



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 32.

An Act for dividing, allotting, and inclosing the
Open and Common Fields, Meadows, Pastures,
and other Commonable Lands and Waste Grounds,
in the Parish of *Kempston*, in the County of *Bed-*
ford. [15th April 1802.]

WHEREAS there are within the Parish of *Kempston*, in the
County of *Bedford*, divers Open and Common Fields, Mea-
dows, Pastures, and other Commonable and Waste Lands and
Grounds, containing together by Estimation Two thousand six hundred
Acres, or thereabouts: And whereas *Robert Denis* Esquire is Lord of
the Manors of *Kempston Dawbeny* and *Saint John's*, in the said Parish of
Kempston, and as such is entitled to the Right of Soil of all the Waste
Lands within the said Parish of *Kempston*: And whereas *William Long*
Esquire, is Lord of the Manors of *Kempston Greys* otherwise *Hastingsbury*,
and *Kempston Hardwick*, in the said Parish of *Kempston*: And whereas *Tho-*
mas Gurney Esquire, *George Livius* Esquire, and *Farrer Grove Spurgeon*
Farrer Esquire, are severally Owners and Proprietors of all the Great
Tythes growing, arising, or renewing within or from all the tytheable
Places, Lands, and Grounds within the said Parish, except certain Mea-
dows called *The Holmes*; and the said *Thomas Gurney* is also Owner and
Proprietor of certain Glebe Lands and Right of Common in the said

[Loc. & Per.]

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Open

Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds: And whereas *James Aspinwall* Clerk, is the Patron of the Vicarage of *Kempston* aforesaid, and is also Vicar of the said Vicarage, and in Right thereof is entitled to all the Vicarial or Small Tythes arising, renewing, or happening within the said Parish of *Kempston*, and to the Great Tythes arising, renewing, or happening from certain Meadows in the said Parish, called *The Holmes*, and is also entitled to certain Glebe Lands and Right of Common in the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds: And whereas the Most Noble *John Duke of Bedford*, the Most Noble *Henry Marquis of Exeter*, *Thomas Lord Viscount Hampden*, *Sir Philip Monoux* Baronet, *Samuel Whitbread*, *Robert Denis*, *William Long*, *George Livius*, *Thomas Abbott Green*, *Frederick William Foster*, *Thomas Gurney Farrer* *Grove Spurgeon Farrer*, Esquires, *Carter Skevington*, *Peregrine Nash*, *Levi Lavender*, *Joseph Margetts Pierston*, Gentlemen, *James Wadmon Alexander*, and *Richard Littlebales*, Clerks; and divers other Persons, are Owners and Proprietors of all the Residue of the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds herein-before mentioned or described, and are respectively entitled to Rights of Common and other Interests therein, in different Proportions: And whereas an Act was passed in the Forty-first 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 Lands and Grounds of the said respective Proprietors in the said Open and Common Fields, Meadows, and Pastures lie intermixed with each other, and are in other Respects inconveniently situated, and in their present State incapable of any considerable Improvement; and it would be beneficial to the several Proprietors thereof and Persons interested therein, if the same, and other the Commonable Lands and Grounds in the Parish of *Kempston* aforesaid, were divided and inclosed, and specifick Shares thereof set out and allotted to them, in Proportion to their several and respective Estates, Rights, and Interests therein; but such Division, Allotment, and Inclosure, cannot be effected without the Aid and 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 all the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds in the Parish of *Kempston* aforesaid, shall, as soon as may be after the passing of this Act, be valued, qualified, appraised, divided, set out, and allotted, by *Joseph Pawsey* of *Silsoe*, in the County of *Bedford*, Gentleman, *John Fellowes* of *Foscott*, in the County of *Buckingham*, Gentleman, and *Edward Platt* of *Lidlington*, in the County of *Bedford*, Gentleman, and they are hereby appointed Commissioners for carrying this Act into Execution, subject to the Rules, Orders, and Directions herein contained, established, and appointed, and also subject to the Powers and Provisions of the said recited Act, except where the same are hereby varied or altered.

Commissioners.

Two Commissioners may act.

II. Provided always, and be it further enacted, That it shall be lawful for any Two of the Commissioners hereby appointed, or who shall hereafter

after be appointed by virtue of this Act, and they are hereby authorized and empowered to execute, do, and perform every Act, Matter, and Thing by this Act authorized to be done and performed by the said Commissioners, and every such Act, Matter, and Thing, which shall be executed, done, and performed by any Two of such Commissioners, shall be as valid and effectual, to all Intents and Purposes as if the same had been done and performed by all the said Commissioners.

III. Provided also, and be it further enacted, That if, before all the Powers and Authorities hereby reposed in the said Commissioners shall have been fully executed and performed, the said *Joseph Pawsey* shall die, or shall neglect, or become incapable, or refuse to act in the Execution of such Powers and Authorities; it shall be lawful for the said *William Long*, his Heirs or Assigns, and he and they is and 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 or Stead of the said *Joseph Pawsey*, and so from Time to Time as often as any Commissioner to be appointed by the said *William Long*, his Heirs or Assigns, shall die, neglect, become incapable, or refuse to act as aforesaid; and that in case the said *John Fellowes* shall die, neglect, or become incapable, or refuse to act in the Execution of such Powers and Authorities, it shall be lawful for the said *Thomas Gurney*, *George Livius*, *Farrer Grove Spurgeon Farrer*, and *James Aspinwall*, and their respective Heirs, Successors, and Assigns, or the Persons seised of the said Tythes for the Time being, and they are hereby required, by Writing under their Hands, jointly to appoint some other fit Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place or Stead of the said *John Fellowes*, and so from Time to Time as often as any Commissioner to be appointed by the said *Thomas Gurney*, *George Livius*, *Farrer Grove Spurgeon Farrer*, and *James Aspinwall*, their Heirs, Successors, or Assigns, or the Persons seised of the said Tythes for the Time being, shall die, neglect, become incapable, or refuse to act as aforesaid; and that in case the said *Edward Platt* shall die, neglect, become incapable, or refuse to act in the Execution of such Powers and Authorities, 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 *William Long*, *Thomas Gurney*, *George Livius*, *Farrer Grove Spurgeon Farrer*, and *James Aspinwall*, their respective Heirs, Successors, and Assigns, or the Persons seised of the said Tythes for the Time being), who by themselves, or their respective Agents duly authorized, shall 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 the said intended Division and Inclosure, to be a Commissioner in the Place or Stead of the said *Edward Platt*, and so from Time to Time as often as any Commissioner to be appointed by the major Part in Value of the said Proprietors shall die, neglect, become incapable, or refuse to act as aforesaid; provided that the surviving or remaining Commissioners or Commissioner shall cause Notice to be given of the Time and Place of the Meeting for every such Election, (which Place shall be in the Parish of *Kempston* aforesaid, or within the Distance of Four Miles therefrom), at least Fourteen Days before the Time of holding such Meeting,

For appoint-
ing new Com-
missioners.

