



ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 162.

An Act for inclosing and exonerating from Tithes Lands in the Manor and Parish of *Upton*, in the County of *Huntingdon*. [9th June 1812.]

WHEREAS there are within the Parish and Manor of *Upton*, in the County of *Huntingdon*, divers Open and Common Fields, Common Pastures, Wastes, and other Commonable Lands, containing in the whole by Estimation Nine hundred Acres or thereabouts, and also several inclosed Lands, which contain by Estimation Three hundred and seventy Acres or thereabouts: And whereas *John Heathcote* Esquire is Lord of the said Manor of *Upton*: And whereas the Reverend *John Warren*, Dean of *Bangor*, is Rector of the Rectory and Parish Church of *Coppingford*, otherwise *Copmanford*, with *Upton* aforesaid, and in Right thereof is seised of or entitled to the Tithes arising from all the titheable Lands within the said Parish, and also divers Glebe Lands, Parcel of the said Common Fields and inclosed Lands in the said Parish: And whereas the most Noble *Elizabeth* Duchess Dowager of *Buccleuch* and *Queensberry*, is seised of or entitled to the Advowson, Right of Patronage, and Presentation of, in, and to the Rectory of *Coppingford*,
[*Loc. & Per.*] 40 E other-

otherwise *Copmanford*, with *Upton* aforefaid: And whereas the faid *John Heathcote*, the Master or Keeper, and the Fellows and Scholars of *Chrift College*, in the Univerfity of *Cambridge*, and *Thomas Allnutt* Efquire, as their Leffee, under a Leafe to him granted for Twenty-one Years, and the faid *John Warren*, as fuch Rector as aforefaid, are feverally the Proprietors of the faid Open and Common Fields, in which the Lands of the feveral Proprietors lie intermixed and difperfed in fmall Parcels, and are in other Refpects inconveniently fituate for Cultivation; and the faid Proprietors are defirous that all the faid Open and Common Fields, Common Pastures, Wafte, and other Commonable Lands fhould be divided and allotted to and between them according to their refpective Rights and Interests, and that fuch Allotments fhould be inclofed and held in Severalty: And further, that all the Lands and Tenements, as well open as inclofed, within the faid Parifh of *Upton*, fhould, in Confideration of an adequate Compenfation and Equivalent in Land, be difcharged from all Tithes and Payments in lieu of Tithes, which Divifion, Allotment, Inclofure, and Exoneration from Tithes, would be of advantage to the Parties interefted, and tend greatly to the Improvement of their Eftates; but the fame cannot be effected without the Aid and Authority of Parliament: May it therefore pleafe Your Majefty, that it may be enacted, and be it enacted by the King's moft Excellent Majefty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this prefent Parliament affembled, and by the Authority of the fame, That *John Burcham*, of *Connifby*, in the County of *Lincoln*, Gentleman, and *Alexander Watford*, of the Town of *Cambridge*, in the County of *Cambridge*, Gentleman, fhall be and they are hereby appointed Commiffioners for fetting out, dividing, and allotting all the Open and Common Fields, Common Pastures, Wafte, and other Commonable Lands within the faid Parifh of *Upton*, and for putting this Act into Execution in fuch Manner, with fuch Powers, and fubject to fuch Regulations and Directions as are hereinafter contained; and with fuch of the Powers, and fubject to fuch of the Regulations, Directions, Restrictions, and Provisions contained in an Act made in the Forty-firft Year of the Reign of His prefent Majefty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclofure, and for facilitating the Mode of proving the feveral Facts usually required on the paffing of fuch Acts*, as are not repugnant to, or altered, or otherwise provided for by any of the Claufes or Provisions in this Act.

Commiffion-
ers appointed.

Appointment
of New Com-
miffioners on
Vacancies.

II. And be it further enacted, That in cafe the faid *John Burcham*, or any Commiffioner to be appointed in his Place, as hereinafter is mentioned, fhall refufe to act or to qualify himfelf, or fhall, before the Powers and Trusts reposed in the faid Commiffioners fhall have been fully executed, die, or become incapable of acting as fuch Commiffioner, it fhall be lawful for the faid *John Heathcote*, his Heirs or Affigns, Lord or Lords of the faid Manor of *Upton* for the Time being, by Writing under his or their Hand or refpective Hands, to appoint fome other fit Perfon (not interefted in any of the Lands or Hereditaments to be divided or affected by this Act) to be a Commiffioner in the Place of the faid *John Burcham*; and fo from Time to Time, as often as any Commiffioner who fhall be appointed in his Place fhall refufe to act or to qualify, or fhall die, or become incapable of acting as fuch Commiffioner; and in cafe the faid *Alexander Watford*, or any Commiffioner to be appointed in his Place, as

herein-

hereinafter is mentioned, shall refuse to act or to qualify himself, or shall, before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, die, or become incapable of acting as such Commissioner, it shall be lawful for the said *John Warren*, or the Rector of *Coppingford*, otherwise *Copmanford*, with *Upton* aforesaid, for the Time being, by Writing under his Hand to appoint some other fit Person (not interested as aforesaid) to be a Commissioner in the Place of the said *Alexander Watford*; and so from Time to Time, as often as any Commissioner who shall be appointed in his Stead shall refuse to act or to qualify, or shall die, or become incapable of acting as such Commissioner; and in case either of the said appointing Parties shall not duly appoint such Commissioner within the Space of Two Calendar Months after the Vacancy shall happen, then it shall be lawful for the surviving or continuing Commissioner, at any Time after the Expiration of the said Two Calendar Months, and during such Vacancy in the Commission, by Writing under his Hand, to appoint some fit Person (not interested as aforesaid) to be a Commissioner in the Place of any Commissioner refusing to act or to qualify, or dying or becoming incapable of acting as aforesaid, and so from Time to Time as often as there shall be Occasion; and every Commissioner who shall be appointed in pursuance of this Act, shall have the like Powers and Authorities for putting this Act in Execution as if he had been expressly named a Commissioner by this Act.

III. And for the Purpose of settling and determining any Difference or Dispute which may arise between the said Commissioners touching or concerning any of the Matters and Things to be by them determined, and performed or executed, in pursuance of the said recited Act or of this Act: Be it further enacted, that the said Commissioners shall, and they are hereby required, immediately after taking and subscribing the Oath by the said Act directed to be by them taken and subscribed, by Writing under their Hands, to nominate and appoint some fit Person (not interested as aforesaid) to be the Umpire between the said Commissioners; and such Umpire is hereby authorized and required to hear and determine every such Difference or Dispute as may arise between the said Commissioners touching any Act, Matter, or Thing relating to the said Division, Allotment, and Inclosure, or any of the Purposes of this Act, and the Judgment and Determination of the said Umpire therein shall be deemed and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Judgment and Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive.

