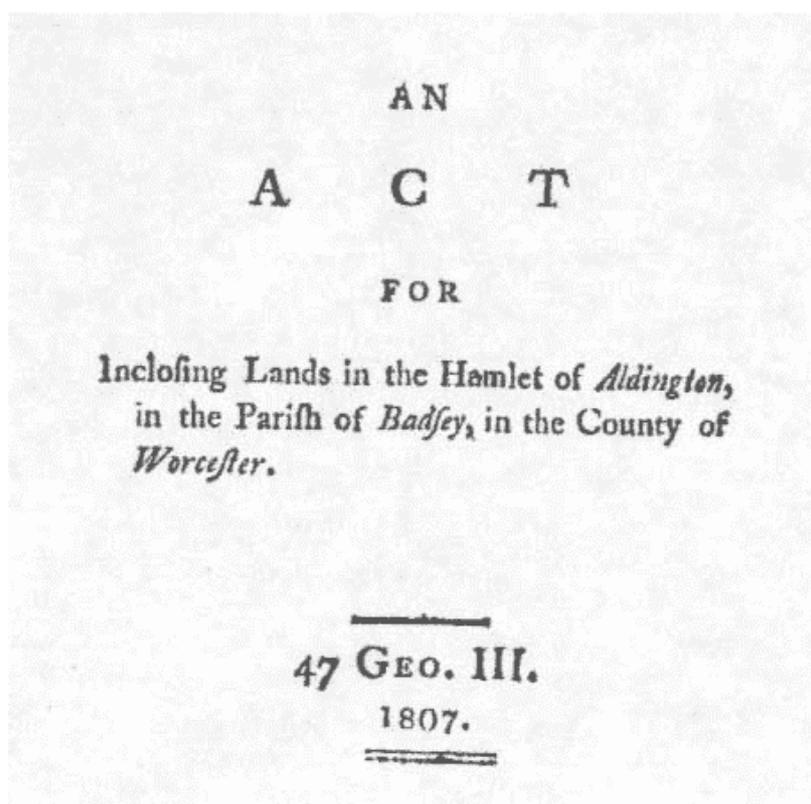
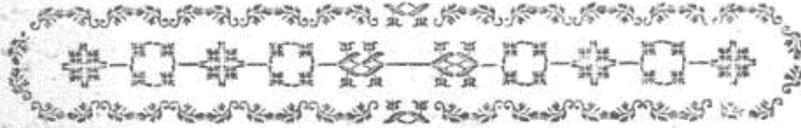


**An Act for Inclosing Lands in the Hamlet of Aldington, in the Parish of
Badsey, in the County of Worcester, 47 George III, 1807**

*Below is the front cover and first page of the printed Act of Parliament which may be viewed
at the Worcestershire Record Office. This is followed by a full transcription of the Act.*





AN
ACT
FOR

Inclosing Lands in the Hamlet of *Aldington*, in the Parish of *Badsey*, in the County of *Worcester*.

WHEREAS there are within the Hamlet of *Aldington*, in the Parish of *Badsey*, in the County of *Worcester*, divers Open and Common Fields, Meadows, Pastures, Commonable Lands, and Waste Grounds, and sundry inclosed Grounds, now subject to and paying Tythes, containing together about Five hundred and Fifty Acres, exclusive of a Messuage and inclosed Farm called *The Parks*, not intended to be anyways affected by this Act :

Preamble

And whereas *George Day*, Gentleman, is the Lord of the Manor or reputed Manor of *Aldington* aforesaid; and the Dean and Chapter of the Cathedral Church of Christ in *Oxford*, of the Foundation of King *Henry* the Eighth, are the Patrons of the Perpetual Curacy of the Parish Church of *Badsey* aforesaid; and the Reverend *George Auriol Hay Drummond*, is the present Curate and Incumbent thereof, and as such is entitled to certain Glebe Lands belonging thereto, and also to certain Small Tythes, and Payments in lieu of Tythes, arising from the Lands within the said Hamlet of *Aldington*; and the said Dean and Chapter are Impropriators of, and entitled to or claim to be entitled to the

