



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.



Cap. 59.

An Act for inclosing Lands in the Parish of *Saint John the Baptist Peterborough*, in the County of *Northampton*.
[6th May 1811.]

WHEREAS there are in the Manors or Lordships of *Peterborough* and *Boroughbury*, and the Hamlets of *Dodsthorpe*, *Eastfield*, and *Newark*, all in the Parish of *Saint John the Baptist Peterborough*, in the County of *Northampton*, divers Open and Common Fields, Arable Lands, Common Meadows, Pastures, and divers Commons and Waste Grounds, to *Peterborough* and the said several Hamlets, and to the Hamlet of *Longthorpe* in the said Parish, or to some of them belonging, and on some Parts of which said Commons and Waste Grounds the Proprietors of certain Estates in *Alwalton* and *Fletton*, in the County of *Huntingdon*, are entitled to Common of Pasture: And whereas the Right Honourable *Alleyne Lord Saint Helens*, *John Lord Henniker*, the Reverend *William Burslem* Clerk, and *Evan Fulkes* Esquire, as Devisees in Trust of all the real Estates of the Most Honourable *Henry* late Marquis of *Exeter*, deceased, claim to be Lords Paramount of the Hundred of *Nassaburgh* in the County of *Northampton*, in which Hundred the said Lands or some Part thereof do lie: And whereas the Right Reverend Father in God, *Spencer* Lord Bishop of *Peterborough*, in Right of his See, is Lord of the Manor of *Boroughbury* in the said Parish; and the Reverend the Dean and Chapter of the Cathedral Church of the Borough of *Saint Peter*, otherwise *Peterborough*, are Lords of the Manor of *Peterborough*: And whereas the said several Persons, as Lords Paramount and Lords of the said several Manors

[Loc. & Per.]

as aforesaid, do severally claim to be entitled to or interested in the Soil of the said Commons and Waste Grounds: And whereas the said Lord Bishop of *Peterborough*, in Right of his said See, is Patron of the Vicarage and Parish Church of *Saint John the Baptist Peterborough*; and the Reverend *Joseph Stephen Pratt* Clerk, is the Vicar of the same, and as such entitled to the Scite of a Parsonage House and certain Rights of Common thereto belonging, and to certain Portions of Tythes and Payments in lieu of Tythes, to the said Vicarage belonging; and the said Lord Bishop of *Peterborough*, in Right of his said See, is also entitled to divers Messuages, Farms, Lands, Tenements, and other Hereditaments, considerable Parts of which are now let on beneficial Leases to the Right Honourable *William Wentworth* Earl *Fitzwilliam*, and divers other Persons, for Terms of Lives or Years respectively: And whereas the said Dean and Chapter are also entitled to divers other Messuages, Farms, Lands, Improprate Tythes and Hereditaments, and considerable Parts thereof are also let on beneficial Leases to the said Earl, and to *John Bull*, and other Persons, for Terms of Lives or Years respectively: And whereas the said Earl *Fitzwilliam*, Sir *John Wyldbore Smith* Baronet, *William Squire*, *Benjamin Bull*, *Henry Powney Isberwood*, *Francis Hopkinson*, *Samuel Buckle*, *Thomas White*, and divers other Persons, are respectively the Owners and Proprietors of the several other Messuages, Cottages, and Tenements, Arable, Meadow, and Pasture Lands, within and appurtenant to *Peterborough*, and the said several Hamlets: 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 Arable, Meadow and Pasture Lands, lie intermixed and dispersed, and are inconveniently situated for the respective Owners and Occupiers thereof, and the said Commons and Waste Grounds yield but little Profit, and, in their present State, are incapable of any considerable Improvement; and it would be very advantageous if the said Arable, Meadow, and Pasture Lands, and also the said Commons and Waste Grounds, were to be divided and inclosed, and specific Shares thereof allotted to and among the several Persons interested, in Proportion and according to their respective Estates, Rights, and Interests; but as such Division, Allotment, and Inclosure, cannot be effected without the Authority of Parliament: May it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Edward Hare*, of *Castor*, in the County of *Northampton*; *William Custance*, of *Cambridge*, in the County of *Cambridge*; and *Charles Berkeley*, of *Biggen*, in the Parish of *Oundle* in the said County of *Northampton*, Gentlemen, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open and Common Fields, Common Meadows, Pastures, and all other Commonable Lands and Waste Grounds in the Parish of *Saint John the Baptist Peterborough*, and thereto and to the said several Manors and Hamlets, and every or any of them, and to the Hamlet of *Longthorpe*, and to *Alwalton* and *Fletton*, or the ancient Estates there respectively belonging or in anywise appertaining (save and except the Common called *Great Borough Fen*), and for putting this Act into Execution, subject to
the

Commis-
sioners ap-
pointed.

the Provisions of the said recited Act, except in such Cases where the same are hereby varied or altered: Provided always, that it shall and may be lawful for any Two of the said Commissioners, or their Successors to be elected in Manner herein-after mentioned, and they are hereby fully authorized and empowered to execute, do, and perform all and every or any Matter or Thing, either by this or the said recited Act authorized to be done and performed by the said Commissioners; and every such Matter and Thing which shall be executed, done and performed by any Two of the said Commissioners for the Time being shall be as valid and effectual to all Intents and Purposes, as if all the said Commissioners herein-before appointed, or to be elected in Manner herein-after mentioned, had been present, and had executed, done and performed the same.

Two Com-
missioners
may act.

II. And be it further enacted, That in case the said *Edward Hare* shall die, neglect or refuse to act, or be rendered incapable of acting as a Commissioner in the Execution of this Act, then and in such Case the surviving or remaining Commissioners or Commissioner shall, within Fourteen Days next after such Death, Neglect, Refusal or Incapacity of the said *Edward Hare* to act shall happen, or be known to them or him, give Notice thereof in Writing to the said Earl *Fitzwilliam* or his known Agent, who shall within Twenty-one Days after such Notice, by Writing under his Hand, or under the Hand of his known Agent, nominate and appoint one other Person, (not interested in the said intended Division and Inclosure), to be a Commissioner in the Room and Stead of the said *Edward Hare*, and so from Time to Time as often as any Commissioner so to be appointed by the said Earl *Fitzwilliam* shall die, neglect or refuse to act, or become incapable of acting as aforesaid; and that in case the said *William Cusance* shall die, neglect or refuse to act, or be rendered incapable of acting as a Commissioner in the Execution of this Act, then and in such Case the surviving or remaining Commissioners or Commissioner shall within Fourteen Days next after such Death, Neglect, or Refusal to act, or Incapacity of the said *William Cusance*, shall happen or be known to them or him, give Notice thereof in Writing to the said Dean and Chapter, and their Successors, and the said *Joseph Stephen Pratt* and his Successors, Rectors and Vicar for the Time being, or to their known Agents, who shall within Twenty-one Days after such Notice, by Writing under their Hands, or under the Hands of their known Agents, nominate and appoint one other Person, (not interested in the said Division and Inclosure), to be a Commissioner in the Room and Stead of the said *William Cusance*, and so from Time to Time as often as any Commissioner so to be appointed as last aforesaid shall die, neglect, refuse, or become incapable of acting as aforesaid; and that in case the said *Charles Berkeley* shall die, neglect or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, that then and in such Case the surviving or remaining Commissioners or Commissioner shall, within Fourteen Days next after such Death, Neglect, Refusal or Incapacity of the said *Charles Berkeley* to act shall happen, or be known to them or him, give Notice thereof to the Owners and Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, (except the said Earl *Fitzwilliam*, the said Bishop, the said Dean and Chapter, and the said *Joseph Stephen Pratt*, and their Successors), in the Newspaper called *The Cambridge Chronicle and Journal*, or the Newspaper called *The Lincoln, Stamford, and Rutland Mercury*, or some other Newspaper usually circulated in that Part of the County

Appointment
of new Com-
missioners.

County of *Northampton* where the Lands to be inclosed lie, and also in each of the Churches of *Peterborough*, and the Chapel of *Longthorpe*, in the said County of *Northampton*, upon a *Sunday* immediately before Divine Service, by affixing the same in Writing upon the principal outer Doors of the said Churches and Chapel; and in such Notice the said surviving or remaining Commissioners or Commissioner shall appoint a Time and Place (within the Limits hereby appointed for holding the said Meetings, generally, for the Purposes of the said intended Division and Inclosure), for the said Owners and Proprietors to meet, within Twenty-one Days after such Notice for the Appointment of another Person, (not interested in the said intended Division and Inclosure), in the Place and Stead of the said *Charles Berkeley*, and the Majority in value (to be ascertained by the Land Tax Assessments) of the said Owners and Proprietors of the said Lands and Grounds so to be divided, allotted, and inclosed, (except as aforesaid), who shall by themselves or their known Agents, or other Agents duly authorized by Writing, attend such Meeting, shall and may by Writing under their Hands, appoint another Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place and Stead of the said *Charles Berkeley*, and so from Time to Time as often as any Commissioner so to be appointed by the said Owners and Proprietors, shall die, neglect, or become incapable of acting as aforesaid, but that in case the Persons respectively herein-before enabled and authorized to appoint a Commissioner or Commissioners as aforesaid, shall refuse or neglect to appoint such Commissioner or Commissioners in the Place or Stead of the Commissioner or Commissioners so dying, neglecting, refusing or becoming incapable of acting as aforesaid, within Twenty-eight Days after such Notice or Notices shall have been given as aforesaid, then and in such Case the surviving or remaining Commissioners or Commissioner shall, within the Space of Ten Days next after such last-mentioned Refusal or Neglect, by Writing under their or his Hands or Hand, appoint a Commissioner or Commissioners, (not interested in the said Division and Inclosure), in the Place and Stead of each of such Commissioners so dying, neglecting, or becoming incapable of acting as aforesaid, whose Place or Places shall not have been filled up by the respective Persons enabled to elect or appoint such new Commissioner or Commissioners as aforesaid; and that every Commissioner so to be nominated and appointed shall have the same Powers and Authorities of acting in the Execution of this and the said recited Act, as the Commissioner in whose Place or Stead he shall succeed was vested with; and that every Appointment of a new Commissioner shall be enrolled at the same Time and in the same Place with the Award or Instrument of the said Commissioners.

