ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 128.

An Act for inclosing Lands in the Parish of *Flitwick*, in the County of *Bedford*. [12th *July* 1806.]

WHEREAS there are within the Parish of *Flitwick*, in the County of *Bedford*, divers Open and Common Fields, Common Moors, Common and Lammas Meadows, Commons, and Waste Lands, containing together One thousand Acres, or thereabouts: And whereas *John Carrington*, of *Biggleswade* in the County of *Bedford*, Baker, is Impropriator of the Impropriate Rectory and Parsonage of *Flitwick* aforesaid, in Trust, as to Two Ninth Parts of the Rents and Profits thereof for the Vicar for the Time being of the Parish Church of *Saint Neots*, in the County of *Huntingdon*; in Trust, as to Two other Ninth Parts of such Rents and Profits for the Rector for the Time being of the Parish Church of *Conington*, in the said County of *Huntingdon*; in Trust, as to One other Ninth Part of such Rents and Profits for the Vicar for the Time being of the Parish Church of *Biggleswade* aforesaid; in Trust, as to Two other Ninth Parts of such Rents and Profits for the Master for the Time being of the

the Free School of *Biggleswade* aforesaid; and in Trust, as to the remaining Two Ninth Parts of such Rents and Profits for the Master for the Time being of the Free School of *Holme*, in the County of *Huntingdon*; and as such Impropriator is or claims to, be entitled (in Trust as aforesaid) to the Impropriate Tythes arising, renewing, or increasing from certain of the Lands and Grounds within the said Parish; and is or claims to be entitled to certain Parts of the said Open and Common Fields, and Common and Lammas Meadows, and also to certain Rights of Common and other Commonable Rights in, over, and upon the said Open and Common Fields, Common Moors, Common and Lammas Meadows, Commons, and Waste Lands: And whereas the Most noble *John* Duke of *Bedford* is Patron of the Vicarage of the said Parish of *Flitwick*; and the Reverend *John Hawkins* is the present Vicar of the said Vicarage, and in Right of such Vicarage is or claims to be entitled to the Tythes both Great and Small arising, renewing, and increasing, within that Part of the said Parish of *Flitiwck*, called *Prisley*; and also in Right of such Vicarage is or claims to be entitled to all the Tythes arising, renewing, and increasing within the Remainder of the said Parish, except the Tythes of Corn, Hay, and Wood: And whereas the said *John* Duke of *Bedford*, *George Brooks*, and *John Morris*, Esquires, and divers other Persons, are Owners and Proprietors of or otherwise interested in the said Open and Common Fields, Common Moors, Common and Lammas Meadows, Commons, and Waste Lands, and are or claim to be also 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 Properties of the said several Owners and Proprietors of an in the said Open and Common Fields, Common Moors, Common and Lammas Meadows; are intermixed, and dispersed in small Pieces, and in their present State are incapable of any considerable Improvement, and it will be highly beneficial to such Owners and Proprietors, and to the several Persons entitled to Rights of Common, and other Commonable Rights as aforesaid, if the said Open and Common Fields, Common Moors, Common and Lammas Meadows, Commons, and Waste Lands, were divided and allotted unto and amongst the said several Owners and Proprietors, and other Persons interested therein, according and in Proportion to their respective Estates, Rights, and Interests, and if such Allotments were conveniently laid together and inclosed; and it will also be very advantageous to all the Parties interested in all the Lands and Grounds within the said Parish of *Flitwick*, if the same are exonerated from Tithes; but inasmuch as the said several Objects cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty, That it may be enacted; nnd 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 Open and Common Fields, Common Moors, Common and Lammas Meadows, Commons, and Waste Lands, shall be divided, allotted, and inclosed, and that all the Lands and Grounds within the said Parish, subject and liable

Commissioners.

liable to Tythes, shall be exonerated therefrom; and that *John Fellowes*, of *Buckingham*, in the County of *Buckingham*, Gentleman, *Thomas Thorpe*, of *Great Barford*, in the said County of *Bedford*, Gentleman, and *Thomas Gostelow*, of *Amphthill*, in the said County of *Bedford*, Gentleman, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for valuing, dividing, allotting, and inclosing the said Open and Common Fields, Common Moors, Common and Lammas Meadows, Commons, and Waste Lands, and for exonerating from Tythes the Tytheable Lands and Grounds within the said Parish of *Flitwick*, and for putting this and the said recited Act in Execution in Manner and Subject to the Rules, Orders, and Directions hereinafter 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 all Powers and Authorities, Directions, Acts, Matters, and Things hereby given to or directed to be done and executed by the said Commissioners, may be done and executed by or before any Two of them, and shall be as valid and effectual to all Intents and Purposes as if done and executed by or before all the said Commissioners.

Two Commissioners may Act.

II. And be it further enacted, That if any of the Commissioners hereby appointed, or who shall be elected as hereinafter mentioned, shall, before the Execution of all the Powers and Authorities hereby in them respectively vested, die, or refuse, or become incapable to act, or without some lawful Cause neglect to attend the Meeting for putting this Act in Execution for the Space of One Calendar Month next after he shall have received Notice from any Person interested in the said Inclosure, requiring him to attend as a Commissioner, a new Commissioner or Commissioners [*as the Case may require*] shall be elected in Manner following (that is to say), if the said *John Fellowes* shall die, or refuse, or become incapable to act, or neglect to attend as aforesaid, it shall be lawful for the said *John* Duke of *Bedford*, 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 *John* Duke of *Bedford*, his Heirs, or Assigns shall die, or refuse, or become incapable to act, or neglect to attend as aforesaid; and in case the said *Thomas Thorpe* shall die, or refuse, or become incapable to act, or neglect to attend as aforesaid, it shall be lawful for the Impropriator of the said Impropriate Rectory, and the Vicar of *Flitwick* aforesaid for the Time being, to appoint One other Commissioner, not interested in the said Inclosure, in the Room of the said *Thomas Thorpe*, and so from time to time as often as any Commissioner so to be appointed by the Impropriator and Vicar of *Flitwick* as aforesaid shall die, refuse, or become incapable to act, or neglect to attend as aforesaid; and in case the said *Thomas Gostelow* shall die, or refuse, or become incapable to act, or neglect to attend as aforesaid, it shall be lawful for the major Part in Value of the Proprietors of Lands and Grounds so intended to be divided and inclosed (except the said *John* Duke of *Bedford*, his Heirs or Assigns, and the said Impropriator and Vicar for the Time being), who shall by themselves or Agents, duly authorized, attend the Meeting or Meetings to be appointed for that Purpose, by Writing under their Hands, to appoint One other Commissioner, not interested in the said Inclosure, in the Room of him the said *Thomas Gostelow*; and so from time

Election of new Commissioners.

time to time as often as any Commissioner to be appointed by the said Proprietors shall die, or refuse, or become incapable to act, or neglect to attend as aforesaid; provided that the remaining Commissioners or Commissioner shall cause Notice to be given of the Time and Place of Meeting for every such last-mentioned Election, at least Fourteen Days before the Time of holding such Meeting, such Notice to be given and published in the Parish Church of *Flitwick* aforesaid, on some Sunday immediately after Divine Service; and in case any of the said Parties shall make Default in appointing any such new Commissioner within One Calendar Month after the Death of any Commissioner, or his Refusal, or becomin gincapable to act, or Neglect of Attendance as aforesaid, then the surviving or remaining Commissioner or Commissioners shall and he and they is and are hereby required, from time to time, by Writing under his or their Hand or Hands, within One Calendar Month next after the Expiration of the said One Calendar Month, allowed to the respective Parties for naming such new Commissioner or Commissioners by them respectively as aforesaid, to appoint One other Commissioner, not interested in the Premises, 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 and elected as aforesaid shall have the like Power and Authority in all respects as the Commissioner in whose place he shall be appointed was invested with by virtue of this Act.

Appointment of Surveyor.

