



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 109.

An Act for dividing, allotting, and inclosing the Common and Open Fields, Common Meadows, and other Commonable Lands and Waste Grounds in the Parishes of *Sbitlington* and *Holwell*, in the County of *Bedford*. [22d June 1802.]

WHEREAS the Parishes of *Sbitlington* and of *Holwell*, in the County of *Bedford*, adjoin together, and very considerable Parts thereof are intermixed with each other, and there are within the said Parishes several Common and Open Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds: And whereas *Joseph Musgrave* Esquire is Lord of the several Manors of *Sbitlington* and of *Apsleybury*, within the said Parish of *Sbitlington*: And whereas the Master, Fellows, and Scholars of the College of the Holy and Undivided Trinity within the Town and University of *Cambridge*, of King *Henry* the Eighth's Foundation, are Lords of the Manor of the Rectory of *Sbitlington*, and are Rectors Improprate of the said Parish of *Sbitlington*, and in Right thereof are entitled to all Manner of Tythes, Great and Small, arising and renewing within the said Parish of *Sbitlington*: And whereas the Right Honourable Lady *Frances Radcliffe* is Lady of the Manor of *Holwell the Great* otherwise *Holwell* and *Cadwell*, within the said Parish of *Holwell*: And whereas *Anne Millicent Clarke*
[Loc. & Per.] 21 R Spinster,

Spinster, is Patroness of the Rectory of the Parish of *Holwell* aforesaid: And whereas *Thomas Dove* Clerk is Rector of the said Parish of *Holwell*, and is in Right of such Rectory entitled to all Manner of Tythes, Great and Small, arising and renewing within the same Parish, and to certain Glebe Lands and Common Rights thereto belonging: And whereas the said *Joseph Musgrave*, *Lady Frances Radcliffe*, and *Anne Millicent Clarke*, *Francis Pym* Esquire, *John Crawley* Esquire, *William Young* Esquire, *William Hale* Esquire, *Richard Jackson* Esquire, *Richard Gough* Esquire, *William Wilshere* Esquire, *Richard Sheppard* Esquire, *James Whittingstall* Esquire, and several other Persons, are Proprietors of or interested in the Common and Open Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds within the said several Parishes: And whereas, by reason of the intermixed State of the Property in the said Common and Open Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds, the same are not capable of being cultivated or occupied in the most profitable Manner, and it would be highly beneficial to all Parties concerned if the said Common and Open Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds were set out, divided, and allotted, unto and amongst the several Proprietors thereof and Persons interested therein, in specifick Shares, in lieu of their respective Rights in, over, and upon the same; but as such Division and Allotment cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Common and Open Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds in the several Parishes of *Skylington* and *Holwell* aforesaid, shall, as soon as conveniently may be after the passing of this Act, be qualified, valued, divided, set out, and allotted, by *Thomas Thorpe*, of *Great Barford* in the said County of *Bedford*, Gentleman, *Joseph Truslove*, of the Town of *Cambridge* in the County of *Cambridge*, Gentleman, and *Joseph Eade*, of *Hitchin* in the County of *Hertford*, Gentleman, who shall be and are hereby appointed Commissioners for the Execution of this Act, with such Powers, and subject to such Orders, Directions, and Regulations, as are enacted by and contained in an Act, passed in the Forty-first Year of His present Majesty's Reign, 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*, except so far as the same are varied, and as other Provisions are enacted by this present Act; and that the Notices by the said Act required to be given in some publick Newspaper of setting out publick Carriage Roads, and of reading and executing the Award of the Commissioners, shall be given and published in *The County Chronicle*, or if that Newspaper shall not then be published, in some other Newspaper generally circulated in the said County of *Bedford*.

Commissioners.

Appointment of new Commissioners on Vacancies.

II. Provided, and be it further enacted, That if before the Powers and Trusts reposed in the said Commissioners shall have been fully executed and performed, the said *Thomas Thorpe* shall die, or become incapable of acting,

acting, or refuse to act in the Execution of such Powers and Trusts, it shall be lawful for the said *Joseph Musgrave*, his Heirs or Assigns, Lord or Lords of the said Manor of *Sbitlington*, and he and they are hereby required, by Writing under his or their Hand or Hands, to appoint some other fit Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place of the said *Thomas Thorpe*, and so from Time to Time as often as any Commissioner, to be appointed by the said *Joseph Musgrave*, his Heirs or Assigns, shall die, become incapable of acting, or refuse to act as aforesaid; and that in case the said *Joseph Truslove* shall die, or shall become incapable of acting, or refuse to act in the Execution of such Powers and Trusts, or without some sufficient Cause, to be approved by the said Master, Fellows, and Scholars, shall neglect to attend any Meeting of the Commissioners for putting this Act in Execution, it shall be lawful for the said Master, Fellows, and Scholars, by Writing under their Common Seal, to appoint some other fit Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place of the said *Joseph Truslove*, and so from Time to Time as often as any Commissioner, to be appointed by the said Master, Fellows, and Scholars, shall die, become incapable of acting, or refuse to act, or neglect to attend as aforesaid; and that in case the said *Joseph Eade* shall die, or shall become incapable of acting, or refuse to act in the Execution of such Powers and Trusts, it shall be lawful for the major Part in Value of the Proprietors of the Lands and Grounds so intended to be divided and inclosed (except the said *Joseph Musgrave*, his Heirs and Assigns, and except the Master, Fellows, and Scholars of the said College, and their Lessee, in respect of the Tytlies of the said Parish of *Sbitlington*), who shall, by themselves or by their respective Agents, attend the Meeting or Meetings to be appointed by the surviving or remaining Commissioners or Commissioner for that Purpose, by Writing under their Hands, to appoint some other fit Person, not interested in such Division and Inclosure, to be a Commissioner in the Place of the said *Joseph Eade*, and so from Time to Time as often as any Commissioner, to be appointed by the said Proprietors, shall die, become incapable of acting, or refuse to act, provided that the surviving or remaining Commissioners or Commissioner shall cause Notice to be given of the Time and Place of Meeting for every such Election, at least Ten Days before the Time of holding any such Meeting, by affixing such Notice on One of the outer Doors of the Parish Church of *Sbitlington* aforesaid, and by causing the same to be published in some Newspaper usually circulated in the said County of *Bedford*; and if the said *Joseph Musgrave*, his Heirs or Assigns, or the Master, Fellows, and Scholars of the College aforesaid, shall, for the Space of Thirty Days after Notice to him or them given by the surviving or remaining Commissioners or Commissioner, or by the Majority in Value of the said other Proprietors, at the Meeting to be appointed as last aforesaid for the Election of a new Commissioner, respectively refuse or neglect to appoint a new Commissioner in the Place and Stead of every or any Commissioner who shall die, become incapable of acting, or refuse to act as aforesaid, then and in every such Case the surviving or remaining Commissioners or Commissioner shall from Time to Time, by Writing under their or his Hands or Hand, appoint a fit and proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place of each Commissioner so dying,

dying, becoming incapable of acting, or refusing to act as aforesaid, whose Place shall not be filled up by the Person or Persons, or Body Corporate, primarily enabled to appoint such new Commissioners or Commissioner as aforesaid; and every Commissioner to be appointed by the Person or Persons, or Body Corporate respectively, and in the Manner hereby directed, shall have the like Powers and Authorities for putting this Act into Execution as if he had been expressly named and appointed a Commissioner by this Act.

