



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

Cap. 29.

An Act for inclosing Lands within the Parish and Manor of *Stanwick* in the County of *Northampton*, and for extinguishing the Tithes therein.
[27th June 1834.]

WHEREAS the Open and Common Fields, Common Meadows, Common Pastures, Leys, Commons, and other Commonable Lands and Waste Grounds within the Parish and Manor of *Stanwick* in the County of *Northampton* are computed to contain One thousand two hundred and seventy-five Acres or thereabouts; and the several anciently inclosed Lands or Grounds within the same Parish and Manor are computed to contain Seven hundred Acres or thereabouts: And whereas *William Drayson* Esquire is or claims to be Lord of the Manor of *Stanwick* aforesaid, and, as such, is entitled to the Soil of the Commons and Waste Lands within the said Manor; and many Parts of the Lands and Hereditaments in the said Parish are Copyhold of Inheritance, and are held by Copy of Court Roll of and are within and Part of the said Manor of *Stanwick*: And whereas the King's most Excellent Majesty is entitled to the perpetual Advowson, Right of Patronage and Presentation of, in, and to the Rectory and Parish Church of *Stanwick* aforesaid; and the Reverend *George Rowley* Clerk, Doctor in Divinity, is Rector of the said Parish and Church of *Stanwick*, and, as such, is entitled to certain Glebe Lands, with Right of Common thereto belonging (Part whereof is inclosed, and the Residue is lying dispersedly in the said

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Open

Open and Common Fields), and also to a certain Portion of Tithes, (*videlicet,*) every Thirtieth Shock or Cock, or One Third Part of the Tithes of Corn, Grain, and Hay arising from certain Arable Land, Ley, Meadow, and Pasture Ground, lying in the Open and Common Fields aforesaid, and containing together by Computation One hundred and thirty-eight Acres and Two Roods, or thereabouts, being Lands belonging to the said *William Drayson* and *William Stevens* Esquire, and the Trustees of *Thomas Squires*; and the said *William Drayson* claims to be entitled to the other Portion, (*videlicet,*) every Tenth and every Twentieth Shock or Cock, or Two Third Parts of the said Tithes of Corn, Grain, and Hay arising from the said Arable Land, Ley, Meadow, and Pasture Ground so containing together One hundred and thirty-eight Acres and Two Roods, or thereabouts: And whereas the said *George Rowley*, as such Rector as aforesaid, is entitled to the Tithes, both great and small, arising, renewing, or increasing in, upon, out of, and from the several other Open and Common Fields, Common Meadows, Common Pastures, Leys, Commons, Wastes, and other Commonable Lands and Grounds, and out of and from all the Orchards, Gardens, Homesteads, Home-closures, and ancient inclosed Lands and Grounds in *Stanwick* aforesaid, or such of them as are subject to the Payment of Tithes in Kind: And whereas the said *William Drayson* is Proprietor of divers other Pieces or Parcels of the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Grounds, and also of certain Homesteads and Mills, and divers inclosed Lands and Grounds, Parts whereof he claims to be Tithe-free: And whereas the Right Honourable *Charles William* Earl *Fitzwilliam*, *George Gascoyen* Esquire, the said *William Stevens*, the Trustees of the said *Thomas Squires*, and divers other Persons, are the Owners or Proprietors of all the Residue of the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Grounds, and are Owners of Messuages and inclosed Lands in the said Parish of *Stanwick*, and of Parts of the said Manor as extending beyond that Parish, and in respect thereof are or claim to be entitled to certain Rights of Common or are otherwise interested in the said Open and Common Fields, Common Pastures, Common Meadows, and other Commonable Lands and Grounds in the said Parish of *Stanwick*: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, 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 an Act was passed in the First and Second Years of the 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 the Lands of the several Owners and Proprietors of the Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Grounds within the said Parish of *Stanwick* lie intermixed and dispersed in and over the said Fields, and in their present State are incapable of any considerable Improvement, and it would be very advantageous to the Proprietors thereof and Persons interested therein to have the same divided and inclosed, and specific Parts thereof allotted to the Proprietors thereof, according

General In-
closure Act,
41 G. 3.
c. 109.

1 & 2 G. 4.
c. 23.

according to their respective Rights and Interests therein, and such Allotments held in Severalty, and all Rights of Common in, over, and upon the same respectively extinguished, and Compensation made for all Tithes, Moduses, Prescriptions, and Composition for Tithes and other Ecclesiastical Dues and Payments arising and payable from and out of the Lands and Estates within the said Parish of *Stanwick*, and the said Commons and Waste Lands, in manner hereinafter mentioned (Mortuaries, *Easter Offerings*, and Surplice Fees only excepted); but such Division, Allotment, Inclosure, and Compensation for Tithes, Moduses, Prescriptions, and Compositions for Tithes, and other Ecclesiastical Dues and Payments, cannot effectually 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 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 *John West* of *Little Bowden* in the County of *Northampton*, Gentleman, *Henry Dixon* of the City of *Oxford*, Gentleman, and *Charles Paul Berkeley* of *Cotterstock* in the said County of *Northampton*, Gentleman, and their Successors for the Time being, to be nominated and appointed in manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for valuing, setting out, dividing, allotting, and inclosing all the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Grounds of and within the said Parish of *Stanwick*, under and subject to such Regulations as are hereinafter prescribed, and subject to such of the Rules, Orders, Regulations, Restrictions, and Provisions contained in the said recited Acts as are not varied, altered, or otherwise provided for by this Act.

Appoint-
ment of
Commis-
sioners.

II. Provided always, and be it further enacted, That in case the said *John West*, or any Person to be nominated or appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, neglect or refuse or become incapable to act as such Commissioner, then and in such Case it shall be lawful for the Lord or Lords, Lady or Ladies for the Time being of the Manor of *Stanwick* aforesaid to nominate and appoint, by Writing under his, her, or their Hand or Hands respectively, some fit and proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the Room or Stead of the said *John West*, and so from Time to Time as often as any Commissioner so to be nominated or appointed by the Lord or Lords, Lady or Ladies for the Time being of the said Manor shall die, neglect or refuse or become incapable to act as a Commissioner in the Execution of this Act; and in case the said *Henry Dixon*, or any Person to be nominated or appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, neglect or refuse or become incapable to act as such Commissioner, then and in such Case it shall be lawful for the said *George Rowley* or his Successor, Rector of the Parish Church of *Stanwick* aforesaid for the Time being, to nominate and appoint, by Writing under his Hand, some fit and proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the Room or Stead of the said *Henry Dixon*, and so from Time to Time as often as any Commissioner

For Appoint-
ment of
new Com-
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missioner so to be nominated or appointed by the said Rector for the Time being shall die, neglect or refuse or become incapable to act as a Commissioner in the Execution of this Act; and in case the said *Charles Paul Berkeley*, or any Person to be nominated or appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, neglect or refuse or become incapable to act as such Commissioner, then and in such Case it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment for the Time being) of the several Proprietors of Lands or Hereditaments within the said Parish of *Stanwick* (exclusively of and other than and except the Lord or Lords, Lady or Ladies for the Time being of the said Manor of *Stanwick*, and the Rector for the Time being of the Parish of *Stanwick* aforesaid), who shall attend, either personally or by their respective Agents, at any Meeting or Meetings to be held for the Election of a new Commissioner by reason of such Death, Refusal, Neglect, or Incapacity as aforesaid, of which Meeting Notice shall be given by some One or more of the Persons interested in the said Inclosure upon some *Sunday* before Divine Service, by Writing to be affixed on One of the outer Doors of the Parish Church of *Stanwick* aforesaid, and also by Advertisement to be inserted in some One Newspaper printed and circulated in the County of *Northampton* (at least Fourteen Days before such Meeting), to nominate and appoint, by Writing under their Hands, some fit and proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the Room or Stead of the said *Charles Paul Berkeley*, and so from Time to Time as often as any such Commissioner so to be appointed by the said major Part in Value of the said Proprietors (exclusive as aforesaid) shall die, neglect or refuse or become incapable to act as a Commissioner in the Execution of this Act.

In case Proprietors neglect to appoint new Commissioners, remaining Commissioners to appoint.

III. Provided always, and be it further enacted, That in case the Person or Persons respectively herein-before enabled and authorized to appoint a Commissioner or Commissioners as aforesaid shall respectively refuse or neglect to appoint such Commissioner or Commissioners in the Place or Stead of such Commissioner or Commissioners so dying, neglecting or refusing or becoming incapable of acting as aforesaid, within Six Weeks next after Notice of such Death, Neglect, Refusal, or Incapacity as aforesaid (such Notice to be given in the Parish Church of *Stanwick* aforesaid upon a *Sunday* during or immediately after Divine Service), then and so often as the Case shall happen the surviving or remaining Commissioner or Commissioners respectively shall, within the Space of Twenty-one Days next after the Expiration of such last-mentioned Refusal or Neglect, by Writing under their or his Hands or Hand, nominate and appoint some other fit and proper Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place and Stead of such Commissioner so dying, neglecting, refusing, or becoming incapable of acting as aforesaid, and whose Place shall not have been filled up by the several and respective Persons enabled to nominate and appoint such new Commissioner as aforesaid; and every such Commissioner so to be nominated and appointed shall have and be invested with the same Powers and Authorities of acting in the Execution of this and

and the said recited Acts in every respect as the Commissioner in whose Place or Stead he shall succeed.

IV. Provided always, and be it further enacted, That if either of the said Commissioners respectively shall refuse or neglect to attend at the First or Second Meeting respectively appointed to be held for putting this Act and the said recited Acts into execution, and to duly qualify himself by taking the Oath in that Behalf prescribed, or if either of the said Commissioners respectively shall at any Time after the said First or Second Meetings wilfully absent himself from any Two successive Meetings of such Commissioners respectively (the Times of such Meetings being known to him by his being present at the Appointment of the first thereof, or by a Notice thereof in Writing having been given to him, or left at his usual Place of Abode, by the Clerk for the Time being to the said Commissioners respectively), and such Commissioner not being prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioners or Commissioner respectively attending at such Meetings, or if any Commissioner to be hereafter elected or appointed in manner aforesaid shall not attend and qualify himself at the First or Second Meeting duly appointed to be held by the said Commissioners or Commissioner respectively after such Election, or shall thereafter absent himself from Two successive Meetings after such Notice, and without such Cause of Excuse as last herein-before is mentioned, every such Absence shall be deemed and taken to be a Refusal to act.

Commissioners not attending to be deemed a Refusal to act.

V. And be it further enacted, That the said Commissioners respectively for putting this Act into execution shall have full Power, and they are hereby authorized and required, to appoint a Clerk to assist them in the Execution of the Powers of this Act and the said recited Acts, and such Clerk from Time to Time to remove, and to make any new Appointment whenever such Removal or any other Vacancy in the said Office shall take place.

Power to appoint a Clerk.

