



A N  
A C T  
F O R

Dividing and Inclofing the Common Fields,  
Common Meadows, Common Grounds,  
and Commonable Places, in the Parish of  
*Swanburne*, in the County of *Bucks*.

**Whereas** there are several open and common Fields, com-<sup>Preamble</sup>  
mon Meadows, common Grounds, and commonable  
Places, in the Parish of *Swanburne*, in the County of  
*Bucks*, containing by Estimation Seventy-seven Yard-  
lands, or thereabouts:

**And whereas** the King's most Excellent Majesty is  
Patron of the Vicarage of *Swanburne* aforefaid, and the Reverend *Charles*  
*William Tonym*, Clerk, is Vicar of the faid Parish, and in Right of his faid  
Vicarage is feised of certain Glebe Lands lying within the faid open and  
common Fields, and Right of Common therein, and alfo of all the vicarial  
or small Tythes arifing, renewing, increafing, or happening, within the  
Parish of *Swanburne* aforefaid:

A

And



**And whereas** *James Adams*, Gentleman, is Impropiator of all the great Tythes arising, renewing, increasing, or happening, in or upon certain Lands or Grounds in the said open or common Fields, common Meadows, common Grounds, and commonable Places, and also a Proprietor of Lands, and has a Right of Common therein:

**And whereas** the said *Charles William Tonyn*, Clerk, and *James Adams*, together with *John Deverell junior*, *Sibell Eaton*, Widow, *Newman Williat*, *Robert Carter*, *Robert Gibbs*, *Thomas Coles*, *Michael Simmonds*, *Edward Gurnett*, *John Deverell the elder*, and others, are the Owners and Proprietors of, and Persons interested in, the said common Fields, common Meadows, common Grounds, and commonable Places within the Parish of *Swanburne* aforesaid:

**And whereas** the poor Persons living in *Swanburne* aforesaid have for several Years last been indulged to cut Furze for Fuel off and from some Part of the commonable Places of *Swanburne* aforesaid:

**And whereas** for Time immemorial certain Lands lying in the said open and common Fields of *Swanburne* aforesaid, of the yearly Value of Two Pounds Eleven Shillings and Six Pence, have been held and enjoyed by the Churchwardens of *Swanburne* aforesaid for the Time being, and the Rents and Profits thereof applied towards the Repairs of the Parish Church of *Swanburne* aforesaid:

**And whereas** the Lands and Grounds of the Proprietors in the said common Fields, common Meadows, common Grounds, and commonable Places, lie intermixed and dispersed, and are for the most part inconveniently situate for their respective Habitations, and incapable of Improvement, and it would be advantageous to them to have the same divided and inclosed: **But** as such Division and Inclosure cannot be effected without the Aid of Parliament;

May it therefore please Your MAJESTY,

Commission-  
ers.

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 *Job Baseley* of *Priors Marston*, in the County of *Warwick*, *John Fairbrother* of *Helmdon*, in the County of *Northampton*, *Francis Burton* of *Aynhoe*, in the County of *Northampton*, *Thomas Taylor* of *Swanburne*, in the County of *Bucks*, Gentlemen, and *William Bradley* of *Lower Heyford*, in the County of *Oxford*, Clerk, and their Successors, to be elected in Manner herein after-mentioned, shall be and they are hereby appointed Commissioners for dividing and inclosing all the common Fields, common Meadows, common Grounds, and commonable Places, within the said Parish of *Swanburne*, in the County of *Bucks*, and for putting this Act in Execution.

**And,**



And, for the more just and regular Division and Distribution of the Lands and Grounds so to be divided, allotted, and inclosed as aforesaid, and for the better ascertaining the same; **Be it further Enacted** by the Authority aforesaid, That the Lands and Grounds hereby intended to be divided and inclosed, shall be surveyed and measured by such Person or Persons as the said Commissioners, or any Three or more of them, shall appoint; and such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches belonging to each and every Proprietor shall be therein set forth, ascertained, and declared; and the said Survey shall be laid before the said Commissioners, or any Three or more of them, at some or One of their Meetings to be held in pursuance of this Act.

Survey to be made, and laid before the Commissioners.

**And be it further Enacted**, That the said Commissioners, or any Three or more of them, shall have full Power and Authority; and they are hereby authorized and required, as soon as conveniently may be after the said Survey shall have been laid before them (subject nevertheless to the Rules, Orders, and Directions herein after contained) in the First Place to assign, set out, allot, and appoint, unto and for the said *Charles William Tonym*, and his Successors, Vicars of the said Vicarage and Church, such Plot, Parcel, or Quantity of the Lands and Grounds hereby intended to be divided and inclosed, and situate as herein after mentioned, as shall, Quantity and Quality considered, be, at the Time of making such Allotment; a full Equivalent and Compensation for the Glebe Lands and Right of Common now belonging to the said Vicarage, and to bear an improved Value, in the same or like Proportion, as near as may be, with the other Allotments to be made to the several other Proprietors and Owners of the Lands lying in the said open and common Fields, common Meadows, common Grounds, and commonable Places, in *Swanburne* aforesaid; which Plot, Parcel, or Quantity of Land and Ground, so to be set out and allotted to and for the said *Charles William Tonym*, and his Successors as aforesaid, shall be bounded on the West Side by *Robert Carter's Close* and Buts, called *Breakspurse Close* and *Breakspurse Buts*; on the South by the Road leading to *Mursley*; on the East by *John Lane's Close*, called *Breakspurse*, and *Narrow Brook Plot*, the Property of the said *James Adams*; and to be continued northward, cross *Narrow Brook*, until such a sufficient Quantity of Land and Ground shall be set out and allotted, to and for the said *Charles William Tonym*, and his Successors as is herein before directed; and the same shall be and is hereby vested in the said *Charles William Tonym*, and his Successors, Vicars of the said Vicarage and Church, in Lieu and Satisfaction of, and full Compensation for, the Glebe Land and Right of Common now belonging to the said Vicarage, and shall be by him and them for ever afterwards accepted as such; in the next Place, to assign, set out, allot, and appoint, unto and for the said *James Adams* (over and above and exclusive of the Land, Plots and Parcels of Ground, to be allotted unto him in Lieu of his Lands and Grounds lying in the said open and common Fields, common Meadows, common Grounds, and commonable Places) such Plot, Parcel, or Quantity

Allotment to the Vicar in lieu of Glebe Land.

Allotments to Mr. James Adams in lieu of great Tythes.