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Whereas there are within the Hamlet of Aldington, in the Parish of Badsey, in the County of Worcester, divers Open and Common Fields, Meadows, Pastures, Commonable Lands, and Waste Grounds, and sundry Inclosed Grounds, now subject to and paying Tythes, containing together about 550 Acres, exclusive of a Messuage and Inclosed Farm called The Parks, not intended to be anyways affected by this Act: **Preamble**

And whereas George Day, Gentleman, is the Lord of the Manor or reputed Manor of Aldington aforesaid; and the Dean and Chapter of the Cathedral Church of Christ in Oxford, of the Foundation of King Henry VIII, are the Patrons of the Perpetual Curacy of the Parish Church of Badsey aforesaid; and the Reverend George Auriol Hay Drummond, is the present Curate and

Incumbent thereof, and as such is entitled to certain Glebe Lands belonging thereto, and also to certain Small Tythes, and Payments in lieu of Tythes, arising from the Lands within the said Hamlet of Aldington; and the said Dean and Chapter are Impropiators of, and entitled to or claim to be entitled to the Great or Rectorial, and all other the Tythes arising from or renewing out of all the Lands within the said Hamlet of Aldington, subject as next after mentioned:

And whereas John Robins, Esquire, claims to be entitled to a certain small Portion of Tythes issuing out of certain Lands in the said Hamlet of Aldington, in a Field or Furlong called Newland Field, the extent of the Lands is not well known, but the Lessees of the said Dean and Chapter hereinafter next mentioned now allow £3 per Annum for such supposed right of Tythes:

And whereas the most Honourable Mary Marchioness of Downshire and Baroness Sandys, and Sir John Dashwood King, Baronet, or one of them, is or are entitled, under a Lease from the said Dean and Chapter, for the remainder of a Term of 21 Years, to the Tythe of Hay arising and becoming due within the said Hamlet of Aldington aforesaid:

And whereas John Millard, John Benton, and Ann Slatter, Widow, are entitled, as Lessees under the said Dean and Chapter, of all other their Great Tythes arising and accruing within the said Hamlet of Aldington, for the remainder of a Term of 21 Years:

And whereas the said George Day, the Reverend Thomas Williams, Thomas Bird, Philip Rock, William Chambers, and several other Persons, are the Owners and Proprietors of the said Open and Common Fields, Meadows, and Commonable Lands, and divers old Inclosed Lands, subject to and now paying Tythes within the said Hamlet:

And whereas an Act was passed in the 41st year of the Reign of His present Majesty, intituled “An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts”:

And whereas the said Open and Common Fields, Meadows, Pastures, Commonable Lands, and Waste Grounds, lie intermixed and dispersed, and inconveniently situated for the Owners to make the most and best advantage thereof; and that it will be advantageous to all Parties interested therein, to have the same and the said Waste Grounds divided, allotted, and inclosed to and among them in specific Parts, according to their respective Rights, Shares, and Interests, and to have the said old Inclosures exonerated from Tythes: but such Allotments, Division, and Inclosure, and such exoneration from Tythes, cannot be made without the Aid and Authority of Parliament;

May it therefore please Your Majesty,

That is 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 **Commissioners**

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Richard Davis, of Lewknor in the County of Oxford, and Thomas Fulljames, of Hasfield Court in the County of Gloucester, Gentleman, and their Successors, to be elected as hereinafter mentioned, shall be and they are hereby appointed Commissioners for valuing, dividing, setting out, allotting, and inclosing the said Common Fields, Meadows, Pastures, Commonable Lands, and Waste Grounds, and for carrying this Act into Execution, subject to the Rules, Orders and Directions of the said recited Act, except in such cases where the same are hereby varied or altered.

And be it further Enacted, that if any Commissioner named in this Act, or to be appointed as hereinafter mentioned, shall die, neglect, or refuse to act, or become incapable of acting, before the Execution of the Award to be made by the said Commissioners, it shall and may be lawful to and for the remaining or surviving Commissioner, and he is hereby required, by Writing under his Hand from Time to Time, within 21 days after such death, refusal, or incapacity of any such Commissioner shall be known to him, to appoint (with the approbation of two-thirds in value of the Proprietors to be assembled at a Meeting to be appointed for that Purpose, of which Meeting Notice shall be given) another Person, not interested in the said intended Division or Inclosure, to be a Commissioner in the room of every Commissioner so dying, refusing, or becoming incapable to act; and every Commissioner so to be appointed as aforesaid, after taking the Oath prescribed in that behalf, shall have the like Power and Authority for carrying this and the said recited Act into Execution, as if he had been originally nominated in and by this Act.