III. And be it further enacted, That all such Surveys, Admeasurements, and Plans as shall be necessary and requisite to be made and taken for the Purposes of dividing, allotting, and inclosing the said Open and Common Fields, Common Moors, Common and Lammas Meadows, Commons, and Waste Lands, shall be made and taken by *William Collisson*, of *Brackley*, in the County of *Northampton*, Land Surveyor; and in Case of the Death, Inability, Neglect, or Refusal to act of the said *William Collisson*, then by such other Person or Persons as the said Commissioners shall by any Writing or Writings under their Hands nominate and appoint.

Appointment of new Surveyors.

Commissioners Clerks and Surveyors Allowance.

IV. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act there shall be paid to each of the Commissioners appointed or to be appointed as aforesaid, and their Clerk, as a Recompence for his Pains, Trouble, and Expences therein, the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for each Day he shall be employed in travelling to, returning from, and attending any Meeting, or adjourned Meeting, or otherwise, for the Execution of this Act; and that the said Commissioners and their Clerk shall defray their traveling Expences, and also their own Expences, at all such Meetings and Adjourned Meetings as aforesaid; and that there shall be paid to the Surveyor appointed or to be appointed as aforesaid such Sum or Sums of Money as the said Commissioners shall consider to be just and reasonable for his Pains, Trouble, and Expences in the Execution of this Act.

Notice of Meetings.

V. And be it further enacted, That the said Commissioners shall cause Notice to be given in the Parish Church of *Flitwick* aforesaid, on some Sunday immediately after Divine Service, or by Writing to be affixed

affixed on the principal Outer Door of the ſaid Church, and alſo by Advertiſement to be inſerted in ſome 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 Ten Days before ſuch Meeting 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 *Flitwick*, as they ſhall ſee Occaſion, for the further Execution of this Act; and in caſe Two 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 any One of the ſaid Commiſſioners preſent at any ſuch Meeting, or adjourned Meeting, or for the Clerk to the ſaid Commiſſioners, to adjourn the ſame to any future Day not exceeding Twenty-one Days, from the Day of Adjournment, to be held at the ſame or any other Place within Eight Miles of the ſaid Pariſh of *Flitwick*; and that the Commiſſioner or Clerk making ſuch Adjournment ſhall give Notice thereof to the abſent Commiſſioners.

Adjournment of Meetings.

VI. 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 Act, the Manner of giving which is not hereby otherwiſe particularly directed, ſhall be affixed upon the principal Outer Door of the Pariſh Church of *Flitwick*, or be given by Advertiſement in ſome Newspaper circulated in the ſaid County of *Bedford*.

Other Notices how to be given.

VII. 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 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, 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: Provided always, that nothing in this or the ſaid recited Act contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Lands, Tenements, or Hereditaments whatſoever.

Commiſſioners to determine Diſputes.

Not to determine Titles.

VIII. 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 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 may award Coſts.

Commiſſioners, and they are hereby required and authorized, by Warrant under their Hands directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, in ſuch and the ſame Manner as Landlords, are authorized and enabled to do by Law for Rent in Arrear, 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.

Parties may try their Rights by an Iſſue at Law.

IX. Provided always, and be in further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted as aforeſaid, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners touching or concerning any Claim or Claims of any Rights of Common, or other Rights or Intereſts in, over, upon, or out of the Lands and Grounds intended to be divided, allotted, and incloſed, or exonerated from Tythes in purſuance of this Act, 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 Firſt or Second Aſſizes to be holden for the ſaid County of *Bedford* next after the Determination of the ſaid Commiſſioners, and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with ſuch Determination 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 the Determination of the ſaid Commiſſioners ſhall be 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 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 thereon, which it ſhall be lawful for the Court to do, 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, or other Rights or Intereſts, in, over, upon, or out of the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, and exonerated from Tythes, 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 binding, final, and concluſive upon all Parties intereſted.

Proceedings not to abate.

X. And be it further enacted, That if any of the Parties in any Action

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.

For ſhortening Boundary Fences.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies, of any Manor or Manors adjoining to the ſaid Pariſh of *Flitwick*, and of the major Part in Value of the Owners or Proprietors of the Lands and Grounds in any adjoining Pariſh or Pariſhes, and of the Owner or Owners of the Land upon which any Boundary Fence, or Fences, as next hereinafter mentioned, ſhall or may be intended to be made, in order to ſhorten and make regular the Boundary Fences between the ſaid Pariſh of *Flitwick* and any adjoining Pariſh or Pariſhes, to ſet out, aſcertain, and determine, and to raiſe and make, in ſuch Lines as they ſhall think proper and convenient, the Boundary Fence or Fences to be made between the ſaid Pariſh of *Flitwick* and ſuch adjoining Pariſh or Pariſhes; and after ſuch Boundary ſhall be ſo made, ſet out, aſcertained, and determined as aforeſaid, the ſame ſhall be fenced, and ſuch Fence or Fences made and kept in Repair in ſuch Manner, and by ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall order and direct, and ſhall for ever thereafter be deemed and taken to be the Boundaries between the ſaid Pariſh of *Flitwick* and ſuch adjoining Pariſh or Pariſhes; any Uſage or Cuſtom to the contrary notwithſtanding; and a Deſcription of the Boundaries to be made, ſet out, aſcertained, and determined as aforeſaid, ſhall be inſerted in the Award of the ſaid Commiſſioners.

Old Roads may be ſtopped up.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners and they are hereby authorized and empowered, with the Concurrence and Order of Two Juſtices of the Peace acting in and for the Diviſion wherein the ſaid Pariſh of *Flitwick* is ſituate, and not intereſted in the Repair of any ſuch Road as next hereinafter mentioned, to divert, turn, or ſtop up any old or accuſtomed Road or Way (not being a Turnpike Road) lying or being in, or paſſing or leading through any Part of the ſaid Pariſh, and ſuch Order ſhall be ſubject to an Appeal to the Quarter Seſſions, in like Manner, and under the ſame Forms and Reſtrictions, as if the ſame had been originally made by ſuch Juſtices; and that the Roads or Ways which ſhall be ſo ſtopped up ſhall be deemed Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided always that none of the preſent public Roads over the Lands and Grounds to be divided, allotted, and incloſed as aforeſaid, ſhall be ſhut up or diſcontinued until the ſaid Commiſſioners ſhall have cauſed the public Roads to be ſet out, and until the ſame ſhall be properly formed and made ſafe and convenient for Horſes, Cattle, and Carriages.

Encroachments.

XIII. And be it further enacted, That all Encroachments which at any Time within Twenty Years now laſt paſt have been made upon the Commons and Waſte Lands within the ſaid Pariſh of *Flitwick* ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly; and in caſe any Difference or Diſpute ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Diſpute ſhall be finally determined by the ſaid Commiſſioners; and that all Encroachments which

which have been made upon the ſaid Commons and Waſte Lands for upwards of Twenty Years ſhall from henceforth be conſidered to be Freehold, but ſhall not in any Caſe be entitled to any Rights of Common, or any other Commonable Rights or Intereſts whatſoever, upon or over any Part of the Lands, Grounds, Commons, and Waſte Lands, to be divided, allotted, and incloſed, by virtue of this Act.

Allotments for Stone, Pits, and Watering Places.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required (if they ſhall think it neceſſary) to ſet out and allow ſuch Part or Parts of the Lands and Grounds to be divided, allotted, and incloſed, by virtue of this Act, as they ſhall think proper, not exceeding Four Acres, unto the Surveyor or Surveyors of the Highways within the ſaid Pariſh of *Flitwick*, to be uſed for the Purpoſe of public Watering Places for Cattle, and for getting Stone, Sand, Gravel, Clay, Marle, Mortar, or other Materials for making and repairing the public and private Roads and Ways within the ſaid Pariſh, and for ſuch other Uſes and Purpoſes as the ſaid Commiſſioners ſhall direct: and the Herbage growing and renewing in and upon ſuch Allotment or Allotments ſhall be veſted in ſuch Surveyor or Surveyors for the Time being, and ſhall be let by him or them for the beſt Rent that can be procured for the ſame; and ſuch Rent ſhall be applied by him or them in repairing the public Roads and Ways within the ſaid Pariſh; and ſuch Surveyor or Surveyors ſhall account to the Occupiers of the Lands and Grounds within the ſaid Pariſh, touching the Application thereof Annually, at ſuch Days and Times as ſhall be appointed in a Veſtry for paſſing the Accounts of ſuch Surveyor or Surveyors.

