



ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

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## *Cap. 115.*

An Act for inclosing Lands in the Parishes of *Codicote*, *Welwyn*, and *Knebworth*, in the County of *Hertford*. [18th May 1810.]

**W**HEREAS there are in the Parish of *Codicote*, and in the adjoining Parishes of *Welwyn* and *Knebworth*, in the County of *Hertford*, divers Open and Common Fields, Common Pastures, and other Commonable and Waste Lands: And whereas the Honourable *Thomas Brand* is Lord of the Manor of *Codicote* and of the Manor of *Codicote Michells Fee* within the said Parish of *Codicote*: And whereas *Richard Warburton Lytton*, Esquire, is Lord of the Manor of *Knebworth* within the said Parish of *Knebworth*, and also Lord of the Manor of *Mardlybury* within the said several Parishes of *Codicote*, *Welwyn* and *Knebworth*: And whereas the said *Thomas Brand* and *Richard Warburton Lytton*, *General Cornelius Cuyler*, *Richard Hall*, Esquire, and divers other Persons, are severally the Proprietors of the said Open and Common Fields, Common Pastures and other Commonable and Waste Lands, and are desirous that the same should be divided, allotted and inclosed: But such Division, Allotment and Inclosure 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 *John Hill* of *Whitwell* in the County of *Hertford*, Gentleman, and *Thomas Thorpe*, of *Great Barford* in the County of *Hertford*, Commissioners.

[Loc. & Per.] 28 B of



of *Bedford*, Gentleman, shall be and they are hereby appointed Commissioners for setting out, dividing and allotting the said Open and Common Fields, Common Pastures and other Commonable and Waste Lands within the said Parishes of *Codicote*, *Welwyn* and *Knebworth*, and for putting this Act in Execution, in such Manner, with such Powers and subject to such Regulations and Directions as are hereinafter contained, and with such of the Powers and subject to such of the Rules, Directions, Regulations, Restrictions and Provisions contained in an Act, made in the Forty-first Year of the Reign of His present Majesty, intitled, *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*, as are not repugnant to or altered, or otherwise provided for by some of the Clauses, Regulations and Provisions in this Act.

Umpire.

II. And, for the Purpose of settling and determining any Difference or Dispute which may arise between the said Commissioners touching or concerning any of the Matters and Things to be by them determined, and performed, or executed in pursuance of the said recited Act or of this Act; be it further enacted, That *William Wilshere*, of *Hitchin* in the County of *Hertford*, Esquire, shall be and he is hereby appointed to act as an Umpire, and is hereby authorized and required to hear and determine every such Difference or Dispute as may arise between the said Commissioners touching any Act, Matter or Thing, relating to the said Division, Allotment and Inclosure, or any of the Purposes of this Act; and the Judgement and Determination of the said Umpire therein, shall be deemed and considered to be the Judgement and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners and upon all other Persons concerned in the said Division and Inclosure, so far as the Judgement and Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive.

Appointment  
of new Com-  
missioners on  
Vacancies.

III. And be it further enacted, That in case the said *John Hill* or any Commissioner to be appointed in his Place as hereinafter is mentioned, shall refuse to act or to qualify himself, or shall before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, die or become incapable of acting as a Commissioner, it shall be lawful for the said *Thomas Brand*, or the Lord for the Time being of the said Manor of *Codicote*, by Writing under his Hand to appoint some other fit Person (not interested in any of the Land to be divided and allotted by Virtue of this Act) to be a Commissioner in the Place of the Commissioner so refusing to act, or to qualify, or dying, or becoming incapable of acting as aforesaid; and if the said *Thomas Thorpe*, or any Commissioner to be appointed in his Place as hereinafter is mentioned, shall refuse to act or to qualify himself as a Commissioner for the Execution of this Act, or if he shall before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, die or become incapable of acting as a Commissioner, it shall be lawful for the major Part in Value, according to the Land Tax Assessments, of the Proprietors for the Time being of the Land to be divided and allotted by Virtue of this Act, (except the said *Thomas Brand*, his Heirs or Assigns, Lord or Lords for the Time being of the said Manor of *Codicote*, and the Proprietor and Proprietors of the Land and Hereditaments in the said several Parishes now belonging to the said

*Thomas*



*Thomas Brand*), who shall by themselves or their respective Agents attend the Meeting or Meetings to be appointed for that Purpose as hereinafter is mentioned, by Writing under their respective Hands to appoint some other fit Person (not interested in any of the Land to be divided and allotted by virtue of this Act) to be a Commissioner in the Place of the Commissioner so refusing to act, or to qualify, or dying or becoming incapable of acting as aforesaid; and every Commissioner to be appointed in the Manner hereinbefore respectively directed, shall have the like Powers and Authorities as the Commissioners named and appointed by this Act: Provided always, that Two or more of the said Proprietors shall cause Notice to be given of the Time and Place of Meeting for every such Election, (which Place shall be within the Parish of *Codicote* aforesaid or within the Distance of Eight Miles from the Boundary thereof), at least Ten Days before the Time of holding such Meeting, such Notice to be publicly read in the Parish Church of *Codicote* aforesaid, on some Sunday immediately after Divine Service, and inserted in the Newspaper called *The County Chronicle*, or some other Newspaper usually circulated in the County of Hertford.

Notice of Meetings for electing of a Commissioner or Umpire.

