



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

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Cap. 91.

An Act for inclosing and exonerating from Tithes
Lands in the Parish of *Wilden*, in the County of
Bedford. [14th May 1811.]

WHEREAS there are within the Parish of *Wilden*, in the County of *Bedford*, certain Common and Open Fields, Meadows, Commons, and other commonable Lands and Grounds, containing together by Estimation, One thousand and six hundred Acres, or thereabouts: And whereas the Most Noble *John Duke of Bedford* is Lord of the Manor of *Wilden* aforesaid: And whereas the said *John Duke of Bedford* is Patron of the Rectory of *Wilden* aforesaid, and the Reverend *William Morris* Clerk, is Rector thereof, and entitled to the Great and Small Tithes within the said Parish: And whereas the said *John Duke of Bedford*, *George Smith*, *James Dyson*, *John Lloyd*, *Richard Rosser*, *John Wagstaff*, *John Clare*, *Joseph Willis*, *John Smith*, *Anne Cooper*, and others, are Owners and Proprietors of the Common and Open Fields, Meadows, Commons, and other commonable Lands and Grounds in *Wilden* aforesaid: And whereas the Lands of the several Proprietors in the said Common and Open Fields lie intermixed and dispersed, and are otherwise inconveniently situated, and the same, and also the Meadows, Commons, and other commonable Lands and Grounds in the said Parish, in their present State, are incapable of any considerable Improvement, and the Proprietors thereof are desirous that the same should be divided, and specific Allotments set out to and for the several Proprietors thereof and Persons interested therein, in Proportion to their respective Rights and Interests, and be inclosed and held in Severalty, but as such Division and

[*Loc. & Per.*]

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Inclosure

Commission-
ers.

Inclosure cannot be effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Platt* of *Lidlington* in the County of *Bedford*, *John Burcham* of *Coningsby* in the County of *Lincoln*, and *James Lilburne* of *Southill* in the said County of *Bedford*, Gentlemen, shall be, and they are hereby appointed Commissioners for dividing and allotting all the said Common and Open Fields, Meadows, Lands, Commons, and other commonable Lands and Grounds in the Parish of *Wilden* aforesaid, and for carrying the several other Purposes of this Act into Execution, pursuant to the Powers, Regulations, Directions, and Provisions contained in this Act, and with, under, and subject to such of the Powers, Regulations, Directions, and Provisions contained in an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating 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*, as are not controuled by or repugnant to any of the Clauses, Provisions, or Regulations of this Act.

Appointment
of new Com-
missioners.

II. And be it further enacted, That in case any of the Commissioners herein-before named and appointed, or to be named and appointed as herein-after mentioned, shall, before the completing and finishing of the said Division and Allotment die, or refuse to act, or become incapable of acting as Commissioners or Commissioner in the Execution of this Act, a new Commissioner or Commissioners shall and may be nominated and appointed in Manner following; (that is to say), that if the said *William Platt* shall die, or refuse to act, or become incapable of acting as aforesaid, the surviving or remaining Commissioners or Commissioner shall, as soon as conveniently may be, give Notice thereof in Writing under their Hands to the said *John Duke of Bedford*, his Heirs or Assigns; and thereupon it shall be lawful for the said Duke, his Heirs and Assigns, at any Time within Twenty-eight Days after such Notice shall have been so given, to appoint One other Commissioner not interested in the said intended Division and Inclosure in the Room of the said *William Platt*, and so from Time to Time, as often as any Commissioner so to be appointed by the said Duke, his Heirs or Assigns, shall die, refuse to act, or become incapable of acting as aforesaid: And if the said *John Burcham* shall die, refuse to act, or become incapable of acting as aforesaid, it shall be lawful for the said *William Morris*, or the Rector of the said Rectory for the Time being, within Twenty-eight Days after such Notice as aforesaid shall have been given to him or them by the surviving or remaining Commissioners or Commissioner, to appoint One other Commissioner not interested in the said Division and Inclosure, in the Room of the said *John Burcham*, and so from Time to Time as often as any Commissioner so to be appointed by the said *William Morris*, or the Rector of the said Rectory for the Time being, shall die, refuse to act, or become incapable of acting as aforesaid; and if the said *James Lilburne* shall die, or refuse to act, or become incapable of acting as aforesaid, it shall be lawful for the major Part in Value of the Proprietors or Persons interested in the Lands and Grounds directed by this Act to be divided, allotted, and inclosed, such Value to be ascertained by the Land Tax Assessment then last preceding,

