



ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

Cap. 16.

An Act for dividing, allotting, and inclosing the Open and Common Fields, Meadows, Lands, Commons, and Commonable Places in the Parish of *Fen Drayton* in the County of *Cambridge*.

[4th July 1838.]

WHEREAS there are within the Parish of *Fen Drayton* in the County of *Cambridge* divers Open and Common Fields, Meadows, Lands, Commons, and Commonable Places, and also divers ancient inclosed Lands and Homesteads, containing by Estimation about One thousand five hundred Acres: And whereas *Augustine Priestly* of *Buckden* in the County of *Huntingdon*, Esquire, is Lord of the Manor of *Fen Drayton*: And whereas the said *Augustine Priestly*, *John Cole Daintree* Esquire, *Richard Daintree*, the Reverend *Lancelot Robert Brown* Clerk, *John Daintree*, *Robert Daintree*, and other Persons, are or claim to be Owners and Proprietors of the said Open and Common Fields, Meadows, Lands, Commons and Commonable Places, and the said inclosed Lands and Homesteads: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for con-* 41G.3.c.109.
solidating 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 another Act was passed in the First

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Powers of
recited Acts
extended to
this Act, ex-
cept as here-
by altered.

and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands, in England*: And whereas it would be of advantage to the several Proprietors if the said Open and Common Fields, Meadows, Lands, Commons, and other Commonable Places were divided and allotted in specific Parts and Shares; but such beneficial Purposes 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Forty-first Year of the Reign of King *George* the Third, and all the Powers, Provisions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are varied, altered, or repealed by the said recited Act passed in the First and Second Years of the Reign of King *George* the Fourth), and also the said recited Act passed in the First and Second Years of the Reign of King *George* the Fourth, and all and every the Powers and Provisions therein contained, shall, so far as the same respectively are not varied, altered, or repealed, or otherwise provided for, be as valid and effectual for carrying into execution this Act as if the same had been respectively repeated and re-enacted in the Body of this Act.

Commis-
sioners ap-
pointed.

II. And be it further enacted, That *Thomas Bloodworth* of *Kimbolton* in the County of *Huntingdon*, Gentleman, and *Anthony Jackson* of *Barkway* in the County of *Hertford*, Gentleman, and their Successors for the Time being, to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the Open and Common Fields, Meadows, Lands, Commons, and Commonable Places in the Parish of *Fen Drayton* aforesaid, and for carrying this Act into execution.

Appointment
of Commis-
sioners on
Vacancies.

III. And be it further enacted, That if the said *Thomas Bloodworth*, or any other Commissioner to be appointed in his Stead, as herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, or refuse to act, or become incapacitated, or neglect for the Space of Three Calendar Months to act as a Commissioner in the Execution of this Act, then and in every such Case it shall be lawful for the said *Augustine Priestly*, or the Lord of the said Manor of *Fen Drayton* for the Time being, within Twenty-eight Days after such Death, Refusal, Incapacity, or Neglect shall be made known to him, to elect, and by Writing under his Hand to nominate and appoint, a proper Person (not being interested in the said Division, Allotment, and Inclosure) to be a Commissioner for the Purposes of this Act, in the Place and Stead of the said *Thomas Bloodworth*, or any other Commissioner to be appointed in his Stead, and so from Time to Time as often as any Commissioner so to be nominated or appointed by the Lord for the Time being of the said Manor shall die, refuse, become incapacitated or neglect to act as a Commissioner in the Execution of this Act; and if the said *Anthony Jackson*, or any other Commissioner to be appointed in his Stead, as herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, or refuse to act, or become incapacitated, or neglect for the Space of Three Calendar Months to act as a

Commissioner in the Execution of this Act, then and in every such Case it shall be lawful for the Proprietors or Persons interested in the said Open and Common Fields, Meadows, Lands, Commons, and other Commonable Places hereby directed to be divided, allotted, and inclosed (except the said *Augustine Priestly*, or other the Lord of the said Manor for the Time being), or the major Part of them in Value (such Value to be ascertained by the Land Tax Assessment for the said Parish of *Fen Drayton* for the then current Year) who shall be present in Person, or by their Attornies or Agents, at a Meeting to be appointed for that Purpose by the surviving or remaining Commissioner, or the Clerk, or by any Three or more of such Proprietors (and of which Meeting Notice shall be given by affixing such Notice on the principal outer Door of the Parish Church of *Fen Drayton* upon some *Sunday*, and causing the same to be inserted once in the Newspapers called the *Cambridge Chronicle* and *Cambridge Independent Press*, or one of them, or some other Newspaper then usually circulated in the said County of *Cambridge*, Fourteen Days at the least before such Meeting,) to elect, and by Writing under their Hands to nominate and appoint, a proper Person (not being interested in the said Division, Allotment, and Inclosure,) to be a Commissioner in the Place and Stead of the said *Anthony Jackson*, or any other Commissioner to be appointed in his Stead, and so from Time to Time as often as any Commissioner so to be nominated or appointed by the major Part in Value of the said Proprietors (exclusive as aforesaid) shall die, refuse, become incapacitated, or neglect to act as a Commissioner in the Execution of this Act: Provided always, that in case of such Death, Refusal, Incapacity, or Neglect to act of the said *Thomas Bloodworth*, or any Commissioner to be appointed in his Stead as aforesaid, and of the Neglect or Refusal of the said *Augustine Priestly* or other the Lord of the said Manor for the Time being to make such Appointment as aforesaid in the Stead of the said *Thomas Bloodworth*, or any Commissioner to be appointed in his Stead, as aforesaid, it shall be lawful for the said Proprietors or Persons interested in the said Open and Common Fields, Meadows, Lands, Commons, and Commonable Places hereby directed to be divided, allotted, and inclosed (except the said *Augustine Priestly* or other the Lord of the said Manor for the Time being), or the major Part of them in Value (such Value to be ascertained as aforesaid), at a Meeting to be appointed as aforesaid to elect, and by Writing under their Hands to nominate and appoint, a proper Person (not being interested in the said Division, Allotment, and Inclosure,) to be a Commissioner in the Place and Stead of the said *Thomas Bloodworth* or any other Commissioner to be appointed in his Stead.

In case Lord of Manor neglect to appoint new Commissioner, the Proprietors to appoint.

IV. And be it further enacted, That if either of the said Commissioners shall refuse or neglect to attend the First or Second Meeting appointed to be held for putting this Act into execution, and to qualify himself by making and subscribing the Declaration in that Behalf prescribed, or if either of the said Commissioners shall at any Time after having qualified himself as aforesaid wilfully absent himself from any Two successive Meetings of such Commissioners, the Times of such Meetings being known to him by his having been present at the Appointment of the first thereof, or by a Notice thereof in Writing under the Hand of the Clerk of the said Commissioners having been given to him or left at his usual Place of Abode (such Commissioner not being prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioner attending such Meetings),

What shall be a Refusal to act.

or

or if any Commissioner to be hereafter elected or appointed as aforesaid shall not attend and qualify himself at the First or Second Meeting to be held after his Appointment, or shall after having qualified himself as aforesaid wilfully absent himself in manner aforesaid after such Notice, and without such Cause of Excuse as last aforesaid, every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

Commis-
sioners to
make a
Declaration.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in giving Notice of the First Meeting of the Commissioners) until he shall have made and subscribed the following Declaration; (that is to say,)

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully,
‘ I impartially, and honestly, according to the best of my Skill and
‘ Ability, execute and perform the several Trusts, Powers, and Authorities
‘ vested and reposed in me as a Commissioner by virtue of an Act passed
‘ in the Year of the Reign of Queen *Victoria*, intituled [*here set*
‘ *forth the Title of this Act*], according to Equity and good Conscience,
‘ and without Favour or Affection, Prejudice or Partiality, to any Person
‘ whomsoever.’

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said recited Act of the Forty-first Year of the Reign of King *George* the Third to be taken by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, and inclosing any Lands or Grounds; and such Declaration shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed.

Umpire to be
appointed.

VI. And for the Purpose of settling and determining any Difference of Dispute that may arise between the said Commissioners touching or concerning any of the Matters and Things to be done and performed in pursuance of this Act, be it further enacted, That the said Commissioners shall and they are hereby authorized and required, previously to acting in the Execution of this Act, to nominate and by Writing under their Hands to appoint some fit and proper Person to be the Umpire; and such Umpire is hereby authorized to hear and determine every such Difference or Dispute as may arise between the said Commissioners touching any Act, Matter, or Thing relating to the said Division, Allotment, and Inclosure, or any of the Purposes of this Act, and the Judgment and Determination of the said Umpire therein shall be decisive, and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division, Allotment, and Inclosure, so far as the Judgment and Acts of the said Commissioners would, in such Case, have been final and conclusive.

Appointment
of Umpire
on Vacan-
cies.