IV. And be it further enacted, That if the said *William Wilshere*, or any future Umpire to be appointed as hereinafter is mentioned, shall refuse to act or to qualify himself as an Umpire under this Act, or shall die or become incapable of acting before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, then the said Commissioners shall, before they shall proceed further in the Execution of this Act, and they are hereby authorized to appoint by Writing under their Hands, some other fit Person (not interested in any of the Land to be divided and allotted by virtue of this Act) to be an Umpire in the Place of the Umpire so refusing to act, or to qualify, or dying, or becoming incapable of acting; and if the Commissioners cannot agree in the Choice of a Person to supply the Place of an Umpire on any such Vacancy, then each of such Commissioners is hereby required to set down in Writing the Name of some fit Person (not interested in any of the Land to be divided and allotted by virtue of this Act), whom he shall propose to fill such Vacancy, and the Names so set down being written on Papers of the same Size and Kind, and folded up in the same Form, or as nearly as may be to the same Size and Form, shall at some Meeting of the Commissioners for the Execution of this Act, of which due Notice shall have been given, be put together in a Box or Glass, from which some indifferent Person shall at such Meeting, publicly, and in the presence of all Persons interested, who shall choose to attend, draw out One of such Papers, and the Person whose Name shall be written on the Paper first drawn out shall be the Umpire, and the said Commissioners are hereby required to certify by Writing under their Hands the Choice and Appointment of such Person to be Umpire accordingly; and every Umpire to be appointed in the Manner hereinbefore directed shall have the like Powers and Authorities as are by this Act vested in the Umpire hereby appointed: Provided, that the Instrument and Certificate of the Appointment of every Commissioner and Umpire to be elected and appointed by virtue of this Act, shall be inrolled with the Award of the Commissioners, and a Copy of such Instrument or Certificate, attested by the proper Officer of the Court where the same shall be inrolled, shall be full and sufficient Evidence thereof in all Courts whatsoever.

Appointment of Umpire on Vacancies.

Appointment of Commissioners and Umpire to be inrolled and Copy to be Evidence.

V. Provided



V. Provided also, and be it enacted, That no Person shall be capable of acting in the Execution of this Act as Umpire until he shall have taken and subscribed the Oath following; (that is to say),

Oath of Umpire.

**I** A. B. do swear, That I will faithfully, impartially and honestly, according to the best of my Skill and Ability, execute and perform the Trusts, Powers and Authorities vested and reposed in me as Umpire, by virtue of an Act for inclosing Lands in the Parishes of *Codicote*, *Welwyn* and *Knebworth*, in the County of *Hertford*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partialty to any Person or Persons whomsoever. So help me God.

Which Oath it shall be lawful for the said Commissioners or either of them to administer, and they are hereby required to administer the same; and such Oath so taken and subscribed by such Umpire shall be annexed to and inrolled with the Award of the said Commissioners.

Commissioners to give Notice of Meetings.

One Commissioner or Clerk may adjourn.

Place of Meeting.

In what Manner Notices to be given.

Commissioners empowered to determine Differences.

VI. And be it further enacted, That the said Commissioners shall and they are hereby directed to cause public Notice to be given of the Time and Place of their First and every other Meeting for the Execution of this Act, at least Eight Days before any such Meeting shall be holden (Meetings by Adjournment excepted), and that the said Commissioners may and they are hereby authorized to adjourn any such Meeting from Time to Time and Place to Place as they shall see Occasion; and in case both the said Commissioners shall not meet at the Time and Place appointed for any such Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place, or if no Commissioner shall then attend, for the Clerk to the said Commissioners (which Clerk they are hereby authorized to appoint) to adjourn such Meeting to any future Day not exceeding Twenty eight Days from the Day of Adjournment, to be holden at the same or any other convenient Place, and so from Time to Time until both the said Commissioners shall meet, and the Commissioner or Clerk making such Adjournment is hereby required to give Notice thereof to the absent Commissioner or Commissioners: Provided, that all Meetings of the said Commissioners for putting this Act in Execution shall be holden in the Parish of *Codicote* aforesaid or within Eight Miles from the Boundary thereof.

VII. And be it further enacted, That all Notices required by the said recited Act to be given by the said Commissioners, and the Notices hereby required to be by them given of their Meetings for the Execution of this Act, shall be given by Writing to be affixed on the South Door of the Parish Church of *Codicote* aforesaid, or by Advertisement in the said Newspaper called *The County Chronicle*, or if such Newspaper shall not then be published, in some other Newspaper usually circulated in the said County of *Hertford*.

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 Lands or Grounds hereby directed to be divided and allotted, touching or concerning the respective Shares and Proportions which they or any of them shall have, or claim to have therein, or touching or concerning any other Matter or Thing relating to the said Division, Allotment or Inclosure, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, upon proper and sufficient



sufficient Enquiry and Evidence, to examine into, hear and determine the same; provided that nothing herein contained shall authorize the said Commissioners to determine the Title to any Lands, Tenements or Hereditaments whatsoever.

IX. 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 to be delivered to them in pursuance of the said recited Act or of this Act, see Cause to award any Costs, it shall and may be lawful to and 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 whole Favour any Determination of the said Commissioners shall be made, by the Person or Persons, Body or Bodies Politic or Corporate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in Case the Person or Persons, Body or Bodies Politic or Corporate, 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 and may be lawful to and for the said Commissioners, and they are hereby authorized and required by Warrant under their Hands and Seals 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 or Corporate so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, Body or Bodies Politic or Corporate whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to  
award Costs.

X. Provided, and be it further enacted, That nothing in this Act shall extend to enable the said Commissioners to determine any Right between any of the Parties interested in the said Lands and Grounds, contrary to the Possession of any such Parties, except in Cases of Inclosure of and Encroachments on any of the said Common or Waste Lands made within Twenty Years before the passing of this Act; 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 duly taken from such Person or Persons by Ejectment or other due Course of Law.

