ANNO PRIMO

VICTORIÆ REGINÆ.

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Cap. 11.

An Act for inclosing Lands in the Parish of *Higham Ferrers* in the County of *Northampton*.

[11th *June* 1838.]

WHEREAS there are within the Parish of *Higham Ferrers* in the County of *Northampton* divers Open Fields and Commonable and Waste Lands and Grounds: And whereas the Queen's most Excellent Majesty, in right of Her Duchy of *Lancaster*, is Lady of the Manor of *Higham Ferrers* within the said Parish of *Higham Ferrers*, and as such is entitled to the Soil of the Waste Lands within the said Manor, and Her said Majesty in the same Right is also entitled to divers Lands and Grounds within the said Parish: And whereas the Right Honourable *Charles William* Earl *Fitzwilliam* is Lessee for a Term of Years of the said Manor of *Higham Ferrers*, and also of the said Lands and Grounds within the Parish of *Higham Ferrers* aforesaid, belonging to the Queen's Majesty as aforesaid: And whereas the Mayor and Corporation of the Borough or Town of *Higham Ferrers* aforesaid are or claim to be Lords of a Manor within the Limits of the said Borough or Town, called the Borough and Town of *Higham Ferrers*, and also are or claim to be entitled to the Soil of the Waste Lands within the said Manor: And whereas the said Earl *Fitzwilliam* in his own Right is Impropriator of the Impropriate Rectory of *Higham Ferrers* aforesaid,

and is in such Right entitled to all the Great or Rectorial Tithes arising and renewing from the said Lands within the said Parish of *Higham Ferrers*, except of so much thereof as were exonerated from Tithes under or by virtue of an Act of Parliament passed in the Fortieth Year of the
40 G. 3. c. 36. Reign of King *George* the Third, intituled *An Act for dividing and inclosing the Open and Common Fields, Common Meadows, Commonable Lands, and Waste Grounds within the Parish of* Newton Bromshold *in the County of* Northampton, *and also such of the Open Fields and other Commonable Lands within the Parish of* Higham Ferrers *in the said County of* Northampton *as are called or known by the Names of the* Buscotts *and* No Man's Leys; and the said Earl *Fitzwilliam* in his own Right is Patron of the Vicarage of *Higham Ferrers* aforesaid, and the Reverend *George Malim* is Vicar thereof; and the said *George Malim* as such Vicar claims to be entitled to the Small or Vicarial Tithes yearly arising, renewing, and increasing within the said Parish and Liberties of *Higham Ferrers*, except as aforesaid, or to certain Moduses, Payments, or Compositions in lieu thereof respectively; and he also claims to be entitled to an annual Stipend of Thirty-one Pounds Six Shillings and Eight-pence, and One Quarter of Wheat, One Quarter of Barley, One Quarter of Oats, and One Quarter of Beans, payable out of the Impropriate Rectory; And whereas the said Earl *Fitzwilliam* in his own Right is also entitled to several Homesteads and old Inclosures in the said Parish of *Higham Ferrers*, and to certain Cottage Common Rights over the said Commonable Lands there, in respect of various Burgage Tenements within the said Borough: And whereas Her said Majesty in right of Her said Duchy, the said Earl *Fitzwilliam* in his own Right, and divers other Persons are the Owners and Proprietors of or interested in the said Open Fields and Commonable and Waste Lands and Grounds in the Parish of *Higham Ferrers* aforesaid: And whereas an Act was passed in
41 G. 3. c. 109. the Forty-first Year of the Reign of King *George* the Third, 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 another Act
1 & 2 G. 4. c. 23. was passed in the First and Second Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in* England: And whereas the Estates of the several Proprietors in the said Open Fields and Commonable and Waste Lands and Grounds lie intermixed and dispersed in small Parcels, and in their present State are incapable of any considerable Improvement, and the Owners and Persons interested therein are desirous that the same may be divided and inclosed, and specific Shares thereof set out and allotted to them respectively in lieu of and in proportion to their several and respective Estates, Rights, and Interests therein; but as such Division and Inclosure cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

Appointment of Commissioner.

the Authority of the same, That *Edward Gibbons* of *Castor* in the County of *Northampton*, Gentleman, and his Successor for the Time being, to be appointed in manner herein-after mentioned, shall be and he is hereby appointed the sole Commissioner for dividing, allotting, and inclosing the said Open Fields and Commonable and Waste Lands and Grounds, and for carrying this Act into execution, subject to the Rules, Orders, and

Regulations in this Act contained, and also subject to the Rules, Orders, and Regulations contained in the said recited Acts, except such as are by this Act varied or altered.

Commissioner to make a Declaration.

II. And be it further enacted, That no Person shall be capable of acting as the Commissioner in the Execution of this Act until he shall have made and subscribed the following Declaration; (that is to say,)

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

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

Appointment of new Commissioner.

III. And be it further enacted, That in case the said *Edward Gibbons* or any Person hereafter to be appointed in his Stead shall before the finishing of the said Division, Allotment, and Inclosure die, or neglect, refuse, or become incapable to act as a Commissioner in the Execution of this Act, then and in every such Case it shall be lawful for the Chancellor and Council of the Duchy of *Lancaster* for the Time being, and for the said Earl *Fitzwilliam* or his Heirs, within One Calendar Month after such Death, Refusal or Incapacity to act shall be made known to them, to nominate and appoint a proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room and Stead of the said *Edward Gibbons*, or of such other Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as aforesaid; but if such Appointment shall not be made within the Time before limited, then it shall be lawful for the said Chancellor and Council for the Time being, or for the said Earl *Fitzwilliam* or his Heirs, to make Application to the General Court of Quarter Sessions to be holden for the County of *Northampton* to fill up such Vacancy, Notice of such intended Application being first given to the others or other of the said Parties; and such Court of Quarter Sessions is hereby authorized and required to nominate and appoint a proper Person (not interested as aforesaid) to be a Commissioner in the Room and Stead of the said *Edward Gibbons*, or of such other Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every new Commissioner so nominated and appointed shall, from and immediately after his Appointment and making the Declaration herein-before prescribed in that Behalf, have such and the like Powers and Authorities for carrying this Act and the said recited Acts into execution, to all Intents and Purposes, as if he had been named and appointed a Commissioner in and by his Act.

IV. And

What shall be deemed a Refusal to Act.

IV. And be it further enacted, That if the said Commissioner shall neglect to attend at One of the first Two Meetings appointed to be held for putting this Act into execution, and to qualify himself by making the Declaration in that Behalf prescribed, or if the said Commissioner shall, at any Time after having qualified himself as aforesaid, absent himself from any Two successive Meetings appointed to be held as aforesaid, he having first known of such Meetings, by his Presence at the Appointment thereof, or having Notice thereof in Writing given to him or left at his usual Place of Abode under the Hand of the Clerk of the said Commissioner, and such Commissioner not being prevented by Sickness or other reasonable Cause, or if any Commissioner to be nominated and appointed as aforesaid shall not attend and qualify himself at One of the first Two Meetings after his becoming a Commissioner, or shall, after having qualified himself as aforesaid, wilfully absent himself from any Two successive Meetings, (having first known thereof or after such Notice and without such Cause as last aforesaid,) every such Absence or Nonattendance shall be deemed and taken to be a Refusal to act.

Surveyor.

V. And be it further enacted, That *Richard Hayward* of *Thorpe Malsor* in the said County of *Northampton*, Land Surveyor, or his Successor to be appointed in manner herein-after mentioned, shall be the Surveyor for the Purposes of this Act; and in case the said *Richard Hayward*, or any Person to be appointed in his Stead, shall, before the finishing of the said Division, Allotment, or Inclosure, die, neglect, refuse, or become incapable to act as such Surveyor as aforesaid, it shall be lawful for the said Commissioner to appoint some fit and proper Person or Persons (not interested in the said intended Division, Allotment, and Inclosure,) to be the Surveyor or Surveyors for the Purposes of this Act, and on every future Vacancy in like Manner to appoint some other fit and proper Person or Persons (not interested in the said Division, Allotment, and Inclosure,) as often as there shall be Occasion; and the said Commissioner is hereby authorized, out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act and executing the same, to allow to every such Surveyor for his Time and Trouble any Sum not exceeding One Shilling and Sixpence *per* Acre for surveying, measuring, mapping, and planning the said Lands or any of the ancient inclosed Lands or any Part thereof, and also any Sum not exceeding Two Pounds and Two Shillings for each Day he shall be actually and wholly employed in the Business of the said Division, Allotment, and Inclosure, exclusive of the Survey aforesaid, and which said several Allowances shall be in full Satisfaction for his Time and Trouble and for all travelling and other Expences of every Description to be incurred by such Surveyor or Surveyors in and about the Execution of this Act.

Surveyor to make a Declaration.

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

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Duties incumbent on me as Surveyor

'Surveyor by virtue of an Act passed in the Year of the 'Reign of Queen *Victoria*, intituled [*here set forth the Title of this 'Act*], according to Equity and good Conscience, and without 'Favour or Affection, Prejudice or Malice, to any Person or Persons 'whomsoever.'

Which Declaration the Commissioner for the Time being, or any Justice of the Peace for the said County of *Northampton*, is hereby empowered and required to administer or receive; and the said Declarations so made and subscribed by any such Surveyor shall be annexed to and deposited with the Award of the said Commissioner.

Penalty on making a false Declaration.

VII. And be it further enacted, That any Person making and subscribing a Declaration under the Authority of this Act, and who shall wilfully and corruptly make and subscribe such Declaration, knowing the same to be false in any material Particular, shall be subject to the like Pains and Penalties to which Persons guilty of a Misdemeanor are or may be liable.

Appointment of Clerk.

VIII. And be it further enacted, That the said Commissioner shall have Power and he is hereby authorized to appoint some fit and proper Person to be Clerk to assist him in carrying this Act and the said recited Acts into execution, and from Time to Time to remove such Clerk and appoint another in his Stead, as to such Commissioner shall seem meet; and such Clerk so to be appointed shall be paid or allowed, out of the Money to be raised for putting this Act into execution, such Sum or Sums of Money as herein-after mentioned for his Time, Trouble, and Expences in the Assistance to be given by him as aforesaid.

Allowance to Commissioner and Clerk.

