STANDING ORDERS

OF THE

House of Commons,

RELATIVE TO

BILLS

OF

INCLOSURE AND DRAINAGE.

Ordered to be printed 30th June and 2d July 1801.

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OF

INCLOSURE AND DRAINAGE.

Martis, 30° *die Junij*, 1801.

RESOLVED,

THAT the Standing Order of the Houſe, of the 25th April 1774,—"That before any Petition is preſented to the Houſe for incloſing, draining, or improving any Lands, Fens, or Commons, a printed or written Notice of ſuch intended Application to Parliament be affixed on the Church Door of the Pariſh or Pariſhes in which ſuch Lands, Fens, or Commons do lie, for Three Sundays, in the Months of Auguſt and September, or either of them, immediately preceding the Seſſion of Parliament in which ſuch Petition is to be preſented,"—be adhered to.

Reſolved,

THAT the Standing Order of the Houſe of the ſaid 25th April 1774,—"That in all Bills for incloſing Lands or Commons, the Names of the Commiſſioners propoſed to be appointed, and the Compenſations intended for the Lord of the Manor, and the Owners of Tithes in lieu of their reſpective Rights, where any

any Bargains or Agreements have been made for ſuch Compenſations, be inſerted in the Copy of the Bill preſented to the Houſe; and that all Copies of ſuch Bills, whether printed or written, which ſhall be ſent to any of the Perſons intereſted in the ſaid Manor, Tithes, Lands, or Commons, for their Conſent, do contain the Names of ſuch propoſed Commiſſioners, and alſo ſuch intended Compenſations,"—be adhered to.

Reſolved,

THAT the Standing Order of the Houſe of the 22d November 1775,—"That when any Petition for incloſing, draining, or improving any Lands, Fens, or Commons, hath been preſented to this Houſe, the Committee to whom the ſaid Petition ſhall be referred, or in caſe the ſaid Petition ſhall not be referred to a Committee, then the Committee to whom the Bill for thoſe Purpoſes ſhall be committed, do examine, in the firſt Place, how far the Orders contained in the Two former Reſolutions, have been complied with; and the Chairman of ſuch Committee ſhall report the ſame to the Houſe, on the Report of ſuch Petition or Bill,"—be adhered to.

Reſolved,

THAT the Firſt Standing Order of the Houſe of the 14th March 1781,—That of the 3d March 1800; the Second, Third, Fourth, and Sixth of the Reſolutions agreed to by the Houſe on the 24th Day of this Inſtant, June, relating to Bills of Incloſure, ſhould be limited, in their Conſtruction, ſo as only to prevent any ſuch Bill from containing Clauſes contrary to any ſuch Reſolutions reſpectively.

Reſolved,

THAT the Second Standing Order of the Houſe of the 14th March 1781,—"That in all Bills for incloſing Lands or Commons which ſhall be preſented to this Houſe after this Seſſion of Parliament, Proviſion be made for empowering and

and requiring the Commiſſioners named in ſuch Bills, to appoint One or more Surveyor or Surveyors, with a Salary, for the firſt forming, and alſo putting into good and ſufficient Repair, the public Carriage Roads, and for defraying the Expence of ſuch Salary, and of ſuch forming and Repair which ſhall be incurred, over and above the Statute Duty, either by Sale of a ſufficient Portion of the ſaid Lands, or by a Rate upon the Owners and Proprietors of the Lands ſo incloſed within the ſaid Pariſh; and for preventing any Charge or Burthen being laid on the Inhabitants not being Owners or Proprietors of Lands, towards the firſt forming, making, and repairing the ſaid Roads, other than the Statute Duty, until the ſame ſhall, by the ſaid Commiſſioners, or the ſaid Surveyor or Surveyors, be certified before the Juſtices, at their Quarter Seſſion for the County in which ſuch Pariſh ſhall lie, to be completely formed and made good; which Certificate the ſaid Commiſſioners, or the ſaid Surveyor or Surveyors, ſhall be obliged to deliver to the ſaid Juſtices, within Two Years after the Award, or give ſufficient Reaſons for further Allowance of Time, not exceeding One other Year, under certain Penalties to be ſpecified in the ſaid Bills reſpectively,"—be repealed.