Quantity of the then Residue of the Lands and Grounds, so intended to be divided and inclosed, as in the Judgment of the said Commissioners, or any Three or more of them, shall, at the Time of the making of such Allotment, be a full Equivalent and Compensation for all the said inappropriate or great Tythes of or belonging to the said *James Adams*, arising, renewing, increasing, or happening within the said common Fields, common Meadows, common Grounds, and commonable Places, such Allotment to be made to the said *James Adams*, out of and from the several Pieces and Parcels of Lands and Grounds, now respectively chargeable with or liable to the Payment of any Tythes to him the said *James Adams*, and to bear an improved Value, in the same or like Proportion, as near as may be, with the other tytheable Allotments to be made to the several other Proprietors and Owners of the Lands lying in the said open and common Fields, common Meadows, common Grounds, and commonable Places of *Swanburne* aforesaid, and shall be in Lieu and Satisfaction of, and full Compensation for, all Tythes of Corn, Grain, Grass, and Hay, and all other Tythes, Dues, Duties, and Payments whatsoever, due and payable to the said *James Adams*, as Impropiator as aforesaid, for, out, or in respect of, any Lands and Grounds in the said Parish of *Swanburne*; in the next Place, to assign, set out, allot, and appoint, in Lieu of such Indulgence to the Poor as is herein before-mentioned, to the Vicar, Churchwardens, and Overseers of the Poor of *Swanburne* aforesaid, such Plot, Parcel, or Quantity of the then Residue of the Lands and Grounds, so intended to be divided and inclosed, as in the Judgment of the said Commissioners, or any Three or more of them, shall, at the Time of the making of such Allotment, be of the yearly Value of Six Pounds, which shall be and is hereby vested in them, for the Time being, for ever, to and for the Use and Benefit of the most necessitous, industrious, and honest Poor of the Parish of *Swanburne* aforesaid, who shall not receive any weekly Collection, or be provided for in the Poor or Church-houses of the said Parish, the Rents, Issues, and Profits whereof shall be annually disposed of, on the Twenty-sixth Day of *December*, either in Money or Fuel, to be bought with the Money arising by such Rents, or any Part thereof, unto and amongst the said Poor, in such Shares and Proportions, and in such Manner, as they shall think fit and proper; in the next Place, to assign, set out, allot, and appoint (in Lieu of the aforesaid Lands, of which the Rents and Profits were and have been applied towards the Repairs of the Church of *Swanburne* aforesaid) to the Churchwardens of the Parish of *Swanburne* aforesaid, such Plot, Parcel, or Quantity of the then Residue of the Lands and Grounds, so intended to be divided and inclosed, as in the Judgment of the said Commissioners, or any Three or more of them, shall, at the Time of the making of such Allotment, be of the yearly Value of Two Pounds Eleven Shillings and Six Pence, which shall be, and is hereby vested in them, for the Time being, for ever, to be applied in repairing the Parish Church of *Swanburne* aforesaid; in the next Place, to assign, set out, allot, and appoint such Plot, Parcel, or Quantity of the then Residue of the Lands and Grounds, so intended to be divided and inclosed,

Allotment for  
the Poor.

Allotment to  
be applied  
towards re-  
pairing the  
Church.

Allotment for  
Gravel Pits.



inclosed, as the said Commissioners, or any Three or more of them, shall think necessary, not exceeding Four Acres, as and for publick Stone or Gravel Pits; and the same shall be fenced round, and such Fences maintained, in such Manner as the said Commissioners, or any Three or more of them, shall direct and appoint, and shall, at all Times thereafter, be used by the said Proprietors and their Tenants, and also by the Trustees for repairing the Turnpike Road leading from *Aylesbury* to *Buckingham*, for the Time being, for repairing the Roads lying within the said Parish of *Swanburne*; and then to divide and set out, ascertain and allot, the then Residue of the Lands and Grounds, so intended to be divided and inclosed, unto, between, and amongst the said *James Adams*, and the rest of the Owners and Proprietors of, and Persons interested in, the Lands and Grounds so intended to be divided and inclosed (exclusive of the said Vicar for his Glebe Land, and *James Adams* in respect of his said impropriate or great Tythes, and the said Trustees and Churchwardens, for which Provision is herein before made) in proportion to their several and respective Shares, Interests, and Right of Common, and other Properties, in, upon, and over the said common Fields, common Meadows, common Grounds, and commonable Places, so intended to be divided and inclosed as aforesaid, or any Part or Parts thereof.

Allotments to the rest of the Proprietors.

And be it further Enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Commissioners, or any of them, to give any undue Preference to any of the Parties interested in the said intended Division and Inclosure, in respect to their several Allotments and Shares in the said Lands and Grounds; but that the said Commissioners, in making their Allotments, shall have a due Regard to the Quality, Situation, and Convenience, as well as Quantity, both of the Lands and Grounds, and the Tythes thereof, now belonging to each Proprietor and Person intitled thereto, and of the Lands and Grounds so to be assigned and allotted in lieu thereof in pursuance of this Act: And it shall and may be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby required, in case any Difference shall arise between any of the said Parties, touching their respective Rights and Claims in and upon the said Lands and Grounds so intended to be divided and inclosed, to hear and examine Witnesses upon Oath, and hear other proper and sufficient Evidence, and thereupon finally to determine the same; which Oath the said Commissioners, or any Three or more of them, are hereby empowered to administer.

Commissioners not to give any undue Preference.

Commissioners to determine Differences touching the Claims of the Parties.

And be it further Enacted, by the Authority aforesaid, That One annual Rent or yearly Sum of Ninety Pounds of lawful Money of *Great Britain*, clear of all Deductions whatsoever (except Land Tax) shall be issuing and going out of all the Lands and Grounds now respectively chargeable with, or liable to, the Payment of any Tythes, or Moduses or Payments for and in lieu of Tythes, to him the said *Charles William Tonyn* and his Successors (except the said Allotment to be made to and for

A Rent to be paid to the Vicar in lieu of small Tythes.