Meeting, by affixing such Notice on One of the outer Doors of the Parish Church of *Kempston* aforesaid, on some *Sunday* before, and there to remain during Divine Service, and by causing the same to be published in the Newspapers called *The Northampton Mercury*, and *Cambridge Chronicle*, or One of them; and if the said *William Long*, his Heirs or Assigns, or the said *Thomas Gurney*, *George Livius*, *Farrer Grove Spurgeon Farver*, and *James Aspinwall*, their respective Heirs, Successors, or Assigns, or the Persons seized of the said Tythes for the Time being, shall, for the Space of Twenty-eight Days after Notice to him or them given by the surviving or remaining Commissioners or Commissioner, or if the Majority in Value of the said other Proprietors, at the Meeting to be appointed as last aforesaid, shall respectively refuse or neglect to appoint a new Commissioner in the Place or Stead of every or any Commissioner who shall die, neglect, become incapable, 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, neglecting, becoming incapable, or refusing to act as aforesaid, whose Place shall not be filled up by the Person or Persons primarily enabled to appoint such new Commissioner or Commissioners as aforesaid; and every Commissioner to be appointed by the Person or Persons respectively, and in the Manner hereby directed, shall have the like Powers and Authorities for putting this Act in Execution as if he had been expressly named and appointed a Commissioner by this Act.

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 *Kempston* aforesaid, on some *Sunday* before and during Divine Service, of the Time and Place of their First and every subsequent Meeting for executing the Powers vested in them by this Act, at least Six Days before the Time appointed for holding every such Meeting, (Meetings by Adjournment only excepted); and it shall be lawful for the said 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 Meeting by Adjournment, for the due Execution of this Act, leaving Notice at the Place where the Commissioners shall be sitting at the Time of any such Adjournment, of the Time and Place to which such Meetings shall be adjourned.

One Commissioner may adjourn.

V. Provided always, 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 he is hereby authorized and empowered, to adjourn such Meeting to any future Day he shall see most convenient, not exceeding Twenty-one Days from the Day of Adjournment, and at the same or any other Place within the Distance herein-before limited, giving due Notice to the others or other of the said Commissioners, and so from Time to Time as often as there shall be Occasion, until Two or more of the said Commissioners shall be present.

VI. And

VI. And be it further enacted, That all the Meetings of the said Commissioners for putting this Act into Execution shall be held at *Kempston* aforeſaid, or within the Diſtance of Four Miles therefrom. Meetings to be at *Kempston*, or within Four Miles.

VII. And be it further enacted, That the ſaid Commissioners ſhall and they are hereby required to appoint a Time and Place for receiving Applications from the Proprietors, touching the Situation they would reſpectively chooſe to have their Allotments ſet out and allotted in, and ſhall give Ten Days Notice in Writing of ſuch Meeting, to be affixed upon One of the outer Doors of the Pariſh Church of *Kempston* aforeſaid, on ſome *Sunday* before and during Divine Service. Meeting to receive Applications.

VIII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted in the ſaid intended Diſviſion and Incloſure, touching the Shares or Proportions which they or any of them ought to have in lieu of their Lands or other Rights and Intereſts in the ſaid intended Diſviſion and Incloſure, or touching the Value of any of the Homeſteads, Homecloſes, or other incloſed Lands or Grounds within the ſaid Pariſh of *Kempston*, it ſhall be lawful for the ſaid Commissioners, and they are hereby empowered, to examine into, hear, and determine the ſame reſpectively, and their Determination therein ſhall be binding and concluſive upon all Parties: Provided always, that no ſuch Determination of the ſaid Commissioners ſhall hinder or prevent any of the Parties from trying his, her, or their Rights at Law in reſpect of any Matter of Title. For determining Differences concerning Boundaries and Allotments.

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 be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or reſuſe 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 reſuſing to pay the ſame, rendering the Overplus (if any), upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtreined and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale. Powers to aſſeſs Coſts.

X. Provided always, and be it enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diſviſion and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commissioners, touching or concerning any Claim or Claims of the Right to the Soil of the ſaid Commons, and Waſte Grounds, or of any Rights of Common, or Intereſts, in, over, or upon the Lands and Grounds Allowing Parties to try their Rights by an Iſſue at Law.

[*Loc. & Per.*]

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Grounds

Grounds hereby directed to be divided, allotted, and 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 *Bedford*; 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, upon a feigned Issue, 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, or 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 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, binding, and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, 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 such Claim or Claims of Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, 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 upon all Parties.

Determina-
tion of Com-
missioners to
be final, if
not objected
to, or Action
not brought.

If any of the
Parties die,
Proceedings
not to abate.

XI. 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.

Cleansing
Watercourses.

XII. And be it further enacted, That the said Commissioners shall and may scour out, widen, divert, turn, or alter all such ancient Brooks, Drains, Ditches, Watercourses, Tunnels, and Bridges in the said Parish of *Kempston*, and shall and may make, erect, set out, and appoint such new Drains, Ditches, Watercourses, Bridges, Staunches, and Tunnels, as well in, through, and over the Lands and Grounds hereby intended to be divided and inclosed, as also in, through, and over any ancient Inclosures or other Lands and Grounds within the said Parish, of such Depth and Width, and in such Courses and Directions, as they the said Commissioners shall think proper, making such Satisfaction to the Proprietors of such ancient Inclosures, or other Lands, Grounds, and Hereditaments, not hereby intended to be divided and inclosed, for so doing, as they shall think reasonable and proper; and the said Commissioners shall and may
straighten

straighten the Course of any Rivulet or Stream, at or near the Bounds of any Part of the said Parish, in such Manner, as they shall think proper, and may, if they think proper, declare any such Rivulet or Stream to be straightened as aforesaid to be the Boundary of the said Parish, or any Part thereof, and also shall and may fix and determine the Height beyond which the Stream of Water called the *River Ouze*, running above certain Water Mills in the said Parish, called *Kempston Mills*, shall not at any Time be penned or held up by the Owners or Occupiers of the said Mills; and the said Commissioners shall and may, and they are hereby required, in and by their Award, to order, direct, and appoint by whom, at whose Expence, at what Times, and in what Manner, the said Brooks, Ditches, Drains, Watercourses, Bridges, Staunches, and Tunnels shall be made, and thereafter repaired, cleansed, scoured and maintained.

XIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to set out, allot, and award, from and out of the Lands and Grounds hereby intended to be divided and inclosed, One or more Piece or Parcel, or Pieces or Parcels of Land, not exceeding in the Whole Four Acres, as and for publick Stone, Sand, and Gravel Pits, with convenient Roads to and from the same respectively, to be used for the Repairs of the publick and private Roads within the said Parish; and the Herbage growing and renewing in and upon such Piece or Parcel, Pieces or Parcels of Land and Ground respectively, shall be and is hereby vested in the Surveyor or Surveyors of the Highways for the Time being of the said Parish, in Trust to let the same for the best Rent or Rents that can be reasonably had or got for the same, and to apply the Rents and Profits thereof respectively towards the Repairs of the publick Roads and Ways within the said Parish.

Allotments
for Gravel
Pits.

XIV. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the said *Robert Denis*, his Heirs and Assigns, as Lord of the said Manors of *Kempston Dawbery* and *Saint John's*, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed as shall, in the Judgment of the said Commissioners, be equal in Value to One Eighteenth Part of all the Commons and Waste Grounds hereby intended to be divided and inclosed, in lieu of, and in full Compensation and Satisfaction for all his Right and Interest in and to the Soil of the said Commons and Waste Grounds.

Allotment to
the Lord of
the Manor, in
lieu of Right
to Soil of
Waste and
Commons.

XV. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the said *Thomas Gurney*, his Heirs and Assigns, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands belonging to the said *Thomas Gurney*, and for the Right of Common belonging thereto, in, over and upon the said Lands and Grounds hereby intended to be divided and inclosed.

Allotments to
Thomas Gurney
in lieu of
Glebe Land.

XVI. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the said *James Aspinwall*

Allotments to
the Vicar in
lieu of Glebe
Land.

Aspinwall and his Successors, Vicars of the said Vicarage, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands belonging to and enjoyed with the said Vicarage, and for the Right of Common belonging thereto, in, over, and upon the said Lands and Grounds hereby directed to be divided and inclosed.

Allotment for Tythes.

XVII. And be it further enacted, That the said Commissioners shall in the next place set out, allot, and award, for and in lieu and Satisfaction of all Tythes, both Great and Small, arising, growing, renewing, happening, or payable within the said Parish of *Kempston* (except the Rectorial Tythes of such inclosed Lands for which any other Compensation is herein-after provided; and also except a certain Farm in the said Parish belonging to *Richard Edwards* Esquire), such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as in the Judgement of the said Commissioners shall be equal in Value to One Fifth Part of all the Arable Lands, One Tenth Part of all the Wood Lands, and One Ninth Part of all the Grass Grounds, Commons, and Waste Grounds, and all the other Lands and Grounds within the said Parish of *Kempston* (except such inclosed Lands, for the Rectorial Tythes whereof another Compensation is herein-after provided; and also except the said Farm belonging to the said *Richard Edwards*), which are severally subject or liable to the Payment of both Great and Small Tythes, and also equal in Value (Regard being had to the Proportions aforesaid), to the Tythes issuing and payable out of such of the Lands in the said Parish as are subject to Great Tythes only, or to Small Tythes only, and also equal in Value to all the Vicarial Tythes arising from and upon the said excepted inclosed Lands, and which shall remain after the publick and private Roads, Sewers, Drains, and Watercourses, and the Allotments for Stone and Gravel Pits shall be taken and deducted therefrom; which said Parcel or Parcels of Land and Ground so directed to be set out and allotted for Tythes as aforesaid, the said Commissioners shall, and they are hereby directed and required to apportion, divide, allot, and award, to and amongst them the said *Thomas Gurney*, *George Livius*, *Farrer Grove Spurgeon Farrer*, and the Vicar aforesaid, their respective Heirs, Successors, or Assigns, or the Persons seised of the said Tythes for the Time being respectively, in such Parts, Shares, and Proportions as the said Commissioners shall adjudge and determine to be a just Compensation, Equivalent, and Satisfaction for their respective Parts, Shares, Proportions, Rights, and Interests of and in the Tythes for and in respect of which such Parcel or Parcels of Land and Ground shall be set out as aforesaid.

Allotments to be in full Satisfaction for all Tythes.

XVIII. And be it further enacted, That the Lands and Grounds which shall be allotted by virtue of this Act for and in lieu of Tythes, shall be accepted and taken by the said *Thomas Gurney*, *George Livius*, *Farrer Grove Spurgeon Farrer*, and the Vicar aforesaid, their respective Heirs, Successors, or Assigns, or the Persons seised of the said Tythes for the Time being respectively, in full Satisfaction and Discharge of and for all and all Manner 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,

Fields, Meadows, Pastures, Waste Lands, and all other Lands and Grounds in the Parish of *Kempston* aforesaid, for the Tythes whereof Compensation shall be made by virtue of this Act, (*Easter Offerings, Mortuaries, and Surplice Fees* due to the said Vicar only excepted); provided that until the said Allotments in lieu of Tythes shall be set out, and Notice thereof given by the said Commissioners to the said *Thomas Gurney, George Livius, Farrer Grove Spurgeon Farrer*, and the Vicar aforesaid, their respective Heirs, Successors, or Assigns, or the Persons seized of the said Tythes for the Time being respectively, they 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 in case this Act had not been made.

Tythes to be paid till Allotments made and Notice given.

XIX. And be it further enacted, That after the several Allotments herein-before directed to be made shall have been assigned and set out, the said Commissioners shall divide, set out, allot, and award all the Residue of the said Lands and Grounds hereby intended to be divided and inclosed, unto and amongst the several Proprietors thereof and Persons interested therein, in such Quantities, Shares, and Proportions as by the said Commissioners shall be adjudged and determined to be a just Compensation and Satisfaction for, and equal to their several and respective Lands, Rights of Common, and other Rights and Interests therein, for which no Allotment or Compensation is herein-before specifically directed to be made.

Allotments of the Residue.

