



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 181.

An Act for inclosing Lands in the Parish of *Wilshamstead*, in the County of *Bedford*.

[15th June 1809.]

WHEREAS there are within the Parish of *Wilshamstead* in the County of *Bedford* divers Open and Common Fields, Meadows, Pastures, and other Commonable and Waste Lands and Grounds: And whereas the Right Honourable *Henry Frederick* Lord *Carteret* is Lord of the Manor of *Wilshamstead* within the said Parish, and as such is entitled to the Right of Soil of all the Waste Lands in the said Manor: And whereas *Thomas Hind* Clerk, and *Ann* his Wife, in Right of the said *Ann*, and *John Crosse Crooke* Esquire, are severally Owners and Proprietors of Three undivided Fourth Parts of and in all the Rectorial or Great Tythes growing, arising, or renewing within or from all the Tytheable Places, Lands, and Grounds within the said Parish, and are also Owners and Proprietors of certain Glebe Lands and Rights of Common in the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds: And whereas the said *Henry Frederick* Lord *Carteret* is the Patron of the Vicarage of *Wilshamstead* aforesaid; and *Anthony Dauvert* Clerk is Vicar of the said Vicarage, and in Right thereof is entitled to the remaining undivided Fourth Part of and in all the Rectorial or Great Tythes, and also to all the Vicarial or Small Tythes growing, arising, renewing, or happening within or from all the Tytheable Places, Lands, and Grounds within the said Parish of *Wilshamstead*, and is also entitled to certain Glebe Lands and Rights of Common in the said Open and Common-Fields, Meadows, Pastures, and

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other.

other Commonable Lands and Waste Grounds: And whereas the said *Henry Frederick Lord Carteret, Thomas Hind* and *Ann* his Wife, in Right of the said *Ann, John Crosse Crooke*, and also *Samuel Whitbread, James Lucas, Malcolm M^cQueen, John Parker*, Esquires, and divers other Persons, are Owners and Proprietors of all the Residue of the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds within the said Parish, and are respectively entitled to Rights of Common and other Interests therein in different Proportions: 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 Lands and Grounds of the said respective Proprietors in the said Open and Common Fields, Meadows, and Pastures lie intermixed with each other, and are in other Respects inconveniently situated, and in their present State incapable of any considerable Improvement, and it would be beneficial to the several Proprietors thereof and Persons interested therein, if the same and other the Commonable Lands and Grounds in the Parish of *Wilshamstead* aforesaid were divided and inclosed, and specific Shares thereof set out and allotted to them in proportion to their several and respective Estates, Rights, and Interests therein, and if all the Lands in the said Parish were exonerated from Tythes; but such Division, Allotment, Inclosure, and Exoneration from Tythes 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 all the said Open and Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds in the Parish of *Wilshamstead* aforesaid, shall, as soon as conveniently may be after the passing of this Act, be valued, qualified, appraised, divided, set out, and allotted by *John Maughan*, of *Hitchin* in the County of *Hertford*, Gentleman, *John Davis*, of *Bloxham* in the County of *Oxford*, Gentleman, and *Thomas Thorpe*, of *Great Barford* in the County of *Bedford*, Gentleman, and they are hereby appointed Commissioners for carrying this Act into Execution, subject to the Rules, Orders, and Directions herein contained, established, and appointed, and also subject to the Powers and Provisions of the said recited Act, except where the same are hereby varied or altered.

Commissioners.

Two Commissioners may act.

II. Provided always, and be it further enacted, That it shall be lawful for any Two of the Commissioners hereby appointed, or who shall hereafter be appointed by virtue of this Act, and they are hereby authorized and empowered to execute, do, and perform every Act, Matter, and Thing by this Act authorized to be done and performed by the said Commissioners; and every such Act, Matter, and Thing which shall be executed, done, and performed by any Two of such Commissioners shall be as valid and effectual, to all Intents and Purposes, as if the same had been done and performed by all the said Commissioners.

For appointing new Commissioners.

III. Provided also, and be it further enacted, That if before all the Powers and Authorities hereby reposed in the said Commissioners shall have been fully executed and performed, the said *John Maughan* shall die.

die, or shall neglect, or become incapable, or refuse to act in the Execution of such Powers and Authorities, it shall be lawful for the said *Samuel Whitbread*, his Heirs or Assigns, and he and they is and are hereby required, by Writing under his or their Hand or Hands, to appoint some other fit Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place or Stead of the said *John Maughan*, and so from Time to Time, as often as any Commissioner to be appointed by the said *Samuel Whitbread*, his Heirs or Assigns, shall die, neglect, become incapable, or refuse to act as aforesaid; and that in case the said *John Davis* shall die, neglect, or become incapable, or refuse to act in the Execution of such Powers and Authorities, it shall be lawful for the said *Thomas Hind* and *Ann* his Wife, *John Crosse Crooke*, and *Anthony Dauvert*, or for such of them as shall be entitled to the major Part in Value of the Tythes arising out of the said Parish, according to the Assessments of the Land Tax, and their respective Heirs, Successors, and Assigns, or the Persons seised for the Time being of the major Part in Value of the said Tythes, and they are hereby required, by Writing under their Hands, to appoint some other fit Person not interested in the said intended Division and Inclosure, to be a Commissioner in the Place or Stead of the said *John Davis*, and so from Time to Time, as often as any Commissioner to be appointed by the said *Thomas Hind* and *Ann* his Wife, *John Crosse Crooke*, and *Anthony Dauvert*, their Heirs, Successors, or Assigns, or the Persons seised for the Time being of the major Part in Value of the said Tythes, shall die, neglect, become incapable, or refuse to act as aforesaid; and that in case the said *Thomas Thorpe* shall die, neglect, become incapable, or refuse to act in the Execution of such Powers and Authorities, it shall be lawful for the major Part in Value of the Proprietors of the Lands and Grounds so intended to be divided and inclosed, (except the said *Samuel Whitbread*, *Thomas Hind* and *Ann* his Wife, *John Crosse Crooke*, and *Anthony Dauvert*, their respective Heirs, Successors, and Assigns, or the Persons seised of the said Tythes for the Time being), who by themselves or their respective Agents, duly authorized, shall attend the Meeting or Meetings to be appointed by the surviving or remaining Commissioners or Commissioner for that Purpose, by Writing under their Hands, to appoint some other fit Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place or Stead of the said *Thomas Thorpe*, and so from Time to Time as often as any Commissioner to be appointed by the major Part in Value of the said Proprietors shall die, neglect, become incapable, or refuse to act as aforesaid; provided that the surviving or remaining Commissioners or Commissioner shall cause Notice to be given of the Time and Place of the Meeting for every such Election (which Place shall be in the Parish of *Wilshamstead* aforesaid, or within the Distance of Eight Miles from the Boundary thereof), at least Fourteen Days before the Time of holding such Meeting, by affixing such Notice on one of the Outer Doors of the Parish Church of *Wilshamstead* aforesaid, on some *Sunday*, and by causing the same to be published in the Newspapers called *The Northampton Mercury*, and *The County Press* for *Northamptonshire*, *Bedfordshire*, *Buckinghamshire*, and *Huntingdonshire*, or one of them, or if such Newspapers, or one of them, shall not then be published, in some other Newspaper usually circulated in the said County of *Bedford*; and if the said *Samuel Whitbread*, his Heirs or Assigns, or the said *Thomas Hind* and *Ann* his Wife, *John Crosse Crooke*, and *Anthony Dauvert*, and their respective Heirs, Successors, or Assigns, or the