VI. And be it further enacted, That *John Allen* of the City of *Oxford*, and *Walter Ray* of *Southampton Buildings* in the County of *Middlesex*, Land Surveyors, shall be Surveyors for the Purposes of this Act and the said recited Acts; and in case they or either of them shall die, neglect or refuse to act or qualify themselves or himself, or become incapable to act as Surveyors or Surveyor in the Execution of this Act and the said recited Acts, then it shall and may be lawful for the said Commissioners, by Writing under their Hands, to nominate and appoint such other Person or Persons as they shall think proper (such Person or Persons not being interested in the said Division, Allotment, and Inclosure,) to be the Surveyor or Surveyors for the Purposes of this Act and the said recited Acts, and on every future Vacancy in like Manner to nominate and appoint some other Person or Persons (not being interested as aforesaid) to be such Surveyor or Surveyors as often as there shall be Occasion; and every Surveyor so nominated and appointed in manner herein-before directed shall have the like Powers and Authorities, and shall be subject and liable to the like Rules, Regulation, and

Surveyors, and their Allowance.

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Restrictions, as if he had been originally named a Surveyor in and by this Act; and that it shall also be lawful for the said Commissioners to allow such Surveyor or Surveyors, for his and their Time and Trouble, any Sum not exceeding One Shilling and Sixpence *per* Acre for surveying, measuring, mapping, or planning the said Lands, or any Sum not exceeding Two Pounds Two Shillings for each and every Day he or they shall be actually and wholly employed, either in surveying, measuring, mapping, or planning, or otherwise in the Business of the said dividing, allotting, and inclosing; which said Sum of One Shilling and Sixpence *per* Acre or Two Pounds Two Shillings *per* Day shall be in full Satisfaction for their Time and Trouble, and for all travelling and other Expences of every Description to be incurred by such Surveyors in and about the Execution of this Act; and that every Proprietor, Attorney, or Agent who shall or may attend at any Meeting of the said Commissioners to be held in pursuance of this Act shall in all Cases defray his own Expences.

Surveyors to
take an
Oath.

VII. And be it further enacted, That no Person shall be capable of acting as a Surveyor in the Execution of this Act until he shall have taken and subscribed an Oath or Affirmation in the Form or to the Effect following:

‘ I *A. B* do swear [*or, being one of the People called Quakers,*
‘ do solemnly affirm], That I will faithfully, impartially, and ho-
‘ nestly, according to the best of my Skill and Ability, execute and
‘ perform the several Trusts, Powers, and Authorities vested and re-
‘ posed in me as Surveyor by virtue of an Act of Parliament passed
‘ in the Year of the Reign of His Majesty King *William* the
‘ Fourth, intituled [*here insert the Title of this Act*], according to
‘ Equity and good Conscience, and without Favour or Affection,
‘ Prejudice or Partiality, to any Person or Persons whomsoever.
‘ So help me GOD.’

Which Oath or Affirmation the said Commissioners or either of them shall and they and he are and is hereby required to administer; and the same, when so taken and subscribed by such Surveyor, and also the Appointment of such new Surveyor or Surveyors (if any), shall be annexed to and enrolled and deposited with the Award of the said Commissioners.

Allowance
to Commis-
sioners and
Clerk.

VIII. And be it further enacted, That every Commissioner who shall act in the Execution of this Act and the said recited Acts, and their Clerks, shall be allowed and paid for each and every Day they respectively shall be employed in travelling to, returning from, and attending at the Meetings to be holden for the Execution of this Act or the said recited Acts, the Sum of Three Pounds Three Shillings, and no more, during the first Three Years after the passing of this Act, and after the Expiration of the said Three Years, until the Powers and Provisions of this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings each, and no more, for each Day they shall be actually employed or attend as a Commissioner or Clerk as aforesaid, in full Satisfaction for their Time and Trouble, and for the Expences which they may incur during their several Journies and Attendances in the Execution of this Act (other

(other than and except the Expences they shall pay for the Use of the Room or Rooms in which the Meetings shall be holden for carrying this Act into execution).

IX. And for regulating the Duration of all Meetings to be holden 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* (inclusive of that Day) and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* (inclusive of that Day) and the Twenty-fifth Day of *March*; and that any Meetings to be holden for the Purposes of this Act of less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioners 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 be entered at what Hour 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 terminating of each Meeting, and shall be open to the Inspection of any Person or Persons interested in the said Inclosure, or his or their Agents or Attornies, during any of the Meetings to be held in pursuance of this Act; and that all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, 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 executing 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 Award herein directed to be made, 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 also, that in case of the Decease of any or either of the said Commissioners, or of the said Clerk, previous to the Execution of the Award herein-after directed to be made, the Commissioners for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or Commissioners, or of such deceased Clerk, such Sum of Money as shall appear by the said Accounts to be due to them respectively.

For regul-
lating the
Duration of
Meetings.

X. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given in the Newspaper called the *Northampton Herald*, or in some other Newspaper printed and circulated in the said County of *Northampton*, and also, either by a Notice to be read in the Parish Church of *Stanwick* aforesaid on some *Sunday* during or immediately after Divine Service, or to be affixed in Writing on One of the outer Doors of the said Church, of the Time and Place which the said Commissioners respectively shall

Notice and
Adjourn-
ment of
Meetings.

shall fix for their First and every other Meeting for executing the Powers hereby and by the said recited Acts vested in them, at least Fourteen Days before every such Meeting shall be held (Meetings by Adjournment only excepted), and the said Commissioners respectively shall and may adjourn each of such Meetings from Time to Time as they shall see Occasion, for the Execution of this Act and the said recited Acts; and if at the Time and Place appointed for any such Meeting only One Commissioner shall attend, such One Commissioner may adjourn such Meeting, and if no Commissioner shall attend it shall be lawful for the Person who shall act as Clerk to the said Commissioners to adjourn the same to such Time, not exceeding Twenty-one Days from the Day of such Adjournment, and to such Place, as he or they shall think most convenient, giving timely Notice thereof to the absent Commissioners: Provided always, that all Meetings of the said Commissioners for executing this Act shall be held at some convenient Place in the Parish of *Stanwick* aforesaid, or within the Distance of Eight Miles therefrom.

Other
Notices.

XI. And be it further enacted, That all other Notices requisite or necessary to be made and given by the said Commissioners respectively, in pursuance of this or the said recited Acts, shall be given by Advertisement, to be inserted in some one Newspaper printed and circulated in the said County of *Northampton*, and by Writing to be affixed on one of the outer Doors of the Parish Church of *Stanwick* aforesaid.

Commission-
ers may use
Surveys al-
ready made.

XII. And be it further enacted, That in case any Person or Persons, having in his, her, or their Custody any actual Surveys, Maps, or Plans of the said Lands and Grounds, or any of them, or of any of the ancient inclosed Lands within the said Parish, and shall deliver such Surveys, Maps, or Plans to the said Commissioners at such Time as they may appoint for that Purpose, it shall be lawful for the said Commissioners to inquire into the Authenticity and Accuracy thereof on the Oath or solemn Affirmation of the Person or Persons producing and delivering such Surveys, Maps, or Plans respectively, and also of such other Person or Persons as the said Commissioners respectively shall think fit (which Oath or Affirmation the said Commissioners or either of them are and is hereby authorized to administer), or by such other Means as the said Commissioners respectively shall think proper; and in case the said Commissioners shall be satisfied that the same are authentic and accurate, and will answer the Purpose of new Surveys, Maps, or Plans, then the said Commissioners respectively are hereby authorized to make use of the same, or Copies thereof, as far as the same shall be available, for the Purpose of carrying this Act and the said recited Acts into execution, and also, out of the Monies to be raised for the general Purposes of this Act, to make unto the Owner or Owners of such Surveys, Maps, and Plans, or to the Person or Persons producing the same respectively, a just and fair Allowance for the Production and Use of such Surveys, Maps, and Plans.

Commission-
ers may
settle Dif-
ferences,

XIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division or Inclosure, touching or
concerning

concerning the respective Rights of Common or other Interests which they or any of them shall have or claim to have in the same, or the Nature, Limit, and Extent of such Rights or Interests, or touching or concerning any other Matter or Thing relating to the said Division and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to examine into and determine the same: Provided always, that nothing in this Act contained shall extend or enable the said Commissioners to determine any Difference or Dispute touching the Title of any Person or Persons to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachments as herein-after mentioned, and except in Cases of disputed Rights of Common); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession (except in Cases of Encroachments and disputed Rights of Common as aforesaid) they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

but not de-
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Titles;

XIV. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Acts or of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, on 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; 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, then and in such Case it shall be lawful for the said Commissioners, and they are hereby empowered and required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale: Provided always, that if any of the Parties interested in the Premises shall make any Objection to any of the Accounts or Claims by the said first-recited Act directed to be delivered to the said Commissioners, such Objection shall be communicated by the Party making the same in Writing to the said Commissioners by the Hands of their Clerk or Clerks for the Time being, and also to the Party or Parties whose Account or Accounts, Claim or Claims shall be so objected to, or to his, her, or their Agent or Agents, in such Manner and at such Time or Times as the said Commissioners shall direct or appoint for the Delivery of such Objections; and the Party or Parties

Commission-
ers may
award Costs.

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whose

whose Account or Accounts, Claim or Claims shall be so objected to shall be at liberty to amend the same Accounts or Claims respectively in the Particulars in which they shall have been objected to, before the Time appointed for the Hearing or Determination of such Objections, provided that such Objections shall be made before the Expiration of the Period to be appointed in pursuance of the said first-recited Act for the Delivery of Claims to the said Commissioners.

Parties dissatisfied may try their Rights at Law.

XV. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division, Allotment, or Inclosure, shall be dissatisfied with the Determination of the said Commissioners for the Time being touching or concerning any Claim or Claims of Common or other Rights or Interests in, over, or upon or out of the Lands and Grounds hereby directed to be divided, allotted, or inclosed, or any Part thereof, or any Objection or Objections to such Claim or Claims, 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, or 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 by the said Commissioners to the Party or Parties against whom such Determination shall have been so made, or to his, her, or their known Agent or Attorney; and thereupon the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, shall proceed to a Trial at Law at the first or next following Assizes for the said County of *Northampton*; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall appear thereto, and accept One or more Issue or Issues, whereby such Claim or Claims, Right or Rights, Interest or Interests may be tried and determined, such Issue or Issues to be settled by the proper Officer or Officers of the Court in which such 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 or Persons, Body or Bodies Politic, Corporate, or Collegiate, unless the Court in which such Action shall be brought shall set aside such Verdict, and order a new Trial to be had therein (which it shall be lawful for the Court so to do); and after any Verdict shall have been so obtained and not set aside by the Court, the said Commissioners shall act in conformity thereto, and allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

Determination of Commissioners, if not objected to, to be final.

XVI. Provided always, and be it further enacted, That if no such Action at Law shall be commenced as aforesaid, or if any such Action shall be commenced and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioners shall be final, binding, and conclusive to all Intents and Purposes whatsoever: Provided also, 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, by his or her Executors or Administrators, as if no such Event had happened; and no Difference, Suit, or Proceeding as aforesaid, nor any Difference, Suit, or Dispute touching the Title to any Lands, Tenements, or Hereditaments, or Right of Common, shall impede or delay the said Commissioners in the Execution of this Act, but the Division hereby directed to be made shall be proceeded in notwithstanding any such Difference, Suit, or Proceeding; and the Commissioners may award the Allotment or Allotments in respect of the Hereditaments to which such Suit or Suits shall relate to the Person or Persons, Party or Parties who shall be in the actual Possession or Enjoyment of such Hereditaments, and the same Allotment or Allotments shall follow the Event of any such Suit or Suits, and may be had and taken by the Person or Persons, Party or Parties who upon the Determination of such Suit or Suits shall become entitled to the same.