Reſolved,

THAT all Perſons concerned, in Intereſt, in any Bill for incloſing any Lands or Grounds, or for extinguiſhing any Right of Common therein, may ſignify their Conſent to the ſame by Affidavit taken and authenticated according to the Form preſcribed in the Schedule to a Bill, 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 Bills," unleſs the Committee to whom the Petition, or Bill, for ſuch Incloſure or Improvement ſhall be referred, ſhall otherwiſe order.

Reſolved,

THAT the Committee to whom any Petition, or Bill, for the incloſing any Lands or Grounds, or for extinguiſhing any

Right of Common thereon, ſhall be referred, may admit Proof of the Notices required by the Standing Orders of this Houſe, and of the Allegations in the Preamble of ſuch Bill, by Affidavit taken and authenticated according to the Form preſcribed in the Schedule to the ſaid Bill, unleſs ſuch Committee ſhall otherwiſe order.

Reſolved,

THAT the Three laſt Reſolutions ſhall not take Effect, unleſs the ſaid Bill ſhall paſs into a Law.

ORDERED,

THAT the ſaid Reſolutions be made Standing Orders of this Houſe.

Jovis, 2° die Julij, 1801.

RESOLVED,

THAT, in all Bills for incloſing Lands or Commons, which ſhall be preſented to the Houſe after this Seſſion of Parliament, there be inſerted a Clauſe, providing what Sum of Money in the Whole ſhall be paid to each of the Commiſſioners to be appointed by ſuch Bill, in full Satisfaction of the Expence and Trouble which he ſhall incur in the Execution of the Truſts and Powers thereby given; or that, in Default of ſuch Proviſion being made, there be inſerted a Clauſe providing that the Account of ſuch Commiſſioner or Commiſſioners, containing a true Statement of all Sums by him or them received and expended, or due to him or them for their own Trouble or Expences, ſhall, at leaſt Once in every Year, from the Date of the paſſing of ſuch Act till ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by ſome Perſon or Perſons in ſuch Bill to be named, and the Balance by him or them ſtated in the Book of Accounts already required to be kept in the Office of the Clerk of ſuch Commiſſioners, and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be duly allowed by ſuch Perſon or Perſons.

Reſolved,

THAT, in all ſuch Bills as above-mentioned, Proviſion be made that no Witneſs ſummoned to attend ſuch Commiſſioner or Commiſſioners ſhall be obliged to travel above Eight Miles from

from the Boundary of the Parish, Manor, or District, thereby intended to be inclosed.

Resolved,

That in all such Bills, Provision be made for empowering and requiring the Commissioner or Commissioners named in such Bills to appoint one or more Surveyor or Surveyors, with or without a Salary, for the first forming and completing such Parts of the Public Carriage Roads directed to be set out and appointed by such Bill as shall be newly made, and for putting into complete Repair such Part of the same as shall have been previously made, and for defraying the Expence of such Salary, and of forming, completing, and repairing such Roads respectively, over and above a Proportion of the Statute Duty on the Roads to be so repaired, either by Sale of a sufficient Portion of the said Lands, or by a Rate to be settled and apportioned by such Commissioner or Commissioners, upon the Owners and Proprietors of the same; and in case of Sale of such Lands, for the Payment of the Produce thereof, before the Execution of the Award to such Surveyor or Surveyors, to be accounted for as hereinafter directed, and for making a conditional Rate upon such Owners and Proprietors, in case the Produce of such Sale should prove insufficient for the Purposes aforesaid, and for subjecting such Surveyor or Surveyors, and his or their Accounts, to the Jurisdiction and Controul of the Justices of the Peace in all Respects whatever, and with the same Powers of levying such Rate as may by such Justices be thought necessary, according to the Proportions previously ascertained by such Commissioner or Commissioners, in like Manner as if he or they had been appointed by virtue of the general Highway Act, passed in the 13th Year of His present Majesty, and for the Repayment of any Surplus that may remain in his or their Hands after such Roads shall be completely formed and repaired, to such Persons as shall have been made liable to contribute thereto, according to the Proportions

