



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 105.

An Act for inclosing Lands in the Parish of *Bledlow*, in the County of *Buckingham*.

[20th May 1809.]

WHEREAS there are, within the Parish of *Bledlow* in the County of *Buckingham*, certain Open and Common Fields, Common Meadows, Common Pastures, Waste Lands, and other Commonable Places, containing in the Whole, by Estimation, Four thousand Acres, or thereabouts: And whereas the Provost of the College Royal of the Blessed *Mary* of *Eton*, near unto *Windsor*, in the County of *Buckingham*, commonly called *The King's College of our Blessed Lady of Eton* (nigh or by *Windsor*), in the said County of *Buckingham*, and the same College are Lords of the Manor of *Bledlow*, and the Right Honourable *Robert* Lord *Carrington* is Lord of the Manor of the Rectory of *Bledlow*, and the Trustees under the Will of *Lovell* *Badcock* Esquire, deceased, are Lords of the Manor of *Bledlow* late *Coram*, within the said Parish of *Bledlow*; and the said *Robert* Lord *Carrington* is seised or possessed of the Rectory or Parsonage Improprate, and in Right thereof is entitled to certain Glebe Lands, and to the Great or Rectorial Tythes arising from certain Part of the Lands lying within the said Parish of *Bledlow*; and *John* *Camden* *Neild* Esquire, *Ann* *Jones* Widow, and others, are seised or possessed of the Residue of such Tythes, arising within the said Parish: And whereas the said *Robert* Lord *Carrington* is entitled to

[*Loc. & Per.*]

the Advowson of the Vicarage of the Parish Church of *Bledlow*: And whereas *William Stephen* Clerk is Vicar of the Parish of *Bledlow*, and, as such, is entitled to certain Glebe Lands lying within the said Open Fields, with a Common Right thereto belonging, and to the Vicarial or Small Tythes, and also to the Tythe of Hay yearly arising and renewing within the said Parish of *Bledlow*: And whereas the said Provost and Fellows of the Royal College of *Eton*, and their Lessees, the said *Robert Lord Carrington*, the said *Ann Jones*, the said *John Camden Neild*, *James Neild* Esquire, *Thomas Spiers*, *Thomas Pennington* Clerk, *Henry Williams*, and several other Persons, are seized or possessed of, or otherwise interested in, the Residue of the said Open and Common Fields, Common Meadows, Common Pastures, Waste Lands, and other Commonable Places within the Parish of *Bledlow* aforesaid: 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 Lands and Grounds of the respective Proprietors within the said Parish of *Bledlow* lie intermixed and dispersed in small Parcels, and in their present Situation are incapable of any considerable Improvement; but if the said Open and Common Fields, Common Meadows, Common Pastures, Waste Lands, and other Commonable Places, were exonerated from the Payment of Tythes, and divided and inclosed, and specifick Parts and Shares thereof allotted and awarded unto and amongst the several Proprietors and Persons interested therein, according to their respective Rights and Interests, great Advantage would arise to the Parties concerned; but inasmuch as such Exoneration, Division, Allotment, and Inclosure, cannot be effectually made and established 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 *John Trumper* of *Harefield* in the County of *Middlesex* Gentleman, *William Collifson* of *Brackley* in the County of *Northampton* Gentleman, and *Richard Davis* of the *Grove*, in the Parish of *Aston Rouant* in the County of *Oxford* Gentleman, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for valuing, qualitying, setting out, dividing, allotting, and inclosing the said Open and Common Fields, Meadows, Pastures, Commons, Wastes, and other Commonable Lands and Grounds, and for executing other the Powers given by this Act, subject to such Rules, Orders, and Directions, as are herein after contained, and also subject to the Powers and Provisions of the said recited Act, except in such Cases where the same are hereby varied or altered, and that all Powers, Authorities, Directions, Acts, Matters, and Things hereby vested in, or authorized or directed to be done by or before the said Commissioners, may be done and executed by or before any Two of them, and the same shall be as valid and effectual as if done and executed by or before all the said Commissioners.

Advantage of
Inclosure.

Commission-
ers.

For the Ap-
pointment of
new Commis-
sioners.

II. And be it further enacted, That in case the said *John Trumper*, or any Person hereafter to be appointed in his Stead, shall die before the finishing of the said Division, Allotment, and Inclosure, or shall neglect, refuse, or become incapable to act as a Commissioner in the Execution of this

this Act, then and in such Case, it shall be lawful to and for the said Provost and Fellows of the Royal College of *Eton*, by Writing under their Common Seal, within Twenty-one Days after such Death, Refusal, or Incapacity to act shall be made known to them or their known Agent, to nominate and appoint a proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room and Stead of the said *John Trumper*, or of such other Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said *William Collifson*, or any Person hereafter to be appointed in his Stead, shall die before the finishing of the said Division, Allotment, and Inclosure, or shall neglect, refuse, or become incapable to act as a Commissioner in the Execution of this Act, then and in such Case it shall be lawful to and for the said *Robert Lord Carrington*, his Heirs or Assigns, by any Writing under his or their Hand or Hands, within Twenty-one Days after such Death, Refusal, or Incapacity shall be made known to him or them, to nominate and appoint a proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room and Stead of the said *William Collifson*, or of such other Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said *Richard Davis*, or any Person to be appointed in his Stead, shall die before the finishing of the said Division, Allotment, and Inclosure, or shall refuse, neglect, or become incapable to act as aforesaid, then and in such Case it shall and may be lawful to and for the said *James Neild*, *John Camden Neild*, *Thomas Spiers*, *Thomas Pennington*, *Henry Williams*, their respective Heirs and Assigns, together with the Majority in Value of the other Proprietors (exclusive of the said Provost and Fellows, and their Successors, and the said *Robert Lord Carrington*, his Heirs and Assigns), in like Manner and within the like Space of Time, to nominate and appoint some proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room and Stead of the said *Richard Davis*, or of the Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as aforesaid: Provided always, that if it shall happen that any of the Person or Persons herein-before respectively authorized and empowered to appoint such new Commissioners shall not make any such Appointment within the Time herein-before for that Purpose limited, then and so often as it shall so happen, the surviving or remaining Commissioner or Commissioners from Time to Time shall, within Fourteen Days next after the Expiration of such Time allowed for appointing such new or succeeding Commissioner or Commissioners as aforesaid, by Writing under his or their Hand and Seal, or Hands and Seals, appoint some other fit and proper Person or Persons to be a Commissioner or Commissioners in the Place and Stead of such Commissioner or Commissioners so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every new Commissioner so nominated and appointed under either of the Powers herein before given shall, from and immediately after his Appointment and taking the Oath prescribed in that Behalf, have such and the like Powers and Authorities for carrying this and the said recited Act into Execution, to all Intents and Purposes, as if he had been originally named and appointed a Commissioner in and by this Act.

