ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 143.

An Act for draining, inclosing, and improving the Lands called *Borough Fen Common*, and the *Four Hundred Acre Common*, in the County of *Northampton*; and for forming the same into a Parish, to be called *Newborough*; and for building and endowing a Church for such Parish. [9th *June* 1812.]

WHEREAS there is within the Hundred of *Nassaburgh*, in the Soke of *Peterborough*, in the County of *Northampton*, a large Tract of Open Common and Waste Fen or Marsh Land, usually called or known by the Names of *Borough Fen Common*, *Peterborough Great Fen*, or *Borough Fen Common*; and there is also within or adjoining to the said Hundred of *Nassaburgh* and Soke of *Peterborough*, a certain Common or Waste called the *Four Hundred Acre Common*, which said Commons or Wastes contain together, by Computation, upwards of Six thousand Acres, lying and being in the North Level of the Fens, Part of the Great Level of the Fens called *Bedford Level*, upon which the Owners and Occupiers of ancient Messuages, Cottages, Tenements, Lands, and Hereditaments, in the several Parishes, Townships, Hamlets, and Places of *Alesworth*, *Ashton*, *Bainton*, *Barnoak*, *Castor cum Milton*, *Deepingate*, *Dogsthorpe*, *Eastfield* and *Newark*, *Etton* and *Woodcroft*, *Eye*, *Glinton*, *Gunthorpe*, *Helpstone*, *Longthorpe*, *Marholm*, *Maxey*, *Northborough*, *Paston*, *Peakirk*, *Peterborough*, *Pilsgate*, *Saint Martins*, *Stamford Baron*, *Southorpe*, *Sutton*, *Thornhaugh*, *Ufford*, *Upton*, *Walton*, *Wansford*, *Werrington*, *Wittering*, and *Woothorpe*, being the Whole of that Part of the County of *Northampton*, which is usually called or known by the Name of

The Soke of Peterborough; and also the Owners and Occupiers of ancient Messuages, Cottages, Tenements, Lands, and Hereditaments, in that Part of the Parish of *Sibson*, with *Stibbington* or *Wansford*, South of the River *Nene*, which is rated to the Land Tax to the County of *Northampton*, have had and exercised, or claim to be entitled to have and exercise, a Right of Common of Pasture: And whereas the Right Honourable *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, the Reverend *William Burslem* Clerk, and *Evan Foulkes* Esquire, as Devisees in Trust of all the Real Estates of the most Honourable *Henry* late Marquis of *Exeter*, deceased, claim to be Lords of the Hundred of *Nassaburgh* and Soke of *Peterborough*, and claim to be Owners of the Soil of the said Tract of Open Common and Waste Land: And whereas in the Event of the said *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Burslem*, and *Evan Foulkes*, not being able to make out a Title to the Soil of the said Tract of Open Common and Waste Land, the King's most Excellent Majesty claims to be entitled thereto in Right of His Crown: And whereas the most Noble *John* Duke of *Bedford* claims to be Lord of the Manors of *Wansford*, with *Stibbington* and *Thornhaugh*; the Right Honourable *William Wentworth* Earl *Fitzwilliam*, claims to be Lord of the Manors of *Maxey*, with its Members *Northborough*, *Etton*, *Helpstone*, *Milton*, *Castor*, and *Marholm*, in the said County of *Northampton*; and the said *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, the said *William Burslem*, and *Evan Foulkes*, as Devisees as aforesaid, claim to be Lords of the Manors of *Burleigh*, *Saint Martins*, *Woothorpe*, *Wittering*, *Southorpe*, and *Barnoak*, with *Pilsgate*; the Right Reverend *Spencer* Lord Bishop of *Peterborough*, in Right of his See, claims to be Lord of the Manors of *Boroughbury*, *Eye*, *Werrington*, and *Walton*, in the said County; the Reverend the Dean and Chapter of the Cathedral Church of the Borough of *Saint Peter* otherwise *Peterborough*, in the said County of *Northampton*, claim to be Lords of the Manors of *Peterborough*, *Longthorpe* and *Glinton* with *Peakirk*; and the said Dean and Chapter of *Peterborough* also claim to be Lords of the Manors called *Maxey*, with *Northborough*, *Castor*, and *Sutton*; Sir *John Trollope* Baronet, claims to be Lord of the Manor of *Torpell*; *William Walcot* Esquire, claims to be Lord of the Manor of *Stibbington*, in the said County; and the said several Lords, *Edward Knipe* Esquire, *Abel Walford Bellairs* Esquire, *Christopher Horny Noel* Esquire, and other Persons, claim to be Lords of other Manors within the said several Parishes, Townships, Hamlets, and Places aforesaid, or some of them: And whereas the said several Persons as last mentioned as Lords of the said several Manors, do severally claim to be entitled to or interested in the Soil of the said Tract of Open Common and Waste Land: And whereas *Thomas Orby Hunter* Esquire, as Lord of the Manor of *Crowland*, in the County of *Lincoln*, claims to be interested in the Soil of the said Common called the *Four Hundred Acre Common*, or some Part thereof; and the said *Thomas Orby Hunter*, and divers other Persons, Owners of ancient Estates within the said Manor of *Crowland*, also claim to be entitled to Rights of Common or other Rights and Interests in and over the said Common called the *Four Hundred Acre Common*, or some Part thereof: And whereas the King's most Excellent Majesty, in Right of His Crown, claims to be interested in or entitled to Tythes of all the said Common and Waste Land, or to Portions of Tythes, Moduses, Compositions, or other Payments in lieu thereof, in certain Shares and Proportions: And whereas the said *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Burslem*, and *Evan Foulkes*, as Devisees as aforesaid, claim