the said *Charles William Tonyn* and his Successors, Vicars of the said Vicarage and Church, in respect to the said Glebe Land and Right of Common, belonging as aforesaid to the said Vicarage, and the said Allotment to be made to and for the said *James Adams* in respect of his said impropriate or great Tythes) to be payable and paid by the several Proprietors thereof, out of their respective Shares and Allotments, to the said *Charles William Tonyn* and his Successors, Vicars of the said Vicarage and Church, for the Time being, for ever, in the Porch of the said Church, in the several Proportions which shall be assigned and appointed by the said Commissioners, or any Three or more of them, in pursuance of this Act (who are hereby authorized and directed to assign and appoint the same) and by Four quarterly Payments in every Year (to wit) on the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, the Twenty-first Day of *December*, and the Twenty-fifth Day of *March*, the First Payment thereof to begin and be made on the Twenty-fourth Day of *June* One thousand Seven hundred and Sixty-three: And that the said *Charles William Tonyn* or his Successors, Vicars of the said Vicarage and Church, shall not be liable to be taxed, charged, levied, or assessed, to any Parish Levies, for or in respect of the said yearly Sum of Ninety Pounds, but shall be wholly exempt therefrom; which said yearly Sum of Ninety Pounds shall be and is hereby vested in the said *Charles William Tonyn* and his Successors, Vicars of the said Vicarage and Church, in Lieu and Satisfaction of, and full Compensation for, the Tythes of Wool and Lamb, and all other the vicarial or small Tythes, and other Tythes, Moduses, Dues, Duties, and Payments whatsoever, to the Vicar of the said Vicarage and Church, arising, renewing, increasing, or happening, out of, for, or from the said Lands and Grounds intended to be inclosed, or any Part or Parts thereof, on out of, for, or from all or any the Houses, Gardens, Orchards, Homesteads, or Home Closes, in the Town and Parish of *Swanburne* aforesaid (Mortuaries, Oblations, and Surplus Fees excepted, and also except the Tythes due and payable to the said *Charles William Tonyn* and his Successors, Vicars as aforesaid, from and out of certain antient Inclosures called *Gattaker's Grounds*, late the Property of *Thomas Gattaker*, but now of *Sibell Eaton*, Widow, in the Occupation of *Thomas Deverell*, and also except the Tythes and other Payments due and payable to the said *Charles William Tonyn* and his Successors, Vicars as aforesaid, for and in respect of the Messuages, Homesteads, Orchards, Home Closes, and antient Inclosures, within the said Parish, belonging to, or being the Property of, Persons who are not Owners of any of the Lands or Grounds hereby intended to be divided and inclosed as aforesaid.)

Provision  
for recovering  
the said Rents.

**Provided always, and be it further Enacted,** That if the said Rent or yearly Sum of Ninety Pounds, or any Part or Proportion thereof, so charged, shall be behind or unpaid by the Space of Thirty Days next after any of the said Days whereon the same ought to be paid as aforesaid, then and so often, and from time to time, it shall and may be lawful to and for the Vicar of the said Vicarage and Church, for the Time being, to enter



enter into and make Distress of any Goods, Cattle, or Chattels, being upon such specific Part or Parts, Share or Shares, of the Lands and Grounds as shall, in pursuance of this Act, be charged with, or out of, for, or in respect of which, shall be payable that Dividend, Share, or Proportion, of the said Rent or yearly Sum which shall be so behind or unpaid, and the Distress and Distresses from time to time taken, to lead, drive, carry away, and impound, or otherwise dispose of, according to Law, for the Recovery of such Rent in Arrear, and all Costs and Expences, from time to time, attending such Distress and Distresses; and in case the same be not redeemed in Five Days, by Payment of such Parts and Proportions of the said annual Rent or yearly Sum which shall be so in Arrear and unpaid, together with the Charges of such Distress, then to sell the said Distress so taken, and out of the Money arising by such Sale, to retain all the Arrears of such the said Parts and Proportions of the said annual Rent or yearly Sum which shall be then due, and the Charges of the said Distress rendering the Overplus (if any) when demanded, to the Owner thereof: And also, if it shall happen that the said Rent or Sum of Ninety Pounds, or any Part or Proportion thereof, shall be behind or unpaid by the Space of Sixty Days next after any of the said Days hereby limited and appointed for Payment thereof, and no sufficient Distress be upon the Premises, that then and so often and from time to time it shall and may be lawful to and for the Vicar of the said Vicarage and Church for the Time being, into and upon such specific Part or Parts of the Lands and Grounds, as shall in pursuance of this Act be charged with that Dividend, Share, and Proportion of the said Rent or yearly Sum which shall be so behind or unpaid, or into and upon any Part thereof in the Name of the whole of such specific Part or Parts, to enter, and to take and to receive the Rents of such specific Part or Parts of the same Premises respectively, to his and their own Use, until thereby or therewith, or otherwise, all Arrears of the said Rent or yearly Sum of Ninety Pounds as shall be so behind and unpaid, and all Costs, Charges, and Damages, sustained or incurred by reason of the Non-payment thereof, shall be fully paid, satisfied, and discharged.

**And be it further Enacted,** That the said Commissioners, or any Commissioners to set out Roads; Three or more of them, shall and may ascertain, set out, and appoint, both publick and private Roads or Ways through the said Fields intended to be inclosed, with the Affize and Breadth thereof, so as all such publick Roads or Ways to be made shall remain Forty Feet broad at least between the Ditches, and which said publick Roads or Ways (except Bridle Roads and Footways, in case any such shall be set out by the said Commissioners, or any Three or more of them) shall be for ever afterwards repaired in the same manner as the present publick Roads or Ways were or ought to have been repaired before the passing of this Act; and that all private Roads or Ways, in case any such shall be made, shall be for ever amended and repaired at the Expence of all or such of the said Proprietors, in such Manner as the said Commissioners, or any Three or more of them, shall in that Behalf order, direct, and appoint; and that it shall not



not be lawful for any Person or Persons afterwards to use or claim the Use of any Roads or Ways, either old or new, publick or private, over, within, or through, the said Fields intended to be inclosed, or any Part or Parts thereof, either on Foot or with Horses, Cattle, or Carriages, other than such Roads and Ways as shall be so ascertained, set out, and appointed by the said Commissioners, or any Three or more of them: And that all the former Roads and Ways, or so much thereof as shall not be set out for the Roads or Ways through the said Fields intended to be inclosed, shall be deemed Part of the Lands to be inclosed, and shall be divided and allotted as Part thereof.

But not to alter the present Turnpike Road.

**Provided always,** That nothing herein contained shall extend to give the said Commissioners any Power or Authority to divert, change, or alter the present great Post or Turnpike Road leading from *Aylesbury* to *Buckingham*; but that the same shall be left Sixty Feet wide between Freeboard and Freeboard.

Proprietors may set up Gates on the Freeboards joining their Allotments.

**And be it further Enacted and Declared,** That where any Parcel of Land to be allotted as aforesaid, shall abut or adjoin upon any Freeboard or Ditch belonging to the Proprietors of any of the common Fields or inclosed Lands next adjoining to the Fields and Lands hereby intended to be inclosed, the Person or Persons to whom such Parcel of Lands shall be allotted, shall and may and are hereby impowered to set up and erect Gates, or any other kind of Fence or Fences, in, over, and upon, such Freeboard or Ditches, except across the said Turnpike Road, for the dividing of the said Lands, and the raising and preserving the Quicksets, Banks, Wood Plants, and other the Fences to be raised upon such Parcel of Land, until such Time as the Owner of the said Freeboard and Ditches shall sufficiently, and at his own Expence, have ditched, fenced, and mounded out the same Freeboard and Ditches, or across the same, from the said Parcel of Land adjoining thereto.

