which a Compensation in Land cannot be made, and award the same to be paid to any Person or Persons so giving up Land as aforesaid; and in Default of Payment thereof at the Time or Times to be appointed by the said Commissioner, such Sum or Sums of Money shall and may be raised, levied, and recovered in like Manner as any Expences of obtaining and passing this Act can or may be recovered; and such Sum and Sums of Money shall and may be applied by the said Commissioner in discharge of any Expences of obtaining and executing this Act, which the Person or Persons entitled thereto may be subject or liable to pay; and in case any Surplus shall remain after Payment of such Expences, such Surplus shall be paid to the several Persons entitled thereto, in case they were seized in Fee Simple of the Land, as a Compensation for which such Sum or Sums of Money shall be paid, or otherwise shall be applied and disposed of in the same Manner as any Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments, to be settled to the same Uses, is by the said Act herein-before referred to, directed to be applied and disposed of.

XXX. And be it further enacted, That if the said Commons and Waste Lands hereby directed to be divided and inclosed shall be more than sufficient for making the Allotments herein-before authorized and directed to be made and set out, and for raising Money by Sale thereof

Allotment of
the Residue.
to

to defray the Expences of this Act, in Manner herein-after mentioned, the said Commissioner shall set out, allot, and award the Residue of such Commons and Waste Lands unto and amongst the several Persons who at the Time of making such Allotments shall be entitled thereto, according to their several and respective Rights and Interests therein.

No Lease of the Vicar's Lands to be made without the King's Consent.

XXXI. Provided always, and be it further enacted, That no Lease or Leases to be made by virtue of the said Act herein-before referred to, of any of the Lands and Grounds to be allotted to the Vicar of the said Vicarage of *Bayton* aforesaid for the Time being, in Right of his Vicarage, shall be good, valid, and effectual, unless the Consent of the King's most Excellent Majesty, His Heirs and Successors, as Patrons of the said Vicarage, shall be had and obtained thereto, previous to the Execution of such Lease or Leases.

Tenures to remain the same.

XXXII. And be it further enacted, That all the Allotments to be made by virtue of this Act, shall from and after the Execution and Proclamation of the said Commissioner's Award, be held under and subject to the same Tenures, Services, Chief Rents, Quit Rents, and Charges as the Lands and other Property in respect of which they were so respectively allotted were held and enjoyed, any Law, Usage or Custom to the contrary notwithstanding.

For allowing Exchanges to be made.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments within the said Parish of *Bayton*, in lieu of or in Exchange for any other Lands, Tenements, and Hereditaments within the said Parish, or within any adjoining Parish, Hamlet, or Township; provided that all such Exchanges be ascertained, specified, and declared in the said Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives by and with the Consent of the Lessor or Lessors, 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 Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

XXXIV. And

XXXIV. And be it further enacted, That all the Costs, Charges, and Expences attending the making of any Sales, Exchanges, or Partitions to be made by virtue of this Act, or the said Act herein-before referred to, except such as shall be made for or in respect to the said Tythe Allotments, shall be paid, borne, and defrayed by the several Persons making such Sales, Exchanges, and Partitions, in such Manner and in such Shares and Proportions as the said Commissioner shall by his said Award, or any other Writing or Writings under his Hand, order and direct, and shall be recovered in the same Manner as any Penalty may be recovered by virtue of the said Act herein-before referred to, or of this Act.

Expences of Sales and Exchanges to be paid by the Persons making the same.

XXXV. And be it further enacted, That all Leases, Agreements, and Tenancies at Rack Rent now subsisting of any Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or which shall by virtue of the said Act herein-before referred to, and this Act, be exchanged or discharged from Tythes, or Payments in lieu of Tythes, and of all Messuages, Cottages, Lands, Tenements, or Hereditaments in the said Parish of *Bayton*, held therewith, or included in such Leases or Agreements, and every of them, unless specifically covenanted or agreed in such Leases or Agreements to the contrary, shall cease and be void at such Time or Times as the said Commissioner shall by Writing under his Hand order and direct, so as the respective Lessors or Landlords of such Messuages, Cottages, Lands, Tenements, or Hereditaments do, before or at the respective Times at which such Leases, Agreements, or Tenancies shall be directed to cease, make and pay such Satisfaction to the respective Lessees or Tenants for the Loss or Injury (if any) which he, she, or they may sustain by the Determination of such Leases respectively, as shall be mutually settled and agreed between them, or as the Commissioner, being thereunto required by either of the Parties, shall ascertain or direct: Provided always, that if there shall be any Lease or Leases of Lands, Part of which lie in the said Parish of *Bayton*, and Part in any adjoining Parish, Hamlet, Chapelry or Place, all and every such Lease and Leases upon Rack Rent now subsisting shall be void; but where any Land shall have been taken in Exchange, which Land shall be held under any Lease or Agreement, and wholly situate in an adjoining Parish, the Lease or Agreement respecting such last mentioned Land shall not be vacated.

