



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. 13.

An Act for inclosing and exonerating from Tithes
Lands in the Parish of *Colmworth* in the County
of *Bedford*. [16th June 1834.]

WHEREAS there are within the Parish of *Colmworth* in the County of *Bedford* divers Common and Open Fields, Meadows, Commons, and other Commonable Lands and Grounds, containing together by Estimation One thousand six hundred Acres or thereabouts, and also divers ancient inclosed Lands and Grounds: And whereas the Reverend *John Staunton* Doctor of Laws, *Lewin Cholmley* Esquire, and *Richard Bartram* Esquire, as Devisees in Trust for *Sarah Elye Norris* Widow under the Will of the late Reverend *Leonard Towne* Clerk, claim to be Lords of the Manor of *Colmworth* aforesaid: And whereas the Reverend *Robert Wade Gery* Clerk is Patron of the Rectory of *Colmworth* aforesaid: And whereas the said *Robert Wade Gery* Clerk is also Rector of the said Rectory and Parish Church of *Colmworth* aforesaid, and is entitled to the Great and Small Tithes arising within the said Parish: And whereas the said Devisees in Trust for the said *Sarah Elye Norris* under the Will of the said *Leonard Towne*, the Right Honourable *Robert Henley* Lord *Ongley*, the Honourable and Reverend *William Herbert* Clerk, *William Hugh Wade Gery* Esquire, the said *Robert Wade Gery*, and others, are Owners and Proprietors of the said Common and Open Fields, Meadows, Commons, and other Commonable Lands and Grounds in *Colmworth* aforesaid intended to be divided and inclosed

[Private.]

and exonerated from Tithes, as well as of the ancient inclosed Lands in *Colmworth* aforesaid: And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, 41G.3.c.109. intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas another Act was passed in the First and Second Years of the 1&2G.4.c.23. Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas it would be to the Advantage of the several Proprietors if the said Common and Open Fields, Meadows, Commons, and other Commonable Lands and Grounds, were divided and allotted in specific Parts and Shares, and if all the Lands in the said Parish, as well open as inclosed, were exonerated from Tithes; but such beneficial Purposes cannot be effected without the Aid and Authority 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 *Edward Arden* of *Morton* in the County of *Lincoln*, and *Thomas Bloodworth* of *Kimbolton* in the County of *Huntingdon*, Gentlemen, (and their Successors to be appointed in manner hereinafter mentioned,) shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the Common and Open Fields, Meadows, Commons, Commonable Lands and Grounds in the Parish of *Colmworth* aforesaid, and for carrying this Act into execution, subject to the Rules, Orders, and Directions herein contained, and also subject to such of the Powers and Provisions contained in the said recited Acts or either of them as are not expressly altered, varied, or otherwise provided for by this Act.

Appointment
of Commis-
sioners.

Appointment
of new Com-
missioners.

II. And be it further enacted, That if the said *Edward Arden*, or any other Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or refuse to act, or become incapacitated or neglect for the Space of Three Calendar Months to act as a Commissioner in the Execution of this Act and the said recited Acts before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioners shall be fully executed and performed, then and in every such Case the Proprietors or Persons interested in the said Common and Open Fields, Meadows, Commons, Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, (except the Rector,) or the major Part of them in Value, such Value to be ascertained by the Land Tax Assessment of the said Parish of *Colmworth* for the then current Year, who shall be present in Person, or by their respective Attornies or Agents, at a Meeting to be appointed for that Purpose by the surviving or remaining Commissioner, or by any Three or more of such Owners or Proprietors, within Twenty-eight Days after such Death, Refusal, Incapacity, or Neglect shall happen or be known, (of which Meeting Notice shall be given by the surviving or remaining Commissioner, or by any Three or more of such Owners and Proprietors or their respective Attornies or Agents, by affixing such Notice on the principal outer Door of the

Parish Church of *Colmworth* upon some *Sunday* before Divine Service, and causing the same to be inserted in the Newspapers called the *Northampton-Herald* and *County Press*, or One of them, or some other Newspaper then printed or circulated in the said County, Fourteen Days at least before such Meeting,) shall and may elect, and by Writing under their Hands nominate and appoint, a proper Person (not being interested in the said Inclosure) to be a Commissioner in the Place and Stead of the said *Edward Arden* or of any other Commissioner to be appointed in his Stead; and if the said *Thomas Bloodworth*, or any other Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or refuse to act, or become incapacitated or neglect for the Space of Three Calendar Months to act as a Commissioner in the Execution of this Act and the said recited Acts before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioners shall be fully executed and performed, then and in every such Case it shall be lawful for the said Rector for the Time being, at any Time within Twenty-eight Days next after such Death, Refusal, Incapacity, or Neglect shall happen or be made known to him, by Writing under the Seal of the said Rector to appoint any other Person (not being interested in the said Inclosure) to be a Commissioner for the Purposes of this Act and the said recited Acts in the Place of the said *Thomas Bloodworth* or of any other Commissioner to be appointed in his Stead; but if the said respective Parties shall neglect to make such Appointment or Appointments as aforesaid, then and in every such Case the surviving or remaining Commissioner shall and he is hereby required forthwith, by any Instrument or Writing under his Hand and Seal, to appoint another Person (not interested in the Premises) to be a Commissioner for the Purposes of this Act and the said recited Acts in the Place and Stead of the Commissioner so dying, or refusing or neglecting to act or become incapable of acting as aforesaid; and every Person so to be appointed a Commissioner as aforesaid shall take and subscribe the Oath or Affirmation prescribed by the said first-recited Act, and shall thereupon have such and the like Powers and Authorities in all respects for carrying this Act and the said recited Acts into execution as if he had been named a Commissioner in and by this Act.

III. And for the Purpose of settling and Determining any Differences or Disputes, Difference or Dispute, that may arise between the said Commissioners touching or concerning any of the Matters and Things to be by them done and performed in pursuance of this Act or the said recited Acts, be it further enacted, That *Marion Welstead* of *Kimbolton* in the said County of *Huntingdon*, Gentleman, shall be and he is hereby appointed Umpire, and he is hereby authorized and required to hear and determine every such Difference and 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 the said recited Act or 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

Appointment
of Umpire.

Division and Inclosure, so far as the Judgment and Acts of the said Commissioners are by the said Acts or either of them made final and conclusive.

Appointment
of Umpire on
Vacancies.

