



ANNO QUADRAGESIMO NONO

GEORGI III. REGIS.

Cap. 180.

An Act for inclosing Lands in the Parish of *Sharnbrook*,
in the County of *Bedford*. [15th June 1809.]

WHEREAS there are within the Parish of *Sharnbrook*, in the County of *Bedford*, divers Open and Common Fields, Meadows, Pastures, and other Commonable and Waste Lands and Grounds: And whereas *Samuel Cornish* Esquire, is Lord of the Manor of *Sharnbrook*, called *Loring's Tofte and Temple*, in the County of *Bedford*, and as such is entitled to the Right of Soil of all the Waste Lands within the said Parish of *Sharnbrook*: And whereas *John Gibbard* Esquire, is the Owner and Proprietor of all the Rectorial or Great Tythes growing, arising, or renewing within or from all the Tytheable Places, Lands, and Grounds within the said Parish, except as herein-after is mentioned; and is also Owner and Proprietor of certain Glebe Lands, and Right of Common in the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds: And whereas *William Fancourt* Clerk, is Rector of the Parish of *Bletsoe*, in the County of *Bedford*, and as such is entitled to the Rectorial or Great Tythes growing, arising, or renewing upon or from Five Acres, by Estimation, of Arable Land lying within the said Parish of *Sharnbrook*, belonging to the said *Samuel Cornish*, and upon or from Three Acres, by Estimation, of Arable Land lying within the said Parish of *Sharnbrook*, belonging to the said *John Gibbard*: And whereas the King's most Excellent Majesty is the Patron of the Vicarage of *Sharnbrook*, aforesaid; and *Thomas Watson Ward* Clerk, is the Vicar of the said Vicarage, and in Right thereof is entitled to all the Vicarial or Small Tythes growing, arising, renewing,

[*Loc. & Per.*]

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OF

or happening within or from all the Tytheable Places, Lands, and Grounds within the said Parish of *Sharnbrook*; and is also entitled, as such Vicar to certain Glebe Lands and Rights of Common in the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds: And whereas *Samuel Cornish, William Lee Antonie, John Gibbard*, Esquires, *Thomas Gell* Gentleman, the President and Scholars of *Corpus Christi* College in the University of *Oxford*, and divers other Persons, are Owners and Proprietors of all the Residue of the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds within the said Parish, and are respectively entitled to Rights of Common and other Interests therein, in different Proportions: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands and Grounds of the said respective Proprietors in the said Open and Common Fields, Meadows, and Pastures lie intermixed with each other, and are in other Respects inconveniently situated, and in their present State incapable of any considerable Improvement, and it would be beneficial to the several Proprietors thereof, and Persons interested therein, if the same and other the Commonable Lands and Grounds in the Parish of *Sharnbrook* aforesaid were divided and inclosed, and specific Shares thereof set out and allotted to them, in Proportion to their several and respective Estates, Rights, and Interests therein, and if all the Lands in the said Parish of *Sharnbrook* were exonerated from Tythes; but such Division, Allotment, and Inclosure, and Exoneration from Tythes, cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds in the Parish of *Sharnbrook* aforesaid, shall, as soon as conveniently may be after the passing of this Act, be valued, qualited, appraised, divided, set out, and allotted by *John Davis* of *Bloxham*, in the County of *Oxford*, Gentleman, *John Fellowes* of the Town of *Buckingham*, in the County of *Buckingham*, Gentleman, and *Charles Bloodworth* of *Kimbolton*, in the County of *Huntingdon*, Gentleman, and they are hereby appointed Commissioners for carrying this Act into Execution, subject to the Rules, Orders, and Directions herein contained, established, and appointed, and also subject to the Powers and Provisions of the said recited Act, except where the same are hereby varied or altered.

Commissioners.

Two Commissioners may act.

II. Provided always, and be it further enacted, That it shall be lawful for any Two of the Commissioners hereby appointed, or who shall hereafter be appointed by virtue of this Act, and they are hereby authorized and empowered to execute, do, and perform every Act, Matter, and Thing by this Act authorized to be done and performed by the said Commissioners; and every such Act, Matter, and Thing, which shall be executed, done, and performed by any Two of such Commissioners shall be as valid and effectual, to all Intents and Purposes, as if the same had been done and performed by all the said Commissioners.

