



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. 13.

An Act to amend an Act of the last Session of Parliament for inclosing Lands in the Parishes of *Whittlesea Saint Mary* and *Whittlesea Saint Andrew* in the County of *Cambridge*.

[21st June 1841.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for inclosing Lands in the Parishes of Whittlesea Saint Mary and Whittlesea Saint Andrew in the County of Cambridge*, the Persons respectively named therein, or to be named under the Authority thereof, were appointed Commissioners for dividing, allotting, and inclosing the Open and Common Fields, Common Meadows, Pastures, Doles, Lots, and Land Grasses, and other Commonable Lands and Grounds within the said Parishes, and for otherwise carrying the said Act into execution; and the said Commissioners were thereby empowered and required to set out, allot, and award all the said Open and Common Fields and other Lands and Grounds thereby authorized to be divided, allotted, and inclosed for the several public or other Purposes, and for the Benefit of the several Proprietors and other Persons, and in manner therein directed; and it was thereby also enacted, that certain Houses, Homesteads, Gardens and old inclosed Lands or Grounds within the said Parishes should,

[Private.] 3 & 4 Vict. c. 6.

or otherwise with the Consent of the Owners thereof might be considered as Part of the Lands, Grounds, and Hereditaments thereby authorized to be divided, allotted, and inclosed: And whereas the Commissioners appointed by the said Act have not yet executed their Award, but they have proceeded to carry the said Act into execution, and particularly have allotted the said Lands and Grounds by the said Act authorized to be allotted unto the Proprietors and other Persons interested therein, who have taken possession of such Allotments, and have inclosed and fenced and brought the same into Cultivation, and great Losses, Expences, and Inconvenience would be incurred if the said Allotments were now disturbed or varied: And whereas certain of the said allotted Lands are exempt from the Payment of all Tithes, and other of such Lands are partially exempt from the Payment of Tithes, and other of such Lands are entitled to no Exemption from Tithes; and the Lands so partially or wholly exempt, or entitled to no Exemption, have been ascertained and determined by the Award of *John Maurice Herbert* Esquire, especially appointed an Assistant Tithe Commissioner for that Purpose; and which Award was duly confirmed by the Tithe Commissioners for *England* and *Wales* in the Month of *February* now last past; but at the respective Times of the passing the said Act, and of the making of the said Allotments, the Situation and Extent of such Lands were in dispute or doubt; and such Allotments having been made without reference to the entire or partial Exemption or Non-exemption from the Payment of Tithes, either of the Lands in respect of which such Allotments were made, or of the said Allotments, great Injustice will arise unless some Provision be made for extending to the said Allotments the same Exemptions from Tithes, or the same Liabilities thereto, as belonged to the Lands in respect of which such several Allotments have been or shall be made; but such Provision cannot be made without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 all Allotments of Land which have been or shall be made under the Authority of the said recited Act shall be subject to or exempt from the same Tithes only, and subject to the same Moduses or other Compositions only, as the Lands in respect or lieu whereof the same Allotments respectively have been or shall be made are subject to or exempt from; and that where any Allotments have been or shall be made in respect of any Lands or Hereditaments held under different Liabilities to or entitled to the Benefit of different Exemptions from Tithes, Moduses, or other Compositions, it shall be lawful for the said Inclosure Commissioners, and they are hereby directed, in all such Cases which shall be brought to their Notice, to declare by their Award, and to distinguish therein by Metes and Bounds, or otherwise, what Portions of every such Allotment have or shall have been made, or are to be accounted as made, in respect of the several Lands or Hereditaments subject to such different Liabilities or entitled to the Benefit of such different Exemptions, Moduses or Compositions, which Declaration shall be binding on all Parties; and also that the said Inclosure Commissioners,

Allotments to possess the same Liabilities to or Exemptions from Tithes as the Lands, &c. in respect of which they are made.

sioners, after the Execution of their Award, shall have the same Authority to make any such conclusive Declaration, which for Want of Information or otherwise shall have been omitted from or not have been made by their Award, by the same or a like Instrument or Instruments and Means; and under the same or like Circumstances, by or under which they are by the said recited Act authorized, after the Execution of their Award, to distinguish and set out Allotments and Lands held by different Tenures, or by, for, or under different Estates or Titles respectively.

II. And be it enacted, That this Act shall operate, and be construed, as nearly as the Circumstances of the Case will permit, as if the Provisions thereof had been contained in the said recited Act, and specifically that the Rules of Interpretation or Construction therein contained and made applicable thereto shall be applicable also to this Act, and that the Costs, Charges, and Expences incident to or attending the passing of this Act, and of carrying the same or any Provisions thereof into full Execution, shall be raiseable and disposable in the same Manner as the Costs, Charges and Expences incident to and attending the passing or Execution of the said recited Act are thereby directed or authorized to be raised and disposed of.

This Act to operate as though it had formed part of the recited Act.

III. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all other Persons, Bodies Politic, Corporate, or Collegiate, Her and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title and Interest, Claim and Demand, (other than and except such as are barred and compensated for or extinguished by this Act,) which they, every or any of them, could or might have had, held, or enjoyed in case this Act had not been passed.

General Saving.

IV. And be it enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

Act as printed by the Queen's Printers to be Evidence.

