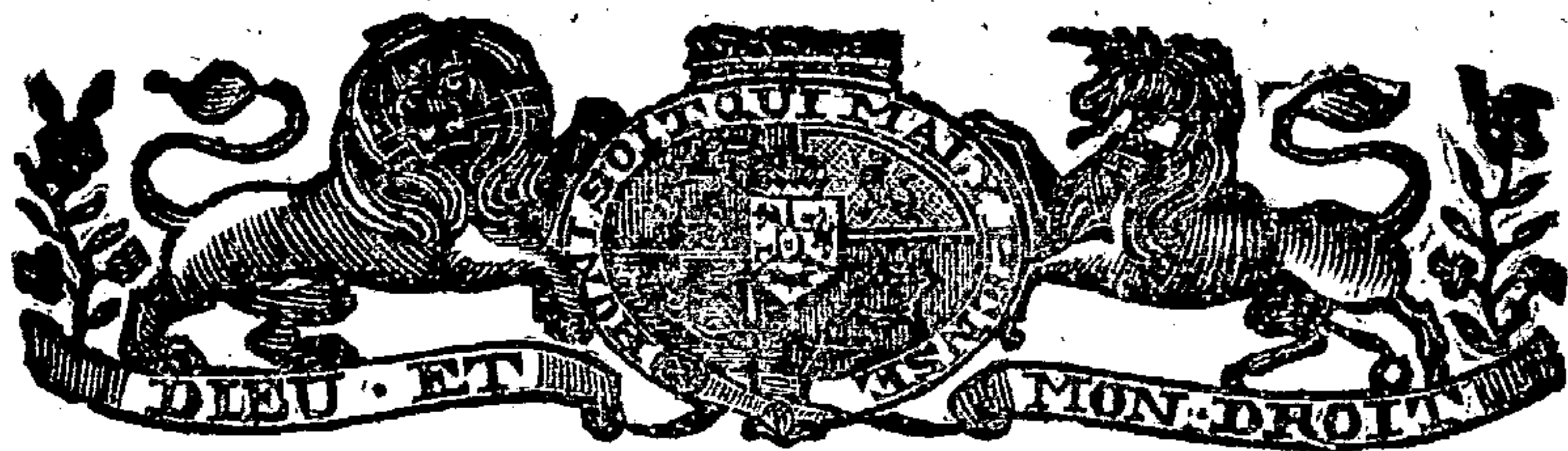




ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 144.

An Act for inclosing Lands in the Manor and Parish
of *Turweston*, in the County of *Buckingham*.

[3d June 1813.]

WHEREAS there are within the Manor and Parish of *Turweston*, in the County of *Buckingham*, several Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste and other Commonable Lands and Grounds: And whereas the Reverend the Dean and Chapter of the Collegiate Church of *Saint Peter's, Westminster*, are Lords of the Manor of *Turweston* aforesaid, and are also entitled to the Perpetual Advowson, Right of Patronage and Presentation of, in, and to the Parish Church of *Turweston* aforesaid, and the Reverend *Thomas Causton* Clerk is Rector of the said Parish Church: And whereas the said *Thomas Causton*, in Right of his said Rectory, is entitled to Two Yard Lands, Glebe Lands, Part of the Lands and Grounds intended by this Act to be divided and inclosed, and also to all the Great and Small Tythes whatsoever arising, renewing or payable, for or in respect of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste and other Commonable Lands and Grounds, and of all the Old Inclosures, within the said Parish of *Turweston*, which are subject and liable to the Payment of Tythes: And whereas the said Dean and Chapter of the Collegiate Church of *Saint Peter's, Westminster*, and their Lessee *George Courthope, John Yates, Richard Yates, Thomas Arnold, John Barrett*, and other Persons, are seized and possessed of, or otherwise interested in the Residue of the said Open and Common Fields, Common

[Loc. & Per.] 28 P Meadows,

Meadows, Common Pastures, Commons, Waste and other Commonable Lands and Grounds by this Act intended to be divided and inclosed, and they, or some of them, or their respective Tenants, are or claim to be entitled, and do enjoy Common of Pasture for their Cattle, in and over the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste and other Commonable Lands and Grounds, or some Part thereof respectively: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Estates of the several Owners and Proprietors in the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste and other Commonable Lands and Grounds lie intermixed and dispersed in small Parcels, and are, in their present Situation, incapable of any considerable Improvement, and it would be very advantageous and beneficial to the Parties interested therein if the same were exonerated from the Payment of Tythes, and divided and inclosed, and specific Parts and Shares thereof allotted and awarded unto and amongst the several Proprietors, according to their respective Rights and Interests therein; but inasmuch as such Division and Inclosure cannot be effectually made and established without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste and other Commonable Lands and Grounds within the said Manor and Parish of *Turweston*, shall as soon as conveniently may be after the passing of this Act, be divided, allotted, and inclosed in Manner herein-after mentioned; and that *Thomas Fulljames* of *Hasfield Court*, in the County of *Gloucester*; *John Davis* of *Bloxham*, in the County of *Oxford*; and *Thomas Hopcraft* of *Crowton*, in the County of *Northampton*, Gentlemen, and their Successors (to be elected in Manner herein-after directed) shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Lands and Grounds, and for carrying this and the said recited Act into Execution, pursuant to such of the Powers, Regulations, Directions, and Provisions contained in the said recited Act, as are not controuled by or repugnant to, or otherwise provided for by any of the Clauses, Provisions, or Regulations of this Act, in such Manner as is herein-after directed: Provided always, that all the Powers, Authorities, Directions, Acts, Matters and Things, hereby or by the said recited Act vested in, or authorized to be done or performed by the said Commissioners, may be executed, done and performed by any Two of such Commissioners; and the same shall be as valid and effectual to all Intents and Purposes as if all the said Commissioners had been present, and had executed, done and performed the same.