Persons

Persons seized for the Time being of the major Part in Value of the said Tythes, shall for the Space of Twenty-eight Days after Notice to him or them given by the surviving or remaining Commissioners or Commissioner, or if the Majority in Value of the said other Proprietors at the Meeting to be appointed as last aforesaid, shall respectively refuse or neglect to appoint a new Commissioner in the Place or Stead of every or any Commissioner who shall die, neglect, become incapable, or refuse to act as aforesaid, then and in every such Case the surviving or remaining Commissioners or Commissioner shall from Time to Time, by Writing under their or his Hands or Hand, appoint a fit and proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place of each Commissioner so dying, neglecting, becoming incapable, or refusing to act as aforesaid, whose Place shall not be filled up by the Person or Persons primarily enabled to appoint such new Commissioner or Commissioners as aforesaid; and every Commissioner to be appointed by the Person or Persons respectively, and 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 and appointed a Commissioner by this Act.

Notice of Meetings.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to give Public Notice in Writing, to be affixed upon one of the outer Doors of the Parish Church of *Wilshamstead* aforesaid, on some *Sunday*, of the Time and Place of their First and every subsequent Meeting for executing the Powers vested in them by this Act, at least Six Days before the Time appointed for holding every such Meeting (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners, at any of their Meetings to be holden in pursuance of this Act, from Time to Time, as they shall find it convenient, to continue such Meeting by Adjournment for the due Execution of this Act, leaving Notice at the Place where the Commissioners shall be sitting at the Time of any such Adjournment, of the Time and Place to which such Meeting shall be adjourned.

One Commissioner may adjourn.

V. Provided always, and be it further enacted, That if only one of the said Commissioners shall attend at the Time and Place appointed for any Meeting to be holden in pursuance of this Act, or to which any such Meeting shall be adjourned, it shall be lawful for such one Commissioner, or if no Commissioner shall then attend, for the Clerk to the said Commissioners (which Clerk they are hereby authorized to appoint) and they are respectively hereby empowered to adjourn such Meeting to any future Day, not exceeding Twenty-one Days from the Day of Adjournment, to be holden at the same or any other Place within the Distance herein-after limited, and so from Time to Time, until Two of the said Commissioners shall meet, and the Commissioners, Commissioner, or Clerk making any such Adjournment, are and is hereby required to give Notice thereof to the absent Commissioners or Commissioner.

Meetings to be at Wilshamstead, or within Eight Miles.

VI. And be it further enacted, That all Meetings of the said Commissioners for putting this Act into Execution, shall be held in the Parish of *Wilshamstead* aforesaid, or within the Distance of Eight Miles from the Boundary thereof.

VII. And

VII. And be it further enacted, That the said Commissioners shall and they are hereby required to appoint a Time and Place for receiving Applications from the Proprietors touching the Situation they would respectively choose to have their Allotments set out and allotted in; and to give Ten Days Notice in Writing of such Meeting, to be affixed upon one of the Outer Doors of the Parish Church of *Wilshamstead* aforesaid, on some Sunday.

Meeting to receive Applications.

VIII. And be it further enacted, That if any Dispute or Difference should arise between any of the Parties interested in the said intended Division and Inclosure, touching the Shares or Proportion which they or any of them ought to have in lieu of their Lands or other Rights and Interests in the said intended Division and Inclosure, or touching the Value of any of the Homesteads, Homecloses, or other inclosed Lands or Grounds within the said Parish of *Wilshamstead*, it shall be lawful for the said Commissioners, and they are hereby empowered to examine into, hear, and determine the same respectively: Provided always, that no such Determination of the said Commissioners shall hinder or prevent any of the Parties from trying his, her, or their Rights at Law, in respect of any Matter of Title.

For determining Differences concerning Boundaries and Allotments.

IX. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, 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 whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; 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 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 so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to assess Costs.

X. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matters so determined by the said Commissioners, at the First Assizes to be holden for the said County of *Bedford* next after the Expiration of Two Calendar Months from the Time of such Determination;

Allowing Parties to try their Rights by an Issue at Law. &c.

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and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Two Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, the same not being set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

If any of the Parties die, Proceedings not to abate.

XI. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Suits not to delay the Inclosure.

XII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons to any Messuages, Lands, Tenements, or Hereditaments in the said Parish of *Wilshamstead*, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act; but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits, and the Allotment or Allotments to which such Suit or Suits shall relate may be had and taken by the Person or Persons who upon the Determination of such Suit or Suits shall become entitled to the same.

In case of Death of Parties, Actions to be brought in their Names.

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions shall have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited

mitted for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all such Parties shall be equally bound and concluded by the Event of such Action or Actions.

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties, 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 given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Persons in Possession not to be molested without due Course of Law.

XV. And be it further enacted, That the said Commissioners shall and may scour out, widen, divert, turn, or alter all such ancient Brooks, Drains, Ditches, Watercourses, Staunches, Tunnels, and Bridges in the said Parish of *Willshamstead*, and shall and may erect, set out, and appoint such new Drains, Ditches, Watercourses, Staunches, Tunnels, and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be divided and inclosed, as also in, through, and over any ancient Inclosures or other Lands and Grounds within the said Parish, of such Depth and Width, and in such Courses and Directions as they the said Commissioners shall think proper, making such Satisfaction to the Proprietors of such ancient Inclosures, or other Lands, Grounds, and Hereditaments not hereby intended to be divided and inclosed, for so doing, as they shall think reasonable and proper, and the said Commissioners shall and may, and they are hereby required in and by their Award, to order, direct, and appoint by whom, at whose Expence, at what Times, and in what Manner the said Brooks, Drains, Ditches, Watercourses, Staunches, Tunnels, and Bridges shall be made and thereafter repaired, cleansed, scoured, and maintained: Provided always, that nothing herein contained shall authorise the said Commissioners to turn or divert any Watercourse, Stream, or Rivulet, without the Consent of the Owners of the Land from and into which the same shall be turned or diverted.