IV. And be it further enacted, That if the Person who shall be appointed Umpire, as hereinbefore mentioned, shall refuse to act or to qualify himself as an Umpire under this Act, or shall die or become incapable of acting before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, then the said Commissioners shall, before they shall proceed further in the Execution of this Act, and they are hereby authorized by Writing under their Hands to nominate and appoint some other fit Person (not interested as aforesaid) to be an Umpire in the Place of the Umpire so refusing to act or to qualify, or dying or becoming incapable of acting; and if the Commissioners cannot agree in the Choice

Appointment
of Umpire on
Vacancies.

of a Person to be first appointed Umpire as aforesaid, or to supply the Place of an Umpire on any future Vacancy, then and from Time to Time, as often as there shall be Occasion, each of such Commissioners is hereby required to set down in Writing the Name of some fit Person (not interested as aforesaid) whom he shall propose to be such Umpire; and the Names so set down being written on Papers of the same Size and Kind, and folded up in the same Form, or as nearly as may be to the same Size and Form, shall at some Meeting of the Commissioners for the Execution of this Act be put together in a Box or Glas, from which some indifferent Person present at such Meeting shall publicly and in the Presence of all Persons interested who shall choose to attend, draw out one of such Papers, and the Person whose Name shall be written on the Paper first drawn out shall be the Umpire, and the said Commissioners are hereby required to certify by Writing under their Hands the Choice and Appointment of every such Person to be Umpire accordingly; provided that the Instrument or Certificate of the Appointment of every Commissioner and Umpire to be nominated and appointed by virtue of this Act shall be enrolled and deposited with the Award of the Commissioners, and a Copy of such Instrument or Certificate, attested by the proper Officer of the Court where the same shall be enrolled, shall be sufficient Evidence thereof.

Appoint-
ments of
Commission-
ers and Um-
pire to be en-
rolled.

V. Provided also, and be it enacted, That no Person shall be capable of acting in the Execution of this Act as Umpire, until he shall have taken and subscribed an Oath in the Form following; (that is to say),

Oath of Um-
pire.

I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Trusts, Powers, and Authorities vested and reposed in me as Umpire, by virtue of an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice, or Partiality to any Person or Persons whomsoever. So help me GOD.

Which Oath it shall be lawful for the said Commissioners, or either of them, to administer; and they are hereby required to administer the same, and such Oath so taken and subscribed by such Umpire shall be annexed to and enrolled with the Award of the said Commissioners.

Commission-
ers to give
Notice of
Meetings.

VI. And be it further enacted, That the said Commissioners shall and they are hereby directed to cause Public Notice to be given of the Time and Place of their first and every other Meeting for the Execution of this Act, at least Ten Days before any such Meeting shall be holden (the Meeting to qualify and Meetings by Adjournment excepted), and that the said Commissioners may and they are hereby authorized to adjourn any such Meeting from Time to Time, and Place to Place, as they shall see Occasion; and in case both the said Commissioners shall not meet at the Time and Place appointed for any such Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for the Commissioner present, or if no Commissioner shall then attend, for the Clerk to the said Commissioners (which Clerk they are hereby authorized to appoint) to adjourn such Meeting to any future Day, not exceeding Twenty-one Days from the Day of Adjournment, to be holden at
the

the same or any other convenient Place, and so from Time to Time until both the said Commissioners shall meet; and the Commissioner or Clerk making such Adjournment is hereby required to give Notice thereof to the absent Commissioner or Commissioners; provided that all Meetings ^{Place of} of the said Commissioners for putting this Act in Execution shall be ^{Meetings.} holden in the Parish of *Upton* aforesaid, or within Eight Miles from the Boundary thereof.

VII. And be it further enacted, That all Notices required by the said recited Act to be given by the said Commissioners, and the Notices to be given of the Commissioners' Meetings, and all other Notices hereby required to be given by them in the Execution of this Act, unless otherwise particularly directed, shall be given by Writing to be affixed on the South Door of the Church of *Coppingford*, otherwise *Copmanford*, with *Upton* aforesaid, or by Advertisement in the Newspaper called *The Cambridge Chronicle*, or if such Newspaper shall not be then published, in some other Newspaper usually circulated in the said County of *Huntingdon*. ^{How Notices to be given.}

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 Lands or Grounds hereby directed to be divided and allotted, touching or concerning the respective Shares and Proportions which they or any of them shall have or claim to have therein, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, or Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and required, upon proper and sufficient Inquiry and Evidence, to examine into, hear, and determine the same; provided that nothing herein contained shall authorize the said Commissioners to determine the Title 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 Commons or Waste Lands made within Forty 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 taken from such Person or Persons by Ejectment or other due Course of Law. ^{Commissioners to determine Differences,} ^{but not Titles nor Rights contrary to Possession.}

IX. And be it further enacted, That in case the said Commissioners or Umpire shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act, or of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners or Umpire, and they respectively are hereby empowered, upon Application made to them respectively for that Purpose, to settle, assess, and award such Costs and Charges as they shall respectively think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners or Umpire shall be made, by the Person or Persons, Body or Bodies Politic or Corporate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic or Corporate, who shall be liable to pay such Costs and Charges, ^{Commissioners may award Costs.}

[*Loc. & Per.*]

40 F

shall

shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic or Corporate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, Body or Bodies Politic or Corporate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Persons dissatisfied with Commissioners' Determination may try their Rights at Law.

