



ANNO QUINQUAGESIMO PRIMO

# GEORGI II. REGIS.

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## Cap. 192.

An Act for inclosing, and exonerating from Tythes, Lands in the Parishes of *Great Wymondley*, *Little Wymondley* and *Ippollitts*, in the County of *Hertford*.  
[15th June 1811.]

WHEREAS there are in the several Parishes of *Great Wymondley*, *Little Wymondley* and *Ippollitts*, in the County of *Hertford*, divers Open and Common Fields, Common Pastures, and other Commonable and Waste Lands: And whereas *William Wilshere* Esquire, is Lord of the Manor of *Great and Little Wymondley*, extending over the said Parishes of *Great Wymondley* and *Little Wymondley*, which Manor is holden of the King's most Excellent Majesty, in Grand Serjeantry; and *Emilius Henry Delme Radcliffe* Esquire, is Lord of the Manor of *Maydencroft*, within the said Parish of *Ippollitts*: And whereas the Masters, Fellows and Scholars of the College of the *Holy and Undivided Trinity*, within the Town and University of *Cambridge*, of King *Henry the Eighth's* Foundation, are Rectors Improprate of the said several Parishes of *Great Wymondley* and *Ippollitts*, and in right thereof are entitled to all the Tythes of Corn, Hay and Wood arising within the same Parishes; and are also Patrons of the Vicarage of the same united Parishes; and the Reverend *William Lax* is Vicar of the said United Parishes of *Great Wymondley* and *Ippollitts*, and is in right of his said Vicarage entitled to certain Parcels of Glebe Land in the said Parishes, and to the Small Tythes arising therein; and the said *William Lax* is also Lessee of the said Masters, Fellows and Scholars of the said Improprate Rectory: And whereas the Rectory of the said Parish of *Little Wymondley* is a Lay Impropration, divided between different Persons;

[Loc. & Per.]

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and



and the Great and Small Tythes arising upon and from the principal Parts of the Lands in the said Parish belong to the Proprietors of such Lands; and *Michael Hedthcote* Esquire, is seised of the Residue of the said Rectory, and entitled in virtue thereof to the Tythes of Two hundred and twelve Acres of Land, or thereabouts, in the said Parish, belonging to different Proprietors: And whereas the said *William Wilsbere*, *Emilius Henry Delme Radcliffe*, and *Michael Heathcote*, and also Sir *Francis Willes* Knight, *James Lucas* Esquire, and divers other Persons are severally the Proprietors of the said Open and Common Fields, Common Pastures, and other Commonable and Waste Lands, and are desirous that the same should be divided, allotted and inclosed; but such Division, Allotment and Inclosure cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Thorpe*, of *Great Barford*, in the County of *Bedford*, Gentleman, and *Alexander Watford*, of the Town of *Cambridge*, in the County of *Cambridge*, Gentleman, shall be, and they are hereby appointed Commissioners for letting out, dividing and allotting the said Open and Common Fields, Common Pastures and other Commonable and Waste Lands within the said Parishes of *Great Wymondley*, *Little Wymondley* and *Ippollitts*, and for putting this Act in Execution, in such Manner, with such Powers, and subject to such Regulations and Directions as are hereinafter contained, and with such of the Powers, and subject to such of the Rules, Directions, Regulations, Restrictions and Provisions contained in an Act made 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*, as are not repugnant to, or altered, or otherwise provided for by some of the Clauses, Regulations and Provisions in this Act.

Commis-  
sioners.

Umpire.

II. And for the Purpose of settling and determining any Difference or Dispute which may arise between the said Commissioners, touching or concerning any of the Matters and Things to be by them determined and performed or executed in pursuance of the said recited Act or of this Act, be it further enacted, That *Edward Hare*, of *Castor*, in the County of *Northampton*, Gentleman, shall be, and he is hereby appointed to act as an Umpire, and is hereby authorized and required to hear and determine every such Difference or Dispute as may arise between the said Commissioners, touching any Act, Matter or Thing, relating to the said Division, Allotment and Inclosure, or any of the Purposes of this Act; and if either of the said Commissioners shall for the Space of Twenty Days after Notice in Writing from the other Commissioners, refuse or neglect to appoint, give Notice of, or to attend a Meeting for the putting of this Act into Execution, or shall at any such Meeting refuse or neglect to proceed with due and reasonable Diligence and Dispatch in the Execution of the Trusts and Powers hereby vested in the said Commissioners, it shall be lawful for the said Umpire hereby appointed, or his Successor for the Time being, to join himself to, and act with the other of the said Commissioners, in all Things necessary for the Execution of this Act; and the said Umpire shall in all Cases be the sole Judge of such Refusal or Neglect; and in every Case in which the said Umpire shall determine between the said Commissioners,

or



or shall, upon any such Refusal or Neglect of one Commissioner, act with the other, the Judgment and Determination of the said Umpire acting solely, or of the said Umpire and the said other Commissioner acting together therein, shall be deemed and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Judgment and Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive.

III. And be it further enacted, That in case the said *Thomas Thorpe*, or any Commissioner to be appointed in his Place as hereinafter is mentioned, shall refuse to act, or to qualify himself, or shall, before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, die or become incapable of acting as a Commissioner, it shall be lawful for the major Part in Value (according to the Land-Tax Assessments) of the Proprietors for the Time being of the Lands to be divided and allotted by virtue of this Act, who shall by themselves, or their respective Agents, attend the Meeting or Meetings to be appointed for that Purpose, as hereinafter is mentioned, by Writing under their respective Hands, to appoint some other fit Person (not interested in any of the Land to be divided and allotted by virtue of this Act) to be a Commissioner in the Place of the Commissioner so refusing to act, or to qualify, or dying, or becoming incapable of acting as aforesaid: Provided always, that Two or more of the said Proprietors shall cause Notice to be given of the Time and Place of Meeting for every such Election, which Place shall be within the Parish of *Great Wymondley* aforesaid, or within the Distance of Eight Miles from the Boundary thereof (at least Ten Days before the Time of holding such Meeting), such Notice to be publicly read in the Parish Church of *Great Wymondley* aforesaid, on some *Sunday* immediately after Divine Service, and inserted in the Newspaper called the *County Chronicle*, or some other Newspaper circulated in the County of *Hertford*; and that in case the said *Alexander Watford*, or any Commissioner to be appointed in his Place as hereinafter is mentioned, shall refuse to qualify himself or to act, or shall, before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, die or become incapable of acting as a Commissioner, or without some sufficient Cause, to be approved by the said Master, Fellows and Scholars, shall neglect to attend any Meeting of the Commissioners for putting this Act in Execution, it shall be lawful for the said Master, Fellows and Scholars, by Writing under their Common Seal, to appoint some other fit Person (not interested in the said Division and Inclosure,) to be a Commissioner in the place of the said *Alexander Watford*: and every Commissioner to be appointed in the Manner hereby directed, shall have the like Powers and Authorities for putting this Act in Execution as if he had been expressly named a Commissioner by this Act.

Appointment  
of new Com-  
missioners on  
Vacancies.

Notice of  
Meetings for  
Election of  
Commis-  
sioners.

