

such Payments, to enter on the said Lands, and cut down, take, and carry away to their own Use, the said Trees, Thorns, or Bushes, in respect of which the said Payments were respectively to be made to them, at any seasonable Time or Times within One Year next after such Neglect or Default, they doing as little Damage on the said Lands as may be.

XXI. And be it further enacted, That whenever any Sum of Money is, under the Provision of this Act, or any such Bill, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing therein, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses, it shall and may be lawful to and for such Commissioner or Commissioners, out of such Sum to defray such Proportion of the Expence of passing such Act, and of carrying the same into Execution, as shall, if any, be charged upon any of the Lands, Tenements, or Hereditaments, of the Person or Persons, Body Politick or Corporate, Trustees or Feoffees, in Possession of the Lands, Tenements, or Hereditaments so sold or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, sub-dividing, draining, or planting, and the like, which shall in the Judgment of such Commissioner or Commissioners be proper to be made, and shall be made under his or their Direction, upon any Lands to be by virtue of such Act allotted to such Person or Persons, Body Politick or Corporate, Trustees or Feoffees respectively; and in case the Surplus of such Money shall amount to the Sum of Two hundred Pounds, then the same shall with all convenient Speed, be invested in the Purchase of any Lands or Hereditaments, which shall be conveyed and settled upon, and subject to the like Uses, Trusts, and Limitations, as such Lands so sold or exchanged, or the Lands on which such Timber grew, were settled, limited, or assured; and in the meantime, and until such Purchase can be made, such Money shall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Commissioner or Commissioners, without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to such Lands, Tenements, and Hereditaments, or Timber respectively, either in or towards the Redemption or Purchase of Land Tax, or towards the Discharge of any Debts or Incumbrances affecting the Lands or Hereditaments so purchased or exchanged, or on which such Timber grew, or until the same shall, upon the like Application, in a summary Way, be laid out by Order of the said Court in the Purchase of other Lands, or Hereditaments to be settled to the like Uses; and in the meantime, and until Order can be made, such Money may by Order of the said Court, be laid out in some of the Publick Funds, or on Government or Real Securities, and the Dividends or Interest arising therefrom, shall by Order of the said Court, be paid to such Person or Persons, as would, for the Time being, be entitled to the Rents and Profits of such Lands, Tenements, and Hereditaments, so to be purchased, conveyed, and settled.

Where Money is to be paid for Lands, &c. and which ought to be laid out in other Purchases to be settled to the same Uses, the Commissioners may thereout defray a Proportion of the Expences of passing the Act and putting it in execution, &c.; and if the Surplus amount to 200*l.* it shall, as soon as may be, be laid out in other Purchases, and in the meantime be paid into the Bank and applied under the Direction of the Court of Chancery.

XXII. Pro-

If such Money be less than 200*l.* and upwards of 20*l.* it shall at the Option of the Person entitled to the Rents of the Lands, be paid into the Bank, or to Two Trustees to be approved of by the Commissioners, to be applied as before directed;

XXII. Provided always and be it further enacted, That if any such Money shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner before directed; or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the Commissioner or Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

and if less than 20*l.* it shall be applied to the Use of the Person entitled to the Rents of the Lands, as the Commissioners shall think fit.

XXIII. Provided also, and be it further enacted, That where such Money shall be less than Twenty Pounds, then and in such Case the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, in such Manner as the said Commissioner or Commissioners shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees to and for the Use and Benefit of such Person or Persons so entitled respectively.

If any Person does not accept, inclose, and fence his Allotment as the Commissioners shall direct, they may cause it to be inclosed and fenced and let, and receive the Rents until the Expences are satisfied, or they may charge them upon the Proprietor.

