ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 133.

An Act for incloſing Lands in the Pariſh of *King's Cliffe*, in the County of *Northampton*.

[27th *May* 1809.]

WHEREAS there are within the Pariſh of *King's Cliffe*, in the County of *Northampton*, certain Common and Open Fields, Meadows, Commons, and other Commonable Lands and Grounds, containing One thouſand one hundred Acres, or thereabouts: And whereas the King's moſt Excellent Majeſty, in Right of His Crown, is Lord of the Manor of *King's Cliffe* aforeſaid, and is entitled to certain Meſſuages, Lands, and Hereditaments in *King's Cliffe* aforeſaid, which Manor, Meſſuages, Lands, and Hereditaments were by His ſaid Majeſty, on the Fourteenth Day of *July* One thouſand ſeven hundred and eighty-one, granted and demiſed to the Right Honourable *Brownlowe* Earl of *Exeter* for the Term of Sixteen Years and an Half from the Eleventh Day of *October* One thouſand ſeven hundred and ninety-five, at and under Two ſeveral yearly Rents, amounting together to Sixty-two Pounds, and which Leaſe is now veſted in the Right Honourable *Alleyne* Lord *Saint Helens*, the Right Honourable *John* Lord *Henniker*, the Reverend *William Burſlem* Clerk, and *Evan Foulkes* Eſquire: And whereas the Right Honourable *John* Earl of *Weſtmorland* is Patron of the Rectory of *King's Cliffe* aforeſaid, and the Reverend *Henry Key Bonney* is Rector thereof, and entitled to the Great and Small Tythes ariſing within the ſaid Pariſh, except the ancient Meadow Lands which are exempted from the Tythe of Hay: And

whereas the King's moſt Excellent Majeſty, in Right of His Crown, the ſaid *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Burſlem* and *Evan Foulkes*, as his Leſſees, the Right Honourable *John* Earl of *Weſtmorland*, *Thomas Law*, *George Richardſon*, *James Carrington*, *Thomas Hickman* and others, are Owners and Proprietors of the ſaid Common and Open Fields, Meadows, Commons, and other Commonable Lands and Grounds in *King's Cliffe* aforeſaid: And whereas the Lands of the ſeveral Proprietors in the ſaid Common and Open Fields lie intermixed and diſperſed, and are otherwiſe inconveniently ſituated, and the ſame and alſo the Meadows, Commons, and other Commonable Lands and Grounds in their preſent State are incapable of any conſiderable Improvement, and the Proprietors thereof are deſirous that the ſame ſhould be divided, and ſpecific Allotments ſet out to and for the ſeveral Proprietors thereof and Perſons intereſted therein, in proportion to their reſpective Rights and Intereſts, and be incloſed and held in Severalty; but ſuch Diviſion and Incloſure cannot be effected without the Aid of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all the ſaid Common and Open Fields, Meadows, Commons, and other Commonable Lands within the Pariſh of *King's Cliffe* aforeſaid, ſhall be divided, allotted, and incloſed as ſoon as conveniently may be after the paſſing of this Act;

Commiſſioners.

and that *Edward Hare* of *Caſtor* in the County of *Northampton*, *Henry Crofts* of *Elton* in the County of *Huntingdon*, and *Hugh Jackſon* of *Stamford* in the County of *Lincoln*, Gentlemen, ſhall be and they are hereby appointed Commiſſioners for dividing and allotting all the ſaid Common and Open Fields, Meadows, Commons, and other Commonable Lands and Grounds within the ſaid Pariſh of *King's Cliffe*, and for carrying the ſeveral other Purpoſes of this Act into Execution purſuant to the Powers, Regulations, Directions, and Proviſions contained in this Act, and to ſuch of the Powers, Regulations, Directions, and Proviſions contained in an Act, paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating into 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*, as are not controuled by or repugnant to any of the Clauſes, Proviſions, or Regulations of this Act.

The Proviſions of the General Act to extend to this Act.

Power to appoint new Commiſſioners.

II. And be it further enacted, That if the ſaid *Edward Hare* ſhall die or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, before all the Powers, Authorities, and Truſts hereby repoſed in the ſaid Commiſſioners, ſhall be fully executed and performed, it ſhall be lawful for the ſaid *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Burſlem*, and *Evan Foulkes*, or the Survivors or Survivor of them, his, her, or their Heirs or Aſſigns, by Writing under their or his Hands or Hand, to nominate and appoint one other fit and proper Perſon, not intereſted in the Premiſes, to be a Commiſſioner in the Place of the ſaid *Edward Hare*; and if any Commiſſioner or Commiſſioners, who ſhall be appointed in the Place of the ſaid *Edward Hare*, ſhall die, refuſe to act, or become incapable of acting as aforeſaid, ſuch future Vacancies ſhall be filled up in like Manner by the ſaid *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Burſlem*, and *Evan Foulks*,

or

or the Survivor or Survivors of them, his or their Heirs or Aſſigns; and if the ſaid *Henry Crofts* ſhall die or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, before all the Powers, Authorities, and Truſts hereby repoſed in the ſaid Commiſſioners ſhall be fully executed and performed, it ſhall be lawful for the ſaid *Henry Key Bonney*, or the Rector of *King's Cliffe* aforeſaid for the Time being, by Writing under his Hand, to nominate and appoint one other fit and proper Perſon, not intereſted in the Premiſes, to be a Commiſſioner in the Place of the ſaid *Henry Crofts*; and if any Commiſſioner or Commiſſioners, who ſhall be appointed in the Place of the ſaid *Henry Crofts* ſhall die, refuſe to act, or become incapable of acting as aforeſaid, ſuch future Vacancies ſhall be filled up in like Manner by the ſaid *Henry Key Bonney*, or the Rector of *King's Cliffe* aforeſaid for the Time being; and if the ſaid *Hugh Jackſon* ſhall die, or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, before all the Powers, Authorities, and Truſts aforeſaid ſhall be fully executed and performed, it ſhall and may be lawful for the Majority in Value of the Proprietors of Lands and Grounds hereby directed to be divided and allotted (except the ſaid *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Burſlem*, and *Evan Foulks*, their reſpective Heirs and Aſſigns, and the Rector of *King's Cliffe* aforeſaid for the Time being), or their reſpective Agents or Attornies preſent at a Meeting to be holden for that Purpoſe, by Writing under their reſpective Hands, to nominate and appoint one other fit and proper Perſon, not intereſted in the Premiſes, to be a Commiſſioner in the Place of the ſaid *Hugh Jackſon*, provided that Ten Days Notice of the Time, Place, and Purpoſe of ſuch Meeting, ſhall be given by Two or more of the ſaid Proprietors, in like Manner as herein-after is directed with reſpect to the Meetings of the ſaid Commiſſioners; and that ſuch Meeting ſhall be held in the Pariſh of *King's Cliffe* aforeſaid, or within the Diſtance of Ten Miles from the ſaid Pariſh; and if any Commiſſioner or Commiſſioners, who ſhall be appointed in the Place of the ſaid *Hugh Jackſon* ſhall die, refuſe to act, or become incapable of acting as aforeſaid, ſuch future Vacancies ſhall in like Manner be filled up by the Majority in Value of the ſaid Proprietors (except as laſt aforeſaid); and if any Commiſſioner ſhall neglect to attend Three ſucceſſive Meetings of the ſaid Commiſſioners, unleſs prevented by Sickneſs, ſuch Neglect ſhall be deemed and taken to be a Refuſal to act in the Execution of this Act; and if any of ſuch Vacancies in the Commiſſion aforeſaid ſhall not be filled up in the Manner herein-before directed, within the Space of Three Calendar Months next after the ſame ſhall reſpectively happen, it ſhall be lawful for the ſurviving or remaining Commiſſioners or Commiſſioner for the Time being, by Writing under their reſpective Hands or his Hand, to nominate and appoint one other fit and proper Perſon, not intereſted in the Premiſes, to be a Commiſſioner for ſupplying ſuch Vacancy, and ſo from Time to Time as often as there ſhall be Occaſion; and every Perſon who ſhall be nominated and appointed a Commiſſioner in Manner aforeſaid, ſhall have the like Powers and Authorities in the Execution of this Act as if he had been appointed a Commiſſioner in and by this Act.