to

to be interested in or entitled to Tythes of all the said Common and Waste Land, or to Portions of Tythes, Moduses, Compositions, or other Payments in lieu thereof, in certain Shares and Proportions: And whereas the said Duke of *Bedford* claims to be Patron of the Rectories of *Thornhaugh* with *Wansford*, and of *Sibson* with *Stibbington*; and the Reverend *William Wing* Clerk is Rector of the same; and the said *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Bursiem*, and *Evan Foulkes*, as Devisees as aforesaid, claim to be Patrons of the Vicarage of *Saint Martins Stamford Baron*, and of the Rectory of *Wittering*; and the Reverend *Richard Atlay* Clerk is Vicar of the Vicarage of *Saint Martins Stamford Baron*; and the Reverend *Christopher Cookson* is Rector of the Rectory of *Wittering*; and the said Earl *Fitzwilliam* claims to be Patron of the Rectories of *Etton* and *Marholm*; and the Reverend *Samuel Edmund Hopkinson* Clerk is Rector of the Rectory of *Etton*; and the Reverend *Christopher Hodgson* Clerk is Rector of the Rectory of *Marholm*; and the said Lord Bishop of *Peterborough*, in Right of his See, claims to be Patron of the Rectory of *Barnoak* with *Pilsgate*, *Southorpe*, and *Walcot*, the Rectory of *Paston* with *Werrington* and *Walton*, and of the Vicarage of *Saint John the Baptist*, *Peterborough*; and the Reverend *John Lloyd* Clerk is Rector of the Rectory of *Barnoak* with *Pilsgate*, *Southorpe*, and *Walcot*; the Reverend *Joseph Pratt* Clerk, is Rector of the Rectory of *Paston* with *Werrington*, and *Walton*; and the Reverend *Joseph Stephen Pratt* Clerk is Vicar of the Vicarage of *Saint John the Baptist*, *Peterborough*; and the said Lord Bishop, in Right of his See, claims to be Patron and Rector of the Rectory of *Castor* with *Aleswerth*, *Sutton*, and *Upton*, and of the Rectory of *Eye*; and the said Dean and Chapter of *Peterborough* claim to be Owners of the Impropriate Tythes of *Saint John the Baptist*, *Peterborough*, and of *Maxey* with *Deepingate*, now let on Leases to the said Earl *Fitzwilliam*, and to be Patrons of the Rectories of *Glinton* with *Peakirk*, and of *Northborough*, and of the Vicarage of *Maxey* with *Deepingate*; and the Reverend *Benjamin Barnard* Clerk is Rector of the Rectory of *Glinton* with *Peakirk*; the Reverend *William Head* Clerk is Rector of the Rectory of *Northborough*; and the Reverend *William Loftus* Clerk is Vicar of the Vicarage of *Maxey* with *Deepingate*; and the Master, Fellows, and Scholars of *Saint John's College*, in the University of *Cambridge*, claim to be Patrons of the Rectory of *Ufford* with *Ashton* and *Bainton*; and the Reverend *Robert Boon* Clerk is Rector of the same; and the Masters, Fellows, and Scholars of *Christ's College*, in the University of *Cambridge*, claim to be Owners of the Impropriate Tithes of *Helpstone*, now let on Lease to the said Earl *Fitzwilliam*, and Patrons of the Vicarage of *Helpstone*; and the Reverend *John Jackson Serocold* Clerk is Vicar of the same; and the said *Thomas Orby Hunter*, and *James Whitsed* Gentleman, claim to be Patrons of the Rectory of *Crowland*, and the Reverend *James Blundell* is Rector of the same; and the said several Rectors, Vicars, Impropriators, and other Tythe Owners as aforesaid, claim to be interested in or entitled to Tythes in Kind to arise from the said Common and Waste Lands, or to such Parts thereof as are appurtenant to the ancient Estates within their respective Rectories, Vicarages, and Impropriations, or to Portions of Tythes, Moduses, Compositions, or other Payments in lieu thereof, in certain Shares and Proportions: And whereas in and by an Act of Parliament, passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for discharging the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the*

