ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 19.

An Act for incloſing Lands in the Pariſhes of *Carlton*, *Chellington*, and *Steventon*, in the County of *Bedford*. [5th *April* 1805.]

WHEREAS there are certain Open and Common Fields, Common Meadows, Common Paſtures, Commonable Lands, and Waſte Grounds, lying and being within the ſeveral Pariſhes of *Carlton*, *Chellington*, and *Steventon*, in the County of *Bedford*: And whereas the Right Honourable *Thomas* Lord Viſcount *Hampden* is Lord of the Manor of *Chellington* aforeſaid, and *Thomas Alſton* Eſquire, is Lord of the ſeveral Manors of *Carlton* and *Steventon* aforeſaid: And whereas the ſaid Lord Viſcount *Hampden* is Patron of the conſolidated Rectories of *Carlton* and *Chellington* aforeſaid: And whereas the Reverend *William Hooper*, Clerk, is Rector of the conſolidated Rectories of *Carlton* and *Chellington*, and as ſuch is entitled to certain Glebe Lands and Right of Common, and to all the Great and Small Tythes ariſing, growing, renewing, or happening, within the ſaid Pariſhes of *Carlton* and *Chellington*: And whereas the Moſt Noble *John* Duke of *Bedford* is Patron of the Vicarage of *Steventon* aforeſaid, and the Reverend *Thomas Orlebar Marſh*, Clerk, is Vicar of the ſaid Pariſh of *Steventon*, and as ſuch is entitled to certain Glebe Lands and Right of Common, and to certain Vicarial or Small Tythes ariſing, growing, renewing, or happening, within the ſaid Pariſh: And whereas

the Right Honourable *George John* Earl *Spencer* is Owner and Proprietor of all the Great Tythes arising, growing, renewing, and happening, of and from all the tythable Lands and Grounds, and also of certain Glebe Lands and Right of Common, within the said Parish of *Steventon*: And whereas the Right Honourable Baroness *Lucas*, the said Lord Viscount *Hampden*, the said *Thomas Alston*, *William Andrews*, *William Wootton*, Esquires, *Thomas Battams*, *John Lavender*, *John Rogers*, *Thomas Pinkerd*, *William Bithrey*, and divers other Persons, are entitled to the Residue of the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds, within the several Parishes of *Carlton*, *Chellington*, and *Steventon* aforesaid: 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 Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds, are in their present State incapable of any considerable Improvement, and it would be advantageous to the several Proprietors thereof and Persons interested therein, if the same were divided, allotted, and inclosed, in Manner hereinafter directed: But as such Division and Inclosure cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Collison* of *Brackley* in the County of *Northampton*, *Edward Platt* of *Lidlington* in the County of *Bedford*, and *John Davis* of *Bloxham* in the County of *Oxford*, Gentlemen, and their Successors, to be appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for valuing, qualifying, dividing, setting out, and allotting the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds, within the several Parishes of *Carlton*, *Chellington*, and *Steventon* aforesaid, and for carrying this Act into Execution, subject to the Rules, Orders, and Directions herein contained, and also subject to the Rules, Orders, and Directions of the said recited Act, except where the same are hereby varied or altered.

Commissioners.

Two Commissioners may act.

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

For appointing new Commissioners.

III. And be it further enacted, That when and so often as any of the Commissioners hereby appointed or to be appointed in Manner hereinafter mentioned, shall die, or refuse or become incapable to act or qualify himself, it shall and may be lawful for the major Part in Value of the Proprietors and Owners of the Lands and Grounds so intended to be divided and inclosed, at a Meeting to be appointed by any Two or more of

of the ſaid Proprietors, by Advertiſement in the *Northampton Mercury*, and by Notice on One of the outer Doors of each of the ſaid Pariſh Churches of *Carlton*, *Chellington*, and *Steventon*, at leaſt Fourteen Days before the Time appointed for holding any ſuch Meeting, to appoint ſome other fit Perſon or Perſons (not intereſted in the ſaid intended Diviſion and Incloſure) to be a Commiſſioner or Commiſſioners in the place or ſtead of ſuch Commiſſioner or Commiſſioners ſo dying, or refuſing to act, or qualify as aforeſaid; and every ſuch Commiſſioner ſo to be appointed, ſhall have the like Powers and Authorities as the Commiſſioner or Commiſſioners in whoſe place he or they ſhall be choſen, was or were veſted with by virtue of this Act; but in caſe the ſeveral Owners and Proprietors as aforeſaid, ſhall neglect or omit for the Space of Twenty-one Days next after the Death, Refuſal, or Incapacity of any or either of the ſaid Commiſſioners to act or qualify as aforeſaid, to proceed in the Manner herein-before directed, to call a Meeting for ſupplying ſuch Vacancies or Vacancy as aforeſaid, it ſhall and may be lawful for ſuch other of the ſaid Commiſſioners, or for any One of them (if One only ſhould undertake to act) and he and they is and are hereby required from Time to Time, and as often as it ſhall ſo happen, by Writing under his or their Hand or Hands, to nominate and appoint ſuch fit Perſon or Perſons in the place or ſtead of ſuch of the ſaid Commiſſioners ſo dying, refuſing, or being incapacitated to act as aforeſaid, as he or they ſhall think proper.

Appointment of a Surveyor.

IV. And be it further enacted, That *Richard Gee* of *Turvey*, in the ſaid County of *Bedford*, Land Surveyor, ſhall be and he is hereby appointed Surveyor for the Purpoſes of this Act; and in caſe the ſaid *Richard Gee* ſhall die, refuſe, or become incapable to act as a Surveyor to the ſaid intended Incloſure, then another fit Perſon or Perſons ſhall be elected and appointed in his room by the ſaid Commiſſioners.