III. Provided alſo, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners hereby appointed, or who ſhall or may be appointed in Manner herein-before mentioned, or any Two of them, and they, or any Two of them, are hereby fully authorized and empowered

Two Commiſſioners may act.

powered to do all and every or any Act, Matter, and Thing by this Act authorized to be done and performed by the ſaid Commiſſioners; and any Act, Matter, or Thing, which ſhall be executed by any Two of ſuch Commiſſioners, ſhall be as valid and effectual, to all Intents and Purpoſes, as if all the ſaid Commiſſioners herein-before appointed had been preſent, and had executed, done, and performed the ſame.

Commiſſioners to give Notice of their Meetings.

IV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to give publick Notice in the Pariſh Church of *King's Cliffe* aforeſaid, upon ſome *Sunday* immediately after Divine Service, or by Writing to be affixed on one of the Doors of the ſaid Pariſh Church, of the Time and Place of their Firſt Meeting for executing the Powers hereby veſted in them, at leaſt Eight Days before ſuch Meeting, and ſhall in like Manner give Eight Days Notice of every ſubſequent Meeting for the like Purpoſe (Meetings by Adjournment only excepted); and in caſe Two Commiſſioners ſhall not meet at the Time and Place appointed for any Meeting, or to which any Meeting ſhall be adjourned, it ſhall be lawful for any One of the ſaid Commiſſioners preſent at ſuch Time and Place, or the Clerk to be appointed by the ſaid Commiſſioners, to adjourn the ſaid Meeting to be held on any future Day, not exceeding Twenty-eight Days from the Day of Adjournment, and the ſaid Commiſſioner or Clerk making ſuch Adjournment is hereby required to give timely Notice thereof to the abſent Commiſſioners; and all Meetings for executing this Act ſhall be held at *King's Cliffe* aforeſaid, or within Eight Miles therefrom.

Notices to be publiſhed in the Stamford Paper.

V. And be it further enacted, That all Notices which by the ſaid Act or this Act are required to be given or publiſhed in any publick Newſpaper, of ſetting out publick Carriage Roads, and of reading and executing the Award of the Commiſſioners, or of any other Act, Matter, or Thing to be done in purſuance of this Act, ſhall be given and publiſhed in the *Lincoln*, *Rutland*, and *Stamford Mercury*, or, if that Newſpaper ſhall not then be publiſhed, in ſome other Newſpaper uſually circulated in the ſaid County of *Northampton*.

Commiſſioners to determine Differences.

VI. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between His Majeſty, His Heirs or Succeſſors, and any other of the Proprietors of or Perſons intereſted in any of the Lands or other Hereditaments intended to be divided or affected by this Act, or between any of the ſaid Proprietors or Perſons intereſted as aforeſaid, touching or concerning any of their Claims, Eſtates, Rights, or Intereſts therein, or any Allotment or Compenſation to be made in lieu thereof, it ſhall be lawful for the ſaid Commiſſioners and they are hereby required to hear and determine the ſame; provided that nothing herein contained ſhall authorize the ſaid Commiſſioners to determine any Diſpute or Difference which may ariſe touching or concerning the Title of His Majeſty, His Heirs or Succeſſors, or any other Perſon or Perſons to any Lands, Tenements, or Hereditaments whatſoever: Provided alſo, that nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties contrary to the Poſſeſſion of any ſuch Parties, but in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been taken from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Commiſſioners not to determine Right contrary to Poſſeſſion.

VII. Provided

Power to try disputed Claims at Law.

VII. Provided always, and be it further enacted, That if His Majesty, His Heirs or Successors, or any Person or Persons, Body or Bodies Politick or Corporate, making any Claim or Claims to any Lands or other Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person and Persons, Body or Bodies Politick or Corporate, so desirous to have the same tried at Law, shall and do by themselves, or their respective Attornies or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners, or either of them, within Twenty-one Days next after such Determination shall have been so made by the said Commissioners (of which Notice the said Commissioners are hereby required immediately on Receipt thereof, or as soon afterwards as may conveniently be done, to give Information to the adverse Party or Parties, his, her, or their respective Stewards, Receivers, or Agents, by Writing under their respective Hands to be delivered to or left at the usual Place of Abode of such Party or Parties, Attornies or Agents as aforesaid), then, but not afterwards, it shall be lawful for the Person or Persons, Body or Bodies Politick or Corporate giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, or they is and are hereby required to proceed to a Trial or Trials at Law of the same at the Assizes to be holden for the County of *Northampton*, in a feigned Action or Actions for that Purpose, to be commenced in any of His Majesty's Courts of Record at *Westminster* by the Person or Persons, Body or Bodies Politick or Corporate, giving such Notice as aforesaid, against the Person or Persons, Body or Bodies Politick or Corporate interested in the said Division, who shall make such Objection or Objections, within Six Calendar Months next after such Notice shall be given to the said Commissioners as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies who shall file Common Bail, or appear and accept One or more Issue or Issues, whereby all such Claim or Claims and Rights and Interests may be properly tried and determined, such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same; and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights, or Interests, than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried to find and declare the same by their Verdict, which shall be indorsed on the Postea, in addition to the Verdict given on the Issue or Issues joined, but nevertheless the Costs of such Action or Actions shall abide, and be determined by the Verdict given upon the Issue or Issues joined, as if no such special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such special Finding and Indorsement, or such special Finding and Indorsement, if any such shall be made, shall be binding and conclusive upon and to His Majesty, His Heirs and Successors, and all Bodies Politick or Corporate, and all Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do as is usual in other Cases; and

after such Verdict or Verdicts, or special Finding and Indorsement, shall have been obtained, and not set aside by the Court, the said Commissioners shall and they are hereby authorized and required to conform thereto: Provided always, that it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shown, to put off the Trial of such Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of such Action may be thereby exceeded, but if no such Action or Actions at Law shall be brought or commenced by the Person or Persons, Body or Bodies Politick or Corporate, giving such Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials at the Assizes which shall be holden for the said County of *Northampton*, within Six Calendar Months next after the Expiration of Twenty-one Days from the Day of giving such Notice, by or on Account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination of the Commissioners shall be final, binding, and conclusive unto and upon all Parties whatsoever.