Two Commissioners may act.

III. Provided also, and it is hereby enacted and declared, That it shall be lawful for any Two of the Commissioners hereby named and appointed, or hereafter to be nominated and appointed in pursuance of this Act, to execute all and every the Powers, Authorities, and Trusts given to and reposed in the said Commissioners by virtue of this Act, as fully and effectually as if all such Powers, Authorities, and Trusts had been hereby expressly given to the said Commissioners for the Time being, or any Two of them.

Commissioners to give Notice of Meetings.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to give publick Notice in Writing, to be affixed upon One of the outer Doors of the Parish Church of *Sbitlington* aforesaid, on some *Sunday* during Divine Service, of the Time and Place of their First and every subsequent Meeting for putting this Act in Execution, at least Eight Days before the Time appointed for holding such Meetings respectively (Meetings by Adjournment only excepted); and it shall be lawful for the Commissioners, at any of their Meetings to be holden in pursuance of this Act, from Time to Time as they shall find it convenient, to continue such Meetings by Adjournment for the due Execution of this Act, leaving Notice at the Place where the said Commissioners shall be sitting at the Time of any such Adjournment, of the Time and Place to which such Meeting shall be adjourned.

One Commissioner, or the Clerk, may adjourn.

V. Provided, and be it further enacted, That if only One of the said Commissioners shall attend at the Time and Place appointed for any Meeting to be holden pursuant to this Act, it shall be lawful for such One Commissioner, and if none of the said Commissioners shall attend at the Time and Place so appointed, then it shall be lawful for the Clerk of such Commissioners; and such Commissioner and Clerk respectively have hereby full Power to adjourn such Meeting to any future Day they shall respectively see most convenient, to be holden at the same or any other Place, the Clerk giving due Notice to the absent Commissioners of the Time and Place to which every Adjournment shall be made, and so from Time to Time as often as there shall be Occasion, until Two or more of the said Commissioners shall be present.

Appointment of Surveyors.

VI. And be it further enacted, That every Survey, Admeasurement, and Plan of the Lands and Grounds hereby directed to be divided, inclosed, and exonerated from Tythes, which shall be made for the Purposes of this Act, shall be so made by such Person or Persons as shall for that Purpose be nominated by the major Part in Value of the Proprietors of or Persons interested in the said Lands and Grounds, who shall by themselves, or their respective Agents, attend a Meeting to be appointed by

by the said Commissioners, of which the like Notice shall be given as is herein-before directed for the Choice of a new Commissioner in the Place of the said *Joseph Eade*, and so from Time to Time as often as Occasion shall require.

VII. And be it further enacted, That all the Meetings, as well of the said Proprietors as of the said Commissioners, for the Purpose of putting this Act in Execution, or of any Matter relating thereto, shall be holden in the Parish of *Shitlington* aforesaid, or within Ten Miles therefrom. Place of Meeting.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are, or who shall before the making the Award herein-after mentioned be interested in the said intended Division and Inclosure, touching or concerning the respective Shares and Proportions, Rights and Interests, which any of them shall claim of and in the Lands and Grounds hereby directed to be divided and inclosed, or touching the Value of any of the Homesteads, Homecloses, or other inclosed Lands or Grounds within the said Parishes, or either of them, it shall be lawful for the said Commissioners, and they are hereby empowered to enquire into, hear, and determine the same respectively; and their Determination therein shall be binding and conclusive upon all Parties, except as is herein-after otherwise provided. Commissioners empowered to determine Differences.

IX. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall have been 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 be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale. Power to assess Costs.

X. Provided always, and be it enacted, That if any Person or Persons, Bodies Politick or Corporate, making any Claim or Claims to or upon any of the Commons and Waste Grounds, or any other Lands or Hereditaments intended to be divided or affected by this Act, or any Right or Interest therein, or making any Objection to any such Claim or Claims to be made by any other Person or Persons, Bodies Politick or Corporate, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any such Claim or Objection, and shall give Allowing Parties to try their Rights by an Issue at Law.

Notice thereof in Writing to the said Commissioners, within One Calendar Month after such Determination shall have been so made by the said Commissioners, (of which Notice the said Commissioners are hereby required immediately upon, or as soon as may be after the Receipt thereof, to cause a true Copy to be delivered to or left at the usual Place of Abode of the adverse Party or Parties, or his, her, or their respective Agents or Attornies), then but not otherwise it shall be lawful for the Person or Persons, Body or Bodies Politick or Corporate, giving such Notice, or their respective Heirs, Successors, or Assigns, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next Assizes to be holden for the County of *Bedford*, unless such next Assizes shall happen within Two Months after making the Determination to be tried, and in that Case at the following Assizes; and for that Purpose the Person or Persons, Bodies Politick or Corporate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought in One of His Majesty's Courts at *Westminster*, upon a feigned Issue, against the Person or Persons, Bodies Politick or Corporate, in whose Favour such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall name an Attorney or Attornies, who shall appear or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final and conclusive to and upon all and every such Person and Persons, Bodies Politick and Corporate, unless the Court wherein 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 therein (which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of such Issue as is usual in other Cases); and after any 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.

Enabling the Commissioners to shorten Boundary Fences.

XI. And be it further enacted, That in order to shorten the Boundary Fences between the said Parishes of *Shitlington* and *Holwell*, and between either of such Parishes, and any of the adjoining Parishes, it shall be lawful for the said Commissioners (with the Consent in Writing under the Hand of the Lord of the Manor, and the Hands of the major Part in Value of the Land Owners in any such adjoining Parish or Parishes, and also under the Hand or Hands of the Owner or Owners of any of the Lands therein, upon which such Fence or Fences is or are intended to be made) to set out, ascertain, and determine the Boundary Fences to be made between the said Parishes of *Shitlington* and *Holwell*, and between either of such Parishes and any of the adjoining Parishes, in such Manner as they shall judge proper, for the Purposes aforesaid; and after such Boundary Fences shall be ascertained, determined, and set out as aforesaid, the same shall be fenced by such Person or Persons, in such Manner and at such Time or Times as the said Commissioners shall order and

direct in and by their Award, and shall be for ever thereafter deemed and taken to be the Boundaries between the said Parishes of *Shitlington* and *Holwell*, and such adjoining Parish or Parishes respectively; any Law, Usage, or Custom to the contrary thereof notwithstanding.