Proprietors omitting to appoint new Commissioners, the old Commissioners may.

III. And be it further enacted, That if any or either of the said Commissioners shall refuse or neglect to attend at the First or Second Meeting appointed

What shall be deemed a Refusal to act.

appointed to be held for putting this Act into Execution, and duly qualify himself by taking the Oath in that Behalf prescribed (Notice being given to him of such intended Meeting, under the Hand of either of the other Commissioners), or if any One of the said Commissioners shall at any Time after the First or Second Meeting wilfully absent himself from any Two Meetings (the One next immediately succeeding the other) appointed to be held as aforesaid, he having first known of such Meetings by his Presence at the Appointment thereof in Manner herein-after mentioned, or by Notice thereof in Writing, given him or left at his usual Place of Abode by the Clerk or Clerks to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioners attending at such subsequent appointed Meetings; or if any Commissioner, to be elected and appointed in Manner aforesaid, shall not attend and qualify himself at the First or Second Meeting after his Election to be appointed by the surviving or remaining Commissioners for putting this Act in Execution, or shall then after absent himself in Manner aforesaid (having first known thereof, or after such Notice), and without such Cause as last herein-before is mentioned, every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

Notice of Meetings.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required, as soon as conveniently may be, and within Fourteen Days next after the passing of this Act, to cause Notice in Writing to be affixed upon the principal outer Door of the Parish Church of *Bledlow* aforesaid, on some *Sunday* immediately before or after Divine Service, of the Time and Place of their First Meeting for executing the Powers hereby vested in them, at least Eight Days before such Meeting, and shall also cause the like Notice to be given of every subsequent Meeting for the like Purpose (Meetings by Adjournment only excepted); and the said Commissioners shall also cause the like Notice of the Time and Place of such first and other Meetings (except as aforesaid) to be inserted in the Newspapers called *Jackson's Oxford Journal*, and *The County Herald*, or in any other Newspapers usually circulated within the said County of *Buckingham*: Provided always, that if at any Meeting appointed to be held in pursuance of this or the said recited Act, it shall happen that only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place herein-after mentioned and appointed for the holding of Meetings as he shall think most convenient: Provided also, that all and every such Meetings of the said Commissioners for executing the Powers hereby and by the said recited Act vested in them, as well those held pursuant to Notice as Meetings by Adjournment, shall be holden in the Parish of *Bledlow* aforesaid, or within Five Miles thereof.

Other Notices, how to be given.

V. Provided always, and be it further enacted, That all other Notices, necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisements to be inserted in the said Newspapers called *Jackson's Oxford Journal*, and *The County Herald*, or in some Newspapers usually circulated in the said County of *Buckingham*.

Valuation to be made.

VI. And be it further enacted, That the said Commissioners shall at some early and convenient Time make such Valuation as is directed by the said

said recited Act, and shall also, Twenty-one Days at least before the several Allotments herein-after directed to be made are set out, cause the Valuation and Appraisement to be made by them by virtue of the said recited Act to be reduced into Writing, and signed by them, which Valuation and Appraisement shall and may be inspected by all Persons interested therein, at all or any of the subsequent Meetings of the said Commissioners, without Fee or Reward; and any Person or Persons so interested shall be entitled to a Copy of such Valuation and Appraisement, or any Part or Parts thereof, paying for the same at a reasonable Price to be ascertained by the said Commissioners.

VII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to enquire into and determine what Inclosures have been taken from, and what Encroachments have been made upon the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, or upon any Part or Parts thereof, and all such Inclosures taken from, or Encroachments made upon any of the Lands and Grounds (save and except such as have been held and enjoyed for Twenty Years before the passing of this Act without Interruption, and which shall be proved by any reasonable Evidence to the Satisfaction of the said Commissioners to have been so held and enjoyed), shall be deemed and taken to be as Part and Parcel of the Lands and Grounds to be divided, allotted, and inclosed under and by virtue of this Act, and shall be divided, allotted, and inclosed accordingly as Part thereof.

VIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered to receive, hear, and determine all Claims of Freeboard upon the said intended Division and Allotments; and if any such Claim shall be fully established by sufficient Proof to the Satisfaction of the said Commissioners, they are hereby authorized and empowered to set out and allot one or more Plot or Plots, Allotment or Allotments of Land in lieu of any such Freeboard so established, and such Plot or Plots, Allotment or Allotments, shall for ever thereafter respectively be deemed to be within and Part of such Parish as the said Commissioners in and by their Award shall adjudge and determine.

IX. And be it further enacted, That if the said Commissioners shall deem it expedient or proper to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted in the said Parish of *Bledlow*, and any Parish or Parishes adjoining thereto, or to make the same Boundary Fences regular, it shall be lawful for the said Commissioners (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, and of the Owner or Owners of the said 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, allotted, and inclosed, and any adjoining Parish or Parishes, in such Manner as they shall think 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 Commissioners shall direct, and shall for ever thereafter

[*Loc. & Per.*]

be deemed and taken to be the Boundaries between the said Parish of *Bledlow* and such adjoining Parish or Parishes respectively, any Law, Usage, or Custom to the contrary notwithstanding.

Commissioners to settle Disputes, but not to try Titles.

X. 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 Division, Allotments, and Inclosure, touching or concerning any Right or Rights to the Soil of the said Commons and Waste Lands, or touching or concerning any other Right, Matter, or Thing relating to the same, it shall be lawful for the said Commissioners to examine into, hear, and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners may award Costs.

XI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, Dispute or Difference to be brought before them by virtue of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made by the Person or Persons whose Claim or Claims, Objection or Objections, Dispute or Difference, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties may try Rights at Law by a feigned Issue.

XII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination or Order of the said Commissioners, touching or concerning any Dispute or Disputes, Difference or Differences as aforesaid, or touching or concerning the Claim or Claims of any Rights or Interests in and to the Soil of the said Commons and Waste Lands, or any Rights of Common, or other Rights or Interests in, over, or upon the Lands and Grounds herein directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for such Person or Persons to proceed to a Trial at Law respecting the Matters so determined by the said Commissioners at the then next or at the following Assizes to be holden for the said County of *Buckingham*, and for that Purpose such Person or Persons, who shall be dissatisfied with the Determination or Order of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination or Order shall have been made,

made, within Three Calendar Months next after such Determination or Order of the said Commissioners shall be 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 such 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 the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall, and they are 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 Commissioners touching such Claim or Claims of Right to the Soil of the said Commons and Waste Lands, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, or inclosed, or any Part thereof which shall not be objected to, or being objected to the Party or Parties objecting not causing such Action or Actions to be brought and proceeded in as aforesaid, shall be final, binding, and conclusive upon all Parties.

