



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 176.

An Act for inclosing certain Lands called *Coe*, otherwise *Cow Fen Leys*, in the Parish of *Saint Mary the Less*, in the Town of *Cambridge*, in the County of *Cambridge*. [15th June 1811.]

WHEREAS there are within the Parish of *Saint Mary the Less*, in the Town of *Cambridge*, in the County of *Cambridge*, certain Lammas Pasture Grounds called *Coe*, otherwise *Cow Fen Leys*, containing Twenty-seven Acres or thereabouts: And whereas the Mayor, Bailiffs, and Burgeses of the said Town of *Cambridge*, claim to be Owners of the Soil of the Waste Land and Commons within the said Parish of *Saint Mary the Less*: And whereas *Thomas Howell* and divers other Persons are seised of the said Grounds called *Coe* otherwise *Cow Fen Leys*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said *Coe* otherwise *Cow Fen Leys*, lie in an open State, intermixed and dispersed in small Parcels, and yield but little Profit, and the same in their present State are incapable of any considerable Improvement, and it would be very advantageous if the same were divided and inclosed, and specific Shares thereof allotted to the several Owners thereof and Persons interested therein, in Proportion and according to their respective Estates, Rights, and Interests; but in as much as such Division, Allotment, and Inclosure cannot be effected

[*Loc. & Per.*]

Commissioner.

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 *Joseph Truslove*, of the Town of *Cambridge*, in the said County of *Cambridge*, Gentleman, shall be, and he is hereby appointed the Commissioner for carrying the Purposes of the said recited Act and of this Act into Execution, subject to the Regulations of the recited Act, in all Cases except where the same are hereby varied and altered.

Appointment of new Commissioner.

II. And be it further enacted, That in case the said *Joseph Truslove* shall, previous to the finishing and completing of the said Division and Inclosure, die or refuse to act, or become incapable of acting in the Execution of this Act, the Clerk appointed to assist the said Commissioner in pursuance of the Power herein-after given for that Purpose, shall within Twenty-one Days afterwards give Notice thereof, and shall also appoint a Meeting of the Proprietors and Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, to be holden at some convenient Place in the said Town of *Cambridge*, on some Day within Twenty-eight Days after the Date of such Notice, for the Purpose of appointing a new Commissioner in the Room of the said *Joseph Truslove*, by advertising such Notice and Appointment of Meeting in some Newspaper published in the said County of *Cambridge*; but if no Newspaper shall be then published in the said County of *Cambridge*, then in some Newspaper circulated in the said County of *Cambridge*; and also by affixing a Copy of such Notice and Appointment of Meeting on the principal outer Door of the Parish Church of *Saint Mary the Less* aforesaid, at least Ten Days before the Day appointed for such Meeting; and thereupon it shall be lawful for the major Part in Value of the Proprietors and Persons interested as aforesaid, or for the known Agents or Attornies of any of them who shall be present at such Meeting, to appoint One other Commissioner not interested in the said Division and Inclosure, in the Room of the said *Joseph Truslove*; and so from Time to Time when any Commissioner to be appointed as last aforesaid shall die or refuse to act, or become incapable of acting; and that the several Writings appointing every new Commissioner as aforesaid shall be annexed to and deposited with the Award directed by the said recited Act to be made by the said Commissioner; and every such new Commissioner so to be appointed as aforesaid, having first taken the Oath prescribed in that Behalf, shall have the like Powers and Authorities for putting this and the said recited Act in Execution, in all Respects whatsoever, as the Commissioner in whose Place he shall have been so appointed was vested with by virtue of this or the said recited Act.

Appointment of a Clerk.

III. And be it further enacted, That the said Commissioner shall appoint, and he is hereby authorized and empowered to appoint a Clerk to assist him in the Execution of the Powers of this Act.

Meetings, where to be held.

IV. And be it further enacted, That all Meetings for putting in Execution this Act shall be holden in the Town of *Cambridge* aforesaid, or at some Place within Eight Miles of the Boundary of the said Parish of *Saint Mary the Less*.

V. And

V. And be it further enacted, That the said Commissioner shall give Notice of Sittings, how to be given. and he is hereby required to give Notice in some Newspaper published in the said Town of *Cambridge*, but in case no Newspaper shall be then published in the said Town of *Cambridge*, then in some Newspaper circulated in the said County of *Cambridge*; and also by affixing a like Notice on the principal outer Door of the Parish Church of *Saint Mary the Less* aforesaid, of the Time and Place of his first Sitting for executing the Powers hereby vested in him at least Ten Days before such Sitting; and shall in like Manner also give at least Seven Days Notice of every subsequent Sitting (Sittings by Adjournment only excepted); and that the said Commissioner shall and may adjourn from Time to Time as he shall see Occasion for the due Execution of this Act; and that all other Notices necessary or requisite to be made or given by the said Commissioner, shall be made and given in the same Manner as is herein-before directed respecting the Notice of his first Sitting. Other Notices, how to be given.

VI. Provided always, and be it further enacted, That if at any Sitting appointed to be holden as aforesaid, the said Commissioner shall not attend, it shall be lawful for the Clerk to the said Commissioner to adjourn such Sitting for any Time not exceeding Ten Days, and to the Place last appointed. Clerk may adjourn.

VII. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Inclosure, or concerning the respective Rights or Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said intended Division and Inclosure, it shall be lawful for the said Commissioner, and he is hereby authorized to examine into and to hear and determine the same: Provided always, that nothing in this Act contained, shall authorize the said Commissioner to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever. Power to Commissioner to settle Differences, but not to determine Titles.