XII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to straighten the Course of any Brook, Stream, Watercourse, or Ditch running through any Part of the said Parishes, or at or near the Boundary thereof, in such Manner as they shall think proper, so as they do, in straightening the Course of any such Brook, Stream, Watercourse, or Ditch running or being at the Boundary of either of the said Parishes, and of any other Parish or Place, leave the same Quantity of Land on each Side of the Brook, Watercourse, Stream, or Ditch to be straightened, as shall be there found before the Alteration to be made, or as nearly thereto as may be; and the Boundary Line so to be straightened shall at all Times for ever thereafter remain and be the Boundary between the said Parish of *Shitlington* and of *Holwell* respectively, and the Parish or Place separated therefrom by such Brook, Stream, Watercourse, or Ditch so to be straightened,

The Course of Brooks may be straightened.

XIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to stop up any old Carriage Road, Bridle Way, or Footpath leading through and over the Lands and Grounds intended to be divided and inclosed by virtue of this Act, or passing or leading through any of the old Inclosures in the said Parishes, or either of them, and the Soil of the Roads and Ways so to be stopped up, shall be deemed and taken as Part of the Lands and Grounds so to be divided and inclosed, provided that no such Carriage Road, Bridle Way, or Footpath passing or leading through any of the old Inclosures in either of the said Parishes, shall be stopped up without the Concurrence and Order of Two Justices of the Peace for the said County of *Bedford*, acting in and for the Division or Hundred of *Clifton*, and not interested in the Repair of such Roads, and which Order shall be subject to an Appeal to the Quarter Sessions for the said County of *Bedford*, in like Manner and under such Forms and Restrictions, as if the same had been originally made by such Justices.

Power to stop Roads and Ways between old Inclosures.

XIV. And it is further enacted, That in case any publick Road or Highway shall, by virtue of the said Act of the Forty-first Year of His present Majesty's Reign and of this Act, be set out or continued over the Lands and Grounds hereby intended to be divided and inclosed, in any Direction or Situation where the said Parishes are divided from each other, or where either of such Parishes is divided from any adjoining Parish or Place, and where there is now and usually hath been a publick Road or Highway, and such adjoining Parishes have heretofore been charged with, or liable or ought to be charged each with Part of the Repairs and Support of such Road or Highway, then and in such Case the said Commissioners shall and they are hereby authorized and required to set out and allot certain distinct and proportional Parts of the Length of such Boundary Road to be for ever thereafter repaired by each Parish or Place severally, and to distinguish the same by proper Bounds and Marks;

Specifick Parts of Boundary Roads in Two Parishes to be repaired by each Parish.

Marks; and that thenceforth the Parts of the Road or Way allotted to each respective Parish or Place shall be, and shall be deemed and considered as Part of such Parish or Place respectively.

To make
Drains, &c.

XV. And be it further enacted, That the said Commissioners shall and may scour and widen all ancient Brooks, Ditches, and Tunnels, in or upon the Lands and Grounds intended to be hereby inclosed, and also shall and may make, set out, and appoint such new Ditches, Drains, Watercourses, Tunnels, Watergates, Sluices, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, as in, through, and over any ancient Inclosures, or other Lands and Grounds within the said Parishes of *Sbitlington* and *Holwell*, or either of them, (with the previous Consent of the Proprietors of such ancient Inclosures, or other Lands and Grounds not hereby intended to be divided and inclosed), of such Depth and Breadth, and in such Directions, as the said Commissioners shall think fit, and the said Commissioners shall and may and they are hereby directed, in and by their Award, to appoint and order by whom and at whose Expence, and at what Times, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Sluices, Banks, Bridges, and other Requisites, shall be made, and thereafter repaired, cleansed, scoured, and maintained; and also shall and may direct, order, and award, all or any of the Streams, Springs of Water, and Watercourses within the said Open and Common Fields, Lands, or Grounds hereby directed to be divided, allotted, and inclosed, to be conveyed, carried, or turned in such Courses, and through, over, and across such Parts of the Lands or Grounds hereby directed to be divided and inclosed, as they the said Commissioners shall in their Discretion judge proper, for the watering the several Allotments to be made as aforesaid; provided that no such Stream, Spring of Water, or Watercourse, shall be turned from its present Course in, through, or over any Lands or Grounds, without the Consent of the Owner or Owners thereof for the Time being.

Allotments
for Sand and
Gravel.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to set out, allot, and award, out of the said Lands and Grounds so intended to be divided, allotted, and inclosed as aforesaid, One or more Plot or Plots within the said Parish of *Sbitlington*, not exceeding in the Whole Ten Acres, and One or more Plot or Plots within the said Parish of *Holwell*, not exceeding in the Whole Three Acres, as and for publick Sand, Gravel, and Chalk Pits, with convenient Roads to and from the same, to be used for the Repairs of the publick Roads within the said Parishes respectively; and to award and direct to whom the Herbage of such Allotments shall belong.

Commis-
sioners may
extinguish
or suspend
Right of
Common;

XVII. And be it further enacted, That it shall be lawful to and for the said Commissioners at any Time, when they in their Judgement shall think it convenient and proper, by Notice for that Purpose under their Hands, to be affixed on One of the outer Doors of the Parish Churches of *Sbitlington* and *Holwell* aforesaid respectively, on some *Sunday* before and during Divine Service, to order the Right of Common in, upon, and over the Lands and Grounds hereby directed to be divided and inclosed, or any of them, to be extinguished either in Whole or in Part, or to be suspended,

suspended, and from and after the Time to be mentioned in and fixed by any such Notice, all such Right of Common as shall thereby be directed to be extinguished or suspended, shall cease and be extinguished, or shall be suspended, according to and as shall be expressed in and directed by such Notice, and until such Division and Allotment as is hereby directed shall have been made of the Lands and Grounds to be divided and allotted, all such Lands and Grounds shall be stocked with such Cattle, and at such Times, and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnip, or other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage, as the said Commissioners shall, by Writing under their Hands in that Behalf, direct, any Usage or Custom to the contrary notwithstanding; and that no Meadow, Pasture, or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the Time of passing this Act, shall be, without the Consent in Writing of the said Commissioners, before the Allotment thereof, ploughed, broken up, or converted into Tillage; and every Occupier of any such Land or Ground, who shall refuse or neglect to comply with any such Direction of the said Commissioners, or who shall plough, break up, or convert into Tillage any such Meadow, Pasture, or fresh Ground, without the Consent in Writing of the said Commissioners, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, for every Acre of such Tillage Land with respect to which such Refusal or Neglect shall happen, and for every Acre of such Meadow, Pasture, or fresh Ground, which shall be ploughed, broken up, or converted into Tillage, and so in Proportion in each Case for a greater or less Quantity than an Acre.

and may direct the Course of Husbandry.