Notice of Meetings.

V. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to give publick Notice in Writing, to be affixed on One of the outer Doors of the ſeveral Pariſh Churches of *Carlton*, *Chellington*, and *Steventon* aforeſaid, on ſome *Sunday*, before or during Divine Service, of the Time and Place of their Firſt and every ſubſequent Meeting for executing the Powers veſted in them by this Act, at leaſt Fourteen Days before the Time appointed for holding every ſuch Meeting (Meetings by Adjournment only excepted); and it ſhall be lawful for the ſaid Commiſſioners, at any of their Meetings to be holden in purſuance of this Act, from Time to Time as they ſhall find it convenient, to continue ſuch Meeting by Adjournment for the due Execution of this Act, leaving Notice at the Place where the Commiſſioners ſhall be ſitting at the Time of any ſuch Adjournment, of the Time and Place to which ſuch Meeting ſhall be adjourned.

One Commiſſioner may adjourn.

VI. Provided always, That if only One of the ſaid Commiſſioners ſhall attend at the Time and Place appointed for any Meeting to be holden purſuant to this Act, it ſhall be lawful for ſuch One Commiſſioner, and he is hereby authorized and empowered to adjourn ſuch Meeting to any future Day he ſhall ſee moſt convenient, not exceeding Ten Days from the Day of Adjournment, giving due Notice to the other or others of the ſaid Commiſſioners, and at the Place of Adjournment, and ſo from Time to

to Time as often as there shall be Occasion, until Two or more of the said Commissioners shall be present.

Directing how other Notices shall be given.

VII. And be it further enacted, That all other Notices requisite or necessary to be made and given by the said Commissioners, shall be so made and given by Notices to be affixed on the principal outer Doors of the respective Parish Churches, and also by Advertisements to be inserted in some Newspaper circulated within the said County of *Bedford*.

Meetings to be at Carlton, or within Eight Miles.

VIII. And be it further enacted, That all the Meetings of the said Commissioners for putting this Act into Execution, shall be held at *Carlton*, or within the Distance of Eight Miles thereof.

Commissioners to settle Disputes,

IX. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Inclosure, touching or concerning the respective Shares, Rights, or Interests which they or any of them shall have or claim to have in or to the Lands and Grounds hereby directed to be divided and inclosed, or touching or concerning the respective Shares or Allotments which they or any of them ought to have of or in the same, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same, and shall give Notice of every such Determination to the Parties interested therein within Ten Days, after every Determination so made: Provided always, that nothing herein contained shall authorize the Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Power to assess Costs.

X. And be it further enacted, That upon the Hearing or Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same upon Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands 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) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

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

XI. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Right or Rights, Claim or Claims,

Claims, in, over, or upon the ſaid Lands and Grounds, or of any Rights of Common, or other Rights or Intereſts, in over or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, at the then next or at the following Aſſizes to be holden for the ſaid County of *Bedford*; and for that Purpoſe the Perſon or Perſons who ſhall be ſo diſſatisfied with the Determination of the ſaid Commiſſioners, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months next after ſuch Determination of the ſaid Commiſſioners; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, and they is and are hereby required to appoint an Attorney or Attornies, who ſhall appear thereto or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties or their Attornies differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be binding on all the Parties thereto, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial or new Trials to be had upon cauſe ſhewn, as in other Caſes; and that after ſuch Verdict or Verdicts obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto: Provided alſo, that no ſuch Action, Verdict, or new Trial, ſhall impede or delay the ſaid Commiſſioners in the Execution of the Powers hereby veſted in them, but the Diviſion and Incloſure hereby directed to be made ſhall be proceeded in, in ſuch and the ſame Manner as if no ſuch Action or Suit were pending.

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

XII. 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.

Directing the Courſe of Huſbandry.

XIII. And be it further enacted, That until ſuch Diviſions, Partitions, and Allotments ſhall be made as aforeſaid, all the Paſture, Tillage, and other Lands, lying in the Open and Common Fields and Commonable Parts within the ſaid ſeveral Pariſhes of *Carlton*, *Chellington*, and *Steventon*, ſhall be ſtocked with ſuch Cattle, and be kept, ordered, and continued in ſuch Courſe of Huſbandry, as the ſaid Commiſſioners ſhall, by any Writing or Writings under their Hands in that Behalf, order, direct, and appoint, any Uſage or Cuſtom of ſtocking or mode of Huſbandry to the contrary notwithſtanding; and that no Meadows, Paſtures, and freſh Grounds in the ſaid Pariſhes ſhall, before the Time to be appointed by the ſaid Commiſſioners, be ploughed, broke up, or converted into Tillage; and alſo that it ſhall and may be lawful for the ſaid Commiſſioners, at any Time when they in their Judgement ſhall think convenient and neceſſary, by Notice for that Purpoſe under their Hands, to be affixed on One of the outer Doors of each of the ſeveral Pariſh Churches of *Carlton*, *Chellington*,

lington, and *Steventon* aforesaid, to suspend or totally extinguish all or any Part of the Rights of Common in and over the said Open and Common Fields, Meadows, and Commonable Lands and Grounds, as by such Notice shall be directed or declared to be suspended or extinguished; and from and after such Notice given, all such Right of Common over the said Open and Common Fields, Meadows, and Pastures, shall cease and be utterly extinguished, or otherwise be suspended for such Time as the said Commissioners shall in and by such Notice direct.

Allotments for Gravel Pits, &c.

