ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 164.

An Act for incloſing Lands in *Biddenham*, in the County of *Bedford*. [9th *June* 1812.]

WHEREAS there are within the Pariſh of *Biddenham*, in the County of *Bedford*, certain Open and Common Fields, Meadows, and other Commonable and Waſte Lands and Grounds: And whereas the Right Honourable *Thomas* Viſcount *Hampden* claims to be Lord of the Manor of *Biddenham* aforeſaid, and is Proprietor of great Part of the ſaid Open and Common Fields, Meadows, and other Commonable Lands: And whereas the Right Honourable *Saint Andrew* Lord *Saint John*, the Right Honourable *John Trevor*, and other Perſons, are entitled to the Reſidue of the ſaid Commonable Lands, and are reſpectively entitled to Rights of Common and other Intereſts therein, in different Proportions: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts:* And whereas the ſaid Lands and Grounds lie intermixed, and are inconveniently ſituate, and are in their preſent State incapable of any conſiderable Improvement, and it would be advantageous to the ſeveral Proprietors thereof if the ſame were divided and incloſed, and ſpecific Shares thereof allotted to them, in lieu of, and in Proportion to their ſeveral and reſpective Eſtates, Rights, and Intereſts therein; but ſuch Diviſion and Incloſure cannot be effected and carried into Execution without the Authority of Parliament; May it therefore pleaſe Your Majeſty, that it may be enacted, and be it enacted by

Lord of the Manor.

Other Proprietors.

by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all the ſaid Open and Common Fields, Meadows, and other Commonable and Waſte Lands and Grounds, lying and being in the Pariſh of *Biddenham* aforeſaid, ſhall, as ſoon as conveniently may be after the paſſing of this Act, be qualified, valued, divided, ſet out, and allotted by *Thomas Thorpe* of *Hawnes*, in the ſaid County of *Bedford*, Gentleman, and he is hereby appointed the Commiſſioner for carrying this Act into Execution, ſubject to the Rules, Orders, and Directions in this Act contained; and alſo ſubject to the Powers and Proviſions of the ſaid recited Act, except where the ſame are hereby varied or altered.

Appointment of new Commiſſioner.

II. And be it further enacted, That in caſe the ſaid *Thomas Thorpe*, or any other Commiſſioner to be appointed as hereinafter mentioned, ſhall die, or refuſe to act, or to qualify himſelf, or ſhall become incapable of acting as a Commiſſioner in purſuance of this Act, it ſhall be lawful for the major Part in Value (ſuch Value to be aſcertained by the Land Tax Aſſeſſment) of the Owners and Proprietors, for the Time being, of the Lands and Grounds intended to be divided and incloſed by virtue of this Act, who, by themſelves or their reſpective Agents, ſhall attend the Meeting or Meetings to be appointed for that Purpoſe, as hereinafter mentioned, by Writing under their reſpective Hands, to appoint ſome other fit Perſon (not intereſted in the ſaid intended Diviſion and Incloſure) to be a Commiſſioner in the Place or Stead of ſuch Commiſſioner ſo dying, or refuſing to act, or qualify, or becoming incapable of acting as laſt aforeſaid; and every ſuch Commiſſioner ſo to be appointed, ſhall have the like Powers and Authorities as the Commiſſioner named and appointed by this Act: Provided always, that One or more of the Proprietors ſhall cauſe Notice to be given of the Time and Place of the Meeting for every ſuch Election (which Place ſhall be within the Pariſh of *Biddenham* aforeſaid, or within the Diſtance of Four Miles therefrom), at leaſt Ten Days before the Time of holding ſuch Meeting, ſuch Notice to be publicly read in the Pariſh Church of *Biddenham* aforeſaid on ſome *Sunday* immediately after Divine Service, and inſerted in ſome public Newſpaper circulated in the ſaid County of *Bedford*.

Notice of Meetings to be given.

III. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to cauſe public Notice in Writing to be affixed on the Door of the Pariſh Church of *Biddenham* aforeſaid, on ſome *Sunday*, of the Time and Place of the firſt and every ſubſequent Meeting for executing the Powers of this Act, at leaſt Six Days before every ſuch Meeting (Meetings by Adjournment only excepted), and every Proprietor attending any ſuch Meeting ſhall pay and defray his own Expences.

