

Commissioners' Names

and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Brown*, of *Luton*, in the County of *Bedford*, Gentleman, *Thomas Thorpe*, of *Great Barford*, in the said County of *Bedford*, Gentleman, and *William Sedgwick*, of *Rickmersworth*, in the County of *Hertford*, 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 Parish of *Pirton*, 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, 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*, as are not repugnant to or altered or otherwise provided for by some of the Clauses, Regulations and Provisions in this Act.

Appointment of new Commissioners on Vacancies.

II. And be it further enacted, That in case the said *Thomas Brown*, 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 said *Emilius Henry Delmé Radcliffe*, his Heirs or Assigns, Lord or Lords, Lady or Ladies of the said Manors of *Pirton* and *Pirton Doddingsells*, by Writing under his, her or their Hand or Hands, to appoint some other fit Person, not interested in any of the Land within the said Parish, to be a Commissioner in the Place of the Commissioner so refusing to act or to qualify, 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 of the Proprietors for the Time being of the Land in the said Parish of *Pirton*, according to the Assessment thereof to the Land Tax, (except the Rector Impropriate and the Vicar of the said Parish, and except the said *Emilius Henry Delmé Radcliffe*, his Heirs and Assigns) 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 within the said Parish) 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 *William Sedgwick*, 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 Sir *John Filmer*, his Heirs or Assigns, Rector or Rectors Impropriate of the said Parish of *Pirton*, and Lord or Lords, Lady or Ladies of the said Manor of *Pirton* Rectory for the Time being, by Writing under his or their Hand or Hands to appoint

appoint some other fit Person (not interested in any of the Land within the said Parish) 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 Election of a Commissioner (which Place shall be within the Parish of *Pirton* 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 *Pirton* 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 to be given of Meetings for electing of a Commissioner.

III. Provided, and be it further enacted and declared, That it shall be lawful for any Two of the Commissioners hereby named and appointed, or hereafter to be appointed in pursuance of this Act, to execute all and every the Powers, Authorities and Trusts given to and reposed in the said Commissioners by virtue of this Act, as fully and effectually as if all such Powers, Authorities, and Trusts had been expressly given to the said Commissioners or any Two of them.

Two Commissioners may act.

IV. 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 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 Two of 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 Two of the said Commissioners shall meet; and the Commissioner or Clerk making such Adjournment is hereby required to give Notice thereof to the absent Commissioners; provided that all Meetings of the said Commissioners for putting this Act in execution, shall be holden in the Parish of *Pirton* aforesaid, or within Eight Miles from the Boundary thereof.

Notice of Meetings.

Place of Meeting.

V. 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 *Pirton* 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 County of *Hertford*.

In what Manner Notices to be given.

VI. And

Commissioners empowered to determine Differences.

Not to determine Titles, nor Rights contrary to Possession.

Power to award Costs.

Persons dissatisfied with the Determination of the Commissioners, may try their Rights by Action at Law.

VI. 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 and 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 and Inclosure, it shall be lawful for the said Commissioners and they are hereby authorized and required, upon proper and sufficient Inquiry and Evidence, to examine into, hear and determine the same: Provided that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Lands, Tenements or Hereditaments whatsoever, nor to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties; except in Cases of Inclosures of and Encroachments on any of the said Commons or Waste Lands made within Twenty Years next 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, it shall and may be lawful for them, if they shall deem it expedient so to do, to forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

VII. 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 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 whose 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 overruled; 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.

VIII. 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, 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 by their respective Stewards, Receivers,

ceivers, 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 Receipt thereof, or as soon afterwards as may conveniently be done, to give Information to the adverse Party or 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 Assizes to be holden for the said 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 Court of 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 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 indorsed 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 no such 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 and to all and every Body and 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,

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although

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.

Actions not to abate by the Death of a Party.

Allowing Actions to be brought after Deaths of Parties.

IX. 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; and 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.

Commissioners may extinguish or suspend Rights of Common.

X. 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 *Pirton* aforesaid, on some *Sunday* before 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 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.

Commissioners empowered to set out Boundaries of Manors.