Cleaning Watercourses.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, with the Concurrence and Order of Two Justices of the Peace acting in and for the said County of *Bedford*, and not interested in the Repair of any such Road as next herein-after mentioned, to divert, turn, or stop up any old or accustomed Road, Way, or Footpath (not being a Turnpike Road), lying or being in, or passing or leading through any Part of the said Parish.

Old Roads may be stopped up.

Parish of *Wilshamstead*, and such Order shall be subject to an Appeal to the Quarter Sessions, in like Manner and under the same Forms and Restrictions as Orders originally made by Justices for diverting and turning Roads and Ways; and that all and every Roads, Ways, or Footpaths 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.

Allotments for
Gravel Pits.

XVII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to set out, allot, and award, from and out of the Lands and Grounds hereby intended to be divided and inclosed, One or more Piece or Parcel, or Pieces or Parcels of Land, not exceeding in the Whole Two Acres, as and for publick Stone, Sand, and Gravel Pits, with convenient Roads to and from the same respectively, to be used for the Repairs of the Publick and Private Roads within the said Parish, and the Herbage growing and renewing in and upon such Piece or Parcel, Pieces or Parcels of Land and Ground respectively, shall be and is hereby vested in the Surveyor or Surveyors of the Highways for the Time being of the said Parish, in Trust, to let the same for the best Rent or Rents that can be reasonably had or gotten for the same, and to apply the Rents and Profits thereof respectively towards the Repairs of the Publick Roads and Ways within the said Parish.

Allotments in
lieu of Waste
and Commons.

XVIII. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the Lord of the said Manor of *Wilshamstead*, and the Lord or Lords of any other Manor or Manors respectively within or extending into the said Parish, if any such there be, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed as shall in the Judgement of the said Commissioners be equal in Value to One-twentieth Part of all the Commons and Waste Grounds hereby intended to be divided and inclosed within such Manor or Manors respectively, in lieu of and in full Compensation and Satisfaction for all the Right and Interest of such Lord or Lords in and to the Soil of the said Commons and Waste Grounds.

Allotments in
lieu of Glebe
Lands.

XIX. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the said *Thomas Hind* and *Ann* his Wife, in Right of the said *Ann*, and the said *John Crosse Crooke* respectively, their respective Heirs and Assigns, or the Persons seised of the Glebe Lands for the Time being of which they are now respectively in Possession, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands belonging to the said *Thomas Hind* and *Ann* his Wife, in Right of the said *Ann* and *John Crosse Crooke* respectively, or the Persons seised thereof for the Time being, and for the Right of Common belonging thereto, in, over, or upon the said Lands and Grounds hereby intended to be divided and inclosed.

Allotment to
the Vicar in
lieu of Glebe
Land.

XX. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the said *Anthony Dauvert* and his Successors, Vicars of the said Vicarage, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed,

inclosed, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands belonging to and enjoyed with the said Vicarage, and for the Right of Common belonging thereto, in, over, and upon the said Lands and Grounds hereby directed to be divided and inclosed.

XXI. And be it further enacted, That the said Commissioners shall in the next place set out, allot, and award, for and in lieu and Satisfaction of all Tythes, both Great and Small, arising, growing, renewing, happening, or payable within the said Parish of *Wilshamstead*, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, and (with the Consent in Writing of the respective Proprietors thereof,) such Parcel and Parcels of the old Inclosures in the said Parish of *Wilshamstead*, as in the Judgement 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 Lands, and One Eighth Part of all the Grass Grounds, Commons, and Waste Grounds, and all the other Lands and Grounds within the said Parish of *Wilshamstead*, which are severally subject or liable to the Payment of both Great and Small Tythes, and also equal in Value, regard being had to the Proportions aforesaid, to the Tythes issuing and payable out of such of the Lands in the said Parish as are subject to Great Tythes only, or to Small Tythes only, and which shall remain after the Publick and Private Roads, Sewers, Drains, and Watercourses, and the Allotments for Stone and Gravel Pits shall be taken and deducted therefrom, which said Parcel or Parcels of Land and Ground so directed to be set out and allotted for Tythes as aforesaid, the said Commissioners shall and they are hereby directed and required to apportion, divide, allot, and award to and amongst them the said *Thomas Hind* and *Ann* his Wife, in Right of the said *Ann*, *John Crosse Crooke*, and the Vicar aforesaid respectively, their respective Heirs, Successors, or Assigns, or the Persons seised of the said Tythes for the Time being respectively, in such Parts, Shares, and Proportions as the said Commissioners shall adjudge and determine to be a just Compensation, Equivalent, and Satisfaction for their respective Parts, Shares, Proportions, Rights, and Interests of and in the Tythes for and in respect of which such Parcel or Parcels of Lands and Grounds shall be set out as aforesaid.

XXII. And be it further enacted, That the Lands and Grounds which shall be allotted by virtue of this Act for and in lieu of Tythes, shall be accepted and taken by the said *Thomas Hind* and *Ann* his Wife, in Right of the said *Ann*, *John Crosse Crooke*, and the Vicar aforesaid respectively, their respective Heirs, Successors, or Assigns, or the Persons seised of the said Tythes for the Time being respectively, in full Satisfaction and Discharge of and for all and all Manner of Tythes issuing, arising, and payable to them and each of them respectively, from, out of, or for all and every the Messuages, Homesteads, and Orchards, Gardens, ancient Inclosures, Common Fields, Meadows, Pastures, Waste Lands, and all other Lands and Grounds in the Parish of *Wilshamstead* aforesaid, for the Tythes whereof Compensation shall be made by virtue of this Act (*Easter Offerings*, *Mortuaries*, and *Surplice Fees* due to the said Vicar only excepted); provided, that until the said Allotments in lieu of Tythes shall be set out, and Notice thereof given by the said Commissioners to the said *Thomas Hind* and *Ann* his Wife, in Right of the said *Ann*, *John Crosse Crooke*,

Crooke, and the Vicar aforesaid respectively, their respective Heirs, Successors, or Assigns, or the Persons seized of the said Tythes for the Time being respectively, they shall severally be entitled to, and shall receive and enjoy such and the same Tythes, and Payments in lieu of Tythes, as they respectively could or might have done in case this Act had not been made; and from and immediately after the said Allotments for Tythes shall be set out, the said *Thomas Hind* and *Ann* his Wife, *John Crosse Crooke*, and the Vicar aforesaid respectively, their respective Heirs, Successors, or Assigns, shall be for ever exonerated and exempt from providing and keeping a Bull or Boar, or either of them, for the said Parish of *Wilshamstead*.