Advertiſement in Newſpapers.

IV. And be it further enacted, That all Notices and Advertiſements neceſſary or requiſite to be made or given by the ſaid Commiſſioner, and not hereinbefore or otherwiſe directed, ſhall be ſo made and given by Advertiſements in the *Northampton Mercury*, or in ſome other Newſpaper circulated in the ſaid County of *Bedford*.

Commiſſioners to determine Diſputes.

V. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in

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

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

VI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioner to determine the Right between any Parties contrary to the Poſſeſſion of any of ſuch Parties (except in Caſes of Encroachments), but in caſe the ſaid Commiſſioner ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, he ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been given up by ſuch Perſon or Perſons, or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Power to award Coſts.

VII. And be it further enacted, That in caſe the ſaid Commiſſioner ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby empowered, upon Application made to him for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as he ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioner ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required by Warrant under his Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus, (if any) on Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Power to try Rights at Law.

VIII. Provided always, and be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, intereſted, or claiming to be intereſted in the ſaid Diviſion and Incloſure, or Allotments to be made by virtue of this Act, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any Claim or Claims to any Rights of Common, or other Rights or Intereſts in, over, or upon the Lands or Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, or touching or concerning any Matter or Thing relating to the ſaid Diviſion and Incloſure or Allotments, and ſhall by Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their Clerk or Agent, ſignify the ſame

to

to the ſaid Commiſſioner, together with the Grounds or Reaſons of his, her, or their Diſſatisfaction, within Two Calendar Months next after ſuch Determination ſhall be made, then and in every ſuch Caſe it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſo diſſatisfied, to proceed to a Trial at Law of the Matters ſo determined by the ſaid Commiſſioner at the Firſt or Second following Aſſizes to be holden for the County of *Bedford*; and for that Purpoſe the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, ſhall cauſe an Action or Actions to be brought upon a feigned Iſſue againſt the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, in whoſe Favour any ſuch Determination ſhall have been made, within Two Calendar Months next after ſuch Determination ſhall have been made; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, and they is, and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights and Intereſts thereby inſiſted on may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced (in caſe the Parties ſhall differ about the ſame); and the Verdict or Verdicts, which ſhall be given upon the Trial of ſuch Action or Actions, ſhall be final, binding, and concluſive upon all and every Perſon or Perſons, Body and Bodies Politic, Corporate, and Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it ſhall be lawful for the Court to do, in caſe the ſaid Court ſhall think proper; and it ſhall alſo be lawful for the ſaid Court to put off the Trial of ſuch Iſſue or Iſſues upon ſufficient Cauſe ſhewn, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the ſaid Court, the ſaid Commiſſioner ſhall, and he is hereby required to act in Conformity thereto, and to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials: Provided always, that all ſuch Determinations of the ſaid Commiſſioner as ſhall not be objected to within the Time and in Manner aforeſaid, or being ſo objected to, the Party or Parties objecting not cauſing ſuch Action at Law to be brought and proceeded in within the Time and in Manner aforeſaid, ſhall be abſolutely binding, final, and concluſive upon all Parties whomſoever.

Death of any of the Parties not to abate Actions.

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

In Caſes of Death of Parties before Actions brought, the ſame to be carried on and defended in their Names.

X. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought, if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time by this Act limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying,

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

Suits respecting Titles not to impede the Execution of the Act.

XI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons in or to any Lands, Tenements, or Hereditaments, for or in respect of which any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by this Act, but the said Division, Allotment, and Inclosure, shall be proceeded in, notwithstanding such Suit or Suits, and the Allotment may be had and taken by the Person or Persons who upon the Determination of such Suit or Suits shall become entitled to the same.

Deaths of Parties not to suspend the Execution of the Act.

XII. And be it further enacted, That if any of the Parties interested in the said intended Division or Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioner shall not be thereby determined or suspended, but that the said Commissioner shall proceed in the Execution of this Act, and the said recited Act, in such Manner as he might have done in case such Parties had not died; and that the Share or Shares of the Person or Persons so dying shall be allotted to such Person or Persons who by Law shall become entitled to the same, and shall be accepted and fenced by him, her, or them, according to the Directions of this or the said recited Act; and he, she, or they, shall be liable to the Charges and Expences, and other Conditions of this and the said recited Act.