**For appointing
new
Commissioners**

And be it further Enacted, that the said Commissioners shall and they are hereby required to cause Notice in Writing of the Time and Place of their first and every other Meeting for the Execution of this Act, to be affixed on the principal Door of the Parish Church of Badsey aforesaid, upon some Sunday before Divine Service, and to be published in the Worcester Newspapers, or one of them, at least 14 days before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners, only one of the said Commissioners shall attend, the Commissioner so attending may adjourn such Meeting to such Time, not exceeding One Calendar Month from the Day on which such Meeting was appointed to have been held, and Place not distant more than 8 Miles from the said Parish of Badsey, as shall be deemed by them most convenient.

**Commissioners
to give Notice
of their
Meetings**

Provided always, and be it further Enacted, that all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisement in the said Worcester Newspapers, or one of them.

**Other Notices
how to be given**

And be it further Enacted, that each of the said Commissioners shall be paid and allowed the Sum of Three Pounds and Three Shillings for every Day he shall attend in the Execution of the several Powers vested in them by this Act or the said recited Act, and in going to or returning from the Places of their Meetings; and that they shall severally pay thereout their

**Commissioners
Allowance**

own Expenses.

And be it further Enacted, that all Encroachments which at any Time within 20 Years now last past have been made upon the said Open Common Fields, Meadows, Pastures, Commonable Lands, and Waste Grounds, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachment, or the extent thereof, such Dispute shall be finally determined by the said Commissioners.

Encroachments

And be it further Enacted, that if any Disputes or Differences shall arise between any of the Parties Interested or claiming to be interested in the said Lands and Grounds, before setting out and allotting the same in Manner hereinafter mentioned, touching or concerning the Extent, Identity, or Possession of any Part or Parcel thereof, or touching or concerning the respective Rights and Interests which they or any of them shall have or Claim to have in, upon, or over the same Lands and Grounds, or touching or concerning any other matter or thing relating to the Division, Allotments and Inclosure intended to be made by virtue of this Act, then it shall and may be lawful to and for the said Commissioners, and they are hereby authorised to examine into, hear, and determine the same: provided always, that nothing herein contained shall authorise the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

**Commissioners
to settle
Disputes**

And be it further Enacted, that in case the said Commissioners shall, upon the Hearing or Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, see cause to award any Costs, it shall and may be lawful to and for the said Commissioners and they are hereby empowered, upon application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on demand, then and in such case it shall and may be lawful to and for the said Commissioners, and they are hereby authorised and required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

**Power to
Award Costs**

Provided always, and be it Enacted, that in case any Person or Persons interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners, respecting the right to the Soil of the said Waste Grounds, or touching or concerning their respective Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and

**Allowing
Parties to try
their Rights at
Law**

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

And be it further Enacted, that if any of the Parties in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such event had happened.

And be it further Enacted, that the said Commissioners shall and they are hereby required, before they make any other Allotments of the said Common Fields, Meadows, and other Commonable Lands, to set out and allot such Part or Parcels of the said Commonable Lands within the said Hamlet of Aldington, not exceeding 5 Acres, as they shall judge proper, as and for public Gravel, Stone, and Sands Pits, with convenient Roads or Ways to and from the same respectively, to be used in common by the respective Proprietors of Lands and Estates in the said Hamlet, and their Tenants, as well for their own respective necessary use within the said Hamlet, as for the repairs of the public and private Roads and Ways within the same (and such Allotments shall be vested in the Surveyors for the Time being of the said Highways of the said Hamlet, in trust for the Purposes aforesaid, and the same shall and may from Time to Time be let,

**Death of
Parties in any
Action not to
stay
Proceedings**

**Allotments for
getting
Materials to
repair Roads,
etc**

subject to the right of taking Gravel, Stone and Sand therefrom) and the Rents and Profits thereof applied towards the repairs of the public Roads and Ways within the said Hamlet, and shall be inclosed and fenced in such Manner as the said Commissioners shall in and by their Award order and direct.