XI. And be it further enacted, That it shall be lawful to and for the said Commissioners and they are hereby directed, upon the Request in Writing of the respective Lords for the Time being of the several Manors within or extending into the said Parish of *Pirton*, to ascertain, set out and declare the Limits and Boundaries of such Manors respectively; and the

the Boundaries which shall be ascertained and set out by the said Commissioners, and declared in and by their Award, shall be and ever remain the Boundaries of the said several Manors, within the said Parish of *Pirton*.

XII. And be it further enacted, That in case any public Road or Highway 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 Parish of *Pirton* 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 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.

Roads divid-
ing Parishes.

XIII. And be it further enacted, That it shall 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 Parish of *Pirton*; 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 Parish, shall be stopped up without the Concurrence and Order of Two Justices of the Peace for the said County of *Hertford*, not interested in such Roads and Ways, 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 old
Inclosures.

XIV. 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 such Manner as the public Roads within the said Parish of *Pirton* 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.

Justices em-
powered to
declare any
of the Roads
completed.

XV. And whereas there are Lands in the said Parish of *Pirton*, which might be greatly improved by proper and competent Drains or Ditches being cut or continued through the Grounds below such Lands; be it there-

Improvement
by Drainage.

therefore enacted, That it shall be lawful for the said Commissioners to take the Levels and examine the Practicability and Extent of the Improvements which may be made by Drainage within the said Parish of *Pirton*, and to employ any proper Person or Persons for that Purpose; and the said Commissioners are authorized and empowered to scour and deepen, straighten, divert, alter, change, raise, sink or embank all or any of the ancient Brooks, Ditches and Watercourses within the said Parish, for the Purpose aforesaid; and to set out, appoint, construct and make all such new Ditches, Trenches, Bridges, Sluices, Sewers and Drains, as well in, through, over and upon the Lands and Grounds hereby intended to be divided and allotted as aforesaid, as in, over, through and upon any ancient Inclosures, or other Lands or Grounds within the said Parish, or across and under any public or private Road, as they shall judge necessary for the Purpose of draining any of the Lands and Grounds within the said Parish, which from their Situation may be capable of such Improvement; and the said Commissioners are hereby authorized and required to make a reasonable Satisfaction to the Proprietor or Proprietors of such ancient Inclosures, or other Lands not hereby intended to be divided and allotted, for any Damage which may be done to their Lands in the constructing, making and maintaining any Ditches, Watercourses, Trenches, Dams, Bridges, Sluices, Sewers or Drains in, through or over such Lands; and the said Commissioners shall apportion and assess the Amount of the Satisfaction to be made for Damage done to old Inclosures, and of digging, making and constructing the necessary Ditches, Bridges, Sluices and Drains, for the Purpose of conveying the Water from the Land to be drained as aforesaid, upon all or any of the said Proprietors to whom the said Lands shall be allotted and belong, in proportion to the Benefit their Estates will severally derive from such Drainage; and the Money so assessed shall be levied and recoverable in the same Manner as the Money for the Purpose of paying the Expences of passing this Act, and carrying the same into Execution, is directed to be levied and raised; and the said Commissioners are hereby directed in and by their Award to order and appoint at whose Expence, at what Time, and in what Manner the said Ditches, Drains, Bridges and Sluices shall thereafter severally be repaired, scoured, cleansed and maintained: Provided always, that no ancient Brook or Watercourse shall be diverted, altered or turned without the Consent in Writing of the Person or Persons from or out of whose Lands the same shall be diverted, altered or turned, and of the Person or Persons through or into whose Lands the same shall be diverted, altered or turned.

Allotment
for Gravel,
Sand and
Chalk Pits.

XVI. 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, Gravel, Stone or Chalk Pits, with convenient Roads to and from the same, to be used for the Repairs of the public Roads in the said Parish; and to award and direct to whom the Herbage of such Allotment or Allotments shall belong.

Allotment to
Lords of
Manors or
Waste.

XVII. And be it further enacted, That the said Commissioners shall in the next place set out to and for the Lords of the respective Manors, within which the Commons and Waste Lands hereby directed to be divided and allotted are respectively situate, such Parts of the Lands and
Grounds

Grounds hereby directed to be divided and inclosed as shall, in the Judgment of the said Commissioners, be equal in Value to One-eighteenth Part of such Commons and Waste Lands, in lieu of and Satisfaction for the Soil thereof, and shall divide and allot the Land so to be set out to and amongst the Lords of the respective Manors, in such Proportions as the said Commissioners shall adjudge to be equivalent to their respective Rights and Interests therein.