IX. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act and executing the same and the said recited Acts, the said Commissioner and the Clerk to be appointed by him as herein-before directed shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, during the first Three Years next after the passing of this Act, the Sum of Three Pounds and Three Shillings, and no more, and after the Expiration of the said Three Years until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Rooms in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, copying, engrossing, and enrolling the Award of the said Commissioner, and of Agreements, Notices, and Advertisements.

Regulating the Duration of Meetings.

X. And for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-

fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged only as Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk, in which shall be entered the several Days on which the said Commissioner shall hold the Meetings, and at what Hours the said Commissioner was present thereat, and at what Hour he left or adjourned the same; and such Book shall be signed by the said Commissioner at the Termination of each Meeting, and shall be open to the Inspection of all Persons interested in the said Inclosure, their Agents or Atornies, during the several Meetings to be held in pursuance of this Act, and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioner to retain or pay himself or such Clerk, out of the Monies to be received by him or over which he may have any Control in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioner and Clerk respectively, beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioner or of the said Clerk previous to the Execution of the said Award, the said Commissioner for the Time being shall, after the Expiration of the Time allowed for Appeal against the Accounts hereinafter directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due thereon.

Proprietors to pay their own Expences.

XI. Provided always, and be it further enacted, That all Proprietors and Persons interested in the said Inclosure, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend at any of the Meetings to be held in pursuance of this Act.

Notice and adjournment of Meetings.

XII. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be given in some Newspaper circulated in the said County of *Northampton*, and also by a Notice affixed upon the principal outer Door of the Parish Church of *Higham Ferrers* aforesaid on some *Sunday* before Divine Service, of the Time and Place of his First and every subsequent Meeting for executing the Powers hereby and by the said recited Acts vested in him, at least Seven Days before every such Meeting shall be held (Meetings by Adjournment only excepted); and the said Commissioner shall and may adjourn such Meetings from Time to Time as he shall see Occasion for the Execution of this Act and the said recited Acts: Provided always, that all Meetings of the said Commissioner for executing this Act shall be held at some convenient Place in the said Parish of *Higham Ferrers*, or within Eight Miles therefrom.

XIII. Pro-

How other Notices are to be given.

XIII. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioner (except in Cases where Notice is directed to be given otherwise in and by this Act) shall be given by Advertisement to be inserted in some Newspaper circulated in the said County of *Northampton*, and also by affixing such Notice on the principal outer Door of the Parish Church of *Higham Ferrers* aforesaid.

Objections to Claims, &c, how to be made.

XIV. And be it further enacted, That if any of the Parties interested in the Premises shall have any Objection to any of the Accounts or Claims which shall be delivered to the said Commissioner by virtue of the said recited Acts or this Act, such Objection shall, within such Time as the said Commissioner shall appoint by Notice to be inserted in any such Newspaper as aforesaid, be reduced into Writing, and Two Parts thereof shall be signed by the Party or Parties making the same, or by some Agent or Person on his, her, or their Behalf, and One Part thereof shall be delivered to the said Commissioner, or left at the Office of the Clerk of the said Commissioner, and the other Part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her, or their Agent, or left at his, her, or their last or usual Place of Abode, at such Time as the said Commissioner shall appoint for that Purpose; and no Objection to any of the said Accounts or Claims shall be afterwards received by the said Commissioner unless for some special Cause to be allowed by him.

Boundaries to be ascertained.

XV. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, ascertain, fix, and determine the Boundaries of the said Manor of *Higham Ferrers*, and of the said Manor belonging to the said Mayor and Corporation of the Borough or Town of *Higham Ferrers* aforesaid respectively, and the said Boundaries shall be set forth and described in and by the Award herein-after directed to be made, and the Adjudications and Determinations of the said Commissioner as to the said several Boundaries shall be final, binding, and conclusive, but subject nevertheless to an Appeal to the Quarter Sessions as herein-after mentioned.

Commisione to settle Disputes;

XVI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required as soon as conveniently may be after the passing of this Act, by such Evidence, Ways, and Means as he shall deem expedient, to ascertain and determine the respective Rights of Common of the several Persons having or claiming to have any Right or Interest in, to, upon, or over the said Open Fields and Commonable and Waste Lands and Grounds, or any Part or Parts thereof; and if any Dispute or Difference shall arise between any of the Parties who now are or before the Execution of the Award of the said Commissioner may be interested in the said intended Division and Allotment touching their respective Rights and Interests in the said Lands to be divided and allotted by virtue of this Act, or touching or concerning any Allotment, Compensation, or Provision to be made in lieu or in respect thereof, or touching or concerning any other Matter or Thing relating to the said Open Fields and Commonable and Waste Lands and Grounds, or the Inclosure, Division, or Allotment thereof, it shall be lawful for the said Commissioner and he is hereby authorized and required to examine into, hear,

hear, and determine every such Dispute or Difference, by the Evidence of Witnesses on Oath or Affirmation, (which Oath or Affirmation the said Commissioner is hereby authorized to administer,) or by other proper and sufficient Evidence; and the Determination of the said Commissioner touching every or any such Right, Interest, Claim, Dispute, or Difference as aforesaid shall be final and conclusive upon the several Parties interested or claiming to be interested in the Matter in question, and upon all other Persons, Bodies Politic, Corporate, or Collegiate, and Parties whomsoever, but subject nevertheless to the Power herein-after given to the said Parties respectively to have such Matter in question tried and determined by an Action at Law as is herein-after mentioned.

but not to determine Titles.

XVII. And be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nort o determine any Right between any Parties contrary to the Possession of any such Parties, but in case the said Commissioner shall be of opinion against the Right of the Party so in Possession he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Party, or recovered from such Party by Ejectment or other due Course of Law.

Power to award Costs.

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

Allowing Parties to try their Rights at Law.

XIX. Provided always, and be it further enacted, That in case any Person or Corporation interested or claiming to be interested in the said Division and Allotment shall be dissatisfied with any Determination of the said

said Commissioner touching or concerning any Claim of Right of Common or other Rights and Interests in, over, or upon or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part or Parts thereof, or touching or concerning any Matter or Thing whatsoever relating to the Division, Allotment, or Inclosure by this Act directed, it shall be lawful for the Person or Corporation so dissatisfied with any such Determination to cause an Action to be brought in One of Her Majesty's Courts of Record at *Westminster* upon a feigned Issue against the Person or Corporation in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Person or Corporation against whom such Determination shall have been made, or to his or their known Agent or Attorney; and the Person or Corporation so dissatisfied as aforesaid may proceed to a Trial at Law of the Matter so determined by the said Commissioner at the next or the second Assizes to be holden for the said County of *Northampton* after such Action shall have been so commenced; and the Defendant in such Action shall and he is hereby required to name an Attorney, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Objection and the Right thereby insisted on may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action shall be commenced, in case the Parties shall differ about the same); and the Verdict which shall be given in such Action shall be final, binding, and conclusive upon all the Parties thereto, unless the Court wherein such Action shall be brought shall set aside such Verdict and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim, Right, or Interest thereby determined, according to the Event of such Trial: Provided always, that if no such Action at Law as aforesaid shall be commenced within the Time herein-before limited, or if any such Action shall be commenced, and the Plaintiff therein shall not proceed to Trial within the Time and in manner herein-before mentioned, then the Determination of the Commissioner shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Deaths of Parties not to abate Actions.

XX. Provided also, and be it further enacted, That if any of the Parties, Plaintiffs or Defendants in any Action, to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and if any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person or Corporation respectively who might have brought such Action against the Person so dying to bring the same within the Time so limited as aforesaid against such Person as if actually living, and to serve the Clerk of the said Commissioner with Process for commencing such Action in the same Manner as the Party so dying might have been served therewith if living, and it shall thereupon be incumbent on the said Clerk to serve the Heir

or other Person who shall claim the Benefit of such Determination as aforesaid with such Process, and on being so served such Heir or other Person shall appear and defend such Action in the Name of the Person so dead; and Proceedings shall be had therein in the same Manner as if such Person had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of every such Action.

Suits between Parties not to delay the Execution of this Act.

XXI. Provided always, and be it further enacted, That if any Suit shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Party in or to any Lands, Tenements, Tithes, or Hereditaments whatsoever for or in respect of which any Right of Common or other Rights or Interests in, over, or upon the said Lands hereby directed to be divided and allotted or any Part thereof shall be claimed, such Suit shall not impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by this Act or the said recited Acts, but the said Division and Allotment shall be proceeded in notwithstanding such Suit, and the said Commissioner shall award the Allotment or Allotments in respect of the Hereditaments to which such Suit shall relate to the Person or Party who shall be in the actual Possession or Enjoyment of such Hereditaments, and the same Allotment or Allotments shall follow the Event of such Suit, and may be had and taken by the Person or Party who upon the Determination of such Suit shall become entitled to the same.

Deaths of Parties not to delay the Execution of this Act.

XXII. And be it further enacted, That if any of the Parties interested in the said Division and Allotment 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 the said Commissioner shall proceed in the Execution of the Powers given to him by this Act in such Manner as he might have done in case such Parties were still living; and the Shares of the Persons so dying shall be allotted to the Persons who shall by Law become entitled to the same, and shall be accepted and taken by them according to the Directions of this Act and the said recited Acts, and they shall be liable to the Charges and Expences and the several Provisions of this Act and of the said recited Acts.

Extinguishment of Rights of Common.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioner at any Time or Times when he shall think it convenient or proper, by Notice for that Purpose under his Hand to be affixed on One of the outer Doors of the Parish Church of *Higham Ferrers* aforesaid on some *Sunday* before Divine Service, to order the Rights of Common in, upon, and over the Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof, to be extinguished or suspended either in the Whole or in Part, and from and after the Time to be mentioned in and fixed by any such Notice all such Rights of Common as shall be thereby directed to be extinguished or suspended shall cease and be extinguished or shall be suspended accordingly, any Law, Usage, or Custom to the contrary notwithstanding.

Power to shorten Boundary Fences.

XXIV. And be it further enacted, That for the Purpose of shortening or rendering straight the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted and the old inclosed Lands in the said Parish of *Higham Ferrers*, or between such Allotments and

and inclosed Lands, or any of them, and the Lands and Grounds in any adjoining Manor, it shall be lawful for the said Commissioner, with the Consent of the Lords or Ladies of the Manors in which the Lands are respectively situate, and the Owners of Lands adjoining to such Boundary Fences, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate, or in respect of the Lands of Her said Majesty in right of the said Duchy of *Lancaster*, then with the Consent of the Chancellor and Council of the said Duchy of *Lancaster*, to be testified by the Seal of the said Duchy being placed to the said Award, to alter and straighten or shorten the same Boundary Fences or any of them, or any Part or Parts thereof, and to set out, ascertain, and determine such Boundaries as the said Commissioner shall think proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the same shall be made, fenced, ditched, or mounded by such Persons, in such Manner, and at such Times as the said Commissioner shall order and direct; and such Boundaries shall for ever thereafter be deemed and taken to be the Boundaries between the said Allotments and inclosed Lands respectively or any adjoining Manor, any Law, Usage, or Custom to the contrary notwithstanding.

