

Act 41
Geo. III.

Benefit of
Inclosure.

Appoint-
ment of Com-
missioner.

Appoint-
ment of new
Commis-
sioner.

Proprietors of certain ancient Cottages in the said Parish of *Eversholt*, are or claim to be entitled to certain Rights of Common, in, over, and upon the said Open and Common Fields, Common Meadows, Waste, and other Commonable Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, "An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts:" And whereas the Property of the said several Owners and Proprietors of and in the said Open and Common Fields, Common Meadows, Waste, and other Commonable Lands, lies intermixed and dispersed in small Pieces, and in its present State is incapable of any considerable Improvement, and it will be very beneficial to such Owners and Proprietors, and to the several Persons entitled to Rights of Common and other Commonable Rights as aforesaid, if the said Open and Common Fields, Common Meadows, Waste, and other Commonable Lands, were divided and allotted unto and amongst the said several Owners and Proprietors, and other Persons interested therein, according and in Proportion to their respective Estates, Rights, and Interests, and if such Allotments were conveniently laid together and inclosed: But as 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 the said Open and Common Fields, Common Meadows, Waste, and other Commonable Lands within the said Parish, shall be divided, allotted and inclosed; and that *John Fellowes of Buckingham*, in the County of *Buckingham* Gentleman, and his Successors, to be elected in Manner hereinafter mentioned, shall be, and he and they is and are hereby appointed Commissioners for valuing, dividing, allotting, and inclosing the said Open and Common Fields, Common Meadows, Waste, and other Commonable Lands, and for putting this and the said recited Act in Execution, in Manner, and subject to the Rules, Orders, and Directions hereinafter contained, and also subject to the Powers, Provisions, and Regulations of the said recited Act (except where the same are hereby varied or altered.)

II. And be it further enacted, That if the said Commissioner hereby appointed, or who shall be elected as hereinafter mentioned, shall, before the Execution of all the Powers and Authorities hereby in him or them respectively vested, die, or refuse or become incapable to act, or without some lawful Cause neglect to attend a Meeting for putting this Act in Execution, for the Space of One Calendar Month next after Notice shall have been left at his Dwelling House, from any Person interested in the said Inclosure, requiring him to attend as a Commissioner; that then and in every such Case it shall be lawful for the major Part in Value of the several Owners and Proprietors of the Lands and Grounds to be divided, allotted, and inclosed as aforesaid, for the Time being, or their Agents or Attornies attending at a Meeting, to be appointed for that Purpose in Manner hereinafter mentioned, within One Calendar Month next after the Death, Refusal, Incapacity, or Neglect of such Commissioner to act as aforesaid, by Writing under their Hands, to appoint

appoint any other Person, not interested in the said intended Division and Inclosure, in the stead and place of the said Commissioner so dying, refusing, being incapacitated, or neglecting to act as aforesaid, provided that Notice be given of the Time and Place of Meeting for choosing such Commissioner, at least Twelve Days before such Meeting shall be held; but if the said Owners and Proprietors shall not, within the Time aforesaid, appoint a Commissioner in the stead and place of such Commissioner so dying, refusing, being incapacitated, or neglecting to act as aforesaid, then and in every such Case, it shall be lawful for the said Duke of *Bedford* and his Heirs, by Writing under his and their Hand or Hands, to appoint such Commissioner, at such Time as to him or them shall seem proper; and every such Commissioner, to be appointed as aforesaid, shall have the like Power and Authority in all Respects as if he had been named a Commissioner in and by this Act.

III. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to the Commissioner hereby appointed and to be appointed as aforesaid, and to the Clerk to the said Commissioner respectively, as a Recompence for their Pains and Trouble therein, the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for each Day they shall be respectively employed in travelling to, returning from, and attending any Meeting or adjourned Meeting, or otherwise, for the Execution of this Act; and that the said Commissioner and Clerk shall defray their Travelling Expences, and also their own Expences, at all such Meetings and adjourned Meetings as aforesaid; and that there shall be paid to the Surveyor to be appointed by the said Commissioner, such Sum or Sums of Money as the said Commissioner shall consider to be just and reasonable, for his Pains, Trouble, and Expences in the Execution of this Act.