VII. And be it further enacted, That if the Umpire so to be appointed by the said Commissioners, or any future Umpire to be appointed as hereinafter is mentioned, shall, before the Execution of all the Powers and Authorities hereby vested in the said Commissioners, die, or refuse to act, or become incapacitated or neglect for the Space of One Calendar Month to act as Umpire in the Execution of this Act, then and in every such
Case

Case it shall be lawful for the Proprietors or Persons interested in the said Open and Common Fields, Meadows, Lands, Commons, and Commonable Places hereby directed to be divided, allotted, and inclosed, or the major Part of them in Value (such Value to be ascertained in manner herein-before mentioned) who shall be present in Person or by their respective Attornies or Agents, at a Meeting to be held for that Purpose at any Time within Twenty-eight Days after such Death, Incapacity, or Refusal shall happen or be made known (of which Meeting Notice shall be given and published in like Manner as is herein-before directed in Cases of Appointment of any new Commissioner), to elect and by Writing under their Hands to nominate and appoint a proper Person (not being interested in the said Division, Allotment, and Inclosure,) to be an Umpire in the Place of the Umpire so dying, or refusing or becoming incapacitated or neglecting to act, and so from Time to Time as often as the Case shall happen; and every Umpire to be appointed in the Manner herein-before directed in the Place of the Umpire so dying, or refusing or becoming incapacitated or neglecting to act as aforesaid, shall have the like Powers and Authorities as are by this Act vested in the said Umpire.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as Umpire in the Execution of this Act until he shall have made and subscribed before the said Commissioners or One of them the following Declaration; (that is to say,) Umpire to make a Declaration.

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as Umpire by virtue of an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person whomsoever.’

IX. And be it further enacted, That the Instrument appointing every Commissioner and Umpire to be elected and appointed by virtue of this Act, and a Duplicate thereof, and also such Declaration subscribed by such Commissioners and Umpire respectively, with a Duplicate thereof, shall be enrolled with the General Award of the said Commissioners; and a Copy of any such Instrument and Declaration, attested by the proper Officer of the Court wherein the same shall be enrolled, shall be full and sufficient Evidence thereof. Instruments of Appointment and Declarations to be enrolled with the Award.

X. And be it further enacted, That it shall be lawful for the said Commissioners to appoint One or more Clerk or Clerks to assist them in the Execution of this Act, and if Occasion shall require to remove from Time to Time any such Clerk or Clerks, and to appoint another or others in his or their Stead, as to them shall seem right and proper. Appointment of Clerk.

XI. And be it further enacted, That *Joseph Jackson of March* in the *Isle of Ely* and County of *Cambridge*, Land Surveyor, shall be and he is hereby nominated and appointed Surveyor for the Purposes of this Act; and in case of the Death, Inability, Neglect, or Refusal to act of the said *Joseph Jackson*, it shall be lawful for the said Commissioners, by Writing Appointment of Surveyor.
[*Private.*] under

under their Hands, to appoint One or more fit and proper Person or Persons (not interested in the said Division, Allotment, and Inclosure,) to be the Surveyor or Surveyors for the Purposes of this Act; and on any future Vacancy in like Manner to appoint any other Surveyor or Surveyors, and so from Time to Time as often as there shall be Occasion.

Surveyor to
make a De-
claration.

XII. Provided always, and be it further enacted, That no Person shall be capable of acting as Surveyor in the Execution of this Act until he shall have made and subscribed before the said Commissioners or One of them the following Declaration; (that is to say,)

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully, im-
‘ partially, and honestly, according to the best of my Skill and
‘ Ability, execute and perform the several Trusts, Powers, and Autho-
‘ rities vested and reposed in me as Surveyor by virtue of an Act passed
‘ in the Year of the Reign of Her Majesty Queen *Victoria*;
‘ intituled [*here set forth the Title of this Act*], according to Equity
‘ and good Conscience, and without Favour or Affection, Prejudice or
‘ Partiality, to any Person whomsoever.’

Penalty on
Persons
making false
Declaration.

XIII. And be it further enacted, That any Person making and subscribing a Declaration under the Authority of this Act, and who shall wilfully and corruptly make and subscribe such Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Allowance
to Commis-
sioners and
Umpire and
Clerk.

XIV. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and executing this Act each of the Commissioners, and the Umpire and Clerk or Clerks acting in the Execution of this Act, shall respectively be paid for each, and every Day they shall travel or be employed in any Business relating to the Execution of this Act, during the first Two Years next after the passing of this Act, the Sum of Three Pounds and Three Shillings and no more; and after the Expiration of the said Two Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings and no more, in full Satisfaction for their Time and Trouble, and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act into execution, and the Costs and Expences of drawing, preparing, copying, engrossing, and enrolling the Award of the said Commissioners, and of Advertisements; Printing, and Stationery: Provided always, that in case the said Commissioners shall think fit to appoint Two or more Persons to execute the Office of Clerk, such Persons shall receive the same Allowance only to which had One Person been appointed to execute the Office of Clerk he would have been entitled.

Allowance to
Surveyor.

XV. And be it further enacted, That it shall be lawful for the Commissioners for the Time being, out of the Monies to be raised for defraying the Expences of obtaining and executing this Act, to allow the Surveyor or Surveyors for the Time being acting in the Execution of this Act, for his or their Time and Trouble, any Sum not exceeding One Shilling and Sixpence *per Acre* for surveying, measuring, mapping, and planning the

said Lands, and also any Sum not exceeding Two Pounds and Two Shillings for each and every Day he or they shall be actually employed in the Business of the said Division, Allotment, and Inclosure, (except such surveying, measuring, mapping, and planning,) and which said several Allowances shall be in full Satisfaction for the Time and Trouble, and all travelling and other Expences of such Surveyor or Surveyors in and about the Execution of this Act.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required to cause public Notice in Writing to be given by Affixion, thereof on one of the principal outer Doors of the Church of the said Parish of *Fen Drayton*, and by Advertisement to be inserted in the *Cambridge Chronicle* and *Cambridge Independent Press*, or one of them, or in some other Newspaper circulated in the said County of *Cambridge*, of the Time and Place of their First Meeting for the Execution of this Act, at least Seven Days before such Meeting shall be held, and shall give at least Seven Days Notice of every subsequent Meeting (Meetings by Adjournment only excepted); and all Meetings of the said Commissioners shall be held within the said Parish of *Fen Drayton*, or at some Place within the Distance of Eight Miles from the Boundary thereof; and the said Commissioners may from Time to Time adjourn such Meeting as they may think proper.

Directing
Mode of
giving Notice
of Sitting of
Commis-
sioners.

XVII. Provided always, and be it further enacted, That all other Notices necessary to be given by the said Commissioners (the Mode of giving which is not hereby particularly directed) shall be given by Advertisement to be inserted in the *Cambridge Chronicle* and *Cambridge Independent Press*, or one of them, or in some other Newspaper printed or usually circulated in the said County of *Cambridge*, or by Writing to be affixed on some principal Door of the Parish Church of *Fen Drayton* aforesaid; and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices shall relate, any thing in the said first-recited Act to the contrary notwithstanding.

Directing
Mode of
giving other
Notices

XVIII. And for regulating the Duration of all Meetings to be held for the Purposes of this Act, be it further enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and that any Meeting to be holden for the Purposes of this Act of less Duration than Eight Hours or Six Hours (as the Case may be) shall be charged as only Half a Day, and the said Commissioners and Umpire and Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioners or their Clerk in which shall be entered the several Days on which the said Commissioners shall hold their Meetings, and in such Book shall also be entered at what Hours the said Commissioners and their Clerk were respectively present at such Meeting, and at what Hour they respectively left the same, and such Book shall be signed by the said Commissioners at the Termination of each Meeting, and shall be open for the Inspection of all Persons interested in the said Division, Allotment, and Inclosure, or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act; and all such Persons may take

For regulat-
ing the
Duration of
Sittings of
Commis-
sioners and
clerk.

take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioners to retain or to pay themselves or such Clerk, out of any Monies to be received by them or over which they may have any Control in the Execution of this Act, any Sum of Money on account of the Allowance herein-before directed to be made to such Commissioners and Clerk respectively beyond One Half of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the said Award, or in case the Accounts of the said Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioners or either of them, or of the said Clerk, previously to the Execution of the said Award, the Commissioner or Commissioners for the Time being shall, after the Expiration of the Period allowed for Appeal against the said Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or Commissioners, or of such deceased Clerk, such Sum of Money as shall appear by the said Accounts to be due to them.

One Commissioner or Clerk may adjourn.

XIX. Provided always, and be it further enacted, That if at any Meeting appointed to be held as aforesaid only One of the said Commissioners shall attend, such Commissioner so attending shall and may adjourn such Meeting to such Time within the Space of Twenty-eight Days from the Date of such Adjournment, and to such Place within the Limits aforesaid, as he shall think most convenient, and if no Commissioner shall attend it shall be lawful for the Clerk of the said Commissioners to adjourn such Meeting in like Manner.