Notice of
Meetings.

III. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice to be given by Advertisement in the said Newspapers, or One of them, or in some other Newspaper published or circulated in that Part of the said County of *Northampton*, where the said Lands and Estates lie, and also by Writing to be affixed on the principal outer Doors of the Churches and Chapel aforesaid, of the Time and Place of their First Meeting for executing the Powers hereby vested in them, at least Ten Days before such Meeting, and shall also cause Ten Days Notice at the least to be given in Writing in like Manner of every subsequent Meeting for the like Purposes, (Meetings by Adjournment only excepted); provided, that if at any Meeting appointed to be holden as aforesaid,

aforesaid, it shall happen that only One of the said Commissioners shall attend, such Commissioner so attending may adjourn such Meeting to such Time within the Space of Fourteen Days, and to such Place within *Peterborough* aforesaid, or within Eight Miles of the same, as he shall think most convenient, giving Notice thereof to the absent Commissioners: Provided also, that all Meetings of the said Commissioners in the Execution of this or the said recited Act shall be held at *Peterborough*, or within Eight Miles of the same.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisement in the said Newspapers or One of them, or in case the same shall not be then published, in some other Newspaper published or circulated in that Part of the said County of *Northampton* in which the said Lands do lie, and by Notices to be affixed on the outer Doors of the said Churches and Chapel as aforesaid.

Other Notices how to be given.

V. And be it further enacted, That each of the Commissioners acting in the Execution of the Trusts and Powers hereby vested in him, shall be allowed and paid in Satisfaction for his Trouble and Expences the Sum of Two Pounds Twelve Shillings and Sixpence for every Day on which he shall be respectively employed in travelling to, attending on, and returning from so acting; and that at all Meetings to be held in pursuance of this and the said recited Act, the said Commissioners shall pay their own Expences; and none of the said Commissioners shall be allowed for more than one Day in travelling to, and one Day in travelling from the Place of Meeting.

Allowance to the Commissioners.

VI. Provided always, and be it further enacted, That no Person acting as a Commissioner in the Execution of this or the said recited Act, shall act as a Surveyor for the Purposes thereof during the Time he shall be a Commissioner.

Commissioners not to act as Surveyors.

VII. And be it further enacted, That such Survey and Admeasurement of the Lands and Grounds hereby directed to be divided and inclosed, and of the ancient inclosed Lands and Hereditaments in the said Parish of *Saint John the Baptist Peterborough*, and the Precincts of the Cathedral Church at *Peterborough*, as in the Judgement of the said Commissioners shall be requisite or necessary for the Purposes of this Act, or of the said recited Act, shall be made by such Person or Persons as the said Commissioners shall direct and appoint.

Survey to be made.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Inclosure, touching or concerning the respective Rights and Interests claimed by the said Lords Paramount, and the Lords of the before-mentioned Manors, or any or either of them, in or to the Soil of the said Commons and Waste Grounds, or touching or concerning any other Rights or Interests which such Parties or either or any of them shall claim to have in or upon the Lands and Grounds hereby directed to be divided and allotted, or concerning any Wood, Underwood, Bushes, Thorns, Whains, or Furze growing thereon, or concerning any Allowance claimed or to be claimed for ploughing and sowing Turnips

Commissioners to settle Disputes;

or Corn, laying down with Grasse Seeds, manuring or improving the said Arable, Meadow, and Pasture Lands, or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

but not to
determine
Titles.

Commission-
ers may assess
Costs.

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

Parties may
try their
Rights at
Law.

X. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of or for any Right of Soil, Sheepwalk, or Common, or other Commonable Rights or Interests in, over, upon, or out of the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, or concerning any Objection or Objections made to such Claim or Claims, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, then and in every such Case it shall be lawful to and for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to have the Matter of any such Claim or Objection tried at Law at the next or the second Assizes to be holden for the County of *Northampton*, and that for that Purpose the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be dissatisfied with such Determination of
the

the said Commissioners, shall cause an Action or Actions to be brought against any One or more of the said Commissioners, or any One or more of the Person or Persons in whose Favour such Determination shall have been made, in One of His Majesty's Courts of Record at *Westminster*, within Three Calendar Months next after such Determination of the said Commissioners shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required forthwith to name an Attorney or Attornies, and to appear and file Common Bail, and accept One or more Declaration or Declarations, and plead and proceed to Issue thereon, whereby such Claim or Claims, Objection or Objections, and the Rights or Interests thereby insisted upon, may be tried and determined at the first or second Assizes to be holden for the said County of *Northampton* next after the making of such Determination, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and that the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had thereon, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall, and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims, Objection or Objections thereby determined, according to the Event of such Trial or Trials: Provided always, that all such Determinations of the said Commissioners as shall have been so made as aforesaid, with respect to such Claims or Objections, and concerning which no Action at Law shall be brought or commenced, and proceeded in within the Time aforesaid shall be final, binding, and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate whomsoever, any Thing in this or the said recited Act contained to the contrary notwithstanding: Provided also, that if any of the Parties in any such Action or Actions to be commenced by virtue or in pursuance of this Act, shall die pending the same, such Action or Actions shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened.

Determina-
tion of the
Commission-
ers to be
final if no
Action
brought.

If Parties die,
Proceedings
not to abate.

XI. 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 hereinbefore limited for bringing the same, 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 said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and that it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination

Provisions in
Cases of
Death of
Parties before
Actions
brought.

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nation 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 that the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Rights of Possession not to be determined by Commissioners.

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

Respecting Encroachments.

XIII. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the said Open and Common Fields, Common Meadows, Pastures, Commonable Lands, and Waste Grounds, shall be deemed Part thereof, and shall be divided and allotted accordingly, (save and except in such Cases only where Encroachments or Inclosures have been made upon the said Commonable Lands and Waste Grounds with the Consent of the Lord or Lords of the said Manors, or either of them); and in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent thereof, such Dispute or Difference shall be determined by the said Commissioners.

Roads dividing Parishes, to be made up in the whole 40 Feet Broad.

XIV. And be it further enacted, That in case any public Carriage Roads or Highways shall be set out or continued in any Situation or Direction where the said Parish of *Saint John the Baptist Peterborough* is divided from any adjoining Parish, and where there now is and usually hath been a public Road or Meerway, and such adjoining Parish or Place hath hitherto been charged or liable to be charged with One-half Part of the Repair 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 so many Feet only, or 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 Forty Feet at the least.

Commissioners may alter Roads through ancient Inclosures.

XV. And be it further enacted, That in case it shall appear to the said Commissioners, that there are or is any public Highways or Highway, Bridleroads or Bridleroad, Footways or Footway, in, through, over, or on the Sides of any of the old inclosed Lands or other Lands within the said Parish of *Saint John the Baptist Peterborough*, which may in the Judgment of the said Commissioners be diverted and turned, without Inconvenience to the Public, into any other public Highways or Highway, Bridleroads or Bridleroad, Footways or Footway, or be diverted or turned so as to make the same more convenient to the Public, or be stopped up and discontinued as superfluous and unnecessary, it shall be lawful for the said Commissioners, with the Concurrence of Two Justices, and on giving Notices, subject to Objections or Appeal as in the said recited Act is mentioned, respecting the setting out, varying and shutting up the

the publick and private Carriage Roads, Bridleways, and Footways, in and by their said Award to order and direct such publick Highways or Highway, Bridleroads or Bridleroad, Footways or Footway to be diverted, turned, stopped up or discontinued, in such Manner as the said Commissioners shall think proper; and in case such Highways or Highway, Bridleroads or Bridleroad, Footways or Footway, so to be diverted, turned, stopped up or discontinued, do not pass through any of such old inclosed Lands or other Lands, but on the Sides of the same, to sell and dispose of the Lands and Soil of such Roads to the Person or Persons whose Lands lie contiguous thereto, or other Person or Persons who shall be willing to purchase the same, and apply the Money arising therefrom towards repairing the public Highways within the Parish in which the same lie.

XVI. And be it further enacted That no Horses, Beasts, Asses, Sheep, Lambs, Swine, or other Cattle, shall at any Time within the First Seven Years after the said Allotments shall be directed to be entered upon by the respective Proprietors thereof, be kept in any of the public Carriage Roads or Ways to be set out and fenced off on both Sides, or laned out, in pursuance of this Act.

Cattle not to be kept in Roads for a limited Time.