XVIII. And be it further enacted, That the said Commissioners shall set out for and in lieu of all Tythes, both Great and Small, arising, growing, renewing, happening or payable within the said Parish of *Pirton*, such Parcels of the Lands and Grounds hereby directed to be divided and allotted, and with the Consent in Writing of the respective Proprietors thereof, such Parcel and Parcels of the old Inclosures in the said Parish of *Pirton*, as in the Judgment of the said Commissioners shall be equal in Value to One-fifth Part of all the Arable Land, One-tenth Part of all the Wood Land and One-eighth Part of all the Residue of the Lands and Grounds within the said Parish of *Pirton*, which are severally subject or liable to the Payment of Tythes (and which shall remain after the public and private Roads and Drains shall be taken and deducted therefrom); and the Land so directed to be set out for Tythes as aforesaid shall be by the said Commissioners apportioned, divided and allotted to: and between the said Sir *John Filmer*, his Heirs and Assigns, Rectors Improprate of the said Parish, and the said *John Witherington Peers*, and his Successors, Vicars of the said Parish, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be just Compensations and Equivalents for their respective Shares and Rights; and the Boundaries of the Allotments to be made in lieu of Tythes, shall on all Sides, where Fences shall not be by the said Commissioners directed to be made by some Proprietor or Proprietors of the adjoining Land, be properly ring fenced with Ditches and Quickset Hedges, guarded on both Sides with substantial Posts and Rails; and such Fences shall be for Seven Years from the making thereof, preserved, repaired and maintained by or at the Expence of the several Proprietors of the Lands and Grounds hereby directed to be divided and allotted, and exonerated from Tythes, in such Proportions as the said Commissioners shall award and direct; and such Allotments shall be a full Satisfaction and Compensation for all the Tythes both Great and Small arising and renewing within the said Parish of *Pirton*; and from and after such Allotments shall have been made, and the Rector Improprate and the Vicar of the said Parish respectively shall be put into Possession thereof, all such Tythes respectively shall cease, determine and be for ever extinguished: Provided that the Land to be set out by the said Commissioners to the said Sir *John Filmer*, his Heirs and Assigns, for the Tythes payable to him or them as Rectors Improprate of the said Parish of *Pirton*, shall be contiguous to the Land to be allotted in respect of the other Estate of the said Sir *John Filmer* in the said Parish, if he or they shall so require the same; and the Land so to be set out and allotted in lieu of Improprate Tythes, shall immediately after the Allotment thereof remain and enure to the same Uses as such Tythes shall at the Time of such Allotment stand settled and limited.

XIX. And be it further enacted, That in every Case where there shall be inclosed Lands in the said Parish of *Pirton*, subject and liable to the

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Compensation for Tythes not

compensated
for by Land.

the Payment of Tythes, the respective Proprietors whereof shall not be entitled to any or not to a sufficient Interest or Property in the Land hereby directed to be divided and allotted, to make Compensation for the Tythes of such inclosed Land, if the said Commissioners shall not with the Consent of such Proprietors and of the Rector Improprate and Vicar, set out and allot a sufficient Part of such Inclosures in lieu of the Tythes thereof, or in lieu of so much of such Tythes as shall not be compensated by the Interests of such Proprietors respectively in the Land to be divided and allotted, then such Proprietors shall respectively pay unto such Person or Persons and at such Time or Times as the said Commissioners shall appoint, such Sum and Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Tythes of such inclosed Lands respectively, or of such Parts thereof for which a Compensation in Land shall not have been made as aforesaid; which Sum or Sums shall be applied towards defraying the Expences of passing this Act, and carrying the same into execution; and if any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided between the several Persons interested in the said Lands and Grounds, to be divided and allotted in such Proportions as they shall respectively have contributed to furnish Land in Compensation for Tythes of such old Inclosures; 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.

Recovery of
Money or-
dered to be
paid in com-
pensation for
Tythes.