Commis-
sioner and
Clerk's Al-
lowance.

IV. And be it further enacted, That the said Commissioner shall cause Notice to be given of the Time and Place of his first and every other Sitting or Attendance for executing the Powers hereby and by the said recited Act vested in him, at least Ten Days before such Sittings or Attendances respectively (Sittings or Attendances by Adjournment only excepted); and that the said Commissioner may adjourn any such Sitting or Attendance from Time to Time and from Place to Place, within Eight Miles of the said Parish of *Eversholt*, as he shall see Occasion, for the further Execution of this and the said recited Act; and in case the said Commissioner shall not attend at the Time and Place appointed for any Sitting or Attendance, or to which any such Sitting or Attendance shall be adjourned, it shall be lawful for the Clerk to the said Commissioner to adjourn the same to any future Day, not exceeding Twenty-one Days from the Day of the Adjournment, and to be held at the same Place; of which Adjournment such Clerk shall give Notice to the said Commissioner.

Notice of
Sittings or
Attendances.

Adjourn-
ment of
Sittings or
Attendances.

V. And be it further enacted, That all Notices necessary or requisite to be given in pursuance of this or the said recited Act, shall be affixed on the principal outer Door of the Parish Church of *Eversholt*, or inserted in the Newspaper called *The Northampton Mercury*, or in some

Notices how
to be given.

some other Newspaper printed or circulated in the Neighbourhood of the said Parish.

Commis-
sioner to de-
termine Dis-
putes.

Not to deter-
mine Titles.

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in or claiming to be interested in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, or any Part thereof, touching or concerning the several Rights and Interests which they or any of them shall have or claim to have, in, over, upon, or out of the said Lands and Grounds, or any Part thereof, or touching or concerning any Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioner, and he is hereby authorized to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Commis-
sioner may
award Costs.

VII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this or of the said recited Act, or upon the Hearing of any such Dispute or Difference as aforesaid, see cause to award any Costs, it shall be lawful for him and he is hereby impowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the Person or Persons against whom any such Determination shall be made; and in case the Person or Persons 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 Commissioner, and he is hereby required and authorized, by Warrant under his Hand directed to any Person or Persons whomsoever, to cause such Charges to be levied, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering upon Demand the Overplus (if any) of the Monies arising from any such Sale, after deducting the Costs and Expences attending such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Power to
Persons dis-
satisfied with
the Deter-
mination of
the Commis-
sioner to try
their Rights
at Law.

VIII. Provided always, and be it further enacted, That if any Person or Persons making any Claim or Claims to any Lands or Hereditaments intended to be divided, allotted, and inclosed, by virtue of this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioner, and shall be desirous of having such Claim or Claims, Rights, and Interests respectively, tried at Law, the Person or Persons so desirous to have the same tried at Law, shall, by themselves or their respective Agents or Attornies, give Notice thereof in Writing to the said Commissioner, within Three Calendar Months next after such Determination shall have been so made by the said Commissioner (of which Notice the said Commissioner is hereby required, immediately on 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

respective Agents or Attornies, by Writing under his Hand, to be delivered to or left at the usual or last Place of Abode of such Party or Parties, or his, her, or their respective Agents or Attornies respectively) then, but not afterwards, it shall be lawful for the Person or Persons giving such Notice as aforesaid, their respective Heirs or Assigns, to proceed to a Trial at Law for the same, at the next Assizes to be holden for the said County of *Bedford* after such Notice given as aforesaid, in a feigned Action or Actions for that Purpose, to be commenced in one of His Majesty's Courts of Record at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate, their respective Heirs, Successors, or Assigns, giving such Notice as aforesaid, against the Party in whose Favour such Determination 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 all such Claim or Claims, and Rights and Interests, may be properly tried and determined (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action or Actions shall be commenced, if the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in the said Action or Actions, shall be final and conclusive to all and every Person and Persons, Body and Bodies Politic and Corporate whomsoever; and after any Verdict or Verdicts shall have been obtained and not set aside by the Court, the said Commissioner shall and he is hereby authorized and required to conform thereto: Provided always, that it shall be lawful for the Court in which any Action to be commenced in pursuance of this Act, shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, or to order a new Trial therein, although the Time hereinbefore limited for the Trial of such Action may be thereby exceeded: Provided also, that all such Determinations of the said Commissioner as shall not be objected to, or being so objected to, and the dissatisfied Parties respectively not causing such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely binding, final, and conclusive.