Proprietors to pay their own Expences at Sittings.

XX. And be it further enacted, That the several Persons interested in the Division, Allotment, and Inclosure hereby authorized, and their respective Agents, shall pay their own Expences whenever they shall attend the said Commissioners at any of their Sittings to be held in pursuance of this Act.

Claims to be made within a limited Time.

XXI. And be it further enacted, That all Persons claiming or having any Right in or upon the Lands and Grounds by this Act authorized to be divided, allotted, and inclosed shall and they are here by required, by themselves or their Agents respectively, at such Sitting or Sittings as the said Commissioners shall appoint, to give and deliver to the said Commissioners, in Writing under their Hands, an Account of their Claims, specifying in what respects they severally claim such Rights as aforesaid; and every Person so neglecting to give or deliver, or cause to be given or delivered, such Claims, with a full Description and Particular thereof, shall be and is hereby excluded of and from all Right or Title of, in, or to the said Lands and Grounds, and from any Allotment thereof, unless the said Commissioners shall see good Cause to prolong the Time for producing such Claims.

Objections to Claims.

XXII. And be it further enacted, That if any of the Parties interested in the said Lands and Grounds shall have any Objection to any of the Accounts or Claims which shall be delivered to the said Commissioners by virtue of this Act, such Objection shall be reduced into Writing, and
Two

Two Parts thereof shall be signed by the Party making the same, or by some Person on his Behalf; and one Part thereof shall be served in the Manner by this Act directed upon the Party whose Claim or Account shall be objected to, or upon his Agent making such Claim on Account, at such Time as the said Commissioners shall appoint for that Purpose, and the other Part shall be delivered to the said Commissioners.

XXIII. And be it further enacted, That if any Dispute shall arise between any of the Parties claiming to be interested in the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, touching or concerning the respective Proportions which they may claim to have therein, or touching or concerning any other Claims, or any Objections, Rights, or Interests affecting or relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners or Umpire, and they are hereby required, by proper and sufficient Evidence, to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall empower the said Commissioners or Umpire to determine the Title to any Lands, or to determine any Right between any Parties, contrary to the Possession of any such Parties, except in Cases of Encroachment made within the Period of Twenty Years then last past; but in case the said Commissioners or Umpire shall be of opinion against the Right of the Party so in Possession, they or he shall forbear to make any Determination thereon until the Possession shall have been given up by such Party or have been recovered from such Party by due Course of Law.

Commissioners empowered to settle disputed Claims;

but not to determine Titles contrary to Possession.

XXIV. And be it further enacted, That in case the said Commissioners shall, upon the hearing or determining of any Claim or Objection to be delivered to them in pursuance of the said first-recited Act or 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 in whose Favour any Determination of the said Commissioners shall be made by the Party whose Claim or Objection shall be thereby disallowed or overruled; and in case the Person who shall be liable to pay such Costs or Charges shall refuse or neglect to pay the same on Demand, then 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 so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and if there shall not be any Goods or Chattels whereon to levy the same, or in case the Party ordered to pay such Costs be a Corporation, then and in either of the said Cases it shall be lawful for the Party in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioners, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Power to award Costs.

[Private.]

Parties dissatisfied authorized to try their Rights at Law.

XXV. Provided always, and be it further enacted, That if any Party claiming to be interested in the said Division, Allotment, and Inclosure shall be dissatisfied with any Determination of the said Commissioners touching any Claim, Right, or Interest in, over, or upon the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, or touching any Objection to any such Claim, it shall be lawful for such Party to bring an Action upon a feigned Issue against the Party in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall have been notified in Writing to the Party against whom such Determination shall have been made, or to his known Agent; and thereupon the Party so dissatisfied may proceed to Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes, which may be held for the said County of *Cambridge* after such Action shall have been commenced; and the Defendant in such Action is hereby required to name an Attorney who shall appear thereto, and accept One or more Issue or Issues (such Issues to be settled by the proper Officer of the Court in which such Action shall be commenced, in case the Parties shall differ about the same); whereby such Claims, and the Rights thereby insisted on or objected to, may be tried and determined; and the Verdict which shall be given in such Action shall be binding and conclusive upon all Parties thereto, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had thereon, which it shall be lawful for the Court to do as in other Cases; and after such Verdict shall have been obtained (unless the same shall be subsequently set aside by the Court) the said Commissioners shall act in conformity thereto, and allow or disallow the Claims thereby determined, according to the Event of such Trial: Provided always, that the Determination of the said Commissioners touching any such Claim or other Right or Interest as aforesaid which shall not be objected to in due Time, or as to which, being objected to, the Party objecting shall not cause such Action to be brought within the Time herein-before limited, or to be proceeded with as aforesaid, shall be final and conclusive upon all Parties.

Disputes, &c. not to suspend the Execution of this Act.

XXVI. Provided also, and be it further enacted, That no Difference, Action, or Proceeding as aforesaid, nor any Difference touching the Title to any Lands, shall impede or delay the Commissioners in the Execution of this Act; but the Inclosure by this Act authorized shall be proceeded in notwithstanding any such Difference, Action, or Proceeding, and the Allotments in respect of any disputed Property shall be taken and held by the Party or Parties who upon the Determination of such Difference, Action, or Proceeding shall become entitled thereto.

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

XXVII. And be it further enacted, That if any of the Parties, Plaintiffs or Defendants in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not be defeated or abate by reason thereof, but may be proceeded in as if no such Event had taken place; and if any Party in whose Favour any such Determination as aforesaid shall have been made, and against whom such Action might have been brought if living, shall die before such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Party who might have brought such Action to bring the same within the Time so limited as aforesaid against

such Party as if actually living, and to serve the Clerk of the said Commissioners and also the Heir of the Party so dying, or other the Person who shall claim the Benefit of such Determination, with Process for commencing such Action, in the same Manner as the Party might have been served therewith if living; and it shall thereupon be incumbent on the Heir of the Party so dead, or other the Party who shall claim the Benefit of such Determination, to appear and defend such Action in the Name of the Party so dead, and Proceedings shall be had therein in the same Manner as if such Party had been living, and the Rights of all Parties to the said Action shall be equally concluded by the Event of such Action.

XXVIII. Provided always, and be it further enacted, That if any of the Parties interested in the said Division, Allotment, and Inclosure shall die before the same shall be completed, the Powers and Duties hereby vested in the said Commissioners shall not be thereby determined or delayed, but the said Commissioners shall proceed in the Execution of the Powers and Duties so vested in them in such Manner as they might or ought to have done in case such Parties had not died; and the Shares of the Parties so dying shall be allotted to the Parties who by Law shall become entitled to the same, and shall be accepted by such Parties accordingly.

Act not to be impeded by Death of Parties.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, at such Time before the Execution of their Award as they shall think proper, by Notice given in manner herein-before provided, to order the Rights of Common in, upon, and over the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any of them, to be extinguished or suspended, either in whole or in part; and from and after the Time to be mentioned in and appointed by any such Notice all such Rights of Common as shall be thereby directed to be extinguished or suspended shall cease and be extinguished or suspended accordingly, any Law, Usage, or Custom to the contrary notwithstanding; and if any Person shall, after such Extinguishment, or during such Suspension of Common Right as aforesaid; stock or depasture with Sheep or other Cattle on any Part of the said Lands contrary to such Notice as aforesaid, it shall be lawful for any Proprietor of the said Lands, or any Person to be appointed by the said Commissioners, from Time to Time to distrain all such Sheep and other Cattle found grazing or depasturing upon any of the said Lands contrary to such Notice, and to impound such Sheep or other Cattle until the Person offending shall have paid to the Person so distraining the Sum of Two Shillings *per* Head for every Sheep or Pig, and the Sum of Five Shillings *per* Head for every Beast and other Kind of Live Stock so distrained.

Commissioners may extinguish or suspend Rights of Common.

Penalty on Breach of Commissioners Order.

XXX. And be it further enacted, That for the Purpose of shortening or rendering straight or otherwise improving any Boundary Fence between the Lands hereby directed to be divided, allotted, and inclosed, or any of them, and the old inclosed or other Lands, or any of them, in the said Parish of *Fen Drayton*, or between such Allotments and inclosed or other Lands, or any of them, and any adjoining Lands and Grounds, it shall be lawful for the said Commissioners (with the Consent in Writing of the Lord of any Manor in which the Lands are respectively situate, and of the Owner of any such adjoining Lands), to set out, ascertain, and determine the Boundary between the Lands hereby directed to be divided, allotted, and

For shortening Boundary Fences.

and inclosed, and any such adjoining Lands and Grounds, in such Manner as the said Commissioners shall think proper for the Purposes aforesaid; and after such Boundaries shall have been so set out, ascertained, and determined as aforesaid, the same shall be made, fenced, ditched, or mounded by such Person, in such Manner, and at such Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said allotted and inclosed Lands respectively, or (as the Case may be) between the Allotments or inclosed or other Lands and such adjoining Lands and Grounds, any Law, Usage, or Custom to the contrary notwithstanding.