III. Provided

III. Provided also, and be it further enacted, That if, before all the Powers and Authorities hereby reposed in the said Commissioners shall have been fully executed and performed, the said *John Davis* shall die, or shall neglect, or become incapable, or refuse to act in the Execution of such Powers and Authorities, it shall be lawful for the said *Samuel Cornish*, his Heirs or Assigns, and he and they is and are hereby required by Writing under his or their Hand or Hands, to appoint some other fit Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place or Stead of the said *John Davis*, and so from Time to Time as often as any Commissioner to be appointed by the said *Samuel Cornish*, his Heirs or Assigns, shall die, neglect, become incapable, or refuse to act as aforesaid; and that in case the said *John Fellowes* shall die, neglect, or become incapable, or refuse to act in the Execution of such Powers and Authorities, it shall be lawful for the said *John Gibbard* and *Thomas Watson Ward* and their respective Heirs, Successors, and Assigns, or the Persons seised of the said Tythes for the Time being, and they are hereby required by Writing under their Hands jointly to appoint some other fit Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place or Stead of the said *John Fellowes*, and so from Time to Time as often as any Commissioner to be appointed by the said *John Gibbard* and *Thomas Watson Ward*, their Heirs, Successors, or Assigns, or the Persons seised of the said Tythes for the Time being, shall die, neglect, become incapable, or refuse to act as aforesaid; and that in case the said *Charles Bloodworth* shall die, neglect, become incapable, or refuse to act in the Execution of such Powers and Authorities, it shall be lawful for the major Part in Value of the Proprietors of the Lands and Grounds, so intended to be divided and inclosed (except the said *Samuel Cornish*, *John Gibbard*, and *Thomas Watson Ward*, their respective Heirs, Successors, and Assigns, or the Persons seised of the said Tythes for the Time being), who by themselves, or their respective Agents duly authorized shall attend the Meeting or Meetings to be appointed by the surviving or remaining Commissioners or Commissioner for that Purpose, by Writing under their Hands, to appoint some other fit Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place or Stead of the said *Charles Bloodworth*, and so from Time to Time as often as any Commissioner to be appointed by the major Part in Value of the said Proprietors (except as aforesaid) shall die, neglect, become incapable, or refuse to act as aforesaid; provided, that the surviving or remaining Commissioners or Commissioner shall cause Notice to be given of the Time and Place of the Meeting for every such Election (which Place shall be in the Parish of *Sharnbrook* aforesaid, or within the Distance of Eight Miles from the Boundary thereof) at least Fourteen Days before the Time of holding such Meeting, by affixing such Notice on one of the outer Doors of the Parish Church of *Sharnbrook* aforesaid, on some *Sunday*, and by causing the same to be published in the Newspapers called *The Northampton Mercury* and *The County Press for Northamptonshire, Bedfordshire, Buckinghamshire, and Huntingdonshire*, or one of them, or if such Newspapers, or one of them, shall not then be published, in some other Newspaper usually circulated in the County of *Bedford*; and if the said *Samuel Cornish*, his Heirs or Assigns, or the said *John Gibbard* and *Thomas Watson Ward*, their respective Heirs, Successors, or Assigns, or the Person seised of the said Tythes for the Time being, shall for the Space of Twenty-eight Days after Notice to him or them

For appoint-
ing new Com-
missioners.

them given by the surviving or remaining Commissioners or Commissioner, or if the Majority in Value of the said other Proprietors at the Meeting to be appointed as last aforesaid, shall respectively refuse or neglect to appoint a new Commissioner in the Place or Stead of every or any Commissioner who shall die, neglect, become incapable, or refuse to act as aforesaid, then and in every such case the surviving or remaining Commissioners or Commissioner shall from Time to Time, by Writing under their or his Hands or Hand, appoint a fit and proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place of each Commissioner so dying, neglecting, becoming incapable, or refusing to act as aforesaid, whose Place shall not be filled up by the Person or Persons primarily enabled to appoint such new Commissioner or Commissioners as aforesaid; and every Commissioner to be appointed by the Person or Persons respectively, and in the Manner hereby directed, shall have the like Powers and Authorities for putting this Act in Execution as if he had been expressly named and appointed a Commissioner by this Act.

Notice of Meetings.

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

One Commissioner may adjourn.

V. Provided always, and be it further enacted, That if only One of the said Commissioners shall attend at the Time and Place appointed for any Meeting to be holden in pursuance of this Act, or to which any such Meeting shall be adjourned, it shall be lawful for such One Commissioner, or if no Commissioner shall then attend, for the Clerk to the said Commissioners, which Clerk they are hereby authorized to appoint, and they are respectively hereby empowered to adjourn such Meeting to any future Day, not exceeding Twenty-one Days from the Day of Adjournment, to be holden at the same or any other Place within the Distance herein-after limited, and so from Time to Time until Two of the said Commissioners shall meet; and the Commissioners, Commissioner, or Clerk, making any such Adjournment, are and is hereby required to give Notice thereof to the absent Commissioners or Commissioner.

Meetings to be at *Sharnbrook*, or within Eight Miles.

VI. And be it further enacted, That all Meetings of the said Commissioners for putting this Act into Execution shall be held within the Parish of *Sharnbrook* aforesaid, or within the Distance of Eight Miles from the Boundary thereof.

Meeting to receive Applications.

VII. And be it further enacted, That the said Commissioners shall and they are hereby required to appoint a Time and Place for receiving

Application

Applications from the Proprietors touching the Situation they would respectively choose to have their Allotments set out and allotted in, and to give Six Days Notice in Writing of such Meeting, to be affixed upon one of the outer Doors of the Parish Church of *Sharnbrook* aforesaid on some *Sunday*; and at or as soon as conveniently may be after such Meeting the Valuation or Quality, which the said Commissioners are hereby directed to make, shall be reduced into Writing and signed by the said Commissioners, and shall be lodged with their Clerk for the Inspection of any Person or Persons interested therein, or his, her, or their Agent or Agents, who shall be entitled to a Copy thereof on paying for the same after the Rate of Four-pence for every Folio of Seventy-two Words to the said Clerk; and the said Commissioners shall appoint a Meeting for receiving and hearing any Objections that may be made to such Valuation or Quality, and shall then receive and hear such Objections, and the Determination of the said Commissioners shall be binding and conclusive on all Parties.

Quality of Land may be inspected.

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

For determining Differences concerning Boundaries and Allotments.

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

Power to assess Costs.

X. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended

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Division

Allowing Parties to try their Rights by Law.

Division and Inclosure shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the first Assizes to be holden for the said County of *Bedford* next after the Expiration of Two Calendar Months from the Time of such Determination; and for that Purpose the Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, in whose Favour such Determination shall have been made, within Two Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required, to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, the same not being set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

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

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

XI. And be it further enacted, That if any of the Parties, in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Suits not to
delay the In-
closure.

XII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons to any Messuages, Lands, Tenements, or Hereditaments in the said Parish of *Sharnbrook*, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act; but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits; and

and the Allotment or Allotments to which such Suit or Suits shall relate may be had and taken by the Person or Persons who, upon such Determination of such Suit or Suits, shall become entitled to the same.

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions shall have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all such Parties shall be equally bound and concluded by the Event of such Action or Actions.

In cases of Deaths of Parties before Actions brought, the same to be carried on and defended in their Names.