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

If any of the Parties die, Proceedings not to abate.

XIV. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons in or to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever, for or in respect of which any Right of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this or the said recited Act, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits, and may be had and taken by the Person or Persons who upon the Determination of such Suit or Suits shall become entitled to the same.

Suits not to delay the Execution of this Act.

XV. 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 Politick or Corporate, who might have brought such

Provision in case of Death of Parties before Actions 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 of the said Commissioners 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 thereupon be 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 in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Right of Possession of Persons not to be determined by Commissioners.

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

Commissioners to direct the Course of Husbandry.

XVII. And be it further enacted, That from and after the passing of this Act, and until the said Commissioners shall have finished and completed their Division and Allotments, under the Directions herein contained, all the Tillage and other Lands lying in the said Open and Common Fields, Meadows, Pastures, and other Lands hereby intended to be divided and inclosed, shall be stocked with such Cattle, and be cropped or sown by the Occupiers thereof with such Corn, Grain, Grass Seeds, or other Seeds, and in such Proportions and Manner, and shall be kept, ordered, and continued in such Course of Husbandry, as the said Commissioners shall, by any Writing or Writings under their Hands in that Behalf from Time to Time order, direct, or appoint (any Usage or Custom of stocking with Cattle, fallowing, sowing, cropping, or otherwise managing the said Lands and Grounds, to the contrary notwithstanding); and that no Meadow, Pasture, or fresh Ground, Part of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and not now in Tillage, shall before that Time be ploughed, broken up, or converted into Tillage.

Compensation to be made for growing Crops.

XVIII. And be it further enacted, That in all Cases where any Open or Common Field Land shall, upon the said Inclosure, be allotted and awarded to any Person or Persons other than the Proprietor or Proprietors thereof immediately before such Division and Allotment, it shall and may be lawful for the said Commissioners, and they are hereby required to ascertain, order, and direct such Satisfaction as they shall think reasonable to be paid by such Person or Persons, Bodies Politick or Corporate, to whom such Lands and Grounds shall be allotted, or his, her, or their Tenant or Lessee, to the Occupier or Occupiers of such Lands or Grounds, at the Time of the said Allotment, for and on Account of any Crops that shall be growing on such Lands and Grounds so allotted and awarded as aforesaid.

XIX. And be it further enacted, That all and every Lease and Leases at Rack Rent, and without Fine or Fee paid or payable for the Renewal thereof, subsisting of all or any Part of the Lands or Grounds to be divided and inclosed, or exchanged by virtue of this Act, or of the Tythes arising from any such Lands or Grounds, either alone or jointly with any other Lands, Tenements, or Hereditaments within the said Parish, and all other Agreements for any Term or Time therein, as to the Whole of such Lands, Tenements, or Hereditaments comprised in such Lease or Leases, or Agreements, shall, on such Day as the said Commissioners shall, by any Writing under their Hands, for that Purpose limit or appoint, cease, determine, and be utterly void, the respective Lessees or Tenants thereof receiving from the respective Landlords or Proprietors of the same Premises such Satisfaction as the said Commissioners shall ascertain, order, and direct as reasonable to be paid to such Lessees or Tenants on Account thereof; and such Lessees or Tenants respectively paying to the respective Landlords, Owners, and Proprietors of the same Premises such Rents or Sums of Money, up to the Time of vacating such Leases or Agreements respectively, for the Use or Occupation thereof, as the said Commissioners shall in like Manner ascertain, order, and direct as reasonable and proper in that Behalf: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Parish, and Part in any adjoining Parish, all and every such Lease and Leases, upon Rack Rent now subsisting, may be vacated; but where any Land shall have been taken in Exchange, and which Land shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Leases at
Rack Rent
to be void.

Leases to be
compensated.

XX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out and allot unto and for the said *Robert Lord Carrington*, His Heirs and Assigns, Impropropriator of the said Rectory, such Plot or Plots, Allotment or Allotments of the said Open and Common Fields, Common Meadows, Common Pastures, and Waste Lands, situate and lying within the said Parish of *Bledlow*, as in the Judgement of the said Commissioners shall be a full Equivalent and Satisfaction for his Glebe Lands and Right of Common thereto belonging.

Allotment to
Impropropriator
for Glebe.

XXI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out and allot unto and for the said *William Stephen*, and his Successors, Vicars of *Bledlow* aforesaid, such Plot or Plots, Allotment or Allotments of the said Open and Common Fields, Common Meadows, Common Pastures, and Waste Lands, situate and lying within the said Parish of *Bledlow*, as in the Judgement of the said Commissioners shall be a full Equivalent and Satisfaction for his Glebe Lands and Right of Common thereto belonging.

Allotment to
the Vicar of
Bledlow for
Glebe.

XXII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out and allot unto and for the several Persons who are seised of or entitled to the Impropropriate or Rectorial Tythes; and also to and for the said *William Stephen*, and his Successors, Vicars of *Bledlow* aforesaid, in lieu of the Vicarial or Small Tythes yearly issuing, arising, and renewing out of the said Open and Common Fields, Common Meadows, Common Pastures, Waste Lands,

Allotments to
the Impropropria-
tors and Vicar
of *Bledlow* for
Tythes.

and other Commonable Places hereby directed to be divided and inclosed, situate and lying in the said Parish of *Bledlow*, as are subject and liable thereto; and for and in lieu of the Tythes of all such Messuages, Tenements, Gardens, Orchards, and ancient inclosed Lands, within the said Parish as are subject and liable thereto, such Plot or Plots, Allotment or Allotments, of the said Open and Common Fields, Common Meadows, Common Pastures, Waste Lands, and other Commonable Places, situate and lying in the said Parish of *Bledlow*, as shall contain or be equal in Value to One Fifth Part of all the Arable Lands, and One Ninth Part of all the Meadow or Pasture Grounds within the said Parish (after deducting the Land or Ground set out for Roads); which said Plots or Allotments so to be set out, allotted, and awarded, shall be divided, apportioned, and allotted by the said Commissioners to and between the said Impropiators and Vicar, in such Shares and Proportions respectively, as they the said Commissioners shall judge to be equal to their respective Interests therein.