Actions not to abate by the Death of any of the Parties.

XVII. And be it further enacted, That if any Person or Persons in whose Favour such Determination shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, or 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 thereupon be incumbent on the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Death of Parties not to stop Actions;

XVIII. And be it further enacted, That if any of the Parties interested in the said Division, Allotment, or Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be thereby determined or suspended, but the said Commissioners shall and may proceed to execute the Powers given to them by this Act and 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 and awarded to the Person or Persons who, by Descent, Devise, or otherwise, shall become entitled to the same, and shall be accepted by him, her, or them according to the Directions of this Act and the said recited Acts, and he, she, or they shall be liable to the Charges and Expences and other Conditions of this Act and of the said recited Acts.

nor delay Execution of Act.

XIX. And

Encroach-
ments.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, to inquire and determine what Encroachments have been made upon and from the said Open Fields, Commons, and Waste Lands, by any Person or Persons whomsoever; and all Encroachments taken in or made upon, from, or out of any Part of the said Open Fields, Commons, and Waste Lands within Twenty Years next before the passing of this Act shall be deemed Parts and Parcel of the Lands hereby directed to be divided, allotted, and inclosed, and shall be divided and allotted accordingly; and in case any Dispute shall happen or arise touching the Part or Parts of the same Open Fields, Commons, and Waste Lands which shall or may be deemed Encroachments, such Dispute shall be inquired into, heard, and determined by the said Commissioners, and their Determination shall be made a Part of and inserted in the Books containing the Proceedings under this Act, or in the Award to be made in pursuance thereof.

Encroach-
ments, in
some Cases,
to be allotted
to the Own-
ers of adjoi-
ning Lands.

XX. Provided always, and be it further enacted, That such of the said Encroachments as adjoin to or abut upon any anciently inclosed Lands or Tenements having Right of Common upon the Lands or Grounds hereby directed to be divided and inclosed shall be allotted to the Owner or Owners of such adjoining Lands or Tenements, either as the Whole or Part of the Share or Proportion of the said Lands or Grounds to which he, she, or they will be entitled by virtue of this Act; and in case any such Encroachments shall, in the Judgment of the said Commissioners, and without regard to any increased Value by Improvements made thereon, be of greater Value than his, her, or their Share and Proportion of the said Lands or Grounds, then the Person or Persons to whom such Encroachments shall be allotted shall pay to the said Commissioners, at or within such Time as they shall appoint, such Sum of Money as the said Commissioners shall, without regard to any increased Value by Improvement as aforesaid, adjudge to be the Value of such Encroachments over and above the Value of the Allotments to which such Person or Persons shall be entitled, and the same shall be applied towards the Payment of the Expences of obtaining and executing this Act.

Power to
alter or stop
up Roads.

XXI. And be it further enacted, That in setting out and appointing the several Public Carriage Roads, Highways, Bridle Roads, and Footways, in pursuance of this Act or the said first-recited Act, the said Commissioners shall and they are hereby authorized and empowered, if they shall think it necessary or proper, to continue or discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footways passing or leading through or over any of the Lands or Grounds intended to be divided and allotted by virtue of this Act, or passing or leading through or over any of the Lands or Grounds within the said Parish and Manor of *Stanwick*, and the Soil of the Roads and Ways so to be discontinued and stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided that no such Carriage Road, Highway, Bridle Road, or Footway passing through any of the inclosed Lands and Grounds within the said

said Parish shall be discontinued, stopped up, diverted, turned, or altered without the Concurrence and Order of Two of His Majesty's Justices of the Peace acting for the County of *Northampton*, not interested in the said Division and Allotment or in the Repairs of such Roads, such Order to be made upon and after such Notice as is directed and required by an Act passed in the Fifty-fifth Year of the Reign of 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*; and every such Order to be made by such Two Justices of the Peace as aforesaid may include Two or more Carriage Roads, Highways, Bridle Roads, and Footways; and the same Order; or any Part or Parts thereof, shall be subject to an Appeal in the Manner directed by the said last-mentioned Act. 55 G.3. c.68.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, at any Time or Times before the Execution of their Award, by Notice in Writing under their Hand to be affixed on One of the outer Doors of the said Parish Church of *Stanwick* on some *Sunday* previous to Divine Service, to order and direct all or any Part of the Rights of Common in, over, or upon the said Open and Common Fields, Meadows, Pastures, and Commonable Lands and Waste Lands, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time of affixing such Writing on the said Church Door, cease, determine, and be extinguished, or the Exercise thereof suspended accordingly, any Law, Usage, or Custom to the contrary notwithstanding; and if during such Suspension or after such Extinguishment of such Rights of Common or other Rights as aforesaid any of the said Proprietors or Occupiers shall permit his, her, or their Cattle or Sheep to go, depasture, or feed on any of the said Lands or Grounds over which such Right of Common or other Rights shall be extinguished or suspended, then it shall be lawful for any other of the said Proprietors or Occupiers to distrain such Cattle or Sheep, being upon such Lands or Grounds contrary to such Notice, and to impound the same until such Person or Persons so offending shall pay to the Person or Persons so distraining any Sum not less than Six Shillings or exceeding Ten Shillings for each Head of Cattle, and not less than Two Shillings or exceeding Five Shillings for each Sheep so distrained, as any One Justice of the Peace for the said County of *Northampton* shall direct; and in case the same, with all the Costs, Charges, and Expences, shall not be paid within Five Days after such impounding, the said Justice is hereby authorized and empowered, upon Proof of such Offence or Offences having been committed, and Nonpayment of the Penalty or Penalties incurred, to cause the Cattle or Sheep so distrained, or such of them as he shall think fit, to be sold for raising and paying the Penalty or Penalties so incurred

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as aforesaid, together with the Costs and Charges attending every such Distress and Sale, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Cattle or Sheep.

Commissioners Valuation to be submitted to Proprietors.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required, so soon as conveniently may be after they shall have valued the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, to reduce the Valuation thereof into Writing, and to lodge a Copy thereof, signed by them, with their Clerk, or at some other convenient Place, for the Inspection of all Persons interested therein, or their Agents; and the said Commissioners shall appoint a Meeting for receiving and hearing any Objections that may be made to such Valuation, and shall then receive and hear such Objections; and the Détermination of the said Commissioners as to such Valuation shall be final, binding, and conclusive on all Parties.

Allotment to be set out for Gravel, &c. for Repair of Highways, &c.

XXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners to set out, assign, and appoint One or more Pieces or Parcels of Ground not exceeding Two Acres, Part of the Lands and Grounds hereby authorized to be inclosed and divided, if in their Judgment and Opinion there shall be a sufficient Part thereof proper for such Purposes, for the Purpose of getting Stone, Gravel, and other Materials, as well for the making, forming, repairing, and sustaining the Public and Private Roads, Ways, Walls, Bridges, and Drains, and other Works to be made by virtue of this Act, as also for the repairing and sustaining all other ancient Public and Parish Highway, Footways, Bridges, and Roads within the said Parish; which said Allotments so to be made and set out for the Purposes aforesaid shall, from and after the Execution of the Award of the said Commissioners, be vested in the Surveyor or Surveyors of the Highways within the said Parish, his or their Successors, as a Corporation, in Trust for the Purposes aforesaid; and the Grass and Herbage of such Allotments shall belong to such Persons as the said Commissioners shall by their Award order and direct; and if they shall make no such Order or Direction, then such Surveyor or Surveyors shall from Time to Time let the Herbage for the most Money that can be obtained for the same, and shall apply the Rents and Profits arising from the same towards the Repairs of the Public Roads or Highways within the said Parish; and the said Surveyor or Surveyors shall account for such Rents and Profits in the same Manner as he or they is or are by Law accountable for other Monies which may come to his or their Hands in the Capacity of Surveyor or Surveyors of the Highways, and shall be under and subject to the like Penalties for Default therein.

Allotment to the Lord of the Manor for Right of Soil.

XXV. And be it further enacted, That after the Public and Private Roads shall have been set out the said Commissioners shall set out and allot unto and for the Lord of the Manor or Lordship or reputed Manor or Lordship of *Stanwick* aforesaid for the Time being somuch and such Parts of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed as in the Judgment of the said Commissioners shall contain and be equal to One Twentieth Part in Value of all the Commons and Waste Lands, as a full Recompence

and Compensation for his Right to the Soil thereof, but not to exclude him from any Allotment or Allotments to which the said Lord may be entitled in Satisfaction of or for any Common of Pasture or Right of Pasturage upon or over any Part of the Commons and Waste Lands by this Act directed to be divided and inclosed, in respect of any Messuages, Cottages, Lands, or Tenements belonging to the said Lord in Right whereof any such Common of Pasture or Right of Pasturage hath been heretofore used or enjoyed, nor any Allotment or Allotments the said Lord may be entitled to for or in respect of any Tithes claimed by him, and to which he may be entitled, or any Allotment to be made to him as a Proprietor of Common Field Land.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, in the next place, to set out, allot, and award unto the said *George Rowley* or his Successors, Rector of the Parish and Parish Church of *Stanwick* aforesaid, such Parts and Parcels of the Lands and Grounds of *Stanwick* aforesaid, hereby directed to be divided and inclosed, as in the Judgment of the said Commissioners shall (Quantity, Quality, and Situation considered) be a full Equivalent and Compensation for the Glebe Lands in the Open and Common Fields aforesaid and Rights of Common to which the said *George Rowley*, as Rector as aforesaid, is entitled in the Parish of *Stanwick* aforesaid.

Allotment
for Glebe.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next place, to set out, allot, and award, for or in lieu of the Tithes of the aforesaid Arable Land, Ley, Meadow, and Pasture Ground, containing together by Computation One hundred and thirty-eight Acres and Two Roods, or thereabouts, such Part or Parts of the Lands and Grounds hereby directed to be divided and inclosed as shall in the Judgment of the said Commissioners be equal in Value to and a full Equivalent and Compensation for the said Tithes, as consisting of every Thirtieth Shock or Cock, or One Third Part, and every Tenth and Twentieth Shock or Cock, or Two Third Parts of the Tithes of Corn, Grain, and Hay arising from the said Arable Land, Ley, Meadow, and Pasture Ground, containing together One hundred and thirty-eight Acres and Two Roods; and the said Commissioners shall deduct from any Allotment or Allotments to which the respective Owners or Proprietors of the said One hundred and thirty-eight Acres and Two Roods will be entitled, either in respect of such last-mentioned Lands or any other of their respective Lands, Grounds, or Common or other Rights, by virtue of this Act, so much Land as shall in the Judgment of the said Commissioners be equivalent to the Part or Proportion of the Land which shall be so set out and allotted for or in lieu of the said Tithes of the said One hundred and thirty-eight Acres and Two Roods.

Allotment to
the Rector
and Mr.
Drayson for
certain Por-
tion of
Tithes of
138 Acres
and 2 Roods.

XXVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to subdivide, assign, allot, and apportion the Allotment or Allotments to be made in lieu of the said Tithes of the said Arable Land, Ley, Meadow, and Pasture

Commission-
ers to ap-
portion the
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tioned Al-
Pasture

lotment between the Rector and Mr. Drayson.