XXIV. And be it further enacted, That if any Person to whom any Allotment or Allotments shall be made, or any Guardian, Husband, Trustees, Feoffees, Committees, or Attorney of any Infant, Feme Covert, Charity or Charities, Lunatick, Idiot, Person or Persons beyond the Seas, or otherwise incapable of acting respectively, or any Tenant in Tail or for Life, or Trustee or Trustees for any Settlement, or any Mortgagee or Mortgagees, or other Creditor in Possession, shall neglect or refuse to accept, inclose, and fence his, her, or their Allotment or Allotment within such Time or Times as such Commissioner or Commissioners, by any Writing as aforesaid, or by his or their Award, shall order or direct it shall be lawful for such Commissioner or Commissioners to cause such Allotment or Allotments to be inclosed and fenced, and to let the same to any Person or Persons he or they may think proper, and to receive the Rents and Profits thereof, until the Expences attending the Inclosure and fencing thereof are paid and satisfied, or to charge such Expences upon the Proprietor or Proprietors of the same Allotment or Allotment, and by any such Writing as aforesaid, or by his or their said Award, appoint to whom, and at what Time or Times the same shall be paid subject to the same Mode, and with the like Powers of Recovery thereon as may be provided respecting the other Expences of passing any such Act, and carrying the same into Execution, or otherwise directed by any such Act.

XXV. A

XXV. And be it further enacted, That it shall be lawful for the several Proprietors of the Allotments to be made in pursuance of any such Act, their Agents or Workmen, at any seasonable Time or Times, within the Space of Seven Years next after the fencing of any Allotment or Allotments, to set up and erect Posts and Rails, or other dead Fences, on the Outside of the Ditches bounding their respective Allotments, not exceeding Three Feet from such Ditches, for the Preservation of their Quickset Hedges, and at any seasonable Time or Times before the Expiration of the said Term, to take and carry away the Materials of such outside Fences when they shall think proper.

Within Seven Years after fencing of Allotments, Fences may be erected on the Outside of the Ditches, and the Materials carried away by the Proprietors.

XXVI. And be it further enacted, That no Fences or Hedges which at the Time of the passing of any such Act shall be standing or growing in or upon any of the Lands directed to be divided and inclosed, shall be cut down or destroyed by the Owners and Proprietors thereof, after the passing of such Act, until the Execution of the Award, without the Consent of such Commissioner or Commissioners first had and obtained in Writing for that Purpose; and if any such Fences or Hedges shall be assigned or approved by such Commissioner or Commissioners as and for a Boundary Fence, or as and for a Subdivision Fence to and for any of the Allotments to be made in pursuance of such Act, all such Fences and Hedges shall be left uncut for the Benefit of the Person or Persons to whom such Allotment or Allotments shall belong; and he, she, or they shall make such Compensation in Money to the former Owners and Proprietors thereof, as such Commissioner or Commissioners shall, by Writing under his or their Hand or Hands in that Behalf order and appoint, subject to the same Mode, and with the like Powers of Recovery thereof, as may in such Act be provided respecting the other Expences of passing any such Act, and carrying the same into Execution.

No Fences or Hedges standing when any Act is passed shall be destroyed till the Execution of the Award, without Consent of the Commissioners, and if assigned by them as a Boundary or Division Fences, they shall be left uncut, the Persons to whom the Allotments shall belong making Compensation to the former Owners.

XXVII. Provided always, and be it further enacted, That no Proprietors whose Allotments or Shares shall, upon any such Inclosure, lie and be situate next and adjoining to any Common Fields or inclosed Grounds, the Boundary of which shall be fenced by any Mound, Fence, Brook, or Rivulet, shall be compelled to make or erect any Hedges, Ditches, or Fences, next adjoining to any such Common Fields or inclosed Grounds, for inclosing such their Allotments or Shares; but that the whole Mound, Fence, Brook or Rivulet, or other sufficient Fences which divide any such Common Fields or inclosed Grounds from such Allotments, shall for ever be and remain a Boundary Fence for the Purpose of such Division, and shall from Time to Time be maintained, kept, cleansed, scoured, and repaired, by the respective Proprietors thereof, in the same Manner as before the passing of this Act, or in such other Manner as such Commissioner or Commissioners shall order and direct: Provided nevertheless, that in case it shall happen that some of the Proprietors shall have a greater Proportion of Fences to make and maintain upon any of the Lands directed to be divided and inclosed than in the Judgment of such Commissioner or Commissioners the Allotments of such Proprietors ought to be charged with, it shall be lawful for such Commissioner or Commissioners, where he or they shall judge it proper, to ascertain and appoint such Sum of Money to be paid to every such Proprietor towards making and maintaining such Fences, by such other of the Proprietors who may have a less Proportion of Fencing, according to the Value and Quantity of the

Where the Boundary of any Common Fields or inclosed Grounds shall be fenced by any Mound, &c. the Proprietors of the adjoining Allotments shall not be compelled to fence them next such Common Fields and inclosed Grounds, and such Boundaries shall be maintained by the respective Proprietors; the Expences of which the Commissioners may apportion

Lands to be allotted to them, and to grant such other Relief in respect thereof, out of the Money to be raised for defraying the Expences of carrying such Act into execution, as he or they shall think reasonable, and in case any such Money shall be so directed to be raised, in order that the said Boundary Fences may be brought as near as may be to a just and equal Proportion.