**Provided always, and be it further Enacted,** That nothing in this Act contained shall extend or be construed to extend to compel or oblige any of the said Proprietors, whose Allotments or Shares upon the said intended Inclosure shall lie and be situated next and adjoining to any common Field, or other inclosed Lands, Woods, or Grounds, whereon there is now standing or growing any Mound or Fences, or where there is any Brook or Brooks, to make or erect any Hedges, Ditches, or Fences, next and adjoining to such common Field or inclosed Lands, Woods, or Grounds, for the inclosing such their Allotments or Shares; but that the antient Brook or Brooks, or other Fences, which divide such common Field 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 cleaned, scoured, and repaired, at the Costs and Charges of the Proprietors of such common Fields, inclosed Lands, Woods, Grounds, or Brooks; and that the Hedges, Ditches, Brooks, or other Fences, belonging to such inclosed Lands, Woods, or Grounds, shall for ever be and remain as Boundary Fences



Fences to and for such inclosed Lands, Woods, and Grounds respectively, and be always maintained and repaired by the respective Proprietors thereof in the same manner as before the passing of this Act, any thing in this Act contained to the contrary notwithstanding.

**Provided also,** That any of the Proprietors of the Inclosures intended to be made pursuant to this Act, shall have full Liberty from the Time of such Inclosure, to erect or set up and continue any Gate or Gates across any Part of the said publick Roads, for the dividing the several Allotments, and for the Subdivisions thereof (except the said Turnpike Road), for keeping out Sheep and Cattle, and to prevent their destroying any Banks, Wood Plants, Quicksets, or Fences, which shall be made or planted for inclosing or fencing any Part or Parcel of the said Lands or Grounds intended by this Act to be inclosed, provided such Gate or Gates be made to swing both Ways between the Posts.

**And be it further Enacted,** That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to order and direct good and sufficient covered Drains or Bridges to be laid and made over and across any or such of the Passages, leading through or to such Gate or Gateways, as they shall think proper, and to order the Charge and Expences thereof to be borne, paid, and defrayed, as the Expences of this Act are herein after directed to be borne, paid, and defrayed, or by such and so many of the said Proprietors, and in such Shares and Proportions, as they shall think just and reasonable: **Provided** that all such Drains or Bridges, to be made in any Subdivision of any of the Allotments so to be made as aforesaid, shall be made and laid, and be for ever kept in Repair, by the Proprietor or Proprietors, Owner or Owners, of such Allotment, for the Time being respectively.

Commissioners to direct covered Drains to be made where necessary;

**And be it further Enacted,** That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to award, order, and direct, any Waters, Springs, and Watercourses, to go or to be turned in, through, over, or across, any of the Lands so intended to be inclosed as aforesaid, in such manner as they shall think most beneficial and convenient for the watering the several Allotments thereof, to be made as aforesaid: **Provided** that such Streams of Water, Springs, and Watercourses, be not so diverted or turned as to materially prejudice others intitled to the same.

and turn Streams of Water for the Conveniency of the Allotments.

**And,** for preventing all Differences and Disputes relating to the said Division and Inclosure, **Be it further Enacted,** That so soon as conveniently may be after the said Commissioners shall have completed and finished the Partitions and Allotments of the said common Fields, common Meadows, common Grounds, and commonable Places, hereby directed to be divided and inclosed pursuant to the Purport and Directions of this Act, they, or any Three or more of them, shall form and draw up, or cause

Commissioners to make an Award.



Award to be  
inrolled.

to be formed and drawn up, an Award or Instrument in Writing, which shall express and contain the Quantity, in Statute-measure, of Acres, Roods, and Perches, contained in the said common Fields, common Meadows, common Grounds, and commonable Places, and the Quantity of each and every Part and Parcel thereof, which shall be assigned and allotted to each of the Parties intitled to and interested in the same, and a Description of the Situation, Buttals, and Boundaries, of the same Parcels and Allotments respectively, and shall also contain proper Orders and Directions for fencing and mounding the same, and for keeping the same in Repair, and for making and laying out proper Roads, Ways, and Passages, in and through the same; and the several Proportions of the said yearly Sum of Ninety Pounds, so to be paid to the Vicar as aforesaid, and by whom the same shall be paid; and shall also express and contain such other Orders, Regulations, and Determinations, as shall be proper and necessary to be inserted therein, conformable to the Tenor and Purport of this Act; which said Award or Instrument shall be fairly engrossed and written on Parchment, and signed and sealed by the said Commissioners, or any Three or more of them, and shall, within Three Calendar Months next after the same shall be so signed and sealed as aforesaid, be inrolled by the Clerk of the Peace for the said County of *Bucks*, or in One of his Majesty's Courts of Record at *Westminster*, to the end Recourse may be had to the same by any Person or Persons interested in the said intended Inclosure (for the Inspection and Perusal whereof the Sum of One Shilling shall be paid, and no more), and a Copy thereof, signed by the Clerk of the Peace for the said County of *Bucks*, or other proper Officer, purporting the same to be a true Copy (for which no more than Two Pence a Sheet, each Sheet to contain Ninety Words, shall be demanded or paid), shall from time to time, and at all times thereafter, be admitted and allowed in all Courts whatsoever, as legal Evidence of the same; and the said Award or Instrument shall be binding and conclusive unto and upon all the Parties interested in the said common Fields, common Meadows, common Grounds, and commonable Places, so intended to be divided and inclosed as aforesaid.

Allotments  
vested in the  
Proprietors.

**And be it further Enacted,** That the several Lands and Grounds to be divided, assigned, set out, allotted, and appointed, unto and for the several Persons who, by virtue of this Act, shall be intitled to the same, shall be and are hereby vested in him, her, and them, in full Bar of, and Satisfaction and Compensation for, his, her, and their, several Pieces and Parcels of Ground, which he, she, or they, had before the passing of this Act, or immediately before the said Allotments made, and which were and are lying dispersed in the said Fields intended to be divided and inclosed; and also in full Bar, Satisfaction, and Compensation for, all Tythes, Right of Common, and other Right whatsoever, in, over, and upon, the same; and that from and immediately after the making of the said Divisions and Allotments, and the Execution of the said Award or Instrument, of such Tenor and Purport as afore-mentioned, or so soon after



after as the said Commissioners, or any Three or more of them, shall, by the said Award or Instrument, appoint, all Right of Common belonging to, or claimed by, all and every the said Owners, Proprietors, or Occupiers, of Lands, Tenements, or other Hereditaments, within the Parish of *Swanburne* aforesaid, in, over, and upon, all or any the said Fields intended to be divided and inclosed as aforesaid, and every Part thereof, shall cease, determine, and be for ever extinguished; and that all and every Lease and Leases, at Rack or extended Rent, subsisting of all or any Part or Parts of the said Fields hereby intended to be divided and inclosed, and all other Agreements at Rack or extended Rent, for any Time or Term therein, shall, immediately upon such Allotments and Divisions being made, or as soon after the First Meeting of the said Commissioners, or any Three or more of them, as the said Commissioners, or any Three or more of them, shall, by any Writing or Instrument for that Purpose, to be made under their Hands and Seals, direct or appoint, cease, determine, and be void; the respective Owners and Proprietors of such Part or Parts of the said Fields, who have made any such Lease or Leases, Agreement or Agreements, making such Satisfaction to such their respective Lessee or Lessees, Tenant or Tenants, as the said Commissioners, or any Three or more of them, shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on Account thereof, or as an Equivalent for the same.