Actions may be proceeded in or be brought after the Deaths of Parties.

VIII. Provided always, and be it enacted, That if any of the Parties in an Action or Actions, to be brought and prosecuted in pursuance of this Act, shall die pending the same, such Action or Actions shall not abate by reason thereof, but may be proceeded in as if no such Death had happened; and if any Person or Persons, in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politick or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall therein also be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Commissioners to assess Costs.

IX. Provided always, and be it further enacted, That the said Commissioners shall and may, and they are hereby authorized at their Discretion, upon Request made to them by all or any of the Parties in whose Favour they shall make their Award or Awards, to order and adjudge such Costs and Charges as they shall think reasonable, for the Use or Benefit of such Party or Parties, upon or against the Person or Persons, Body or Bodies Politick or Corporate, whose Claim or Claims, Objection or Objections, Complaint or Complaints shall be thereby disallowed, as the Case may happen; and by Warrant under the Hands and Seals of the said Commissioners to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last-mentioned Person or Persons, together with the Charges of such Distress and Sale; and in case there shall

ſhall be no Goods and Chattels whereby to levy the ſame, or in caſe a Body Corporate is to pay ſuch Coſts, then and in either of ſuch Caſes it ſhall be lawful for the Perſon or Perſons in whoſe favour ſuch Coſts ſhall be awarded, to recover the ſame by Action or Actions of Debt, or on the Caſe, in which it ſhall be ſufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum ſpecified in the Order of Adjudication made by the ſaid Commiſſioners, and in conſequence of ſuch Order of Adjudication, without ſetting forth any other of the Proceedings therein had.

Allotment for Stone, Sand, Gravel, and Mortar Pits.

X. And be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required to ſet out and allot ſuch Plot or Plots of the Lands and Grounds intended to be divided and incloſed by virtue hereof as they ſhall think proper, not exceeding Three Acres in the Whole, as and for publick Stone, Sand, Gravel, and Mortar Pits, with convenient Roads to and from the ſame, to be uſed in common by the Proprietors of the Lands and Grounds, and their Tenants, in or upon any of their Lands, Tenements, or Hereditaments, intended to be divided and incloſed, or exonerated from Tythes by virtue hereof, for their own neceſſary Uſes, or for the Repairs of the publick and private Roads in the ſaid Pariſh; and the Herbage to grow on the ſaid Allotment or Allotments is hereby veſted in the Surveyor or Surveyors for the Time being of the Highways in the ſaid Pariſh, to be by him or them let, ſold, or diſpoſed of for the Uſe of the ſame Highways.

Allotment to the Rector for Glebe Land and Commons.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award unto and for the ſaid *Henry Key Bonney*, and his Succeſſors Rectors as aforeſaid, ſuch Plot or Plots of the Lands and Grounds to be divided and incloſed by virtue hereof, as in the Judgement of the ſaid Commiſſioners ſhall be a full Equivalent for the Glebe Lands and Rights of Common belonging to the ſaid Rector, in, over, and upon the Lands and Grounds in *King's Cliffe* aforeſaid hereby directed to be divided and incloſed.

Allotment for Tythes.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award unto and for the ſaid *Henry Key Bonney*, or the Rector of *King's Cliffe* aforeſaid for the Time being, ſuch Plot or Plots of the Lands and Grounds to be divided and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One-fifth Part of all the Arable and Tillage Lands and Grounds, and One-eighth Part of all the Paſture and other Lands and Grounds, as well open as incloſed, within the Pariſh of *King's Cliffe* aforeſaid, which are ſubject or liable to the Payment of all Manner of Tythes in Kind (except as herein-after is otherwiſe provided for), and which ſhall remain after the ſeveral publick Roads, and the Stone, Gravel, Sand, and Mortar Pits, and the Allotment or Allotments in lieu of Glebe Lands and Rights of Common to be ſet out to the Rector as aforeſaid, ſhall be deducted therefrom, and alſo equal in Value to the particular Tythes (if any) payable from or out of the ancient Meadow Lands, and other Lands (if any) which are not liable to the Payment of all Manner of Tythes, and alſo equal in Value to all Moduſes, or other preſcriptive or perpetual Payments in lieu of Tythes (if any); and the Lands ſo awarded to the ſaid Rector ſhall be deemed of Freehold Tenure, and

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be veſted in the ſaid Rector and his Succeſſors for ever in Right of the ſaid Rectory; provided that in eſtimating the Compenſation or Equivalent to be made to the ſaid Rector in lieu of Tythes, in purſuance of this Act, all ſuch Lands as have at any Time ſince the Firſt Day of *January* One thouſand eight hundred and ſix been ploughed, broken up, or converted into Tillage, ſhall be deemed Arable Lands, and that all ſuch Lands as have been mown yearly ſince the Firſt Day of *January* One thouſand ſeven hundred and ſeventy-ſix ſhall be deemed ancient Meadow Lands.

For exonerating the Incloſures, not exceeding Thirty Acres, of Proprietors not having Open Field Property.

XIII. Provided always, and be it further enacted, That in caſe the Proprietor or joint Proprietors of any Meſſuages, Cottages, Homeſteads, Gardens, Orchards, or incloſed Lands or Grounds in the ſaid Pariſh of *King's Cliffe*, ſhall not be entitled upon the ſaid Diviſion to a ſufficient Quantity of the Lands and Grounds hereby directed to be divided and allotted to exonerate from Tythes the ſaid Meſſuages, Cottages, Homeſteads, Gardens, Orchards, or incloſed Lands or Grounds, and the incloſed Lands or Grounds of ſuch laſt-mentioned Proprietor or Proprietors ſhall not exceed Thirty Acres, then and in ſuch Caſes the ſaid Commiſſioners ſhall and they are hereby authorized and empowered to charge the Proprietor or joint Proprietors thereof reſpectively with ſuch Sum or Sums of Money as ſhall, in the Judgement of the ſaid Commiſſioners, be a juſt and full Compenſation and Satisfaction for the Fee Simple of the Tythes thereof reſpectively, according to the Proportions aforeſaid; and ſuch Sum and Sums of Money ſhall be paid by ſuch Proprietor or joint Proprietors reſpectively to the ſaid Commiſſioners, to be by them applied in ſuch Manner as they ſhall think proper towards defraying the Expences of obtaining this Act, and carrying the ſame into Execution; and in caſe of Non-payment thereof at the Time appointed by the Commiſſioners for that Purpoſe, the ſame ſhall be raiſed and levied in ſuch Manner as is provided for raiſing and levying the Expences of obtaining and executing this Act, in caſe of Neglect or Refuſal to pay the ſame; provided that in caſe more Money ſhall be paid to the ſaid Commiſſioners in reſpect of Tythes than will be required to defray ſuch Expences as laſt aforeſaid, the Surplus Money ſhall be divided and apportioned among the Proprietors of the ſeveral Allotments to be ſet out in purſuance of this Act, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall direct; and the Shares of ſuch of them as ſhall be Tenants of their Eſtates in Fee Simple ſhall be paid to them reſpectively, and the Shares of the other Proprietors in ſuch Surplus Money ſhall be applied in Manner directed by the ſaid Act in Caſes where any Money to be paid for any Lands or Hereditaments, or 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.