Allotments of
the Residue.

XXIII. And be it further enacted, That after the several Allotments herein-before directed to be made shall have been assigned and set out, the said Commissioners shall divide, set out, allot, and award all the Residue of the said Lands and Grounds hereby intended to be divided and inclosed unto and amongst the several Proprietors thereof, and Persons interested therein, in such Quantities, Shares, and Proportions as by the said Commissioners shall be adjudged and determined to be a just Compensation and Satisfaction for and equal to their several and respective Lands, Rights of Common, and other Rights and Interests therein, for which no Allotment or Compensation is herein-before specifically directed to be made.

For fencing
Tythe
Allotments.

XXIV. And be it further enacted, That the several Allotments herein-before directed to be set out, allotted, and awarded to the said *Thomas Hind* and *Ann* his Wife, in Right of the said *Ann*, *John Crosse Crooke*, and the Vicar aforesaid respectively, their respective Heirs, Successors, and Assigns in lieu of Glebe Lands and Right of Common, and the several Allotments herein-before directed to be set out, allotted, and awarded for and in lieu of Tythes as aforesaid, shall be respectively inclosed and fenced on all such Parts or Sides thereof as shall not be directed by the said Commissioners to be made and maintained by some other Proprietor or Proprietors, with Quickset Hedges and Ditches, or other proper Mounds or Fences, with proper Posts, Rails, and other Guard Fences to such Quickset Hedges, within such Times and in such Manner as the said Commissioners shall order and appoint, at the Expence of all or such of the Proprietors of the Lands and Grounds which shall be exonerated from Tythes by virtue of this Act, and in such Manner and Proportions as the said Commissioners shall order and appoint; and such Hedges, Ditches, and other Fences (after the same shall have been properly made) shall be preserved, repaired, and maintained by and at the Expence of the several Proprietors to whom the same shall be allotted or directed to belong.

Fencing of
Proprietors'
Allotments.

XXV. And be it further enacted, That the said Commissioners shall set out, appoint, and award such Boundary Hedges, Ditches, and Fences for the inclosing, separating, and dividing the said Lands and Grounds hereby intended to be divided and inclosed, as they shall think necessary; and the said Hedges, Ditches, and Fences shall be made, and at all Times thereafter repaired, by such of the said Proprietors to whom the said Lands and Grounds shall be allotted (except as herein-before is particularly directed to the contrary) within such Times and in such Manner and Proportions as the said Commissioners, by their Award, or any
Writing

Writing under their Hands in that Behalf, shall award, order, direct or appoint, and the Orders and Directions of the said Commissioners in that Behalf shall be binding and conclusive to the several Parties so interested in and entitled to such Shares and Allotments as aforesaid.

XXVI. And be it further enacted, That the respective Proprietors of the Lands and Grounds to be divided and inclosed by virtue of this Act, shall have full Power and Liberty, from Time to Time, and at all Times after the Execution of the said Award, to set up and continue a Swing Gate or Swing Gates across any Part or Parts of the Publick or Private Bridle Roads or Ways, or Private Carriage and Drift Roads, to be made and set out through their respective Allotments, or across any Freeboard or Meerway, for keeping out Cattle, and separating such Proprietors Allotments, so as such Gate or Gates shall not prevent any Person or Persons entitled to use the said Roads with or without Horses, Cattle, or Carriages, from passing or repassing along such Roads, or enjoying any Right, Title, or Property which he, she, or they ought to have or enjoy over such Road, Freeboard, or Meerway.

Gates may be made across Bridle Roads and private Carriage and Drift Roads.

XXVII. And be it further enacted, That no Person or Persons whomsoever shall graze or keep any Sort of Cattle whatsoever in or upon any of the Roads or Ways which the said Commissioners shall order or direct to be set out and fenced on both Sides for the Space of Seven Years next after the making and executing of the said Award, under a Penalty not exceeding Ten Shillings for every Beast, Horse, Sheep, or Lamb which shall be found therein, to be paid to the Person or Persons who shall take and impound the same, and every Proprietor and Occupier of Lands within the said Parish, and their and every of their Servants, Labourers, and also the Hayward or Pindar of the said Parish for the Time being, is and are hereby empowered to take and impound every such Beast, Horse, Sheep, or Lamb, which shall be so found grazing as aforesaid, at any Time or Times after any Quicksets shall be planted next the said Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Seven Years.

No Cattle to be depastured in the Highways for Seven Years.

XXVIII. And be it further enacted, That where there are any Homesteads, Gardens, Orchards, or other ancient inclosed Lands or Grounds in the Parish of *Wilsbamstead* aforesaid, 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 Lands and Grounds hereby intended to be divided and inclosed, to make Compensation for the Tythes of such Homesteads, Gardens, Orchards, or other inclosed Lands or Grounds, 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 Lands to be divided and allotted, then such Proprietors shall respectively pay unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall judge and determine to be a full Compensation and Satisfaction, according to the Proportions aforesaid, for the Tythes of such Homesteads, Gardens, Orchards, and other ancient inclosed Lands or Grounds respectively, or of such Part thereof for which a Compensation in Land shall

How Proprietors of Old Inclosures, not having sufficient Open Field Land, are to make Compensation for Tythes.

not

not have been made as aforesaid ; and the several Sums of Money to be paid in respect of such Tythes shall be applied towards defraying the Expences of obtaining and passing this Act, and carrying the same into Execution ; and the Sum and Sums of Money which shall by the said Commissioners be ordered to be paid in Compensation for Tythes shall be recoverable in the same Manner and by the same Methods as the said Commissioners are herein-after authorized to take and use for the Recovery of the Expences of obtaining and executing this Act ; and in case there shall be any Surplus of such Monies, after defraying such Expences as aforesaid, such Surplus Money shall be divided between the several Persons interested in the Lands hereby directed to be divided and inclosed, in such Shares as shall be in Proportion to their respective Property and Interests, 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 Proprietors or Persons in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act in those Cases wherein any Money is 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.

Commissioners
empowered
to set out
Common
Pastures.