XX. And be it further enacted, That as well the Sum and Sums which shall by the said Commissioners be ordered to be paid in Compensation for Tythes, as the Proportion of the Costs and Charges of obtaining this Act and carrying the same into execution, which the said Commissioners shall adjudge to be paid by the Proprietors of inclosed Lands to be exonerated from Tythes or exchanged by virtue of this Act, shall be recoverable by the same Methods of Distress and Sale of the Goods and Chattels of the respective Proprietors of such old Inclosures, or by Entry upon and Perception of the Rents and Profits of such old Inclosures, as the said Commissioners are authorized to take and use for the Recovery of the Expences of obtaining and executing this Act, upon the Proprietors of the Lands and Grounds to be allotted by virtue hereof, and upon the Allotments to be to them respectively made, as fully as if such Powers of Distress and Sale, and of Entry and Perception of Profits were herein repeated and expressly applied to such old Inclosures and to the respective Proprietors thereof, and to the Persons to whom the same shall be assigned in exchange.

Allotment of
Residue.

XXI. 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 directed to be divided and allotted, after the proper Deductions shall have been made for Tythes, 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

Rights and Interests therein ; and that all Inclosures within the said Parish of *Pirton* belonging to Two or more distinct Proprietors, and all Closes situate within and surrounded by any of the Common Fields in the said Parish shall be deemed and taken to be Parts of the Lands and Grounds directed to be divided and allotted by virtue of this Act.

XXII. And it is hereby 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 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 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 Parish of *Pirton*, by reason of Situation, the 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 or Persons having Common Rights or other Interests in the Lands and Grounds hereby directed to be divided and allotted, to whom the same, in the Judgment of the said Commissioners, shall 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 Common Pastures shall, by virtue of this Act immediately on the Allotment thereof, be vested in the Lord or Lords for the Time being of the Manor or Manors within which the same shall be respectively situate, as the Conservator and Trustee, Conservators and Trustees of every such Allotment, for the Persons to whom the Rights of Common thereon shall be allotted.

Commissioners empowered to set out Common Pastures.

XXIII. And be it further enacted, That it shall be lawful for any Proprietor or Person or Persons who shall be entitled to any Allotment, or Allotments, may sell or under

mortgage their Allotments before the Execution of the Award, and their Rights of Common separate from their other Property.

under or by virtue of this Act, to give, grant, bargain, sell, demise, mortgage, limit, convey, and assure the same for all or any Part of his, her, or their Estate or Interest therein or Right thereto, at any Time before the Execution of the Award of the said Commissioners, and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Conveyance and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall be lawful for any of the Owners or Proprietors of any Common Rights upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separately and distinctly from the Estate in Right of which they, he, or she are or is entitled to the same, in the same Manner as they, he, or she might have done at any Time after the Execution of the said Award.

Land held by different Tenures or Titles by the same Proprietor, to be distinguished.

XXIV. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands or other Hereditaments in the said Parish of *Pirton* 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, Regard being had to the Deductions which shall have been made for Tythes of old Inclosures held by the same Tenures, and for the same Estates respectively; and the said Commissioners also shall and they are hereby authorized, upon such Request as aforesaid, to set out by Metes and Bounds, the Buildings and old Inclosures in the said Parish 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, determined, distinguished and set out, shall be declared, set forth and described in the Award of the said Commissioners.

Lands held by different Tenures or Titles omitted to be distinguished by the Award, may be afterwards distinguished by a separate Instrument.

XXV. And be it further enacted, That where the Proprietor or Proprietors of any Allotment, Land, or other Hereditaments in the said Parish of *Pirton*, shall hold his, her or their respective Lands and Hereditaments by different Tenures, or for, by or under different Estates and 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 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 Twelve Calendar Months 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

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 directed concerning the general Award of the said Commissioners; and all the Expences which shall be reasonably incurred in or about any subsequent Enquiry 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.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to allot, set out and award for or towards the Share, Right, and Interest of any of the Proprietors of or Persons interested in any of the Lands and Ground by this Act directed to be divided and allotted, any of the old Inclosures within the said Parish, and 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 Parish of *Pirton*, in lieu of and Exchange for any other Manors, Messuages, Cottages, old Inclosures, Lands, Tenements, Rents, Commons or other Hereditaments, situate or arising in the same Parish or any other Parish or Place adjoining thereto; so as every such Exchange be ascertained, declared, and set forth in the Award of the said Commissioners, or in some other Instrument to be executed by them before the Execution of the said Award, and to be referred to by the said Award; and so as every such Allotment of old Inclosures, and every such Exchange as aforesaid, be made with the Consent and Approbation of the respective Proprietors or other Person or Persons, Bodies Politic or Corporate seized 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 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, or of the major Part of the Trustees for any Charitable or Public Use respectively; and so as every such Exchange of Lands, Tenements, and Hereditaments holden in Right of any Church, Chapel, or other Ecclesiastical Benefice, be made with the Consent of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments shall lie or be situate, and the Patron or Patrons thereof 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

Power of
Exchange.