XX. Provided always, and be it further enacted, That in case there are any Common Greens or Waste Lands in the said Parish of *Kempston* which cannot, in the Judgement of the said Commissioners, be divided and inclosed without Prejudice or Inconvenience to the Owners and Occupiers of the adjoining Messuages, Cottages, Homesteads, or old Inclosures, or to the Advantage of the Persons interested therein, then and in either of the said Cases such Common Greens or Waste Lands shall remain and continue undivided and uninclosed, and in such Case it shall and may be lawful for the said Commissioners to assign and allot the Herbage of such Common Greens or Waste Lands to such One or more of the Proprietors of the Lands and Grounds hereby directed to be divided and inclosed, or of any Common Right or Common Rights, or other Interest in or over the same, as they shall adjudge the said Herbage to be most convenient for, in or towards Satisfaction of the Right and Interest or Rights and Interests of such Proprietor or Proprietors respectively; and in case the said Herbage shall be allotted to more than One of such Proprietors, the same shall be used and enjoyed by such Proprietors respectively, or their respective Tenants, in such Shares and Proportions, and shall be stocked by them with such Kinds and Number of Cattle, and shall be under and subject to such Rules and Regulations, as the said Commissioners shall in and by their Award direct and appoint; and in such Cases the Soil of the said last mentioned Common Greens or Waste Grounds shall be, remain, and continue vested in the Lord or Lords for the Time being of the said Manors of *Kempston Dawbeney* and *Saint John's*.

Certain Wastes may remain uninclosed.

XXI. And be it further enacted, That the several Allotments herein-before directed to be set out, allotted, and awarded unto the said *Thomas*

For fencing Tythe Allotments.

[*Loc. & Per.*]

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mas Gurney and the Vicar aforelaid, their refpective Heirs, Succellors, and Affigns, in lieu of Glebe Lands and Right of Common; and the feveral Allotments herein-before directed to be fet out, allotted, and awarded, for and in lieu of Tythes as aforelaid, fhall be refpectively inclofed and fenced round the Boundaries thereof (except fuch Parts thereof as fhall adjoin upon any other Allotments to the laid refpective Tythe Owners), with Quickfet Hedges and Ditches, or other proper Mounds or Fences, with proper Posts, Rails, and other Guard Fences to fuch Quickfet Hedges, within fuch Times, and in fuch Manner, as the laid Commissioners fhall order and appoint, at the Expence of all or fuch of the Proprietors of the Lands and Grounds which fhall be exonerated from Tythes by virtue of this Act, and in fuch Manner and Proportions as the laid Commissioners fhall order and appoint; and fuch Hedges, Ditches, and other Fences (after the fame fhall have been properly made), fhall be preferved, repaired, and maintained by and at the Expence of the feveral Proprietors to whom the fame fhall be allotted or directed to belong.

Fences of
Proprietors
Allotments.

XXII. And be it further enacted, That the laid Commissioners fhall fet out, appoint, and award fuch Boundary Hedges, Ditches, and Fences, for the inclofing, feparating, and dividing of the laid Lands and Grounds hereby intended to be divided and inclofed, as they fhall think neceffary; and the laid Hedges, Ditches, and Fences, fhall be made and at all Times thereafter repaired by fuch of the laid Proprietors to whom the laid Lands and Grounds fhall be allotted (except as herein-before is particularly directed to the contrary), within fuch Time, and in fuch Manner and Proportions, as the laid Commissioners by their Award, or any Writing under their Hands in that Behalf, fhall award, order, direct, or appoint; and the Orders and Directions of the laid Commissioners in that Behalf, fhall be binding and conclufive to the feveral Parties fo interefted in and entitled to fuch Shares and Allotments as aforelaid.

Gates may be
made acrofs
Bridle Roads,
etc.

XXIII. And be it further enacted, That the refpective Proprietors of the Lands and Grounds to be divided and inclofed by virtue of this Act, fhall have full Power and Liberty, from Time to Time and at all Times after the Execution of the laid Award, to fet up and continue a Swing Gate or Swing Gates acrofs any Part or Parts of the publick or private Bridle Roads or Ways, or private Carriage and Drift Roads to be made and fet out through their refpective Allotments, or acrofs any Freeboard or Meer Way, for keeping out Cattle, and feparating fuch Proprietors Allotments, fo as fuch Gate or Gates fhall not prevent any Perfon or Perfons entitled to ufe the laid Roads, with or without Horfes, Cattle, or Carriages, from paffing or repaffing along fuch Roads, or enjoying any Right, Title, or Property which he, ſhe, or they ought to have or enjoy over fuch Road, Freeboard, or Meer Way.

No Cattle to
be depaftured
in the High-
ways for Seven
Years.

XXIV. And be it further enacted, That no Perfon or Perfons whomsoever fhall graze or keep any Sort of Cattle whatsoever in or upon any of the Roads or Ways which the laid Commissioners fhall order or direct to be fet out and fenced on both Sides, for the Space of Seven Years next after the making and executing of the laid Award, under a Penalty not exceeding Ten Shillings, nor lefs than Five Shillings, for every Beaft, Horfe, Sheep, or Lamb, which fhall be found therein, to be paid to the
Perfon

Person or Persons who shall take and impound the same; and every Proprietor or Occupier of Lands within the said Parish, and their and every of their Servants and Labourers; and also the Hayward or Pinder of the said Parish for the Time being, is and are hereby empowered to take and impound every such Beast, Horse, Sheep, or Lamb, which shall be so found grazing as aforesaid, at any Time or Times after any Quicksets shall be planted next the said Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Seven Years.

XXV. And be it further enacted, That where there are any Homesteads, Gardens, Orchards, or other ancient inclosed Lands or Grounds in the Parish of *Kempston* aforesaid, subject and liable to the Payment of Tythes, the respective Proprietors whereof shall not be entitled to any, or not to a sufficient Interest or Property in the Lands and Grounds hereby intended to be divided and inclosed, to make Compensation for the Tythes issuing and 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 direct or appoint, such Sum or Sums of Money as the said Commissioners shall judge and determine to be a full Compensation and Satisfaction, according to the Proportions aforesaid, for the Tythes of such Homesteads, Gardens, Orchards, and other ancient inclosed Lands or Grounds respectively, or of such Part thereof for which a Compensation in Land cannot be made as aforesaid; and the several Sums of Money to be paid in respect of such Tythes, shall be applied towards defraying the Expences of obtaining and passing this Act, and carrying the same into Execution, and shall and may be raised and recovered in like Manner as such Expences are herein after directed to be raised and recovered.