XXIX. And be it 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 inclosed, 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 if the 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 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 Judgement of the said Commissioners be an Equivalent and Compensation for the Right of Common to which the Proprietors making such Request shall be entitled ; and if it should 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 Parish of *Wilsamstead*, by reason of Situation, the Smallness of the Quantity, or Intersection by Roads, or other Circumstances cannot be divided and inclosed to the Advantage of the Persons interested therein, the said Commissioners are hereby authorized to set out and allot the Herbage of such Common Greens, Common Pasture, or Waste Lands as and for Common Pasture to such of the Proprietors or Persons having Common Rights or other Interests in the Lands and Grounds hereby directed to be divided and inclosed, to whom the same shall in the Judgement 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 Lands 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

the same shall be allotted, and by their Successors and Tenants respectively, in such Proportions, and shall be stocked with such Kinds and Number 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 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 in which such Common Greens, Common Pastures, or Waste Land shall be situate, as the Conservator and Trustee of every such Allotment for the Persons to whom the Rights of Common thereon shall be allotted.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall judge it expedient, upon the Request in Writing to them made at any of their Meetings to be held in pursuance of this Act, previous to the setting out any of the Allotments herein-before directed to be made, of any of the Owners or Proprietors of the Lands and Grounds by this Act intended to be divided and inclosed, or of any Common Right or other Interest therein, except the Vicar aforesaid, whether seised in Fee, or Tenant in Tail, or for Life or Lives, or for any Number of Years determinable upon a Life or Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, or Attornies, of or for any of 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, or Attornies, or the major Part of them respectively, to deduct from the Value and Amount of the Allotment or respective Allotments of such Owner or Owners by whom or on whose Behalf such Request shall be made as aforesaid, so much as shall in the Judgement of the said Commissioners be equal to his, her, or their Share and Proportion, or respective Shares and Proportions of the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution, and of fencing the remaining Allotment or Allotments of such Owner or Owners respectively, and the Land so deducted shall be allotted to and divided amongst such of the other Owners and Proprietors who shall be charged with and shall pay such Charges and Expences, in Proportion to the Sums they shall respectively pay or contribute thereto: Provided always, that it shall not be lawful for the Proprietor or Person from whose Allotment Land shall be deducted as aforesaid, to charge his, her, or their Lands, Tenements, or Hereditaments by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences: Provided also, that the Land so to be deducted shall not exceed in Value the Sum of Money which such Proprietor or Person would have been empowered or authorized to borrow or charge upon his, her, or their Estate or Estates under or by virtue of the said recited Act or this Act.

Lands may be deducted from Allotments for Expences.

XXXI. And, for the more convenient Situation and Disposition of the several Farms, Lands, and Estates in the Parish of *Wilshamstead* aforesaid, upon and after the said intended Division and Inclosure, be it further enacted, That it shall be lawful for the said Commissioners to assign and set out any of the Allotments to be made by virtue of this Act, or any Part or Parts of such Allotments, or any Messuages, Cottages, old Inclosures, Tenements,

Power to make Exchanges.

[*Loc. & Per.*]

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Tenements,

Tenements, Rents, or other Hereditaments, situate or arising within the said Parish of *Wilshamstead* in lieu of and in Exchange for any other Messuages, Cottages, old Inclosures, Allotments, Tenements, Rents, or other Hereditaments in *Wilshamstead* aforesaid, or within any adjoining Parish or Place, so that every such Exchange be ascertained, declared, and set forth in the Award of the said Commissioners, and so that every such Exchange be made by and with the Consent and Approbation of the respective Proprietors or other Person or Persons, Bodies Politic, Corporate, or Collegiate, seised or possessed, or in Receipt of the Rents or other Profits of the Hereditaments which shall respectively be so exchanged, or by and with the Consent of the Husbands, Trustees, or Guardians, Committees or Attornies, of or acting for any such Proprietors or Persons so seised or possessed respectively, 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, himself, or herself, 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 every such Exchange so to be made and declared shall be for ever good, valid, and effectual in the Law, to all Intents and Purposes: 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 or be situate.

Expence of Exchanges and Partitions to be borne by the Parties.

XXXII. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing any Exchanges or Partitions by virtue of this Act, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Proprietors may sell their Allotments before the Execution of the Award.

XXXIII. And be it further enacted, That it shall and may be lawful for any Person or Persons who hath or have, or shall have or may be entitled to any Estate, Right, or Interest in, upon, or over any of the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of such respective Estates, Rights, and Interests; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to award all and every such Allotment or Allotments which shall be sold or disposed of, or which shall be made or set out to any Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition.

Commissioners to distinguish Lands held by different Tenures or under different Titles.

XXXIV. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands or other Hereditaments in the said Parish of *Wilshamstead*, held by different Tenures, or for, by, or under different Estates or Titles, the said Commissioners shall (upon the Request of the Persons so seised or possessed respectively) inquire into, ascertain, and determine the respective Lands or other Hereditaments held by such several Tenures, or for, by, or under such different Estates or Titles respectively, and shall set out distinct Allotments in respect of such Parts thereof as shall lie or arise within the Common and Open Fields, Commons, and Wastes hereby directed to be divided and inclosed, (regard being had to the
Deductions.

Deductions which shall have been made for the Tythes of ancient Inclosures held by the same Tenures, and for the same Estates respectively.)

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed, adjudged, deemed, or taken to extend to revoke, make void, alter, or annul any Settlement, Deed, Will, or Lease, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Legacy, Annuity, Mortgage, Debt, Rent Charge, or Incumbrance whatsoever, in, out of, upon, or anywise affecting any of the Lands or Grounds hereby intended to be divided and inclosed, or any of the Messuages, Lands, Tenements, or other Hereditaments which shall be partitioned, exchanged, or assigned in Compensation for any other Estate or Right by virtue of this Act, or any Part or Parts thereof respectively, but as well the Land allotted, as the Messuages, Lands, Tenements, and other Hereditaments which shall be assigned on any Partition, or in Exchange or in Compensation for any other Estate or Right, shall immediately after such Allotment, Partition, Exchange, or Assignment shall be made, be vested, remain, and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall from thenceforth stand and be seised 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, Remainders, Conditions, Charges, and Incumbrances, as the several Messuages, Lands, Tythes, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, or vested, or subject or liable to be charged with, or held or affected by, in case the same had not been inclosed, assigned, or exchanged, and this Act had not been made (save and except such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and subject nevertheless to such Mortgages, Sales, Charges, and Incumbrances as shall be made by the Authority and in pursuance of this Act).

Act not to affect Wills and Deeds, &c.

XXXVI. And be it further enacted, That all and singular the Allotments to be made by virtue of this Act shall immediately after the same respectively are made, be held under and subject to such and the same Tenures, Customs, Heriots, Rents, and Services, as the several and respective Messuages, Lands, Tenements, and Hereditaments in respect whereof such Allotments respectively shall be made are now held under and subject to.

