



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 152.

An Act for inclosing Lands in the Parishes of *Maxey with Deepingate, Northborough, Glinton with Peakirk, Etton, and Helpstone*, in the County of *Northampton*. [3d June 1809.]

WHEREAS there are within the Parishes of *Maxey with Deepingate, Northborough, Glinton with Peakirk, Etton, and Helpstone*, in the Hundred of *Nassaburgh*, in the Soke of *Peterborough*, in the County of *Northampton*, divers Open and Common Fields, Common Meadows, Pastures, and divers Commons and Waste Grounds, to the said several Parishes or to some of them belonging : And whereas the Right Honourable *Alleyne Lord Saint Helens, John Lord Henniker*, the Reverend *William Burslem Clerk*, and *Evan Foulkes Esquire*, as Devisees in Trust of all the Real Estates of the most Honourable *Henry late Marquis of Exeter* deceased, claim to be Lords Paramount of the said Hundred of *Nassaburgh* and Soke of *Peterborough* : And whereas the Right Honourable *William Wentworth, Earl Fitzwilliam*, claims to be Lord of the several Manors called *Maxey with its Members, Northborough, Etton, and Helpstone*, in the said County of *Northampton*; and the Reverend the Dean and Chapter of the Cathedral Church of the Borough of *Saint Peter* otherwise *Peterborough*, in the said County, claim to be Lords of the Manors of *Glinton with Peakirk*; and the said Dean and Chapter of *Peterborough* also claim to be Lords of the Manor called *Maxey with Northborough* : And whereas the said several Persons, as Lords Paramount and Lords of the

[Loc. & Per.]

said several Manors as aforesaid, do severally claim to be entitled to or interested in the Soil of the said Commons and Waste Grounds: And whereas the said Earl *Fitzwilliam* claims to be Patron of the Rectory of *Etton*; and the said Dean and Chapter of *Peterborough* are Patrons of the Rectory of *Glington with Peakirk* and of the Rectory of *Northborough*, and are Owners of the Improprate Rectory of *Maxey with Deepingate*, and Patrons of the Vicarage of *Maxey with Deepingate*; and the Master, Fellows, and Scholars of *Christ's College* in the University of *Cambridge*, are Improprators of the Improprate Rectory of *Helpstone*, and claim to be Patrons of the Vicarage there: And whereas the Reverend *Samuel Edmund Hopkinson* Clerk, is Rector of the Rectory of *Etton*; and the Reverend *Benjamin Barnard* Clerk, is Rector of the Rectory of *Glington with Peakirk*, and the Reverend *William Head* Clerk, is Rector of the Rectory of *Northborough*, and as such are respectively entitled to Parsonage Houses, Glebe Lands, and Rights of Common thereto belonging within the said Rectories respectively, and to the Great and Small Tythes arising within their respective Parishes, or the Tytheable Places of the same; and *William Loftus* Clerk, is Vicar of the Vicarage of *Maxey with Deepingate*; and *John Jackson Serocold* Clerk, is Vicar of the Vicarage of *Helpstone*, and the said Vicars are as such respectively entitled to Parsonage Houses, Glebe Lands, and Rights of Common thereto belonging within their said Vicarages respectively, and to certain Tythes or Payments in lieu of Tythes arising within the same: And whereas the said Earl *Fitzwilliam* is Lessee under the said Dean and Chapter of *Peterborough*, of the said Improprate Rectory of *Maxey with Deepingate*, and is also Lessee, under the said Master, Fellows, and Scholars, of the said Improprate Rectory of *Helpstone*: And whereas *Thomas Butcher* Gentleman, is Lessee under the Right Reverend *Spencer* Lord-Bishop of *Peterborough*, in Right of his Episcopal See of certain Lands, with the Commons thereto belonging, in *Peakirk* and *Etton*, for Lives absolute; and such Part thereof as lies in *Peakirk* are all free of Great Tythes, being Part of the Possessions of the late Monastery at *Peterborough*: And whereas the said Earl *Fitzwilliam*, the said Lord Bishop of *Peterborough*, Sir *John Wyldbore Smith* Baronet, *Abel Walsford Bellairs*, *John Molecey*, *Millicent Clark*, *Elizabeth Wright*, *Benjamin Bull*, *Thomas Jackson*, *Robert Henson*, *Ann Scott*, *John Scott*, and divers other Persons, are respectively the Owners and Proprietors of the several other Messuages, Cottages, and Tenements, Arable, Meadow, and Pasture Lands, within and appurtenant to the said several Parishes: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas some Parts of the said Arable, Meadow, and Pasture Lands are intermixed, and otherwise inconveniently situated for the respective Owners and Occupiers thereof, and the said Commons and Waste Grounds yield but little Profit, and in their present State are incapable of any considerable Improvement, and it would be very advantageous if the said Arable, Meadow, and Pasture Lands, and also the said Commons and Waste Grounds, were divided and inclosed, and specific Shares thereof allotted to the several Persons interested therein, in Proportion and according to their respective Estates, Rights, and Interests; but such Division, Allotment, and Inclosure cannot be effected without the Authority of Parliament: May it therefore please Your

Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Edward Hare* of *Castor* in the County of *Northampton*, *William Custance* of *Cambridge* in the County of *Cambridge*, and *Charles Berkeley* of *Biggen* in the Parish of *Oundle* in the said County of *Northampton*, Gentlemen, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open and Common Fields, Common Meadows, Pastures, and all Commonable Lands and Waste Grounds within the said Parishes or any of them, and thereto and to every or any of them, or the ancient Estates there respectively belonging or in anywise appertaining, (save and except the Common called *Great Borough Fen*), and for putting this Act into Execution, subject to the Provisions of the said recited Act, except in such Cases where the same are hereby varied or altered: Provided always, that it shall and may be lawful for any Two of the said Commissioners, or their Successors to be elected in Manner herein-after mentioned, and they are hereby fully authorized and empowered to execute, do, and perform, all and every or any Matter or Thing, either by this or the said recited Act authorized to be done and performed by the said Commissioners; and every such Matter and Thing which shall be executed, done, and performed by any Two of the said Commissioners for the Time being, shall be as valid and effectual to all Intents and Purposes as if all the said Commissioners herein-before appointed, or to be elected in Manner herein-after mentioned, had been present and had executed, done, and performed the same.

Commissioners appointed.

Two Commissioners may act.

II. And be it further enacted, That in case the said *Edward Hare* shall die, neglect, or refuse to act, or be rendered incapable of acting as a Commissioner in the Execution of this Act, then and in such Case the surviving or remaining Commissioners or Commissioner shall, within Twenty Days next after such Death, Neglect, Refusal, or Incapacity of the said *Edward Hare* to act shall happen or be known to them or him, give Notice thereof in Writing to the said Lords of the said several Manors for the Time being or the major Part of them, or to their known Agents, who shall within Twenty Days after such Notice, by Writing under their Hands or under the Hands of their known Agents, nominate and appoint One other Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Room and Stead of the said *Edward Hare*, and so from Time to Time as often as any Commissioner, so to be appointed by the said Lords of the said Manors, shall die, neglect, or refuse to act, or become incapable of acting as aforesaid; and that in case the said *William Custance* shall die, neglect, or refuse to act, or be rendered incapable of acting as a Commissioner in the Execution of this Act, then and in such Case the surviving or remaining Commissioners or Commissioner shall, within Twenty Days next after such Death, Neglect, or Refusal to act, or Incapacity of the said *William Custance* shall happen or be known to them or him, give Notice thereof in Writing to the said several Patrons, ImproPRIATORS, and their Lessees, Rectors, and Vicars for the Time being, or the major Part of them or their Successors, or to their known Agents, who shall within Twenty Days after such Notice, by Writing under his or their Hand or Hands, nominate and appoint One other Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room and Stead

Appointment of new Commissioners.