Commissioners.

Appointment of new Commissioners.

II. And be it further enacted, That in case the said *Thomas Fulljames* shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner as aforesaid, the said Dean and Chapter and their Successors, by any Writing under their Common Seal, shall and may within Twenty-one Days

Days after such Death, Neglect, Refusal, or Incapacity as aforesaid, nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the room of the said *Thomas Fulljames*; and in case the said *John Davis* shall die, neglect or refuse to act, or become incapable of acting as a Commissioner as aforesaid, the said *Thomas Causton* or the Rector for the Time being, shall and may by any Writing under his Hand and Seal within Twenty-one Days after such Death, Neglect, Refusal, or Incapacity as aforesaid, nominate and appoint a proper Person not interested in the said intended Division and Inclosure, to be a Commissioner in the room of the said *John Davis*; and in case the said *Thomas Hopcraft* shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner as aforesaid, the major Part in Value (such Value to be ascertained by the Land Tax Assessment) of the said Proprietors, or Persons interested in the said Division and Inclosure (except the said Dean and Chapter, and the said Rector and his Successors) shall and may by any Writing under their Hands and Seals, within Twenty-one Days next after such Death, Neglect, Refusal or Incapacity as aforesaid, nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the room of the said *Thomas Hopcraft*; and in case of the Death of any Person so nominated and appointed a Commissioner in the room of any Commissioner who shall die, neglect, or refuse to act, or become incapable of acting as aforesaid, the said Person or Persons, or Proprietors respectively by whom such Commissioner was appointed, their respective Successors, Heirs, Executors, Administrators and Assigns, shall in the like Manner appoint another Commissioner in his room, and so as often as any Vacancy shall happen by such Death, Neglect, Refusal, or Incapacity as aforesaid; but if the said Dean and Chapter, or the Rector for the Time being, or the said other Proprietors, shall neglect to make such Appointment as aforesaid within the Time aforesaid, then and as often as the Case shall happen, the surviving or remaining Commissioners or Commissioner shall within Twenty-one Days after the Expiration of the Time herein-before allowed for appointing a Commissioner in case of any Vacancy, appoint another Commissioner in the room of each Commissioner so dying, neglecting, refusing, or becoming incapable to act as aforesaid, and every such new Commissioner so to be nominated and appointed as before directed, shall from and immediately after their respective Appointments and taking the Oath prescribed by the said recited Act, have such and the like Powers and Authorities for putting this Act in Execution, as if he or they had been named and appointed a Commissioner or Commissioners in this Act; all which Appointments shall be annexed to the Award herein-after mentioned, and be inrolled therewith.

III. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given in the Newspaper called *The Northampton Mercury*, or in some other Newspaper published or circulated in the said County of *Buckingham*, and also in Writing to be affixed on one of the principal Doors of the Parish Church of *Turweston* aforesaid, of the Time and Place of their First and every other Meeting for the Execution of this Act, at least Eight Days before every such Meeting, (Meetings by Adjournment only excepted); and that all Meetings of the
Commissioners to give Notice of their Meetings.

said Commissioners shall be held within the said Parish of *Turweston*, or within Eight Miles thereof: Provided always, that if at any Meeting appointed to be holden as aforesaid, only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place within Eight Miles of the Parish of *Turweston*, as he shall think most convenient.

Other Notices
how to be
given.

IV. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given, either by Advertisement in the said Newspaper called *The Northampton Mercury*, or in some other Newspaper circulated in the said County of *Buckingham*, or by affixing the same on One of the principal Doors of the said Parish Church.

Commission-
ers to settle
Disputes.

V. And be it further enacted, That if any Dispute or Difference shall arise between the Parties interested in the said Division and Inclosure, touching or concerning the respective Shares, Rights, and Interests which they or any of them shall have or claim in the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Inclosure, or touching or concerning the Admeasurement or Valuation of any Part of the Premises, or any other Matter or Thing relating to the said intended Division and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized to examine into, hear and determine the same.

Commission-
ers not to
determine
Titles, nor
molest Posses-
sors.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable or authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachments;) 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 thereon, until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Power to
assess Costs.