How Proprietors of old Inclosures, etc. are to make Compensation for Tythes.

XXVI. 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 Lands and Grounds in the said Parish, for the Rectorial Tythes whereof a Compensation is not herein before directed to be made, as of the Owner or Owners of the Rectorial Tythes payable thereout respectively, to set out and allot, for and in Lieu and Satisfaction of all Rectorial Tythes of such old inclosed Lands, such Part and Parts of the same inclosed Lands as shall, in the Judgement of the said Commissioners, be equal in Value (Regard being had to the Proportions aforesaid), to the Rectorial Tythes issuing and payable out of the same inclosed Lands and Grounds.

The Commissioners, with Consent of Proprietors, may allot in lieu of the Tythe of certain inclosed Land, Part of such inclosed Lands.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall judge it expedient, upon the Request in Writing to them made at any of their Meetings to be held in pursuance of this Act, previous to the setting out any of the Allotments herein before directed to be made, of any of the Owners or Proprietors of the Lands and Grounds by this Act intended to be divided and inclosed, or of any Common Right or other Interest therein, except the Vicar aforesaid, whether seised in Fee or Tenant in Tail, or for Life or Lives, or for any Number of Years determinable upon Life or Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Owners or Proprietors, being under Coverture, Minors, Lunaticks, or

Lands may be deducted from Allotments for Expences.

beyond

beyond the Seas, or under any other Disability or Incapacity, or of the Persons acting as such Guardians, Trustees, Committees, or Attornies, 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 his, her, or their Share and Proportion, or respective Shares and Proportions of the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution, and of fencing the remaining Allotment or Allotments of such Owner or Owners respectively; and the Land so deducted shall be allotted to and divided amongst such of the other Owners and Proprietors who shall be charged with and shall pay such Charges and Expences, in Proportion to the Sums they shall respectively pay or contribute thereto.

Rights of
Common may
be sold.

XXVIII. And be it further enacted, That it shall be lawful for any Person or Persons who hath or shall have or be entitled to any Right of Common, or other Right or Interest in, upon, or over any of the Lands and Grounds hereby directed to be divided and inclosed, or to or in whom any Common of Pasture, or other Share or Part of any Common Pasture shall be assigned or become vested by virtue of this Act, to sell and dispose of such respective Rights and Interests separately and apart from the Property in respect of which they shall or may be severally entitled to such Right of Common, or other Right or Interest.

Power to
make Ex-
changes.

XXIX. And, for the more convenient Situation and Disposition of the several Farms, Lands, and Estates in *Kempston* aforesaid, upon and after the said intended Division and Inclosure, 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 Messuages, Cottages, old Inclosures, Tenements, Rents, or other Hereditaments, situate or arising within the said Parish of *Kempston* in Lieu of and Exchange for any other Messuages, Cottages, old Inclosures, Allotments, Tenements, Rents, or other Hereditaments in *Kempston* aforesaid, or within any other Parish or Place adjoining thereto; so that every such Exchange be ascertained, declared and set forth in the Award of the said Commissioners, and so that every such Exchange be made by and with the Consent and Approbation of the respective Proprietors, or other Person or Persons seized or possessed of the Premises which shall respectively be so exchanged, or by and with the Consent of the Husbands, Trustees or Guardians, Committees or Attornies, of or for any such Proprietors or Persons so seized or possessed respectively, who at the Time of making any such Exchange shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, or of the Trustees of Estates for charitable or publick Uses, or the major Part of them respectively; and so that every such Exchange of Hereditaments belonging to any Ecclesiastical Benefice be made with the Consent of the Lord Bishop of *Lincoln* for the Time being, testified by Writing under his Hand; and every such Exchange so to be made and declared, shall be for ever good, valid, and effectual in the Law, to all Intents and Purposes, notwithstanding any Want of Title in the exchanging Parties, or any Will, Settlement,

Settlement, Limitation, or Incumbrance, affecting the Premises which shall be so exchanged.

XXX. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Expence of Exchanges and Partitions, to be borne by the Parties.

XXXI. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands or other Hereditaments in the said Parish of *Kempston*, 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), enquire 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 lie or arise within the Common and Open Fields, Commons, and Wastes hereby directed to be divided and inclosed (Regard being had to the Deductions which shall have been made for the Tythes of ancient Inclosures held by the same Tenures, and for the same Estates respectively); and the said Commissioners shall also (at such Request as aforesaid) ascertain and set out, by Metes and Bounds, the Buildings and ancient Inclosures in the said Parish of *Kempston*, held by such several Tenures, and by, for, or under such different Estates or Titles.

Commissioners to distinguish Lands held by different Tenures or under different Titles.

XXXII. Provided always, and be it further enacted, That if in any Case such Buildings or ancient Inclosures shall by long Unity of Possession, the Destruction of Boundaries, or otherwise, be so intermixed or confounded, that the said Commissioners shall find it impracticable or inconvenient to ascertain and set out the same from other Lands or Hereditaments of the same Proprietor or Proprietors held by any different Tenure, or by, for, or under any different Estate or Title, then the said Commissioners shall appropriate and set out such Parts and Proportions of the Lands and Hereditaments of such Proprietor or Proprietors in *Kempston* aforesaid, in respect of the Lands held by each respective Tenure, or by, for, or under each respective Estate or Title, as shall in their Judgement be equal in Value to the Lands or Hereditaments in respect whereof the same shall be so set out and appropriated; and the Determination and Award of the said Commissioners thereon shall be final and conclusive to all Persons whomsoever.

Commissioners may separate inclosed Lands held by different Titles.

XXXIII. 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 Parish of *Kempston* aforesaid 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 Femes Covert, Minors, Lunatics, beyond the Seas, or under any other Inca-

Power to enfranchise Copyholds.

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capacity

capacity or Disability, at any Time before the Expiration of Six Calendar Months from the Date of the said 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 from thenceforth be holden of the Lord or Lords of the same respective Manor, either by the Rents which shall have been theretofore paid or payable to the Lord or Lords of the same Manor in respect thereof, or by any less Rent or Rents, to be in such Writing or Writings ascertained and assigned, or without Rent, and to assign and award to the Lord of the same Manor any Sum of Money, or such Compensation, by Part of such Customary and Copyhold Lands and Tenements, 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 such Customary or Copyhold Tenant in *Kempston* aforesaid, 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 respectively shall have been subject or liable; and the Lord or 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 or Assigns, 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.