IV. And be it further enacted, That if the said *Marion Welstead*, or any future Umpire to be appointed as herein-after is mentioned, shall neglect or refuse to act under this Act, or shall die, or become incapacitated, or neglect for the Space of One Calendar Month to act as Umpire in the Execution of this Act before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, the said Commissioners shall and they are hereby authorized by Writing under their Hands to appoint some other fit Person (not interested in the said Division) to be an Umpire in the Place of the said *Marion Welstead*, or any future Umpire so neglecting or refusing to act, or dying, or becoming incapable of acting; and if the Commissioners cannot agree in the Choice of a Person to supply the Place of an Umpire on any such Vacancy, then and in every such Case the Proprietors or Persons interested in the said Common and Open Fields, Meadows, Commons, Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, or the major Part of them in Value (including the Rector for the Time being), such Value to be ascertained by the Land Tax Assessment for the said Parish of *Colmworth* for the then current Year, who shall be present in Person, or by their respective Attornies or Agents, at a Meeting to be appointed for that Purpose by the said Commissioners or their Clerk, of which Notices shall be given and published in like Manner as is herein-before directed in the Cases of Appointment of any new Commissioner, shall by Writing under their Hands appoint some fit Person to be an Umpire in the Place of the said *Marion Welstead*, or of the Umpire so neglecting or refusing to act, or dying, or becoming incapable of acting; and every Umpire to be appointed in the Manner herein-before directed in the Place of the said *Marion Welstead*, or of the Umpire so neglecting or refusing to act, or dying, or becoming incapacitated, shall have the like Powers and Authorities as are by this Act vested in the said *Marion Welstead*.

Umpire to
take an Oath.

V. Provided always, and be it further 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 or Affirmation in the Form following; (that is to say,)

‘ I *A. B.* do swear, [*or, being of the People called Quakers, do affirm,*] ‘ 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 Fourth Year of the Reign of His Majesty King ‘ *William* the Fourth, intituled [*here set forth the Title of this Act*], ac- ‘ cording to Equity and good Conscience, and without Favour or Affec- ‘ tion, Prejudice or Partiality, to any Person or Persons whomsoever. ‘ So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

Which Oath or Affirmation it shall be lawful to and for the said Commissioners or either of them to administer, and they are hereby required to administer the same.

VI. Pro.

VI. Provided also, and be it further enacted, That the Instrument appointing every Commissioner and Umpire to be elected and appointed by virtue of this Act, and a Duplicate thereof, and also such Oath or Affirmation so taken and subscribed by such Umpire, with a Duplicate thereof, shall be inrolled with the general Award of the Commissioners; and a Copy of such Instrument and Oath or Affirmation, attested by the proper Officer of the Court where the same shall be inrolled, shall be full and sufficient Evidence thereof.

Appointment of Commissioners and Umpire to be enrolled, and Copy thereof to be Evidence.

VII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to appoint a Clerk to assist them in the Execution of the Powers of this Act and the said recited Acts, and, if Occasion shall require, to remove from Time to Time any such Clerk and appoint another in his Stead, as to them shall seem right and proper.

Commissioners to appoint a Clerk.

VIII. And be it further enacted, That *Charles Day* of *Barloway* in the County of *Hertford*, Land Surveyor, shall be, and he is hereby nominated and appointed the Surveyor for the Purposes of this Act and the said recited Acts; and in case of the Death, Inability, Neglect, or Refusal to act of the said *Charles Day*, then and in such Case it shall be lawful for the said Commissioners by Writing under their Hands to appoint One or more fit and proper Person or Persons (not interested in the Premises) to be the Surveyor or Surveyors for the Purposes of this Act and the said recited Acts, and on any future Vacancy in like Manner to appoint any other Surveyor or Surveyors, and so from Time to Time as often as there shall be Occasion.

Appointment of Surveyor.

IX. Provided always, and be it further enacted, That no Person shall be capable of acting as Surveyor for the Purposes of this Act until he shall have taken and subscribed an Oath or Affirmation before the said Commissioners, (who are hereby empowered to administer the same,) in the Words or to the Effect following; (that is to say,)

Surveyor to take Oath.

‘ [*A. B.* do swear, [or, *being of the People called Quakers*, do solemnly affirm,] That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as Surveyor by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act* [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.

Oath.

‘ So help me GOD.’

[Or, *being a Quaker*, omit the Words ‘ So help me God.’]

X. And be it further enacted, That the said Commissioners shall and they are hereby required to cause public Notice in Writing to be affixed on One of the principal outer Doors of the Church of the said Parish of *Colmworth*, and by Advertisement to be inserted in the *Northampton Herald* and *County Press*, or One of them, or in some other Newspaper published and circulated in the said County of *Bedford*, of the Time and Place of their First Meeting for the Execution

Notices of Meetings.

[Private.]

Place of Meetings.

cution of this Act, at least Seven Days before such Meeting shall be held, and shall give at least Seven Days Notice of every subsequent Meeting (Meetings by Adjournment only excepted), and all Meetings of the said Commissioners shall be held within the said Parish, or at some Place within the Distance of Eight Miles from the Boundary thereof.

Allowance to Surveyor.

XI. And be it further enacted, That out of the Monies which shall be raised for the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said *Charles Day*, or other the Person for the Time being employed as a Surveyor for the Purposes of this Act, shall be paid and allowed any Sum not exceeding One Shilling and Sixpence *per Acre* for his Time and Trouble in surveying, measuring, mapping, or planning the Lands and Grounds necessary to be surveyed for the Purposes of this Act, or any Sum not exceeding Two Pounds and Two Shillings for each and every Day he shall be actually and wholly employed, either in surveying, measuring, mapping, or planning, or otherwise, as a Surveyor, for the Purposes of this Act; which said Sums of One Shilling and Sixpence *per Acre*, or Two Pounds and Two Shillings *per Day*, shall be a full Satisfaction for his Time and Trouble, and for all travelling and other Expences of every Description to be incurred by him as such Surveyor in and about the Execution of this Act.

Allowance to Commissioners, Umpire, and Clerk.

XII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioners and Umpire and the Clerk to be appointed by the said Commissioners, as herein-before directed, shall respectively be paid, for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, during the first Two Years next after the passing of this Act, the Sum of Three Pounds and Three Shillings and no more, and after the Expiration of the said Two Years, until the Powers granted, by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for the several Expences which they shall be put unto during their several Journeys and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, preparing, copying, and ingrossing and inrolling the Award of the said Commissioners, and of Advertisements.

For regulating the Duration of Meetings.

