



ANNO QUINQUAGESIMO PRIMO

# GEORGII III. REGIS.



## Cap. 57.

An Act for enclosing and exonerating from Tythes, Lands in the Parishes of *Great Paxton* and *Toseland*, in the County of *Huntingdon*. [6th May 1811.]

WHEREAS the Parishes of *Great Paxton* and of *Toseland* in the County of *Huntingdon*, adjoin together and are intermixed with each other, and the Boundaries thereof are not well ascertained, and the several Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds within the said Parishes, contain together in the whole Two thousand one hundred Acres or thereabouts: And whereas the Dean and Chapter of the Cathedral Church of the Blessed Virgin *Mary* of *Lincoln*, are Lords of the Manor of *Great Paxton*: And whereas *George William Leeds* Esquire, is Lord of the Manor of *Toseland*, with the Members, and is or claims to be Lord of a Manor within the said Parish of *Great Paxton*: And whereas the said Dean and Chapter are the Owners and Proprietors of the Appropriate Rectory of *Great Paxton*, and the said *George William Leeds* is Lessee thereof; and the said Dean and Chapter, and their said Lessee, are or claim to be entitled to certain Glebe Lands and Tythes, or Moduses or Compositions arising and renewing within the said Parishes of *Great Paxton* and *Toseland*: And whereas the said Dean and Chapter are Patrons of the Vicarage of *Great Paxton* aforesaid; and the Reverend *Francis Wilkinson* Clerk, is Vicar of the said Vicarage, and as such is or claims to be entitled to certain Glebe Lands, Tythes, or Moduses or Compositions in lieu of Tythes, within the said Parishes of *Great Paxton* and *Toseland*: And whereas the said Dean and Chapter and their said Lessee, and the said *George William Leeds*, *Robert Garner*, *John Danns*, *Peter Snell*, and others, are Owners and Proprietors of the Open and Common Fields, Meadows, Commons, and other Commonable Lands and Grounds, within the said Parishes of *Great Paxton* and *Toseland*: And whereas

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the Lands of the several Proprietors in the said Common and Open Fields lie intermixed and dispersed, and are otherwise inconveniently situated, and the same, and also the said Meadows, Commons, and other Commonable Lands and Grounds in the said Parishes respectively, are in Part intermixed together, and subject to the Intercommonage of each other; and in their present State incapable of any considerable Improvement, and the Proprietors thereof are desirous that the same should be divided, and specific Allotments set out to and for the several Proprietors thereof, and Persons interested therein, in Proportion to their respective Rights and Interests, and be inclosed and held in Severalty, and that, in Consideration of a proper Compensation, all the Lands, Tenements, and Hereditaments within the said Parishes of *Great Paxton* and *Toseland* respectively, as well open as inclosed, which are subject and liable to the Payment of Tythes or any Moduses or other Compositions in lieu thereof, should be discharged therefrom: But the several beneficial Purposes aforesaid cannot be effected without the Aid 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 *John Burcham* of *Coningsby* in the County of *Lincoln*, *Charles Bloodworth* of *Kimbolton* in the County of *Huntingdon*, and *Alexander Watford* of the Town of *Cambridge*, in the County of *Cambridge*, Gentlemen, shall be and they are hereby appointed Commissioners for dividing and allotting all the said Common and Open Fields, Meadows, Commons, and other Commonable Lands and Grounds in the said Parishes of *Great Paxton* and *Toseland*, and for carrying the several other Purposes of this Act into Execution, pursuant to the Powers, Regulations, Directions, and Provisions contained in this Act, and to such of the Powers, Regulations, Directions, and Provisions contained in an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating into 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*, as are not controuled by, or repugnant to, or otherwise provided for by any of the Clauses, Provisions or Regulations of this Act.

Commission-  
ers.

Appoint-  
ment of new  
Commission-  
ers.

II. Provided always, and be it further enacted, That in case any of the Commissioners herein-before named, or to be appointed as herein-after is mentioned, shall, before the completing the said Division, die or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, then, and in every such Case the surviving or remaining Commissioner or Commissioners shall, from Time to Time within Twenty-one Days next after such Death, Refusal, or Incapacity shall happen, or as soon after as conveniently may be, by Writing under their or his Hands and Seals or Hand and Seal, appoint a Commissioner or Commissioners, not interested in the said intended Division, in the Place of such Commissioner or Commissioners so dying, refusing to act, or becoming incapable of acting as aforesaid, and every such Commissioner so to be appointed shall have such and the same Powers and Authorities by virtue of this Act, as the Commissioner in whose Place he shall succeed was invested with: Provided nevertheless, that the said Commissioners shall not appoint any Person as a Commissioner in the stead of the said *John Burcham*, or his Successors, without

without the previous Approbation of the said Dean and Chapter, and the said Vicar for the Time being.

III. And be it further enacted, That it shall be lawful for the Commissioners hereby appointed, or who shall be appointed in Manner hereinbefore mentioned, or any Two of them, to do, execute, and perform all and every or any Act, Matter, or Thing by this or the said recited Act authorized to be done, executed and performed by the said Commissioners, and any Act, Matter, or Thing which shall be done, executed, or performed by any Two of such Commissioners, shall be as valid and effectual to all Intents and Purposes, as if all the said Commissioners had been present, and had executed, done and performed the same.

Two Commissioners may act.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to give or cause to be given public Notice in the Parish Church of *Great Paxton*, and in the Parish Church or Chapel of *Toseland* aforesaid respectively, upon some *Sunday* immediately after Divine Service, or by Writing under their Hands, or under the Hand of the Clerk to be by them appointed, and to be affixed on one of the outer Doors of each of the said Parish Churches, or Church and Chapel, of the Time and Place of their first Meeting for executing the Powers hereby vested in them, at least Seven Days before such Meeting, and shall in like Manner give Seven Days Notice of every subsequent Meeting for the like Purposes, (Meetings by Adjournment only excepted); and in case Two Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for any One of the said Commissioners present at such Time and Place, or the Clerk to be appointed by the said Commissioners, to adjourn the said Meeting to be held on any future Day not exceeding Twenty-eight Days from the Day of Adjournment; and the said Commissioner or Clerk making such Adjournment is hereby required to give timely Notice thereof to the absent Commissioners, and all Meetings for executing this Act shall be held at *Great Paxton* and *Toseland* aforesaid, or one of them, or within Eight Miles therefrom.

Commissioners to give Notice of their Meetings.

V. And be it further enacted, That all Notices which by the said recited Act or this Act are required to be given or published in any Public Newspaper, of setting out Public Carriage Roads, and of reading and executing the Award of the Commissioners, shall be given and published in *The Cambridge Chronicle*; or, if that Newspaper shall not then be published, in some other Newspaper usually circulated in the said County of *Huntingdon*.

