



ANNO QUADRAGESIMO PRIMO

# GEORGI III. REGIS.

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## Cap. 145.

An Act for extinguishing the Rights of Common, and other Rights, in and over certain Lands called *Saint Thomas's Leys* otherwise *Pembroke Leys*, in the several Parishes of *Saint Botolph*, *Saint Andrew the Great*, *Saint Benedict*, and *Saint Mary the Less*, in the Town of *Cambridge*.

[2d July 1801.]

**W**HEREAS there are certain Lands and Grounds situate in the several Parishes of *Saint Botolph*, *Saint Andrew the Great*, *Saint Benedict*, and *Saint Mary the Less*, in the Town of *Cambridge*, commonly called *Saint Thomas's Leys* otherwise *Pembroke Leys*, and *Gravel Pit Close*, containing by Admeasurement Forty Acres Three Roods or thereabouts: And whereas the Master and Fellows of *Gonville and Caius College*, and the Master, Fellows, and Scholars of *Jesus College*, in the University of *Cambridge*; and *Richard Greaves Townley Esquire*, and divers other Bodies Politick and Corporate, and Persons, are Owners of the said Lands or Grounds; and the said Master, Fellows, and Scholars of *Jesus College*, and *Thomas Panton Esquire*, are respectively entitled to certain Rights of Sheepwalk, and other Rights; and certain Owners and Occupiers of Lands and Tenements in the said Town of *Cambridge*, are entitled to certain Rights of Common from *Lammas* to *Lady Day* in every

Preamble.

[Loc. & Per.]

32 A

Year



Year, in and over the same Lands and Grounds, and certain Rights of Way subsist in, over, and upon the same: And whereas the said Lands and Grounds are well calculated for the Purposes of building, and it is in Contemplation to erect thereon the necessary Buildings for *Downing College*, in the University of *Cambridge*, and the said Lands are otherwise capable of very considerable Improvement, in case the same were freed and discharged of the said Rights of Common, and all other Rights, in Manner herein-after directed; but the same cannot be effected without the Aid 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 *William Custance* and *Joseph Truslove*, both of *Cambridge* aforesaid, Land Surveyors, shall be and they are hereby appointed Commissioners for carrying into Execution the Purposes of this Act in Manner herein-after directed.

Commissioners appointed.

Power of appointing new Commissioners.

II. And be it further enacted, That in case any of the Commissioners herein-before named, or to be appointed as herein-after mentioned, shall, before the finishing and completing the Purposes of this Act, die or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, then and in every such Case the surviving or remaining Commissioner shall, within Three Calendar Months from the Time of such Death, Refusal, or Incapacity being known to him, or as soon afterwards as conveniently may be, by Writing under his Hand and Seal, appoint another fit Person, not interested in the said Lands, or in any Rights of Common, or other Rights, in, over, or upon the same, to be a Commissioner in the Room of the Commissioner dying or refusing to act, or being incapable of acting as aforesaid; and every such new Commissioner so to be appointed shall have such and the like Powers and Authorities for putting this Act in Execution, as if he had been appointed a Commissioner in and by this Act.

A Third Commissioner to be appointed in case of Difference.

III. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, before they proceed to execute the Powers hereby vested in them, to nominate and appoint some fit Person, not interested in the Matters in question, as a Commissioner for the Purpose of determining all Matters and Things to be done and performed by them under this Act, respecting which any Difference of Opinion or Disagreement may arise between them; and the Determination of such Third Commissioner shall from Time to Time be final and conclusive as to all such Matters and Things respecting which such Difference of Opinion or Disagreement may arise, and shall be conformed to and acted upon by the said first-named Commissioners and their Successors accordingly.