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachments); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Persons in Possession not to be molested without due Course of Law.

XV. And be it further enacted, That the said Commissioners shall and may scour out, widen, divert, turn, or alter all such ancient Brooks, Drains, Ditches, Watercourses, Staunches, Tunnels, and Bridges in the said Parish of *Sharnbrook*, and shall and may erect, set out, and appoint such new Drains, Ditches, Watercourses, Staunches, Tunnels, and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be divided and inclosed, as also in, through, and over any ancient Inclosures or other Lands and Grounds within the said Parish, of such Depth and Width, and in such Courses and Directions, as they the said Commissioners shall think proper, making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands, Grounds, and Hereditaments, not hereby intended to be divided and inclosed, for so doing, as they shall think reasonable and proper; and the said Commissioners shall and may and they are hereby required in and by their Award to order, direct, and appoint by whom, at whose Expence, at what Times, and in what Manner the said Brooks, Drains, Ditches, Watercourses, Staunches, Tunnels, and Bridges shall be made and thereafter repaired, cleansed, scoured, and maintained: Provided always, that nothing herein contained shall authorize the said Commissioners to turn or divert any Watercourse, Stream,

Cleansing Water-courses.

Stream, or Rivulet, without the Consent of the Owners of the Land from and into which the same shall be turned or diverted.

Old Roads
may be
stopped up.

XVI. 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 aid for the said County of *Bedford*, and not interested in the Repair of any such Roads as next herein-after mentioned, to divert, turn, or stop up any old or accustomed Road, Way, or Footpath (not being a Turnpike Road) lying or being in, or passing or leading through, any Part of the said Parish of *Sharnbrook*; and such Order shall be subject to an Appeal to the Quarter Sessions in like Manner, and under the same Forms and Restrictions, as Orders originally made by Justices for diverting and turning Roads and Ways, and that all and every Roads, Ways, or Footpaths, 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.

Allotments
for Gravel
Pits.

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

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

XVIII. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the said *Samuel Cornish*, his Heirs and Assigns, as Lord of the said Manor of *Sharnbrook*, called *Loring's Toste* and *Temple*, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed as shall in the Judgement of the said Commissioners be equal in Value to One Eighteenth Part of all the Commons and Waste Grounds hereby intended to be divided and inclosed, in lieu of and in full Compensation and Satisfaction for all his Right and Interest in and to the Soil of the said Commons and Waste Grounds.

Allotment to
John Gibbard
in lieu of
Glebe Land.

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

XX. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the said *Thomas Watson Ward*, and his Successors, Vicars of the said Vicarage, such Parcel or Parcels of the Lands and Grounds, hereby intended to be divided and inclosed, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands belonging to and enjoyed with the said Vicarage, and for the Right of Common belonging thereto in, over, and upon the said Lands and Grounds hereby intended to be divided and inclosed.

Allotment to the Vicar in lieu of Glebe Land.

XXI. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award, for and in lieu and Satisfaction of all Tythes, both Great and Small, arising, growing, renewing, happening, or payable within the said Parish of *Sharnbrook*, such Parcel or Parcels of the Lands and Grounds, hereby intended to be divided and inclosed, as in the Judgement of the said Commissioners shall be equal in Value to One Fifth Part of all the Arable Lands, One Tenth Part of all the Woodlands, and One Ninth Part of all the Grass Grounds, Commons, and Waste Grounds, and all the other Lands and Grounds within the said Parish of *Sharnbrook*, which are severally subject or liable to the Payment of both Great and Small Tythes, and also equal in Value (Regard being had to the Proportions aforesaid) to the Tythes issuing and payable out of such of the Lands in the said Parish as are subject to Great Tythes only, or to Small Tythes only, and which shall remain after the publick and private Roads, Sewers, Drains, and Watercourses, and the Allotments for Stone and Gravel Pits shall be taken and deducted therefrom; which said Parcel or Parcels of Land and Ground so directed to be set out, allotted, and awarded for Tythes as aforesaid, the said Commissioners shall and they are hereby directed and required to apportion, divide, allot, and award to and amongst the said *John Gibbard*, *William Fancourt*, Rector of *Bletsoe* aforesaid, and *Thomas Watson Ward*, Vicar of *Sharnbrook* aforesaid respectively, their respective Heirs, Successors, or Assigns, or the Persons seised of the said Tythes for the Time being respectively, in such Parts, Shares, and Proportions, as the said Commissioners shall adjudge and determine to be a just Compensation, Equivalent, and Satisfaction for their respective Parts, Shares, Proportions, Rights, and Interests of and in the Tythes for and in respect of which such Parcel or Parcels of Land and Ground shall be set out as aforesaid.

Allotment for Tythes.

XXII. And be it further enacted, That the Lands and Grounds which shall be set out, allotted, and awarded by virtue of this Act for and in lieu of Tythes, shall be accepted and taken by the said *John Gibbard*, *William Fancourt*, Rector of *Bletsoe* aforesaid, and *Thomas Watson Ward*, Vicar of *Sharnbrook* aforesaid respectively, their respective Heirs, Successors, or Assigns, or the Persons seised of the said Tythes for the Time being respectively, in full Satisfaction and Discharge of and for all and all Manner of Tythes issuing, arising, and payable to them and each of them respectively from, out of, or for all and every the Messuages, Homesteads, Orchards, Gardens, ancient Inclosures, Common Fields, Meadows, Pastures, Waste Lands, and all other Lands and Grounds in the Parish of *Sharnbrook* aforesaid, for the Tythes whereof Compensation shall be made by virtue of this Act (*Easter Offerings*, *Mortuaries*, and *Surplice Fees* due

Allotment to be in full Satisfaction of all Tythes.

Tythes to be
paid till Al-
lotments
made and
Notice given.

Exemption
from keeping
a Bull and
Boar.

