ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lxxvii.

An Act to amend and enlarge the Powers of an Act of His preſent Majeſty for draining, incloſing, and improving the Lands called *Borough Fen Common* and the *Four Hundred Acre Common*, in the County of *Northampton*, and for forming the ſame into a Pariſh, to be called *Newborough*, and for building and endowing a Church for ſuch Pariſh.

[14th *June* 1819.]

WHEREAS in and by an Act, paſſed in the Fifty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act for draining, incloſing, and improving the Lands called* Borough Fen Common *and the* Four Hundred Acre Common, *in the County of* Northampton, *and for forming the ſame into a Pariſh to be called* Newborough; *and for building and endowing a Church for ſuch Pariſh*, it was amongſt other Things enacted, that the Commiſſioners thereby appointed or to be appointed ſhould ſet out and allot the ſaid Common and Waſte Land to ſuch Perſons and for ſuch Purpoſes as is therein mentioned; and it was alſo enacted, that all the Lands and Grounds which by the Authority and in purſuance of the ſaid Act, or the therein recited Act, ſhould be allotted to any of the Proprietors, ſhould be held by ſuch Proprietors reſpectively under the ſame Tenures, Rents, Cuſtoms, and Services, as the ancient Eſtates and other Property in right of which ſuch Allotments ſhould be made were reſpectively held and enjoyed by the ſaid Proprietors before the paſſing of the ſaid Act, or would have been held and 52 G. 3. c. 143.

enjoyed in caſe the ſaid Act had not been made; and that the ſeveral Lands and Grounds which ſhould be allotted in lieu of Freehold Rights or Intereſts, or other Freehold Property, ſhould be deemed Freehold, and ſhould be held of the Lord of the Fee under the ſame Rents, and by the ſame Services, as the Freehold ancient Eſtates or other Property, in right of which they were allotted, were before that Time held; and that the ſeveral Lands and Grounds which ſhould be allotted in lieu of Copyhold Rights or Intereſts or other Copyhold Property, ſhould in like Manner be deemed to be Copyhold Lands, and ſhould be held of the Lords of the Fee thereof, under the ſame Rents and by the ſame Cuſtoms, Duties, and Services as the Copyhold ancient Eſtates or other Property, in right of which they were ſo allotted, were or ought to have been held, and ſhould paſs by the like Surrenders as the then preſent Copyhold Meſſuages, Cottages, Lands, Tenements, and Hereditaments, in right whereof ſuch Allotments ſhould be made; and it was alſo enacted, that as ſoon as might be after the ſaid Commiſſioners ſhould have completed the Diviſions and Allotments, and made the Exchanges and Partitions thereby directed and empowered to be made reſpectively, and alſo ſet out the ſeveral Proportions for Tithes and Right of Soil (if any Right to Tithes or Right to Soil ſhould be eſtabliſhed) as therein directed and made, executed and completed, all ſuch Works of Drainage as were therein provided for, and had done, performed, and executed all and every the ſeveral Matters and Things which by the ſaid Act and the therein recited Act they were directed and empowered to do, they ſhould form and draw up an Award in Writing which ſhould expreſs diſtinctly and ſeparately the Quantity and Contents, in Statute Meaſure, of Acres, Roods, and Perches contained in the Lands and Grounds thereby intended to be divided and incloſed, and the Quantity and Contents, Situation, Abuttals, and Boundaries of the ſeveral Parcels and Allotments reſpectively by them to be ſet out, aſſigned, and allotted, or partitioned or exchanged by virtue of the ſaid Act, to each of the Proprietors and Perſons intereſted therein reſpectively, as therein provided for; and alſo to deſcribe all the public Roads and Ways, and all the private Roads and Ways, and all Mills, Engines, Drains, Ditches, Tunnels, Watercourſes, Watergates, Sluices, Banks, Bridges, and other Works which ſhould have been made or repaired by them reſpectively purſuant to the ſaid Act, or that ſhould be deemed neceſſary by them, for the Preſervation and Drainage of the ſaid Common and Waſte Land, and alſo ſuch other Orders, Regulations, and Determinations to be obſerved and performed by the ſeveral Proprietors, as ſhould be neceſſary and proper to be inſerted in the ſaid Award, conformable with the Tenor or Purport of the ſaid Acts, or for the completing and maintaining of the ſaid Diviſion, Drainage, and Incloſure; which Award or Inſtrument ſhould be fairly engroſſed or written on Parchment, and ſigned and ſealed by the ſaid Commiſſioners, within Seven Years from the paſſing of the ſaid Act; and ſuch Award ſhould, after the ſame ſhould be ſo ſigned and ſealed, be inrolled with the Clerk of the Peace of the Soke of *Peterborough*, or in any of His Majeſty's Courts of Record at *Weſtminſter*, and ſhould afterwards be depoſited and kept in the Cathedral Church of *Peterborough* aforeſaid, for the Uſe of the ſaid Proprietors, to the End that Recourſe might be the more readily had thereto; and that the ſaid Award ſhould be binding and concluſive unto and upon all the Parties intereſted in the ſaid Diviſion, Drainage, and Incloſure, and a Copy thereof or any Part thereof, atteſted by the