VIII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to him in pursuance of this or the said recited Act, see cause to award any Costs or Charges it shall be lawful for the said Commissioner, and he is hereby empowered upon Application made to him for that Purpose, to settle, award, and assess such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner 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 thereof, made in Writing, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required by Warrant under his Hand and Seal, 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

after deducting the reasonable Costs and Charges attending such Distress and Sale: Provided always, that in case the Person or Persons whose Claim or Claims shall have been so over-ruled or disallowed by the said Commissioner, shall cause an Action to be brought as herein-after is mentioned, and shall upon the Trial of such Action establish the Claim which shall have been so over-ruled or disallowed by the said Commissioner, the Costs and Charges so assessed and awarded by the said Commissioner as aforesaid, shall not, nor shall any Part thereof be paid by or levied upon the Goods or Chattels of the Person or Persons by whom the said Commissioner shall have awarded the same to be paid as aforesaid.

Power to
Persons dis-
tatisfied with
the Determi-
nation of the
Commissioner
to try their
Rights by
Law.

IX. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, or Corporate, or Collegiate, making any Claim or Claims to any Lands or Hereditaments intended to be divided and inclosed, or affected by this Act, or any Rights or Interests therein, or objecting to any Claim or Claims made by any other Person or Persons, or Body or Bodies Politic, or Corporate, or Collegiate, shall be dissatisfied with the Determination of the said Commissioner, and shall be desirous of having such Claim or Claims, Rights or Interests respectively tried at Law, and shall by himself or themselves, or his, her, or their respective known Agent or Agents, Attorney or Attornies, give Notice thereof in Writing to the said Commissioner, or to his Clerk, within Three Calendar Months next after such Determination shall have been so made, (of which Notice the said Commissioner and his Clerk respectively are hereby required immediately on Receipt thereof, or so soon afterwards as conveniently may be, to give Information to the adverse Party or Parties, or his, her, or their known Agent or Agents, Attorney or Attornies, by Writing under their respective Hands to be delivered to or left at the usual or last Place of Abode of such Party or Parties, or of his, her, or their known Agent or Agents, Attorney or Attornies respectively), then, but not otherwise, it shall be lawful for the Person or Persons, Body or Bodies Politic, or Corporate, or Collegiate, giving such Notice as aforesaid, or his, her, or their Heirs, Successors, or Assigns, to proceed to Trial at Law for the same, at the next Assizes to be holden for the said County of *Cambridge*, after such Notice shall be given as aforesaid, in a feigned Action or Actions for that Purpose, to be commenced in One of His Majesty's Courts of Record at *Westminster*, by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, his, her, or their Heirs, Successors, or Assigns, giving such Notice as aforesaid, against the adverse Party or Parties making such Claim or Objection as aforesaid, and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies who shall file Common Bail, or appear and accept One or more Issue or Issues, whereby all such Claim or Claims, Rights, or Interests may be properly tried and determined, (such Issue or Issues to be settled by the proper Officers of the Court wherein such Action or Actions shall be commenced, if the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in such Action or Actions shall be final and conclusive upon all and every Person or Persons, Body or Bodies Politic, Corporate, and Collegiate whomsoever; and after any Verdict or Verdicts shall have been obtained and not set aside by the Court in which any such Action or Actions shall be depending, the said Commissioner shall conform thereto, and he is hereby required to conform thereto, and

to.

to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that it shall be lawful for the Court in which any Action or Actions to be commenced in pursuance of this Act shall be depending, upon sufficient Cause to put off the Trial of such Action or Actions, or to order a new Trial or new Trials therein, although the Time herein-before limited for the Trial of such Action or Actions may be thereby exceeded: Provided also, that all such Determinations of the said Commissioner as shall not be objected to, and also all such Determinations being objected to, but which Objection shall not be proceeded in by Reason that the Party or Parties objecting thereto, shall not cause such Action or Actions at Law as aforesaid, to be brought and prosecuted with Effect, shall be absolutely final and conclusive upon all Parties.

X. Provided always, and be it further enacted, That such Action or Actions shall not abate by Reason of the Death of any of the Parties therein, but shall be proceeded in as if such Death had not happened.

Actions not to abate by Deaths of Parties.

XI. 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, or Body or Bodies Politic, Corporate, or Collegiate, in or to any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, such Suit or Suits shall not impede, delay or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by this or the said recited Act; but the said Division and Allotment shall be proceeded in notwithstanding such Suit or Suits, and the Allotment or Allotments to which any such Suit or Suits shall relate, shall and may be had and taken by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who upon the Determination of such Suit or Suits shall become entitled to the same.

Disputes about Title not to impede the Proceedings of the Commissioners in the Execution of this Act.

XII. 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 might 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, or Body or Bodies Politic or Corporate or Collegiate, 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 Commissioner 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.

XIII. And be it further enacted, That if any of the Parties interested in the said intended Division and Allotment shall die before the same shall be

Deaths of Parties not to impede Act.

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completed,

completed, the Powers and Authorities vested in the said Commissioner by virtue of this and the said recited Act shall not be determined or suspended, but the said Commissioner shall and may proceed to execute the same in such Manner as he might have done in case such Parties had not died; and the Share or Shares of the Person or Persons so dying of and in the Lands and Grounds to be divided and allotted by virtue of this Act, shall be allotted to the Person or Persons who by Descent, Will or otherwise shall become entitled thereto, and shall be accepted and fenced by him, her, or them, according to the Directions and under and subject to the several Clauses, Provisoes, and Conditions contained in this and the said recited Act, and he, she, and they shall respectively bear and pay a Proportion of the Costs, Charges, and Expences to be incurred by virtue of this and the said recited Act, on account of such Allotment or Allotments respectively.