and for the known Agents or Attornies of any of them who shall be present at a Meeting to be held for that Purpose in *Wilden* aforesaid, or within Eight Miles from the Boundary of the said Parish, pursuant to some publick Notice to be given by the remaining Commissioners or Commissioner at least Six Days before such Meeting, by Writing under his or their Hand or Hands, to be affixed on the Church Door of *Wilden* aforesaid, to appoint another Commissioner in the Room of the said *James Lilburne*, and so from Time to Time, as often as any Commissioner appointed as last aforesaid shall die, refuse to act, or become incapable of acting as aforesaid; and in case the said respective Parties, or any of them, shall make Default in appointing a new Commissioner within the Time, or at such Meeting respectively as aforesaid, it shall be lawful for the surviving or remaining Commissioners or Commissioner for the Time being; and they or he are and is hereby required, under their respective Hands or his Hand, to appoint a new Commissioner not interested in the said intended Division and Inclosure, in the Room of such Commissioner so dying, or refusing to act, or becoming incapable of acting as aforesaid, and that the several Writings appointing such new Commissioner shall be annexed to and deposited with the Award herein-after directed to be made by the said Commissioners, and every such new Commissioner so to be appointed, having first taken the Oath prescribed in that Behalf, shall have the like Power and Authority for putting this Act into Execution in all Respects whatsoever, as the Commissioner in whose Place he shall have been so appointed and chosen was vested with by virtue of this Act.

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

Two Commissioners may act.

IV. And be it further enacted, That *Thomas Lilburne* of *Cardington*, in the County of *Bedford*, Land Surveyor, shall be, and he is hereby appointed the Surveyor for the Purposes of this Act; but in case the said *Thomas Lilburne* shall die, refuse to act, or become incapable of acting as such Surveyor, then it shall be lawful for the said Commissioners to nominate another Surveyor in his Stead, and so from Time to Time as Occasion shall require.

Surveyor.

V. And be it further enacted, That the said Commissioners shall, and they are hereby required to give, or cause to be given, publick Notice in the Parish Church of *Wilden* aforesaid, upon some *Sunday* immediately after Divine Service, or by Writing under their Hands, or under the Hand of the Clerk to be by them appointed, and to be affixed on one of the Outer Doors of the said Parish Church, of the Time and Place of their First Meeting for executing the Powers hereby vested in them, at least Seven Days before such Meeting; and shall in like Manner give Seven Days Notice of every subsequent Meeting for the like Purposes,

Commissioners to give Notice of their Meetings.

(Meetings

(Meetings by Adjournment only excepted;) and in case only One of the Commissioners shall attend at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for such Commissioner, or the Clerk to the said Commissioners, in case none of the Commissioners shall attend, to adjourn the Meeting to be held on any future Day, not exceeding Twenty-eight Days from the Day of Adjournment; and the said Commissioner or Clerk making such Adjournment is hereby required to give timely Notice thereof to the absent Commissioners; and all Meetings for the Execution of the Powers of this Act shall be held within the Parish of *Wilden*, or within the Distance of Eight Miles therefrom.

Commissioners to give Notice of certain Meetings in a Newspaper.

VI. And be it further enacted, That all Notices which by the said recited Act, or by this Act, are required to be given or published in any publick Newspaper, of setting out publick Carriage Roads, of appointing new Commissioners, and of reading and executing the Award of the said Commissioners, shall be given and published in the Newspapers called *The Northampton Mercury*, *County Press*, or *Cambridge Chronicle*, or some or one of them; and if neither of those Newspapers shall be then published, then in some other Newspaper usually circulated in the said County of *Bedford*.

Commissioners to determine Differences,

but not Titles,

nor Rights contrary to the Possession.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors of, or Persons interested in any of the Lands or other Hereditaments intended to be divided or affected by this Act, touching or concerning any of their Claims, Estates, Rights, or Interests therein, or any Allotment or Compensation to be made in lieu thereof, it shall be lawful for the said Commissioners, and they are hereby required to hear and determine the same: Provided, and be it further enacted, That nothing herein contained shall authorize the said Commissioners to determine the Title of any Person or Persons to any Lands, Tenements, or Hereditaments whatsoever; nor to determine any Right between any of the Parties interested in the said Lands and Grounds, contrary to the Possession of any such Parties, except in Cases of Inclosure of and Encroachments on any of the said Common or Waste Lands, made within Twenty Years before the passing of this Act; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been duly given up by or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Commissioners may award Costs.