Chapter Clerk or the Officer with whom the ſame ſhould be inrolled, ſhould from Time to Time and at all Times thereafter be admitted and allowed in all Courts whatſoever as legal Evidence of the ſame, which Copy the ſaid Chapter Clerk or other Officer was thereby ordered and required to make and deliver to any Perſon or Perſons demanding the ſame, he, ſhe, or they paying or tendering in caſe of Refuſal of ſuch Copy, Sixpence for every Seventy-two Words, and no more, over and above the Stamp Duty; and any Perſon or Perſons intereſted therein, by himſelf, themſelves, or Agents, ſhould have Liberty to inſpect and peruſe the ſaid Award, paying to ſuch Chapter Clerk or other Officer for every ſuch Inſpection and Peruſal One Shilling and no more, and to take a Copy of any Part or Parts thereof, paying for the ſame after the Rate aforeſaid; and it was further enacted, that in caſe the King's moſt Excellent Majeſty, in right of His Crown, ſhould eſtabliſh any Right to the Tithes or to the Soil of all or any of the Lands and Grounds directed to be divided and incloſed, the ſaid Commiſſioners ſhould and they were thereby required to make an Extract on Parchment under their Hands and Seals, or ſo much of their Award therein directed to be made as ſhould contain an accurate Deſcription of the Allotment or Allotments to be made to His ſaid Majeſty, together with ſuch Regulations or Proviſions relative to the ſaid Allotment or Allotments, or to any other Rights or Intereſts of His Majeſty as might be contained in ſuch Award, and alſo a Map or Plan of ſuch Allotment or Allotments, and tranſmit the ſame to the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, or to the Surveyor General of His Majeſty's Land Revenue for the Time being, within Six Calendar Months after the making and executing the ſaid Award, to be by them or him filed and kept amongſt the Muniments of their or his Office, and to be produced and admitted in Evidence on all Occaſions where any Queſtion, Doubt, or Controverſy might ariſe relating to or affecting the Rights and Intereſts of His Majeſty, His Heirs and Succeſſors: And whereas the ſaid Commiſſioners proceeding in Execution of the ſaid Act did, amongſt other Things, hear and determine the Claims of the ſeveral Perſons, Bodies Politic and Corporate, intereſted or claiming to be intereſted in the ſaid Common and Waſte Land, and made and publiſhed their Adjudications and Determinations relative thereto, and made, erected, repaired, and ſet up divers Roads, Drains, Banks, Mills, and Engines, for the neceſſary Occupation of the ſaid Land, and for the proper Drainage and Preſervation of the ſame, and have deſigned and ſet out on a Map the Allotments intended to be made, allotted, and awarded to the reſpective Proprietors; but many Appeals againſt their Determinations having in the Progreſs of this Buſineſs been made, and divers Suits at Law commenced and proſecuted relative thereto, which have taken up much Time, and thereby and by other Matters and Things the Proceedings of the ſaid Commiſſioners have been ſo much delayed that they find it impracticable to make the Award required to be made within the Time limited by the before recited Act: And whereas it is neceſſary that further Time ſhould be allowed for the Commiſſioners to make their Award, and that further Powers ſhould be granted to enable them more effectually to carry the ſaid Act into Execution, and to authorize the Enfranchiſement of Copyhold Allotments in certain Caſes: And whereas the King's moſt Excellent Majeſty, in right of His Crown, was found to be entitled to the Tithes of the ſaid Common and Waſte Land, or ſome conſiderable Part of the ſame, and in reſpect thereof is now entitled to the Allotment or Allotments