XVIII. And be it further enacted, That the said Commissioners shall, after setting out all the publick and private Roads and Ways, Sewers, Drains, and Watercourses, and such Plots of Ground for Materials, for the Repair of the publick Highways in the Parish of *Shitlington* aforesaid, pursuant to the Directions herein-before contained or referred to, in the next Place set out and allot to and for the Master, Fellows, and Scholars of the aforesaid College of the Holy and Undivided Trinity in *Cambridge*, for and in Lieu and Satisfaction of all Tythes, both Great and Small, Compositions, and other Payments in lieu of Tythes, issuing, arising, or renewing within the said Parish of *Shitlington*, such Parcel and Parcels of the Lands and Grounds hereby directed to be divided and inclosed, as shall be equal in Value to One-Fifth Part of all the Arable Land, One-Tenth Part of all the Wood Land, and One-Eighth Part of all the other Land within the same Parish, which are respectively subject and liable to the Payment of Tythes, and which shall remain after the said Roads, Sewers, Drains, and Watercourses, and the Allotments for Sand and Gravel Pits, shall be taken and deducted therefrom; and the Land so to be allotted as last aforesaid shall be accepted and taken by the said Master, Fellows, and Scholars, and their Lessee or Lessees, in Satisfaction and Discharge of, and for all and all Manner of Tythes, Payments, and Compositions in lieu of Tythes, issuing, arising, and payable to them and each of them respectively, from, out of, or for all and every the Messuages, Homesteads, Orchards, Gardens, ancient Inclosures, Common Fields, Common Meadows, Pastures, Waste Lands,

Allotments for Tythes in *Shitlington*.

and all other Lands and Grounds in the Parish of *Sbitlington* aforesaid, provided that until the said Allotments in lieu of Tythes shall be set out, and Notice thereof given by the said Commissioners, the said Impropropriators, and their Lessee or Lessees respectively, shall severally be entitled to, and shall receive and enjoy such and the same Tythes, and Payments in lieu of Tythes, as they respectively could or might have done if this Act had not been made.

Allotments
for Tythes to
the Rector of
Holwell.

XIX. And be it further enacted, That the said Commissioners shall, after setting out all the publick and private Roads and Ways, Sewers, Drains, and Watercourses, and Plots of Ground for Materials for the Repair of the publick Highways within the said Parish of *Holwell*, pursuant to the Directions herein-before contained or referred to, in the next Place set out and allot to and for the said *Thomas Dove*, Rector of *Holwell* aforesaid, or the Rector of the same Parish for the Time being, for and in Lieu and Satisfaction of all Tythes, both Great and Small, Compositions, and other Payments in lieu of Tythes, issuing, arising, or renewing within the said Parish of *Holwell*, such Parcel and Parcels of the Lands and Grounds hereby directed to be divided and inclosed, as shall be equal in Value to One-Sixth Part of all the ancient inclosed Arable Land, One-Fifth Part of all the other Arable Land, One-Tenth Part of all the Wood Land, and One-Ninth Part of all the other Land within the same Parish, which are respectively subject and liable to the Payment of Tythes, and which shall remain after the said Roads, Sewers, Drains, and Watercourses, and the Allotments for Sand and Gravel Pits, shall be taken and deducted therefrom; and the Land so to be allotted as last aforesaid shall be accepted and taken by the said *Thomas Dove*, and the Rector for the Time being of the said Parish of *Holwell*, in Satisfaction and Discharge of, and for all and all Manner of Tythes, Payments and Compositions in lieu of Tythes, issuing, arising, and payable to him from, out of, or for all and every the Messuages, Homesteads, Orchards, Gardens, ancient Inclosures, Common Fields, Common Meadows, Pastures, Waste Lands, and other Lands and Grounds in the Parish of *Holwell* aforesaid; provided, that until the said Allotments in lieu of Tythes shall be set out, and Notice thereof given by the said Commissioners, the Rector of *Holwell* aforesaid shall be entitled to, and shall receive and enjoy such and the same Tythes, and Payments in lieu of Tythes, as he could or might have done if this Act had not been made, provided that the Right of the said Rector to *Easter Offerings*, Surplice Fees, or Mortuaries shall not be prejudiced or affected.

Power to sell
Part of the
Allotments
of the Im-
propriators
of *Sbitling-
ton* for the
Erection of
Buildings,
and making
Subdivision
Fences.

XX. And whereas, in order to enable the said Master, Fellows, and Scholars to obtain an adequate Rent for the Land to be allotted to them, it will be necessary to expend greater Sums in the Erection of additional Buildings for the Occupation thereof, and in making Subdivision Fences, than it may be convenient for the said Master, Fellows, and Scholars to advance from the Common Stock of the said College, be it therefore further enacted, That the said Commissioners shall and they are hereby directed, upon Requisition to them made by the said Master, Fellows, and Scholars, under their Common Seal, to mark and set out such Part or Parts of the Land to be by virtue of this Act allotted to the said Master, Fellows, and Scholars, as will, in the Opinion of the said Commissioners, raise by Sale thereof such Sum and Sums of Money for or towards

towards the Charges and Expences of the Buildings and Subdivision Fences, which, in the Judgement of the said Commissioners, will be necessary for the convenient Occupation of the Remainder of the Land to be allotted to the said Master, Fellows, and Scholars, as they the said Master, Fellows, and Scholars, shall in Manner aforesaid require to be so raised; and the said Commissioners are hereby authorized and required to proceed in the Sale of such Land, so to be set out in the Manner directed by the said Act of the Forty-first Year of His said Majesty's Reign, in Cases of Sales of Land for Payment of the Expences attending the Execution of Acts of Inclosure; and the Land so directed to be sold, and for which the full Purchase Money shall be paid, shall immediately thereupon be conveyed and assured by the said Commissioners to the Purchaser or Purchasers thereof, their or his Heirs and Assigns, and the Hereditaments so conveyed shall accordingly become vested in the Purchaser or Purchasers thereof in Fee Simple; and such Purchase Money shall without Delay be applied by the said Commissioners in Payment of the Charges and Expences of erecting such Buildings, and of making such Subdivision Fences as aforesaid; provided that the Money so to be raised shall not exceed what will, in the Judgement of the said Commissioners, be, together with such Sum and Sums as shall by virtue of this Act be received for the Enfranchisement of Copyhold Lands and Hereditaments holden of the said Manor of the Rectory of *Shitlington*, sufficient for the Erection of such Buildings, and for making such Subdivision Fences as shall be necessary for the convenient Occupation of the Remainder of the Land to be allotted to the said Master, Fellows, and Scholars.

