



ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 110.

An Act for inclosing Lands in the Parish of *Amptbill* in the County of *Bedford*. [3d July 1806.]

WHEREAS there are certain Commonable Lands, Common Warren, and Waste Lands, within the Parish of *Amptbill*, in the County of *Bedford*: And whereas the said Parish of *Amptbill* is situate within the Honour of *Amptbill*, and the Right Honourable *John Earl of Upper Ossory* is Lord of the Manor of *Amptbill*, as Lessee under the King's most Excellent Majesty, in Right of His Crown, and as such is entitled to the Right of Soil in and over the Common Warren and Waste Lands in the said Parish of *Amptbill*; and the said Earl is also entitled (as Lessee as aforesaid) to a Warren of Coneys in and over a certain Place in *Amptbill* aforesaid, called *Amptbill Warren*, containing, by Estimation, Three hundred and Forty-one Acres or thereabouts: And whereas the said *John Earl of Upper Ossory* (as Lessee as aforesaid) is the Patron of the Rectory of *Amptbill*; and the Reverend *John Hawkins*, Clerk, is Rector of the Rectory and Parish Church of *Amptbill* aforesaid, and in Right of his said Rectory is entitled to the Great and Small Tythes arising and renewing upon and from the tythable Lands within the said Parish, and to certain Rights of Common in and upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed: And whereas the said *John Earl of Upper Ossory, John Morris Esquire, George Exton, John Robinson, Ezra Eagles, Humphrey Carte, John Carte, William Poulton, Thomas Brace Stone, and John Kirk,*
[Loc. & Per.]

Earl of Upper Ossory Lord of the Manor as Lessee under the Crown.

Patron.

Rector.

Proprietors.

Gentlemen,

Recital of
Act 41 G. 3.

Appointment
of Commis-
sioners.

Gentlemen, together with divers other Persons, are Owners and Proprietors of or otherwise interested in the said Commonable Lands, Common Warren, and Waste Lands, and are or claim to be entitled to certain Rights of Common, and other Commonable Rights and Interests, in, over, and upon the same: 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 said Commonable Lands, Common Warren, and Waste Lands, are subject to divers Encroachments and Trespasses, and in their present State are incapable of any considerable Improvement; and it would be very beneficial to the several Owners and Proprietors thereof, and Persons interested therein as aforesaid, if the same were divided and allotted unto and amongst such Owners, Proprietors, and other Persons, according and in proportion to their respective Estates, Rights, and Interests, and if such Lands were conveniently laid together and inclosed: But inasmuch as the said several Objects cannot be effected without the Aid and Authority of Parliament; May it 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 Commonable Lands, Common Warren, and Waste Lands, shall be divided, allotted, and inclosed; and that *John Fellowes of Foscott*, in the County of *Buckingham*, and *Thomas Thorpe of Great Barford*, in the County of *Bedford*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for valuing, dividing, allotting, and inclosing the same, and for exonerating from Tythes the tythable Lands and Grounds within the said Parish, and for carrying this and the said recited Act into Execution, in Manner and Subject to the Rules, Orders, and Directions herein-after contained, and also subject to the Powers, Provisions, and Regulations of the said recited Act (except where the same are hereby varied or altered); and that it shall be lawful for them the said Commissioners or their Successors, to be appointed as herein-after is mentioned, to do and perform every Act and Thing requisite to be done under and by virtue of this Act, and to put in force and execute all and every the Powers and Authorities contained in this and the said recited Act; provided, that if they the said Commissioners or their Successors, shall differ in Opinion upon any of the Matters and Things directed to be executed by them by virtue of this Act; in that case *Joseph Parwsey of Silsoe*, in the said County of *Bedford*, Gentleman, shall be and he is hereby appointed a Third Commissioner for carrying this and the said recited Act into Execution, with respect to such Matters and Things only on which the said Two first named Commissioners or their Successors shall differ in Opinion as aforesaid; and in such Case it shall be lawful for any one of the said first named Commissioners or their Successors, together with the said *Joseph Parwsey* or his Successor, to execute all Powers, Authorities, Acts, Matters, and Things requisite to be done in the Execution of this or the said recited Act, and which shall be as valid and effectual, to all Intents and Purposes, as if done and executed by the said Two first named Commissioners.

Election of
new Com-
missioners.

II. And be it further enacted, That if any or either of the Commissioners hereby appointed, or who shall be elected or appointed as herein-after

is mentioned, shall, before the Execution of all the Powers and Authorities hereby in them respectively vested, die, refuse, or become incapable to act, or without some lawful Cause neglect to attend a Meeting for carrying this Act into Execution for the Space of One Calendar Month next after Notice from any Person interested in the said Inclosure, requiring him or them to attend as a Commissioner or Commissioners, a new Commissioner or Commissioners (as the Case may require) shall be elected and appointed in Manner following; (that is to say) if the said *John Fellowes* shall die, refuse, or become incapable to act, or neglect to attend as aforesaid, it shall be lawful for the said *John Earl of Upper Ossory*, his Heirs or Assigns, by any Writing under his or their Hand or Hands, to appoint one other Commissioner, not interested in the said Division, Allotment, and Inclosure, in the Room of the said *John Fellowes*, and so from Time to Time as often as any Commissioner so to be appointed by the said Earl, his Heirs or Assigns, shall die, refuse, or become incapable to act, or neglect to attend as aforesaid; and in case the said *Thomas Thorpe* shall die, refuse, or become incapable to act, or neglect to attend as aforesaid, it shall be lawful for the said *John Hawkins* and his Successors, Rectors of the said Parish, by Writing under his or their Hand or Hands, to appoint one other Commissioner, not interested in the said Division and Inclosure, in the Room of the said *Thomas Thorpe*, and so from Time to Time as often as any Commissioner to be appointed by the said *John Hawkins* and his Successors, Rectors as aforesaid, shall die, refuse, or become incapable to act, or neglect to attend as aforesaid; and in case the said *Joseph Pawsey* shall die, refuse, or become incapable to act, or neglect to attend as aforesaid, it shall be lawful for the major Part in Value of all the Proprietors of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, by any Writing under their Hands, to appoint one other Commissioner, not interested in the said Division, Allotment, and Inclosure, in the Room of the said *Joseph Pawsey*, and so from Time to Time as often as any Third named Commissioner, to be appointed by the Majority in Value of all the said Proprietors of the Lands and Grounds aforesaid, shall die, refuse, or become incapable to act, or neglect to attend as aforesaid: Provided always, that the remaining Commissioners or Commissioner shall cause Notice to be given of the Time and Place of Meeting for every such Election, at least Fourteen Days before the Time of holding such Meeting, such Notice to be given and published in the Parish Church of *Amptill* aforesaid, on some *Sunday* immediately after Divine Service, and to be affixed and left on one of the outer Doors of the said Church of *Amptill*, and also inserted in the *Northampton Mercury*, or some other publick Newspaper usually circulated in the said County of *Bedford*; and in case any or either of the said Parties shall make default in appointing any such new Commissioner, within One Calendar Month after the Death of either of the said Commissioners, or his Refusal, or becoming incapable to act, or neglect of Attendance as aforesaid, then the surviving or remaining Commissioners or Commissioner shall, and they and he are and is hereby required, from Time to Time, by Writing under their or his Hands or Hand, within One Calendar Month next after the Expiration of the said One Calendar Month allowed to the respective Parties for naming such new Commissioners or Commissioner by them respectively as aforesaid, to appoint one other Commissioner, not interested in the said Inclosure, in the Room of every such Commissioner so dying, refusing, or becoming incapable to act, or neglecting to attend as aforesaid; and every Commissioner to be appointed