Allotments
of the Resi-
due.

Allotment to
the Vicar in
lieu of a
Rent Charge
of 30l. per
Annum.

to the said Vicar only excepted; provided that until the said Allotments in lieu of Tythes shall be set out, and Notice thereof given by the said Commissioners to the said *John Gibbard*, *William Fancourt*, Rector of *Bletsoe* aforesaid, and *Thomas Watson Ward*, Vicar of *Sharnbrook* aforesaid respectively, their respective Heirs, Successors or Assigns, or the Persons seized of the said Tythes for the Time being respectively, they shall severally be entitled to and shall receive and enjoy such and the same Tythes, and Payments in lieu of Tythes, as they respectively could or might have done in case this Act had not been made; and from and immediately after the said Allotments for Tythes shall be set out, the said *John Gibbard* and the Vicar of *Sharnbrook* aforesaid respectively, and their respective Heirs, Successors, or Assigns, shall be for ever exonerated and exempt from providing and keeping a Bull or Boar, or either of them, for the said Parish of *Sharnbrook*.

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

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the Use of the said *Thomas Watson Ward*, and his Successors Vicars of the said Vicarage of *Sharnbrook*, from and out of any of the Lands and Grounds which shall or may by virtue of this Act be set out, allotted, and awarded to and for the said *Samuel Cornish*, One or more Allotment or Allotments, Parcel or Parcels of Land or Ground which shall in the Judgement of the said Commissioners, when inclosed, be of the clear annual Value of Thirty Pounds, for and in lieu of and Satisfaction for a certain clear yearly Sum or Rent-Charge of Thirty Pounds, payable to the Vicar of *Sharnbrook* aforesaid for the Time being, and charged upon all that the Manor of *Tofte* and other Lands and Hereditaments in the said Parish of *Sharnbrook*, and that the said Allotment or Allotments, Parcel or Parcels of Land or Ground, which shall be so set out, allotted, and awarded in lieu of the said yearly Sum or Rent Charge of Thirty Pounds, shall be accepted and taken by the said *Thomas Watson Ward*, and his Successors, Vicars of *Sharnbrook* aforesaid, and the Trustee or Trustees or other Person or Persons who for the Time being shall be entitled to have and receive the said yearly Sum, or Rent Charge for the Use of the said Vicar, in full Satisfaction and Discharge of and for the said yearly Sum or Rent Charge of Thirty Pounds so payable and charged upon the said Manor, Farm, Lands, and Hereditaments; and the same Manor, Farm, Lands, and Hereditaments, and the said *Samuel Cornish*, his Heirs and Assigns, shall be for ever after acquitted and discharged of and from the Payment of the said yearly Sum or Rent-Charge.

XXV. And

XXV. And be it further enacted, That the several Allotments herein-before directed to be set out, allotted, and awarded to the said *John Gibbard*, and the said Rector of *Bletsoe* and Vicar of *Sharnbrook* respectively, their respective Heirs, Successors, and Assigns, in lieu of Glebe Lands and Right of Common, and the several Allotments herein-before directed to be set out, allotted, and awarded for and in lieu of Tythes as aforesaid, shall be respectively inclosed and fenced, on all such Parts or Sides thereof as shall not be directed by the said Commissioners to be made and maintained by any other Proprietor or Proprietors, with Quickset Hedges and Ditches, or other proper Mounds or Fences, with proper Posts, Rails, and other Guard-fences to such Quickset Hedges within such Times and in such Manner as the said Commissioners shall order and appoint, at the Expence of all or such of the Proprietors of the Lands and Grounds which shall be exonerated from Tythes by virtue of this Act, and in such Manner and Proportions as the said Commissioners shall order and appoint; and such Hedges, Ditches, and other Fences (after the same shall have been properly made) shall be preserved, repaired, and maintained by and at the Expence of the several Proprietors to whom the same shall be allotted or directed to belong.

For fencing
Tythe Al-
lotments.

XXVI. And be it further enacted, that the said Commissioners shall set out, appoint, and award such Boundary Hedges, Ditches, and Fences for the inclosing, separating, and dividing of the said Lands and Grounds hereby intended to be divided and inclosed as they shall think necessary, and the said Hedges, Ditches, and Fences shall be made and at all Times thereafter repaired by such of the said Proprietors to whom the said Lands and Grounds shall be allotted (except as herein-before is particularly directed to the contrary), within such Time and in such Manner and Proportions as the said Commissioners, by their Award, or any Writing under their Hands in that Behalf, shall award, order, direct, or appoint; and the Orders and Directions of the said Commissioners in that Behalf shall be binding and conclusive to the several Parties so interested in and entitled to such Shares and Allotments as aforesaid.

Fences of
Proprietors
Allotments.

XXVII. And be it further enacted, That the respective Proprietors of the Lands and Grounds to be divided and inclosed by virtue of this Act, shall have full Power and Liberty from Time to Time and at all Times, after the Execution of the said Award, to set up and continue a Swing Gate or Swing Gates across any Part or Parts of the public or private Bridle Roads or Ways, or private Carriage and Drift Roads to be made and set out through their respective Allotments, or across any Freeboard or Mereway for keeping out Cattle and separating such Proprietors Allotments, so as such Gate or Gates shall not prevent any Person or Persons entitled to use the said Roads with or without Horses, Cattle, or Carriages from passing or repassing along such Roads, or enjoying any Right, Title, or Property which he, she, or they ought to have or enjoy over such Road, Freeboard, or Mereway.

Gates may
be made
across Bridle
Roads and
private Car-
riage and
Drift Roads.