Notices to be published in Newspapers.

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors of, or Persons interested in, any of the Lands or other Hereditaments intended to be divided or affected by this Act, touching or concerning any of their Claims, Estates, Rights, or Interests therein, or any Allotment or Compensation to be made in lieu thereof, it shall be lawful for the said Commissioners, and they are hereby required to hear and determine the same: Provided always, and be it further enacted, That nothing herein contained shall authorize the said Commissioners to determine the Title of any Person or Persons to any Lands, Tenements, or Hereditaments whatsoever; nor any Right between any Parties

Commissioners to determine Differences.

Parties contrary to the Possession of any such Parties (except in Cases of Encroachments made within the Period of Twenty Years); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they or he shall forbear to make any Determination thereupon until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commission-  
ers may award  
Costs.

VII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, at their Discretion, upon Request made to them by all or any of the Parties in whose Favour they shall make their Award or Determination, to order and adjudge such Costs and Charges as they shall think reasonable for the Use and Benefit of such Party or Parties, upon or against the Person or Persons, Body or Bodies Politic or Corporate, whose Claim or Claims, Objection or Objections, Complaint or Complaints shall be thereby disallowed, as the Case shall happen, and by Warrant under the Hands and Seals of the said Commissioners to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last-mentioned Person or Persons, together with the Costs and Charges of such Distress and Sale; returning the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels; and in case there shall be no Goods and Chattels whereby to levy the same, or in case a Body Corporate is to pay such Costs, then and in either of such Cases, it shall be lawful for the Person or Persons in whose Favour such Costs shall be awarded, to recover the same by Action or Actions of Debt, or on the Case, in which it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioners, and in consequence of such Order of Adjudication, without setting forth any other of the Proceedings therein had.

Power to try  
disputed  
Claims.

VIII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons, Body or Bodies Politic or Corporate, so desirous to have the same tried at Law, shall and do by themselves or their respective Attornies or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners, or any Two of them, within Twenty-one Days next after such Determination shall have been so made by the said Commissioners, of which Notice the said Commissioners are hereby required immediately on Receipt thereof, or as soon afterwards as conveniently may be done, to give Information to the adverse Party or Parties, or his, her or their respective Stewards, Receivers, Attornies or Agents as aforesaid, then, but not afterwards, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she or they is and are hereby required to proceed to a Trial at Law of the same, at the Assizes to be holden for the County of *Huntingdon*, in a feigned Action or Actions for that Purpose to be commenced in one of His Majesty's Courts of Record at *Westminster*,  
by

By the Person or Persons, Body or Bodies Politic or Corporate interested in the said Division; who shall make such Objection or Objections within Ten Calendar Months next after such Notice shall be given to the said Commissioners 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 and Rights or Interests may be properly tried and determined; such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in the said Action or Actions shall be final and conclusive to all Bodies Politic or Corporate and all Persons whomsoever; and after any Verdict or Verdicts shall have been obtained and not set aside by the Court, the said Commissioners shall and they are hereby authorized and required to conform thereto: Provided always, that it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, or award a new Trial therein, although the Time hereinbefore limited for the Trial of such Action may be thereby exceeded; but if no such Action or Actions at Law shall be brought or commenced by the Person or Persons, Body or Bodies Politic or Corporate giving such Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials at the Assizes which shall be holden for the said County of *Huntingdon*, within Nine Calendar Months after the Expiration of Twenty-eight Days from the Day of giving such Notice by or on Account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination of the Commissioners shall be final, binding, and conclusive unto and upon all Parties concerned.

IX. Provided always, 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; and 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 limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or 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 of the Commissioners with Notice of 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 Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Actions may be proceeded in or brought, notwithstanding the Death of Parties.

The Lands  
to be first set  
out in Paro-  
chial Allot-  
ments.

X. And be it further enacted, That the said Commissioners shall, and they are hereby required in the first Place, to set out or allot all the Lands and Hereditaments intended to be divided and inclosed by virtue of this Act into two Parochial Allotments between the Parishes of *Great Paxton* and *Toseland* aforesaid, and the Lands so set out or allotted as the Parochial Allotment of *Great Paxton* aforesaid, shall from thenceforth be deemed to lie within and be Parcel of that Parish; and the Lands so set out or allotted as the Parochial Allotment of *Toseland* aforesaid shall from thenceforth be deemed to lie within and be Parcel of that Parish; and each of the said Parochial Allotments shall afterwards be divided and allotted unto and between the Proprietors of Lands and Hereditaments in the Parishes of *Great Paxton* and *Toseland* aforesaid, in the Manner hereinafter directed or mentioned.

Roads divid-  
ing Parishes  
or Places to  
be made up  
in the whole  
Thirty Feet  
broad at least.

XI. And be it further enacted, That in case any publick Carriage Road and Highway shall be set out or continued in any Situation where the said Parishes of *Great Paxton* or *Toseland* divide from any adjoining Parish or Place, and where there is now or usually hath been a publick Road or Meerway, and each such Parish or Place hath hitherto been charged or liable, or ought to be charged with One Half Part of the Repairs and Support of the said Road or Way, then and in such Case the said Commissioners shall and they are hereby authorized and required to set out only One Half of so much Land from and out of the said Lands and Grounds hereby directed to be divided and inclosed, as will enlarge the Breadth of such Road or Way to Thirty Feet at least in the Whole.

XII. Provided always, and be it further enacted, That no Person for whose Use or Benefit any Grass or Herbage growing or renewing upon any publick Road to be set out as aforesaid shall be awarded or belong by virtue of this Act, or the said recited Act, nor any Person or Persons whomsoever, shall graze or keep any Lambs in any Roads which the said Commissioners shall order or direct to be laned off or fenced on both Sides after the Quicksets shall be planted, for Seven Years next after the Allotments shall have been set out by the said Commissioners.

Power to  
remove  
Surveyor.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners acting under and by virtue of this Act, from Time to Time as they shall see Occasion, to remove any Road Surveyor by them appointed, and to nominate and appoint another in his Room, or in case of the Death of such Road Surveyor to appoint another in the Room of him so dying, and the Allowance of any Certificates of such new Road Surveyor shall have the same Effect and Operation in rendering the Road or Roads certified and allowed Parish Road or Roads, as if the same Road or Roads had been certified by the Road Surveyor originally appointed under the said recited Act or this Act.

Power for  
Justices to  
declare any  
of the Roads  
completed.