Stead of the said *William Cufiance*, and so from Time to Time so often as any Commissioner so to be appointed as last aforesaid, shall die, neglect, or refuse to act, or become incapable of acting as aforesaid; and that in case the said *Charles Berkeley* shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, that then and in such Case the surviving or remaining Commissioners or Commissioner shall within Twenty Days next after such Death, Neglect, Refusal, or Incapacity of the said *Charles Berkeley* to act, shall happen or be known to them or him, give Notice thereof to the Owners and Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed (except the said several Lords of Manors, Patrons, Impropiators, and their Lessees, Rectors, and Vicars as aforesaid), in the Newspapers called *The Cambridge Chronicle and Journal*, and *The Lincoln, Stamford, and Rutland Mercury*, or some other Newspaper usually circulated in that Part of the County of *Northampton* where the Lands to be inclosed lie, and also in each of the said Parish Churches and Chapels of *Maxey with Deepingate, Northborough, Ginton with Peakirk, Etton, and Helpstone*, in the said County of *Northampton*, upon a *Sunday* immediately before Divine Service, by affixing the same in Writing upon the principal outer Doors of the said Parish Churches and Chapels; and in such Notice the said surviving or remaining Commissioners or Commissioner shall appoint a Time and Place (within the Limits hereby appointed for holding the said Meetings generally, for the Purposes of the said intended Division and Inclosure) for the said Owners and Proprietors to meet, within Twenty Days after such Notice, for the Appointment of another Person (not interested in the said intended Division and Inclosure) in the Place and Stead of the said *Charles Berkeley*, and the Majority in Value of the said Owners and Proprietors of the said Lands and Grounds so to be divided, allotted, and inclosed (except as aforesaid), who shall by themselves or their known Agents, or other Agents duly authorized by Writing, attend such Meeting, shall and may, by Writing under their Hands, appoint another Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Place and Stead of the said *Charles Berkeley*, and so from Time to Time as often as any Commissioner so to be appointed by the said Owners and Proprietors shall die, neglect, or become incapable of acting as aforesaid; but in case the Persons respectively herein-before enabled and authorized to appoint a Commissioner or Commissioners as aforesaid, shall refuse or neglect to appoint such Commissioner or Commissioners in the Place and Stead of the Commissioner or Commissioners so dying, neglecting, refusing, or becoming incapable of acting as aforesaid, within Twenty Days after such Notice or Notices shall have been given as aforesaid, then and in such respective Cases the surviving or remaining Commissioner or Commissioners shall, within the Space of Twenty Days next after such last mentioned Refusal or Neglect, by Writing under their or his Hand or Hands, appoint a Commissioner or Commissioners, not interested in the said Division and Inclosure, in the Place and Stead of each of such Commissioners so dying, neglecting, or becoming incapable of acting as aforesaid, whose Place or Places shall not have been filled up by the respective Persons enabled to elect or appoint such new Commissioner or Commissioners as aforesaid; and every Commissioner so to be nominated and appointed, shall have the same Powers and Authorities of acting in the Execution of this and the said recited Act as the Commissioner in whose Place or Stead he shall succeed was vested with;

with; and every Appointment of a new Commissioner shall be enrolled at the same Time and in the same Place as the Award or Instrument of the said Commissioners.

III. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given by Advertisement in the Newspapers called *The Cambridge Chronicle and Journal*, and *The Stamford, Lincoln, and Rutland Mercury*, or in some other Newspaper published or circulated in that Part of the said County of *Northampton* where the said Lands and Estates lie, and also by Writing to be affixed on the principal outer Doors of the several Parish Churches and Chapels aforesaid, of the Time and Place of their first Meeting for executing the Powers hereby vested in them, at least Ten Days before such Meeting, and shall also cause Ten Days Notice at the least, to be given in Writing, in like Manner, of every subsequent Meeting for the like Purposes (Meetings by Adjournment only excepted): Provided always, that if at any Meeting appointed to be holden as aforesaid it shall happen that only One of the said Commissioners shall attend, such Commissioner so attending may adjourn such Meeting to such Time within the Space of One Month, and to such Place within any of the said Parishes, or within Eight Miles of the same, as he shall think most convenient, giving Notice thereof to the absent Commissioners: Provided always, that all Meetings of the said Commissioners in the Execution of this or the said recited Act shall be held within some of the said Parishes, or within Eight Miles of the same.

Notice of Meetings.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall be so made and given by Advertisement in the said Newspapers, or in case the same shall not be then published, in some other Newspaper published or circulated in that Part of the said County of *Northampton* in which the said Lands do lie, and by Notices to be affixed on the outer Doors of the said several Churches and Chapels as aforesaid.

Other Notices how to be given.

V. And be it further enacted, That no Person acting as a Commissioner in the Execution of this or the said recited Act shall act as a Surveyor for the Purposes thereof during the Time he shall be a Commissioner.

Commissioners not to act as Surveyors.

VI. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the said Open and Common Fields, Common Meadows, Pastures, Commonable Lands, and Waste Grounds, shall be deemed Part thereof, and shall be divided and allotted accordingly, save and except in such Cases only where Encroachments or Inclosures have been made upon the said Commonable Lands and Waste Grounds with the Consent of the Lord or Lords, Lady or Ladies of any Manor or Manors within the said Parishes; and in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent thereof, such Dispute or Difference shall be determined by the said Commissioners.

Respecting Encroachments.

VII. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and any adjoining Parish or Parishes, it shall and may be lawful to and for the said Commissioners, with the Consent in

Power to shorten Boundaries.

[*Loc. & Per.*]

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Writing

Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, or Owner or Owners of the Soil, and under the Hands of the major Part in Value of the Land Owners in any Parish or Parishes interested in any Commons or Waste Grounds adjoining to the said several Parishes of *Maxey with Deepingate, Northborough, Glinton with Peakirk, Etton, and Helpstone*, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which such Fence or Fences are intended to be made, to set out and ascertain the Boundary Fences to be made between the said Commons and Waste Grounds adjoining to the Lands and Grounds hereby intended to be divided, allotted, and inclosed, in such Manner as they shall judge proper for the Purposes aforesaid, and after such Boundary Fences shall be set out and ascertained as aforesaid, the same shall be fenced by such Person or Persons, in such Manner, and at such Time or Times, as the said Commissioners shall order and direct in and by their Award, and shall for ever thereafter be and be deemed and taken to be the Boundaries between the said several Parishes of *Maxey with Deepingate, Northborough, Glinton with Peakirk, Etton, and Helpstone*, and such adjoining Parish or Parishes as aforesaid, any Law, Usage, or Custom to the contrary notwithstanding.

Commissioners to settle Disputes;

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, touching or concerning the respective Rights and Interests claimed by the said Lords Paramount and the Lords of the before mentioned Manors, or any of them, in or to the Soil of the said Commons and Waste Grounds, or touching or concerning any other Rights or Interests which such Parties or any of them shall claim to have in or upon the Lands and Grounds hereby directed to be divided and allotted, or concerning any Timber, Wood, Underwood, Bushes, Thorns, Whins, or Furze growing thereon, or concerning any Allowance claimed or to be claimed for ploughing and sowing Turnips or Corn, laying down with Grass-Seeds, manuring or improving the said Arable, Meadow, and Pasture Lands, or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioners and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

but not to determine Titles.

Commissioners may assess Costs.

IX. 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 this or the said recited Act, see Cause to award any Costs, it shall be lawful to and for the said Commissioners, and they are hereby authorized and required, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties, in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Claim or Claims, Objection or Objections shall be thereby disallowed or overruled, or against whom the said Commissioners shall have determined as aforesaid; and in case the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be

liable

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 authorized 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, or Body or Bodies Politic, Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, or 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.

X. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of or for any Right of Soil, Sheepwalk, or Common, or other Commonable Rights or Interests in, over, upon, or out of the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, or concerning any Objection or Objections made to such Claim or Claims, then and in every such Case it shall be lawful to and for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied, to have the Matter of any such Claim or Objection tried at Law at the next or at the Second Assizes to be holden for the County of *Northampton*, and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with such Determination of the said Commissioners, shall cause an Action or Actions to be brought against either of the said Commissioners, or against any One or more of the Person or Persons in whose Favour such Determination shall have been made, in One of His Majesty's Courts of Record at *Westminster*, within Four Calendar Months next after such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall and he, she, or they is and are hereby required forthwith to name an Attorney or Attornies, and to appear and file Common Bail, and accept One or more Declaration or Declarations, and plead and proceed to Issue thereon, whereby such Claim or Claims, Objection or Objections, and the Rights or Interests thereby insisted upon, may be tried and determined at the First or Second Assizes to be held for the said County of *Northampton* next after the making of such Determination, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, Body or Bodies Politic, Corporate or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had thereon, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims, Objection or Objections thereby determined according to the Event of such Trial or Trials.

Parties may
try their
Rights at
Law.

XI. Provided.

Determina-
tion of Com-
missioners to
be final if no
Action
brought.

XI. Provided always, and be it further enacted, That all such Determinations of the said Commissioners as shall have been so made as aforesaid with respect to such Claims or Objections, and concerning which no Action at Law shall be brought or commenced and proceeded in within the Time aforesaid, shall be final, binding, and conclusive upon all Persons whomsoever, any Thing in this or the said recited Act contained to the contrary notwithstanding.

If Parties die,
Proceedings
not to abate.

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

Provision in
Cases of
Death of
Parties before
Actions
brought.

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk 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.

Rights of
Possession of
Persons not
to be deter-
mined by
Commission-
ers.

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties, except in Cases of Encroachments made within the Period of Twenty Years as hereinbefore mentioned; but in case the said Commissioners shall be of Opinion against the Rights of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

Roads divid-
ing Parishes
to be made up
in the whole
40 Feet
Broad.