IX. And be it further enacted, That such Action or Actions shall not abate by reason of the Death of any of the Parties therein, but shall be proceeded in as if no such Event had happened.

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

X. And be it further enacted, That it shall be lawful for the said Commissioner, with the Consent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies, of any Manor or Manors adjoining to the said Parish of *Eversholt*, and of the Owner or Owners of the Lands upon which any such Boundary Fence or Fences, as next hereinafter mentioned, shall or may be intended to be made, in order to shorten and make regular the Boundary Fences between the said Parish of *Eversholt* and any adjoining Parish or Parishes, to set out, ascertain, and determine, and to raise and make, in such Lines as he shall think proper and convenient, the Boundary Fence or Fences to be made between the said Parish of *Eversholt* and such adjoining Parish or Parishes; and after such Boundaries shall be so made, set out, ascertained, and determined as aforesaid, the same shall be fenced, and such Fence or Fences made and kept in Repair, in such Manner, and by such Person or Persons, as the said Commissioner shall order and direct, and

Boundary Fences of Parishes may be shortened.

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shall

shall for ever thereafter be deemed and taken to be the Boundaries between the said Parish of *Eversholt* and such adjoining Parish or Parishes, any Usage or Custom to the contrary notwithstanding; and a Description of the Boundaries to be made, set out, ascertained, and determined as aforesaid, shall be inserted in the Award of the said Commissioner.

Old Roads
may be stop-
ped up.

XI. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and impowered, with the Concurrence and Order of Two Justices of the Peace acting in and for the Division wherein the said Parish of *Eversholt* is situate, and not interested in the Repair of any such Road as next hereinafter mentioned, to divert, turn, or stop up any old or accustomed Road (not being a Turnpike Road) lying or being in, or passing or leading through any Part of the said Parish, and such Order shall be subject to an Appeal to the Quarter Sessions, in like Manner, and under the same Forms and Restrictions, as if the same had been originally made by such Justices; and that the Roads or Ways which shall be so stopped up, shall be deemed Part of the Lands and Grounds to be divided and allotted by virtue of this Act.

Old Roads
not to be shut
up until new
ones are
made.

XII. And be it further enacted, That none of the present public Roads over the Lands and Grounds to be divided, allotted, and inclosed as aforesaid, shall be shut up or discontinued, until the said Commissioner shall have caused the public Roads to be set out, and until the same shall be properly formed and made safe and convenient for Horses, Cattle, and Carriages.

Encroach-
ments.

XIII. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the Waste and Commonable Lands within the said Parish of *Eversholt*, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Difference or Dispute shall arise touching any such Encroachments or the Extent thereof, such Difference or Dispute shall be determined by the said Commissioner; and that all Encroachments which have been made upon the said Waste and Commonable Lands for upwards of Twenty Years, shall from henceforth be considered to be Freehold, but shall not in any Case be entitled to any Rights of Common or other Commonable Rights or Interests whatsoever, upon or over any Part of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act.

Lands al-
ready inclo-
sed to be
deemed old
Inclosures,
and where
such Inclo-
sures shall be-
long to two
or more Pro-
prietors, the
Shares of the
smaller to be
allotted to

XIV. And be it further enacted, that such Lands and Grounds within the said Parish of *Eversholt*, as have been already inclosed or fenced by the Proprietors thereof, shall be deemed and taken to be old Inclosures; and that where any such Inclosure shall belong to Two or more distinct Proprietors, the lesser Proportion or Proportions in Quantity thereof shall be allotted by the said Commissioners to the Proprietor to whom the greater Proportion in Quantity thereof shall belong, provided that such Proprietor thereof shall have other Lands to make Compensation for the same, in which Case the said Commissioner shall allot other Lands of such Proprietor to the other Party or Parties interested in such Inclosure, of equal Value to his, her, or their Proportion

tion or Proportions therein (Quantity, Quality, and Situation considered) in lieu of and as a full Compensation for the same. the greater Proprietors.