Great Level of the Fens, commonly called Bedford Level, *from a Debt due to the Duke of* Bedford, *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the said Great Level, to raise Money to discharge the Proportion of the said North Level in the Debts of the said Corporation; and for ascertaining and appropriating the Taxes to be laid on the said North Level; and for the more effectual draining and preserving the said North Level, and divers Lands adjoining thereto, in the Manor of* Crowland, certain Taxes, Rents, and Revenues then in Existence, and others thereby imposed, were directed to be applied to raise, make good, and keep in good Repair, amongst other Things, and in Manner therein mentioned, divers Banks for the Protection of the said North Level from Land Floods, and by other Acts of Parliament, passed in the Eleventh and Thirty-sixth Years of the Reign of His present Majesty, the one intituled *An Act to enable the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, called* Bedford Level, *to complete and maintain the principal Banks and Works necessary for the well draining and preserving the North Level, Part of the said Great Level, and for laying Taxes upon the Lands within the said North Level, and on divers Lands adjoining thereto, in the Manor of* Crowland; and the other, intituled *An Act for laying an additional Tax upon the Lands within the North Level, Part of the Great Level of the Fens called* Bedford Level, *and on* Portsand *otherwise* Great Portsand, *in the County of* Lincoln, *for the further Support and Preservation of the principal Banks and Works of the said North Level*, the said Taxes, Rents, and Revenues were augmented by additional Taxes, and the whole Fund to arise therefrom, as well as from the before-mentioned existing Taxes, Rents, and Revenues, were by the said Acts directed to be applied in the same Works: And whereas by the said Act of the Twenty-seventh Year of the late King *George* the Second, the Fen Lands called *The North Level of the Fens*, and other Lands near thereto in the County of *Lincoln*, were divided into Five Districts, the Boundaries whereof are therein particularly set forth and described, in which Boundaries the said Lands called *Borough Fen Common*, and *The Four Hundred Acre Common*, are included and declared to be Part of the First District of the said North Level; and by the said Act, certain general Commissioners therein appointed, are empowered to assess, rate, and tax the Lands in the said First District, (except certain Lands therein excepted, of which *Borough Fen Common* and the *Four Hundred Acre Common* are Part), with certain general Rates and Taxes as therein mentioned; and the said general Commissioners are by the said Act directed and required to lay out the same from Time to Time, together with the like Taxes imposed on certain Lands within the other Four Districts, in cleansing out, widening, and deepening certain general Drains and Rivers, and amongst others an ancient Branch of a certain Drain or River called the River *Nene*, otherwise *Old South Eau*, and the said River *Old South Eau* from *Crowland* Town to *Clows Cross*, in the said Act mentioned; and also in raising, strengthening, and maintaining certain Banks, and amongst others, so much of the South West and South Banks of the said ancient Branch of the *Nene*, otherwise *Old South Eau*, as adjoins to the said First District; and also in widening, altering, repairing, and amending divers Bridges and Sluices, and amongst others the several Bridges and Sluices in and over *Old South Eau* aforesaid, and a certain Sluice called *Gunthorpe Sluice;* all which Works so enumerated as Part of the Works directed to be done under the Provisions of the said Acts of the