Pasture Ground, containing One hundred and thirty-eight Acres and Two Roods, between the said *George Rowley* or his Successor, Rector as aforesaid, and the said *William Drayson*, as such Portionist as aforesaid, in Severalty, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be an equal and just Compensation and Satisfaction for the respective Rights and Interests of the said Rector and the said *William Drayson* in and to the said last-mentioned Tithes.

Allotment for the other Tithes.

XXIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, in the next place, to set out, allot, and award unto and for the said *George Rowley* or his Successor, Rector as aforesaid, such Parcel or Parcels of the Lands and Grounds hereby directed to be divided and inclosed as shall (Quantity, Quality, and Situation considered) be in the Judgment of the said Commissioners equal in Value to One Fifth Part of all the open Field and inclosed Commonable, Arable, and Tillage Lands and Grounds, One Eighth Part of the Open and Commonable Meadows and Pastures and Ley Lands and Grounds; and One Ninth Part of the Commons and Waste Lands (the aforesaid One hundred and thirty-eight Acres and Two Roods excepted); and to One Fifth Part of all the Gardens, Orchards, Homesteads, Homecloses, and other anciently inclosed Lands and Grounds held in Severalty, which are Arable or in Tillage, and One Eighth Part of all the Rest and Residue of the said Gardens, Orchards, Homesteads, Homecloses, and other anciently inclosed Lands and Grounds, (Woods, Coppices, and Spinnies excepted,) within the Parish of *Stanwick* aforesaid, so far as the same respectively are subject and liable to the Payment of Tithes in Kind, and which shall remain after the Allotment or Allotments for Glebe Lands and Rights of Common thereto belonging, and after deducting the Lands or Grounds to be set out for Roads and Watercourses, and the Allotment hereinbefore directed to be set out for getting Stone and other Materials for Repair of Roads.

Land laid down within Seven Years not to be deemed Pasture.

XXX. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby directed and required, in valuing and ascertaining the Amount of Tithes; in no Case to deem and consider as Meadow or Pasture Lands any Lands or Grounds which shall have been in Tillage at any Time within the Space of Seven Years immediately preceding the passing of this Act.

Compensation to Rector for Tithes of Woods.

XXXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto the said *George Rowley* or his Successor, Rector as aforesaid, for or in lieu of the Tithes yearly issuing, arising, and renewing out of all and every the Woods, Coppices, and Spinnies within the said Parish of *Stanwick*, such Part or Parts of the Lands or Grounds hereby directed to be divided and inclosed as shall in the Judgment of the said Commissioners be a full Equivalent and Compensation for all Tithes yearly issuing, arising, and renewing out of the said Woods, Coppices, and Spinnies; and the said Commissioners shall deduct from any Allotment or Allotments to which the
 respective

respective Owners or Proprietors of the said Woods, Coppices, and Spinnies will be entitled, in respect of their Lands, Grounds, or Common or other Rights, by virtue of this Act, so much Land as shall in the Judgment of the said Commissioners be equivalent to the Part or Proportion of the Lands which shall be so set out and allotted for and in lieu of the said Tithes of the said Woods, Coppices, and Spinnies.

XXXII. And be it further enacted, That the said Allotments herein-before directed to be set out and awarded in lieu of Tithes of the aforesaid One hundred and thirty-eight Acres and Two Roods shall be and the same are hereby declared to be in lieu of and a full Recompence, Satisfaction, and Compensation of and for all the Tithes to which the said *George Rowley* or his Successor, Rector as aforesaid, and the said *William Drayson*, his Heirs or Assigns, or any or either of them, are or is or may be entitled, and which are arising, renewing, increasing, happening, or payable, or which could, might, or ought to arise, renew, or increase out of and from the said One hundred and thirty-eight Acres and Two Roods, or any Part or Parcel thereof.

Allotment in respect of the 138 Acres and 2 Roods to be in lieu of the Tithes thereof.

XXXIII. And be it further enacted, That the said other Allotments herein-before directed to be set out and awarded unto and for the said *George Rowley* or his Successors, Rector as aforesaid, shall be and the same are hereby declared to be in lieu of and a full Recompence, Satisfaction, and Compensation of and for all Glebe Lands lying dispersedly in the said Open and Common Fields of *Stanwick* aforesaid, and Rights of Common, and Tithes, both great and small, and all Moduses, Prescriptions, Compositions, or other customary Payments in lieu thereof, to which the said *George Rowley*, as Owner of the Glebe Lands and Tithes, is or may be entitled, and which are arising, renewing, increasing, happening, or payable, or which could, might, or ought to arise, renew, or increase out of and from all the said Open and Common Fields and other Commonable Lands and Grounds hereby directed to be divided and inclosed as aforesaid, for which the same shall respectively be given and allotted; and all such Allotments of Land which shall or may be allotted to the said *George Rowley* or his Successor, Rector as aforesaid, and as Owner of the great and small Tithes issuing out of the said old Inclosures, or to either of them, shall be and the same are respectively hereby declared to be in lieu of and full Recompence, Satisfaction, and Compensation of and for all such great and small Tithes arising out of and from all and every the Messuages, Cottages, Orchards, Gardens, Homesteads, Homeclosures, and ancient Inclosures, Woods, Coppices, and Spinnies within the said Parish of *Stanwick* for which such Allotments of Lands shall be respectively given or allotted: Provided that nothing herein contained shall extend or be construed to extend to prejudice, lessen, or defeat the Right or Title of the said *George Rowley* and his Successors of, in, or to all or any Mortuaries, *Easter Offerings*, or Surplice Fees arising or to arise within the said Parish or Lordship of *Stanwick* aforesaid, but

Other Allotments to be in lieu of all Glebe and Tithe.

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the same shall always remain due and payable in such and the same Manner as if this Act had not been passed.

Exonerating the Rector and Lord of the Manor from keeping a Bull and a Boar.

XXXIV. And be it further enacted, That the said *George Rowley*, Rector as aforesaid, and the Rector for the Time being of the said Parish of *Stanwick*, and also the said *William Drayson*, his Heirs and Assigns, and the Lord or Lady for the Time being of the said Manor of *Stanwick*, shall immediately after the making of the Allotments aforesaid be for ever exonerated and exempted from providing and keeping a Bull and a Boar for the Use of the Inhabitants of *Stanwick* aforesaid.

Money Payment in lieu of Tithes, where there is not a sufficient Allotment, to be made to Owner of Property.

XXXV. And be it further enacted, That in case there shall be any Gardens, Orchards, Homesteads, Homeclosures, or other ancient Inclosures in *Stanwick* aforesaid subject or liable to the Payment of Tithes, or of Moduses or Payments in lieu of Tithes, to the said *George Rowley* as Rector as aforesaid, or to the Rector of the said Parish for the Time being, or any Gardens, Orchards, Homesteads, Homeclosures, or other ancient Inclosures in *Stanwick* aforesaid subject or liable to the Payment of small Tithes, or of Moduses or Payments in lieu of small Tithes, to the said *George Rowley* and his Successor, Rector as aforesaid, the respective Proprietors whereof shall not be entitled to any or not to sufficient Lands or Property in the said Open and Common Fields, Meadows, and other Commonable Lands and Waste Grounds in *Stanwick* aforesaid to make Compensation for such Tithes, or Moduses or Payments in lieu thereof, then and in every such Case the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto the said *George Rowley* as Rector as aforesaid, or the Rector of the said Parish of *Stanwick* for the Time being, such Plot or Plots of the Lands and Grounds hereby directed to be divided and inclosed belonging to the several other Proprietors, and in such Manner as in the Judgment of the said Commissioners shall be a full Compensation for the Tithes, Moduses or Payments in lieu of Tithes, issuing and payable out of such Gardens, Orchards, Homesteads, Homeclosures, or other ancient Inclosures; and that the Person or Persons whose Gardens, Orchards, Homesteads, Homeclosures, or other ancient Inclosures shall be exonerated and discharged from Tithes, or Moduses or Payments in lieu of Tithes, by such Compensation as last mentioned, shall pay or cause to be paid to 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 deem to be a full Recompence and Satisfaction for the Tithes, or Moduses or Payments in lieu of Tithes, issuing or payable out of such last-mentioned Gardens, Orchards, Homesteads, Homeclosures, and other ancient Inclosures respectively, or for such Part thereof for which a Compensation in Land cannot be made by the respective Proprietors thereof as aforesaid, to be applied towards Payment of the Charges and Expences incident to or attending the obtaining and passing this Act, and of the Expences of carrying the same and of the said recited Acts into execution, of the Person or Persons from whose Lands such Compensation shall have

have been made, and shall and may be raised, levied, and recovered in like Manner as the Charges and Expences of obtaining this Act and carrying the same into execution are to be raised, levied, and recovered; and in case such last-mentioned Sum or Sums of Money shall be more than sufficient to pay and discharge all the Costs, Charges, and Expences of obtaining this Act, and carrying the same into execution, the Residue and Remainder thereof shall be divided amongst and paid to the several Proprietors of the Open Fields, Lands, and Grounds whose Lands and Grounds have been taken and appropriated for the Purpose of discharging such last-mentioned Gardens, Orchards, Homesteads, Homeclosures, and other ancient Inclosures respectively from Tithes, or from Moduses, Compositions, or other customary or annual Payments in lieu thereof; in such Proportion as shall be just and equitable; and if any of such last-mentioned Proprietors of Open Field Lands shall not be Tenants in Fee-Simple, then such Shares or Proportions of such surplus Monies shall be applied or disposed of in manner directed by this Act in Cases where Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and is required to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

XXXVI. And be it further enacted, That the Allotments hereinbefore directed to be made to the said *George Rowley* as Rector as aforesaid; Owner of Glebe Lands and also of Tithes, shall be inclosed and fenced round the Boundaries thereof with Quickset Hedges, and Ditches, Brook, or other proper Mounds or Fences, in such Manner as the said Commissioners shall order and direct (except on such Sides thereof as have now good and sufficient Fences), by and at the Expence of the several Owners and Proprietors (except the said *George Rowley* in respect of his Glebe Lands and Tithes), and in such Proportions and Manner, and within such Time, as the said Commissioners shall in and by the said Award order, direct, or appoint; and from and after such Hedges, Ditches, Brooks, Mounds, and Fences shall be so made, the same shall for the Space of Seven Years from the making thereof be maintained and kept in repair at the like Expence; and after the Space of Seven Years, or until such Fences shall be sufficient Mounds, the same shall thenceforth be maintained and kept in repair by and at the Expence and be the Property of the said *George Rowley*, or other the Owners of the said Glebe Lands and Tithes respectively for the Time being for ever.

Tithe and
Glebe Al-
lotments to
be fenced.

XXXVII. And be it further enacted, That the said Commissioners shall divide, set out, allot, and award all the Residue and Remainder of the said several Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds hereby directed to be divided, allotted, and inclosed, unto, between, and amongst the several Owners thereof and Persons interested therein, in such Quantities, Parts, Shares, and Proportions as the said Commissioners, having regard to the Tithes to be extinguished as aforesaid, shall judge to be a full and just Compensation, Equivalent, and Satisfaction

Allotment
of Residue.

Satisfaction for their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein, for which no Allotment or other Compensation is herein-before specially directed to be made.

For determining Objections to Allotments.