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 this Act or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required by Warrant under their Hands and Seals, directed to any Person

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 so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

VIII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of the Right of the Soil of the said Commons and Waste Grounds, or of any Rights of Common or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall and may be lawful for the Person and Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or the following Assizes to be holden for the said County of *Buckingham*; and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had thereon, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims to such Common Rights or other Rights or Interests, in, over, or upon the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

IX. Provided always, and be it enacted, That no such Difference, Action, or Proceeding as aforesaid, nor any Difference, Suit, Action, or Proceeding touching or concerning the Title to any Lands, Tenements, or Hereditaments, shall in anywise delay or impede the said Commissioners in the

Allowing Parties to try their Right by an Issue at Law.

Actions not to impede Proceedings of Commissioners.

[Loc. & Per.]

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the Execution of the Powers vested in them by the said recited Act and this Act; but the Division and Inclosure hereby directed to be made, shall be proceeded in, notwithstanding such Differences, Suits, Actions, or Proceedings.

In case of
Death before
Actions
brought,
same may
be brought
against and
defended by
the Heir, in
the Name of
the Person
dying.

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

Surveyors.

XI. And be it further enacted, That *Michael Russell*, and *William Colliſſon* the younger, of *Brackley* in the County of *Northampton*, Land Surveyors, shall be and they are appointed Surveyors for all the Purposes of this Act; and that in case of their or either of their Death, or Refusal to act, then some other fit and proper Person or Persons shall be nominated and appointed for those Purposes by Writing under the Hands of the said Commissioners.

XII. Provided always, and be it further enacted, That every Person so to be appointed Surveyor as aforesaid, shall, before he shall proceed to act as such Surveyor, take and subscribe the Oath following; (that is to say)

Oath.

‘ I do swear, That I will faithfully, impartially, and honestly, do, execute, and perform the several Duties incumbent on me as a Surveyor, under and by virtue of an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled [*here insert the Title of this Act*] according to the best of my Skill and Judgment, according to Equity and good Conscience, and without Partiality, Favour, or Affection, Prejudice or Malice, to any Person or Persons whomsoever.
‘ So help me GOD.’

Which Oath it shall be lawful for the said Commissioners to administer and they are hereby required to administer the same; and the said Oath, so taken and subscribed by such Surveyor, shall be annexed to and enrolled with the Award of the said Commissioners, and a Copy of the Enrolment thereof shall be admitted as legal Evidence.

XIII. And

XIII. And be it further enacted, That in case it shall appear to the said Commissioners, that there are or is any public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway in, through, or over, or on the Sides of any of the old inclosed Lands or other Lands within the said Parish of *Turweston*, which may in the Judgment of the said Commissioners be diverted and turned, without Inconvenience to the Public, into any other public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, or be diverted or turned so as to make the same more convenient for the Public, or be stopped up and destroyed as superfluous and unnecessary, it shall be lawful for the said Commissioners, with the Concurrence and Order of Two Justices of the Peace acting in and for the Hundred or Division of the said County in which the said Parish of *Turweston* is situated, subject to Appeal and in Manner as in this or the said Act of the Forty-first Year of His present Majesty is mentioned, in and by their said Award to order and direct such public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, to be altered, turned, stopped up or destroyed, in such Manner as the said Commissioners shall think proper and reasonable; and in case such Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, so to be diverted, turned, stopped up or destroyed, do not lead through any of such old inclosed Lands or other Lands, but on the Sides of the same, to sell and dispose of the Land and Soil of such Roads to the Person or Persons whose Lands lie adjoining thereto, and apply the Money arising thereby towards repairing the public Highways within the said Parish, as the Case may be.

Commissioners may alter Roads through ancient Inclosures.

XIV. And be it further enacted, That the said Commissioners shall and may enlarge, widen, scour, and cleanse all or any of the ancient Reservoirs of Water, Brooks, Drains, Ditches, Watercourses, Tunnels, and Bridges in the said Parish of *Turweston*, and set out such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges, as well in, through and over the Lands and Grounds hereby directed to be divided and inclosed, as also in, over, and through any ancient Inclosures in the said Parish, as to them shall seem proper and necessary (they the said Commissioners making such Satisfaction to the Proprietors of such ancient Inclosures for the Damage done thereby, as they in their Discretion shall think reasonable) of such Breadth and Depth, and in such Direction as the said Commissioners shall think proper; and the said Commissioners shall and may, and they are hereby directed, in and by their said Award, to order by whom and at whose Expence, and at what Time, and in what Manner the said Reservoirs, Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges shall be made and thereafter repaired, cleansed, scoured, and maintained: Provided always, that no Stream or Brook of Water shall be diverted or turned, without the Consent in Writing of the Owner or Owners of the ancient Inclosures, from which any such Stream or Brook shall be diverted, or into which any such Stream or Brook shall be turned.

Power to Commissioners to enlarge Water-courses, &c.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required, before any other Allotment or Allotments shall be made in pursuance of this Act, to set out and allot unto the Surveyors of the Highways of the Parish of *Turweston* aforesaid, and their Successors for the Time being, out of, from and upon any of the

Allotments for Stone and Gravel Pits.

the Lands or Grounds by this Act intended to be divided, allotted, and inclosed, one or more Plot or Plots, Allotment or Allotments of Ground, for the Purpose of getting Stone, Sand, Gravel, and other Materials for the Repairs of the several public and private Roads and Ways within the said Parish of *Turweston*, as they the said Commissioners shall think necessary and proper for that Purpose; which said Allotment or Allotments shall be ring-fenced and inclosed, and the Fences thereof for ever after maintained and supported, in such Manner and by such Person or Persons as the said Commissioners shall order or direct, and which said Allotments respectively shall and may be annually set out at Rack Rent by the said Surveyors (subject to such digging of Materials for the Reparation of the said Roads), for the best Rents that can be gotten for the same, which said Rents shall be applied to the Repairs of the several Roads in the Parish of *Turweston* aforesaid for ever.