Allotment to the Impropriator for Glebe.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall alſo ſet out and allot unto and for the ſaid *John Carrington*, Impropriator as aforeſaid, and his Heirs, in Truſt for the Vicar for the Time being, of the Pariſh Church of *Saint Neots* aforeſaid; the Rector for the Time being of the Pariſh Church of *Conington* aforeſaid; the Vicar for the Time being of the Pariſh Church of *Biggleſwade* aforeſaid; the Maſter for the Time being of the Free School of *Biggleſwade* aforeſaid, and the Maſter for the Time being of the Free School of *Holme* aforeſaid, according to their reſpective Intereſts therein, ſuch Plot or Plots of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, as in the Judgment of the ſaid Commiſſioners ſhall be a full Equivalent and Compenſation to the ſaid Impropriator for all the Glebe Lands to the ſaid Impropriate Rectory belonging or appertaining, lying within the ſaid Pariſh; and for all Rights of Common, and other Commonable Rights whatſoever, in, over, and upon the ſaid Open and Common Fields, Common Moors, Common and Lammas Meadows, Commons, and Waſte Lands to the ſaid Impropriate Rectory belonging or appertaining.

Allotment to the Vicar for Glebe.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall alſo ſet out and allot unto and for the ſaid *John Hawkins*, the Vicar of the Vicarage of *Flitwick* aforeſaid, and his Succeſſors Vicars as aforeſaid for the Time being, ſuch Plot or Plots of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, as in the Judgment of the ſaid Commiſſioners ſhall be a full Equivalent and Compenſation to the ſaid *John Hawkins*, and his Succeſſors Vicars as aforeſaid

ſaid for the Time being, for all the Glebe Lands lying within, and for all Rights of Common and other Commonable Rights whatſoever, in, over, and upon the ſaid Open and Common Fields, Common Moors, Common and Lammas Meadows, Commons, and Waſte Lands, to the ſaid Vicarage belonging or appertaining.

Allotment to Impropriator and Vicar for Tythes of Open Field Lands.

XVII. 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 in, over, and through the Lands and Grounds intended to be divided, allotted, and incloſed by virtue of this Act, purſuant to the Directions contained in the ſaid recited Act, and the Allotment or Allotments to the Surveyors of the Highways of the ſaid Pariſh of *Flitwick* as aforeſaid, and alſo the Allotment or Allotments to the ſaid Impropriator and Vicar as aforeſaid, for or in lieu of their reſpective Glebe Lands and Rights of Common aforeſaid) to ſet out and allot unto and for the ſaid *John Carrington*, Impropriator as aforeſaid, and his Heirs in Truſt as aforeſaid, and unto and for the ſaid *John Hawkins*, and his Succeſſors Vicars as aforeſaid, ſo much and ſuch Part or Parts of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, as ſhall in the Judgment of the ſaid Commiſſioners be equal in Value (after making ſuch Deductions as aforeſaid) to One Fifth Part of all the Arable or Tillage Lands, and of the Lands which have been Arable or in Tillage within the laſt Seven Years, and to One Ninth Part of all the other Land to be divided, allotted, and incloſed by virtue of this Act, and which are ſubject and liable to the Payment of Tythes in Kind; and ſuch Allotment or Allotments ſo to be ſet out and allotted as laſt aforeſaid ſhall be by the ſaid Commiſſioners allotted and divided between the ſaid *John Carrington*, Impropriator as aforeſaid, and his Heirs in Truſt as aforeſaid, and the ſaid *John Hawkins* as Vicar as aforeſaid, and his Succeſſors, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge to be adequate to their ſeveral and reſpective Shares, Intereſts, and Properties in the Great and Small Tythes ariſing, renewing, and becoming due and payable to them, upon or from the Lands and Grounds intended to be divided and allotted as aforeſaid, that is to ſay, to the ſaid Impropriator ſuch Proportion of the ſaid Allotment or Allotments as ſhall in the Judgment of the ſaid Commiſſions be equal in Value to the Tythes of Corn, Hay, and Wood, and to the ſaid Vicar ſuch Proportion thereof as ſhall in the Judgment of the ſaid Commiſſioners be equal to all the other Tythes renewing, ariſing, or becoming payable from and upon the Lands and Grounds to be divided, allotted, and incloſed purſuant to this Act; and the Allotment or Allotments ſo to be made ſhall be in lieu of and in full Recompence, Satisfaction, and Compenſation for all and all Manner of Tythes, both Great and Small, and all Compoſitions, and other Payments in lieu of Tythes, ariſing, renewing, or becoming due and payable in, upon, or from the Lands and Grounds to be divided, allotted, and incloſed in purſuance of this Act (except and always reſerving unto the ſaid *John Hawkins*, and his Succeſſors Vicars as aforeſaid, the uſual and accuſtomed Mortuaries, Eaſter Offerings, and Surplice Fees payable unto him or them).

Allotment to Impropriator for Tythes of Old Inclosures not in Prisley.

XVIII. And be it further enacted, That the said Commissioners shall also set out and allot, out of the Lands and Grounds to be divided, allotted, and inclosed as aforesaid, unto and for the said *John Carrington*, Impropriator as aforesaid, and his Heirs in Trust as aforesaid, such Part or Parts thereof as shall in the Judgment of the said Commissioners be a full Compensation and Satisfaction for all the Tythes and Tenths of Corn, Grain, and Wood due and payable to the said Rectory for or in respect of such of the ancient inclosed Lands and Grounds situate within that Part of the said Parish of *Flitwick*, not called *Prisley*, as are subject and liable to the Payment of Tythes in Kind to the said Rectory, and such Allotment or Allotments shall be in lieu of and in full Satisfaction for all and all Manner of Tythes and Tenths arising, renewing, or becoming due and payable to the said Rectory, from, for, or in respect of the ancient inclosed Lands and Grounds within that Part of the said Parish not called *Prisley*.

Allotment for Vicarial Tythe of Old Inclosures not in Prisley.

XIX. And be it further enacted, That the said Commissioners shall also set out and allot, out of the said Lands and Grounds to be divided, allotted, and inclosed as aforesaid, unto and for the said *John Hawkins*, and his Successors Vicars as aforesaid, such Part or Parts thereof as shall in the Judgment of the said Commissioners be equal in Value to all the Tythes and Tenths hereinbefore mentioned to be due and payable to him in Right of his said Vicarage, for, from, and in respect of all the Homesteads, Gardens, Orchards, and other ancient inclosed Lands and Grounds within that Part of the said Parish of *Flitwick* which is not called *Prisley*; and such Allotment or Allotments shall be in lieu of and in full Recompence, Satisfaction, and Compensation for all and all Manner of Tythes, and all Compositions and other Payments in lieu of Tythes, arising, renewing, or becoming due and payable to the said Vicar and his Successors, from, for, or in respect of the said Homesteads, Gardens, Orchards, and other ancient inclosed Lands and Grounds within that Part of the said Parish not called *Prisley*.

Proprietors not having sufficient Open Field Land to make Compensation in Money.