XVII. And be it further enacted, That the said Commissioners shall and may scour out, repair, and widen all ancient Brooks, Drains, Ditches, Watercourses, Tunnels, Watergates, Sluices, Banks, Bridges, and other Requisites in, over, or upon the Lands and Grounds hereby intended to be divided and inclosed, and in, over, or upon any of the old inclosed Lands within the said Parish of *Saint John the Baptist Peterborough*, and also shall and may make, set out and appoint such new Ditches, Drains, Watercourses, Tunnels, Watergates, Sluices, Banks, and Bridges, and other Requisites, as well in, through, and over the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, as in, through, and over any ancient Inclosures, or other Lands and Grounds within the said Parish, making Satisfaction to the Proprietor of such ancient Inclosures, or other Lands and Grounds, not hereby directed to be divided and inclosed, of such Depth and Breadth, and in such Directions as the said Commissioners shall think fit; and the said Commissioners shall and may and they are hereby directed, in and by their Award, to appoint and order by whom and at whose Expence, and at what Time and in what Manner the said Brooks, Drains, Ditches, Watercourses, Tunnels, Watergates, Sluices, Banks, Bridges, and other Requisites, shall be made and thereafter repaired, cleansed, scoured, and maintained; and also shall and may direct, order, and award all or any of the Streams, Springs of Water, and Watercourses, within the said Open and Common Fields, Lands or Grounds, hereby directed to be divided and inclosed, or adjoining to the same, or in any inclosed Lands within the said Parish, to be conveyed, carried, or turned into such Courses, and through, over, and across such Parts of the Lands and Grounds hereby directed to be divided and inclosed, or any other Lands in the said Parish, as they the said Commissioners shall in their Discretion adjudge proper, for the watering of the several Allotments to be made as aforesaid, or directing and discharging such Streams, Springs of Water or Watercourses, towards or at their Outfall; provided that no such Stream, Spring of Water, or Watercourse, be diverted or turned without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, from or out of whose Lands,

Power to make Drains, &c.

[*Loc. & Per.*]

and of the Person or Persons, Bodies Politic, Corporate or Collegiate, through or into whose Lands respectively the same shall be diverted or turned.

Allotments
for Stone,
Gravel,
and Mortar
Pits.

XVIII. And be it further enacted, That the said Commissioners shall set out, allot and award unto the Surveyors of the Highways within *Peterborough*, and each of the said Hamlets of *Dodsthorpe*, *Eastfield*, and *Newark* respectively, such Parts of the Lands and Grounds hereby directed to be divided and inclosed as the said Commissioners shall think necessary, not exceeding Six Acres in the whole, as and for publick Stone, Gravel, Sand, and Mortar Pits, and that the same Allotments when set out, shall for ever thereafter be used by the respective Surveyors of the Highways, and by the respective Proprietors and Occupiers of Lands, Tenements, and Hereditaments within *Peterborough*, and each of the said Hamlets for the Time being, in such Manner and under such Rules and Regulations as the said Commissioners shall by their Award, or by any other Writing or Writings under their Hands, direct or appoint; and that the Herbage thereof, and also of the public and private Roads, shall belong to, and be the Property of such Person or Persons to whom the Commissioners shall allot and award the same.

Allotments
to Vicar,
Impropri-
ators, &c. in
lieu of Glebe
Land and
Right of
Common.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next Place, to set out, allot, and award, out of the Lands and Grounds hereby directed to be divided and inclosed, unto and for the said Vicar and Impropriators, and the Lessees of the said Impropriators respectively and their Successors, Vicar and Impropriators for the Time being, such Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands and Rights of Common now belonging to the said Vicarage and to the said Impropriators respectively.

Allotments in
lieu of Great
and Small
Tythes.

XX. And, in order to the making of an adequate Compensation to the said Vicar and Impropriators, and their Lessees, now the Tythe Owners for the Great and Small Tythes arising and renewing within *Peterborough*, and the said several Hamlets of *Dodsthorpe*, *Eastfield*, and *Newark* aforesaid, or the Tytheable Places of the same, and for Moduses; be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out, allot and award, out of the Lands and Grounds hereby directed to be divided and inclosed, unto and for the said Vicar and Impropriators and their Lessees, and for their respective Successors, for and in lieu of all Tythes, both Great and Small, and all Moduses, Compositions or other Payments in lieu of Tythes, and all other Ecclesiastical Dues and Payments whatsoever, (except the annual Payments after mentioned, and except Easter Offerings, Mortuaries and Surplice Fees), arising, growing, increasing, happening or payable within the said several Manors and Hamlets, and every of them, such Parts and Parcels of the Lands and Grounds hereby directed to be divided and inclosed, as in the Judgement of the said Commissioners shall be equal in Value to One Fifth Part of the Arable Lands, One Eighth Part of all the known Grass Lands, and One Ninth Part of all the Wood Lands, and One Ninth Part of all the unknown Common and Waste Grounds within the said several Manors and Hamlets, which are subject and liable to the Payment of Tythes in Kind to the said respective Vicar and Impropriators, and their said Lessees,

and

and also equal in Value to such Moduses, Compositions, or other Payments in lieu of Tythes as aforesaid (if any), and which shall remain after the public and private Roads, and the Allotments for Stone, Gravel, Sand, Mortar, Pits, Glebe Land, and Rights of Common herein-before directed to be made, shall have been set out and deducted; save and except that nothing herein contained shall extend to empower the Commissioners to alter or vary Two annual Payments of Nineteen Pounds and Twenty-two Pounds due and payable from the Impropropriators and their Lessee, to the Vicar, and an annual Payment of Ten Pounds from the Vicar to the Impropropriators, or to set out any Compensation for such Payments; but that the same shall remain and continue due and payable as heretofore.

XXI. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby required, in making the said Division and Allotments, to set out and allot unto and for the said Vicar and Impropropriators and their Lessees, and for his and their respective Successors, not less than Fifteen Acres to the Vicar, and Fifteen Acres to the Impropropriators of the Lands and Grounds which shall be allotted to him or them in lieu of Glebe and Tythes as aforesaid, as near to the Vicarage House or the Residence of the Vicar, and as near to the Rectorial House as conveniently may be, without Prejudice to the Rights of other Persons.

Situations for Parts of the Vicar, Impropropriators, &c. Allotments.

XXII. And be it further enacted, That in case there are any Homesteads, Orchards, Homecloses, old Inclosures, or uninclosed Lands and Grounds, in any of the said several Places subject or liable to the Payment of Tythes in Kind, or to any Modus or Composition or other Payment in lieu of Tythes (if any), or any other Ecclesiastical Dues or Payments, the respective Proprietors whereof shall not happen to be entitled to any or a sufficient specific Allotment to make Compensation for the same, such Proprietors shall respectively pay, or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for such Tythes, Moduses, Compositions, or other Payments in lieu of Tythes or other Ecclesiastical Dues or Payments issuing or payable out of such Homesteads, Gardens, Orchards, old Inclosures, and old inclosed Lands and Grounds respectively, or for such Part thereof for which a Compensation in Land cannot be made by the Proprietors thereof as aforesaid, which Sum or Sums of Money shall be applied towards Payment of the Charges and Expences of obtaining and passing this Act, and carrying the same and the said recited Act into Execution, and shall and may be raised, levied and recovered, in like Manner as the Charges and Expences of obtaining and passing this Act, and carrying the same and the said recited Act into Execution, are herein-after directed to be raised, levied and recovered; and that if any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided amongst the several Persons from whose Allotments Deductions shall have been made, in Proportion to their respective Interests, and the Shares of such of the said Persons as shall be Tenants thereof in Fee Simple shall be paid to them respectively, and the Shares of the others of the said Persons shall respectively be paid into the Bank of *England*, in the Manner directed by the said recited Act with respect to the Money to be paid for the Purchase or Exchange of Lands, Tenements or other Hereditaments, or of

A Money Payment to be made in lieu of Tythes in certain Cases.

any

any Timber or Wood growing thereon, where any such last-mentioned Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses : Provided always, that in case any of the Proprietors of such old inclosed Homesteads or other old inclosed Lands, amounting altogether to Thirty Acres, shall be desirous of compensating for the Tythes of the same by Land, instead of such Money Payment, and shall give Notice thereof to the said Commissioners, it shall and may be lawful for the said Commissioners, and they are hereby required to set out such Compensation as aforesaid in Land, Part of such old Inclosure, and allot and award the same accordingly.

Tenants for Life, &c. of old Inclosures, having no Open Field Lands, empowered to charge their Estates with Money, paid for discharging the same from Tythes.

XXIII. Provided always, and be it further enacted, That it shall and may be lawful for the Husbands, Guardians, Trustees, Committees or Attornies, of any of the Owners or Proprietors of Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds, in any of the said several Manors and Hamlets, not having a sufficient Quantity of the Lands and Grounds hereby directed to be divided and inclosed, to discharge his, her, or their old Inclosures from Tythes, being under Cover-
 ture, Minors, Lunatics, beyond the Seas, or under any other Disability, or for any of the Owners or Proprietors being Tenants in Tail or for Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, to charge such Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands and Grounds, with such Sum or Sums of Money as the said Commissioners shall by their Award, or any other Writing under their Hands previous thereto, have declared to have been paid for the Discharge of the Tythes thereof, and to grant, mortgage, surrender, lease or demise, or otherwise subject such Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds, unto such Person or Persons as shall advance and lend such Sum and Sums of Money respectively, his, her or their Executors, Administrators, and Assigns, for any Term or Number of Years; or in case any Person in Possession, who shall be charged with a Sum or Sums of Money as aforesaid, shall choose to advance, pay or discharge the same, then it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease, demise, or otherwise subject the said Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands and Grounds, to such Person or Persons respectively paying or discharging the same, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money as aforesaid, with Interest for the same, to commence on the Termination of his, her, or their Right in the Premises, so that every such Grant, Mortgage, Surrender, Lease or Demise, be made with a Proviso or Condition to cease and be void, or with an Express Trust to be surrendered or re-assigned when such Sum and Sums of Money shall have been fully paid and satisfied, and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming entitled to any such Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands and Grounds, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and every such Grant, Mortgage, Surrender, Lease or Demise, shall be good, valid and effectual in the Law, for the Purposes hereby intended.