XV. And be it further enacted, That the said Commissioner shall and he is hereby required (if he shall think it necessary) to set out and allot unto the Surveyor or Surveyors for the Time being, of the Highways within the said Parish of *Everholt*, such Part or Parts of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, as he shall think proper, with convenient Road or Roads to and from the same, to be used for the Purpose of getting Stones, Gravel, or other Materials for making and repairing the public and private Roads and Ways within the said Parish of *Everholt*, and for such other Uses and Purposes as the said Commissioner shall in and by his Award direct; and the Herbage growing and renewing in and upon such Allotment or Allotments, shall be vested in such Surveyor or Surveyors for the Time being, and shall be let by him or them for the best Rent that can be procured for the same; and such Rent shall be applied by him or them in repairing the public Roads and Ways within the said Parish; and such Surveyor or Surveyors shall account to the Occupiers of the Lands and Grounds within the said Parish, touching the Application of such Rent, Annually, at such Day and Time as shall be appointed for passing the Accounts of such Surveyor or Surveyors. Allotments for Stone and Gravel Pits.

XVI. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and allot unto and for the said *John Sandys* and his Successors, Rectors as aforesaid, such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as shall in the Judgment of the said Commissioner be a full Equivalent and Compensation for the Glebe Lands lying within the said Open and Common Fields, Common Meadows, Waste, and other Commonable Lands, and for all Rights of Common and other Commonable Rights belonging to the said Rector, in, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof. Allotments for Glebe Lands.

XVII. And be it further enacted, That the Allotment or Allotments to be made to the said *John Sandys* as Rector as aforesaid, shall be laid as near as conveniently can be to the other Glebe Lands of the said Rectory, and shall be fenced and ditched on all such Sides or Parts thereof as shall not be ordered by the said Commissioner to be made by any other Proprietor or Proprietors, with Ring or outermost Fences and Ditches, made in a proper and substantial Manner, with young thriving Quicksets, well and sufficiently guarded on each Side thereof, and good and substantial Gates shall be also fixed in such Parts of the said Fences where necessary; and all such Fences, Ditches, and Gates, shall be made, raised, and hung, by and at the Expence of the several Persons to whom any Allotment or Allotments shall be made by virtue this Act, (save and except the Surveyor or Surveyors of the Highways of the said Parish, for or in respect of the Allotment or Allotments hereinbefore directed to be made to him or them for the Purposes aforesaid, and the said *John Sandys* and his Successors, Rectors as aforesaid, in respect of any Allotment or Allotments to be made to him or them) in such Proportion as the said Commissioner shall appoint; and the said Allotments for Glebe to be Ring-fenced.
Fences,

Fences, when properly raised, shall be thereafter for ever maintained supported, and kept in Repair, by and at the Expence of the said *John Sandys* and his Successors, Rectors as aforesaid.

Saving of Tythes.

XVIII. Provided always, That nothing in this Act contained shall in any wise prejudice, lessen, or defeat the Right, Title, or Interest of the said *John Sandys* or his Successors, Incumbents of the said Rectory and Advowson for the Time being of, in, or to the Great or Small Tythes arising, renewing, or increasing, or which shall hereafter arise, renew, or increase upon or within the said Parish or any Part thereof.

Allotments for Manerial Rights.

XIX. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and allot unto and for the said *John Duke of Bedford*, Lord of the Manor of *Eversholt* aforesaid, his Heirs and Assigns, such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as in the Judgment of the said Commissioner shall be equal in Value to One-twentieth Part of the said Waste Lands; and such Allotment or Allotments shall be in lieu, and full Bar of and Compensation for all Rights of Soil in such Commons and Waste Lands.

Allment of the Residue.