Hereditaments within the said Parish of *Pirton*, 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; and that the respective Hereditaments so to be exchanged, shall go and remain to and upon the same Uses and Trusts, and be subject to the same Powers, Conditions, Mortgages, Leases, Incumbrances, Covenants and Agreements, as the Hereditaments in respect whereof the same shall be exchanged are or shall be subject and liable to, or would have been subject and liable to, in case the Exchange thereof had not been made.

Leases at
Rack Rent
may be de-
termined.

XXVII. And be it further enacted, That it shall 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 Parish of *Pirton* aforesaid, which shall be exonerated from Tythes or 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; and upon Payment, at the Time or Times by the said Commissioners to be appointed, of the Sum or Sums which shall be so adjudged to be paid; and not otherwise, such respective Interests shall cease and determine.

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 Parish of *Pirton*, 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, and 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, or without Rent; 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 hereinafter directed, or to assign and set out to and for such Lord or Lords respectively, such Compensation by Part of the
Copyhold.

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 Parish of *Pirton*, 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 Affize, 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 in Exchange for such Copyhold Tenure, the Lands and Tenements 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 Fee 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 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 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.

XXX. Provided always, and be it further enacted and declared, 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.

Application
of Money to
be received
for En-
franchise-
ment.

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

out of, or 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; and that the Lands and Hereditaments which shall be allotted in pursuance of this Act, shall from and immediately after the Allotment thereof become and be of the same Tenure and Tenures as the Lands, Tenements and Hereditaments, in respect of which the Allotment or Allotments shall be so made, shall have been previously held; and as well the Lands allotted as the Tenements and other Hereditaments which shall be assigned in Exchange or Compensation for any other Estate or Right by virtue of this Act, shall immediately after such Allotment, Exchange or Assignment shall be made, be vested, 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 seized and possessed thereof respectively to, for and upon such and the same Uses, Estates, Intents, Trusts and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations and Remainders, Conditions, Charges 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 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.

Expences
and Money
paid in Ex-
oneration of
Tythes, may
be raised by
Sale.

XXXI. 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, 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 for every Acre of the Land allotted or exchanged to such Person or Persons, and such Sum and Sums as shall have been adjudged and ordered by the said Commissioners to be paid by any such Person or Persons in Compensation for the Tythes of old Inclosures or for the Determination of any Lease or Leases at Rack Rent, by Mortgage or by Sale of any of the Lands or Hereditaments to be allotted to such Person or Persons by virtue of this Act, 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

of Inclosure ; provided that no more shall be sold of the Lands or other Hereditaments of the Person or Persons by whom or on 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, the same shall be applied in the Manner hereinbefore directed for the Application of the Surplus of Money paid in Compensation for the Tythes of old Inclosures.

XXXII. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees or Attornies of any of the Owners or Proprietors of the Lands and Grounds which shall, by virtue of this Act, be exonerated from Tythes by a Money Payment or Money Payments, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, and for any of the said Owners and Proprietors being Tenants in Tail for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or Trustees for Charitable Uses, or the major Part of such Trustees respectively, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioners shall direct to be paid for the Exoneration thereof from Tythes, and for the Determination of any Lease or Leases at Rack Rent, and for the Share and Shares of the Owners and Proprietors thereof of the Costs and Charges of passing this Act, and carrying the same into Execution ; and for the Security of any Person who shall advance and lend the same to grant, mortgage, surrender, lease or demise such Lands and Grounds, in such Manner and with and subject to such Conditions and Restrictions as are, by the said Act of the Forty-first Year of the present Reign, enacted and provided for raising the Shares and Proportions of the Owners or Proprietors of allotted and exchanged Lands of the Costs and Expences of passing Acts of Inclosure, and carrying the same into Execution : Provided that nothing herein contained shall authorize any Person or Persons to raise or charge by Sale, Mortgage or by any other Ways or Means, in the said recited Act or this Act mentioned, any further Sum or Sums of Money for the Costs and Charges of passing this Act and carrying the same into Execution, than after the Rate of Five Pounds for every Acre of the Lands to be allotted and exchanged to such Person or Persons by virtue of this Act ; and that in all Cases where any Lands shall be sold for the Payment of such Costs and Charges, it shall not be lawful for such Person or Persons to charge his, her or their Lands, Tenements or Hereditaments with any Sum or Sums of Money for the Payment thereof.