And be it further Enacted, that the said Commissioners shall and they are hereby authorised and required to set out and allot unto and for the Lord of the Manor of Aldington aforesaid, such Parts of the Common and Waste Grounds hereby directed to be divided and allotted, as in the judgment of the said Commissioners shall be a full Recompense and Satisfaction for the Right of such Lord in or to the Soil of the said Common and Waste Grounds.

Allotments to the Lord of the Manor in lieu of his Right to the Soil

And be it further Enacted, that the said Commissioners shall in the next Place set out, allot, and award unto and for the said George Auriol Hay Drummond, as Curate of the Perpetual Curacy of Badsey aforesaid, and his Successors Curates as aforesaid, so much of the said Lands intended by this Act to be divided and inclosed, as shall in the judgment of the said Commissioners be equivalent to the Glebe Lands and Tythes now belonging to the said Curate, in right of his said Curacy of Badsey aforesaid, belonging or payable to him in the said Hamlet of Aldington aforesaid, except for Surplice Fees, Easter Offerings, and Mortuaries, which are to remain as heretofore.

Allotment in lieu of Glebe and Tythes

And be it further Enacted, that the said Commissioners shall set out, allot, and Award, unto and for the said John Robins, or his Grantee entitled to the same, at the Time their Award shall be ready for Execution, so much of the said Lands intended by this Act to be divided and inclosed, as shall in the judgment of the said Commissioners be a full and fair equivalent for the Tythes claimed to be due and payable to him out of some Portion of the uninclosed Lands intended by this Act to be inclosed.

Allotment to Mr Robins in lieu of his Tythes

And be it further Enacted, that the said Commissioners shall in the next place set out, allot, and award unto and for the said Dean and Chapter of the Cathedral Church of Christ in Oxford, as Impropiators as aforesaid, or their respective Lessees, for and in lieu of their several and respective Great Tythes, such Parts or Parcels of the said Lands and Grounds hereby directed to be divided and inclosed, as shall in the judgment of the said Commissioners be equal in value to one-fifth Part of all the inclosed Arable Lands within the said Hamlet of Aldington, one-Seventh Part of all the convertible Inclosures in the said Hamlet, or such as have been broken up, and sometimes Arable and sometimes Greensward, within 20 Years last past, and one-ninth Part of all the Homesteads, Orchards, and old Inclosed Meadow and pasture Lands and Waste Grounds respectively, subject and liable to the Payment of Tythes in kind (and for the Tythes whereof respectively a Compensation may be made in Land) and which shall remain after the public and private Drains and Roads, and Allotments for the said Stone, Gravel, and Sands Pits, and for the Lord of the Manor as such, and for the Glebe Lands and Right of Common, if any, belonging to the said Dean and Chapter, as Impropiators as aforesaid, and the said George Auriol Hay Drummond as Curate as aforesaid, shall be taken out

Allotments to the Impropiators in lieu of Great Tythes

and deducted, and the said Commissioners shall deduct the said Allotments for the said Tythes respectively, from and out of the respective Shares of the Commonable Land hereby directed to be divided and inclosed, which belong to the several Persons whose uninclosed or inclosed Lands have paid to this Time, and now pay Tythes as aforesaid, in proportion and according to the value or amount of such Tythes due from and payable by them respectively.