X. 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 Right or Interest therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners or Umpire, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons, Body or Bodies Politic or Corporate, so desirous to have the same tried at Law, shall and do, by themselves or their respective Stewards, Receivers, Attornies, or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners, or either of them, within One Calendar Month next after such Determination shall have been so made by the said Commissioners or Umpire, a Copy of which Notice the said Commissioners or Umpire are and is hereby required immediately on the Receipt thereof, or as soon afterwards as may be, to deliver to the adverse Party or Parties, or his, her, or their respective Stewards or Receivers, Attornies or Agents, or to leave the same at his, her, or their usual Place or Places of Abode, then 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 or Trials at Law of the same, at the first Assizes to be holden for the County of *Huntingdon* next after the Expiration of One Calendar Month from the Time when such Notice as aforesaid shall have been given in a feigned Action or Actions for that Purpose, to be commenced in His Majesty's Court of King's Bench, Common Pleas, or Exchequer at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate, giving such Notices as aforesaid, against any Person or Persons, Body or Bodies Politic or Corporate, interested in the said Division, in whose Favour such Determination of the said Commissioners or Umpire shall have been made; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file Common Bail, or appear and accept one or more Issue or Issues, whereby the Claim or Claims, Rights and Interests in question 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 if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights or Interests than was or were claimed by such Party, then it shall be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea in Addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs

of such Action or Actions shall abide, and be determined by the Verdict given upon the Issue or Issues joined, as if no such special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such special Finding and Indorsement, or such special Finding and Indorsement, if any such shall be made, shall be binding upon all and every Body or Bodies Politic or Corporate, and Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, or Finding, and Indorsement, and order a new Trial or Trials to be had thereupon, (which it shall be lawful for the Court to do, as is usual in other Cases,) and after such Verdict or Verdicts, or special Finding and Indorsement shall be obtained (the same not being set aside by the Court,) the said Commissioners shall and they are hereby authorized and required to act in Conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests, thereby determined according to such Verdict or Verdicts, or Finding and Indorsement, as aforesaid: Provided always, that it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, although the Time hereinbefore limited for the Trial may be thereby exceeded; but if no such Action or Actions shall be brought or commenced by any Person or Persons, Body or Bodies Politic or Corporate, giving any Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials at the first Assizes which shall be holden for the said County of *Huntingdon*, after the Expiration of One Calendar Month from the Day of giving such Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then, and in such Case, the Determination of the said Commissioners shall be final, binding, and conclusive, unto and upon all Parties whomsoever.

XI. Provided always, and be it enacted, That if any of the Parties in any Action or Actions to be brought and prosecuted 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; and if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate respectively, who might have brought such Action 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 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 be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead; and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Actions not to abate by Deaths of Parties.

And how to be brought after their Deaths.

XII. And

Commissioners may extinguish or suspend Common Rights.

XII. 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 the South Door of the Church aforesaid, on some *Sunday* before Divine Service, to order the Right of Common in, upon, and over the Lands and Grounds hereby directed to be divided and allotted, or any of them, to be extinguished either in the Whole or in Part, or to be suspended, and from and after the Time to be mentioned in and fixed by any such Notice, all such Rights of Common as shall thereby be directed to be extinguished or suspended, shall cease and be extinguished, or shall be suspended according to and as shall be expressed in and directed by such Notice.

Commissioners may shorten Boundary Fences.

XIII. And be it further enacted, That in order to straighten and shorten the Boundary Fences between any of the Lands by this Act directed to be divided and inclosed, and Lands in any adjoining Parish or Parishes, Manor or Manors, it shall be lawful for the Commissioners for the Time being, with such Consent as is hereinafter mentioned, to straighten and shorten such Boundary Fences as aforesaid, or any of them, or any Part or Parts thereof, and to set out and ascertain such Boundary Fences for the Purposes aforesaid, as the said Commissioners shall judge proper; and after any such new Boundary Fences shall be set out and ascertained as aforesaid, the same shall be made by such Person or Persons, in such Manner and at such Time or Times as the said Commissioners shall order and direct, and such Fences shall accordingly for ever thereafter be deemed and taken to be the Boundaries between such Parishes and Manors respectively: Provided that no new Boundary Fence shall be set out or made in pursuance of this Act without the previous Consent in Writing under the Hands of the Lord or Lords of the Manor or Manors, or Owner or Owners of the Soil liable to be affected thereby, or the major Part in Value (such Value to be ascertained according to the Land-Tax Assessment then last made), of such Owners, and also of the Owner or Owners of the Lands upon which any new Fence is intended to be made for that Purpose, first had and obtained.

Freeboard to be allotted.

XIV. And be it further enacted, That in all Cases where any of the Lands to be divided and inclosed by virtue of this Act shall adjoin any Freeboard, or any Screed, or Parcel of Land left on the Outside of the Fences of any adjoining Parish, Township, or Manor, such Freeboard, Screed, or Parcel of Land, shall be deemed to be Part of the Land to be divided and inclosed by virtue of this Act; and after such Division and Allotment thereof, shall be deemed to be situate within and Part of the Parish of *Upton* aforesaid, and the said Commissioners shall set out and allot unto the Owner or Owners of such Freeboard, Screed, or Parcel of Land, such Allotment or Allotments in lieu thereof, adjoining to such Parish, Township, or Manor respectively, as shall be equal in Value to such Freeboard, Screed, or Parcel of Land; which last-mentioned Allotment or Allotments shall, after such Division and Inclosure, be deemed to be Part of the Parish, Township, or Manor respectively, to which such Freeboard, Screed, or Parcel of Land formerly belonged.

Regulation as to Encroachments

XV. And be it further enacted, That all Encroachments which shall have been taken or made from any Part of the said Commons or Wastes, (save

(save such as have been enjoyed peaceably and quietly for Forty Years last past or upwards, without any Interruption given to the Possession thereof, or any Acknowledgment paid for the same,) shall be deemed Part and Parcel of the Commons or Wastes to be divided and allotted by virtue of this Act.

XVI. And be it further enacted, That in case any Public Road or Highway shall by virtue of the said Act of the Forty-first Year of His present Majesty's Reign, and of this Act, be set out or continued in any Situation or Direction where the said Parish is divided from any adjoining Parish or Place, and where there now is or usually hath been a Public Road or Way, and such adjoining Parish or Place hath heretofore been charged or liable, or ought to be charged or liable, to One-half Part of the Repairs and Support of the said Road or Way, then and in such Case the said Commissioners may and shall set out so much only from and out of the Lands and Grounds hereby intended to be divided and allotted as will enlarge the Breadth of such Road or Way to Thirty Feet at the least.

As to Roads dividing Parishes.