XIV. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to set out, allot, and award, from and out of the Lands and Grounds hereby intended to be divided and inclosed, One or more Piece or Parcel, or Pieces or Parcels of Land, not exceeding in the Whole Four Acres in each of the said Parishes of *Carlton*, *Chellington*, and *Steventon*, as and for publick Stone, Sand, and Gravel Pits, with convenient Roads to and from the same respectively, to be used for the Repairs of the publick and private Roads within the said several Parishes respectively; and that the Herbage growing or renewing in or upon such Piece or Parcel, Pieces or Parcels of Land and Ground respectively, shall be allotted, by the Award to be made by the said Commissioners, to such Person or Persons as they shall think fit.

Allotment to the Lord of the Manor of Chellington.

XV. And be it further enacted, That the said Commissioners shall in the next place set out, allot, and award, unto and for the said *Thomas* Lord Viscount *Hampden*, his Heirs and Assigns, as Lord of the Manor of *Chellington* aforesaid, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, lying and being within the said Parish of *Chellington*, as shall in the Judgement of the said Commissioners be equal in Value to One-twentieth Part of all the Commons and Waste Lands hereby intended to be divided and inclosed, lying and being within the said Parish of *Chellington*, in lieu of and in full Compensation and Satisfaction for all his Right and Interest in and to the Soil of the said Commons and Waste Lands within the said Parish.

Allotment to the Lord of the Manors of Carlton and Steventon.

XVI. And be it further enacted, That the said Commissioners shall in the next place set out, allot, and award, unto and for the said *Thomas Alston*, his Heirs and Assigns, as Lord of the said Manors of *Carlton* and *Steventon*, such Parcel or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as shall in the Judgement of the said Commissioners be equal in Value to One-twentieth Part of all the Commons and Waste Lands hereby intended to be divided and inclosed, lying and being within the said Parishes of *Carlton* and *Steventon*, in lieu of, and in full Compensation and Satisfaction for all his Right and Interest in and to the Soil of the said Commons and Waste Lands within the said Parishes.

Allotment to the Rector for Glebe and Commons.

XVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto and for the said *William Hooper* and his Successors, as Rectors of the said Rectories, as near as conveniently may be to the Rectorial Houses in *Carlton* and *Chellington* aforesaid (so far as the general Convenience of all the Proprietors of Lands in *Carlton* and *Chellington* aforesaid will admit of)

of ſuch Plots of the ſaid Lands and Grounds hereby intended to be divided and incloſed, lying within the ſaid ſeveral Pariſhes of *Carlton* and *Chellington*, as in the Judgement of the ſaid Commiſſioners ſhall be a full Equivalent and Compenſation for the Glebe Lands of the ſaid *William Hooper* as Rector as aforeſaid, in the Open and Common Fields of *Carlton* and *Chellington* aforeſaid, and for the Right of Common belonging to the ſaid Rectories, in, over, and upon the ſaid Lands hereby intended to be divided and incloſed.

Allotment to the Rector for Tythes.

XVIII. And be it further enacted, That after the Allotments herein-before directed ſhall have been ſet out, the ſaid Commiſſioners ſhall have full Power and Authority, and they are hereby required to ſet out and allot for the ſaid *William Hooper* and his Succeſſors, as Rectors as aforeſaid, in lieu of all Tythes, Moduſes, and Compoſitions, yearly iſſuing, ariſing, or renewing, from and upon all the Meſſuages, Tenements, Gardens, Orchards, Homeſteads, Old Incloſures, and all other Lands, Grounds, and Hereditaments, in the ſeveral Pariſhes of *Carlton* and *Chellington*, which now is and are ſubject and liable to the Payment of Tythes, Moduſes, and Compoſitions, ſuch Plots, Parcels, or Pieces of Land and Ground within the ſaid Open and Common Fields, Common Meadows, Common Paſtures, Commonable Lands, and Waſte Grounds, by this Act intended to be divided and incloſed, ſituate, lying, and being within the Pariſhes of *Carlton* and *Chellington* reſpectively, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One-fifth Part of all ſuch Arable or Tillage Lands, as well Open and Common Field as of the incloſed Arable and Tillage Lands which are ſubject to the Payment of Tythes, One-eighth Part of all ſuch Hay Grounds or Mowing Lands, One-tenth Part of all ſuch Woodlands, and One-ninth Part of all ſuch other Lands and Grounds within the ſaid ſeveral Pariſhes of *Carlton* and *Chellington*, as are now ſubject to the Payment of Tythes, Moduſes, and Compoſitions as aforeſaid.

Allotment to the Vicar of Steventon for Glebe and Commons.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award, unto and for the ſaid *Thomas Orlebar Marſh* and his Succeſſors, Vicars of *Steventon* aforeſaid, as near as conveniently may be to the Vicarage Houſe in *Steventon* aforeſaid, ſuch Plot of the ſaid Lands and Grounds hereby intended to be divided and incloſed, lying within the ſaid Pariſh of *Steventon*, as in the Judgement of the ſaid Commiſſioners ſhall be a full Equivalent and Compenſation for the Glebe Lands and Right of Common belonging to the ſaid Vicarage, in, over, and upon the Lands within the ſaid Pariſh of *Steventon*, hereby intended to be divided and incloſed.