Commissioners to determine what Lands are to be considered as Arable, and what Pasture.

XXIII. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby directed and required, in valuing and ascertaining the Amount of Tythes payable to the several Persons respectively seized of or entitled to the Improprate or Vicarial Tythes, to deem and consider such Lands to be Arable Lands, and such Lands to be Meadow or Pasture Lands, as they shall in their Judgement deem equitable: Provided always, that the said Commissioners shall in no Case deem and consider, as Meadow or Pasture Lands any Lands or Grounds which have been in Tillage within the Space of Seven Years now last past.

A Money Payment to be made for Tythes of old Inclosures in certain Cases.

XXIV. Provided always, and be it further enacted, That in case any of the Owners or Proprietors of any such Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes, and old Inclosures, within the Parish of *Bledlow* aforesaid, shall not be entitled to Lands, or Common Right in the said Lands and Grounds by this Act directed to be divided, allotted, and inclosed, sufficient to make such Compensation as aforesaid for the Tythes thereof, then and in every such Case, Compensation shall be made for such Tythes, or Deficiency of Tythes, by and out of the Lands and Grounds belonging to the several other Proprietors, within the same Parish, in such Manner as the said Commissioners shall order, direct, and appoint; and such Person or Persons, who shall be entitled to or possessed of any such Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes, and old Inclosures, shall pay or cause to be paid to such Person or Persons, and at such Time or Times, as the said Commissioners shall direct or appoint, such Sum or Sums of Money as they the said Commissioners shall think equivalent to and a full Satisfaction and Compensation for the Tythes of the said Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes, and old Inclosures, or such Deficiency of Tythes as before mentioned; which Sum and Sums of Money shall be applied towards Payment of the Charges and Expences of obtaining and passing this Act, and carrying the same and the said recited Act into Execution; and the said Monies so directed to be paid shall be, and the same are hereby charged on such Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes, and old Inclosures; and in case such Monies shall not be paid within Three Calendar Months next after the same shall be demanded by the Person or Persons entitled to receive the same, it shall be lawful for such Person or Persons as the said Commissioners,

missioners, by any Writing under their Hands and Seals shall order, direct, or appoint, to enter into and upon such Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes, and old Inclosures, which shall be severally charged with such Sum or Sums of Money, and to hold and enjoy the same, and receive and take the Rents, Issues, and Profits thereof, until such Sum or Sums of Money, with Interest for the same after the Rate of Five Pounds *per Centum per Annum*, and all Costs, Charges, and Expences, attending such Entry and Receipt of the Rents and Profits thereof shall be thereby or otherwise fully paid and discharged.

XXV. Provided nevertheless, and be it further enacted, That if the Owners or Proprietors of any such old Inclosures, not having any or sufficient Interest in the said Commons, Lands, and Grounds, or any or sufficient Common Right, within the said Parish of *Bledlow* hereby directed to be divided, allotted, and inclosed, to exonerate their Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes, and old Inclosures from Payment of Tythes in Kind as aforesaid, shall be desirous of having a Part of such old Inclosures assigned or set apart to exonerate the same Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes, and old Inclosures from the Payment of Tythes in Kind, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, with the Consent of the Proprietors or Owners in Fee or in Tail, or for Life in Possession of such old Inclosures, to deduct and set out so much and such Part and Parts of such old Inclosures as shall be equal in Value to the Tythes, both Great and Small, payable by the Owner or Owners of such old Inclosures, in respect of his, her, or their respective Messuages, Tenements, Gardens, Orchards, Homesteads, Home Closes, and old Inclosures, within the said Parish of *Bledlow*, or such Part or Parts of them for which Compensation cannot be made as before-mentioned; which Part or Parts of such old Inclosures so deducted and set apart shall be considered as Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and shall be divided, allotted, and inclosed accordingly as Part thereof; and such Deductions shall be for ever thereafter deemed, taken, and considered to be a full Satisfaction for and Discharge from the Payment of such Tythes: Provided always, that in either of the Cases last before-mentioned, if any Surplus shall remain after Payment of such Expences as aforesaid, the same shall be divided amongst the several Persons interested, in Proportion to their respective Interests; and the Shares of such of the said Persons as shall be Tenants thereof in Fee Simple shall be paid to them respectively; and the Shares of such other of the said Persons shall respectively be paid into the Bank of *England*, in the Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or other Hereditaments, or of any Timber or Wood growing thereon, where such last-mentioned Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Land may in certain Cases be allotted in lieu of Tythes of old Inclosures.

XXVI. Provided always, and be it further enacted, That the Allotments to be made to the said *Robert Lord Carrington*, and the several other Persons who are seised of or entitled to the Improprate or Rectorial Tythes, shall, immediately after such Division and Allotment, be, enure, and remain to and for such and the same Uses, Trusts, Estates, Interests, and Purposes, and subject to such and the same Powers, Provisoos, and

Allotments for Improprate and Rectorial Tythes to be subject to the same Uses.

Agreements,

Agreements, Charges, and Incumbrances, as the said Tythes in lieu whereof such Allotments shall be made as aforesaid now are, or shall, or would have been subject and liable to be charged with or affected by in case this Act had not been made.

Tythes payable until Division and Allotment.

Proportions of Compositions to be settled by Commissioners.

XXVII. Provided always, and be it further enacted, That until the said Division and Allotment shall be made and entered upon in pursuance of this Act, the said *Robert Lord Carrington*, his Heirs and Assigns, and the several other Persons who are or shall be seised of or entitled unto the Improprate or Great Tythes, arising within the said Parish of *Bledlow*, and also the said *William Stephen*, and his Successors, Vicars of the Parish of *Bledlow* aforesaid, shall be entitled unto, and shall have, receive, and enjoy the Tythes of all Kinds, in such Manner as they or any of them could or might have had, received and enjoyed the same, in case this Act had not been made; and if any Dispute or Difference shall arise between the Owners or Occupiers of the said Lands and Grounds hereby intended to be divided and inclosed, and exonerated from Tythes, and the Parties interested in the Tythes hereby intended to be extinguished, or any of them, touching or concerning the Proportion of the Payment or Compositions in lieu of Tythes, which ought to be rendered or paid for or in respect of the Time which shall have elapsed, between the then last Day of rendering such Tythes or Payment of such Compositions, and the Time of making and entering upon the Allotments to be made in pursuance of this Act, the said Commissioners shall, and they are hereby authorized and required, on Application to them made for that Purpose, before or after the Execution of their Award, to hear and determine the said Disputes and Differences.