ments set out or to be set out in lieu of such Tithes pursuant to the said Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Time for the Commissioners appointed or to be appointed pursuant to the said recited Act, to make the Award directed by the said recited Act to be made, shall be extended to such Period of Time as they the said Commissioners shall find necessary, so as the same do not go beyond the Ninth Day of *June* which will be in the Year of our Lord One thousand eight hundred and twenty-two.

Additional Term for Commissioners to make their Award.

Power to enfranchise Copyhold Estates.

II. And whereas the respective Lords and Ladies of the Manors whereof any Allotments made or to be made by the said Commissioners in lieu of Copyhold Rights or Interests, which by virtue of the said recited Act are to be held by Copy of Court Roll of the said respective Manors, may be willing to enfranchise all or some Parts of their ancient Copyhold Estates, or of the said Allotments, and to release the said ancient Estates and the said Allotments, or some of them, from all Fines, Heriots, Quit Rents, Chief Rents, Reliefs, Customs, and Services, due and payable to the said respective Lords and Ladies for or in respect thereof, on being allowed an adequate Compensation for the same; and several of the Owners and Proprietors of the said ancient Copyhold Estates, or the said Copyhold Allotments, may be desirous that the same should be so enfranchised; be it therefore further enacted, That it shall be lawful for the said Commissioners, with the Consent of the respective Lords and Ladies of the said Manors, and of the Owner or Owners of any of the said ancient Copyhold Estates, or Copyhold Allotments, whether the said Lords and Ladies, or the said Owner or Owners, or any of them respectively be Bodies Politic or Corporate, or Corporations Aggregate or Sole, Tenants for Life or in Tail, Femes Covert, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, (such Consent to be testified in Writing under the Hands or under the Corporate Seal of such respective Lords and Ladies, Owner or Owners, or under the Hands of their Husbands, Trustees, Guardians, Committees or Attornies respectively, in case of Coverture, Minority, Lunacy, being beyond the Seas, or other Disability or Incapacity,) to assign, set out, and allot unto such respective Lords and Ladies of the said respective Manors, such Proportions, Shares, or Parts of the said Copyhold Allotments, as shall be agreed upon between the said Lords and Ladies and the said Owner or Owners, by and with the Consent and Approbation of the said Commissioners, and which they shall adjudge to be fair and reasonable, or to assign, reserve, and make payable to the said respective Lords and Ladies, such annual Fee Farm Rents or Quit Rents on a certain Day in every Year, out of the said ancient Copyhold Estates, or out of the respective Copyhold Allotments, or to adjudge and determine such Sums of Money in gross to be paid to the said respective Lords and Ladies by the said Owner or Owners of the said respective ancient Copyhold Estates, or out of the Copyhold Allotments, as shall in any such Cases be agreed upon between the said respective Lords and Ladies and the said Owner or Owners, by and with the Consent and Approbation of the said Commissioners, and which they shall adjudge to be fair and reasonable, as and for a full and just Equivalent and Compensation to such Lords and Ladies respectively, for all their Estates, Rights, Claims, Fines, Heriots, Quit