XXIV. And

XXIV. And be it further enacted, That such of the said Allotments herein directed to be made, set out, allotted and awarded unto the said Vicar and Impropropriators and their Lessees, and their Successors as aforesaid, in lieu of Glebe Lands, Rights of Common, and Tythes and Moduses, Compositions, and other Payments in lieu of Tythes (if any) as aforesaid, as shall arise and be due from or in respect of the Tract of Land called *Peterborough Flagg Fen* or Common, shall be set out from Lands in the said Fen; and that such of the said Allotments as shall arise and be due from or in respect of the other Lands in the said several Manors and Hamlets, shall be set out from such other Lands; and that the said Allotments, when so set out, shall be accepted by the said Vicar, Impropropriators and their Lessees, and their Successors as aforesaid, and the same are hereby declared to be in lieu, bar, and full Satisfaction of and for all such Glebe Lands and Rights of Common, and of all Tythes both great and small, and all Portions of Tythes and Moduses, Compositions, and Payments in lieu of Tythes, and all Ecclesiastical Dues and Duties whatsoever now due and payable, and hereafter to arise and become due and payable to the said Vicar and Impropropriators respectively, and their Lessees and their Successors as aforesaid, out of all, every and any of the Estates, Lands and Grounds, on the said several Manors and Hamlets, (except the aforesaid annual Payments, and except the usual and accustomed Surplice Fees, Easter Offerings and Mortuaries), any Law, Custom or Usage to the contrary notwithstanding; and that the same Tythes, Moduses, Compositions and Payments in lieu of Tythes, shall immediately from and after the setting out of such Allotments in lieu and Satisfaction of the same as aforesaid, or at such other Time as the said Commissioners shall in and by their Award, or any Writing to be signed by them previous to the Execution of the said Award, and affixed on the principal outer Door of each of the said Churches and Chapel as aforesaid, direct and appoint, cease, determine, and be for ever extinguished.

Allotments for Glebe and Tythes, to be in the Fen or Fields, and to be accepted.

XXV. Provided always, and be it further enacted, That until the said intended Division and Allotments shall be made, and Possession thereof given to the said Vicar and Impropropriators, and their Lessees, or their Successors, the said Vicar and Impropropriators, and their Lessees, and their respective Successors, shall be entitled, and shall respectively receive and enjoy such and the same Tythes and other Payments as they could, might or ought to have severally and respectively received, in case this Act had not passed; and that the said Impropropriators and their Lessees respectively shall, from and immediately after making the Allotments herein directed, be for ever exonerated and exempt from providing and keeping a Bull and Boar for the Use of the Inhabitants of *Peterborough*, and the said several Hamlets.

Tythes payable until Allotments are made.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to divide, set out, ascertain, allot and award the several Allotments, Pieces or Parcels of Land and Ground, which shall pursuant to the Powers herein contained, be set out, allotted, and awarded for Glebe Lands, Rights of Common, and Tythes and Moduses, Compositions or Payments in lieu of Tythes, between the said *Joseph Stephen Pratt* as Vicar as aforesaid, and his Successors, Vicars for the Time being, and the said Dean and Chapter, and their Lessees and their Successors, Impropropriators as aforesaid, in such Manner as the

Commissioners to divide the Glebe and Tythe Allotments between Vicar and Impropropriators.

[*Loc. & Per.*]

13 K

said

said Commissioners shall adjudge proper, according to their respective Rights and Interests in and to the Glebe Lands, Rights of Common, and Tythes and Moduses, Compositions or Payments in lieu of Tythes: Provided nevertheless, that the said Commissioners shall, in such Division and apportioning of those Pieces or Parcels of Land and Ground which shall have been set out and allotted by them for Tythes arising and renewing, or to arise and renew, from the *Flagg Fen* or Common, and other Commons and Wastes within the said several Manors and Hamlets, be guided in their Determinations by what in their Judgment will probably be the State of the said Commons and Wastes, when inclosed and held in severalty, in respect of Tillage, and to estimate the respective Shares of the said Vicar and Impropiators by the probable future Quantities of Arable, Meadow, and Pasture Lands in the same.

Allotment for Glebe Tythes, &c. to be Ring-fenced by the other Proprietors.

XXVII. And be it further enacted, That the several Allotments of Land and Ground to be set out, allotted, awarded and divided to and for the said Vicar and Impropiators, and their Lessees, and their Successors as aforesaid, shall be respectively inclosed and fenced on all such Parts as shall not be directed to be fenced by any other Proprietor, and as shall not adjoin upon ancient Inclosure or Brook which may be of itself a sufficient Fence, with Ditches and Quickset Hedges, or other proper Mounds or Fences, with proper Posts and Rails or other guard Fences to such Quicksets, at the Expence of such of the other Proprietors of the Lands and Grounds hereby intended to be divided and allotted as aforesaid, and of the Owners and Proprietors of such old Inclosures as shall be exonerated from Tythes by virtue of this Act, in such Manner and in such Proportions as the said Commissioners shall order and appoint; and the said Commissioners shall direct and appoint what Part of the said Ditches, Mounds and Fences, shall afterwards respectively belong to the said Vicar and Impropiators, and their Lessees, and their Successors, and what Part to any other Owners or Proprietors; and the said Ditches, Mounds and Fences, when properly made, shall thereafter for ever be maintained, supported and scoured out, by and at the Expence of the Person or Persons to whom the same shall be ordered and appointed to belong as aforesaid: And that the several other Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched or otherwise fenced, and such Fences for ever thereafter repaired and scoured out by and at the Expence of the respective Persons to whom the same shall be allotted, within such Time, and in such Proportions and Manner, as the said Commissioners shall in and by their Award, or any other Writing under their Hands, order and direct; and that convenient Gaps and Openings shall be left in all the said Fences and Inclosures, for the Purpose of Cattle, Carts and Carriages, passing through the same, for such Space of Time as the said Commissioners shall direct.

For fencing Allotments to other Proprietors.

Vicar may lease his Allotments.

XXVIII. And be it further enacted, That it shall be lawful for the said Vicar, and his Successors, Vicar as aforesaid, (by and with the Consent of the Lord Bishop of the Diocese and Patron of the said Vicarage, testified by Writing under his Hand), at any Time after he shall be put into the Possession of the Allotments to be made to him as aforesaid, (and before Twelve Calendar Months next after the Execution of the Award), to grant any Lease or Leases to any Person or Persons whomsoever of such Allotments, or of any Part or Parts thereof, (except of the small Part of such Allotment as is already herein directed to be set out to him and his Successors,

Successors, as near as conveniently may be to the Residence of the Vicar), for any Term not exceeding Twenty-one Years from the *Lady Day* or *Michaelmas Day* next before the Day of the Date of such Lease or Leases, so that upon every such Lease there be reserved and made payable by Four equal Quarterly Payments in every Year, the best and most improved Rent that can reasonably be had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for the making or granting any such Lease, and so that no such Lease or Leases be made dispensable of Waste, and so that the Lessee or Lessees to whom such Lease or Leases shall be granted, be obliged yearly to spend and consume all the Manure arising from the Land to be so demised; and that Power of Re-entry for Non-payment of the Rent or Rents thereby reserved within a reasonable Time, and all such other necessary and usual Powers and Covenants be inserted and contained therein, and so that Counterparts or a Counterpart of such Lease or Leases be duly executed by the Lessee or Lessees to whom such Lease or Leases be granted as aforesaid; and every such Lease shall be valid and effectual in the Law, any Usage or Custom to the contrary notwithstanding.

XXIX. And be it further enacted, That the said Commissioners shall in the next Place, set out, allot, and award unto the said Lords Paramount and the Lords of the said Manors respectively, or to such of them as shall appear to the said Commissioners to be interested in the Soil of the said Commons and Waste Grounds, such Parts of the Lands and Grounds hereby directed to be divided and inclosed as shall in the Judgment of the said Commissioners be equal to One-twentieth Part in value of all the Waste and unknown Commonable Lands and Grounds within the said several Manors and Hamlets, as a Compensation for their or his Rights and Interests of and in the Soil of all the said Waste and unknown Commonable Lands and Grounds in each such Manor, and so as each Allotment to be set out, be so set out in that Manor in which the said Waste and unknown Commonable Lands and Grounds, in respect of which such Allotment shall be made, do lie or are situated; and after such Allotments shall be so set out as aforesaid, the said Commissioners shall and they are hereby authorized and required to divide, allot, and award, the said Allotments so set out to the said Lords Paramount, or the Lords of the said Manors for their Right of Soil, unto and amongst them, in such Manner as the said Commissioners shall adjudge proper, according to their respective Rights and Interests.

Allotments
in Right of
Soil.

XXX. And whereas some of the Proprietors of Estates in the Parishes of *Alwalton* and *Fletton*, in the County of *Huntingdon*, are entitled to certain Rights of Common on that Part of the said Commons and Wastes as is called or known by the name of *Peterborough Common* or *Flagg Fen*; be it therefore further enacted, That the said Commissioners shall, and they are hereby required in the next Place to set out and allot unto the Proprietors of Estates in *Alwalton* and *Fletton* respectively, such separate and distinct Plots of Land, Part of the said Common or Fen, as in the Judgment of the said Commissioners shall be a full Compensation and Equivalent for their Rights of Common there; and the said Commissioners shall then subdivide such Allotments, when so set out, between and amongst the Persons entitled thereto, according to their respective

Allotments
to Proprietors of
Estates in
Alwalton and
Fletton.