portions above-mentioned, and for preventing any Charge or Burthen being laid on the Inhabitants at large, except such Proportion of such Statute Duty as aforesaid, until the same shall, by such Justices in their special Sessions, be so ordered or directed; and for enforcing, by certain Penalties on such Surveyor or Surveyors, to be specified in such Bill, the completing and repairing such Roads within Two Years after the said Award, unless such Justices shall, on sufficient Cause being alledged and proved to their Satisfaction, grant a further Time, not exceeding One Year.

Resolved,

That in all such Bills, whenever any Sum of Money is under the Provisions of such Bill, to be paid for the Purchase or Exchange of any 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, Provision shall be made for empowering the Commissioner or Commissioners named in such Bill out of such Sum to defray such Proportion of the Expence of passing such Act, and carrying the same into Execution, as shall, if any, be charged upon any of the Lands, Tenements, or Hereditaments, of the Person or Persons, Body Politic or Corporate, Trustees, or Feoffees, in Possession of the Lands, Tenements, or Hereditaments, so sold or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall, in the Judgment of such Commissioner or Commissioners, be proper to be made, and shall be made, under his or their Direction, upon any Lands to be by virtue of such Bill allotted to such Person or Persons, Body Politic or Corporate, Trustees, or Feoffees respectively; and that the Surplus thereof, not being less than the Sum of Two Hundred Pounds, be paid into the Bank of England, in the Name, and with the Privity of the Accountant

countant General of the Court of Chancery, to be placed to his Account, *ex parte* the Commiſſioner or Commiſſioners under ſuch particular Bill, or under ſuch other Title as by the ſaid Bill ſhall be directed, purſuant to the Method preſcribed by the Act of the Twelfth Year of King George the Firſt, Chapter 32, and the General Orders of the ſaid Court, and without Fee or Reward, and ſhall, when ſo paid in, there remain until the ſame ſhall, by Order of the ſaid Court, upon a Petition to be preferred to the ſaid Court in a ſummary Way, be applied either in the Purchaſe of Land Tax, or towards the Diſcharge of any Debts or Incumbrances affecting the ſaid Lands, Tenements, and Hereditaments, ſo purchaſed or exchanged, or until the ſame ſhall, upon the like Application, be laid out, in a ſummary Way, after allowing for the Expences neceſſarily attending ſuch Purchaſe, by Order of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes; and in the mean Time, and until ſuch Money may, by Order of the ſaid Court, be laid out in ſome of the Public Funds, or in Government or Real Securities, and the Dividends or Intereſt ariſing therefrom, ſhall, by Order of the ſaid Court, be paid to ſuch Perſon or Perſons as would, for the Time being, be entitled to the Rents and Profits of ſuch Lands, Tenements, and Hereditaments, ſo to be purchaſed, conveyed, and ſettled: And in caſe ſuch Sum of Money ſhall be leſs than the Sum of Two Hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then, and in ſuch Caſe, ſuch Sum of Money ſhall, with the Approbation of ſuch Commiſſioner or Commiſſioners, be paid into the Bank of England, and applied, by Order of the Court of Chancery, in Manner hereinbefore directed, or may, without any Order of the Court of Chancery, be paid into the Hands of Two Truſtees, to be nominated by the Perſon or Perſons who, for the Time being, would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, ſo to be purchaſed and ſettled, ſuch Nomination to be approved of by ſuch Commiſſioner or Commiſſioners, and ſuch Nomination and Approbation to be in