XV. And be it further enacted, That in case any public Carriage Roads or Highways shall be set out or continued in any Situation or Direction where any of the said Parishes are divided from any adjoining Parish, and where there now is and usually hath been a public Road or Meerway, and such adjoining Parish or Place hath hitherto been charged or liable to be charged with One Half Part of the Repair and Support of the said Road or Way, then and in such Case the said Commissioners shall and they are hereby authorized and required to set out so many Feet only, or so much Land, from and out of the said Lands and Grounds hereby directed to be divided

divided and inclosed, as will enlarge the Breadth of such Road or Way to Forty Feet at the least.

XVI. And be it further enacted, That in case it shall appear to the said Commissioners that there are or is any public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway in, through, over, or on the Sides of any of the old inclosed Lands or other Lands within the said Parishes, which may in the Judgement of the said Commissioners be diverted and turned without Inconvenience to the Public into any other public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, or be diverted or turned so as to make the same more convenient to the Public, or be stopped up and destroyed as superfluous and unnecessary, it shall be lawful for the said Commissioners, with the Concurrence of Two Justices, and on giving Notices subject to Objections or Appeal, as in the said recited Act is mentioned respecting the setting out, varying, and shutting up the public and private Carriage Roads, Bridle Ways, and Footways, in and by their said Award to order and direct such Public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, to be altered, turned, stopped up, or discontinued, in such Manner as the said Commissioners shall think proper; and in case such Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, so to be diverted, turned, stopped up, or discontinued, do not pass through any of such old inclosed Lands or other Lands, but on the Sides of the same, to sell and dispose of the Lands and Soil of such Roads to the Person or Persons whose Lands lie contiguous thereto, or other Person or Persons who shall be willing to purchase the same, and apply the Money arising therefrom towards repairing the public Highways within the Parish in which the same lies.

Commissioners may alter Roads through ancient Inclosures.

XVII. And be it further enacted, That no Horses, Beasts, Asses, Sheep, Lambs, or other Cattle, shall at any Time within the first Ten Years after the said Allotments shall be directed to be entered upon by the respective Proprietors thereof, be kept in any of the public Carriage Roads or Ways to be set out and fenced off on both Sides, or laned out in pursuance of this Act.

Cattle not to be kept in Roads for a limited Time.

XVIII. And be it further enacted, That the said Commissioners shall and may scour out, repair, and widen all ancient Brooks, Drains, Ditches, Watercourses, Tunnels, Water Gates, Sluices, Banks, Bridges, and other Requisites on, in, over, or upon the Lands and Grounds intended to be divided and inclosed; and also shall and may make, set out, and appoint such new Ditches, Drains, Watercourses, Tunnels, Water Gates, Sluices, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, as in, through, and over any ancient Inclosures or other Lands and Grounds within the said several Parishes, making Satisfaction to the Proprietor of such ancient Inclosures or other Lands and Grounds not hereby directed to be divided and inclosed, of such Depth and Breadth and in such Directions as the said Commissioners shall think fit; and the said Commissioners shall and may and they are hereby directed in and by their Award to appoint and order by whom, and at whose Expence, and at what Time, and in what Manner, the said Brooks, Drains, Ditches, Watercourses, Tunnels, Water Gates, Sluices, Banks, Bridges, and other Requisites shall be made, and there-

Power to make Drains, &c.

[Loc. & Per.]

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after

after repaired, cleansed, scoured, and maintained; and also shall and may direct, order, and award all or any of the Streams, Springs of Water, and Watercourses within the said Open and Common Fields, Lands or Grounds, hereby directed to be divided and inclosed, or adjoining to the same, or in any inclosed Lands within the said several Parishes, to be conveyed, carried, or turned into such Courses, and through, over, and across such Parts of the Lands or Grounds hereby directed to be divided and inclosed, or any other Lands in the said Parishes, as they the said Commissioners shall in their Discretion judge proper for the Watering of the several Allotments to be made as aforesaid, or discharging such Streams, Springs of Water, or Watercourses to their Outfall by the River *Welland*, provided that no such Stream, Spring of Water, or Watercourse be diverted or turned without the Consent in Writing of the Person or Persons from or out of whose Lands and of the Person or Persons through or into whose Lands respectively the same shall be diverted or turned; and that it shall also be lawful for the said Commissioners to open, cleanse, scour, and repair any ancient Ditch, Drain, or Watercourse in any other Parish, whereby the Water rising in or running from or through such other Parish, or over any Part of the Lands hereby directed to be divided, allotted, and inclosed, shall have heretofore usually passed and been conducted.

Commissioners may extinguish or suspend Rights of Common, and direct the Course of Husbandry.

XIX. And be it further enacted, That it shall be lawful to and for the said Commissioners at any Time when they in their Judgement shall think it convenient and proper, by Notice for that Purpose under their Hands to be affixed on One of the outer Doors of each of the said Parish Churches or Chapels, on some *Sunday* immediately before Divine Service, to order the Right of Common in, upon, and over the Lands and Grounds hereby directed to be divided and inclosed, or any of them, to be extinguished, either in Whole or in Part, or to be suspended, and from and after the Time or Times to be mentioned in and appointed by any such Notice, all such Right of Common as shall therein be directed to be extinguished or suspended, shall be extinguished or suspended according to and as shall be expressed in and directed by such Notice; and until such Division and Allotment as is hereby directed shall have been made of the Lands and Grounds to be divided and allotted, all such Lands and Grounds shall be stocked with such Cattle, and at such Times and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof, or by such other Persons as the said Commissioners shall appoint, with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnips, and other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage as the said Commissioners shall by Writing under their Hands in that Behalf direct, any Usage or Custom to the contrary notwithstanding; and that the Charges and Expences of such Ploughing, Sowing, Fallowing, and Tilling, shall be paid by the respective Persons who shall receive the Benefit thereof, or by such other of the Proprietors of the said Open and Common Fields, and at such Times, in such Manner, and in such Proportions, as the said Commissioners shall by any Writing or Writings under their Hands direct or appoint, and shall be recovered in such Manner as the Expences of this Act are directed to be levied and recovered; and that no Meadow, Pasture or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the Time of passing this Act shall be, without the Consent in Writing of the said Commissioners

before.

before the Allotment thereof ploughed, broken up, or converted into Tillage; and every Occupier of any such Land or Ground who shall refuse or neglect to comply with any such Direction of the said Commissioners, or who shall plough, break up, or convert into Tillage any such Meadow, Pasture, or fresh Ground, without the Consent in Writing of the said Commissioners, shall forfeit and pay any Sum not exceeding the Sum of Ten Pounds for every Acre of such Tillage Land with respect to which such Refusal or Neglect shall happen, and for every Acre of such Meadow, Pasture, or fresh Ground, which shall be ploughed, broken up, or converted into Tillage, and so on in Proportion in each Case for a greater or less Quantity than an Acre, which shall be paid and collected or levied and recovered as aforesaid.

XX. And be it further enacted, That the said Commissioners shall set out, allot, and award unto the Surveyors of the Highways within each of the said Parishes respectively, such Parts of the Lands and Grounds hereby directed to be divided and inclosed in each Parish respectively as the said Commissioners shall think necessary, not exceeding Three Acres in each of the said Parishes, as and for public Stone, Gravel, Sand, and Mortar Pits; and the same Allotments, when set out, shall for ever thereafter be used by the respective Surveyors of the Highways of the said several Parishes, and by the respective Proprietors and Occupiers of Lands, Tenements, and Hereditaments within each of the said Parishes for the Time being, in such Manner and under such Rules and Regulations as the said Commissioners shall by their Award, or by any other Writing or Writings under their Hands, direct or appoint; and that the Herbage thereof, and also of the public and private Roads, shall belong to and be the Property of such Person or Persons to whom the Commissioners shall allot and award the same.

Allotment for Stone, Gravel, and Mortar Pits.

XXI. And be it further enacted, That the said Commissioners shall and may and they are hereby required in the next Place to set out, allot, and award out of the Lands and Grounds hereby directed to be divided and inclosed in each Parish respectively, unto and for the several Rectors, Vicars, and Impropriators, and the Lessee of the said Impropriators respectively, and their Successors, Rectors, Vicars, and Impropriators for the Time being, such Parcels of the Lands and Grounds hereby intended to be divided and inclosed in each Parish respectively, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands and Rights of Common now respectively belonging to the said Rectors, Vicars, and Impropriators.

Allotments to Rectors, &c. in lieu of Glebe Land and Right of Common.