IV. And be it further enacted, That if the said *Edward Hare*, or any future Umpire to be appointed as hereinafter is mentioned, shall refuse to act, or to qualify himself as an Umpire under this Act, or shall die or become incapable of acting before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, then the said Commissioners shall, before they shall proceed further in the Execution of this Act,

Appointment  
of Umpire on  
Vacancies.

and



and they are hereby authorized to appoint, by Writing under their Hands, some other fit Person (not interested in any of the Land to be divided and allotted by virtue of this Act), to be an Umpire in the place of the Umpire so refusing to act, or to qualify, or dying, or becoming incapable of acting; and if the Commissioners cannot agree in the Choice of a Person to supply the Place of an Umpire on any such Vacancy, then each of such Commissioners is hereby required to set down in Writing the Name of some fit Person (not interested in any of the Land to be divided and allotted by virtue of this Act) whom he shall propose to fill such Vacancy; and the Names so set down, being written on Papers of the same Size and Kind, and folded up in the same Form, or as nearly as may be to the same Size and Form, shall at some Meeting of the Commissioners for the Execution of this Act, of which due Notice shall have been given, be put together in a Box or Glass, from which some indifferent Person present at such Meeting shall, publicly and in the Presence of all Persons interested who shall choose to attend, draw out One of such Papers, and the Person whose Name shall be written on the Paper first drawn out shall be the Umpire; and the said Commissioners are hereby required to certify by Writing under their Hands, the Choice and Appointment of such Person to be Umpire accordingly; and every Umpire to be appointed in the Manner hereinbefore directed shall have the like Powers and Authorities as are by this Act vested in the Umpire hereby appointed: Provided, that the Instrument or Certificate of the Appointment of every Commissioner and Umpire to be elected and appointed by virtue of this Act shall be inrolled with the Award of the Commissioners, and a Copy of such Instrument or Certificate attested by the proper Officer of the Court where the same shall be inrolled, shall be full and sufficient Evidence thereof in all Courts.

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

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

Oath of Umpire.

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

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

Commissioners to give Notice of Meetings.

VI. And be it further enacted, That the said Commissioners shall and they are hereby directed to cause public Notice to be given of the Time and Place of their First and every other Meeting for the Execution of this Act, at least Eight Days before any such Meeting shall be holden (the Meeting to qualify, and Meetings by Adjournment excepted); and that the said Commissioners may, and they are hereby authorized to adjourn any such Meeting from Time to Time and Place to Place as they shall see Occasion; and in case both the said Commissioners shall not meet at the Time



and Place appointed for any such Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place, or if no Commissioner shall then attend, for the Clerk to the said Commissioners (which Clerk they are hereby authorized to appoint) to adjourn such Meeting to any future Day not exceeding Twenty-eight Days from the Day of Adjournment, to be holden at the same or any other convenient Place, and so from Time to Time until both the said Commissioners shall meet; and the Commissioner or Clerk making such Adjournment is hereby required to give Notice thereof to the absent Commissioner or Commissioners: Provided that all Meetings of the said Commissioners for putting this Act in Execution shall be holden in the Parish of *Great Wymondley* aforesaid or within Eight Miles from the Boundary thereof.

Place of Meeting.

VII. And be it further enacted, That all Notices required by the said recited Act to be given by the said Commissioners, and the Notices hereby required to be by them given of their Meetings for the Execution of this Act, shall be given by Writing to be affixed on the South Door of the Parish Church of *Great Wymondley* aforesaid, or by Advertisement in the said Newspaper called the *County Chronicle*, or if such Newspaper shall not be then published, in some other Newspaper usually circulated in the said County of *Hertford*.

In what Manner Notices to be given.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the Lands or Grounds hereby directed to be divided and allotted, touching or concerning the respective Shares and Proportions which they, or any of them, shall have or claim to have therein, or touching or concerning any other Matter or Thing relating to the said Division, Allotment or Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and required, upon proper and sufficient Enquiry and Evidence, to examine into, hear and determine the same; provided that nothing herein contained shall authorize the said Commissioners to determine the Title to any Lands, Tenements or Hereditaments whatsoever, nor to determine any Right between any of the Parties interested in the said Lands and Grounds contrary to the Possession of any such Parties (except in Cases of Inclosure of and Encroachments on any of the said Commons or Waste Lands made within Twenty Years before the passing of this Act); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been duly taken from such Person or Persons by Ejectment or other due Course of Law.

Commissioners empowered to determine Differences;

but not Titles.

Commissioners not to determine Rights contrary to the Possession.

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

Power to award Costs.

[*Loc. & Per.*]

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rate;



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

Persons dissatisfied with the Commissioners' Determination may try their Rights by an Action at Law.

X. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Right or Interest therein, or objecting to any such Claim or Claims shall be dissatisfied with the Determination of the said Commissioners or Umpire, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons, Body or Bodies Politic or Corporate, so desirous to have the same tried at Law, shall and do, by themselves or their respective Stewards, Receivers, Attornies or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners or either of them, within One Calendar Month next after such Determination shall have been so made by the said Commissioners or Umpire, of which Notice the said Commissioners are hereby required immediately on the Receipt thereof or as soon afterwards as conveniently may be done, to give Information to the adverse Party or Parties, or his, her or their respective Stewards or Receivers, Attornies or Agents, by Writing under their respective Hands (to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies or Agents as aforesaid), then it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors or Assigns, and he, she or they is and are hereby required to proceed to a Trial or Trials at Law of the same, at the first Assizes to be holden for the County of *Hertford* next after the Expiration of One Calendar Month from the Time when such Notice as aforesaid shall have been given, in a feigned Action or Actions for that Purpose, to be commenced in His Majesty's Court of King's Bench or Court of Common Pleas at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, against any Person or Persons, Body or Bodies Politic or Corporate interested in the said Division, in whose Favour such Determination of the said Commissioners or Umpire shall have been made; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file Common Bail, or appear and accept One or more Issue or Issues, whereby the Claim or Claims, Rights and Interests in Question may be properly tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same); and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights or Interests than was or were claimed by such Party, then it shall be lawful for the Jury  
by



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

XI. Provided always, and be it enacted, That if any of the Parties Actions not in any Action or Actions to be brought and prosecuted in pursuance to abate by of this Act shall die pending the same, such Action or Actions shall not the Death of abate by reason thereof, but shall be proceeded in as if no such Event a Party. had happened; and if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any Actions to such Action or Actions might have been brought, if living, shall die before be brought after Death of Parties. any Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate respectively, who might have brought such Action against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Notice of such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead; and Proceedings shall be had therein in the same



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.

Commis-  
sioners may  
extinguish  
or suspend  
Rights of  
Common.

XII. And be it further enacted, That it shall be lawful to and for the said Commissioners at any Time when they in their Judgment shall think it convenient and proper, by Notice for that Purpose under their Hands, to be affixed on the South Door of the Church or Churches of the Parish or Parishes in which the Land shall lie, on some *Sunday* before Divine Service, to order the Right of Common in, upon and over the Lands and Grounds hereby directed to be divided and allotted, or any of them, to be extinguished either in the whole, or in part, or to be suspended; and from and after the Time to be mentioned in and fixed by any such Notice, all such Rights of Common as shall thereby be directed to be extinguished or suspended shall cease and be extinguished, or shall be suspended according to and as shall be expressed in and directed by such Notice.

Power to  
shorten  
Boundary  
Fences.

XIII. 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 and inclosed, and between such Lands and Grounds and any other adjoining Parish or Parishes, Manor or Manors, it shall be lawful for the said Commissioners, with the Consent in 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, to be ascertained by the Land Tax Assessments of the Land Owners in the Parish or Parishes, Manor or Manors interested in any Land adjoining the said Parish or Manor respectively, and also under the Hand or Hands of the Owner or Owners of the adjoining Lands upon which such Fence or Fences is or are to be made, to set out and ascertain the Boundary Fences to be made between the Land adjoining to the Lands and Grounds hereby intended to be divided and allotted, in such Manner as they the said Commissioners shall judge proper for the Purpose 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 be for ever thereafter deemed and taken to be the Boundaries between the said Parishes respectively and such adjoining Parish or Parishes, Manor or Manors as aforesaid, any Law, Usage or Custom to the contrary notwithstanding.

Roads divid-  
ing Parishes.

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



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

Power to stop Roads between or over old Enclosures.