The like of incloſed Lands exceeding Thirty Acres.

XIV. Provided, and be it further enacted, That if any Proprietor or joint Proprietors of any ancient Incloſure or Incloſures in the Pariſh of *King's Cliffe* aforeſaid, exceeding the Quantity of Thirty Acres, who ſhall not have Lands or Hereditaments in the Common and Open Fields, Meadows, Lands, Commons, or Commonable Places, hereby directed to be divided and incloſed, ſufficient to make a Compenſation for the Tythes of ſuch ancient Incloſure or Incloſures, ſhall by Writing under his, her, or their Hands, to be delivered to the Commiſſioners at any Time previous to the Allotments being ſet out as herein directed, ſignify his, her, or their Deſire that a ſufficient Part of ſuch ancient Incloſures ſhould be ſet

out for the Tythes thereof, and of such Proprietor or Proprietors, other Messuages, Homesteads, Orchards, Gardens, and ancient Inclosures, then and in such Case or Cases the said Commissioners shall and they are hereby authorized and required to set out such Part of the said ancient inclosed Lands, as, together with such Proprietors Share of the Common and Open Fields, Commons, and other Commonable Lands within the Parish of *King's Cliffe* (if any), shall in their Judgement, according to the Proportions, Directions, and Regulations aforesaid, be equal in Value to the Tythes of the Messuages, Homesteads, Orchards, Gardens, and ancient Inclosures of such Proprietor or Proprietors; and such Proprietor or Proprietors shall pay such Proportion of the Rate to be made for defraying the publick Expences, and also shall fence off such Part or Parts of such ancient Inclosure or Inclosures so to be set out as a Compensation as aforesaid, as the said Commissioners shall order and direct; and such Land, so to be set out by the Commissioners, shall be allotted to the Rector for the Time being, and shall be accepted and taken by him as a full Compensation and Satisfaction for all and all Manner of Tythes of such Messuages, Homesteads, Orchards, Gardens, and ancient Inclosures of such Proprietor or Proprietors, which shall for ever afterwards be exonerated and discharged from all Tythes, as fully and effectually as if the Compensation had consisted of any Part of the Lands and Grounds to be divided and inclosed by virtue of this Act; but in case no such Allotment or Compensation shall be set out and made to the said Rector, in pursuance of such Desire or Request as last aforesaid, all such last-mentioned Inclosures shall remain subject and liable to the Payment of Tythes in Kind as if this Act had not passed.

Tythes to cease.

XV. And be it further enacted, That the Allotments which shall be set out for the said *Henry Key Bonney*, or the Rector of *King's Cliffe* aforesaid for the Time being, as herein-before mentioned, shall be in lieu of and full Compensation and Satisfaction for his Glebe Lands and Rights of Common in, upon, and over the Lands and Grounds by this Act directed to be divided and inclosed, and also for all the Great and Small Tythes, and Compositions and Payments whatsoever in lieu of Tythes arising, growing, renewing, increasing, appertaining, or due or payable to him out of or in respect of all and every the Messuages, Cottages, Tofts, Homesteads, Gardens, Orchards, inclosed Lands, Open and Common Fields, Lands, Meadows, Pastures, and all other Lands, Tenements, and Hereditaments whatsoever within the Parish of *King's Cliffe* aforesaid, intended to be exonerated from Tythes by virtue of this Act (except *Easter* Offerings, Surplice Fees, and Mortuaries, which shall not be prejudiced or affected by this Act); and all the Great and Small Tythes, Compositions, and Payments in lieu of Tythes, shall immediately from and after the setting out of the Allotment or Allotments in lieu and Satisfaction thereof as aforesaid, or at such other Time or Times as the said Commissioners shall in and by their Award, or any other Writing to be signed by them previous to the Execution of their Award, and affixed on one of the Church Doors of *King's Cliffe* aforesaid, respectively direct or appoint, cease, determine, and be for ever extinguished; and the Rector shall in the mean Time be entitled thereto and shall receive and enjoy such of the same Tythes and Payments in lieu thereof, as he might, or could, or ought to have done in case this Act had not been made; and in case the same shall happen before the End of any current Year for which the Tythes are holden by the

Tenants or Occupiers thereof, it shall be lawful for the Commissioners to determine what Sum shall be paid by them for the Tythes for such fractional Parts as shall be then passed of the current Year; and from and immediately after the said Allotments for Tythes shall be set out, the Rector shall be for ever exonerated and exempt from providing and keeping a Bull and Boar, or either of them, for the said Parish of *King's Cliffe*.

Allotment to the Lord of the Manor for the Right of the Soil.

XVI. And be it further enacted, That the said Commissioners shall and may, and they are hereby required to set out, allot, and award, to and for His said Majesty, as Lord of the Manor of *King's Cliffe* aforesaid, His Heirs and Successors, and His and their Lessee or Lessees thereof, such Parts of the Lands and Grounds hereby directed to be divided and inclosed, as shall in the Judgement of the said Commissioners be equal in Value to One Twentieth Part at least of all such Common and Waste Lands.

Allotment of the Residue.

XVII. And be it further enacted, That the said Commissioners shall, immediately after making such Allotments as aforesaid, divide, set out, allot, and award all the Residue of the Lands and Grounds hereby directed to be divided and allotted, unto and amongst His said Majesty, His Heirs and Successors, and His or their Lessee or Lessees, and the several other Proprietors thereof and Persons interested therein, in such Quantities, Shares, and Proportions as by the said Commissioners shall be adjudged and determined to be a fair, just, and reasonable Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein, for which no Allotment or other Compensation is herein-before specifically directed to be made.

For determining Objections to Allotments.

XVIII. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the Proprietors in the Lands and Grounds to be divided and inclosed by virtue of this Act, and also designed, upon the Plan to be made, the respective Shares and Proportions by them respectively proposed to be allotted to such Proprietors respectively in lieu thereof, they the said Commissioners shall give Notice, in Manner aforesaid, of some convenient Time and Place when and where all Persons interested may inspect the said Plan whereon the same shall be sketched out and delineated; and as some Persons may, upon such Inspection, be dissatisfied with their intended Allotment, the said Commissioners shall give Notice of One Meeting at the least to be held by them for receiving Complaints and Objections, and the Determination of the Commissioners in the Premises shall be final, binding, and conclusive upon all Parties.

For fencing the Rector's Allotments.