XXI. And be it further enacted, That all the Lands to be by virtue of this Act set out and allotted to the said Master, Fellows, and Scholars, in Compensation for Tythes, Glebe, Right of Common and Manerial Soil, and to the said *Thomas Dove*, or the Rector for the Time being of the said Parish of *Holwell*, in Compensation for Tythes, Glebe, and Right of Common, shall be inclosed and fenced round the Boundaries thereof with Ditches and Quick Hedges, and with other proper Fences, as the Commissioners shall direct, at the Expence of all or such of the Proprietors of the Lands and Grounds hereby directed to be divided and allotted and exonerated from Tythes, and in such Proportions as the said Commissioners shall appoint; and the said Commissioners shall by their Award direct to and by whom, and in what Parts and Proportions the said Fences (after the same shall have been properly made) shall belong and be kept in Repair.

Fencing
Tythe Allot-
ments.

XXII. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, or other inclosed Lands in the said Parishes, or either of them, subject and liable to the Payment of Tythes, or any Composition in lieu of Tythes, the respective Proprietors whereof shall not be entitled to any or not to a sufficient Interest or Property in the Land hereby directed to be divided and inclosed, to make Compensation for the Tythes or Compositions payable thereout, 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 appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Tythes, or Compositions for Tythes,

Compensation
for Tythes by
Proprietors
of ancient
Inclosures,
who have
not sufficient
Common
Field Land.

of such Homesteads, Gardens, Orchards, and other ancient inclosed Lands respectively, or of such Part thereof for which a Compensation in Land cannot be made as aforesaid, which Sum or Sums shall be applied towards defraying the Expences of passing this Act, and carrying the same into Execution, and shall and may be raised and recovered in like Manner as such last mentioned Expences are directed to be raised and recovered; and the Surplus, if any, of such Sum and Sums shall be appropriated in the Manner directed by the said Act of the Forty-first Year of the present Reign, with respect to the Money paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or the Timber or Wood growing thereon.

The Commis-
sioners, with
Consent of the
Proprietors,
may allot in
lieu of the
Tythe of in-
closed Land,
Part of such
Land.

XXIII. Provided, and be it further enacted, That it shall be lawful for the said Commissioners, with the Consent in Writing, as well of the Proprietor or Proprietors, of any of the ancient inclosed Land in the said Parishes, or either of them, as of the Owner or Owners of the Tythes payable thereout respectively, to set out, and allot, for and in Lieu and Satisfaction of the Tythes of such inclosed Land, such Part and Parts of the same Land as shall in the Judgement of the said Commissioners be equal in Value (Regard being had to the Proportions aforesaid) to the Tythes issuing and payable thereout.

Tenants for
Life of in-
closed Lands
may charge
them with the
Money paid,
to exonerate
them from
Tythes.

XXIV. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of the Lands and Grounds which shall by virtue of this Act be exonerated from Tythes, by a Money Payment or Money Payments, who shall be under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability or Incapacity, and for any of the said Owners or Proprietors being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or on Lives, or on any other Contingency, and for the Commissioners hereby appointed, to charge such Lands and Premises with such Sum or Sums of Money as shall be paid for the Exoneration thereof from Tythes, and for the Share and Shares of the Owners and Proprietors thereof, of the Costs and Charges of passing this Act, and carrying the same into Execution, and to grant, mortgage, surrender, lease, or demise such Lands and Premises, in such Manner, and with and subject to such Conditions and Restrictions, as are by the said Act of the Forty-first Year of His present Majesty's Reign, enacted and provided for raising the Shares and Proportions of the Owners or Proprietors of allotted and exchanged Lands, of the Costs and Expences of passing Acts of Inclosure, and carrying the same into Execution.

Allotments
to Lords of
Manors for
Waste Lands.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place, to set out for the Lords of the respective Manors, or other Franchises or Royalties within which the Commons and Waste Lands hereby directed to be divided and inclosed, or any Part thereof, are situate, such Part and Parts of the Lands and Grounds hereby directed to be divided and inclosed, as by the said Commissioners shall be adjudged to be equal in Value to One-Twentieth Part of such Commons and Waste Lands, and to allot and award the Land so be set out to and amongst the several and respective Lords of such Manors, or other Franchises or Royalties, ac-
cording

ording to and in Compensation for their respective Rights and Interests of and in the Soil of the said Commons and Waste Lands.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, upon the Request of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Interest therein, whether seised in Fee, or being Tenants in Tail, or for Life or Lives, or for any Number of Years determinable on a Life or on Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents, or Attornies of or for any such Owners or Proprietors, being under Coverture, Minors, Lunaticks, or beyond the Seas, or under any other Disability or Incapacity, or for the Persons acting as such Guardians, Trustees, Committees, Agents, or Attornies, or of the Trustees for any charitable or publick Uses, or the major Part of them respectively, to deduct from the Value and Amount of the Allotment or respective Allotments of such Owner or Owners, by whom or on whose Behalf such Request shall be made as aforesaid, so much as shall in the Judgement of the said Commissioners be equal to the Share and Proportion, or respective Shares and Proportions, of the Person or Persons by or on whose Behalf any such Request shall be made, of the Charges and Expences of passing this Act, and of carrying the same into Execution; and to allot and divide the Land and Value so deducted to and amongst such of the Owners and Proprietors as shall, by the said Commissioners, be charged with; and shall pay such Charges and Expences, in Proportion to the Sums they shall respectively pay or contribute thereto; provided that it shall be lawful to and for the said Commissioners, and they are hereby required, upon any such Request as aforesaid, and upon Payment by the Person or Persons making such Request, of his, her, or their full Proportion of such Costs and Expences, to allot to the Person or Persons respectively, by whom or on whose Behalf such Request and Payment shall be made, his, her, or their Heirs and Assigns, the Land which shall have been so deducted; and the Person or Persons respectively, to whom any such Allotment shall be made and awarded, shall be and become seised thereof of an absolute Estate in Fee Simple, freed and discharged from all former Titles, Charges, and Incumbrances; provided that every such Request as aforesaid shall be made in Writing, and signed by the Person or Persons making the same, and shall be delivered to the said Commissioners at One of the Meetings for carrying this Act into Execution, to be holden previously to their allotting the Lands and Grounds hereby directed to be divided and inclosed.

Land may be deducted from Allotments for Expences;

and may be allotted to Persons paying such Expences.

XXVII. And it is hereby further enacted, That in case any of the Proprietors of Messuages or Cottages entitled to Rights of Common in respect thereof, in or over the Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof, shall request to have their Common Rights, in respect of such Messuages or Cottages, compensated by a Common Pasture instead of distinct Allotments of Land, and shall give Notice thereof to the said Commissioners, within such Time as the said Commissioners shall for that Purpose appoint, and the Commissioners shall be of Opinion that the Number of Proprietors who shall have made such

Commissioners empowered to set out Common Pastures.