XVI. And be it further enacted, That when and as soon as Two or more of His Majesty's Justices of the Peace for the said County of *Hertford*, at any Special Sessions to be holden by them, shall find, and shall, under their Hands and Seals, certify and declare any of the public Carriage Roads to be set out in pursuance of the said recited Act and of this Act, or any Part of such Road, to be fully and sufficiently formed, repaired and completed, such Road or Roads or so much thereof as shall in any such Certificate be described and certified, shall thenceforth be supported and kept in Repair by such Person and in like Manner as the public Roads within the said Parishes respectively are or ought by Law to be amended and kept in Repair; and every such Certificate shall at the General Quarter Sessions of the Peace to be holden for the County of *Hertford* next after the Date thereof be filed of Record by the Clerk of the Peace for the said County.

Justices empowered to declare any of the Roads completed.

XVII. And whereas certain Parts of the said several Parishes might be improved by Irrigation or Watering, if certain of the Brooks, Rivulets and Springs therein were for that Purpose conducted in Carriages or Ditches on proper Levels, and it may be necessary that such Carriages and Ditches shall in their Course to and from the Land intended to be watered, pass through and over Land to be allotted to other Proprietors, and in some Instances over old Inclosures; and there are other Lands in the said several Parishes which might be greatly improved by proper Drains or Ditches being cut or continued through the Grounds below such Lands; be it therefore enacted, That it shall be lawful for the said Commissioners to take the Levels, and examine the Practicability and Extent of the Improvements which may be made by Irrigation and Drainage within the said several Parishes or any of them, and to employ any proper Person or Persons for that Purpose; and the said Commissioners are authorized and empowered to scour and deepen, straighten, divert, alter, change, raise, sink or embank all or any of the ancient Brooks, Ditches and Water-courses within the said Parishes for the Purposes aforesaid, and to set out, appoint, construct and make all such new Ditches, Trenches, Bridges, Sluices, Sewers and Drains, as well in, through, over and upon the Lands and Grounds hereby intended to be divided and allotted as aforesaid, as in, over, through and upon any ancient Inclosures, or other

Improvement by Irrigation and Drainage.



Lands or Grounds within the said Parishes, or across and under any public or private Road as they shall judge necessary, for the Purpose of irrigating or draining of any of the Lands and Grounds within the said Parish which from their Situation may be capable of such Improvement; and the said Commissioners are hereby authorized and required to make a reasonable Satisfaction to the Proprietor or Proprietors of such ancient Inclosures or other Land not hereby intended to be divided and allotted, for any Damage which may be done to their Lands in the constructing, making and maintaining any Ditches, Water-courses, Trenches, Dams, Bridges, Sluices, Sewers or Drains in, through or over such Lands; and the said Commissioners shall apportion and assess the Expence of the Satisfaction to be made for Damage done to old Inclosures, and of digging, making and constructing the necessary Ditches, Dams, Bridges, Sluices and Drains, for the Purpose of conveying the Water upon and taking the same off the Land to be irrigated and drained as aforesaid, upon all or any of the said Proprietors to whom the said Lands shall be allotted and belong, in proportion to the Benefit their Estates will severally derive from such Irrigation and Drainage; and the Money so assessed shall be levied and recoverable in the same Manner as the Money for the Purpose of paying the Expences of passing this Act and carrying the same into Execution is directed to be levied and raised; and the said Commissioners are hereby directed in and by their Award to order and appoint at whose Expence, at what Time, and in what Manner the said Ditches, Drains, Bridges, Sluices, Banks, Dams and other Requisites for irrigating and draining respectively, shall thereafter severally be repaired, scoured, cleansed, maintained and renewed, and at what Time and in what Proportion the said Water shall be used by the several Proprietors for the Purpose of irrigating as aforesaid; and the several Proprietors of the Land to be irrigated as aforesaid, and their respective Servants shall thereafter, at such Times as the said Commissioners shall by their Award direct, have free Access and Liberty of passing along the Banks of such of the Ditches or Brooks as shall bring or convey the Water in and upon their respective Lands, and along the Banks of such Drains, Ditches and Brooks as shall convey the Water from and off their said Lands, for the Purpose of opening, shutting or regulating the Sluices, or of removing any Obstructions to the Course of the Water, doing as little Damage as may be: Provided always, that no such ancient Brooks or Watercourses shall be diverted, altered or turned without the Consent in Writing of the Person or Persons from or out of whose Lands the same shall be diverted, altered or turned, and of the Person or Persons through or into whose Lands the same shall be diverted, altered or turned.

Allotments  
for Gravel,  
Sand, and  
Chalk.

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

Allotment  
to Lords of  
Manors for  
Waste.

XIX. And be it further enacted, That the said Commissioners shall in the next place set out, allot and award to and for the Lords of the re-  
spective



pective Manors within which the Commons or Waste Lands hereby directed to be divided and inclosed, or any Part thereof, are situate, such Part and Parts of the Lands and Grounds hereby directed to be divided and inclosed as shall, in the Judgment of the said Commissioners, be equal in Value to One Eighteenth Part of all the Commons and Waste Lands hereby directed to be divided and allotted within the same Manors respectively, in lieu and satisfaction of the Soil of such Commons and Waste Lands.

XX. And be it further enacted, That the said Commissioners shall set out for and in lieu of all Tythes both Great and Small, arising, growing, renewing, happening or payable within the said several Parishes of *Great Wymondley* and *Ippollitts*, such Parcel or Parcels of the Lands and Grounds hereby directed to be divided and allotted, and such Parcel and Parcels of the old Inclosures in the said several Parishes or in either of them, as in the Judgment of the said Commissioners shall be equal in Value to One Fifth Part of all the Arable Land, One Tenth Part of all the Wood Land and One Eighth Part of all the Residue of the Lands and Grounds within the said Parishes of *Great Wymondley* and *Ippollitts*, which are severally subject or liable to the Payment of Tythes, and which shall remain after the public and private Roads and Drains shall be taken and deducted therefrom; and the Land so directed to be set out for Tythes shall be by the said Commissioners apportioned, divided and allotted to and between the said Master, Fellows and Scholars, Rectors Improprate of the said several Parishes, and the said *William Lax*, and his Successors, Vicars for the Time being, of the same united Parishes, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be just Compensations and Equivalents for their respective Shares and Rights therein; provided that no old Inclosure shall be allotted in lieu of or Compensation for Tythes, nor any Land in One of the said Parishes be allotted in lieu of or Compensation for Tythes in the other of them, without the Consent as well of the said Masters, Fellows and Scholars, and the said Vicar, as of the respective Person or Persons in Possession or in Receipt of the Rents and Profits of the inclosed and other Land so to be allotted, the Consent of the said Master, Fellows and Scholars, to be given by Writing under their Common Seal, and the Consent of the Vicar, and of every such Owner, by Writing under their Hands respectively.

Allotments  
for Tythes of  
Great Wy-  
mondley and  
Ippollitts.