Lands liable
to be allotted.

XVI. And be it further enacted, That all Commonable and Waste Lands, and all Fields or Inclosures containing the Property of Two or more Persons within one Fence, and also all Inclosures detached from Homesteads, and not exceeding Ten Acres each, of whatever Tenure the same may respectively be, or wherein any Person or Persons have Right of Common, shall be considered as Commonable Land, and be divided, allotted, and inclosed accordingly; and in such or any other Cases where Allotments are or shall be made to any Person or Persons holding Estates of different Tenures, or for different Terms, under different Lords or Land Owners, or under the same Lord or Land Owner, the said Commissioners shall in their Award declare in lieu of which Estate the Allotment or respective Allotments shall be so made.

Allotment in
lieu of Glebe
Lands, &c.

XVII. And be it further enacted, That after the several Roads and Ways, and the Plots or Allotments for Stone or Gravel Pits shall have been set out and appointed, the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto, and for the said *Thomas Causton* and his Successors, Rectors of *Turweston* aforesaid, such Plot or Plots of the Lands and Grounds hereby directed to be divided and inclosed, as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands and Right of Common thereunto belonging.

Allotment in
lieu of Great
and Small
Tithes.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, to set out, allot, and award, unto and for the said *Thomas Causton* as such Rector, and his Successors, for and in lieu of his Great and Small Tithes, yearly issuing, arising, or renewing out of such Parts of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste and other Commonable Lands and Grounds hereby directed to be divided and inclosed, as are subject and liable thereto, and for and in lieu of the Tithes of all such Messuages, Tenements, Gardens, Orchards, and inclosed Meadows and Pastures, and other ancient Inclosures held in Severalty within the Parish of *Turweston* as aforesaid, as are subject and liable thereto, such Plot or Plots, Parcel or Parcels of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Wastes, and

and other Commonable Lands or Grounds, as shall contain or be equal in Value to One-fifth Part of all the Arable Lands, and to One-eighth Part of all the remaining Lands within the Parish of *Turweston* afore said, after deducting the Land or Ground set out for Roads, and the several other Allotments herein-before directed to be set out as afore said: Pro-
 vided always, that nothing in this Act contained shall prejudice, lessen, or defeat the Right or Title of the said *Thomas Causton* or his Successors, Rectors of *Turweston* afore said, to any Mortuaries, *Easter Offerings*, or Surplice Fees arising or becoming due to him in the Manor and Parish of *Turweston* afore said.

Mortuaries
and Surplice
Fees not to
be affected by
this Act.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, to set out and allot unto and for the Lords of the Manor of *Turweston* afore said, such Parts of the said Land and Ground hereby intended to be divided, allotted, and inclosed, as in the Judgement of the said Commissioners making the same shall be a reasonable Satisfaction and Compensation for their Right of Soil, which they, as Lords of the Manor afore said, now have, or might or of Right ought to have had therein, in case this Act had not been made.

Allotments to
the Lords of
the Manor.

XX. And be it further enacted, That the several Allotments herein-before directed to be set out for the said *Thomas Causton* Rector as afore said, and his Successors, in lieu of his said Glebe Land and Great and Small Tithes, shall be inclosed and Ring-fenced in respectively, in such Manner as the said Commissioners shall direct, and such Parts of the Boundary Fences for inclosing the same, as shall be directed to be made on the said Allotments respectively, shall be planted with good Whitethorn Quicksets, and when so planted, shall be guarded on each Side thereof by good and substantial Posts and Rails, and in such Fences respectively there shall be a sufficient Number of good and substantial Gates and Stiles, all which said Fences shall be planted, guarded, and protected, and the said Gates and Stiles made and erected in the Manner to be directed by the said Commissioners, and the same shall be maintained and supported for the Term of Seven Years next following, and until the same shall be good and substantial Fences, by and at the Expence of all or such of the Proprietors to whom the other Allotments of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste and other Commonable Lands and Grounds shall be set out or allotted, except such Proprietors whose Lands are free from Tithes in respect of such Tithe-free Estates, in such Manner and in such Shares and Proportions as the said Commissioners shall by Writing under their Hands, or by their said Award, order and direct; and that from and after the said Term of Seven Years, or when the said Fences shall become good and substantial live Fences as afore said, the same shall for ever thereafter be maintained, supported, and kept in Repair by and at the Expence of the said *Thomas Causton* and his Successors, Rectors as afore said, for the Time being.

Glebe and
Tythe Allot-
ments to be
ring-fenced.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for the said *Thomas Causton* and his Successors, Rectors as afore said, for the Time being, and the Churchwardens and Overseers of the Parish of *Turweston* afore said,

Allotment to
the Poor.