Allotment for Stone, Sand, and Gravel.

XIII. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and empowered to set out, allot, and award One or more Piece or Parcel, Pieces or Parcels of the said Lands and Grounds so intended to be divided and inclosed as aforesaid, as he shall think proper, not exceeding in the whole Two Acres, as and for public Stone, Sand, and Gravel-pits with convenient Road or Roads to and from the same, to be used for the Repairs of the public and private Roads in the said Parish, and to allot and award to whom the Herbage of such Allotment or Allotments shall belong.

Allotment to the Lord of the Manor for Waste Lands.

XIV. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required to set out, allot, assign, and award unto the said *Thomas* Viscount *Hampden* or the Lord of the said Manor of *Biddenham* for the Time being such Parts of the Common and Waste Lands intended to be divided and inclosed as aforesaid, as by the said Commissioner shall be adjudged, deemed, and taken to be equal in

Value to One-twentieth Part thereof, for his Right and Intereſt as Lord of the ſaid Manor in and to the Soil of all the Commons and Waſte Lands within the ſaid Manor.

Allotment of the Reſidue of the Land.

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

Fencing Allotments.

XVI. And be it further enacted, That within Six Calendar Months next after the ſeveral Allotments ſhall be ſet out and confirmed by the ſaid Commiſſioner, or within ſuch other Time as the ſaid Commiſſioner ſhall, in and by his Award, or by any other Writing under his Hand, direct and appoint for that Purpoſe, the ſaid ſeveral Allotments ſhall be incloſed, hedged, ditched, and fenced at the proper Coſts and Charges of the reſpective Perſons to whom the ſame ſhall be reſpectively allotted, in ſuch Manner as the ſaid Commiſſioner ſhall, in and by his ſaid Award, or any other Writing under his Hand, order and direct.

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

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

Exchanges.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to ſet out, allot, and award any Allotment or Allotments of the ſaid Pariſh, or any other Lands, Tenements, or Hereditaments within the ſaid Pariſh, in lieu of and in Exchange for any other Allotment or Allotments, or any other Lands, Tenements, or Hereditaments within the ſame Pariſh, or within any adjoining Pariſh, Manor, Hamlet, Townſhip, or Place, provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioner, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other

Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made, ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever: Provided always, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments, ſo to be exchanged, ſhall lie and be ſituate: Provided alſo, that all Coſts, Charges, and Expences, incident to and attending the making any Exchanges or Partitions, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner, and in ſuch Proportion, as the ſaid Commiſſioner ſhall by his Award order and direct.

Wills, &c. not revoked, Landallotted, &c. to enure to the ſame Uſes as former Eſtates.

XIX. Provided always, that nothing in this Act contained ſhall extend or be conſtrued, adjudged, or taken to revoke, alter, or annul any Will or Settlement, or to prejudice any Perſon having or claiming any Jointure, Dower, Portion, Mortgage, Debt, or Incumbrance, in, out of, upon, or affecting any of the Lands or Hereditaments intended to be divided or incloſed, or which ſhall be exchanged in purſuance or by virtue of this or the ſaid recited Act, or any Part thereof reſpectively, but that the Lands or other Hereditaments ſo to be aſſigned and allotted, upon ſuch Diviſion and Incloſure, to the ſeveral Parties concerned, or their Truſtees reſpectively, or which ſhall be taken in Exchange in purſuance of this or the ſaid recited Act, ſhall, immediately after ſuch Allotment or Exchange ſhall be made, remain, and enure, and the ſeveral Perſons to whom the ſame ſhall be aſſigned and allotted, or given in Exchange as aforeſaid, ſhall from thenceforth ſtand and be ſeiſed thereof to, for, and upon ſuch and the ſame Uſes, Truſts, and Eſtates, and ſubject to ſuch and the ſame Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, as the ſeveral Lands, Grounds, Tenements, and Hereditaments, in lieu whereof ſuch Allotments ſhall be made as aforeſaid, are, or ſhould, or would have been ſubject or liable in caſe the ſame had not been incloſed or exchanged, and this Act had not been made.