appointed as aforesaid, shall have the like Power and Authority, in all Respects, as the Commissioner in whose Place he shall be appointed.

Notice of Meetings.

III. And be it further enacted, That the said Commissioners shall cause Notice to be given in the Parish Church of *Amptbill* aforesaid, or by Writing to be affixed on the Principal Outer Door thereof, on some *Sunday* during Divine Service, and also by Advertisement to be inserted in the *Northampton Mercury*, or some other Newspaper circulated in the said County of *Bedford*, of the Time and Place of their First and every other Meeting for executing the Powers hereby vested in them, at least Eight Days before such Meetings respectively (Meetings by Adjournment only excepted); and that the said Commissioners shall and may adjourn any such Meeting from Time to Time, and from Place to Place, within Eight Miles of the said Parish of *Amptbill*, as they shall see Occasion, for the further Execution of this Act; and in case the said Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for one of the said Commissioners present at any such intended Meeting or adjourned Meeting, or for the Clerk to the said Commissioners in case no Commissioner shall attend, to adjourn the same to any future Day, not exceeding Fourteen Days from the Day of Adjournment, at the same or any other Place within Eight Miles of the said Parish of *Amptbill*; and that the said Commissioner or Clerk, making such Adjournment, shall give Notice thereof to the absent Commissioner or Commissioners.

Other Notices to be given.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners, in pursuance of this or the said recited Act (the Manner of giving which is not otherwise particularly directed) shall be affixed on the Principal Outer Door of the said Parish Church of *Amptbill*, on some *Sunday* during Divine Service, or be given by Advertisement in the *Northampton Mercury*, or some other Newspaper circulated in the said County of *Bedford*.

Commissioners to determine Disputes.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the Lands and Grounds to be divided, allotted, and inclosed in pursuance of this Act, or any Part thereof, touching or concerning the several and respective Shares and Proportions, Rights and Interests, which they or any of them shall have or claim to have in, over, upon, or out of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, or touching or concerning any Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized, to examine into, hear, and determine the same respectively: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine any Difference or Dispute which may arise touching or concerning the Right or Title of any Person or Persons to any Messuages, Lands, Tenements, or Hereditaments, or to any Tythes issuing thereout, or other Rights therein (except Rights of Common which shall be subject to the Proviso herein-after expressed).

Commissioners may award Costs.

VI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection

Objection or Objections, to be delivered to them in pursuance of this or of the said recited Act, or upon the Hearing of any such Dispute or Difference as aforesaid, see Cause to award any Costs, it shall be lawful for them 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 against whom any such Determination shall be made; 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 directed to any Person or Persons whomsoever, to cause such 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 upon Demand the Overplus (if any) of the Monies arising from any such Sale, after deducting the Costs and Expences attending such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

VII. Provided always, and be it further enacted, That in case any Bodies Politick or Corporate, or Person or Persons, claiming to be interested in any of the Lands and Grounds by this Act directed to be divided and inclosed, or objecting to the Claim to be made by any other Body Politick or Corporate, or other Person or Persons, of any Right or Interest therein, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any such Claim or Objection, and shall give Notice thereof in Writing to the said Commissioners within Two Calendar Months next 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 First or Second Assizes to be holden for the said County of *Bedford* next after such Notice given as aforesaid; and for that Purpose the Person or Persons, Bodies Politick or Corporate, who shall be dissatisfied with such Determination of the said Commissioners, and giving such Notice as aforesaid, 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, Body or Bodies Politick or Corporate, in whose Favour such Determination shall have been made; 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 Rights and Interests 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 or Persons, Bodies Politick or Corporate, unless the Court wherein such Action or

Parties may
try their
Rights by an
Issue at Law.

Actions shall be brought shall set aside such Verdict or Verdicts, and shall a new Trial to be had thereon, which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of any such Issue, as is usual in other Cases; and that 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 to such Rights of Common over, upon, or out of the said 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 shall not cause such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely binding, final, and conclusive upon all Parties concerned.

Proceedings
not to abate
by reason of
the Death of
Parties.

VII. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this or the said recited 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.

Encroach-
ments on
Amphill
Warren.

IX. And be it further enacted, That the said Commissioners shall enquire into and determine what Inclosures have been taken from, and what Encroachments have been made upon the said Warren, called *Amphill Warren*; and all such Inclosures taken out, and Encroachments made upon or from any Part thereof respectively, within the Space of Forty Years now last past, shall be deemed Part and Parcel of the said Warren, called *Amphill Warren*, and shall be divided and allotted accordingly, but to such Person or Persons only who hath or have so taken in or inclosed the same, and shall be considered as and for a Part of their respective Allotments to their Estates and Interests in the said Warren respectively: Provided always, that all such Encroachments and Inclosures which shall have been made by any Person upon or from the said Warren, called *Amphill Warren*, within the said Period of Forty Years now last past, and who shall not be entitled to any Allotment therefrom, under or by virtue of this or the said recited Act, the same shall be deemed to belong to, and are hereby declared to be the sole Property of the said *John Earl of Upper Ossory*, Lord of the said Manor of *Amphill*, as Lessee as aforesaid.

Allotments
for Stone,
Sand, Gra-
vel, Marle,
Clay, and
Mortar Pits.

X. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award, from and out of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, one or more Piece or Parcel, or Pieces or Parcels of Land, not exceeding in the whole Two Acres, as and for publick Stone, Sand, and Gravel Pits, with convenient Roads to and from the same respectively, to be used in common as well by the Proprietors of Lands and Estates in *Amphill* aforesaid, and their Tenants, as for the Repairs of the Publick and Private Roads and Ways within the said Parish; and shall also set out, allot, and award one or more Piece or Parcel, or Pieces or Parcels of the said Lands and Grounds intended to be divided, allotted, and inclosed as aforesaid, not exceeding Two Acres, as and for publick Marle, Clay, or Mortar Pits, with a convenient Road or convenient Roads to and from the same, to be used in common by the Proprietors of Estates in the said Parish

of *Amptbill*, and their Tenants, to dig Marle, Clay, or Mortar for the Repairs and Improvement of their said Estates in the said Parish; and the Herbage growing, or renewing in or upon such Allotment or Allotments of Land respectively, shall be allotted to such Person or Persons as the said Commissioners shall direct or appoint.

XI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required (after having set out the necessary Roads, Ways, and Drains, pursuant to the Directions of this and the said recited Act, and the Allotments for Stone, Sand, Gravel, Marle, Clay, and Mortar, and to the said *John Hawkins* and his Successors, Rectors as aforesaid, for and in lieu of his Commonable Land and Right of Common) to set out and allot unto and for the said *John Hawkins* and his Successors, Rectors as aforesaid, for and in lieu and Satisfaction of all Tythes, both Great and Small, Compositions and other Payments for and in lieu of Tythes issuing, arising, renewing, or becoming due and payable, in, upon or from all the Commonable Lands, Common Warren, and Waste Lands hereby directed to be divided, allotted, and inclosed, such Parcel or Parcels thereof as shall, in the Judgement of the said Commissioners, be equal in Value to One-fifth Part of all the Arable or Tillage Parts thereof, and to One-ninth Part of all the other Parts thereof, which shall remain after the said Roads, Ways, and Drains, Allotments for Stone, Sand, Gravel, Marle, Clay, and Mortar Pits, and to the said *John Hawkins* as Rector as aforesaid, for his Right of Common in, over, or upon the said Commonable Lands, Common Warren, and Waste Lands, shall be taken and deducted therefrom; and the Land so to be allotted as last aforesaid, shall be accepted and taken by the said *John Hawkins* and his Successors, Rectors as aforesaid, in lieu of, and in full Recompence, Satisfaction, and Discharge of, and for all Manner of Tythes, both Great and Small, Compositions and Payments in lieu of Tythes, issuing, arising, renewing, or becoming due and payable, in, upon, or from the said Commonable Lands, Common Warren, and Waste Lands, by this Act directed to be divided, allotted, and inclosed; provided, that until the said Allotments, in lieu of the Tythes thereof shall be set out, and Notice thereof given by the said Commissioners, the said *John Hawkins* and his Successors, Rectors as 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 and passed.

Allotment to the Rector for Tythes of Commonable Lands and Warren.

XII. Provided always, and be it further enacted, That Ten Acres at the least of the Land to be set out and allotted unto and for the said *John Hawkins* and his Successors, as Rectors as aforesaid, by virtue of this Act, shall be laid as conveniently as may be to the House now used as the Parsonage House of *Amptbill* aforesaid: Provided further, that the said *John Hawkins* and his Successors, Rectors as aforesaid, shall be entitled to claim, and the said Commissioners, in case of such Claim, are hereby authorized and directed to allot and set out to and for him and them, so much of the Meadow Ground, called *Mill Mead*, as shall be equal in Value to the Land of the said Rector lying in the said Meadow, with a convenient Road to such Allotment.

XIII. And whereas there are divers Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds in the said Parish of *Amptbill*, subject

Compensation for Tythes of an

cient Inclo-
sures, by an-
nual Rents.

subject and liable to the Payment of Tythes to the said *John Hawkins* as Rector as aforesaid, and for the Purpose of making an adequate Compensation to the said Rector and his Successors for the same; be it further enacted, That the said Commissioners shall and they are hereby required to make an Estimate of the annual Value of all and every the said Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds which are subject to the Payment of Tythes, and in such Estimate the said Commissioners shall distinguish the Annual Value of the said Homesteads, Gardens, Orchards, and inclosed Lands and Grounds belonging to every Proprietor separately; and after making such Estimate the said Commissioners shall, from the *London Gazette*, or by such other Ways and Means as they shall judge most proper, enquire and ascertain what hath been the Average Price of a *Winchester* Bushel of good marketable Wheat in the said County of *Bedford*, for the Term of Twenty-one Years next preceding the First Day of *January* One thousand eight hundred and six (not estimating or including in such Enquiry and Ascertainment the Price for the Three Years in which such average Price hath been the highest within that Period of Time, but upon the Average of the remaining Eighteen Years of the same Term) and shall in and by their Award ascertain and set forth what Quantity of such Wheat shall in their Judgement (according to such average Price as aforesaid) be equal in Value to One-fifth Part of the annual Value of all the Arable or Tillage Lands thereof, and to One-ninth Part of all the other Parts thereof, which are subject and liable to the Payment of Tythes, according to the Estimate to be made as aforesaid, distinguishing the Quantity of such Wheat in respect of the said Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds belonging to every Proprietor separately; and that there shall be issuing and payable from Time to Time for ever, to the said *John Hawkins* and his Successors, as Rectors as aforesaid, for the Time being, out of the said Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds belonging to the respective Proprietors thereof, and which shall be exonerated from Tythes by virtue of this Act, such respective yearly Rents or Sums of Money as shall be equal to the respective Quantities of Wheat so to be ascertained and set forth as aforesaid, according to such average Prices as shall from Time to Time be ascertained pursuant to the Directions of this Act, which said respective yearly Rents or Sums of Money, shall be payable and paid to the said Rector and his Successors by Four equal Quarterly Payments, on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December* in every Year, free and clear of and from all Parochial and other Taxes, Rates, and Assessments whatsoever (except the Land Tax) the first Payment whereof shall become due and be made on such of the said Days of Payment as shall next happen after the Execution of the said Award, or on such earlier Quarterly Day of Payment as the said Commissioners shall, by any Writing under their Hands, direct and appoint; and all Tythes, as well Great as Small, arising, renewing, and growing due and payable to the said Rector and his Successors in Right of the said Rectory, from, out of, or in respect of the said Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds (the Tythes of which shall be so compensated for in Manner aforesaid) shall cease and determine on such of the aforesaid Quarterly Days of Payment, as shall next precede the Day on which the first Payment of the said yearly Rents or Sums shall become due and be made payable as aforesaid, and shall be from thenceforth for ever extinguished

guished (*Easter Offerings, Mortuaries, and Surplice Fees, excepted, which shall remain due and payable to the said John Hawkins and his Successors, as Rectors as aforesaid, as before the passing of this Act*).