XIX. And be it further enacted, That the Allotments which shall be set out and awarded to the said Rector for and in lieu of his Glebe Lands, Rights of Common, and Tythes as aforesaid, and to His said Majesty, His Heirs or Successors, and His or their Lessees or Lessee, shall be inclosed and fenced in on all such Parts as shall not be directed to be fenced by any other Proprietor, and as shall not adjoin upon any ancient Inclosure or Brook, with Ditches and Quickset Hedges and other proper Mounds

and

and Fences, with proper Posts and Rails, or other Guard-fences to such new made Quickset Hedges, by and at the Expence of such of the Proprietors (except the said Rector) of the Lands and Grounds hereby directed to be divided and inclosed, and of the ancient inclosed Lands and Hereditaments in *King's Cliffe* aforesaid, hereby directed to be exonerated from Tythes, and in such Shares and Proportions as the said Commissioners shall direct; and all the Boundary Hedges, Ditches, and Fences, shall at all Times thereafter be repaired and maintained by and at the Expence of the Rector of the said Rectory, or of the other Owners or Proprietors for the Time being, to whom such Fences shall be respectively allotted or directed to belong; and the several other Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched, and fenced at the Expence of the respective Proprietors to whom such Fences shall be allotted or directed to belong with Quickset Hedges and proper Ditches, or in such other Manner as the said Commissioners shall by their Award, or any other Writing under their Hands, direct or appoint; and the Proprietors of the Allotments adjoining upon *Westhay* Woods shall maintain the Boundary Fences next *Westhay* Woods aforesaid in like Manner as the same are now fenced, or in such other Manner as the said Commissioners so as aforesaid shall direct or appoint.

Fencing other Allotments.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, on Application made to them in Writing by any Person or Persons entitled to any Allotment or Allotments, or inclosed Lands or Tenements intended to be exonerated from Tythes by virtue of this Act, being Tenants in Tail, or for Life or Lives, or for any other Contingency, or for the Husbands, Guardians, Trustees, Committees, or Attornies of any Persons seised of any such Estates respectively, who are under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability (except the said Rector of *King's Cliffe* aforesaid, and also except His said Majesty, His Heirs and Successors, and His and their Lessees or Lessee, and also for the Feoffees or Trustees of any Estates within the said Parish, limited or settled to or for any charitable Uses or Purposes), to sell and dispose of any Part or Parts of such his, her, or their Allotment or Allotments, sufficient to defray his, her, or their Proportion or Proportions of the Costs, Charges, and Expences of passing and executing this Act, and of the necessary Costs and Expences of fencing and dividing his, her, or their Allotment or Allotments, and of exonerating his, her, or their inclosed Lands or Tenements from Tythes, by a Money Payment in pursuance of this Act; all which Sales hereby authorized shall be made in such Manner and Form, and subject to such Regulations, as by the said Act of the Forty-first Year of His present Majesty is directed or mentioned with respect to Sales thereby authorized; and the said Commissioners are hereby authorized to convey and assure, or allot and award, the Part or Parts so sold to the Purchaser or Purchasers thereof in Fee Simple, by Indentures of Lease and Release, or Bargain and Sale, or by their Award, and the Receipt of the said Commissioners for the said Purchase Monies shall be a sufficient Discharge to such Purchaser or Purchasers; or it shall be lawful for any such Person or Persons as aforesaid, with the Consent in Writing of the said Commissioners as aforesaid, to charge his, her, or their respective Allotments and inclosed Land, or either of them, or any Part thereof, with any Sum or Sums of Money not exceeding the Amount of the respective Payments which he, she, or they shall make by the

Power to sell Land for paying Expences, or to charge the Allotments therewith, &c.

Direction

Direction of the ſaid Commiſſioners, for or on Account of all or any ſuch Coſts, Charges, and Expences, and ſuch pecuniary Payment for Exoneration from Tythes as aforeſaid, and which Charge ſhall not in any Caſe exceed the Rate of Five Pounds an Acre; and for better ſecuring the Payment thereof, with Intereſt, it ſhall be lawful for ſuch Perſon or Perſons as aforeſaid, with ſuch Conſent as laſt aforeſaid, to grant, ſurrender, convey, or aſſign the Lands ſo to be charged by Way of Mortgage in ſuch Manner as by the ſaid Act of the Forty-firſt Year of His preſent Majeſty is provided or authorized with reſpect to any other Money to be raiſed or borrowed for the Purpoſes of this Act.

Application of Surplus Money.

XXI. Provided always, and be it further enacted, That in caſe ſuch Lands and Grounds, ſo to be ſold as herein-before mentioned by the ſaid Commiſſioners, ſhall be ſold for more Money than will be required to defray the Share or Proportion of ſuch Coſts, Charges, and Expences to be paid by the Perſon or Perſons ſo requeſting ſuch Sale, then and in ſuch Caſe ſuch Surplus Money ſhall be divided and apportioned between the ſeveral Perſons ſo requeſting ſuch Sale, if more than One ſuch Application ſhall be made, in ſuch Shares as the ſaid Commiſſioners ſhall think proper; and the Shares of ſuch of them as ſhall be Tenants of their reſpective Allotments in Fee Simple ſhall be paid to them reſpectively, and the Shares of ſuch other Perſons of or in ſuch Surplus Money ſhall be applied and diſpoſed of in Manner directed by the ſaid Act in thoſe Caſes wherein any Money is 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.

Exchanges.

XXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to ſet out, allot, and award any Lands, Tenements, or Hereditaments whatſoever, whereof or whereto any Perſon or Perſons, Body or Bodies Politick or Corporate, is or are ſeiſed or entitled for any Eſtate for Life or Lives, or for Years determinable on any Life or Lives, or for any Eſtate of Freehold or Inheritance within the ſaid Pariſh of *King's Cliffe*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatſoever within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet, or Townſhip; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and that all Exchanges in purſuance of this Act be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors ſhall be a Body or Bodies Politick, Corporate or Collegiate, or be Tenant or Tenants in Fee Simple, Fee Tail General or Special, or for Life or Lives, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunaticks, or under any other legal Diſability, or who ſhall be beyond the Seas or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politick, Corporate or

Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange or Exchanges ſo to be made ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever; and the reſpective Lands and Hereditaments ſo to be exchanged ſhall become and be of the ſame Tenure, and held by and under the ſame Rents and Services, and go and remain to and for the ſame Uſes and Truſts, and ſubject to the ſame Powers, Conditions, Covenants, and Agreements as the Lands and Hereditaments in reſpect whereof the ſame ſhall be exchanged are or ſhall be ſubject, or would have been ſubject or liable to in caſe the Exchange thereof had not been made: Provided always, that no Exchange ſhall be made of Copyhold Lands or Hereditaments by virtue of this Act or the ſaid Act, unleſs the Lands and Hereditaments given and received in Exchange ſhall be ſituate within the Pariſh of *King's Cliffe*, and unleſs the Lord or Lady of the ſaid Manor of *King's Cliffe* for the Time being, or the Leſſee or Leſſees thereof, or the Huſband, Truſtee, Guardian, Committee, Attorney, or Steward of ſuch Lord or Lady, Leſſee or Leſſees, being a Minor, Lunatick, Feme Covert, beyond the Seas, or under any Incapacity or Diſability, ſhall by Writing under his or her Hand teſtify his or her Conſent thereto: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid, of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments, ſo to be exchanged, ſhall lie and be ſituate: Provided always, that all Coſts, Charges, and Expences attending the making any Exchanges and Partitions ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportion as the ſaid Commiſſioners ſhall by their ſaid Award, or other Writing under their Hands, order and direct.