[Loc. & Per.]

21 U

Request

Request shall be sufficient to enable the said Commissioners to set out such an Allotment as will answer the Purpose of a Common Pasture, then it shall be lawful for the said Commissioners, and they are hereby required to set out and allot to and for the Proprietors making such Request, from and out of such Part of the Common Fields, Common Pastures, Waste Grounds, and other Commonable Lands aforesaid, most convenient for that Purpose, such Parcel or Parcels thereof as shall, in the Judgement of the said Commissioners, be an Equivalent and Compensation for the Rights of Common to which the Proprietors making such Request shall be entitled, in respect of such Messuages and Cottages; and if it should appear to the said Commissioners (without any such Request to them made) that any of the Common Greens, Common Pastures, or Waste Lands within the said Parishes, by reason of Situation, the Smallness of the Quantity or Interfection by Roads, or other Circumstances, cannot be divided and inclosed to the Advantage of the Persons interested therein, the said Commissioners are hereby authorized to set out and allot the Herbage of such Common Greens, Common Pastures, or Waste Lands, as and for Common Pastures, to such of the Proprietors of or Persons having Common Rights or other Interests in the Lands and Grounds hereby directed to be divided and inclosed, to whom the same shall, in the Judgement of the said Commissioners, be most convenient and valuable in Situation, in or towards Satisfaction for the Rights and Interests of such Proprietors respectively; and the Land so to be allotted for Common Pastures, whether the same shall be allotted at the Request of such Proprietors as aforesaid, or without such Request shall be used and enjoyed by the respective Proprietors to whom the same shall be allotted, and by their Successors and Tenants respectively, in such Proportions, and shall be stocked with such Kinds and Number of Cattle, and at such Seasons and Times of the Year, and subject to such Regulations and Orders, as the said Commissioners, by the Award to be by them made, shall establish and direct; and the Soil of the Land which shall be so allotted for Common Pastures shall, by virtue of this Act, immediately on the Allotment thereof be vested in the Lord for the Time being of the Manor within which the same shall be situate, as the Conservator and Trustee of every such Allotment, for the Persons to whom the Right of Common thereon shall be allotted.

Proprietors may sell their Allotments before the Execution of the Award, and their Rights of Common separately from their other Property.

XXVIII. And be it further enacted, That it shall be lawful for any Person or Persons, who shall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, sell, demise, mortgage, convey, assure, and dispose of the same at any Time before the Execution of the Award of the said Commissioners; and every such Gift, Grant, Bargain, Sale, Demise, Conveyance, and Disposition thereof, as well by Will as by any other Instrument or Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and it shall also be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and inclosed to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separately and distinctly from the Estate in Right of which he or she is entitled to the same, in such Manner as he or she might have done

done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to award all and every such Allotment or Allotments which shall be so sold and disposed of to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition.

XXIX. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands or other Hereditaments in the said Parishes, or either of them, held by different Tenures, or for, by, or under different Estates or Titles, the said Commissioners shall, upon the Request of the Persons so seised or possessed respectively, inquire into, ascertain, and determine the respective Lands or other Hereditaments held by such several Tenures, or for, by, or under such different Estates or Titles respectively, and shall set out distinct Allotments in respect of such Parts thereof as shall be or arise within the Common and Open Fields, or other the Lands and Grounds hereby directed to be divided and inclosed, Regard being had to the Deductions which shall have been made for Tythes of ancient Inclosures held by the same Tenures and for the same Estates respectively; and the said Commissioners shall also, upon such Request as aforesaid, ascertain and set out by Metes and Bounds the Buildings and ancient Inclosures in the said Parishes held by such several Tenures, and by, for, or under such different Estates or Titles.

Lands held by different Tenures or Titles belonging to the same Proprietors, to be distinguished.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners to assign and set out any of the Allotments to be made by virtue of this Act, or any Part or Parts of such Allotments, or any Manors, Messuages, Cottages, old Inclosures, Lands, Tenements, Rents, Tythes, or other Hereditaments, situate or arising within the said Parishes, or either of them, in Lieu of and Exchange for any other Manors, Messuages, Cottages, old Inclosures, Lands, Tenements, Rents, Tythes, or other Hereditaments, situate or arising in the same Parishes, or either of them, or within any other Parish or Place adjoining thereto, so as every such Exchange be ascertained, declared, and set forth in the Award of the said Commissioners; and so as every such Exchange be made with the Consent and Approbation of the respective Proprietors, or other Person or Persons, Bodies Politick or Corporate, seised or possessed, or in Receipt of the Rents or other Profits of the Hereditaments which shall be so exchanged, or by and with the Consent of the Husbands, Trustees, or Guardians, Committees or Attornies of or for any such Proprietors, who at the Time of making any such Exchange shall be under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, or of the major Part of any Trustees for charitable or publick Uses respectively; and so as every such Exchange of Hereditaments belonging to any Ecclesiastical Benefice be made with the Consent of the Lord Bishop of *Lincoln*, and the Patron or Patrons of such Benefice for the Time being, such Consents to be respectively testified by Writing under the Hands of the consenting Parties, or under the Common Seal of any of them being a Corporation Aggregate; and every such Exchange so to be made and declared, shall, as well in respect of the Hereditaments within the said Parishes of *Sbitlington* and *Holwell*, as in respect of the Hereditaments within any other Parish

Power to make Exchanges.

The Hereditaments exchanged shall be held by the same Tenure, &c. as those for which they were exchanged were held.

Power to enfranchise Copyholds.