XXVIII. And be it further enacted, That no Person or Persons whomsoever shall graze or keep any Sort of Cattle whatsoever in or upon any of the Roads or Ways which the said Commissioners shall order or direct to be set out and fenced on both Sides, for the Space of Seven Years next after the making and executing the said Award, under a Penalty not exceeding

No Cattle to
be depastured
in the High-
ways for Se-
ven Year^s.

ceeding Ten Shillings, nor less than Five Shillings, for every Beast, Horse, Sheep, or Lamb which shall be found therein, to be paid to the Person or Persons who shall take and impound the same; and every Proprietor and Occupier of Lands within the said Parish, and their and every of their Servants and Labourers, and also the Hayward or Pinder of the said Parish for the Time being is and are hereby empowered to take and impound every such Beast, Horse, Sheep, or Lamb, which shall be so found grazing as aforesaid, at any Time or Times after any Quicksets shall be planted next the said Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Seven Years.

The Vicar not to grant Leases without the King's Consent.

XXIX. Provided, always, and be it further enacted, That no Lease or Leases to be made by virtue of the said recited Act, of any Lands or Grounds to be allotted to the said Vicar, and his Successors for the Time being, shall be good, valid, or effectual, unless the Consent of the King's most Excellent Majesty, His Heirs and Successors, as Patron of the said Vicarage, shall be had and obtained thereto previous to the Execution of such Lease or Leases.

How Proprietors of old Inclosures, not having sufficient Open Field Land, are to make Compensation for Tythes.

XXX. And be it further enacted, That where there are any Homesteads, Gardens, Orchards, or other ancient inclosed Lands or Grounds in the Parish of *Sharnbrook* aforesaid, subject and liable to the Payment of Tythes, the respective Proprietors whereof shall not be entitled to any or not to a sufficient Interest or Property, in the Lands and Grounds hereby intended to be divided and inclosed to make Compensation for the Tythes issuing and payable thereout, such Proprietors shall respectively pay or cause to be paid unto such Person or Persons and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall judge and determine to be a full Compensation and Satisfaction, according to the Proportions aforesaid, for the Tythes of such Homesteads, Gardens, Orchards, and other ancient inclosed Lands or Grounds respectively, or of such Part thereof for which a Compensation in Land cannot be made as aforesaid; and the several Sums of Money to be paid in respect of such Tythes shall be applied towards defraying the Expences of obtaining and passing this Act and carrying the same into Execution, and shall and may be raised and recovered in like Manner as such Expences are herein-after directed to be raised and recovered; and in case there shall be any Surplus of such Monies after defraying such Expences as aforesaid, then such Surplus Money shall be divided between the several Persons interested in the Lands hereby directed to be divided and inclosed, in such Shares as shall be in proportion to their respective Property and Interests; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively; and the Shares of such other Proprietors or Persons in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act in those Cases wherein any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Power to make Exchanges.

XXXI. And for the more convenient Situation and Disposition of the several Farms, Land, and Estates in the Parish of *Sharnbrook* aforesaid,

upon and after the said intended Division and Inclosure, be it further enacted, That it shall be lawful for the said Commissioners to assign and set out any of the Allotments to be made by virtue of this Act, or any Part or Parts of such Allotments, or any Messuages, Cottages, old Inclosures, Tenements, Rents, or other Hereditaments situate or arising within the said Parish of *Sbarnbrook*, in lieu of and in Exchange for any other Messuages, Cottages, old Inclosures, Allotments, Tenements, Rents, or Hereditaments in *Sbarnbrook* aforesaid, or within any adjoining Parish or Place so that every such Exchange be ascertained, declared and set forth in the Award of the said Commissioners, and so that every such Exchange be made by and with the Consent and Approbation of the Owner or Owners, Proprietor or Proprietors, or other Person or Persons seised or possessed of the Hereditaments or Premises which shall respectively 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 in Fee Tail, General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or by and with the Consent of the Husbands, Trustees or Guardians, Committees or Attornies of or acting for any such Owner or Owners, Proprietor or Proprietors, or Persons so seised or possessed respectively, who at the Time of making any such Exchange shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, himself, or herself, such Consents to be respectively testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and every such Exchange so to be made and declared shall be for ever good, valid, and effectual in the Law to all Intents and Purposes: 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.

XXXII. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing any Exchanges or Partitions by virtue of this 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.

Expences of Exchanges or Partitions to be borne by the Parties.

XXXIII. And be it further enacted, That it shall and may be lawful for any Person or Persons who hath or have, or shall have or may be entitled to any Estate, Right or Interest in, upon, or over any of the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of such respective Estates, Rights and Interests; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to award all and every such Allotment or Allotments which shall be sold or disposed of, or which shall be made or set out, to any Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition.

Proprietors may sell their Allotments before the Execution of the Award.

XXXIV. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands or other Hereditaments in the said

Commissioners to distinguish Lands

[*Loc. & Per.*]

40 2

Parish

held by different Tenures, or under different Titles.

Parish of *Sharnbrook* held by different Tenures, or for or by, or under different Estates or Titles, the said Commissioners shall (upon the Request of the Person so seised or possessed respectively) inquire into, ascertain, and determine the respective Lands or other Hereditaments held by such several Tenures, or for, by, or under such different Estates or Titles respectively, and shall set out distinct Allotments in respect of such Parts thereof as shall lie or arise within the Common and Open Fields, Commons and Waste Lands hereby directed to be divided and inclosed, Regard being had to the Deductions which shall have been made for the Tythes of ancient Inclosures held by the same Tenures and for the same Estates respectively.