Proprietors may ſell their Allotments before the Execution of the Award, and their Rights of Common ſeparate from their other Property.

XXIII. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments by virtue of this Act, to give, grant, bargain, ſell, demiſe, mortgage, deviſe, limit, convey, aſſure, ſurrender, and diſpoſe of the ſame, for all or any Part of his, her, or their Eſtate and Intereſt therein, or Right thereto, at any Time before the Execution of the Award of the ſaid Commiſſioners; and every ſuch Grant, Bargain, Sale, Demiſe, Mortgage, Deviſe, Limitation, Surrender, and Diſpoſition thereof, as well by Will as any other Conveyance or Aſſurance, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and alſo that it ſhall and may be lawful for any of the Owners or Proprietors of any Right of Common upon the Lands and Grounds hereby directed to be divided and incloſed to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof by virtue of this Act, ſeparate and diſtinct from the Eſtate in Right of which he or ſhe is entitled to the ſame, in ſuch Manner as he or ſhe might have done at any Time after the Execution of the ſaid Award; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to award all and every ſuch Allotment or Allotments which ſhall be ſold or diſpoſed of, or to be made and ſet out in lieu of any Right of Common ſo ſold or diſpoſed of, to ſuch Purchaſer or Purchaſers thereof, or other Perſon or Perſons who ſhall be entitled to the ſame by virtue of any ſuch Sale or Diſpoſition.

Allotments to be of the same Tenure as the Lands, &c. in lieu whereof the same shall be made.

XXIV. And be it further enacted, That all the Allotments which shall be set out or allotted to any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, by virtue of this Act, shall be deemed and taken to be held by and under the same Tenures, Rents, Fines, Customs, and Services respectively, as the Lands and Hereditaments in lieu or in respect whereof such Allotments were made were previously held by or subject unto, and the said Commissioners shall in their Award distinguish the Tenures of the said Allotments respectively.

Not to revoke Wills, &c.

XXV. And be it further enacted, That nothing in this Act contained shall revoke, make void, alter, or annul any Will or Settlement of or concerning of the Lands, Tenements, or Hereditaments which shall be allotted or exchanged by virtue of this Act, or prejudice any Person having any Claim or Interest of, into, or out of the same, but the same Lands, Tenements, and Hereditaments shall, upon the allotting and exchanging thereof respectively, go and remain to the same Persons for the same Estates and Interests, and to and for the same Uses, and upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisoes, Limitations, Conditions, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, as the Lands and Hereditaments in respect whereof the same shall be respectively allotted or exchanged are of, or would be held, or go, stand, or be limited to or upon, or be subject to or affected by if such Allotment or Exchange had not been made, or this Act had not passed, save and except such Leases and Tenancies at Rack Rent as shall become void or be determined by virtue of this Act or of the said Act, and subject nevertheless to all such Mortgages and Leases as shall be made by Authority of this Act or of the said Act.

Power to vicare Leases as Rack Rent.

XXVI. And be it further enacted, That all and every Lease and Leases, and Agreements for Leases at Rack Rent, or from Year to Year now subsisting, of all, every, or any Part or Parts of the Lands and Grounds which are hereby directed to be divided and allotted, or which shall be exonerated from Tythes, or exchanged by virtue of this Act, and of all Messuages, Homesteads, and old Inclosures situate in the Parish of *King's Cliffe* aforesaid, which are let therewith, shall immediately from and after dividing, allotting, exonerating, and exchanging the same Lands and other Hereditaments respectively, or at such other Time or Times as the said Commissioners shall by any Writing under their Hands direct, cease, determine, and be void, and the respective Owners of such Lands and Hereditaments shall make such Satisfaction and Compensation to such Lessee or Lessees, Tenant or Tenants, for the Loss or Damage he, she, or they respectively shall thereby sustain, and in such Manner as such Owners and their Lessee or Lessees, Tenant or Tenants respectively shall agree upon, or in case they shall disagree, then as the said Commissioners shall order, direct, or appoint to be paid to such Lessee or Lessees, Tenant or Tenants respectively on Account thereof; and in case the Money directed by the said Commissioners to be paid on the Account aforesaid shall not be paid at the Time by them appointed, the same shall be recoverable at the Suit of the Person or Persons respectively to whom the same shall be directed to be paid, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which no Protection, Essoign, Wager of Law, or more than One Imparlance shall be allowed: Provided always,

that if there ſhall be any ſuch Leaſe as aforeſaid of Lands, Part of which lie in the Pariſh of *King's Cliffe*, and Part in any adjoining Pariſh, all and every ſuch Leaſe and Leaſes may be vacated, but where any Land included in any ſuch Leaſe ſhall be taken in Exchange by virtue of the ſaid Act or this Act, which Land ſhall be wholly ſituated in an adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Land ſhall not be vacated.

Commiſſioners may direct the Courſe of Huſbandry.

XXVII. And be it further enacted, That in the mean Time, and until ſuch Diviſion and Allotments ſhall be made as aforeſaid, all the Tillage, Paſture, and other Lands, hereby directed to be divided and incloſed, ſhall be ſtocked with ſuch Cattle, and ſown by the reſpective Owner or Owners, Occupier or Occupiers thereof with ſuch Corn and Grain, and ſhall be kept, ordered, and continued in ſuch Courſe of Huſbandry as the ſaid Commiſſioners by any Writing or Writings under their Hands in that Behalf ſhall award, order, direct, or appoint, any Uſage or Cuſtom of ſtocking or ſowing to the contrary notwithſtanding; and that no Meadows, Paſtures, or freſh Grounds, Part of the Lands and Grounds directed to be divided and incloſed, or exonerated from Tythes, and not now in Tillage, ſhall before that Time be broken up or converted into Tillage; and alſo that it ſhall and may be lawful for the ſaid Commiſſioners, at any Time hereafter when they in their Judgement ſhall think it convenient and neceſſary, by Notice for that Purpoſe under their Hands to be affixed on one of the Doors of the Pariſh Church of *King's Cliffe* aforeſaid, to ſuſpend or totally extinguiſh all or any Part of the Rights of Common in and over the Lands or Grounds hereby directed to be divided and incloſed; and from and after ſuch Notice given all ſuch Right of Common over Lands or Grounds as by ſuch Notice or Notices ſhall be directed or clared to be ſuſpended or extinguiſhed ſhall ceaſe, and be utterly extinguiſhed, or otherwiſe be ſuſpended for ſuch Time as the ſaid Commiſſioners ſhall in and by ſuch Notice direct; and if during ſuch Suſpenſion, or after ſuch Extinguiſhment of Common Right as aforeſaid, any of the ſaid Proprietors ſhall at any Time or Times during the Time this Act ſhall be carrying into Execution, permit his, her, or their Cattle to depaſture or feed on any of the Lands or Grounds ſo exonerated from Common, then it ſhall be lawful for any of the Proprietors to ſeize ſuch Cattle, being upon ſuch Lands or Grounds contrary to ſuch Order, and to impound and keep the ſame until the Perſon or Perſons ſo offending ſhall pay to the Perſon or Perſons ſo ſeizing and impounding ſuch Cattle a Sum not exceeding Five Shillings for each of the ſaid Cattle ſo ſeized and impounded.