And whereas it is requisite that some convenient Time should be fixed for every Person intitled to any Part of the said new Inclosures to accept of their respective Allotments and Shares, **Be it further Enacted**, That all and every such Person and Persons shall, and they are hereby required to accept his, her, and their respective Allotments and Shares within the Space of Six Calendar Months next after the Signing and Sealing of the said Award or Instrument, and Notice to him, her, or them respectively given by Writing under the Hands and Seals of the said Commissioners, or any Three or more of them, for that Purpose, which Notice shall be delivered to the Party, or left at the usual Place of Abode of such Party; and in case any Person shall neglect or refuse to accept of his or her Share or Allotment within the Time before-mentioned, such Person or Persons so neglecting or refusing shall be totally excluded from having or receiving any Benefit or Advantage by this Act, and also from any Estate or Interest, or Right of Common whatsoever, in any of the Lands and Grounds assigned or allotted to any other Person or Persons by virtue of this Act; and, from and after such Neglect or Refusal, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, by any Writing under their Hands and Seals, to nominate and appoint from time to time a Bailiff or Receiver of the Rents and Profits of such Shares or Allotments, with such Salary for his Pains and Labour therein as they in their Discretion shall think fit, which said Bailiff or Receiver shall have, and is hereby invested with, the like Power, as the several Guardians and Com-  
mittees

Allotments  
to be accepted  
within a li-  
mited Time.



mittees mentioned in this Act, of raising Monies by Mortgage of the said Premises, with the Consent of the said Commissioners, or any Three or more of them, in order to enable him to defray all Costs and Expences concerning the said Inclosure, and to fence, mound, and manage the same; and shall receive the Rents, Issues, and Profits thereof, and pay the same, after deducting all such Demands as he shall have in pursuance of the Trust in him reposed, to and for the Use and Benefit of the Person or Persons refusing or neglecting to accept such Shares or Allotments, and his and their Representatives, until such time as he and they shall be willing and desirous to accept of the same.

Guardians  
and Trustees  
to accept Al-  
lotments for  
Persons inca-  
pable.

**And be it further Enacted,** That the Guardians, Husbands, Committees, Trustees, or Attornies, of any Person or Persons being Minors, Lunatics, under Coverture, or beyond the Seas, or otherwise incapable by Law to accept such Allotments so to be made as aforesaid, shall be and are hereby enabled and required to accept thereof for the Use of such Person or Persons so incapacitated as aforesaid; and such Acceptance shall be, and is hereby declared to be, as valid and effectual as if the Person or Persons, for whom the same shall be made, was or were capable of acting for him, her, or themselves; any thing herein contained to the contrary notwithstanding.

**Provided always,** That the Non-claim or Non-acceptance of any Guardian, Husband, Committee, Trustee, or Attorney, shall not exclude or any ways prejudice the Claim or Acceptance of any Infant, Lunatick, Feme-covert, or other Person, under such Disability or Incapacity as aforesaid, who shall claim or accept within One Year next after such Disability or Incapacity is removed, or of any Person or Persons intitled as Heir, or in Remainder after the Death of such Person dying under such Disability or Incapacity, who shall claim or accept within One Year next after his, her, or their, Right, Title, or Interest, shall have descended, vested, or accrued.

How the Al-  
lotment to the  
Vicar is to be  
fenced.

**And be it further Enacted,** That the Lands and Grounds so to be set out and allotted to and for the said *Charles William Tonyn*, and his Successors, Vicars of the said Vicarage and Church, in lieu of the Glebe Land and Right of Common now belonging to the said Vicarage, shall, within the Space of Twelve Months next after the signing and sealing the said Award or Instrument, by and at the Expence of such of the several and respective other Proprietors and Owners of the Lands and Grounds hereby intended to be inclosed, whose Lands shall abut and adjoin upon the Lands and Grounds so to be set out and allotted for the said Vicar and his Successors, Vicars of the said Vicarage and Church, be mounded round by Ditches and Quickset Hedges, or otherwise, and for ever to be maintained and kept in Repair by them, in such manner as the said Commissioners, or any Three or more of them, shall for that Purpose, by any Writing under their Hands and Seals, direct, award, or appoint,  
except



except such Part of the said Vicar's Allotment which is already mounded with Quickset Hedges; which said Hedges shall be allotted to the said *Charles William Tonyn*, and his Successors, Vicars of the said Vicarage and Church, he and they paying for the same to the former Owner and Owners of such last-mentioned Quickset Hedges, in such Manner, and at such Rate, as the said Commissioners, or any Three or more of them, shall for that Purpose, by any Writing under their Hands and Seals, direct and appoint; and that all the Hedges, Ditches, and Fences, to be made for the inclosing, separating, and dividing, the Residue of the said Lands and Grounds, pursuant to this Act, shall within the like Space of Time be made, and at all times thereafter for ever be repaired and be maintained by and at the Expence of such Person or Persons, and in such Manner, as the said Commissioners, or any Three or more of them, shall, by any Writing or Writings under their Hands and Seals, in that Behalf, award, order, direct, or appoint: And that for the better preserving their young Hedges, it shall and may be lawful to and for the respective Persons, to whom any Share or Allotment shall be assigned and allotted by virtue of this Act, from time to time, and at all times after such Award or Instrument, to set down and place Posts and Rails, or any other Fence, on the Outside of the Ditches bounding their respective Allotments, not exceeding Two Feet from such Ditches, and at any reasonable time to remove, take and carry away, such Posts and Rails, or other Fences, and to convert the same to their respective Use.

In what Time  
Fences are to  
be made.

Proprietors  
may set down  
Posts and  
Rails to guard  
their Fences.