Com-
missioners to set
out Drains
and enlarge
and turn
Water-
courses.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, appoint, and make such common Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges, of such Size, Extent, and Form and in such Situations as the said Commissioners shall deem necessary, in, through, over, and upon the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, and also to enlarge, widen, turn, scour, and cleanse or alter the Course of and improve any of the present Drains, Ditches, Streams, or Watercourses, Banks, and Bridges, as well in, through, and over the same Lands and Grounds as also in, through, and over any ancient Inclosures or other Lands and Grounds within the said Parish of *Fen Drayton*, as the said Commissioners shall deem necessary (making such Satisfaction to the Proprietor of such ancient Inclosures or other Lands and Grounds for the Damage done thereby as the said Commissioners shall think fair and equitable); and the Costs and Expences of making and enlarging, widening, altering, turning, scouring, and cleansing such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first made and done in pursuance of this Act, if not otherwise discharged or provided for, shall be raised and levied by the said Commissioners in the same Manner and by the same Means as the other Costs and Expences of carrying this Act into execution; but all such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, and maintained by such Persons and in such Manner as the said Commissioners shall in and by their said Award order and direct: Provided that no Stream or Watercourse be diverted or turned without the Consent in Writing of the Person from whose Lands the same may be diverted, and of the Person into whose Lands the same may be turned, or to the Prejudice or Injury of any Person interested in such Stream or Watercourse, except with his Consent.

Power to
widen Roads,
making Com-
pensation to
the Owners.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners, where they shall see it necessary, to widen any of the Highways within the said Parish of *Fen Drayton*, and for that Purpose to take a sufficient Quantity of the ancient inclosed Lands adjoining to such Highways (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House), and to make a full Compensation for the Value of the Land so to be taken for the widening of such Highways by a Payment in Money, or by allotting and awarding unto the Person from whom any such ancient inclosed Land shall be so taken an adequate Part of the said Lands hereby directed to be divided, allotted, and inclosed, at the Option of the Person whose Land shall be so taken; and

and also to make good and substantial Fences on each Side of all such widened Highways for and in lieu of the Fences which shall be injured or destroyed by means of such widening.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think it necessary or proper, with the Consent and under the Order in Writing of any Two Justices of the Peace for the said County of *Cambridge*, to continue or discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footways (other than and except Turnpike Roads) passing or leading through or over any of the Lands to be divided and allotted by virtue of this Act, or passing or leading through or over any of the Lands in the Parish of *Fen Drayton* aforesaid; and the Soil of the Roads and Ways so to be discontinued and stopped up, and which may pass through or over any of the Lands to be inclosed by virtue of this Act, but not otherwise, shall be deemed and taken to be Part of the Lands to be divided, allotted, and inclosed by virtue of this Act.

Commis-
sioners may
discontinue
or alter
Roads.

XXXIV. Provided always, and be it further enacted, That before any such Order as is herein-before mentioned shall be made, or any Highway shall be discontinued, stopped up, diverted, or altered by the said Commissioners, the said Commissioners shall cause to be affixed at each End of the said Highway so proposed to be discontinued, stopped up, diverted, or altered, a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered (as the Case may be) by the said Commissioners, and the said Commissioners shall also cause the same Notice to be inserted in some One or more Newspaper or Newspapers published in the County of *Cambridge* aforesaid for Four successive Weeks, and shall also cause a like Notice to be affixed on the principal outer Door of the Parish Church of *Fen Drayton* aforesaid on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid, after such Order as is herein-before mentioned shall have been made, the said Highway shall be and shall be deemed to be discontinued, stopped up, diverted, or altered (as the Case may be), subject however to such Appeal to the Court of General Quarter Sessions for the said County of *Cambridge* as is hereinafter mentioned.

Proceedings
previously to
diverting or
stopping up
Highways.

XXXV. Provided always, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Highway should be discontinued, stopped up, diverted, or altered, to make his Complaint thereof by Appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Cambridge* within Four Calendar Months next after the Date of such Notice, giving to the said Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Persons
aggrieved by
any Road
being di-
verted, &c.
may appeal.

XXXVI. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining

In case of
Appeal, Jury
at Sessions

[*Private.*]

to determine whether old Highway may be discontinued.

mining whether the Highway so discontinued, stopped up, diverted, or altered, or intended to be discontinued, stopped up, diverted, or altered, shall remain or shall be discontinued, stopped up, diverted, or altered (as the Case may be), or whether the Party appealing would be injured or aggrieved thereby, impanel a Jury of Twelve indifferent Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if, after hearing the Evidence produced before them, the said Jury shall return a Verdict that the Highway so discontinued, stopped up, diverted, or altered, or intended so to be, is wholly unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court of Quarter Sessions shall dismiss such Appeal; and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid to the said Commissioners by the Party appealing, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that the Highway so discontinued or stopped up, or intended so to be, is not unnecessary, or that the said Highway so diverted or altered, or intended so to be could not beneficially to the Public be so diverted or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court of Quarter Sessions shall allow such Appeal, and the said Highway shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order for restoring the same to its original State, and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party appealing such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences, shall be paid by the said Commissioners, and shall be raised by them in such and the same Manner as they are hereby directed or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

On Dismissal of Appeal the Order of the Commissioners to be final.

XXXVII. Provided always, and be it further enacted, That from and after the Dismissal of any such Appeal as aforesaid the Order or Award of the said Commissioners for discontinuing, stopping up, diverting, or altering any such Highway shall be final and conclusive, and be of full Force and Effect, any thing in this Act contained to the contrary notwithstanding.

Expences of discontinuing or widening Roads.

XXXVIII. And be it further enacted, That the Charges and Expences attending the discontinuing, stopping up, diverting, altering, or widening of such Roads or Highways, and the making of such Fences as aforesaid, shall be raised and paid in such and the like Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid.

Justices may declare any of the Carriage Roads completed.

XXXIX. And be it further enacted, That when and so soon as Two or more of Her Majesty's Justices of the Peace for the said County of *Cambridge* at any Special Sessions shall under their Hands and Seals certify any of the public Carriage Roads to be set out in pursuance of this Act to be fully and sufficiently formed and completed, such Roads shall thenceforth be supported and kept in repair by such Persons and in such Manner as the public Roads within the said Parish of *Fen Drayton* are or

ought by Law to be amended and kept in repair; and every such Certificate shall, at the General or Quarter Sessions of the Peace to be holden for the said County of *Cambridge* next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County, and be valid and effectual to all Intents and Purposes.

XL. And be it further enacted, That all Encroachments, Intakes, or Inclosures which may at any Time within the Space of Twenty Years previous to the passing of this Act, without the Consent of the Lord of the Manor, have been made in or upon the said Lands hereby directed to be divided, allotted, and inclosed, shall be deemed and considered Part of the Lands to be divided, allotted, and inclosed by virtue of this Act, as if the same were lying open and uninclosed; Provided always, that every such Encoachment, Intake, or Inclosure shall be allotted to the Person who shall at the Time of making the Allotment be in possession of such Encroachment, Intake, or Inclosure, or in receipt of the Rents and Profits, as the Whole or Part of the Share or Proportion of the said Lands to which such Person may be entitled by virtue of this Act, at the Value of the Land only, without considering the Value of any Erection or other Improvements made thereon; and if any such Person shall not be entitled to any Allotment, or to any Allotment equal to the Value of such Encroachment, Intake, or Inclosure, but shall be willing to purchase the same, then the said Commissioners shall ascertain the Price thereof, or of such Part thereof as shall exceed the Value of the Allotment to which such Person shall be entitled under this Act, in ascertaining which Price the said Commissioners shall not value the Buildings or other Improvements thereon, but shall value the Land only; and upon such Person paying such Price to the said Commissioners at such Time as they shall appoint for that Purpose, and taking their Receipt for the same, every such Encroachment, Intake, or Inclosure, or such Part thereof as shall be so purchased, shall be allotted to such Person, and shall be held and enjoyed by him accordingly; and the Purchase Money shall be applied by the said Commissioners to the Purposes of this Act.

Encroachments.