XXXVIII. 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 and allotted 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, the said Commissioners shall cause Notice to be given, in the Manner herein-before directed with respect to Commissioners Meetings, of some convenient Time and Place when and where all Proprietors and Persons interested may be informed of such intended Allotments, and inspect a Map or Plan whereon the same shall be set out and delineated; and if any of the said Proprietors, upon such Inspection, be dissatisfied with the proposed Allotments, they shall within Ten Days deliver a Statement in Writing of such Objection or Dissatisfaction, with the Reasons thereof, to the said Commissioners, who shall forthwith, or as soon as conveniently may be, determine the same; and the Determination of the Commissioners as to the Quantity and Situation of the Allotment shall be final and conclusive to and upon all Parties interested.

Commissioners to deliver to Churchwardens, &c. a Valuation of the Parish.

XXXIX. And be it further enacted, That in order to the making of a just and equal Rate for the Relief of the Poor of the Parish of *Stanwick* aforesaid the said Commissioners shall and they are hereby required, as soon as conveniently may be, when the several Allotments herein directed to be made shall have been set out and ascertained, and the Parties authorized to take Possession thereof, to make out and deliver to the Churchwardens and Overseers of the Poor of the said Parish of *Stanwick* for the Time being a plain and accurate Account in Writing of the Quantities, Particulars, and respective Values, according to the said Commissioners Appraisements, of all the Houses, Homesteads, inclosed Lands, new Allotments, and other Hereditaments within the said Parish the Occupiers whereof shall be liable to contribute to the Relief of the Poor of the said Parish; and in all Cases in which any such Allotments or inclosed Lands shall be divided for separate Occupations, the Quantity and Value of each Portion thereof intended for separate Occupation shall be stated and distinguished.

Until Allotment be made, Tithes to be payable as heretofore.

XL. And be it further enacted, That until the Execution of the Award to be made by the said Commissioners, or until such other Time previous thereto as the said Commissioners shall by Writing under their Hands direct or appoint, and until Satisfaction and Compensation shall have been made for Tithes as aforesaid, the said *George Rowley* as Rector as aforesaid, and his Successor, and the said *William Drayson*, his Heirs and Assigns, shall severally be entitled to, and shall have, receive, and enjoy all his and their respective Tithes in such Manner as he or they respectively could or might

have had, received, and enjoyed the same in case this Act had not been passed.

XLII. And be it further enacted, That from and after the passing of this Act, until the Execution of the Award of the said Commissioners, all the Open and Common Fields within the said Parish of *Stanwick* 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; and it shall and may be lawful to and for the said Commissioners to order and direct such Sum and Sums of Money in respect thereof to be paid by any Person or Persons interested in the said Open and Common Fields, his, her, or their Tenant or Tenants, as 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, 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 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 obtaining and executing this Act may be raised and levied.

Commissioners to regulate the Course of Husbandry.

XLIII. And be it further enacted, That in all Cases where any Open or Common Field Land shall upon the said Inclosure be allotted and awarded to any Person or Persons other than the Person or Persons who immediately before such Division or Allotment was or were Proprietor or Proprietors thereof, it shall and may be lawful to and for the said Commissioners, and they are hereby required, to ascertain, order, and direct such Satisfaction as they shall think reasonable to be paid by such Person or Persons, Bodies Politic, Corporate, or Collegiate, to whom such Lands and Grounds shall be allotted, or his, her, or their Tenant or Lessee, to the Occupier or Occupiers of such Lands or Grounds at the Time of the said Allotment, for or on account of any Crops that shall be growing on such Lands or Grounds so allotted and awarded as aforesaid, unless the Owner or Owners of such Crop shall, within the Time to be appointed by the said Commissioners for that Purpose, declare his, her, or their Intention to cut, reap, and carry away the same.

Compensation for Crops.

XLIV. And be it further enacted, That the said Commissioners shall and may, by some Writing or Writings under their Hands, or by their Award, set out and appoint what Gaps or open Spaces shall be left in any of the Hedges or Fences directed to be made in pursuance of this Act, and for what Time, for the Passage of Cattle, Carts, and Carriages.

Gaps to be left in Fences.

XLV. And be it further enacted, That no Sheep or Lambs shall be kept on any of the Allotments to be made by virtue of this Act out of the said Open and Common Fields, Meadows, Commons, and Waste Grounds during the Space of Seven Years next after the Allot-

Sheep and Lambs not to be kept on Allotments for Seven Years.

[Private.]

ments are set out by the said Commissioners, unless the Person or Persons so keeping the same shall first at his, her, or their own Expence make and maintain a Fence sufficient to guard the young Quick Fences round such Allotments from being cropped, hurt, or damaged by such Sheep or Lambs, whether such Quick Fences be planted or set by the Owners or Occupiers of such Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto; and in case any Person or Persons shall keep any Sheep or Lambs on the said Allotments without sufficiently guarding the young Quicks as aforesaid, so that the same be damaged through such Neglect, it shall be lawful for the said Commissioners, and they are hereby authorized and required, during the Continuance of the Execution of this Act, to ascertain the Amount of such Damage; and in case of Nonpayment thereof by the Person or Persons charged therewith, the same shall be recoverable by such Ways and Means and in the same Manner as the Costs, Charges, and Expences of obtaining this Act and carrying the same into execution are hereby provided for.

Tenure of
Allotments.

XLV. And be it further enacted, That all the Allotments to be set out to any Proprietors or other Person or Persons under or by virtue of this Act shall be held by such Proprietors or other Person or Persons respectively under the same Tenure, Rents, Customs, and Services as the Lands, Tenements, and Hereditaments in respect of which such Allotments shall be made were respectively held and enjoyed at or immediately before the making of such Allotments; and the several Lands and Grounds which shall be allotted in lieu of Freehold Lands shall be deemed Freehold, and shall be held of the Lord of the Fee under the same Rents and by the same Services as the Freehold Lands in lieu of which they were allotted were before that Time held; and the several Lands and Grounds which shall be allotted in lieu of Copyhold or Customary Lands or Hereditaments shall in like Manner be deemed Copyhold or Customary Lands, and shall be held of the Lord or Lady of the said Manor under the same Rents and by the same Customs, Duties, and Services as the Copyhold or Customary Hereditaments in lieu of which they were so allotted were or ought to have been held, and shall pass by the like Surrenders as the present Copyhold Messuages, Cottages, Lands, Tenements, and Hereditaments in respect whereof such Allotments shall be made are now holden under or liable to; and the Lands and Grounds which shall be allotted in lieu of Leasehold Lands or other Leasehold Property shall be held under and subject to the same Leases, Rents, and Covenants and Conditions as the Lands or other Property in lieu whereof they were so respectively allotted were held; and the Reversion thereof shall be vested in the same Owners respectively as the Reversion of such other Lands and Property would have been held if this Act had not been passed, except where otherwise particularly directed by this Act, any Law or Usage to the contrary notwithstanding.

Act not to
affect Wills,
&c.

XLVI. And be it further enacted, That nothing in this Act contained shall extend to revoke, make void, annul, or alter any Settlement,

ment, Deed, or Will, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent Charge, Debt, or Incumbrance whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in compensation for any other Estate or Right in pursuance of this Act respectively, but as well the Lands allotted as the Tenements and other Hereditaments which shall be assigned in exchange or in compensation for any other Estate or Right shall, immediately after such Allotment, Exchange, or Assignment shall be made, be vested, remain, and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, assigned, or exchanged, and this Act had not been passed, subject to such Mortgages and Sales as may be made by virtue of this Act, save and except such Rents and Services as shall have been compensated for and extinguished, and such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act.

XLVII. Provided always, and be it further enacted, That if any Person hath sold, or shall, at any Time before the Execution of the said Award, sell his or her Right, Interest, and Property in, to, over, or upon the said Commons and Waste Lands hereby directed to be divided and allotted, or any Part thereof, to any Person or Persons, then and in every such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, upon receiving Notice in Writing of any such Sale from the Vendee or Purchaser, his or her Heirs or Assigns, to make an Allotment to him, her, or them for or in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him or her as aforesaid in the same Manner as the Vendor in such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid; and it shall be lawful for every Person who shall be entitled to any Allotment or Allotments under or by virtue of this Act, after such Allotment, and before or after Award, to give, grant, bargain, sell, surrender, demise, mortgage, limit, appoint, convey, and assure the same Allotment or Allotments, or all or any Part of his, her, or their Estate or Interest therein or Right thereto; and every such Gift, Grant, Bargain, Sale, Surrender, Demise, Mortgage, Limitation, Appointment, Conveyance, and Assurance before Award shall

If any Person sell his Right before the Award is made Allotments to be made to the Purchaser.

shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person or Persons entitled to any Allotment as aforesaid to sell, dispose of, and convey the Estate in right of which he, she, or they may be entitled to any such Allotment separate and apart from, and to retain to and for himself, herself, and themselves, such Allotment, Common Rights and Interests, and the said Commissioners are hereby required to award such Allotment or Allotments accordingly.

Where Lands are held by different Tenures the same to be specified in the Award.

XLVIII. And be it further enacted, That in case any Proprietor of any Lands or other Hereditaments hereby authorized to be divided, allotted, or exchanged, shall hold his or her Lands, Tenements, or Hereditaments by different Tenures, or for, by, or under different Estates or Titles, the said Commissioners shall ascertain and distinguish the Lands or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and shall accordingly in their Award set out distinct and several Allotments of the Lands hereby authorized to be inclosed, allotted, and divided in respect of the Lands, Tenements, or Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively; and the said Commissioners shall and they are hereby required to determine, describe, and allot in and by the said Award, or in and by the Map or Plan to be thereto annexed, all the Messuages, Buildings, Lands, and Tenements in the said Parish and Manor of *Stanwick* which are to remain or become Copyhold or Leasehold; and where from Want of necessary Information before the said Commissioners, or from any other Cause, their Award shall have omitted to distinguish the Lands, Tenements, or Hereditaments holden by such different Tenures, or for, by, or under different Estates or Titles, as herein-before is mentioned, it shall be lawful for the said Commissioners at any Time within Twelve Calendar Months after the Execution of their general Award, upon Request in Writing to them made by any Person or Persons interested, to do every Act necessary for supplying such Omissions, and for that Purpose to examine Witnesses, and in every other respect to proceed and act as if their general Award had not been made, and by any Deed or Instrument under their Hands and Seals to distinguish and set out the Allotments, Lands, Tenements, and Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as they are hereby authorized and required to do in Cases where such Allotments, Lands, Tenements, and Hereditaments are directed to be ascertained, distinguished, and set out by their general Award; and every such separate Instrument shall have the same Effect as if it were contained in their said general Award; and the same Supplement or Instrument shall be delivered to the Person or Persons upon whose Request the said Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds or Writings concerning the Title to the Premises in question shall for the Time being, in the Opinion of the said Commissioners, most properly belong; and all Expences which shall be reasonably incurred in or about any such separate Instrument

Instrument as aforesaid shall be payable by the Person or Persons who shall have so requested the said Commissioners to make and execute the same, or by his or their Heirs, Executors, or Administrators.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think proper, with and at the Consent and Request in Writing of the respective Owners of any Homesteads, Gardens, Orchards, or old inclosed Lands within the said Parish and Manor of *Stanwick*, whether such Owners shall be Bodies Politic, Corporate, or Collegiate, or seised as Tenants in Fee Simple, Fee Tail, or for Life, or by the Courtesy of *England*, or for Years determinable on Lives, but with the Consent also, in the last-mentioned Case, of the Person or Persons who shall be entitled to the first Estate of Freehold expectant on the Determination of such Estate for Years, or of the Guardians, Trustees, Husbands, Committees, or Attornies of any such Owners who shall for the Time being be respectively Infants, Femes Covert, Lunatics, or under any legal Disability, or beyond the Seas, to account such Homesteads, Gardens, Orchards, or old inclosed Lands as allotable Lands under this Act, and as Parcel of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed; and the said Commissioners shall and they are hereby required to set out, allot, and award, unto and for the said respective Owners of such Homesteads, Gardens, Orchards, and old inclosed Lands, in lieu thereof, so much and such Part or Parts of the Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, as they the said Commissioners (taking into consideration, upon estimating such Homesteads, Gardens, Orchards, and inclosed Lands, their Advantage of Situation and other Circumstances of Value,) shall think fit, reasonable, and just, subject to the Rules, Orders, and Directions in this Act and the said recited Acts contained.