XXII. And, in order to the making an adequate Compensation to the said several Rectors, Vicars, Impropriators, and their Lessee, now the Tythe Owners, and their Successors, Rectors, Vicars, and Impropriators, and Tythe Owners for the Time being, for the Great and Small Tythes arising and renewing within the said several Parishes, or the Tytheable Places of the same, and for Moduses, be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award, out of the Lands and Grounds hereby directed to be divided and inclosed in each Parish respectively, unto and for the said several and respective Rectors, Vicars, and Impropriators, and their respective Successors, for and in lieu of all Tythes both Great and Small, and all Moduses, Compositions,

Allotment in lieu of Great and Small Tythes.

Compositions, or other Payments in lieu of Tythes and all other Ecclesiastical Dues and Payments whatsoever, (except *Easter Offerings*, Mortuaries, and Surplice Fees) arising, growing, increasing, happening, or payable within the said several Parishes and every of them, such Parts and Parcels of the Lands and Grounds hereby directed to be divided and inclosed as in the Judgement of the said Commissioners shall be equal in Value to One Fifth Part of all the Arable Lands, One Eighth Part of all the known Grass Lands, and One Ninth Part of all the Wood Lands, and One Ninth Part of all the unknown Common and Waste Grounds within each Parish respectively, which are subject and liable to the Payment of Tythes in Kind to the said respective Rectors, Vicars, and Impropriators, and also equal in Value to such Moduses, Compositions, or other Payments in lieu of Tythes as aforesaid, if any, and which shall remain after the public and private Roads and the Allotments for Stone, Gravel, Sand, Mortar Pits, Glebe Land, and Rights of Common herein-before directed to be made, shall have been set out and deducted.

Situations for Parts of the respective Rectors, &c. Allotments.

XXIII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required, in making the said Division and Allotments, to set out and allot unto and for each of the said several and respective Rectors, Vicars, and Impropriators aforesaid, and their respective Successors, not less than Fifteen Acres of the Lands and Grounds which shall be allotted to them respectively in lieu of Glebe or Tythes as aforesaid, as near to their respective Parsonage Houses as conveniently may be without Prejudice to the Rights of other Persons.

A Money Payment to be made in lieu of Tythes in certain Cases.

XXIV. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, Homecloses, old Inclosures, or inclosed Lands and Grounds, in any of the said Parishes, subject or liable to the Payment of Tythes in Kind, or to any Modus or Composition, or other Payment in lieu of Tythes (if any) or any other Ecclesiastical Dues or Payments, the respective Proprietors whereof shall not happen to be entitled to any or a sufficient specific Allotment to make Compensation for the same, such Proprietors shall respectively pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for such Tythes, Moduses, Compositions, or other Payments in lieu of Tythes, or other Ecclesiastical Dues or Payments issuing or payable out of such Homesteads, Gardens, Orchards, Homecloses, old Inclosures, and old inclosed Lands and Grounds respectively, or for such Part thereof for which a Compensation in Land cannot be made by the Proprietors thereof as aforesaid; which Sum or Sums of Money shall be applied towards Payment of the Charges and Expences of obtaining and passing this Act, and carrying the same and the said recited Act into Execution, and shall and may be raised, levied, and recovered in like Manner as the Charges and Expences of obtaining and passing this Act, and carrying the same and the said recited Act into Execution, are herein-after directed to be raised, levied, and recovered; and if any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided between the several Persons interested in the said Lands and Grounds in Proportion to their respective Interests; and the Shares of such of the said Persons as shall be Tenants thereof in Fee Simple shall be paid to them respectively, and the Shares of the others of

of the said Persons shall respectively be paid into the Bank of *England*, in the Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or other Hereditaments, or of any Timber or Wood growing thereon, where any such last-mentioned Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses: Provided always, that in case any of the Proprietors of such old inclosed Homesteads, or other old inclosed Lands, amounting altogether to Thirty Acres, shall be desirous of compensating for the Tythes of the same by Land instead of such Money Payment, and shall give Notice thereof to the said Commissioners, it shall and may be lawful for the said Commissioners and they are hereby required to set out such Compensation as aforesaid in Land, Part of such old Inclosure, and allot and award the same accordingly:

XXV. Provided always, and be it further enacted, That it shall and may be lawful for the Husbans, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds, in any of the said Parishes, not having a sufficient Quantity of the Lands and Grounds hereby directed to be divided and inclosed, to discharge his, her, or their old Inclosures from Tythes, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, or for any of the Owners or Proprietors being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, to charge such Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands and Grounds with such Sum or Sums of Money as the said Commissioners shall by their Award, or any other Writing under their Hands, previous thereto, declare to have been paid for the Discharge of the Tythes thereof, not exceeding in any Case Five Pounds an Acre, for every Acre of Land discharged from Tythes as aforesaid, and their respective Shares of the Charges and Expences incident to and attending the obtaining of this Act, and carrying the same into Execution; and to grant, mortgage, surrender, lease, or demise, or otherwise subject such Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds, unto such Person or Persons as shall advance and lend such Sum and Sums of Money respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years; or in case any Person in Possession, who shall be charged with a Sum or Sums of Money as aforesaid, shall choose to advance, pay, or discharge the same, that it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease, demise, or otherwise subject the said Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands and Grounds, to such Person or Persons respectively paying or discharging the same, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money as aforesaid, with Interest for the same, to commence on the Termination of his, her, or their Right in the Premises, so that every such Grant, Mortgage, Surrender, Lease, or Demise, be made with a Proviso or Condition to cease and be

Tenants for Life, &c. of old Inclosures having no open Field Lands empowered to charge their Estates with Money paid for discharging the same from Tythes.

void, or with an exprefs Trust to be surrendered or re-assigned when such Sum and Sums of Money thereby to be secured shall have been fully paid and satisfied ; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming entitled to any such Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands and Grounds, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced ; and every such Grant, Mortgage, Surrender, Lease, or Demise, shall be good, valid, and effectual in the Law, for the Purposes hereby intended.

Allotments for Glebe and Tythe to be in the respective Parishes, and to be accepted.

XXVI. And be it further enacted, That the said Allotments herein directed to be made, set out, allotted, and awarded unto the said several Rectors, Vicars, and Impropriators, and their Successors as aforesaid, in lieu of Glebe Lands, Rights of Common and Tythes, and Moduses, Compositions, and other Payments in lieu of Tythes, if any, as aforesaid, shall be so respectively set out of the Lands and Grounds in the respective Parishes where such Glebe Lands and Rights of Common are, and from which such Tythes, Moduses, Compositions, or Payments in lieu of Tythes, are due and payable, and the same shall be accepted by such Rectors, Vicars, Impropriators, and their Successors as aforesaid ; and the same are hereby declared to be in lieu, bar, and full Satisfaction of and for all such Glebe Lands and Rights of Common, and of all Tythes both Great and Small, and all Portions of Tythes and Moduses, Compositions, and Payments in lieu of Tythes, and all Ecclesiastical Dues and Duties whatsoever now due and payable, and hereafter to arise and become due and payable to the said Rectors, Vicars, and Impropriators, and their Successors as aforesaid, out of all, every, and any of the Estates, Lands, and Grounds in the said several Parishes (except the usual and accustomed Surplice Fees, *Easter Offerings*, and Mortuaries), any Law, Custom, or Usage to the contrary notwithstanding ; and that the same Tythes, Moduses, Compositions, and Payments in lieu of Tythes shall immediately from and after the setting out of such Allotments in lieu and Satisfaction of the same as aforesaid, or at such other Time as the said Commissioners shall in and by their Award, or by any Writing to be signed by them previous to the Execution of the said Award, and affixed on the principal outer Door of each of the said Churches and Chapels as aforesaid, direct and appoint, cease, determine, and be for ever extinguished.

Tythes payable until Allotments are made.

XXVII. Provided always, and be it further enacted, That until the said Division and Allotment shall be made, and Possession thereof given to the said respective Rectors, Vicars, and Impropriators, or their Successors, the said respective Rectors, Vicars, and Impropriators, and their respective Successors, shall be entitled to and shall respectively receive and enjoy such and the same Tythes and other Payments as they could, might, or ought to have severally and respectively received in case this Act had not passed ; and that the said Rectors and Impropriators respectively shall from and immediately after making the Allotments herein directed be for ever exonerated and exempt from providing and keeping a Bull and Boar for the Use of the Inhabitants of each of the said Parishes.

XXVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to divide, set out, ascertain, allot, and award the several Allotments, Pieces or Parcels of Land and Ground which shall, pursuant to the Powers herein contained, be set out, allotted, and awarded for Glebe Lands, Rights of Common, and Tythes and Moduses, Compositions, or Payments in lieu of Tythes in the said Parish of *Maxey with Deepingate*, unto and between the said *William Loftus*, and his Successors Vicars as aforesaid, and the said Dean and Chapter of *Peterborough* and their Lessee, and their Successors Impropropriators as aforesaid, in such Manner as the said Commissioners shall adjudge proper, according to their respective Rights and Interests in and to the Glebe Lands, Rights of Common and Tythes, and Moduses, Compositions, or Payments in lieu of Tythes in the said Parish; and the said Commissioners are also hereby authorized and required to divide, set out, allot, and award the several Allotments, Pieces or Parcels of Land and Ground which shall, pursuant to the Powers herein contained, be set out, allotted, and awarded for Glebe Lands, Rights of Common, and Tythes, and Moduses, Compositions, and Payments in lieu of Tythes in the said Parish of *Helpstone*, unto and between the said *John Jackson Serocold*, and his Successors Vicars as aforesaid, and the said Master, Fellows, and Scholars of *Christ College, Cambridge*, and their Lessee, and their Successors Impropropriators as aforesaid, in such Manner as the said Commissioners shall adjudge proper, according to their respective Rights and Interests in and to the Glebe Lands, Rights of Common, and Tythes and Moduses, Compositions or Payments in lieu of Tythes in the said Parish; save and except as to the Annual Payment payable by the said Master, Fellows, and Scholars to the said *John Jackson Serocold*, and his Successors as Vicars as aforesaid, which is not to be affected by this Act.

Commissioners to divide Glebe, the Tythes, Allotments of Maxey, with Deepingate and Helpstone.

XXIX. And be it further enacted, That the several Allotments of Land and Ground so to be set out, allotted, awarded, and divided, to and for the said respective Rectors, Vicars, and Impropropriators, and their Successors as aforesaid, shall be respectively inclosed and fenced on all such Parts as shall not be directed to be fenced by any other Proprietor, and as shall not adjoin upon any ancient Inclosure or Brook which may be of itself a sufficient Fence, with Ditches and Quickset Hedges, or other proper Mounds or Fences, with proper Posts and Rails or other Guard Fences to such Quicksets, at the Expence of such of the other Proprietors of the Lands and Grounds hereby intended to be divided and allotted as aforesaid, and of the Owners and Proprietors of such old Inclosures as shall be exonerated from Tythes by virtue of this Act, in such Manner and in such Proportions as the said Commissioners shall order and appoint; and the said Commissioners shall direct and appoint what Part of the said Ditches, Mounds, and Fences shall afterwards respectively belong to the said Rectors, Vicars, and Impropropriators, and their Successors, and what Part to any other Owners or Proprietors; and the said Ditches, Mounds, and Fences, when properly made, shall thereafter for ever be maintained, supported, and scoured out, by and at the Expence of the Person or Persons to whom the same shall be ordered and appointed to belong as aforesaid; and that the several other Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched, or otherwise fenced, and such Fences for ever thereafter repaired and

Allotments, Glebe, Tythes, &c. to be Ring-fenced by the other Proprietors.

For fencing Allotments to other Proprietors.

and scoured out by and at the Expence of the respective Persons to whom the same shall be allotted, within such Time and in such Proportions and Manner as the said Commissioners shall, in and by their Award, or any other Writing under their Hands, order and direct; and that convenient Gaps and Openings shall be left in all the said Fences and Inclosures for the Purpose of Cattle, Carts, and Carriages passing through the same, for such Space of Time as the said Commissioners shall direct.

Rectors and Vicars may lease their Allotments for 21 Years upon certain Conditions.

XXX. And be it further enacted, That it shall be lawful for the said several Rectors and Vicars respectively, and their Successors Rectors and Vicars as aforesaid (by and with the Consent of the Lord Bishop of the Diocese, testified by Writing under his Hand, and of the said Patrons respectively testified by Writing under the respective Common Seals of such of them as are a Body Politic, Corporate or Collegiate, and under the Hand or respective Hands of the other or others of them, at any Time after they shall be put into the Possession of the Allotments to be made to them respectively as aforesaid, and before Twelve Calendar Months next after the Execution of the Award), to grant any Lease or Leases to any Person or Persons whomsoever, of such respective Allotments, or of any Part or Parts thereof, except of the small Part of each respective Allotment herein directed to be set out to them and their Successors as near as conveniently may be to their respective Parsonage Houses, for any Term not exceeding Twenty-one Years from the *Lady Day* or *Michaelmas Day* next before the Day of the Date of such Lease or Leases, so that upon every such Lease there be reserved and made payable, by Four equal Quarterly Payments in every Year, the best and most improved Rent 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, and so that no such Lease or Leases be made dispunishable of Waste, and so that the Lessee or Lessees to whom such Leases shall be granted, be obliged yearly to spend and consume all the Manure arising from the Land to be so demised, and that Power of Re-entry for Non-payment of the Rent or Rents thereby reserved, within a reasonable Time, and all such other necessary and usual Powers and Covenants be inserted and contained therein, and so that Counterparts or a Counterpart of such Lease or Leases be duly executed by the Lessees or Lessee to whom such Lease or Leases shall be granted as aforesaid; and every such Lease shall be valid and effectual, any Law or Usage to the contrary notwithstanding.

Allotments in Right of Soil.

XXXI. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award out of each of the said Parishes respectively, unto the said Lords Paramount and the Lords of the said several Manors, or unto such of them as shall appear to the said Commissioners to be interested in the Soil of the said Commons and Waste Grounds, such Parts of the Lands and Grounds hereby directed to be divided and inclosed as shall in the Judgement of the said Commissioners be equal to One-twentieth Part in Value of all the Waste and unknown Commonable Lands and Grounds, as a Compensation for their Rights and Interests of and in the Soil of all the said Waste and unknown Commonable Lands and Grounds in each and every of the said Parishes, and so as each Allotment so to be set out as aforesaid

said be set out in that Parish in which the said Waste and unknown Commonable Lands and Grounds in respect of which such Allotment or Allotments shall be made do lie or are situated; and after such Allotments shall be set out as aforesaid, the said Commissioners shall and they are hereby authorized and required to divide, allot, and award the said Allotments so set out to such Lords as aforesaid for Right of Soil, according to their respective Rights and Interests therein.

XXXII. And be it further enacted, That after the said several Allotments shall have been made and set out as aforesaid, the said Commissioners shall divide, set out, allot, and award all the Residue and Remainder of the said Open and Common Fields, Common Meadows, Pastures, Commons, and Waste Grounds within the said several Parishes respectively, unto and amongst all and every Person and Persons, Body or Bodies Politic, Corporate or Collegiate, Proprietors or Owners of the same, and other Persons having Right of Common or other Interest therein, in such Quantities, Shares, and Proportions as the said Commissioners shall adjudge and deem to be a just Compensation and Satisfaction for and equal to their several and respective Lands, Grounds and Rights of Common, and other Rights and Interests therein.

XXXIII. Provided always, and it is hereby enacted, That in making the said Division, Allotments, and Inclosure of the Residue of the said Commons and Waste Lands, the said Commissioners shall set out and allot Two Fifth Parts in Value of such Residue to the Proprietors of Lands in each respective Parish having Right of Common thereon, and the other Three Fifth Parts to the Proprietors of the Commonable Messuages, Cottages, and Tofts in each such Parish having Right of Common thereon, save and except as to such Commons as may be regulated or stinted Pastures, or Commons which are to be divided and allotted according to such Regulation or Stint: Provided always, that all Tofts, Foundations, or Sites of ancient Commonable Messuages, or Cottages, shall, upon Proof thereof being made to the Satisfaction of the said Commissioners, that the same were deemed to be such in the ancient Terriers or Documents of the said Parishes respectively, be considered and deemed as Commonable Messuages, Cottages, and Tofts respectively, and that the respective Owners thereof shall be entitled to the same Compensation for the respective Rights of Common originally belonging thereto as if such Messuages or Cottages had been still standing.

XXXIV. And be it further enacted, That the said Commissioners shall and they are hereby required to appoint a Time and Place, by Notice to be given in Manner herein-before directed respecting other Notices to be given under this Act, for receiving Application from the Proprietors touching the Situation they would respectively choose to have their Allotments set out and allotted in.

XXXV. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided and inclosed

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to be divided,

Allotment of the Residue.

Commons how to be allotted.

Compensation for Tofts.

Meeting to be appointed to receive Application for Situations.

Allotments to be delineated on a Plan and shewn to the Proprietors.

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 give Notice, in Manner aforesaid, of some convenient Time and Place when and where the said Proprietors may be informed of such intended Allotments, and see the Scheme thereof set out and delineated upon a Map or Plan thereof, to be produced for their Inspection; and as some Proprietors may, upon Inspection of such Map, be dissatisfied with the intended Allotments, the said Commissioners shall at such Time and Place as last aforesaid, or some other Time or Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections against such Allotments, and shall forthwith as soon after as conveniently may be determine the same, and their Determination shall be final and conclusive upon all Parties.