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

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed, adjudged, deemed, or taken to extend to revoke, make void, alter, or annul any Settlement, Deed, Will, or Lease, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Legacy, Annuity, Mortgage, Debt, Rent Charge, or Incumbrance whatsoever in, out of, upon, or anywise affecting any of the Lands or Grounds hereby intended to be divided and inclosed, or any of the Messuages, Lands, Tenements, or other Hereditaments which shall be partitioned, exchanged, or assigned in Compensation for any other Estate or Right by virtue of this Act, or any Part or Parts thereof respectively; but as well the Land allotted as the Messuages, Lands, Tenements, and Hereditaments which shall be assigned on any Partition, or in Exchange or in Compensation for any other Estate or Right, shall immediately after such Allotment, Partition, Exchange, or Assignment shall be made, be vested, remain, and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall from thenceforth stand and be seised thereof respectively to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, Remainders, Conditions, Charges, and Incumbrances, as the several Messuages, Lands, Tenements, and Hereditaments, in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, or vested, or subject or liable to be charged with, or held or affected by in case the same had not been inclosed, assigned, or exchanged, and this Act had not been made (save and except the said yearly Sum or Rent Charge to the Vicar of *Sharnbrook* aforesaid for the Time being, and also save and except such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act), and subject nevertheless to such Mortgages, Sales, Charges, and Incumbrances as shall be made by the Authority and in pursuance of this Act.

XXXVI. And be it further enacted, That all and singular the Allotments to be made by virtue of this Act shall immediately after the same respectively are made, be held, under and subject to such and the same Tenures, Customs, Heriots, Rents, and Services as the several and respective Messuages, Lands, Tenements, and Hereditaments, in respect whereof such Allotments respectively shall be made, are now held under and subject to.

XXXVII. And:

XXXVII. And be it further enacted, That all and every Leases, Agreements, and Tenancies at Rack Rents, now subsisting, of all and every or any Part or Parts of the Lands and Grounds hereby intended to be divided and inclosed, or by virtue of this Act to be exonerated from Tythes, or which shall be exchanged or divided in Partition as aforesaid, and of all Messuages, Cottages, Lands, and Tenements in the Parish of *Sbarnbrook* aforesaid, and in any adjoining Parish held therewith, shall cease and be void at such Time or Times as the said Commissioners shall, by Writing under their Hands, order and direct; the respective Lessors, Owners, or Proprietors of such Messuages, Cottages, Lands, or Tenements making such reasonable Satisfaction to such Lessee or Lessees, Tenant or Tenants for the Loss which shall be sustained by the Determination of such Leases or Agreements respectively, and at such Times as shall be mutually settled and agreed upon between them, or as the said Commissioners, being thereunto required by either of the Parties, shall ascertain, order, direct, and appoint; and the said Commissioners, being so required are empowered and directed to appoint a reasonable and proportionable Part, according to the Season of the Year, of the Rent reserved on any such Lease or Agreement, for and in respect of the Time which shall have elapsed between the last Day on which any Payment of the said Rent shall have become due and the Determination of the Lease or Agreement; and such Part of the Rent shall be recoverable by such Ways and Means as may, by the Laws of this Realm, be used for the Recovery of Rent in Arrear: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Parish and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent, now subsisting, may be vacated; but where any Land shall have been taken in exchange, which Land shall be under Lease and wholly situate in an adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Vacating
Leases at
Rack Rent.

XXXVIII. And whereas Part of the Lands hereby intended to be divided and inclosed, together with other Premises in the said Parish of *Sbarnbrook*, are held by and under a beneficial Lease for the Term of Twenty Years by the said *John Gibbard*, under the President and Scholars of *Corpus Christi* College, in the University of *Oxford*, Ten Years whereof were to come and unexpired on the Tenth Day of *October* last past: And whereas the obtaining and passing this Act, and carrying the same into Execution, and the several other Matters incident to the said Division and Inclosure, will be attended with considerable Expence, and the Advantages arising from the said Division and Inclosure will be very inadequate to such Expence in respect of the said Lessee by reason of his temporary Interest in the said Lands, unless some Provision be made for him by this Act; and for as much as the said President and Scholars are by the Statutes of the said College, restrained from granting any larger Estate in the said Premises than for the Term of Twenty Years, and cannot enter into any Agreement to bind themselves or their Successors to renew the said Lease at the usual and accustomed Time of renewing the same for any certain Sum of Money without the Aid and Authority of Parliament; be it further enacted, That it shall be lawful for the said President and Scholars, and their Successors, and their said Lessee, and they are hereby required, on the Tenth Day of *October* next after the passing of this Act, or as soon after as conveniently may be, to cancel and make void the now

Provision for
renewing the
Estate of
Corpus
Christi Col-
lege Lessee
upon certain
Terms.

subsisting Lease, and at the same Time to grant and take a new Lease of the said Estate and Premises for a new Term of Twenty Years, commencing from the Tenth Day of *October* next after the passing of this Act, receiving and paying for such new Lease; a Fine, and Fees in Proportion to the Number of Years then elapsed, as were paid by the first Lessee at his last Renewal of the said Lease, and at the End of the first Seven Years of such new Term to grant and take a fresh Term of Twenty Years, to commence from the End of the said first Seven Years, under and subject to the old Rents and Covenants by which the said Premises were holden, on being paid by the said Lessee as a Fine for such Renewal, One Year and a Half's Rent of such Estate according to the Value thereof in the State that it was in before the Inclosure of the Lands and Grounds hereby authorized and intended to be divided and inclosed, and the Value of the old Inclosures and Homestead included in the said Lease, such Value to be estimated and ascertained by the said Commissioners, over and above the Fees for such new Lease; and such Lease so to be made and granted by the said President and Scholars, and their Successors, shall be binding to and upon the said President and Scholars, and their Successors, and shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, any Law, Statute, or Usage to the contrary notwithstanding.

Course of
Husbandry.

XXXIX. 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 one of the outer Doors of the Parish Church of *Sbarnbrook* aforesaid, on some *Sunday*, order and direct the Course of Husbandry that shall be used 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, Turnips, or other Seeds, fallowing and tilling thereof, as to the stocking and eating the Fallows or Stubbles, and also to the cutting of Furze, Thorns, or Bushes 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 Execution of the Award of the said Commissioners, as to them shall seem expedient; all which Orders, 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; 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.