XIV. Provided always, and be it further enacted, That where it shall be found by the said Commissioners that the Tythes of all the tythable Homesteads, Gardens, Orchards, and old Inclosures in the said Parish, of any Proprietor, or of any Number of Proprietors, being Joint Tenants, Coparceners, or Tenants in Common, shall not amount in Value to the yearly Sum of Five Shillings, no such Rent or annual Payment as aforesaid shall be set out or paid in lieu of such Tythes; but the said Commissioners shall and they are hereby authorized and required to set out and allot unto the said Rector and his Successors, Rectors as aforesaid, next to some other Allotment to be made to him or them, such Parcel or Parcels of Land, Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as shall be equal to the Value to be computed as aforesaid of the Tythes of all such Homesteads, Gardens, Orchards, and ancient Inclosures, the Tythes whereof respectively shall not be of the annual Value of Five Shillings; and the said Commissioners are hereby authorized and required to charge the respective Owners or Proprietors of such Homesteads, Gardens, Orchards, and ancient Inclosures, with such Sum or Sums of Money as shall, in the Judgement of the said Commissioners, be a just and full Compensation and Satisfaction for the Fee Simple of the Tythes arising or becoming due or payable for or in respect of such Homesteads, Gardens, Orchards, and ancient Inclosures respectively, and such Sum or Sums of Money shall be paid to the said Commissioners, or to such other Person or Persons, and at such Time or Times, as they shall by Writing under their Hands direct, and be by them applied towards defraying the Expences of obtaining and executing this Act; and in case of Non-payment of any of the Sums so to be ascertained and charged, at the Time or Times to be appointed for Payment thereof, the same shall be raised and levied in such and the like Manner as the Costs, Charges, and Expences of obtaining and executing this Act may be raised and levied; and upon Payment of the respective Sums to be ascertained as aforesaid, and the setting out such Allotment or Allotments in lieu thereof, the Tythes of the Homesteads, Gardens, Orchards, and ancient Inclosures, in respect of which such Payments shall respectively be made, shall cease and be extinguished.

Compensation for Tythes of ancient Inclosures.

XV. And be it further enacted, That it shall and may be lawful as well for the said John Hawkins and his Successors, Rectors as aforesaid, as for any one or more of the Owners and Proprietors of the said Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds (except those which shall be compensated for as aforesaid) at their respective proper Expence, by Writing under their respective Hands, to apply at the first or any succeeding Quarter Sessions of the Peace to be holden in and for the said County of Bedford, after the Expiration of the Term of Fifteen Years from the Date of the said Award (having given Notice of such intended Application by Writing to be affixed on the principal outer Door of the Parish Church of *Amptbill* aforesaid, for Two Sundays at the least preceding such intended Application) to have Two Persons appointed by the Justices of the Peace and there assembled to be Arbitrators, for enquiring into and ascertaining, by or from or by means of the *London Gazette*, so long as the Returns

Annual Rents for Tythes subject to Alteration at the End of every Fifteen Years, according to the Price of Wheat.

of the Average Price of Wheat shall be published therein; and in case of no such Publication, then by such Ways or Means as they shall think equitable or proper, the Average Price of a *Winchester* Bushel of good marketable Wheat within the said County of *Bedford*, for the Fifteen Years preceding the First Day of *January* then last past; but in case the said Arbitrators shall not agree in Opinion touching the Matters aforesaid, then the same shall be fixed and settled by some Person to be by the said Arbitrators, by Writing under their Hands, appointed Umpire between them, who shall, by any such Ways and Means as aforesaid, make his Determination therein; which said Arbitrators or Umpire shall, by their or his Report to be made and delivered to the said Court of Quarter Sessions, to be held next or next but one after the Appointment of the said Arbitrators, set forth such Average Price; and in case it shall by such Report appear that such Average Price of a Bushel of such Wheat, is more or less than the Average Price thereof set forth in the said Award, by the Value of Three-pence or upwards, the said respective yearly Tythe Rents shall be increased or diminished in proportion, and the exact Amount of the yearly Rent or Sum to which the same shall severally be so increased or diminished, shall be declared by the Order of the said Court; and the same shall, from the Quarterly Day of Payment preceding such Order, remain and continue issuing and payable as aforesaid out of the said Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds, charged by the said Award with such respective yearly Tythe Rents; until the same shall, at the End of Fifteen Years then next ensuing, be again varied by such Application, and in such Manner as herein-before mentioned, and so from Time to Time at the End of every Fifteen Years forever: Provided always, that in case the said Arbitrators or Umpire shall not make such Report as aforesaid, the said Court of Quarter Sessions is hereby authorized and required to make such Orders, and take such Proceedings as shall be requisite and necessary for carrying the Intentions of this Act into full effect.

Annual Rents
to be reco-
vered.

XVI. And be it further enacted, That the said Rector and his Successors shall have and exercise such and the like Powers and Remedies for recovering the several Rents hereby directed to be ascertained, and all Arrears thereof, with the Costs and Charges thereby to be incurred, by Distress or Action, as by the Laws and Statutes of this Realm are provided and given to Landlords for the Recovery of Rents in Arrear; and that upon the Cession, Resignation, Removal, or Death of every Rector of the said Parish of *St. Andrew*, a proportionate Part of the current Quarterly Payment of the said yearly Rents, shall be payable to and received by such Rector, or the Executors or Administrators of the deceased Rector respectively, to the Day of his Cession, Resignation, Removal, or Death, as the Case may be; and that as well all Arrears of such Rents respectively, as the respective Proportions thereof from the last Quarterly Day of Payment, may and shall, at any Time within One Year after the Cession, Resignation, Removal, or Death of any Rector, be recoverable in like Manner by such Rector, or the Executors or Administrators of the deceased Rector respectively.

Annual Rents
may be ap-
portioned in
the Estates

XVII. And be it further enacted, That it shall and may be lawful so and for the Owner or Owners for the Time being of all or any Part of the said Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds

Grounds which shall be severally charged with the said yearly Rents upon a Division thereof respectively, either by Sale or otherwise (except by Lease at Rack Rent) to apportion and charge each Division, or Part of the said Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds so divided, with a due and fair Proportion of the yearly Rent charged thereon respectively, having Regard to the Quantity and Value thereof; and the Power herein-before given and provided for the Recovery of the said yearly Rents, shall nevertheless continue and remain over the whole of the Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds charged with any such Rent, until such Division thereof and Apportionment shall be made known to the said Rector and his Successors, by a Notice in Writing signed by the several Proprietors, describing and setting forth the Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds, and the yearly Rent to be charged on each Division, which Notice shall be delivered to the said Rector and his Successors, if residing in the said Parish of *Amptkill*, and if not, to the Curate of the said Parish, who shall transmit the same to such Rector, and until a Duplicate of such Notice shall be delivered to the Register of the Archdeacon of *Bedford* or his Deputy, which Officer shall duly record or register the Duplicate of such Notice (for which a Sum not exceeding Two Shillings and Sixpence shall be paid); and a Copy of such Duplicate, to be signed by such Officer (for which Copy Two Shillings and Sixpence and no more shall be paid) shall at all Times be deemed and taken to be legal Evidence thereof; and from and after such Notice, and a Duplicate thereof shall be delivered and registered as aforesaid, the Power herein-before given and provided for recovering the said yearly Rents, shall no longer, as to any such apportioned Rent, extend to the Whole of the Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds originally charged therewith, but each Division of the Rent shall be charged and recovered as a separate and distinct Rent, upon and out of the Lands and Hereditaments in respect of which the same shall be apportioned; provided, that by no such Apportionment or Division of any of the said Rents, any less Rent or annual Sum than Five Shillings be in any Case made payable to the said Rector.

charged therewith, becoming the Property of different Persons.