Allotting old
inclosed
Lands.

L. 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 whatsoever within the Parish and Manor of *Stanwick* aforesaid, or any adjoining Parish, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said Parish or Manor, or within any adjoining Parish, Township, or Place, so that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors for the Time being 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, Corporation Aggregate or Sole, or Tenant or Tenants in Fee Simple, or Fee Tail, Special or General, or for Life or Lives, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, and also by and with the Consent of the Lessor or Lessors of any Leasehold Hereditaments, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees, or Devisees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any

Exchanges.

[Private.]

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such

such Owners or Proprietors as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Idiots, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, or of the major Part of any such Trustees, Feoffees, or Devisees for such charitable Uses (such Consent to be testified under the Common Seal of any such Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively); and every such Exchange so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided always, that no Exchange shall be made of any Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice without the Consent, testified as aforesaid, of the Patron or Patrons thereof, and of the Bishop of the Diocese or proper Ordinary in which such Benefice shall be situate: Provided also, that the Award shall be conclusive Evidence that the Persons giving such Consent were capable of doing so; provided also, that every Person to whom any Copyhold Lands or Tenements shall be allotted in exchange shall, within Twelve Calendar Months next after the Execution of the said Award, be admitted Tenant of the Copyhold Lands or Tenements so allotted in exchange as aforesaid.

Power to
make Parti-
tion between
Joint Te-
nants, &c.

LI. And be it further enacted, That it shall and may be lawful for the said Commissioners to make Partition of any Lands, Tenements, or Hereditaments within the said Parish and Manor of *Stanwick* belonging to any Persons as Coparceners, Joint Tenants, or Tenants in Common, on being requested to do so by Writing under the Hand or Hands of any One or more of such Coparceners, Joint Tenants, or Tenants in Common, or of the Husbands, Guardians, Trustees, Committees, or Attornies of or acting for any One or more of such Coparceners, Joint Tenants, or Tenants in Common, who may be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity of acting for themselves; and every such Partition shall be specified in the Award of the said Commissioners, or some other Instrument under their Hands and Seals; and every such Partition shall be valid and effectual to all Intents and Purposes whatsoever.

Expences of
Exchanges
and Parti-
tions.

LII. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchanges or Partitions to be made by virtue of this Act shall be paid, borne, and defrayed by the several Persons, and Bodies Politic, Corporate, or Collegiate, making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award, or other Writing under their Hands, order and direct, and shall be levied and recovered in the same Manner as by the first-recited Act is directed respecting the Recovery of any Rate to be made for defraying any Part of the Charges and Expences of obtaining and executing this Act.

Tenants to
deliver up
exchanged
Lands.

LIII. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack
or

or extended Rent now subsisting of any Lands, Tenements, or Hereditaments which shall be exchanged by virtue of this Act, shall, at such Time as the said Commissioners shall appoint, deliver up the full peaceable Possession of such exchanged Lands, Tenements, or Hereditaments to the Person or Persons to or with whom the same shall be so exchanged; but the Tenants or Occupiers of such exchanged Lands, Tenements, or Hereditaments shall receive from the respective Owners and Proprietors thereof such Satisfaction as the said Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenants respectively as an Equivalent for the Loss or Losses he, she, or they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Twenty-one Days after Demand made thereof, it shall and may be lawful to and for the said Commissioners, and they are hereby 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 obtaining and executing of this Act can or may be raised and levied: Provided always, that if there shall be any Lease of Lands, Part of which shall be in the said Parish of *Stanwick* and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Lands shall be taken in exchange, which Lands shall be under Lease and wholly situate in any adjoining Parish, the Lease of such last-mentioned Lands shall not be vacated.

LIV. And be it further enacted, That all Leases and Agreements for Leases at Rack or extended Rent, and Agreements from Year to Year or at Will, now subsisting, of any Messuages, Lands, Tenements, or Hereditaments within the said Parish and Manor of *Stanwick*, shall, as far as such Leases or Agreements affect or concern any of the Lands and Grounds hereby directed to be divided and allotted, cease and become void at such Time or Times as the said Commissioners, by Writing or Writings under their Hands, to be affixed on one of the outer Doors of the Parish Church of *Stanwick* aforesaid, shall order or direct; and all Allotments which shall be made in pursuance of this Act or the said recited Acts shall be made and assigned unto the Landlord or Landlords, and not unto the Tenant or Tenants, Lessee or Lessees, and such Allotment or Allotments shall be freed and discharged from all Rights and Interests which may or otherwise might be claimed in or to the same by virtue of such Leases or Agreements; and the Person or Persons to whom such Allotment or Allotments shall belong as Landlord or Landlords shall make such Compensation to the Person or Persons entitled to the same under such Leases or Agreements, (in case the said Parties have not already or shall not then have agreed for the same,) as the said Commissioners shall by Writing under their Hands direct, for the Rights of Common or any other Rights or Interests in, over, and upon the said Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, and which shall be extinguished by this Act or by the said recited Acts; and if any Person or Persons shall refuse or neglect to make any such Compensation to the Person or

Vacating
Leases at
Rack Rent.

Persons

Persons entitled thereto, on Demand, 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 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 obtaining and executing this Act, or any Part thereof, can or may be raised or levied; provided that no Lease or Agreement comprising Messuages, Homesteads, or ancient Inclosures only shall be made void by or by virtue of this Act, but it shall be lawful for the said Commissioners, and they are hereby empowered, to take into consideration the Benefit and Advantage which shall or may accrue to the respective Tenants by reason of such Homesteads and ancient Inclosures being made free from Vicarial or other Tithes, and by Writing under the Hands of the said Commissioners to direct such additional Rent as to the said Commissioners shall seem right and proper to be paid in future in respect thereof; and such Rent shall and may be recovered by such Ways and Means as may by Law be used for the Recovery of Rent in arrear.

The Rector
may lease his
Allotment.

LV. And be it further enacted, That it shall be lawful for the said *George Rowley*, and his Successor for the Time being, Rector of the Parish of *Stanwick* aforesaid, 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 Rectory for the Time being, 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 thereby reserved and made payable to the Rector 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 be reasonably 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 a 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 made as aforesaid: Provided always, that whenever any Lease 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 thereby granted, then and in such Case, and so often as the same shall happen, it shall be lawful for the said *George Rowley* and his Successor, Rector as aforesaid for the Time being, by and with the previous Consent and Approbation of the Bishop of the Diocese and the Patron of said Rectory, to grant a new Lease of the Land so demised for such Term or Terms of Years as shall at the Time or Times of such
Avoidance

Avoidance be then to come and unexpired of the original Term or Terms granted by such original Lease or Leases; subject nevertheless to the Proviso's 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, any thing in the first-recited Act, or any Law or Usage to the contrary notwithstanding.

LVI. 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 said Open and Common Fields, Common Meadows and Common Pastures, Commons and Waste Lands to be inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively, the said Commissioners shall give Notice in manner aforesaid of some convenient Time and Place when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotments, and a Map or Plan whereon the same shall be set out and delineated, and may have and receive, at their Expence, a Copy of such Schedule as far as the same relates to such Proprietors respectively.

Commissioners to form a Schedule of Allotments for Inspection.

LVII. 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 obtaining and passing this Act, and of executing the same and the said recited Acts.

Power to borrow Money.

LVIII. And be it further enacted, That if any Person or Persons interested in the Lands and Grounds hereby directed to be divided and allotted, or any other Person or Persons, shall advance and pay any Money in discharge of the Fees and other Expences of obtaining or executing this Act, the Money so paid or advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same, out of the first Money to be raised for defraying the Expences of obtaining and executing this Act.

Money advanced to be repaid with Interest.

LIX. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and preparatory or incident thereto, and also all Charges and Expences which may be incurred in carrying this Act and the said recited Acts into execution, and of fencing the Glebe and Tithe Allotments as hereinbefore directed, and of making and completing the Public and Private Roads to be set out, and of preparing and inrolling the Award of the said Commissioners, and all other necessary Expences, shall be borne, made up, and paid by all the Owners and Proprietors of or Persons having Rights or Interests in the said Lands or Grounds hereby directed to be divided, allotted, and inclosed, except the said *George Rowley* or his Successor, Rector as aforesaid, in proportion to the Value of their several and respective Rights, Shares, and Interests therein; and the Amount thereof shall be settled, ascertained,

Expences of the Act.

[Private.]

and

and adjusted by the said Commissioners for the Time being, and shall be paid at such Time and Place or Times and Places, and to such Person or Persons, as the said Commissioners shall appoint; and the said Commissioners shall and they are hereby authorized and required accordingly to make One or more Rate or Rates or Assessment or Assessments thereof respectively, under their Hands; and the same Rate or Rates, Assessment or Assessments so made and signed, either before or after the signing of the Award, shall be binding and conclusive on all Parties thereby charged and made liable, and their several and respective Heirs, Executors, and Administrators; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Rate or Rates, Assessment or Assessments as aforesaid, within such Time or Times, and to such Person or Persons, and at such Place or Places as the said Commissioners shall appoint, then and in such Case the said Commissioners shall cause the same to be levied and recovered in manner directed by the said first-recited Act: Provided always, that every Lessee of any of the Lands or Grounds hereby directed to be inclosed, divided, and allotted, who shall hold the same under or by virtue of any beneficial Lease, and the Person or Persons entitled in Reversion expectant on the Determination of the Term granted by such Lease, shall bear, pay, and discharge all the Costs, Charges, and Expences which the said Commissioners shall rate and assess, and direct and appoint to be made, on account of the Allotment or Allotments to be made in respect of the Lands or Grounds held by such Lessee, in such Shares and Proportions as the said Commissioners shall direct.

Commissioners may deduct Land for defraying Expences.