This Act not
to affect
Wills,
Deeds, &c.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, adjudged, deemed, or taken to extend, to revoke, make void, alter, or annul any Settlement, Deed, Will, or Lease, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Legacy, Annuity, Mortgage, Debt, Rent Charge, or Incumbrance whatsoever, in, out of, upon, or anywise affecting any of the Lands or Grounds hereby intended to be divided and inclosed, or any of the Messuages, Lands, Tythes, Tenements, or other Hereditaments, which shall be partitioned, exchanged, or assigned in Compensation for any other Estate or Right by virtue of this Act, or any Part or Parts thereof respectively, but as well the Land allotted,

allotted, as the Messuages, Lands, Tenements, and other Hereditaments which shall be assigned on any Partition, or in Exchange, or in Compensation for any other Estate or Right, shall, immediately after such Allotment, Partition, 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 from thenceforth stand and be seised 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, Remainders, Conditions, Charges, Tenures, Rents, Services, and Incumbrances, as the several Messuages, Lands, Tythes, Tenements, and Hereditaments, in respect whereof such Allotments, Assignments, and Exchanges shall have been made should or would have stood severally limited, settled, or vested, or subject or liable to be charged with, or held or affected by, in case the same had not been inclosed, assigned, or exchanged, and this Act had not been made (save and except such Rents and Services as shall have been enfranchised and extinguished, and such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and subject nevertheless to such Mortgages, Sales, Charges, and Incumbrances as shall be made by the Authority and in pursuance of this Act): Provided, that the Tenures and Services of any Messuages, Lands, or Tenements holden by Copy of Court Roll, which shall be exchanged by virtue of this Act for other Messuages, Lands, or Tenements, shall not be altered by such Exchange, unless as well such exchanged Messuages, Lands, or Tenements, as the Messuages, Lands, or Tenements for which the same shall be given or assigned in Exchange, shall be situate in the Parish of *Kempston* aforesaid.

XXXV. And be it further enacted, That all and every Leases, Agreements, and Tenancies at Rack Rents now subsisting of all and every or any Part or Parts of the Lands and Grounds hereby intended to be divided and inclosed, or by virtue of this Act to be exonerated from Tythes, or which shall be exchanged or divided in Partition as aforesaid, and of all Messuages, Cottages, Lands, and Tenements in the Parish of *Kempston* aforesaid, and in any adjoining Parish held therewith, shall cease and be void at such Time or Times as the said Commissioners shall, by Writing under their Hands, order and direct; the respective Lessors, Owners, or Proprietors of such Messuages, Cottages, Lands, or Tenements, making such reasonable Satisfaction to such Lessee or Lessees, Tenant or Tenants, for the Loss which shall be sustained by the Determination of such Leases or Agreements respectively, and at such Times as shall be mutually settled and agreed upon between them, or as the said Commissioners, being thereunto required by either of the Parties, shall ascertain, order, direct, and appoint; 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 said Rent shall have become due, and the Determination of the Lease or Agreement; and such Part of the Rent shall be recoverable by such Ways and Means as may, by the Laws of this Realm, be used for the Recovery of Rent in Arrear: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Parish and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting

Vacating
Leases at Rack
Rent.

subsisting may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease and wholly situate in an adjoining Parish, the Lease of such last mentioned Lands shall not be vacated.

Proprietors whose Allotments shall have been ploughed, &c. to make Satisfaction for the same.

XXXVI. And be it further enacted, That in all Cases where, on the said intended Division and Inclosure, any Allotment or Allotments shall be made and set out, which, or any Part of which, shall not have been sown with any Sort of Corn or Grain, but shall have been ploughed, tilled, folded, or manured, or on which there shall, at the Time of setting out such Allotment, be any Tillage, Manure, or other Preparation for a Crop, the Person or Persons to whom such Allotment or Allotments shall be made and belong, shall pay to the Person or Persons who shall have ploughed, tilled, folded, or manured the same, or his Executors or Administrators respectively, such Sum and Sums of Money; and at such Times, as the said Commissioners shall adjudge and think reasonable, and by any Order or Orders under their Hands (which Order or Orders they are hereby empowered and required to make), shall direct; and in case any Sum of Money so ordered shall not be paid at the Time appointed by the said Commissioners for that Purpose, the same shall be raised, levied, and recovered in such Manner as the Expences of passing this Act, and carrying the same into Execution, are directed to be raised, levied, and recovered.

Commissioners may suspend or extinguish Common Rights.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time when they in their Judgement shall think it convenient and necessary, by Notice for that Purpose under their Hands, to be affixed on any One of the outer Doors of the Parish Church of *Kempston* aforesaid, on some *Sunday* before and during Divine Service, to extinguish or suspend all or any Part of the Right of Common in, upon, and over the Lands and Grounds hereby intended to be divided and inclosed, or any of them; and from and after such Notice given, all such Rights of Common as shall by such Notice or Notices be directed or declared to be extinguished or suspended, shall cease and be utterly extinguished, or shall otherwise be suspended for such Time as the said Commissioners shall in and by such Notice direct.

Penalty on Persons turning Cattle into Lands exonerated from Common, during Suspension, &c. of Rights of Common.

XXXVIII. And be it further enacted, That if during the Suspension or after the Extinguishment of any Right of Common, any of the said Proprietors or Occupiers shall turn or permit his, her, or their Cattle to go, depasture, or feed on any of the Lands or Grounds exonerated from Common, then it shall and may be lawful to and for any other of the said Proprietors or Occupiers to distrain such Cattle being upon such Lands or Grounds contrary to such Order, and to impound the same until the Owner or Owners of such Cattle shall pay to the Person or Persons so distraining the same, any Sum not exceeding Ten Shillings nor less than Five Shillings for each of the Cattle distrained; and in case the same shall not be paid before the next Meeting of the said Commissioners after such impounding, then the said Commissioners are hereby authorized and empowered, upon Proof of such Offence having been committed, by Warrant under their Hands and Seals, to cause the Cattle so distrained, or such Part thereof as they shall think sufficient, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges

Charges attending such Distress and Sale, and the Expence of keeping such Cattle, rendering the Overplus (if any) to the Owner or Owners of such Cattle.