Commissioners not to determine Rights contrary to the Possession.

XI. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Right or Interest therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners or Umpire, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons, Body or Bodies Politic or Corporate, so desirous to have the same tried at Law, shall and do by themselves or their respective Stewards, Receivers, Attornies or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners or either of them, within One Calendar Month next after such Determination shall have been so made by the said Commissioners, (of which Notice the said Commissioners are hereby required, immediately on the Receipt thereof, or as soon afterwards as conveniently may be done, to give Information to the adverse Party or Parties,

Persons dissatisfied with the Commissioners' Determination, may try their Rights at Law.



Parties, or his, her, or their respective Stewards, Receivers, Attornies or Agents, by Writing under their respective Hands to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies or Agents as aforesaid), then it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate giving such Notice as aforesaid, their respective Heirs, Successors or Assigns, and he, she or they is and are hereby required to proceed to a Trial or Trials at Law of the same at the first Assizes to be holden for the County of *Hertford* next after the Expiration of One Calendar Month from the Time when such Notice as aforesaid shall have been given in a feigned Action or Actions for that Purpose, to be commenced in His Majesty's Court of King's Bench or Common Pleas at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate giving such Notice as aforesaid against any Person or Persons, Body or Bodies Politic or Corporate interested in the said Division in whose Favour such Determination of the Commissioners shall have been made; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file common Bail or appear and accept One or more Issue or Issues whereby the Claim or Claims, Rights, and Interests in Question may be properly tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought if the Parties shall differ about the same), and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights, or Interests than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be endorsed on the Postea in Addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined as if such no special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in Case there shall be no such special Finding and Indorsement, or such special Finding or Indorsement, if any such shall be made, shall be binding upon all and every Body or Bodies Politic and Corporate, and Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, (which it shall be lawful for the Court to do as is usual in other Cases); and after such Verdict or Verdicts or special Finding or Indorsement shall be obtained, (the same not being set aside by the Court), the said Commissioners shall and they are hereby authorized and required to act in Conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests thereby determined, according to such Verdict or Verdicts, or Finding and Indorsement as aforesaid: Provided always, that it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, although the Time hereinbefore limited for the Trial of such Action may be thereby exceeded; but if no such Action or Actions shall be brought or commenced by the Person or Persons, Body or Bodies Politic or Corporate giving such Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials at the first Assizes which shall be holden for the said County of *Hertford* after the Expiration of One Calendar Month from the Day of giving such Notice, by or on account



of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination of the said Commissioners shall be final, binding and conclusive unto and upon all Parties whomsoever.

XII. Provided always, and be it enacted, That if any of the Parties in any Action or Actions to be brought and prosecuted in pursuance of this Act, shall die pending the same, such Action or Actions shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened: Provided also, 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 Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate respectively, who might have brought such Action 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 Notice of such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall 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.

Actions not to abate by the Death of a Party.

Allowing Actions to be brought after Deaths of Parties.

XIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to divert or stop up any old Carriage Road, Driftway, Bridleway or Footpath, public or private, leading between, through, and over any of the old Inclosures in the said several Parishes or any of them; and the Soil of the Roads and Ways so to be stopped up, shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided, that no such Carriage Road, Driftway, Bridleway or Footpath, passing or leading between, through, or over any of the old Inclosures in the said Parishes respectively, shall be stopped up without the Concurrence and Order of Two Justices of the Peace for the said County of *Hertford*, not interested in the Lands and Grounds to be divided and allotted, and that every such Order shall be subject to an Appeal to the Quarter Sessions for the said County of *Hertford*, in like Manner and under the same Forms and Restrictions as Orders originally made by Justices for diverting and turning Roads and Ways.

Power to stop Roads between or over old Inclosures.

XIV. And be it further enacted, That in case any public Roads or Highways shall by virtue of the said Act of the Forty-first Year of His present Majesty's Reign and of this Act, be set out or continued in any Situation or Direction where the said several Parishes or any of them are or is divided from any adjoining Parish or Place, and where there now is or usually hath been a public Road or Way, and such adjoining Parish or Place hath heretofore been charged or liable, or ought to be charged or liable to One-half Part of the Repairs and Support of the said Road or Way, then and in such case the said Commissioners may and shall

Roads dividing Parishes.



shall set out so much only from and out of the Lands and Grounds hereby intended to be divided and allotted as will enlarge the Breadth of such Road or Way to Thirty Feet at the least.

Justices empowered to declare any of the Roads completed.

XV. And be it further enacted, That when and as soon as Two or more of His Majesty's Justices of the Peace for the said County of *Hertford*, at any special Sessions to be holden by them, shall find and shall under their Hands and Seals certify and declare any of the public Carriage Roads to be set out in pursuance of the said recited Act and of this Act, or any Part of any such Road to be fully and sufficiently formed, repaired and completed, such Road or Roads, or so much thereof as shall in any such Certificate be described and certified, shall thenceforth be supported and kept in Repair by such Persons and in like Manner, as the public Roads within the said Parish.s respectively are or ought by Law to be amended and kept in Repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the County of *Hertford* next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

Power to shorten Boundary Fences.