XX. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, or other ancient inclosed Lands and Grounds in that Part of the said Parish of *Flitwick* not called *Prisley*, the respective Proprietors whereof shall not be entitled to any or not to a sufficient Interest or Property in the Lands and Grounds to be divided, allotted, and enclosed by virtue of this Act to make Compensation for the Tythes payable thereout, such Proprietors shall respectively pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Tythes or Compositions for Tythes of such Homesteads, Gardens, Orchards, or other ancient inclosed Lands and Grounds respectively, or of such Part thereof for which a Compensation in Land cannot be made as aforesaid, which Sum or Sums shall be applied towards defraying the Expences of passing this Act and carrying the same into Execution, and shall and may be raised and recovered in like Manner as such last-mentioned Expences are directed to be raised and recovered, and the Surplus, if any, of such Sum and Sums shall be appro-

appropriated in the Manner directed by the ſaid Act of the Forty-firſt aear of the Reign of His preſent Majeſty, with reſpect to the Money paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or the Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes.

Allotments for Poor.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall alſo ſet out and allot unto the Vicar, Churchwardens, and Overſeers of the Poor of the ſaid Pariſh of *Flitwick* for the Time being, and to their reſpective Succeſſors, for the Uſe and Benefit of the poor Perſons reſiding within the ſaid Pariſh and legally ſettled therein, ſuch Part or Parts of the ſaid Commons and Waſte Lands, as in the Judgment of the ſaid Commiſſioners ſhall be moſt proper and neceſſary for the Purpoſes hereinafter mentioned, ſo as ſuch Allotment or Allotments do not exceed in the whole Twelve Acres, which Allotment or Allotments when ſo ſet out ſhall be and are hereby veſted in the Vicar, Churchwardens, and Overſeers of the Poor of the ſaid Pariſh of *Flitwick* for the Time being, for ever, for the Uſe and Benefit of the poor Inhabitants of the ſame Pariſh legally ſettled therein; and the ſaid Allotment or Allotments ſhall be incloſed, ditched, and fenced in ſuch Manner as the ſaid Commiſſioners ſhall in and by their Award order and direct; and the Turf, Peat, Furze, or Fuel ariſing from any ſuch Allotment or Allotments as aforeſaid as ſhall produce the ſame, ſhall be cut, taken, and uſed by ſuch poor Inhabitants of the ſaid Pariſh, in ſuch Quantities, and and at ſuch Time or Times in each and every Year, and under ſuch Orders, Rules, and Regulations, and in ſuch Manner, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall direct or appoint; and the ſaid Truſtees for the Time being, or the major Part of them, are hereby empowered and required from Time to Time to let by public Auction, and by Writing under their Hands and Seals, or otherwiſe, to demiſe the Whole or ſuch Part or Parts of the ſaid Allotment or Allotments as ſhall not produce Turf, Peat, Furze, or Fuel, or which ſhall not be appropriated for raiſing Fuel, as they from Time to Time ſhall think proper, to any Perſon or Perſons whomſoever, for any Time or Term of Years not exceeding Fourteen Years, to commence in Poſſeſſion and not in Reverſion, ſo that in every ſuch Leaſe there be reſerved and made payable to the ſaid Truſtees for the Time being reſpectively, by Two Half-yearly Payments in every Year, the beſt and moſt improved Yearly Rent or Rents that can be obtained for the ſame, without taking any Fine, Premium, or Foregift, in Conſideration of granting any ſuch Leaſe or Leaſes; and that in all ſuch Leaſes there be contained ſuch Covenants and Stipulations as the ſaid Truſtees reſpectively, or the major Part of them, ſhall think proper to be inſerted therein, and ſuch Part and Parts thereof as ſhall not be let or demiſed as aforeſaid, ſhall and may be employed or appropriated for the Purpoſe of taking or raiſing Fuel for the Uſe of ſuch poor Inhabitants as aforeſaid; and the Rents and Profits ariſing from any ſuch Allotment or Allotments reſpectively ſhall be from Time to Time laid out in the Purchaſe of Fuel, and ſuch Fuel ſhall be diſtributed amongſt ſuch poor Inhabitants in ſuch Proportions and Quantities, and at ſuch Times in every Year, and according to ſuch Rules and Orders, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall appoint and preſcribe for that Purpoſe; and if any Perſon ſhall without the Con-

Consent, or contrary to the Orders, Rules, and Regulations of the said Trustees thereof for the Time being, cut, dig, pare, or carry away any Turf, Peat, Soil, Sod, or Fuel, in, upon, or from the same, or any Part thereof, the Person so offending, on being convicted thereof before any Magistrate of the County of *Bedford*, on the Oath of One Witness (and which Witness may be any Inhabitant of the said Parish of *Flitwick*,) or on his own Confession, shall forfeit and pay to the said Trustees thereof for the Time being, for the Use of the Poor of the said Parish, Forty Shillings for every Perch, and so in proportion for any less Quantity than a Perch of the Soil from whence such Turf, Peat, Furze, Soil, Sod, or Fuel shall have been so cut or dug, and if such Offender shall not immediately, on Conviction, pay the said Penalty he shall be committed to the Common Gaol of the said County of *Bedford*, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, unless such Penalty and the reasonable Charges of recovering the same shall be sooner paid.

Allotment of the Residue.

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 by this Act directed to be divided, allotted, and inclosed, unto, between, and amongst the several Proprietors of and Persons interested in the said Lands and Grounds, in proportion and according to their several and respective Shares, Interests, Rights of Common, and other Rights therein.

Compensation for the Tythes in that Part of the Parish called Prisley.

XXIII. And be it further enacted, That for the making an adequate Compensation to the said *John Hawkins*, and his Successors Vicars of *Flitwick* as aforesaid, for all the Tythes, Compositions, or other Payments arising, renewing, increasing, or payable from, for, out of, or in respect of the Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds within that Part of the said Parish of *Flitwick* called *Prisley*, the said Commissioners shall and they are hereby authorized and empowered to make a Valuation of all the said last-mentioned Tythes, Compositions, and other Payments; and after making such Valuation the said Commissioners shall, by reference to the *London Gazette*, or by such other Ways and Means as they shall think most proper, inquire and ascertain what has 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 Inquiry 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 Judgment, according to the average Price aforesaid, be equal to the Annual Value of One Fifth of the Arable or Tillage Lands, of One Ninth of the Meadow or Pasture Lands, of One Ninth of the Underwood called *Abbot's Copse*, and of One Twelfth of all the other Wood Lands within that Part of the said Parish of *Flitwick* called *Prisley*; and of such Compositions, or other Payments as last aforesaid, belonging to each and every Proprietor within that Part of the said Parish called *Prisley*, according to the Valuation to be made as aforesaid, distinguishing the Quantity of such Wheat in respect of such Homesteads, Gardens, and ancient inclosed

inclosed Lands and Grounds belonging to every Proprietor and Farm separately; and there shall be issuing and payable from Time to Time, for ever, to the said *John Hawkins*, and his Successors Vicars as aforesaid, such several Yearly Rents or Sums of Money out of the respective Homesteads, Gardens, and ancient inclosed Lands and Grounds belonging to such last mentioned Proprietors, situate within that Part of the said Parish called *Prisley*, as shall be equal to the Value of the Quantity of Wheat so to be ascertained and set forth as aforesaid, according to such average Price as shall from Time to Time be ascertained, pursuant to the Directions of this Act; which said Rents or Sums of Money shall for ever afterwards, in Manner hereinafter mentioned, be payable and paid to the said *John Hawkins*, and his Successors Vicars as aforesaid for the Time being, by equal Quarterly Payments in every Year, for ever, at or upon 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*, free and clear from all Parochial and other Taxes, Rates, and Assessments whatsoever (except the Land-Tax and any Tax upon Property or Income), the first Payment whereof shall grow due and be made on the first of the said Days which shall happen next 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, and all Compositions, and other Payments in lieu of Tythes, arising and growing due and payable from and out of or for any Lands, Grounds, or Hereditaments in that Part of the said Parish called *Prisley*, and all other Tythes payable to the said Vicarage, and all Compositions, and other Payments in lieu of Tythes payable to the said Vicarage, 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.