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

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of Encroachment made within the Period of Seven Years); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons in Possession, he 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.

For extinguishing or suspending Rights of Common before the Award.

XV. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized at any Time or Times after the setting out and allotting the said Lands, and before the Execution of his Award, by Writing under his Hand to be affixed on the principal outer Door of the Parish Church of *Saint Mary the Less* aforesaid, to order and direct all or any Part of the Rights of Common or any other Commonable Rights whatsoever in, over, or upon the Lands and Grounds to be divided and allotted by virtue of this Act, or any Part thereof, to be extinguished or the Exercise thereof to be suspended for and during such Time or Times as shall be expressed in such Writing; and that all such Rights of Common and other Commonable Rights as the said Commissioner shall by such Writing order and direct to be extinguished, or to be suspended from being exercised as aforesaid, shall, from the Time of affixing such Writing on the said Church Door, or from such other subsequent Time as shall be expressed in such Notice, cease, determine, and be extinguished and suspended from being exercised accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

Commissioner may make Drains.

XVI. And be it further enacted, That the said Commissioner shall and may scour out, widen, repair, and rebuild all such ancient Brooks, Ditches, Drains, Watercourses, Tunnels, Gates and Bridges in the said Lands and Grounds as to him shall seem meet, and also shall and may set out, scour out, widen, and build any new Ditches, Drains, Watercourses, Tunnels, Gates and Bridges through and over the Lands and Grounds hereby directed to be divided and allotted, the Expence whereof shall be raised and defrayed in like Manner as the Expences of obtaining and executing this Act are herein-after directed to be raised and defrayed, and of such Depth, Breadth, and Dimensions, and in such Directions as the said Commissioner shall

shall think proper, and the said Commissioner shall order and determine; and he is hereby required in and by his Award to order and determine by whom and at whose Expence, and at what Time and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Gates and Bridges shall be afterwards cleansed, scoured, and maintained; and shall also direct, order, and award all such of the Streams, Springs, and Watercourses within the said Lands and Grounds hereby directed to be divided and allotted, to be carried, diverted, and turned in such Courses, and through, over, and across such Parts of the Lands and Grounds hereby directed to be divided and allotted, as the said Commissioner shall in his Discretion judge proper for watering the several Allotments to be made as aforesaid; provided that such Streams, Springs, and Watercourses be not diverted or turned without the Consent in Writing of the Person or Persons from or out of whose Lands respectively, or through, or into whose Lands respectively the same shall be turned.

and direct
Water-
courses, with
the Consent
of Parties
interested.

XVII. And be it further enacted, That the said Commissioner shall and may turn or abate and stop up, or cause or order to be turned or abated and stopped up, any ancient Carriage Road or Roads, or Way or Ways, or any ancient Footway or Path, Footways or Paths in, through, upon, or over any of the Lands or Grounds hereby directed to be divided and allotted, where he shall judge it requisite or expedient, giving such Notice of a Day to be appointed by him to receive Objections thereto as in the said recited Act is directed, and required in the Case of setting out the Roads and Ways therein mentioned, and observing the Directions of the said recited Act, as to obtaining the Concurrence and Order of Two Justices of the Peace previously thereto, and subject to an Appeal to the Quarter Sessions as in the said recited Act is mentioned; and the Soil of the Roads and Ways so to be stopped up or abated, shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act.

Power to
turn and stop
Roads.

XVIII. And be it further enacted, That the said Commissioner shall, in and by his Award, order and appoint the Grass and Herbage growing and renewing on and upon all and every the publick and private Roads to be set out and ascertained by him, within the said Grounds hereby directed to be divided and allotted by virtue of the said recited Act, and in and upon those Sides of the Turnpike and other Roads adjoining the said Grounds which lie between the said Grounds and such Turnpike and other Roads, to be and for ever thereafter remain to and for the Use and Benefit of such Person or Persons as the said Commissioner shall in his Opinion think best entitled to the same.

Commissioner
to award
Herbage of
publick and
private Roads
and Ways.

XIX. And be it further enacted, That the said Commissioner shall appoint a Time and Place by Notice to be given in like Manner as hereinbefore directed, for receiving Applications from the Proprietors of the Lands and Grounds to be divided and allotted by virtue of this Act, touching the Situations in which they shall severally choose to have their Allotments set out to them respectively.

Meetings to
be appointed
for receiving
Application
from the Pro-
prietors for
Situation.

XX. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by them

Allotments to
be delineated
upon a Plan,
and shewn to
the Proprie-
tors.

Commissioner to determine Objections.

them proposed to be allotted to such Proprietors respectively, in lieu of such Rights and Interests; he the said Commissioner shall set out and delineate such intended Allotments upon a Plan or Map, and shall give Notice in Manner aforesaid, of some convenient Time and Place, when and where the said Proprietors may be informed of such intended Allotments, and may see the said Map and Plan thereof; and as some of the Proprietors may upon Inspection of such Map or Plan be dissatisfied with such intended Allotments, the said Commissioner shall at such Time and Place as last aforesaid, or at some other Time or Place to be appointed by him for that Purpose, receive Statements in Writing of any Complaints or Objections which may be made by any of the said Proprietors against such intended Allotments, and shall forthwith or as soon afterwards as conveniently may be, determine all such Complaints and Objections; and the Determination of the said Commissioner with respect to such Allotments shall be final and conclusive on all Parties, except as hereinafter is mentioned.

Allotment in lieu of Right of Soil.