Allotment to the Impropriator and Vicar of Steventon.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required (after they ſhall have ſet out the ſeveral Allotments herein-before directed to be ſet out) to ſet out and allot unto and for the ſaid Earl *Spencer* and his Heirs, as Impropriators, and unto and for the ſaid *Thomas Orlebar Marſh* and his Succeſſors, Vicars of *Steventon* aforeſaid for the Time being, in lieu of and as a full Compenſation for all their Rights and Intereſts in the Rectorial and Vicarial Tythes, or other Payments or Compoſitions in lieu of Tythes, ariſing, renewing, or happening within the ſaid Pariſh of *Steventon* aforeſaid,

aforeſaid, on the Lands and Grounds hereby intended to be divided and incloſed, and alſo within the preſent Incloſures and Homeſteads of *Steventon* aforeſaid (except Eaſter Offerings, Mortuaries, and Surplice Fees) ſuch Plots, Parcels, or Pieces of Land within the ſaid Open and Common Fields lying within the ſaid Pariſh of *Steventon*, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One-fifth Part of all ſuch Arable and Tillage Lands, One-eighth Part of all ſuch Hay Grounds or Mowing Lands, One-tenth Part of all ſuch Woodlands, and One-ninth Part of all ſuch other Lands within the ſaid Pariſh of *Steventon*, as are now ſubject to the Payment of Tythes, Moduſes, and Compoſitions as aforeſaid; which ſaid Plots, Parcels, or Pieces of Land ſo to be ſet out and allotted to the ſaid Impropriator and Vicar, ſhall by the ſaid Commiſſioners be divided between the ſaid Impropriator or his Heirs, and the ſaid Vicar and his Succeſſors, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall judge adequate to the reſpective Rights and Intereſts of the ſaid Impropriator and Vicar reſpectively in ſuch Tythes and other Payments as aforeſaid.

Not leſs than Twenty Acres to be laid next the reſpective Parſonage Houſes.

XXI. And be it further enacted, That not leſs than Twenty Acres ſhall be laid adjoining to each of the Parſonage Houſes within the ſeveral Pariſhes of *Carlton* and *Chellington*, and the ſame Number of Acres adjoining the Parſonage Houſe, and the Barn of the ſaid Earl *Spencer*, in *Steventon* aforeſaid, in ſuch Proportions as the Commiſſioners ſhall think fit, or as near thereto as the Eſtates or general Conveniency of the other Proprietors will admit.

Allotment of the Reſidue.

XXII. And be it further enacted, That after the ſaid ſeveral Allotments ſhall have been aſſigned and ſet out in Manner herein-before directed, then the ſaid Commiſſioners ſhall divide, ſet out, and allot all the Reſidue and Remainder of the ſaid Lands and Grounds hereby directed to be divided and incloſed, unto and amongſt the ſeveral other Proprietors thereof and Perſons intereſted therein, in ſuch Situations, and in ſuch Quantities, Shares, and Proportions as by the ſaid Commiſſioners ſhall be adjudged and determined to be a juſt Compenſation and Satisfaction for their ſeveral and reſpective Lands and Grounds, and Rights of Common and other Rights and Intereſts therein.

Paſture Land having been under Tillage Ten Years to be deemed Arable.

XXIII. Provided always, and be it further enacted, That all ſuch Paſture Land and Greenſward Ground (if any) as was ploughed or in Tillage in the Year One thouſand ſeven hundred and ninety-four, or at any Time ſince, lying and being in the ſaid Common and Open Fields, Home Cloſes, and ancient Incloſures of the ſeveral Pariſhes of *Carlton*, *Chellington*, and *Steventon* aforeſaid, ſhall (notwithſtanding the ſame be now laid down into Paſture) be deemed and taken as Arable Land.

Tythes to be payable until Allotments made.

XXIV. And be it further enacted, That until the ſaid Diviſion and Incloſure ſhall be made and ſet out in purſuance of this Act, or ſuch other Time as the ſaid Commiſſioners ſhall appoint, the ſaid *William Hooper* and his Succeſſors, and alſo the ſaid Earl *Spencer*, and the ſaid *Thomas Orlebar Marſh* and his Succeſſors, ſhall reſpectively be entitled unto, and receive and

and enjoy such and the same Tythes and Payments in lieu thereof, as they respectively could, might, or ought to have received and enjoyed in case this Act had not been made; and that immediately after the making the Allotments aforesaid, the said Rector and Vicar, and all other Persons whomsoever, shall for ever be exonerated and exempt from providing and keeping a Bull and a Boar for the Use of the Inhabitants of the several Parishes of *Carlton*, *Chellington*, and *Steventon*.

Exemption from keeping a Bull and a Boar.

XXV. And be it further enacted, That the Lands and Grounds which shall be allotted by virtue of this Act for and in lieu of Tythes, shall be accepted and taken by the said *William Hooper*, *Thomas Orlebar Marsh*, and Earl *Spenser*, their respective Successors, Heirs, or Assigns, or the Persons seised of the said Tythes for the Time being respectively, in full Satisfaction and Discharge of and for all and all Manner of Tythes, issuing, arising, and payable to them and each of them respectively, from, out of, or for all and every the Messuages, Homesteads, Orchards, Gardens, ancient Inclosures, Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds, within the several Parishes of *Carlton*, *Chellington*, and *Steventon* aforesaid, for the Tythes whereof Compensation shall be made by virtue of this Act (Easter Offerings, Mortuaries, and Surplice Fees, due to the said Rector and Vicar, only excepted).

Allotments to be in full Satisfaction for all Tythes.