VIII. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby empowered at their Discretion, upon Request made to them by all or any of the Parties in whose Favour they shall make their Award or Awards, to order and adjudge such Costs and Charges as they shall think reasonable for the Use and Benefit of such Party or Parties, upon or against the Person or Persons, Body or Bodies Politic, or Corporate, whose Claim or Claims, Objection or Objections, Complaint or Complaints shall be thereby disallowed, as the Case shall happen, and by Warrant under the Hands and Seals of the said Commissioners to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last-mentioned Person or Persons, together with the Costs and Charges of such Distress and Sale, returning the Overplus
(if

if any) on Demand to the Owner or Owners of such Goods and Chattels; and in case there shall be no Goods and Chattels whereby to levy the same, or in case the Body Corporate is to pay such Costs, then and in either of the said Cases it shall be lawful for the Person or Persons in whose Favour such Costs shall be awarded, to recover the same by Action or Actions of Debt, or on the Case, in which it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioners, and in consequence of such Order of Adjudication, without setting forth any other of the Proceedings therein had.

IX. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights or Interests respectively tried at Law; and the Person or Persons, Body or Bodies Politic or Corporate, so desirous to have the same tried at Law, shall and do by themselves or their respective Attornies or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners, or any Two of them, within Thirty Days next after such Determination shall have been so made by the said Commissioners, of which Notice the said Commissioners are hereby required immediately on Receipt thereof, or as soon after as conveniently may be done, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing under their respective Hands, to be delivered to or left at the usual Place of Abode of such Party or Parties, Attornies or Agents as aforesaid, then, but not afterwards, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns; and he, she, or they is and are hereby required to proceed to a Trial at Law of the same at the Assizes to be holden for the County of *Bedford*, in a feigned Action or Actions for that Purpose, to be commenced in One of His Majesty's Courts of Record at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate interested in the said Division, who shall make such Objection or Objections within Ten Calendar Months next after such Notice shall be given to the said Commissioners as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file common Bail and appear and accept One or more Issue or Issues, whereby all such Claim or Claims and Rights or Interests, may be properly tried and determined, such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same, and the Verdict or Verdicts which shall be given in the said Action or Actions shall be final and conclusive to all Bodies Politic or Corporate, and all Persons whomsoever; and after any Verdict or Verdicts shall have been obtained and not set aside by the Court, the said Commissioners shall, and they are hereby authorized and required to conform thereto: Provided always, that it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause to put off the Trial of such Action, or award a new Trial therein, although the Time herein-before

Power to try
disputed
Claims at
Law.

limited for the Trial of such Action may be thereby exceeded; but if no such Action or Actions at Law shall be brought or commenced by the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials at the Assizes which shall be holden for the said County of *Bedford*, within Nine Calendar Months after the Expiration of Twenty-eight Days from the Day of giving such Notice as aforesaid, by or on Account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination of the said Commissioners shall be final, binding, and conclusive unto and upon all Parties whomsoever.

Actions not to abate by the Death of a Party.

How Actions to be brought after the Party's Death.

X. Provided always, and be it enacted, That if any of the Parties in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened: And if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk to the Commissioners with Notice of such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereon be incumbent on the Heir or Heirs, or the other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had thereon in the same Manner as if such Person or Persons had been actually living, and the Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Roads dividing Parishes or Places to be made up in the Whole Thirty Feet broad at the least.

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

No Lambs to be depastured in the Roads for Seven Years.

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

XIII. And

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

Power to
remove Road
Surveyor.

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

Power for
Justices to
declare any
of the Roads
completed.

XV. And be it further enacted, That the said Commissioners shall and may scour and widen all such ancient Brooks, Ditches, Drains, Watercourses; Tunnels and Bridges in the Parish of *Wilden* aforesaid; and also shall and may set out new Ditches, Drains; or Watercourses, Tunnels, Watergates, Banks, and Bridges, as well through and over the Lands and Grounds hereby directed to be divided and inclosed, as also in, through, and over any ancient Inclosure, or other Lands and Grounds in the Parish of *Wilden* aforesaid, making such Satisfaction to the Proprietors of such ancient Inclosures and other Lands and Grounds not hereby directed to be divided and inclosed for the Damage done thereby, as they shall think proper, of such Breadth and Depth and in such Directions as the said Commissioners shall think proper; and the said Commissioners shall and may, and they are hereby directed in and by their said Award, to order and award by whom and at whose Expence, and at what Time and in what Manner, such Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges, shall be made and thereafter repaired, cleaned, scoured, and maintained: Provided always, that no such Streams, Springs of Water, or Watercourses, shall be diverted or turned without the Consent in Writing by the Person or Persons from or out of whose Lands the same shall be diverted or turned, and of the Person or Persons through or into whose Lands the same shall be diverted or turned.