XLI. And be it further enacted, That from and after the passing of this Act, until such Division and Allotment shall be made as aforesaid, all Tillage and other Lands lying in the said Open Fields hereby directed to be divided, allotted, and inclosed, shall be stocked with such Cattle, and planted, cropped, or sown by the respective Owners or Occupiers thereof with such Corn, Grain, or other Seeds, at such Times and in such Proportions and Manner, and shall be kept, ordered, and continued in such Course of Husbandry, and subject to such Regulations, as well with respect to the Management as to quitting the same respectively, as the said Commissioners shall from Time to Time, by Notice in Writing duly published in like Manner as other Notices in that Behalf, order, direct, or appoint; and the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures upon every Person not conforming to such Orders and Regulations as they shall think necessary, not exceeding the Rate of Five Pounds *per* Acre in case of cross-cropping or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case, for any One Offence; all which Penalties shall be paid to such Person for such Uses and Purposes as the said Commissioners,

Commissioners to direct the Course of Husbandry.

by

by any such Notice as aforesaid, or any Writing under their respective Hands, shall direct; and the several Owners or Occupiers of such Lands shall pay or receive such pecuniary or other Compensation on account of such Management, stocking, planting, sowing, or quitting, from such Person, as the said Commissioners shall think just and equitable, and shall by any Writing under their respective Hands from Time to Time order, direct, or appoint, and which Order of the said Commissioners shall be final, binding, and conclusive on all Parties whomsoever; and in case such Compensation and other Penalties shall not be paid to the Person entitled to receive the same at the Time and in manner to be appointed by the said Commissioners, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to raise and levy the same, for the Use of the Person entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act are directed to be raised, levied, and recovered.

Satisfaction
to be made
for growing
Crops.

XLII. And be it further enacted, That the said Commissioners shall, by Writing under their respective Hands, ascertain, order, and appoint what Recompence and Satisfaction in Money shall be made to the Owner of any Crops growing upon the Lands hereby directed to be divided, allotted, and inclosed at the Time of such Division and Allotment, for the said Crops, by the Person to whom the Lands on which such Crops are growing shall be allotted, unless such Owner shall, within the Time to be appointed by the said Commissioners for that Purpose, declare his 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 Commissioners, or in case of such Election to cut, reap, and take away the same, then it shall be lawful for such Owner, and his Servants and Workmen, with Horses, Carts, and Carriages, to enter into and upon the Lands whereon such Crops shall be growing, and reap, cut, and carry away the same for his own Use; and the said Commissioners shall also, by any Writing under their respective Hands, ascertain, order, and appoint what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Occupier of any Land to be inclosed as aforesaid, as well for ploughing, tilling, or manuring, or other customary Tenant Right in any of the Lands which shall be divided and allotted by virtue of this Act, for the Benefit and Advantage accruing thereby to the Person to whom such Lands shall be allotted, as for any Loss or Disadvantage which any such Tenant or Occupier shall or may sustain by the Loss of his following or waygoing Crops upon the Lands by this Act directed to be divided, allotted, and inclosed; and if in any 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 by the said Commissioners, it shall be lawful for the said Commissioners and they are hereby authorized and required to raise and levy the same, for the Use of the Person entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act are directed to be raised, levied, and recovered.

Allotment for
Glebe and
Common
Rights.

XLIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the first place, to set out, allot, and award for the Owners of the Improprate Rectory of *Fen Drayton* such

such Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed as shall in the Judgment of the said Commissioners be a full Equivalent and Compensation for the Glebe Lands and Rights of Common (if any) which they have in, over, or upon the same Lands and Grounds.

XLIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto the Lord for the Time being of the said Manor, out of any Part of the Lands and Grounds to be inclosed by virtue of this Act, a Piece of Land or Ground (not exceeding Six Acres nor less than Four Acres), as a Place of Exercise and Recreation for the Inhabitants in the Neighbourhood of the said Parish, and such Allotment shall be held by the Lord of the said Manor for the Purposes aforesaid.

Commissioners to set out Allotment for the Recreation of the Poor.

XLV. And be it further enacted, That the said Commissioners shall set out and allot unto the Surveyors of the Highways for the Time being of the said Parish of *Fen Drayton* such Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed as the said Commissioners shall think necessary, not exceeding Five Acres, as and for public Stone, Gravel, Sand, and Clay Pits; and the same Allotments, when set out, shall for ever thereafter be used by the said Surveyors of the Highways, and by the respective Proprietors of Lands within the said Parish, and their Tenants for the Time being, in such Manner and under such Rules and Regulations, and shall be fenced in such Manner as the said Commissioners shall by their Award direct and appoint; and such Allotments shall, after the Execution of the Award of the said Commissioners, be vested in Surveyors of the Highways for the Time being, in Trust for the Purposes aforesaid, and the Grass and Herbage of such Allotments shall belong to such Persons as the said Commissioners shall by their Award order or direct; and if they shall make no such Order or Direction, then such Surveyors shall from Time to Time let the Herbage for the most Money that can be reasonably obtained for the same, and shall apply the Rents and Profits arising from the same towards the Repairs of the public Roads or Highways within the said Parish, and the said Surveyors shall account for such Rents and Profits in the same Manner as they are by Law accountable for other Monies that shall come to their Hands in the Capacity of Surveyors of the Highways, and shall be under and subject to the like Penalties for the Neglect thereof.

Allotment to be set out for Gravel, &c.

XLVI. And be it further enacted, That the said Commissioners shall set out and allot unto the Lord for the Time being of the Manor of *Fen Drayton* aforesaid so much and such Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed as in the Judgment of the said Commissioners shall be equal in Value to Fifteen Acres of all the Commons and Waste Lands in *Fen Drayton* aforesaid, such Fifteen Acres to be taken and estimated according to the general Average Value and Quality of the said Commons and Waste Lands, in lieu of his Rights and Interests in and to the Soil of all the said Commons and Waste Lands of *Fen Drayton* aforesaid.

Allotment to the Lord of the Manor.

XLVII. And be it further enacted, That the said Commissioners shall set out, allot, and award unto the several Proprietors thereof, and Persons having

Allotment of the Residue of the Lands

[Private.]

among the
Proprietors.

having Rights of Common or other Interests therein, all the Residue and Remainder of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, in such Quantities, Shares, and proportions as the said Commissioners shall adjudge to be equivalent, or in proportion to their several and respective Lands, Grounds, Rights of Common and other Rights and Interests therein.

Detached
Closes, &c.
may be
allotted.

XLVIII. And be it further enacted, That detached Closes, or inclosed Lands surrounded by allottable Lands, shall be deemed Part and Parcel of the Lands and Grounds to be divided and allotted by virtue of this Act.

Allotments to
be fenced.

XLIX. And be it further enacted, That the several Allotments to be made in pursuance of this Act shall be inclosed, drained, fenced, and embanked by such Persons within such Time and in such Manner as the said Commissioners shall find necessary, direct, and appoint; and the several Inclosures, Drains, Fences, and Embankments which shall be made as aforesaid shall be for ever afterwards repaired and maintained by such Persons as the said Commissioners shall direct and appoint.

For fencing
the Allot-
ment to the
Owners of the
Improprate
Rectory.

L. And be it further enacted, That the Allotment to be made to the Owners of the said Improprate Rectory of *Fen Drayton* in respect of Glebe Lands belonging to the said Rectory shall be well and sufficiently inclosed and fenced on all such Parts and Sides as shall not be directed to be fenced by any other Proprietor, or as shall not adjoin any inclosed Land, or be bounded by any sufficient Watercourse or other sufficient Fence in the Judgment of the said Commissioners; and the Cost and Expence attending the inclosing and fencing of the same shall be borne and defrayed in manner following; (that is to say,) one Moiety thereof shall be borne and defrayed by the Owners of the said Improprate Rectory, and the other Moiety thereof shall be deemed Part of the Expences of carrying this Act into execution, and shall be borne and defrayed accordingly by and out of the Money to be raised for the Purposes of this Act; and all such Inclosures and Fences, when made, shall for ever thereafter be kept in repair by the Owners of the said Improprate Rectory, or by the Persons for the Time being entitled in Possession to the Allotment so set out to such Owners as aforesaid.

Allotment of
old Inclo-
sures with
Consent of
Proprietors.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, at the Request and with the Consent in Writing of any Owner of any ancient inclosed Lands or Grounds within the said Parish of *Fen Drayton*, whether such Owner shall be a Corporation, Tenant 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, by and with the Consent of the Lessor of any such inclosed Lands or Grounds holden for Years determinable as aforesaid, and not otherwise, or with the Consent of the Guardian, Trustee, Feoffee for charitable or other Uses, Husband, Committee, or Attorney of or acting for any such Owner as aforesaid who shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself (such Consent to be respectively testified in the Case of a Corporation by Writing under their Common Seal, and in the Case of an Individual under his Hand), to order and direct such inclosed Lands and

Grounds; or any Part thereof, to be considered as allottable Lands, and as Part and Parcel of the Lands hereby directed to be divided, allotted, and inclosed, and to divide and allot the same accordingly, but such Allowances shall be made to the respective Owners of such inclosed Lands and Grounds, on account of the Situation or any other beneficial Circumstances attending the same, as the said Commissioners shall adjudge to be fair and reasonable; and the said Commissioners are hereby authorized and required to set out, allot, and award unto and for the respective Owners of such inclosed Lands or Grounds, in lieu thereof, so much and such Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed as the said Commissioners shall think reasonable and just, subject to the Orders and Directions in this Act and the said recited Acts contained.