Right of Common and to Tythes to cease after Notice given by Commissioners.

XXVIII. And be it further enacted, That from and immediately after the Execution of the said Award, or such other previous Time as the said Commissioners shall, by any Writing under their Hands, to be affixed upon the principal outer Door of the Parish Church of *Bledlow* aforesaid, on some *Sunday*, for that Purpose limit or appoint, all Right of Common whatsoever in, over, and upon the Lands and Grounds hereby intended to be divided and inclosed, and all Tythes and Compositions in lieu of Tythes now due and payable within the said Parish of *Bledlow* (save and except Surplice Fees, *Easter* Offerings, and Mortuaries), shall cease, determine, and be for ever extinguished; any Usage or Custom to the contrary thereof notwithstanding.

Except as to Beech and other Woods, which are to remain Tythable as heretofore.

XXIX. Provided always, and be it further enacted, That the several Beech and other Woods and Wood Lands, lying and being within the said Parish of *Bledlow*, shall respectively remain and continue subject and liable to the Payment of such Tythes (if any) as the same Woods and Wood Lands would respectively have been subject and liable to in case this Act had not been made.

Compensation to the Rector for certain annual Claims upon Eton College Woods.

XXX. And whereas the Rector of the said Parish of *Bledlow* hath heretofore received, and is entitled in Right of his said Rectory to receive every Year seven Loads of Wood, each Load containing Fifty Feet, grown in the Woodlands belonging to the said Provost and Fellows, within the said Parish of *Bledlow*; and whereas the said Rector hath agreed that his said Right thereto shall cease and be extinguished for an Allotment to be made

made in lieu thereof; be it therefore enacted, That the said Commissioners shall, and they are hereby authorized and required to set out, allot, and award such Part of the Lands and Grounds to be allotted to the said Provost and Fellows by virtue of this Act, or of the old Inclosures belonging to the said Provost and Fellows within the Parish of *Bledlow*, or of both of them, as the said Commissioners shall deem to be a full Equivalent and Satisfaction to the said Rector for the said Right so to cease and be extinguished as aforesaid; and that immediately after the making of the said Award of the Commissioners, the said Part so to be set out, allotted, and awarded, shall vest in and belong to the said Rector, and enure to the same Uses, and be subject to the Trusts and Burthens as the said Right so to cease and be extinguished, enured, and was subject to immediately before the passing of this Act; and that immediately after the making of the said Award of the said Commissioners, the Right of the Rector for the Time being to receive annually the said Seven Loads of Wood shall cease and for ever be extinguished.

XXXI. And be it further enacted, That the said Commissioners shall, in the next Place, assign, set out, and allot unto and for the Lord or Lords of the Manor, and respective Manors, within the said Parish of *Bledlow*, in Severalty, such Parts of the Commons and Waste Lands within the said Manors respectively, as, in the Judgement of the said Commissioners, shall be Equivalent to and a full Compensation, Recompence, and Satisfaction for their respective Rights and Interests in and to the Soil of the Commons and Waste Lands.

Allotments
to Lords of
Manors.

XXXII. And be it further enacted, That the said Commissioners shall, and they are hereby required to assign, set out, and allot, unto the Vicar of the Parish of *Bledlow*, and the Churchwardens and Overseers of the Poor of the said Parish of *Bledlow*, and their Successors for the Time being for ever, such Plot or Plots, Allotment or Allotments of Ground, Part of certain Commons or Waste Lands at *Bledlow Ridge* in the Parish of *Bledlow* aforesaid, as, in the Judgement of the said Commissioners, shall be Equivalent to and a full Satisfaction and Compensation for such Right and Liberty of cutting, taking, and using certain Brush Wood, Furze, Fern, or other Fuel from the said Common, as shall be proved to the Satisfaction of the said Commissioners to be legally vested in all or any of the Poor Inhabitants of the Parish of *Bledlow* aforesaid (not being Proprietors of Lands or Tenements within the said Parish of *Bledlow*); and such Plot or Plots, Allotment or Allotments of Ground, shall, on the Execution of the Award of the said Commissioners, be vested in the Vicar of the said Parish of *Bledlow*, and the Churchwardens and Overseers of the Poor of the said Parish of *Bledlow* for the Time being for ever, as Trustees for the Poor of the same Parish; and the Brush Wood, Furze, Fern, and other Fuel arising from the Lands so to be allotted as aforesaid, shall be cut, taken, and used by such Poor Inhabitants of the said Parish of *Bledlow*, in such Quantities, at such Time or Times in each and every Year, under such Orders, Rules, and Regulations, and in such Manner as the said Trustees for the Time being, or the major Part of them, shall from Time to Time appoint.

Allotment to
Trustees for
the Poor of
Bledlow.

XXXIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to set out, allot, and award unto, and for

[*Loc. & Per.*]

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Allotment
for Cottage
Commons, or
the

specific Allotments, if desired.

the several Persons who shall to the Satisfaction of the said Commissioners have proved themselves to be entitled to Cottage Commons, and to be Owners of Cottages, in respect whereof they have a Right of Common, and who have no Land or other Right or Interest in the said Lands and Grounds hereby directed to be divided and inclosed (other than such Persons who desire a separate Allotment in lieu of Cottage Commons as hereinafter provided), so much and such Quantity of Land, Part of the Lands and Grounds hereby directed to be divided and inclosed, as the said Commissioners shall adjudge and ascertain to be a full Compensation for such their Right of Common as aforesaid; which said Parcel or Quantity of Land shall be for ever had, held, and enjoyed in common by the said Owners of Cottages or Cottage Commons, not having Lands in the said Lands and Grounds hereby directed to be divided and inclosed, or accepting specific Allotments in lieu of their Right of Common, exclusively of all Persons whomsoever: Provided nevertheless, that in case any Person or Persons being entitled to such Cottage Commons as aforesaid, and having no Lands in the said Common Fields, shall signify in Writing to the said Commissioners, at or before their Third Meeting to be held in pursuance of this Act, his, her, or their Desire to have and take specific Allotments out of the said Lands and Grounds in lieu and in Satisfaction of or for his, her, or their respective Cottage Commons, then and in such Case the said Commissioners are hereby required to set out, allot, and award unto such Person or Persons such specific Allotments, as, in the Judgement of the said Commissioners shall be a full Satisfaction for the Cottage Commons belonging to the Person or Persons so applying as aforesaid; and in such Case, the Person or Persons to whom such specific Allotment or Allotments shall be made as aforesaid shall have no Benefit from or Right in the general Allotment to be made to and for and to be held and enjoyed by the Owners of Cottage Commons only as hereinafter mentioned.