Annual Corn Rents may be varied every Fifteen Years.

XXIV. And be it further enacted, That it shall be lawful as well for the said *John Hawkins*, and his Successors Vicars of the said Parish of *Flitwick* for the Time being, as for any one or more of the Owners and Proprietors of Estates within that Part of the said Parish of *Flitwick* called *Prisley*, assessed to the Poors Rates at Fifty Pounds *per Annum*, or upwards, at his or their respective proper Expence, by Writing under his or their respective Hands, to apply at the first or any succeeding Quarter Sessions of the Peace to be holden in and for the 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 said Parish Church for Two Sundays at the least preceding such Application) to have Two Persons appointed by the Justices then and there assembled to be Arbitrators for inquiring into and ascertaining by or from or by Means of the *London Gazette*, so long as the Returns 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

fixed 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 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 or Umpire, 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, or Sums of Money, 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 Lands and Estates charged by the said Award, with such respective Yearly Tythe Rents, or Sums of Money, until the same shall at the End of Fifteen Years then next ensuing be again varied by such Application, and in such Manner as hereinbefore mentioned, and so from time to time at the End of every Fifteen Years for ever: Provided always, that in case the said Arbitrators or Umpire shall not make such Report as aforesaid within the Time 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.

For Recovery of Corn Rents.

XXV. And be it further enacted, That the said Vicar, and his Successors for the Time being, and the respective Executors, Administrators, or Assigns of any such Vicar, shall and may respectively have and exercise such and the same Powers and Remedies for recovering his or their respective Shares or Proportions of the same Yearly Rents or Sums, when the same shall respectively be in Arrear, together with the Costs and Charges thereby to be incurred as by the Laws and Statutes of this Realm are or shall be provided or given to Landlords for Recovery of Rents in Arrear; and that upon the Death, Cession, Resignation, or Removal of every Vicar of the said Parish of *Flitwick*, a full and proportionate Part of the current Quarterly Payment of his Share or Proportion of the said Yearly Rents or Sums shall be payable to and received and recoverable by such Vicar, his Executors, and Administrators, to the Day of the Death, Cession, Resignation, or Removal of such Vicar [*as the Case may be*].

A proportionate Part of such Rents to be paid up to the death, &c. of Vicar.

Corn Rents may be apportioned on Division of Estates.

XXVI. And be it further enacted, That it shall and may be lawful to and for the Owner or Owners for the Time being of all or any Part of the Estates which shall be severally charged with the said Yearly Rents or Sums of Money, upon a Division thereof respectively, either by Sale or otherwise, (except by Lease at Rack Rent) to apportion and charge each and every Part of the Estate or Estates so divided, with a due and fair Proportion of the said Yearly Rents charged thereon respectively, having due Regard to the Quantity of Acres therein; and the Power hereinbefore given and provided for the Recovery of the said Yearly Rents shall continue and remain over the Whole and every or any Part of the Estate and Estates which shall be charged therewith, until

until ſuch Diviſion thereof, and Apportionment of the ſaid Yearly Rents ſhall be made known to the ſaid Vicar and his Succeſſors, by Notice in Writing, ſetting forth the Diviſion of ſuch Eſtate and Eſtates, and the Yearly Rents to be charged on each Diviſion, which Notice ſhall be delivered to the ſaid Vicar for the Time being; and until a Duplicate of ſuch Notice ſhall be delivered to the proper Officer in the Office of the Archdeacon of *Bedford*, which Office ſhall duly record the Duplicate of ſuch Notice (for which a Sum not exceeding Two Shillings and Sixpence ſhall be paid), and a Copy of ſuch Duplicate, ſigned by ſuch Officer, (for which 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 as aforeſaid, the Power hereinbefore given and provided for recovering the ſaid Yearly Rents ſhall no longer extend to the Whole of the ſaid Eſtate or Eſtates, but ſhall alſo become apportioned, and ſhall extend only to each particular Rent ſo apportioned, and to the Lands and Hereditaments which ſhall be charged with the Payment thereof upon ſuch Diviſion as aforeſaid.

Schedules of Eſtates to be made.

XXVII. And, in order to facilitate the future Collection of the ſaid Yearly Rents or Sums, and to prevent any Difficulty ariſing by the Diviſion of any 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 Eſtate in that Part of the ſaid Pariſh of *Flitwick* called *Priſley*, with the Names of the Owner thereof, the exact Meaſure in Acres, Roods, and Perches, the Yearly Rents or Sums iſſuing out of each Eſtate, and the Quantity of Wheat which is to govern each of the ſaid Rents reſpectively, and ſuch other Requiſites which 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 ſhall be ſigned by the ſaid Commiſſioners, and depoſited in the Office of the Archdeacon of *Bedford*.

Proprietors of Lands in Priſley may compenſate the Corn Rent by Lands in the Open Fields.

XXVIII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons being Proprietor or Proprietors of any of the Homeſteads, Gardens, Orchards, and ancient incloſed Lands and Grounds within that Part of the ſaid Pariſh of *Flitwick* called *Priſley*, ſhall alſo be Proprietor or Proprietors of any of the Lands and Grounds intended to be divided, allotted, and incloſed as aforeſaid, and ſhall be willing and deſirous to exonerate and diſcharge his or their ſaid Homeſteads, Gardens, Orchards, and ancient Incloſed Lands and Grounds in *Priſley* aforeſaid, from the Tythes, Compoſitions, or other Payments payable to the ſaid *John Hawkins*, and his Succeſſors Vicars as aforeſaid, in reſpect thereof, by a Compenſation in Land inſtead of the ſaid Corn Rent, or partly by a Compenſation in Land, and the Reſidue thereof by a Corn Rent, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required at the Requeſt in Writing of any ſuch Proprietor or Proprietors as aforeſaid, and with the Conſent of the ſaid *John Hawkins*, or his Succeſſors Vicars as aforeſaid, to ſet out and allot unto and for the ſaid *John Hawkins*, and his Succeſſors Vicars as aforeſaid, ſo much or ſuch Part or Parts of the Lands and Grounds of ſuch Proprie-

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tor or Proprietors to be divided, allotted, and inclosed as aforesaid, as in the Judgment of the said Commissioners shall be a full and fair Equivalent and Satisfaction for the Tythes, and all Compositions or other Payments for or in lieu of Tythes payable to the said *John Hawkins*, and his Successors Vicars as aforesaid, out of or from the Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds in *Prisley* aforesaid, of such Proprietor or Proprietors, in full Satisfaction and Discharge of such Tythes, Compositions, or other Payments respectively; or if it shall so happen that the Lands and Grounds to be divided, allotted, and inclosed, or the Parts or Part thereof which any such Proprietor or Proprietors as aforesaid shall be willing and desirous to apply in the Exoneration and Discharge of the said Tythes, Compositions, or other Payments, shall not in the Opinion of the said Commissioners be a full and fair Equivalent and Satisfaction for such Tythes, Compositions, or other Payments in lieu of Tythes, it shall be lawful for the said Commissioners, and they are hereby authorized and required at such Request, and with such Consent as aforesaid, to set out and allot unto and for the said *John Hawkins*, and his Successors Vicars as aforesaid, so much of the Lands and Grounds of such Proprietor or Proprietors as he or they shall be desirous to apply for that Purpose in Part Exoneration and Discharge of the Tythes, Compositions, or other Payments in lieu of Tythes, payable to the said *John Hawkins*, and his Successors Vicars as aforesaid; and the said Commissioners shall charge the Homesteads, Gardens, Orchards, and ancient inclosed Lands or Grounds in *Prisley* aforesaid, of such Proprietor or Proprietors, with such Annual Rate or Money Payment as the said Commissioners shall, together with the Allotment or Allotments to be made in Land as last mentioned, deem to be equal in Value to the Tythes, Compositions, and other Payments, in lieu of Tythes payable to the said *John Hawkins*, and his Successors Vicars as aforesaid, in respect of the said Homesteads, Gardens, Orchards, and inclosed Lands or Grounds in *Prisley* aforesaid, of the Proprietor of Proprietors making such Request as aforesaid, which said Annual Rate or Money Payment shall be paid, payable, and recoverable at such Times and in such Manner, and be under the same Rules, Regulations, Powers, and Provisions in every respect as are hereinbefore laid down, established, and enacted with respect to the Corn Rents by this Act made payable to the said Vicar, in respect of the Lands and Grounds in that Part of the said Parish called *Prisley*.