Rights

Rights and Interests, in case they shall by such Persons be requested to subdivide the same.

Allotment of
the Residue.

XXXI. And be it further enacted, That after the said several Allotments shall have been made and set out as aforesaid, the said Commissioners shall divide, set out, allot, and award all the Residue and Remainder of the said Open Common Fields, Common Meadows, Pastures, Commons, and Waste Grounds, unto and amongst all and every the other Person and Persons, Body or Bodies Politic, Corporate or Collegiate, Proprietors or Owners of the same, and other Persons having Right of Common or other Interest therein, in such Quantities, Shares, and Proportions as the said Commissioners shall adjudge and deem to be a just Compensation and Satisfaction for, and equal in Value to their several and respective Lands, Grounds, and Rights of Common, and other Rights and Interests therein.

Commons
how to be
allotted.

XXXII. Provided always, and it is hereby further enacted, That in making the said Division, Allotments, and Inclosure, of the Residue of the said Commons and Waste Lands, the said Commissioners shall set out and allot Two-fifth Parts in value of such Residue to the Proprietors of Lands within the said several Manors and Hamlets having Right of Common thereon, and the other Three-fifth Parts to the Proprietors of the Commonable Messuages, Cottages, and Tofts there, having Right of Common thereon, (save and except as to such Commons as may be regulated, or Stinted Pastures or Commons, which are to be divided and allotted according to such Regulation or Stint): Provided always, that all Tofts, Foundations, or Scites of ancient Commonable Messuages or Cottages, shall, upon Proof thereof being made to the Satisfaction of the said Commissioners, that the same were deemed to be such in the ancient Terriers or Documents, be considered and deemed as Commonable Messuages, Cottages, and Tofts respectively, and that the respective Owners thereof shall be entitled to the same Compensation for the respective Rights of Common originally belonging thereto, as if such Messuages or Cottages had been still standing: Provided always, and it is reserved, that in making such Allotments, the said Commissioners shall set out and allot the Compensation for the Rights of Common belonging to the said Proprietors respectively on the Tract of Land called *Peterborough Common* or *Flagg Fen*, from and out of the said Tract of Land, except as to such of the said Proprietors who may agree amongst themselves to the contrary, and signify the same to the said Commissioners.

Compensa-
tion of Tofts.

Allotments
for Rights on
the Common,
to be set out
from the
Common.

Meetings to
be appointed
to receive
Applications
for Situation
of Allot-
ments.

XXXIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to appoint a Time and Place, by Notice to be given in Manner herein-before directed respecting other Notices to be given under this Act, for receiving Application from the Proprietors touching the Situation they would respectively choose to have their Allotments set out and allotted in.

Allotments
to be deli-
neated on a
Plan, and
shewn to the
Proprietors.

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

Proportions by them 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 the said Proprietors may be informed of such intended Allotments, and see the Scheme thereof set out and delineated upon a Map or Plan thereof to be produced for their Inspection; and that as some Proprietors may, upon Inspection of such Map or Plan, be dissatisfied with the intended Allotments, the said Commissioners shall at such Time and Place as last aforesaid, or some other Time or Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections against such Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same; and their Determination shall be final and conclusive upon all Parties, unless appealed against in Manner as is herein-after provided.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, upon the Request of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, whether seised in Fee, or being Tenants in Tail or for Life or Lives, or for any Number of Years determinable on a Life or Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Receivers, Agents, or Attornies, of any such Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or for the Persons acting as such Guardians, Trustees, Committees, Receivers, Agents, or Attornies, or the Trustees for any charitable or public Uses, or the major Part of them respectively, to deduct from the Value and Amount of the Allotment or respective Allotments of such Owner or Owners by whom or on whose Behalf such Request shall be made as aforesaid, so much as shall in the Judgment of the said Commissioners be equal to the Share and Proportion or respective Shares and Proportions of the Person or Persons by whom, or on whose Behalf any such Request shall be made, of the Charges and Expences of passing this Act, and of carrying the same and the said recited Act into Execution, and making such Boundary and other Fences as the Commissioners shall direct, in respect of such Allotment or Allotments; and to allot the Land and Value so deducted, to and amongst such of the other Owners and Proprietors, or any other Person or Persons who shall be willing to take the same, and to pay and defray such Charges and Expences as such Estates shall by the said Commissioners be charged with, and who shall pay such Charges and Expences, and make such Boundary and other Fences; provided that it shall be lawful to and for the said Commissioners, and they are hereby required, upon any such Request as aforesaid, and on the Payment by the Person or Persons making such Request of his, her, or their full Proportion of such Costs and Expences, to allot to the Person or Persons respectively by whom or on whose Behalf such Request and Payment shall be made, his, her, or their Heirs or Assigns, the Land which shall have been so deducted, and the Person or Persons respectively to whom any such Allotment shall be made and awarded, shall be and become seised thereof as of an absolute Estate in Fee Simple; provided that every such Request as aforesaid shall be made in Writing, and signed by the Person or Persons making the same, and shall be delivered to the said Commissioners at one of their

Land may be deducted from Allotments for Expences.

and may be allotted to Persons paying such Expences.

Meetings for carrying this and the said recited Act into Execution, to be holden previously to their allotting the Lands and Grounds hereby directed to be divided and inclosed; or in case such Person or Persons shall apply to and request the said Commissioners to sell and dispose of any Part or Parts of their said Allotment or Allotments, it shall and may be lawful for the said Commissioners to sell and dispose of so much as will be sufficient to defray his, her, or their Proportion of such Expences as aforesaid, or in anywise incident thereto, and such Part or Parts of the said Allotments shall be sold by public Auction, after Ten Days Notice inserted in One or more of the said Newspapers, and affixed upon the outer Doors of the said Churches and Chapel, of the Time and Place appointed for such Sale; and the said Commissioners are hereby authorized and empowered to sell, convey, surrender, and assure the same in Fee Simple, to any Person or Persons who shall be the highest Bidder or Bidders, Purchaser or Purchasers thereof, and the Money arising from such Sale shall be paid to the said Commissioners, to enable them to defray such Charges and Expences as aforesaid, and that such Purchaser or Purchasers shall not be liable to see to the Application, or answerable for the Misapplication of such Purchase Money or any Part thereof; and that the Receipt of the said Commissioners shall be a full and ample Discharge to such Purchaser or Purchasers: Provided always, that it shall not be lawful to raise any further or greater Sum of Money than the Person or Persons whose Allotment or Allotments shall be deducted or sold as aforesaid, would have been empowered or authorized to borrow or charge, upon his, her or their Estate or Estates, under or by virtue of the said recited Act: Provided also, that in all Cases where any Land shall be deducted or sold from the Allotment of any of the said Proprietors or Persons, towards Payment of Expences as aforesaid, it shall not be lawful for the Proprietor or Person from whose Allotment Land shall be so deducted or sold as aforesaid, to charge his, her or their Lands, Tenements or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences: Provided further, that the Expences incident to the Estates held under beneficial Leases as after mentioned, shall be sustained, paid and defrayed as herein-after directed.

Where Land is deducted, Allotments not to be charged.

Allotments may be sold before the Execution of the Award.

XXXVI. And be it further enacted, That it shall be lawful for any of the Owners or Proprietors entitled to any Allotment or Allotments, or to any Common Right upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of any Allotment or Allotments to be made and set out by virtue of this Act, either together or in Lots, and either with or separately and distinctly from the Estate in Right of which he or she is or may be entitled to the same, at any Time after the passing of this Act, and before the Execution of the Award of the said Commissioners, in such Manner as he or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to award all and every such Allotment or Allotments, which shall be so sold and disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by any such Sale or Disposition.

Lands held by different Tenures or Titles, to be distinguished.

XXXVII. And be it further enacted, That when any Person or Persons shall be seised or possessed of Lands or other Hereditaments, held by different Tenures, or for, by or under different Estates or Titles, the said Commissioners

Commissioners shall, upon the Request of the Person or Persons so seised or possessed respectively, enquire into, ascertain and determine the respective Lands or other Hereditaments held by such several Tenures, or for, by or under such different Estates or Titles respectively, and shall set out distinct Allotments in respect of each such Parts thereof.

XXXVIII. And be it further enacted, That all the Lands and Grounds which by the Authority and in pursuance of this Act or the said recited Act, shall be allotted to any of the said Proprietors, shall be held by such Proprietors respectively under the same Tenures, Rents, Customs and Services, as the Lands and other Property in respect of which such Allotments shall be made were respectively held and enjoyed by the said Proprietors before the passing of this Act, or would have been held and enjoyed in case this Act had not been made; and that the several Lands and Grounds which shall be allotted in lieu of Freehold Lands, or other Freehold Property, shall be deemed Freehold, and shall be held of the Lord of the Fee under the same Rents, and by the same Services as the Freehold Lands, or other Property in lieu of which they were allotted, were before that Time held; and that the several Lands and Grounds which shall be allotted in lieu of Copyhold Lands, or other Copyhold Property, shall in like Manner be deemed to be Customary or Copyhold Lands, and shall be held of the Lords of the Fee thereof under the same Rents, and by the same Customs, Duties and Services, as the Copyhold Lands or other Property in lieu of which they are so allotted, were or ought to have been held, and shall pass by the like Surrenders as the present Copyhold Messuages, Cottages, Lands, Tenements and Hereditaments in respect whereof such Allotments shall be made, are now holden under or liable to.