XX. And be it further enacted, That the said Commissioner shall set out and allot all the Residue and Remainder of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, unto, between, and amongst the several Proprietors of the same, and Persons interested therein, in Proportion and according to their several and respective Shares, Interests, Rights of Common, and other Rights.

Common Greens and Waste Lands in certain Cases may remain uninclosed.

XXI. And be it further enacted, That in case there are any Common Greens or Waste Lands in the said Parish of *Eversholt*, which cannot, in the Judgment of the said Commissioner, be divided and inclosed to the Advantage of the Proprietors of Estates in the said Parish of *Eversholt*, or of some one or more of them whose Estate or Estates may adjoin such Common Greens or Waste Lands, then and in either of the said Cases such Common Greens and Waste Lands, may remain and continue undivided and uninclosed; and it shall and may be lawful for the said Commissioner to allot and assign the Herbage of such Common Greens and Waste Lands, to such one or more of the said Proprietors as the said Commissioner shall think proper, towards Satisfaction of the Right and Interest, or Rights and Interests, of such Proprietor or Proprietors respectively, or upon such Proprietor or Proprietors making such Compensation for the said Herbage as the said Commissioner shall direct, and the said Herbage shall be used and enjoyed in the Manner (and in case the same shall be allotted to more than one Proprietor) in the Shares and Proportions, and shall be stocked with such Kinds and Number of Cattle, and shall be under and subject to such Rules and Regulations as the said Commissioner shall in and by his Award direct and appoint; and the Soil of the said last-mentioned Common Greens and Waste Lands, shall be and remain vested in the Lord or Lords for the Time being of the said Manor of *Eversholt*.

XXII. And

XXII. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Shares, Rights, and Interests of the said Proprietors in the Lands and Grounds to be divided, allotted, and inclosed, by virtue of this Act, and also the respective Shares and Proportions of such Lands and Grounds proposed and intended to be allotted to such Proprietors respectively in lieu thereof, and such proposed Allotments shall be staked or marked out; the said Commissioner shall hold a Sitting at some convenient Time and Place, when and where the Proprietors may be informed of such proposed Allotments, and see the Scheme thereof set out and delineated upon a Map to be produced for their Inspection; and if any of the said Proprietors shall, upon such Inspection, be dissatisfied with any of the proposed Allotments, the said Commissioner shall, at such Time and Place as last aforesaid, or at some other Time and Place to be appointed by him for that Purpose, receive Statements, in Writing, of the Objections of any Proprietor or Proprietors against any such Allotment or Allotments, and shall forthwith, or as soon as conveniently may be, determine the same; and such Determination shall be binding and conclusive upon all Parties interested in any such Allotment or Allotments.

Objections to Allotments to be heard and determined by the Commissioners.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the said Parish of *Everholt*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors, of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or for any Term of Years whereof One Hundred at least shall be unexpired, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands Tenements, or Hereditaments so to be exchanged, shall lie and be situate.

For making Exchanges.

Expences of Exchanges or Partitions by whom to be paid.

XXIV. And be it further enacted, That the Costs, Charges, and Expences attending the making and completing of any Exchanges or Partitions to be made under or by virtue of the said recited Act or this Act, shall be paid, borne, and defrayed by the several Persons making such Exchanges or Partitions, in such Manner, and in such Shares and Proportions, as the said Commissioner shall by his Award order or direct; and the same shall and may be levied and recovered in the same Manner as the Costs, Charges, and Expences of obtaining and passing this Act, are by virtue of this Act and the said recited Act to be levied and recovered.

Lands allotted, to enure to same Uses as Lands in lieu of which they are so allotted.

XXV. And be it further enacted, That all and singular the Lands and Grounds, and other Hereditaments which shall be allotted by virtue of this or the said recited Act, shall, from and immediately after the Completion of such Allotments, be, remain, and endure to and for such and the same Uses, Estates, Trusts, Intents, and Purposes, and be held under and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases (except Leases at Rack Rent) Charges, Tenures, Rents, Annuities, Customs, Services, and Incumbrances, as the several and respective Lands, Grounds, and other Hereditaments, for which such allotted Lands, Grounds, and other Hereditaments shall be made now are, or might or would have been subject or liable to, or charged with or affected by, in case this Act had not been made.