Coſt and Charges of Act.

XX. And be it further enacted, That all the Coſts, Charges, and Expences incident to, and attending the obtaining and paſſing this Act, the Allowance to the ſaid Commiſſioner, and the Expences in, about, or concerning the Execution of this Act, and the ſaid recited Act, ſhall be borne, paid, and defrayed by all and every the Proprietors and Owners of, or Perſons having Rights or Intereſts in the Lands and Grounds hereby directed to be divided and incloſed, in ſuch Proportions, according to their reſpective Rights or Intereſts, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, either before or after the Execution of the ſaid Award, as ſhall be ſettled, adjuſted, determined, and appointed by the ſaid Commiſſioner, by any Writing under his Hand; and in caſe any of the ſaid Proprietors or Perſons having ſuch Rights or Intereſts,

Intereſts, ſhall refuſe or neglect to pay his, her, or their Share or Proportion, or reſpective Shares or Proportions, of ſuch Charges and Expences, within the Time to be limited by the ſaid Commiſſioner for the Payment thereof, to ſuch Perſon or Perſons as he ſhall appoint to receive the ſame, then and in ſuch Caſe the ſaid Commiſſioner may, and he is hereby authorized, by Warrant under his Hand and Seal directed to any Perſon or Perſons whomſoever, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to pay, rendering the Overplus (if any) on Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and ſelling ſuch Diſtreſs, or otherwiſe it ſhall be lawful for the ſaid Commiſſioner, or ſuch other Perſon or Perſons as he ſhall appoint, to enter into and upon the Lands and Tenements ſo to be allotted to, or taken in Exchange, or upon Partition, by ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, and to receive the Rents and Profits thereof reſpectively, until thereby, or therewith, or otherwiſe, the Share or Proportion, or reſpective Shares or Proportions, of the aforeſaid Coſts, Charges, and Expences directed and appointed by the ſaid Commiſſioner to be paid by ſuch Perſon or Perſons reſpectively, and alſo all Coſts, Charges, and Expences occaſioned by, and attending ſuch Entry upon, and Perception of the Rents and Profits of the ſaid Premiſes, ſhall reſpectively be fully paid and ſatisfied; or it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and empowered, upon any Refuſal or Neglect of Payment of their Proportion of the Coſts, Charges, and Expences aforeſaid, by any Perſon or Perſons to whom any Allotment ſhall have been made by virtue of this Act, to raiſe by Mortgage in Fee, or for Years, of the Allotment or Allotments to him or them made, or of any Part or Parts thereof, Money ſufficient to pay the Share or Proportion of the Perſon and Perſons ſo refuſing or neglecting of the Charges and Expences laſt mentioned, and alſo all the Charges and Expences of and incident to ſuch Mortgage, ſo as the Sum ſo to be raiſed ſhall not exceed Five Pounds for every Acre of Land or Ground ſo to be allotted.

Power to borrow Money.

XXI. And be it further enacted, That it ſhall be lawful for any of the Perſons who, after ſuch Diviſion and Incloſure made as aforeſaid, ſhall be Owners and Proprietors for the Time being of any of the Allotments to be made in purſuance of this Act, or of any Part thereof, and to and for the Huſbands, Guardians, Truſtees, Feoffees, Committees, or Attornies of or for any of the ſaid Owners or Proprietors being under Coverture, Minors, or beyond the Seas, or otherwiſe incapable of acting for themſelves, or any Truſtees or Feoffees of any Eſtates for charitable or other Uſes, and to and for every of them, and to and for any of the ſaid Owners and Proprietors, being Tenants for Life, or in Tail or for Years determinable on a Life or Lives, or for any other Contingencies, and to and for every of them for the Time being, by and with the Conſent of the ſaid Commiſſioner, in Writing under his Hand and Seal, from Time to Time, to charge the ſeveral Lands and Grounds which ſhall be comprized in ſuch reſpective Allotments, or any Part thereof, with any Sum or Sums of Money, at the Diſcretion of the ſaid Commiſſioner, not exceeding Five Pounds for every Acre of Land or Ground ſo to be allotted as aforeſaid, to be paid to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall nominate and appoint in order to be applied and diſpoſed