XVII. And be it further enacted, That where any Parcel of Land to be allotted as last aforesaid, shall abut upon or adjoin to any Freeboard or Ditch belonging to any Common Fields or inclosed Ground, next adjoining to the Lands and Grounds hereby directed to be divided, allotted, 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 and erect Gates, or any other Kind of Fence or Fences, in, over, or upon such Freeboard or Ditch for dividing the said Parcels of Lands, and raising and preserving the Quicksets, Bank, Wood, and other the Fences to be raised thereupon, until such Times as the Owner or Owners of such Freeboard or Ditch shall sufficiently, at his, her, or their own Expence have ditched, fenced, and mounded on the same Freeboard and Ditch from the Lands adjoining thereto.

Fencing across Freeboards.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized to divert or stop up any old Public Carriage-Road, Drift-Way, Bridle-Way, or Footpath leading between, through, and over any of the old Inclosures in the said Parish; and the Soil of the Roads and Ways so to be stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided that no such Carriage-Road, Drift-Way, Bridle-Way, or Footpath, passing or leading between, through, or over any of the old Inclosures in the said Parish shall be stopped up without the Concurrence and Order of Two Justices of the Peace of the said County of *Huntingdon*, not interested in the Lands and Grounds to be divided and allotted; and that every such Order shall be subject to an Appeal to the Quarter-Sessions of the said County of *Huntingdon*, in like Manner and under the same Forms and Restrictions as Orders originally made by the Justices for diverting and turning Roads and Ways.

As to Roads between old Inclosures.

XIX. And be it further enacted, That when and as soon as Two or more of His Majesty's Justices of the Peace for the said County of *Huntingdon*,

Justices may certify particular Roads at completed.

[Loc. & Per.]

40 G

at a Special Sessions to be holden by them, shall find, and shall under their Hands and Seals certify and declare any of the Public Carriage Roads to be set out in pursuance of the said recited Act and of this Act, or any Part of such Road to be fully and sufficiently formed, repaired, and completed, such Road or Roads, or so much thereof as shall in any such Certificate be described and certified, shall thenceforth be supported and kept in Repair by such Person, and in like Manner as the Public Roads within the said Parish are or ought by Law to be amended and kept in Repair, and every such Certificate shall at the General Quarter-Sessions of the Peace, to be holden for the County of *Huntingdon*, next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

Allotments
for Gravel,
Sand, and
Chalk.

XX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to set out, allot, and award One or more Plot or Plots of the said Lands or Grounds so intended to be divided and allotted as aforesaid, not exceeding in the whole Three Acres, as and for Public Gravel, Sand, or Chalk Pits, with convenient Roads to and for the same, to be used for the Repairs of the Public Roads, and to award and direct to whom the Herbage of such Allotment or Allotments shall belong.

Allotment to
the Lord of
Manor.

XXI. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award to and for the Lord of the said Manor of *Upton* such Part and Parts of the Lands and Grounds hereby directed to be divided and allotted, as shall in the Judgment of the said Commissioners be equal in Value to One-sixteenth Part of all the Commons and Waste Lands in the said Manor of *Upton* hereby directed to be divided and allotted; which Allotment or Allotments shall be in full Compensation and Satisfaction to the Lord of the said Manor, for his Right to the Soil of all the Commons and Waste Lands hereby directed to be divided and allotted.

Allotment to
the Rector of
Upton.

XXII. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the Rector of the said Parish of *Coppingford*, otherwise *Copmanford*, with *Upton*, for the Time being, such Parcel or Parcels of the Lands and Grounds hereby directed to be divided and allotted, and with such Consents as are hereafter-mentioned, such Parcel and Parcels of the inclosed Lands of the said Parish as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for all the Glebe Lands and Rights of Common belonging to and enjoyed with the said Rectory of *Upton*, in, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any of them.

Allotment to
Rector of
Tithes.

XXIII. And be it further enacted, That the said Commissioners shall set out for and in lieu of all Tithes both great and small, arising, growing, renewing, happening, or payable within the said Parish of *Upton*, such Parcel or Parcels of the Lands and Grounds hereby directed to be divided and allotted, and with such Consents as are hereinafter mentioned, such Parcel and Parcels of the inclosed Lands in the said Parish, as in the Judgment of the said Commissioners shall be equal in Value to One-fifth Part of all the Arable Land, and One-eighth Part of all the Residue of the
Lands

Lands and Grounds within the said Parish of *Upton*, which are severally subject or liable to the Payment of Tithes in Kind, and which shall remain after the Public and Private Roads and Drains, and Allotments hereinbefore directed to be set out for Public Gravel, Sand, and Chalk Pits, shall be taken and deducted therefrom; provided that no inclosed Lands shall be allotted in lieu of or in Compensation for Tithes, Glebe Lands and Rights of Common belonging to the said Rectory without the Consent as well of the Lord Bishop of the Diocese and the Patron and Rector for the Time being of the Rectory aforesaid, as of the respective Person or Persons in Possession or in Receipt of the Rents and Profits of the inclosed Land so to be allotted, such Consents to be signified by Writing under the Hands of the consenting Parties respectively; and the said Commissioners are hereby directed and required to allot Twenty Acres at the least, Parcel of the Land hereinbefore directed to be allotted to the said Rector as near to his Rectory-House as conveniently may be.

XXIV. And be it further enacted, That where there shall be inclosed Lands in the said Parish subject and liable to the Payment of Tithes, the respective Proprietors whereof shall not be intitled to any, or not to a sufficient Interest or Property in the Lands hereby directed to be divided and allotted, to make Compensation for the Tithes of such inclosed Lands, the said Commissioners shall, with such Consent as aforesaid, allot a sufficient Part of such Inclosures in lieu of the Tithes thereof, or in lieu of so much of such Tithes as shall not be compensated by the Interests of such Proprietors respectively in the Land to be divided and allotted, then such Proprietors shall respectively pay unto such Person or Persons, and at such Time or Times, as the said Commissioners shall appoint, such Sum and Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Tithes of such inclosed Lands respectively, or of such Parts thereof for which a Compensation in Land shall not have been made as aforesaid, which Sum or Sums shall be applied towards defraying the Expences of passing this Act, and carrying the same into Execution; and if any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided between the several Persons interested in the Lands and Grounds to be divided and allotted in such Proportions as they shall respectively have contributed to furnish Land in Compensation for the Tithes of such old Inclosures, and the Shares of such of them as shall be Tenants thereof in Fee Simple shall be paid to them respectively, and the Shares of such other Persons respectively shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of the present Reign, with respect to Money to be paid for the Purchase or Exchange of 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.