XXVI. And be it further enacted, That the several Allotments herein-before directed to be set out, allotted, and awarded to the said *William Hooper* and *Thomas Orlebar Marsh*, their respective Heirs, Successors, and Assigns, in lieu of Glebe Lands and Right of Common, and the several Allotments herein-before directed to be set out, allotted, and awarded to the said *William Hooper*, *Thomas Orlebar Marsh*, and Earl *Spenser*, for and in lieu of Tythes as aforesaid, shall be respectively inclosed and fenced round the Boundaries thereof (except such Parts thereof as shall adjoin any other Allotments to the said *William Hooper*, *Thomas Orlebar Marsh*, and Earl *Spenser*, for Tythes, Glebe, and Right of Common) with Quickset Hedges and Ditches, or other proper Mounds or Fences, with proper Posts, Rails, and other Guard Fences to such Quickset Hedges, within such Times and in such Manner as the said Commissioners shall order and appoint; and for the Space of Seven Years next after the same shall be properly made, shall be preserved, repaired, and maintained, by and at the Expence of all or such of the Proprietors of the Lands and Grounds within the said Parishes respectively, which shall be inclosed or exonerated from Tythes within the said Parishes respectively by virtue of this Act, and in such Manner and Proportions as the said Commissioners shall order and appoint.

For fencing Tythe Allotments.

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

Fences of Proprietors Allotments.

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

Fencing across Freeboards.

XXVIII. And be it further enacted, That where any Parcel of Land so to be allotted as aforesaid, shall abut upon or adjoin to any Freeboard or Ditch belonging to any Common Fields or inclosed Grounds, next adjoining to the Lands or Grounds hereby intended to be inclosed, the Person or Persons to whom such Parcels of Land shall be allotted, shall and may and is and are hereby empowered to set up and erect any Gates or other Kind of Fence or Fences, in, over, and upon such Freeboard or Ditch, for dividing the said Parcel or Parcels of Land, and raising and preserving the Quicksets, Bank, Wood, and other Fences to be raised thereupon, until such Time as the Owner of such Freeboard or Ditch shall sufficiently, at his, her, or their own Expence, have fenced and mounded out the same Freeboard or Ditch from the Land adjoining thereto.

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

XXIX. And be it further enacted, That where there are any Homesteads, Gardens, Orchards, or other ancient inclosed Lands or Grounds, in the several Parishes of *Carlton*, *Chellington*, and *Steventon* aforesaid, or either of them, subject and liable to the Payment of any Tythes, the respective Proprietors whereof shall not be entitled to any, or not a sufficient Interest or Property in the Lands and Grounds hereby intended to be divided and inclosed, to make Compensation for the Tythes issuing and payable thereout, such Proprietors shall respectively pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall judge and determine to be a full Compensation and Satisfaction, according to the Proportions aforesaid, for the Tythes of such Homesteads, Gardens, Orchards, and other ancient inclosed Lands or Grounds respectively, or of such Part thereof for which a Compensation in Land cannot be made as aforesaid; and the several Sums of Money to be paid in respect of such Tythes, shall be applied towards defraying the Expences of obtaining and passing this Act, and carrying the same into Execution, and shall and may be raised and recovered in like Manner as such Expences are by the said recited Act directed to be raised and recovered.

The Commissioners, with Consent of Proprietors, may allot in lieu of the Tythe of certain inclosed Land, Part of such inclosed Lands.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent in Writing as well of the Proprietor or Proprietors of any of the ancient inclosed Lands and Grounds in the said several Parishes, for the Rectorial Tythes whereof a Compensation is not herein-before directed to be made, as of the Owner or Owners of the Rectorial Tythes payable thereout respectively, to set out and allot for and in lieu and Satisfaction of all Rectorial Tythes of such old inclosed Lands, such Part and Parts of the same inclosed Lands, as shall in the Judgement of the said Commissioners be equal in Value (Regard being had to the Proportions aforesaid) to the Rectorial Tythes issuing and payable out of the same inclosed Lands and Grounds.

XXXI. And

Lands may be sold to defray Expences.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall judge it expedient, upon the Request to them in Writing, made at any of their Meetings to be held in pursuance of this Act, previous to the setting out any Allotments hereinbefore directed to be made, of any of the Owners or Proprietors of the Lands and Grounds by this Act intended to be divided and inclosed, or of any Common Right or other Interest therein (except the Rector and Vicar aforesaid) whether seised in Fee, or Tenant in Tail, or for Life or Lives, or for any Number of Years determinable upon Life or Lives, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees or Attornies, of or for any such Owners or Proprietors, being under Coverture, Minors, Lunaticks, or beyond the Seas, or under any other Disability or Incapacity, or of the Persons acting as such Guardians, Trustees, Committees, or Attornies, to sell and dispose of so much of the Allotment or respective Allotments of such Owner or Owners, to whom or on whose Behalf such Request shall be made as aforesaid, as shall, in the Judgement of the said Commissioners, be equal to his, her, or their Share and Proportion, or respective Shares and Proportions of the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution, and of fencing the remaining Allotment or Allotments of such Owner or Owners respectively; and the Land so sold shall be allotted unto and amongst such other Person or Persons who shall pay such Charges and Expences, in Proportion to the Sums they shall respectively pay or contribute thereto: Provided always, that if there shall be any Overplus of the Money arising by such Sale, the same shall be applied in the Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, with respect to the Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon.

Right of Common may be sold.

XXXII. And be it further enacted, That it shall be lawful for any Person or Persons who hath or shall have, or be entitled to any Right of Common, or other Right or Interest, in, upon, or over any of the Lands and Grounds hereby directed to be divided and inclosed, or to or in whom any Common of Pasture, or other Share or Part of any Common of Pasture, shall be assigned or become vested by virtue of this Act, to sell and dispose of such respective Rights and Interests separately and apart from the Property in respect of which they shall or may be severally entitled to such Right of Common, or other Right or Interest.