XL. And

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

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

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

Commissioners may suspend or extinguish Common Rights.

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

Penalty on Persons turning Cattle into Lands suspended or extinguished from Common during Suspension and after Extinguishment.

Reduced
Plan to be
annexed to
the Award,
and a Sched-
ule of old
Inclosures.

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

Power for
Two Justices
to declare
any of the
Roads
completed.

XLIV. And be it further enacted, That when and so soon as any of the publick Carriage Roads to be set out in pursuance of the said recited Act and this Act shall be completed and put into good and sufficient Repair, it shall be lawful for the Justices of the Peace of and for the said County of *Bedford*, or any Two of them, at any Special Session or Meeting to be holden for the Purpose, to declare such Road or Roads to be fully and sufficiently formed, completed, and repaired; from which Time, and for ever thereafter, such Road or Roads shall be supported and kept in Repair by such Persons and in like Manner as the publick Roads now are or ought by Law to be amended and kept in Repair.

Award to be
deposited in
the Parish
Church.

XLV. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled according to the Directions of the said recited Act, shall be deposited in the Church Chest of *Sharnbrook* aforesaid, or some other safe Place in the said Parish Church.

Commission-
ers Expences,
&c.

XLVI. And be it further enacted, That each of the Commissioners who shall act in the Execution of the Trusts and Powers vested in them by this Act shall be paid the Sum of Two Pounds Twelve Shillings and Sixpence for each Day he shall be employed in or about the Execution of this Act, or in travelling to and from any Meeting for that Purpose, so as the same do not exceed One Day in travelling to and One Day in travelling from any such Meeting; and that the same, together with all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act; of surveying, admeasuring, planning, dividing, allotting, and discharging from Tythes the Open and Common Fields, Meadows, Pastures, Waste Grounds, and other Commonable Lands and Grounds hereby directed to be divided and inclosed, and the several Homesteads and ancient Inclosures in the Parish of *Sharnbrook* aforesaid, and of fencing and making the publick Roads to be set out, of preparing and inrolling the said Award, and all the Charges and Expences of the said Commissioners, and of the several Persons to be employed by them, either before or after the Execution of the said Award, or in, about, or concerning the Execution of this Act, shall be borne, paid, and defrayed by all and every the Proprietors and Owners of or Persons having Rights or Interests in the Lands and Grounds hereby directed to be divided and inclosed, and the
Homesteads

Homesteads and ancient Inclosures which shall be exonerated from Tythes by virtue of this Act (other than and except the said *John Gibbard, William Fancourt, and Thomas Watson Ward*, their Heirs, Successors, and Assigns respectively, in respect of the Allotments to be made in lieu of Glebe Lands and Tythes); in such Proportions, according to their respective Rights and Interests, and shall be paid to such Person or Persons, and at such Time or Times, either before or after the Execution of the said Award, as shall be settled, adjusted, determined, and appointed by the said Commissioners by any Writing under their Hands; and in case any of the said Proprietors, or Persons having such Rights or Interests, shall refuse or neglect to pay his, her, or their Share or Proportion, or respective Shares or Proportions of such Charges and Expences, within the Time to be limited by the said Commissioners for the Payment thereof, to such Person or Persons as they shall appoint to receive the same, then and in such Case the said Commissioners may and they are hereby authorized, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and selling such Distress; or otherwise it shall be lawful for the said Commissioners, or such other Person or Persons as they shall appoint, to enter into and upon the Lands and Tenements so to be allotted to, or taken in Exchange or upon Partition by such Person or Persons so refusing or neglecting to pay as aforesaid, or into and upon the Homesteads and other ancient Inclosures of any such Person or Persons, so refusing or neglecting, which shall be exonerated from Tythes by virtue of this Act, and to receive the Rents and Profits thereof respectively until thereby, therewith, or otherwise the Share or Proportion, or respective Shares or Proportions, of the aforesaid Costs, Charges, and Expences directed and appointed by the said Commissioners to be paid by such Person or Persons respectively, and also all Costs, Charges, and Expences occasioned by and attending such Entry upon and Perception of the Rents and Profits of the said Premises shall respectively be fully paid and satisfied; or it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, upon any Refusal or Neglect of Payment of their Proportion of the Costs, Charges, and Expences aforesaid by any Person or Persons to whom any Allotment shall have been made by virtue of this Act, to raise by Sale, or by Mortgage in Fee or for Years, of the Allotment or Allotments to him or them made, or of any Part or Parts thereof, Money sufficient to pay the Share and Proportion of the Person or Persons, so refusing or neglecting, of the Charges and Expences last-mentioned; and also all the Charges and Expences of and incident to such Sale or Mortgage.

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

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

XLVIII. And be it further enacted, That it shall be lawful for the several Owners and Proprietors for the Time being of any of the Allot-