Commissioner to set out Drains, and to enlarge and turn Watercourses.

XXV. And be it further enacted, That the said Commissioner shall and may set out, appoint, and make such common Ponds, Pools, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges in, through, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and also enlarge, widen, alter, turn, scour, and cleanse all or any of the present Drains, Ditches, Streams, or Watercourses, as well in, through, and over the same Lands and Grounds, as in, through, and over any ancient Inclosures, or other Lands and Grounds within the said Parish of *Higham Ferrers*, as to him the said Commissioner shall seem proper and necessary, making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands or Grounds for the Damage done thereby as the said Commissioner shall think fair and reasonable; and the Costs and Expences of making, enlarging, widening, altering, turning, scouring, and cleansing such Ponds, Pools, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first made and done in pursuance of this Act, shall be raised and levied by the said Commissioner in the same Manner and by the same Means as the other Costs and Expences of carrying this Act into execution are directed to be raised and levied; but all such Ponds, Pools, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, scoured, and maintained by such Persons or Corporations and in such Manner as the said Commissioner shall in and by his said Award order and direct: Provided that no Stream or Watercourse be diverted or turned without the Consent in Writing of the Persons from whose Lands the same may be diverted, and of the Persons into whose Land the same may be turned, or to the Prejudice or Injury of any Person interested in such Stream or Watercourse, without his Consent in Writing.

Power to stop up or divert Roads.

XXVI. And be it further enacted, That in setting out and appointing the several public Carriage Roads, Highways, Bridle Roads, and Footways in pursuauce of this Act or the said recited Act of the Forty-first Year

Year of the Reign of King *George* the Third, the said Commissioner shall and he is hereby authorized and empowered, if he shall think it necessary or proper, (with the Consent and under the Order in Writing of any Two Justices of the Peace for the County of *Northampton*,) to continue or discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footways passing or leading through or over any of the Lands or Grounds intended to be divided or allotted by virtue of this Act; and the Soil of the said Roads and Ways so to be discontinued and stopped up shall be deemed and taken to be a Part of the Lands and Grounds to be divided and allotted by virtue of this Act, except such Roads and Ways as shall be the private Property of any Individual other than the Lords or Ladies of the respective Manors aforesaid, as such Lords or Ladies aforesaid: Provided always, that nothing herein contained shall authorize the diverting or altering of any Turnpike Road leading through the said Parish of *Higham Ferrers* unless the Consent of the Majority of the Trustees of such Turnpike Road, assembled at a Public Meeting called for that Purpose on Ten Days Notice, be first had and obtained.

Proceedings previously to diverting and stopping up Highways.

XXVII. Provided always, and be it further enacted, That before any such Order shall be made, or any public Carriage Road, Highway, Bridle Road, or Footway shall be discontinued, stopped up, diverted, or altered, the said Commissioner shall cause to be affixed at each End of the Highway so proposed to be discontinued, stopped up, diverted, or altered, a Notice to the Effect that such public Carriage Road, Highway, Bridle Road, or Footway is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the Commissioner acting under and by virtue of this Act; and the said Commissioner shall also cause the same Notice to be inserted in One Newspaper published or generally circulated in the said County of *Northampton*, for Four successive Weeks, and shall also cause a like Notice to be affixed on the Door of the Church of the said Parish of *Higham Ferrers* on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid, and such Order shall have been made, the said public Carriage Road, Highway, Bridle Road, or Footway shall be and shall be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject however to such Appeal to the Court of General Quarter Sessions for the County of *Northampton* as is herein-after mentioned,

Persons who may think themselves aggrieved if such Highway should be ordered to be stopped up or diverted may appeal.

XXVIII. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footway should be discontinued, stopped up, diverted, or altered, to make his Complaint thereof by Appeal to the Justices of the Peace at the next General Court of Quarter Sessions to be holden for the said County of *Northampton* after the making of the said Order and of the affixing and publishing the said Notices as aforesaid, upon giving to the said Commissioner or his Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid,

XXIX. And

In case of Appeal, Jury at Sessions to determine whether old Highways shall be discontinued.

XXIX. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the public Highway so intended to be discontinued, stopped up, diverted, or altered shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the public Highway so discontinued, stopped up, diverted, or altered is wholly unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal; and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioner, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that the Highway so discontinued or stopped up is not unnecessary, or that the Highway so diverted or altered could not beneficially to the Public be so diverted or altered, or that the Party appealing would be injured or aggrieved by the said Highway being discontinued, stopped up, diverted, or altered, as the Case may be, the said Court of Quarter Sessions shall allow such Appeal, and shall make an Order for restoring the said Highway so discontinued, stopped up, diverted, or altered by the Order of the said Commissioner to its original State; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Commissioner, and shall be raised by the said Commissioner in such and the same Manner as he is hereby directed or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

Power to widen Roads, making Compensation to Land Owners.

XXX. And be it further enacted, That the said Commissioner shall and may and he is hereby authorized and empowered to widen any of the public Roads or Highways where he shall see it necessary within the said Parish of *Higham Ferrers*, and for that Purpose to take a sufficient Quantity of the ancient inclosed Lands and Grounds adjoining to such Roads, (the same not being a Yard, Garden, Orchard, Paddock, Plantation, or Avenue to any House,) and to make full Compensation for the Value of the Land or Ground so to be taken for the widening of such public Roads or Highways, by allotting and awarding unto the Person from whom any such inclosed Land or Ground shall be so taken an adequate Part of the said Lands and Grounds hereby directed to be divided and allotted, and also to make good and substantial Fences on each Side of all such widened public Roads and Highways for and in lieu of the Fences which shall be injured or destroyed by means of such widening: Provided always, that nothing herein contained shall authorize the widening of any Turnpike Road leading through the said Parish of *Higham Ferrers* unless the Consent of the Majority of the Trustees of such Turnpike Road, assembled at a public Meeting called for that Purpose on Ten Days Notice, shall be first had and obtained.

Expences of discontinuing or widening Roads.

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

Justices may certify Roads in part.

XXXII. And be it further enacted, That when and so soon as any of the public Roads to be set out by virtue of the said first-recited Act and this Act shall be made and completed, it shall be lawful for any Two or more of Her Majesty's Justices of the Peace for the said County of *Northampton*, if they shall think fit, from Time to Time to certify and declare under their Hands and Seals any of such public Carriage Roads so to be set out to be fully and sufficiently formed, repaired, and completed, and such Road or Roads, or so much thereof as shall in any such Certificate be described or certified, shall thenceforth be supported and kept in repair by such Persons and in like Manner as the public Roads within the said Parish of *Higham Ferrers* are or ought to be by Law amended and kept in repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the County of *Northampton* next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

Encroachments within Twenty Years.

XXXIII. And be it further enacted, That all Encroachments or Inclosures taken or made from or on any Part of the Lands hereby directed to be divided, allotted, and inclosed within Twenty Years next before the passing of this Act shall be deemed Part and Parcel of the Lands by this Act directed to be divided, allotted, and inclosed; and in case any Dispute shall arise touching any such Encroachments or Inclosures, or the Extent or Duration thereof, such Dispute shall be settled and determined by the said Commissioner.

Commissioner may use Surveys and Maps already made.

XXXIV. And be it further enacted, That in case Her said Majesty, or the said Earl *Fitzwilliam*, or any other Persons having in their respective Custody any actual Surveys, Maps, or Plans of the said Lands and Grounds, or any of them, or of any of the ancient inclosed Lands within the said Parish, shall deliver or cause to be delivered such Surveys, Maps, or Plans to the said Commissioner, at such Time as he may appoint for that Purpose, it shall be lawful for the said Commissioner to inquire into the Authenticity and Accuracy thereof; and in case the said Commissioner shall be satisfied that the same are authentic and accurate, and will answer the Purpose of new Surveys, Maps, or Plans, then the said Commissioner is hereby authorized to make use of the same, or Copies thereof, so far as the same shall be available for the Purpose of carrying this Act and the said recited Acts into execution, and also out of the Monies to be raised for the general Purposes of this Act to make unto the Owners of such Surveys, Maps, and Plans, or to the Persons producing the same respectively, a just and fair Allowance for the Production and Use of such Surveys, Maps, and Plans.

Commissioner to direct the course of Husbandry.

XXXV. And be it further enacted, That the said Commissioner shall, so soon after the passing of this Act as conveniently may be, and from Time to Time as he shall think fit, by Writing under his Hand to be affixed on One of the outer Doors of the Parish Church of *Higham Ferrers* aforesaid,

aforesaid, order and direct what Course of Husbandry, and what Stint or Rule of stocking and enjoying, shall be respectively observed and used in, over, and upon the Lands to be divided and inclosed by virtue of this Act, until such Time as he shall have completed the said Division and Inclosure, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding of the Commonable Lands and Fallows or Stubbles upon the said Lands or Grounds, and to make such Recompence for the same as he shall think right, and shall and may make such further Orders and Regulations touching the Conduct of the Farmers and Occupiers within the said Parish of *Higham Ferrers*, for preventing them from ploughing up, committing Waste or Destruction upon, or improperly managing or stocking any of the said Lands or Grounds to be divided and inclosed, until the said Division and Inclosure shall be completed, as to the said Commissioner shall seem proper and expedient; all which Orders and Regulations shall be binding and conclusive upon all Parties interested, their Farmers and Tenants; and the said Commissioner shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as he shall think necessary, not exceeding the Sum of Five Pounds *per* Acre in case of cross-cropping or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case for any One Offence; and shall and may also settle, adjudge, and determine in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation by whom such Tenant shall be compensated for any such Manure left or given up by him; and such Penalties, Forfeitures, and other Sums of Money so to be settled, ordered, adjudged, and determined to be paid for or on account of the several Matters and Things aforesaid shall be recovered and recoverable in the Manner directed in and by the said first-recited Act with respect to the levying and recovering of Penalties.