XXXIX. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Two reduced Plans of the said Parish to be drawn upon Vellum, on which the publick and private Roads, Paths, and Drains, with the Boundary Fences of the several Allotments mentioned and described in the said Award, and such other Matters and Things as the said Commissioners shall think proper to be described therein, shall be fairly and distinctly delineated, marked, and expressed; and the said Commissioners shall sign both the said Plans, One of which shall be annexed to the said Award, and the other shall be annexed to, or shall go and be kept with the Inrolment thereof; and also the said Commissioners shall and they are hereby required to make and annex to the said Award a Schedule, describing and setting forth the Quantities of all and every the Homesteads, Gardens, Orchards, and ancient Inclosures in *Kempston* afore said (except a certain Farm belonging to Sir *George Robinson* Baronet, called *Bone End Farm*, and also except a certain other Farm belonging to *Richard Edwards* Esquire), and an alphabetical Index and Reference to the principal Matters in the said Award contained.

Reduced Plan to be annexed to the Award;

and to make a Schedule of old Inclosures.

XL. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and divide all the Lands and Grounds hereby intended to be divided, allotted, and inclosed, unto and amongst the several Proprietors thereof and Persons interested therein, on or before the Twenty-ninth Day of *September* One thousand eight hundred and two, under the Restrictions afore said as to disputed Property, if any.

Allotments to be made on or before *Sept.* 29, 1802.

XLI. And be it further enacted, That there shall be paid out of the Monies to be raised by virtue of this Act for defraying the Expences of obtaining, passing, and carrying the same into Execution, unto and amongst the Commissioners who shall act in the Execution of the Powers hereby vested in them, the Sum of Seven Shillings and Sixpence *per* Acre, and no more, for every Acre of Land within the said Parish of *Kempston* (except the said Farm belonging to Sir *George Robinson*, called *Bone End Farm*, and also except the said Farm belonging to the said *Richard Edwards*), the same to be in full Satisfaction and Compensation for the valuing, qualitying, appraising, dividing, setting out, allotting, surveying, admeasuring, and planning the Lands and Grounds hereby directed to be divided and inclosed, and all the Messuages, Cottages, Homesteads, Tythes, Orchards, Gardens, ancient Inclosures, and all other Lands and Grounds within the said Parish (except the said *Bone End Farm*, and also except the said Farm belonging to the said *Richard Edwards*); for the preparing the said reduced Plans to be annexed to the Award, and the Inrolment thereof; for all necessary Advertisements; for the making out and furnishing a proper Description and Particular of all such Allotments, Articles, Matters, and Things as shall be necessary to be inserted in the Award by virtue of this Act, and assisting *Theed Pearse* of *Bedford* Gentleman, the Solicitor, in drawing the said Award; for all the Trouble and Expences which they the said Commissioners, or any of them, or the said *Theed Pearse*, as Solicitor for the said Owners and Proprietors, and as Clerk to them the said Commissioners, shall be put unto

Allowance to Commissioners.

[*Loc. & Per.*]

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in the Execution of this Act after the passing thereof (except the Trouble and Expences of drawing, ingrossing, executing, and inrolling the Award of the said Commissioners, and the Stamp Duty thereof); and that at all Meetings to be held in pursuance of this Act, the said Commissioners and others attending such Meetings shall pay their own Expences.

Costs and
Charges.

XLII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, of surveying, admeasuring, planning, dividing, allotting, and discharging from Tythes the Open and Common Fields, Meadows, Pastures, Waste Grounds, and other Commonable Lands and Grounds hereby directed to be divided and inclosed, and the several Homesteads and ancient Inclosures in *Kempston* aforesaid, and of fencing and making the publick Roads to be let out, of preparing and inrolling the said Award, 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, or in, about, or concerning the Execution of this Act, shall be borne, paid, or defrayed, by all and every the Proprietors and Owners of, or Persons having Rights or Interests in the Lands and Grounds hereby directed to be divided and inclosed, and the Homesteads and ancient Inclosures which shall be exonerated from Tythes, or enfranchised by virtue of this Act (other than and except the said *Thomas Gurney*, *George Livius*, *Farrer Grove Spurgeon Farrer*, and *James Aspinwall*, their Heirs, Successors, and Assigns respectively, in respect of the Allotments to be made in lieu of Glebe Land and Tythes; and the said *Sir George Robinson* and *Richard Edwards*, in respect of their said several Farms; and also except the Persons from whose respective Allotments Deductions shall have been made for their respective Shares of the Expences of Inclosure), in such Proportions, according to their respective Rights and Interests, 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 appointed by the said Commissioners, by any Writing under their Hands; and in case any of the said Proprietors or Persons having such Rights or Interests, shall refuse or neglect to pay his, her, or their Share or Proportion, or respective Shares or Proportions of such Charges and Expences, within the Time to be limited by the said Commissioners for the Payment thereof, to such Person or Persons as they shall appoint to receive the same, then and in such Case the said Commissioners may, and they are hereby authorized, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and selling such Distress; or otherwise, it shall be lawful for the said Commissioners, or such other Person or Persons as they shall appoint, to enter into and upon the Lands and Tenements so to be allotted to or taken in Exchange, or upon Partition, by such Person or Persons so refusing or neglecting to pay as aforesaid, or into and upon the Homesteads and other ancient Inclosures of any such Person or Persons so refusing or neglecting, which shall be exonerated from Tythes, or enfranchised by virtue of this Act, and to receive the Rents and Profits thereof respectively, until thereby or therewith, or otherwise, the Share or Proportion,

tion, or respective Shares or Proportions of the aforesaid Costs, Charges, and Expences directed and appointed by the said Commissioners to be paid by such Person or Persons respectively, and also all Costs, Charges, and Expences occasioned by and attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied; or it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, upon any Refusal or Neglect of Payment of their Proportion of the Costs, Charges, and Expences aforesaid, by any Person or Persons to whom any Allotment shall have been made by virtue of this Act, to raise by Sale, or by Mortgage in Fee or for Years, of the Allotment or Allotments to him or them made, or of any Part or Parts thereof, Money sufficient to pay the Share and Proportion of the Person and Persons so refusing, of the Charges and Expences last mentioned, and also all the Charges and Expences of and incident to such Sale or Mortgage.

XLIII. And be it further enacted, That the Money which shall be advanced for the Purpose of defraying the Expences of obtaining and passing this Act shall be repaid, with lawful Interest, to the Person or Persons advancing and paying the same, out of the Money which shall be first raised to defray the Expences of passing and executing this Act.

Money advanced for passing the Act to be repaid with Interest.