XIII. And for regulating the Duration of all Meetings to be held for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and that any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours

Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioners and Umpire or the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioners or their Clerk in which shall be entered the several Days on which the said Commissioners shall hold their Meetings, and in such Book shall also be entered at what Hours the said Commissioners and their Clerk were respectively present at such Meeting, and at what Hour they respectively left the same; and such Book shall be signed by such Commissioners and their Clerk at the Termination of each Meeting, and shall be open for the Inspection of any Person or Persons interested in the said Inclosure, or his or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioners to retain or to pay themselves or such Clerk, out of any Monies to be received by them or over which they may have any Controul in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioners and Clerk respectively, beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the said Award; or in case the Accounts of the said Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioners or either of them, or of the said Clerk, previous to the Execution of the said Award, the Commissioners or Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the said Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioners or Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due to them.

XIV. Provided always, and be it further enacted, That all Notices necessary to be given by the said Commissioners shall be given by Advertisement to be inserted in the *Northampton Herald* and *County Press*, or One of them, or in some other Newspaper published and circulated in the said County of *Bedford*, and by affixing the same upon One of the principal Doors of the Parish Church of *Colmworth* aforesaid; provided that if at any Meeting appointed to be holden as aforesaid only One of the said Commissioners shall attend, such Commissioner so attending shall and may adjourn such Meeting to such Time within the Space of Twenty-eight Days from the Date of such Adjournment, and to such Place within the Limits aforesaid, as he shall think most convenient, and if no Commissioner shall attend it shall be lawful for the Clerk of the said Commissioners to adjourn such Meeting in like Manner.

General Notices.

One Commissioner or Clerk may adjourn.

XV. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment, or Inclosure touching or concerning the respective Rights and Interests which

Power to Commissioners to settle Disputes.

Commissioners not to determine Titles nor molest Possession.

which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said intended Division, Allotment, and Inclosure, it shall and may be lawful for the said Commissioners or Umpire and they are hereby authorized to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall extend to enable or authorize the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any of such Parties, except in Cases of Encroachment made within the Period of Twenty Years then last past; but in case the said Commissioners or Umpire shall be of opinion against the Right of the Person or Persons so in Possession, they or he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Power to Commissioners to assess Costs.

XVI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to the said Commissioners in pursuance of this or the said first-recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand made in Writing by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, entitled to receive the same, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, to raise, levy, and recover the same in such Way and Manner as the Costs, Charges, and Expences of passing and executing this Act are herein-after directed to be raised, levied, and recovered: Provided always, that in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim shall have been so over-ruled or disallowed by the said Commissioners, shall cause an Action to be brought in manner herein-after mentioned, and shall upon the Trial of such Action establish the Claim which shall have been so over-ruled or disallowed by the Commissioners, the Costs and Charges so assessed and awarded by the said Commissioners shall not, nor shall any Part thereof, be paid or be levied upon the Goods and Chattels of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, by whom the said Commissioners shall have awarded the same to be paid as aforesaid.

Allowing Parties to try their Rights at Law.

XVII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested

interested or claiming to be interested in the said Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims, or other Rights or Interests, in, over, or upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall have been notified in Writing to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, against whom such Determination shall have been made, or to his, her, or their known Agent or Attorney; and the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied as aforesaid, shall proceed to a Trial at Law of the Matter so determined by the said Commissioners at the next or the Second Assizes to be holden for the County of *Bedford* after such Action or Actions shall have been so commenced; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto and file Common Bail, and accept One or more Issue or Issues whereby such Claim or Claims and the Right or Rights thereby insisted may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final and conclusive upon all and every Person and Persons, Body or Bodies Politic, Corporate, or Collegiate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims, or other Rights or Interests, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not have been objected to, or, being objected to, the Party or Parties objecting not causing such Action to be brought and proceeded in as aforesaid, shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

XVIII. Provided also, and be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

If any of the Parties die, Proceedings not to abate.

XIX. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any Determination as aforesaid shall

In case of Deaths of Parties be-

[*Private.*]

fore Actions brought, the same to be carried on and defended in their Names.

shall have been made, and against whom any Action or Actions might have been brought if living, shall die before any such Action or Actions might 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, Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall be thereupon 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.

Disputes about Titles not to impede the Execution of the Act.

XX. And be it further enacted, That if any Action or Suit shall be commenced or prosecuted touching or concerning the Title of any Person or Persons, or Bodies Politic, Corporate, or Collegiate, in or to any Lands, Tenements, or Hereditaments in the said Parish of *Colmworth*, such Action or Suit shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of this Act and the said recited Acts, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Action or Suit; and the Allotment or Allotments to which any such Action or Suit shall relate may be had and taken by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who upon the Determination of such Action or Suit shall become entitled to the same.

Deaths of Parties not to suspend the Execution of this Act.

XXI. Provided always, and be it further enacted, That if any of the Parties interested in the said intended Division, Allotment, and Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be affected thereby, but the said Commissioners shall and may proceed to execute the Powers given to them by this Act or the said recited Acts in such Manner as they might have done in case such Parties had not died, and the Share or Shares of the Person or Persons so dying shall be allotted to such Person or Persons who, by Descent, Will, or otherwise, shall become entitled to the same.

Commissioners may extinguish or suspend Rights of Common.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners, by Notice for that Purpose under their Hands to be fixed on One of the principal Doors of the said Parish Church 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 whole or in part, or to be suspended; and from and after the Time to be mentioned in and appointed by any such Notice all such Right of Common

Common as shall thereby be directed to be extinguished or suspended shall cease, be extinguished, or suspended, as shall be expressed in such Notice.

XXIII. And be it further enacted, That the said Commissioners shall and may scour out, straighten, and widen all such ancient Brooks, Streams, Ditches, Drains, Watercourses, Tunnels, and Bridges in the said Parish, and also shall and may set out, build, and make any new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be divided, allotted, and inclosed, as also in, through, and over any ancient Inclosures within the said Parish, making such Satisfaction to the Proprietors of such ancient Inclosures for the Damage done thereby as the said Commissioners shall think reasonable, the Expences thereof to be raised and defrayed as the other Expences of obtaining and executing this Act are herein-after directed to be raised and defrayed; and the said Commissioners shall and may and they are hereby directed and required, in and by their Award to order and determine by whom and at whose Expence, and at what Time and in what Manner, the said Ditches, Drains, Watercourses, Tunnels, Gates, and Bridges shall be afterwards cleansed, scoured, and maintained, and also shall and may direct, order, and award all and any of the Streams, Springs, and Watercourses within the said Open and Common Fields, Lands, and Grounds hereby directed to be divided, allotted, and inclosed to be carried, diverted, and turned in such Courses, and through, over, and across such Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they the said Commissioners shall in their Discretion judge proper for the watering the several Allotments to be made as aforesaid; provided that all such Streams, Springs, and Watercourses which pass through, over, and across any ancient Inclosures be not diverted or turned without the Consent in Writing of the respective Person or Persons from or out of whose Lands the same shall be diverted, and of the Person or Persons through or into whose Lands the same shall be turned.