XIV. 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 Act and this Act, shall be completed and put into good and sufficient Repair, it shall be lawful for the Justices of the Peace for the said County of *Huntingdon*, or any Two of them, at any Special Sessions or Meeting to be holden for the Purpose, to declare such Road or Roads to be fully and sufficiently formed,  
completed,

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 are or ought by Law to be amended and kept in Repair.

XV. And be it further enacted, That where any Gate or Gates shall be placed against any publick Road or Way within the Parishes of *Great Paxton* and *Toseland* aforesaid, the Proprietor or Proprietors of such Gate or Gates shall and he is hereby required at his and their own proper Costs and Charges, within Six Calendar Months after the Date of the said Award, or from the Time such Gates shall be placed in all and every Place or Places where such Gate or Gates shall be placed, to make or cause to be made a good and sufficient Bridge or covered Drain, of a Capacity equal to the Necessities of the Case, and shall from Time to Time for ever afterwards at his and their like Costs and Charges keep open and in good Repair the said Bridges or Drains and every of them; and in case such Proprietor or Proprietors shall neglect or refuse to make such Ditches or Drains as aforesaid within the Time herein-before limited for that Purpose, or shall neglect or refuse after such Bridges or Drains shall be made as aforesaid, to keep the same open and in good Repair, then and in either of such Cases the Surveyors of the Highways for the said Parishes of *Great Paxton* and *Toseland* for the Time being shall, and they are hereby authorized and required from Time to Time to make and repair such competent Bridges or Drains as aforesaid, and to keep the same in good Repair, and such Proprietor or Proprietors shall not only reimburse and pay to the said Surveyors all such Costs, Charges, and Expences as shall attend the making of such Bridges or Drains, and keeping the same from Time to Time open and in good Repair, but shall also for every such Neglect or Default forfeit and pay to the said Surveyors such Sum not exceeding Forty Shillings as any One of His Majesty's Justices of the Peace for the County of *Huntingdon* shall direct; and in case the said Proprietors shall, after Demand made by the said Surveyors or any of them, neglect, or refuse to reimburse and pay to the said Surveyors all such Costs, Charges, and Expences as aforesaid, and also the said Penalty not exceeding Forty Shillings, then the same and every Part thereof shall and may be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so refusing or neglecting as aforesaid, by Warrant under the Hand and Seal of any One of His Majesty's Justices of the Peace for the said County of *Huntingdon*; which Warrant such Justices are hereby authorized and required to grant, and such Penalty or Penalties shall be paid to the said Surveyors, who are hereby authorized and directed to lay out, apply, and dispose of the same in and about the Repairs of the Highways in the said Parishes of *Great Paxton* and *Toseland*.

Drains to be made under Gateways next the Road.

XVI. And be it further enacted, That the said Commissioners shall and may scour and widen all such ancient Brooks, Ditches, Drains, Watercourses, Tunnels, and Bridges in the Parishes of *Great Paxton* and *Toseland* aforesaid, and also shall and may set out such new Ditches, Drains, or Watercourses, Tunnels, Watergates, Banks and Bridges, as well through and over the Lands and Grounds hereby directed to be divided and inclosed, as also in, over, and through any ancient Inclosures or other Lands and Grounds in the Parishes of *Great Paxton* and *Toseland* aforesaid, making such Satisfaction to the Proprietors of such ancient Inclosures

Commissioners to make Drains, &c.

tures or other Lands and Grounds not hereby directed to be divided and inclosed, for the Damage done thereby, as they shall think proper (of such Breadth and Depth and in such Directions as the said Commissioners shall think proper), and the said Commissioners shall and may, and they are hereby directed in and by their said Award to order and award by whom and at whose Expence and at what Time and in what Manner such Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges shall be made, and thereafter repaired, cleansed, scowered, and maintained: Provided always, that no such Streams, Springs of Water, or Watercourses, shall be diverted or turned without the Consent in Writing of the Person or Persons from or out of whose Lands the same shall be diverted, and of the Person or Persons through or into whose Lands the same shall be turned.

Allotment  
for Stone,  
Sand, Gravel,  
and Clay Pits,

XVII. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required to set out and allot such Plot or Plots of Lands and Grounds intended to be divided by virtue hereof as they shall think proper, not exceeding in the whole Five Acres within the said Parish of *Great Paxton*, and Three Acres within the said Parish of *Toseland*, as and for publick Stone, Sand, Gravel, and Clay Pits, with convenient Roads to and from the same, to be used in common by the Proprietors of Estates in *Great Paxton* and *Toseland* aforesaid, and their Tenants in or upon any of their Lands, Tenements, or Hereditaments, intended to be divided or exonerated from Tythes, by virtue hereof, for their own necessary Uses, or for the Repairs of the publick and private Roads in the said Parishes respectively, within which the said Stone, Sand, Gravel, and Clay Pits respectively, shall be set out as aforesaid, and the Herbage to grow on the said Allotments respectively, is hereby vested in the Surveyors for the Time being of the Highways in the respective Parishes of *Great Paxton* and *Toseland* aforesaid, in which the same Allotments respectively shall be made, to be by them let, sold, or disposed of for the Use of the Highways.

Allotments  
to the Lords  
of the Ma-  
nors for  
Right of the  
Soil.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award to and for the Lord or Lords, Lady or Ladies of the respective Manors within which the Common and Waste Lands hereby directed to be divided are situate, such Parts of the Lands and Grounds hereby directed to be divided as shall in the Judgement of the said Commissioners be equal in value to One-twentieth Part at least of all the Waste Lands within such Manors respectively.

Allotment  
for Glebe  
Lands and  
Common  
Rights.

XIX. And be it further enacted, That the said Commissioners are hereby authorized and required in the next Place to set out for the said Dean and Chapter, as Impropiators of the Rectory of *Great Paxton*, and the said *George William Leeds* as their Lessee, such Part of the Lands and Grounds in the said Parishes of *Great Paxton* and *Toseland* hereby directed to be divided, as shall in the Judgement of the said Commissioners be a full Equivalent and Compensation for such Glebe Lands and Right of Common, (if any), as they are now entitled to as Impropiators as aforesaid, in, over, and upon the same Lands and Grounds, and shall in like Manner set out for the said *Francis Wilkinson*, or the Vicar of *Great Paxton* aforesaid, for the Time being, such Part of the Lands and Grounds within the said Parishes of *Great Paxton* and *Toseland* hereby directed to be divided,



as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for his Glebe Lands and Right of Common, in, over, and upon the Lands and Grounds by this Act directed to be divided.