Allotments to Impropriator and Vicar to be Ring-fenced.

XXIX. And be it further enacted, That the Allotment or Allotments to be made to the said *John Carrington*, Impropriator as aforesaid, in Trust as aforesaid, and to the said *John Hawkins* as Vicar as aforesaid, in respect of the Glebe Lands to which they are respectively entitled, and of the Great and Small Tythes, Compositions, and other Payments, in lieu of Tythes, shall respectively be fenced and ditched on all such Sides or Parts thereof as shall not be ordered by the said Commissioners to be made by any other Proprietor or Proprietors with Ring or outermost Fences and Ditches made in a proper and substantial Manner, with young thriving Quicksets, well and sufficiently guarded on each Side thereof, and good and substantial Gates shall be also fixed in such Parts of the said Fences where necessary, and that the Division Fence or Division Fences necessary to be made between the Part or Parts of such

Allotment

Allotment or Allotments which ſhall be adjudged to the ſaid *John Carrington*, as Impropriator as aforeſaid, and the Part or Parts thereof which ſhall be adjudged to the ſaid Vicar or his Succeſſors, ſhall be made in like Manner; and all ſuch Fences, Ditches, and Gates ſhall be made, raiſed, and hung by and at the Expence of ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall by their Award order and direct; and ſhall for ever after the ſame ſhall be made, raiſed, and hung as aforeſaid, be maintained and kept in Repair by the ſaid *John Carrington*, his Heirs, and Aſſigns, Impropriator as aforeſaid, and by the ſaid *John Hawkins*, as Vicar as aforeſaid, and his Succeſſors, as the ſaid Commiſſioners ſhall in like Manner 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 Parties ſo intereſted in and entitled to ſuch Shares and Allotments as aforeſaid.

Fencing the other Proprietors' Allotments.

XXX. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Shares, Rights, and Intereſts of the ſaid Proprietors in the Lands and Grounds to be divided, allotted, and incloſed, by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, and ſuch propoſed Allotment or Allotments ſhall be ſtaked or marked out, they the ſaid Commiſſioners ſhall hold a Meeting at ſome convenient Time and Place, when and where the Proprietors may be informed of ſuch intended Allotments, and ſee the Scheme thereof ſet out and delineated upon a Map to be produced for their Inſpection; and if any of the ſaid Proprietors ſhall upon ſuch Inſpection be diſſatisfied with any of the propoſed Allotments, the ſaid Commiſſioners ſhall at ſuch Time and Place as laſt aforeſaid, or at ſome other Time and Place to be appointed by them for that Purpoſe, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors againſt any ſuch Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame, and ſuch Determination being reduced into Writing, and ſigned by them, ſhall be binding and concluſive upon all Parties intereſted in any ſuch Allotment or Allotments.

Objections to Allotments to be determined by the Commiſſioners.

XXXI. And be it further enacted, That all Lands, and Grounds, which ſhall be allotted by virtue of this or the ſaid recited Act, to any Perſon or Perſons for or in reſpect of any Meſſuages, Cottages, Lands, or Grounds, holden of any Manor or Manors by Copy of Court Roll, or for or in reſpect of any Leaſehold, Meſſuages, Cottages, Lands, or Grounds, or for or in reſpect of any Right of Common or any other Right or Intereſt appurtenant or appendant to any ſuch Copyhold or Leaſehold Meſſuages, Cottages, Lands, or Grounds, ſhall from and after the Execution of the Award of the ſaid Commiſſioners be deemed and taken to be

Allotments to be of the ſame Tenure as the Lands for which they are allotted.

Copyhold or Leasehold, and shall be held as such by and under the same Tenures, Rents, Payments, Fines, Customs, and Services as the Copyhold or Leasehold Messuages, Cottages, Lands, or Grounds respectively, for or in respect whereof such Allotments shall be made are now held; and the said Commissioners shall by their said Award determine and describe the Messuages, Cottages, Lands, and Grounds respectively, which are to be or remain Copyhold or Leasehold, and all other Messuages, Cottages, Lands, or Grounds, to be allotted by virtue of this Act (save and except such as shall be ascertained by the said Commissioners to be Copyhold or Leasehold) shall be from thenceforth deemed, taken, and enjoyed as Freehold Messuages, Cottages, Lands, and Grounds, subject nevertheless to such Free Rents and Services as are now payable out of the respective Messuages, Cottages, Lands, or Grounds for or in respect whereof they shall or may be allotted.

Commissioners to allot to Purchasers.

XXXII. And be it further enacted, That if any Person hath sold or contracted, or agreed to sell, or shall at any Time before the Execution of the Award of the said Commissioners, sell, or contract, or agree to sell his or her Right, Interest, or Property, in, over, or upon the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby directed, authorized, and required, to make an Allotment or Allotments unto the Vendee or Purchaser in such Sale, Contract, or Agreement, and to his or her Heirs or Assigns for or in respect of such Right, Interest, and Property so sold or contracted, or agreed to be sold as aforesaid; and every such Vendee or Purchaser, and his and her Heirs and Assigns, shall and may from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale, Contract, or Agreement might, could, or ought to have held and enjoyed the same in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotment or Allotments, and such Award as aforesaid.

Rights of Common to cease.

XXXIII. And be it further enacted, That from and immediately after the Execution of the said Award, or at such other Time or Times as the said Commissioners shall by any Writing or Writings under their Hands, to be affixed upon the principal outer Door of the Parish Church of *Flitwick* aforesaid, on some Sunday for that Purpose, limit or appoint, all Rights of Common, and other Commonable Rights and Interests whatsoever, in, over, and upon the Lands, Grounds, Commons, and Waste Lands to be divided, allotted, and inclosed by virtue of this Act, shall cease, determine, and be for ever extinguished; any Usage or Custom to the contrary thereof notwithstanding.

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

XXXIV. And be it further enacted, That no Cattle, 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 in or keeping the same shall first at his, her, or their own Expence make and maintain a Fence sufficient to guard the young Quick Fences round

round ſuch Allotment or Allotments from being cropped, hurt, or damaged by ſuch Cattle, Sheep, or Lambs, whether ſuch Quick Fences be planted or ſet by the Owner or Owners, Occupier or Occupiers of ſuch Allotment or Allotments as aforeſaid, or by the Owner or Owners, Occupier or Occupiers of the Allotment or Allotments adjoining thereto, and the Perſon or Perſons who ſhall turn ſuch Sheep or Lambs into any of the ſaid Allotments, without 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.

XXXV. 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, Furze, or Fuel, in, upon, or from the ſaid Commonable Lands, Common Moors, Commons, 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, Furze, or Fuel, in, upon, or from any Part of the ſaid Commonable Lands, Common Moors, Commons, 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 Witneſs or Witneſſes, before any Juſtice of the Peace for the ſaid County of *Bedford*, not being intereſted in the ſaid Commonable Lands, Common Moors, Commons, 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 Owners of ſuch Goods and Chattels when required; and ſuch 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

ing Three Calendar Months, unless such Penalty and all reasonable Charges shall be sooner paid and satisfied.

For making Exchanges.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Flitwick*, in lieu of and in exchange for any other Lands, Tenements and Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet, Township, 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 Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy 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, 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, Lunatics, 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 in Writting under the Common Seal of the Body Politic, 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, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Course of Husbandry.