Commissioner to allot to Purchasers.

XXVI. And be it further enacted, That if after the passing of this Act, and before the Execution of the said Award, any Person or Persons shall sell, and by proper Deeds make over his, her, or their Rights, Interests, or Property, in, over, or upon the Lands and Grounds to be divided, allotted, and inclosed, by virtue of this Act, or any Part thereof, to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby required to make an Allotment or Allotments unto the Vendee or Purchaser, or Vendees or Purchasers, and to his, her, or their Heirs or Assigns, for and in respect of such Right, Interest, or Property so sold as aforesaid; and every such Vendee or Vendees, Purchaser or Purchasers, and his, her, and their Heirs and Assigns, shall and may hold and enjoy the Land so allotted to him, her, or them, as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made.

Award to be deposited in the Church.

XXVII. And be it further enacted, That the Award to be made by the said Commissioner in Manner directed by the said recited Act, shall, after the Inrolment thereof, be deposited in a Tin-Box in the Parish Church of *Everholt* aforesaid.

How Costs of obtaining and executing this Act to be defrayed.

XXVIII. And be it further enacted, That all the Costs, Charges, and Expences, incident to and attending the obtaining and passing of this Act, and of forming, making, and completing the public Roads, Ways, and Drains which shall be set out and appointed by virtue of this or the said recited Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided, allotted, and inclosed, by virtue of this Act, and of preparing and inrolling

inrolling the said Award, and all the Costs, Charges, and Expences of the said Commissioner and his Assistants, and all other necessary Costs, Charges, and Expences of the several Persons employed by him in and about the Premises, either before or after the Execution of the said Award, and all other Expences of carrying this Act into Execution, shall be borne, paid, and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, (save and except the Surveyor or Surveyors for the Time being of the said Highways, for or in respect of the Allotment or Allotments hereinbefore directed to be made to him or them for the Purposes aforesaid, and the said *John Sandys* and his Successors, Rectors as aforesaid, for or in respect of any Allotment or Allotments to be made to him or them as aforesaid) in such Shares and Proportions, by such one or more Rate or Rates, and shall be paid to such Person or Persons, and at such time or times, and in such Manner, as the said Commissioner shall, in and by his said Award or by any other Writing or Writings under his Hand, either previous to or after the Execution of his said Award, order, direct and appoint; and in case any such Proprietors or Owners shall refuse or neglect to pay his, her, or their Share or Proportion, Shares or Proportions, of such Costs, Charges, and Expences as aforesaid, then and in such Case the same shall and may be levied and recovered in Manner directed by the said recited Act.

XXIX. And be it further enacted, That all Monies which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of obtaining or carrying this Act into Execution, shall be repaid, with Interest at the Rate of Five Pounds *per Centum per Annum*, to such Person or Persons, out of the first Monies to be raised under and by virtue of this Act. Interest to be paid for Money advanced.

XXX. And be it further enacted, That the said Commissioner shall, as soon after the passing of this Act as he shall think it necessary so to do, by Writing or Writings under his Hand, to be affixed on the principal outer Door of the Parish Church of *Everholt* aforesaid, on some Sunday, order and direct the Course of Husbandry that shall be used in, over, and upon the Lands and Grounds to be divided, allotted, and inclosed, by virtue of this Act, until the Time when he shall have made and completed the said intended Division and Allotments, as well with respect to the laying down, ploughing, sowing of Grats Seeds, fallowing and tilling thereof, as to the stocking and eating the Fallows and Stubbles, and also to the cutting of Furze, Thorns, and Bushes, upon the said Lands and Grounds; and by the same or any other Writing or Writings under his Hand, to be affixed as aforesaid, make such further Orders, Directions, and Regulations, touching the Conduct of the Farmers and Occupiers of the said Lands and Grounds, with respect to the Cultivation thereof, and for preventing them from committing Waste thereon, or upon any Part thereof, until the Execution of the Award of the said Commissioner, as to him shall seem expedient, all which Orders, Directions, and Regulations, shall be binding and conclusive upon all Parties concerned; and that the said Commissioner shall set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Course of Husbandry.

such Orders, Directions, and Regulations, as he shall think necessary, not exceeding the Sum of Ten Pounds for any One Offence; and the said Commissioner shall also settle and determine what additional Rent shall be paid in respect of such Lands, as shall, in the Season immediately preceding the passing of this Act, be cropped otherwise than in the customary Way, or contrary to any subsisting Agreement, such additional Rent to be paid and payable at the same Time, and recoverable in the same Manner as the original Rent.