XX. And be it further enacted, That the said Commissioners shall in the next Place set out for the said Dean and Chapter and their Lessee, and the said Vicar, such Plot or Plots of Lands and Grounds within the said Parishes of *Great Paxton* and *Toseland*, hereby directed to be divided, as in the Judgement of the said Commissioners shall be equal in Value to One-fifth Part of all the Lands and Grounds in the said Parishes, which now or at any Time within the Space of Three Years next before the passing of this Act have been used as Arable or Tillage Lands and Grounds, to One-tenth Part of all the Wood Lands, and One-eighth Part of all the other Lands and Grounds, as well open as inclosed, within the same Parishes respectively, which are severally subject or liable to the Payment of full Tythes in Kind to the said Appropriators or their Lessee, and the said Vicar respectively; and which shall remain after the several publick Roads and Gravel Pits, and the Allotment or Allotments in lieu of all Glebe Lands and Rights of Common, to be set out and allotted in the same Parish in pursuance of this Act, shall be deducted therefrom, except of such ancient inclosed Lands and Grounds within the said Parishes of *Great Paxton* and *Toseland*, exceeding the Quantity of Twenty-five Acres, the Proprietor or Joint Proprietors whereof shall not have sufficient Common Field Land or Rights of Common to exonerate the same from Tythes, and in case any of the ancient Inclosed or Open Field Lands or Grounds in the Parishes of *Great Paxton* and *Toseland* aforesaid, or either of them, are subject to the Payment of a Modus or Moduses, Composition or Compositions, in lieu of any Tythes to the said Appropriators and Vicar, or either of them, then the said Commissioners shall set out for the said Appropriators and their Lessee, and the said Vicar respectively, such further Plot or Plots of the Lands or Grounds in *Great Paxton* and *Toseland* aforesaid, hereby directed to be divided and inclosed, as in the Judgement of the said Commissioners shall be equal in Value to the Tythes and Moduses or Compositions due or payable to the said Appropriators and Vicar, for such of the Lands and Grounds within the said Parishes, as are not subject and liable to the Payment of full Tythes.

Allotment  
for Tythes.

XXI. Provided always, and be it further enacted, That in case the Proprietor or Joint Proprietors of any Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds, in the said Parishes of *Great Paxton* and *Toseland*, or either of them, not exceeding Twenty-five Acres, which are subject and liable to the Payment of Tythes in Kind, or any Modus or Composition in lieu thereof, shall not be entitled upon the said Division to a sufficient Quantity of the Lands and Grounds hereby directed to be divided, to exonerate his, her, or their ancient Inclosures from Tythes, Moduses, or Compositions payable to the said Appropriators and Vicar for the same, then and in such Case the said Commissioners shall and they are hereby authorized and required to charge the respective Proprietors thereof with such Sum and Sums of Money, as shall in the Judgement of the said Commissioners be a just and full Compensation and Satisfaction for the Fee-simple of the Tythes, Moduses, and Compositions, in lieu thereof respectively; and such Sum and Sums of Money shall be paid by such Proprietor or Proprietors to the said Commissioners,

Owners of  
ancient In-  
closure who  
have not suf-  
ficient Open  
Field Land  
are to exone-  
rate them  
from Tythes  
by a Payment  
of Money.

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and be by them applied towards defraying the Expences of obtaining this Act, and carrying the same into Execution; and in case of Non-payment thereof at the Time appointed for that Purpose, the same shall be raised and levied in such Manner as is provided for raising and levying the Expences of obtaining and carrying this Act into Execution in case of Neglect or Refusal to pay the same: Provided always, that if there shall be any Overplus of such Sum or Sums of Money, the same shall be paid to the Person or Persons intitled thereto in case they shall be seised in Fee Simple of their respective Estates; or otherwise such Overplus shall be applied and disposed of by the said Commissioners in Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, with respect to the Money 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.

Certain ancient Inclosures may be discharged of Tythes by Land.

XXII. Provided also, and be it further enacted, That if any Proprietor or Joint Proprietors of any ancient Inclosure or Inclosures in the said Parishes of *Great Paxton* or *Toseland*, exceeding the Quantity of Twenty-five Acres, shall not have Lands or Hereditaments in the Common and Open Fields, Commons, and other Commonable Lands hereby directed to be divided, sufficient to make Compensation for the Tythes, Moduses, Compositions, or Payments in lieu thereof, of such ancient Inclosure or Inclosures; then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to set out for the said Appropriators and their Lessee, and the said Vicar respectively, such Part or Parts of such ancient Inclosure or Inclosures as, together with the Share of such Proprietor or Joint Proprietors in the said Common and Open Fields, Commons, and other Commonable Lands, within the same Parishes, (if any), according to the Proportions aforesaid, they shall judge to be a just Compensation for the Tythes and Moduses, Compositions or other Payments in lieu of Tythes, of such ancient Inclosure or Inclosures; and the Proprietor or Joint Proprietors of such ancient Inclosure or Inclosures shall pay such Proportion of the Rate or Rates to be made for defraying the Expences of obtaining this Act, and carrying the same into Execution, and also shall fence off such Part or Parts of such ancient Inclosure or Inclosures so to be set out as a Compensation as aforesaid, as the said Commissioners shall order and direct; and such Land to be set out by the said Commissioners as last aforesaid, shall be described in their Award, and shall be accepted and taken as a full Recompence, Satisfaction, and Compensation for all and all Manner of Tythes and Moduses, Compositions, or other Payments in lieu of Tythes whatsoever, due and payable to the said Appropriators and Vicar respectively out of and from such ancient Inclosure or Inclosures; and such ancient Inclosure or Inclosures of such Proprietor or Joint Proprietors so remaining after such Deductions, shall for ever afterwards be exonerated from all such Tythes, Moduses, Compositions, or other Payments in lieu thereof, as fully and effectually as if the Compensations had consisted of any Part of the Lands or Grounds by this Act directed to be divided and inclosed; any Thing herein contained to the contrary in anywise notwithstanding.

XXIII. And

XXIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to divide and apportion the Allotment or Allotments or other Lands which shall be set out for or in lieu of the Great and Small Tythes, Moduses, Compositions, and Payments in lieu of Tythes in *Great Paxton* and *Toseland* aforesaid, between the said Dean and Chapter as Appropriators as aforesaid, and their Lessee, and the said *Francis Wilkinson* and his Successors, Vicars as aforesaid for the Time being, in such Shares and Proportions as the said Commissioners shall judge and determine to be a just Compensation and Satisfaction for, and equal to their respective Rights and Interests in and to the said Tythes, Moduses, Compositions, and other Payments in lieu of Tythes. Allotment for Tythes to be apportioned between Impropropriators and Vicar.