XXXVII. And be it further enacted, that the said Commissioners shall as soon after the passing of this Act as conveniently may be, by Writing or Writings under their Hands, to be affixed on the principal Outer Door of the Parish Church of *Flitwick* aforesaid, on some *Sunday*, order and direct the Course of Husbandry that shall be used and followed, in over and upon the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, until the Time when they shall have made and completed the said intended Division and Allotments, as well with respect to the laying down, ploughing, sowing of Grass Seeds, fallowing and tilling thereof, as to the stocking and eating the Fallows or Stubbles, and also to the cutting of Furze, Thorns, Bushes, Peat or Moor Turf, upon the said Lands and Grounds, and by the same or any other Writing or Writings under their Hands, to be affixed as aforesaid, make such further Orders, Directions, and Regulations touching the Conduct of the Farmers and Occupiers of the said Lands and Grounds, for preventing them from committing Waste thereon or upon any Part thereof, until the executing of the Award of the said Commissioners as to them shall seem expedient; all which Orders,

Directions,

Directions, and Regulations of the ſaid Commiſſioners ſhall be final, binding, and concluſive upon all Parties concerned; and that the ſaid Commiſſioners ſhall ſet and impoſe, ſuch pecuniary Penalties and Forfeitures on every Perſon not conforming to ſuch Orders, Directions, and Regulations, as they ſhall think neceſſary, not exceeding the Sum of Five Pounds for any One Offence, which Penalties ſhall be proceeded for and applied in like Manner as the Penalty or Penalties for cutting Turf is and are hereinbefore directed to be proceeded for and applied; and the ſaid Commiſſioners ſhall alſo ſettle and determine what additional Rent ſhall be paid in reſpect of ſuch Lands and the Tythes thereof reſpectively, as ſhall in the Seaſon immediately preceding the paſſing of this Act be cropped, otherwiſe than in the cuſtomary Way, or contrary to any ſubſiſting Agreement, ſuch additional Rent to be paid and payable at the ſame Time, and in the ſame Manner as the original Rent.

XXXVIII. 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 *Flitwick*; and 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 *Flitwick* 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 cleanſed, ſcoured, and maintained.

Commiſſioners to make Drains, &c.

XXXIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time previous to the Execution of their Award, in all Caſes where they in their Diſcretion ſhall deem it neceſſary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands, to determine or make void all or any of the Leaſes or Agreements for Leaſes at Rack Rent, or from Year to Year then ſubſiſting, of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, or which ſhall be exchanged by virtue of this or the ſaid recited Act, and of all other Lands and Hereditaments demiſed or agreed to be demiſed by or compriſed in ſuch Leaſes or Agreements reſpectively, either as to the Whole, or as to ſome Part or Parts only of the ſaid Hereditaments compriſed in ſuch Leaſes or Agreements reſpectively, and at ſuch Time or Times in the Year as the ſaid Commiſſioners ſhall think moſt convenient and expedient, according to the Circumſtances of the Caſe, and in all Caſes where any ſuch Leaſes or Agreements ſhall be determined as aforeſaid, the ſaid Commiſſioners ſhall aſcertain and determine whether any and what Sum or Sums of Money ſhall be paid, or any and what Deduction or Abatement in the reſerved Rent or Rents ſhall be made by the Leſſors or Landlords to the Leſſees or Tenants, as a Compenſation and Satisfaction for ſuch total or partial Determination of their reſpective Leaſes

Power to vacate Leaſes at Rack Rent.

or Agreements; and such reduced Rents so ascertained and declared as aforesaid shall respectively become payable and commence at such Time or Times, and in such Manner as the said Commissioners shall direct or appoint, and shall be recovered in like Manner as the original Rent reserved by such Lease or Agreement would have been by Law recoverable; and in all Cases where any gross Sum or Sums of Money shall by the said Commissioners be ascertained as a Compensation to be paid by any Lessor or Landlord for determining such Lease or Agreement, the same shall be actually paid by such Lessor or Landlord before he or she is put into Possession of the respective Lands and Hereditaments comprised in such Lease or Agreement, or of the Allotment or Allotments in lieu thereof, or any Part thereof; and in all Cases where such subsisting Leases or Agreements shall continue in Force, as to the Whole or any Part or Parts of the Hereditaments therein comprised, it shall be lawful for the said Commissioners in like Manner to ascertain and declare whether any and what additional Rent or Rents shall be paid by the Lessees or Tenants to the Lessors or Landlords, for or in respect of any Improvement in the Annual Value of the Hereditaments comprised in such Leases or Agreements respectively, by reason of the same being exonerated from Tythes, and exchanged respectively, or by the Lands and Grounds being divided and inclosed by virtue of this Act; and such additional Rents so ascertained and declared as last aforesaid, shall commence at such Time or Times as the said Commissioners shall direct and appoint, and shall afterwards be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not been passed; and it shall be lawful for the said Commissioners in like Manner to settle, ascertain, and determine the Course of Husbandry to be used by such Lessees or Tenants during the Remainder of the subsisting Leases and Agreements, in all Cases where they shall deem it necessary and proper so to do; and such Course of Husbandry shall from and after the same shall be so settled, ascertained, and determined, be used and followed by such Lessees and Tenants during the Remainder of such Leases or Agreements: Provided always, that if there shall be any Lease or Leases of Lands, Part of which shall lie in the Parish of *Flitwick* aforesaid, and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may and shall 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.

Act not to vacate the Agreement between the Duke of Bedford and the Vicar.

XL. Provided always, and be it further enacted, That nothing in this Act contained shall extend to vacate or make void the Agreement under which the said *John* Duke of *Bedford* now holds of the said *John Hawkins* the Tythes of the Lands and Hereditaments of him the said Duke in that Part of the said Parish of *Flitwick* called *Prisley*, but that the same shall, with respect to the Tythes comprised in such Agreement, and any Corn Rent which shall become payable by virtue of this Act in lieu thereof, or any Compensation in Land in respect of such Tythes, be of the same Force and Effect as the same Agreement was of at the Time of the passing of this Act.

Satisfaction to be made for standing Crops.

XLI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, by any Writing or Writings

Writings under their Hands, to direct, order, and appoint what Recompence and Satisfaction in Money ſhall be made to the Owner or Owners of any Crops growing upon the Lands and Grounds hereby directed to be divided and allotted, and authorized to be exchanged as aforeſaid, at the Time ſuch Diviſions and Allotments and Exchanges ſhall be made and take place, for the ſaid Crops, by the Perſon or Perſons to whom the Lands and Grounds on which ſuch Crops are growing ſhall be allotted or given in Exchange, unleſs ſuch Owner or Owners ſhall within the Time to be appointed by the ſaid Commiſſioners for that Purpoſe, declare his, her, or their Intention to cut, reap, and carry away the ſame; and in Caſe of Non-payment of ſuch Recompence and Satisfaction for ſuch Crops at the Time and in the Manner to be directed by the ſaid Commiſſioners, or in Caſe of ſuch Election to cut, reap, and carry away the ſame, then it ſhall and may be lawful for ſuch Owner and Owners, and his, her, and their Agents, Servants, and Workmen, with Horſes, Carts, and Carriages, to enter into and upon the Lands and Grounds whereon ſuch Crops ſhall be growing, and to cut, reap, and carry away the ſame for his, her, and their own Uſe; and the ſaid Commiſſioners ſhall alſo and they are hereby authoriſed and empowered to aſcertain, order, and appoint, by any Writing or Writings under their Hands, what Recompence and Satisfaction in Money ſhall be paid, and to whom, for the Standage of ſuch Crops, by the Owner or Owners electing to carry away the ſame as aforeſaid, and alſo what Recompence and Satisfaction in Money ſhall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of any Land within the ſaid Pariſh of *Flitwick*, as well for ploughing, tilling, and manuring of any of the Lands or Grounds which ſhall be allotted and divided by virtue of this Act, for the Benefit and Advantage accruing thereby to the Perſon or Perſons to whom ſuch Lands and Grounds ſhall be allotted, as for any Loſs or Diſadvantage which any ſuch Tenant or Tenants, Occupier or Occupiers ſhall or may ſuſtain by the Loſs of their following or Waygoing Crops upon the Lands and Grounds by this Act intended to be divided and allotted; and if in any or either of the ſaid Caſes the Money to be paid for ſuch Recompence and Satisfaction ſhall not be paid at the Time and in the Manner to be appointed as aforeſaid by the ſaid Commiſſioners, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, to raiſe and levy the ſame for the Uſe of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act may be raiſed and levied.