XXI. And be it further enacted, That the said Commissioner shall assign, set out and allot unto and for the said Mayor, Bailiffs and Burgesses, as a Compensation for and according to their Rights and Interests in the Soil of the Common and Waste Lands, if any shall be found within the Grounds hereby directed to be divided and allotted, such Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, as in the Judgment of the said Commissioner shall be equal in Value to One Twentieth Part of such Commons and Waste Lands.

Allotments to Jesus College, and their Lessees, and to the Reverend Joseph Geldart in lieu of Sheepwalk.

XXII. And whereas the Master, Fellows and Scholars of the College of the Blessed Virgin *Mary*, Saint *John* the Evangelist, and the glorious Virgin Saint *Rhadegund*, in the said University, commonly called *Jesus College*; and their Lessee *John Bullen* Clerk, *George Bullen* Gentleman, Administrators of their Father *John Bullen*, deceased, and the Reverend *James Geldart* Clerk, are respectively entitled to certain Rights of Sheepwalk, in, over and upon the said Grounds called *Coe* otherwise *Cow Fen Leys*; be it therefore enacted, That the said Commissioner shall set out and allot and award unto and for the said Master, Fellows and Scholars, and their said Lessee, and unto and for the said *James Geldart* respectively, such Parts and Parcels of the Lands and Grounds hereby directed to be divided and allotted, as in the Judgment of the said Commissioner shall be a full Equivalent and Compensation for the said Rights of Sheepwalk respectively.

Allotment for a Common Pasture.

XXIII. And be it further enacted, That the said Commissioner shall in the next Place set out, allot and award as and for a Common Pasture, to be used and enjoyed as hereinafter mentioned, out of the Lands and Grounds hereby intended to be allotted and divided, such Plot or Parcel of Land or Ground as shall in the Judgment of the said Commissioner be a full Equivalent, Satisfaction and Compensation for such Rights of Common or Stray as the Owners and Proprietors of Messuages or Cottages within the several Parishes of *Saint Mary the Great*, *Saint Mary the Less*, *Saint Botolph*, *Saint Andrew the Great*, *Saint Benedict*, *Saint Edward*, *Saint Michael*, *Saint Sepulchre*, *Saint Clement*, *All Saints* and *Trinity*, within the said Town of *Cambridge*, have exercised over the Lands and Grounds by this Act intended to be allotted and divided, which Plot or Parcel of
Land

Land or Ground shall be held, stocked, and enjoyed by such last-mentioned Owners or Proprietors, and their respective Tenants and Occupiers of the said Messuages and Cottages as a Common Pasture, and such Plot or Parcel of Ground shall be accepted, deemed and taken to be in Lieu and Satisfaction of all Rights of Common or Stray, in respect of such Messuages and Cottages, in and over the Lands and Grounds hereby intended to be allotted and divided.

XXIV. Provided always, and be it further enacted, That if Twenty or more of such Commoners shall concur in thinking the Plot or Parcel of Ground so directed to be set out as and for a Common Pasture an inadequate Compensation for the said Rights of Common and Stray, and of such their Opinion shall give Notice in Writing under their Hands to the said Commissioner or to his Clerk, to be appointed as hereinbefore is directed, within Twenty-one Days next after the Meeting, at which the said Commissioner is hereinbefore directed to inform the Proprietors of the intended Allotments, and shew them a Map or Plan on which the same shall be set out and delineated; and in such Notice shall desire and submit to have the same referred to the Judgment or Determination of *John Dugmore*, of *Swaffham* in the County of *Norfolk*, Gentleman, or to *Charles Wedge*, of *Westley* in the said County of *Cambridge*, Gentleman; that then and in such case the said Commissioner shall give Notice in Manner aforesaid, of some convenient Time and Place of Meeting at which such Referee shall attend, and hear and examine into the Matter of Complaint, and such Referee shall forthwith, or as soon afterwards as conveniently may be, determine the same, which shall be final and conclusive on all Parties; and in case the Referee shall confirm the Allotment of the said Commissioner in this respect, then and in such Case the said Referee shall assess such Costs and Charges of the said Referee as he shall think reasonable to be paid by the said subscribing Commoners; and in case the said subscribing Commoners shall neglect or refuse to pay the same on Demand thereof made in Writing to any Three or more of them, then and in such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of any one or more of the said subscribing Commoners, 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 reasonable Costs and Charges attending such Distress and Sale.

Determining
Difference
concerning
the same.

XXV. And be it further enacted, That the said Commissioner shall then set out, allot and award unto the several Proprietors and Owners thereof, all the then Residue and Remainder of the said Lands and Grounds hereby directed to be divided and allotted, in such Quantities, Shares and Proportions as the said Commissioner shall adjudge and deem to be a just Compensation and Satisfaction for, and to be equal to their several and respective Lands, Grounds, Rights of Common and other their Rights and Interests therein.

Allotment of
the Residue
to the other
Proprietors.