Proprietors under Disability enabled to borrow Money,

ments to be made, or of any of the Homesteads, Orchards, and ancient Inclosures to be exonerated from Tythes in pursuance of this Act, or of any Part thereof, and to and for the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said Owners or Proprietors, who may be under Coverture, Minors, Lunatics, beyond the Seas, or under any Disability or Incapacity, and to and for all Persons acting as Guardians, Trustees, Committees, or Attornies for any of the same Owners or Proprietors, and to and for any of the said Owners and Proprietors being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, or otherwise interested as aforesaid (save and except the said *John Gibbard*, in respect of the said Lands and Estate by him holden under the said President and Scholars of *Corpus Christi College* as aforesaid) and to and for every of them respectively, (other than and except the said Rector of *Bletsoe* and Vicar of *Sharnbrook* respectively, and their respective Successors, and such Persons from whose Allotments Deductions shall have been made for the Payment of the Expences of Inclosure), by and with the Consent of the said Commissioners in Writing under their Hands and Seals, from Time to Time to charge such respective Allotments, Homesteads, and ancient Inclosures, or any Part or Parts thereof respectively, with any Sum or Sums of Money at the Discretion of the said Commissioners, not exceeding Five Pounds for every Acre of Land or Ground so to be allotted, and for every Acre of such Homesteads, Orchards, and ancient Inclosures which shall be exonerated from Tythes by a Compensation in Land out of the said Open Common Fields or other Commonable Lands and Grounds to be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied in defraying the several Shares and Proportions of such respective Proprietors of the Charges and Expences of obtaining and executing this Act, and of dividing and inclosing the respective Allotments; and to charge the several Homesteads and ancient Inclosures, which shall be exonerated from Tythes wholly or in Part by any Payment in Money, with any Sum or Sums not exceeding the Amount of the respective Payments which shall be made by the Direction of the said Commissioners as a Compensation for such Exoneration from Tythes, and in discharge of the Proportion and Share of the Expences of passing this Act and carrying the same into Execution, which shall be ascertained and apportioned by the said Commissioners, in respect of the Homesteads and ancient Inclosures so exonerated; and for securing the Re-payment of such respective Sums with Interest to grant, mortgage, surrender, or demise such Lands and Tenements respectively to such Person or Persons as shall respectively advance and lend such Sum and Sums of Money, and to his, her, or their respective Heirs, Executors, Administrators, or Assigns, in Fee or for any Term or Number of Years, so as every such Grant, Mortgage, Surrender, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be re-conveyed, or surrendered, when such Sum or Sums of Money thereby to be secured, and the Charges occasioned by preparing and executing such Security, and of borrowing such Sum or Sums of Money with Interest for the same respectively, shall be paid and satisfied; and so as in every such Grant, Mortgage, Surrender, or Demise, which shall by virtue of this Act be made by any Tenant in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, there be contained a Proviso or Condition that no Person, who shall afterwards become entitled in

Remainder or Reversion to the Lands or Tenements therein comprised, shall be liable to pay any further or larger Arrear of Interest, in respect of the Money so to be charged as aforesaid, than for One Year preceding the Time that the Title to such Possession shall have commenced.

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

Or charge
Lands with
Proportion of
Expences.

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

L. And be it further enacted, That once in each and every Year during the Execution of this Act, to be computed from the Time when the first Rate shall be directed by the said Commissioners to be paid as aforesaid, the said Commissioners shall and they are hereby required to make a just Statement or Account of all Sums of Money by them received and expended 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 some One of His Majesty's Justices of the Peace for the County of *Bedford* (not interested in the said Inclosure) to be examined and balanced; and the said Balance shall be stated in a Book of Accounts to be kept in the Office of the Clerk 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.

Accounts to
be passed be-
fore a Ma-
gistrate.

LI. And be it further enacted, That all Notices and Advertisements, necessary or requisite to be made or given by the said Commissioners, and

Notices, &c.
in Newspa-
pers.

[*Loc. & Per.*]

not herein-before otherwise directed, shall be so made and given by Advertisement in the *Northampton Mercury* and the *County Press for Northamptonshire, Bedfordshire, Buckinghamshire, and Huntingdonshire*, or one of them, or in case neither of them shall then be published, then in some other Newspaper circulated in the said County of *Bedford*.

Damaging
Fences, &c.

LII. And be it further enacted, That in case any Person or Persons shall wilfully or unlawfully break down, destroy, carry away, or damage any Fence, Stile, Post, Pale, Rail, Gate, Bridge, or Tunnel, which may be put up or placed under the Authority and for the Purposes of this Act, every Person so offending, and being thereof convicted before any Justice of the Peace for the said County of *Bedford*, on Confession, or on Proof of the Offence by Oath of One or more credible Witnesses or Witnesses (which Oath the said Justice is hereby authorized to administer) shall, for every such Offence, pay to the Proprietor or Proprietors of the Fence, Stile, Post, Pale, Rail, Gate, Bridge, or Tunnel which shall be so broken down, destroyed, carried away, or damaged, such Fine and Penalty, not exceeding Five Pounds, as such Justice shall determine, direct, and order; and every Person shall be allowed to give Evidence of such Offence, notwithstanding he may be a Proprietor or Occupier of Lands within or an Inhabitant of such Parish, and notwithstanding he may be the Owner of any such Fence, Stile, Post, Pale, Rail, Gate, Bridge or Tunnel; and if any such Fine or Penalty shall not be forthwith paid, the same shall, by Warrant of such Justice, be levied by Distress and Sale of the Goods and Chattels of every such Offender; and for Want of Distress, in case the Fine or Penalty shall not be forthwith paid, it shall and may be lawful for such Justice to commit every such Offender to the House of Correction for the said County of *Bedford*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fine, and all reasonable Charges attending the Recovery thereof, shall be sooner paid.

Appeal.

LIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing whatsoever, to be done in pursuance of this or the said recited Act (other than and except in such Cases where the Orders, Determinations, Resolutions, or Proceedings of the said Commissioners are hereby or by the said recited Act directed to be final, binding, and conclusive, and also except in such Cases where an Issue at Law is herein-before directed), then and in such Case he, she, or they may appeal to the Justices assembled at the General Quarter Session of the Peace to be holden for the said County of *Bedford*, next after Two Calendar Months from the Time when such Cause of Complaint shall have arisen, every such Appellant giving Twenty Days previous Notice to the Parties appealed against of the Intention of bringing such Appeal; and the Justices, in their said Quarter Session, are hereby empowered and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs as to them, in their Discretion, shall seem reasonable; and by their Order or Warrant to cause to be levied the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties ordered and made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and

and every Order and Determination of the said Justices, upon such Appeal, shall be final and conclusive to all Parties concerned, and shall not be subject or liable to be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

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

General Saving.

LV. 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.

This Act may be given in Evidence.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1809.