Quit Rents, Chief Rents, Reliefs, Cuſtoms, and Services, due or payable, or to become due and payable to them as Lords or Ladies of the ſaid reſpective Manors in reſpect of the ſaid ancient Copyhold Eſtates, or the ſaid Copyhold Allotments, or any Part thereof, except any annual Fee Farm Rents or Quit Rents to be reſerved and made payable as aforeſaid out of any of the ſaid ancient Copyhold Eſtates, or the ſaid Copyhold Allotments, by way of Equivalent and Compenſation for the Enfranchiſement thereof; and the ſaid Commiſſioners ſhall in and by their Award, particularly mention and ſtate the Amount of the annual Rent or Rents made payable, or the Sum or Sums of Money paid for ſuch Enfranchiſement (as the Caſe may be), and the ancient Eſtate or Allotment or Allotments ſo enfranchiſed.

Eſtates enfranchiſed, to be held as Freehold.

III. And be it further enacted, That all the Copyhold ancient Eſtates or Allotments to be enfranchiſed by virtue of this Act, ſhall at all Times from and after the making and executing the ſaid Award by the ſaid Commiſſioners, be held and enjoyed by the ſeveral and reſpective Perſon and Perſons entitled to the ſame, as Freehold Eſtates of Inheritance, freed and diſcharged of all Fines, Heriots, Quit Rents, Chief Rents, Reliefs, Cuſtoms and Services whatſoever, (except any Annual Fee Farm Rents, or Annual Quit Rents, which may be awarded and made payable by way of Compenſation for Enfranchiſements); and the ſame ſhall, from and after ſuch Enfranchiſement, be granted, bargained, ſold, releaſed, conveyed or aſſured by Deed, or deviſed by Will in the like Manner as other Freehold Eſtates of Inheritance are conveyed and deviſed (ſubject to any ſuch Annual Fee Farm Rents or Quit Rents), and on the Death of any Perſon who ſhall be Owner of ſuch Eſtate without a Will, ſhall deſcend to his or her Heirs, in ſuch Manner as other Freehold Eſtates of Inheritance deſcend.

Eſtates to remain to the ſame Uſes.

IV. And be it further enacted, That the Lands to be ſet out and allotted to the reſpective Lords and Ladies of the ſaid Manors for the Enfranchiſement of the ſaid ancient Eſtates or Copyhold Allotments, and for releaſing and diſcharging their Eſtate therein, and all Fines, Heriots, Quit Rents, Chief Rents, Reliefs, Cuſtoms, and Services due or payable to them, from, out, or in reſpect of the ſame as aforeſaid, ſhall from and after the making and executing of the ſaid Award by the ſaid Commiſſioners become veſted in the reſpective Lords and Ladies of the ſaid Manors for ſuch and the like Eſtate and Intereſt and the ſame Uſes as the ſaid reſpective Manors, and their reſpective Eſtate therein, and the Fines, Heriots, Quit Rents, Chief Rents, Reliefs, Cuſtoms, and Services, due or payable in reſpect of the ſaid Allotments ſo to be enfranchiſed, were held, limited or ſettled, at the Time of making and executing the ſaid Award as aforeſaid; and that when the ſaid ancient Eſtates or Allotments ſhall be ſo enfranchiſed, they ſhall be held by the reſpective Owners of the ſame for ſuch and the like Eſtate and Intereſt, and for ſuch and the ſame Uſes, as the reſpective ancient Eſtates or Allotments ſtood ſettled and limited before ſuch Enfranchiſement, but ſubject to ſuch Annual Fee Farm Rents, or Quit Rents (if any) as purſuant to the Agreements aforeſaid and the Powers herein contained, they may be ſubject and liable to.

Recovery of Quit Rents.

V. And be it further enacted, That the respective Lords or Ladies of the said Manors to whom any such Annual Fee Farm Rents or Quit Rents shall be reserved and made payable by way of Compensation as aforesaid, shall, from and after the Execution of the said Award, have the like Powers and Remedies for the Recovery thereof respectively as by the Laws of this Realm are given for the Recovery of Rents Seck, Rents of Assize, and Chief Rents.