Satisfaction to be made for growing Crops.

XXXVI. And be it further enacted, That the said Commissioner shall and he is hereby authorized, by Writing under his Hand, to ascertain, order, and appoint what Recompence or Satisfaction in Money shall be paid to the Owner of any Crops growing upon the Lands or Grounds hereby directed to be divided and allotted at the Time such Division and Allotment shall be made for the said Crops by the Person or Corporation to whom the Lands and Grounds on which such Crops are growing shall be allotted, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Occupier of any Land, as well for ploughing, tilling, and manuring any of the Lands and Grounds which shall be divided and allotted by virtue of this Act, for the Benefit and Advantage accruing thereby to the Person or Corporation to whom such Lands and Grounds shall be allotted, as for any Loss or Disadvantage which any such Tenant or Occupier shall or may sustain by the Loss of his following or waygoing Crops upon the Lands or Grounds by this Act directed to be divided and allotted; and if in any of the said Cases the Money to be paid for such Recompence and Satisfaction shall not be paid at the Time and in Manner to be appointed as aforesaid by the said Commissioner, it shall be lawful for the said Commissioner and he is hereby authorized and required to raise and levy the same, for the Use of the Person or Corporation entitled thereto, by such Ways and Means as the

Costs,

Costs, Charges, and Expences of obtaining and executing this Act are herein directed to be raised, levied, and recovered.

Allotment to Her Majesty as Lady of the Manor of Higham Ferrers for Right of Soil.

XXXVII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, before any other Allotment shall be made in pursuance of this Act, to set out and allot unto and for the Queen's most Excellent Majesty, in right of Her said Duchy of *Lancaster*, and Her Heirs and Sucessors, (yet nevertheless to and for the Benefit and Use of the Lessee or Lessees of the said Manor of *Higham Ferrers* during the Continuance of the Lease thereof heretofore granted to the late Earl *Fitzwilliam* deceased,) in lieu of and as a Compensation and Satisfaction for all Right of Soil and other Manorial Rights which Her said Majesty as Lady of the said Manor of *Higham Ferrers*, Her Heirs and Successors, and the Lessee or Lessees of the same Manor, now hath, or might or of right ought to have in the said Open Fields and Commonable and Waste Lands and Grounds if this Act had not been passed, so much and such Part or Parts of the said Lands hereby authorized to be divided and inclosed as in the Judgment of the said Commissioner shall be equal to One Twentieth Part of the said Waste Lands within the said Manor of *Higham Ferrers*.

Allotment to the Corporation as Lords of the Borough Manor for Right of Soil.

XXXVIII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, in the next place, to set out and allot unto and for the said Mayor and Corporation of *Higham Ferrers*, as Lords of the said Manor of the Borough and Town of *Higham Ferrers*, and their Successors, so much and such Part of the said Open Fields and Commonable and Waste Lands and Grounds as in the Judgment of the said Commissioner shall be equal to One Twentieth Part of the Waste Lands within the said Manor of the Borough and Town of *Higham Ferrers*.

Allotment to the Impropriator and Vicar in lieu of Glebe.

XXXIX. And be it further enacted, That the said Commissioner shall and may and he is hereby required, in the next place, to set out, allot, and award, out of the Lands and Grounds hereby directed to be divided and inclosed, unto and for the Impropriator and Vicar respectively for the Time being, such Parcels of the Lands and Grounds hereby intended to be divided and inclosed as in the Judgment of the said Commissioner shall be a full Equivalent and Compensation for the Glebe Lands and Rights of Common now respectively belonging to the said Impropriator and Vicar respectively.

Allotments for Tithes to the Impropriator.

XL. And as a full Satisfaction and Compensation to the said Earl *Fitzwilliam* as Impropriator as aforesaid, and the said *George Malim* and his Successors, Vicars of the said Vicarage, in lieu of and full Satisfaction for all Tithes, both great and small, arising, renewing, or happening, or to be had, received, or taken within the said Parish of *Higham Ferrers*; be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out, allot, and appoint to the said Earl *Fitzwilliam*, from and out of the Lands and Grounds so intended to be inclosed, so much of the said Lands and Grounds as in his Judgment shall be equal in Value to One Fifth Part of all the Arable and to One Eighth Part of all the other Lands in the said Parish of *Higham Ferrers* now subject and liable to the Payment of Tithes in Kind to the said Impropriator and

Vicar, which said Pieces or Parcels of Land, of the Value of One Fifth of the Arable and of One Eighth of all the other Lands in the said Parish of *Higham Ferrers*, so as aforesaid to be set out, allotted, and appointed, shall by the said Commissioner be allotted to and for the said Earl *Fitzwilliam* in lieu of and as a Satisfaction and Compensation for all Tithes, both great and small, arising, renewing, or happening, or to be had, received, or taken within the said Parish of *Higham Ferrers*.

Allotment for the Use of the Public for Recreation.

XLI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out, allot, and award, out of any Part of the Lands and Grounds hereby directed to be divided and inclosed, a Piece of Land or Ground, not exceeding Ten Acres nor less than Nine Acres, as a Place of Exercise and Recreation for the Inhabitants of the said Parish of *Higham Ferrers*, and such Allotment shall for ever thereafter be held by the Six Persons hereafter appointed to be Trustees thereof, and their Successors to be appointed as herein-after mentioned for the Purposes aforesaid, under such Orders, Powers, Provisoes, Regulations, and Restrictions to effect the same as they and their Successors shall from Time to Time direct.

Trustees to whom such Allotment shall be made.

XLII. And be it further enacted, That the said Earl *Fitzwilliam* and his Heirs, being Owners of not less than One Third in Value of the said Parish of *Higham Ferrers*, the Mayor of *Higham Ferrers* aforesaid for the Time being, and the said *George Malim* and his Successors, Vicars as aforesaid for the Time being, shall be and they are hereby appointed Three of the Trustees for the Purposes last aforesaid, and that it shall be lawful for the Inhabitants of the said Parish of *Higham Ferrers* who shall for the Time being be qualified to vote for Guardians of the Poor of the said Parish, at a public Meeting to be held at some Place within the said Parish within Two Calendar Months after the Execution of the said Award, to elect Three Persons who shall be duly qualified to act as Guardians of the Poor of the said Parish to be the remaining Three of the Trustees for carrying this present Provision into effect; and that upon any Vacancy or Vacancies arising by the Death, Resignation, Refusal to act, or Disqualification of any or either of the said Three Persons so to be elected as aforesaid, the Inhabitants of the said Parish of *Higham Ferrers* who shall for the Time being be qualified to vote for Guardians of the Poor of the said Parish shall from Time to Time, at a public Meeting to be held as aforesaid, proceed to elect any Person or Persons qualified as aforesaid to supply such Vacancy or Vacancies: Provided always, that the Majority of Voices at such Meetings to be held for the Purposes aforesaid shall decide the Election; and in case such Election shall not be made at some original Meeting, such Meeting or Meetings shall and may from Time to Time be adjourned to any Time and Place within the said Parish which the Majority of Voices at such Meeting shall fix and determine upon: Provided also, that on any such Election neither the Mayor, the Vicar, or the said Earl *Fitzwilliam* or his Heirs, shall be allowed to vote at or take part therein.

How Allotment to Public for Recreation to be kept up.

XLIII. And be it further enacted, That all Expences of maintaining such Place of Exercise and Recreation shall be defrayed by the Trustees thereof for the Time being out of any Sum or Sums of Money which they or any or either of them may receive for letting the Herbage or any Part of the Herbage of the said Allotment, so to be set out and awarded as

as aforesaid, and which they the said Trustees or the Majority of them shall and they are hereby empowered from Time to Time to do, or by some other Ways and Means as they the said Trustees or a Majority of them shall fix and determine on, but which shall not interfere with or prejudice the Enjoyment of the said Allotment by the said Inhabitants of *Higham Ferrers* aforesaid; and in the Event of the Expences of the said Maintenance of the said Allotment for the Purposes aforesaid exceeding the Sums so to be raised by the said Trustees as aforesaid, it shall be lawful for the said Trustees or a Majority of them to order the Surveyor or Surveyors of the Highways of the Parish of *Higham Ferrers* aforesaid to pay such Sum or Sums of Money as may in the Judgment of such Trustees be sufficient from Time to Time for the Purpose, and on such Order being signified in Writing to the said Surveyor or Surveyors, he or they shall and is and are hereby authorized and required to pay such Sum or Sums of Money as shall be expressed in the said Order to the said Trustees or any or either of them; all which Sum or Sums of Money to be paid by the said Surveyor or Surveyors as aforesaid shall be so paid out of any Monies which may from Time to Time be in his or their Hands as such Surveyor or Surveyors.

Allotment for Gravel Pits and Quarries.

XLIV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out and allot such convenient Plot or Plots, Part of the Lands or Grounds hereby intended to be divided, allotted, and inclosed, as he shall think fit for public Gravel Pits and for Stone Quarries, for the Purpose of furnishing Materials for making and repairing the public Roads and Ways in and over the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and elsewhere in the said Parish, and for repairing the Footways in the said Parish, which Plot or Plots of Ground so to be set out shall be separated, inclosed, and kept fenced in such Manner and by such Persons and shall be used under such Regulations and Restrictions as the said Commissioner shall by his Award order and direct; and the said Plot or Plots of Ground so to be set out shall be and the same is and are hereby vested in the Surveyor or Surveyors of the Highways for the Time being of the said Parish for ever, in Trust for the Uses aforesaid, and such Surveyor or Surveyors shall and may let the same or any Part thereof from Time to Time (subject to such digging of Materials for the Reparations of the said Roads or Ways) for the best Rent or Rents that can be obtained for the same, and apply the Rents and Profits thereof in repairing the Highways of the said Parish.

Allowing Proprietors of Estates to dig Gravel, &c., for Repairs.

XLV. Provided always, and be it further enacted, That it shall be lawful for the Proprietors of Lands and Estates in *Higham Ferrers* aforesaid, and their Tenants, to dig and take away Gravel and Stone from and out of the said Plot or Plots of Land so to be set out as aforesaid for Gravel Pits and Stone Quarries, for their own necessary Uses in and about the Repairs of Estates in *Higham Ferrers* aforesaid.

Allotment of Residue.