Commissioners
to make
Drains, &c.

XVI. And be it further enacted, That when any Gate or Gates shall be placed against any public Road or Way within the Parish of *Wilden* aforesaid, the Proprietor or Proprietors of such Gate or Gates shall and he is hereby required, at his and their own proper Costs and Charges, within Six Calendar Months next after the Date of the said Award, or from the Time such Gate shall be placed, and in all or every Place or Places where such Gate or Gates shall be placed, to make or cause to be made a good and sufficient Bridge, or covered Drain, of a Capacity equal to the Necessities of the Case; and shall from Time to Time for ever afterwards, at his

Drains to be
made under
Gateways
next the
Road.

and

and their like Costs and Charges, keep open and in good Repair the said Bridges or Drains, and every of them; and in case such Proprietor or Proprietors shall neglect or refuse to make such Bridges or Drains as aforesaid, within the Time herein-before limited for that Purpose, or shall neglect or refuse after such Bridges or Drains shall be made as aforesaid to keep the same open and in good Repair, then and in either of such Cases the Surveyor of the Highways for the said Parish of *Wilden* for the Time being shall, and they are hereby authorized and required from Time to Time to make and repair such competent Bridges or Drains as aforesaid, and to keep the same in good Repair; and such Proprietor or Proprietors shall not only reimburse and pay to the said Surveyor all such Costs, Charges, and Expences, as shall attend the making such Bridges or Drains, and keeping the same from Time to Time open and in good Repair, but shall also for every such Neglect or Default forfeit and pay to the said Surveyor such Sum not exceeding Forty Shillings as any One of His Majesty's Justices of the Peace for the County of *Bedford* shall direct; and in case such Proprietor or Proprietors shall, after Demand made by the said Surveyor, or any of them, neglect or refuse to reimburse and pay to the said Surveyor all such Costs, Charges, and Expences as aforesaid, and also the said Penalty, not exceeding Forty Shillings, then the same and every Part thereof shall and may be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so neglecting or refusing as aforesaid, by Warrant under the Hand and Seal of any One of His Majesty's Justices of the Peace for the said County of *Bedford*, which Warrant such Justice is hereby authorized and required to grant; and such Penalty or Penalties shall be paid to the said Surveyors, who are hereby authorized to lay out, apply, and dispose of the same in and about the Repair of the Highways in the said Parish of *Wilden*.

Allotments
for Stone,
Sand, Gra-
vel, and Clay-
Pits.

XVII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out and allot, and award One or more Plot or Plots of the Lands and Grounds hereby intended to be divided and inclosed, as they shall think proper, not exceeding in the whole Five Acres, as and for Stone, Sand, Gravel, and Clay Pit or Pits, with convenient Road or Roads to and from the same, for the Repairs of the public and private Roads within the Parish of *Wilden* aforesaid, and for other the necessary Uses of the Proprietors and Occupiers of Estates within the same Parish.

Allotment to
the Lord of
the Manor,

XVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out; and allot and award to and for the said Duke of *Bedford*, as Lord of the Manor of *Wilden* aforesaid, such Parcels of the Lands and Grounds hereby directed to be divided and inclosed, as in the Judgment of the said Commissioners shall be equal in Value to One-twentieth Part of all the Waste or Common Lands within the said Manor, for and in lieu of and as a full Compensation and Satisfaction for his Right and Interest in and to the Soil of such Waste or Common Lands, and his Consent to the Inclosure thereof.

Allotments
for Glebe
Lands and
Common
Rights.

XIX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required in the next Place to set out, allot, and award unto and for the said *William Morris*, and his Successors, Rec-

tors as aforesaid, such Plot or Plots of the Lands and Grounds to be divided and inclosed by virtue hereof, as in the Judgment of the said Commissioners shall be a full Equivalent for the Glebe Lands and Rights of Common belonging to the said *William Morris*, in, over, and upon the Lands and Grounds in *Wilden* aforesaid, hereby directed to be divided and inclosed.