Enfranchisement not to lessen Quit Rents, Fines, &c. on ancient Estates.

VI. Provided always, and be it further enacted, That the Enfranchisement of the said Copyhold Allotments as aforesaid, shall not in any respect release the ancient Copyhold Estates in respect or right of which such Allotments may be made from the ancient Quit Rents by or under which the same were holden, or any Part thereof, or from any Fines, Heriots, Payments, and other Copyhold Suits and Services, to which the same are now liable; but that such ancient Estates shall continue liable and subject in all respects to the same Quit Rents, Fines, Heriots, Payments, and other Copyhold Suits and Services, as they are now liable and subject to.

Impowering the Commissioners to set out Allotment under the Value of Twenty Pounds.

VII. And whereas several of the Allotments so as aforesaid set out to the respective Persons entitled thereto, are of very small Value, and insufficient to defray the Expences of inclosing the same, and thereby incapable of yielding any Profit or Advantage to the Proprietors thereof; be it therefore enacted, That it shall and may be lawful for the said Commissioners, in any Case where such Allotments shall be under the Value of Twenty Pounds respectively, at the Request of the Person or Persons entitled thereto, to allot and set out and award the same or any of them to any other Person or Persons who have Allotments adjoining thereto, and may be willing to accept the same; and that the Award of the Commissioners shall vest the same in the Person or Persons to whom they may be set out, allotted, and awarded, pursuant to such Request; and that the Person or Persons to whom such Allotments shall as aforesaid be set out, allotted, and awarded, shall pay to the Person or Persons originally entitled thereto, such Sum or Sums of Money as the said Commissioners shall direct, for and in respect of his, her, or their Right and Interest in such Allotments.

Agreements for Enfranchisements, &c. to be delivered in Writing to Commissioners.

VIII. Provided always, and be it further enacted, That all Agreements for Enfranchisement, and all Requests for small Allotments to be set out, allotted, and awarded to other Persons, pursuant to the Powers of this Act, shall be delivered in Writing to the said Commissioners, signed by the respective Parties making such Agreements and Requests, on or before the First Day of *July* which will be in the Year One thousand eight hundred and twenty.

Application of Money to be received for Enfranchisements.

IX. And be it further enacted, That the Money to be received for the Enfranchisement of any Copyhold Lands or Tenements, in pursuance of this Act, shall before the Execution of the said Award be paid to the respective Lords or Ladies of the same Manors, in case such Lords or Ladies shall be seized of the same Manors in Fee Simple, and in all other Cases the Money to be received for any such Enfranchisement shall, before the Execution of the said Award, be paid and applied in the Manner directed by the Act of the Forty-first Year of the present Reign, recited in the

ſaid Act of the Fifty-ſecond of His preſent Majeſty, with reſpect to Money to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

Power of former Act extended to this Act.

X. And be it further enacted, That all the Powers, Proviſions, Directions, and Clauſes whatſoever, contained in the ſaid recited Act of the Fifty-ſecond Year of His preſent Majeſty, (ſave and except as the ſame are hereby altered and varied), ſhall be in force and be exerciſed and obſerved, with reference to the Purpoſes of this Act, in ſuch Manner as if the ſame were re-enacted in the Body of this Act with relation thereto.

Commiſſioners to make a ſeparate Award of the Allotments to His Majeſty.