Proprietors whoſe Allotments ſhall be ploughed, to make Satisfaction.

XXVIII. And be it further enacted, That the ſeveral Proprietors whoſe Allotments on the ſaid Diviſion and Incloſure ſhall have been ploughed, ſowed, or manured by the Direction of the ſaid Commiſſioners, ſhall pay unto the ſeveral Perſons who ſhall have ploughed, ſowed, or manured the ſame, ſuch ſeveral and reſpective Sums of Money, and at ſuch Times, as the ſaid Commiſſioners ſhall think reaſonable, and by any Writing under their Hands aſcertain, order, and direct; and in caſe any of the ſaid Sums of Money ſhall not be paid at the Times ſo ordered by the Commiſſioners, the ſame ſhall be raiſed, paid, and recovered in ſuch Manner as is provided for raiſing, levying, and recovering the Expences of obtaining this Act, and carrying the ſame into Execution, in caſe of Neglect or Refuſal to pay the ſame.

XXIX. And

Commissioner to make Drains.

XXIX. And be it further enacted, That the said Commissioners shall and may make, scour, and widen, all such ancient Brooks, Ditches, Drains, Watercourses, Tunnels, and Bridges, in the said Parish of *King's Cliffe*, and also shall and may set out such new Ditches, Drains, or Watercourses, Tunnels, Water Gates, and Banks, and from Time to Time make and repair such competent Bridges, as well through and over the Lands and Grounds hereby directed to be divided and inclosed, as also in, through, and over any ancient Inclosures or other Lands and Grounds in the same Parish, making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands and Grounds, not hereby directed to be divided and inclosed, for the Damage done thereby, as they shall think proper, of such Breadth and Depth and in such Direction as the said Commissioners shall think proper; and the said Commissioners shall and they are hereby directed, in and by their said Award, to order and award by whom, and at whose Expence, and at what Time, and in what Manner, such Brooks, Ditches, Drains, Watercourses, Tunnels, Water Gates, Banks, and Bridges shall be made, and thereafter repaired, cleansed, scoured, and maintained: Provided always, that no Brook or Stream of Water shall be diverted or turned without the Consent of the Owner or Owners of the Lands and Grounds from which any such Brook or Stream shall be turned, or into which any such Brook or Stream shall be turned.

Tunnels to be made across Gateways.

XXX. And be it further enacted, That where any Gate or Gates shall be made against any publick Road or Way within the Parish of *King's Cliffe* aforesaid, the Proprietor or Proprietors of such Gate or Gates shall and he is hereby required, at his and their own proper Costs and Charges, within Six Calendar Months next after the Date of the said Award, or from the Time such Gates shall be placed, in all Places where such Gates shall be placed, to make or cause to be made a good and sufficient Bridge, or covered Drain, of a Capacity equal to the Necessity of the Case, and shall from Time to Time for ever afterwards, at his and their like Costs and Charges, keep open and in good Repair the said Bridges or Drains, and every of them; and in case such Proprietor or Proprietors shall neglect or refuse to make such Bridges or Drains as aforesaid, within the Time herein-before limited for that Purpose, or shall neglect or refuse, after such Bridges or Drains shall be made as aforesaid, to keep the same open and in good Repair, then and in either of the said Cases, the Surveyors of the Highways of the said Parish of *King's Cliffe* for the Time being shall and they are hereby authorized and required, from Time to Time, to make and repair such competent Bridges or Drains as aforesaid, and the Proprietor or Proprietors so neglecting or refusing to make such Ditches or Drains as aforesaid, or to keep the same in good Repair, shall not only reimburse and repay to the Surveyors all such Costs, Charges, and Expences as shall attend the making of such Ditches or Drains, and keeping the same from Time to Time open and in good Repair, but shall also for every such Neglect or Default forfeit and pay to such Surveyor or Surveyors respectively such Sum, not exceeding Five Pounds, as any One of His Majesty's Justices of the Peace for the said County of *Northampton* shall direct; and in case the said Proprietor or Proprietors shall, after Demand made by the said Surveyors, or any of them, neglect or refuse to reimburse and repay such Surveyor or Surveyors all Costs, Charges, and Expences as aforesaid, and also the Penalty, not exceeding Five Pounds, then the same and every Part thereof shall and may be levied by Distress

Diſtreſs and Sale of the Goods and Chattels of the Party or Parties ſo refuſing or neglecting as aforeſaid, by Warrant under the Hand and Seal of any One of His Majeſty's Juſtices of the Peace for the County of *Northampton*, which Warrant ſuch Juſtice is hereby authorized and required to grant; and ſuch Penalty or Penalties ſhall be paid to the ſaid Surveyor or Surveyors, who is and are hereby ordered and directed to lay out, apply, and diſpoſe of the ſame in and about the Repairs of the Highways in the Pariſh of *King's Cliffe* aforeſaid.

Power for Juſtices to declare any of the Roads completed.

XXXI. And be it further enacted, That when and ſo ſoon as any of the publick Carriage Roads, to be ſet out in purſuance of the ſaid Act and this Act, ſhall be completed and put into good and ſufficient Repair, it ſhall be lawful for the Juſtices of the Peace of and for the ſaid County of *Northampton*, or any Two of them, at any Special Seſſion or Meeting to be holden for the Purpoſe, to declare ſuch Road or Roads to be fully and ſufficiently formed, completed, and repaired, from which Time and for ever thereafter ſuch Road or Roads ſhall be ſupported and kept in Repair by ſuch Perſons, and in like Manner, as the publick Roads now are or ought by Law to be amended and kept in Repair.

Award to be depoſited in the Pariſh Church.

XXXII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, when inrolled according to the Directions of the ſaid recited Act, ſhall be depoſited in the Church Cheſt of *King's Cliffe* aforeſaid, or ſome other ſafe Place in the ſaid Pariſh Church.

Commiſſioners Expences, &c.