XVI. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and inclosed and any adjoining Parish or Parishes, Manor or Manors, it shall and may be lawful to and for the said Commissioners, with the Consent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, or Owner or Owners of the Soil, and under the Hands of the major Part in Value, to be ascertained by the Land Tax Assessment of the Land Owners in the Parish or Parishes, Manor or Manors interested in any Land adjoining to the said Parish or Manor respectively, and also under the Hand or Hands of the Owner or Owners of the adjoining Lands, upon which such Fence or Fences is or are to be made, to set out and ascertain the Boundary Fences to be made between the Land adjoining to the Lands and Grounds hereby intended to be divided and allotted, in such Manner as they the said Commissioners shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be set out and ascertained 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 order and direct in and by their Award, and shall be for ever thereafter deemed and taken to be the Boundaries between the said Parishes respectively and such adjoining Parish or Parishes, Manor or Manors as aforesaid, any Law, Usage or Custom to the contrary notwithstanding.

Allotment for Sand Chalk and Gravel.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to set out, allot and award One or more Plot or Plots of the said Lands and Grounds so intended to be divided and allotted as aforesaid, not exceeding in the whole Five Acres, as and for public Sand or Chalk and Gravel Pits, with convenient Roads to and from the same, to be used for the Repairs of the Turnpike and other public Roads, and to award and direct to whom the Herbage of such Allotment or Allotments shall belong.

Allotment of Residue.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby required to allot the Residue of the Lands and Grounds hereby



hereby directed to be divided and allotted unto and amongst the several Persons who at the Time of making such Allotments shall be respectively entitled thereto and interested therein, in Proportion to their respective Shares, Rights and Interests therein, and that all Inclosures within the said Parishes respectively, belonging to Two or more distinct Proprietors, and all Closes situate within and surrounded by any of the Common Fields, or Common Pastures in the said Parishes respectively, shall be deemed and taken to be Parts of the Lands and Grounds directed to be divided and allotted by virtue of this Act.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and required upon the Request of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Interest therein, being Tenants in Tail or for Life or Lives, or for any Number of Years determinable on a Life or on Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents, or Attornies of or for any such Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or of the Persons acting as such Guardians, Trustees, Committees, Agents or Attornies, or of the Trustees for any charitable or public Uses, or the major Part of them respectively, to raise the Share and Proportion or respective Shares and Proportions of the Person or Persons by or on whose Behalf any such Request shall be made, of the Charges and Expences of passing this Act, and of carrying the same into Execution, not exceeding the Rate of Five Pounds an Acre, in the Manner and subject to the Rules prescribed by the said Act of the Forty-first Year of the present Reign, for the Sale of Lands directed to be sold for the Payment of the Expences attending the Execution of Acts of Inclosure: Provided that no more shall be sold of the Lands or other Hereditaments of the Person or Persons by whom or in whose Behalf any such Request shall be made, than the said Commissioners shall estimate to be sufficient to raise the Sum or Sums payable by such Person or Persons for the Purposes aforesaid and the reasonable Expences of Sale, and if there shall be any Surplus arising from such Sale after paying the Sums so directed to be raised and the reasonable Expences of Sale, such Surplus shall be divided between the several Persons interested in the said Lands and Grounds in Proportion to their respective Interests and Property therein; and the Shares of such of them as shall be Tenants thereof in Fee Simple shall be paid to them respectively, and the Shares of such other Persons respectively shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of the present Reign, with respect to 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 of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

XX. And be it further enacted, That in case any of the Proprietors entitled to Rights of Common in or over the Lands and Grounds hereby directed to be divided and allotted or any Part thereof, shall request to have their Common Rights compensated by a Common Pasture instead of distinct Allotments of Land, and shall give Notice thereof to the said Commissioners within such Time as the said Commissioners shall for that

Expences may be raised by Sale.

Commissioners empowered to set out Common Pastures.

[Loc. & Per.]

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Purpose



Purpose appoint, and the Commissioners shall be of Opinion that the Number of Proprietors who have made such Request shall be sufficient to enable the said Commissioners to set out such an Allotment as will answer the Purpose of a Common Pasture, then it shall be lawful for the said Commissioners and they are hereby required to set out and allot to and for the Proprietors making such Request, from and out of such Part of the Common Greens, Common Pastures, and Waste Lands aforesaid most convenient for that Purpose, such Parcel or Parcels thereof as shall in the Judgment of the said Commissioners be an Equivalent and Compensation for the Right of Common to which the Proprietors making such Request shall be entitled; and if it should appear to the said Commissioners (without any such Request to them made) that any of the Common Greens, Common Pastures, or Waste Lands within the said several Parishes or any of them, by reason of Situation, Smallness of the Quantity, or Interfection by Roads, or other Circumstances, cannot be divided and inclosed to the Advantage of the Persons interested therein, the said Commissioners are hereby authorized to set out and allot the Herbage of such Common Greens, Common Pastures, or Waste Lands, as and for a Common Pasture or Common Pastures to such of the Proprietors of, or Persons having Common Rights or other Interests in the Lands and Grounds hereby directed to be divided and allotted, to whom the same shall in the Judgment of the said Commissioners be most convenient and valuable in Situation, in or towards Satisfaction for the Rights and Interests of such Proprietors respectively; and the Land so to be allotted for Common Pastures, whether the same shall be allotted at the Request of such Proprietors as aforesaid, or without such Request, shall be used and enjoyed by the respective Proprietors to whom the same shall be allotted, and by their Successors and Tenants respectively in such Proportions, and shall be stocked with such Kinds and Number of Cattle, and at such Seasons and Times of the Year, and subject to such Regulations and Orders for the equitable Enjoyment thereof, as the said Commissioners by the Award to be by them made shall establish and direct; and the Soil of the Land which shall be so allotted for a Common Pasture or Common Pastures, shall by virtue of this Act, immediately on the Allotment thereof, be vested in the Lord for the Time being of the Manor within which such Allotments respectively shall be situate, as the Conservator or Trustee of every such Allotment for the Persons to whom the Rights of Common thereon shall be allotted.