XXVI. And be it further enacted, That the said Commissioner shall allot, and he is hereby required to allot to the said Proprietors respectively, the Share or Proportion of public or private Fencing to be done
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Allotting
Shares of
Fencing to
Proprietors.

by them respectively, or by the future Owners of their respective Allotments, which Share or Proportion of fencing shall be specified and set forth in the Award of the said Commissioner, and shall be binding, final and conclusive upon all Parties interested therein; and the said Commissioner shall also cause the same to be marked and delineated on the Plan to be deposited with his said Award; and when any Proprietor shall think proper to inclose his or her Allotment, and shall have made the Fence allotted to him or her, it shall be lawful for such Proprietor to give Notice in Writing to the Owner or Owners of the adjoining Allotment, or to his or their Tenant or Tenants thereof, to make so much of the Fence of such adjoining Allotment as shall be allotted to such Owner or Owners; and every such Tenant to whom any such Notice shall be so given, is hereby required within Twenty-one Days after the Receipt thereof, to deliver the same or a true Copy thereof to the Owner or Owners of the Allotment or Allotments to which the same shall relate; and the Owner or Owners of such adjoining Allotment or Allotments shall make such Fence within Six Calendar Months after such Notice, or in Default thereof, it shall be lawful for the Party or Parties giving such Notice as aforesaid, to enter upon the Allotment of the Party or Parties neglecting or refusing to comply therewith, and to make use of any Quantity of the Land within such Allotment, not exceeding Twelve Feet in Breadth, for the Purpose of making the Fence thereon, between such Allotment and the Allotment of the Party so giving Notice as aforesaid, and the reasonable Expence of making such Fence shall be paid and borne by the Owner or Owners who shall have so neglected to pay the same as herein-before mentioned.

Money to be
paid for
Fences in
certain Cases.

XXVII. And be it further enacted, That in case any of the Proprietors of the Lands or Grounds hereby directed to be allotted and inclosed shall have a greater Proportion of Fences to make and maintain upon their respective Allotments, than in the Judgment of the said Commissioner such Proprietors ought to be charged with, (having Regard to the necessary interior Fences of their Allotments respectively), then and in every such Case it shall be lawful for the said Commissioner to direct and appoint such Sum or Sums of Money to be paid to any such Proprietor or Proprietors, towards making and maintaining such Fences, by such other or others of the said Proprietors who have a less Proportion of fencing, as he the said Commissioner shall think reasonable, and according to the Value and Quantity of the Lands to be allotted to such last mentioned Proprietor or Proprietors respectively, in order that the Expences of making all such Fences may be borne as nearly as may be, between all the said Proprietors, in a just and equal Proportion.

Power to
guard Fences.

XXVIII. And be it further enacted, That it shall be lawful for the several and respective Persons to whom any Shares or Allotments shall be assigned and allotted by virtue of this Act, from Time to Time and at all Times during the Term of Seven Years next after any Ditches or Fences shall be made by them respectively, in pursuance of the Orders or Directions of this Act, as the Boundaries of their respective Allotments, to set down and place Posts and Rails or other proper Fences on the Outside of the Ditches or Fences so made by them, not exceeding Three Feet from such Ditches or Fences respectively, for the better Preservation of their young Quickset Hedges, and to bank, ditch, or trench such
Fences,

Fences, by digging within Three Feet thereof, and from Time to Time during the said Term, to repair and take and carry away such Posts and Rails or other Fences at their free Will and Pleasure, (save and except only when any Crops of Corn, Grain or Hay shall be growing upon the Land or Ground whereon the said Posts and Rails shall then be standing.)

XXIX. And be it further enacted, That convenient Gaps or Openings shall be left in the Fences and Inclosures to be made by virtue of this Act, for the Passage of Carts, Carriages and Cattle in and through the same, for such Space of Time not exceeding Twelve Calendar Months, next after the Allotment shall be set out by the said Commissioner, as he shall, by any Writing under his Hand, order and direct.

Gaps to be left in the Fences.

XXX. And be it further enacted, That in case any Proprietor or Proprietors of any of the Lands or other Hereditaments hereby or by the said recited Act directed or authorized to be divided, allotted or exchanged, shall hold his, her or their respective Lands or Hereditaments for different Estates or by different Tenures; the said Commissioner shall ascertain and distinguish the Lands or other Hereditaments held for each of such Estates, and by each of such Tenures respectively, and shall also set out and distinguish the different Allotments or other Hereditaments to be accepted and taken by such Proprietor or Proprietors respectively, as an Equivalent in respect of each of such Estates respectively; and the said Commissioner shall set forth and declare, and he is hereby required to set forth and declare, in and by his Award, in Right of what Estates in particular such Allotments shall have been respectively made; and therein also separately to describe and ascertain the Situation of every such Allotment.

Distinct Allotments to be made for Lands holden for different Estates.

XXXI. And be it further enacted, That in all Cases where the Proprietor or Proprietors of any of the Lands or other Hereditaments which shall be allotted, divided, or exchanged by virtue of this or the said recited Act, shall hold his, her or their respective Lands or Hereditaments for different Estates or by different Tenures, and where from the Want of necessary Information or from any other Cause, the said Commissioner shall in his Award have omitted to distinguish and ascertain the Lands or other Hereditaments holden for each of such Estates, and by each of such Tenures respectively, and to set out and award several and distinct Allotments for such Lands or other Hereditaments respectively, as hereinbefore is required, or where the said Commissioner shall in his said Award have mis-stated the Estate or Tenure for or by which any such Lands or other Hereditaments are or shall be holden, and shall have made any Allotment or Allotments for such last mentioned Lands or other Hereditaments, it shall be lawful for the said Commissioner at any Time within Twelve Calendar Months after making his said Award, upon Request made to him for that Purpose by any Person or Persons interested in any such Omission or Mis-statement, by Writing under his Hand to supply or correct such Omission or Mis-statement by a separate Instrument, so far as may be requisite, and for that Purpose to examine Witnesses, and to proceed and act in every other respect as if his Award had not been made; and when he shall have obtained such Information in the Matter as he may judge sufficient, he is hereby also authorized and required by Deed under his Hand and Seal, to distinguish and set forth the true Estates and Tenures for or by which the

If Commissioner shall have omitted to make distinct Allotments, &c. he may rectify the same by Deed, after making his Award.