XLVI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to apportion, divide, set out, and allot the Residue and Remainder of the said Lands and Grounds by this Act directed to be divided and inclosed unto and amongst the several Persons and Corporations who at the Time of making such Allotments shall

shall be entitled to any Estate, Right, or Interest therein, in such Quantities, Shares, Proportions, and Situations as by the said Commissioner shall be adjudged and determined to be a just and equitable Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and Interests therein; and the said Allotments shall be fenced in, and the several and respective Mounds and Fences for dividing and inclosing the same shall be made, and for ever thereafter maintained and supported, in such Manner as the said Commissioner shall in and by his Award order and direct.

Allotment of old Inclosures with Consent of Proprietors.

XLVII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioner, with the Consent in Writing and at the Request of the respective Owners or Proprietors of any Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds within the said Parish of *Higham Ferrers*, whether such Owners or Proprietors shall be Corporations or Tenants in Fee Simple, or for Life, or in Fee Tail, General or Special, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors of any such Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds holden for Years determinable as aforesaid, and not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid who shall be Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas or otherwise disabled to act for themselves, (such Consent to be respectively testified by Writing under their respective Hands, or under the Common Seal of such Corporations, or, in respect of the Estates of Her said Majesty in right of Her said Duchy of *Lancaster*, by Writing under the Hand of the Chancellor of the said Duchy for the Time being,) to consider such Homesteads, Gardens, Orchards, and old inclosed Lands as allottable Lands, and Part and Parcel of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, and to divide and allot the same accordingly; and such Allowance shall be made to the respective Owners or Proprietors of such Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds on account of the Situation or other beneficial Circumstances thereof, as the said Commissioner shall adjudge to be just and reasonable; and the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the respective Owners or Proprietors of such Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds in lieu thereof so much and such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed as he shall think reasonable and just, subject to the Rules, Orders, and Directions in this Act and in the said first-recited Act mentioned.

Proprietors of old Inclosures, &c., not having sufficient open Field Lands, to make compensation in Money for their Great

XLVIII. Provided always, and be it further enacted, That in case there are any Houses, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds in the said Parish subject or liable to the Payment of Tithes, either great or small, or to any Moduses or Compositions Real or Payments in lieu of Tithes, the respective Proprietors whereof shall not happen to be entitled to any or a sufficient Quantity or Share of the Lands and Grounds hereby directed to be divided and inclosed to make Compensation for such Great and Small Tithes, Moduses, Compositions Real, and other Payments in lieu of Great and Small Tithes as herein-before directed,

it

and Small Tithes.

it shall be lawful for the said Commissioner, with the Consent in Writing of the said Earl *Fitzwilliam* as Impropriator, his Heirs or Assigns, and of the said *George Malim* or his Successors, Vicars as aforesaid, to direct or appoint the Payment of such Sum of Money as in the Judgment of the said Commissioner shall be a just and full Compensation and Satisfaction for the Great and Small Tithes, Moduses, and Compositions Real, or other Payments in lieu of Great and Small Tithes issuing or payable out of such Houses, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds respectively, or such Part of the same for which the Proprietors thereof may not be possessed of Land or Common Right sufficient to make such Compensation as aforesaid, and also such Sum of Money as the said Commissioner shall determine to be just and fair for the Proprietors of the said old inclosed Lands to contribute towards defraying the Costs, Charges, and Expences of obtaining and passing this Act and carrying the same into execution; and in case any Person shall refuse or neglect to pay such Sum of Money at the respective Days and Times to be appointed for Payment thereof, it shall be lawful for the said Commissioner, by any Warrant under his Hand and Seal directed to any Person whomsoever, to cause such Sum of Money to be levied by Distress and Sale of the Goods and Chattels of the Person so making default in Payment as aforesaid, wheresoever the same shall be found, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted, together with Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Sum of Money from the Time the same shall be directed by the said Commissioner to be paid as aforesaid; or otherwise it shall be lawful for the said Commissioner, or any Person authorized by him, to enter upon and take possession of the Lands or Tenements belonging to such Person so refusing or neglecting to pay as aforesaid, and which shall have been discharged from Tithes, Moduses, or other Payments or Compositions Real in lieu of Great and Small Tithes by virtue of this Act, and to receive and take the Rents and Profits thereof until thereby or therewith or otherwise such Sum of Money, and the Costs and Charges so ordered and directed by the said Commissioner to be paid by such Person as aforesaid, and all Interest on such Sum of Money, to be computed from the Time the same shall be by the said Commissioner directed to be paid as aforesaid, and also all Costs, Charges, and Expences occasioned by or attending such Entry upon and Receipt of the Rents and Profits of the same Premises, shall be fully paid and satisfied; and every such Sum of Money shall be applied in Payment of such Parts and Proportions of the Expences of obtaining and executing this Act as ought to be paid by the respective Persons whose Lands may be set out for discharging from Great and Small Tithes, Moduses, or other Payments or Compositions Real in lieu of Great and Small Tithes, such Houses, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds; and in case such last-mentioned Sums of Money shall be more than sufficient to pay and discharge the said respective Proportions of the Costs, Charges, and Expences of obtaining this Act, and of carrying the same into execution, the Residue and Remainder of such Sums of Money shall be divided amongst and be paid to the several Proprietors of the said Lands whose Lands shall have been taken or appropriated for the Purpose of discharging Homesteads, Orchards, Gardens, or inclosed Lands or Grounds from Great and Small Tithes, Moduses, or other Payments or Compositions Real

Real in lieu of Great and Small Tithes, in such Proportions as they shall be respectively entitled thereto; and if any of such last-mentioned Proprietors of the said Lands shall not be Tenants in Fee Simple of their Estates therein, then such Surplus Money shall be applied and disposed of in the same Manner as any 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 as the Lands so purchased or exchanged, are by this Act authorized or directed to be applied or disposed of.

Allotments to Her Majesty as Lady of the Manor, to Earl Fitzwilliam as Impropriator, to the Trustees, and to the Vicar, &c. to be fenced at the general Expence.

XLIX. And be it further enacted, That the Plots of Land or Ground so to be set out and allotted to the Queen's Majesty, Her Heirs and Successors, in lieu of Her Manorial Rights, and to the said Earl *Fitzwilliam* as Impropriator, and to the Trustees for the Use of the Public for Recreation respectively, and also any Plot or Plots of Land which may be set out to the said *George Malim* as Vicar as aforesaid, shall be inclosed and fenced round with Ditches and Quickset Hedges or other proper Mounds or Fences, with proper Posts and Rails and other Guard Fences to such Quickset Hedges, the whole of such Hedges, Ditches, Mounds, and Guard or other Fences to be made by and at the Expence of such of the Proprietors of the Lands and Grounds hereby directed to be divided and inclosed (except the said Queen's Majesty, Her Heirs and Successors, in respect of Her said Manorial Rights, and the said Earl *Fitzwilliam* as Impropriator, the said Trustees, and the said Vicar, and their respective Successors,) as the said Commissioner shall order and appoint; and the said Commissioner shall direct and appoint to whom the said Fences shall belong after the same shall be properly made, whether to Her said Majesty, Her Heirs and Successors, the said Earl *Fitzwilliam*, the said Trustees, and the said Vicar respectively, or to any other of the Proprietors of Land in *Higham Ferrers* aforesaid, and the said Hedges, Ditches, or other Mounds or Fences, when properly made, shall be thereafter for ever kept up, maintained, supported, and scoured by and at the Expence of the Queen's Majesty, Her Heirs or Successors, or of the Persons to whom the same shall be allotted or directed to belong as aforesaid.

How other Allotments are to be fenced.

L. And be it further enacted, That all the several other Allotments to be made and set out by virtue of this Act shall within Six Calendar Months next after the Execution of the said Award, or such other Time (previous to the making of the said Award) as the said Commissioner shall by any Writing under his Hand appoint for that Purpose, 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 by his said Award, or any other Writing under his Hand, order and direct; and that convenient Gaps and Openings shall be left in the said Fences and Inclosures for the Purpose of Cattle, Carts, and Carriages passing through the same, for such Space of Time not exceeding Twelve Calendar Months after the Execution of the said Award as the said Commissioner shall direct.

Power to exchange.

LI. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, and Hereditaments within the said Parish of *Higham Ferrers*, in lieu of and

in exchange for any other Lands, Tenements, or Hereditaments within the said Parish of *Higham Ferrers*, or any adjoining Parish, Township, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and so that all such Exchanges as shall be made with Her said Majesty in right of Her said Duchy of *Lancaster* be so made with the Consent of the Chancellor and Council of the said Duchy of *Lancaster*, to be testified by the Seal of the said Duchy being placed to the said Award; and that all other Exchanges be made with the Consent of the Owners of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owners shall be Corporations, or Tenants in Fee Simple, or in Fee Tail, General or Special, or for Life, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors thereof, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who at the Time of making such 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, such Consent to be testified in Writing under the Common Seal of the Corporation, and under the Hands of the other consenting Parties respectively; and all Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchanges shall be made of any Lands, Tenements, or Hereditaments held in right of any Church or 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 be situate: Provided also, that all Costs, Charges, and Expences attending the making of any Exchanges shall be paid, borne, and defrayed by the several Persons making such Exchanges, in such Shares and Proportions, and at such Times, and to such Persons as the said Commissioner shall by any Writing under his Hand direct or appoint.

Tenants to deliver up exchanged Lands.

LII. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack or extended Rent now subsisting of any Lands, Tenements, or Hereditaments which shall be exchanged by virtue of this Act, shall, at such Time as the said Commissioner shall appoint, deliver up the full peaceable Possession of such exchanged Lands, Tenements, or Hereditaments to the Person to or with whom the same shall be so exchanged; but the Tenant or Occupier of such exchanged Lands, Tenements, or Hereditaments shall receive from the respective Owners and Proprietors thereof such Satisfaction as the said Commissioner shall ascertain, order, direct, or appoint to be paid to such Tenant respectively as an Equivalent for the Loss he shall respectively sustain thereby; and if the Monies so to be ascertained as aforesaid shall not be paid to the Person entitled to receive the same within Twenty-one Days after Demand made thereof, it shall be lawful for the said Commissioner and he is hereby required to raise and levy the same, for the Use and Benefit of the Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing of this Act can or may be raised and levied.

LIII. And

Leases at Rack Rent to be void.