[Loc. & Per.]

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for

for the Time being, such Plot or Plots, Allotment or Allotments of Land, Parcel of the Lands and Grounds hereby intended to be inclosed, as shall in the Judgement of the said Commissioners be thought a proper Satisfaction for the Liberty heretofore exercised by the Poor of the said Parish of *Turweston*, of cutting Furze and other Fuel growing on Parts of the said Commonable Lands; and from and after such Allotment or Allotments shall be made in Satisfaction as aforesaid, all Liberty and Right of cutting Furze and other Fuel as aforesaid, shall cease; and the said Trustees and their Successors shall stand and be seized of such Land, so to be allotted in Satisfaction for such Liberty as aforesaid, upon Trust for the Use of the Poor of *Turweston* aforesaid, with Power from Time to Time to let the Whole or any Part or Parts thereof, for any Term or Terms of Years not exceeding Twenty-one Years, for the best and most improved Rent that can be gotten for the same, or otherwise to allow the Poor to cut and carry away the Furze and other Fuel that may from Time to Time be standing or growing on the said Land so to be allotted, or any Part or Parts thereof, at such Times and Periods, and in such Manner and under such Regulations, Rules, and Orders, as they the said Trustees shall at any Time or Times, by Notice in Writing under their Hands, to be affixed on the Church Door of *Turweston* aforesaid, order and direct; and if the said Trustees shall determine to let all or any Part or Parts of the said Lands so to be allotted as aforesaid, then the clear Rents, Issues, and Profits arising from the Part or Parts so to be let, after the Costs and Charges attending the Execution of the Powers hereby in them reposed shall be satisfied, shall be laid out in the purchasing of Coals or other Fuel for the Use of the Poor of *Turweston* aforesaid, and shall cause the same to be distributed amongst the Poor on or before the Twenty-fourth Day of *December* yearly, for ever, in such Proportions as the said Trustees, or any Person or Persons, to be deputed for that Purpose, by them, shall think fit and reasonable; and in case of any Difference or Differences between the said Trustees in the Execution of the Trusts hereby in them reposed, it shall and may be lawful to and for any Two Justices of the Peace acting in and for the Division or Hundred in which *Turweston* is situated, on Complaint of any One of the Parties (such Party complaining giving Notice in Writing under his Hand Six Days at least to his Co-trustee or Trustees, of his Intention of making such Application), to examine the Parties and others, upon Oath or otherwise, and to hear, settle, and determine such Differences; and the Judgment or Order such Justices shall be final and conclusive to all Parties.

Allotments
of the Re-
sidue of the
Open Fields.

XXII. And be it further enacted, That after the several Divisions and Allotments herein-before directed to be made shall have been allotted and set out in the Manner herein-before directed, the said Commissioners shall set out and allot the Residue and Remainder of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste and other Commonable Lands and Grounds hereby directed to be divided and inclosed, unto and amongst the several Proprietors thereof, and Persons interested therein, in such Quantities, Shares, and Proportions, and in such Manner as by the Commissioners shall be adjudged and determined to be a just and full Compensation and Satisfaction for, and equal to their several and respective Rights and Interests therein; and the

the said Allotments shall be fenced in, and the several and respective Mounds and Fences for dividing and inclosing the same, shall be made and for ever thereafter maintained and supported, in such Manner as the said Commissioners shall in and by their Award order and direct.

XXIII. And be it further enacted, That convenient Gaps and Openings shall be left in the Fences and Inclosures for the Space of Six Calendar Months next ensuing the Execution of the said Award, for the Passage of Persons, Cattle, Carts, and Carriages, in, by, and through the same, unless the said Commissioners shall order and direct the contrary, and then for such Time only, as they shall order and direct; and that all and every the Ditches of the Boundary Fences of each and every Allotment shall be Four Feet Wide and Two Feet Deep, upon the level Surface of the Ground. Openings to be left, &c.

XXIV. And be it further enacted, That when any Parcel of the Lands so to be allotted as aforesaid, shall abut or adjoin upon any Freeboard belonging to any Common Fields or inclosed Lands next adjoining the Lands and Grounds hereby intended to be inclosed, the Person or Persons to whom such Parcels of Lands shall be allotted, shall and may and is and are hereby empowered to set up and erect Gates, or any other Kind of Fences, having a Gate therein sufficient to admit a Carriage, in, over, and upon such Freeboards, until such Time as the Owner or Owners of such Freeboards shall have sufficiently, at his, her, or their own Expences, ditched, fenced, and mounded out the same Freeboards from the same Parcels of Land adjoining thereto, except where such Freeboard shall be Part of a Public Road necessary to be continued, and then such Freeboard shall remain as Part of such Road. Fencing across Freeboards.