XI. And be it further enacted, That for facilitating the Incloſure of the Allotment or Allotments of the ſaid Common and Waſte Lands ſet out or to be ſet out to, and to be veſted in His Majeſty, His Heirs and Succeſſors, as directed by the ſaid recited Act, it ſhall be lawful for the ſaid Commiſſioners and their Succeſſors, and they are hereby required forthwith, at the Requeſt of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, to form and draw up, or cauſe to be formed and drawn up, a ſpecial, diſtinct, and ſeparate Award, in Writing, expreſſing the Quantity in Acres, Roods, and Perches in Statute Meaſure, contained in the ſaid Allotment or Allotments, and the Quantity of each and every Parcel thereof, which ſhall be ſo allotted to and for His Majeſty, His Heirs and Succeſſors, and the Situations and Deſcriptions of the ſame reſpectively; and which ſhall alſo contain proper Orders and Directions for fencing the ſaid Allotments, and for keeping the Fences in Repair, and alſo for making and laying down proper Ways, Roads, Drains, Watercourſes, Bridges, and other requiſite Works and Conveniences, and for keeping the ſame in good and ſufficient Repair and Condition; and ſhall alſo expreſs and contain ſuch other Orders, Directions, and Regulations, as by the ſaid Commiſſioners ſhall be thought proper and neceſſary to be inſerted therein, conformable to the true Tenor and Meaning of the ſaid recited Act and this Act, for the more eaſy, convenient, and effectual Execution thereof, or for the preventing any Difficulties or Diſputes in relation thereto; which ſaid Award or Inſtrument ſhall be fairly ingroſſed or written on Parchment, and read over to the Proprietors who may attend at a Special General Meeting to be held for that Purpoſe (of which Notice ſhall be given in the Manner directed by the ſaid recited Act for giving Notice of Meetings) and ſhall be executed by the ſaid Commiſſioners at ſuch Meeting, and from which Time the ſaid Award ſhall be conſidered as complete; and the ſaid Award ſhall within Six Calendar Months next after the Execution thereof, be inrolled in His Majeſty's High Court of Chancery, with the proper Officer or Officers of that Court, who is or are hereby required to cauſe the ſame to be inrolled, to the End that Recourſe may be had thereto by all Perſons intereſted therein (for the Inſpection and Peruſal whereof no more than Five Shillings ſhall be paid); and a Copy thereof or of any Part thereof, when and as often as the ſame ſhall be required, ſhall be delivered to any Perſon intereſted, ſigned by the proper Officer of the ſaid Court, purporting the ſame to be a true Copy (for which no more than Sixpence *per* Sheet, reckoning Ninety Words to each Sheet, ſhall be paid); and after ſuch Inrolment the original Award ſhall be depoſited and kept

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in the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being; and the said original Award, or a Copy of the Inrolment thereof, or of any Part thereof, signed by the proper Officer of the said Court, shall at all Times be admitted as legal Evidence in all Courts whatsoever; and the several Allotments, Orders, Directions, Regulations, Matters, and Things, which shall be made, specified, and set forth in and by the said Award, shall be final, binding, and conclusive, unto and upon all Parties and Persons interested in or entitled unto the said Common and Waste Land, by the said recited Act directed to be divided and inclosed; and that in case the said separate Award shall be made as aforesaid, the Commissioners shall not be required to make an Extract from the General Award to be made of the said Division and Inclosure, as directed by the said recited Act: Provided always, that such special, distinct, and separate Award shall not restrain the Commissioners for executing the said recited Act and this Act, from the Power of making and carrying into Effect any Works of Drainage of, in, upon, through, or over any Allotment or Allotments that shall or may be so awarded to His Majesty, His Heirs and Successors, at any Time or Times previous to the Execution of the General Award by the said recited Act directed to be made, and that the said Commissioners shall not be compellable to make such special, distinct, and separate Award, before the First Day of *January* One thousand eight hundred and twenty.

For paying the Expences of this Act.

XII. And be it further enacted That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, and all necessary and proper Expences attending the Execution of the same, shall from Time to Time be defrayed, and that Money for that Purpose shall be raised and applied in the Manner provided by the said Act of the Fifty-second Year of His present Majesty, for the Payment of the Costs, Charges, and Expences, incident to and attending the obtaining and passing thereof, and carrying the same into Execution; and that the Surplus (if any) of the Money so to be raised, shall be applied in the Manner in which the same Act provides for the Application of the Surplus of the Money to be raised under the Provisions thereof, except so far as any Surplus is otherwise provided for by this Act.

Public Act.

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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