Notice to be given of Time and Place of Meeting.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause publick Notice to be given in the several Parish Churches of the said Town of *Cambridge*, upon some *Sunday* immediately after Divine Service, or by Notice in Writing, to be fixed on One of the Doors of the said Churches respectively, of the Time and Place of their First Meeting for executing the Powers hereby vested in them, at least Ten Days previous to such Meeting; and also in like Manner shall  
I  
give



give Ten Days Notice of every subsequent Meeting for the like Purpose (Meetings by Adjournment only excepted); and in case Two Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place to adjourn the said Meeting to be held on any future Day, not exceeding Twenty-one Days from the Day of Adjournment; and the said Commissioner making such Adjournment is hereby required to cause Notice thereof to be given to the absent Commissioner.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act (except the Power hereby given of appointing the First Meeting, and of administering the Oath next herein-after mentioned) until he shall have taken and subscribed the following Oath; (that is to say),

Commissioners not to act without taking the Oath.

‘ I A. B. do swear, That I will faithfully, impartially, and honestly, to the best of my Skill, Judgement, and Ability, hear and determine all such Matters and Things as shall be brought before me as a Commissioner by virtue of an Act, passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled [*Here set forth the Title of the Act*] and that I will, to the best of my Skill, Judgement, and Ability, ascertain and declare the true Value in Money of the several Rights of Common and other Rights, in, over, and upon the said Lands and Grounds to which any Person or Persons may be entitled, and that I will do and execute all other Things appertaining to the Office of a Commissioner under the said Act truly, honestly, and impartially, to the best of my Skill, Judgement, and Ability, without Favour or Affection to any Person or Persons whomsoever.

Commissioner's Oath.

‘ So help me GOD.’

Which Oath it shall and may be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to the other Commissioner or Commissioners respectively; and the said Oath so taken and subscribed by each Commissioner, shall be annexed to and inrolled with the Award hereafter directed to be made.

VI. And be it further enacted, That as soon after the passing of this Act as conveniently may be, the said Commissioners shall appoint a Meeting for receiving the Claims of the several Persons entitled to or claiming Rights of Common or Way, or other Rights, in, over, or upon the said Lands and Grounds intended to be exonerated and discharged therefrom by this Act, and shall give Notice thereof in Writing, on the several Parish Church Doors of the Town of *Cambridge* aforesaid, and by Two or more Advertisements in some Publick Newspaper or Newspapers usually circulated in the said Town and County of *Cambridge*, at least One Calendar Month before the Day of such Meeting; and that no Claims shall be received after such Meeting, except for such Reasons as shall be allowed of by the said Commissioners.

Commissioners to appoint Meeting for receiving Claims.

VII. And be it further enacted, That if any Difference or Dispute shall arise between the Owners of the said Lands and Grounds, and the Persons having or claiming to have any Rights of Common or Way, or other Rights,

Commissioners to determine Disputes, and their Determination to



be final, but  
not to prevent  
the Trial of  
Rights at Law:

Rights, in, over, upon, or out of the same, or any of them, touching or concerning such Rights; or the Extent or Value thereof, or touching improper Claims by Persons not entitled to any such Rights, it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to examine Witnesses upon Oath, (which Oath the said Commissioners, or any One of them, are and is hereby empowered to administer) and thereupon, or upon other satisfactory Evidence, Information, or Proof, to hear and determine the same, and their Determination shall be final, binding, and conclusive upon all Persons interested therein; so as no such Determination shall hinder or prevent any of the Parties from trying their Rights at Law in respect of any Matter of Title, nor shall any Trial to be had thereupon suspend the Execution of the Powers given by this Act.

Sums awarded  
to be in Bar of  
Rights.