LII. And whereas there are issuing and payable to the said *Augustine Priestly*, as Lord of the said Manor of *Fen Drayton*, out of divers Messuages, Lands, Tenements, and Hereditaments in *Fen Drayton* aforesaid, belonging to different Proprietors, certain Chief or Quit Rents, Head Silver Money, Grazing Money, and annual Payments and Reliefs upon Death or Alienation; be it therefore further enacted, That the said Commissioners shall set out, allot, and award to and for the said *Augustine Priestly*, or other the Lord of the said Manor of *Fen Drayton* for the Time being, such Part or Parts of the said Open and Common Fields, Meadows, Lands, Commons, and Commonable Places hereby intended to be divided, allotted, and inclosed, as they shall think adequate and reasonable, in lieu of and in full Satisfaction and Exchange for the said Chief or Quit Rents, Head Silver Money, Grazing Money, and annual Payments and Reliefs; which said Allotments so to be given and received in lieu of and exchange for such Rents, Payments, and Reliefs shall be deducted and taken from and diminish the Allotments respectively of the several Proprietors only from whom or from whose Estates the same are payable, in a fair and equal Proportion according to the Value of such Rents, Payments, and Reliefs, and shall not lessen or diminish the Allotments of the several other Proprietors (if any) from whom or from whose Estates such Rents, Payments, or Reliefs are not payable.

LIII. And be it further enacted, That in case the Proprietor of any Homesteads, Gardens, Orchards, Home Closes, or other ancient Inclosures in the Parish of *Fen Drayton* aforesaid shall not be entitled to Land or Property in the said Open and Common Fields, Meadows, Lands, Commons, and Commonable Places hereby intended to be divided, allotted, and inclosed equal to the Value of the Quit Rents or Chief Rents, Head Silver Money, Grazing Money, and annual Payments and Reliefs due or payable for or in respect of such Homesteads, Gardens, Orchards, Home Closes or other ancient Inclosures, such Proprietor shall pay to the said Commissioners such Sum of Money as the said Commissioners shall determine and adjudge to be a full Recompence and Satisfaction for the said Rents, Payments, and Reliefs payable out of or in respect of such Homesteads, Gardens, Orchards, Home Closes, or other ancient Inclosures; which Sum of Money shall be applied towards and in part Discharge of the Share and Proportion of the said *Augustine Priestly* of the Charges and Expences of preparing, obtaining, and passing this Act, and carrying the same into execution; and all such Sum and Sums of Money last aforesaid shall be raised, levied, and recovered in such and the same Manner

Allotment to be made to Lord of Manor in lieu of Chief and Quit Rents, &c.

Proprietors of old Inclosures, &c. not having sufficient Open Field Lands to make Compensation in Money for Chief Rents, &c.

Manner as the other Expences of this Act are by this Act ordered and directed to be levied and recovered.

Applications
for Situations
of Allot-
ments.

LIV. 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 several Proprietors touching the Situation of their Allotments.

For deter-
mining Ob-
jections to
Allotments.

LV. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interest 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 by them proposed to be allotted to such Proprietors respectively in lieu thereof, they shall give Notice of some convenient Time and Place when and where the said Proprietors may be informed of such intended Allotments, and a Map or Plan thereof shall be produced for their Inspection; and in case any Proprietor shall be dissatisfied with the intended Allotments, the said Commissioners shall, if required, at such Time and Place as last aforesaid, or at some other Time and Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections against such Allotments, and shall forthwith, or as soon after as conveniently may be, consider such Objections, and make such Determination therein as they in their Judgment shall think proper and requisite; which Determination shall be binding and conclusive upon all Parties interested in such Allotments.

Power to
Parties to
sell Rights
and Allot-
ments before
Execution of
the Award.

LVI. And be it further enacted, That it shall be lawful for any Person who shall be entitled to any Allotment by virtue of this Act to grant, bargain, sell, assign, convey, and assure the same for all or any Part of his Estate or Interest therein or Right thereto, at any Time before the Execution of the Award of the said Commissioners; and every such Grant, Bargain, Sale, Assignment, Conveyance, and Assurance shall be of the same Force and Validity as if made after the Execution of such Award; and it shall be lawful for any Person who shall be entitled to any Right in, over, or upon the Lands and Grounds by this Act authorized to be divided, allotted, and inclosed, at any Time before the Execution of the Award of the said Commissioners, to sell, convey, and dispose of his Right, Share, or Interest in such Lands or Property which he now hath, or in any Allotment to be made in respect thereof, separate and detached from the Property to which the same may be appurtenant; and upon Production to the said Commissioners of the Conveyance thereof the said Commissioners shall award and allot the same to the Purchaser thereof in such Situation as to the said Commissioners shall seem meet.

Lands held
by different
Titles by the
same Pro-
prietors to be
distin-
guished.

LVII. And be it further enacted, That in case any Person interested in the Lands and Grounds hereby authorized to be divided, allotted, and inclosed shall hold his Lands for, by, or under different Estates or Titles, the said Commissioners shall, upon the Request in Writing of such Proprietor, inquire into, ascertain, and determine the Lands held for, by, or under such different Estates or Titles respectively, and shall set out distinct Allotments of the Lands hereby authorized to be divided, allotted, and inclosed in respect of the Lands held for, by, or under such different Estates or Titles respectively.

LVIII. And

LVIII. And be it further enacted, That if, from the Want of necessary Information before the said Commissioners, or from any other Cause, the Award of the said Commissioners shall have omitted to distinguish the Lands held for, by, or under such different Estates or Titles as herein-before mentioned, it shall be lawful for the said Commissioners, at any Time within Twelve Calendar Months after the Execution of their General Award, upon Request in Writing to them made by any Proprietor of any such Allotments or Lands, to do all such Acts as may be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and in every other respect to proceed and act as if their General Award had not been made, and by any Deed or Instrument under their respective Hands and Seals to distinguish and set out the Allotments and Lands held for, by, or under different Estates or Titles respectively, in the same Manner as they are by this Act authorized and required to do in Cases where such Allotments and Lands are directed to be ascertained, distinguished, and set out by their General Award; and every such separate Instrument shall have the same Force and Effect as if it were contained in the said General Award; and such Instrument shall be deposited and Evidence thereof shall be given in the same Manner as by the said first-recited Act is directed with respect to Awards made by Commissioners under Acts of Inclosure; and all the Expences which shall be reasonably incurred in or about such subsequent Inquiry and separate Instrument as aforesaid shall be paid by the Party who shall have requested the said Commissioners to make and execute the same, or by his Heirs, Executors, or Administrators.

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

LIX. And be it further enacted, That all such Lands as shall be allotted by virtue of this Act shall be held by the Person or Persons to whom they are allotted under the same Tenures as the Lands in respect of which such Lands are allotted would have been held in case this Act had not been passed; and the Lands allotted in respect of Freeholds shall be deemed Freehold, and the Lands allotted in respect of Leasehold Lands shall be deemed Leasehold Lands, and shall be held under the same Rents and Covenants as the Lands in respect of which they may be allotted were held, and the Remainder or Reversion thereof shall be and remain vested in the same Lessors respectively as the Reversion or Remainder of such other Lands was vested before the passing of this Act, except where otherwise particularly directed by this Act, any Law or Usage to the contrary notwithstanding.

Allotments to be subject to the same Tenures as Hereditaments in respect of which they are made.

LX. And be it further enacted, That it shall be lawful for the said Commissioners to allot and award any Lands within the Parish of *Fen Drayton* aforesaid in lieu of or in exchange for any other Lands within the same Parish, or within any adjoining Parish, Township, or Place, provided that all such Exchanges be specified and declared in the Award of the said Commissioners, or by some other Instrument under their respective Hands and Seals, and be made with the Consent of the respective Owners or Proprietors of the Lands which shall be so exchanged, whether such Owners or Proprietors shall be Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, 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, by and with the Consent of the Lessors of Lands held for Years determinable

Power to make Exchanges.

[*Private.*]

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as aforesaid, and not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors who at the Time of making such 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, such Consents to be testified in Writing under the Common Seals of the respective Bodies Politic, and under the Hands of the other consenting Parties respectively; and every such Exchange so made shall be valid in the Law to all Intents and Purposes: Provided nevertheless, that no Exchange shall be made of any Lands held in right of any Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which the Lands so to be exchanged shall be situate.

Directions as
to defraying
Expences of
Exchanges.

LXI. Provided also, and be it further enacted, That all Costs, Charges, and Expences attending the making of any such Exchanges shall be borne and paid by the several Parties making such Exchanges in such Manner and in such Proportions as the said Commissioners shall by their Award, or by any other Writing under their respective Hands, direct, and in case of Nonpayment thereof shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures:

For vacating
Leases at
Rack Rent.