XXIV. And be it further enacted, That the said Commissioners shall immediately after making such Allotments as aforesaid, divide, set out, allot, and award all the Residue of the Lands and Grounds hereby directed to be divided and allotted, unto and amongst the several Proprietors thereof, and Persons interested therein, in such Situations, Quantities, Shares, and Proportions, as by the said Commissioners shall be adjudged and determined to be a fair, just, and reasonable Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein. Allotment of Residue.

XXV. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the Proprietors in the Lands and Grounds to be divided by virtue of this Act, and also the respective Shares and Proportions by them respectively proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioners shall give Notice in Manner aforesaid, of some convenient Time and Place, when and where all Persons interested may inspect the Plan, whereupon the same shall be sketched out and delineated; and as some Persons may upon Inspection be dissatisfied with their intended Allotments, the said Commissioners shall give Notice of One Meeting at the least to be held by them for receiving Complaints and Objections, and the Determination of the Commissioners with respect to such Allotments shall be final, binding, and conclusive on all Parties. For determining Objections to Allotments.

XXVI. And be it further enacted, That the Allotments which shall be set out and awarded to the said Appropriators and their Lessee and the said Vicar respectively, for or in lieu of Glebe Land, Rights of Common, Tythes and Moduses or Compositions as aforesaid, shall be inclosed and ring-fenced on all such Parts as shall not be directed to be fenced by any other Proprietor, and as shall not adjoin upon any ancient Inclosure, or sufficient Brook, with Ditches and Quickset Hedges, or other proper Mounds and Fences to such new made Quickset Hedges, by and at the Expence of such of the Proprietors (except the said Dean and Chapter as Appropriators, and the said *George William Leeds* as their Lessee, and the Vicar respectively, of the Lands and Grounds hereby directed to be divided and inclosed, and of the inclosed Lands and Hereditaments in the Parishes of *Great Paxton* and *Toseland* aforesaid, hereby directed to be exonerated from Tythes, Moduses, or Compositions, and in such Shares and Proportions as the said Commissioners shall direct; and all the said Boundary Hedges, Ditches, and Fences, shall at all Times thereafter be repaired and maintained by and at the Expence of the Owners for the For fencing the Tythe Allotments.  
Time

Fencing other  
Allotments.

Gaps to be  
left.

Time being, of the Lands and Grounds to whom they shall respectively be allotted or directed to belong; and the several other Allotments to be made to the several other Proprietors thereof by virtue of this Act, shall be inclosed, hedged, ditched, and fenced at the Expence of the respective Proprietors to whom such Fences shall be allotted or directed to belong, with Quickset Hedges and proper Ditches, or in such other Manner as the said Commissioners shall by their Award, or any other Writing under their Hands, direct or appoint; and convenient Gaps and Openings shall be left in the said Fences and Inclosures for the Passage of Cattle, Carts, and Carriages, in and through the same, for such Space of Time as the said Commissioners shall by their Award, or any other Writing under their Hands direct.

Fencing  
across Free-  
boards.

XXVII. And be it further enacted, That when any Parcel of Land so to be allotted shall abut upon or adjoin to any Free-board or Ditch belonging to any Common Fields or inclosed Grounds next adjoining to the Lands and Grounds hereby directed to be divided and inclosed, the Person or Persons to whom such Parcel of Land shall be allotted, shall and may and is and are hereby empowered to set up any Gates or other Kind of Fence or Fences, in, over or upon such Free-board or Ditch for dividing the said Parcel or Parcels of Land, and raising and preserving the Quicksets, Bank, Wood, or other Fences to be raised thereupon, until such Time as the Owner of such Freeboard or Ditch shall sufficiently at his, her, or their own Expence have ditched, fenced, and mounded out the same Free-board or Ditch, from the Land adjoining thereto; or otherwise, it shall be lawful for the said Commissioners if they shall think fit, to make a specific Allotment in lieu of such Free-board, out of the Lands and Grounds hereby directed to be divided and inclosed, which Allotment shall be accepted and taken by the Owner or Owners of such Free-board in lieu thereof; and the said Allotment to be set out in lieu thereof, shall for ever after be deemed and taken to be within and Part of the Parish wherein such Free-board is now situate, and such Free-board shall for ever afterwards be deemed and taken to be within and Part of the Parish of *Great Paxton* or Part of the Parish of *Toseland*, as the Case may be.

Allotments to  
be of the same  
Tenure as  
the Lands,  
&c. in lieu  
whereof the  
same shall be  
made.

XXVIII. And be it further enacted, That all the Allotments which shall be set out or allotted to any Person or Persons, Body or Bodies Politick, Corporate or Collegiate by virtue of this Act, shall be deemed and taken to be held by and under the same Tenures, Rents, Fines, Customs, and Services respectively, as the Lands and Hereditaments in lieu or in respect whereof such Allotments were made, were previously held by or subject unto; and the said Commissioners shall in their Award distinguish the Tenures of the said Allotments respectively.

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

XXIX. And be it further enacted, That it shall be lawful for any Person or Persons, who shall be entitled to any Allotment or Allotments by virtue of this Act, to give, grant, bargain, sell, mortgage, demise, limit, convey, and assure the same for all or any Part of his, her, or their Estate and Interest therein, or Right thereto, at any Time before the Execution of the Award of the said Commissioners, and every such Gift, Grant, Bargain, Sale, Mortgage, Demise, Limitation, and Disposition thereof, shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall be lawful for any of the Owners or Proprietors

Proprietors of any Right of Common, upon the Lands and Grounds hereby directed to be divided and inclosed, to sell or dispose of the same, or the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of which he or she is entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioners to award all and every such Allotment or Allotments which shall be so sold or conveyed, or to be made and set out in lieu of any Right of Common so sold and conveyed to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, and Hereditaments whatsoever, whereof any Person or Persons, Body or Bodies Politic or Corporate is or are seised, for any Estate or Estates of Freehold or Inheritance within the said Parishes of *Great Paxton* and *Toseland*, or either of them, in lieu of and Exchange for any other Lands, Tenements, and Hereditaments whatsoever, within the said Parishes or either of them, or within any adjoining Parish, Hamlet, or Township, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and that all Exchanges in pursuance of this Act be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, and Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants for Life or Lives, or for Years determinable on a Life or Lives, or for any Estate of Inheritance less than an Estate in Fee Simple, or with the Consent of the Guardians, Feoffees for Charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself; such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively, and all and every such Exchange or Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; and the respective Lands and Hereditaments so to be exchanged shall go and remain to and for the same Uses and Trusts, and subject to the same Powers, Conditions, Covenants, and Agreements, as the Lands and Hereditaments, in respect whereof the same shall be exchanged, are or shall be subject, or would have been subject or liable to in case the Exchange thereof had not been made: Provided always, that no Exchange shall be made of Copyhold Lands or Hereditaments, by virtue of this Act or the said Act, unless the Lands and Hereditaments given and received in Exchange shall be situate within the Parishes of *Great Paxton* and *Toseland*, or one of them; and unless the Lord or Lords, Lady or Ladies of the Manor or respective Manors within which the said exchanged Premises are or shall be situate, or the Husband, Trustee, Guardian, Committee, Attorney, or Steward of such Lord or Lords, Lady or Ladies, being a Minor, Lunatic, Female Covert, beyond the Seas, or under any Incapacity or Disability, shall, by Writing under their, his, or her Hands or Hand, Seals or Seal, testify their, his, or her Consent thereto: Pro-