Leases at Rack Rent to be void.

XXXVI. And be it further enacted, That nothing in this Act contained shall extend to revoke, make void, impeach, annul, alter, or prejudice any Settlement, Will, Mortgage or Deed, or other Instrument whatsoever, or to prejudice any Person or Persons having any Right to or Claim of Dower, Jointure, Rent, Service, Debt, Charge, or Incumbrance whatsoever in, out of, or upon or affecting any Messuages, Lands, Tenements, or Hereditaments which shall be allotted or exchanged in pursuance of this Act, or the said Act herein-before referred to; but that the several Messuages, Lands, Hereditaments and other Estates so to be allotted or given in Exchange, shall, from and after the making of such Allotments and Exchanges, be, remain and enure, and be held and enjoyed, and the several Persons to whom the same shall be allotted or given in Exchange as aforesaid, shall from thenceforth stand and be seised and possessed thereof respectively, to such and the same Uses, and for such and the same Estates, and with such and the same Powers and Authorities for making Leases or otherwise,

Wills and Settlements not to be affected by the Act.

[*Loc. & Per.*]

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and

and subject to the same Wills, Limitations, Conditions, Settlements, Uses, Trusts, Powers, Provisoos, Rents, Debts, Charges, and Incumbrances as the several Messuages, Lands, Tenements, or other Hereditaments, in respect or in lieu whereof such Allotments or Exchanges shall be respectively made, were and stood severally limited, or subject and liable unto at the Time of making such Allotments or Exchanges respectively.

Lands to be sold for paying Expences of obtaining and executing the Act.

XXXVII. And be it further enacted, That the said Commissioner shall and may and he is hereby authorized and required, after setting out the several Roads and Ways in manner directed by the said Act herein-before referred to, and after setting out the Allotments for Stone and Gravel Pits, and for the Lord of the Manor, and for the Rights of Common and Tithes of the said Vicarage, to mark and set out such Part and Parts of any Residue which may remain of the said Commons and Waste Lands, as will by the Sale thereof, in the Judgment of the said Commissioner, raise Money to defray and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of preparing and depositing the Award of the said Commissioner, and the Copies thereof, and of surveying, admeasuring, planning, valuing, dividing, fencing, (as herein directed,) and allotting the said Commons and Waste Lands to be divided, allotted, and inclosed by virtue thereof, and all the Charges of the said Commissioner, his Clerk, Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioner in and about the said Lands and Grounds, and all the Expences of forming, completing, and repairing the Public Carriage Roads and Highways to be set out and appointed by the said Commissioner, to, over, or upon the said Lands and Grounds; and the said Commissioner shall and he is hereby required to sell and dispose of such Parts and Parcels of the said Commons and Waste Lands in manner directed by the said Act herein-before referred to, in Cases where Lands are authorized to be sold for defraying the Charges and Expences of executing any Act of Inclosure; and the Purchase Money for the said Lands so to be sold as aforesaid shall be paid into the Hands of the said Commissioner, and the Receipt or Receipts of the said Commissioner for such Purchase Money shall be a sufficient Discharge to the Purchaser or Purchasers for the same; and immediately after such Receipt or Receipts shall be given to such Purchaser or Purchasers, the Allotments, Pieces, or Parcels of Land so purchased by him, her, or them, shall by virtue of this Act become vested in him, her, or them, and his, her, or their respective Heirs and Assigns in Fee Simple, and shall be inclosed and held in Severalty by the Purchaser or Purchasers thereof respectively, as his, her, or their private and absolute Property, and shall be allotted accordingly by the said Commissioner; and the said Purchase Money shall be applied in defraying such Charges and Expences as aforesaid.

Application of Surplus Money.