Commissioners may make Drains and divert Watercourses, with Consent of Parties interested.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners to cause any ancient Roads, Lanes, or Highways within the said Parish to be widened and extended to a convenient Breadth not exceeding Thirty Feet, on making Recompence and Satisfaction to the respective Owners of the Lands to be taken for that Purpose, and also (by and with the Consent of the Proprietor or Proprietors, or Trustee or Trustees of any ancient Inclosures within the said Parish,) to set out and appoint any public or private Carriage Roads, Bridleways, and Footpaths that they shall deem expedient or necessary through or over any of the ancient Inclosures within the said Parish, making such Recompence and Satisfaction as aforesaid to the respective Proprietors thereof.

Ancient Roads may be widened, and new Roads set out through inclosed Lands, with Consent of Proprietors.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners to stop up, discontinue, divert, or alter any public Carriage Road, Bridleway, or Footpath leading through or over the Lands and Grounds to be allotted by virtue of this Act, or passing or leading

Power to stop up Roads between old Inclosures.

leading through, over, or between any of the inclosed Lands in the said Parish, and the Soil of the Roads and Ways so to be stopped up or discontinued 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, Bridleway, or Footpath passing or leading through any of the inclosed Lands in the said Parish shall be stopped up, discontinued, diverted, or altered without the Concurrence of Two Justices of the Peace for the said County of *Bedford*, and which Order shall be made on such a Notice and shall be subject to an Appeal to the Quarter Sessions for the said County in the Manner mentioned or contained in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

55 G. 3. c. 68.

Justices
empowered
to certify any
Part of the
Roads com-
pleted.

XXVI. And be it further enacted, That when and so soon as any Two of His Majesty's Justices of the Peace for the said County of *Bedford* shall certify any of the public Carriage Roads which shall have been set out or continued in pursuance of this Act, or any Part or Parts thereof, to be sufficiently formed, repaired, and completed, such Road or Roads, or so much thereof as shall be comprised in any such Certificate, shall thenceforth be supported and kept in repair by such Persons and in like Manner as other public Roads are or ought to be by Law amended and kept in repair; and every such Certificate shall, at the General or Quarter Sessions of the Peace to be holden for the said County next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County, and be valid and effectual to all Intents and Purposes.

Allotment to
Rector for
Glebe and
Common
Rights.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for the said Rector such Parts and Proportions of the Lands and Grounds hereby directed to be divided and allotted as in the Judgment of the said Commissioners shall be equal in Value to the uninclosed Glebe Lands belonging to the said Rector, and as will be a full Equivalent and Compensation for such Glebe Lands, and for thier Rights of Common in, over, and upon the Lands and Grounds by this Act directed to be divided, allotted, and inclosed.

Allotment in
lieu of Tithes.

XXVIII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for said Rector so much and such Parts of the Lands hereby directed to be divided, allotted, and inclosed as in the Judgment of the said Commissioners shall be equal to One Fifth Part in Value of all the Arable Lands, (all Open Field Land to be deemed and taken as Arable which has been heretofore occupied as such, and which has not been regularly sown or laid down with Seeds as and for permanent Pasture, and all inclosed Land to be deemed and taken as Arable which is now or has been ploughed within the last Five Years before
the

the passing of this Act,) One Tenth of all the Woodlands, and One Eighth Part of all other Lands in the said Parish, as well open as inclosed, out of or in respect of which Great and Small Tithes are issuing, arising, renewing, or payable to the Rector of the Parish of *Colmworth* aforesaid; and the Allotment to the said Rector for his Glebe Lands and Rights of Common, and such Allotment so to be set out and allotted to and for the said Rector, shall be accepted and taken by him in lieu of and full Satisfaction and Compensation for all Great and Small Tithes whatsoever growing, renewing, happening, arising, or due or payable to the said Rector out of or in respect of all and every the Homesteads, Gardens, Orchards, ancient Inclosures, Common and Open Fields, Meadows, Woods, Waste Lands, and inclosed Grounds in the said Parish; and such Tithes shall thenceforth cease and determine.

XXIX. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, or inclosed Lands or Grounds in the said Parish of *Colmworth* subject or liable to the Payment of Tithes, the respective Owners or Proprietors whereof shall not happen to be entitled to any or a sufficient Allotment, out of the Lands and Grounds hereby intended to be set out, allotted, and inclosed, to make Compensation for the Tithes issuing thereout, then and in such Case such Owners and Proprietors shall respectively pay or cause to be paid unto such Person or Persons and at such Time or Times as the said Commissioners shall direct or appoint such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Satisfaction and Compensation for the Tithes issuing out of such Homesteads, Gardens, Orchards, and inclosed Lands and Grounds respectively, or for such Part thereof for which a Compensation in Land cannot be made by the respective Owners and Proprietors thereof as aforesaid; which Sum or Sums of Money shall be applied in or towards Payment of the respective Shares of the Charges and Expences of obtaining, passing, and executing this Act, payable by the several Persons from whose Allotments any Deduction shall have been made for making such Compensation for Tithes, and shall and may be raised, levied, and recovered in like Manner as the Charges and Expences of passing and executing this Act are hereby directed to be raised, levied, and recovered; and the Surplus (if any) of such Sum or Sums shall be apportioned and paid amongst and to the several Persons from whose Allotments any Deductions shall have been so made as aforesaid, or be deposited in the Bank of *England*, to be laid out and disposed of in manner by this Act directed, as the Case may require.

A Compensation in Money to be paid for the Exoneration from Tithes in certain Cases.

XXX. And be it further enacted, That the said Commissioners shall set out and allot unto the Surveyors of the Highways for the Time being within the Parish of *Colmworth* aforesaid such Parts of the Lands and Grounds hereby directed to be divided and allotted as the said Commissioners shall think necessary, not exceeding Five Acres, as and for public Stone, Gravel, Sand, and Clay Pits; and the same Allotments, when set out, shall for ever thereafter be used by the said Surveyors of the Highways, and by the respective Proprietors of Lands, Tenements, and Hereditaments within the said Parish, and their Tenants for the Time being, in such Manner and under such

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

[*Private.*]

Rules and Regulations, and shall be fenced in such Manner, as the said Commissioners shall by their Award direct and appoint.

Allotment
in lieu of
Right of Soil.