If any Person shall destroy or damage any Fence, &c. put up under the Authority of any Act, he shall forfeit *5l.*, and the Proprietor of the Lands, &c. may give Evidence.

XXVIII. And be it further enacted, That in case any Person or Person shall wilfully and unlawfully break down, destroy, carry away, or damage any Fence, Stile, Post, Rail, Gate, Bridge, or Tunnel, which may be put up or placed under the Authority and for the Purposes of any such Act, every Person so offending, and being thereof convicted before any Justice of the Peace for the County in which the Lands or Grounds to be inclosed shall be situate, on Confession or on Proof of the Offence, by Oath of One or more credible Witness or Witnesses (which Oath the said Justice is hereby authorized to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and every Person shall be allowed to give Evidence of such Offence notwithstanding he may be a Proprietor or Occupier of Lands within, or an Inhabitant of such Parish, and notwithstanding he may be the Owner of any such Fence Stile, Post, Rail, Gate, Bridge, or Tunnel; to be recovered as herein after provided.

If it shall be provided by any Act that the Expences of obtaining and carrying it into execution shall be paid by the Proprietors, and they neglect so to do, the Commissioners may cause the same to be levied by Distress, or may take possession of the Allotments, and receive the Rents, till satisfied.

XXIX. And whereas it may often be provided by such Act that the Expences of obtaining the same, and also the Expences of carrying the same into execution, shall be paid in proportion by the Proprietors of Land or Grounds to whom any Allotments shall be made: Be it further enacted, That in such Case, when and so often as any such Person or Persons, except the Person or Persons thereby exempted from Payment of any such Charges and Expences, shall refuse or neglect to pay his, her, or their Proportion of the Charges and Expences, or shall refuse or neglect to pay the Expences attending the inclosing and fencing of any such Allotment as upon the Neglect or Refusal of the Proprietors shall be inclosed and fenced by such Commissioner or Commissioners as herein-after mentioned at the respective Days and Times to be appointed for Payment of such Charges and Expences, it shall be lawful for such Commissioner or Commissioners, by any Warrant or Warrants under his or their Hands and Seals, directed to any Person or Persons whomsoever, to cause the said Costs, Charges, and Expences, and Sum or Sums of Money respectively, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her, or the Husbands, Guardians, Trustees, Committees, or Attornies, wheresoever the same shall be found, rendering the Overplus (if any), on Demand to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted, together with the Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Share or Shares, Proportion or Proportions, from the Time the same shall be directed to be paid by such Commissioner or Commissioners as aforesaid; or otherwise it shall be lawful for such Commissioner or Commissioners, or any Person or Person authorized by him or them, to enter upon and take possession of the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to receive and take the Rents and Profits there

thereof, until thereby, therewith, or otherwise, the Share or Shares, Proportion or Proportions, and the said Costs and Charges so ordered and directed by such Commissioner or Commissioners to be paid by such Person or Persons as aforesaid, and all Interest on such Share or Shares, Proportion or Proportions, to be computed from the Time the same shall by such Commissioner or Commissioners be directed to be paid as aforesaid, and also all Costs, Charges, and Expences, occasioned by or attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