Compensation for Tithes not compensated by Land.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby required to allot the Residue of the Lands and Grounds hereby directed to be divided and allotted unto and amongst the several Persons who at the Time of making such Allotments shall be respectively entitled thereto, and interested therein, in Proportion to their respective

Allotment of Residue.

spective Shares, Rights, and Interests, for which no Compensation is hereinbefore particularly directed to be made, and all Inclosures within the said Parish belonging to Two or more distinct Proprietors, and all Closes situate within and surrounded by any of the Common Fields or Common Pastures in the said Parish shall be deemed and taken to be Parts of the Lands and Grounds directed to be divided and allotted by virtue of this Act.

Directions as
to fencing
Glebe and
Tithe Allot-
ments.

XXVI. And be it further enacted, That the Allotment or Allotments to be made and set out to the said Rector in lieu of or for his Glebe, Common Rights, and Tithes, shall be severally ring-fenced and fenced against all Public Carriage-roads on all such Parts and Sides thereof respectively, as shall not be ordered by the said Commissioners to be fenced by any other Proprietor, with Quicksets guarded on both Sides by good Posts and Rails, and a good Gate properly hung, and a Pair of Oak Posts to each Allotment, at such Times and by such Person or Persons as the said Commissioners shall appoint to make the same at the Expence of the other Proprietors whose Lands shall be exonerated from Tithes by virtue of this Act, and without any Deduction from the Allotment or Allotments of the said Rector on account of such Expences; but from and after such Fences shall have been made as aforesaid, the same, or such Parts thereof as the said Commissioners shall direct, shall for ever afterwards be supported, maintained, and repaired by the said Rector and his Successors in such Manner as the said Commissioners shall in and by their Award direct or appoint: 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 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 direct.

And other
Allotments.

Lands of
same Pro-
prietors held
by different
Tenures or
Tithes, to
be distin-
guished.

XXVII. And be it further enacted, That where any Person or Persons shall be seized or possessed of Lands or other Hereditaments in the said Parish, held by distinct Tenures, or for, by, or under different Estates or Titles, the said Commissioners shall, and they are hereby authorized and required, upon the Request of the Person so seized or possessed respectively, to enquire into and ascertain and determine by the Examination of Witnesses on Oath, or other sufficient Evidence, the respective Lands or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and to set out distinct Allotments in respect of such Parts thereof as shall be or arise within the Common and Open Fields, or other Lands and Grounds hereby directed to be divided and allotted, Regard being had to the Deductions which shall have been made for Tithes of old Inclosures held by the same Tenures, and for the same Estates respectively; and the said Commissioners are hereby authorized and required, upon such Request as aforesaid, to distinguish, ascertain, and set out by Metes and Bounds the Buildings and old Inclosures in the said Parish held by such several Tenures, and for, by, and under such different Estates or Titles; and all the Lands and other Hereditaments to be so ascertained, distinguished, and set out, shall be described in the Award of the said Commissioners.

XXVIII. And

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to allot, set out, and award for or towards the Share, Right, and Interest of any of the Proprietors of or Persons interested in any of the Lands and Grounds by this Act directed to be divided and allotted, any old Inclosures within the said Parish of *Upton*, and to assign and set out, allot, and award, any of the Allotments to be made by virtue of this Act, or any Part or Parts of such Allotments, or any Messuages, Cottages, Lands, Tenements, or other Hereditaments situate or arising within the said Parish, in lieu of and in Exchange for any other Messuages, Cottages, Lands, Tenements, or other Hereditaments situate or arising in the same Parish, or within any adjoining Parish or Place, so as every such Exchange be made by the Award of the said Commissioners, or by some Instrument to be executed by them before the Execution of the said Award, and be set forth or referred to in such Award, and so as every such Allotment of old Inclosures, and every such Exchange as aforesaid, be made with the Consent and Approbation of the respective Proprietors, or other Person or Persons, Bodies Politic or Corporate, seized or possessed, or in Receipt of the Rents and Profits of the Hereditaments which shall be so allotted or exchanged, whether such Proprietor or Proprietors be Tenant or Tenants in Fee Simple, in Tail, or for Life, or for Years determinable on a Life or Lives, or by and with the Consent of the Husbands, Trustees, Guardians, Committees, or Attornies of or for any such Proprietors who at the Time of making any such Exchange shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, or of the major Part of the Trustees for any charitable or public Use respectively, and so as every such Exchange of Lands, Tenements, or Hereditaments, holden in Right of any Church, Chapel, or other Ecclesiastical Benefice be also made with the Consent of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments shall lie or be situate, and the Patron or Patrons thereof for the Time being, such Consents to be respectively testified by Writing under the Hands of the consenting Parties, or under the Common Seal of any of them being a Corporation Aggregate, and that every such Exchange so to be made and declared shall, as well in respect of the Hereditaments within the said Parish, as in respect of the Hereditaments within any such adjoining Parish or Place as aforesaid, be for ever good, valid, and effectual in the Law, to all Intents and Purposes whatsoever.

Power to
make Ex-
changes.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, if they in their Discretion shall so think fit, to determine all and every or any Lease or Leases, Agreement or Agreements, at Rack Rent now subsisting for any Term of Years, or from Year to Year, of any Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, and of all or any Part of the Lands and Hereditaments which shall be exonerated from Tithes, or exchanged by virtue of this Act, as to the Whole or any Part of such Land in any such Lease to be comprized at such Time or Times as the said Commissioners shall direct, except the said Lease granted by the said Master or Keeper, and the Fellows and Scholars of *Christ Church* aforesaid, to the said *Thomas Allnutt*, which shall not be determined by virtue of this Act: And it shall be lawful for the said Commissioners to adjudge and determine what Satisfaction shall be made by the respective Lessors or Landlords to the Lessees or Tenants respectively for the Determination of their Interests in such Lands and Hereditaments, either

Leases at
Rack Rent
may be deter-
mined.