For allowing Exchanges to be made.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the several Parishes of *Carlton*, *Chellington*, and *Steventon* aforesaid, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever, within the said several Parishes, or within any adjoining Parish, Hamlet, or Township, provided that all such Exchanges be ascertained, specified, and declared in the said Award of the said Commissioners, 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

whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or 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, Lunaticks, 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 Politick, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every Exchange and Exchanges ſo to be made, ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged, ſhall lie and be ſituate: Provided always, that all Coſts, Charges, and Expences attending the making and completing any Exchanges and Partitions, and of making Enfranchiſements, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, or Enfranchiſements, in ſuch Manner and in ſuch Proportion as the ſaid Commiſſioners ſhall by their ſaid Award order and direct: Provided alſo, that the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences, when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be holden in purſuance of this Act.

Expences to be borne by the Parties.

Proprietors and Agents to pay their own Expences.

Power to enfranchiſe Copyholds:

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, with the Conſent of the reſpective Lords of the Manor or Manors of whom any Meſſuages, Cottages, Lands, or Tenements in the ſaid ſeveral Pariſhes of *Carlton*, *Chellington*, and *Steventon*, are or ſhall be holden by Copy of Court Roll, and of the Cuſtomary Tenant or Tenants by whom any ſuch Meſſuages, Cottages, Lands, or Tenements ſhall be reſpectively holden, in and by the Award of the ſaid Commiſſioners, or any other Writing or Writings to be ſigned and ſealed by the ſaid Commiſſioners, and ſuch Lord or Lords, and Tenant or Tenants reſpectively, or by the Huſbands, Truſtees, or Guardians, Committees, or Attornies of and for any ſuch Tenants, being Femes Covert, Minors, Lunaticks, beyond the Seas, or under any other Incapacity or Diſability, at any Time before the Expiration of Three Calendar Months from the Date of the ſaid Award, to declare any ſuch Copyhold or Cuſtomary Meſſuages, Cottages, Lands, or Tenements, to be enfranchiſed, and the Tenures by which the ſame are holden, and the Fines, Heriots, and other Services incident thereto, to be diſcharged and extinguiſhed; and that the ſame Meſſuages, Cottages, Lands, or Tenements, or any Part or Parts thereof reſpectively, ſhall from thenceforth be holden of the Lord or Lords of the ſame reſpective Manor, either by the Rents which ſhall have been theretofore paid or payable to the Lord or Lords of the ſame Manor in reſpect thereof, or by any leſs Rent or Rents to be in ſuch

Writing

Writing or Writings aſcertained and aſſigned, or without Rent, and to aſſign and award to the Lord of the ſame Manor any Sum of Money, or ſuch Compenſation by Part of ſuch Cuſtomary and Copyhold Lands and Tenements, or by and out of any of the Lands and Tenements hereby directed to be divided and incloſed, or any other Lands, Tenements, or Hereditaments of ſuch Cuſtomary or Copyhold Tenant or Tenants, in the ſeveral Pariſhes of *Carlton*, *Chellington*, and *Steventon* aforeſaid, as ſhall in the Judgement of the ſaid Commiſſioners be an Equivalent and Satiſfaction for the cuſtomary Payments, Burthens, and Services, to which ſuch Copyhold Meſſuages, Cottages, Lands, or Tenements reſpectively, ſhall have been ſubject or liable; and the Lord or Lords for the Time being of the Manor to whom any ſuch ancient Rent ſhall be reſerved and continued, or any leſſer Rent aſſigned, ſhall have the like Powers and Remedies for the Recovery of ſuch Rents reſpectively, as by the Laws of this Realm are given for the Recovery of Rents of Aſſize and Chief Rents; and from and after ſuch Declaration ſhall be made and executed, and ſuch Sum of Money or other Compenſation ſhall be paid or aſſigned in Exchange for ſuch Copyhold Tenure, the Lands and Tenements in every ſuch Declaration comprized, and thereby expreſſed to be enfranchiſed, ſhall be held, poſſeſſed, and enjoyed, by the Owner or Owners thereof paying or making ſuch Compenſation, their Heirs or Aſſigns, or other Perſons claiming in Reverſion or Remainder of the Lord or Lords of ſuch Manors reſpectively, in free and common Socage, diſcharged of the Tenure by Copy of Court Roll, and of all Services and Duties incident to ſuch Tenure, and all other Services and Payments, except the Rent or Rents which may be continued or reſerved to ſuch Lord or Lords in reſpect thereof; and the Land or other Hereditaments ſo to be aſſigned to ſuch Lord or Lords, ſhall be by him or them, and his or their Heirs and Aſſigns, held and enjoyed in Compenſation for the Tenure ſo to be extinguiſhed, any want of Title in ſuch Lord or Lords, Tenant or Tenants, or any Will, Settlement, Limitation, or Incumbrance notwithſtanding: Provided always, that the Money to be received for the Enfranchiſement of any Copyhold Lands or Tenements, in purſuance of this Act, ſhall be applied in the Manner directed by the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, as herein-before mentioned.

This Act not to affect Wills, Deeds, &c.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued, adjudged, deemed, or taken to extend, to revoke, make void, alter, or annul any Settlement, Deed, Will, or Leaſe, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Legacy, Annuity, Mortgage, Debt, Rent, Charge, or Incumbrance whatſoever, in, out of, upon, or anywiſe affecting any of the Lands or Grounds hereby intended to be divided and incloſed, or any of the Meſſuages, Lands, Tythes, Tenements, or other Hereditaments which ſhall be partitioned, exchanged, or aſſigned, in Compenſation for any other Eſtate or Right by virtue of this Act, or any Part or Parts thereof reſpectively, but as well the Land allotted as the Meſſuages, Lands, Tenements, and other Hereditaments which ſhall be aſſigned on any Partition, or in Exchange or in Compenſation for any other Eſtate or Right, ſhall, immediately after ſuch Allotment, Partition, Exchange, or Aſſignment ſhall be made, be veſted, remain,