XXV. And be it further enacted, That the several Lands and Grounds so to be allotted and awarded upon the said Division and Inclosure, to the several Persons concerned, and the several Messuages, Lands, Tenements, old Inclosures, new Allotments, and other Hereditaments, which shall be exchanged in pursuance of this or the said recited Act, shall immediately after such Allotments and Exchanges are made as aforesaid, be, remain, and enure; and the several Persons to whom the same shall be respectively allotted or given in Exchange as aforesaid, shall from thenceforth stand and be seised and possessed thereof, to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases (except Leases at Rack Rent), Charges and Incumbrances, as the several and respective Messuages, Lands, Tenements, old Inclosures, new Allotments, or other Hereditaments, in lieu of which such Allotments or exchanged Premises shall be respectively made or taken as aforesaid, are now held under, or subject to, or liable to be charged with or affected by, or might or would have been held under, or subject to, or liable to have been charged with, or affected by, in case the said recited Act or this Act had not been made. New Estates to remain to the same Uses as former Estates.

XXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, to set out, allot, and award any Lands, Tenements, For making Exchanges.

ments, and Hereditaments within the Parish of *Turweston* aforesaid, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the Parish of *Turweston* aforesaid, or within any Parish or Place adjoining the same; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or in Fee Tail General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchanges shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consents (testified as aforesaid) of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall be situate, first had and obtained in Writing.

Costs of Exchanges to be borne by the Parties making them.

XXVII. And be it further enacted, That all the Costs, Charges, and Expences attending the making of any Exchange or Partition to be made by virtue of this Act or the said recited Act shall be paid, borne, and defrayed by the several Persons making such Exchange and Partition, in such Shares and Proportions, and at such Times, and to such Person or Persons as the said Commissioners shall by any Writing under their Hands direct or appoint.

Leases at Rack Rent to be void.

XXVIII. And be it further enacted, That all and every Lease and Leases at Rack Rent, subsisting of all or any Part of the Lands and Grounds to be divided and inclosed, or exchanged by virtue of this Act, or of the Tythes thereof, or of any Part thereof, either alone or jointly with any other Tenements, Tythes, or Hereditaments, and all Agreements for any Term or Time therein, as to the Whole of the Tenements, comprised in such Lease or Leases or Agreements, shall on such Day as the said Commissioners shall by Writing under their Hands for that Purpose limit or appoint, cease, determine, and be utterly void, the respective Lessees or Tenants thereof receiving from the respective Landlords, Owners or Proprietors of the same Premises, such Satisfaction as the said Commissioners shall by any Writing under their Hands, ascertain, order, and direct, as reasonable to be paid to such Lessees or Tenants on account thereof, and such Lessees or Tenants respectively paying to the respective Landlords, Owners and Proprietors of the same Premises, such Rents or Sums of Money,

Money, up to the Time of vacating such Leases or Agreements, for the Use and Occupation thereof, as the said Commissioners shall in like Manner ascertain, order, and direct, as reasonable and proper in that Behalf: Provided always, that if there shall be any Lease or Leases of Lands, Part of which shall be in the Parish of *Turweston*, and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may and shall be vacated; but nothing in this Act contained shall extend to the vacating of any Lease of Lands taken in Exchange, if such Lands taken in Exchange be wholly situate in an adjoining Parish.

XXIX. And be it further enacted, That in case any Owner or Proprietor of any Messuages, Mills, Tenements, Cottages, Orchards, Gardens, Woods, Coppices, Spinnies or old Inclosures within the Parish of *Turweston* aforeaid, which are Tytheable as aforeaid, shall not have sufficient Lands or Common Rights in the said Lands and Grounds by this Act directed to be divided and inclosed, to contribute any or a full Proportion to the Allotment or Allotments to be made to the said *Thomas Causton*, as Rector of *Turweston* aforeaid, for his Great or Small Tythes as aforeaid, then and in every such Case the said Commissioners shall and they are hereby authorized and required by and out of the Waste or Commonable Lands and Grounds hereby intended to be divided and inclosed as aforeaid, to allot and award to the said *Thomas Causton* and his Successors, as Rector of *Turweston* aforeaid, such Compensation in Land for the Tythes, or for any Moduses in lieu of Tythes for any Messuages, Mills, Tenements, Cottages, Gardens, Orchards, Woods, Coppices, Spinnies or old Inclosures within the Parish of *Turweston* aforeaid, for which Compensation in Land cannot be made by the Owners thereof as aforeaid, as in the Judgment of the said Commissioners shall be a full Compensation for the Tythes or Moduses in lieu of Tythes, arising and payable out of and from the said last-mentioned Premises respectively; and that the Person or Persons whose Messuages, Tenements, Gardens, Orchards, and ancient Inclosures shall be exonerated and discharged from Tythes or Moduses in lieu of Tythes by such Compensation as last-mentioned, shall pay such Sum and Sums of Money as the said Commissioners shall deem and adjudge to be a full Recompence and Satisfaction for the Tythes or Moduses in lieu of Tythes of the said Messuages, Mills, Cottages, Tenements, Orchards, Gardens, Woods, Coppices, Spinnies, or old Inclosures respectively last mentioned; which Sum or Sums of Money shall be applied towards Discharge of the Charges and Expences of the several Persons from whose Allotments any Deductions shall have been made, for making Compensation for Tythes as aforeaid, incident to and attending the passing and obtaining this Act, and of the Expences attending the Execution thereof; and in case any Surplus shall remain after Payment of such Expences as aforeaid, such Surplus shall be divided between the several Persons from whose Allotments any such Deduction shall have been so made as aforeaid, in such Shares as shall be in Proportion to their respective Property and Interests; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively; and the Shares of such other Proprietors of and in such Surplus Money, shall be applied and disposed of in Manner directed by the said recited Act, in those Cases where any Money is to be paid for the Purchase or Exchange of any Lands, Tene-

Compensation for Tythes of old Inclosures, Home-steads, &c. if Owners not intitled to Common Suffrage.

ments, 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.