[*Loc. & Per.*]

40 H

by

by the Payment of a gross Sum or (where other Lands and Hereditaments are or shall be comprized in the same Demise) by a Reduction and Apportionment of the Rent to be paid during the Remainder of the Term for the Residue of the Premises in every such Lease or Demise comprized, and every such Lease and Demise shall upon the Compliance of the Lessor, with the Direction and Order of the said Commissioners for the Determination thereof, and not otherwise, cease and determine accordingly: And in all Cases where existing Leases, Agreements, or Tenancies, shall continue as to any of the Land in the said Parish which shall be divided, allotted, exonerated from Tithes, or exchanged by virtue of this Act, it shall be lawful for the said Commissioners to ascertain and declare what additional Rent shall be paid by the respective Lessees or Tenants for the Improvement in the Value thereof, and the Rent so declared shall be added to and recoverable in like Manner as the original Rent: Provided that nothing in this Act contained shall authorize the vacating or determining of any Lease or Agreement of any such exchanged Lands or Hereditaments as aforesaid, which shall wholly be situate or arise in any Parish or Place adjoining to the Parish of *Upton* aforesaid.

Settlements,
&c. not to be
affected.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, annul, or alter any Settlement, Deed, Will, or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, 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; and that the Lands and Hereditaments which shall be allotted in pursuance of this Act shall, from and immediately after the Allotment thereof, become and be of the same Tenure and Tenures, as the Lands, Tenements, and Hereditaments, in respect of which the Allotment or Allotments to be so made shall have been previously held, and as well the Lands allotted as the Tenements and other Hereditaments which shall be assigned in Exchange or in Compensation for any other Estate or Right by virtue of this Act, shall immediately after such Allotment, Exchange, or Assignment remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seized 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 Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act, or of the said Act of the Forty-first Year of the present Reign.

Tithes when
to cease.

XXXI. And be it further enacted, That the Allotments which shall be set out and made to the said Rector and his Successors, in respect of Glebe, Right of Common, and Tithes, shall be in lieu of and full Satisfaction and

Com.

Compensation for all Glebe Lands and Rights of Common, in and upon the Lands and Grounds hereby directed to be divided and inclosed, and also of and for all the great and small Tithes, Compositions, and other Payments whatsoever, in lieu of Tithes arising, or due, or payable from, out, or in respect of all and every the Messuages, Homesteads, Gardens, Orchards, inclosed Lands, Open and Common Fields, Common Pastures, Wastes, and other Commonable Lands, and all other Lands, Tenements, and Hereditaments whatsoever, within the said Parish of *Upton*, and that from and immediately after such Allotments shall be made to the said Rector, and inclosed and fenced as hereinbefore directed, or at such other seasonable and convenient Time or Times of the Year as the said Commissioners shall by any Writing under their Hands direct or appoint, all such Tithes, Compositions, and other Payments in lieu of Tithes as aforesaid, shall cease, determine, and be for ever extinguished; but *Easter Offerings*, Mortuaries, and Surplice Fees shall not be prejudiced.

XXXII. And be it further enacted, That until such Division and Allotment 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 with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnips, or 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 no Meadow, Pasture, or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the passing of this Act, shall without the Consent in Writing of the said Commissioners be before the Allotment thereof ploughed, broken up, or converted into Tillage; and every Occupier of any such Land or Ground who shall refuse or neglect to comply with any such Direction of the said Commissioners, or who shall plough, break up, or convert into Tillage any such Meadow, Pasture, or fresh Ground without the Consent in Writing of the said Commissioners, shall forfeit and pay a Sum not exceeding 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, to be levied and recovered in the Manner hereby directed for the Recovery of the Charges and Expences of passing this Act, and carrying the same into Execution, and to be applied in like Manner.

Commis-
sioners may
direct the
Course of
Husbandry.

XXXIII. 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 to the Person or Persons respectively who shall have tilled, ploughed, sown, folded, or manured the same, or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums, 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 the Mismanagement of any former Occupier, or by reason of the preceding Course of Husbandry or Treatment of the Land, or by any other Means, it shall happen

Satisfaction
to be made
for Tillage,
&c.

happen that the Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land in a proper State for Wheat or other Tith Crop; or if any such Allotment shall in the Judgment of the said Commissioners be from any Cause in a worse Condition to be occupied than the Average of the Land allotted by virtue of this Act, then the Person or Persons to whom any such Allotment or Allotments shall be made shall receive such Compensation and Satisfaction from any other of the Proprietors, or from any of the former Occupiers, as the said Commissioners shall determine and adjudge to be just and equitable; and in case any of the Sums which shall by the said Commissioners be directed to be paid as aforesaid, shall not be paid to the Person or Persons to whom the said Commissioners shall direct, the same to be paid at the Time or Times to be by the said Commissioners appointed for 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 into Execution, are directed to be raised and levied.

To prevent
Damage to
Fences.

XXXIV. And be it further enacted, That it shall not be lawful for any Person or Persons during the Space of Eight Years from the Execution of the said Award, to keep or depasture, or permit to be kept or depastured any Sheep, Lambs, Horses, Mules, or Asses in the Allotments to be made of the said Commonable Lands, in pursuance of this Act, unless he, she, or they shall first effectually fence and guard the adjoining Allotment or Allotments belonging to any other Proprietor or Proprietors from any Injury or Damage to their Quickset or new planted Fences.

Money ad-
vanced for
the Act to be
repaid with
Interest.

XXXV. 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 which after the passing this Act shall be advanced or lent to the said Commissioners for carrying the same into Execution, shall be paid with lawful Interest to the Person or Persons who shall have advanced the same, his, her, or their Executors or Administrators, out of the first Money to be raised for defraying the Expences of passing and executing this Act.

Allowance to
Commis-
sioners and
Umpire.

XXXVI. And be it further enacted, That each of the said Commissioners acting in the Execution of the Trusts and Powers hereby vested in them, shall be paid the Sum of One hundred and five Pounds in full Satisfaction for his Time, Trouble, and Expences in the Execution of this Act, (exclusively of their Time, Trouble, and Expences attending any Sales, Exchanges, or Partitions which shall be made in pursuance of this Act, for which a reasonable Compensation shall be paid to the said Commissioners by the Parties interested therein, as hereinafter directed,) and the Umpire acting in the Execution of this Act, shall each be allowed and paid in Satisfaction for his Trouble and Expences the Sum of Two Pounds Twelve Shillings and Six-pence each, for every Day in which he shall be employed in travelling to, attending in, or returning from so acting; and the Clerk to the said Commissioners shall be paid in Satisfaction for his Trouble and Expences such Sum of Money not exceeding Two Pounds Twelve Shillings and Six-pence, for every Day he shall be employed as aforesaid, as the said Commissioners shall think proper to allow, and that at all Meetings to be held in pursuance of this Act, the said Commissioners, Umpire, and Clerk, and all Persons attending such Meetings shall pay their own Expences.