main, and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted, aſſigned, or given in Exchange as aforeſaid, ſhall from thenceforth ſtand and be ſeiſed thereof reſpectively, to, for, and upon ſuch and the ſame Uſes, Eſtates, Truſts, Intents, and Purpoſes reſpectively, and ſubject and liable to ſuch and the ſame Wills, Settlements, Limitations, Remainders, Conditions, Charges, Tenures, Rents, Services, and Incumbrances, as the ſeveral Meſſuages, Lands, Tythes, and Hereditaments, in reſpect whereof ſuch Allotments, Aſſignments, and Exchanges ſhall have been made, ſhould or would have ſtood ſeverally limited, ſettled, or veſted, or ſubject or liable to be charged with, or held or affected by, in caſe the ſame had not been incloſed, aſſigned, or exchanged, and this Act had not been made.

Vacating Leaſes at Rack Rent.

XXXVI. And be it further enacted, That all and every Leaſes, Agreements, and Tenancies at Rack Rents now ſubſiſting, of all and every, or any Part or Parts of the Lands and Grounds hereby intended to be divided and incloſed, or by virtue of this Act to be exonerated from Tythes, or which ſhall be exchanged or divided in Partition as aforeſaid, and of all Meſſuages, Cottages, Lands, and Tenements in the ſeveral Pariſhes of *Carlton*, *Chellington*, and *Steventon* aforeſaid, and in any adjoining Pariſh held therewith, ſhall ceaſe and be void at ſuch Time or Times as the ſaid Commiſſioners ſhall by Writing under their Hands order and direct, the reſpective Leſſors, Owners, or Proprietors of ſuch Meſſuages, Cottages, Lands, or Tenements, making ſuch reaſonable Satisfaction to ſuch Leſſee or Leſſees, Tenant or Tenants, for the Loſs which ſhall be ſuſtained by the Determination of ſuch Leaſes or Agreements reſpectively, and at ſuch Times as ſhall be mutually ſettled and agreed upon between them, or as the ſaid Commiſſioners, being thereunto required by either of the Parties, ſhall aſcertain, order, direct, and appoint: Provided always, that if there ſhall be any Leaſe of Lands, Part of which ſhall lie in either of the ſaid Pariſhes of *Carlton*, *Chellington*, and *Steventon*, and Part in any adjoining Pariſh, all and every ſuch Leaſe or Leaſes upon Rack Rent now ſubſiſting may be vacated; but where any Land ſhall have been taken in Exchange, which Land ſhall be under Leaſe, and wholly ſituate in an adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Land ſhall not be vacated.

Proprietors enabled to borrow Money.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſeveral Owners and Proprietors for the Time being of any of the Allotments to be made, or of any of the Homeſteads, Orchards, and ancient Incloſures to be exonerated from Tythes in purſuance of this Act, or of any Part thereof, and to and for the Huſbands, Guardians, Truſtees, Committees, or Attornies of or for any of the ſaid Owners or Proprietors who may be under Coverture, Minors, Lunaticks, or beyond the Seas, or under any other Diſability or Incapacity, and to and for all Perſons acting as Guardians, Truſtees, Committees, or Attornies for any of the ſame Owners or Proprietors, and to and for any of the ſaid Owners and Proprietors being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, or otherwiſe intereſted as aforeſaid, and to and for every of them reſpectively (other than and except the ſaid Rector and Vicar and their Succeſſors, and ſuch Perſons from whoſe Allotments Deductions ſhall have been made for the Payment of the Expences of Incloſure) by and with the Conſent of the ſaid Commiſſioners,

miſſioners, in Writing under their Hands and Seals, from Time to Time to charge ſuch reſpective Allotments, Homeſteads, and ancient Inclоſures, or any Part or Parts thereof reſpectively, with any Sum or Sums of Money, at the Diſcretion of the ſaid Commiſſioners, not exceeding Five Pounds for every Acre of Land or Ground ſo to be allotted; and for every Acre of ſuch Homeſteads, Orchards, and ancient Incloſures which ſhall be exonerated from Tythes by a Compenſation in Land, to be paid to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall nominate and appoint, in order to be applied in defraying the ſeveral Shares and Proportions of ſuch reſpective Proprietors, of the Charges and Expences of obtaining and executing this Act, and of dividing and incloſing the reſpective Allotments, and ſubdividing the ſame, if proper, and to charge the ſeveral Homeſteads and ancient Incloſures which ſhall be exonerated from Tythes, wholly or in part by any Payment in Money, with any Sum or Sums not exceeding the Amount of the reſpective Payments which ſhall be made by the Direction of the ſaid Commiſſioners, as a Compenſation for ſuch Exoneration from Tythes, and in Diſcharge of the Proportion and Share of the Expences of paſſing this Act, and carrying the ſame into Execution, which ſhall be aſcertained and apportioned by the ſaid Commiſſioners, in reſpect of the Homeſteads and ancient Incloſures ſo exonerated; and for ſecuring the Repayment of ſuch reſpective Sums, with Intereſt, to grant, mortgage, ſurrender, or demiſe ſuch Lands and Tenements reſpectively, to ſuch Perſon or Perſons as ſhall reſpectively advance and lend ſuch Sum and Sums, and to his, her, and their reſpective Heirs, Executors, Adminiſtrators, and Aſſigns, in Fee, or for any Term or Number of Years; ſo that every ſuch Grant, Mortgage, Surrender, or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be re-conveyed or ſurrendered, when ſuch Sum or Sums of Money thereby to be ſecured, and the Charges occaſioned by preparing and executing ſuch Security, and of borrowing ſuch Sum and Sums of Money, with Intereſt for the ſame reſpectively, ſhall be paid and ſatisfied; and ſo that in every ſuch Grant, Mortgage, Surrender, or Demiſe which ſhall by virtue of this Act be made by any Tenant in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, there be contained a Proviſo or Condition that no Perſon who ſhall afterwards become entitled in Remainder or Reverſion to the Lands or Tenements therein comprized, ſhall be liable to pay any further or larger Arrear of Intereſt, in reſpect of the Money ſo to be charged as aforeſaid, than for one Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced.