XXI. And be it further enacted, That the said Commissioners shall set out and allot to the said *Michael Heathcote*, his Heirs and Assigns, in lieu of the Tythes payable to him in the said Parish of *Little Wymondley*, such Parcel or Parcels of the Land in the said Parishes of *Great Wymondley* and *Little Wymondley*, hereby directed to be divided and allotted, or in One of the said Parishes adjoining to the other Land of the said *Michael Heathcote*, and by and with the Consent in Writing of the said *Michael Heathcote*, and of the respective Proprietors of any of the old Inclosures in the same Parishes, such Parts thereof as shall be equal in Value to One Fifth Part of all the Arable Land, One Tenth Part of the Wood Land, and One Eighth Part of all the Residue of the Land in the said Parish of *Little Wymondley*, subject and liable to the Payment of Tythes to the said *Michael Heathcote*; and the Boundary or Boundaries of all the Allotment or Allotments to be so set out in lieu of Tythes, and of all the Allotment or Allotments for Glebe Lands and Common Rights to the said Rectories and Vicarage respectively

Allotment  
for Tythes in  
Little Wy-  
mondley.



respectively belonging, shall on all Sides, where Fences shall not be by the said Commissioners directed to be made by some Proprietor or Proprietors of the adjoining Land, be properly fenced with Ditches and Quickset Hedges, guarded on both Sides with substantial Posts and Rails; and such Fences shall be, for Seven Years from the making thereof, preserved, repaired, and maintained by or at the Expence of the several Proprietors of the Lands and Grounds hereby directed to be divided and allotted, and to be exonerated from Tythes, in such Proportions as the said Commissioners shall award and direct; and such Allotments shall be a full Satisfaction and Compensation for all the Tythes both Great and Small, arising and renewing within the said Parishes of *Great Wymondley* and *Ippollitts* respectively, and for the Tythes payable to the said *Michael Heathcote* in the said Parish of *Little Wymondley*; and from and after such Allotment and Allotments shall have been made, and the said Master, Fellows and Scholars, and their Lessees, and the said Vicar, and the said *Michael Heathcote*, his Heirs and Assigns respectively, shall be put into Possession thereof, such Tythes shall respectively cease, determine and be for ever extinguished.

XXII. Provided, and be it further enacted, That the Farm-house of the said *William Wilshere*, in the Parish of *Great Wymondley* aforesaid, called *Dela-meres*, now in the Tenure or Occupation of *Samuel Hewes*, with the Barns, Yards, Gardens, and Out-houses thereto belonging, and the several Closes thereto adjoining, called the *Orchard*, *Walnut-Tree-Close*, *Pond*, *Stockings* and *Brake Laps*, containing in the whole, by Admeasurement, including the Site of the Buildings, Sixteen Acres, Three Roods and Thirty-six Perches, little more or less, shall be by the said Commissioners valued and allotted in Part of the Compensation for the Tythes arising from the Land of the said *William Wilshere*, in the said Parish of *Great Wymondley*, payable to the said Master, Fellows and Scholars, or their Lessee.

Allotment  
of Residue.

XXIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to allot the Residue of the Lands and Grounds hereby directed to be divided and allotted unto and amongst the several Persons who at the Time of making such Allotments shall be respectively entitled thereto and interested therein, in proportion to their respective Shares, Rights and Interests therein; and all Inclosures within the said Parishes respectively, belonging to Two or more distinct Proprietors, and all Closes situate within and surrounded by any of the Common Fields or Common Pastures in the said Parishes respectively, shall be deemed and taken to be Parts of the Lands and Grounds directed to be divided and allotted by virtue of this Act.

Commis-  
sioners em-  
powered to  
set out Com-  
mon Pastures.

XXIV. And it is hereby further enacted, That in case any of the Proprietors entitled to Rights of Common in or over the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, shall request to have their Common Rights compensated by a Common Pasture instead of distinct Allotments of Land, and shall give Notice thereof to the said Commissioners within such Time as the said Commissioners shall for that Purpose appoint, and the said Commissioners shall be of Opinion that the Number of Proprietors who shall have made such Request shall be sufficient to enable the said Commissioners to set out such an Allotment as will answer the Purpose of a Common Pasture, then it shall be lawful for the said Commissioners, and they are hereby required to set out  
and



and allot to and for the Proprietors making such Request, from and out of such Part of the Common Greens, Common Pastures, and Waste Lands aforesaid, most convenient for that Purpose, such Parcel or Parcels thereof as shall in the Judgment of the said Commissioners be an Equivalent and Compensation for the Rights of Common to which the Proprietors making such Request shall be entitled; and if it shall appear to the said Commissioners (without any such Request to them made) that any of the Common Greens, Common Pastures, or Waste Lands within the said several Parishes, or any of them, by reason of Situation, Smallness of the Quantity, or Interfection of Roads, or other Circumstances, cannot be divided and inclosed to the Advantage of the Persons interested therein, the said Commissioners are hereby authorised to set out and allot the Herbage of such Common Greens, Pastures, or Waste Lands, as and for a Common Pasture or Common Pastures to such of the Proprietors of or Persons having Common Rights or other Interests in the Lands and Grounds hereby directed to be divided and allotted, to whom the same shall in the Judgment of the said Commissioners be most convenient and valuable in Situation, in or towards Satisfaction for the Rights and Interests of such Proprietors respectively; and the Land so to be allotted for Common Pastures, whether the same shall be allotted at the Request of such Proprietors as aforesaid, or without such Request, shall be used and enjoyed by the respective Proprietors to whom the same shall be allotted, and by their Successors and Tenants respectively, in such Proportions, and shall be stocked with such Kinds and Numbers of Cattle, and at such Seasons and Times of the Year, and subject to such Regulations and Orders for the equitable Enjoyment thereof, as the said Commissioners by the Award to be by them made shall establish and direct; and the Soil of the Land which shall be so allotted for a Common Pasture or Common Pastures shall by virtue of this Act, immediately on the Allotment thereof, be vested in the Lord for the Time being of the Manor within which such Allotments respectively shall be situate, as the Conservator or Trustee of every such Allotment, for the Persons to whom the Rights of Common thereon shall be allotted.

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

Proprietors may sell or mortgage their Allotments before the Execution of the Award, and their Rights of Common, separately from their other Property.

XXVI. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands or other Hereditaments in the said several Parishes, or any of them, held by different Tenures, or for, by or

Land held by different Tenures or Titles by the



same Proprietors to be distinguished.

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

Land held by different Tenures or Titles omitted to be distinguished by the Award, may be afterwards distinguished by a separate Instrument.

XXVII. And be it further enacted, That where the Proprietor or Proprietors of any Allotment, Land or other Hereditaments in the said respective Parishes, shall hold his, her or their respective Lands and Hereditaments by different Tenures, or for, by or under different Estates or Titles, and where, from want of the necessary Information before the said Commissioners, or from any other Cause, the Award of the said Commissioners shall have omitted to distinguish the said Lands or other Hereditaments holden by such several Tenures, or for, by or under such different Estates or Titles, or to set out and award several and distinct Allotments for any such respective Lands or other Hereditaments as hereinbefore is required, it shall be lawful for the said Commissioners, and they are hereby authorized at any Time, and from Time to Time, within Twelve Calendar Months after the Date and Execution of their Award, upon Request in Writing to them made by the respective Proprietors of any such Lands or other Hereditaments, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses, and to proceed as if their Award had not been made; and by any Deed or Instrument under their Hands and Seals to distinguish, ascertain and set out the Lands and Hereditaments held by different Tenures, or for, by or under different Estates or Titles respectively, in the same Manner as they are hereby authorized and required to do in Cases where such Lands and Hereditaments are directed to be ascertained, distinguished and set out by the general Award; and every such separate Instrument shall be inrolled in the same Place as the general Award shall be inrolled, and Evidence thereof shall be given in the same Manner as by the said Act of the Forty-first Year of His present Majesty and this Act, or either of them respectively, is directed concerning the said general Award of the said Commissioners; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry and separate Instrument as aforesaid, shall be paid by the Person or Persons who shall have requested the said Commissioners to make and execute the same, or by his, her or their Heirs, Executors or Administrators.

Power of Exchange.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to allot, set out and award for or towards the Share, Right and



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

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, if they in their Discretion shall think fit, to determine all and every or any Lease or Leases, Agreement or Agreements at Rack Rent now subsisting for any Term of Years, or from Year to Year, of any Part or Parts of the Lands and Grounds hereby directed to be divided and allotted; and of all or any Part of the Lands and Hereditaments within the said several Parishes or any of them, which shall be exonerated from Tythes or exchanged by virtue of this Act, as to the whole or any Part of such Land in any such Lease to be comprised, at such Time or Times as the said Commissioners shall direct; and it shall be lawful for the said Commissioners to adjudge and determine what Satisfaction shall be made by the respective Lessors or Landlords to the Lessees or Tenants respectively, for the Determination of their Interests in such Lands and Hereditaments.