XXX. And be it further enacted, That in such Case as last aforesaid, it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of such Allotment or exchanged Lands, being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability, and for any of the said Owners or Proprietors being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise, interested as aforesaid (except the Rector or Vicar of such Parish), to charge such Allotments, or exchanged Lands and Premises, with such Sum or Sums of Money as such Commissioner or Commissioners shall by his or their Award, or by Writing under his or their Hands, either before or after the Execution of such Award, adjudge necessary to pay and defray the said respective Shares of the Charges and Expences incident to and attending the obtaining such Act, and carrying the same into execution, and of charging the said Lands as aforesaid, so that the same shall not exceed Five Pounds for every Acre of such Allotments or exchanged Lands, and to grant, mortgage, surrender, lease, or demise, or otherwise subject the Lands, Tenements, and Hereditaments so to be charged, unto such Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years; or in case any Person in possession, who shall or may be liable to and charged with a Share of the Expences as aforesaid, or enabled by this or any such Act to charge such Lands and Grounds with the same, shall choose to advance, pay, and discharge such Sum or Sums of Money, then it shall be lawful for the said Commissioner or Commissioners, by any Deed or Writing under his or their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease, demise, or otherwise subject the said Lands, Tenements, and Hereditaments to such Person or Persons respectively, paying and discharging the same, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money so advanced, paid, and discharged by him or them, with Interest for the same, to commence on the Termination of his, her, or their Right in the Premises; so that every such Grant, Mortgage, Surrender, Lease, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed or entitled to any such Lands, Tenements, or Hereditaments shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced;

Husbands, &c. may charge Allotments with such Sums as the Commissioners shall adjudge necessary for defraying the aforesaid Expences; and if Persons in possession liable to a Share thereof, or enabled to charge the Lands with the same, shall advance the Money, the Commissioners may mortgage the Lands to them for Reimbursement.

menced ; and that every such Charge, Grant, Mortgage, Surrender, Lease or Demise shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Commissioners may deduct from Allotments for Charity or School Lands, what shall be deemed equal to the proportionable Share of the Expences of passing and executing any Act, and allot the same to such Persons as will undertake to pay it.

XXXI. And whereas in such Cases as aforesaid, where Provision may be made in any such Act for charging the Expences of passing such Act, or of executing the Powers therein contained, or of fencing the respective Allotments on the several Proprietors thereof, it may be more convenient for the Feoffees or Trustees, of any Charity Lands or School Land to have Lands deducted from the respective Allotments to be made for such Charity Lands or School Lands for paying the proportionable Share in respect of such Allotments of such Expences respectively than to raise Money on Mortgage for those Purposes: Be it therefore further enacted That it shall be lawful for any such Commissioner or Commissioners, if he or they shall judge it right or expedient, to deduct from the respective Allotments to be made to such Feoffees or Trustees as aforesaid, so much Land as shall in the Judgment of such Commissioner or Commissioners be equal in Value to their respective Proportions of the said Expences, and to allot, assign, and award the same to such Person or Persons as such Commissioner or Commissioners shall think proper and who will undertake to pay and defray, and shall pay and defray all such Expences.

If it shall be provided by any Act that the Expences of obtaining and carrying it into execution shall be paid by Sale of Part of the Lands, the Commissioners shall set out and sell such Part as they think will raise a sufficient Sum, and the Purchasers shall immediately deposit a Part of the Purchase Money, which shall be forfeited if the Remainder be not duly paid.

XXXII. And be it further enacted, That in case it shall be provided by any such Act, that the Expences attending the same shall be paid by Sale of any Part of the Land so to be inclosed, the said Commissioner or Commissioners shall mark and set out such Part or Parts of the said Waste or Commonable Lands as in his or their Opinion will by Sale thereof raise a Sum of Money sufficient to pay and discharge all such Charges and Expenses as may by any such Act be directed to be paid and discharged out of the same; and the said Commissioner or Commissioners shall sell such Part or Parts of the said Lands to any Person or Persons for the best Price or Prices that can be gotten for the same by Private Contract or by Publick Auction or Auctions to be holden for that Purpose, of which Six Weeks previous Notice shall be given in such Manner as shall by any such Act be directed with respect to the other Notices thereby required; and the Person or Persons so purchasing the same shall immediately pay (by way of Deposit) into the Hands of the said Commissioner or Commissioners, or such Person or Persons as he or they shall direct and appoint, One Tenth Part of his or her, or their Purchase Money, and pay the Remainder thereof within Three Calendar Months next after, or at such other Time as the said Commissioner or Commissioners shall appoint, and in default thereof the Money so deposited shall be forfeited, and shall be applied in carrying such Act into execution; and the said Allotment or Allotments for which the whole of such Purchase Money shall not have been so paid or for which there shall be no Bidding at such Auction, shall be again put up to Sale, and sold in manner aforesaid, for the best Price or Price that can be gotten for the same, or be sold by the said Commissioner or Commissioners by private Contract, for any Sum or Sums not less than the remaining Nine Tenths of the Price or respective Prices for which the same was or were respectively before sold, or the Amount of the Bidding above the Sum or respective Sums at which the same was