VIII. And be it further enacted, That the several Sums of Money to be awarded and allowed in Manner herein-after directed to or for the Benefit of the several Persons who shall be entitled to Rights of Common or Way, or other Rights, in, over, upon, or out of the said Lands and Grounds, as a Compensation for and in lieu and Satisfaction of their said Rights by virtue of this Act, shall be in Bar of and full Satisfaction for all former and other Rights and Interests which they respectively had, held, or enjoyed, or might or could have had, held, or enjoyed before the passing of this Act, in, over, upon, or out of the said Lands and Grounds, or any Part thereof; and that from and immediately after the Execution of the Award of the said Commissioners herein-after directed to be made, and Payment to any Person or Persons entitled to any such Right or Rights of Common or Way, or other Rights as aforesaid, his, her, or their Executors or Administrators; or upon Payment into the Bank, or to Two Trustees, in Manner herein-after directed, of the Sum or Sums of Money which shall be thereby awarded and allowed, as and for a Compensation or Satisfaction, and in lieu of such Rights of Common or Way, or other Rights as aforesaid, all and every such Common, and other Rights, in respect of which such Payments shall be so made in, over, and upon the said Lands and Grounds, shall cease, determine, and be for ever extinguished; and that from and after Payment to the several Persons entitled thereto or otherwise, as directed by this Act, of all and every the Sum and Sums of Money which shall be awarded and allowed by the said Commissioners, as and for Compensation and Satisfaction, and in lieu of all such Rights of Common and Way, and other Rights as aforesaid, all Rights of Common and Way, and all other Rights whatsoever, in, over, upon, or out of the said Lands and Grounds, and every Part thereof, shall cease, determine, and be for ever extinguished.

Persons claim-  
ing Rights  
disallowed by  
the Commis-  
sioners, to be  
at Liberty to  
try them at  
Law within  
Twelve  
Months.

IX. Provided always, That nothing herein contained shall extend to destroy or extinguish, before the Expiration of Twelve Calendar Months from the Date of the said Commissioners Award, any Right or Rights, in, over, upon, or out of the said Lands and Grounds which shall have been duly claimed before the said Commissioners and disallowed by them, but that the Party or Parties making such Claim shall and may at any Time, within Twelve Calendar Months from the Time of making the said Award, try such Rights at Law; any Thing herein contained to the contrary notwithstanding; and when any such disallowed Claim shall be established at Law as aforesaid, the Owners of the said Lands and Grounds,



in Proportion to the Value of the several Parcels thereof belonging to each, shall pay in like Manner as is herein-after directed with respect to such Claims as shall be allowed by the said Commissioners, to or for the Benefit of the Person or Persons so establishing such Claim, such Sum or Sums of Money as shall be the full and fair Value of such Right or Rights, to be ascertained by the said Commissioners; and from and after Payment of such Sum or Sums of Money as last aforesaid, and not before, such Right or Rights which shall be so established shall cease and be extinguished; any Thing herein contained to the contrary notwithstanding.

X. And be it further enacted, That the said Commissioners shall make and draw up, or cause to be made and drawn up, a true and perfect Account of all Monies by them paid for the Costs, Charges, and Expences of obtaining and passing this Act, and all other Fees and Charges whatsoever incident to and attending the putting the same into Execution; and that all such Costs and Charges, Fees, and Expences, shall be borne and defrayed by all the Owners and Proprietors of the said Lands and Grounds respectively, in such Shares and Proportions, and shall be paid to such Person or Persons, and at such Time or Times, and in such Manner as the said Commissioners shall in and by their said Award, or any other Writing under their Hands, direct or appoint, having Regard to the Value of the several Parcels of the said Lands or Grounds belonging to each of the said Proprietors.

The Expences of the Act to be paid by the Owners of the Lands.

XI. And be it further enacted, That as soon as conveniently may be after the First Meeting of the said Commissioners before directed to be held, and after the said Commissioners shall have received and considered the Claims of the several Persons claiming Rights of Common or Way, or other Rights, in, over, and upon the said Lands and Grounds as before directed, the said Commissioners shall estimate and ascertain what Sum or Sums of Money ought to be awarded and allowed to the several Persons entitled to any Right or Rights of Common or Way, or other Rights, in, over, upon, or out of the said Lands and Grounds, as and for a Compensation and Satisfaction, and in lieu of such Rights, and shall award and allow the same accordingly; which Sums so to be awarded and allowed, shall be paid and discharged by the Owners and Proprietors of the said Lands and Grounds respectively, to the several Persons who shall be entitled to such Rights of Common or Way, or other Rights, as aforesaid, in such Shares and Proportions as the said Commissioners shall in and by their said Award, order, direct, or appoint, having Regard to the Value of the several Parcels of the said Lands or Grounds belonging to each of the said Proprietors.