vided 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 Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate: Provided always, that all Costs, Charges, and Expences attending the making any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and Proportions as the said Commissioners shall, by their Award or other Writing under their Hands, order and direct.

Power to va-  
cate Leases at  
Rack Rent.

XXXI. And be it further enacted, That all and every Lease and Leases, and Agreement for Leases and other Tenancies at Rack-rent now subsisting, of all, every, or any Part or Parts of the Lands and Grounds which are hereby directed to be divided and allotted, or which shall be exonerated from Tithes, or exchanged by virtue of this Act, and of all Messuages, Homesteads, and old Inclosures, situated in the Parishes of *Great Paxton* and *Toseland* aforesaid, or any adjoining Parish, which are let therewith respectively, shall immediately from and after dividing, allotting, exonerating and exchanging the same Lands and other Hereditaments respectively, or at such other Time or Times as the said Commissioners shall, by any Writing or Writings under their Hands direct, cease, determine, and be void, and the respective Owners of such Lands shall make Satisfaction or Compensation to such Lessee or Lessees, Tenant or Tenants, for the Loss or Damage he, she, or they respectively shall thereby sustain, and in such Manner as such Owners and other Lessee or Lessees, Tenant or Tenants respectively shall agree upon, or in case they shall disagree, then as the said Commissioners shall order, direct, or appoint, to be paid to such Lessee or Lessees, Tenant or Tenants respectively, on account thereof; and in case the Money directed by the said Commissioners to be paid on the Account aforesaid, shall not be paid at the Time by them appointed, the same shall be recoverable at the Suit of the Person or Persons respectively to whom the same shall be directed to be paid, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which no Protection, Essoign, Wager of Law, or more than One Imparlance shall be allowed: Provided always, that nothing in this Act contained shall extend to determine, prejudice, or affect any Leases or Agreements of or concerning any Lands or Hereditaments which shall be exchanged by virtue of this Act, unless the Whole of the Premises shall be situated in the Parishes of *Great Paxton* and *Toseland* aforesaid, or One of them.

Power for the  
Vicar to lease.

XXXII. And be it further enacted, That it shall be lawful for the said Vicar for the Time being, by Indenture or Indentures under his Hand and Seal, with the Consent and Approbation of the Bishop of *Lincoln*, and of the Patrons of the said Vicarage, at any Time or Times after the passing of this Act, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to the said Vicar by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, computing the same from the Time such Allotment or Allotments shall be set out to and accepted by the said Vicar for the Time being, so as that there be thereby reserved and made payable to such Vicar, by Four equal Quarterly Payments in every Year, the best and most improved Rent or Rents that can be reasonably had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration,

Consideration, for making or granting any such Lease or Demise, and so that no such Lessee, by any such Lease or Demise, be made punishable for Waste by any express Words to be therein contained, and so that there be contained in every such Lease, Power of Re-entry on Non-payment of the Rent or Rents to be thereby reserved, within a reasonable Time to be therein limited; after the same shall become due; and so that a Counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid, and every such Lease shall be valid and effectual, any Law or Usage to the contrary notwithstanding.

XXXIII. And be it further enacted and declared, That nothing in this Act contained shall revoke, make void, alter, or annul any Will or Settlement of or concerning any of the Lands, Tenements, and Hereditaments which shall be allotted by virtue of this Act, or prejudice any Person having any Claim or Interest into or out of the same, but the same Lands, Tenements, or Hereditaments shall, upon the Allotment thereof respectively, become and be of the same Tenure, and be held under the same Rents and Services; and go and remain to the same Persons, for the same Estates and Interests, and to the same Uses, and upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisoos, Limitations, Conditions, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, in the same Manner as the Lands and Hereditaments in respect whereof the same shall be respectively allotted would be held or go, stand or be limited to, or upon, or be subject to or affected by, if such Allotment or Exchange had not been made, or this Act had not passed; except as to such Leases and Agreements for Leases at Rack-Rent, or from Year to Year, as shall be determined by virtue of this Act; or where any of the Provisions of the said Act, or of this Act, shall be to the contrary, and also except such Charges and Incumbrances as shall be made thereon by virtue of this Act.

Not to revoke Wills or Settlements, but Allotments to be of the same Tenure as the Estate for which they were made or exchanged.

XXXIV. And be it further enacted, That the Allotments which shall be set out for the said Dean and Chapter as such Appropriators as aforesaid, and their Lessee, and the said *Francis Wilkinson* or the Vicar of *Great Paxton* aforesaid for the Time being, respectively, within the said Parishes of *Great Paxton* and *Toseland*, as herein-before directed, shall be in lieu of and full Compensation and Satisfaction for their respective Glebe Lands and Rights of Common (if any) in and upon the Lands and Grounds hereby directed to be divided and inclosed, and also of and for all the Great and Small Tithes, Moduses, Compositions, and other Payments whatsoever in lieu of Tithes, arising, growing, renewing, increasing, appertaining, or due or payable to them respectively, out of or in respect of all and every the Messuages, Cottages, Tofts, Homesteads, Gardens, Orchards, inclosed Lands, Open and Common Field Land, Meadows, Pastures, Wood-grounds, and all other Lands, Tenements, and Hereditaments whatsoever, within the respective Parishes of *Great Paxton* and *Toseland* aforesaid, (but *Easter Offerings*, *Surplice Fees*, and *Mortuaries* shall not be prejudiced), and the same Tithes, Moduses, Compositions, and Payments in lieu of Tithes shall, immediately from and after the setting out of the Allotment or Allotments in Lieu and Satisfaction thereof as aforesaid, or at such other Time or Times as the said Commissioners shall, in and by their Award, or any other Writing to be signed by them previous to the Execution of their Award, and affixed on the Church Doors of

Tithes to cease.