LX. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think the Measure expedient, to deduct from any Allotment or Allotments to be set out by virtue of this Act (except from the Allotment or Allotments to be set out to the said *George Rowley* as Rector as aforesaid, in respect of his aforesaid Glebe and Tithes,) so much Land, not exceeding the Rate of Five Pounds *per Acre*, as herein-after mentioned, as in the Judgment of the said Commissioners shall be equivalent to the Part or Proportion of the Expences of passing and executing this Act and the said recited Acts which ought to be paid in respect of such Allotment or Allotments, and also in or towards the Expences of inclosing, hedging, ditching, and fencing such Allotment or Allotments; and the Land so deducted shall be allotted to or amongst the Proprietor or Proprietors who shall pay the same Expences in proportion to the Sums they shall respectively pay or contribute thereto, but under the Restriction, however, that no such Deduction shall be made by the said Commissioners without the previous Consent in Writing of the respective Proprietors or Persons seised or entitled in possession for any Estate of Inheritance less than an Estate in Fee Simple or for Life or Lives, or as a Lessee under any beneficial Lease for any Term of Years either absolute or determinable on Lives, of or to such Allotment or Allotments, or of the Husbands, Guardians, Trustees, Committees, or Attornies of any such Proprietor or Proprietors being Femes

Femes Covert, Infants, Lunatics, or beyond the Seas, or under any other legal Disability of acting for themselves.

LXI. And be it further enacted, That it shall be lawful for any Proprietor or Proprietors of any Allotment or Allotments to be made by virtue of this Act, being Tenant or Tenants for Life or Lives, or in Tail, 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 Covert, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, by and with the Consent and Approbation of the said Commissioners, to be testified in Writing under their Hands and Seals, from Time to Time, after such Allotment, Division, and Inclosure shall be made, and either before or after the Execution of their said Award, to charge the Lands or Grounds which shall be allotted to such Proprietors respectively by virtue of this Act with any Sum or Sums of Money, not exceeding Five Pounds for each and every Acre of such Allotment or Allotments, for and towards their respective Proportions of the Expences of obtaining and executing this Act, and of inclosing, dividing, fencing, ditching, and draining their respective Allotments, and making necessary subdivision Fences, and, for securing the Repayment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise the said Lands and Grounds unto or in Trust for any Person or Persons who shall pay or advance any Sum or Sums of Money for the Purposes aforesaid, for any Term of Years, or any other Estate or Interest, so as such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to be void, or with an express Trust to be assigned, surrendered, or reconveyed, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and every such Grant, Mortgage, Lease, or Demise shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Tenants for Life, &c. may charge Lands with a Proportion of Expences.

LXII. Provided always, and be it further enacted, That in the Place of any such Grant, Mortgage, Surrender, Assignment, or Demise as aforesaid, it shall be lawful for the said Commissioners respectively, by any Deed or Deeds, Writing or Writings under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, who shall respectively pay and discharge his, her, or their Part and Proportion of the Payment, Charges, and Expences aforesaid, to authorize and empower such Owners and Proprietors, or either of them, making such Request, to charge and subject the said Lands and Grounds so to be exonerated from Tithes, or allotted to or for them respectively, with any Sum or Sums of Money not exceeding the respective Sums herein-before limited, with Interest for the same as aforesaid, which Sum or Sums of Money so to be charged as last aforesaid shall be payable within Twelve Calendar Months next after the Decease of every such Tenant in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or after the Determination

Commissioners may authorize Owners to charge the Lands with the Expences.

mination of any such contingent Estate or Interest respectively, with Interest, to be computed from his, her, or their respective Deceases, or from the Determination of any such contingent Estate or Interest, unto such Person or Persons as such respective Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon such other Contingency respectively, by any Deed or Will duly executed and attested, shall direct or appoint, and in default of such Direction or Appointment, to such Person or Persons, his, her, or their Executors or Administrators.

As to charging Copyhold Lands with Expences.

LXIII. And be it further enacted, That when and as often as it may be necessary to charge any Messuages, Cottages, Lands, or Tenements which shall be subject to or allotted by virtue of this Act or the said recited Acts, and which are or shall be Copyhold, with any Sum or Sums of Money by way of Mortgage for paying and defraying any Share or Shares of the Costs, Charges, and Expences of obtaining and executing this Act and the said recited Acts, then and in such Case such Copyhold Premises shall be surrendered (and in case such Charge shall be made by the said Commissioners it shall be by Deed, which shall operate as a Surrender of the same,) to the Use of the Person or Persons who shall advance and lend such Sum or Sums of Money, and his, her, or their Heirs and Assigns, (according to the Custom of the Manor whereof the same shall be holden,) by way of Mortgage for securing such Sum or Sums of Money and Interest, instead of being mortgaged and surrendered to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, for a Term of Years as herein-before or in the said recited Act is recited.

Commissioners, on Application, may sell Part of the Allotments to defray Expences.

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners, on Application being made to them, in Writing, by any of the Owners or Proprietors for the Time being interested in the Inclosure hereby directed to be made, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said 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 respectively, or by any of the said Owners or Proprietors who are or shall be Tenants in Tail, for any Life or Lives, or on any other Contingency, or by any Trustees, Feoffees, or Devisees for any charitable, parochial, or other Uses, to sell any Part or Parts of the Allotment or Allotments to be made from or out of the Lands and Grounds by virtue of this Act to such Owners and Proprietors, or incapacitated Owners and Proprietors, or any Person or Persons by whom or on whose Behalf any such Application shall be made as aforesaid, or, if that shall not be sufficient, then to sell any Part or Parts of the old inclosed Lands of or belonging to the same Owners or Proprietors respectively, for the Purpose of raising a Sum of Money sufficient to defray any Part of the Proportion of the Costs, Charges, and Expences of obtaining and carrying into execution this Act and the said recited Acts, and of fencing, inclosing, and subdividing his, her, or their Allotment or Allotments,

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in and by such Rate or Rates as aforesaid to be charged and assessed upon such Owners and Proprietors, or incapacitated Owners and Proprietors, or other Person or Persons so applying for such Sale or Sales to be made, and also to defray the Costs, Charges, and Expences of making and completing such Sale or Sales; and such Sale or Sales 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 recited Act of the Forty-first Year of the Reign of King *George* the Third in respect of the Sale of any Lands authorized to be sold for paying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands or Grounds; and each and every such Allotment or Allotments for which the full Purchase Money shall be paid shall be vested in the said Commissioners, and be conveyed by Indenture of Bargain and Sale, executed by the said Commissioners, to the Purchaser or Purchasers thereof, at the Expence of such Purchaser or Purchasers, unto and to the Use of or in Trust for such Purchaser or Purchasers, and his, her, or their Heirs respectively, or as he, she, or they shall direct or appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in Severalty; which Indenture of Bargain and Sale shall be valid and effectual to all Intents and Purposes, without Inrolment; and the Purchaser or Purchasers shall be entitled to be admitted to the Copyhold Lands and Tenements therein comprised (in case the same shall be Copyhold), on Production of such Bargain and Sale to the Steward of the Manor of which such Copyhold Land shall be held in like Manner as if the said Commissioners had been actually admitted Tenants thereof, and surrendered the same to such Purchaser or Purchasers; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to the Purchaser or Purchasers for the Purchase Money of any Allotment or Allotments or old inclosed Lands so to be sold as aforesaid; and after such Receipt such Purchaser or Purchasers shall not be obliged to see to the Application of such Purchase Money, nor be answerable for the Misapplication or Non-application thereof, nor concerned to inquire as to the Necessity or Propriety of making such Sale, or of the Mode in which the same shall be made; and such Purchase Money shall be applied by the said Commissioners in or towards defraying such Costs, Charges, and Expences as aforesaid; and if any Surplus shall remain in the Hands of such Commissioners, such Surplus shall be paid, applied, and disposed of to and amongst such Owners and Proprietors respectively in proportion to their respective Interests; 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 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 any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the same Uses.

[Private.]

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LXV. Pro-

Tenants for
Life to keep
down In-
terest of
Money
borrowed.

LXV. Provided nevertheless, and be it further enacted, That all and every Tenant or Tenants for Life or Lives, or in Tail, and all and every other Person or Persons who shall be entitled to any Premises mortgaged by virtue of the Power herein-before contained, shall pay and keep down the Interest of the Principal Money so to be borrowed as aforesaid, so that no Person or Persons afterwards becoming entitled to the said mortgaged Premises shall be liable to the Payment of any larger Arrear of Interest than for Six Calendar Months preceding the Time when his, her, or their Title to the Possession of such mortgaged Premises commenced.

Limiting the
Charge
upon the
Lands.

LXVI. Provided always, and be it further enacted, That it shall not be lawful by virtue of this Act to raise by any such Sale as herein-before mentioned, or by Deduction to be made from any Allotment or Allotments, or by mortgaging or charging by virtue of this Act, any greater or further Sum of Money in the whole for the Purpose of defraying the Costs, Charges, and Expences of obtaining and carrying into execution this Act, and of fencing, inclosing, and subdividing such Allotment or Allotments, than such Owners or Proprietors would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments (reckoning Five Pounds for each and every Acre thereof) under or by virtue of the said first-recited Act, for the Purpose of defraying the Costs, Charges, and Expences of obtaining and executing this Act: Provided always, that in all Cases where the Money so raised by such Sale shall not be equal or amount to the Sum or Sums of Money that might be borrowed or charged on such Allotment or Allotments, reckoning Five Pounds for each and every Acre thereof, then and in every such Case it shall be lawful for the Owner or Proprietor, Part of whose Land shall be so sold as aforesaid, to charge his, her, or their Allotment or Allotments, by virtue of the said recited Act or this Act, with any Money towards Payment of any Costs, Charges, and Expences in executing this Act, not exceeding the Excess or Difference.

For fencing
Allotments.

LXVII. And be it further enacted, That the several and respective Allotments to be made in the said several Open and Common Fields, Commons, and Waste Lands, after the Division thereof, shall, at such Time or Times as such Commissioners by any Writing or by their Award order or direct, to be inclosed, fenced, and divided either by Hedges, Ditches, or otherwise, as the said Commissioners shall direct, and where the same shall be divided, inclosed, and fenced by Hedges, the said Hedges shall be planted with young Quicksets, and such Fences or Ditches, where the same shall adjoin upon any Public or Private Road or Way, and in such other Place or Places as the said Commissioners shall think fit, shall be guarded with good and substantial Posts and Rails or otherwise, as the said Commissioners shall direct and appoint, and also with good and substantial Gates and Stiles to be made where necessary in the said Fences; all which said Fences and Ditches shall be so planted
and

and guarded as aforesaid, and the Gates, Rails, and Stiles made, by and at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Manner, Shares, and Proportions as the said Commissioners shall in and by their said Award order and direct.

LXVIII. And be it further enacted; That no Person or Persons shall graze or keep any Sort of Cattle whatsoever in or upon any of the Public Roads or Ways within the said Parish and Manor of *Stanwick* which the said Commissioners shall order and direct to be set out and fenced on either Side or both Sides, after the making and executing their said Award; and any Proprietor or Occupier of Lands or Tenements within the said Parish and Manor, and his or her Servants or Labourers, is and are hereby empowered to take and impound every Horse, Ass, Bullock, Cow, Sheep, Lamb, or other Beast which shall be so found grazing as aforesaid at any Time or Times after any Quicksets shall be planted next the said Roads or Ways so fenced off as aforesaid; and that no Horse, Ass, Bullock, Cow, Sheep, Lamb, or other Beast or Cattle shall be kept in any of the said Allotments or new Inclosures within the said Parish during the Space of Seven Years from the Time or Times the Fences thereof shall have been planted, made, or completed, unless the Person keeping any such Cattle shall first, at his or her own Expence, fence off the Quicksets of the Person or Persons whose Allotment or Inclosure shall adjoin upon those wherein any such Cattle shall be so kept, so as to prevent any Damage being done thereby to such neighbouring Quicksets; and in case any Person or Persons shall turn or keep any Horse, Ass, Bullock, Cow, Sheep, or Lamb, or other Beast or Cattle, in any such Allotments or Inclosures, without first raising and keeping up such Fences as aforesaid, it shall and may be lawful to and for the Owner or Occupier of any adjoining Allotments or Inclosures, or his or her Servant or Labourer, to enter thereon, and to take, drive away, or impound the same as Cattle Damage feasant.