Commissioners to ascertain Sums to be allowed as a Compensation for Rights.

XII. Provided always, That nothing herein contained shall extend or be construed to extend to or in any Manner to affect any Waste Land, not being Part of the said Lammas Land, or Leys, lying at the Back of *Pembroke Hall* in the said University, or elsewhere adjoining to the said Leys.

Not to affect Waste Lands lying at the back of *Pembroke Hall*.

XIII. Provided also, That the said Commissioners shall and they are hereby required to set out a convenient Carriage Road, communicating from the Street called *Birdbolt Lane*, along the Wall of *Pembroke Hall* Garden,

To set out a Carriage Road.



Garden, to the Back Gate of *Pembroke Hall*, and also another convenient Carriage Road or Way, communicating with the said first-mentioned Road or Way at such Point as the said Commissioners shall think fit (taking into Consideration the Convenience of the Owners of the said Land, and of the Persons entitled to use the said Road or Way respectively) and the Road running across at the Bottom of the said Leys from the *Trumpington* Road to the *Linton* Road, or communicating with the said first-mentioned Road as aforesaid, and the *Trumpington* Road at some Point South of *Addenbroke's Hospital*, as the said Commissioners shall think fit; which said Road or Way shall be used by such Persons only as are entitled to use the Road now running in the last-mentioned Directions.

Award to be made.

XIV. And be it further enacted, That the said Commissioners shall, as soon as conveniently may be, form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express and contain a just and true Account of all Claims delivered to and received by them, and of the several Persons entitled to Rights of Common or Way, or other Rights, in, over, upon, or out of the said Lands and Grounds, and of the Value in Money of their respective Rights, and also an Account of the Costs, Charges, and Expences attending the applying for and obtaining this Act, and of carrying the same into Execution, and of the Shares and Proportions in which the Value of the said Rights of Common and Way, and other Rights, and the said Costs, Charges, and Expences are to be borne by and charged upon the respective Owners and Proprietors of the Lands and Grounds intended to be exonerated and discharged from such Rights of Common, and other Rights, as aforesaid; and such Award shall also express and contain such Rules, Orders, Regulations, Directions, and Determinations as shall be proper and necessary to be inserted therein conformably to the Tenor and Purport of this Act; which said Award or Instrument shall be read over by the said Commissioners in the Presence of the said Proprietors at a General Meeting to be especially called for that Purpose by a Notice specifying the Time, Place, and Purpose of such Meeting, to be affixed on the several Parish Church Doors of the Town of *Cambridge* aforesaid, and by Two or more Advertisements in some Publick Newspaper or Newspapers, usually circulated in the said Town and County of *Cambridge*, Ten Days at least previous to such Meeting; and the said Award being fairly ingrossed or written on Parchment shall be executed by the said Commissioners in the Presence of the said Proprietors who may attend at such Meeting, and shall be proclaimed on the following *Sunday*, in the said several Parish Churches in the Town of *Cambridge* aforesaid, immediately after Divine Service, from the Time of which Proclamation and not before the said Award shall be considered as complete; and thereto shall be annexed a Plan of the said Lands and Grounds intended to be exonerated and discharged from such Rights of Common and Way, and other Rights, by virtue of this Act; which said Plan shall also be signed by the said Commissioners; and the same Award shall, within Six Calendar Months next after the same shall be so signed as aforesaid, or as soon after as conveniently may be, be deposited amongst the Records of the University of *Cambridge*, and of the said Town of *Cambridge* respectively and inrolled with the Clerk of the Peace for the said County of *Cambridge* to the end Recourse may be had to the same by all Persons interested in the Premises, for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and