XXXVII. 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, or at Will, 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 Parish of *Wilsbamstead* aforesaid, 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 He-

Leases at Rack Rent may be determined.

reditaments, and upon Payment, at the Time or Times by the said Commissioners to be appointed, of the Sum or Sums which shall be so adjudged to be paid, and not otherwise, such respective Interests shall cease and determine.

Commissioners to ascertain Rents for Lands, as to which Leases shall not be determined.

XXXVIII. Provided always, and be it further enacted, That in all Cases wherein the said Commissioners shall not determine any such Lease or Agreement, the respective Tenants shall hold and enjoy such Lands and Grounds as shall be allotted in lieu of their former Lands and Rights of Common, and such inclosed Lands as shall be exempted from Tythes, upon the Payment of such advanced Rents to the respective Lessors or Landlords thereof, as the said Commissioners shall think reasonable, between Landlord and Tenant, and shall by Writing under their Hands ascertain and direct; and in every Case in which any Lease or Agreement to be determined by the said Commissioners by virtue of this Act, shall comprise any Lands and Hereditaments in the said Parish of *Wilshamstead*, or in any other Parish as to which such Lease or Agreement shall not by virtue of this Act be determined, then it shall be lawful for the said Commissioners, and they are hereby required to apportion and direct what Part of the Rent by such Lease or Agreement reserved shall be deducted in respect of the Lands as to which such Lease or Agreement shall be determined, and the Rent to be by the said Commissioners in every such Case as aforesaid ascertained and apportioned, shall, during the Remainder of the Term of the Lease or Agreement be the Rent or Rents payable in respect thereof, and shall be payable at such Times and in such Proportions, and recoverable in like Manner as the Rent originally reserved by any such Lease or Agreement was and is payable and recoverable.

Course of Husbandry.

XXXIX. And be it further enacted, That the said Commissioners shall, as soon after the passing of this Act as conveniently may be, by Writing or Writings under their Hands, to be affixed on one of the outer Doors of the Parish Church of *Wilshamstead* 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 they shall have made and completed the said intended Division and Allotments, as well with respect to the laying down, ploughing, sowing of Grass, Turnips, or other Seeds, fallowing and tilling thereof, as to the stocking and eating the Fallows or Stubbles, and also to the cutting of Furze, Thorns, or Bushes upon the said Lands and Grounds, and by the same or any other Writing or Writings under their Hands, 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, for preventing them from committing Waste thereon, or upon any Part thereof, until the Execution of the Award of the said Commissioners, as to them shall seem expedient, all which Orders, Directions, and Regulations of the said Commissioners shall be final, binding, and conclusive upon all Parties concerned; and that the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders, Directions, and Regulations as they shall think necessary, not exceeding the Sum of Five Pounds for any one Offence, and the said Commissioners shall also settle and determine what additional Rent shall be paid in respect of such Lands, and the Tythes thereof respectively, as shall in the Season immediately preceding

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 in the same Manner as the original Rent.

XL. And be it further enacted, That in all Cases where on the said intended Division and Inclosure any Allotment or Allotments shall be made and set out, which or any Part of which shall not have been sown with any Sort of Corn or Grain, but shall have been ploughed, tilled, folded, or manured, or on which there shall at the Time of setting out such Allotment be any Tillage, Manure, or other Preparation for a Crop, the Person or Persons to whom such Allotment or Allotments shall be made and belong shall pay to the Person or Persons who shall have ploughed, tilled, folded, or manured the same, or his Executors or Administrators respectively, such Sum and Sums of Money, and at such Time as the said Commissioners shall adjudge and think reasonable, and by an Order or Orders under their Hands (which Order or Orders they are hereby empowered and required to make) shall direct; and in case any Sum of Money so ordered shall not be paid at the Time appointed by the said Commissioners for that Purpose, the same shall be raised, levied, and recovered in such Manner as the Expences of passing this Act, and carrying the same into Execution, are directed to be raised, levied, and recovered.

Proprietors to
make Satisfaction
for
ploughing
Allotments.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time when they in their Judgement shall think it necessary and convenient, by Notice for that Purpose under their Hands, to be affixed on any One of the Outer Doors of the Parish Church of *Wiltshamstead* aforesaid, on some *Sunday*, to extinguish or suspend all or any Part of the Right of Common in, upon, or over the Lands and Grounds hereby intended to be divided and inclosed, or any of them, and from and after such Notice given all such Rights of Common as shall by such Notice or Notices be directed or declared to be extinguished or suspended, shall cease and be utterly extinguished, or shall otherwise be suspended for such Time as the said Commissioners shall in and by such Notice direct.

Commissioners
may suspend or
extinguish
Common Rights.

XLII. And be it further enacted, That if during the Suspension, or after the Extinguishment of any Right of Common, any of the said Proprietors or Occupiers shall turn or permit his, her, or their Cattle to go, depasture, or feed on any of the Lands or Grounds suspended or extinguished from Common, then it shall and may be lawful to and for any of the said Proprietors or Occupiers to distrain such Cattle being upon such Lands or Grounds contrary to such Order, and to impound the same until the Owner or Owners of such Cattle shall pay to the Person or Persons so distraining the same, any Sum not exceeding Ten Shillings for each of the Cattle distrained, and in case the same shall not be paid before the next Meeting of the said Commissioners after such impounding, then the said Commissioners are hereby authorized and empowered, upon Proof of such Offence having been committed, by Warrant under their Hands and Seals, to cause the Cattle so distrained, or such Part thereof as they shall think sufficient, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress and Sale, and the Expences of keeping such Cattle, rendering the Overplus (if any) to the Owner or Owners of such Cattle.

Penalty on
Persons turning
Cattle into
Lands suspended
from
Rights of
Common.

[*Loc. & Per.*]

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XLIII. And

Reduced Plan
to be annexed
to the Award.

XLIII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Two reduced Plans of the said Parish to be drawn upon Vellum, on which the Public and Private Roads, Paths, and Drains, with the Boundary Fences of the several Allotments mentioned and described in the said Award, and such other Matters and Things as the said Commissioners shall think proper to be described therein, shall be fairly and distinctly delineated, marked, and expressed, and the said Commissioners shall sign both the said Plans, One of which shall be annexed to the said Award, and the other shall be annexed to or shall go and be kept with the Enrolment thereof, and also the said Commissioners shall and they are hereby required to make and annex to the said Award a Schedule describing and setting forth the Quantities of all and every the Homesteads, Gardens, Orchards, and ancient Inclosures in the Parish of *Wilshamstead* aforesaid, and an Alphabetical Index and Reference to the principal Matters in the said Award contained.