Land may be deducted from Allotments for Expences;

and may be allotted to Persons paying such Expences.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, upon the Request of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted whether seized in Fee or being Tenants in Tail or for Life or Lives, or for any Number of Years determinable on a Life or Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Receivers, Agents, or Attornies of any such Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or for the Persons acting as such Guardians, Trustees, Committees, Receivers, Agents, or Attornies of the Trustees for any charitable or public Uses, or the major Part of them respectively, to deduct from the Value and Amount of the Allotment or respective Allotments of such Owner or Owners, by whom or on whose Behalf such Request shall be made as aforesaid, so much as shall in the Judgement of the said Commissioners be equal to the Share and Proportion, or respective Shares and Proportions of the Person or Persons by or on whose Behalf any such Request shall be made of the Charges and Expences of passing this Act and of carrying the same and the said recited Act into Execution, and making such Boundary Fences as the Commissioners shall direct, in respect of such Allotment or Allotments; and to allot the Land and Value so deducted to and amongst such of the other Owners and Proprietors, or any other Person or Persons who shall be willing to take the same, and to pay and defray such Expences as such Estates shall by the said Commissioners be charged with, and who shall pay such Charges and Expences; provided that it shall be lawful to and for the said Commissioners and they are hereby required, upon any such Request as aforesaid, and on the Payment by the Person or Persons making such Request of his, her, or their full Proportion of such Costs and Expences, to allot to the Person or Persons respectively by whom or on whose Behalf such Request and Payment shall be made, his, her or their Heirs or Assigns, the Land which shall have been so deducted, and the Person or Persons respectively to whom any such Allotment shall be made and awarded shall be and become seized thereof of an absolute Estate in Fee Simple, provided, that every such Request as aforesaid shall be made in Writing, and signed by the Person or Persons making the same, and shall be delivered to the said Commissioners at One of the Meetings for carrying this and the said recited Act into Execution, to be holden previously

previously to their allotting the Lands and Grounds hereby directed to be divided and inclosed: Provided always, that the Expences incident to the Estates held under beneficial Leases as after mentioned, shall be sustained, paid, and defrayed as herein-after directed.

XXXVII. Provided always, and be it further enacted, That it shall not be lawful to raise any further or greater Sum of Money than the Person or Persons Part of whose Allotment or Allotments shall be deducted as afore-Proprietors not to raise more Money by deducting from Allotments, than they are authorized to charge their Lands with, and where Land is deducted no Charge to be made. said, would have been empowered or authorized to borrow or charge upon his, her, or their Estate or Estates, under or by virtue of the said recited Act; provided also, that in all Cases where any Land shall be deducted from the Allotment of any of the said Proprietors or Persons towards Payment of Expences as afore-Proprietors not to raise more Money by deducting from Allotments, than they are authorized to charge their Lands with, and where Land is deducted no Charge to be made. said, it shall not be lawful for the Proprietor or Person from whose Allotment Land shall be so deducted as afore-Proprietors not to raise more Money by deducting from Allotments, than they are authorized to charge their Lands with, and where Land is deducted no Charge to be made. said, to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences.

XXXVIII. And be it further enacted, That it shall be lawful for any of the Owners or Proprietors of any Allotment or Allotments or of any Common Right upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of any Allotment or Allotments to be made and set out by virtue of this Act, separately and distinctly from the Estate in Right of which he or she is or may be entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioners and they are hereby authorized and empowered to award all and every such Allotment and Allotments, which shall be so sold and disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by any such Sale or Disposition.Allotment for Common Rights may be sold for the Execution of the Award.

XXXIX. And be it further enacted, That when any Person or Persons shall be seized or possessed of Lands or other Hereditaments held by different Tenures, or for, by, or under different Estates or Titles, the said Commissioners shall, upon the Request of the Person or Persons so seized or possessed respectively, inquire into, ascertain, and determine the respective Lands or other Hereditaments held by such several Tenures, or for, by, or under such different Estates or Titles respectively, and shall set out such distinct Allotments in respect of such Parts thereof as shall be or arise within the Common and Open Fields, or other the Lands and Grounds hereby directed to be divided, allotted and inclosed.Lands held by different Tenures or Titles to be distinguished.

XL. And be it further enacted, That all the Lands and Grounds which shall by the Authority and in pursuance of this Act or the said recited Act be allotted any of the said Proprietors, shall be held by such Proprietors respectively under the same Tenures, Rents, Customs, and Services as the Lands or other Property in respect of which such Allotments shall be made were respectively held and enjoyed by the said Proprietors before the passing of this Act, or would have been held and enjoyed in case this Act had not been made; and the several Lands and Grounds which
Lands allotted in lieu of Freehold, Copyhold, or Leasehold to be deemed of the same Tenure as the Lands in respect of which they are allotted.

which shall be allotted in lieu of Freehold Lands, or other Freehold Property, 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 or other Property 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 Lands or other Copyhold Property, shall in like Manner be deemed Customary or Copyhold Lands, and shall be held of the Lords of the Fee thereof, under the same Rents and by the same Customs, Duties, and Services as the Copyhold Lands or other Property, 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.

Provision for
the Renewal
of certain
Leasehold
Estates.

XLI. And whereas several of the Messuages, Farms, Lands, and Premises in the said several Parishes, or some of them, are held under Beneficial Leases for the Residue of Terms of Twenty-one Years of the said Lord Bishop of *Peterborough*, and the said Dean and Chapter of *Peterborough*, as mentioned in their respective Leases: And whereas the obtaining and passing of this Act, and carrying the same into Execution, and inclosing the Allotments to the said Rectors, Vicars, and Impropriators as aforesaid, and the several other Matters incident to the said Division and Inclosure, will be attended with a considerable Expence, and the Advantages arising therefrom will be inadequate to such Expence as far as concerns the said Lessees, their Executors and Administrators, by reason of their temporary Interest in the same, unless some Provision be made for them by this Act; and for as much as the Lessors are restrained by Law from granting any larger Estate or Estates in the Premises comprised in such Leases respectively than for the Term of Twenty-one Years, and cannot enter into an Agreement to bind themselves and their Successors to renew the said Leases at the usual and accustomed Times of renewing for any certain Sum of Money, without the Authority of Parliament; but the said Lessors and their Lessees respectively, in order to enable them to effectuate the Purposes of this and the said recited Act, having agreed amongst themselves on what Terms the said Leases shall be renewed, be it further enacted, That it shall and may be lawful for the said Dean and Chapter of *Peterborough* and their Successors, and they are hereby authorized and required, in the Year One thousand eight hundred and ten, which will be the Time according to usual Custom for renewing the Leases some Time since granted to *Elizabeth Campbell*, her Executors, Administrators, and Assigns, and the Lease of certain Lands in *Deepingate*, some Time since granted to *John Atkinson*, his Executors, Administrators, and Assigns, or as soon after as conveniently may be on the Surrender of the now existing Leases, to grant new Leases to the respective Lessees, their Executors, Administrators, and Assigns of the Premises comprised in their respective Leases, or the Allotments in lieu thereof, for a new Term of Twenty-one Years, upon the Lessees respectively paying to the Lessors for such new Leases, as a Fine for such Renewals, One Year and an Half's Rent of the Lands therein comprised, according to the Value in the State they are at the Time of passing this Act, such Value to be ascertained by the said Commissioners; and at the End of Seven Years of such new Term to grant in like Manner