and a true Copy thereof, or of any Part thereof, shall and may be made and delivered, when and as often as the same shall be required, to any Person or Persons interested in the said Lands and Grounds, or in any Rights of Common, or other Rights, in, over, upon, or out of the same, or any Part thereof, signed by the proper Officer, such Copy purporting to be a true Copy, for which no more than Eight-pence *per* Sheet, reckoning Seventy-two Words to each Sheet, shall be paid; which said original Award or Instrument, and Plan annexed thereto, or the Inrolment of the said Award, or a true Copy or Copies of such Award, Inrolment, or Plan, or of any Part thereof, respectively signed as aforesaid, shall at all Times be admitted as legal Evidence in all Courts of Law or Equity whatsoever; and the said Award or Instrument in Writing, so executed and inrolled as aforesaid, shall be and is hereby declared to be final, binding, and conclusive upon all and every the Parties interested in or entitled unto, as well the several Lands and Grounds so directed to be exonerated and discharged as aforesaid, as upon all and every Person and Persons entitled to any Rights of Common or Way, or other Rights, in, over, upon, or out of the same.

XV. And be it further enacted, That in case the Party or Parties to whom any Sum or Sums of Money shall be awarded by the said Commissioners in respect of any Right of Common or Way, or other Rights, in, over, upon, or out of the said Lands and Grounds, and who shall be entitled to receive the same, shall refuse or neglect to receive the same when personally tendered to him, her, or them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded, and who shall be entitled to receive the same, cannot be found, or if the Person or Persons entitled to any such Rights of Common, or other Rights respectively, be not known or discovered, then and in every such Case as aforesaid it shall be lawful to and for the said Commissioners, by Writing under their Hands, to order the Sum or Sums awarded for and in respect of such Rights as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Commissioners for executing this Act, subject to the Order, Controul, and Disposition of the said Court of Chancery; which Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered and required, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order Payment thereof to any such Person or Persons, or otherwise, or to direct the same to be laid out and invested in the Publick Funds, and to order the Transfer or Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable.

Sums awarded to Parties to whom the same cannot be paid, to be paid into the Bank, subject to the Direction of the Court of Chancery.

XVI. And be it further enacted, That if any Money shall be awarded to be paid for any Rights of Common or Way, or other Rights, in, over, or upon the said Lands and Grounds, which shall belong to any Trustees for charitable or other publick Uses, or to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons beyond the Seas, or under any other Disability or Incapacity, or to any Person or Persons not having an Estate in

Sums awarded to incapacitated Persons, amounting to 200 *l.* to be paid into the Bank, and applied under the Direction

Fee



of the Court  
of Chancery.

Fee Simple therein, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account there *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way at the Costs and Expences of the Master, Professors, Fellows, and Scholars of *Downing College*, by the Person or Persons who would have been entitled to the Rents and Profits of the said Common Rights or other Rights, in, over, and upon the said Lands and Grounds, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the said Common Rights or other Rights, or affecting Lands, Tenements, or other Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of Lands, or other Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Common Rights or other Rights, which shall be so purchased, taken, or used, as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto in a summary Way, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or other Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Such Sums, if  
less than  
200*l.* and  
more than  
20*l.* to be  
paid into the  
Bank, or to  
Trustees.

XVII. Provided always, and be it further enacted, That if any Money so awarded to be paid for any Rights of Common or Way, or other Rights, in, over, and upon the said Lands and Grounds belonging to any Trustees for charitable or other publick Uses, or to any Corporation, or to any Person or Persons under Disability or Incapacity, or not having an Estate in Fee Simple as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the said Common Rights or other Rights, or of his, her, or their Guardian or Guardians, Committee or Committees, in any Case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery; and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the  
same



same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the same shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery:

XVIII. Provided also, and be it further enacted, That where such Money awarded to be paid as next before-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Common Rights or other Rights so extinguished by virtue of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons, so entitled respectively.

Such Sums, if less than 20<sup>l</sup>. to be paid to the Persons entitled to the Rents.