XVIII. And, in order to facilitate the future regulating the said yearly Rents, and to prevent any Difficulty to the said Rector and his Successors, by the Division of any such Estate by Sale or otherwise; be it further enacted, That the said Commissioners shall and they are hereby required to make or cause to be made Two complete Schedules or Descriptions of each and every such Estate, with the Name of the Owner thereof, the exact Measure in Acres, Roods, and Perches, the yearly Rents issuing out of each such Estate, and the Quantity of Wheat which is to govern each of the said Rents respectively, and such other Requisites as shall be judged proper and necessary by the said Commissioners, to render every Measure respecting the said yearly Rents clear and plain in future, One of which Schedules or Descriptions shall be annexed to the said Award, and the other signed by the said Commissioners, and deposited in the Office of the Archdeacon of *Bedford*.

Commissioners to make Schedule of all the Estates in the Parish.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto the Rector, Churchwardens, and Overseers of the Poor of the Parish of *Amptkill* aforesaid, and their Successors for the Time being, in one or more

Allotment to the Poor of Amptkill.

more Allotment or Allotments, such Part or Parts of the said Warren, called *Amptbill Warren*, not exceeding in the whole Sixteen Acres, as to them shall appear the most proper for the Purpose of Small Gardens, and of producing a Supply of Fuel for the Poor Inhabitants of the said Parish of *Amptbill*; and which said Allotment or Allotments, when set out and allotted, shall be vested in the said Rector, Churchwardens, and Overseers of the Poor of the Parish of *Amptbill* aforesaid, and their Successors for the Time being for ever, in Trust, for the Benefit of such poor Inhabitants in *Amptbill* aforesaid, and shall be under and subject to such Rules, Orders, Regulations, and Restrictions, as they the said Rector, Churchwardens, and Overseers, or their Successors for the Time being, or the major Part of them, shall think proper and just, and shall from Time to Time establish; and that it shall not be lawful for any Person whomsoever, from and after the setting out and allotting the said Allotment or Allotments, to cut, dig, pare, get, or carry away any Turf, Soil, Sod, Furze, or Fuel, in, upon, or from the same, or any Part thereof, without the Licence and Consent in Writing of the said Rector, Churchwardens, and Overseers, or the major Part of them, under their Hands first had and obtained (which they the said Rector, Churchwardens, and Overseers, or the major Part of them, are hereby empowered to grant, under such Regulations and Restrictions as they shall think proper to insert therein); and if any Person shall, after the setting out and allotting the said Allotment or Allotments as aforesaid, cut, dig, pare, get, or carry away any Turf, Soil, Sod, Furze, or Fuel, in, upon, or from the same, or any Part thereof, without such Licence as aforesaid, or having obtained such Licence shall act in any Manner contrary thereto, or to the Rules, Orders, Regulations, and Restrictions established by the said Trustees, or the major Part of them, every such Person being convicted thereof (either by his, her, or their own Confession, or upon the Oath of one or more credible Witness or Witnesses, before any Justice of the Peace for the said County of *Bedford*, not being interested therein, and which Oath such Justice is hereby authorized to administer, and to summon the Person complained of, and also to summon before him and examine any Witness or Witnesses relative to the said Complaint) shall for every such Offence forfeit and pay such Sum of Money as the said Justice shall order and direct, not exceeding the Sum of Five Pounds; and it shall be lawful for such Justice, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause the said Penalty to be raised and levied by Distress and Sale of the Goods and Chattels of the Person offending (Demand thereof having been first made) and to the Owner of such Goods and Chattels when required; and such Penalty when paid or levied, shall be applied by the said Rector, Churchwardens, and Overseers, or the major Part of them, to and for the Use and Benefit of the said poor Inhabitants in *Amptbill* aforesaid, in such Manner as they shall deem proper; and in case sufficient Distress shall not be found, and such Penalty shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County of *Bedford*, there to remain, without Bail or Mainprize, for any Time not exceeding One Calendar Month, unless such Penalty and all reasonable Charges shall be sooner paid and satisfied.

XX. And

XX. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the King's most Excellent Majesty, as Lord of the Manor of *Amptbill* aforesaid, and the said *John* Earl of *Upper Offory* as Lessee as aforesaid, such Part or Parts of the Commons and Waste Lands (the said Warren, called *Amptbill Warren*, only excepted) hereby directed to be divided, allotted, and inclosed, as in the Judgement of the said Commissioners shall be equal in Value to One-twentieth Part of the said Commons and Waste Lands; and such Allotment or Allotments shall be in lieu of and in full Compensation and Satisfaction for all Right of Soil therein.

Allotment to the King as Lord of the Manor, and to the Earl of Upper Offory as Lessee in Right of Soil.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto and for the King's most Excellent Majesty, and the said *John* Earl of *Upper Offory* as Lessee as aforesaid, so much and such Part or Parts of the said Warren called *Amptbill Warren*, hereby directed to be divided, allotted, and inclosed, as in the Judgement of the said Commissioners shall be considered and deemed to be equal in Value to One-third Part of so much of the said Warren as shall remain after the said Roads, Ways, and Drains, and Allotments for Stone, Sand, Gravel, Marle, Clay, and Mortar Pits, and to the said *John Hawkins* as Rector as aforesaid, and to the said Rector, Churchwardens, and Overseers, in Trust, for the Poor of *Amptbill* shall be deducted therefrom for their Right of Warren in and over the same.

Allotment to the King and Earl of Upper Offory for Warren Rights.

XXII. And be it further enacted, That the said Commissioners shall in the next place set out and allot all the Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, unto, between, and amongst the several other Proprietors of 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 their several and respective Lands, Grounds, and Rights of Common, and other Rights and Interests therein.

Allotment of the Residue.