Parish or Place adjoining thereto, be for ever good, valid, and effectual in the Law to all Intents and Purposes whatsoever, notwithstanding any such Disability or Incapacity as aforesaid, or any Want of Title in the Parties thereto, or any or either of them, or any Demise, Will, Mortgage, Lease, Settlement, Limitation, Charge, or Incumbrance, or other Title whatsoever affecting the Premises which shall be so exchanged, or any Part or Parts thereof; and the respective Hereditaments so to be exchanged shall become and be of the same Tenure, and held under the same Rents and Services, and go and remain to and upon the same Uses and Trusts, and be subject to the same Powers, Conditions, Mortgages, Leases, Incumbrances, Covenants, and Agreements, as the Hereditaments in respect whereof the same shall be exchanged, are or shall be subject and liable to, or would have been subject and liable to in case the Exchange thereof had not been made.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, with the Consent of the respective Lords of the Manor or Manors of whom any Messuages, Cottages, Lands, or Tenements, in the said Parishes of *Shitlington* and *Holwell*, or either of them, are or shall be holden by Copy of Court Roll, and of the customary Tenant or Tenants by whom any such Messuages, Cottages, Lands, or Tenements shall be respectively holden, in and by the Award of the said Commissioners, or by any other Writing or Writings, to be signed and sealed by the said Commissioners, and by such Lord or Lords, and Tenant or Tenants respectively, or by the Husbands, Trustees, or Guardians, Committees, or Attornies of and for any such Tenants, being Femmes Covert, Minors, Lunaticks, beyond the Seas, or under other Disability or Incapacity, (or under the Common Seal of any of them, being a Corporation Aggregate), at any Time within Twelve Calendar Months after the Date of the Commissioners Award, to declare any such Copyhold or Customary Messuages, Cottages, Lands, or Tenements, to be enfranchised, and the Tenures by which the same are holden, and the Fines, Heriots, and other Services incident thereto, to be discharged and extinguished; and that the same Messuages, Cottages, Lands, or Tenements, or any Part or Parts thereof respectively, shall thenceforth be holden of the Lord or Lords of the same respective Manors, either by the Rents which shall have been theretofore paid or payable in respect thereof, or by any lesser Rent or Rents, to be in such Writing or Writings ascertained and declared, or without Rent; and in Lieu of and Compensation for every such Enfranchisement, to award to the respective Lord or Lords of the same Manor or Manors, such Sum and Sums of Money, to be applied in the Manner herein-after directed, or to assign and set out to and for such Lord or Lords respectively, such Compensation, by Part of the Copyhold Lands and Tenements to be enfranchised, or by and out of any of the Lands and Tenements hereby directed to be divided and inclosed, or any other Lands, Tenements, or Hereditaments of any such Customary or Copyhold Tenant or Tenants respectively, in the said Parishes, or either of them, or in any other Parish or Place adjoining thereto, as shall in the Judgement of the said Commissioners be an Equivalent and Satisfaction for the Customary Payments, Burthens, and Services, to which such Copyhold Messuages, Cottages, Lands, or Tenements

Tenements respectively, shall have been subject or liable; and the Lord and Lords for the Time being of the Manor to whom any such ancient Rent shall be reserved and continued, or any lesser Rent assigned, shall have the like Powers and Remedies for the Recovery of such Rents respectively, as by the Laws of this Realm are given for the Recovery of Rents Seck, Rents of Assize, and Chief Rents; and from and after any such Declaration shall be made and executed, and such Sum of Money or other Compensation shall be paid or assigned, in Exchange for such Copyhold Tenure, the Lands and Tenements in every such Declaration comprized, and thereby expressed to be enfranchised, shall be held, possessed, and enjoyed by the Owner or Owners thereof, paying or making such Compensation their respective Heirs or Assigns, or other Persons claiming in Reversion or Remainder of the Lord or Lords of such Manors respectively, in free and common Socage, discharged of the Tenure by Copy of Court Roll, and of all Services and Duties incident to such Tenure, and of all other Services and Payments, except the Rent or Rents which may be continued or reserved to such Lord or Lords in respect thereof; and the Lands or other Hereditaments so to be assigned to such Lord or Lords shall be by him or them, and by his or their Heirs, Successors, or Assigns, or by the Person or Persons who shall be entitled in Reversion or Remainder to such Manor or Manors respectively, held and enjoyed in Compensation for the Tenure so to be extinguished; any Want of Title in such Lord or Lords, Tenant or Tenants, or any Will, Settlement, Limitation, or Incumbrance notwithstanding.

XXXII. Provided, and be it further enacted, That the Money to be received for the Enfranchisement of any Copyhold Lands or Tenements in pursuance of this Act shall be applied in the Manner directed by the said Act of the Forty-first Year of the present Reign with respect to the Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon.

Application of Money to be received for Enfranchisement.

XXXIII. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been ploughed, sown, folded, or manured by any former Proprietor or Occupier thereof, shall pay unto the Person or Persons respectively who shall have ploughed, sown, folded, or manured the same, or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums, and at such Time and Times, as the said Commissioners shall think reasonable, and shall by Writing under their Hands ascertain and direct; and in case any of the Sums so directed to be paid shall not be paid at the Time or Times to be appointed by the said Commissioners for Payment thereof, it shall be lawful for the said Commissioners, and they are hereby required to levy and raise the same in like Manner as the Expences of passing this Act, and carrying the same into Execution, are directed to be raised and levied.

Proprietors of Allotments to make Satisfaction for Tillage, &c. thereon.

XXXIV. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend, or be construed or adjudged to extend, to revoke, make void, annul, or alter any Settlement,

Settlements, etc. not to be affected nor Wills revoked.

[*Loc. & Per.*]

21 X

Deed,

Deed, Will, or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right, in pursuance of this Act respectively; but as well the Lands allotted, as the Tenements and other Hereditaments which shall be assigned in Exchange or in Compensation for any other Estate or Right, shall, immediately after such Allotment, Exchange, or Assignment shall be made, be vested, remain, and enure; and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, Tenures, Rents, Services, and Incumbrances, as the several Lands, Tenements, and Hereditaments, in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, vested, or subject or liable to, or been held by in case the same had not been allotted, assigned, or exchanged, and this Act had not been made, save and except such Rents and Services as shall have been compensated for and extinguished, and such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act; and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act, or of the said Act of the Forty-first Year of His present Majesty's Reign.

Leases at
Rack Rent to
be void.

XXXV. Provided also, and be it further enacted, That all Leases, Agreements, and Tenancies at Rack Rent now subsisting, of any Part or Parts of the Lands and Grounds hereby directed to be divided and inclosed, and of all Lands and Hereditaments within the Parishes of *Sbitlington* and *Holwell* aforesaid, or either of them, which shall be exchanged and exonerated from Tythes respectively by virtue of this Act, and of all Messuages, Cottages, Lands, and Tenements in the Parishes of *Sbitlington* and *Holwell* aforesaid, or in either of them, held therewith respectively, shall cease and be void at such Time or Times as the said Commissioners shall, by Writing under their Hands, direct or appoint; so as the respective Lessors or Landlords of such Messuages, Lands, or Tenements, do, before or at the respective Times at which such Leases or Tenancies shall be directed to cease, make and pay such Satisfaction to the respective Lessees or Tenants, for the Loss which shall be sustained by the Determination of such Leases respectively, as shall be mutually settled and agreed between them, or as the said Commissioners, being thereto required by either of the Parties, shall ascertain and direct; and the said Commissioners being so required, are empowered and directed to appoint a reasonable and proportional Part, according to the Season of the Year, of the Rent reserved on any such Lease or Agreement, for and in respect of the Time which shall have elapsed between the last Day on which any Payment of the Rent shall have become due, and the Determination of any such Lease or Agreement, and such Part of the Rent shall

shall be recoverable by such Ways and Means as may by Law be used for the Recovery of Rent in Arrear; and the said Commissioners are hereby empowered and directed, in every Case where any such Lands or other Hereditaments in the said Parishes, or either of them, shall be held by virtue of any such Lease or Agreement, together with Lands or other Hereditaments in any other Parish or Place, Parishes or Places, by One entire Rent, to apportion and determine what Part of such Rent shall be deducted in respect of the Land or other Hereditaments in the said Parishes of *Sbitlington* and *Holwell*, or either of them, in such Lease or Agreement comprized, and from what Time such Deduction shall take Place, and the Rest of the Rent reserved on any such Lease or Agreement shall, during the Remainder of the Term thereof, be the Rent of and for the Lands and Hereditaments in such other Parish or Parishes, Place or Places, and shall be payable and recoverable in like Manner as the entire Rent reserved by such Lease or Agreement shall, immediately before such Apportionment, be payable and recoverable.