Allotments for Stone and Gravel Pits.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized (if they shall think it necessary and proper) to set out and appoint unto the Surveyors of the Highways for the said Parish of *Bledlow*, out of and from the Lands and Grounds hereby directed to be divided, allotted, and inclosed, One or more Plot or Plots, Allotment or Allotments of Land or Ground within the said Parish of *Bledlow*, not exceeding Five Acres in the Whole, as well for the Purpose of getting Materials for repairing the Roads and Ways already made, and to be made, or set out by virtue of this or the said recited Act in the said Parish of *Bledlow*, as also for such other Purposes for the Benefit of the Owners and Occupiers of Lands within the said Parish of *Bledlow*, as the said Commissioners shall direct; and that the Herbage growing and renewing in and upon the said Plot or Plots of Ground shall be vested in such Person or Persons as the said Commissioners shall in their Award declare, order, and direct.

Allotment of Residue.

XXXV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, after the making of such Allotments as herein-before directed, to divide, set out, allot, and award all the Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, unto and amongst the respective Owners and Proprietors thereof, and Persons interested therein,

in such Quantities, Shares, and Proportions, and in such Parts and Places as the said Commissioners shall adjudge and determine to be a just Compensation and Satisfaction for and equal to their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein, subject to such Rules, Provisions, and Directions as are in and by this and the said recited Act declared, expressed, appointed, and prescribed.

XXXVI. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby required and directed to make and set out all the said Allotments, so as that the same may be known to the said Owners and Proprietors at as early a Time as possible after the passing of this Act.

Allotments to be set out as early as possible.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, by and with the Consent in Writing of the respective Owners of the old inclosed Lands or Grounds lying within the Parish of *Bledlow* aforesaid, to order and direct the same inclosed Lands, or such Part or Parts thereof as the Owners thereof respectively shall consent and desire to be surveyed, measured, and taken up, and the same shall be considered and divided and allotted as Part and Parts of the Lands hereby directed to be divided, allotted, and inclosed, and thereupon such Allowances shall be made to the respective Owners thereof, on Account of the beneficial Difference of Property between old inclosed Land and Open and Common Field Land, as the said Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall, and they are hereby required to set out; allot, and award unto and for the respective Owners of such old Inclosures in lieu thereof, so much and such Plot or Plots of Land, Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they the said Commissioners shall think reasonable, subject to the Rules, Orders, and Directions; in this and the said recited Act contained.

Old Inclosures may be allotted with Consent of Proprietors.

XXXVIII. And be it further enacted, That it shall be lawful for any Person or Persons entitled in Fee Simple in Possession to any Rights of Common, or other Rights or Interests in, upon, or over any of the Commonable Lands or Waste Grounds hereby directed to be divided and allotted, to sell and dispose of his, her, or their Right or Interest in any such Rights (separate and apart from the Property to which the same are appurtenant), and the said Commissioners shall award the Allotments to be made in lieu of such Right so sold and disposed of to the Purchasers thereof respectively.

Proprietors may sell Rights of Common.

XXXIX. And be it further enacted, That the several Lands and Grounds to be allotted and awarded upon the said Division, Allotment, and Inclosure, to the several Persons interested therein shall, immediately after the same shall have been so allotted and awarded, be holden by the said several Persons respectively, by and under the same Tenure, and subject to the same Rents, Payments, Fines, Customs, and Services, by, under, and subject to which the several Messuages, Lands, Tenements, and Hereditaments, in lieu or in respect of which the same Lands and Grounds shall be so allotted and awarded were held immediately before the passing of this Act.

Allotments to be of the same Tenure as Lands in Right of which such Allotments are made.

XL. And

Copyholders
may be re-
admitted.

XL. And be it further enacted, That all and every Person or Persons, to whom any Lands or Grounds in lieu, or in respect of Copyhold Tenements, or any Right or Rights appurtenant, appendant, or belonging to Copyhold Tenements, shall be allotted as aforesaid, shall (if required thereunto by the respective Lord or Lords of the said Manors), within Twelve Calendar Months next after the Execution of the Award of the said Commissioners, be admitted Tenant or Tenants of the same, without paying any Fine to the Lord or Lords of any of the said Manors, or any other Charge or Expence (save and except the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively); but in case the Person or Persons to whom such Lands or Grounds shall be allotted shall die without Admission thereunto, within the said Twelve Calendar Months, then the customary Fines and all other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Lands and Grounds, in the same Manner as if the Person or Persons so dying had been in his, her, or their Life-time admitted thereunto.

Commission-
ers may order
Streams of
Water to be
diverted.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to direct, order, and award all or any of the Streams of Water, Springs, and Watercourses within the said Parish, or which divide or run between the said Parish, and any adjoining Parish or Place, to be conveyed and turned in such Courses, and through such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they shall think most beneficial and convenient for watering the new Allotments which shall be made in pursuance hereof, and for straightening the Boundary of the said Parishes as herein-before is directed, provided such Streams of Water, Springs, and Watercourses, be not diverted or altered without the Consent in Writing of the Proprietor or Proprietors of the Lands or Hereditaments from which such Streams, Springs, or Watercourses, shall be diverted, and into whose Lands or Hereditaments the same shall be turned.

No Sheep to
be kept in
new Allot-
ments for Five
Years.

XLII. And be it further enacted, That it shall not be lawful for any Person or Persons, for the Space of Five Years next after the Execution of the Award of the said Commissioners, to keep or depasture any Sheep or Lambs in or upon any of the Allotments to be made by virtue of this Act, unless the Person or Persons keeping such Sheep or Lambs shall, at his, her, or their own Expence, effectually and sufficiently fence off or guard, and duly keep fenced off and guarded the Quickset Hedges, or other live Fences of the Proprietor or Proprietors of such Allotment or Allotments where such Sheep or Lambs shall be so kept, and of such Allotment or Allotments adjoining thereto, so as to prevent any Damage being done to such live Fences.

No Cattle to
be depastured
in Highways
for Fourteen
Years.