And be it further Enacted, that in case there are any Homesteads, Gardens, Orchards, Homecloses, or old Inclosed Lands and Grounds in the said Hamlet, subject or liable to the Payment of Tythes in kind, or to any Modus or Composition or other Payment in lieu of Tythes, or any Ecclesiastical Due or Payment, the respective Proprietors whereof shall not happen to be entitled to any or a sufficient specific Allotment to make Compensation for the same, such Proprietors shall respectively pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for such Tythes, Moduses, Compositions, or other Payments in lieu of Tythes, or other Ecclesiastical Due or Payment issuing or payable out of such Homesteads, Gardens, Orchards, Homecloses, and old inclosed Lands and Grounds respectively, or for such Part thereof for which a Compensation in Land cannot be made by the Proprietors thereof as aforesaid, which Sum or Sums of Money shall be applied towards Payment of the Charges and Expenses of obtaining and passing this Act, and carrying the same and the said recited Act into Execution, and shall and may be raised, levied, and recovered in like Manner as the Costs, Charges and Expenses of obtaining and passing this Act, and carrying the same and the said recited Act into Execution, are by the said recited Act directed to be raised, levied, and recovered; and in case any Surplus shall remain after Payment of such Charges and Expenses as aforesaid, such Surplus shall be paid to the Person or Persons entitled thereto, if seized in Fee of such Lands, or otherwise such Surplus shall be paid into the Bank of England in the Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same uses.

And be it further Enacted, that the said Commissioners shall and they are hereby required to set out, divide, apportion, and award the said Allotments so directed to be made for and in lieu of the said respective Tythes as before mentioned, to and between the said Dean and Chapter as Impropiators as aforesaid, and their Successors, and their said respective Lessees, and the said George Auriol Hay Drummond as Curate aforesaid, and his Successors, in severalty, in such Shares and proportions as the said Commissioners shall adjudge and determine to be an equal and just Compensation and Satisfaction for the respective Shares, Rights, and Interests of the said Impropiators, Lessees, and Curate respectively, of and in the said respective Tythes, according to their respective Proportions, Rights, and Interests therein.

**A Money
Payment to be
made for the
Tythes of old
Inclosures in
certain Cases**

**Allotments for
Tythes how to
be divided and
apportioned**

And be it further Enacted, that the said Commissioners shall have the Power, by the evidence of Witnesses on Oath (and which Oath they are hereby empowered to administer) and other sufficient evidence, to ascertain and determine what Parts of the said old Inclosures have been and are convertible Land, as before mentioned.

Commissioners to ascertain what Parts of the old Inclosures are convertible Lands

And be it further Enacted, that the said several Parts or Parcels of Land or Ground so to be set out and allotted unto and for the said Dean and Chapter and their Successors, as Impropiators as aforesaid, or their Lessees, and the said George Auriol Hay Drummond, and his Successors Curates as aforesaid, and to be divided and apportioned amongst them as aforesaid, shall be in lieu of, and in full Compensation and Satisfaction for the Glebe Lands and Right of Common now belonging to them or any of them respectively as aforesaid, and also of and for all Great and Small Tythes whatsoever, growing, renewing, arising, happening, or belonging, or due or payable to the said Dean and Chapter as Impropiators as aforesaid, or their Lessees, and the said George Auriol Hay Drummond as Curate as aforesaid, from out of, or in respect of all and every the said Lands and Grounds hereby directed to be divided and allotted, Homesteads, Orchards, and Inclosures, and other the Lands and whatsoever within the said Hamlet, or the Boundaries, Limits and Precincts thereof, except Surplice Fees, Easter Offerings, and Mortuaries, due or belonging to the said Curate as aforesaid.

Declaring Allotments to be in full Compensation for the Rights of the Parties, etc

Provided always, and it is hereby further Enacted, that nothing in this Act shall extend, or be construed to extend, to a certain Messuage and old inclosed Farm, called The Parks, situate within the said Hamlet of Aldington, now in the occupation of William Preedy, Gentleman, but that the same shall remain in the same situation as it did before the passing of this Act.

This Act not to extend to a certain Farm called The Parks

And be it further Enacted, that after the several Allotments hereinbefore mentioned shall be made, the said Commissioners shall assign, set out, and allot all the Residue and Remainder of the said Open and Common Fields, Meadows, Pastures, Commonable Lands, and Waste Grounds, by this Act directed to be divided and inclosed, unto the several other Persons who are, shall, or may be Owners or Proprietors thereof, whether Freeholders, Copyholders, or Leaseholders, and Persons entitled to or having Right of Common or other Interest therein, in such Shares, Quantities, and Proportions, and in such Manner, as the said Commissioners shall adjudge and determine to be a fair, just, and reasonable Compensation and Satisfaction, and equal in value to their several and respective Shares, Properties, Right of Common, and other Rights and Interests of, in, to, and over the same Lands and Grounds, Quantity, Quality, and Situation of such uninclosed Lands, and the Allotments to be made in lieu thereof, always to be considered in the judgment which the said Commissioners shall form thereof, and by their said Award determine.