Commissioners may extinguish or suspend Rights of Common,

and may direct the Course of Husbandry.

XXI, And be it further enacted, That it shall be lawful to and for the said Commissioners at any Time when they in their Judgment shall think it convenient and proper, by Notice for that Purpose under their Hands to be affixed on the South Door of the Parish Church of *Codicote* aforesaid, on some *Sunday* before, and there to remain until after Divine Service, to order the Right of Common, in, upon, and over the Lands and Grounds hereby directed to be divided and allotted, or any of them, to be extinguished either in the Whole or in Part, or to be suspended, and from and after the Time to be mentioned in and fixed by any such Notice, all such Right of Common as shall thereby be directed to be extinguished or suspended, shall cease and be extinguished, or shall be suspended, according to and as shall be expressed in and directed by such Notice; and until such Division and Allotment as is hereby directed, shall have been made of the Lands and Grounds to be divided and allotted, all such

Lands



Lands and Grounds shall be stocked with such Cattle and at such Times, and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof, with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnips, or other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage as the said Commissioners shall by Writing under their Hands in that Behalf direct, any Usage or Custom to the contrary notwithstanding; and that no Meadow, Pasture, or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the passing of this Act, shall, without the Consent in Writing of the said Commissioners be, before the Allotment thereof, ploughed, broken up, or converted into Tillage; and every Occupier of any such Land or Ground who shall refuse or neglect to comply with any such Direction of the said Commissioners, or who shall plough, break up, or convert into Tillage any such Meadow, Pasture, or fresh Ground, without the Consent in Writing of the said Commissioners, shall forfeit and pay a Sum not exceeding Ten Pounds, nor less than Twenty Shillings for every Acre of such Tillage Land with respect to which such Refusal or Neglect shall happen, and for every Acre of such Meadow, Pasture, or fresh Ground which shall be ploughed, broken up, or converted into Tillage, and so in Proportion in each Case for a greater or less Quantity than an Acre, to be levied and recovered in the Manner hereby directed for the Recovery of the Charges and Expences of passing this Act and carrying the same into Execution.

XXII. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been tilled, ploughed, sown, folded, or manured by any former Proprietor or Occupier thereof, shall pay to the Person or Persons respectively who shall have tilled, ploughed, sown, folded, or manured the same or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums, and at such Time and Times as the said Commissioners shall think reasonable, and shall by Writing under their Hands ascertain and direct; and in case any of the Sums which shall by the said Commissioners be directed to be paid as aforesaid, shall not be paid to the Person or Persons to whom the said Commissioners shall direct the same to be paid, and at the Time or Times to be by the said Commissioners appointed for Payment thereof, it shall be lawful for them and they are hereby required to levy the same in like Manner as the Expences of passing this Act, and of carrying the same into Execution, are directed to be raised and levied.

Satisfaction  
to be made  
for Tillage,  
&c.

XXIII. And be it further enacted, That it shall be lawful to and for the said Commissioners upon the Request in Writing (to be delivered to the said Commissioners within such Time as they shall for that Purpose appoint) of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Interest therein, whether seized in Fee Simple or being Tenants in Tail, or for Life or Lives, or for any Number of Years determinable on a Life or on Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents, or Attornies of, or for any such Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or for the Persons acting as such Guardians, Trustees, Committees, Agents or Attornies, or of the Trustees for any charitable

Land may be  
deducted  
from Allot-  
ments for  
Expences;



and may be  
allotted to  
Persons pay-  
ing such Ex-  
pences.

charitable or public Uses, or the major Part of any such Trustees respectively, to deduct from the Value and Amount of the Allotment or respective Allotments of such Owner or Owners, by whom or on whose Behalf such Request shall be made as aforesaid, so much as shall in the Judgment of the said Commissioners be equal to his, her, and their Share and Proportion, or respective Shares and Proportions of the Charges and Expences of passing this Act, and of carrying the same into Execution, (not in any case exceeding the Proportion and Sum by this Act authorized to be borrowed by any such Proprietor for the Purposes aforesaid); and to allot, award, and divide the Land and Value so deducted, to and amongst such of the Owners and Proprietors as shall by the said Commissioners be charged with and shall pay such Charges and Expences, in Proportion to the Sums they shall respectively pay or contribute thereto: Provided that it shall be lawful to and for the said Commissioners, and they are hereby required, upon any such Request as aforesaid, and upon Payment by the Person or Persons making such Request of his, her, or their full Proportion of such Costs and Expences, to allot to the Person or Persons respectively by whom or on whose Behalf such Request and Payment shall be made, his, her, or their Heirs and Assigns, the Land which shall have been so deducted; and the Person or Persons respectively to whom any such Allotment shall be made and awarded, shall be and become seised thereof of an absolute Estate in Fee Simple, freed and discharged from all former Titles, Charges, and Incumbrances.

Proprietors  
may sell their  
Allotments,  
&c.

XXIV. And be it further enacted, That it shall be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and allotted, to sell and dispose of the same Common Right separately and distinctly from the Estate, in Right of which, he or she is entitled to the same before the Execution of the said Award.

Land held by  
different Te-  
nures or Ti-  
tles by the  
same Propri-  
etor to be dis-  
tinguished.