XLIII. And be it further enacted, That no Person or Persons shall graze or keep any Sort of Cattle, or Swine whatsoever, in or upon any Part of the publick Roads or Ways which the said Commissioners shall order and direct to be set out and fenced on both Sides, for the Space of Fourteen Years next after the making and executing of their Award, under a Penalty not exceeding Forty Shillings for every Bullock, Cow, Horse, Ass, Sheep, Lamb, Head of Swine, or other Beast which shall be found therein, to be paid to the Person or Persons who shall take and impound the same; and every Proprietor or Occupier of Lands and Tene-
ments.

ments within the said Parish, and their and every of their Servants and Labourers, is and are hereby empowered to take and impound every such Bullock, Cow, Horse, Ass, Sheep, Lamb, Head of Swine, and other Beast which shall be so found grazing as aforesaid, at any Time or Times, after any live Fences shall have been made or planted next to the said Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Fourteen Years; and such Penalty shall and may be recovered and levied by and before any Justice of the Peace, acting in and for the said County of *Buckingham* (not being interested in the Matters in Question), upon the Oath of One or more credible Witness or Witnesses; and which Oath or Oaths such Justice is hereby authorized to administer, and to summon the Person or Persons complained of, and examine such Witness or Witnesses relating to the said Complaint; and it shall be lawful for such Justice, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause the said Penalty to be raised and levied by Distress and Sale of the Goods and Chattels of the Person or Persons offending (Demand having been first made thereof), rendering the Overplus (if any), after deducting the Charges of such Distress and Sale, to the Owner of such Goods and Chattels.

XLIV. And be it further enacted, That the several Plots or Allotments of Land or Ground which shall or may be set out and allotted for Stone or Gravel Pits, and the Allotment or Allotments to be made and set out to and for the Vicar of the Parish of *Bledlow*, and the Churchwardens and Overseers of the Poor of the said Parish of *Bledlow*, in Trust as aforesaid, and the several Allotments for Glebe Lands, and Common Rights thereto belonging, and the several Allotments to be set out and allotted to and for the respective Tythe Proprietors, in lieu of their Tythes, shall be inclosed round with Quickset Hedges and Ditches, and substantial Posts and Rails on each Side thereof, or other proper Mounds or Fences according to the Custom of the Country, with good and substantial Gates and Stiles in the said Fences where necessary, and the same shall be thereafter supported and maintained for the Term of Seven Years, or until the Quicksets shall have become sufficient Fences of themselves, by or at the Expence of all or such of the other Proprietors of Lands and Grounds within the said Parish, in such Manner, and in such Shares and Proportions as the said Commissioners shall, by any Writing under their Hands, or by their Award, order and direct; and such Proportions of the said Fences as the said Commissioners shall order and direct shall be for ever thereafter maintained and kept in Repair by the said respective Tythe Owners, as the said Commissioners shall likewise by their said Award order and direct; and the Fences of the Lands and Grounds to be set out for Stone and Gravel Pits, and in Trust for the Poor, shall afterwards be supported and maintained for ever by such Person or Persons as the said Commissioners shall direct or appoint; and the said several other Allotments for the said Lands and Grounds, after the Division thereof, shall, within Three Calendar Months, to be computed from the Execution of the said Award, be inclosed, hedged, ditched, and fenced at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Manner, Shares, and Proportions as the said Commissioners shall, in and by their said Award, order and direct: Provided always, that convenient Gaps and Openings shall be left in all the Fences to be made by virtue of this Act for the Space of

By whom Allotments for Tythes, &c. shall be fenced.

Fences to Allotments to other Proprietors.

Gaps to be left in the Fences for Six Months.

Six Calendar Months next ensuing the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages in and through the same, unless the said Commissioners shall, by their Award, or other Instrument in Writing under their Hands, order that the same be sooner fenced in and made up.

Punishment
of Persons
damaging
Fences.

XLV. And be it further enacted, That in case any Person or Persons shall, before the Execution of the Award of the said Commissioners, unlawfully break down, destroy, carry away, or damage any Gate, Stile, Post, Rail, or other Fence, to be put up or placed under the Authority of this Act, for the fencing or convenient occupying of the said several Allotments (such Offence or Offences not amounting to Felony within the Meaning of the Act passed in the Ninth Year of His present Majesty's Reign, intituled, *An Act for the more effectual Punishment of such Persons as shall demolish or pull down, burn, or otherwise destroy or spoil any Mill or Mills; and for preventing the destroying or damaging of Engines for draining Collieries and Mines; or Bridges, Waggon Ways, or other Things used in conveying Coals, Lead, Tin, or other Minerals from Mines, or Fences for inclosing Lands in pursuance of Acts of Parliament*; for the more effectual Punishment of such Persons when the Offence is wilfully or maliciously committed), every Person so offending, and being thereof convicted before any Justice of the Peace for the County of *Buckingham*, not interested in the Premises, on the Confession of the Offender or Offenders, or on the Proof of the Offence on the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, and every Person shall be allowed to give Evidence of such Offence, notwithstanding he may be a Proprietor or Occupier of Lands within, or an Inhabitant of the said Parish of *Bledlow*; and in case any such Offender or Offenders shall not immediately pay such Penalty or Penalties, or find Sureties to the Satisfaction of such Justice for the Payment thereof, at such future Day as he shall think proper, it shall be lawful for such Justice to cause the same to be forthwith levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under his Hand and Seal, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of the Distress and Sale, One Moiety of which Penalty or Penalties shall be paid to or for the Use of the Poor of the said Parish of *Bledlow*, and the other Moiety thereof shall go and be paid to the Informer or Informers; and for Want of such Distress, such Justice or Justices shall and may commit the Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month.

Persons ad-
vancing Mo-
ney to be re-
paid with
Interest.

XLVI. And be it further enacted, That the Costs and Expences preparatory to applying for, and for the obtaining and passing of this Act, shall be laid before the said Commissioners at their First Meeting after the passing thereof, and the said Commissioners are hereby required to examine the same, and allow what to them shall appear fair and reasonable, and certify the Amount of such Allowance under their Hands; and the Person or Persons who shall advance and lend the Money so to be allowed, or the Person or Persons who shall have incurred such Expences, shall be repaid the same out of the first Monies which shall be raised and collected in

in pursuance thereof, with Interest, after the Rate of Five Pounds *per Centum per Annum*, from the Time the same shall have been advanced as aforesaid.