Leases at  
Rack Rent  
may be de-  
termined.



Hereditaments, either by the Payment of a Gross Sum or (where other Lands and Hereditaments are or shall be comprised in the same Demise) by a Reduction and Apportionment of the Rent to be paid during the Remainder of the Term for the Residue of the Premises in every such Lease or Demise comprised; and every such Lease and Demise shall, upon the Compliance of the Lessor, with the Direction and Order of the said Commissioners for the Determination thereof, and not otherwise, cease and determine accordingly; and in all Cases where existing Leases, Agreements or Tenancies shall continue as to any of the Land in the said several Parishes, which shall be divided, allotted, exonerated from Tythes, or exchanged by virtue of this Act, it shall be lawful for the said Commissioners to ascertain and declare what additional Rent shall be paid by the respective Lessees or Tenants for the Improvement in the Value thereof, and the Rent so declared shall be added to and recoverable in like Manner as the original Rent.

Power of leasing to the Lessee of Great Wymondley and Little Wymondley.

XXX. And be it further enacted, That it shall be lawful for the said *William Lax*, Lessee of the said Master, Fellows and Scholars of the Rectory or Rectories of the said Parishes of *Great Wymondley* and *Ippollitts*, and for his Executors, Administrators and Assigns, Lessees for the Time being of the said Rectory or Rectories, to lease or demise all or any Part of the Allotment or Allotments to be set out or allotted by virtue of this Act, to the said Master, Fellows and Scholars, in Right of their said Rectory and Rectories, for any Term not exceeding Fourteen Years, under such Restrictions as Rectors and Vicars are by virtue of the said Act of the Forty-first Year of His Majesty's Reign, enabled to lease and demise Allotments to them made, save and except that the Consent of the Bishop of the Diocese to any such Lease shall not be requisite.

Power to enfranchise Copyholds.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, with the Consent in Writing of the respective Lords of the Manor or Manors of whom any Messuages, Cottages, Lands or Tenements in the said Parishes respectively are or shall be holden by Copy of Court Roll, and of the Customary Tenant or Tenants by whom any such Messuages, Cottages, Lands or Tenements shall be respectively holden, or for the Husbands, Trustees or Guardians, Committees or Attornies of and for any such Lord or Lords, Tenant or Tenants, being Females Covert, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, in and by the Award of the said Commissioners, or by any other Writing to be signed and sealed by them before the Execution of the said Award, to declare any such Copyhold or Customary Messuages, Cottages, Lands or Tenements to be enfranchised; and the Tenures by which the same are holden, and the Fines, Heriots and other Services incident thereto, to be discharged and extinguished; and that the same Messuages, Cottages, Lands or Tenements, or any Part or Parts thereof respectively, shall thenceforth be holden of the Lord or Lords of the same respective Manors; either by the Rents which shall have been theretofore paid or payable in respect thereof, or by any other Rent or Rents to be in such Writing or Writings ascertained and declared, and in lieu of and Compensation for every such Enfranchisement, to award to the respective Lord or Lords of the said Manor or Manors such Sum and Sums of Money to be applied in the Manner hereinafter directed, or to assign and set out to and for such Lord or Lords respectively such Compensation by Part of the Copyhold Lands and Tenements to be enfranchised,



chised, or by and out of any of the Lands and Tenements hereby directed to be divided and allotted, or any other Lands, Tenements or Hereditaments of any such Customary or Copyhold Tenant or Tenants respectively in the same Parishes, or either of them, as shall in the Judgment of the said Commissioners be an Equivalent and Satisfaction for the Customary Payments, Burthens and Services to which such Copyhold Messuages, Cottages, Lands or Tenements respectively shall have been subject or liable; and the Lord or Lords for the Time being of the Manor to whom any such ancient Rents shall be reserved or continued, or any other Rent assigned, shall have the like Powers and Remedies for the Recovery of such Rents respectively, as by the Laws of this Realm are given for the Recovery of Rents Seck, Rents of Assize and Chief Rents; and from and after any such Declaration shall be made and executed, and such Sum of Money or other Compensation shall be paid or assigned for such Copyhold Tenure, the Lands and Tenements in every such Declaration comprised, and thereby expressed to be enfranchised, shall be held, possessed and enjoyed by the Owner or Owners thereof, paying or making such Compensation, to their respective Heirs or Assigns, or other Persons claiming in Reversion or Remainder of the Lord or Lords of such Manors respectively, in free and common Soccage, discharged of the Tenure by Copy of Court Roll, and of all Services and Duties incident to such Tenure, and of all other Services and Payments except the Rent or Rents which may be continued or reserved to such Lord or Lords in respect thereof; and the Lands or other Hereditaments so to be assigned to such Lord or Lords, shall be by him or them, and by his or their Heirs, Successors or Assigns, or by the Person or Persons who shall be entitled in Reversion or Remainder to such Manor or Manors respectively, held and enjoyed in Compensation for the Tenure so to be extinguished for such and the like Estates, and upon and for such Uses, Trusts, Intents and Purposes as the Manor or Manors of which the Copyhold Hereditaments so enfranchised shall be holden, shall at the Time of every such Enfranchisement stand settled and limited.

XXXII. Provided, and be it further enacted, That the Money to be received for the Enfranchisement of any Copyhold Lands or Tenements in pursuance of this Act, shall be paid to the Lord or Lords of the Manor or Manors respectively of whom the Copyhold Hereditaments so to be enfranchised shall at the Time of the Enfranchisement thereof be holden, where such Lord or Lords shall be seised of such Manor or Manors in Fee Simple; and in all other Cases the Money to be received for any such Enfranchisement shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of the present Reign, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments to be settled to the same Uses.

Application  
of Money to  
be received  
for Enfran-  
chisement.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed or adjudged to extend to revoke, make void, annul or alter any Settlement, Deed, Will or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge or Incumbrance whatsoever, in, out of, upon or affecting any of the Lands, Tenements or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged

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



Allotments to be of the same Tenure as Lands for which they are allotted, and Allotments and exchanged Lands to remain to the same Uses.

or assigned in Compensation for any other Estate or Right in pursuance of this Act; and that the Lands and Hereditaments which shall be allotted in pursuance of this Act, shall from and immediately after the Allotment thereof become and be of the same Tenure and Tenures as the Lands, Tenements and Hereditaments, in respect of which the Allotment or Allotments to be so made shall have been previously held, and as well the Lands allotted, as the Tenements and other Hereditaments which shall be assigned in Exchange, or in Compensation for any other Estate or Right by virtue of this Act, shall immediately after such Allotment, Exchange or Assignment remain and enure; and the several Persons to whom the same shall be allotted, assigned or given in Exchange as aforesaid, shall thenceforth stand, and be seised and possessed thereof respectively, to, for and upon such and the same Uses, Estates, Intents, Trusts and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations and Remainders, Conditions, Charges and Incumbrances as the several Lands, Tenements and Hereditaments, in respect whereof such Allotments, Assignments and Exchanges shall have been made, should or would have stood severally 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, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act, or of the said Act of the Forty-first Year of the present Reign.