Lands

Lands and Hereditaments in respect of which such Omission or Mis-statement shall have arisen shall be respectively holden, and to make distinct and several Allotments in respect thereof accordingly, in like Manner as he is hereby required to do in his said Award, and as if no such Omission or Mis-statement had happened; and every such separate Instrument shall be annexed to the said Award, and shall be enrolled and deposited therewith, and Evidence shall be given thereof in like Manner as by the said recited Act and this Act or either of them is directed concerning the said Award; and all reasonable Expences incurred in or about such separate Instrument as aforesaid, shall be paid by the Person or Persons who shall have requested the said Commissioner to make and execute the same as aforesaid, or by his, her or their Heirs, Executors or Administrators; and every such separate Instrument shall, from and immediately after the due Execution thereof by the said Commissioner, have the Effect to all Intents and Purposes as if the Contents thereof had been inserted or contained in his said Award, and a Duplicate of such Instrument shall be delivered to the Person or Persons upon whose Request any such Omission or Mis-statement shall have been supplied or corrected, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Lands, Hereditaments or Allotments contained in such Instrument, shall in the Judgment of the said Commissioner belong.

Allotment to be of the same Tenure as Lands allotted

XXXII. And be it further enacted, That all Lands and Hereditaments which shall be allotted by virtue of this or the said recited Act to any Person or Persons, shall be held by such Person or Persons, under the same Rents, Customs and Services as the Lands and other Hereditaments, in respect of which such Allotments shall be respectively made or given, were respectively held under or enjoyed by such Person or Persons as aforesaid, before the passing of this Act, or would have been held under or enjoyed in case this Act had not passed, and the several Lands and Hereditaments which shall be allotted for any Freehold Lands or Hereditaments shall be deemed Freehold, and shall be held of the Lord or Lords of the Fee thereof, under the same Rents or other Payments as the Freehold Lands and Hereditaments for which they were allotted were before that Time held under, and the Lands and Hereditaments which shall be allotted for Leasehold Lands and Hereditaments, shall in like Manner be deemed Leasehold Lands and Hereditaments, and shall be held under the same Rents and Covenants as the Lands and Hereditaments for which they were so allotted were held under, and the Reversion thereof shall be vested in the same Lessors respectively as the Reversion of such Lands and Hereditaments were vested in before the passing of this Act, any Law, Usage, or Custom to the contrary notwithstanding.

Sales before the Execution of the Award to be legal, and the Commissioner to allot to the Purchaser.

XXXIII. Provided always, and be it further enacted, That if any Person hath sold, or shall at any Time before the Execution of the said Award, sell his or her Right, Interest or Property, in, over and upon the Lands and Grounds to be divided and allotted by virtue of this Act or any Part thereof, to any other Person, every such Sale shall be, and the same is hereby declared to be valid and legal to all Intents and Purposes whatsoever, and then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required to make an Allotment unto such Vendee or Purchaser, or to his or her Heirs and Assigns, for or in respect of such Right and Property so sold.

XXXIV. And

XXXIV. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments to be made by virtue of this Act, to sell, assign, mortgage, convey, or dispose of all or any Part of his, her, or their Allotment or Allotments, or his, her, or their Interest therein, at any Time before the Execution of the said Award, and every such Conveyance and Assurance shall be of the same Force and Effect as if the same had been made after the Execution of the said Award. Proprietors empowered to sell Allotments before the Execution of the Award.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any of the said Lands or Grounds hereby directed to be divided and allotted, in lieu of or in Exchange for any other Lands, Tenements, or Hereditaments whatsoever, within the said Parish of *Saint Mary the Less*, or within any adjoining Parish, Hamlet, or Place: Provided that all such Exchanges be ascertained, specified, and declared in and by the Award of the said Commissioner, 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, or Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life or Lives, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or having a beneficial Lease for Years, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Use or Uses, Husbands, Committees, or Attornies, of or acting for any such Owners or Proprietors as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Females Covert, Lunatics, or under any 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 Writing, under the Common Seal of every such Body Politic, or Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange or 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 or 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 be situated. Power to make Exchanges.

XXXVI. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Sales, Exchanges, or Partitions to be made by virtue of this or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Sales, Exchanges, and Partitions, in such Manner and in such Shares and Proportions as the said Commissioner shall by his said Award, or any other Writing or Writings under his Hand order and direct; and in case of Default or Non-payment thereof at the Time to be appointed by the said Commissioner, the same shall be recovered in the same Manner as is herein before directed respecting the Recovery of the Costs and Charges of obtaining this Act, and of carrying the same and the said recited Act into Execution. Expences of Sales and Exchanges, &c. to be paid by the Persons making them.

Leases at
Rack Rent
to be void.