the Twenty-ſeventh of *George* the Second, and the Eleventh of *George* the Third, are eſſentially neceſſary to the Drainage and Protection of the ſaid Lands, called *Borough Fen Common* and the *Four Hundred Acre Common*: And whereas by the ſaid Act of the Twenty-ſeventh Year of His late Majeſty King *George* the Second, ſuch of the ſaid general Commiſſioners as are therein called the Commiſſioners of the Firſt Diſtrict of the North Level, are thereby empowered from Time to Time to aſſeſs, rate, tax, and charge certain Diſtrict Taxes upon all and ſingular the Lands and Grounds within the ſaid Diſtrict (except as before excepted), and to apply ſuch Taxes in making Banks, Bridges, Cuts, Drains, Outlets, and other Matters and Things within their Diſtrict, for draining their Lands and Grounds, and for conveying the Waters into the ſaid *Old South Eau*; and by the ſaid Act, the Lands ſo excepted are entitled to the Uſe of all ſuch public Drains to be made uſe of ſubſequent to the paſſing of the ſaid Act, for the general Drainage of the ſaid Diſtrict: And whereas notwithſtanding ſuch Exemption from Taxes, the Proprietors intereſted in the ſaid Land, called *Great Borough Fen Common* and the *Four Hundred Acre Common*, are, under the Proviſions of the ſaid ſeveral Acts of the Twenty-ſeventh of King *George* the Second, and the Eleventh and Thirty-ſixth of His preſent Majeſty, entitled to have the ſame protected from Upland Floods, and the Waters thereof to be drained to Sea in like Manner as the Lands chargeable with the ſaid Taxes; and therefore it is deemed reaſonable and expedient that the ſaid Lands, called *Great Borough Fen Common* and the *Four Hundred Acre Common*, ſhould contribute towards the General Works and Diſtrict Works, or ſome of them provided and required to be made as aforeſaid, for the Protection and Drainage of the ſaid North Level, in Manner and Proportion, and on the Conditions here-in-after declared: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts:* And whereas the ſaid Common and Waſte Land in their preſent State are incapable of much Improvement, and for want of a proper and effectual Drainage and Protection from Land Floods are of little Benefit to the Perſons having a Right of Common thereon or intereſted therein: And whereas it will be of great Benefit and Advantage to the ſeveral Perſons intereſted in the ſaid Common and Waſte Land, and of public Utility, if the ſame were to be drained, incloſed, divided, and allotted, unto and amongſt the ſeveral Perſons intereſted therein, according to and in Proportion to their reſpective Rights and Intereſts; but as the ſame cannot be effectually carried into Execution without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *George Maxwell* of *Fletton*, in the County of *Huntingdon*, *Jonathan Gibbons* of *Uppingham*, in the County of *Rutland*, and *William Cuſtance* of *Cambridge*, in the County of *Cambridge*, Gentlemen, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for draining the ſaid Open Common and Waſte Fen or Marſh Land, called *Borough Fen Common*, and the *Four Hundred Acre Common*, and all other the Commonable Lands and Waſte Grounds thereto belonging, and for dividing and allotting the

Commiſſioners appointed.