Lands to be deemed of the same Tenures as the Lands in respect of which they are allotted.

XXXIX. And be it further enacted, That when the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted by virtue of this or the said recited Act, shall hold his, her or their Lands and Hereditaments for different Estates or by different Tenures, and where from the Want of the necessary Information being laid before the said Commissioners, or from any other Cause, their Award shall have omitted the distinguishing and ascertaining of the Lands or other Hereditaments holden for each of such Estates, and by each of such Tenures, and the setting out and awarding of several and distinct Allotments for such respective Lands or other Hereditaments as herein is required; and where also, within Twelve Calendar Months after the making the said Award, Request shall be made to the said Commissioners, by any Person or Persons interested, by Writing under his, her or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if their Award had not been made; and when they shall have obtained what they shall think sufficient Information. they are hereby also authorized, by any Deed under their Hands and Seals, to distinguish and ascertain the Difference of such Estates and Tenures respectively and to make distinct and several Allotments accordingly, in the Manner as is hereby required where such Discrimination should be contained in the said Award; and every such separate Instrument shall be inrolled in the same Place, and Evidence thereof shall be given in the same Manner as by the said recited Act and this

Where Commissioners shall not have made distinct Allotments for Lands holden by different Titles, they may declare the same by Deed after making their Award.

this Act, or either of them, is directed concerning the Award to be made pursuant to this Act; and all reasonable Expences incurred in or about such separate Instrument as aforesaid, shall be paid by the Person or Persons who shall have so requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors or Administrators; and that every such separate Instrument shall, from and immediately after the due Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes, as if the Contents thereof had been inserted and contained in their said Award, and the same shall, after such Inrolment as aforesaid, be delivered to the Person or Persons at whose Request any such Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall, in the Opinion of the said Commissioners, most properly belong.

Exchanges
may be made.

XI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot and award, any Lands, Tenements or Hereditaments whatsoever, within the said Parish of *Saint John the Baptist Peterborough*, in lieu of, and in exchange for any other Lands, Tenements, and Hereditaments whatsoever, within the said Parish of *Saint John the Baptist Peterborough*, or within any adjoining Parish, Hamlet, Township or Place, provided that all such Exchanges be ascertained, specified and declared, in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors, for the Time being seized of or entitled in Possession to the Lands, Tenements, or Hereditaments, which shall be so exchanged, or to the actual Receipt of the Rents, Issues and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic or Corporate, or a Body or Bodies Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Coutesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, or the major Part of such Trustees respectively, 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 Incapacity, 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 and Seals of the other Parties respectively; and all and every such Exchange and Exchanges so to be made, shall be good, valid and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements and Hereditaments so to be exchanged, shall lie or be situate: Provided also, that the Costs, Charges and Expences, attending the making and completing any Exchanges and Partitions, shall be borne and paid by the several Persons, Bodies Politic, Corporate or Collegiate, making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct, and the

same shall and may be recovered in the Manner herein-after directed for the Recovery of the Costs and Expences of passing and executing this Act.

XLI. And whereas several of the Messuages, Farms, Lands and Premises in *Peterborough*, and the said several Hamlets, or some of them, are held under beneficial Leases for the Residue of Three Lives, or for the Residue of Terms of Forty Years, and of Twenty-one Years respectively, of the said Lord Bishop of *Peterborough*, and the said Dean and Chapter of *Peterborough*, as mentioned in their respective Leases: And whereas the obtaining and passing of this Act, and carrying the same into Execution, and inclosing the Allotments to the said Vicar and Impropiators as aforesaid, and for inclosing and fencing the Allotments to be set out in respect of such Leasehold Property, and the several other Matters incident to the said Division and Inclosure, will be attended with a considerable Expence, and it having been agreed between the Lessors and Lessees, that the whole of such Expence shall be defrayed by the respective Lessees, and that no Charge shall be made affecting the Inheritance of the Estate pursuant to the said recited Act, and as the Advantages arising therefrom will be inadequate to such Expence, as far as concerns the said Lessees, their Heirs, Executors and Administrators, by reason of their temporary Interest in the same, unless some Provision be made for them by this Act, and for as much as the Lessors are restrained by Law from granting any larger Estate or Estates in the Premises comprised in such Leases respectively, than for the Terms of Three Lives, or of Forty Years, or of Twenty-one Years respectively, and cannot enter into any Agreement to bind themselves and their Successors to renew the said Leases at the usual and accustomed Times of renewing the same for any certain Sum of Money, without the Authority of Parliament; but the said Lessors and their Lessees respectively, in order to enable them to effectuate the Purposes of this and the said recited Act, having agreed amongst themselves on what Terms the said Leases shall be renewed; be it further enacted, That it shall and may be lawful for the Lessors and Lessee of a certain Farm, called the *Low Farm* in *Peterborough*, now on Lease to the said Earl *Fitzwilliam*, for the Remainder of a Term of Twenty-one Years; and they are hereby authorized and required at *Lady-day* One thousand eight hundred and eleven, or immediately after the passing of this Act, to surrender, cancel or make void such Lease, and to grant and take a new Lease of the Premises therein comprised for a Term of Twenty-one Years, to commence from *Lady-day* One thousand eight hundred and eleven, and to pay as a Fine for such Renewal, the Sum One hundred and forty Pounds Fourteen Shillings and Five-pence, and the usual sealing Fees; and at the End of Seven Years from *Lady-day* One thousand eight hundred and eleven, to surrender the then existing Lease, and to grant and take in like Manner a new Term of Twenty-one Years, to commence from that Time, paying as a Fine for such Renewal, One Year and an Half's Value of the Lands therein comprised, according to the State they are in at the Time of passing this Act, such Value to be ascertained by the said Commissioners; and that the Lessors and Lessee of an Estate in *Peterborough*, called *Lincoln Place*, now on Lease to the said Earl for the Remainder of a Term of Twenty-one Years, shall in like Manner, and at the Time aforesaid, surrender such Lease, and grant and take a new Lease of the Premises therein comprised, for a Term of Twenty-one Years, commencing as aforesaid, and to pay as a Fine for such Renewal,

[*Loc. & Per.*]

13 M

Thirty-

Provisions for
the Renewal
of certain
Leasehold
Estates.

Thirty-nine Pounds Two Shillings and Nine-pence, and the usual Sealing Fees, and at the End of Seven Years from such Commencement, to surrender the then existing Lease, and grant and take in like Manner a new Term of Twenty-one Years, to commence from that Time, paying as a Fine for such Renewal, One Year and an Half's Value of the Lands therein comprized, according to the State they are in at the Time of passing of this Act, such Value to be ascertained by the said Commissioners: And that the Lessors and Lessee of an Estate at *Peterborough*, called *Boroughbury Manor Farm*, now on Lease to the said Earl for the Remainder of a Term of Twenty-one Years, shall in like Manner, and at the Time aforesaid, surrender such Lease and Grant, and take a new Lease of the Premises therein comprized, for a Term of Twenty-one Years, commencing as aforesaid, and pay as a Fine for such Renewal, the Sum of Four hundred Pounds and the usual sealing Fees; and at the End of Seven Years from such Commencement to surrender the then existing Lease, and grant and take in like Manner a new Term of Twenty-one Years, to commence from that Time, paying as a Fine for such Renewal, One Year and an Half's Value of the Lands therein comprized, according to the State they are in at the Time of passing this Act, such Value to be ascertained by the said Commissioners; and that all other the respective Lessors and Lessees of all such other Estates in the said Manors and Hamlets, as are now let on beneficial Leases for Terms of Twenty one Years respectively, whose Leases shall not have been renewed or filled up to Twenty-one Years since *Michaelmas* One thousand eight hundred and ten, shall and may in like Manner surrender their now existing Leases, and grant and take new Leases of the Premises therein respectively comprized, paying, as a Fine for each such Renewal, such Sum of Money as the same will amount to on a Calculation upon the Principle the Sums aforesaid are calculated, and the usual sealing Fees; and that at the End of Seven Years of such new Term, all the said Lessors and Lessees shall grant and take in like Manner a new Term of Twenty-one Years, to commence from that Time, on Payment for a Fine for such Renewal, One Year and an Half's Value of the Lands therein comprized, according to the State they are in at the Time of passing this Act, such Value to be ascertained by the said Commissioners above the usual sealing Fees; and as to the several Estates now on Lease for Terms of Three Lives respectively, it is provided and agreed upon, that the said Commissioners shall and they are hereby required so soon as the Allotments in respect thereof shall have been set out, to ascertain and declare what Sum and Sums of Money respectively the Lessees would, pursuant to the Powers of the before recited Act, be entitled to charge on the Inheritance of the said Estates; and that in Consideration of the said Lessees bearing and defraying the Whole of such Expences respectively, and for reimbursing them the Money they shall so pay and advance for the Lessors, they shall, upon the first Renewal of their respective Leases, on Payment of a Fine of Two Years and an Half improved Value of their Estates, be entitled to an Abatement for every Ten Pounds sterling they would have been entitled to charge on the said Estates, in case the Provisions of the said recited Act had been adopted, the following Sums of Money; (that is to say), for the Lease now belonging to *Sir John Wildbore Smith* Baronet, Three Pounds Fourteen Shillings; for the Lease now belonging to the Devisees of *Edward Porter*, One Pound Sixteen Shillings; for the Lease now belonging to *Francis Hopkinson*, Two Pounds; for the Lease now belonging