Tenants for Life may charge inclosed Lands with Money paid in Exoneration for Tythes.

XXXIII. And be it further enacted, That 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 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 Com-

Commissioners may direct the Course of Husbandry.

missioners 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 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, and to be applied in like Manner.

Satisfaction
to be made
for Tillage,
&c.

XXXIV. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been drained, 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 if by the Mismanagement of any former Occupier, or by reason of the preceding Course of Husbandry or Treatment of the Land, or by any other Means it shall happen that the Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land in a proper State for a Wheat or other Tith Crop, or if any such Allotment shall, in the Judgment of the said Commissioners, be from any Cause in a worse Condition to be occupied than the Average of the Land allotted by virtue of this Act, then the Person or Persons to whom any such Allotment or Allotments shall be made shall receive such Compensation and Satisfaction from any other of the Proprietors, or from any of the former Occupiers, as the said Commissioners shall determine and adjudge to be just and equitable; 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 carrying the same into Execution are directed to be raised and levied.

Money ad-
vanced to be
repaid with
Interest.

XXXV. 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

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.

XXXVI. And be it further enacted, That each of the Commissioners acting in the Execution of the Trusts and Powers hereby vested in them, and the Clerk to be by them employed, shall be allowed and paid, in Satisfaction for his Trouble and Expences, the Sum of Two Pounds Twelve Shillings and Six-pence 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 Meetings, shall pay their own Expences.

Allowance to
Commission-
ers and
Umpire.

XXXVII. 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 Pastures, and other Commonable and Waste Lands, hereby directed to be divided and allotted and exonerated from Tythes, and of surveying, admeasuring, and valuing the Lands and other Hereditaments in the said Parish of *Pirton*, and of fencing the Tythe Allotments, and making the public Roads to be set out, and of preparing and inrolling the Award of the said Commissioners, 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 to be divided, allotted, and exonerated from Tythes (except the Rector Improprate and the Vicar of the said Parish of *Pirton*, in respect of the Allotments to be made to them respectively in lieu of Tithes), 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; 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.

Expences of
the Act.

XXXVIII. 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, Ex-
changes, &c.

XXXIX. 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, Bodies or Body 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

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

Commissioners and they are hereby authorized and required to raise and levy the same in like Manner as they might and could have done before the Execution of their Award.

Land may be deducted from Allotments for Expences;

and may be allotted to Persons paying such Expences.

XL. 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 seised in Fee or being Tenants in Tail for Life or Lives, or for any Number of Years determinable on a Life or 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 or Public Uses, or the major Part of them 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 or their Share and Proportion or respective Shares and Proportions of the Charges and Expences of passing this Act and carrying the same into Execution; 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 Charge 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 or 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 and for an absolute Estate in Fee Simple, freed and discharged from all former Titles, Charges and Incumbrances: Provided that the Value of the Lands so to be deducted from any Allotment or Allotments shall not in any Case exceed, according to the Opinion and Judgment of the said Commissioners, the Rate of Five Pounds for every Acre of the Land which shall by virtue of this Act be allotted or exchanged to the Person or Persons making such Request; and that no Person from whose Allotment any such Deduction shall have been made, shall be authorized by virtue of this Act to raise any Money for the Purposes aforesaid by Sale or Mortgage.

Commissioners to lay Accounts before one Justice.

XLI. 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 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

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 Account shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justice.

XLII. 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 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 so 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 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 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.

Power of
Appeal to
the Quarter
Sessions.

XLIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or 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 Lands and Grounds hereby directed to be divided and allotted, in case this Act had not been made.

General
Saving.

1954

51° GEORGII III. *Cap.* 96.

Printed Copy
of the Act to
be Evidence.

XLIV. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN
Printers to the King's most Excellent Majesty. 1811.