Leases at
Rack Rent
may be made
void.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioner, at any Time previous to the Execution of his said Award, in all Cases where he in his Discretion shall deem it necessary or expedient for the due Execution of this Act, by any Writing or Writings under his Hand, to determine and make void all or any of the Leases or Agreements for Leases at Rack Rent then subsisting, of the Lands and Grounds to be divided, allotted, and inclosed, by virtue of this Act, or which shall be exchanged by virtue of this or the said recited Act, either as to the Whole or as to some Part or Parts only of the said Lands and Hereditaments comprized in such Leases and Agreements, and at such Time or Times in the Year as the said Commissioner shall think most expedient, according to the Circumstances of the Case; and in all Cases where any such Leases or Agreements shall be determined as aforesaid, the said Commissioner shall ascertain whether any and what Sum or Sums of Money shall be paid, or any and what Deduction or Abatement in the reserved Rent or Rents shall be made, by the Lessors or Landlords to the Lessees or Tenants, as a Compensation and Satisfaction for such total or partial Determination of their respective Leases or Agreements; and such reduced Rents, so ascertained and declared as aforesaid, shall respectively become payable and commence at such Time or Times, and in such Manner, as the said Commissioner shall direct or appoint, and shall be recovered in like Manner as the original Rent reserved by such Lease or Agreement would have been by Law recoverable; and in all Cases where any gross Sum or Sums of Money shall, by the said Commissioner, be ascertained as a Compensation to be paid by the Lessor or Landlord for determining any such Lease or Agreement, the same shall be actually paid by such Lessor or Landlord, before he or she is put into Possession of the respective Lands and Hereditaments comprized in such Lease or Agreement, or of the Allotment or Allotments in lieu thereof, or of any Part thereof; and in all Cases where such subsisting Leases or Agreements shall continue in force, as to the Whole, or any Part or Parts of the Lands and Hereditaments therein comprized, it shall be lawful for the said Commissioner in like Manner to ascertain and declare whether any and what additional Rent or Rents shall be paid by the Lessees or Tenants to the Lessors or Landlords, for or in respect of any Improvement in the Annual Value of the Lands and Hereditaments comprized in such Leases and Agreements respectively, by reason of the same being exchanged, or of the Lands and Grounds being divided and inclosed by virtue of this Act; and such additional Rents, so ascertained and declared as last aforesaid, shall commence at such Time or Times as the said Commissioner shall direct and appoint, and shall afterwards be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not
been

been passed; and it shall be lawful for the said Commissioner in like Manner to settle, ascertain, and determine the Course of Husbandry to be used by such Lessees or Tenants, during the Remainder of the subsisting Leases and Agreements, in all Cases where he shall deem it necessary and proper so to do; and such Course of Husbandry, from and after the same shall be so settled, ascertained and determined, shall be used and followed by such Lessees and Tenants during the Remainder of such Leases and Agreements: Provided always, that if there shall be any such Lease or Leases, Agreement or Agreements by way of Lease, now or then subsisting, of Land and other Hereditaments, Part of which shall lie in the said Parish of *Everholt* and Part in any adjoining Parish or Place, all and every such Leases and Agreements may be vacated as aforesaid, so far as respects any Lands or Hereditaments in the said Parish; but where any Land shall be taken in Exchange, which shall be under such Lease or Agreement, and wholly situate in any adjoining Parish or Place, the Lease or Agreement of any such last-mentioned Lands shall not be vacated.