XX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out, allot, and award unto and for the said *William Morris*, or the Rector of *Wilden* aforesaid for the Time being, such Plot or Plots of the Lands and Grounds to be divided and inclosed as in the Judgment of the said Commissioners shall be equal in Value to One-fifth Part of all the Arable and Tillage Lands and Grounds, One-tenth Part of all the Wood Lands, and One-ninth Part of all the other Lands and Grounds, as well open as inclosed, within the Parish of *Wilden* aforesaid, which are subject and liable to the Payment of Tythes in Kind (except as herein-after is otherwise provided), and which shall remain after the several public Roads, and the Stone, Sand, Gravel, and Clay Pits, and the Allotment or Allotments in lieu of Glebe Lands and Rights of Common to be set out to the Rector as aforesaid shall be deducted therefrom.

Allotment
for Tythes.

XXI. Provided always, and be it further enacted, That in case the Proprietor or Joint Proprietors of any Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands and Grounds in the Parish of *Wilden* aforesaid, not exceeding Twenty-five Acres, shall not be entitled upon the aforesaid Division to a sufficient Quantity of the Lands and Grounds hereby directed to be divided and allotted, to exonerate his or their old Inclosures from Tythes; then and in such Case the said Commissioners shall and they are hereby authorized and required to charge the respective Proprietors thereof with such Sum or Sums of Money as shall in the Judgment of the said Commissioners be a just and full Compensation and Satisfaction for the Fee Simple of the Tythes thereof respectively; and such Sum or Sums of Money shall be paid by such Proprietor or Proprietors to the said Commissioners, and be by them applied towards defraying the Expences of obtaining this Act and carrying the same into Execution; and in case of Non-payment thereof at the Time appointed for that Purpose, the same shall be raised and levied in such Manner as is provided for raising and levying the Expences of obtaining and executing the said Act in case of Neglect or Refusal to pay the same: Provided always, that if there should be any Overplus of such Sum or Sums of Money the same shall be paid to the Person or Persons entitled thereto, in case they shall be seized in Fee Simple of their respective Estates or otherwise, such Overplus shall be applied and disposed of by the said Commissioners in Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, with respect to the Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Owners of
the old In-
closure, not
exceeding
Twenty-five
Acres, not
having suffi-
cient Open
Field Land
to exonerate
them from
Tythes, are to
discharge
them by a
Money Pay-
ment.

XXII. Provided also, and be it further enacted, That if any Proprietor or Joint Proprietors of any ancient Inclosure or Inclosures in the Parish of *Wilden* aforesaid, exceeding the Quantity of Twenty-five Acres, shall not

Certain an-
cient Inclo-
sures may be
discharged of
Tythes by
Land.

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have

have Lands or Hereditaments in the Common and Open Fields, Commons, or other Commonable Lands hereby directed to be divided and inclosed, sufficient to make Compensations for the Tythes of such ancient Inclosure or Inclosures, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to set out to and for the said *William Morris*, or the Rector of *Wilden* aforesaid for the Time being, such Part of such ancient Inclosure or Inclosures as together with such Proprietor or Joint Proprietor's Share of the said Common and Open Fields, Commons, and other Commonable Lands within the same Parish (if any), according to the Proportions aforesaid, they shall judge to be a just Compensation for the Tithes of such ancient Inclosure or Inclosures; and the Proprietor or Joint Proprietors of such ancient Inclosure or Inclosures shall pay such Proportion of the Rate or Rates to be made for defraying the Expenses of obtaining this Act and carrying the same into Execution, and also shall fence off such Part or Parts of such ancient Inclosure or Inclosures so to be set out as such Compensation as aforesaid as the said Commissioners shall order and direct; and such Land so to be set out by the said Commissioners as last aforesaid shall be described in their Award, and shall be accepted and taken as a full Recompence, Satisfaction, and Compensation for all and all Manner of Tithes whatsoever of such ancient Inclosure or Inclosures; and such ancient Inclosure or Inclosures of such Proprietor or Joint Proprietors so remaining after such Deductions, shall for ever afterwards be exonerated from all such Tithes as fully and effectually as if the Compensation had consisted of any of the Lands and Grounds by this Act directed to be divided and inclosed, any Thing herein contained to the contrary notwithstanding.

Allotment of
the Residue.

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

Determining
Objections to
Allotments.

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

For fencing
the Tithes and
other Allot-
ments.