XXIII. And be it further enacted, That the several Allotments hereinbefore directed to be set out and allotted to the said *John Hawkins* and his Successors, Rectors as aforesaid, shall be respectively inclosed and fenced on all Parts or Sides, where Fences shall not be directed by the said Commissioners to be made and maintained by any Proprietor or Proprietors of adjoining Land, with Ring or Outermost Fences and Ditches, and Quickset Hedges guarded on both Sides with proper and substantial Posts and Rails; and the said Allotments to the Rector, Churchwardens, and Overseers of the Poor, and their Successors, as Trustees for the Poor, shall likewise be fenced in such Manner as the said Commissioners shall direct, by and at the Expence of such of the Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or which shall be exonerated from Tythes (except the said *John Hawkins* as Rector as aforesaid, and the said Rector, Churchwardens, and Overseers, and their Successors, as Trustees for the Poor) in such Shares and Proportions as the said Commissioners shall direct and appoint; and that the said Allotments to the Rector shall, for the Space of Seven Years next after the same shall be properly made, be preserved, repaired, and maintained by and at the Expence of all or such of the Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and in such Manner and

Fencing of Tythe Allotments and Allotments to the Poor;

[Loc. & Per.]

25 B

Proportions

and of other
Allotments.

Proportions as the said Commissioners shall order and direct; and the said Commissioners shall set out, appoint, and award such Boundary Hedges, Ditches, and Fences, for the dividing and inclosing the several other Allotments to be made by virtue of this Act, as they shall deem necessary; and the said Hedges, Ditches, and Fences shall be made, and at all Times thereafter maintained and kept in Repair, by and at the Expence of such of the said Proprietors to whom such Fences shall respectively be allotted; or directed to belong, within such Time, and in such Manner and Proportions, as the said Commissioners shall, by their Award or any other Writing under their Hands, award, order, direct, or appoint; and the Orders and Directions of the said Commissioners in that Behalf, shall be binding and conclusive to the several Parties, so interested in and entitled to such Shares and Allotments as aforesaid.

The Rector
not to lease
his Allot-
ment with-
out the
King's
Consent.

XXIV. Provided always, and be it further enacted, That no Lease or Leases shall be made by virtue of the said recited Act, of any of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and which shall have been allotted to the Rector of the said Rectory for the Time being, in Right of his Rectory, without the Consent of the King's most Excellent Majesty, as Patron of the Rectory and Parish Church of *Amptbill* aforesaid, shall have been first had and obtained thereto.

Proprietors
may sell their
Allotments
before the
Execution of
the Award,
and their
Right of
Common, se-
parate from
their other
Property.

XXV. And be it further enacted, That it shall and may 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, limit, convey, enfeoff, assure, and dispose of the same, for all or any Part of his, her, or their Estate or Interest therein or Right thereto, at any Time before the Execution of the Award of the said Commissioners; and every such Gift, Grant, Bargain, Sale, Demise, Limitation, Feoffment, and Disposition thereof, as well by Will as any other Conveyance and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall and may be lawful for any of the Owners or Proprietors of any Common Right or Interest upon the Lands and Grounds hereby directed to be divided, allotted, 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 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, or be made and set out in lieu of any Right of Common or Interest so sold or 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.

Exchanges.

XXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Amptbill*, in lieu of, and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parish, or within any adjoining Parish or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors, of the Lands, Tenements,

or

or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses (or the major Part of such Trustees respectively) or the Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Femes Covert, Lunaticks, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified by Writing under the Common Seal of the Body Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof and of the Lord Bishop of the Diocese in which such Lands shall be situate.

XXVII. And be it further enacted, That the Costs, Charges, and Expences attending the making and completing of any Exchanges or Partitions to be made under or by virtue of this or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Exchanges or Partitions (other than Exchanges by the Rector of the said Parish) in such Manner, at such Times, and in such Shares and Proportions as the said Commissioners shall order and direct; and the same shall and may be levied and recovered in Manner herein-after directed or referred to for Recovery of the Costs, Charges, and Expences of obtaining and executing this Act.

By whom the Expences of Exchanges or Partitions are to be paid.

XXVIII. And be it further enacted, That all Inclosures within the said Parish of *Amptill*, belonging to Two or more distinct Proprietors, shall be deemed and taken to be Part of the Lands and Grounds directed to be divided and allotted by virtue of this Act; and that nothing herein contained shall extend, or be construed or adjudged to extend, to revoke, make void, alter, or annul any Deed, Will, or Settlement, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Debt, Charge, Incumbrance, or Interest whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby intended to be divided, allotted, and inclosed, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this or the said recited Act respectively; but as well the Lands allotted, as the Tenements and other Hereditaments which shall be exchanged or assigned 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 seized and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Interests, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, as the several Lands, Tenements, and Hereditaments, in respect whereof such Allotments, Assignments,

Inclosures belonging to more than one Proprietor to be allotted; and Wills and Settlements not to be affected, and Lands allotted or exchanged to enure to the same Uses as before.

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 and passed.

Fences to be made where Sheep are kept in the Inclosures.

XXIX. And be it further enacted, That no Sheep or Lambs shall be turned or kept in any Allotment or Allotments to be made by virtue of this Act, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so turning or keeping the same, shall first, at his, her, or their own Expences, make and maintain a Fence sufficient to guard the young Quick Fences round such Allotment or Allotments from being stopped, hurt, or damaged by such Sheep or Lambs, whether such Quick Fences be planted or set by the Owners or Occupiers, or Occupiers of such Allotment or Allotments as aforesaid, or by the Owner or Owners, Occupier or Occupiers of the Allotment or Allotments adjoining the same; and the Person or Persons who shall turn such Sheep or Lambs into any of the said Allotments, not having first well and sufficiently guarded all such Quick Fences as aforesaid, shall pay for every such Offence any Sum of Money not exceeding the Sum of Five Pounds, as shall be adjudged and determined by any one of His Majesty's Justices of the Peace for the said County of Bedford, not interested therein, the same to be recovered and levied in the same Manner as is herein directed respecting the Penalty for the cutting of Turf.

To prevent cutting Turf, &c.