XIX. And be it further enacted, That in case any of the Owners or Proprietors of the Lands and Grounds intended to be hereby exonerated from such Rights of Common or Way, and other Rights as aforesaid, shall refuse or neglect, for the Space of Three Calendar Months, from the Date of the said Award, to pay such Share and Proportion, Shares and Proportions, of the Sum or Sums of Money, which shall be awarded and allowed by the said Commissioners to or for the Benefit of the several Owners or Persons entitled to Rights of Common, or other Rights, in, over, upon, or out of the said Lands and Grounds as aforesaid, in lieu and Satisfaction of or for such Rights, and also of the Charges and Expences of obtaining and executing this Act, to such Person or Persons, and in such Manner, as under and by virtue of this Act, or the Award of the said Commissioners, he, she, or they shall or may be ordered or directed to pay the same, then and in such Case the said Commissioners shall and may borrow and take up at Interest, from any Person or Persons willing to advance the same, such Sum or Sums of Money as shall be necessary for that Purpose, and shall pay and apply the same accordingly; and the said Commissioners shall and may thereupon, by Writing under their Hands and Seals, from Time to Time charge such of the Lands and Grounds intended to be hereby exonerated, which shall belong to any Owner or Proprietor so refusing or neglecting, with the Sum or Sums of Money so to be borrowed, and for securing the Re-payment of the same with Interest, shall and may grant, mortgage, lease, or demise such last-mentioned Lands and Grounds to the Person or Persons advancing such Sum or Sums of Money, or his or their Nominee, and his or their Executors, Administrators, or Assigns, for any Term or Number of Years; so as every such Grant, Mortgage, Lease, or Demise, shall be made with a Proviso or Condition to cease and be void when the Sum or Sums of Money thereby secured, with the Interest thereof, and the Costs, Charges, and Expences which any such Person or Persons so advancing or lending such Sum or Sums of Money, his, her, or their Executors, Administrators, or Assigns, shall or may be put unto concerning the Premises, shall be paid and satisfied; and the Receipt of the said Commissioners shall be

Power for the Commissioners to charge the Lands or Proprietors neglecting to pay their Share of the Sums awarded.



a good and sufficient Discharge to the Person or Persons lending such Sum or Sums of Money.

Commissioners to fix Boundaries.

XX. And whereas Disputes may arise between the Owners and Proprietors of the said Lands and Grounds so intended to be discharged from Rights of Common and Way, and other Rights as aforesaid, and the Inhabitants of the aforesaid Parishes of *Saint Botolph, Saint Andrew the Great, Saint Benedict, and Saint Mary the Less*, or of some other Parish or Parishes, or between the Inhabitants of the same Parishes among themselves, or between the said Owners and Proprietors of the said Lands and Grounds so intended to be discharged among themselves, touching the respective Boundaries of so much of the said Parishes as extend over the Lands adjoining, or of the Pieces or Parcels of the said Lands or Grounds belonging to such Owners or Proprietors respectively, and it will be expedient to settle and ascertain the same in and by the said Award so to be made by the said Commissioners; be it therefore further enacted, That the said Commissioners may and shall, and they are hereby authorized and empowered to enquire into, and in and by their said Award to set out, ascertain, and determine and fix the Boundaries of so much of all and every Parish and Parishes wherein the said Lands and Grounds so intended to be discharged as aforesaid; or any of them, or any Part thereof, are or is situate, as extend into, over, or upon the said Lands and Grounds, or any Part thereof, and also the Boundaries of the several Pieces or Parcels of the same Lands and Grounds belonging to the Owners or Proprietors thereof respectively, as between themselves; and after the said Boundaries shall be so respectively ascertained, set out, and determined, the same shall and they are hereby declared to be the Boundaries between the said Parishes and Parcels of Land and Ground respectively, subject to an Appeal to the Quarter Sessions as herein-after mentioned.

Monies to be paid into the Hands of a Banker.