**And be it further Enacted,** That if any Person or Persons shall not, within Twelve Calendar Months next after the Signing and Sealing of the said Award or Instrument, inclose, hedge, ditch, and fence, the several Parcels of Lands and Grounds so to be allotted and set out to him, her, or them respectively as aforesaid, in such manner as the said Commissioners, or any Three or more of them, shall, in such their Award, order and direct, it shall and may be lawful to and for the Person or Persons interested in the Lands and Grounds next adjoining to the Lands and Grounds of the Person or Persons so neglecting or refusing as aforesaid, to exhibit a Complaint in Writing against such Person or Persons, before Two or more of his Majesty's Justices of the Peace for the County of *Bucks*, not being interested in the Lands and Grounds so intended to be divided and inclosed, who shall summon the Parties concerned, examine Witnesses upon Oath as to the Nature of the Complaint, and shall and may order, direct, and appoint, the Person or Persons exhibiting such Complaint as aforesaid to make, repair, and maintain, the Hedges, Ditches, and Fences, of the Person or Persons so neglecting or refusing as aforesaid; and also shall and may, by Warrant under their Hands and Seals, directed to such Person or Persons making such Complaint as aforesaid, cause the Charges and Expences (Demand of the same being first made) of making, repairing, and maintaining, the Hedges, Ditches, or Fences, of the Person or Persons so neglecting or refusing as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting

Method of  
proceeding a-  
gainst Persons  
neglecting to  
fence their  
Allotments.



neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of the Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress or Distresses, and selling the same, or otherwise shall and may, by any Writing under their Hands and Seals, authorize and empower the Person or Persons exhibiting such Complaint as aforesaid to enter into and upon the Premises so to be allotted to such Person or Persons refusing to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby or therewith, or otherwise, the Charges and Expences of making, repairing, and maintaining, the Hedges, Ditches, and Fences, of the Person or Persons so neglecting or refusing as aforesaid, and all Costs, Charges, and Expences, occasioned by or attending such Entry upon and Perception of the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

Convenient  
Gaps to be  
left in the In-  
closures.

**And be it further Enacted,** That convenient Gaps and Openings shall be left in the said Fences and Inclosures, for the Space of Six Calendar Months next ensuing the Signing and Sealing of the said Award or Instrument, where the said Commissioners, or any Three or more of them, shall think proper, for the Passage of Cattle, Carts, and Carriages, in and through the same, unless the several Parties interested therein shall agree that the same shall be sooner fenced in, made up, and inclosed.

Trees, &c. to  
belong to for-  
mer Proprie-  
tors.

**Provided always,** That in case any Lands or Grounds upon which any Trees, Underwoods, Thorns, Hedges, Bushes, or Shrubs, shall, at the Time of such Allotment, be standing, growing, or being, shall be allotted and appointed to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof, at and immediately before such Allotment, then, and in such Case, it shall and may be lawful to and for such Owners and Proprietors thereof, respectively, at any reasonable Time or Times, within the Space of Twelve Months after such Allotment shall be made, to enter into the Lands and Grounds upon which such Trees, Underwoods, Thorns, Hedges, Bushes, or Shrubs, shall be standing or being, and to fell, cut down, and grub up, and with Horses and Carriages to carry away the same, at his and their Wills and Pleasures, to and for his and their own proper Use and Benefit, he and they making good the same, by levelling all such Grounds as they shall break or dig up for the Purposes aforesaid.

Fences for  
Boundaries to  
be left.

**Provided nevertheless,** That if any such Hedges now standing upon the Premises shall be assigned or appointed by the said Commissioners, or any Three or more of them, as or for a Boundary or Fence for any of the new Inclosures so intended to be made as aforesaid, or shall stand convenient for any Proprietor for a Subdivision Fence, or for Shelter within his Allotment, all such Hedges shall be left for the Benefit of such Person or Persons to whom such new Inclosures shall belong by virtue of this Act, he, she, and they, making such Allowance or Consideration to such former



former Owners and Proprietors of such Hedges respectively, as the said Commissioners, or any Three or more of them, shall, by any Writing under their Hands and Seals, in that Behalf, order and appoint.

**And be it further Enacted,** That for the more convenient Situation and Disposition of the several Farms and Lands of the several Land-owners and Proprietors within the Fields and Parish of *Swanburne* aforesaid, upon the said intended Division and Inclosure, it shall and may be lawful to and for all or any of the Proprietors and Owners of Lands and Grounds so to be divided and inclosed, as aforesaid, to exchange all or any of his, her, or their Messuages, Tenements, antient Inclosures, or other Lands, in or upon which there is no Right of Common, or other Lands and Grounds within the Fields and Parish of *Swanburne* aforesaid, for any other Messuages, Tenements, antient Inclosures, or inclosed Lands as aforesaid, or other Lands and Grounds within the said Fields and Parish; so as all and every such Exchange and Exchanges be made by and with the Consent and Approbation of the said Commissioners, or any Three or more of them, to be ascertained, specified, and declared, in the Award or Instrument so directed to be made and executed as aforesaid, or some other Act or Instrument to be inrolled as before-mentioned; and that all and every Exchange or Exchanges so to be made as aforesaid shall be good, valid, and effectual, in the Law, to all Intents and Purposes whatsoever.

**And whereas** several of the Persons to whom any Allotment or Allotments shall be made by virtue of this Act, or the Trustees, Committees, Guardians, or others, in Trust for any Person or Persons to whom any Allotment or Allotments shall be made by virtue of this Act, may have Occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expences incident to and attending such Inclosure and Division, and the obtaining this Act; but, by reason of some Incapacity, cannot make an effectual Security of any such Allotment or Allotments for the Monies so to be to them respectively advanced and lent for that Purpose; **Be it therefore further Enacted,** That it shall and may be lawful to and for any such Person and Persons, and to and for the Husbands, Trustees, Committees, and Guardians, of any of the said Owners or Proprietors, being under Coverture, Minors, Lunaticks, or other Incapacity, and to and for every of them, and to and for any of the Owners and Proprietors, being Tenants in Tail or for Life only, and to and for any other Owners and Proprietors for the Time being, respectively, of the Lands and Grounds lying in the said common Fields, common Pastures, common Meadows, common Grounds, and commonable Places, of *Swanburne* aforesaid, so intended to be inclosed respectively, to charge the Lands and Grounds which shall be adjudged and allotted to them respectively by virtue and in pursuance of this Act, with any Sum or Sums of Money, not exceeding Three Pounds for every Acre of the Lands and Grounds

Power to exchange Land.