Commissioners to direct the Course of Husbandry.

XXX. And be it further enacted, That the said Commissioners shall and they are hereby required, as soon after the passing of this Act as they shall think necessary, by some Writing or Writings under their Hands, to be affixed on One of the principal Doors of the Church of *Turweston* aforesaid, to order and direct the Course of Husbandry that shall be used in, over, and upon the said Open Fields and Waste Grounds, hereby intended to be divided, allotted, and inclosed, until the Time when they shall have completed the respective Allotments thereof, as well with respect to the ploughing, sowing, fallowing, tilling, and laying down thereof, as to the Stocking and Pasturage thereof, and by the same or any other Writing or Writings under their Hands, to be affixed in Manner aforesaid, shall and may make such Orders, Rules, and Regulations as to them shall seem expedient, touching the Conduct of the Farmers and Occupiers within the said Parish of *Turweston*, for preventing them from ploughing up or tilling any Meadow, Pasture, or Fresh Ground, or committing any Waste or Destruction upon any Part of the said Lands or Grounds hereby intended to be divided, allotted, and inclosed, and in the mean Time, and until the setting out, assigning, and allotting thereof shall be completed as aforesaid; all which Rules, Orders, and Regulations of the said Commissioners shall be binding and conclusive upon all the said Farmers and Occupiers, and all other Persons interested therein; and the said Commissioners shall set and impose such Penalties and Forfeitures, not exceeding Twenty Pounds for any one Offence, on every Person not conforming to such Rules, Orders, and Regulations, as they shall think necessary; which Penalties and Forfeitures shall be paid to such Person or Persons and for such Uses and Purposes as the said Commissioners shall, by any Writing or Writings under their Hands or by their Award, direct or appoint; and the said Commissioners are hereby authorized and required, by Warrant or Warrants under their Hands directed to any Person or Persons whomsoever, to cause the same Penalties and Forfeitures to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels.

Penalty for depasturing Sheep or Lambs.

XXXI. And be it further enacted, That no Person or Persons shall depasture or keep any Sheep or Lambs in any Part or Parcel of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste and other Commonable Lands and Grounds, hereby intended to be divided, allotted, and inclosed, during the Space or Time of Five Years from the Execution of the Award of the said Commissioners, unless the Persons respectively so depasturing or keeping such Sheep or Lambs do at their own Expence effectually guard and fence all and every the Quicksets growing upon the respective Lands where such Sheep or Lambs shall be so depastured or kept, or upon the Lands adjoining thereto, and so as to prevent any Damage or Injury being done to such Fences or Quicksets by such Sheep or Lambs; and no Person or Persons shall at any Time turn or put, or cause to be turned or put, any Cattle in

any of the Ways or Lanes within the said Parish of *Turweston* afore said, where the Fences shall be guarded on each Side thereof, according to the Directions of the said Commissioners.

XXXII. And be it further enacted, That the said Commissioners, and the Clerk or Clerks to be appointed by them, shall respectively be paid, for every Day whereon they shall travel, or meet and attend or act in the Powers hereby or by the said recited Act vested in them, the Sum of Three Guineas each, and no more, for their Trouble, Attendance, and Expences; which Payments, and also the Charges and Expences of obtaining and passing this Act, of valuing, surveying, planning, admeasuring, dividing, and allotting the said Lands and Grounds hereby intended to be divided and inclosed, and of valuing, surveying, planning, and admeasuring the said old Inclosures and other Premises afore said, and of preparing and enrolling the said Award, and also the Charges and Expences of inclosing and fencing the said Glebe Lands as afore said, and the several and respective Allotments for Tithes, and all other Charges and Expences in and about carrying this Act into Execution, shall be paid, borne, and defrayed by the several Owners and Proprietors of, and Persons interested in the said Lands and Grounds to be divided and inclosed, and old Inclosures exonerated from Tithes by virtue of this Act (other than and except the said Rector and his Successors for or in respect of any Allotment or Allotments which shall be made to him in lieu of his Glebe and Tithes), in such Shares and Proportions, at such Time or Times, and to such Person or Persons as the said Commissioners shall, either before or after the Execution of the said Award, by any Writing under their Hands, order, direct, and appoint; and the same shall be recoverable and recovered according to and under Direction of the said recited Act.

Allowance to Commissioners and Clerk, and Expences of this Act.

XXXIII. And be it further enacted, That the Lessees and Copyhold Tenants of the said Dean and Chapter, their Executors, Administrators, or Assigns, shall and they are hereby required to bear, pay, and discharge all the Costs, Charges, and Expences which shall be incurred in obtaining, passing, and executing this Act, in respect of the said Lands, Grounds, and Right of Common belonging to the said Dean and Chapter, and now held by their Lessees and Copyhold Tenants; and also in fencing and maintaining the Fences of the Allotment or Allotments in lieu thereof, and which shall be directed by the said Commissioners to be paid by the said Dean and Chapter, or their Lessees or Copyhold Tenants, in respect thereof.