a new

a new Term of Twenty-one Years to commence from that Time, on being paid as a Fine for such Renewal the like Sum as shall or may be paid in the Year One thousand eight hundred and ten, and for the said Dean and Chapter and their Successors as aforesaid in the Year One thousand eight hundred and twelve, which will be the usual Time for renewing the Lease some Time since granted to *John Atkinson* of a Messuage and Lands in *Maxey*, to grant in like Manner another Lease of the same, on the Lessee paying a Fine of Twenty-two Pounds Eight Shillings and Ten-pence; and in One thousand eight hundred and nineteen another Lease of the same, on the Lessee paying a Fine of Twenty-nine Pounds; and in the Year One thousand eight hundred and thirteen to grant to *John Young* a renewed Lease of the Premises lately demised to him on Payment of a Fine of Twenty Pounds Seven Shillings and Three-pence; and for the said Dean and Chapter and their Successors as aforesaid, in the Year One thousand eight hundred and fifteen, which will be the usual Time for renewing the several Leases lately granted to *Malachi Addy* and *William Levitt* respectively, their respective Executors, Administrators, and Assigns, to grant in like Manner renewed Leases, on the Lessees respectively paying the like Sum of Money for a Fine as was paid on the last Renewal in the Year One thousand eight hundred and eight; and for the said Dean and Chapter and their Successors as aforesaid, in the Year One thousand eight hundred and sixteen, which will be the usual Time for renewing the Leases granted to *Robert Holdich* and *Charles Green*, their Executors, Administrators, and Assigns, to grant in like Manner a renewed Lease, on the Lessee paying the like Sum of Money for a Fine as was paid this present Year; and for the said Dean and Chapter of *Peterborough*, and their Successors as aforesaid, on the Twenty-ninth Day of *September*, in the Year One thousand eight hundred and nine, to accept from *John Molecey* a Surrender of the Lease some Time since granted to *Elizabeth Thoroton* and *Sarah Arnold*, and by them assigned to him, and to accept from *Sir John Wyldbore Smith* Baronet, the Surrender of a Lease lately granted to him, and cancel the same Leases, and to make to them the said *John Molecey* and *Sir John Wyldbore Smith* respectively, such Compensation as the Commissioners appointed by this Act shall direct; and in case the Commissioners shall not agree, or the Lessors or their said Lessee shall be dissatisfied with the Amount so directed, then such Compensation as *William Morgan* of *Bridge Street Blackfriars*, in the City of *London*, Esquire, shall direct and appoint, such Compensation to be paid or allowed by the said Lessors to the said Lessee; and the said Lessors and their said Lessees are hereby required on the said Twenty-ninth Day of *September* to grant and take new Leases of the Premises respectively for a Term of Twenty-one Years, commencing from the said Twenty-ninth Day of *September*, upon Payment of One Year and Three Quarters' Value of the Premises by way of Fine for such Renewal, for a renewed or increased Term of Seven Years to be added to an existing Term of Fourteen Years, and so in Proportion for a less Term, according to the Value in the State they are at the Time of passing of this Act, such Value to be estimated and ascertained by the said Commissioners, and the usual Deduction of the reserved Rent being first made thereout; and at the End of the first Seven Years of such new Term to grant and take further Terms of Twenty-one Years, to commence on the Termination of the said first Seven Years, under the same Rents and Covenants as

[*Loc. & Per.*]

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shall

shall be contained in the new Lease, on Payment of a Fine calculated on the same Value and on the same Principle as on the Renewal on the said Twenty-ninth Day of *September* One thousand eight hundred and nine, and for the said Lord Bishop of *Peterborough* and his Successors to grant in like Manner to his respective Lessees Two Renewals of the Leases of Estates held of him as aforesaid at the usual Times of renewing the same, on being paid by the respective Lessees as a Fine for each such Renewal, One Year and an Half's Rent of the Premises therein comprised, according to the Value in the State they are at the Time of passing this Act, to be ascertained as aforesaid; such Leases to be under and subject to the old Rents and Covenants upon which the said Premises are now holden, over and above the Fees for such new Lease or new Leases respectively; and such new Leases so to be made and granted by the said Lessors and their Successors shall be binding upon them and their Successors, and shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, or Usage to the contrary notwithstanding.

Lessees to pay
Expences of
passing and
executing this
Act.

XLII. And be it further enacted, That the several Lessees, their Executors or Administrators, in Consideration of such Renewals as aforesaid, shall and they are hereby required to pay, bear, and discharge all the Costs, Charges, and Expences which shall be incurred in preparing, obtaining, passing, and executing this and the said recited Act, and shall be payable in respect of the said Farms and Lands now held by them respectively on Lease as aforesaid, and also to make proper Fences at such Time and in such Manner as shall be directed by the said Commissioners for dividing and inclosing the Farms and Lands.

Where Com-
missioners
shall not have
made distinct
Allotments
for Lands
holden by
different
Titles, they
may declare
the same by
Deed after
making their
Award.

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

should be contained in the said Award; and every such separate Instrument shall be enrolled in the same Place, and Evidence thereof shall be given in the same Manner, as by the said recited Act and this Act, or either of them, is directed concerning the said Award; and all reasonable Expences incurred in or about such separate Instrument as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators; and every such separate Instrument shall, from and immediately after the due Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes as if the Contents thereof had been inserted and contained in their said Award, and the same shall, after such Inrolment as aforesaid, be delivered to the Person or Persons upon whose Request any such Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall, in the Opinion of the said Commissioners, most properly belong.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said several Parishes, or any of them, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parishes or within any adjoining Parish, Hamlet, Township, or Place; provided 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 seised of or entitled in Possession to the Lands, Tenements, or Hereditaments which shall be so exchanged, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic or Corporate, or a Body or Bodies Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, or the major Part of such Trustees respectively, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Incapacity, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands and Seals of the other Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof and of the Lord Bishop of the Diocese in which such Lands, Tenements, and Hereditaments so to be exchanged shall lie or be situate: Provided always, that the Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions shall be

Exchanges
may be made.

be borne and paid by the several Persons, Bodies Politic, Corporate or Collegiate, making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct; and the same shall and may be recovered in the Manner herein-after directed for the Recovery of the Costs and Expences of passing and executing this Act.

Satisfaction
to be made for
Tillage, &c.

XLV. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been tilled, ploughed, sown, folded, or manured by any former Proprietor or Occupier thereof, shall pay unto the Person or Persons respectively who shall have tilled, ploughed, sowed, folded, or manured the same or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums of Money, and at such Time and Times, as the said Commissioners shall think reasonable, and shall by Writing under their Hands ascertain and direct; and if by reason of the Mismanagement of any former Occupier, or of the preceding Crop or Crops, or by any other Means, it shall happen that the Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land in a proper State of Cultivation, or if any such Allotment or Allotments shall in the Judgement of the said Commissioners be from any Cause in a worse Condition to be occupied than the Average of the Lands allotted by virtue hereof, then the Person or Persons to whom any such Allotment or Allotments shall be made shall receive such Compensation and Satisfaction from any other of the Proprietors, or from the former Occupier, as the said Commissioners shall determine and adjudge to be just and equitable; and in case any of the Sums of Money which shall by the said Commissioners be directed to be paid as aforesaid, shall not be paid to the Person or Persons and at the Time or Times to be appointed by the said Commissioners for the Payment thereof, it shall be lawful for them and they are hereby required to levy the same in like Manner as the Expences of passing this Act, and carrying the same and the said recited Act into Execution, are directed to be raised and levied.

Settlements,
&c. not to be
affected. nor
Wills re-
voked.

XLVI. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend to revoke, make void, annul, or alter any Settlement, 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 and taken 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 henceforth 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

the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, vested, or subject or liable to or been held by in case the same had not been allotted, assigned, or exchanged, and this Act had not been made; save and except such 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 all Leases, Agreements, and Tenancies at Rack Rent now subsisting of any Part or Parts of the Lands and Grounds hereby directed to be divided and inclosed, and of all Lands and Hereditaments within the said several Parishes which shall be exchanged or exonerated from Tythes respectively by virtue of this Act, and of all Messuages, Cottages, Lands, and Tenements in the same Parishes therewith respectively held, shall cease and be void at such Time or Times as the said Commissioners shall by Writing under their Hands direct or appoint, so as the respective Lessors or Landlords of such Messuages, Lands, or Tenements do before or at the respective Times at which such Leases or Tenancies shall be directed to cease, make and pay such Satisfaction to the respective Lessees or Tenants for the Loss which shall be sustained by the Determination of such Leases and Tenancies respectively, as shall be mutually settled and agreed between them, or, as the said Commissioners, being thereto required, by either of the Parties shall ascertain and direct; and the said Commissioners being so required, are empowered and directed to appoint a reasonable and proportionable Part, according to the Season of the Year, of the Rent reserved or made payable by any such Lease or Agreement for and in respect of the Time which shall have elapsed between the last Day on which any Payment of the Rent shall have become due and the Determination of any such Lease or Tenancy; and such Part of the Rent shall be recoverable by such Ways and Means as may by Law be used for the Recovery of Rent in Arrear; and the said Commissioners are empowered and directed in every Case where any such Lands or other Hereditaments in the said several Parishes shall be held by virtue of any such Lease or Agreement, together with Lands or other Hereditaments in any other Parish or Place, Parishes or Places by One entire Rent, to apportion and determine what Part of such Rent shall be deducted in respect of the Land or other Hereditaments in the said several Parishes in such Lease or Agreement comprised, and from what Time such Deduction shall take place; and the rest of the Rent reserved on any such Lease or Agreement shall, during the Remainder of the Term thereof, be the Rent of and for the Lands and Hereditaments in such other Parish or Parishes, Place or Places, and shall be payable and recoverable in like Manner as the entire Rent reserved by such Lease or Agreement shall immediately before such Apportionment be payable and recoverable: Provided always, that if there shall be any Lease of Lands, Part of which shall lie, in any of the said respective Parishes, and Part in any adjoining Parish or Township, all and every such Lease and Leases at Rack Rent now subsisting may be vacated; but where such Land shall have been taken in Exchange, and shall be under Lease, and wholly situate in an adjoining Parish or Township, the Lease of such last-mentioned Land shall not be vacated.