XXXVII. And be it further enacted, That all and every Lease and Leases upon Rack Rent, now subsisting of all or any Part or Parts of the Lands or Grounds, Hereditaments and Premises to be exchanged, divided, or allotted by virtue of this or the said recited Act, and all and every other Agreement or Agreements for any Term or Terms of Years at Rack Rent, or from Year to Year, or at Will, respecting the same or any Part thereof, whether such Lease or Leases, Agreement or Agreements shall relate solely to any Part or Parts of the said Lands or Grounds, Hereditaments and Premises, or partly to any such Lands or Grounds, Hereditaments and Premises, and partly to any other Messuages, Cottages, or Tenements, Lands and Grounds, Hereditaments and Premises situate in any adjoining Parish, Hamlet, or Place, shall cease and be void at such Time as the said Commissioner by any Writing or Writings under his Hand, to be fixed upon the principal outer Door of the Parish Church of *Saint Mary the Less* aforesaid, or to be delivered to such Lessee or Lessees, Tenant or Tenants respectively, or left at his, her, or their usual Place or Places of Abode respectively shall order and direct; and the Owners and Proprietors of the Hereditaments and Premises so let shall make such Satisfaction in Money to the Lessee or Lessees, Tenant or Tenants respectively, and within such Time as such Owner and Proprietors, and their Lessee or Lessees, Tenant or Tenants shall respectively agree upon; and in case of Disagreement in the Premises between any such Owners and Proprietors, and any such Lessee or Lessees, Tenant or Tenants respectively, then upon Application made by either Party in Writing to the said Commissioner, the said Commissioner shall order and direct what Sum or Sums of Money shall be paid by such Owners and Proprietors respectively to such Lessee or Lessees, Tenant or Tenants respectively, as an Equivalent or Satisfaction for the Loss or Losses which he, she, or they shall respectively suffer on Account of the Determination of such Lease or Leases, Agreement or Agreements as aforesaid, (proper Allowance being made for all such Conditions in every such Lease or Agreement as shall not have been fulfilled by such Lessee or Lessees, Tenant or Tenants respectively); and if the Money so agreed or ordered and directed to be paid as aforesaid, shall not be paid to the Person or Persons entitled to receive the same, within Fourteen Days after the Time agreed upon or appointed for Payment of the same, (as the Case may be), and Demand made thereof in Writing under the Hand or Hands of the Person or Persons to whom the same shall be payable, it shall be lawful for the said Commissioner, and he is hereby required to levy the same for the Use and Benefit 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: Provided always, that where any Lands or Grounds shall have been taken in Exchange by virtue of this or the said recited Act, which Lands or Grounds shall be under Lease or Agreement, and wholly situate in an adjoining Parish, Hamlet, or Place, the Lease of or Agreement respecting such last-mentioned Lands and Grounds shall not be vacated.

But not to
vacate bene-
ficial Leases.

XXXVIII. Provided also, and be it further enacted, That nothing in this Act shall extend to set aside or make void any beneficial Lease or Leases from any Body or Bodies Politic, Corporate, or Collegiate, of any Lands, Tenements, or other Hereditaments in the said Parish of *Saint Mary the Less*, to any Person or Persons whomsoever, but the Person

or Persons entitled to such beneficial Lease or Leases shall and may hold and enjoy his, her, and their several and respective Allotment and Allotments in respect of the Lands, Tenements, or other Hereditaments demised by any such Lease or Leases respectively, for his, her, or their several and respective Term and Terms, and under the same Rents and Covenants as is or are specified in his, her, or their respective Lease or Leases from the said Body or Bodies Politic, Corporate, or Collegiate, to him, her, or them respectively.

XXXIX. And be it further enacted, That the said Body or Bodies Politic or Corporate, or Collegiate, and their several and respective Tenant or Tenants shall respectively pay such Proportion of the Expences of obtaining this Act, and of carrying the same and the said recited Act into Execution, and of ditching, embanking, or otherwise fencing the Allotments to be awarded to the said Tenant or Tenants in lieu of the Estate or Estates so holden by him, her, or them, of such Body or Bodies Politic, or Corporate, or Collegiate respectively, as the said Commissioner shall in his Judgement deem to be fair and reasonable, according to the respective Interests of the said Parties as Owners and Tenants, except in such Case where the said Parties already have otherwise agreed or shall hereafter agree respecting the same.

Bodies Politic and Corporate, &c. to pay a certain Proportion of the Expences.

XL. And be it further enacted, That nothing in this 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 Lands, Grounds, or 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 the Person or Persons to whom any Lands, Grounds, or Hereditaments shall be allotted or given in Exchange by virtue of this or the said recited Act, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Lands, Grounds, and Hereditaments, whereof such Person or Persons was or 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, charged with, or affected by, in case this Act had not passed.

Wills and Settlements not to be affected.

XLI. Provided always, and be it further enacted, That no Green Swarth Ground which shall be Parcel of the Lands and Grounds to be divided and allotted by virtue of this Act, and which shall not have been ploughed or used in Tillage for the Space of Three Years last past before the passing of this Act, shall be ploughed or converted into Tillage, until the same shall have been divided and allotted by the said Commissioner, and Leave shall have been given by him to the Party or Parties to whom the same shall have been allotted to enter thereupon.

Against ploughing old Swarth.

XLII. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining this Act, and executing the same and the said recited Act, there shall be paid to the said Commissioner the Sum of Two Pounds and Two Shillings for each Day which

Fees to the Commissioner, &c. and for paying the Expences of this Act.