XXXI. And be it further enacted, That the said Commissioners shall set out and allot unto the Lords of the Manor of *Colmworth* such Part or Parts of the Lands and Grounds hereby intended to be divided and allotted as in the Judgment of the said Commissioners shall be equal in Value, after the Tithe shall have been deducted therefrom, to One Twentieth Part of the said Commons and Waste Lands, in lieu of their respective Rights and Interests in and to the Soil of the same Commons and Waste Lands.

Allotment of
the Residue.

XXXII. And be it further enacted, That the said Commissioners shall set out, allot, and award unto the several Proprietors thereof and Persons having Rights of Common or other Interests therein all the Residue and Remainder of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, in such Quantities, Shares, and Proportions as the said Commissioners shall adjudge to be equivalent or in proportion to their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein.

Power to
allot de-
tached Inclo-
sures.

XXXIII. And be it further enacted, That detached Closes or inclosed Lands surrounded by allottable Lands shall be deemed Part and Parcel of the Lands and Grounds to be divided and allotted by virtue of this Act.

Power to
allot ancient
Inclosures
with Con-
sent of Pro-
prieters.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, at the Request and with the Consent in Writing of the respective Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, seised or possessed of any inclosed Lands or Grounds within the said Parish of *Colmworth*, to order and direct such inclosed Lands and Grounds or any Part thereof to be considered as allottable Lands, and as Part and Parcel of the Lands hereby directed to be divided and allotted, and to divide and allot the same accordingly; but such Allowances shall be made to the respective Owners of such inclosed Lands and Grounds, on account of the Situation or any other beneficial Circumstances attending the same, as the said Commissioners shall adjudge to be fair and reasonable; and the said Commissioners are hereby authorized and required to set out, allot, and award unto and for the respective Owners of such inclosed Lands and Grounds in lieu thereof so much and such Part or Parts of the Lands and Grounds hereby directed to be divided and allotted as the said Commissioners shall think reasonable and just, subject to the Orders and Directions herein contained.

Allotments
to the Rector
to be fenced
at the Ex-
pence of the
other Pro-
prieters.

XXXV. And be it further enacted, That the several Allotments to be set out and allotted to and for the said Rector in lieu of Tithes as aforesaid, and for Glebe Lands and Rights of Common, shall be inclosed and fenced round with Posts and Rails, Ditches and Quick-set Hedges, and other proper Mounds and Fences, with good and substantial Stiles and Carriage Gates in all the said Fences where necessary for the convenient Occupation thereof, at the Expence of such other of the Proprietors of Lands and Grounds hereby intended

to be divided, allotted, inclosed, and exonerated from Tithes, as the said Commissioners shall order, direct, or appoint; and the said Commissioners shall direct and appoint what Part of the said Ditches, Mounds, and Fences shall afterwards belong to the said Rector, and what Part to any other Proprietors; and the said Ditches, Mounds, and Fences, when properly made, shall for ever after be repaired and maintained by and at the Expence of the Person or Persons to whom the same shall be ordered and appointed to belong as aforesaid.

XXXVI. And be it further enacted, That all and every Persons and Person to whom any such Allotment or Allotments shall be so made and set out shall, at his, her, and their own Costs and Charges, fence in the same within such Time and in such Manner as the said Commissioners shall by their Award or any other Writing under their Hands direct.

Fencing other Allotments.

XXXVII. And be it further enacted, That in case any Proprietor or Proprietors of any Lands or other Hereditaments hereby or by the said recited Acts authorized to be divided, allotted, and inclosed or exchanged, shall hold their respective Lands or Hereditaments for different Estates, or by different Titles or Tenures, the said Commissioners shall ascertain and distinguish the Lands or other Hereditaments held for each of such Estates, and by each of such Titles or Tenures respectively, and shall also set out and distinguish the several Allotments or other Hereditaments to be accepted and taken as an Equivalent in respect of each of them; and the said Commissioners shall and they are hereby authorized and required to set forth and declare, in and by their said Award, in right of what Estates in particular such Allotments shall have been respectively made, and therein also separately to describe and ascertain the Situation of every such Allotment.

Distinct Allotments to be made for Lands holden for different Estates.

XXXVIII. And be it further enacted, That when the Proprietor or Proprietors of any Lands or Hereditaments which shall be allotted or exchanged by virtue of this or the said recited Acts shall hold his, her, or their Lands and Hereditaments for different Estates or by different Titles or Tenures, and where, from Want of necessary Information before the said Commissioners, or from any other Cause, their Award shall have omitted to distinguish and ascertain the Lands and other Hereditaments holden for each of such Estates, and by each of such Titles or Tenures, and the setting out and awarding of several and distinct Allotments for such respective Lands or other Hereditaments as herein-before is required, and within Twelve Calendar Months after the making of the said Award Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every thing necessary for supplying such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other respect to proceed and act as if their Award had not been made; and when they shall have obtained what they shall think sufficient Information they are hereby also authorized, by any Deed under their Hands and

Commissioners may set out such distinct Allotments by a separate Instrument.

Seals,

Seals; to distinguish and ascertain the Difference of such Estates, Titles, and Tenures respectively, and accordingly to make distinct and several Allotments in the same Manner as is hereby required where such Discrimination shall be contained in the said Award; and every such separate Instrument shall be annexed to the said Award, and inrolled and deposited therewith, and Evidence thereof shall be given in the same Manner as by the said first-recited Act and this Act, or either of them, is directed concerning the said Award; and all reasonable Expences incurred in or about such separate Instrument as aforesaid shall be paid by the Person or Persons who shall so request the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators; and every such separate Instrument shall, from and immediately after the due Execution thereof by the said Commissioners, have the same Effect to all Intents Purposes as if the Contents thereof had been inserted and contained in their said Award; and a Duplicate thereof shall be delivered to the Person or Persons upon whose Request any such Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall, in the Opinion of the said Commissioners, most properly belong.

Meeting for Applications for Situations of Allotments.

XXXIX. And be it further enacted, That the said Commissioners shall and they are hereby required to appoint a Time and Place for receiving Applications from the several Proprietors touching the Situation of their Allotments.

For determining Objections to Allotments.

XL. 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 said Proprietors in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, they shall give Notice of some convenient Time and Place when and where the said Proprietors may be informed of such intended Allotments, and a Map or Plan thereof shall be produced for their Inspection; and in case any Proprietor or Proprietors should be dissatisfied with the intended Allotments, the said Commissioners shall, if required, at such Time and Place as last aforesaid, or at some other Time and Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections against such Allotments, and shall forthwith, as soon after as conveniently may be, consider such Objections and make such Determination therein as they in their Judgment shall think proper and requisite, which shall be binding and conclusive upon all Parties.