XXXVIII. And be it further enacted, That in case any Surplus Money shall remain after all such Costs, Charges, and Expences as aforesaid have been fully paid and satisfied, such Surplus Money shall be divided and apportioned between the several Persons interested in the said Commons and Waste Lands, according to their several and respective Rights and Interests therein, and such Proportional Parts and Shares of such Surplus Money shall be paid to those Proprietors who are Tenants in Fee Simple, or Customary

mary Tenants, or Copyholders of Inheritance of the Estates in Right of which they shall be entitled to such Surplus Money; but the Surplus Money to which any Proprietor, not being Tenant in Fee Simple, or Customary Tenant, or Copyholders of Inheritance, may be entitled, shall be applied and disposed of in the same Manner as any Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments to be settled to the same Uses, is by the said Act herein-before referred to directed to be applied and disposed of.

XXXIX. Provided always, and be it further enacted, That in case the Money arising by the Sale or Sales to be made in pursuance of this Act shall not be sufficient to defray all the Costs, Charges, and Expences aforesaid, then the Deficiency shall be made up by the several Persons interested in the said Commons and Waste Lands, or in any Messuages, Homesteads, Gardens, Orchards, or inclosed Lands which may be discharged from Tythes by virtue of this Act, except the Vicar of the said Vicarage for the Time being, and shall be paid in such Shares and Proportions, within such Time, and to such Person or Persons as the said Commissioner shall direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Charges and Expences as aforesaid shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said Act herein-before referred to.

Deficiency (if any) to be made good by a Rate.

XL. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of the Lands and Grounds which shall by virtue of this Act be discharged from Tythes, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, and for any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or being beneficially entitled thereto for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or Trustees for Charitable Uses, or the major Part of such Trustees respectively, to charge such Lands or Grounds with such Sum or Sums of Money as the said Commissioner shall direct to be paid for discharging such Lands or Grounds from Tythes, and for the Share or Shares of such Owners or Proprietors respectively of the Costs and Charges of passing this Act, and carrying the same into Execution, in respect of such Tythes; and for the Security of any Person who shall advance and lend the same, to grant, mortgage, surrender, lease, or demise such Lands and Grounds, in such Manner and subject to such Conditions and Restrictions as are by the said Act herein-before referred to, enacted and provided for raising the Shares and Proportions of the Owners or Proprietors of allotted and exchanged Lands, of the Costs and Expences of passing Acts of Inclosure, and carrying the same into Execution.

Tenants for Life may charge inclosed Lands with Money paid in Expences of the Act.

XLI. And be it further enacted, That any Person or Persons who shall lend any Sum or Sums of Money for defraying the Expences incident to or of applying for and obtaining and executing this Act, shall be repaid the same out of the first Monies which shall be raised and collected in pursuance

Persons advancing Money to be repaid with Interest.

fuance hereof, with Interest after the Rate of Five Pounds *per Centum per Annum* from the Time of advancing the same.

Commissioner's Allowance.

XLII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and executing this Act, the said Commissioner shall be paid for each and every Day he shall travel, or be employed in any Business relating to the Execution of this Act, or of any of the Powers hereby vested in him, the Sum of Three Pounds and Three Shillings, and no more, in full Satisfaction for his Time and Trouble, and for the several Expences that he shall be put unto during his several Journeys and Attendances in the Execution of this Act; but the said Commissioner shall not be paid the said Allowance for more than Three Days in respect of going and returning from the Place of his Attendance or Meeting as aforesaid: Provided always, that the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioner at any Meeting to be holden in pursuance of this Act.

Parties to pay their own Expences at Meetings.

Accounts of Commissioner to be audited by a Justice of the Peace.

XLIII. And be it further enacted, That Once at least in every Year during the Execution of this Act (such Year to be computed from the Day of the passing of this Act), the said Commissioner shall and he is hereby required to make a just and true Statement or Account of all Sums of Money by him received and expended in the Execution of this Act; and that such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before One or more of His Majesty's Justices of the Peace for the said County of *Worcester* (not interested in the Inclosure), to be by him or them examined and balanced, and that such Balance shall by such Justice or Justices be stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner; and that no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

Award to be made in Three Years.

XLIV. And be it further enacted, That the Award by the said Act herein-before referred to, directed to be made by the said Commissioner, shall be executed and published within Three Years from the passing of this Act.

Award to be made.