XXXIII. And be it further enacted, That each of the Commiſſioners and their Clerk, who ſhall act in the Execution of the Truſts and Powers veſted in them by this Act, ſhall be paid the Sum of Three Pounds for each Day he ſhall be employed in or about the Execution of this Act, or in travelling to and from any Meeting for that Purpoſe, ſo as the ſame do not exceed One Day in travelling to and One Day in travelling from any ſuch Meeting; and that the ſame, together with all the Coſts, Charges, and Expences of paſſing this Act, and the Coſts and Charges of ſurveying, admeaſuring, planning, valuing, dividing, and allotting the Lands and Grounds hereby directed to be divided and incloſed, and alſo of ſurveying, admeaſuring, planning, and valuing the ſaid Homeſteads and ancient Incloſures, and exonerating the ſame from Tythes, and of forming and making the publick Roads in and over the Lands and Grounds hereby directed to be divided and incloſed, and of preparing and inrolling the ſaid Award, and all other Expences about and concerning the ſaid Premiſes, ſhall be borne and defrayed in a proportionable Rate by all the Proprietors and Owners for the Time being of the Lands, Grounds, and Eſtates in the ſaid Pariſh of *King's Cliffe* aforeſaid, hereby directed to be divided and incloſed, or exonerated from Tythes (except the ſaid Rector in reſpect of his Glebe Lands, Rights of Common and Tythes, and alſo except His ſaid Majeſty and His ſaid Leſſees, their reſpective Heirs, Succeſſors, and Aſſigns, in reſpect of the Property demiſed by the aforeſaid Indenture of Leaſe), in ſuch Shares and Proportions, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall by any Writing under their Hands, previous to making their ſaid Award, or by their Award ſhall order, direct, or appoint.

Money advanced to be repaid with Intereſt.

XXXIV. And be it further enacted, That the Money which ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Expences of applying for and obtaining this Act, or for carrying the ſame into Execution, ſhall be repaid with lawful Intereſt to the Perſon or Perſons advancing the ſame, his Executors, Adminiſtrators, or Aſſigns, out of the firſt Money to be raiſed for defraying the Expences of obtaining and executing this Act.

Commiſſioners to make an Extract of ſo much of their Award as relates to His Majeſty's Allotment, and to tranſmit the ſame to the Land Revenue Office.

XXXV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to make an Extract on Parchment, under their Hands and Seals, of ſo much of their Award as ſhall contain an accurate Deſcription of the Allotment or Allotments ſo to be made to His Majeſty and His Leſſees, together with ſuch Regulations or Proviſions relative to the ſaid Allotment or Allotments, or any other Rights or Intereſts of His Majeſty or His Leſſees, as may be contained in ſuch Award, and alſo a Map or Plan of ſuch Allotment or Allotments, and tranſmit the ſame to the Surveyor General of His Majeſty's Land Revenue for the Time being, within Three Months after the making and executing the ſaid Award, to be by him filed and kept among the Muniments of his Office.

Auditor appointed for ſettling the Commiſſioners Accounts.

XXXVI. And be it further enacted, That *John Bramſton* of *Lincoln's Inn* Eſquire, ſhall be and he is hereby appointed Auditor of the Commiſſioners Accounts; and in caſe of his Death or Refuſal to act, then ſome other fit and proper Perſon, not intereſted in the Premiſes, ſhall be appointed Auditor for that Purpoſe by the Majority in Value of the ſaid Proprietors preſent at a Meeting to be holden for that Purpoſe, of which the like Notice ſhall be given as is herein-before directed to be given of the Commiſſioners Meetings, as often as Occaſion ſhall require; and the Accounts of the ſaid Commiſſioners, containing a true Statement of all Sums by them received and expended, or due to them for their own Trouble or Expences, ſhall at leaſt Once in every Year from the paſſing of this Act, until ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by the ſaid Auditor, and the Balance by him ſtated in the Book of Accounts to be kept in the Office of the Clerk of the Commiſſioners; and that no Charge or Item in ſuch Account ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be duly allowed by the ſaid Auditor as aforeſaid.

Perſons aggrieved may appeal to the Quarter Seſſions.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid Act of the Forty-firſt Year of His preſent Majeſty, or of this Act (other than and except ſuch Claims, Matters, and Things as are herein-before directed or authorized to be aſcertained, ſettled, tried, or determined by the Verdict of a Jury, and alſo except ſuch Orders and Determinations of the ſaid Commiſſioners as are by the ſaid Act or this Act directed to be final or concluſive), then and in every ſuch Caſe he, ſhe, or they may appeal to the General 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 Commiſſioners, or any Two of them, and to the Party or Parties concerned, Thirty Days Notice in Writing of ſuch Appeal,

and of the Matter thereof; and the Juſtices (not intereſted in the Premiſes) in their ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, 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 His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; and in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants as to them in their Diſcretion ſhall ſeem reaſonable: Provided always, that nothing in this Act contained ſhall extend or be conſtrued to extend to authorize the ſaid Commiſſioners, or any of them, to intermeddle or interfere with the ancient Incloſures, or ſeveral intermixed Lands called *Blue Field*, or any other incloſed or ſeveral Lands or Grounds in *King's Cliffe* aforeſaid, of or belonging to the ſaid Earl of *Weſtmorland*, or any other Lands or Grounds whatſoever in *King's Cliffe* aforeſaid, of or belonging to the ſaid Earl, except only ſuch Lands and Grounds the Property of the ſaid Earl, which lie in and are Part of the Open and Common Fields and Meadows of *King's Cliffe* aforeſaid, by this Act directed to be divided and incloſed.

Paſture, &c. reſerved to His Majeſty.

XXXVIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all Perſons claiming by, from, or under him or them, all ſuch Paſturage for the Deer and other Beaſts of Chaſe kept within the Foreſt of *Rockingham* in the ſaid County of *Northampton*, in and over the Lands and Grounds in *King's Cliffe* aforeſaid, as has been heretofore and is now had and enjoyed by His ſaid Majeſty, or by any other Perſon or Perſons whatſoever claiming to hold, enjoy, uſe, and occupy the ſame by virtue of any Grant or Office holden under him, or under the Grant of any of His Royal Predeceſſors; and alſo ſaving to His ſaid Majeſty, His Heirs and Succeſſors, and to all ſuch other Perſon or Perſons claiming as aforeſaid, full Power, Right, Liberty, and Authority, by themſelves, or by their Servants duly authorized, to hunt, take, chaſe, kill, and carry away, off and from the Lands and Grounds aforeſaid, all Deer and other Beaſts of Chaſe kept within the ſaid Foreſt, in as full, ample, and beneficial Manner, as they have heretofore enjoyed the ſame, and as if this Act had not been made.

General Saving.

XXXIX. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns (other than and except the ſeveral Perſons claiming Lands, Rights of Common, or other Rights or Intereſts in the ſaid Commonable Lands, or any Part or Parts thereof, and alſo His Majeſty, His Heirs and Succeſſors, and His or their Leſſee or Leſſees, and the ſeveral other Perſons to whom any Allotment or Allotments ſhall be made in reſpect of the Intereſt or Property for which ſuch Allotment

ſhall

shall be made, and except such other Rights and Interests of His Majesty, His Heirs and Successors, and His and their Lessee or Lessees, and other Persons as the Intent and Purpose of the Inclosure hereby authorized shall require to be absolutely barred, destroyed, or extinguished by this Act), all such Estates, Rights, and Interests as they, every, or any of them had or enjoyed of, into, or in respect of the said Lands hereby directed to be divided and inclosed before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

To be printed as a Publick Act.

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

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1809.