Wills and Settlements not to be affected.

XLII. And be it further enacted, That nothing in this or the ſaid recited Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Meſſuages, Tenements, Lands, Grounds, and Hereditaments to be divided, allotted, or exchanged by virtue of this or the ſaid recited Act, or any Part or Parts thereof reſpectively, but that each and every Proprietor ſhall ſtand and be ſeiſed of the ſeveral Meſſuages, Tenements, Lands, Grounds, and Hereditaments, to be allotted to or exchanged with him or her as aforeſaid, to, for, and upon ſuch and the ſame Uſes,

and

and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Settlements, Dowers, Jointures, Portions, Debts, Rents, or Incumbrances, and no other, as the Meſſuages, Tenements, Lands, Grounds, and Hereditaments whereof ſuch Proprietors were ſeiſed or poſſeſſed at or immediately before the Execution of the ſaid Award, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made would have been ſubject to be charged with or affected by in caſe this Act had not been paſſed.

Land may be deducted from Allotments for Expences;

XLIII. 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, whether ſeiſed in Fee, or being Tenants in Tail, or for Life or Lives, or for any Number of Years, determinable on a Life or on Lives, or for any other determinable Eſtate or Intereſt, or at the Requeſt of the reſpective Huſbands, Guardians, Truſtees, Committees, Agents, or Attornies of or for any ſuch Owners or Proprietors, being under Coverture, Minors, 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 public Uſes, or the major Part of them reſpectively, to deduct from the Value and Amount of the Allotment or reſpective Allotments of ſuch Owner or Owners, by whom or on whoſe Behalf ſuch Requeſt ſhall be made as aforeſaid, ſo much as ſhall in the Judgment 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.

and may be allotted to Perſons paying ſuch Expences.

XLIV. Provided alſo, and be it further enacted, 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 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 for 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.

Award to be inrolled and depoſited in the Church.

XLV. And be it further enacted, That the Award to be made by the ſaid Commiſſioners in Manner directed by the ſaid recited Act ſhall,

ſhall, after the ſame ſhall be enrolled as directed by the ſaid recited Act, be depoſited in a Tin Box in the Pariſh Church of *Flitwick* aforeſaid.

XLVI. And be it further enacted, That the Coſts, Charges, and Expences of forming, making, and completing the public Roads, Ways, and Drains which ſhall be ſet out and appointed by virtue of this or the ſaid recited Act, and the Coſts, Charges, and Expences of Inclóſing and Ring-fencing any Allotment or Allotments which ſhall be made to the Surveyor or Surveyors of the Highways within the ſaid Pariſh of *Flitwick* for the Time being, as hereinbefore directed, to the ſaid Impropriator and Vicar reſpectively, for and in reſpect of their reſpective Glebe Lands and Tythes as aforeſaid, and to the Vicar, Churchwardens, and Overſeers of the Poor of the ſaid Pariſh for the Time being, in Truſt as aforeſaid, and all the Coſts and Charges incident to and attending the obtaining and paſſing of this Act, and of ſurveying, admeaſuring, planning, valuring, dividing, and allotting the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, and of preparing and inrolling the Award of the ſaid Commiſſioners, and all ſuch Coſts, Charges, and Expences as aforeſaid of the ſaid Commiſſioners, and all other neceſſary Coſts, Charges, and Expences of the ſeveral Perſons 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, divided, allotted, and incloſed, or exonerated from Tythes, by virtue of this Act (ſave and except the Surveyor or Surveyors for the Time being of the ſaid Highways, the ſaid *John Carrington* and his Heirs, Impropriators, in Truſt as aforeſaid, and the ſaid *John Hawkins*, and his Succeſſors Vicars as aforeſaid, for and in reſpect of any Allotment or Allotments to be made to them reſpectively as aforeſaid, and the ſaid Vicar, Churchwardens, and Overſeers for or in reſpect of the Allotment or Allotments hereinbefore directed to be made to them for the Purpoſes aforeſaid) in ſuch Shares and Proportions, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, and in ſuch Manner, as the ſaid Commiſſioners ſhall in and by their ſaid Award, or by any other Writing under their Hands, either previous to or after the Execution of their ſaid Award, order, direct, and appoint; and the ſaid Commiſſioners are hereby authorized and required, from Time to Time and as often as they ſhall deem it neceſſary and proper, to make and form Eſtimates of all ſuch Coſts, Charges, and Expences, and to raiſe the Amount of ſuch Eſtimates by a Rate or Rates accordingly; and in caſe any ſuch Proprietors ſhall refuſe or neglect to pay his, her, or their Share or Proportion, 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.

For defraying Coſts and Charges of obtaining and executing of this Act.

XLVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners and they are hereby authorized and empowered, upon the Requeſt in Writing of any Proprietor of Meſſuages, Lands, or Hereditaments in the ſaid Pariſh of *Flitwick*, who is ſeiſed thereof or entitled thereto in Joint Tenancy, or as Coparcener, or Tenant in Common, to make Partition and Diviſion of the Meſſuages, Lands,

For making Partitions.

Hereditaments, and Allotment or Allotments so to be made by virtue of this Act, to such of the Owners or Proprietors who shall be entitled to the same as Joint Tenants, Coparceners, or Tenants in Common, and to allot the same accordingly to such Owners and Proprietors in Severalty; and from and immediately after the said Allotment or Allotments shall be so made and declared the same shall be holden and enjoyed by the Person or Persons to whom the same shall be allotted in Severalty, in such and the same Manner, and subject to such and the same Uses, as the undivided Parts or Shares of such Estates would have been held in case such Partition and Division had not been made.

Expences of Exchanges and Partitions to be paid by the Parties.

XLVIII. And be it further enacted, That all Costs, Charges, and Expences attending the making and completing any Exchanges or Partitions by virtue of this or the said recited Act, 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, and the same shall and may be levied and recovered in Manner hereinbefore directed or referred to for Recovery of the Costs, Charges, and Expences of executing this Act.

Proprietors and Agents to pay their own Expences.

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

Interest to be paid for Money advanced.

L. 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.

Accounts to be laid before a Magistrate.

LI. And be it further enacted, That once in each and every Year during the Execution of this Act, such Year to be computed from the passing of this Act, the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any One or more of His Majesty's Justices of the Peace for the said County of *Bedford*, not interested in the said Inclosure, to be examined and balanced, and such Balance shall be by such Justice or Justices stated in the Book of Accounts, to be kept in the Office of the Clerk or Clerks to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by such Justice or Justices.

Appeals.

LII. 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 Com-

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 hereinbefore 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 to Warrant to levy the Coſts which ſhall be awarded by Diſtreſs and Sale of the Goods and Chattles of the Party and Parties liable to pay the ſame, returning the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattles, 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 *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

LIII. Saving always to the King's Moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Body and Bodies Politic, Corporate or Collegiate, his, her, and their Heirs, Succeſſors, Executors and Adminiſtrators, (except the ſeveral Perſons to whom any Allotment or Allotments or other Compenſation ſhall be made in purſuance of this or of the ſaid recited 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, allotted, and incloſed, before the paſſing of this Act, or in caſe this Act had not been made. General Saving.

LIV. 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. Declaring Act Public.

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