LXII. And be it further enacted, That all Leases at Rack Rent now subsisting of the Lands by this Act authorized to be divided, allotted, and inclosed or exchanged, and either with or without any Messuages or Tenements, old Inclosures, or Homesteads, within the said Parish of *Fen Drayton*, and all Agreements for Terms of Years at Rack Rent or from Year to Year or at Will, shall cease and be void at such Times as the said Commissioners shall by Writing under their respective Hands order and direct, provided that such Order and Direction shall be made at the Request of the Lessors and Lessees of such Premises respectively, to be signified to the said Commissioners by Writing under their Hands; and the respective Owners or Proprietors of the Lands so let shall make such Satisfaction in Money to the respective Lessees or Tenants as the respective Owners or Proprietors and their Lessees or Tenants shall agree upon, or, upon Application made in Writing by either Party to the said Commissioners, then as the said Commissioners shall ascertain and direct, to be paid to such Lessees or Tenants as an Equivalent or Satisfaction for the Loss which they shall suffer by reason of the Determination of such Leases or Agreements, proper Allowances being made for such Covenants or Conditions therein as shall not have been fulfilled by the Lessees or Tenants; and if the Money so to be paid as aforesaid shall not be paid to the Persons entitled to receive the same within One Calendar Month after Demand made in Writing under the Hands or Common Seals (as the Case may require) of the Parties to whom the same shall be payable, the said Commissioners are hereby required to raise and levy the same, for the Use and Benefit of the Parties entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act may be raised and recovered: Provided always, that if the greater Part of any such Premises now under any such Lease or Agreement as aforesaid shall be comprised in such Lease or Agreement, together with other Premises

of similar Rents, Term or Holding situate in any adjoining Parish, the whole of such Lease or Agreement shall be vacated in manner aforesaid ; but where any Land shall have been taken in Exchange, which Land shall be under Lease or Agreement, of such Rents, Term, or Holdings as aforesaid; and shall be wholly situate in any adjoining Parish, the Lease or Agreement of such last-mentioned Land shall not be vacated by virtue of this Act.

LXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease of any Lands within the said Parish of *Fen Drayton*, but the Persons entitled to such beneficial Lease shall and may hold and enjoy their respective Allotments to be made in respect of such Lands for such Terms and under such Rents and Covenants as may be specified in their respective Leases ; and the said Commissioners shall ascertain and determine what Proportion of the Expences of obtaining and executing this Act shall be borne by the several Lessors and Lessees respectively of such beneficial Leases.

Beneficial Leases not to be made void.

LXIV. And be it further enacted, That nothing in this Act contained shall extend to annul, revoke, or alter any Will or Settlement, or to prejudice any Person having any Right or Claim to Jointure, Dower, Portion, Rent, Debt, Charge, or Incumbrance, out of, upon, or affecting any of the Lands by this Act authorized to be divided, allotted, and inclosed, or any Lands which may be exchanged by virtue of this Act, but as well the Lands allotted as the Lands which shall be so exchanged by virtue of this Act shall, immediately upon such Allotment or Exchange, remain and enure to, and the several Parties to whom the same shall be so allotted or given in Exchange shall be seised and possessed thereof to, for, and upon such and the same Estates, Uses, and Trusts, and subject to such and the same Incumbrances, Wills, Settlements, Limitations, Remainders, Conditions, and Charges, as the several Lands in respect whereof such Allotments and Exchanges shall have been made should or would have stood severally limited, settled, vested, and been subject or liable to or been held by in case the same had not been allotted or exchanged respectively as aforesaid, or as if this Act had not been passed, subject nevertheless to all such Mortgages and Sales as may be made by virtue of this Act.

Wills and Settlements not to be affected.

LXV. And be it further enacted, That it shall be lawful for the said Commissioners, on Application made to them in Writing by any of the Proprietors of Allotments to be made by virtue of this Act, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies, or by any of the said Proprietors, being Tenants in Tail, or for Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell any Part, not exceeding the Proportion of Five Pounds for every Acre allotted, of any Allotment to be made by virtue of this Act to the Person or Persons by whom or on whose Behalf any such Application shall be made, for the Purpose of raising a Sum of Money sufficient to defray the proportionable

Empowering Commissioners upon Application to sell Part of Allotments to defray Expences.

able Part of the Costs, Charges, and Expences of obtaining and carrying into execution this Act and the said recited Acts, and of inclosing, draining, fencing, embanking, and subdividing their respective Allotments, which shall be charged upon such Parties, and of the Costs, Charges, and Expences of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the same Manner, and subject to such and the same Rules and Regulations, as are mentioned and prescribed in and by the said first-recited Act in respect of the Sale of Lands towards defraying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands or Grounds; and every such Allotment for which the full Purchase Money shall be paid shall be vested in the said Commissioners, and be conveyed, by Lease and Release, executed by such Commissioners, to the Purchaser thereof, at the Expence of such Purchaser, unto and to the Use of or in Trust for such Purchaser and his Heirs, or as he shall appoint, and shall be inclosed and held by such Purchaser in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to the Purchaser for the Purchase Money; and such Purchase Money shall be applied by the said Commissioners in or towards defraying such Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners, such surplus Money shall be paid to the Parties from whose Allotments such Sale shall be so made respectively; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in manner herein-after directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of Timber or Wood growing thereon.

Power to
Tenants for
Life, &c. to
borrow Mo-
ney.

LXVI. And be it further enacted, That it shall be lawful for the respective Proprietors of Allotments to be made by virtue of this Act, being Tenants for Life or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the said Proprietors, being under Coverture, Minors, Lunatics, Idiots, or beyond the Seas, or otherwise incapable of acting for themselves, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them, in respect of any Lands held by them in Trust for any charitable, parochial, or other Uses (by and with the Consent of the said Commissioners), in Writing under their respective Hands and Seals, to charge their Allotments with any Money not exceeding Five Pounds for every Acre of such Lands, for and towards their respective Proportions of the Costs, Charges, and Expences of obtaining and carrying into execution this Act; and for securing the Repayment of such Money, with Interest, to grant, mortgage, lease, demise, or otherwise subject the said Allotments unto or in Trust for any Person who shall advance such Money for any Term or Number of Years, but so that every such Grant, Mortgage, Lease, or Demise shall be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when the Money thereby to be secured, with all Interest thereon, shall have been fully paid and satisfied; and every such Grant, Mortgage, Lease, or Demise shall be valid in the Law for the Purposes thereby intended.

LXVII. And

LXVII. Provided always, and be it further enacted, That it shall not be lawful to raise by any such Sale and Mortgage or Charge as herein-before mentioned, or either of those Means, any greater Sum of Money, for the Purpose aforesaid, than such Owners or Proprietors might have borrowed or charged upon their Allotment for such Purposes, reckoning Five Pounds for each and every Acre thereof, under or by virtue of the said first-recited Act: Provided also, that in all Cases where the Money so raised by any such Sale shall not be equal to the Money which might be borrowed or charged on such Allotment as aforesaid, it shall be lawful for the Owners or Proprietors, Part of whose Lands shall be sold as aforesaid, to charge their Allotments with any Sum not exceeding the Difference.

Tenants for Life, &c. not to raise more Money by Sale than they may charge on their Allotments.

LXVIII. And be it further enacted, That every such Tenant for Life or in Tail, and every other Person who shall be entitled to any such mortgaged Premises, shall pay and keep down the Interest of the Principal Money to be borrowed as aforesaid, so that no Person afterwards becoming entitled to the said Premises shall be liable, upon becoming possessed thereof, to the Payment of any larger Arrear of Interest than for Six Calendar Months preceding the Time when his Title to the Possession of such mortgaged Premises shall have commenced.

Tenants for Life, &c. to keep down the Interest of the Money borrowed.

LXIX. And be it further enacted, That all the Costs, Charges, and Expences of obtaining this Act, and all Proceedings which have been taken relative or preparatory thereto, and all Charges and Expences which may be incurred in carrying this Act into execution, or otherwise incidental thereto, shall be borne and defrayed by the several Owners and Proprietors of and Persons interested in the Lands and Grounds hereby authorized to be divided, allotted, and inclosed by virtue of this Act, other than and except the Lord of the said Manor in respect of his Allotments in lieu of his Right of Soil, Quit Rents, and other Payments, and also in respect of the Allotment for the Recreation of the Poor as herein-before mentioned, in such Parts, Shares, and Proportions as shall be ascertained and settled by the said Commissioners, and the Amount thereof shall be paid, at such Time and Places, to such Person or Persons as the said Commissioners shall appoint; and the said Commissioners are hereby authorized and required accordingly, at any Time either before or after the Execution of their Award, to make One or more Rate or Rates, Assessment or Assessments thereof respectively, under their Hands; and all such Rates or Assessments so made and signed shall be conclusive on all Parties thereby made liable to pay the same, and their respective Heirs, Executors, Administrators, and Assigns; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportions of such Rate or Assessment within such Time and to such Persons and at such Place as the said Commissioners shall appoint, the said Commissioners shall cause the same to be levied and recovered in manner directed by the said first-recited Act.