XXXII. And be it further enacted, That the said Commissioner shall and he is hereby required, by any Writing or Writings under his Hand, to ascertain, order, and appoint, what Recompence and Satisfaction in Money shall be made to the Owner or Owners of any Crops growing upon any of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, at the Time such Divisions and Allotments shall be made, by the Person or Persons to whom the Lands and Grounds on which such Crops are growing shall be allotted, unless such Owner or Owners shall, within the Time to be appointed by the said Commissioner for that Purpose, declare, his, her, or their Intention to cut, reap, and carry away the same; and in Case of Non-payment of such Recompence and Satisfaction for such Crops, at the Time and in the Manner to be directed by the said Commissioner, or in Case of such Election to cut, reap, and carry away the same, then it shall and may be lawful for such Owner and Owners, and his, her, and their Agents, Servants, and Workmen, with Horses, Carts, and Carriages, to enter into and upon the Lands and Grounds whereon such Crops shall be growing, and to cut, reap, and carry away the same, for his, her, and their own Use; and the said Commissioner shall also and he is hereby required to ascertain, order, and appoint, by any Writing or Writings under his Hand, what Recompence and Satisfaction in Money shall be paid, and to whom, for the Standage and growing of such Crops, by the Owner or Owners electing to carry the same away as aforesaid, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers, of any Land within the said Parish of *Everholt*, as well for ploughing, tilling, and manuring of any of the Lands or Grounds which shall be divided and allotted by virtue of this Act, for the Benefit and Advantage accruing thereby to the Person or Persons to whom such Lands or Grounds shall be allotted, as for any Loss or Disadvantage which any such Tenant or Tenants, Occupier or Occupiers, shall or may sustain by the Loss of their following or way-going Crop upon such Lands or Grounds; and if in any or either of the said Cases, the Money to be paid for such Recompence and Satisfaction shall not be paid at the Time and in the Manner to be appointed as aforesaid by the said Commissioner, it shall be lawful for the said Com-

Satisfaction
to be made
for growing
Crops.

[*Loc. & Per.*]

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missioner,

missioner, and he is hereby required to raise and levy the same for the Use of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act may be raised and levied.

Commissioner to account.

XXXIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this Act; and such Statement, when so made, together with the Vouchers relating thereto, shall be by the said Commissioner laid before *William Adam*, of Lincoln's-Inn in the County of *Middlesex*, Esquire, who is hereby appointed Auditor for settling the same, to be by him examined and balanced; and in case of his Death or Refusal to act, then before *William George Adam*, of Lincoln's Inn aforesaid, Esquire; and in case of his Death or Refusal to act, then before such other Person as shall be appointed for that Purpose, in the same Manner as is hereinbefore provided for the Appointment of a new Commissioner; and the Balance shall be by the said *William Adam*, or the said *William George Adam*, or such other Auditor, stated in the Books to be kept in the Office of the Clerk to the said Commissioner and no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by the said *William Adam*, or the said *William George Adam*, or such other Auditor as aforesaid.

Appeal.

XXXIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such Case (except where the Orders and Determinations of the said Commissioner are by this or by the said recited Act directed to be final, binding, or conclusive, and except in Cases where an Issue at Law shall be tried, as hereinbefore mentioned) such Person or Persons may appeal to the General Quarter Sessions of the Peace which shall be holden in and for the said County of *Bedford*, within Six Calendar Months next after the Cause of Appeal shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and the Matter thereof; and the Justices (not interested in the Premises) at such Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and to award such Costs as they shall think reasonable, and by their Order or Warrant to levy the Costs which shall be awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, returning the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and such Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

XXXV. Saving

XXXV. Saving always to the KING's Most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Executors, Administrators, and Successors, and to all Persons claiming under them or in Remainder after them, all such Estates, Right, Title, Interest, Claim, and Demand (other than and except such as are meant and intended to be barred and destroyed by this Act) which they, every, or any of them, had and enjoyed, or were entitled, of, into, or out of any Lands, Grounds, and Hereditaments in the said Parish of *Eversholt*, before the passing of this Act, or could or might have had or enjoyed in case the same had not been made.

General
Saving.

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

Act to be
printed by
the King's
Printer.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1806.