XLV. And be it further enacted, That the Award to be made by the said Commissioner under the Authority of this Act, and the said Act herein-before referred to, together with a proper Map or Plan of the said Commons and Waste Lands thereto annexed, shall, within Twelve Calendar Months after the Execution thereof, be delivered to the Clerk of the Peace for the said County of *Worcester*, 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 or Persons interested in the Premises, for the Reception whereof the Fee of Three Pounds and Three Shillings shall be paid, and no more, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be enrolled, according to the Directions, and within the Meaning of the said Act, herein-before referred to; and a Copy of the said Award fairly transcribed in a Book, with a proper Map

Map or Plan of the Allotments to be set out for the Proprietors of Estates in the said Parish, shall within the Time aforesaid be deposited in the Parish Church of *Bayton* aforesaid, and there kept in a Tin Box to be provided for that Purpose; and the said Award and Copy thereof, and any other Copy of the said Award, or any Part or Parts thereof, attested by the said Clerk of the Peace or his Deputy (for every Sheet of which Copy containing Seventy-two Words, Four-pence, and no more, shall be paid), shall from Time to Time, and at all Times thereafter, be admitted and allowed as legal Evidence of the Matters and Things therein contained, in all Courts whatsoever.

XLVI. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of the said Act herein-before referred to, or this Act, (other than and except as to such Claims, Matters, and Things as shall be ascertained, settled, tried, or determined by the Verdict of a Jury under the Power and Authority herein-before contained, or where, by any of the Provisions or Clauses of the said Act herein-before referred to, or this Act, the Determinations, Orders, Acts, or Proceedings of the said Commissioner are declared or directed to be final and conclusive), then and in every such Case he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be held for the said County of *Worcester*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at the said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

XLVII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to hinder or deprive the said *Henry Bromley*, or any future Lord of the said Manor, from cutting down, taking, and carrying away, for the Space of Fourteen Calendar Months from the passing of this Act, the Timber and Wood growing on such Parts of the said Commons and Waste Lands as are hereby directed to be allotted to the said other Proprietors, having Right of Common in, over, and upon the said Commons and Waste Lands, in such Manner as he might have done in case this Act had not been passed;

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nor

Reservation
of Right to
the Lord of
the Manor to
cut Timber.

nor shall any Thing in this Act contained be construed to extend to deprive the said Proprietors to whom any Allotment or Allotments shall be made by virtue of this Act from having or enjoying to their respective Uses and Benefit all such Bushes, Heath, and Furze as shall at the Time of making such Allotment or Allotments be growing thereon respectively.

General
Saving.

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

Act to be
printed by
the King's
Printers.

XLIX. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them, shall be admitted as Evidence thereof, by all Judges, Justices, and others.

The SCHEDULE to which this Act refers.

A SCHEDULE of the inclosed Lands to be allotted to the Vicar, as Part of his Allotment, in lieu of Tithes.

Lands of *Edmund Meysey Wigley Esquire*, and *Anna Maria Meysey* his Wife; on the North East Side of the Bridle-road from *Bayton* to *Gleobury Mortimer*, below the Road to *Norgrove's End* :

	A.	R.	P.
Limekiln Meadow	3	1	20
Ox Leafow Field	1	1	5
Harley's Gate	3	0	8
Neenlefs Hill	1	2	25

On the Side of the said Road next the Vicarage House:

Smock Meadow	0	2	35
Cally Bush Field, as exchanged	9	2	11
The Slatch	1	2	14
Tin Alders	3	1	2
Tin Meadow	3	2	25
	28	0	25

Lands of *Sir Edward Blount* Baronet :

Harley's Gate Hop Yard	3	3	6
Price's Sling	0	2	32
Cottage Pasture	1	3	6
Field Hop-yard	0	3	17
Part of Upper Ox Leafow	2	0	0
Ox Leafow Sling	1	1	12
Ox Leafow Sling Pasture	1	0	2
Part of Ox Leafow Pasture, Part of Ox Leafow, Part of Palmer's Arable, Part of Ox Leafow Alder Pasture,	} amount- ing to } 8 0 0		
Parfon's Acre	2	0	29
Patch Meadow	0	2	39
Duns Arable	5	0	28
	27	2	11

Lands of *John Fox* :

An Inclosure in Callybush Field	3	0	23
Nineveh Meadow	3	3	0
	6	3	23

	A.	R.	P.
<i>E. M. Wigley</i>	28	0	25
<i>Sir Edw. Blount</i>	27	2	11
<i>John Fox</i>	6	3	23
	62	2	19