XXX. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever, from and after the passing of this Act, to cut, dig, pare, or carry away any Turf, Sod, Runge, or Fuel, in, upon, or from the said Commonable Lands, Common Warren, and Waste Lands hereby intended to be divided, allotted, and inclosed, or any Part thereof, without the Licence of the said Commissioners in Writing under their Hands first had and obtained (which Licence the said Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, and Restrictions as they shall think proper); and if any Person shall, after the passing of this Act, cut, dig, pare, or carry away any Turf, Sod, Runge, or Fuel, in, upon, or from any Part of the said Commonable Lands, Common Warren, and Waste Lands, without such Licence as aforesaid, or having obtained such Licence shall act in any Manner contrary thereto, or to the Rules, Orders, Regulations, and Restrictions therein contained, every such Person being convicted thereof (either by his, her, or their own Confession or upon the Oath of one or more credible Witnesses or Witnesses, before any Justice of the Peace for the said County of Bedford, not being interested in the said Commonable Lands, Common Warren, and Waste Lands, and which Oath the said Justice is hereby authorized to administer, and to summon the Person or Persons complained of, and also to summon before him and examine such Witness or Witnesses relative to the said Complaint) shall for every such Offence forfeit and pay such Sum of Money as the said Justice shall direct, not exceeding Five Pounds; and it shall be lawful for such Justice, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause the said Penalty to be raised and levied by Distress and Sale of the Goods and Chattels of the Person offending (Demand thereof having been first made) rendering the Overplus (if any) after deducting the Charges of such Distress and Sale, to the Owner of such Goods and Chattels when required; and such

Penalty

Penalty when paid or levied, shall be applied by the said Commissioners to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalty shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County of *Bedford*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalty and all reasonable Charges shall be sooner paid and satisfied.

XXXI. And be it further enacted, That until such Division and Allotment shall be made and completed as aforesaid, the said Commonable Lands, Common Warren, and Waste Lands, hereby intended to be divided, allotted, and inclosed, shall be stocked with such Cattle only, in such Proportions, and for and during such Periods of Time, and under and subject to such Orders, Regulations, and Restrictions, as the said Commissioners shall from Time to Time, by any Writing or Writings under their Hands in that Behalf, order, direct, and appoint, notwithstanding any Usage or Custom to the contrary; of which Order and Direction so to be made, Ten Days Notice at least shall be given, by affixing the same on the principal outer Door of the Parish Church of *Amptill* aforesaid; and that no Pasture or Sward Ground, Part of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, shall, from and after the passing of this Act, and before the making and completing of such Division and Allotment, be ploughed, broken up, or converted into Tillage or Garden Ground, without the Consent of the said Commissioners, and every Person offending therein shall forfeit and pay any Sum of Money not exceeding Twenty Shillings, for every Offence against any Order or Regulation of the said Commissioners, for or respecting the stocking such Ground, and the like Penalty for every Perch of Pasture or Sward Ground which shall, without the Consent of the said Commissioners, be ploughed, broken up, or converted into Tillage, which Penalty shall be recovered by Distress and Sale, and applied in like Manner as the Penalty or Penalties for cutting Turf is and are herein-before directed to be recovered and applied; and every Justice before whom any Person or Persons shall be convicted by virtue of this Act, shall cause the Conviction to be drawn up in the following Form or to the like Effect:

Commons to be stocked as Commissioners shall direct.

Bedfordshire, }
to wit }
BE it remembered, That on the
Day of _____ in the Year of our Lord
A. B. of _____ is convicted before me
one of His Majesty's Justices of the Peace for the County of *Bedford*, of
[here specify the Offence, and Time when the same was committed] against
the Form of the Statute passed in the Forty-sixth Year of the Reign of
King George the Third, intituled, [here insert the Title of this Act]. Given
under my Hand and Seal.

And no such Conviction shall be removed or removable by Writ or Writs of *Certiorari*, or any other Writ or Process, into His Majesty's Court of King's Bench, or any other of His Majesty's Courts.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners at any Time or Times hereafter, whenever and as often as
[Loc. & Per.] _____ 25 C _____ they

Commissioners may suspend or ex-

tinguish
Rights of
Common be-
fore the Exe-
cution of the
Award.

they in their Descretion shall judge convenient, before the Execution of their Award, by Notice in Writing as aforesaid, to suspend or totally extinguish all or any Part of the Rights of Common or other Commonable Rights or Interests in, over, and upon all or any Part of the said Commonable Lands, Common Warren, and Waste Lands, hereby directed to be divided, allotted, and inclosed; and from and after such Notice given, all such Right of Common, and other Commonable Rights and Interests in, over, and upon the said Commonable Lands, Common Warren, and Waste Lands, or such Part thereof as by such Notice shall be directed to be suspended or extinguished, shall cease and be extinguished or suspended accordingly.

Commission-
ers to make
Drains, &c.

XXXIII. And be it further enacted, That the said Commissioners shall and may scour and widen all ancient Brooks, Ditches, Drains, Watercourses, Tunnels, and Bridges in the said Parish of *Amptbill*; and also shall and may set out such new Ditches, Drains, or Watercourses, Tunnels, Watergates, Banks, and Bridges, as well in, through and over the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as also in, over, and through any ancient Inclosures or other Lands and Grounds in the Parish of *Amptbill* aforesaid, of such Breadth and Depth, and in such Directions as the said Commissioners shall think proper, making a Compensation for the same, and the said Commissioners shall and may and they are hereby directed, in and by their said Award, to order and direct by whom, at whose Expence, at what Time, and in what Manner, the said Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges shall be made, and thereafter cleaned, scoured, and maintained.

Award to be
deposited in
the Parish
Chest.

XXXIV. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in a Tin Box in the Church Chest of *Amptbill* aforesaid, and a Copy thereof made and delivered to the said Earl of *Upper Ossory*, for his Use as Lord of the said Manor of *Amptbill*.

Leases at
Rack Rent
to be void, so
far as they re-
late to Right
of Com-
mon, and
Satisfaction
made if Com-
missioners
think fit.

XXXV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, if they shall so think fit, to declare and make void, all and every or any Lease or Leases, Agreement or Agreements for any Term or Terms of Years, or holding from Year to Year, or at Will or at Rack Rent now subsisting, so far as the same relate to the Right of Common of Pasture or other Commonable Interests only of such Tenant or Tenants, of all or any Part of the Lands and Grounds hereby intended to be divided, allotted, and inclosed as aforesaid, and to adjudge and determine such Satisfaction as to them shall appear reasonable, to be made to such Lessee or Lessees, Tenant or Tenants, and to adjudge and determine when and by whom such Satisfaction shall be made.