XXV. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands or other Hereditaments in the said several Parishes, or any of them, held by different Tenures, or for, by or under different Estates or Titles, the said Commissioners shall, and they are hereby authorized and required, upon the Request of the Persons so seised or possessed respectively, to enquire into, ascertain, and determine by the Examination of Witnesses on Oath or other sufficient Evidence, the respective Lands or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and to set out distinct Allotments in respect of such Parts thereof as shall be or arise within the Common and Open Fields, or other the Lands and Grounds hereby directed to be divided and allotted; and the said Commissioners also shall, and they are hereby authorized upon such Request as aforesaid, to distinguish, ascertain, and set out by Metes and Bounds the Buildings and old Inclosures in the said Parishes respectively held by such several Tenures, and for, by, or under such different Estates or Titles, and all the Lands and other Hereditaments to be so ascertained, distinguished, and set out, shall be declared, set forth, and described in the Award of the said Commissioners.

Lands held  
by different  
Tenures or

XXVI. And be it further enacted, That where the Proprietor or Proprietors of any Allotment, Land, or other Hereditaments in the said  
respective



respective Parishes, shall hold his, her, or their respective Lands and Hereditaments by different Tenures, or for, by, or under different Estates or Titles, and where from Want of the necessary Information before the said Commissioners, or from any other Cause the Award of the said Commissioners shall have omitted to distinguish the said Lands or other Hereditaments holden by such several Tenures, or for, by, or under such different Estates or Titles, or to set out and award several and distinct Allotments, for any such respective Lands or other Hereditaments as hereinbefore is required, it shall be lawful for the said Commissioners, and they are hereby authorized at any Time, and from Time to Time within One Year after the Date and Execution of their Award, upon Request in Writing to them made by the respective Proprietors of any such Lands or other Hereditaments, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses, and to proceed as if their Award had not been made, and by any Deed or Instrument under their Hands and Seals to distinguish, ascertain, and set out the Lands and Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as they are hereby authorized and required to do in Cases where such Lands and Hereditaments are directed to be ascertained, distinguished, and set out by the General Award; and every such separate Instrument shall be inrolled in the same Place as the General Award shall be inrolled, and Evidence thereof shall be given in the same Manner as by the said Act of the Forty-first Year of His present Majesty and this Act, or either of them respectively, is directed concerning the said General Award of the said Commissioners; and all the Expenses which shall be reasonably incurred in or about any such subsequent Inquiry and separate Instrument as aforesaid, shall be paid by the Person or Persons who shall have requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators.

Titles omitted to be distinguished by the Award, may be afterwards distinguished by a separate Instrument.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners to assign and set out, allot and award any of the Allotments to be made by virtue of this Act, or any Part or Parts of such Allotments, or any Manors, Messuages, Cottages, old Inclosures, Lands, Tenements, Rents, Commons, or other Hereditaments, situate or arising within the said Parishes of *Codicote*, *Welwyn*, and *Knebworth*, or any of them, in lieu of and in Exchange for any other Manors, Messuages, Cottages, old Inclosures, Lands, Tenements, or other Hereditaments situate or arising in the same Parishes respectively, or within any of them, or within any other Parish or Place adjoining to any of them, so as every such Exchange be made by the Award of the said Commissioners, or by some Instrument to be executed by them before the said Award, and be declared and set forth in such Award, and be made with the Consent and Approbation of the respective Proprietors or other Person or Persons, Bodies Politic or Corporate, seised or possessed, or in Receipt of the Rents or other Profits of the Hereditaments which shall be so exchanged, whether such Proprietor or Proprietors be Tenant or Tenants in Fee Simple, in Tail, or for Life, or for Years determinable on a Life or on Lives, or by and with the Consent of the Husbands, Trustees or Guardians, Committees or Attornies of, or for any such Proprietors who at the Time of making any such Exchange, shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity of acting for themselves,

Power of Exchange.



or of the major Part of the Trustees for any charitable or public Use respectively, and so as every such Exchange of Hereditaments belonging to any Ecclesiastical Benefice be made with the Consent of the Bishop of the Diocese in which such Hereditaments shall be situate, and the Patron or Patrons of such Benefice for the Time being, such Consents to be respectively testified by Writing under the Hands of the consenting Parties, or under the common Seal of any of them, being a Corporation Aggregate; and that every such Exchange so to be made and declared shall, as well in respect of the Hereditaments within the said Parishes of *Codicote*, *Welwyn*, and *Knebworth* respectively, as in respect of the Hereditaments within any such other Parish or Place as aforesaid, be for ever good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Power to enfranchise Copyholds.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, with the Consent in Writing of the respective Lords of the Manor or Manors, of whom any Messuages, Cottages, Lands, or Tenements in the said Parishes respectively, are or shall be holden by Copy of Court Roll, and of the customary Tenant or Tenants by whom any such Messuages, Cottages, Lands, or Tenements shall be respectively holden, or of the Husbands, Trustees, or Guardians, Committees, or Attornies of and for any such Lord or Lords, Tenant or Tenants, being Femes Covert, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, in and by the Award of the said Commissioners, or by any other Writing to be signed and sealed by them before the Execution of the said Award, to declare any such Copyhold or Customary Messuages, Cottages, Lands, or Tenements to be enfranchised, and the Tenures by which the same are holden, and the Fines, Heriots, and other Services incident thereto, to be discharged and extinguished, and that the same Messuages, Cottages, Lands, or Tenements, or any Part or Parts thereof respectively, shall thenceforth be holden of the Lord or Lords of the same respective Manors, either by the Rents which shall have been theretofore paid or payable in respect thereof, or by any other Rent or Rents to be in such Writing or Writings ascertained and declared, and in lieu of and Compensation for every such Enfranchisement, to award to the respective Lord or Lords of the same Manor or Manors such Sum and Sums of Money to be applied in the Manner herein-after directed, or to assign and set out, to and for such Lord or Lords respectively, such Compensation by Part of the Copyhold Lands and Tenements to be enfranchised, or by and out of any of the Lands and Tenements hereby directed to be divided and allotted, or any other Lands, Tenements, or Hereditaments of any such Customary or Copyhold Tenant or Tenants respectively in the said Parishes or either of them, as shall in the Judgment of the said Commissioners be an Equivalent and Satisfaction for the customary Payments, Burthens, and Services to which such Copyhold Messuages, Cottages, Lands, or Tenements respectively shall have been subject or liable; and the Lord or Lords for the Time being of the Manor to whom any such ancient Rent shall be reserved and continued, or any other Rent assigned, shall have the like Powers and Remedies for the Recovery of such Rents respectively, as by the Laws of this Realm are given for the Recovery of Rents Seck, Rents of Assize, and Chief Rents; and from and after any such Declaration shall be made and executed, and such Sum of Money or other Compensation shall be paid or assigned for such Copyhold Tenure, the Lands and Tenements