XXI. And be it further enacted, That all Monies which shall be raised or received by the said Commissioners, or any of them, or by their Order or for their Use, under and by virtue of the Powers contained in this Act, shall, as often as the same shall amount to the Sum of Fifty Pounds, be paid by them into the Hands of a Banker or such other Person or Persons as shall be approved of by a Majority in Value of such Proprietors as shall be present at the First Meeting of the said Commissioners, to be there placed to the Account of the said Commissioners; and that the Money so paid in shall not afterwards be issued out of the Hands of such Banker or other Person or Persons, without an Order under the Hands of the said Commissioners, specifying the Person to whom the same is made payable, and the Service for which the same is due; and upon the final Settlement of the said Accounts, the Balance (if any) shall be immediately repaid to the Owners and Proprietors of the said Lands and Grounds aforesaid, in Proportion to the Sums they respectively paid or contributed thereto.

To keep Accounts.

XXII. And be it further enacted, That the said Commissioners shall, and they are hereby required to keep, or cause to be kept, a just and true Account of all Sums and Monies which shall be raised or received and laid out or expended by them or any of them, or by their Order, or for their Use, in the Execution of this Act; and shall truly and regularly enter all the Particulars thereof in a Book to be provided for that Purpose, and kept at the Office of their Clerk, open to the Inspection of any of the



the said Proprietors, or their Agents, at all reasonable Times during the Progress of the Execution of this Act, until the said Accounts shall have been finally settled; and in case the said Commissioners, or any of them, or their said Clerk, shall refuse or neglect so to do, the Commissioners or Clerk so refusing or neglecting, shall, for every such Refusal or Neglect, forfeit and pay to any Person who shall sue for the same, a Sum not exceeding Ten Pounds nor less than Five Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

XXIII. Provided always, and be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Rights of the present or any future Lord or Lords of any Manor or Manors wherein the aforesaid Lands are situate, to any Rents, Services, Courts, and Profits of Courts, Waifs, Estrays, Deodands, Seigniories, or other Royalties (if any) incident or appendant, appurtenant or belonging to such Manor or Manors respectively (other than and except any Right or Rights that may subsist in or to the Soil of the said Lands and Grounds, or any of them, or any Common or Right of Pasturage in, over, or upon the same) but such Lord or Lords shall and may from Time to Time and at all Times hereafter hold and enjoy the same, except as aforesaid, in as full, ample, and beneficial a Manner to all Intents and Purposes as they might or ought to have held or enjoyed the same before the passing of this Act, or in case the same had not been made.

Saving Manorial Rights.

XXIV. And be it further enacted; That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act; then and in every such Case, except when the Orders and Determinations of the Commissioners are directed to be final, he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the County of *Cambridge* within Six Calendar Months next after such Cause of Complaint shall have arisen; and the Justices of the said Quarter Sessions are hereby required to hear and determine the Matters of every such Complaint, and to make such Orders therein, and to award such Costs as they may think reasonable, and to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners; after deducting all reasonable Charges; which Determination of the Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Persons aggrieved may appeal to the Quarter Sessions.

XXV. Saving and always reserving to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons whomsoever, their Heirs, Executors, and Administrators, and to all Bodies Politick and Corporate, and their Successors (other than and except the Person and Persons, Bodies Politick and Corporate, who are Owners of the Lands and Grounds intended to be hereby exonerated from such Rights of Common and other Rights as aforesaid, or of any Part thereof, or who are Owners of any Rights of Common or Way, or other Rights, in, over, upon, or out of the said Lands and Grounds, their respective Heirs, Executors, Administrators, Successors, and Assigns; and all other Persons

General Saving.



Persons claiming under them, or in Remainder or Reversion after them respectively, in respect only of such Lands and Grounds, and such Rights of Common or other Rights as aforesaid, and not otherwise) all such Estates, Rights, and Interests respectively, as they or any of them have or hath, or could or might have had or claimed, in, to, or out of the Lands or Grounds hereby intended to be exonerated and discharged from such Rights of Common, and other Rights respectively as aforesaid, or any of them, or any Part or Parts thereof respectively, in case this Act had not been made.

Publick Act.

XXVI. And be it further enacted, That this Act shall be and be deemed and taken to be a Publick Act, to all Intents and Purposes whatsoever, and shall be taken Notice of and allowed as such by all Judges, Justices, and other Persons, in all Courts and Places whatsoever, without the same being specially pleaded.

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