If Persons sell before the Allotment, Commissioners to allot to the Purchaser.

XLI. And be it further enacted, That it shall and may be lawful for any Person or Persons, at any Time before the Allotments hereby directed to be made shall be set out, to sell his, her, or their Right, Interest, or Property in, over, or upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or any Part thereof, to any other Person; and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, to make an Allotment of Land unto the Vendee or Purchaser, or his or her

her Heirs and Assigns, or as he, she, or they may direct or appoint, for and in respect of such Right, Interest, and Property so sold: Provided always, that if any Proprietor or Proprietors shall sell his, her, or their Estate or any Part thereof in separate Lots or Parcels, the said Commissioners shall not, by reason or on account of such Division or Separation, be required to set out any new or additional Road or Roads for the Use and Convenience of the Purchaser of any such separate Lots or Parcels.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent and at the Request of the respective Owners of any inclosed Lands or Grounds within the said Parish of *Colmworth*, to order and direct such inclosed Lands and Grounds to be considered as allottable Lands, and as Part and Parcel of the Lands hereby directed to be divided, allotted, and inclosed, and to divide and allot the same accordingly; but such Allowances shall be made to the respective Owners of such inclosed Lands or Grounds, on account of Situation or other beneficial Circumstances attending the same, as the said Commissioners shall adjudge to be fair and reasonable; and the said Commissioners are hereby authorized and required to set out, allot, and award unto and for the respective Owners of such inclosed Lands or Grounds, and in lieu thereof, so much and such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed as they shall think proper, subject to the Regulations and Provisions herein contained.

Power to allot ancient Inclosures with Consent of the Proprietors.

XLIII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Acts or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall and may be lawful to and for the said Commissioners out of such Sum to defray such Proportion of the Expence of passing this Act and of carrying the same and the said recited Acts into execution as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioners be proper to be made and shall be made under their Direction upon any Lands to be by virtue of

Application of Compensation Money, when amounting to 200l

[*Private.*]

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this

1 G. 4. c. 35.

this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or redeemed, or paid or discharged, or such Part or Parts thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the aforesaid Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

When under
200l. and
amounting
to 20l.

XLIV. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then

then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

XLV. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where, under
20l.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments within the Parish of *Colmworth* aforesaid in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said Parish, or within any adjoining Township, Parish, or Place; provided that all such Allotments and Exchanges be ascertained or declared by the said Award, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or 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 for Years determinable on a Life or Lives, by and with the Consent of the Lessor or Lessors, but not otherwise, or with the Consent of the Guardians, Trustees, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid who at the Time of making such Exchange shall be respectively Infants, Females Covert, Lunatics, or under any legal Disability, or shall

Power to
make
Exchanges.

shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, every such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Allotment or Exchange so to be made shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church or Chapel or other Ecclesiastical Benefice without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Expences of
Sales and
Exchanges
by whom to
be paid.

XLVII. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Sales, Exchanges, or Partitions to be made by virtue of this Act or the said first-recited Acts shall be paid, borne, and defrayed by the several Persons making such Sales, Exchanges, and Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award, or any other Writing under their Hands, order and direct, and the same shall be recovered in like Manner as is hereindirected respecting the Recovery of the Costs and Charges of obtaining and executing this Act.

For deter-
mining
Leases at
Rack Rent.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners at any Time previous to the Execution of their Award, and they are hereby required, by Writing under their Hands to determine and make void all or any Leases or Agreements for Leases at Rack Rent, or from Year to Year then subsisting, of all, every, or any Part or Parts of the Lands and Grounds which are hereby directed to be divided and allotted, and which shall be exonerated from Tithes and exchanged respectively by virtue of this Act, and all other Lands and Hereditaments demised or agreed to be demised by or comprised in such Leases and Agreements respectively, at such Time or Times in the Year as the said Commissioners shall in their Discretion think most convenient and expedient, and to ascertain and declare whether any and what Sum or Sums of Money ought to be paid by the Lessors or Landlords to the Lessees or Tenants as a Compensation and Satisfaction for such Determination of their respective Leases or Agreements, which Sums shall be charged upon the Lands, and become payable at such Time and in such Manner as the said Commissioners shall appoint, and may be levied and recovered in like Manner as herein is provided for levying and recovering the Expences of passing and executing this Act: Provided always, that if any Application in Writing shall be made by any Owner or Proprietor to the said Commissioners that any such subsisting Lease or Agreement should not be void, but be continued in force, the said Commissioners shall not make void the same, but shall set out and allot other or specific Lands and Allotments of equal Value in lieu of the Lands and Hereditaments comprised in such Lease or Agreement, and shall ascertain and declare whether any and what additional Rent or Rents ought to be paid by the Lessee or Tenant to the Lessor or Landlord for or in respect of any Improvement in the annual Value of the Land

Lands and Hereditaments comprised in such Lease or Agreement by virtue of this Act; and such additional Rent shall commence at such Time as the said Commissioners shall direct or appoint, and be payable and recoverable in like Manner as the Rent originally reserved would have been payable and recoverable if this Act had not been passed; and it shall be lawful for the said Commissioners to settle, ascertain, and declare the Course of Husbandry to be used by such Lessee or Tenant during the Remainder of such Lease or Agreement: Provided always, that if there shall be any such Lease or Agreement of Lands Part of which shall be in the said Parish of *Colmworth*, and Part in any adjoining Parish, it shall be lawful for the said Commissioners to determine any such Lease or Agreement if they shall think proper; but where any Lands shall be taken in exchange by virtue of this or the said recited Act, which Lands shall be under Lease or Agreement, and wholly situate in any adjoining Parish, the Lease or Agreement respecting such last-mentioned Lands shall not be vacated.

XLIX. And be it further enacted, That it shall be lawful for the Rector for the Time being of *Colmworth*, by Indenture or Indentures under his Hand and Seal, with the Consent and Approbation of the Bishop of the Diocese and of the Patron of the said Vicarage, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to such Rector by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the passing of this Act, so that the Rent or Rents for the same shall be by every such Lease reserved to the Rector of *Colmworth* for the Time being by Four equal quarterly Payments in every Year, and so that there be thereby also reserved and made payable to such Rector the best and most improved Rent or Rents that can reasonably be had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for the making or granting any such Lease or Demise, and so that no such Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained, and so that there be inserted in every such Lease Power of Re-entry on Nonpayment of the Rent or Rents to be thereby reserved within a reasonable Time to be therein limited after the same shall become due, and so that a Counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid: Provided always, that whenever any Lease or Leases to be so granted shall by any Means become forfeited or void, or be surrendered before the Expiration (by Effluxion of Time) of the Term or Terms thereby granted, then and in such Case, and as often as the same shall so happen, it shall and may be lawful for such Rector for the Time being, by and with the previous Consent and Approbation of the Bishop of the Diocese and the Patron of the said Vicarage, to grant a new Lease of the Lands so demised for such Term or Terms of Years as shall at the Time or Times of such Avoidance be then to come and unexpired of the original Term or Terms granted by such original Lease or Leases, subject nevertheless to the Provisions and Conditions contained in such original Lease or Leases, and then remaining unperformed and capable of taking effect; and every such Lease shall be valid and effectual,

Rector may
lease his
Allotment.