ments in every such Declaration comprized, and thereby expressed to be enfranchised, shall be held, possessed, and enjoyed by the Owner or Owners thereof paying or making such Compensation, their respective Heirs or Assigns, or other Persons claiming in Reversion or Remainder of the Lord or Lords of such Manors respectively in Free and Common Socage, discharged of the Tenure by Copy of Court Roll, and of all Services and Duties incident to such Tenure, and of all other Services and Payments, except the Rent or Rents which may be continued or reserved to such Lord or Lords in respect thereof; and the Lands or other Hereditaments so to be assigned to such Lord or Lords shall be by him or them, and by his, her, or their Heirs, Successors, or Assigns, or by the Person or Persons who shall be entitled in Reversion or Remainder to such Manor or Manors respectively, held and enjoyed in Compensation for the Tenure so to be extinguished, for such and the like Estates, and upon and for such Uses, Trusts, Intents, and Purposes, as the Manor or Manors of which the Copyhold Hereditaments so enfranchised shall be holden shall, at the Time of every such Enfranchisement, stand settled and limited.

**XXIX.** Provided, and be it further enacted, That the Money to be received for the Enfranchisement of any Copyhold Lands or Tenements in pursuance of this Act, shall be paid to the Lord or Lords of the Manor or Manors respectively of whom the Copyhold Hereditaments so to be enfranchised shall, at the Time of the Enfranchisement thereof be holden, where such Lord or Lords shall be seised of such Manor or Manors in Fee Simple, and in all other Cases the Money to be received for any such Enfranchisement, shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of the present Reign with respect to Money 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.

Application  
of Money to  
be received  
for Enfranchisement.

**XXX.** Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, annul, or alter any Settlement, Deed, Will, or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this Act respectively, but as well the Lands allotted as the Tenements and other Hereditaments which shall be assigned in Exchange or in Compensation for any other Estate or Right, shall immediately after such Allotment, Exchange, or Assignment be vested, and shall remain and enure; and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Trusts, Intents, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, Rents, Services, and Incumbrances, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, vested, or subject, or liable to, or been held

Settlements,  
&c. not to be  
affected nor  
Wills re-  
voked.



held by in case the same had not been allotted, assigned, or exchanged, and this Act had not been made, save and except such Rents and Services as shall have been compensated for and extinguished, and such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act or of the said Act of the Forty first Year of the present Reign.

Leases at  
Rack Rent  
may be de-  
termined.

XXXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, if they in their Discretion shall think fit, to determine all and every or any Lease or Leases, Agreement or Agreements at Rack Rent now subsisting for any Term of Years, or from Year to Year, or at Will, of any Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, and of all or any Part of the Lands and Hereditaments within the said several Parishes or any of them, which shall be exchanged by virtue of this Act, as to the Whole or any Part of such Land in any such Lease, to be comprized at such Time or Times as the said Commissioners shall direct; and it shall be lawful for the said Commissioners to adjudge and determine what Satisfaction shall be made by the respective Lessors or Landlords, to the Lessees or Tenants respectively for the Determination of their Interests in such Lands and Hereditaments, either by the Payment of a gross Sum or (where other Lands and Hereditaments are or shall be comprized in the same Demise) by a Reduction and Apportionment of the Rent to be paid during the Remainder of the Term for the Residue of the Premises in every such Lease or Demise comprized, and every such Lease and Demise shall, upon the compliance of the Lessor with the Direction and Order of the said Commissioners for the Determination thereof and not otherwise, cease and determine accordingly.

Money ad-  
vanced to be  
repaid with  
Interest.

XXXII. And be it further enacted, That the Money which shall be advanced by any Person or Persons, for the Purpose of defraying the Expence of applying for and obtaining this Act, or which after the passing of this Act shall be advanced or lent to the said Commissioners for carrying the same into Execution, shall be paid with lawful Interest to the Person or Persons who shall have advanced the same, his, her or their Executors or Administrators, out of the first Money to be raised for defraying the Expences of obtaining and executing this Act.

Expences of  
Act.

XXXIII. And be it further enacted, That the Costs and Charges of, incident to, and attending the obtaining and passing this Act, of surveying, admeasuring, planning, dividing and allotting the Common and Open Fields, Common Pastures, and other Commonable and Waste Lands hereby directed to be divided and allotted, and making the public Roads to be set out, and of preparing and inrolling the Award of the said Commissioners, and all the Charges and Expences of the said Commissioners, and of the Umpire hereby appointed, and of the several Persons to be employed by them either before or after the Execution of the said Award, shall be borne and defrayed by the Proprietors and Owners of, or Persons having Rights or Interests in the Lands and Grounds hereby directed or authorized to be divided and allotted, in such Proportions and shall be paid to such Person and Persons and at such Time or Times, either before or after the Execution of the said Award, as shall be settled, adjusted, determined and directed by the said Commissioners, by any Writing under their  
Hands,



Hands, and the same shall and may be levied and recovered by the Means and in the Manner provided by the said Act of the Forty-first Year of the present Reign.