Power to Guardians, &c. to raise Money to defray the Expences of the Act, and inclose;

not exceeding 3*l.* an Acre.



so to be allotted to them respectively, to be paid to such Person or Persons as the said Commissioners, or any Three or more of them, shall for that Purpose respectively nominate and appoint, in order to be applied and disposed for the Purposes afore mentioned ; and, for securing the Repayment of the said Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject, the Lands or Grounds so to be charged unto such Person or Persons as shall advance and lend the same respectively, his, her, and their Executors, Administrators, and Assigns, for any Term or Number of Years, so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully satisfied and paid ; and so as in every such Grant and Demise, which shall be made by any Person or Persons interested in or intitled to any such mortgaged Premises for the Term of their natural Lives only, or by his, her, or their Trustee or Trustees, Guardian or Guardians, there be contained a Covenant to pay and keep down the Interest of the said Money to be thereby respectively secured during his or their respective Lives ; which Mortgage is hereby made valid ; or otherwise it shall and may be lawful, at the Request of such Owners or Proprietors as aforesaid, or any of them, to and for the said Commissioners, or any Three or more of them, by Writing under their Hands and Seals, to authorize and empower any such Owner or Proprietor, so making such Request, to charge the Lands and Grounds, which, in pursuance of this Act, shall be allotted to such Proprietor by the last Will and Testament of such Proprietor, duly executed according to Law, with such Sum and Sums of Money, not exceeding Three Pounds an Acre, as the said Commissioners, or any Three or more of them, shall, by such their Writing, order and direct to be paid to such Person or Persons as such Proprietor shall, by such his last Will and Testament, direct and appoint.

Mortgages to be valid.

**And be it further Enacted,** That every such Grant, Mortgage, Lease, or Demise, of the said Grounds, Lands, and Premises, or any Part or Parcel thereof, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes thereby intended, notwithstanding any Incapacity, Impediment, or any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance, of or concerning the same Grounds, Lands, and Premises, or any Part or Parcel thereof, then in being or capable of taking Effect, to the contrary.

Commissioners to appoint the Course of Husbandry till the Award is made.

**And be it further Enacted,** That from and after the passing of this Act, the said Commissioners, or any Three or more of them, shall order, direct, and appoint, the Course of Husbandry that shall be used in the said common Fields, common Meadows, common Grounds, and common-able Places, of *Swanburne* aforesaid, until such time as they shall have completed their said Award ; and that all and every Person's Estate in the said Fields shall, during that Space of Time, be liable and subject to such

Directions



Directions as the said Commissioners, or any Three or more of them, shall appoint, as well with regard to the stocking, as to the plowing, folding, tilling, sowing, laying down the same with Grass Seeds, or otherwise, as they shall think proper : And, in case any Proprietor or Proprietors shall stock with Cattle the Lands and Grounds hereby intended to be inclosed, in any other manner than what the said Commissioners, or any Three or more of them, shall order and direct, then it shall and may be lawful to and for any One or more of the other Proprietors to seize and impound such Cattle then being upon such Lands and Grounds contrary to such Order, or going upon or depasturing on such Lands or Grounds, and in Pound to detain and keep, until such time as the Person or Persons offending in either of the Cases aforesaid shall have paid to the Person or Persons impounding the same, the penal Sum of Five Shillings for each of the Cattle so impounded : And in case the same be not paid before the next Meeting of the said Commissioners after such impounding as aforesaid, then the said Commissioners, or any Three or more of them, are hereby authorized and required, upon Proof of such Offence or Offences having been committed, and Nonpayment of the Penalty hereby imposed, and so as often as the same shall be committed, by Warrant under their Hands and Seals, to cause such Cattle to be sold for the raising and Payment of the Penalty aforesaid, together with the Costs and Charges attending such Sale, rendering the Overplus (if any) when demanded, to the Owner thereof.

**And be it further Enacted** That the said Commissioners, or any Three or more of them, shall and they are hereby required to give publick Notice in the Church of *Swanburne* aforesaid, upon some *Sunday* immediately after Divine Service, and also to affix a like Notice in Writing upon the Door of the said Church, of the Time and Place of their First and every other Meeting, for executing the Powers hereby vested in them, at least Six Days before every such Meeting (Meetings by Adjournment only excepted) : And when and as often as, before the Execution of the said Award or Instrument, any One or more of the Commissioners appointed by this Act, or to be elected in manner herein after-mentioned, shall die or refuse to act, the surviving or remaining Commissioners, or the major Part of them, shall, from time to time, within One Calendar Month next after the Death or Refusal to act of such Commissioner or Commissioners, by Writing under their Hands and Seals, appoint One or more Commissioner or Commissioners, not interested in the said intended Inclosure, instead of such Commissioner or Commissioners so dying or refusing to act as aforesaid ; and every Commissioner or Commissioners, so to be appointed as aforesaid, shall have the like Power and Authority by virtue of this Act as the Commissioner or Commissioners, in whose Place or Places he or they shall succeed, was or were vested with : Provided that Notice be given in the Church of *Swanburne* aforesaid, upon some *Sunday* immediately after Divine Service, and a like Notice in Writing be affixed on the Door of the said

Commissioners to give Notice of their Meetings ;

and to chuse new Commissioners in the room of those who shall die or refuse to act.



faid Church, of the Time and Place of Meeting to chuse such Commis-  
sioner or Commissioners, at least Fourteen Days before every such Meeting.

New Allot-  
ments to be  
subject to the  
same Uses as  
the Lands are  
now subject  
to.

**Provided always, and be it further Enacted,** That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken, to revoke, make void, alter, or annul, any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, or Incumbrance, out of, upon, or affecting, any of the Lands and Grounds so intended to be divided and inclosed, or which shall be exchanged, in pursuance of this Act, or any Part thereof respectively; but that the several Lands and Grounds, so to be assigned and allotted, upon such Inclosure and Division, to the several Parties concerned or their Trustees respectively, and which shall be taken in Exchange, in pursuance of this Act, shall, immediately after such Allotments or Exchanges, be, remain, and enure: And the several Persons, to whom the same shall be assigned and allotted, and given in Exchange, as aforesaid, shall, from thenceforth, stand and be seised of the same, to such and the same Uses, and subject to such and the same Wills and Settlements, Limitations, Remainders, Charges, Tenures, Rents, Services, and Incumbrances, as the several Lands, Grounds, Tenements, and Hereditaments, in lieu of which such Allotments and Exchanges shall be made as aforesaid, now are, or should and would have been, subject and liable to be charged with or affected by, in case the same had remained uninclosed and unexchanged, or this Act had not been made: any thing herein contained to the contrary thereof in any-wise notwithstanding.

How the  
Commission-  
ers are to be  
paid.