Lessees of the Dean and Chapter of Saint Peter's, Westminster, to pay their Share of Expences.

XXXIV. And be it further enacted, That Once at least in each and every Year during the Execution of this Act, such Year to be computed from the Day of the passing thereof, the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them referred to and laid before *Thomas Carter of Edgcott House*, in the County of *Northampton*, Esquire, to be by

Commissioners to lay their Accounts before a Referee.

by him examined and [balanced; and such Balance shall be by such Referee stated in a Book of Accounts, to be kept at the Office of the Clerk of the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by the said Referee.

In case of the Death of Thomas Carter, another Referee to be appointed.

XXXV. Provided always, and be it further enacted, That in case the said *Thomas Carter* shall die, or refuse to act as a Referee as aforesaid, before the Matters and Things to be done by virtue of this Act shall be entered upon or fully performed and finished, it shall be lawful for the Proprietors, or the major Part in Value (such Value to be ascertained by the Land Tax Assessments of the Lands or Grounds hereby intended to be divided and inclosed) assembled at a Meeting specially convened for that Purpose, by Notice to be affixed on One of the principal Doors of the Parish Church of *Turweston* aforesaid, Fourteen Days at the least before the Time appointed for holding a Meeting, by Writing under their Hands, to appoint some other fit and proper Person, not interested in the said Division and Inclosure, to be a Referee in the Place and Stead of the said *Thomas Carter*, and so as often as for the Reasons aforesaid or any other Cause, as Occasion may require; and the Person or Persons so to be from Time to Time nominated and appointed as Referee or Referees, shall have the like Power and Authority for executing the Purposes aforesaid.

Proprietors and Agents to pay their own Expences.

XXXVI. Provided always, and be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held pursuant to this Act.

Persons advancing Money, to be repaid with Interest.

XXXVII. And be it further enacted, That if any Person shall advance and lend any Money for defraying the Expences of applying for and obtaining this Act, or for carrying the same into Execution, every such Person shall be repaid such Money, with lawful Interest for the same, out of the Money which shall be first raised by virtue of this Act.

Award to be deposited.

XXXVIII. And be it further enacted, That the Award to be made by the said Commissioners, when enrolled in Manner directed by the said recited Act, shall, together with a Plan annexed, be deposited and kept in the Parish Church of *Turweston* aforesaid.

Persons aggrieved may 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, or omitted to be done, in pursuance of this or the said recited Act, then and in every such Case (except where the Orders, Determinations, and Proceedings of the said Commissioners are by this or the said recited Act declared to be binding, final, and conclusive; and except in such Cases where an Issue at Law shall be tried as is herein-before mentioned), he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held in and for the County of *Buckingham*, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices at such Quarter Sessions are hereby authorized and required to hear

hear and determine the Matter of such Appeal, and to make such Order therein and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

XL. And be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said Dean and Chapter, or of any other Person or Persons who shall respectively for the Time being be Lord or Lords, Lady or Ladies of any Manor or Manors, Lordship or Lordships, or reputed Manors or Lordships, within the Jurisdictions or Limits whereof the said Open and Common Fields, Meadows, Pastures, and Waste Lands, hereby directed to be divided and inclosed, or any Part thereof respectively are comprized, of, in, or to the Seigniorship or Royalties incident and belonging to such Manors or Lordships, or any of them respectively; but that such Lord or Lords, Lady or Ladies for the Time being, shall and may at all Times hereafter hold and enjoy the same, and all Rights and Services, Courts, Perquisites, and Profits of Courts, Franchises, Privileges, Waifs, Estrays, and all other Royalties, Rights, and Appurtenances to such Manors or Lordships respectively incident or belonging, other than those which are intended to be barred and destroyed by this Act, in as full, ample, extensive, and beneficial Manner as they respectively could or might have held and enjoyed the same, in case this Act had not been made.

Saving
Rights to the
Lords of the
Manor, &c.

XLI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators (other than and except the respective Persons to whom any Allotment or Allotments, or any Compensation or Satisfaction in lieu of Tithes, shall be made or given or taken in Exchange by virtue of this or the said recited Act, in respect of the Interest or Property for which such Allotment or Allotments or Compensation shall be made), all such Estates and Interests as he or they or any of them had or enjoyed in, to or in respect of the said Open and Common Fields, Meadows, Pastures, and Waste Lands, before the passing of this Act, or would or ought to have had or enjoyed in case the same had not been made; but no such Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to defeat the End and Design of this Act, by avoiding, impeaching, or in any way destroying any of the several Divisions and Allotments so to be made as aforesaid, but shall accept the same in lieu of all such Lands, Grounds, Commons, Rights, Tithes, and Interests, as he, she, or they have therein, or would have been entitled to, in case this Act had not been made.

General
Saving.

[*Loc. & Per.*]

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XLII. And

Act to be
printed by
the King's
Printer.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1813.