XXXIV. Provided, and be it further enacted, That if the Proprietor or Proprietors of any Messuages, Gardens, Orchards or inclosed Lands within the Parish of *Ippollitts*, subject and liable to the Payment of Tythes, shall be desirous of making Compensation for the Tythes issuing or payable out of or from such Messuages, Gardens, Orchards, or inclosed Lands, or any Part thereof, by a Corn-Rent, to be ascertained as hereinafter is directed, and the said Master, Fellows and Scholars, and the Vicar of the said Parish respectively, shall consent to accept the same, then the said Commissioners shall, and they are hereby required to make a just and true Valuation of all the Tythes both Great and Small, issuing or payable out of, for, or in respect of all such last-mentioned inclosed Lands, according to the Proportions aforesaid of the Value of the Land, and such Yearly Sum of lawful Money of *Great Britain*, as according to such Valuation shall be equivalent to such Tythes, shall be charged upon the same Lands as a Yearly Rent payable thereout, in lieu of the Tythes thereof, and instead of a Compensation in Land for such Tythes; and the said Commissioners shall from the *London Gazette*, or by such other Ways and Means as they shall think most proper, ascertain and determine what hath been the average Price of a *Winchester* Bushel of good marketable Wheat in the County of *Hertford*, for the Term of Twenty-one Years next preceding the First Day of *January* One thousand eight hundred and eleven; and the said Commissioners shall set forth in their Award the several Rents so charged, and the Price of Wheat upon which the same Rents shall have been calculated, and the several Yearly Rents, which shall be ascertained and set forth as aforesaid, shall be charged upon, and issuing and payable from and out of the several Lands and Tenements to be so discharged from Tythes; and it shall be lawful for the said Commissioners, and they are hereby directed in and by their Award to assign, divide and award the said Rents to and between the said Master, Fellows and Scholars, and the said Vicar,

in



in proportion to their respective Rights and Interests in the Tythes to be thereby compensated, so and in such Manner as that they shall respectively be entitled to entire Rents to the Amount of their respective Interests in the whole of all the Tythes compensated by Corn-Rents, and the same Land shall not be made liable to the Payment of Rents, both to the said Master, Fellows and Scholars, and the said Vicar; the said Rents to be payable and paid to the said Master, Fellows and Scholars, and to the said Vicar respectively, by equal Quarterly Portions, on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December* in every Year, the First Payment thereof to begin and be made on such of the said Quarterly Days as the said Commissioners shall, by their said Award or by any Notice in Writing to be given and published by them previously to the Execution of their Award, order and direct; and in case the said Yearly Rents, or any of them, or any Part or Parts thereof, shall at any Time or Times be behind and in Arrear after the Time at which the same shall become payable, it shall be lawful for the said Master, Fellows and Scholars, and the said Vicar respectively, and their respective Successors, to have and exercise the same Powers and Remedies, by Distress and otherwise for recovering the same, as by the Law of *England* are given and applicable for the Recovery of the Arrears of Rent reserved on any Lease or Demise of Lands; and upon the Death or Cession of any Vicar of the said Parish, before the Time at which any such Quarterly Payment of the said Rent shall become due, such Vicar and his Executors or Administrators shall be entitled to a Proportion of every such Quarterly Payment, according to the Number of Days elapsed from the Quarterly Day of Payment then last past to the Day of his Death or Cession, and the Remainder of every such Quarterly Payment shall belong to the succeeding Vicar, and such apportioned Sum shall be recoverable by the Persons respectively entitled to the same; in the like Manner as entire Quarterly Payments are hereby made recoverable.

XXXV. And be it further enacted, That at any Time after the Expiration of Twenty Years from the Date of the said Award, it shall be lawful as well for the said Master, Fellows and Scholars and the said Vicar respectively, as for the Proprietor or Proprietors of any Lands or Tenements charged with such yearly Rents, or any of them, to apply to any Court of Quarter Sessions of the Peace to be holden for the said County of *Hertford* (Notice in Writing of such intended Application being affixed on the principal South Door of the Parish Church of *Ippollitts* aforesaid, on some *Sunday* during Divine Service, Fourteen Days at the least before the Day on which such Sessions shall be appointed to be held), to nominate and appoint Three Persons to be Arbitrators for ascertaining the average Price of a *Winchester* Bushel of good marketable Wheat within the County of *Hertford*, for the Term of Twenty Years then last past; and the Justices in such Session assembled shall, by Order of the same Court, upon Proof of such Notice, nominate and appoint Three fit and disinterested Persons to be Arbitrators for the Purposes aforesaid; and if there shall appear to the Justices in any future Sessions to be Occasion, they are hereby authorized to nominate and appoint any other such Person or Persons to the same Office instead of any Person or Persons first nominated, until the Purpose of such Arbitration shall be completed; and the said Arbitrators, or any Two of them, are hereby authorized and required, from the *London Gazette*,

or



or by such other Ways and Means as they shall think proper, to ascertain the average Price of a *Winchester* Bushel of good marketable Wheat within the County of *Hertford*, for the Term of Twenty Years then last past; and the said Arbitrators, or any Two of them, shall by their Report in Writing under their Hands to be delivered to the Court of Quarter Sessions to be held for the said County next after their Appointment, set forth such average Price; and in case such average Price shall be found more or less to the Amount of Five *per Cent.* than the average Price of Wheat to be set forth in the said Award, the said yearly Rents then charged upon each Estate in lieu of Tythes shall be increased or diminished in Proportion to the Amount which the average Price so found by them the Arbitrators, shall bear to the average Price ascertained and set forth by the Commissioners as aforesaid; and the said Arbitrators, or any Two of them, shall by their said Report set forth the exact Amount to which each of such Yearly Rents shall be increased or diminished as aforesaid; and the said several Yearly Rents so varied and ascertained as last aforesaid, shall from the Quarterly Day of Payment preceding the Delivery of such Report to the Court of Quarter Sessions, be, remain and continue issuing and payable to the said Master, Fellows and Scholars, and the said Vicar respectively, and their respective Successors, from and out of the several Lands and Tenements, charged therewith for the Term of Twenty Years then next ensuing, and until such Yearly Rents shall afterwards, upon a like Application, be again varied and ascertained according to the average Price of Wheat during the Term of Twenty Years then last past, and such future Applications the Parties respectively are hereby authorized to make, from Time to Time after the Expiration of every Term of Twenty Years for ever, in such or the like Manner and Form as are hereinbefore directed with respect to the first Application; and the said Commissioners shall, in a Schedule in their Award, specify and describe the several Lands and Tenements, which by their said Award shall be charged with the said Yearly Rents, the Names of the respective Proprietors of the said Lands or Tenements, the Quantities thereof in Statute Measure, the Yearly Rents charged thereupon, and such other Particulars as the said Commissioners shall judge necessary or proper to be set forth by them for facilitating the Recovery and Apportionment of the said Yearly Rents.

XXXVI. And be it further enacted, That it shall be lawful for the respective Proprietors for the Time being of any Lands or Tenements charged with the said Yearly Rents or any of them, or any Part or Parts thereof, and the said Master, Fellows and Scholars, and the said Vicar respectively, by any Instrument in Writing under the Common Seal of the said College, and signed by the said Vicar and Proprietors respectively, from Time to Time to divide and apportion all or any of the said Yearly Rents, and to declare what Parts and Proportions thereof respectively shall in future be severally charged upon any Part or Parts of the Lands or Grounds originally charged with entire Rents as aforesaid; and after every such Apportionment the Rents so apportioned shall be payable in such Parts and Proportions, and chargeable only upon such Lands and Grounds as shall be specified in such Instrument of Apportionment in that Behalf; and every such Instrument of Apportionment, or a Duplicate thereof, shall within Three Calendar Months after the Date thereof, be registered in the Registry of the Archdeaconry of *Huntingdon*, and a Copy of the Instrument so registered, signed by the proper Officer, shall be received as Evidence thereof.

XXXVII. And



XXXVII. And be it further enacted, That the several Corn-Rents (if any) to be so charged as aforesaid shall be in full Satisfaction and Discharge of and from all Tythes both Great and Small, arising, renewing or payable from and out of such of the several Messuages, Tenements, Gardens, Orchards and old Inclosures lying and being within the said Parish of *Ippollitts*, upon which such Rents shall be so charged, and that such Tythes shall cease and be extinguished from the Quarterly Day next before the First Payment of such Rents shall become due.