Expences of Act to be defrayed by Rate.

LXX. Provided always, and be it further enacted and declared, That if at the Time of the Execution of the said Award there shall remain due from any Person any Sum of Money which shall have been adjudged, ordered, or directed to be paid by virtue of this Act, it shall be lawful for the said Commissioners and they are hereby authorized and required to

Monies may be recovered after Execution of the Award.

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levy and raise the same in like Manner as they might or could have done before the Execution of their said Award.

Power for
Commis-
sioners to
borrow
Money.

LXXI. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum or Sums of Money as shall from Time to Time be necessary for defraying the Charges and Expences of passing this Act and such other Expences as aforesaid; and such Sum or Sums of Money as shall be so borrowed shall be repaid, with lawful Interest, out of the first Monies to be raised by the said Commissioners by virtue of this Act.

Application
of Compen-
sation Money
belonging to
Persons
under legal
Incapacity
when
amounting to
200*l*.

LXXII. And be it further enacted, That whenever any Money is, under the Provisions of the said first-recited Act or of this Act, directed to be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands to be settled to the same Uses, it shall be lawful for the said Commissioners out of such Money to defray the Proportion (if any) of the Expence of obtaining this Act, and of carrying the same and the said recited Acts into execution, which shall be charged upon any Lands of the respective Parties in Possession of the Lands, or of the Timber or Wood growing thereon, which shall be so purchased or exchanged, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioners be proper to be made, and shall be made, under their Direction, upon any Lands to be by virtue of this Act allotted to such Parties; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King *George* the Fourth, intituled

1 G. 4 c. 35. *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes as the said Court shall authorize to be purchased, redeemed, or discharged, or such Parts thereof*

as

as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, which shall be conveyed, limited, or settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the aforesaid Lands stood limited or settled, or such of them as at the Time of making such Conveyance and Settlement shall be existing or capable of taking effect; and in the meantime, and until such Order can be made, the said Monies may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or of Government or Real Securities; and in the meantime, and until the said Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of such Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased, conveyed, and settled.

LXXIII. And be it further enacted, That in case the Surplus of such Monies shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, the same shall, at the Option of the Parties for the Time being entitled to the Rents and Profits of the Lands so purchased or exchanged, or of their Guardians or Committees in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, to be signified in Writing under their Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Parties who for the Time being would be entitled to the Rents and Profits of the said Lands, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When less than 200*l.* and Amounting to 20*l.*

LXXIV. And be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased or exchanged, for their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Monies shall be paid to their Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

When less than 20*l.*

LXXV. And be it further enacted, That the said Commissioners shall not at any Time permit or suffer any just Claims or Demands upon them

Commissioners to lay Accounts

before a
Justice.

as such Commissioners to remain unpaid for a longer Period than Twelve Calendar Months, except such Sums as may from Time to Time be due to the said Commissioners, Umpire, or Clerk for attending at the Meetings to be held in pursuance of this Act; and once at least in each and every Twelve Calendar Months during the Execution of this Act, such Space of Time to be computed from the Day of the passing of this Act, the said Commissioners shall and they are hereby required to make a just and true Statement or Account of all Sums of Money by them received and expended, or due to them or the said Umpire, or to their Clerk, for their respective Trouble and Expences in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before One of Her Majesty's Justices of the Peace for the said County of *Cambridge*, not interested in the said Division, Allotment, and Inclosure, to be by him examined and balanced, and such Balance shall be by such Justice stated in the Books of Accounts to be kept at the Office of the Clerk of the said Commissioners; and an Abstract of such Account, so examined and balanced, shall be from Time to Time published in the *Cambridge Chronicle* and *Cambridge Independent Press*, or One of them, or some other Newspaper circulated in the said County of *Cambridge*; and no Charge or Item shall be binding on the Parties concerned or valid in Law until the same shall be allowed by such Justice, and until such Account or the Abstract thereof shall have been published in such Newspaper as aforesaid (subject nevertheless to the Power of Appeal herein-after contained): Provided always, that the said Commissioners shall and they are hereby required to give Notice, in each and every Twelve Calendar Months, in the same Manner as other Notices are herein-before directed to be given, of the Day on which they intend to lay their Accounts before such Justice of the Peace as aforesaid.

Award to be
deposited in
the Hands of
the Clerk of
the Peace
and in the
Parish
Church.

LXXVI. And be it further enacted, That the Award to be made by the said Commissioners under the Authority of this Act shall be executed and published within Three Years from the passing of this Act, and, together with a proper Map or Plan of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed thereto annexed, shall within Ten Days after the Execution thereof be delivered to the Clerk of the Peace for the said County of *Cambridge*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Three Pounds and Three Shillings and no more shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said first-recited Act; and a Copy of the said Award, fairly transcribed in a Book, with a proper Map or Plan of the Allotments so set out and allotted as aforesaid, attested and signed by the said Commissioners, shall within the Time aforesaid be deposited in the Parish Church of *Fen Drayton* aforesaid, and there kept in a Box to be provided for that Purpose; and the said Copy so deposited in the said Parish Church shall be at all seasonable Times open to the Inspection of all Persons interested therein; and the said Award, and the Copy thereof, so attested, and any other Copy of the said Award, or of any Part or Parts thereof, attested
by

by the said Clerk of the Peace for the Time being of the said County, or his Deputy (for every Sheet of which containing Seventy-two Words Sixpence and no more shall be paid), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

LXXVII. And be it further enacted, That if any Person shall think himself aggrieved by any thing done or omitted to be done in pursuance of this Act or the said recited Acts, or any of them (except in such Cases where the Orders and Determinations of the said Commissioners are by this Act or the said recited Acts directed to be final, binding, or conclusive, and except in such Cases where an Issue at Law shall be tried, as herein-before mentioned), such Person may appeal to the General Quarter Sessions of the Peace which shall be held in and for the said County of *Cambridge* within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving Twenty-eight Days previous Notice to the said Commissioners of such Appeal, except with respect to the Accounts of the said Commissioners, which, notwithstanding the same shall have been examined, balanced, and published as aforesaid, may be appealed against at any Time within Six Calendar Months from the Date of the said Award, on giving to the said Commissioners such Notice as last aforesaid; and the Justices in the General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and award such Costs as to them in their Discretion shall seem reasonable, or by their Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the respective Parties liable to pay the same, rendering the Overplus (if any), on Demand, to the respective Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; which 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 Her Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous or vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant as to them in their Discretion shall seem reasonable, and such Costs shall be levied in manner last aforesaid.

Power of
Appeal.

LXXVIII. And be it further enacted, That in all Cases in which it may be necessary to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity or otherwise, upon the said Commissioners, or upon their Clerk, or upon any other Person, or upon any Corporation, under the Provisions of this Act, personal Service thereof upon either of the said Commissioners, or upon the said Clerk or other Person, or upon some Member, or upon the Clerk, Treasurer, or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual known Place of Abode of such Commissioner, Clerk, or other Person, or of such Member, Clerk, Treasurer, or other Officer of such Corporation, or at the Office of such Clerk, Treasurer, or Officer, shall be deemed good and sufficient Service of the same respectively upon such Commissioner, Clerk, Person, or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed.

Directing
Service of
Notices, &c.

[*Private.*]

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LXXIX. And

Rules for the Interpretation of this Act.

LXXIX. And be it further enacted, That wherever in this Act any Word is used importing the Singular Number only, such Word shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person; and where the Word "Lands" shall be used, the same shall be understood to include Tenements and Hereditaments; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and any Word importing the Masculine Gender only shall be understood to include Females as well as Males, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Saving the Rights of the Proprietors of the River Ouze Navigation.

LXXX. Provided always, and be it further enacted, That the said Commissioners shall not be authorized or empowered by this Act to make, do, or execute, or cause to be made, done, or executed, any Work, Bank, Drain, Watercourse, Fence, or other Thing which shall occasion any Detriment, Prejudice, or Hindrance to the Navigation of the River *Ouze*, or to the Hawling Ways or Towing Paths upon or along the Banks of the said River within the Parish of *Fen Drayton* aforesaid.

General Saving.

LXXXI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of this Act or the said recited Acts, 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, Estate, Title, and Interest as they, every or any of them, could or ought to have had and enjoyed of, in, to, or in respect of the Lands hereby directed to be divided, allotted, and inclosed in case this Act had not been passed.

Act as printed by Queen's Printers to be Evidence.

LXXXII. And be it further enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.