[*Private.*]

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any

any thing in the said recited Act of the Forty-first Year of the Reign of His late Majesty, or any Law or Usage, to the contrary notwithstanding.

Wills and Settlements not to be affected.

L. And be it further enacted, That nothing in the said first-recited Act or in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Messuages, Buildings, Tithes, Lands, Tenements, or Hereditaments to be divided, allotted, or exchanged as aforesaid, or any Part or Parts thereof respectively, but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in exchange by virtue of this Act or the said recited Act shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, as the Messuages, Buildings, Tithes, Lands, Tenements, and Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by in case this Act had not been passed.

Directing Course of Husbandry.

LI. And be it further enacted, That from and after the passing of this Act, and until the Allotments shall have been set out and Possession thereof given, all the Lands hereby directed to be divided, allotted, and inclosed shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time by Writing under their Hands appoint, as well with regard to the stocking as to the ploughing, folding, tilling, sowing, and laying down the same with Seeds; and it shall be lawful for the said Commissioners to order and direct such Sum or Sums of Money in respect thereof to be paid by any Person or Persons being then or theretofore interested in the said Arable Lands or any Part thereof, or his, her, or their Tenant or Tenants, to any other Person or Persons in like Manner interested therein, or his, her, or their Tenant or Tenants, as they the said Commissioners shall think reasonable; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid shall neglect or refuse to pay the same on Demand, together with all Costs and Expences, then and in every such Case it shall be lawful to and for the said Commissioners, and they are hereby authorized and required, to raise and levy the same, for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of passing and executing this Act are herein directed to be raised and levied.

Compensation for Crops.

LII. And be it further enacted, That the said Commissioners shall and they are hereby empowered, if they think proper, by Writing or Writings under their Hands, to ascertain, order, direct, and appoint what Recompence in Money shall be paid by any Proprietor or Occupier of any of the Lands and Grounds by this Act directed to be divided,

divided, allotted, and inclosed, to any former Proprietor or Occupier of such Lands as shall be left sown or planted with any Corn, Grain, Clover, or other Seeds, Cole or Turnips, or which shall have lain Fallow, or been ploughed, tilled, folded, or dunged for the Profit and Advantage which such Person or Persons will obtain thereby, or by way of Equalization of Entry upon or between the Tiths and Fallow Lands; and if such Recompence shall not be paid at the Time appointed for that Purpose, then the said Commissioners shall cause the same to be raised, levied, and recovered by such Ways and Means as the Costs, Charges, and Expences of passing and executing this Act are herein directed to be raised and levied: Provided always, That it shall be lawful for the said Commissioners to authorize and empower any such Owner or Occupier as aforesaid to take, cart, carry away, or feed off any such Crop of Corn, Grain, Clover, or other Seeds, Cole, or Turnips as aforesaid, upon such Terms and Conditions as the said Commissioners shall deem proper.

LIII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining this Act, and all Proceedings which have been taken relative or preparatory thereto, and all Charges and Expences which may be incurred in carrying this Act and the said recited Acts into execution, or otherwise incidental thereto, shall be borne and defrayed by the several Owners and Proprietors of and Persons interested in the Lands and Grounds hereby authorized to be divided, allotted, and inclosed; and old Inclosures to be exonerated from Tithes by virtue of this Act, (other than and except the said Rector of *Colmworth* for the Time being in respect of his Glebe Lands, and the Allotment to be made to him in lieu of Tithes,) in such Parts, Shares, and Proportions as shall be ascertained and settled by the said Commissioners; and the Amount thereof shall be paid at such Time and Places and to such Person or Persons as the said Commissioners shall appoint; and the said Commissioners are hereby authorized and required accordingly, at any Time, either before or after the making of their Award, to make One or more Rate or Rates, Assessment or Assessments, thereof respectively under their Hands, and all such Rates or Assessments so made and signed shall be conclusive on all Parties thereby made liable to pay the same, and their respective Heirs, Executors, Administrators, and Assigns; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Rate or Assessment within such Time and to such Persons and at such Place as the said Commissioners shall appoint, the said Commissioners shall cause the same to be levied and recovered in manner directed by the said first-recited Act.

Expences of Act to be defrayed by a Rate.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners, on Application made to them in Writing by any of the Owners or Proprietors for the Time being of Lands, Tenements, or Hereditaments in the said Parish, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Owners or Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity; or by the Persons acting as such Guardians, Trustees, Committees, or Attornies, or by any of the said Owners or Proprietors, being

Empowering Commissioners, upon Application, to sell Part of Allotments to defray Expences.

being Tenants in Tail or for Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell any Part of any Allotment to be made by virtue of this Act to the Persons by whom or on whose Behalf any such Application shall be made, for the Purpose of raising a Sum of Money sufficient to defray the proportionable Part of the Costs, Charges, and Expences of obtaining and carrying into execution this Act and the said recited Acts, and of fencing and inclosing and subdividing his, her, or their Allotment or Allotments, as shall in and by such Rates or Assessments be charged upon such Parties, and of the Costs, Charges, and Expences of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the same Manner, and subject to such and the like Rules and Regulations, as are mentioned and prescribed in and by the said first-recited Act in respect of the Sale of Lands towards defraying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands or Grounds; and every such Allotment for which the full Purchase Money shall be paid shall be vested in the said Commissioners, and be conveyed by Lease and Release executed by such Commissioners to the Purchaser thereof, at the Expence of such Purchaser, unto and to the Use of or in Trust for such Purchaser and his Heirs, or as he shall appoint, and shall be inclosed and held by such Purchaser in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to the Purchaser for the Purchase Money; and such Purchase Money shall be applied by the said Commissioners in or towards defraying such Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners, such surplus Money shall be paid to the Parties from whose Allotment such Sales shall be so made respectively, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in manner herein-after directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of Timber or Wood growing thereon.