LIII. And be it further enacted, That from and immediately after the Allotments herein directed to be made shall be marked and staked out, and the said Commissioner shall have directed the same to be entered upon by the Persons respectively to or for whom the same shall be intended, all Leases and other Agreements at Rack Rent substituting of all or any Parts of the said Lands hereby directed to be divided and inclosed, or to be discharged from any Right of Common thereon, and of the Messuages or Tenements and Homesteads respectively belonging thereto, for any Term of Years not exceeding Twenty-one Years, save and except such Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure, shall cease, determine, and be void as to all such Lands and Rights of Common respectively, but not as to any other Hereditaments comprised therein, such Compensation being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated as the said Commissioner shall by Writing under his Hand order and direct in that Behalf; and it shall be lawful for the said Commissioner and he is hereby authorized by Writing under his Hand to ascertain, direct, and appoint what Rent or Share or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed by virtue of this Act, or the Rights of Common thereof in their respective Holdings, to their respective Landlords, from the Time of passing this Act until such Lands shall be marked and staked out and be directed to be entered upon as aforesaid, and also to order and direct what Proportion and Amount of the whole Rent reserved upon such Lease or Leases, Agreement or Agreements shall be paid by such Tenants from the Time of passing this Act to their respective Landlords for the Messuages, Homesteads, or ancient Inclosures comprised in such Leases or Agreements until the Expiration thereof, and which are not meant or intended to be made void as to such Messuages, Homesteads, or ancient Inclosures; provided that no Lease or Agreement comprising Messuages, Homesteads, or ancient Inclosures only, shall be made void by this Act.

Beneficial Leases not to be vacated.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease from Her said Majesty, or from any Corporation or Person, of any Lands, Tenements, or Hereditaments in the said Parish, but the Persons entitled to such beneficial Leases shall and may hold and enjoy their several and respective Terms at and under the same Rents and Covenants as are specified in their respective Leases from Her said Majesty, or from the same Corporations or Persons respectively.

Deeds, Wills, &c. not to be affected.

LV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to revoke, annul, make void, alter, vary, or in anywise affect any Grant, Assurance, Limitation of Use or Uses, Declaration of Trust, or any Deed or Will whatsoever (except such Leases and Agreements as are herein-before mentioned), or to prejudice any Person having any Right or Claim of Dower, Jointure, Portion, Rentcharge, Annuity, Debt, Rent, Incumbrance, or other Claim or Demand out of, upon, or affecting any of the Lands or Grounds hereby directed to be divided and allotted, or any of the Messuages, Lands, or Hereditaments which shall be exchanged or parted with in pursuance of this Act, but that as well the Lands allotted and exchanged as the Hereditaments

taments which shall be assigned in Partition or in Compensation for any other Estate or Right by virtue of this Act or the said recited Acts, or either of them, shall, immediately after such Allotment, Exchange, Partition, or Assignment, remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange or on Partition as aforesaid, shall thenceforth stand seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances in all respects, as the several Lands, Tenements, and Hereditaments in respect wherof such Allotments, Exchanges, Partitions, and Assignments shall have been made should or would have stood severally limited, settled, vested, or subject or liable to or been held by in case the same had not been allotted, exchanged, parted with, or assigned as aforesaid and this Act had not been passed, save and except such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and except where any other of the Provisions of this Act are to the contrary, and subject nevertheless to all such Sales as shall be made by Authority hereof or of the said recited Acts.

Commissioner may borrow Money, and the Persons lending the same to be repaid with Interest.

LVI. And be it further enacted, That it shall be lawful for the said Commissioner from Time to Time as he in his Discretion shall think fit to borrow of any Person or Persons willing to lend the same such Sum or Sums of Money as may be deemed necessary for paying the Expences of applying for and obtaining and executing this Act, and the Person or Persons who shall lend or advance any such Sum or Sums of Money shall be repaid the same out of the Monies which shall be raised or collected in pursuance of this Act, with Interest for the same from the Time of lending or advancing each such Sum respectively as aforesaid.

Commissioner to appoint Time for Applications for Situations of Allotments.

LVII. And be it further enacted, That the said Commissioner shall and he is hereby required to give Ten Days Notice of a Meeting for receiving Applications from the Owners and Proprietors of the Lands and Grounds hereby directed to be divided and allotted touching the Situation in which they would respectively choose to have their Allotments set out and allotted.

Meetings for objecting to Allotments.

LVIII. And be it further enacted, That when and so often as the said Commissioner shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioner shall hold a Meeting at some convenient Time and Place when and where the Proprietors may be informed of such Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection; and if any of the said Proprietors upon such Inspection be dissatisfied with the proposed Allotments, the said Commissioner shall at such Time and Place aforesaid, or at some other Time and Place to be appointed by him for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors against such Allotments, and shall forthwith or as soon after as conveniently may be, determine the same, and such Determination shall

be binding and conclusive on all Parties interested in such Allotment or Allotments.

Tenure of Allotments.

LIX. And be it further enacted, That the several Lands, Grounds, and Hereditaments to be allotted and awarded upon the said Division, Allotment, and Inclosure to Her said Majesty, and the several other Persons or Corporations interested therein, shall, immediately after the same shall have been so allotted and awarded, be holden by Her said Majesty and the said several Persons or Corporations respectively by and under the same Tenures (whether Freehold, Copyhold, or Leasehold), and subject to the same Rents, Payments, Heriots, Fines, Customs, and Services, by, under, and subject to which the several Lands, Tenements, and Hereditaments in lieu or in respect of which the same Lands, Grounds, and Hereditaments shall be so allotted and awarded were respectively held immediately before the passing of this Act; and all such Allotments shall become Freehold, Copyhold, or Leasehold, or otherwise (as the Case may be), and shall be so distinguished in the Award to be made by the said Commissioner, any Law or Custom to the contrary notwithstanding.

Allotments and Lands exchanged to enure to the same Uses.

LX. And be it further enacted, That the several Lands and Grounds which upon the said Division and Inclosure shall be assigned, allotted, and awarded to the several Parties interested in the Premises, as also the several Messuages, Lands, Tenements, and other Hereditaments which shall be exchanged in pursuance of this Act, shall, immediately after such Allotments and Exchanges shall be made as aforesaid, be, remain, and enure, and the Persons to whom the same shall be respectivelly allotted, or with whom the same shall be respectively exchanged as aforesaid, shall from thenceforth stand and be seised or possessed thereof, to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases (except such Leases at Rack Rent as shall by the said Commissioner be ordered to be vacated), Charges, Tenures, Rents, Services, and Incumbrances, as the several and respective Messuages, Lands, Tenements, ancient Inclosures, or other Hereditaments in lieu whereof such new Allotments or exchanged Premises shall be respectively made or taken as aforesaid now are or should or would be held, under, subject, or liable to be charged with or affected by in case this Act had not been passed.

Cattle not to be depastured in the Highways for Seven Years.

LXI. And be it further enacted, That no Person whosoever shall graze or keep any Sort of Beast or Cattle whatsoever in or upon any of the Roads or Ways which the said Commissioner shall order and direct to be set out, and which shall be fenced on both Sides, for the Space of Seven Years next after the making and executing of the Award; and all Owners of Lands or Grounds within the said Parish of *Higham Ferrers*, their and every of their Servants and Labourers, and also all the Peace Officers and Parish Officers of the said Parish of *Higham Ferrers* for the Time being, are hereby empowered to take and impound any such Beast or Cattle which may be found so grazing as aforesaid as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent or prohibit the Proprietors of the Lands and Grounds which shall next adjoin the said Roads and Ways from depasturing their Cattle so far as the Frontage of their respective Lands and Grounds may extend.

Sheep and Lambs not to be kept on Allotments for Seven Years.

LXII. And be it further enacted, That no Sheep or Lambs shall be kept on any of the Allotments to be made by virtue of this Act out of the said Open and Common Fields, Meadows, Commons and Waste Grounds during the Space of Seven Years next after the Allotments are set out by the said Commissioner, unless the Person so keeping the same shall first at their own Expence make and maintain a Fence sufficient to guard the young Quick Fences round such Allotments from being cropped, hurt, or damaged by such Sheep or Lambs, whether such Quick Fences be planted or set by the Owners or Occupiers of such Allotments as aforesaid, or by the Owners or Occupiers of the Allotments adjoining thereto; and in case any Person shall keep any Sheep or Lambs on the said Allotments without sufficiently guarding the young Quicks as aforesaid, so that the same be damaged through such Neglect, it shall be lawful for the said Commissioner and he is hereby authorized and required, during the Continuance of the Execution of this Act, to ascertain the Amount of such Damage, and in case of Nonpayment thereof by the Person charged therewith, the same shall be recoverable by such Ways and Means and in the same Manner as the Costs, Charges, and Expences of obtaining this Act and carrying the same into execution are hereby provided for.

Part of Rectorial Allotments to Earl Fitzwilliam to be charged with annual Payment of 31*l.* 6*s.* 8*d.* and the Price of One Quarter of Wheat &c. to the Vicar.

LXIII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required by the said Award to order and direct what Allotment or Allotments to be set out and allotted to the said Earl *Fitzwilliam* as Impropriator as aforesaid, not being less than twice the clear annual Value thereof, shall be charged and chargeable with the said annual Payment of Thirty-one Pounds Six Shillings and Eight-pence, and the said Price of One Quarter of Wheat, One Quarter of Barley, One Quarter of Oats, and One Quarter of Beans, (such Price to be from Time to Time ascertained in the same Manner as the Rent-charge herein-after mentioned is ascertainable, and to be payable at such Time or Times in the Year as the said Commissioner shall order and direct,) and from and immediately after the Execution of the said Award the said Allotment or Allotments so ordered and directed to be charged and chargeable with the said annual Payment of Thirty-one Pounds Six Shillings and Eight-pence, and the said Price of One Quarter of Wheat, One Quarter of Barley, One Quarter of Oats, and One Quarter of Beans as aforesaid, shall thenceforth for ever thereafter be and remain charged and chargeable therewith in Exoneration of all and every other the Messuages, Farms, Lands, Tenements, and Hereditaments whatsoever of or belonging to the said Earl *Fitzwilliam*.

Power to Vicar and others for Recovery of annual Payments.