Leases and Tenancies at Rack Rent to cease.

Power to apportion Rents.

Money advanced to be repaid with Interest.

XLVIII. And be it further enacted, That the Money that shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, or which after the passing thereof shall be advanced or lent to or to be paid by the Direction of the said Commissioners for carrying the same into Execution, shall be repaid with lawful Interest to the Person or Persons lending, advancing, or paying the same out of the first Money to be raised for defraying the Expences of obtaining and executing this Act.

Expences of this Act.

XLIX. And be it further enacted, That the Costs and Charges of and incident to and attending the obtaining and passing this Act, of surveying, admeasuring, planning, dividing, and allotting the Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds hereby directed to be divided and inclosed and exonerated from Tythes, and of making the public Roads to be set out, and of preparing and inrolling the Award of the said Commissioners, and all the Charges and Expences of the said Commissioners, and of the several Persons to be employed by them, either before or after the Execution of the said Award, in, about, or concerning the Execution of this or the said recited Act, shall be borne and defrayed by all the Proprietors and Owners of or Persons having Rights or Interests in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed (except the said several Rectors, Vicars, and Impropiators, and their Successors, for and in respect of the Allotments to be made to them respectively as such Rectors, Vicars, and Impropiators as aforesaid), in such Proportions, and shall be paid to such Person or Persons, and at such Time or Times and from Time to Time, either before or after the Execution of the said Award, as shall be settled, adjusted, determined, and directed by the said Commissioners by any Writing under their Hands; and the several Sum and Sums of Money thereby rated shall be paid to such Person or Persons, and at such Time or Times, and in such Manner as the said Commissioners shall in and by their said Award, or any other Writing under their Hands, before or after the Execution of their said Award, order, direct, or appoint, and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Costs, Charges, Sums of Money, and Expences as aforesaid, within the Time, and to such Person or Persons as the said Commissioners shall appoint, then and in such Case it shall and may be lawful to and for the said Commissioners, by any Warrant or Warrants under their Hands and Seals directed to any Person or Persons whomsoever, to cause the said Costs, Charges, and Sums of Money to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her, or their Husbands, Guardians, Trustees, or Committees, wheresoever the same shall be found, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted, together with Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Share or Shares, Proportion or Proportions, from the Time the same shall be directed to be paid as aforesaid; or otherwise it shall be lawful for the said Commissioners, or any Person or Persons authorized by them, to enter upon and take Possession of the Messuages, Tenements, Orchards, Home Closes, or other ancient Inclosures

tures partitioned, exchanged, or discharged from Tythes as aforesaid; and also of the several Allotments made to such Person or Persons so refusing or neglecting to pay as aforesaid, and to receive and take the Rents and Profits thereof until thereby, therewith, or otherwise, the Share or Shares, Proportion or Proportions of the said Costs, Charges, Sums of Money, and Expences so ordered and directed to be paid by such Person or Persons as aforesaid; and all Interest on such Share or Shares, Proportion or Proportions, to be computed from the Time the same shall be directed to be paid as aforesaid, and also all Costs, Charges, and Expences occasioned by or attending such Entry upon such Premises, and the Receipt of the Rents and Profits of the Premises, shall be fully paid and satisfied.

L. And be it further enacted, That each of the Commissioners acting in Execution of the Trusts and Powers hereby vested in them shall be allowed and paid, in Satisfaction for their Trouble and Expences, the Sum of Two Pounds Twelve Shillings and Sixpence for every Day on which they shall be respectively employed in travelling to attending on or returning from so acting; and at all Meetings to be held in pursuance of this and the said recited Act the said Commissioners shall pay their own Expences; and none of the said Commissioners shall be allowed for more than One Day in travelling to and One Day in travelling from the Place of Meeting.

Allowance to the Commissioners.

LI. And be it further enacted, That the said Commissioners shall draw up and execute their Award of and concerning the several Matters and Things herein contained in manner directed by the said recited Act, and that the same shall be enrolled with the Clerk of the Peace for the Liberty of *Peterborough*, in the said County of *Northampton*, or in one of the Courts of Record at *Westminster*; and that then the same shall be deposited in the Cathedral Church at *Peterborough*, where all Persons interested may have Access thereto at proper Times to peruse the same, on Payment of One Shilling to the Chapter Clerk; and that true Copies thereof upon Parchment shall be made and deposited in each of the Parish Churches of *Maxey with Deepingate*, *Northborough*, *Glington with Peakirk*, *Etton*, and *Helpstone* aforesaid, or true Extracts therefrom, so far as respects each respective Parish, shall be made on Parchment and there deposited.

Award.

LII. And be it further enacted, That Once at least in every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall 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 and the said recited Act, and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before One or more of His Majesty's Justices of the Peace for the Liberty of *Peterborough*, in the said County of *Northampton*, not interested in the Inclosure, to be by him or them examined and balanced, and such Balance shall by such Justice or Justices be stated in the Book of Accounts to be

Commissioners to lay their Accounts before a Justice.

be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

Appeal to
the Quarter
Sessions.

I.III. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done by or under the Authority of the said Commissioners in pursuance of this or the said recited Act, (other than and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by the Verdict of a Jury, or where, by any Provisions of the said recited Act or of this Act, the Determinations, Acts or Proceedings of the said Commissioners are directed to be final or conclusive) then and in every such Case he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held for the said Liberty of *Peterborough* in the County of *Northampton*, within Four Calendar Months next after the Cause of Complaint shall have arisen, giving Ten Days Notice of such Appeal, and the Matter thereof, to the said Commissioners and to the Parties interested therein; and the Justices in their said General Quarter Sessions are hereby required to determine the Matter of such Appeal, and to make such Order therein, and to award such Costs as to them in their Discretion shall seem reasonable, and by their Warrant or Order to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or by any Writ, Process, or other Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Saving Ma-
norial Rights.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lords of the several Manors within the Limits and Jurisdictions whereof the Lands and Grounds hereby intended to be divided and inclosed are situate, of, in, and to the Seigniories, Royalties, Rights, and Services incident or belonging to such Manors; but that the Lords of the said several Manors shall and may from Time to Time and at all Times hereafter respectively hold, receive, take, and enjoy all Rents, Fines, Services and Profits of Courts, and all other Rights and Privileges to such Manors respectively appendant, belonging, or appertaining (save and except as to such, if any, as may be discharged, altered, or varied by this Act), in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they might or ought to have held and enjoyed the same in case this Act had not been made.

Saving Ec-
clesiastical
Jurisdiction.

LV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, prejudice, affect, lessen, or defeat any Ecclesiastical Jurisdiction of the Lord Bishop of *Peterborough*, the said Dean and Chapter of *Peterborough*, and the said Master,

Master, Fellows, and Scholars, of any Power of leasing which they or any of them have by the Law now in being, except as is herein provided:

LVI. Provided always, and it is hereby further enacted, That this Act, or any Thing contained herein, shall not extend or be construed to extend to empower the said Commissioners or any of them, or any other Person or Persons whomsoever, to have, use, or exercise any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works already made by or belonging to or hereafter to be made by or belong to the Governor, Bailiffs, and Commonalty of the Company of Conservators of the great Level of the Fens, called *Bedford Level*, or to invalidate, lessen or diminish, alter or take away any of the Rights, Powers or Authorities vested in the said Governor, Bailiffs, and Commonalty, or in the Governor, Bailiffs, and Conservators of the said Company, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the Draining of the Great Level of the Fens, called Bedford Level*, or by virtue of any other Act, Statute, or Charter whatsoever; but that all Rights, Powers, and Authorities whatsoever, which, by virtue of the said Act of the Fifteenth of *Charles* the Second, or of any other Act, Statute, or Charter whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and of every of them, as fully and amply to all Intents and Purposes as if this Act had not been made.

Saving
the Rights of
the Corpora-
tion of Bed-
ford Level.

LVII. Provided always, and be it enacted, That nothing in this Act contained shall prejudice, lessen, or defeat, the Right, Title, or Interest of the said *Alleyn* Lord *Saint Helens*, *John* Lord *Henniker*, *William* *Burslem*, and *Evan* *Foulkes*, their Heirs and Assigns, as such Lords Paramount in Trust as aforesaid, to any Right of Free Warren or any other Rights, Royalties, and Privileges, to, in, or over the said Hundred of *Nassaburgh* and Soke of *Peterborough*, respectively appendant, belonging, or appertaining.

Saving
Rights of
Lord Para-
mount.

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

General
Saving.

[*Loc. & Per.*]

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LIX. And

Act to be
printed by
the King's
Printer.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1809.