XXXIV. And be it further enacted, That all Costs, Charges and Expences attending any Sales, Exchanges or Partitions to be made by virtue of this Act or the said recited Act, shall be paid, borne and defrayed by the several Persons whose Estates shall be sold, exchanged and parted, in such Manner and Proportions as the said Commissioners shall by any Writing under their Hands order and direct, and shall be recovered in the same Manner as is hereinbefore directed, respecting the Recovery of the Charges and Expences of executing this Act.

Payment of  
Expences of  
Sales of Ex-  
changes.

XXXV. Provided, and be it further enacted and declared, That if at the Time of the Execution of the Award of the said Commissioners, there shall remain due from any Person or Persons, Body or Bodies, Politic or Corporate, any Sum or Sums of Money which shall have been adjudged or ordered to be paid by virtue of this Act, it shall be lawful for the said Commissioners and they are hereby authorized and required to levy and raise the same in like Manner as they might and could have done before the Execution of their Award.

Commission-  
ners may raise  
Arrears of  
Rates after  
the Execu-  
tion of their  
Award.

XXXVI. And be it further enacted, That the said Commissioners and the Umpire acting in the Execution of the Trusts and Powers hereby vested in them, and the Clerk to be by them employed, shall each be allowed and paid in Satisfaction for his Trouble and Expences the Sum of Two Pounds Twelve Shillings and Sixpence for every Day on which he shall be employed in travelling to, attending in, or returning from so acting, and that at all Meetings to be held in pursuance of this Act, the said Commissioners and their Clerk, and all Persons attending such Meeting, shall pay their own Expences.

Allowance to  
Commission-  
ers and Um-  
pire.

XXXVII. 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 thereof), the said Commissioners shall make 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 Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before One of His Majesty's Justices of the Peace for the said County of *Hertford*, (not interested in the said Inclosure), to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts to be kept in the Office of the Clerk to 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 shall have been duly allowed by such Justice.

Commission-  
ers to lay Ac-  
counts before  
one Justice.

XXXVIII. And be it further enacted, That in case any Person or Persons shall at any Time within Twelve Calendar Months after the Execution of the Award wilfully and unlawfully break down, destroy, carry away or damage any Fence, Stile, Post, Rail, or Gate, which may be put up or placed under the Authority, and for the Purposes of this Act, every Person so offending and being thereof convicted before any Justice of the

Penalty on  
damaging of  
Fences, &c.



Peace for the said County of *Hertford*, on Confession or on Proof of the Offence by Oath of One or more credible Witnels or Witnesses, (which Oath the said Justice is hereby authorized to administer) shall for every such Offence pay to the Proprietor or Proprietors of the Fence, Stile, Post, Rail, Gate, Bridge, or Tunnel, which shall be so broken down, destroyed, carried away or damaged, such Fine and Penalty not exceeding Five Pounds as such Justice shall determine, direct and order; and if any such Fine or Penalty shall not be forthwith paid, it shall and may be lawful for such Justice to commit every such Offender to the Common Gaol or House of Correction for the said County of *Hertford*, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Fine and all reasonable Charges attending the Recovery thereof shall be sonner paid.

Power of Appeal to the Quarter Sessions.

XXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done by the said Commissioners in pursuance of the said recited Act or of this Act, (other than and except such Determinations of the Commissioners or Umpire, as are by the said recited Act or this Act declared to be final, binding or conclusive, and except in Cases where an Issue at Law may be tried as herein is mentioned), then and in every such Case, he, she, or they may appeal to the General Quarter Sessions of the Peace to be holden for the said County of *Hertford*, next after Thirty Days from the Time when the Cause of Complaint shall have arisen, giving to the said Commissioners or any One of them, and to the Party or Parties concerned, Notice in Writing of such Appeal and of the Matter thereof within Twenty-eight Days after the Cause of Complaint shall have arisen, and Fourteen Days at the least before such General Quarter Sessions, and the Justices (not interested in the Premises) in such Sessions assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages, which shall be awarded by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal 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 Majestys Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, and without Foundation, then and in such case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

XL. Provided, and be it further enacted, That nothing in this Act contained, shall extend or be construed to extend to direct or authorize the Division, Allotment, or Inclosure of any of the Commonable or Waste Lands within the Manor of *Welwes* otherwise *Welwyn* Rectory, without the Consent in Writing of the Lord of the said Manor, nor to prejudice, lessen or affect any Right, Title or Interest of the Reverend *Samuel Jobnes*, Rector of the said Parish of *Welywn*, and in Right of his said Rectory,  
Lord



Lord of the said Manor of *Welwes* otherwise *Welwyn* Rectory, or his Successors Lords of the same Manor, of, in or to any of the Seigniories, Royalties, Franchises, Rents or Services, due, incident or belonging thereto.

XLI. Saving always to the King's Most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, and his, her, and their Heirs, Successors, Executors and Administrators, and all Persons claiming under or in Remainder after them, all such Right, Title, or Interest (other than and except such as is and are hereby meant and intended to be compensated for, barred, destroyed, and extinguished) as they, every or any of them could or ought to have had and enjoyed, of, in, to or out of the said Lands and Grounds hereby directed to be divided and allotted, in case this Act had not been made. General Saving.

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

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. - 1810.