belonging to Lieutenant *Charles Stevenson*, One Pound Sixteen Shillings; for the Lease now belonging to the Reverend *William Wright Layng*, Two Pounds Seventeen Shillings; for the Lease now belonging to *Benjamin Bull*, Three Pounds Four Shillings; for the Lease now belonging to *Jacob Julien Baumgartner*, Three Pounds Twelve Shillings; for the Lease now belonging to the Devisees of *Wildbore*, Four Pounds Thirteen Shillings; for the Lease now belonging to the Devisees of *Henry Isherwood*, Five Pounds Four Shillings; for the Lease now belonging to the Trustees of *Job Johnson*, Two Pounds Sixteen Shillings; and for the Lease now belonging to the Heirs of *James Rose*, deceased, Two Pounds Ten Shillings: But it is reserved and provided, that in all Cases where a Renewal shall happen to take Place before the said intended Allotments shall be set out, the Lands therein comprized shall be valued according to the State they are in at the Time of passing this Act, such Value to be ascertained by the said Commissioners, and the Fine calculated accordingly; and that such Renewal shall be taken and considered as the Renewal intended to be provided for as aforesaid; and that in Consideration of such moderate Fine being taken on such Renewal, no Abatement shall be made out of the Fine on any future Renewal; and it is also provided, that no Abatement or Deduction shall be made out of the Fine in respect of the Expences incident to the said Inclosure, in respect of any Leasehold Estates, which shall consist of Messuages, Buildings, and old Inclosures, with Rights of Common only, nor in respect of such Expences, as to the Leasehold Estates now belonging to *John Bull*, and the said *Earl Fitzwilliam*, called *Sexton's Barns Farm*, being the Improprate Tythes herein-before directed to be compensated for as aforesaid, nor shall any Charge be made thereon, pursuant to the before recited Act.

XLII. And be it further enacted, That the several Lessees, their Heirs, Executors, or Administrators, in Consideration of such Renewals as aforesaid, shall and they are hereby required to bear, pay, and discharge all the Costs, Charges, and Expences, which shall be incurred in preparing, obtaining, passing, and executing this and the said recited Act, and shall be payable in respect of the said Farms and Lands now held by them respectively, on Leases as aforesaid; and also to make proper Fences at such Time and in such Manner as shall be directed by the said Commissioners for dividing and inclosing the Farms and Lands; and also the usual Seal Fees, without making any Charge on the said respective Estates pursuant to the said recited Act, any Thing herein contained to the contrary in anywise notwithstanding.

Lessees to pay
Expences of
passing and
executing
this Act.

XLIII. Provided always, and be it further enacted, That all Leases, Agreements, and Tenancies at Rack Rent, now subsisting, of any Part or Parts of the Lands or Grounds hereby directed to be divided and inclosed, and of all Lands and Hereditaments which shall be exchanged or exonerated from Tythes respectively by virtue of this Act, and of all Messuages, Cottages, Lands, and Tenements, therewith respectively held, shall cease and be void at such Time or Times as the said Commissioners shall, by Writing under their Hands direct or appoint, so as the respective Lessors or Landlords of such Messuages, Lands, or Tenements, do before or at the respective Times at which such Leases or Tenancies shall be directed to cease, make and pay such Satisfaction to the respective Lessees or Tenants for the Loss which shall be sustained by the Determination of such

Leases and
Tenancies at
Rack Rent
to cease.

Leases

Power to ap-
portion
Rents.

Leases and Tenancies respectively, as shall be mutually settled and agreed between them, or as the said Commissioners, being thereunto required by each of the Parties, shall ascertain and direct; and the said Commissioners being so required, are empowered and directed to appoint a reasonable and proportionable Part, according to the Season of the Year, of the Rent reserved or made payable by any such Lease or Agreement, for or in respect of the Time which shall have elapsed between the last Day on which any Payment of the Rent shall have become due, and the Determination of any such Lease or Tenancy; and such Part of the Rent shall be recoverable by such Ways and Means as may by Law be used for the Recovery of the Rent in Arrear; and the said Commissioners are empowered and directed in every Case where any such Lands or other Hereditaments shall be held by virtue of any such Lease or Agreement, together with Lands or other Hereditaments in any other Parish or Place, Parishes or Places, and also in all such Cases where any Common Right only from all or on any of the Lands and Grounds hereby directed to be divided and inclosed shall be so held, with the ancient Estate to which the same is appurtenant by One entire Rent, to apportion and determine what Part of such Rent shall be deducted in respect of the Land, Common Right, or other Hereditaments, in such Lease or Agreement comprized, which shall be so vacated and made void, and from what Time such Deduction shall take Place; and the Residue of the Rent reserved on any such Lease or Agreement shall during the Remainder of the Term thereof, be the Rent of and for the Lands and Hereditaments in such other Parish or Parishes, Place or Places, or for the ancient Estate to which such Common Right was appurtenant, and shall be payable and recoverable in like Manner as the entire Rent reserved by such Lease or Agreement shall immediately before such Apportionment be payable and recoverable: Provided always, that if there shall be any Lease of Lands, Part of which lies in the said Parish of *Saint John the Baptist Peterborough*, and Part in any adjoining Parish, all and every such Lease and Leases at Rack Rent now subsisting may be vacated; but where such Lands may have been taken in Exchange, which Lands shall be under Lease, and wholly situated in an adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Not to vacate
beneficial
Leases.

XLIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease or Leases from any Body or Bodies Politic or Corporate, of any Lands, Tenements, Tythes, or Hereditaments, within the said Parish of *Saint John the Baptist Peterborough*, 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 respective Allotments, for or in lieu of such Lands, Tenements, Tythes, or Hereditaments, for his, her, and their several and respective Terms, and under the same Rents and Covenants as is or are specified in his, her, or their respective Leases or Lease.

Commission-
ers may ex-
tinguish or
suspend
Rights of
Common,
and direct the
Course of
Husbandry.

XLV. And be it further enacted, That it shall be lawful to and for the said Commissioners at any Time when they in their Judgment shall think it convenient and proper, by Notice for that Purpose under their Hands, to be affixed on one of the outer Doors of each of the said Churches and Chapel on some *Sunday* immediately before Divine Service, to order the Right of Common in, upon, and over the Lands and Grounds hereby directed

directed to be divided and inclosed, or any of them, to be extinguished either in the Whole or in Part, or to be suspended, and that from and after the Time or Times to be mentioned in and appointed by any such Notice, all such Right of Common as shall therein be directed to be extinguished or suspended, shall be extinguished or suspended according to and as shall be expressed in and directed by such Notice; and that until such Division and Allotments, as is hereby directed, shall have been made of the Lands and Grounds to be divided and allotted, all such Lands and Grounds shall be stocked with such Cattle, and at such Times and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof, or by such other Persons as the said Commissioners shall appoint, with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnips, and other Seeds, and shall be kept, ordered, and continued, in such Course of Husbandry and Tillage as the said Commissioners shall by Writing under their Hands in that Behalf direct, any Usage or Custom to the contrary notwithstanding; and that the Charges and Expences of such ploughing, sowing, fallowing and tilling, shall be paid by the respective Persons who shall receive the Benefit thereof, or by such other of the Proprietors of the said Open and Common Fields, and at such Times, in such Manner, and in such Proportions as the said Commissioners shall by any Writing or Writings under their Hands direct or appoint, and shall be levied and recovered, in such Manner as the Expences of this Act are directed to be levied and recovered; and that no Meadow, Pasture, or fresh Ground, Parts of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the Time of passing this Act, shall be, without the Consent in Writing of the said Commissioners before the Allotment thereof, ploughed, broken up, or converted into Tillage; and that every Occupier of any such Land or Ground who shall refuse or neglect to comply with any such Directions of the said Commissioners, or who shall plough, break up, or convert into Tillage any such Meadow or Pasture, or fresh Ground, without the Consent in Writing of the said Commissioners, shall forfeit and pay any Sum not exceeding the Sum of Ten Pounds for every Acre of such Tillage Land with respect to which such Refusal or Neglect shall happen, and for every Acre of such Meadow, Pasture, or fresh Ground, which shall be ploughed, broken up, or converted into Tillage, and so in Proportion in each Case for a greater or less Quantity than an Acre, which shall be paid and collected, or levied and recovered as aforesaid.

XLVI. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been tilled, ploughed, sown, folded, or manured by any former Proprietor or Occupier thereof, shall pay unto the Person or Persons respectively who shall have tilled, ploughed, sowed, folded, or manured the same or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums of Money, and at such Time and Times as the said Commissioners shall think reasonable, and shall by Writing under their Hands ascertain and direct; and if by Reason of the Mismanagement of any former Occupier, or of the preceding Crop or Crops, or by any other Means, it shall happen that the Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land in a proper State of Cultivation, or if any such Allotment or Allotments shall in the Judgment of the said Commissioners, be from any Cause, in a worse Condition to be occupied than the Average of the Lands allotted by virtue of this Act, then the Person or Persons to whom

Satisfaction
to be made
for Tillage,
&c.

[*Loc. & Per.*]

13 N

any

any such Allotment or Allotments shall be made, shall receive from such former Proprietor or Occupier such Compensation and Satisfaction as the said Commissioners shall determine and adjudge to be just and equitable; and in case any of the Sums of Money which shall by the said Commissioners be directed to be paid as aforesaid, shall not be paid to the Person or Persons, and at the Time or Times to be appointed by the said Commissioners for the Payment thereof, it shall be lawful for them and they are hereby required to levy the same in like Manner as the Expences of passing this Act, and carrying the same and the said recited Act into Execution, are directed to be raised and levied.