Or charge the Lands with their Proportion of Expences.

XXXVIII. Provided always, and be it further enacted and declared, That in the place of any ſuch Grant, Mortgage, Surrender, or Demiſe as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, by any Deed or Deeds, Writing or Writings under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, at the Requeſt of any of the ſaid Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwiſe intereſted as aforeſaid, who ſhall reſpectively pay and diſcharge his, her, or their Part and Proportion of the Payment, Charges, and Expences aforeſaid, to authorize and empower ſuch Owners and Proprietors, or either of them making ſuch Requeſt, to charge and ſubject the ſaid Lands

Lands and Grounds ſo to be exonerated from Tythes, or allotted to or for them reſpectively, with any Sum or Sums of Money not exceeding the reſpective Sums herein-before limited, with Intereſt for the ſame as aforeſaid, which Sum or Sums of Money ſo to be charged as laſt aforeſaid, ſhall be payable within one Year next after the Deceaſe of every ſuch Tenant in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or after the Determination of any ſuch contingent Eſtate or Intereſt reſpectively, with Intereſt, to be computed from his, her, or their reſpective Deceaſe, or from the Determination of ſuch contingent Eſtate or Intereſt, unto ſuch Perſon or Perſons as ſuch reſpective Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or upon ſuch other Contingency reſpectively, by any Deed or Will duly executed and attested, ſhall direct or appoint; and in Default of ſuch Direction or Appointment, to ſuch Perſon or Perſons, his, her, or their Executors or Adminiſtrators.

Commiſſioners Accounts to be examined yearly.

XXXIX. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act (ſuch Year to be computed from the Day of the paſſing thereof) the ſaid Commiſſioners ſhall and they hereby required to make a true and juſt Statement or Account of all Sums of Money by them or their Order received and expended, or due to them for their 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 them laid before any One or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Bedford*, to be by him or them examined and balanced, Ten Days previous Notice being given in the *Northampton Mercury*, and alſo on One of the outer Doors of each of the ſaid Parith Churches of *Carlton*, *Chellington*, and *Steventon*, of the Time and Place when the Accounts are to be ſo examined and balanced, and ſuch Balance ſhall, by ſuch Juſtice or Juſtices, be ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice or Juſtices.

Commiſſioners and Surveyors Allowance.

XL. And be it further enacted, That the ſaid Commiſſioners and their Clerk ſhall be paid for every Day on which they ſhall reſpectively travel, or be employed in tranſacting any Buſineſs relating to the ſaid intended Diviſion and Incloſure, or in the Execution of any of the Powers hereby veſted in them, the Sum of Two Guineas and an Half each, in full Satisfaction for Labour and Journies, and for the Expences they may be put unto reſpectively for their Maintenance, Support, and other neceſſary Expences, at the Times of ſuch Journies and Attendances, and the ſaid Surveyor or Surveyors, or other Perſon or Perſons to be employed by them, ſhall be paid ſuch Sum or Sums of Money for his or their Labour and Attendances as the ſaid Commiſſioners ſhall allow and direct.

Coſts and Charges.

XLI. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act, of ſurveying, admeaſuring, planning, dividing, allotting, and diſcharging from Tythes the Open and Common Fields, Common Meadows, Common Paſtures, Commonable Lands, and Waſte Grounds, hereby directed to be divided and incloſed, and the ſeveral Homeſteads and ancient Incloſures

closures in the several Parishes of *Carlton*, *Chellington*, and *Steventon* aforesaid; and of fencing and making the publick Roads to be set out, of preparing and inrolling the Award, and all the Charges and Expences of the said Commissioners, and of the several Persons to be employed by them, either before or after the Execution of the said Award, or in, about, or concerning the Execution of this Act, shall be borne, paid, and defrayed by all and every the Proprietors and Owners of, or Persons having Rights or Interests in the Lands and Grounds hereby directed to be divided and inclosed, and the Homesteads and ancient Inclosures which shall be exonerated from, or enfranchised by virtue of this Act (other than and except the said *William Hooper*, *Thomas Orlebar Marsh*, and *George John* Earl *Spencer*, and also except the Persons from whose respective Allotments Deductions shall have been made for their respective Shares of the Expences of Inclosure) in such Proportions according to their respective Rights and Interests, and shall be paid to such Person or Persons, and at such Time or Times, either before or after the Execution of the said Award, as shall from Time to Time be settled, adjusted, determined, and appointed by the said Commissioners, by any Writing or Writings under their Hands, and shall be levied and recovered in Manner directed by the said recited Act.

Appeal.

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

Awards.

XLIII. And be it further enacted, That the Awards to be made by the said Commissioners, pursuant to the Directions of the said recited Act of the Forty-first of His present Majesty, One of which shall include the said Parishes of *Carlton* and *Chellington*, and the other the said Parish of *Steventon*, when inrolled in the Manner by the said recited Act directed, shall be deposited in such Places, and there kept and preserved,

as the ſaid Commiſſioners ſhall appoint for that Purpoſe, ſo as Recourſe may be had to them by any Perſon or Perſons intereſted in the Premiſes.

General Saving.

XLIV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators (except the 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.

Publick Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1805.