diſpoſed of for and towards paying and defraying the reſpective Shares and Proportions of the Charges and Expences incident to and attending ſuch Diviſion and Incloſure as aforeſaid, and of the obtaining this preſent Act; and for ſecuring the Repayment of the ſaid Sum and Sums with Intereſt, to grant, mortgage, leaſe, or demiſe the Lands and Grounds, or any Part thereof, ſo to be charged therewith, to any Perſon or Perſons who ſhall advance or lend the ſame reſpectively, and to his or their Executors, Adminiſtrators, or Aſſigns, for any Term or Number of Years, ſo as every ſuch Grant, Mortgage, Leaſe, or Demiſe, be made with a Proviſo and Condition to ceaſe and be void when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be paid and ſatisfied, and ſo as in every ſuch Grant, Mortgage, Leaſe, or Demiſe, to be made by any Perſon or Perſons entitled for Life only, or as Tenant in Tail, or upon any other Contingency, there be contained a Covenant to pay and keep down the Intereſt of the Money thereby ſecured during his, her, or their reſpective Life or Lives, or for ſo long as he, ſhe, or they ſhall continue ſeiſed of ſuch Allotment or Allotments reſpectively; ſo that no Perſon afterwards becoming poſſeſſed thereof, or entitled to ſuch Lands or Grounds ſo to be charged with any ſuch Sum or Sums of Money as aforeſaid, ſhall be liable to pay any further or larger Arrear of Intereſt than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced; or otherwiſe it ſhall be lawful for the ſaid Commiſſioner, by any Deed or Deeds, Writing or Writings under his Hand and Seal, to be atteſted by Two or more credible Witneſſes, at the Requeſt of the ſaid Owners and Proprietors, being Tenants for Life, or in Tail, or upon any other Contingency, who ſhall reſpectively pay and diſcharge his, her, or their proportional Part of the Charges and Expences aforeſaid, to authorize and empower ſuch Owners or Proprietors, or either of them, making ſuch Requeſt, to charge and ſubject ſuch Lands and Grounds, or any Part thereof ſo to be allotted to ſuch Owners and Proprietors thereof reſpectively, with any Sum or Sums of Money, at the Diſcretion of the ſaid Commiſſioner, not exceeding Five Pounds *per* Acre; which Sum or Sums of Money ſo to be charged as aforeſaid, ſhall be payable within One Year next after the Deceaſe of any ſuch Tenant for Life, or in Tail, or on any other Contingency reſpectively, with the Intereſt, to be computed from his, her, or their reſpective Deceaſe, unto ſuch Perſon or Perſons as ſuch reſpective Tenants for Life, or in Tail, or on any other Contingency reſpectively, by any Deed or Will duly executed and atteſted, ſhall direct and appoint, and in Default of ſuch Direction or Appointment, to his, her, or their Executors or Adminiſtrators; and every ſuch Grant, Mortgage, Leaſe, Appointment, or Demiſe, and Charge, by Deed or Will as aforeſaid, ſhall be good, valid, and effectual in the Law, for the Purpoſes thereby intended.

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

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

Commiſſioner's Expences, &c.

XXIII. And be it further enacted, That the Commiſſioner who ſhall act in the Execution of the Powers veſted in him by this Act, and his Clerk,

Clerk, shall respectively be paid the Sum of Three Guineas, for each Day he shall be employed in or about the Execution of this Act, or in travelling to or from any Meeting for that Purpose, so as the same do not exceed One Day in travelling to, and One Day in travelling from any such Meeting.

Auditing Accounts.

XXIV. And be it further enacted, That once at least in each and every Year during the Execution of this Act, to be computed from the Day of the passing of this Act, the said Commissioner shall, and he is hereby required to make a just Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before some Justice of the Peace, for the County of *Bedford*, not interested in the said Inclosure, to be examined and balanced, and the said Balance shall be stated in a Book of Accounts to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by such Justice.

Award to be deposited in the Parish Church.

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

Appeal.

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

General Saving.

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

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

This Act may be given in Evidence.

XXVIII. And be it further enacted, That this Act ſhall be printed by the ſeveral Printers to the King'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 admited as Evidence thereof by all Judges, Juſtices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1812.