Settlements,
&c. not to
be affected,
nor Wills
revoked.

XLVII. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend to revoke, make void, annul or alter any Settlement, Deed, or Will, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent Charge, Debt, or Incumbrance whatsoever, in, out of, upon or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this Act respectively; but as well the Lands allotted, as the Tenements and other Hereditaments which shall be assigned and taken in Exchange or in Compensation for any other Estate or Right, shall, immediately after such Allotment, Exchange, or Assignment shall be made, be vested, remain, and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall henceforth stand and be seised and possessed thereof respectively, to, for and upon such and the same Uses, Estates, Intents, Trusts and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations and Remainders, Conditions, Charges and Incumbrances, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, assigned or exchanged, and this Act had not been made; save and except such Rents and Services as shall have been compensated for and extinguished, and such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act.

Money ad-
vanced to be
repaid with
Interest.

XLVIII. And be it further enacted, That the Money that shall be advanced by any Person or Persons for defraying the Expences of applying for and obtaining this Act, or which after the passing thereof, shall be advanced or lent to, or to be paid by the Direction of the said Commissioners for the Purposes thereof, shall be repaid with lawful Interest, to the Person or Persons lending or advancing the same, out of the first Monies to be raised for defraying the Expences of obtaining and executing this Act.

Expences of
this Act.

XLIX. And be it further enacted, That the Costs and Charges incident to and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, dividing, and allotting the old Inclosures, and the Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, hereby directed to be divided and inclosed, of fencing the Allotments for Glebe and Tythes, of making such Drains, Watercourses, Bridges, Banks, and Tunnels as the Commissioners

missioners shall think fit, and of making the public Roads to be set out, and of preparing and enrolling the Award of the said Commissioners, and all other Charges and Expences of the said Commissioners, and of the several Persons to be employed by them, either before or after the Execution of the said Award, in, about, or concerning the Execution of this or the said recited Act, shall be borne and defrayed by all the Proprietors and Owners of, or Persons having Rights or Interests in, the said Lands and Grounds, (except the said Vicar and Impropropriators, and their Lessees and their Successors, and the Surveyors of the Highways, for and in respect of the Allotments to be made to them respectively as Vicar and Impropropriators, and Surveyors of the Highways as aforesaid), in such Proportions, and shall be paid to such Person or Persons, and at such Time or Times, either before or after the Execution of the said Award, as shall be settled, adjusted, determined, and directed by the said Commissioners by any Writing under their Hands; and the several Sum and Sums of Money thereby rated shall be paid to such Person or Persons, and at such Time and Times, and in such Manner as the said Commissioners shall, in and by their said Award, or any other Writing under their Hands, before or after the Execution of their said Award, order, direct, or appoint; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Costs, Charges, and Expences aforesaid, within the Time and to such Person or Persons as the said Commissioners shall appoint, then and in such Case it shall and may be lawful to and for the said Commissioners, by any Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the said Costs, Charges, and Expences to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her, or their Husbands, Guardians, Trustees, or Committees, wheresoever the same shall be found, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted, together with Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Share or Shares, Proportion or Proportions, from the Time the same shall be directed to be paid as aforesaid; or otherwise it shall be lawful for the said Commissioners, or any Person or Persons authorized by them, to enter upon and take Possession of the Messuages, Tenements, Orchards, Home Closes, or other ancient Inclosures, partitioned, exchanged, or discharged from Tythes as aforesaid, and also of the several Allotments made to such Person or Persons so refusing or neglecting to pay as aforesaid, and to receive and take the Rents and Profits thereof, until therewith, and thereby or otherwise the Share or Shares, Proportion or Proportions of the said Costs, Charges, and Expences, so ordered and directed to be paid by such Person or Persons as aforesaid, and all Interest on such Share or Shares, Proportion or Proportions, to be computed from the Time the same shall be directed to be paid as aforesaid, and also all Costs, Charges, and Expences, occasioned by or attending such Entry upon and Perception of the Rents and Profits of the Premises, shall be fully paid and satisfied.

L. And be it further enacted, That once at least in every Year, during the Execution of this Act, (such Year to be computed from the Day
Commissioners to lay

their Ac-
counts be-
fore a Justice.

Day of the passing thereof), the said Commissioners shall and they are hereby required to make a just and true Statement or Account of all Sums of Money by them received and expended in the Execution of this and the said recited Act, and that such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before One or more of His Majesty's Justices of the Peace for the Liberty of *Peterborough* in the said County of *Northampton* (not interested in the Inclosure), to be by him or them examined and balanced, and that such Balance shall by such Justice or Justices be stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

Award.

LI. And be it further enacted, That the said Commissioners shall draw up and execute their Award of and concerning the several Matters and Things herein contained in Manner directed by the said recited Act, and that the same shall be enrolled with the Clerk of the Peace for the Liberty of *Peterborough*, in the said County of *Northampton*, or in one of the Courts of Record at *Westminster*, and that then the same shall be deposited in the Cathedral Church at *Peterborough*, where all Persons interested may have access thereto at proper Times to peruse the same, on Payment of One Shilling to the Chapter Clerk.

Appeal to the
Quarter Ses-
sions, or
Courts at
Westminster.

LII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done by or under the Authority of the said Commissioners, in pursuance of this or the said recited Act, (other than except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, tried, settled, or determined by the Verdict of a Jury, or where, by any Provisions of the said recited Act or of this Act, the Determinations, Acts, or Proceedings of the said Commissioners are directed to be final or conclusive), then and in every such Case he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held for the said Liberty of *Peterborough*, in the County of *Northampton*, or to His Majesty's Court of King's Bench or Court of Common Pleas, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving Fourteen Days Notice of such Appeal, and of the Matter thereof to the said Commissioners, and to the Parties interested; and the Justices in their said General Quarter Sessions, or the Judges of the said Courts, are hereby required to determine 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 Warrant or Order to levy the Costs 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 and Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices or Judges shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or by any Writ, Process, or other Proceeding whatsoever, into any other of His Majesty's Courts of Record at *Westminster* or elsewhere.

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lords of the several Manors within the Limits and Jurisdictions whereof the Lands and Grounds hereby intended to be divided and inclosed, are situate, of, in, and to the Seigniorities, Royalties, Rights, and Services, incident or belonging to such Manors, but that the Lords of the said several Manors shall and may from Time to Time, and at all Times hereafter respectively, hold, receive, take and enjoy all Rents, Fines, Services, and Profits of Courts, and all other Rights and Privileges to such Manors respectively appendant, belonging or appertaining, (save and except as to such as may be compensated for, discharged, altered, or varied by this Act), in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they might or ought to have held and enjoyed the same in case this Act had not been made.

Saving Manorial Rights.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to alter, prejudice, affect, lessen, or defeat any Ecclesiastical Jurisdiction of the Lord Bishop of *Peterborough*, or of the said Dean and Chapter of *Peterborough*, or to alter, prejudice, affect, lessen, or defeat their or either of their Power of Leasing, which they or either of them have by Law.

Saving Ecclesiastical Jurisdiction.

LV. Provided always, and it is hereby further enacted, That this Act, or any Thing contained herein, shall not extend, or be construed to extend, to empower the said Commissioners or any of them, or any other Person or Persons whomsoever, to have, use, or exercise any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works already made by or belonging to, or hereafter to be made by or to belong to the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called *Bedford Level*, or the general Commissioners of the North Level Part of the said Great Level, or to invalidate, lessen, or diminish, alter, or take away, any of the Rights, Powers, or Authorities vested in the said Governor, Bailiffs, and Commonalty, or in the Governor, Bailiffs, and Conservators of the said Company, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the Draining of the Great Level of the Fens called Bedford Level*; or by virtue of any Act, Statute, or Charter whatsoever; or in the said general Commissioners of the said North Level, by virtue of any Act whatsoever; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act of the Fifteenth of *Charles* the Second, or of any other Act, Statute, or Charter whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, or in the said general Commissioners, shall for ever hereafter, remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and of every of them, as fully and amply to all Intents and Purposes as if this Act had not been made.

Saving the Rights of the Corporation of Bedford Level.

LVI. Provided always, and be it enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *Alleyne Lord Saint Helens*, *John Lord Henniker*, *William Burslem*, and *Evan Foulkes*, their Heirs and Assigns, as such Lords Paramount

Saving Rights of Lords Paramount.

ramount in Trust as aforesaid, to any Rights, Royalties, and Privileges to, in or over the said Hundred of *Nassaburgh*, appendant, belonging, or appertaining.

General
Saving.

LVII. Saving always to the King's most Excellent Majesty, as well in Right of His Crown as of His Duchy of *Lancaster*, His Heirs and Successors, and to all and every other Person or Persons, Bodies Politic, Corporate and Collegiate, his, her, and their Heirs and Successors, Executors, Administrators, and Assigns, (other than and except the several Persons claiming Rights of Common on the said Commonable Lands and Waste Grounds hereby directed to be divided and inclosed, or any Part thereof, and also the several Person and Persons to whom any Allotment or Allotments shall be made in respect of the Interest or Property for which such Allotments shall be made, and except such other Rights and Interests as the Intent and Purpose of the Inclosure hereby authorized shall absolutely require to be barred, destroyed, or extinguished by this Act), all such Estates, Rights, and Interests, as they, every or any of them had or enjoyed, of, in, to, or in respect of the said Open and Common Fields, and other Commonable Lands hereby directed to be divided, allotted, and inclosed, before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

Act to be
printed by
the King's
Printer.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.