XXXVI. Provided always, and be it further enacted, That in all Cases wherein the said Commissioners shall not think fit to vacate such Leases or Agreements respectively as aforesaid, it shall be lawful for all and every such Lessee or Lessees at Rack Rent as aforesaid, upon the staking out of the several intended Allotments, to hold and enjoy such Lands and Grounds as shall be allotted in lieu of his, her, or their former Right of Common, for and during such Time and Terms of Years as he, she, or they then had or have of or upon the Lands, Tenements, or Hereditaments for or
in

in respect of which such Allotments shall be made, then to come and unexpired, upon paying such further advanced Rent to the Lessors or Landlords thereof, as the said Commissioners shall think reasonable between Landlord and Tenant, and by Writing under their Hands direct or appoint, and which said advanced Rent shall be paid at such Times and in such Manner to the respective Lessor or Lessors, as the original Rent was agreed or stipulated to be paid; and such Lessor or Lessors shall have such Powers and Remedies for the recovering and obtaining such additional Rent together with the original Rent, as he, she, or they would have had, or was or were entitled to have had for the recovering and obtaining the said original Rent, in case this Act had not been made and passed.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to vacate or make void any beneficial Lease or Leases of or from any Body or Bodies Politick, Corporate, or Collegiate, or other Person or Persons, of any Lands, Tenements, or Hereditaments, in the said Parish of *Amptbill*, to any Person or Persons whomsoever; but the Person or Persons entitled to such beneficial Lease or Leases, shall and may hold and enjoy such Lands, Tenements, and Hereditaments, or the Allotment or Allotments which shall be made in lieu or in respect thereof, for the Term or Terms, and under and subject to the same Rents, Covenants, and Agreements as are created, specified, or contained in his, her, or their respective Lease or Leases, of or from such Body or Bodies Politick, Corporate, or Collegiate, or otherwise, to him, her, or them respectively.

Beneficial
Leases not to
be vacated.

XXXVIII. And be it further enacted, That the said Commissioners and their Clerk shall defray their own Expences at all Meetings; and that the several Proprietors, their Attornies and Agents, shall also pay their own Expences when they or any of them shall attend the said Commissioners at any of the Meetings to be held in pursuance of this Act.

Commission-
ers, &c. to
pay their own
Expences.

XXXIX. And be it further enacted, That all Monies which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of obtaining or carrying this Act into Execution, shall be repaid, with Interest at the Rate of Five Pounds *per Centum per Annum*, to such Person or Persons, out of the first Monies to be raised under and by virtue of this Act.

Interest to be
paid for Mo-
ney to be ad-
vanced.

XL. And be it further enacted, That there shall be paid to the Commissioners hereby appointed and to be appointed as aforesaid, and to the Clerk to the said Commissioners, as a Recompence for his Pains and Trouble and Expences therein respectively, the Sum of Two Pounds Twelve Shillings and Sixpence for each Day he shall be employed in travelling to, returning from, and attending any Meeting or adjourned Meeting, or otherwise in the Execution of this Act; and that the same, together with all the Costs, Charges, and Expences of forming, making, and completing the Roads, Ways, and Drains to be set out by virtue of this or the said recited Act, and the Costs and Charges of passing this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and of surveying, admeasuring, planning, and valuing the Homesteads, Gardens, Orchards, and ancient Inclosed Lands and Grounds in *Amptbill* aforesaid, and

Commission-
ers and
Clerk's Al-
lowance, and
other Expen-
ces of this
Act.

and of preparing and inrolling the Award of the said Commissioners, and all other the necessary Costs, Charges, and Expences of the said Commissioners, their Assistants, and other necessary Costs, Charges, and Expences of the several Persons to be employed by them in and about the Premises, either before or after the Execution of the said Award, and all other Expences of carrying this and the said recited Act into Execution, shall be borne, paid, and defrayed by all the Proprietors and Owners of Estates and Interests in the Lands hereby intended to be divided, allotted, and inclosed, and whose Property shall be exchanged or exonerated from Tythes by virtue of this or the said recited Act save and except the said *John Hawkins*, in respect of the Allotments to be made and Rents to be assigned to him as Rector as aforesaid; and the said Rector, Churchwardens, and Overseers in Trust for the Poor of the said Parish of *Amptill*, for the Time being, in respect of the Allotment or Allotments to be made to them in Trust as aforesaid, in such Shares and Proportions, and shall be paid to such Person or Persons, at such Time or Times, and in such Manner as the said Commissioners shall direct by their said Award or by any other Writings under their Hands, either previous to or after the Execution of their said Award, order, or appointment; and in case any such Proprietor or Proprietors shall refuse or neglect to pay his, her, or their Share or Proportion, or Shares or Proportions of such Costs, Charges, and Expences as aforesaid, then and in such Case the same shall and may be levied and recovered in Manner directed by the said recited Act.

XLI. 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, allotted, and inclosed, or of any Common or other Right or Interest therein (except the said Rector) whether leased in Fee, or being Tenants in Tail, or for Life or Lives, or for any Number of Years, determinable on a Life or 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, Lunatics, 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, to 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 in whose Behalf such Request and Payment shall be made, his, her, or their Heirs and Affliges,

Land may be deducted from Allotments for Expences;

and may be allotted to Persons paying such Expences.

Assigns, the Land which shall have been so deducted; and the Person or Persons respectively to whom any such Allotments 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, allotted and inclosed.

XLII. And be it further enacted, That *Edward Platt* of *Lidlington*, in the said County of *Bedford*, Gentleman, shall be and he is hereby appointed Auditor of the 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, allotted, and inclosed, in like Manner as is herein-before provided for the Appointment of a new Commissioner in the Place of the said *Joseph Parwsey*, and so from Time to Time as often as Occasion shall require; and the Accounts of the said Commissioners, containing a true Statement of all Sums by them received or expended, or due to them for their own Trouble or Expences, and their Assistants and Persons employed by them in the Execution of this Act, shall, once in every Year from the passing of this Act, until such Account shall be finally allowed, together with the Vouchers relating to the same, be examined by the same Auditor, and the Balance by him stated in the Book of Accounts, to be kept in the Office of the Clerk to the said Commissioners; and that no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall be duly allowed by the said Auditor as aforesaid.

XLIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such Case (except where the Orders and Determinations of the said Commissioners are hereby or by the said recited Act directed to be final, binding, or conclusive, and except in such Cases where an Issue at Law is herein-before directed to be tried) such Person or Persons may appeal to the General Quarter Sessions of the Peace which shall be held in and for the said County of *Bedford*, within Six Calendar Months next after the Cause of Appeal shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and the Matter thereof; and the Justices, not interested in the Premises, at such Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs, as they shall think reasonable, and by their Order or Warrant to levy the Costs which shall be awarded, by Distress and Sale of the Goods and Chattels of the Party and Parties liable to pay the same, returning 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 such Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed or removable by

[*Loc & Per.*]

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Certiorari

Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

General Saving.

XLIV. 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, and their Heirs, Successors, Executors, and Administrators (other than and except such Rights of the Crown as shall be compensated for under and by virtue of this Act, and the several Persons to whom any Allotments of Land or other Compensation shall be made by Authority of this or the said recited Act in respect of such Interest or Property for which such Allotments or Compensation shall be made; and except such other Rights and Interests as the Intent and Purpose 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 could or might have had or enjoyed before the passing of this Act, or in case the same had not been made and passed.

Declaring Act Publick.

XLV. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE RYER and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1806.