in Writing, under the Hands of the Perſon ſo nominating and approving, and the Money ſo paid to ſuch Truſtees ſhall, by them, be applied in like Manner as is before directed with reſpect to the Money ſo to be paid into the Bank, in the Name of the Accountant General of the Court of Chancery, but without any Order of the ſaid Court touching the Application thereof; and in caſe ſuch Sum of Money ſhall not exceed Twenty Pounds, then the ſame ſhall be paid to the Perſon or Perſons who, for the Time being, would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, ſo to be purchaſed and conveyed for his, her, or their own Uſe and Benefit.

Reſolved,

That no Perſon ſhall be named in any ſuch Bills as a Commiſſioner, Surveyor, or Valuer, who ſhall be intereſted in the Incloſure to be made by virtue of ſuch Bill, or the Agent ordinarily intruſted with the Care, Superintendance, or Management, of the Eſtate of any Perſon ſo intereſted.

Reſolved,

That in all ſuch Bills there be inſerted a Clauſe, by which the Commiſſioner or Commiſſioners ſhall be required to ſet out the Public Carriage Roads in ſuch Directions as ſhall upon the Whole appear to him or them moſt commodious for the Public, and to aſcertain the ſame by Marks and Bounds, and to prepare a Map in which ſuch intended Roads ſhall be accurately laid down and deſcribed, ſuch Map, ſigned by the Commiſſioner, if only One, or the major Part of the ſaid Commiſſioners, to be depoſited with the Clerk of the ſaid Commiſſioner or Commiſſioners; and, as ſoon as may be after ſuch Carriage Roads ſhall have been ſo ſet out, and ſuch Map ſo depoſited, to give Notice in ſome Newſpaper to be named, circulating within that Part of the County where ſuch intended Incloſure ſhall lie; which Notice ſhall alſo be affixed

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upon the Church Door of the Parish, of his or their having set out such Roads and deposited such Map, and also of the general Lines of such intended Carriage Roads; and to appoint in the same Notice, a Meeting to be held by the said Commissioner or Commissioners, at some convenient Place in or near to the Parish or Township within which the Inclosure is to be made, and not sooner than Three Weeks from the Date of such Notice, at which Meeting any Person, who may be injured or aggrieved by the setting out of such Roads, may attend; and if any Person shall object to the setting out of the same, that then the Commissioner or Commissioners, together with any Justice or Justices of the Peace acting in and for the Division in which such Inclosure shall be made, and not being interested in the same, who may attend such Meeting, shall hear and determine such Objection, and the Objections of any other such Person, to any Alteration that the said Commissioner or Commissioners, Justice or Justices, may in Consequence propose to make, and shall, according to their Judgment upon the Whole, order, and finally direct, how such Carriage Roads shall be set out, and either confirm the said Map, by re-signing the same, or make such Alterations therein, as the Case may require; and in case such Commissioner or Commissioners shall by such Bill be empowered to stop up any old or accustomed Road passing through any Part of the old Inclosures in such Parish, Township, or Place, the same shall in no Case be done without the Concurrence and Order of Two Justices of the Peace acting in and for such Division, and not interested in the Repair of such Roads, and be subject to an Appeal to the Quarter Sessions, in like Manner as if the same was originally ordered by such Justices as aforesaid.

Resolved,

THAT Bills for the Purpose of inclosing small Tracts of Land, not exceeding Three Hundred Acres, and effecting the same by Clauses usual in such Bills, shall be considered, as to the Payment of Fees, only as single Bills; and that those for the

the Inclosure of small Tracts of Land, to be effected as above, not exceeding One Hundred Acres, shall be subject only to the Payment of Half the Bill Fees due on a single Bill; the Admeasurement in both Cases to be proved according to such Form as may be prescribed by any Act passed in this Session of Parliament.

ORDERED,

THAT the said Resolutions be made Standing Orders of this House.

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