Allotments of the Residue

And be it further Enacted, that the several Allotments to be awarded to the said several Persons so as aforesaid entitled to Tythes, and for Glebe Land as aforesaid, and to the said Churchwardens and Surveyors for the Time

Allotments how to be fenced and by

being respectively, shall be Ring-fenced in such Manner as the said Commissioners shall order and direct, the Expenses of which shall be borne and defrayed by the Person and Persons to whom any other Allotment or Allotments shall be made by virtue of this Act, in such Proportions as the said Commissioners shall appoint; and the said Commissioners are hereby authorised and required to assess such Expenses upon the several Persons so chargeable with the Payment thereof, and the same shall and may be recovered by the same ways and means as the general Expenses of obtaining and carrying this Act into Execution, are provided for and made recoverable, which Fences shall, for the space of Seven Years from the date of the said Commissioners Award, be maintained, preserved, and kept in repair, by and at the expense of such respective Persons, and in such Manner, as the said Commissioners shall in and by such Award direct or appoint; but from and after the expiration of the said Term of Seven Years, such Fences shall be supported and maintained by and at the expense of the several and respective Persons to whom the same shall be allotted as aforesaid: provided always, that convenient Gaps and Openings shall be left in the Fences to any Allotments to be made by virtue of this Act, for the space of Three Calendar Months next after the Execution of the said Award, for the passing of Cattle, Carts, and Carriages in and through the same, unless the said Commissioners shall in and by their said Award, or other Instrument in Writing under their Hands, appoint a longer Time for that Purpose, and then for such Time as they shall appoint.

whom

Openings to be left in the Fences, etc

And be it further Enacted, that the said Commissioners may and they are hereby empowered, in and by their Award, to divert and order any Streams, Springs, or Watercourses in the said Hamlet of Aldington, to be conveyed in such courses, and through such Lands as they in their discretion shall think proper, for the Purpose of draining any Land, or supplying any other Land with Water; provided that no such Streams, Springs, or Watercourses be so diverted or turned, without the consent in Writing of the Person or Persons from whose Lands such Streams, Springs, or Watercourses, may be so diverted or turned, or without the consent in Writing of the Person or Persons into whose Lands or Grounds such Streams, Spring, or Watercourses shall be conveyed.

Power to alter and turn Watercourses

And be it further Enacted, that from and after the passing of this Act, until the Execution of the said Commissioners Award, all the Open and Common Fields hereby directed to be divided and allotted, shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time, by Writing under their Hands, appoint, as well with regard to the stocking as to the ploughing, folding, tilling, sowing, and laying down the same; and it shall be lawful for the said Commissioners to order and direct such Sum and Sums of Money in respect thereof, and also in respect of the sowing any Clover, or other Grass and Turnip Seeds, which, before the passing of this Act, or any such appointment as aforesaid, shall be sown on any of the said Open Fields or Lands, to be paid by any Person or Persons interested in the said Open and Common Fields, his, her, or their Tenant or Tenants, as they the said Commissioners shall think reasonable; and in case any Person or Persons, who shall be directed to pay any Sum or Sums of Money on any of the accounts

Commissioners to direct the Course of Husbandry

aforesaid, shall neglect or refuse to pay the same on demand, then and in such case it shall be lawful for the said Commissioners, and they are hereby authorised and required to raise and levy the same, for the use and benefit of the Person or Persons entitled thereto, by such ways and means as the Costs, Charges, and Expenses of obtaining and executing this Act may be raised and levied.