were respectively put up in the said former Auction; and every Allotment for which the full Purchase Money shall be paid shall immediately thereupon be absolutely discharged of and from all Common and other Right thereon or therein, and be vested in Fee Simple in, and be inclosed, and thenceforth held in Severalty by such Purchaser or Purchasers thereof respectively, as his, her, or their private and absolute Property, and shall be allotted accordingly by the said Commissioner or Commissioners; and the said Purchase Money shall be applied in defraying such Charges and Expenses as may be in any such Act directed to be paid and discharged by the Sale of such Land.

XXXIII. And, for the better enabling such Commissioner or Commissioners to determine the several Matters and Things by this or any such Act referred to his or their Determination: Be it enacted, That it shall be lawful to and for the said Commissioner or Commissioners from Time to Time, as he or they shall see Occasion, by any Writing or Writings under his or their Hand or Hands, to summon and require any Person or Persons to appear before them at any Time and Place in such Writing to be appointed, to testify the Truth touching the Matter in Dispute between any Proprietors or interested Persons, or otherwise relating to the Execution of the Powers given by this or any such Act, and to cause a Copy of such Writing to be served on such Person or Persons required to give Evidence, or to be left at his, her, or their usual or last Place of Abode; and every Person or Persons so summoned, who shall not appear before the said Commissioner or Commissioners pursuant to such Summons (without assigning some reasonable Excuse for not appearing) or appearing shall refuse to be sworn or examined on Oath or Affirmation, which Oath or Affirmation the said Commissioner or Commissioners is and are hereby empowered and required to administer, (such Person or Persons having been paid or tendered to him, her, or them, the reasonable Charges of his, her, or their Attendance,) and being thereof convicted before One of His Majesty's Justices of the Peace of the County or District in which such Lands are situated, upon Information thereof upon Oath made before any such Justice, shall, for every such Neglect or Refusal, forfeit and pay such Sum of Money, not exceeding Ten Pounds, nor less than Five Pounds, as such Justice or Justices shall think fit and order.

Commissioners may summon Witnesses, who shall be subject to Penalty for Neglect.

XXXIV. Provided always, and be it further enacted, That no Witness summoned to attend such Commissioner or Commissioners, shall be obliged to travel above Eight Miles from the Boundary of the Parish, Manor, or District, by any such Act intended to be inclosed.

No Witness shall be obliged to travel beyond a certain Distance.

XXXV. And be it further enacted, That as soon as conveniently may be after the Division and Allotment of the said Lands and Grounds shall be finished, pursuant to the Purport and Directions of this or any such Act, the said Commissioner or Commissioners shall form and draw up, or cause to be formed and drawn up, an Award in Writing, which shall express the Quantity of Acres, Roods, and Perches, in Statute Measure, contained in the said Lands and Grounds, and the Quantity of each and every Part and Parcel thereof which shall be so allotted, assigned, or exchanged, and the Situations and Descriptions of the same respectively, and shall also contain a Description of the Roads, Ways, Footpaths,

Commissioners shall draw up an Award, containing sundry Particulars, which shall be read and executed at a Meeting of the Proprietors, and proclaimed the next Sunday in the Parish Church, and then con-

sidered as complete.

Award to be inrolled in a Court of Record at Westminster, or with the Clerk of the Peace of the County, and may be inspected, and Copies obtained for a certain Sum.

Award and Copies to be legal Evidence, and Award to be binding on all Parties interested.

Commissioners may form Maps of the Grounds, which shall be annexed to the Award, and deemed Part thereof.