XXV. And be it further enacted, That the Allotments which shall be set out and awarded for the Rector of *Wilden* aforesaid for the Time being, for

for and in lieu of Glebe Lands, Rights of Common, and Tithes as aforesaid, shall be inclosed and ring-fenced on all such Parts as shall not be directed to be fenced by any other Proprietor, and as shall not adjoin upon any ancient Inclosure or sufficient Brook, with Ditches and Quickset-hedges, or other proper Mounds and Fences, with proper Posts and Rails, or other Guard-fences to such new made Quickset-hedges by and at the Expence of such of the Proprietors (except the said Rector) of the Lands and Grounds hereby directed to be divided and inclosed, and of the inclosed Lands and Hereditaments in the Parish of *Wilden* aforesaid hereby directed to be exonerated from Tithes, and in such Shares and Proportions as the said Commissioners shall direct; and all the said Boundary Hedges, Ditches and Fences, shall at all Times thereafter be repaired and maintained by and at the Expence of the Owners for the Time being of the Lands and Grounds to whom they shall be respectively allotted or directed to belong; and the several other Allotments to be made to the several other Proprietors by virtue of this Act, shall be inclosed, hedged, ditched, and ring-fenced at the Expence of the said other respective Proprietors to whom such Fences shall be allotted or directed to belong, with Quickset-hedges and proper Ditches, or in such other Manner and at such Time or Times as the said Commissioners shall by their Award, or any other Writing under their Hands direct or appoint; and convenient Gaps and Openings shall be left in the said Fences and Inclosures for the passing of Cattle, Carts, and Carriages in and through the same, for such Space of Time as the said Commissioners shall by their Award, or any other Writing under their Hands, direct.

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

Fencing
across Free-
boards.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements, and Hereditaments whatsoever, whereof any Person or Persons, Body or Bodies Politic or Corporate, is or are seised for any Estates of Freehold or Inheritance within the said Parish of *Wilden*, in lieu of and in Exchange for any

Exchange.

any other Lands, Tenements, and Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet or Township, provided that all such Exchanges be specified or referred to in the Award of the said Commissioners; and that all Exchanges in pursuance of this Act be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements and Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee-simple, or for Life, or in Fee-tail General or Special, or by the Courtesy of *England*, or with the Consent of the Guardians, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or for any such Proprietors or Owners as aforesaid, who at the Time of making any such Exchange or Exchanges shall be respectively Infants, Femmes-covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself, such Consent to be certified in Writing, under the Common Seal of any Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange or Exchanges so to be made shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided always, 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 of the Patron thereof, and the Bishop of the Diocese in which such Lands, Tenements and Hereditaments so to be exchanged shall lie and be situated, testified in Writing under their Hands: Provided always, that all Costs, Charges and Expences attending the making of any Exchanges or Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award or other Writing, under their Hands, order and direct.

Power for
the Rector to
lease.

XXVIII. And be it further enacted, That it shall and may be lawful for the Rector of *Wilden* aforesaid for the Time being, by Indenture or Indentures under his Hand and Seal, with the Consent and Approbation of the Lord Bishop of *Lincoln*, and of the Patron of the said Rectory, at any Time or Times after the passing of this Act, to lease or demise all or any Part or Parts of the Allotment or Allotments so to be set out and allotted to the said Rector by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, computing the same from the Time such Allotment or Allotments shall be set out and accepted by the said Rector, so that the Rent or Rents for the same be thereby reserved to the said Rector for the Time being by Four equal Quarterly Payments in every Year, and so that there be thereby reserved and made payable to such Rector the best and most improved Rent or Rents that can be reasonably had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for making or granting any such Lease or Demise; and that no such Lessee by any such Lease or Demise be made punishable of Waste by any express Words to be therein contained, and so that there be contained in every such Lease a Power of Re-entry on Non-payment of the Rent or Rents to be thereby reserved, within a reasonable Time to be therein limited after the same shall become due, and so that a Counterpart of every such Lease be duly executed by the Lessee or Lessees to whom any such Lease shall be so made as aforesaid; and

and every such Lease shall be valid and effectual, any Law or Usage to the contrary notwithstanding.

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

Power to vacate Leases at Rack Rent.

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

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

Tithes to
cease.