**And whereas** Disputes may arise touching the Compensation that the said Commissioners shall or ought to have for their going to and from their Meetings, and Attendance upon the Division of the Lands intended to be inclosed, and for the executing the Powers vested in them by this Act, and for all such other Journies and Attendances as they might be obliged to make, either before or after their signing and executing of their said Award, in, about, or concerning the Matters contained in this Act, or any thing to be done by them in pursuance thereof, or of the Trust hereby in them reposed, **It is therefore further Enacted,** That the Proprietors of the Lands intended to be inclosed (other than and except the said *Charles William Tonyn* and his Successors), shall raise and pay unto the said Commissioners respectively One Guinea-a-piece for each Day they shall respectively travel or attend for the Purposes aforesaid, over and above all such Expences as they shall be put unto respectively, for their Maintenance, Support, and other necessary Expences, at the Time of such their Journies and Attendance; which Monies shall be raised in proportion to the said Proprietors respective Shares and Interests in the said Lands intended to be inclosed, and paid to such Person or Persons as the said Commissioners, or any Three or more of them, shall appoint to receive the same: And in case any Dispute shall arise concerning the Proportion of such Payment, the same shall be settled and determined by One Justice of the Peace for the



the County of *Bucks*, not being interested therein, in a summary Way, upon Oath (which Oath such Justice is hereby authorized to administer): And in case any of the said Proprietors shall refuse or neglect to pay his, her, or their Share or Proportion, when thereto required by the said Commissioners, or any Three or more of them, by a Notice in Writing, to be affixed upon the Church Door of *Swanburne* aforesaid for that Purpose, signifying the Time and Place of Payment, which Notice is hereby directed to be affixed at least Fourteen Days before the Time of such Payment; then the said Justice of the Peace, upon Oath made before him of such Notice having been given, and of all or any of the Proprietor or Proprietors having made Default in the Payment of their respective Shares thereof, shall and may, by Warrant under his Hand and Seal, directed to any Person whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; rendering the Overplus (if any) when demanded, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking such Distress and Distresses, and selling the same: And in case no such Distress or Distresses can be had or taken as aforesaid, it shall and may be lawful for the said Justice to authorize and empower, by Warrant under his Hand and Seal for that Purpose, any Person or Persons to enter into and upon the Premises, so to be allotted to such Person or Persons refusing to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby or therewith the Share or Shares, Proportion or Proportions, of the said Costs and Charges, so to be directed, awarded, and appointed, by the said Commissioners, or any Three or more of them, to be paid by such Person or Persons as aforesaid, and also all Costs, Charges, and Expences, occasioned or attending such Entry upon or Perception of the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

**And be it further Enacted,** That the Charges and Expences attending the obtaining and passing of this Act, and of the surveying, measuring, dividing, and allotting the Lands and Grounds intended to be divided and inclosed as aforesaid, and the laying down any Part or Parts thereof with Grass Seeds, and of the preparing and inrolling the said Award or Instrument, and all other the Charges and Expences of the said Commissioners, and other necessary Charges and Expences in and about the Premises, either before or after their executing the said Award, shall be paid, borne, or defrayed, by the Owners and Proprietors of, and Persons interested in, the said Lands and Grounds so intended to be divided and inclosed (except the said *Charles William Tonyn* and his Successors, Vicars of the said Vicarage), in proportion to their respective Shares, Allotments, and Properties, in the same, to be settled and finally determined by the said Commissioners, or any Three or more of them, at such Time and Times, and in such Proportion and Proportions, as the said Commissioners, or any Three or more of them, shall, either before or after their

How the  
Charges and  
Expences of  
the Act, &c.  
are to be paid.



their executing the said Award as aforesaid, order and direct, by a Notice or Notices in Writing under their Hands, to be affixed on the Church Door of the Parish of *Swanburne* aforesaid, Fourteen Days before the Time of such Payment; and that in case any of the Persons aforesaid shall refuse or neglect to pay his, her, or their Share or Proportion of all such Charges or Expences within the Time to be limited by the said Commissioners, or any Three or more of them, to such Person or Persons as they shall appoint to receive the same, then the said Commissioners, or any Three or more of them, shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) when demanded, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress or Distresses, and selling the same; and in case no such Distress or Distresses can or may be had or taken as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, or any other Person or Persons to be authorized by them, to enter into and upon the Premises so to be allotted to such Person or Persons refusing to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby or therewith, or otherwise, the Share or Shares, Proportion or Proportions, of the said Costs and Charges, so to be directed, awarded, and appointed by the said Commissioners, or any Three or more of them, to be paid by such Person or Persons 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 same Premises, shall respectively be fully paid and satisfied.

Saving to the  
Lords of Ma-  
nors.

**And be it further Enacted**, That nothing in this Act contained shall prejudice, lessen, or defeat, the Right, Title, or Interest of the KING's most Excellent Majesty, in Right of his Duchy of *Cornwall*, and Honour of *Berkhampstead*, or of any other Lord or Lords of any Honour or Honours, Manor or Manors, Lordship or Lordships, or reputed Honour or Honours, Manor or Manors, Lordship or Lordships, within the Jurisdiction or Limits whereof the said intended Inclosures are to be made in pursuance hereof, or of their Heirs, Successors, or Assigns, of, in, and to, their, any or either of their Seigniories and Royalties incident and belonging to such Honour or Honours, Manor or Manors, Lordship or Lordships respectively; but that all and every such Lord or Lords for the Time being, and all and every Persons and Persons claiming under him, them, any or either of them, as, such, shall and may, from time to time, and at all times hereafter, hold and enjoy all Rents, Services, Courts, Royalties, Honours, Perquisites and Profits of Courts, Fines, Reliefs, Amerciaments, and all other Royalties and Privileges, to the said Honour or Honours, Manor or Manors, Lordship or Lordships, or reputed Honour or Honours, Manor or Manors, Lordship or Lordships, or to the Lord or Lords thereof, or to any claiming under him, them, any or either of



of them, as such, incident, appendant, belonging, or appertaining (other than and except such Common of Pasture, or any Right of Common as can or may be claimed as belonging to him or them respectively, as Lord or Lords of the said Honour or Honours, Manor or Manors, or reputed Honour or Honours, Manor or Manors respectively, in, over, or upon, the Lands and Grounds so to be divided and inclosed as aforesaid), in as full, ample, and beneficial Manner, as he or they ought, could, or might have held or enjoyed the same before the passing of this Act, or in case the same had never been made.

**Saving** always to the KING's most Excellent MAJESTY, his Heirs <sup>General</sup> and Successors, and to all and every other Person and Persons, Bodies <sup>Saving.</sup> Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, All such Estate, Right, Title, and Interest, Claim and Demand (Other than those meant or intended to be barred by this Act), which they, every or any of them, had and enjoyed, or were intitled to, of, in, to, or out of, the said common Fields, common Meadows, common Grounds, and commonable Places, so intended and appointed to be divided and inclosed as aforesaid, before the Passing of this Act, or could or might have had or enjoyed, in case the same had not been made.