ſame to ſuch Perſon and Perſons as may appear to the ſaid Commiſſioners to be intereſted in and entitled thereto, and to have Rights thereon, according to the Value of their ſeveral Rights and Intereſts, and for putting this Act into Execution, according to the Proviſions herein contained, and ſubject to the Proviſions of the ſaid recited Act, (except in ſuch Caſes where the ſame are hereby varied or altered): Provided always, that it ſhall and may be lawful for any Two of the ſaid Commiſſioners, or their Succeſſors, to be elected in Manner herein-after mentioned, and they are hereby fully authorized and empowered to execute, do and perform all and every or any Matter or Thing, either by this or the ſaid recited Act authorized to be done and performed by the ſaid Commiſſioners; and every ſuch Matter and Thing which ſhall be executed, done, and performed by any Two of the ſaid Commiſſioners for the Time being, ſhall be as valid and effectual to all Intents and Purpoſes, as if all the ſaid Commiſſioners herein-before appointed, or to be elected in Manner herein-after mentioned, had been preſent, and had executed, done, and performed the ſame.

Two Commiſſioners may act.

Appointment of new Commiſſioners.

II. And be it further enacted, That in caſe the ſaid *Jonathan Gibbons* ſhall die, neglect, or refuſe to act, or be rendered incapable of acting as a Commiſſioner in the Execution of this Act, then and in ſuch Caſe the ſurviving or remaining Commiſſioners or Commiſſioner ſhall, within Fourteen Days next after ſuch Death, Neglect, Refuſal, or Incapacity of the ſaid *Jonathan Gibbons* to act ſhall happen or be known to them or him, give Notice thereof in Writing to the ſaid ſeveral Perſons ſo as aforeſaid, claiming to be intereſted in or entitled to the Soil of the ſaid Open Common and Waſte Land, by Advertiſements in the Newſpapers called the *Cambridge Chronicle* and *Journal*, and the *Lincoln, Stamford*, and *Rutland Mercury*, or in ſome other Newſpaper uſually circulated in that Part of the County of *Northampton*; and alſo by Notices to be affixed on the principal outer Door of each of the Churches and Chapels within the ſaid ſeveral Pariſhes, Townſhips, Hamlets, and Places, upon a *Sunday* immediately before Divine Service; and in ſuch Notice ſhall fix a Time and Place (within the Limits hereby appointed for holding the Meetings generally for the Purpoſes of this Act), for a Meeting of the ſaid ſeveral Perſons, to be holden within Twenty-one Days from the Date of ſuch Notice; and the ſaid ſeveral Perſons, or their known Agents, or other Agents duly authorized by Writing, or the Majority of them who ſhall attend ſuch Meeting, ſhall by Writing under their Hands, or under the Hands of their ſaid Agents, nominate and appoint One other Perſon (not intereſted in the ſaid Drainage, Diviſion, and Incloſure) to be a Commiſſioner in the Room and Stead of the ſaid *Jonathan Gibbons*, and ſo from Time to Time, as often as any Commiſſioner ſo to be appointed by the ſaid ſeveral Perſons claiming to be intereſted in or entitled to the Soil of the ſaid Common and Waſte Land ſhall die, neglect, or refuſe to act, or become incapable of acting as aforeſaid; and that in caſe the ſaid *William Cuſtance* ſhall die, neglect, or refuſe to act, or be rendered incapable of acting as a Commiſſioner in the Execution of this Act, then and in ſuch Caſe the ſurviving or remaining Commiſſioners or Commiſſioner ſhall within Fourteen Days after ſuch Death, Neglect, or Refuſal to act, or Incapacity of the ſaid *William Cuſtance*, ſhall happen or be known to them or him, give Notice thereof to the ſaid ſeveral Perſons ſo as aforeſaid claiming to be intereſted in or entitled to the