Commissioners shall keep an Account of all Monies received and disbursed, which may be inspected at

Watercourses, Watering Places, Quarries, Bridges, Fences, and Marks, set out and appointed by the said Commissioner or Commissioners respectively as aforesaid, and all such other Rules, Orders, Agreements, Regulations, Directions, and Determinations, as the said Commissioners shall think necessary, proper, or beneficial to the Part which said Award shall be fairly ingrossed or written on Parchment and shall be read and executed by the Commissioner or Commissioners in the Presence of the Proprietors who may attend at a Special General Meeting called for that Purpose, of which Ten Days Notice at least shall be given in some Paper to be named in such Act and circulated in the County, which Execution of such Award shall be proclaimed the next *Sunday* in the Church of the Parish in which such Lands shall be, from the Time of which Proclamation only, and not before such Award shall be considered as complete; and shall, within Twelve Calendar Months after the same shall be so signed and sealed, or so soon as conveniently may be, be inrolled in One of His Majesty's Courts of Record at *Westminster*, or with the Clerk of the Peace for the County in which such Lands shall be situated to the End that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof no more than One Shilling shall be paid; and a Copy of the said Award, or Part thereof, signed by the proper Officer of the Court wherein the same shall be inrolled, or by the Clerk of the Peace for such County, or Deputy, purporting the same to be a true Copy, shall from Time to Time be made and delivered by such Officer or Clerk of the Peace for the Time being as aforesaid, to any Person requesting the same, for which more shall be paid than Twopence for every Sheet of Seventy-Two Words; and the said Award, and each Copy of the same, or of Part thereof, signed as aforesaid, shall at all Times be admitted and allowed in all Courts whatever as legal Evidence; and the said Award, Instrument, and the several Allotments, Partitions, Regulations, Agreements, Exchanges, Orders, Directions, Determinations, and all other Matters and Things therein mentioned and contained, shall, to all Intents and Purposes, be binding and conclusive, except where some Provision to the contrary is herein or shall be by any such Act contained, unto and upon the said Proprietors, and all Parties and Persons concerned interested in the same, or in any of the Lands, Grounds, or Premises aforesaid; and also that the said respective Commissioners, if they think it necessary, shall form or draw, or cause to be formed and drawn, on Parchment or Vellum, such Maps or Plans of the said Lands and Grounds the better to describe the several new Allotments or Divisions to be made, and Premises that shall be exchanged by virtue of this Act, and which shall express the Quantity of each Allotment in Acres, Roods, Perches, together with the Names of the respective Proprietors at the Time of such Division and Allotment; which said Maps and Plans shall be annexed to and inrolled with the said respective Award, and shall be deemed and construed in every respect as and for Part of the said Award.

XXXVI. And be it further enacted, That such Commissioner or Commissioners shall, and he or they is and are hereby required to enter in a Book to be provided for that Purpose, a particular Account of all Sums of Money whatever received from the Proprietors or others during the Progress of the Inclosure; and also of all the Charges, Expenses, and Disbursements which

which shall accrue or be made by virtue of any such Act, and in carrying the same into execution; which Book of Accounts shall be kept at the Office of their Clerk, open at all seasonable Times during the Progress of the Inclosure, and till all the Accounts are finally settled, for the Inspection of any of the Proprietors, without Fee or Reward; and in case any such Commissioner or Commissioners, or his or their Clerk, shall neglect to provide and keep such Book of Accounts as aforesaid, or refuse the Inspection thereof to any of the Proprietors at seasonable Times in manner before mentioned, and shall be convicted thereof, upon the Oath of One or more credible Witness or Witnesses not interested in the intended Division and Inclosure, before any Justice of the Peace of the County in which the Lands or Grounds to be inclosed shall be situate, or of such other County or Place where such Commissioner or Clerk so offending shall be or reside, every such Commissioner or Clerk so causing such Neglect or Refusal, and convicted as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds, to be levied, recovered, and applied in the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied.

their Clerk's Office gratis.

Penalty for not keeping such Account, or for refusing the Inspection thereof.

XXXVII. And be it further enacted, That all Monies to be raised under and by virtue of the Powers contained in any such Act, shall, from Time to Time, as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker, or such Person or Persons as shall be approved by a Majority in value of the Proprietors who may be present at the First Meeting of such Commissioner or Commissioners; and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker, or such other Person or Persons; and no such Monies deposited or paid into the Hands of such Banker, or other Person or Persons to be appointed as aforesaid, shall be issued or paid by him or them, without an Order in Writing under the Hands of such Commissioner or Commissioners, specifying the Person or Persons to whom the same are respectively payable, and the Service or Consideration for which the same are due; and the Balance, if any, upon the final Settlement of Accounts, shall be immediately repaid to the Land Owners in proportion to the Sums respectively paid by them.