And be it further Enacted, that it shall not be lawful for any Person or Persons, for the space of Seven Years, to keep or depasture any Sheep or Lambs in or upon any of the Allotments to be made by virtue of this Act, which, under the Award of the said Commissioners, shall be fenced with Quicksets, unless the Person or Persons keeping such Sheep or Lambs shall, at his or their own expense, effectually and sufficiently fence off or guard, and duly keep fenced off the Quickset Hedges or other Live Fences of the Proprietor or Proprietors of such Allotment or Allotments where such Sheep or Lambs shall be so kept, and of such Allotment or Allotments adjoining thereto, so as to prevent any damage being done to the Quickset Hedges.

No Cattle to be kept on the new Allotments for a limited Time

Provided always, and be it further Enacted, that the several Allotments of Land and yearly Sums of Money, to be made and ascertained upon the said Inclosure and Division, to the several Parties concerned respectively, and all Land and Hereditaments which shall be exchanged in pursuance of this Act, or the said recited Act of the 41st year of the Reign of His present Majesty, for any other Land or Hereditaments, shall, immediately after making such Allotments and Exchanges, and apportioning such Money, be remain, and enure, and the several Persons to whom the same shall be allotted, given in exchange, or apportioned as aforesaid, shall from thenceforth stand and be seized thereof and interested therein, to, for, and upon such and the same Estates, Uses, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, as the several Lands, Tythes, Tenements, and Hereditaments, in lieu whereof such Allotments and exchanges shall be made, and Money apportioned as aforesaid, now are, or would have been held under, subject to, or liable to have been charged with or affected by, in case the same had remained unallotted, uninclosed, and unchanged, or this Act had not been made.

Provided also, and be it further Enacted that all Leases and Agreements upon Rack or Extended Rent now subsisting, of all or any Part or Parts of the Land by this Act directed to be divided and inclosed, or any Tythes thereof, or any Messuages, Buildings, Homesteads, Gardens, Orchards, or old inclosed Lands, held with the said Lands or Tythes, or which shall be exchanged within the said Hamlet of Aldington by virtue thereof, shall cease, determine, and be void, upon the 29th Day of September next after the passing of this Act, and that the respective Tenants thereof shall be paid, by the respective Proprietors of the same premises so leased or otherwise held, such Sum or Sums of Money as the said Commissioners shall, by Writing under their Hands, ascertain as reasonable to be paid to such Tenants respectively, as are equivalent for the avoidance of such Leases; and that such Tenants respectively shall be at liberty to cut, carry, and lay upon some Part of the said respective Farms and Lands, their

Leases at Rack Rent to be vacated

respective Crops, which shall, during the present Year, grow thereon, for their own use and benefit, and shall have the use of such Parts of the Fold Yards, and of the Barns and other Buildings thereon, as the Commissioners shall, under their Hands, appoint for threshing and ending such Crops, such Tenants respectively making such Satisfaction to their respective Landlords for the growth of the said Crops, and such other Privileges, as the said Commissioners shall in Manner aforesaid appoint: provided always, that if there shall be any such Lease or Leases of Lands, and Agreement or Agreements for a Lease or Leases of Lands, Part of which shall be in the said Parish of Badsey, and Part in any adjoining Parish, all and every such Lease and Leases, Agreement or Agreements for a Lease or Leases, may be vacated as aforesaid; but where any Land shall have been taken in exchange, which Land shall be under Lease or Agreement, and wholly situate in an adjoining Parish, such last-mentioned Lease or Agreement shall not be vacated.

And be it further Enacted, that if any of the Parties Interested in the said intended Division and Inclosure, shall die before the Execution of the Award of the said Commissioners, the Powers and Authorities hereby given to the said Commissioners shall not determine or be suspended, but the said Commissioners shall and may proceed to execute the Powers and authorities given to them by this Act, as amply as they might have done in case such Parties had not died; and that the Share or Shares of the Person or Persons so dying, shall be allotted to the Person or Persons who, by descent, will, or otherwise, shall be entitled to the same, and who shall accept and fence the Land to be allotted to him, her, or them, according to the Directions of this Act, or the said recited Act of the 41st year of the Reign of His present Majesty, and shall in every other respect be subject to the Powers contained in the said Act, and to the Rules, Orders, and Directions to be contained in the Award of the said Commissioners.