the Tithes of the ſaid Common and Waſte Land, or to Portions of Tithes, Moduſes, Compoſitions, or other Payments in lieu thereof, by Advertiſements and Notices to be publiſhed as aforeſaid, and therein fix a Time and Place within the Limits aforeſaid for a Meeting of the ſaid ſeveral Perſons, to be held within Twenty-one Days from the Date of ſuch Notice; and the ſaid ſeveral Perſons, or their Agents as aforeſaid, or the Majority of them who ſhall attend ſuch Meeting, ſhall by Writing under their Hands, or under the Hands of their ſaid Agents, nominate and appoint One other Perſon, not intereſted in the ſaid Drainage, Diviſion, and Incloſure, to be a Commiſſioner in the Room and Stead of the ſaid *William Cuſtance*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed as laſt aforeſaid ſhall die, neglect, refuſe, or become incapable of acting as aforeſaid; and in caſe the ſaid *George Maxwell* ſhall die, neglect, or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, that then and in ſuch Caſe the ſurviving or remaining Commiſſioners or Commiſſioner ſhall within Fourteen Days after ſuch Death, Neglect, Refuſal, or Incapacity of the ſaid *George Maxwell* to act, ſhall happen to be known to them or him, give Notice thereof to the Owners and Proprietors of ancient Eſtates in the ſeveral Pariſhes, Townſhips, Hamlets, and Places before mentioned, by Advertiſements and Notices to be publiſhed as aforeſaid, and therein fix a Time and Place within the Limits aforeſaid, for the ſaid Owners and Proprietors to meet, within Twenty-one Days from the Date of ſuch Notice, for the Appointment of another Perſon or Perſons, (not intereſted in the ſaid intended Drainage, Diviſion, and Incloſure), in the Place and Stead of the ſaid *George Maxwell*; and the Majority in Value (ſuch Value to be aſcertained by the Amount of Land Tax paid or heretofore payable by ſuch Owners and Proprietors, according to the Land Tax Aſſeſſments) of the ſaid Owners and Proprietors of ſuch ancient Eſtates, who ſhall by themſelves or their known Agents, or other Agents duly authorized by Writing, attend ſuch Meeting, ſhall and may by Writing under their Hands appoint One other Perſon (not intereſted in the ſaid intended Diviſion and Incloſure) to be a Commiſſioner in the Place and Stead of the ſaid *George Maxwell*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed by the ſaid Owners and Proprietors ſhall die, neglect, refuſe, or become incapable of acting as aforeſaid; but in caſe the Perſons reſpectively herein-before enabled and authorized to appoint a Commiſſioner or Commiſſioners as aforeſaid, ſhall refuſe or neglect to appoint ſuch Commiſſioner or Commiſſioners in the Place or Stead of the Commiſſioner or Commiſſioners ſo dying, neglecting, refuſing, or becoming incapable of acting as aforeſaid, within the Time aforeſaid, then and in ſuch Caſe the ſurviving or remaining Commiſſioners or Commiſſioner ſhall, within the Space of Fourteen Days next after ſuch Refuſal or Neglect, in Writing under their or his Hands or Hand, appoint a Commiſſioner or Commiſſioners (not intereſted in the ſaid Drainage, Diviſion, and Incloſure) in the Place and Stead of each of ſuch Commiſſioners ſo dying, neglecting, or becoming incapable of acting as aforeſaid, whoſe Place or Places ſhall not have been filled up as aforeſaid; and that every Commiſſioner or Commiſſioners ſo to be nominated and appointed, ſhall have the ſame Powers and Authorities of acting in the Execution of this and the ſaid recited Act as the Commiſſioners herein-before named are hereby veſted with; and that every Appointment of a new Commiſſioner ſhall be inrolled at the ſame Time and in the ſame Place with the Award or Inſtrument of the ſaid Commiſſioners.

III. And

Notice of Meetings.

III. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe Notice to be given by Advertiſement in the ſaid Newſpapers or one of them, or in ſome other Newſpaper publiſhed or circulated in that Part of the ſaid County of *Northampton*, where the ſaid ancient Eſtates lie, and alſo on the principal outer Doors of all the Churches and Chapels aforeſaid, of the Time and Place of their firſt Meeting for executing the Powers hereby veſted in them, at leaſt Ten Days before ſuch Meeting; and ſhall alſo cauſe Ten Days Notice at leaſt to be given in like Manner of every ſubſequent Meeting for the like Purpoſes, (Meetings by Adjournment only excepted); provided, that if at any Meeting appointed to be holden as aforeſaid, it ſhall happen that only One of the ſaid Commiſſioners ſhall attend, ſuch Commiſſioner ſo attending may adjourn ſuch Meeting to ſuch Time within the Space of Fourteen Days, and to ſuch Place within the Soke of *Peterborough* aforeſaid, or within Eight Miles of the ſame, as he ſhall think moſt convenient, giving Notice thereof to the abſent Commiſſioners; provided alſo, that all Meetings of the ſaid Commiſſioners in the Execution of this or the ſaid recited Act ſhall be held within the Soke of *Peterborough*, or within Eight Miles thereof.

Other Notices how to be given.

IV. Provided always, and be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioners, ſhall be ſo made and given by Advertiſement in the ſaid Newſpapers or one of them, or in caſe the ſame ſhall not then be publiſhed, in ſome other Newſpaper publiſhed or circulated in that Part of the ſaid County of *Northampton* in which the ſaid Lands do lie, and by Notices to be affixed on the outer Doors of the ſaid Churches and Chapels as aforeſaid.

Allowances to the Commiſſioners.

V. And be it further enacted, That each of the Commiſſioners acting in Execution of the Truſts and Powers hereby veſted in him ſhall be allowed and paid, in Satisfaction for his Trouble and Expences, the Sum of Three Guineas for every Day on which he ſhall be reſpectively employed in travelling to, attending on, and returning from ſo acting; and that at all Meetings to be held in purſuance of this and the ſaid recited Act, the ſaid Commiſſioners ſhall pay their own Expences; and none of the ſaid Commiſſioners ſhall be allowed for more than One Day in travelling to, and One Day in travelling from, the Place of Meeting.

Commiſſioners not to act as Surveyors.

VI. Provided always, and be it further enacted, That no Perſon acting as a Commiſſioner in the Execution of this or the ſaid recited Act, ſhall act as a Surveyor for the Purpoſes thereof, during the Time he ſhall be a Commiſſioner.

Borough Fen, &c. and Lands in Common Right Pariſhes to be valued and ſurveyed.

VII. And be it further enacted, That a true and exact Valuation, Survey, and Admeaſurement ſhall be made, as well of the ſaid Common and Waſte Land called *Borough Fen Common*, and the *Four Hundred Acre Common*, hereby intended to be drained, incloſed, divided, and allotted, as alſo of all ſuch of the ancient Eſtates in the ſaid ſeveral Pariſhes, Townſhips, Hamlets, and Places, whether incloſed or open, as the ſaid Commiſſioners may think proper and neceſſary, and fair Plans delineated thereof on or before the Firſt Day of *July* One thouſand eight hundred and thirteen, or as ſoon after as conveniently may be, ſuch Valuation to be made by the ſaid Commiſſioners, and ſuch Survey, Admeaſurement, and Plan to be made by a proper Surveyor or proper Surveyors, to be appointed by the ſaid