Award to be
deposited in
the Parish
Church.

XLIV. And be it further enacted, That the Award to be made by the said Commissioners, when enrolled according to the Directions of the said recited Act, shall be deposited in the Church Chest of *Wilshamstead* aforesaid, or some other safe Place in the said Parish Church.

Power for
Two Justices
to declare any
of the Roads
completed.

XLV. And be it further enacted, That when and so soon as any of the Public Carriage Roads to be set out in pursuance of the said recited Act and this Act, shall be completed and put into good and sufficient Repair, it shall be lawful for the Justices of the Peace for the said County of *Bedford*, or any Two of them, at any Special Session or Meeting to be holden for the Purpose, to declare such Road or Roads to be fully and sufficiently formed, completed, and repaired, from which Time and for ever thereafter such Road or Roads shall be supported and kept in Repair by such Persons, and in like Manner as the Publick Roads now are or ought by Law to be amended and kept in Repair.

Commission-
er Expences,
&c.

XLVI. And be it further enacted, That each of the Commissioners who shall act in the Execution of the Powers vested in them by this Act shall be paid the Sum of Two Pounds Twelve Shillings and Sixpence for each Day he shall be employed in or about the Execution of this Act, or in travelling to and from any Meeting for that Purpose, so as the same do not exceed One Day in travelling to, and One Day in travelling from any such Meeting, and that the same, and all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, of surveying, admeasuring, planning, dividing, allotting, and discharging from Tythes the Open and Common Fields, Meadows, Pastures, Waste Grounds, and other Commonable Lands and Grounds hereby directed to be divided and inclosed, and the several Homesteads and ancient Inclosures in the Parish of *Wilshamstead* aforesaid, and of fencing and making the Publick Roads to be set out, of preparing and enrolling the said Award, and all the Charges and Expences of the said Commissioners, and of the several Persons to be employed by them either before or after the Execution of the said Award, or in, about, or concerning the Execution of this Act, shall be borne, paid, and defrayed by all and every the Proprietors and Owners of, or Persons having Rights or Interests in the Lands and Grounds hereby directed to be divided and inclosed; and the Homesteads and ancient Inclosures which shall be exonerated from Tythes by virtue of this Act,

(other than and except the said *Thomas Hind* and *Ann* his Wife, *John Crosse Crooke*, and *Anthony Dauvert*, the Vicar aforesaid, their Heirs, Successors and Assigns respectively, or the Persons seised of the said Glebe Land and Tythes for the Time being, in respect of the Allotments to be made in lieu of Glebe Land and Tythes, and also except the Persons from whose respective Allotments Deductions shall have been made for their respective Shares of the Expences of Inclosure), in such Proportions, according to their respective Rights and Interests, and shall be paid to such Person or Persons, and at such Time or Times, either before or after the Execution of the said Award, as shall be settled, adjusted, determined, and appointed by the said Commissioners, by any Writing under their Hands, and in case any of the said Proprietors, or Persons having such Rights or Interests, shall refuse or neglect to pay his, her, or their Share or Proportion, or respective Shares or Proportions of such Charges and Expences within the Time to be limited by the said Commissioners for the Payment thereof to such Person or Persons as they shall appoint to receive the same, then and in such Case the said Commissioners may, and they are hereby authorized, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and selling such Distress, or otherwise it shall be lawful for the said Commissioners, or such other Person or Persons as they shall appoint, to enter into and upon the Lands and Tenements so to be allotted to or taken in Exchange, or upon Partition, by such Person or Persons so refusing or neglecting to pay as aforesaid, or into and upon the Homesteads and other ancient Inclosures of any such Person or Persons so refusing or neglecting, which shall be exonerated from Tythes by virtue of this Act, and to receive the Rents and Profits thereof respectively, until thereby, or therewith, or otherwise, the Share or Proportion, or respective Shares or Proportions of the aforesaid Costs, Charges, and Expences directed and appointed by the said Commissioners to be paid by such Person or Persons respectively, and also all Costs, Charges, and Expences occasioned by and attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied; or it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, upon any Refusal or Neglect of Payment of their Proportion of the Costs, Charges, and Expences aforesaid, by any Person or Persons to whom any Allotment shall have been made by virtue of this Act, to raise by Sale or Mortgage in Fee, or for Years, of the Allotment or Allotments to him or them made, or of any Part or Parts thereof, Money sufficient to pay the Share and Proportion of the Person and Persons so refusing or neglecting, of the Charges and Expences last mentioned, and also all the Charges and Expences of and incident to such Sale or Mortgage.

XLVII. And be it further enacted, That the Money which shall be advanced for the Purpose of defraying the Expences of obtaining and passing this Act, shall be repaid with lawful Interest to the Person or Persons advancing and paying the same out of the Money which shall be first raised to defray the Expences of passing and executing this Act.

Money advanced for passing the Act to be repaid with Interest.

XLVIII. And

Proprietors
under Difabi-
lity enabled to
borrow
Money.

XLVIII. And be it further enacted, That it shall be lawful for the several Owners and Proprietors for the Time being of any of the Allotments to be made, or of any of the Homesteads, Orchards, and ancient Inclosures to be exonerated from Tythes in pursuance of this Act, or of any Part thereof, and to and for the Husbands, Guardians, Trustees, Committees, or Attornies, of or for any of the said Owners or Proprietors who may be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Difability or Incapacity, and to and for all Persons acting as Guardians, Trustees, Committees, or Attornies for any of the same Owners or Proprietors, and to and for any of the said Owners or Proprietors, being Tenants in Tail, or for a Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, or otherwise interested as aforesaid, and to and for every of them respectively (other than and except the said Vicar and his Successors, and such Person from whose Allotments Deductions shall have been made for the Payment of the Expences of Inclosures), by and with the Consent of the said Commissioners, in Writing under their Hands and Seals, from Time to Time to charge such respective Allotments, Homesteads, and ancient Inclosures, or any Part or Parts thereof respectively, with any Sum or Sums of Money at the Discretion of the said Commissioners, not exceeding Five Pounds for every Acre of Land or Ground so to be allotted, and for every Acre of such Homesteads, Orchards, and ancient Inclosures which shall be exonerated from Tythes by a Compensation in Land out of the said Open and Common Fields or other Commonable Lands and Grounds, to be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied in defraying the several Shares and Proportions of such respective Proprietors of the Charges and Expences of obtaining and executing this Act, and of dividing and inclosing the respective Allotments, and to charge the several Homesteads and ancient Inclosures which shall be exonerated from Tythes wholly or in Part by any Payment in Money, with any Sum or Sums not exceeding the Amount of the respective Payments which shall be made by the Directions of the said Commissioners, as a Compensation for such Exoneration from Tythes, and in Discharge of the Proportion and Share of the Expences of passing this Act and carrying the same into Execution, which shall be ascertained and apportioned by the said Commissioners in respect of the Homesteads and ancient Inclosures so exonerated, and for securing the Re-payment of such respective Sums with Interest, to grant, mortgage, surrender, or demise such Lands and Tenements respectively, to such Person or Persons as shall respectively advance and lend such Sum and Sums, and to his, her, or their respective Heirs, Executors, Administrators, or Assigns, in Fee, or for any Term or Number of Years, so as every such Grant, Mortgage, Surrender, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be re-conveyed or surrendered when such Sum or Sums of Money thereby to be secured, and the Charges occasioned by preparing and executing such Security, and of borrowing such Sum or Sums of Money, with Interest for the same respectively, shall be paid and satisfied; and so as in every such Grant, Mortgage, Surrender, or Demise, which shall by virtue of this Act be made by any Tenant in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, there be contained a Proviso or Condition that no Person who shall afterwards become entitled in Remainder or Reversion to the Lands or Tenements therein comprised shall be liable to pay any