Cattle not to be depastured.

LXIX. And be it further enacted, That in case any Person or Persons shall be desirous of receiving a Compensation in Money for his, her, or their Rights and Interests in the said Commons and Waste Lands, in lieu of any Allotment in respect thereof under this Act, and shall signify such Desire under his, her, or their Hand or respective Hands to the said Commissioners prior to such Allotment being made as aforesaid, and within such Time as the said Commissioners shall appoint for that Purpose, then and in every such Case it shall be lawful for the said Commissioners, if they shall think proper, to pay any Sum or Sums of Money which they shall think just to such Person or Persons as and for a Compensation for such Rights and Interests, which shall thereupon be extinguished; and all such Monies so to be paid shall be accounted as Part of the Expences of carrying this Act into execution, and shall be raised and defrayed accordingly: Provided always, that the said Commissioners shall not be

Money Payment for Rights.

be at liberty to allow or pay to any One Party more than the Sum of Twenty Pound for such Compensation.

For Enfranchisement of Copyholds.

LXX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, with the Consent in Writing of the Lord or Lords of the said Manor for the Time being of whom any Messuages, Cottages, Lands, or Tenements in the said Parish and Manor of *Stanwick* are or shall be holden by Copy of Court Roll or Customary Tenure, and of the Copyhold or Customary Tenant or Tenants by whom any such Messuages, Cottages, Lands, or Tenements shall be respectively holden, or the Trustees, Guardians, Husbands, Committees, or Attornies of and for any such Lord or Lords, Tenant or Tenants, being Femes Covert, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, in and by the Award of the said Commissioners to declare any such Copyhold or Customary Messuages, Cottages, Lands, or Tenements to be enfranchised, and the Tenures by which the same are holden, and the Fines, Heriots, and other Services incident thereto, to be discharged and extinguished, and that the same Messuages, Cottages, Lands, and Tenements, or any Part or Parts thereof respectively, shall thenceforth be holden of the Lord or Lords of the said Manor, either by the Rents which have been theretofore paid or payable in respect thereof, or by any other Rent or Rents to be in such Award ascertained and declared, or without Rent, and in lieu of and compensation for every such Enfranchisement to award to the Lord or Lords of the said Manor such Sum or Sums of Money, to be paid or applied in the Manner herein-after mentioned, or to assign, set out, and award to and for such Lord or Lords such Compensation, by Part of the Copyhold Lands and Tenements to be enfranchised, or by and out of any of the Lands, Tenements, and Hereditaments of any such Copyhold or Customary Tenant or Tenants respectively in the said Parish and Manor, as shall in the Judgment of the said Commissioners be an Equivalent and Satisfaction for the Customary Payments, Burthens, and Services to which such Copyhold or Customary Messuages, Cottages, Lands, and Tenements respectively shall have been subject or liable; and the Lord or Lords of the said Manor for the Time being to whom any such ancient Rent shall be reserved or continued, or any other Rent assigned, shall have the like Powers and Remedies for the Recovery of such Rents respectively as Landlords have for the Recovery of Rents on Lease or common Demise; and from and after any such Declaration shall be made and executed, and such Sum or Sums of Money, or Compensation in Land, shall be paid or assigned in exchange for such Copyhold or Customary Tenure, the Lands and Tenements in every such Declaration comprised, and thereby expressed to be enfranchised, shall be held, possessed, and enjoyed by the Owner or Owners thereof in free and common Socage, discharged of the Customary or Copyhold Tenure, and of all Services and Duties incident to such Tenure, and of all other Services and Payments, except the Rent or Rents (if any) which may be continued or reserved

reserved to such Lord or Lords in respect thereof; and the Lands or other Hereditaments so to be assigned to such Lord or Lords in respect thereof shall be by him or them, or by his or their Heirs or Assigns, or by the Person or Persons who shall be entitled in Reversion or Remainder to the said Manor, held and enjoyed, in compensation for the Tenure so to be extinguished, for such and the like Estates, and upon and for such Uses, Trusts, Intents, and Purposes as the Manor of which the Copyhold or Customary Hereditaments so enfranchised shall be holden shall at the Time of every such Enfranchisement stand settled and limited: Provided always, that an Entry of every such Enfranchisement shall be made on the Rolls of the Manor of which the enfranchised Tenements shall be Parcel by the Steward or Stewards of the said Manor.

LXXI. And be it further enacted, That the Consideration for the Enfranchisement of any such Copyhold or Customary Lands, Tenements, or Hereditaments as aforesaid, so often as the same shall be in Money, shall be paid to the Lord or Lords, Lady or Ladies for the Time being of the said Manor, in case such Lord or Lords, Lady or Ladies shall be seised of the said Manor for an Estate in Fee Simple, but in case he, she, or they shall not be so seised, then such Money shall be paid and applied in the Manner herein-after directed with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of Lands, Tenements, or Hereditaments to be settled to the same Uses.

Application
of Consider-
ation Money.

LXXII. And be it further enacted, That it shall be lawful for the respective Husbands, Guardians, Committees, and Attornies of the Owner or Owners for the Time being of any such Copyhold Lands, Tenements, or Hereditaments so to be enfranchised as aforesaid, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any legal Disability, or for any such Owner or Owners being entitled for a particular or limited Estate only, to charge the Lands, Tenements, or Hereditaments to which such Enfranchisement shall relate with the Monies to be paid as the Consideration for such Enfranchisement, and with Interest thereon, in the same Manner as is by this Act provided for enabling the like Parties respectively to create Charges for defraying the Costs of this Act and carrying the same into execution, and of ditching, draining, and fencing the Allotments to be made by virtue thereof.

Incapaci-
tated Persons
may borrow
Money for
such En-
franchise-
ment.

LXXIII. And be it further enacted, That the Award of the said Commissioners to be made in pursuance of the said first-recited Act shall, together with a Map or Plan thereto annexed, be deposited for Public Inspection in the Office of the Clerk of the Peace for the said County of *Northampton*, and a Copy thereof shall be lodged in the Parish Church of *Stanwick* aforesaid, for the Perusal of all Persons interested therein.

Award.

[*Private.*]

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LXXIV. And

Accounts to
be audited.

LXXIV. And be it further enacted, That once at least in each and every Three Months during the Execution of this Act (such Time to be computed from the Day of passing 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 in the Execution of this Act, and shall also in such Statement or Account particularly specify the several Items and Articles for which each particular Sum has been disbursed or paid; and such Statement and Account, when so made, together with the Vouchers relating thereto, shall be by them laid before One of His Majesty's Justices of the Peace for the said County of *Northampton* (not interested in the said Inclosure), to be by him examined and balanced, which Balance shall by such Justice be stated in the Books of Account to be kept in the Office of the Clerk to the said Commissioners; and an Abstract of such Account, so examined and balanced, shall, within Twenty-one Days after the same shall have been so examined and balanced, be published in some Newspaper circulated in the said County of *Northampton*; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice, and until such Account or Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Application
of Compensation
Money when
amounting
to 200*l.*

LXXV. And be it further enacted, That whenever any Sum of Money is under the Provisions of the said recited Act of the Forty-first Year of the Reign of His late Majesty King *George* the Third, 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, Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor or 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 other 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 be lawful for the said Commissioners out of such said Sum to defray such Proportion of the Expence of passing this Act, and 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 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 paid 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 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 Incumbrance affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith 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 afore-mentioned 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 or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may be, by Order of the said Court upon Application thereto, 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 until the said Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends, 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.

1 G.4. c. 35.

LXXVI. 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 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

Where less than 200*l.* and amounting to 20*l.*

Approbation of the said Commissioners, to be signified in Writing under their Hands, be paid into the Bank of *England* in the Name and with the Privity of the 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 Option of and with the like Approbation of, Two Trustees, to be nominated by the Person or Persons whomsoever for the Time being 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 Money so paid to such Trustees, and the Dividends and Produce arising 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.

Where less than 20%.

LXXVII. And be it further enacted, That in case the Surplus of such Money shall be less than the Sum of 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 respectively entitled thereto.

Appeal.

LXXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this or the said recited Acts (other than and except such Determinations of the Commissioners as are hereby or by the first-recited Act decreed to be final, binding, and conclusive, and except in such Cases where an Issue at Law may be tried as herein-before mentioned), then and in every such Case he, she, or they may appeal to the General or Quarter Sessions of the Peace to be holden for the said County of *Northampton* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal and of the Matter thereof (except with respect to the Accounts of the said 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 after the depositing the said Award in the Office of the Clerk of the Peace in manner aforesaid, on giving to the said Commissioners such Notice as last aforesaid); and the Justices, not interested in the Premises, in such Sessions assembled, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Damages and Costs, as to them in their Discretion shall

shall seem reasonable, and by their Order or Warrant to levy such Damages and Costs by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive, 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, vexatious, or without Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as they the said Justices shall deem reasonable, and such Costs shall be levied in manner aforesaid.

LXXIX. And be it further enacted, That in all Cases where any Justice of the Peace or the said Commissioners are or is, by the said first-recited Act or by this Act, authorized to examine any Person, or to take cognizance of or to hear or determine any Matter of Complaint, it shall be lawful for such Justices or Commissioners, and they are hereby respectively empowered, if they think fit, to administer an Oath to or receive the Affirmation of any such Person before he shall be so examined.

Power to
Justices and
Commission-
ers to ad-
minister
Oaths.

LXXX. And be it further enacted, That nothing herein contained shall extend or be construed to extend to defeat, lessen, or prejudice the respective Rights, Titles, or Interests of the said Lord of the said Manor of *Stanwick* of, in, and to the Seignories and Royalties within the said Manor as incident or belonging thereto, but that the said Lord, or the Lord or Lady for the Time being, shall and may from Time to Time, and at all Times for ever hereafter, have, hold, and enjoy the same, and all Rents and other Payments, Fines, Customs, Services, Courts, Perquisites and Profits of Courts, Franchises, Privileges, and all other Rights, Royalties, Seignories, and Appurtenances whatsoever to the said Manor belonging or appertaining, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they could or might have held and enjoyed the same in case this Act had not been passed (except so far as the same shall be compensated under or by virtue of this Act).

Saving the
Rights of
the Lord of
the Manor.

LXXXI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Persons and Person, Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand (other than and except such as are expressly barred and compensated for, or meant and intended to be barred and compensated for and extinguished by this Act,) as they, every or any of them, could or might have had, held, and enjoyed of, in, to, or out of the Commons and Waste Lands authorized to be divided, allotted, and inclosed, or any Part thereof, in case this Act had not been passed.

General
Saving.

Act to be
printed by
the King's
Printers.

LXXXII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.