LXIV. And be it further enacted, That the Vicar for the Time being of the said Parish of *Higham Ferrers*, and all other Persons whosoever who may be entitled to any such Payments or Charges so to be charged upon the said Allotments to the said Earl *Fitzwilliam* as aforesaid, shall and may have and exercise such and the same Powers and Remedies for recovering the said annual Payments or Charges respectively to be charged upon the said Lands and Estates respectively when in arrear, together with the Costs, Charges, and Expences of the Recovery thereof, as by Common Law or Statute are provided and given to Landlords for the Recovery of Rent in arrear on Lease or Common Demise: Provided always, and it is hereby declared, that nothing herein contained shall prejudice or affect any other Remedy to which the said Vicar and the said

other Parties respectively entitled to such annual Payments or Charges respectively might but for this Act resort, in case of the Nonpayment of the said annual Payments or Charges respectively, for the Recovery thereof, save only and except the Right of Entry and Distress upon the Messuages, Farms, Lands, Tenements, and Hereditaments of the said Earl *Fitzwilliam* intended to be hereby exonerated therefrom as aforesaid.

Annual Value of Small Tithes to be charged on Rectorial Allotments.

LXV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to ascertain, in the Manner directed by an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Commutation of Tithes in* England *and* Wales, the annual Value of the Vicarial Tithes claimed by the said *George Malim* as such Vicar as aforesaid, and shall in and by his said Award ascertain and distinctly set forth what Quantity and how many Imperial Bushels and Decimal Parts of an Imperial Bushel of Wheat, Barley, and Oats, at the Prices ascertained by the Advertisement to be published in the *London Gazette* next after the passing of this Act, in case One Third Part of such yearly Value had been invested in the Purchase of Wheat, One other Third Part thereof in the Purchase of Barley, and the remaining Third Part thereof in the Purchase of Oats, will, in his Judgment, be equal to the annual Value of the said Vicarial Tithes; and after such Valuation and Ascertainment the said Commissioner shall and he is hereby required to determine what Sum of Money will be equivalent to the Value of the Quantity of Wheat, Barley, and Oats so ascertained by him as aforesaid, and such Sum of Money shall be charged by the said Commissioner upon any Part or Parts of the said Allotments so to be made to the said Earl *Fitzwilliam* as aforesaid, in lieu of Great and Small Tithes, not being less than twice the annual Value of the said Small Tithes, and such Sum of Money shall be paid and payable by the Person or Persons who for the Time being shall be in the Occupation of the said Allotments so to be charged therewith as aforesaid to the Vicar of the said Vicarage for ever by Two equal half-yearly Payments, that is to say, on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in each and every Year, the First Payment whereof shall be made on such of the said half-yearly Days as the said Commissioner shall by his Award direct or appoint; and from and after every First Day of *January* the Sum of Money thenceforth payable in respect of such annual Payment shall vary so as always to consist of the Price of the same Number of Bushels and Decimal Parts of a Bushel of Wheat, Barley, and Oats respectively, according to the Prices ascertained by the then next preceding Advertisement in the *London Gazette*.

Power to Vicar to recover Rent-charge.

LXVI. And be it further enacted, That the said *George Malim* and his Successors, Vicars as aforesaid, shall and may have and exercise such and the same Powers and Remedies for recovering the said yearly Rent-charge or annual Sum to be charged upon the said Allotments so to be awarded to the said Earl *Fitzwilliam* as Impropriator as aforesaid when in arrear, together with the Costs, Charges, and Expences of the Recovery thereof, as by Common Law or Statute are provided and given to Landlords for the Recovery of Rent in arrear on Lease or common Demise,

Allotment of Twenty Acres to the Vicar.

LXVII. And whereas it may be for the Convenience of the said *George Malim* and his Successors, Vicars as aforesaid, to have an Allotment of Land;

Land; be it therefore further enacted, That the said Commissioner shall and he is hereby authorized to and required to set out, allot, and award unto and for the said *George Malim* and his Successors, Vicars as aforesaid, One or more Plot or Plots of Land or Ground, not exceeding in the whole Twenty Acres, in discharge of or in exchange for all the *Easter* Offerings, Mortuaries, and Surplice Fees which the said *George Malim* and his Successors, Vicars as aforesaid, may claim and be entitled to, such annual Value of the said *Easter* Offerings, Mortuaries, and Surplice Fees to be ascertained by the said Commissioner in the same Manner as the said annual Value of the said Small Tithes is herein-before made ascertainable; and that in case the annual Value of such Allotment or Allotments so to be made to the said *George Malim* and his Successors, Vicars as aforesaid, shall exceed the annual Value of the said *Easter* Offerings, Mortuaries, and Surplice Fees, the Excess thereof shall go in diminution by so much as the said Excess shall amount to of the said Rent-charge so to be charged upon the said Allotments so to be awarded to the said Earl *Fitzwilliam* as Impropriator as aforesaid.

Alterations may be made in the Allotments before the Execution of the Award.

LXVIII. And be it further enacted, That it shall be lawful for the said Commissioner, at any Time before the executing of his final Award, to make any such Alterations in the Allotments or in the Fences which he may have set out and ordered, or in any of the Orders and Directions relating thereto which he may have made in pursuance of this Act or the said recited Acts, as he may think right and expedient; and in case any Person shall be injured by any such Alteration on account of any Expences he may have incurred, or otherwise, the said Commissioner shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Monies to come to his Hands in the Execution of this Act, or shall order and direct by whom and in what Manner such Recompence shall be made, the same to be levied and recovered in case of Nonpayment in the same Manner as the Costs and Charges of obtaining and executing this Act may be levied and recovered by virtue of the said first-recited Act in case the same are raised by a Rate upon the Proprietors.

Exonerating the Impropriator from keeping a Bull and a Boar.

LXIX. And be it further enacted, That the said Earl *Fitzwilliam*, as such Impropriator as aforesaid, shall, immediately after the making of the Allotment aforesaid, be for ever exonerated and exempted from providing and keeping a Bull and a Boar for the Use of the Inhabitants of *Higham Ferrers* aforesaid.

Expences of this Act.

LXX. And be it further enacted, That the Charges and Expences incident to and attending the obtaining of this Act, and all other the Costs, Charges, and Expences attending the Execution of the same, and the Costs and Charges of qualifying, surveying and admeasuring, dividing and allotting the said Open Fields and Commonable and Waste Lands and Grounds so intended to be divided and inclosed as aforesaid, and also of the surveying so much and such Parts of the said Homesteads, Home Closes, and ancient Inclosures as shall be necessary for effectuating the Purposes aforesaid, and of preparing and inrolling the said Award, and all the Charges and Expences of the said Commissioner and of the several Persons to be employed by him in and about the said Division and Inclosure and Execution of the Powers vested in him by this Act, shall

be

be paid and defrayed by all and every the Proprietors and Owners of Lands and Estates in the said Lands and Grounds so intended to be divided, exchanged, partitioned, and inclosed, and of such old Inclosures as are to be exonerated from Tithes by virtue of this Act, (except the Queen's Majesty, Her Heirs and Successors, as Lady of the Manor of *Higham Ferrers*, and Her Lessee as such Lessee, the said Mayor and Corporation in respect of their Manorial Allotment, and the Surveyors of the Highways respectively, and also except the said Earl *Fitzwilliam* as Impropriator as aforesaid, and the said *George Malim* and his Successors, Vicars as aforesaid,) at such Time or Times and in such Proportion or Proportions and to such Person or Persons as the said Commissioner shall order and direct; and in case any of the Persons aforesaid shall neglect or refuse to pay his, her, or their Shares or Proportions of such Costs, Charges, or Expences within the Time to be limited by the said Commissioner for that Purpose, and to such Person or Persons as he shall appoint to receive the same, then the said Commissioner shall and may and he is hereby authorized and empowered, 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 such Person or Persons so neglecting or refusing to pay the same as aforesaid, rendering the Overplus (if any) to the Owner or Owners of the said Goods and Chattels, after deducting the Costs and Charges of making such Distress and Sale; or otherwise it shall be lawful for the said Commissioner, or such Person or Persons as he shall appoint, to enter into and upon the Lands, Grounds, and Premises of such Person or Persons refusing or neglecting to pay as aforesaid, and to receive and take the Rents and Profits thereof respectively, until thereby or therewith the Share or Shares, Proportion or Proportions of the Costs and Charges so directed, ordered, and appointed by the said Commissioner to be paid to such Person or Persons as aforesaid, with lawful Interest for the same from the Time it was ordered to be paid as aforesaid, and also all the Costs, Charges, and Expences occasioned by or attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied.

Commissioner to sell Part of Duchy Land to defray Expences of fencing Allotments and Portion of general Expences of this Act.

LXXI. And whereas it may be expedient for Her said Majesty, Her Heirs and Successors, and the said Earl *Fitzwilliam* as Her Lessee, to have Lands deducted from the Allotment or Allotments to be made to Her said Majesty and Her said Lessee, for paying the Share or Proportion of Her said Majesty and Her Lessee of the Costs, Charges, and Expences attending the passing and executing this Act, and of making all Roads, and of ring-fencing and subdividing the Residue of the said Allotment or Allotments to Her said Majesty and Her said Lessee by virtue of this Act, and such other Expences as shall attend the same; and the said Earl *Fitzwilliam* hath proposed to pay and defray such Costs, Charges, and Expences, and to have an Equivalent in Land in lieu thereof awarded to him in Fee Simple; be it therefore further enacted, That it shall be lawful for the said Commissioner to deduct from the respective Allotment or Allotments to be made to Her said Majesty, Her Heirs and Successors, and the said Earl *Fitzwilliam* as Her Lessee, so much Land as shall in the Judgment of the said Commissioner be equal in Value to the Share or Proportion of Her said Majesty, Her Heirs and Successors, and Her said Lessee, of the said Costs, Charges, and Expences, and to allot, assign, and award the same to the said Earl *Fitzwilliam* or his Heirs, or to such Person

or Persons, and his, her, or their Heirs, as the said Commissioner shall think proper, and who will undertake to pay and defray and shall pay and defray all such Costs, Charges, and Expences, the Right of Pre-emption being first given to the said Earl *Fitzwilliam* or his Heirs.

Commissioner may deduct from Allotments to Corporation and Churchwardens of Higham Ferrers what shall be deemed equal to Share of Expences,&c.

LXXII. And whereas it may be more convenient for the Mayor and Corporation of the Borough or Town of *Higham Ferrers*, or for the Churchwardens or Trustees of the Church Land in the said Parish, to have Lands deducted from the respective Allotments to be made to the said Mayor and Corporation, or to the said Churchwardens or Trustees, for paying the proportionable Share in respect of such Allotments of such Expences respectively, than to raise Money on Mortgage for that Purpose; be it therefore further enacted, That it shall be lawful for the said Commissioner, if he shall judge it right or expedient, to deduct from the respective Allotments to be made to the said Mayor and Corporation, Churchwardens or Trustees as aforesaid, so much Land as shall in the Judgment of the said Commissioner be equal in Value to their respective Proportions of the said Expences, and to allot, assign, and award the same to such Person or Persons as the said Commissioner shall think proper, and who will undertake to pay and defray and shall pay and defray all such Expences.