Monies raised under any Act shall be deposited as may be approved by a Majority in Value of the Proprietors, and not issued without an Order from the Commissioners.

XXXVIII. And be it further enacted, That it shall be lawful for the Rector or Vicar for the Time being of any Parish wherein the Lands and Grounds intended to be inclosed shall be situate, by Indenture or Indentures, under his Hand and Seal, with the Consent and Approbation of the Bishop of the Diocese, and of the Patron of the said Rectory or Vicarage, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to any such Rector or Vicar, by virtue of any such Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the executing the Award; so that the Rent or Rents for the same shall be thereby reserved to the Rector or Vicar for the Time being, by Four equal Quarterly Payments in every Year; and so that there be thereby also reserved and made payable to such Rector or Vicar, the best and most improved Rent or Rents that can reasonably be had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration, for the making or granting any such Lease

The Rector or Vicar with the Consent of the Bishop of the Diocese, and of the Patron of the Living, may lease Allotments for 21 Years, upon certain Conditions.

or

or Demise; and so that no such Lessee by any such Lease or Demise made dispunishable for Waste, by any express Words to be therein contained; and so that there be inserted in every such Lease, Power of entry on Nonpayment of the Rent or Rents to be thereby reserved within a reasonable Time to be therein limited, after the same shall come due; and so that a Counterpart of such Lease be duly executed to the Lessee or Lessees to whom such Lease shall be so made as aforesaid and every such Lease shall be valid and effectual, any Law or Usage to the contrary notwithstanding.

Recovery and
Application of
Penalties.

XXXIX. And be it further enacted, That all Penalties and Forfeitures imposed by this or any such Act, or which shall be imposed by such Commissioner or Commissioners under or by virtue of the Authority of this or any such Act, shall be levied and recovered before any One Justice of the Peace for the County in which the Lands or Grounds to be inclosed shall be situate, and residing near any such Parish, and not interested in the Matter in Question; for which Purpose it shall be lawful for any such Justice of the Peace, upon Complaint made to him, to summon the Party accused, and the Witnesses on both Sides; and upon the Appearance of the Party accused, and the Witnesses on both Sides, to examine such Witnesses upon Oath (which Oath any such Justice is hereby empowered to administer), and upon such Evidence to give Judgment accordingly, and to condemn the Party accused (Proof of the Accusation being made by One or more Witnesses or Witnesses as aforesaid) in such Penalties and Forfeitures as Offenders shall have incurred, and to levy such Penalties and Forfeitures by Distress and Sale of the Offender's Goods and Chattels, together with reasonable Costs; all which Penalties and Forfeitures, the Application whereof is not particularly directed by any such Act or this Act, shall when and so soon as the same shall be levied, be paid and applied to the Use for such Uses, Intents, or Purposes, as such Commissioner or Commissioners, in and by any Writing or Writings under his or their Hand and Seal, shall order, direct, or appoint.

Saving of the
Rights of
Lords of
Manors.

XL. And be it further enacted and declared, That nothing in such Act contained shall lessen, prejudice, or defeat the Right, Title, or Interest of any Lord or Lady of any Manor or Lordship, or reputed Manor or Lordship, within the Jurisdiction or Limits whereof the Lands and Grounds thereby directed to be divided and allotted are situate, lying, and bounded, or to the Seigniories, Rights, and Royalties incident or belonging to such Manor or Lordship, or reputed Manor or Lordship, or to the Lord or Lady thereof, or to any Person or Persons claiming under or by the Title of the Lord or Lady thereof, or to any Person or Persons claiming under or by the Title of the Lord or Lady thereof, but the same (other than and except the Interest and other Rights and Royalties as is or are meant or intended to be barred by such Act) shall remain, in as full, ample, and beneficial Manner, to all Intents and Purposes, as he or she might or ought to have held or enjoyed such Right, Title, or Interest, before the passing of such Act, or in case the same had never been made.

General
Saving.

XLI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, and his, her, and their Heirs, Successors, Executors, Administrators, all such Estate, Right, Title, and Interest, (other than and except such as are hereby intended to be barred, destroyed, or otherwise prejudiced) in and by any Writing or Writings under his or their Hand and Seal, shall order, direct, or appoint.