XLIV. And be it further enacted, That it shall be lawful for the several Owners and Proprietors for the Time being of any of the Allotments to be made, or of any of the Homesteads, Orchards, and ancient Inclosures to be exonerated from Tythes in pursuance of this Act, or of any Part thereof, and to and for the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said Owners or Proprietors who may be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, and to and for all Persons acting as Guardians, Trustees, Committees, or Attornies for any of the same Owners or Proprietors, and to and for any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, or otherwise interested as aforesaid, and to and for every of them respectively (other than and except the said Vicar and his Successors, and such Persons from whose Allotments Deductions shall have been made for the Payment of the Expences of Inclosure), by and with the Consent of the said Commissioners, in Writing under their Hands and Seals, from Time to Time to charge such respective Allotments, Homesteads, and ancient Inclosures, or any Part or Parts thereof respectively, with any Sum or Sums of Money, at the Discretion of the said Commissioners, not exceeding Five Pounds for every Acre of Land or Ground so to be allotted, and for every Acre of such Homesteads, Orchards, and ancient Inclosures, which shall be exonerated from Tythes by a Compensation in Land out of the said Open and Common Fields, or other Commonable Lands and Grounds, to be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied in defraying the several Shares and Proportions of such respective Proprietors of the Charges and Expences of obtaining and executing this Act, and of dividing and inclosing the respective Allotments, and to charge the several Homesteads and ancient Inclosures which shall be exonerated from Tythes wholly or in Part by any Payment in Money, with any Sum or Sums not exceeding the

Proprietors under Disability, enabled to borrow Money;

Amount

Amount of the respective Payments which shall be made by the Direction of the said Commissioners as a Compensation for such Exoneration from Tythes, and in Discharge of the Proportion and Share of the Expences of passing this Act, and carrying the same into Execution, which shall be ascertained and apportioned by the said Commissioners in respect of the Homesteads and ancient Inclosures so exonerated; and for securing the Repayment of such respective Sums, with Interest, to grant, mortgage, surrender, or demise such Lands and Tenements respectively, to such Person or Persons as shall respectively advance and lend such Sum and Sums, and to his, her, and their respective Heirs, Executors, Administrators, and Assigns, in Fee, or for any Term or Number of Years, so as every such Grant, Mortgage, Surrender, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be reconveyed or surrendered when such Sum or Sums of Money thereby to be secured, and the Charges occasioned by preparing and executing such Security, and of borrowing such Sum and Sums of Money, with Interest for the same respectively, shall be paid and satisfied; and so as in every such Grant, Mortgage, Surrender, or Demise, which shall by virtue of this Act be made by any Tenant in Tail, or for Life or Lives, or Years determinable on a Life or Lives or upon any other Contingency, there be contained a Proviso or Condition that no Person who shall afterwards become entitled in Remainder or Reversion to the Lands or Tenements therein comprized, shall be liable to pay any further or larger Arrear of Interest, in respect of the Money so to be charged as aforesaid, than for One Year preceding the Time that the Title to such Possession shall have commenced.

Or charge the Lands with the Proportion of Expences.

XLV. Provided always, and be it further enacted and declared, That in the Place of any such Grant, Mortgage, Surrender, or Demise as aforesaid, it shall be lawful for the said Commissioners, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, who shall respectively pay and discharge his, her, or their Part and Proportion of the Payment, Charges, and Expences aforesaid, to authorize and empower such Owners and Proprietors, or either of them, making such Request, to charge and subject the said Lands and Grounds so to be exonerated from Tythes, or allotted to or for them respectively, with any Sum or Sums of Money, not exceeding the respective Sums herein-before limited, with Interest for the same as aforesaid; which Sum or Sums of Money so to be charged as last aforesaid, shall be payable within One Year next after the Decease of every such Tenant in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or after the Determination of any such contingent Estate or Interest respectively, with Interest, to be computed from his, her, or their respective Decease, or from the Determination of such contingent Estate or Interest, unto such Person or Persons as such respective Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon such other Contingency respectively, by any Deed or Will duly executed and attested, shall direct or appoint, and in Default of such Direction or Appointment, to such Person or Persons, his, her, or their Executors or Administrators.

XLVI. Pro-

XLVI. Provided always, That every Sale, Grant, Mortgage, Surrender, Demise, Charge, or Appointment by Deed or Will, which shall be made by virtue and in pursuance of the Powers given by this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Sales and Mortgages made by virtue of this Act to be valid.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, or in any Way to affect a certain inclosed Farm called *Bone End Farm*, situate in the Parish of *Kempston* aforesaid, belonging to the said *Sir George Robinson* Baronet, which Farm is exonerated from Great and Small Tythes by the yearly Payment of Ten Shillings.

Sir George Robinson's Farm not to be affected.

XLVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to, or be construed to extend to, or shall in any Way affect a certain old inclosed Farm situate at *Kempston West End* in the said Parish of *Kempston*, in the County of *Bedford*, belonging to *Richard Edwards* Esquire.

Mr. Edwards's Farm not to be affected.

XLIX. And be it further enacted, That all Notices and Advertisements necessary or requisite to be made and given by the said Commissioners, and not herein-before otherwise directed, shall be so made and given by Advertisement in *The Northampton Mercury*, or *Cambridge Chronicle*, or in case neither of them shall then be published, then in some other Newspaper circulated in the said County of *Bedford*.

Advertisements in Newspapers.

L. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing whatsoever to be done in pursuance of this Act (other than and except in such Cases where the Orders, Determinations, Resolutions, or Proceedings of the said Commissioners are hereby directed to be final, binding, and conclusive; and also except in such Cases where an Issue at Law is herein-before directed), then and in such Case he, she, or they may appeal to the Justices assembled at any General Quarter Sessions of the Peace which shall be holden for the said County of *Bedford* within Six Calendar Months next after the Cause of Complaint shall have arisen, every such Appellant giving Twenty Days previous Notice to the Parties appealed against, of the Intention of bringing such Appeal; and the Justices in their said Quarter Session are hereby empowered and required to hear and determine the Matter of every 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 cause to be levied the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties ordered and made 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; and every Order and Determination of the said Justices upon such Appeal, shall be final and conclusive to all Parties concerned, and shall not be subject or liable to be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Appeal.

General
Saving.

LI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them or in Remainder after them), all such Right, Title, and Interest as they, every, or any of them could or ought to have had and enjoyed in, to, or out of the Lands and Grounds hereby directed to be divided and inclosed, in case this Act had not been made.

Publick Act.

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

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