Application of Money to be paid for Purchase or Exchange of Land when amounting to 200*l.*

LXXIII. And be it further enacted, That whenever any Sum of Money is under the Provisions of the said first herein-before recited Act or this Act to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall be lawful for the said Commissioner out of such Sums to defray such Proportion of the Expence of passing this Act and of carrying the same and the said recited Acts into execution as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Corporation, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting and the like, which shall in the Judgment of the said Commissioner be proper to be made, and shall be made under his Direction, upon any Lands to be by virtue of this Act allotted to such Person or Corporation, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an

Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Corporation who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or other Incumbrance, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments belonging to such Person or Corporation, as the said Court of Exchequer shall authorize to be purchased or redeemed or paid or discharged, or such Part thereof as shall be necessary, or in the Expence of any such permanent Improvement as aforesaid; or until the same shall, upon the like Application in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the afore-mentioned Lands, Tenements, or Hereditaments stood limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, and the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid by Order of the said Court to the Person or Corporation who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled. 1 G. 4. c. 35.

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

LXXIV. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Corporation for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased or exchanged, and of his Guardian or Guardians, Committee or Committees in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Corporation who for the Time being would be entitled to the Rents and Profits of the said

said Lands, Tenements, or Hereditaments, such Nomination to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal (as the Case may be) of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank in Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When less than 20*l.*

LXXV. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Corporation who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of the Persons respectively entitled thereto.

Award to be made and deposited.

LXXVI. And be it further enacted, That as soon as conveniently may be after the said Commissioner shall have completed the said Division and Allotments of the said Lands and Grounds intended to be divided and inclosed as aforesaid, pursuant to the Directions of this Act, the said Commissioner shall form and draw up, or cause to be formed and drawn up, a final Award or Instrument in Writing, which shall express and contain the Quantity in Statute Measure of Acres, Roods, and Perches contained in the said Open Fields and Commonable and Waste Lands and Grounds hereby directed to be divided and inclosed, and the Quantity and Contents of each and every Part and Parcel thereof which shall be assigned and allotted to each and every of the Parties interested in or entitled to the same, and a Description of the Situation, Buttals, and Boundaries of the same Parcels and Allotments respectively, and proper Orders and Directions for fencing and mounding the same, and for keeping such Mounds and Fences in repair, and making and laying out proper Roads, Ways, and Passages in, through, and over the same, and also the Quantity of all and every the Homesteads, Gardens, Orchards, Homeclosures, Spinneys, and ancient Inclosures in *Higham Ferrers* aforesaid, and also all Exchanges which shall be made by virtue of this Act, and such Award shall also express and contain such other Orders, Regulations, and Determinations as shall be proper and necessary to be inserted therein conformable to the Intent and Purport of this Act; which said Award or Instrument shall be read over by the said Commissioner in the Presence of the said Proprietors at a General Meeting to be especially called for that Purpose by a Notice specifying the Time, Place, and Purpose of such Meeting, to be inserted in some Newspaper usually circulating within the said County of *Northampton*, Ten Days at least previous to such Meeting; and the said Award, being fairly engrossed or written on Parchment, shall be executed by the said Commissioner in the Presence of the Proprietors who may attend at such Meeting, and from the Time of which Execution the said Award shall be considered as complete, and to which said Award shall be annexed a reduced Copy of the Plan herein-before directed to be made,

made, and which said Plan shall also be signed by the said Commissioner; and the said Award shall, within Six Calendar Months next after the same shall be so signed and sealed as aforesaid, or as soon after as conveniently may be, be inrolled in the Office of the Clerk of the Council of the Duchy of *Lancaster*, and shall afterwards be delivered to the Clerk of the Peace for the County of *Northampton*, who is hereby required to deposit and keep the same among the Records of the said County, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be inrolled within the Intent and Meaning of the said first-recited Act; and a Copy of the said Award and of the said Plan to be thereto annexed, signed by the said Commissioner, shall, within the Time aforesaid, be deposited in the Parish Church of *Higham Ferrers* aforesaid, and there kept in a proper Box to be provided for that Purpose; and the said Award and the said Copy thereof, and any other Copy of the said Award or of any Part or Parts thereof attested by the Clerk of the Peace for the Time being of the said County, or his Deputy, (for every Sheet of which containing One hundred Words Sixpence, and no more, shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained, in all Courts whatsoever.

Omissions in the Award may be remedied by a supplementary Instrument.

LXXVII. And be it further enacted, That if, from Want of Information or other Cause, the said Commissioner shall have omitted to distinguish in his Award the several Tenures under which any of the said Lands or other Hereditaments are or shall be holden, or the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same are or shall be subject, or the different Estates or Titles for or under which the same are or shall be held, it shall be lawful for the said Commissioner and he is hereby authorized, at any Time within Twelve Calendar Months after the Date and Execution of his Award, upon Request in Writing to him made by the respective Proprietors of any such Allotments, Lands, or other Hereditaments, or other Persons interested therein, or their Agents, to do all such Acts as shall be necessary for supplying such Omission, and for that Purpose to examine Witnesses and proceed as if his Award had not been made, and, by any Deed or Instrument under his Hand and Seal, to distinguish, ascertain, and set out the Allotments, Lands, and Hereditaments held by different Tenures, and the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same respectively are subject, in the same Manner as he is hereby authorized to do in his Award; and every such separate Instrument shall be inrolled and deposited with the Award of the said Commissioner, and shall thenceforth be deemed and taken to be Part thereof to all Intents and Purposes whatsoever; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Person or Persons who shall have requested the said Commissioner to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators.

Monies may be recovered after Execution of Award.

LXXVIII. And be it further enacted and declared, That if at the Time of the Execution of the said Award there shall remain due from any Person or Corporation any Sum or Sums of Money which shall have been adjudged, ordered, or directed to be paid by virtue of this Act, it shall be lawful for the said Commissioner and he is hereby authorized and required to levy and raise the same in like Manner as he might or could have done before the Execution of his Award.

Accounts to be laid before a Justice of the Peace.

LXXIX. And be it further enacted, That once at least in every Twelve Calendar Months during the Execution of this Act (to be computed from the Time of passing thereof) the said Commissioner shall and he is hereby required to make a true and just Statement and Account of all the Sums of Money by him received and expended or applied in the Execution of this Act, and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by him laid before One of Her Majesty's Justices of the Peace for the County of *Northampton*, not interested in the said Inclosure, to be by him examined and balanced, and such Balance shall be stated in the Book of Accounts to be kept in the Office of the Person acting as Clerk to the said Commissioner; and an Abstract of such Account shall, within Fourteen Days after the same shall have been so examined and balanced, be published in some Newspaper printed and circulated in the said County of *Northampton*; and no Charge or Item in such Account shall be binding on the Parties concerned or valid in Law unless the same shall have been allowed by such Justice, and until such Account or the Abstract thereof shall have been so published as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Appeal.

LXXX. And be it further enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of the said recited Acts or of this Act, (other than and except as to the Allotments, and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by any Issue at Law, or where, by any of the Provisions of the said recited Acts or of this Act, the Determinations, Acts, or Proceedings of the said Commissioner are directed to be final or conclusive,) he may appeal to any General or Quarter Sessions of the Peace which shall be holden for the said County of *Northampton* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Parties concerned Ten Days Notice in Writing of such Appeal, and the Matter thereof; except with respect to the Accounts of the Commissioner, which, notwithstanding the same shall have been examined and balanced as aforesaid, may be appealed against at any Time within Six Calendar Months after the depositing of the Award with the Clerk of the Peace for the said County of *Northampton*, on giving to the said Commissioner such Notice as last aforesaid; and the Justices (not interested in the Premises) at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which

shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Warrant of Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous and vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

Saving to Her Majesty and Lords of Manors.

LXXXI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Queen's most Excellent Majesty as Lady of the Manor of *Higham Ferrers* aforesaid, Her Heirs or Successors, or Her Lessee, or any Lord or Lords of any other Manor or Manors within the Limits, Precincts, or Boundaries whereof the said Lands and Grounds hereby directed to be divided and inclosed, or any Part or Parts thereof, are situate, lying, and being, of, in, or to the Seignories and Royalties incident or belonging to such Manor or Manors respectively, but that the Queen's Majesty, Her Heirs and Successors, and Her said Lessee, and the Lord or Lords of the said other Manor or Manors for the Time being, shall and may from Time to Time and at all Times hereafter hold and enjoy all Courts Leet, Courts Baron, Perquisites and Profits thereof, Rents and Services, and all other Rights, Royalties, and Privileges incident, appendant, belonging, or appertaining to the said Manors respectively (other than and except the Right to the Soil of the Waste Lands in the said Parish of *Higham Ferrers*), in as full, ample, and beneficial a Manner to all Intents and Purposes as he, she, or they might or could have held and enjoyed the same in case this Act had not been passed.

General Saving.

LXXXII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, whether in right of Her Crown or of Her Duchy of *Lancaster*, and to all other Persons and Corporations, their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except such Persons as shall by virtue of this Act become seised of or entitled to any Allotment or Allotments of the Lands and Grounds hereby directed to be divided and inclosed, in Possession, Reversion, Remainder, or Expectancy, their Heirs, Successors, Executors, Administrators, and Assigns, and all Persons claiming under them or any of them respectively, and other than and except in such Instances where they are by this Act expressly barred,) all such Estate, Right, Title, and Interest as they, every or any of them had or enjoyed of, in, to, or out of the said Common and Open Fields, Lands, and Grounds by this Act directed to be divided and inclosed before the passing of this Act, or could or ought to have had and enjoyed in case this Act had not been passed.

Rules for interpretation of Words in this Act.

LXXXIII. And be it further enacted, That where in this Act any Word is used importing the Singular Number only, such Word shall be understood to include several Persons or Matters as well as one Person or Matter; and where any Word is used importing the Plural Number, such Word

Word shall be understood to include several Persons or Matters as well as one Person or Matter; and where any Word is used importing the Masculine Gender only, such Word shall extend to a Female as well as a Male; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

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

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

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