which he shall be attending in the Execution of this and the said recited Act, and in travelling to and from the Meetings to be held under the same; and that the same, together with the Costs, Charges, and Expences of obtaining and passing this Act, and of valuing, surveying, planning, admeasuring, dividing, and allotting the Lands and Grounds to be divided and allotted by virtue of this Act, and of preparing, engrossing, and enrolling the said Award, and all other the Costs, Charges, and Expences of the said Commissioner and his Clerk, and all the necessary Expences of the several Persons to be employed by the said Commissioner in and about the Premises, either before or after the Execution of his said Award, and all other Expences of forming, completing, and repairing the several public and private Roads and Highways to be set out and appointed by the said Commissioner, and all other the Costs, Charges, and Expences in and about the carrying of this and the said recited Act into Execution, shall be borne and defrayed by the several Owners and Proprietors of and Persons interested in the Lands and Grounds to be divided and allotted by virtue of this Act, in such Shares and Proportions, at such Time or Times, and to such Person or Persons as the said Commissioner, by Writing under his Hand, to be affixed on the principal outer Door of the Parish Church of *Saint Mary the Less* aforesaid, or delivered to the Person or Persons liable to the Payment of such Costs, Charges, and Expences respectively, at least Twenty-one Days before the Day fixed for such Payment, shall order and direct; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion or Proportions of such Costs, Charges, and Expences as aforesaid, within the Time, and to such Person or Persons as the said Commissioner shall appoint, then and in such Case the said Commissioner shall and may, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, cause the same, together with lawful Interest thereon, to be computed from the Day on which the same ought to have been paid as aforesaid, 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) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Costs and Charges of taking and making such Distress and Sale; or it shall and may be lawful to and for the said Commissioner, or any Person or Persons authorized by him, to enter in and upon the Premises allotted to such Person or Persons so neglecting or refusing as aforesaid, and to receive and take the Rents, Issues, and Profits thereof, until, thereby or therewith, or otherwise, such Share or Proportion, Shares or Proportions of the said Costs, Charges, and Expences, together with lawful Interest thereon, to be computed from the Time the same shall be ordered to be paid, and also all the Costs, Charges, and Expences occasioned by or attending such Entry upon and Receipt of such Rents, Issues, and Profits, shall be fully paid and satisfied.

Mode of
recovering
Expences.

Persons not
liable towards
Expences.

XLIII. Provided always, and be it further enacted, That nothing in this Act or the said recited Act shall extend or be construed to extend to charge any of the Persons herein-before mentioned to have Rights of Common or Stray for great Cattle, with any Part of the Expences of obtaining this Act, and executing the same and the said recited Act, in respect or on account of the Plot or Parcel of Ground herein-before directed to be set out, allotted, and awarded as and for a Common Pasture; nor to

to charge any other Proprietor (except the said *Thomas Howell*) with any further or other Expence than after the Rate or Proportion of Three Pounds for every Acre of the said Lands and Grounds which shall be set out, allotted and awarded by the said Commissioner to such other Proprietor, in addition to the Proportion of fencing which shall be directed and awarded to be done by such other Proprietor.

XLIV. Provided always, and be it further enacted, That the several Proprietors of the Lands and Grounds to be divided and allotted by virtue of this Act, and their respective Attornies and Agents, who shall attend the said Commissioner at any of his Meetings, to be holden in pursuance of this or the said recited Act, shall pay their own Expences at all such Meetings.

Proprietors and their Agents to pay their own Expences.

XLV. And be it further enacted, That if any of the Owners or Proprietors of the Lands and Grounds to be divided and allotted by virtue of this Act, or any other Person or Persons, shall advance any Sum or Sums of Money for the Purpose of defraying the Expences of obtaining this Act, or of carrying the same and the said recited Act into Execution, such Owners or Proprietors or other Person or Persons respectively, shall be repaid the same, with Interest after the Rate of Five Pounds *per Centum per Annum*, out of the First Monies that shall be raised by the said Commissioner in pursuance of the Power vested in him.

Money advanced on the Credit of the Act to be repaid, with Interest.

XLVI. And be it further enacted, That *John Finch*, of the Town of *Cambridge*, Gentleman, shall be, and he is hereby appointed Auditor of Accounts of the said Commissioner; and in case of his Death, or Refusal, or Incapacity to act, then some other fit and proper Person (not interested in the Premises) shall be appointed Auditor for that Purpose, by the Majority in Value of the said Proprietors, at a Meeting to be holden for that Purpose, in like Manner as is herein-before directed with respect to the Meeting of the said Proprietors, for the Appointment of a new Commissioner, and so from Time to Time as often as Occasion shall require; and the Accounts of the Commissioner for the Time being, containing a true Statement of all Sums by him received and expended, shall at least once in every Year from the passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by the Auditor for the Time being, and balanced, and such Balance shall be stated in the Book of Accounts, to be kept in the Office of the Clerk of the said Commissioner, and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by the said Auditor; and that the said Auditor shall be allowed and paid the Sum of Three Pounds Three Shillings for each and every Day he shall be employed in examining and settling the said Accounts.

Auditor of the Commissioner's Accounts appointed.

XLVII. And be it further enacted, That the Award to be made by the said Commissioner shall, within Twelve Calendar Months next after the same shall be executed, (or as soon as conveniently may be), be enrolled in One of His Majesty's Courts of Record at *Westminster*, or with the Clerk of the Peace for the County of *Cambridge*, and shall be deposited in the Church Chest of the said Parish of *Saint Mary the Less*.

Award to be deposited.

Persons ag-
grieved may
appeal to the
Quarter
Sessions.

XLVIII. 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, Determinations, and Proceedings of the said Commissioner are hereby or by the said recited Act declared to be final and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before is mentioned), he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be holden for the said County of *Cambridge*, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving to the said Commissioner or to his Clerk, and also to the Party or Parties interested therein, Twenty-one Days Notice at least in Writing of such Appeal, and of the Matter thereof; and the Justices at such General Quarter Sessions are hereby required to hear the Matter of such Appeal, and to make such Order therein, and to award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable and neglecting to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale, which Determination of the said Justices shall be final and conclusive upon all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

General
Saving.

XLIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Body or Bodies Politic, or Corporate, or Collegiate, his, her, or their Heirs, Successors, Executors, Administrators and Assigns, (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this or the said recited 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, into or out of the Lands and Grounds to be divided and allotted by virtue of this Act, as before the passing thereof, or in case this Act had not been made.

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