XXXI. And be it further enacted, That the Allotments which shall be set out for the said *William Morris*, or the Rector of *Wilden* aforesaid for the Time being, shall be in lieu of and full Compensation and Satisfaction for his Glebe Lands and Rights of Commons (if any) in, upon, and over the Lands and Grounds by this Act directed to be divided and inclosed, and also for all the Great and Small Tithes, Compositions, and other Payments in lieu of Tithes arising, growing, renewing, increasing, appertaining, or due or payable to them respectively, out of or in respect of all and every the Messuages, Cottages, Tofts, Homesteads, Gardens, Orchards, inclosed Lands, Open and Common Fields, Lands, Meadows, Pastures, Woods, Grounds, and all other Lands, Tenements, and Hereditaments whatsoever within the Parish of *Wilden* (except Easter-Offerings, Surplice Fees and Mortuaries, which shall not be affected or prejudiced by this Act), and all the Great and Small Tithes, Compositions, and Payments in lieu of Tithes, shall immediately from and after the setting out of the Allotment or Allotments in lieu and Satisfaction thereof as aforesaid, or at such other Time or Times as the said Commissioners shall in and by their Award or any other Writing, to be signed by them previous to the Execution of their Award, and affixed on one of the Church Doors of *Wilden* aforesaid, respectively direct or appoint, cease, determine, and be for ever extinguished; and the said *William Morris*, or the Rector of *Wilden* aforesaid for the Time being, shall in the mean Time be entitled to receive and enjoy such of the same Tithes, Payments, and Compositions in lieu thereof, as they might or could or ought to have done in case this Act had not been made; and in case the same shall happen before the End of any current Year for which the said Tithes are holden by the Tenants or Occupiers thereof, it shall be lawful for the said Commissioners to determine what Sum shall be paid by them respectively for the same Tithes for such fractional Part as shall be then passed of the current Year, and from and immediately after such Allotments shall be set out, the said Rector shall be for ever exonerated and exempt from keeping a Bull and Boar, or either of them, for the said Parish of *Wilden*.

Commissioners may direct the Course of Husbandry.

XXXII. And be it further enacted, That in the mean Time and until such Divisions or Allotments shall be made as aforesaid, all the Tillage, Pasture, and other Lands hereby directed to be divided and inclosed shall be stocked with such Cattle, and sown by the respective Owner or Owners, Occupier or Occupiers thereof, with such Sort of Corn and Grain, and shall be kept, ordered and continue in such Course of Husbandry as the said Commissioners by any Writing or Writings under their Hands shall in that Behalf award, order, direct, or appoint; any Usage or Custom of Stocking or Sowing to the contrary notwithstanding; and that no Meadows, Pastures, or fresh Grounds, Part of the Lands or Grounds hereby directed to be divided and inclosed and not now in Tillage, shall before that Time be ploughed, broken up, or converted into Tillage; and also that it shall and may be lawful for the said Commissioners at any Time hereafter, when they in their Judgment shall think it convenient and necessary, by Notice for that Purpose under their Hands, to be affixed on one of the Doors of the Parish Church of *Wilden* aforesaid, to suspend or totally extinguish all or any Part of the Right of Common in and over the Lands and Grounds hereby directed to be divided and inclosed, and from and after such Notice shall be given such Right of Common shall cease and be utterly extinguished, or otherwise be suspended for such Time as the said Commissioners

Commissioners shall in and by such Notice direct; and if after such Suspension or Extinguishment of such Right of Common, any of the said Proprietors or Occupiers shall permit his, her, or their Cattle to go, depasture, or feed on any of the Lands and Grounds so exonerated from Common Rights, then it shall be lawful for any of the said Proprietors or Occupiers to seize such Cattle being upon such Lands or Grounds contrary to the said Order, and to impound and keep the same until the Person or Persons so offending shall pay unto the Person or Persons so seizing and impounding such Cattle, the Sum of Five Shillings for each of the said Cattle so seized and impounded; and in case the same shall not be paid before the next Meeting of the Commissioners after such seizing and impounding, then the said Commissioners are hereby authorized and empowered upon Proof of such Offence or Offences having been committed, and Nonpayment of the Penalty hereby imposed, to cause the Cattle so seized and impounded, or such Part thereof as they shall think necessary, or other Goods and Chattels of the Person or Persons so offending, to be sold for raising the Penalty aforesaid, together with the Costs and Charges attending such seizing and impounding, and Distress and Sale, rendering the Overplus (if any) to the Owner or Owners of such Cattle, Goods, and Chattels.