Where Lands in these and in other Parishes are held by an entire Rent, Commissioners to apportion such Rent.

XXXVI. And be it further enacted, That the Money that shall be advanced by any Person or Persons for the Purpose of defraying the Expence of applying for and obtaining this Act, or which, after the passing of this Act, shall be advanced or lent to the said Commissioners for carrying the same into Execution, shall be paid, with lawful Interest, to such Person or Persons out of the First Money to be raised for defraying the Expences of obtaining and executing this Act.

Interest to be paid for Money advanced.

XXXVII. And be it further enacted, That the Costs and Charges of, and incident to and attending the obtaining and passing this Act, of surveying, admeasuring, planning, dividing, and allotting the Common and Open Fields, Meadows, Pastures, Waste Grounds, and other Commonable Lands hereby directed to be divided and inclosed, and exonerated from Tythes, and of surveying, admeasuring, and valuing the Lands and other Hereditaments in the said Parishes, and in any Parish adjoining thereto, which shall be exchanged or assigned on any Partition by virtue of this Act, and of making the publick Roads to be set out, and of preparing and inrolling the Award of the said Commissioners, and all the Charges and Expences of the said Commissioners, and of the several Persons to be employed by them, either before or after the Execution of the said Award, in, about, or concerning the Execution of this Act, shall be borne and defrayed by all the Proprietors and Owners of, or Persons having Rights or Interests in the Lands and Grounds hereby directed or authorized to be allotted, exonerated from Tythes, parted or exchanged (except the said Master, Fellows, and Scholars, in respect of the Allotments to be made to them in lieu of Tythes, Glebe, Manerial Right, and Right of Common in the said Parish of *Sbitlington*, and the Rector for the Time being of the said Parish of *Holwell*, in respect of the Allotments to be made to him for Glebe, Tythes, and Right of Common in the said last mentioned Parish), in such Proportions, and shall be paid to such Person or Persons, and at such Time or Times, either before or after the Execution of the said Award, as shall be settled, adjusted, determined, and directed by the said Commissioners, by any Writing under their Hands, and the same shall and may be levied or recovered in such

Expences of the Act.

Manner

Manner as is provided or mentioned by the said Act of the Forty-first Year of His present Majesty's Reign.

Allowance to
Commissioners
and Clerk.

XXXVIII. And be it further enacted, That each of the Commissioners, acting in the Execution of the Trusts and Powers hereby vested in them, and the Clerk to be by them employed, shall be allowed and paid, in Satisfaction for their Trouble and Expences, the Sum of Two Guineas for every Day on which they shall be respectively employed in travelling to, attending in, or returning from so acting; and at all Meetings to be held in pursuance of this Act, the said Commissioners and their Clerk shall pay their own Expences; provided that no Commissioner shall be allowed to charge more than One Day for travelling to any Meeting, nor more than One Day for returning therefrom.

Auditor of
the Commis-
sioners Ac-
counts.

XXXIX. And be it further enacted, That *John Hawkins* of *Barton in the Clay* in the said County of *Bedford*, Clerk, shall be and is hereby appointed Auditor of the said Commissioners Accounts; and in case of his Death or Refusal to act, then some other fit and proper Person, not interested in the Premises, shall be appointed Auditor for that Purpose, by the major Part in Value of the Proprietors of the Lands and Grounds hereby directed to be divided and inclosed, who shall be present at any Meeting to be held, in like Manner and after such Notice as is hereby directed, for the Choice of a new Commissioner in the Place of the said *Joseph Eade*, and so from Time to Time as often as Occasion shall require; and the Account of the Commissioners for the Time being, containing a true Statement of all Sums by them received and expended, or due to them for their own Trouble or Expences, shall, at least Once in every Year from the passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by the said Auditor for the Time being, and the Balance by him stated in the Book of Accounts to be kept in the Office of the Clerk of the said 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 the said Auditor.

Appeal to
Quarter
Sessions.

XL. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Thing done by or under the Authority of the said Commissioners in pursuance of this Act, or of the said Act of the Forty-first Year of His Majesty's Reign (except where the Acts and Determinations of the Commissioners are declared to be final), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Bedford*, within Four Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in their said General Quarter Sessions are hereby required to hear and determine the Matter of such Appeal, and to make such Order therein, and to award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners
of

of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

XLI. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, then and in every such Case such Action or Suit shall be commenced or prosecuted within Three Months after the Fact committed, and not afterwards; and every such Action or Suit shall be brought in the County of *Bedford*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the said Act of the Forty-first Year of His present Majesty's Reign, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act or of the said Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County, then the Jury shall find for the Defendant or Defendants; and if in any such Action a Verdict shall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Double Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

The General Issue may be pleaded, and this Act and the Special Matter given in Evidence.

XLII. Provided, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, lessen, or affect any Right, Title, or Interest of the Most Noble *John* Marquis of *Bute*, Lord of the Hundred of *Flit* in the said County of *Bedford*, his Heirs, Successors, or Assigns, Lords of the said Hundred, of, in, or to any of the Seigniores, Royalties, Franchises, Rents, or Services, incident or belonging thereto.

Saving Rights of the Marquis of *Bute*, as Lord of the Hundred of *Flit*.

XLIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, or their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the respective Persons to whom any Allotment or Allotments of Lands, or other Compensation, shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as the Intent and Purposes of the Inclosure hereby authorized shall absolutely require to be barred, destroyed, or extinguished by this Act), all such Estates, Rights, and Interests, as they, every, or any of them had or enjoyed, of, in, and to or in respect of the Lands and Grounds hereby directed to be divided and inclosed, before the passing of this

General Saving.

[*Loc. & Per.*]

21 R

Act,

1926

42° GEORGII III. *Cap.* 109.

Act, or could or might have had or enjoyed if this Act had not been made.

Publick Act.

XLIV. And be it further enacted, That this Act shall be deemed a publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons, without the same being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1802.