XLVII. And be it further enacted, That each of the Commissioners who shall act in the Execution of the Powers vested in them by this and the said recited Act, shall be paid the Sum of Three Pounds and Three Shillings for each Day they shall respectively and actually attend in the Execution of the said Acts; the same Sums to be in full Satisfaction for the Trouble and Expences which the said Commissioners shall be respectively put unto in the Execution of the Powers aforesaid; and the said Commissioners shall cause the Minutes of each Day's Proceeding to be entered in a Book on the same Day, and signed by them; and that the same Sums, together with all the Costs, Charges, and Expences incident to or attending the obtaining this Act, and the surveying, admeasuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Premises to be divided and allotted by virtue of this Act, and of preparing and inrolling the Award of the said Commissioners, and all the Charges and Expences of their Clerk, Assistants, and Servants, and all other necessary Expences of the several Persons to be employed by them, in and about the Premises, either before or after the Execution of the Award, and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways, to be set out and appointed by the said Commissioners, and all other Expences for carrying this and the said recited Act into Execution, shall be borne and defrayed by the several Owners of the Lands, Grounds, and Hereditaments, to be divided, allotted, and inclosed, and exonerated from the Payment of Tythes, by virtue of this Act (save and except the said *Robert Lord Carrington*, and the several other Persons entitled to the Improprate or Rectorial Tythes, and the said *William Stephen*, the Vicar of the said Parish of *Bledlow*, for or in respect of any Allotment or Allotments which shall be made to them respectively, in lieu of Tythes or Glebe Lands; and also save and except the aforesaid Trustees of the Poor of the said Parish of *Bledlow* for the Time being, for or in respect of the Allotment or Allotments hereby directed to be made to them in Trust as aforesaid; and also save and except the Surveyors of the Highways within the said Parish for the Time being, for or in respect of the Allotments hereby directed to be made to them as aforesaid); which said Costs, Charges, and Expences, together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid to the said Commissioners at such Time and Place, within the said Parish of *Bledlow*, as they the said Commissioners shall appoint; and in case any Person herein before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his 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 recited Act.

Commissioners Allow-
ance, how to
be paid.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners, on Application being made to them by the said Provost and Fellows of the Royal College of *Eton*, by Writing under their Common Seal, to sell any new Allotment or Allotments belonging to the said Provost and Fellows, within the said Parish of *Bledlow*, or any Part or

Power for
Eton College
to raise Money
for the Pur-
pose of the
enclosure.

Parts.

Parts of the same respectively, for the Purpose of raising a Sum of Money sufficient to defray the Shares and Proportions of the Costs, Charges, and Expences of obtaining and passing this Act, and executing the said recited Act and this Act, which shall be charged upon or payable by the said Provost and Fellows, and of fencing, inclosing, and subdividing their Allotment or Allotments, and of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the same Manner, and subject to such and the like Rules and Regulations as are mentioned and prescribed in and by the said recited Act; and each and every Allotment, for which the full Purchase Money shall be paid, shall be conveyed by the said Commissioners, at the Expence of such Purchaser or Purchasers, unto and to the Use of, or in Trust for such Purchaser or Purchasers, and his, her, or their Heirs respectively, or as he, she, or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively, in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers for the said Purchase Money, which shall be applied by the said Commissioners in or towards defraying such last-mentioned Costs, Charges, and Expences; and if any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be applied and disposed in Manner directed by the said recited Act, in those Cases wherein any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses: Provided always, that it shall not be lawful to raise by such Sale any further or greater Sum of Money than the said Provost and Fellows would have been empowered or authorized to borrow, or charge upon their Estate or Estates, under, or by virtue of the said recited Act: Provided also, that in all Cases where any Land shall be deducted from the Allotment of the said Provost and Fellows towards Payment of Expences as aforesaid, it shall not be lawful for the said Provost and Fellows, from whose Allotment Land shall be deducted as aforesaid, to charge their Lands, Tenements, or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences.

Commissioners to apportion Expences of Inclosure between Eton College and their Lessees.

XLIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to apportion the Expences of the Provost and Fellows of the Royal College of *Eton*, attending the passing of this Act, and the said Division, Allotment, and Inclosure upon and between the said Provost and Fellows, and their Lessees, according to their respective Interests therein, and to decide finally between them in what Proportions, and in what Manner such Expences shall be paid and borne between them the said Provost and Fellows, and their said Lessee or Lessees.

Money received by Commissioners to be deposited in Bankers' Hands.

L. Provided always, and be it further enacted, That the said Commissioners shall, and are hereby required to pay and deposit all Monies to be raised under and by virtue of the Powers contained in this or the said recited Act, as often as the same shall amount unto the Sum of Fifty Pounds, into the Hands of some Banker, to be approved pursuant to the Directions of the said recited Act.

LI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award, any Lands, Tenements, or Hereditaments whatsoever, within the Parish of *Bledlow* aforesaid, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, 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 Politick, 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, 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 Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively); and all and every such Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided, that no Exchange of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, shall be made without the Consent (testified as aforesaid) of the Patron thereof, and of the Ordinary of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate: Provided also, that all Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award order and direct.

For allowing Exchanges to be made.

LII. And be it further enacted, That once at least in each and every Year, during the Execution of this Act (such Year to be computed from the Day of the passing thereof), the said Commissioners shall, and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this and the said recited Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before Two Justices of the Peace in and for the said County of *Buckingham*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts, to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same have been duly allowed by such Justices.

Commissioners to lay an Account of their Expences before Two Justices.

LIII. Provided always, and be it further enacted, That nothing in this or the said recited Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to pre-

Wills and Settlements not to be altered.

[*Loc. & Per.*]

23 K

judice

judice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be divided, allotted, inclosed, or exchanged as aforesaid, or any Part or Parts thereof respectively, but that the respective Persons to whom any Lands or Hereditaments shall be allotted or awarded in Exchange by virtue of this Act shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Messuages, Buildings, Lands, Grounds, and Hereditaments whereof such Persons were seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to and charged with, or affected by, in case this Act had not been made.

Award, where
to be deposited.

LIV. And be it further enacted, That the Award to be made by the said Commissioners shall be enrolled with the Clerk of the Peace for the said County of *Buckingham*, and then deposited in the Parish Church of *Bledlow* aforesaid.

Appeal to the
Quarter
Sessions.

LV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act (other than and except as to such Claims, Matters, and Things as are herein-before directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or when any of the Provisions of the said recited Act or of this Act shall express that the same shall be final and conclusive), then and in every such Case, he, she, or they may appeal to the General Quarter Sessions of the Peace, which shall be holden in and for the said County of *Buckingham* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof, and the Justices (not interested in the Premises) in their 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 the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed 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 Foundation, then the said Justices shall award such Costs to be paid by the said Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be recovered and levied in Manner aforesaid.

General
Savings.

LVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politick, Corporate or Collegiate, his, her, and their Heirs and Successors,

Successors, Executors, and Administrators (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and 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, Title, and Interest as they, every, or any of them, could or ought to have had and enjoyed in, to, and out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

LVII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

Act to be
printed by
the King's
Printer.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1809.