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

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

XXXIV. And be it further enacted, That each of the said Commissioners who shall act in the Execution of the Trusts and Powers vested in them by this Act, and their Clerk, shall be paid the Sum of Three Guineas for every Day he shall be employed in the Execution of this Act, in full Satisfaction for the Trouble he shall be put unto in the Execution of the said Trusts and Powers hereby given, and that the same, together with all Costs, Charges, and Expences of passing this Act, and the Costs and Charges of surveying, admeasuring, valuing, planning, dividing, and allotting the Lands and Grounds hereby directed to be divided and inclosed, and also of surveying, admeasuring, planning, and valuing the said Homesteads and ancient Inclosures, and exonerating the same from Tithes, and of preparing and enrolling the said Award or Instrument, and all other the necessary Charges and Expences of the said Commissioners and their Clerk, and the other Expences about and concerning the said Premises, shall be borne and defrayed in a proportionable Rate by all the Proprietors and Owners of the Lands and Grounds hereby directed to be divided and inclosed, or exonerated from Tithes by virtue of this Act, (except the said Rector in respect of his Rectorial Glebe Lands, Rights of Common, and Tithes), in such Shares and Proportions, and shall be paid to such Person or Persons, and at such Time or Times, and in such Manner as the

Commissioners Allowance, and other Expences of the Act.

the said Commissioners shall, in and by any Writing under their Hands previous to their making their Award, or by their Award order, direct and appoint.

Money advanced to be repaid with Interest.

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

Power to sell Land for the Expences, or to charge the Estates of Tenants for Life, etc. with Expences.

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

her, or their Lands, to be divided, allotted, or exonerated from Tithes, by virtue of this Act, and that in all Cases where any Lands shall be sold for the Payment of such Expences, it shall not be lawful for such Person or Persons to charge his, her, or their Lands, Tenements, or Hereditaments with any Sum or Sums of Money whatever for the Payment thereof.

XXXVII. Provided always, and be it further enacted, That in case such Lands and Grounds so to be sold as herein-before is mentioned by the said Commissioners, shall be sold for more Money than will be required to defray the Share or Proportion of such Costs, Charges and Expences to be paid by the Person or Persons so requesting such Sale, then and in such Case such Surplus Money shall be divided and apportioned between the several Persons requesting such Sale; if more than one, such Application shall be so made in such Shares as the said Commissioners shall think proper; and the Shares of such of them as shall be Tenants of their respective Allotment in Fee Simple shall be paid to them respectively, and the Shares of such other Person or Persons in such Surplus Money shall be applied and disposed of in Manner directed by the said Act; in those Cases wherein any Money is to be paid for the Purchase or Exchange of any Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Application
of the Sur-
plus Money.

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

May deduct
Land for
Expences.

XXXIX. And be it further enacted, That as often as Occasion shall be or require during the Execution of this Act, the said Commissioners shall and they are hereby required to make a just Statement or Account of all Sums of Money by them received and expended in the Execution of this Act, and such Statement or Account when so made, together with the

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

[Loc. & Per.]

21 A—B

Vouchers

Vouchers relating thereto, shall be by them laid before some one of His Majesty's Justices of the Peace for the County of *Bedford*, not interested in the said Inclosure, to be examined and balanced; and the said Balance shall be stated in a Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by such Justice.

May sell their Allotments before the Execution of Award, and their Rights of Common,

XL. And be it further enacted, That it shall be lawful for any Person or Persons, who shall be entitled to any Allotment or Allotments by virtue of this Act, to give, grant, bargain, sell, mortgage, devise, limit, convey and assure the same for all or any Part of his, her, or their Estate and Inheritance or Right thereto, at any Time before the Execution of the Award of the said Commissioners; and every such Gift, Grant, Bargain, Sale, Mortgage, Demise, Limitation, and Disposition thereof shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall be lawful for any of the Owners or Proprietors of any Right of Common upon the Lands and Grounds hereby directed to be divided and inclosed to sell the same, or the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of which he, she, or they is or are entitled to the same, in such Manner as he, she, or they might have done at any Time after the Execution of the said Award; and that 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 conveyed to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition.

separate from their other Property.

Award to be deposited in the Parish Church of Wilden.

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

Persons aggrieved may appeal to the Quarter-Sessions.

XLII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of the said recited Act, or this Act, (other than and except such Claims, Matters, and Things as are herein-before directed or authorized to be settled, ascertained, tried, or determined by the Verdict of a Jury; and also except such Orders and Determinations of the said Commissioners as are by the said recited Act, or this Act, directed to be final or conclusive), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace to be holden for the said County of *Bedford*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Thirty Days Notice in Writing of such Appeal and of the Matter thereof; and the Justices (not interested in the Premises), at their said General Quarter Sessions, are hereby required to hear and determine the Matters of any such Appeal, and to make such Order, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Charges 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

the Owner or Owners of such Goods and Chattels, after deducting the reasonable Expences of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices frivolous, vexatious, or without Foundation, the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

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

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

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