Death of Parties not to impede the Commissioners in the Execution of this Act

And be it further Enacted, that the Charges and Expenses incident to and attending the obtaining and passing of this Act, and the surveying, planning, valuing, dividing, and allotting of the Land intended to be Inclosed as aforesaid, and the surveying, planning, and valuing of the said Homesteads, Orchards, and old inclosed Lands, and the preparing and inrolling of the said Award, and all other necessary Expenses in and about the premises, shall be paid, borne, and defrayed by the Owners and Proprietors of, and Persons interested in the Lands so intended to be divided and inclosed, and of and in the said Homesteads, Orchards, and old inclosed Lands and Tythes (except the said Impropriators and their Lessees, the said Curate of Badsey, and the said Surveyors of the Highways respectively for the Time being, in respect of the Allotments to be made to them respectively as aforesaid, as such Impropriators, Lessees, Curate, and Surveyors respectively) in such Shares and proportions as the said Commissioners shall appoint, by a Rate to be made by them for that Purpose; and the several Sums of Money thereby rated, shall be paid by such Person or Persons, and at such Time or Times, and Place, as the said Commissioners shall in and by their said Award, or any other Writing to be by them signed, either before or at the Execution thereof, award, order, and direct.

For paying the Expenses of this Act

And be it further Enacted, that the Money which shall be advanced and laid out in Discharge of the Fees or other Expenses of obtaining this Act, shall be paid to the Person or Persons advancing the same, together with the Interest thereof, after the rate of £5 per centum per Annum, out of the Monies which shall be first raised to defray the Expenses by virtue hereof.

**Persons
advancing
Money to be
repaid with
Interest**

And be it further Enacted, that once at least in each and every Year during the Execution of this Act (such year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just statement or account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expenses in the Execution of this Act; and such statements or accounts when so made, together with the Vouchers relating thereto, shall be by them laid before Two Justices of the Peace in and for the said County of Worcester, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk of the said Commissioners; and no charge or item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justices.

**Commissioners
to account**

And be it further Enacted, that if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such case (except as to such Claims, Matters, and Things as are hereinbefore directed or authorised to be tried, settled, or determined by the Verdict of a Jury, or where any of the clauses or provisions of the said recited Act or of this Act shall express that the same shall be final and conclusive), he, she, or they may Appeal to any General Quarter Sessions of the Peace which shall be holden for the said County of Worcester, with Four Calendar Months next after the Cause of Complaint shall have arisen, and the Justices in the said Sessions are hereby required, to hear and determine the Matter of every such Appeal; provided that Notice in Writing of every such Appeal, expressing the Cause of Complaint, shall be given to the said Commissioners or some of them, or to the other Party interested in the matter of any such Appeal, or their Agent or Agents for the Time being, Ten Days at least before any such General Quarter Sessions; and if such Notice shall not have been given, or the said Justices in the said General Quarter Sessions shall see other sufficient Cause, they are hereby authorised and required to adjourn every such Appeal to the next General Quarter Sessions to be holden for the said County; and the said Justices shall make such order upon the Hearing, and touching the said matter of Appeal, and award such Damages and Costs, as to them in their discretion shall seem reasonable, and by their Order or Warrant levy the Damages and Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere.

**Allowing an
Appeal**

Provided also, and be it further Enacted, that this Act shall not extend, or

This Act not to

be construed to extend, to the Tythes which may be due or claimed, arising out of the said Messuage and inclosed Farm called The Parks, situated in the said Hamlet of Aldington, but as to any such Tythes or Claim, the said Farm shall remain and be as though this Act had never passed.

**extend to the
Tythes of the
Park Farm**

Saving always to the King's Most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, and their Successors, Heirs, Executors, and Administrators (Other than and except the several Persons to or for whom any Allotment or Allotments shall be made by virtue of this Act, in respect to the Interest and Property for which such Allotment or Allotments shall be made, and his, her, or their respective Executors and Administrators) all such Estate, Right, Title, Interest, Claim, or Demand, as they or either of them had and enjoyed of, in, to, or out of the said Lands, Grounds, and Premises so directed to be inclosed as aforesaid, before the passing of this Act, or could or might have had and enjoyed in case the same had not passed into a Law.

**General Saving
of Rights**