XXXVII. And

XXXVII. And be it further enacted, That the Costs and Charges of, Expences of incident to, and attending the obtaining and passing of this Act, of sur- Act.veying, admeasuring, planning, dividing, and allotting the Common and Open Fields, Common Pastures, Wastes, and other Commonable Lands hereby directed to be divided and allotted, making the Public Roads to be set out, preparing and inrolling the Award of the said Commissioners, and all the Charges and Expences of the said Commissioners and of the Umpire, hereby appointed, and of the several Persons to be employed by them, either before or after the Execution of the said Award, shall be borne and defrayed by the Proprietors and Owners of, or Persons having Rights and Interests in the Lands and Grounds hereby directed or authorized to be divided and allotted, (other than and except the said Rector and his Successors in respect of his Glebe Lands, Common Rights, and Tithes in the said Parish of *Upton*;) in such Proportions, and shall be paid to such Person and 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 same shall and may be levied and recovered by the Means, and in the Manner provided by the said Act of the Forty-first Year of the present Reign.

XXXVIII. And be it further enacted, That all Costs, Charges, and Ex- Expences ofpences attending any Sales, Exchanges, or Partitions to be made by virtue of this Act, or the said recited Act, shall be paid, borne, and defrayed by the several Persons whose Estates shall be sold, exchanged, and parted, in such Manner and Proportions as the said Commissioners shall, by any Writing under their Hands, order and direct, and shall be recovered in the same Manner as is hereinbefore directed, respecting the Recovery of the Charges and Expences of executing this Act. Sales and Exchanges.

XXXIX. And be it further enacted, That as well the Sum and Sums of Money to be Money which shall by the said Commissioners be ordered to be paid in paid for Compensation for Tithes as the Proportion of the Costs and Charges of Tithes of old obtaining this Act and carrying the same into Execution, which the said Inclosures Commissioners shall adjudge to be paid by the Proprietors of inclosed how reco- Lands to be exonerated from Tithes by virtue of this Act, shall be re- verable.coverable by Distress and Sale of the Goods and Chattels of the respective Proprietors of such old Inclosures, or by Entry upon and Perception of the Rents and Profits of such old Inclosures, in like Manner as the said Commissioners are authorized to take and use for the Recovery of the Expences of passing and executing this Act, upon or against the Proprietors of the Lands and Grounds to be allotted by virtue hereof, and the Allotments to be made to them respectively; as fully as if such Powers of Distress and Sale, and of Entry and Perception of Profits were herein expressly given and applied to such old Inclosures, and to the respective Proprietors thereof.

XL. And be it further enacted, That it shall be lawful for the several Power to bor- Proprietors of any Lands or other Hereditaments which shall be allotted row Money. or exchanged by virtue of this Act, being Tenants for any Life or Lives, or for any Term of Years exceeding Twenty-one Years, either absolute or determinable on any Life or Lives, or for any Estate of Freehold or Inheritance, or for the Trustees for any charitable or public Uses, or the

[*Loc. & Per.*]

major Part of any such Trustees respectively; and also for the Husbands, Guardians, Trustees, and Committees of any such Proprietors being under Coverture, Minors, Lunatics, Idiots, or beyond the Seas, or under any other Disability, (except the Rector of the said Rectory for the Time being,) to charge such Lands with such Sums of Money as the said Commissioners shall by their Award, or any Writing under their Hands, either before or after the Execution of such Award, adjudge necessary to pay such respective Proprietors Proportions of the Expences of obtaining and executing this Act, and of ring-fencing and dividing their respective Allotments, and also the Expences of making such Charges with lawful Interest for the same, so that the Principal Money to be charged shall not, in any Case, exceed the Rate of Five Pounds for every Acre of the Lands charged; and to grant, mortgage, surrender, lease, or demise the Lands and Hereditaments so to be charged to the Person or Persons who shall lend or advance the same Money, or to any other Person or Persons in Trust for him, her, or them, his, her, or their respective Heirs, Executors, Administrators, and Assigns, for any Term of Years or greater Estate, so that every such grant, mortgage, surrender, lease, or demise be made with a Covenant to keep down the Interest accruing thereon; and that no Person afterwards becoming intitled to any such Lands shall be liable to pay any larger Arrear of Interest than for Twelve Calendar Months preceding the Time when the Title to such Possession shall have commenced.

Tenants for Life may charge Lands with Money paid in Exoneration of Tithes.

XLI. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of the Lands and Grounds which shall by virtue of this Act be exonerated from Tithes by a Money Payment, or Money Payments, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, and for any of the said Owners and Proprietors being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or on Lives, or on any other Contingency, or Trustees for charitable Uses, or the major Part of such Trustees respectively, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioners shall direct to be paid for such Exoneration from Tithes, and for his, her, or their Share or Shares of the Costs and Charges of passing and executing this Act, and for the Security of any Person who shall advance or lend the same, to grant, mortgage, surrender, lease, or demise such Lands and Grounds in such Manner and subject to such Conditions and Restrictions as are lastly hereinbefore mentioned, with respect to any Lands or Hereditaments which shall be allotted or exchanged by virtue of this Act.

Expences and Money paid in Exoneration of Tithes may be raised by Sale.

XLII. And whereas, it may be more convenient to some of the Proprietors that Part of their Estates should be sold to defray the Expences hereinbefore mentioned, instead of their being charged with such Expences, be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and required, upon the Request of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Interest therein, being Tenants in Tail, or for Life or Lives, or for any Number of Years determinable on a Life or on Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands,

Husbands, Guardians, Trustees, Committees, Agents, or Attornies, of or for any such Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or of the Persons acting as such Guardians, Trustees, Committees, Agents, or Attornies, to raise the Share and Proportion, or respective Shares and Proportions of the Person or Persons by or on whose Behalf any such Request shall be made of the Charges and Expences of passing this Act, and of carrying the same into Execution, not exceeding the Rate of Five Pounds for every Acre of the Land allotted to such Person or Persons, and such Sums as shall have been adjudged and ordered by the said Commissioners to be paid by any such Person or Persons in Compensation for the Tithes of old Inclosures, by the Sale of any of the Lands or Hereditaments to be allotted to such Person or Persons by virtue of this Act, or any of them, in the Manner and subject to the Directions prescribed by the said Act of the Forty-first Year of the present Reign, for the Sale of Lands directed to be sold for the Payment of the Expences attending the Execution of Acts of Inclosure, provided that no more shall be sold of the Lands or other Hereditaments of the Person or Persons by whom, or on whose Behalf any such Request shall be made, than the said Commissioners shall estimate to be sufficient to raise the Sum or Sums payable by such Person or Persons for the Purposes aforesaid, and the reasonable Expences of Sale; and if there shall be any Surplus arising from such Sale after paying the Sums so directed to be raised, and the reasonable Expences of Sale, such Surplus shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of the present Reign, with respect to Money to be paid for the Purchase or Exchange of 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.