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

XXXIX. Provided, and be it further enacted, That if the Land in the Parish of *Ippollitts*, by this Act directed to be divided and allotted, and such of the old Inclosures in the said Parish which shall not be compensated by Corn-Rents as aforesaid, as may, under the Provisions of this Act, be allottable in Compensation for Tythes, shall not be sufficient to compensate all the Tythes arising and payable in the said Parish, or if there shall not be sufficient of such Land which shall in the Judgment of the said Commissioners be so situate as that it may be conveniently and advantageously occupied or let by the Lessee of the said Improprate Rectory and the Vicar of the said Parish respectively, then the Powers in this Act given to the said Commissioners for the Compensation of the Tythes arising within the said

[*Loc. & Per.*]

48 X

Parish

Compensation for Tythes not compensated by Land.

Direction as to the Compensation for Tythes in *Ippollitts*.



Parish of *Ippollitts*, shall not be carried into Execution or exercised, except only in such Cases, and with regard to such of the Land in the said Parish as the said Master, Fellows and Scholars, by Writing under their Common Seal, and by their Lessee and the Vicar of the said Parish, and the Person or Persons seised, or possessed, or in Receipt of the Rents and Profits of the Land, by Writing under their respective Hands, shall require to be exonerated from Tythes.

Money to be paid by Proprietors of old Inclosures for Tythes and Expences.

XL. And be it further enacted, That as well the Sum and Sums of Money which shall by the said Commissioners be ordered to be paid in Compensation for Tythes, as the Proportion of the Costs and Charges of obtaining this Act, and carrying the same into Execution, which the said Commissioners shall adjudge to be paid by the Proprietors of inclosed Lands to be exonerated from Tythes, or exchanged by virtue of this Act, shall be recoverable by such Distress and Sale of the Goods and Chattels of the respective Proprietors of such old Inclosures, or by such Entry upon and Perception of the Rents and Profits of such old Inclosures as the said Commissioners are authorized to take and use for the Recovery of the Expences of obtaining and executing this Act, upon the Proprietors of the Lands and Grounds to be allotted by virtue hereof, and upon the Allotments to be to them respectively made, as fully as if such Powers of Distress and Sale, and of Entry and Perception of Profits, were herein expressly applied to such old Inclosures, and to the respective Proprietors thereof, and to the Persons to whom the same shall be assigned in Exchange.

Tenants for Life may charge inclosed Lands with Money paid in Exoneration for Tythes.

XLI. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees or Attornies of any of the Owners or Proprietors of the Lands and Grounds which shall by virtue of this Act be exonerated from Tythes, by a Money Payment or Money Payments, who shall be under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability or Incapacity, and for any of the said Owners and Proprietors being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or on Lives, or on any other Contingency, or Trustees for charitable Uses, or the major Part of such Trustees respectively, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioners shall direct to be paid for the Exoneration thereof from Tythes, and for the Share or Shares of the Owners and Proprietors thereof, of the Costs and Charges of passing this Act and carrying the same into Execution, and for the Security of any Person who shall advance and lend the same, to grant, mortgage, surrender, lease or demise such Lands and Grounds in such Manner, and subject to such Conditions and Restrictions, as are by the said Act of the Forty-first Year of the present Reign enacted and provided for raising the Shares and Proportions of the Owners or Proprietors of allotted and exchanged Lands, of the Costs and Expences of passing Acts of Inclosure, and carrying the same into Execution.

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

XLII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and required, upon the Request of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Interest therein, being Tenants in Tail, or for Life or Lives, or for any Number of Years



Years determinable on a Life or on Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents or Attornies of or for any such Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or of the Persons acting as such Guardians, Trustees, Committees, Agents or Attornies, to raise the Share and Proportion or respective Shares and Proportions of the Person or Persons by or on whose Behalf any such Request shall be made of the Charges and Expences of passing this Act and of carrying the same into Execution, not exceeding the Rate of Five Pounds for every Acre of the Land allotted and exchanged to such Person or Persons, and such Sums as shall have been adjudged and ordered by the said Commissioners to be paid by any such Person or Persons in Compensation for the Tythes of old Inclosures, by the Sale of any of the Lands or Hereditaments to be allotted to such Person or Persons by virtue of this Act or any of them, in the Manner and subject to the Directions prescribed by the said Act of the Forty-first Year of the present Reign, for the Sale of Lands directed to be sold for the Payment of the Expences attending the Execution of Acts of Inclosure; provided that no more shall be sold of the Lands or other Hereditaments of the Person or Persons by whom or on whose Behalf any such Request shall be made, than the said Commissioners shall estimate to be sufficient to raise the Sum or Sums payable by such Person or Persons for the Purposes aforesaid, and the reasonable Expences of Sale; and if there shall be any Surplus arising from such Sale, after paying the Sums so directed to be raised, and the reasonable Expences of Sale, such Surplus shall be divided between the several Persons interested in the said Lands and Grounds, in proportion to their respective Interests and Property therein; and the Shares of such of them as shall be Tenants thereof in Fee Simple shall be paid to them respectively, and the Shares of such other Persons respectively shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of the present Reign, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon; and which Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses.

XLIII. Provided, and be it enacted, That nothing in this Act contained shall extend to direct or authorize the said Commissioners to set out any Allotment in respect of or Compensation for the Tythes of the Land in the said Parish of *Ippollitts*, called *Temple Lands*, or to exonerate the said Land from such Tythes as the same are or may be subject and liable to the Payment of, without the Consent of the respective Owners of such Land, and of the said Master, Fellows and Scholars and the said Vicar; the Consent of the said Master, Fellows and Scholars to be given by Writing under the Common Seal of the said College, and the Consent of the said Vicar and of every such Proprietor by Writing under their Hands respectively.

Temple Lands in Ippollitts not to be discharged of Tythes without Consent.

XLIV. And whereas it may be expedient to erect a Barn or other Out-houses upon the Allotment or Allotments to the Vicar of the said united Parishes, or upon the old Inclosures belonging to the said Vicarage, for the more convenient Occupation of the Land, and to subdivide, drain and otherwise improve the Allotments to the said Master, Fellows and Scholars and the said Vicar respectively; be it enacted, That it shall be lawful

For erecting Buildings on the Tythe Allotments.



lawful for the said Commissioners, by and with the Consent and Approbation of the said Master, Fellows and Scholars, and of their Lessee, and the Bishop of the said Diocese and Vicar of the said Vicarage respectively, (the Consent of the said Master, Fellows and Scholars to be given by Writing under the Common Seal of the said College, and the Consent of the said Lessee, Bishop and Vicar by Writing under their Hands respectively), to put up to Sale by public Auction, and to sell, convey and assure so much and such Part and Parts of the Lands and Grounds to be respectively allotted to them by virtue of this Act, as in the Judgment of the said Commissioners shall be sufficient for the Purposes aforesaid, and the Monies arising from such Sale shall be applied under the Direction of the said Commissioners for such Purposes; and after Payment of the full Consideration Money, the Purchaser or Purchasers shall thereupon respectively have and take to himself, herself or themselves, and his, or their respective Heirs and Assigns, an absolute Estate of Inheritance in Fee Simple of and in the Lands which shall be comprised in such his, her or their respective Purchase or Purchases, and for which such Consideration Money shall be so paid, and the Allotment or Allotments or Part or Parts thereof to be so sold as aforesaid, shall be conveyed and assured unto the Purchaser or respective Purchasers by the said Commissioners; and every such Conveyance shall be valid and effectual in the Law to vest the Land to be conveyed in such Purchaser or respective Purchasers thereof, his, her or their Heirs and Assigns.

Commis-  
sioners may  
direct the  
Course of  
Husbandry.