Power for
Tenants for
Life, &c.
to borrow
Money.

LV. And be it further enacted, That it shall be lawful for the Proprietor of any Allotment to be made by virtue of this Act, being Tenant for Life or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the said Proprietors being under Coverture, Minors, Lunatics, Idiots, or beyond the Seas, or otherwise incapable of acting for themselves, and for the Trustees or Feoffees for charitable, parochial, or other Uses in respect of any Lands held by them in Trust for any charitable, parochial, or other Uses (by and with the Consent of the said Commissioners in Writing under their Hands), to charge their Allotments with any Money not exceeding Five Pounds for every Acre of such Lands for and towards their respective Proportions of the Costs, Charges, and Expences of obtaining and carrying into execution this Act, and for securing the Repayments of such Money with Interest, to grant, mortgage, lease, demise, or otherwise subject the said Lands unto or in Trust for any

Person who shall advance such Money for any Term or Number of Years; but so that every such Grant, Mortgage, Lease, or Demise shall be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when the Money to be thereby secured, with all Interest thereon, shall have been fully paid and satisfied; and every such Grant, Mortgage, Lease, or Demise shall be valid in the Law for the Purposes thereby intended.

LVI. Provided always, and be it further enacted, That it shall not be lawful to raise by such Sale and Mortgage or Charge as hereinbefore mentioned, or by either of those Means, any greater Sum of Money for the Purposes aforesaid than such Owners or Proprietors might have borrowed or charged upon their Allotments for such Purposes, reckoning Five Pounds for every Acre thereof, under or by virtue of the said first-recited Act: Provided also, that in all Cases where the Money so raised by any such Sale shall not be equal to the Money which might be borrowed or charged on such Allotment as aforesaid, it shall be lawful for the Owners or Proprietors Part of whose Lands shall be sold as aforesaid to charge their Allotments with any Sum not exceeding the Excess or Difference.

Tenants for Life, &c. not to raise more Money by Sale than they may charge on their Allotments.

LVII. And be it further enacted, That every such Tenant for Life or in Tail, and every other Person who shall be entitled to any such mortgaged Premises, shall pay and keep down the Interest of the Principal Money so to be borrowed as aforesaid, so that no Person afterwards becoming entitled to the said Premises shall be liable, upon becoming possessed thereof, to the Payment of any larger Arrear of Interest than for Six Calendar Months preceding the Time when his Title to the Possession of such mortgaged Premises shall have commenced.

Interest of Money borrowed to be kept down.

LVIII. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum or Sums of Money as shall from Time to Time be necessary for defraying the Charges and Expences of passing this Act, and such other Expences as aforesaid, and such Sum or Sums as shall be so borrowed shall be repaid with lawful Interest out of the first Monies to be raised by the said Commissioners by virtue of this Act.

Power to borrow Money.

LIX. And be it further enacted, That the said Commissioners shall not at any Time permit or suffer any just Claims or Demands upon them as such Commissioners to remain unpaid for a longer Period than Three Calendar Months, except such Sums as may from Time to Time be due and owing to the said Commissioners, Umpire, and Clerk for attending at the Meetings to be held in pursuance of this Act; and once at least in each and every Three Calendar Months during the Execution of this Act (such Space of Time to be computed from the Day of the passing of this Act) the said Commissioners shall and they are hereby required to make a just and true Statement or Account of all Sums of Money by them received and expended, or due to them or to the said Umpire or to their Clerk for their respective Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with

Commissioners to lay Accounts before a Justice.

[Private.]

the Vouchers relating thereto, shall be by them laid before one of His Majesty's Justices of the Peace for the said County of *Bedford* 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 Books of Accounts to be kept at the Office of the Clerk of the said Commissioners, and an Abstract of such Account so examined and balanced shall be from Time to Time published in the *Northampton Herald* and *County Press*, or One of them, or some other Newspaper circulated in the said County of *Bedford*; and no Charge or Item shall be binding on the Parties concerned or valid in Law until the same shall be allowed by such Justice, and until such Account or the Abstract thereof shall have been published in such Newspaper as aforesaid (subject nevertheless to the Power of Appeal herein-after contained): Provided always, that the said Commissioners are hereby required to give Notice in each and every Three Calendar Months in the same Manner as other Notices are herein-before directed to be given of the Day on which they intend to lay their Accounts before such Justice of the Peace as aforesaid.

Award to be deposited with the Clerk of the Peace, and a Copy thereof kept in the Parish Church.

LX. And be it further enacted, That the Award to be made by the said Commissioners under the Authority of this Act and the said first-recited Act shall be executed and published within Three Years from the passing of this Act, and, together with a proper Map or Plan of the said Lands and Grounds hereby directed to be divided and allotted thereto annexed, shall, within Ten Days after the Execution thereof, be delivered to the Clerk of the Peace for the said County of *Bedford*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Three Pounds and Three Shillings and no more shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions and within the Meaning of the said first-recited Act; and a Copy of the said Award fairly transcribed in a Book, with a proper Map or Plan of the Allotments so set out and allotted as aforesaid, attested and signed by the said Commissioners, shall within the Time aforesaid be deposited in the Parish Church of *Colmworth* aforesaid, and there kept in a Box to be provided for that Purpose; and the said Award, and the Copy thereof so attested, and any other Copy of the said Award, or of any Part or Parts thereof, attested by the said Clerk of the Peace for the Time being of the said County or his Deputy, (for every Sheet of which containing Seventy-two Words Sixpence and no more shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Appeal.

LXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of this Act or the said recited Acts, or any of them, then and in such Case (except in such Cases where the Orders and Determinations of the said Commissioners are by this Act or the said recited Acts directed to be final, binding, or conclusive, and except in such Cases where an Issue at Law shall be tried as

herein-before mentioned,) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held in and for the said County of *Bedford* within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving Twenty-eight Days previous Notice to the said Commissioners of such Appeal, except with respect to the Accounts of the Commissioners, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months from the Date of the said Award on giving to the Commissioners such Notice as last aforesaid; and the Justices in the General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and to award such Costs as to them in their Discretion shall seem reasonable, or by their Order and Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed or removable 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 or vexatious or without Foundation, then 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 last aforesaid.

LXII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, and Body and Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of this Act or the said recited Acts, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them or in Remainder after them,) all such Right, Estate, Title, and Interest as he, they, every or any of them, could or ought to have had and enjoyed of, in, to, or in respect of the Lands, Grounds, and Hereditaments hereby directed to be divided, allotted, and inclosed, in case this Act had not been passed.

General Saving.

LXIII. 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 a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

Act to be printed by the King's Printers.