Tithes made  
payable until  
Allotments  
made

*Great Paxton and Toseland* aforesaid, respectively direct or appoint, cease, determine, and be for ever extinguished; and the said Appropriators and their Lessee, and the said Vicar respectively, shall in the mean Time be entitled to, and shall receive and enjoy such and the same Tithes and Payments in lieu thereof, as they might or could or ought to have done in case this Act had not been made; and in case the same shall happen before the End of any current Year for which the said Tithes are holden by the Tenants or Occupiers thereof, it shall be lawful for the said Commissioners to determine what Sum shall be paid by them respectively for the said Tithes, Moduses, or Compositions for such fractional Part as shall be then passed for the said current Year, and that from and immediately after such Allotments shall be set out, the said Appropriators, and their Lessee, and the Vicar respectively, shall be for ever exonerated and exempt from providing and keeping a Bull and Boar, or either of them, for the said Parishes of *Great Paxton* and *Toseland*, in respect of the Lands to be divided or exonerated from Tithes by virtue of this Act.

Commissioners may direct  
the Course of  
Husbandry.

XXXV. And be it further enacted, That in the mean Time and until such Divisions, Partitions, or Allotments shall be made as aforesaid, all the Tillage, Pasture, and other Lands hereby directed to be divided and inclosed, shall be stocked with such Cattle, and sown by the respective Owner or Owners, Occupier or Occupiers thereof, with such Sort of Corn and Grain, and shall be kept, ordered, and continued in such Course of Husbandry as the said Commissioners, by any Writing or Writings under their Hands, shall in that Behalf award, order, direct, or appoint; any Usage or Custom of stocking or sowing to the contrary notwithstanding; and that no Meadows, Pastures, or fresh Grounds, Part of the Lands and Grounds hereby directed to be divided and inclosed, and not now in Tillage, shall before that Time be ploughed, broken up, or converted into Tillage; and also that it shall be lawful for the said Commissioners, at any Time hereafter when they in their Judgement shall think it convenient and necessary, by Notice for that Purpose under their Hands, to be affixed on One of the Doors of the Parish Churches of *Great Paxton* and *Toseland* aforesaid, to suspend or totally extinguish all or any Part of the Right of Common in and over the Lands and Grounds hereby directed to be divided and inclosed, and from and after such Notice or Notices shall be given, such Right of Common shall cease and be utterly extinguished, or otherwise be suspended for such Time as the said Commissioners shall in and by such Notice or Notices direct; and if after such Suspension or Extinguishment of such Right of Common, any of the said Proprietors or Occupiers shall permit his, her, or their Cattle to go, depasture, or feed on any of the Lands or Grounds so exonerated from Common, then it shall be lawful for any of the said Proprietors or Occupiers to seize such Cattle, being upon such Lands or Grounds contrary to the said Order, and to impound and keep the same until the Person or Persons so offending shall pay unto the Person or Persons so seizing and impounding such Cattle, the Sum of Five Shillings for each of the Cattle so seized and impounded; and in case the same shall not be paid before the next Meeting of the Commissioners, after such seizing and impounding, then the said Commissioners are hereby authorized and empowered, upon Proof of such Offence or Offences having been committed, and Non-payment of the Penalty hereby imposed, to cause the Cattle so seized and impounded, or such Part thereof as they shall think necessary, or other Goods and Chattels of the Person or Persons so offending, to be sold for raising and pay-  
ing



ing the Penalty aforesaid, together with the Costs and Charges attending such seizing and impounding and Distress and Sale, rendering the Overplus (if any) to the Owner of such Cattle, Goods, and Chattels.

XXXVI. And be it further enacted, That the several Proprietors, whose Allotments in the said Division and Inclosure shall have been ploughed, sowed, or manured by the Direction of the said Commissioners, shall pay unto the several Persons who shall have ploughed, sown, or manured the same, such several and respective Sums of Money and at such Time, as the said Commissioners shall think reasonable, and by any Writing under their Hands ascertain, order, and direct; and in case any of the said Sums of Money shall not be paid at the Times so ordered by the said Commissioners, the same shall be raised, levied, and recovered in such Manner as is provided for raising, levying, and recovering the Expences of obtaining this Act, and carrying the same into Execution, in case of Neglect or Refusal to pay the same.

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

XXXVII. And be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, or for carrying the same into Execution, shall be repaid with lawful Interest to the Person or Persons advancing the same, out of the First Monies to be raised for defraying the Expences of obtaining and executing this Act.

Money advanced to be paid with Interest.

XXXVIII. And be it further enacted, That each of the said Commissioners and their Clerk, who shall act in the Execution of the Trusts and Powers vested in them by this Act, shall be paid the Sum of Three Pounds and Three Shillings for every Day he shall be employed in the Execution of this Act, in full Satisfaction for the Trouble which he shall be put unto in the Execution of the said Trusts and Powers hereby given, and that the same, together with all such Costs, Charges, and Expences of passing this Act, and the Costs and Charges of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds hereby directed to be divided and inclosed, and also of surveying, admeasuring, planning, and valuing the said Homesteads and ancient Inclosures, and exonerating the same from Tythes, and of preparing and enrolling the said Award or Instrument, and all other the necessary Charges and Expences of the said Commissioners and their Clerk, and the other necessary Expences about and concerning the said Premises, shall be borne and defrayed in a proportionable Rate by all the Proprietors and Owners of the Lands and Grounds hereby directed to be divided and inclosed, or which shall be exonerated from Tythes, Moduses, Compositions, or Payments in lieu thereof, by virtue of this Act (except the said Appropriators and Vicar in respect of their Rectorial and Vicarial Tythes, Glebe Lands, and Rights of Common, if any) in such Shares and Proportions, and shall be paid to such Person or Persons, and at such Time or Times, and in such Manner, as the said Commissioners shall, in and by any Writing under their Hands, previous to making their Award, or by their Award, order, direct, and appoint.