XLV. And be it further enacted, That until such Division and Allotment as is hereby directed shall have been made of the Lands and Grounds to be divided and allotted, all such Lands and Grounds shall be stocked with such Cattle, and at such Times, and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof, with such Sorts of Corn and Grain, and with such Kinds, Quantities and Qualities of Grass, Turnips or other Seeds, and shall be kept, ordered and continued in such Course of Husbandry and Tillage, as the said Commissioners shall by Writing under their Hands in that Behalf direct, any Usage or Custom to the contrary notwithstanding; and that no Meadow, Pasture or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the passing of this Act, shall, without the Consent in Writing of the said Commissioners, be before the Allotment thereof ploughed, broken up, or converted into Tillage; and every Occupier of any such Land or Ground who shall refuse or neglect to comply with any such Direction of the said Commissioners, or who shall plough, break up, or convert into Tillage any such Meadow, Pasture, or fresh Ground, without the Consent in Writing of the said Commissioners, shall forfeit and pay a Sum not exceeding Ten Pounds for every Acre of such Tillage Land, with respect to which such Refusal or Neglect shall happen; and for every Acre of such Meadow, Pasture, or fresh Ground, which shall be ploughed, broken up, or converted into Tillage, and so in proportion in each Case for a greater or less Quantity than an Acre, to be levied and recovered in the Manner hereby directed for the Recovery of the Charges and Expences of passing this Act and carrying the same into Execution, and to be applied in like Manner.

Satisfaction  
to be made  
for Tillage,  
&c.

XLVI. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been tilled, ploughed, sown, folded



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

XLVII. And be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expence of applying for and obtaining this Act, or which after the passing this Act, shall be advanced or lent to the said Commissioners for carrying the same into Execution, shall be paid with lawful Interest to the Person or Persons who shall have advanced the same, his, her or their Executors or Administrators, out of the first Money to be raised for defraying the Expences of obtaining and executing this Act.

Money advanced to be repaid with Interest.

XLVIII. And be it further enacted, That the said Commissioners, and the Umpire acting in the Execution of the Trusts and Powers hereby vested in them, and the Clerk to be by them employed, shall each be allowed and paid in Satisfaction for his Trouble and Expence, the Sum of Two Pounds Twelve Shillings and Sixpence for every Day on which he shall be employed in travelling to, attending in, or returning from so acting; and that at all Meetings to be held in pursuance of this Act, the said Commissioners and their Clerk, and all Persons attending such Meetings, shall pay their own Expences.

Allowance to Commissioners and Umpire.

XLIX. And be it further enacted, That the Costs and Charges of, incident to, and attending the obtaining and passing this Act, of surveying, admeasuring, planning, dividing and allotting the Common and Open Fields, Common Pastures, and other Commonable and Waste Lands hereby directed to be divided and allotted, and 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 Umpire hereby appointed, and of the several Persons to be employed by them, either before or after the Execution of the said Award, shall be borne

Expences of Act.

[Loc. & Per.]

48 Y-Z

and



and defrayed by the Proprietors and Owners of, or Persons having Rights or Interests in the Lands and Grounds hereby directed or authorized to be divided and allotted, other than and except the said Master, Fellows and Scholars, and their Lessee and the Vicar of the said united Parishes of *Great Wymondley* and *Ippollitts*, and the said *Michael Heathcote*, in respect of the Improprate Tythes of the said Parish of *Little Wymondley*, in such Proportions, and shall be paid to such Person and Persons, and at such Time or Times, either before or after the Execution of the said Award, as shall be settled, adjusted, determined and directed by the said Commissioners by any Writing under their Hands; and the same shall and may be levied and recovered by the Means and in the Manner provided by the said Act of the Forty-first Year of the present Reign.

Payment of  
Expences of  
Sales of Ex-  
changes.

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

Commis-  
sioners may  
raise Arrears  
of Rates.

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

Lands may  
be deducted  
from Allot-  
ments for  
Expences;

LII. And be it further enacted, That it shall be lawful to and for the said Commissioners, upon the Request in Writing (to be delivered to the said Commissioners within such Time as they shall for that Purpose appoint) of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Interest therein, 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 on Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents or Attornies of or for any such Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, or under any Disability or Incapacity, or for the Persons acting as such Guardians, Trustees, Committees, or Agents or Attornies, or of the Trustees for any charitable or public Uses, or the major Part of any such Trustees 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 Judgment of the said Commissioners be equal to his, her and their Share and Proportion, or respective Shares and Proportions of the Charges and Expences of passing this Act, and of carrying the same into Execution, and to allot, award and divide the Land and Value so deducted to and amongst such of the Owners and Proprietors as shall by the said Commissioners be charged with; and shall pay such

Charges

and may be  
allotted to  
Persons pay-  
ing such Ex-  
pences.



Charges and Expences in proportion to the Sums they shall respectively pay or contribute thereto : Provided that it shall be lawful to and for the said Commissioners, and they are hereby required, upon any such Request as aforesaid, and upon 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 and 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 seised thereof, and of and for an absolute Estate in Fee Simple, freed and discharged from all former Titles, Charges and Incumbrances ; provided that the Value of the Land so to be deducted from any Allotment or Allotments, shall not in any Case exceed, according to the Opinion and Judgment of the said Commissioners, the Rate of Five Pounds for every Acre of the Land which shall by virtue of this Act be allotted or exchanged to the Person or Persons making such Request ; and that nothing in this Act contained shall authorise any Person or Persons to raise or charge by Sale, Mortgage or any other Ways or Means in the said recited Act or this Act mentioned, any further Sum or Sums of Money for the Costs and Charges of passing this Act and carrying the same into Execution, than after the Rate of Five Pounds for every Acre of the Lands to be allotted and exchanged to such Person or Persons by virtue of this Act ; and that in all Cases where any Lands shall be sold for the Payment of such Costs and Charges, it shall not be lawful for such Person or Persons to charge his, her or their Lands, Tenements, or Hereditaments with any Sum or Sums of Money for the Payment thereof.

LIII. And be it further enacted, That once at least in every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall make, and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before One of his Majesty's Justices of the Peace for the said County of *Hertford* (not interested in the said Inclosure), to be by him examined and balanced ; and such Balance shall be by such Justice stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice.

Commis-  
sioners to lay  
Accounts be-  
fore Justice.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners to make their Award for and in respect of any One or Two of the said Parishes, separately and distinctly from the others or other of them ; and that the said Award shall be executed and published within the Space of Three Years from the passing of this Act, and when inrolled with the Clerk of the Peace, in the Manner directed by the said recited Act, shall be deposited in the Church of One of the said Parishes.

LV. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done by the said

Power of  
Appeal to the  
Quarter Ses-  
sions.



said Commissioners in pursuance of the said recited Act or of this Act (other than and except such Determinations of the Commissioners or Umpire as are by the said recited Act or this Act declared to be final, binding or conclusive, and except in Cases where an Issue at Law may be tried as herein is mentioned), then, and in every such Case, he, she or they may appeal to the General Quarter Sessions of the Peace to be holden for the said County of *Hertford* next after Thirty Days from the Time when the Cause of Complaint shall have arisen, giving to the said Commissioners or any One of them, and to the Party or Parties concerned, Notice in Writing of such Appeal and of the Matter thereof within Twenty-eight Days after the Cause of Complaint shall have arisen, and Fourteen Days at the least before such General Quarter Sessions; and the Justices (not interested in the Premises) in such Sessions assembled, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious and without Foundation, then, and in such Case, the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

General  
Saving.

LVI. Saving always to the King's Most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, and his, her and their Heirs, Successors, Executors and Administrators, and all Persons claiming under or in Remainder after them, all such Right, Title or Interest, (other than, and except such as is, and are hereby meant and intended to be compensated or barred, destroyed or extinguished), as they, every or any of them, could or ought to have had and enjoyed of, in, to or out of the said Lands and Grounds hereby directed to be divided and allotted, in case this Act had not been made.

Printed Copy  
of the Act to  
be Evidence.

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

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1811.