XLIII. And be it therefore further enacted, That the said Commissioners shall, and they are hereby required, upon Request to them made by the said Master, Fellows, and Scholars, under their Common Seal, to set out such Part or Parts of the Land to be by virtue of this Act allotted to the said Master, Fellows, and Scholars, as will, in the Opinion of the said Commissioners, raise by Sale thereof (subject to the Regulations of the said Act of the Forty-first Year of His present Majesty) such Sum or Sums of Money as will be sufficient for the defraying the Whole of their Proportion of the Costs, Charges, and Expences of passing and executing this Act, and of making the Boundary and Division Fences necessary for the convenient Occupation of the Remainder of the Land to be allotted to the said Master, Fellows, and Scholars in Manner aforesaid, not exceeding the Rate of Five Pounds an Acre for every Acre of their Allotments, and the Land so directed to be sold, and for which the full Purchase Money shall be paid, shall immediately thereupon be conveyed and assured by the Commissioners to the Purchaser or Purchasers thereof, their, his, or her Heirs and Assigns, and the Hereditaments so conveyed shall accordingly become vested in the Purchaser or Purchasers thereof in Fee Simple, and such Purchase Money shall without Delay be applied by the Commissioners in Payment of the Charges and Expences incident and appertaining to their Share of the Costs, Charges, and Expences of passing and executing this Act, and of making such Subdivision and Boundary Fences as aforesaid.

Part of the Allotment to Christ College may be sold to defray their Proportion of the Expences.

XLIV. Pro-

XLIV. Provided always, and be it further enacted, That both the Powers hereinbefore mentioned for raising Money for the Purposes of this Act, by Mortgage and Sale, shall not be exercised in respect of the same Property, but that only One of such Powers, at the Option of the respective Proprietors, shall be applied to the same Estates.

Commissioners may raise Arrears of Rates after the Execution of the Award.

XLV. Provided, and be it further enacted and declared, That if at the Time of the Execution of the Award of the said Commissioners, there shall remain due from any Person or Persons, Bodies Politic or Corporate, any Sum or Sums of Money, which shall have been adjudged or ordered to be paid by virtue of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to levy and raise the same in like Manner as they might and could have done before the Execution of their Award.

Commissioners' Accounts to be examined.

XLVI. 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 of the passing thereof) the said Commissioners shall make, and they are hereby required to make, a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before One of His Majesty's Justices of the Peace for the said County of *Huntingdon*, (not interested in the said Division and Inclosure) to be by him examined and balanced; and such Balance shall be by such Justice stated in the 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 have been duly allowed by such Justice.

Proprietors may sell or mortgage their Allotments before the Execution of the Award, and their common Rights separately.

XLVII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments, under or by virtue of this Act, to give, grant, bargain, sell, demise, mortgage, limit, convey, and assure the same for all, or any Part of his, her, or their Estate or Interest therein, or Right thereto, at any Time before the Execution of the Award of the said Commissioners; and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Conveyance, and Assurance, 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 common Rights upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separately and distinctly from the Estate, in Right of which they, he, or she are or is entitled to the same, in the same Manner as they, he, or she might have done at any Time after the Execution of the said Award.

Award where to be deposited.

XLVIII. And be it further enacted, That the Award by the said recited Act directed to be made by the said Commissioners, and such Map or Plan as shall be annexed thereto, shall be deemed to be effectually inrolled for all the Purposes of the said Act, and this Act, if a true Copy thereof made upon Parchment, and signed and attested by the said Commissioners, together with such Map or Plan annexed thereto, shall, within the Time mentioned

mentioned in the said Act be deposited with the Clerk of the Peace for the said County of *Huntingdon*, who shall be paid, on delivering to him such Copy, the Sum of One Pound One Shilling, and no more; and the said Clerk shall and he is hereby required to deposit and keep the same with the Records of the said County, and the said original Award shall be deposited and kept in the Parish Church of *Upton* aforesaid, and the said Award and Copy thereof, with the said Map or Plan, and any other Copy of the said Award, or of any Part thereof, attested by the said Commissioners, or any Copy of such Copy deposited with the Clerk of the Peace as aforesaid, or of any Part or Parts thereof attested by the said Clerk of the Peace or his Deputy, (for which Copy no more shall be paid than Four-pence *per* Sheet, each Sheet containing Seventy-two Words) shall be admitted and allowed as legal Evidence of the Matters and Things therein contained.

XLIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done by the said Commissioners in pursuance of the said recited Act, or of this Act, (other than and except such Determinations of the Commissioners or Umpire, as are by the said recited Act, or this Act, declared to be final, binding, or conclusive, and except in Cases where an Issue at Law may be tried as herein is mentioned,) 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 *Huntingdon*, next after Thirty Days from the Time when the Cause of Complaint shall have arisen, giving to the said Commissioners, or One of them, and to the Party or Parties concerned, Notice in Writing of such Appeal, and of the Matter thereof, within Twenty Days after the Cause of Complaint shall have arisen, and Fourteen Days at the least before such General Quarter Sessions; and the Justices (not interested in the Premises) in such Sessions assembled, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removeable 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 to be frivolous, vexatious, and without foundation, then, and in such Case, 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 such Costs shall be levied in Manner aforesaid.

Power of Appeal to the Quarter Sessions.

L. 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, and his and their Heirs, Successors, Executors, and Administrators, and all Persons claiming under or in Remainder after them, all such Right, Title, or Interest, (other than and except such as is and are

General Saving.

[*Loc. & Per.*]

40 K

hereby

hereby meant and intended to be compensated or barred, destroyed or extinguished,) as they, every, or any of them, could or ought to have had and enjoyed of, in, to, or out of the said Lands and Grounds hereby directed to be divided and allotted, in case this Act had not been made,

Printed Copy
of the Act to
be Evidence.

LI. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and that a Copy thereof, so printed by any of them, 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. 1812.