Commissioners Allowance and other Expences of the Act.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners, on Application made to them in Writing by any Person or Persons entitled to any Allotment or Allotments, or inclosed Lands or Tenements intended to be exonerated from Tythes, Moduses, Compositions,

Power to sell Land for the Expences or to charge the Estates of Tenants for

Life, &c.  
with their  
Allotments.

tions, or other Payments in lieu thereof, by virtue of this Act, being Tenants in Tail or for Life or Lives, or for any long Term of Years absolute or determinable on any Life or Lives, or on any other Contingency, or for the Husbands, Guardians, Trustees, Committees, or Attornies of any Person seized of any such Estates respectively, who are under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability (except the said Appropriators and their Lessee or Lessees, and the said Vicar) to sell and dispose of any Part or Parts of his, her, or their Allotment or Allotments for defraying his, her, or their Proportion or Proportions of the Costs, Charges, and Expences of passing and executing this Act, and of the necessary Costs and Expences of fencing and dividing his, her, or their Allotment or Allotments, or fencing off his, her, or their ancient Inclosures as aforesaid; all which Sales, hereby authorized, shall be made in such Manner and Form, and subject to such Regulations, as by the said Act of the Forty-first Year of His present Majesty is directed or mentioned with respect to Sales thereby authorized; and the said Commissioners are hereby authorized to convey and assure, or allot and award the Part or Parts so sold to the Purchaser or Purchasers thereof, in Fee-simple, by Indentures of Lease and Release or Bargain and Sale, or by their Award; and the Receipt of the said Commissioners for such Purchase Monies shall be a sufficient Discharge to such Purchaser or Purchasers, or it shall be lawful for such Person or Persons as aforesaid, with the Consent in Writing of the said Commissioners, to charge, his, her, or their respective Allotments and inclosed Lands or either of them, or any Part thereof, with any Sum or Sums of Money not exceeding the Amount of the respective Payments which he, she, or they shall make by the Direction of the said Commissioners, for or on Account of all or any of such Costs, Charges, or Expences, as aforesaid (and which Charges shall not in any Case exceed Five Pounds an Acre), and for the better securing the Payment thereof with Interest, it shall be lawful for such Person or Persons as aforesaid, with such Consent as last aforesaid, to grant, surrender, convey, or assure the Lands so to be charged by Way of Mortgage, in such Manner as by the said Act of the Forty-first Year of His present Majesty is provided or authorized with respect to any other Money to be raised or borrowed for the Purposes of this Act: Provided, that nothing herein contained shall authorize any Person or Persons to raise or charge by Sale, Mortgage, or by any other Ways or Means in the said recited Act or this Act mentioned, any further or greater Sum or Sums of Money for defraying such Expences as last aforesaid, than after the Rate of Five Pounds for every Acre of his, her, or their Lands, to be divided, allotted, or exonerated from Tythes by virtue of this Act, and that in all Cases where any Lands shall be sold for the Payment of such Expences, it shall not be lawful for such Person or Persons to charge his, her, or their Lands, Tenements, or Hereditaments, with any Sum or Sums of Money whatever, for the Payment thereof.

Application  
of the surplus  
Money.

XL. Provided always, and be it further enacted, That in case such Lands and Grounds so to be sold as herein-before mentioned by the said Commissioners, shall be sold for more Money than will be required to defray the Share or Proportion of such Costs, Charges, and Expences to be paid by the Person or Persons so requesting such Sale, then and in such case such surplus Money shall be divided and apportioned between the several Persons so requesting such Sale, if more than one Application shall be so made, in such Shares as the said Commissioners shall think proper;

and

and the Shares of such of them as shall be Tenants of their respective Allotments in Fee-simple shall be paid to them respectively, and the Shares of such other Persons of or in such surplus Money shall be applied and disposed of in Manner directed by the said 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, and Hereditaments to be settled to the same Uses.

XLI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, if they shall think the Matter expedient, to deduct from any Allotment or Allotments to be set out for any Proprietor or Proprietors by virtue of this Act, so much Land as in the Judgement of the said Commissioners shall be equivalent to the Part or Proportion of the Expences of soliciting and passing this Act, and of the Execution thereof by the said Commissioners, and also to the Expences of inclosing, hedging, ditching, and fencing, which ought to be paid in respect of such Allotment or Allotments; and the Land so deducted shall be allotted to or amongst the Proprietors who shall pay the same Expences, in Proportion to the Sums they shall respectively pay or contribute thereto, but under the Restriction, however, that no such Deduction shall be made from any Allotment or Allotments, without the Consent in Writing of the respective Proprietors or Persons seized or intitled in Possession of or to such Allotment or Allotments, or of the Husbands, Guardians, Trustees, Committees, or Attornies of any such Proprietors; being Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves; and that the Land so deducted shall not in any case exceed in Value the Rate of Five Pounds for every Acre of such Allotment or Allotments, and that no Person, from whose Allotments such Deduction in Land shall be made as aforesaid, shall be authorized by virtue of this Act to raise any Money by Mortgage or Sale as aforesaid.

Or may deduct Land for the Expences.

XLII. And be it further enacted, That once in each and every Year during the Execution of this Act 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 *Huntingdon*, 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 the Law, unless the same shall be duly allowed by such Justice.

Accounts to be passed before a Magistrate.

XLIII. 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 Parish Church of *Great Paxton*, and an attested Copy in the Parish Church of *Toseland* aforesaid.

Where the Award shall be deposited.

XLIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in the Performance of the said recited Act or this Act, (other than and except such Claims, Matters, and Things, as are herein-before directed or authorized to be settled, ascertained, tried, or determined by the Verdict of a Jury; and also except such Orders and Determinations of the said Commissioners

Persons aggrieved may appeal to the Quarter Sessions.

missioners as are by the said recited Act or this Act directed to be final or conclusive, then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace to be held for the said County of *Huntingdon* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Thirty Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices, (not interested in the Premises,) in their said General Quarter Sessions, are hereby required to hear and determine the Matters of any such Appeal, and to make such Order, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties 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 such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to 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; but in case such Appeal shall appear to the said Justices frivolous, vexatious, or without Foundation, the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

But not to prejudice Mills or the Navigation of the River.

XLV. Provided always, and be it enacted, That the said Commissioners shall not be authorized or empowered by this Act to make, do, or execute, or cause to be made, done, or executed, any Work, Bank, Drain, Watercourse, Fence, or other Thing whatsoever, which shall occasion any Detriment, Prejudice, Impediment, or Hindrance to the Navigation of the River *Ouse*, or the Haleing-ways or Towing-paths upon or along the Banks of the said River, belonging to the said Navigation or the Proprietors thereof.

General Saving.

XLVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the several Persons claiming Lands, Rights of Common, or other Rights or Interests in the Lands hereby directed to be divided and inclosed, or any Part or Parts thereof; and also the several Persons to whom any Allotment or Allotments shall be made in respect of the Interest or Property for which such Allotment shall be made, and except such other Rights and Interests as the Intent and Purpose of the Inclosure hereby authorized shall require to be absolutely barred, destroyed, or extinguished by this Act,) all such Estates, Rights, and Interests, as they, every, or any of them had or enjoyed of, in, to, or in respect of the Lands hereby directed to be divided and inclosed, before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

Act to be printed by the King's Printer.

XLVII. 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 by all Judges, Justices, and others.

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