any further or larger Arrear of Interest in respect of the Money so to be charged as aforesaid, than for One Year preceding the Time that the Title to such Possession shall have commenced.

XLIX. Provided always, and be it further enacted and declared, That in the Place of any such Grant, Mortgage, Surrender, or Demise as aforesaid, it shall be lawful for the said Commissioners, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, who shall respectively pay and discharge his, her, or their Part and Proportion of the Payment, Charges, and Expences aforesaid, to authorize and empower such Owners and Proprietors, or either of them making such Request, to charge and subject the said Lands and Grounds so to be exonerated from Tythes, or allotted to or for them respectively, with any Sum or Sums of Money not exceeding the respective Sums herein-before limited, with Interest for the same as aforesaid, which Sum or Sums of Money so to be charged as last aforesaid shall be payable within One Year next after the Decease of every such Tenant in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or other the Determination of any such Contingent Estate or Interest respectively, with Interest, to be computed from his, her, or their respective Decease, or from the Determination of such Contingent Estate or Interest, unto such Person or Persons as such respective Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon such other Contingency respectively, by any Deed or Will duly executed and attested, shall direct or appoint, and in Default of such Direction or Appointment, to such Person or Persons, his, her, or their Executors or Administrators: Provided always, that every Sale, Grant, Mortgage, Surrender, Demise, Charge, or Appointment, by Deed or Will, which shall be made by virtue and in pursuance of the Powers given by this Act, shall be good, valid, and effectual in the Law for the Purposes hereby intended.

Or charge the Lands with the Proportion of Expences &c.

L. And be it further enacted, That Once in each and every Year during the Execution of this Act, to be computed from the Time when the first Rate shall be directed by the said Commissioners to be paid as aforesaid, the said Commissioners shall and they are hereby required to make a just Statement or Account of all Sums of Money by them received and expended 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 some one of His Majesty's Justices of the Peace for the County of *Bedford*, not interested in the said Inclosure, to be examined and balanced, and the said Balance shall be stated in a 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 be duly allowed by such Justice.

Accounts to be passed before a Magistrate.

LI. And be it further enacted, That all Notices and Advertisements necessary or requisite to be made or given by the said Commissioners, and not herein-before or otherwise directed, shall be so made and given by Advertisement in the *Northampton Mercury* and *County Press* for *Northamptonshire*, *Bedfordshire*, *Buckinghamshire*, and *Huntingdonshire*, or One of them; or in case neither of them shall then be published, then in some other Newspaper circulated in the said County of *Bedford*.

Advertisements in Newspapers.

Damaging
Fences, &c.

LII. And be it further enacted, That in case any Person or Persons shall wilfully or unlawfully break down, destroy, carry away, or damage any Fence, Stile, Post, Pale, Rail, Gate, Bridge, or Tunnel which may be put up or placed under the Authority and for the Purposes of this Act, every Person so offending, and being thereof convicted before any Justice of the Peace for the said County of *Bedford*, on Confession, or on Proof of the Offence by Oath of One or more credible Witness or Witnesses, (which Oath the said Justice is hereby authorized to administer, shall for every such Offence pay to the Proprietor or Proprietors of the Fence, Stile, Post, Pale, Rail, Gate, Bridge, or Tunnel which shall be so broken down, destroyed, carried away, or damaged, such Fine and Penalty not exceeding Five Pounds, as such Justice shall determine, direct, and order; and every Person shall be allowed to give Evidence of such Offence, notwithstanding he may be a Proprietor or Occupier of Lands within or an Inhabitant of such Parish, and notwithstanding he may be the Owner of any such Fence, Stile, Post, Pale, Rail, Gate or Tunnel; and if any such Fine or Penalty shall not be forthwith paid, the same shall by Warrant of such Justice be levied by Distress and Sale of the Goods and Chattels of every such Offender, and for want of Distress, in case the Fine or Penalty shall not be forthwith paid, it shall and may be lawful for such Justice to commit every such Offender to the House of Correction for the said County of *Bedford*, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Fine, and all reasonable Charges attending the Recovery thereof, shall be sooner paid.

Appeal.

LIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing whatsoever to be done in pursuance of this or the said recited Act, (other than and except in such Cases where the Orders, Determinations, Resolutions, or Proceedings of the said Commissioners are hereby or by the said recited Act directed to be final, binding, and conclusive, and also except in such Cases where an Issue at Law is herein before directed,) then and in such Case he, she, or they may appeal to the Justices assembled at the General Quarter Session of the Peace to be holden for the said County of *Bedford* next after Two Calendar Months from the Time when such Cause of Complaint shall have arisen, giving Twenty Days previous Notice to the Parties appealed against of the Intention of bringing such Appeal, and the Justices in their said Quarter Session are hereby empowered and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to cause to be levied the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties ordered and 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 every such Distress and Sale; and every Order and Determination of the said Justices upon such Appeal shall be final and conclusive to all Parties concerned, and shall not be subject or liable to be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

General
Saving.

LIV. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person or Persons, Body or

Bodies

Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Remainder after them) all such Right, Title, and Interest as they, every, or any of them could or ought to have had and enjoyed, in, to, or out of the Lands and Grounds hereby directed to be divided and inclosed, in case this Act had not been made.

LV. 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 may be
given in
Evidence.

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