Commiſſioners; and that ſuch Survey and Admeaſurement ſhall be reduced into Writing, and the Number of Acres, Roods, and Perches in Statute Meaſure contained in the ſaid Common and Waſte Land, and the ancient Eſtates in the ſaid ſeveral Pariſhes, Townſhips, Hamlets, and Places, whether incloſed or open, and of each and every Proprietor's diſtinct Property in the ſame reſpectively, at the Time of making ſuch Survey and Admeaſurement, and the ſeparate Pariſhes, Townſhips, Hamlets, and Places, wherein each and every Proprietor's diſtinct Property lies, ſhall be therein ſet forth and ſpecified; and that the ſaid Survey, Admeaſurement, and Plans, ſhall be delivered to the ſaid Commiſſioners on or before the Firſt Day of *Auguſt* One thouſand eight hundred and thirteen, or as ſoon after as conveniently may be; and ſuch Surveyor or Surveyors ſhall be paid ſuch Sum and Sums of Money for the ſaid Survey, Admeaſurement, and Plans, and for his and their Attendance on the Commiſſioners, as they the ſaid Commiſſioners ſhall think reaſonable; and ſuch Survey, Admeaſurement, and Plans ſhall be kept by the ſaid Commiſſioners for the Purpoſes of this Act, and ſhall be verified at the Time the ſame ſhall be delivered, or as ſoon thereafter as conveniently may be, by the Oath or Oaths of the Perſon or Perſons who ſhall make the ſame, if thereunto required by the ſaid Commiſſioners, or any One of them, (which Oath or Oaths any One or more of the ſaid Commiſſioners is and are hereby empowered to adminiſter), and to cauſe a Memorandum or Certificate thereof to be entered or indorſed upon each of the ſaid Plans reſpectively: Provided nevertheleſs, that in caſe the ſaid Commiſſioners ſhall be ſatisfied with the Accuracy of any Valuation, Survey or Surveys, Plan or Plans, already had and taken of the ancient Eſtates in the ſaid ſeveral Pariſhes, Townſhips, Hamlets, and Places, or in any of them, whether incloſed or open as aforeſaid, produced and laid before them and verified upon Oath, if required, then and in ſuch Caſe the ſaid Commiſſioners ſhall make or cauſe to be made Copies thereof, and no further or other Valuation, Survey or Surveys, Plan or Plans ſhall be made of the ſame for the Purpoſes of this Act, and for the Purpoſes of draining, dividing, or allotting the ſaid Common or Waſte Land; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Proviſions as to Lands already valued and ſurveyed.

VIII. And be it further enacted, That no Perſon ſhall act as a Surveyor in the Execution of any of the Powers hereby or by the ſaid recited Act given, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

Oath to be taken by Surveyor.

'I, do ſwear, [*or, being one of the People called* Quakers, *do ſolemnly affirm*], That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Knowledge, execute and perform the ſeveral Truſts, Powers, and Authorities veſted and repoſed in me as a Surveyor, by virtue of an Act of Parliament made and paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled [*inſert the Title of this Act*], and agreeable to the Proviſions and Directions thereof, without Favour or Affection, Prejudice or Partiality to any Perſon or Perſons whomſoever. So help me GOD.'

One Commiſſioner to adminiſter ſame.

Which Oath it ſhall be lawful for any One of the ſaid Commiſſioners to adminiſter, and he is hereby required to adminiſter the ſame to the Surveyor or Surveyors, and to ſuch Aſſiſtant or Aſſiſtants as ſhall be approved of by the ſaid Commiſſioners in Writing under their Hands; and the ſaid Oath

Oath ſo taken and ſubſcribed by the Surveyor or Surveyors, and his or their Aſſiſtant or Aſſiſtants, ſhall be inrolled with the Commiſſioners Award herein-after directed to be made, and ſhall be deemed legal Evidence.

Power to enter Lands.

IX. And be it further enacted, That all or any of the ſaid Commiſſioners and Surveyors appointed or to be appointed under or by virtue of this Act, together with every of their Aſſiſtants, Servants, Agents, and Perſons employed by them at any Time for the Purpoſes and in Execution of this Act, ſhall have, and they are hereby veſted with full Power and Authority, at any Time or Times whatſoever after the paſſing of this Act, to enter into, view, examine, ſurvey, admeaſure and value, as well the ſaid Common and Waſte Land as alſo all other the Lands and Grounds, both open and incloſed, lying within the ſaid ſeveral Pariſhes, Townſhips, Hamlets, and Places before named, or any of them, and intended to be valued, ſurveyed, divided, allotted, drained, exchanged, or partitioned by virtue of this Act; and alſo to erect Mills or Engines, and make and repair ſuch Mills or Engines, Drains, Ditches, Banks, Sluices, Watercourſes, and Bridges, or other Works within any of the Lands or Grounds hereby authorized to be divided and incloſed, or drained reſpectively, as the Nature of the Caſe and the due Execution of this Act may require.

Commiſſioners to ſettle Diſputes;

X. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid intended Diviſion and Incloſure, touching or concerning the reſpective Rights and Intereſts claimed by any of the Parties, or touching or concerning any other Rights or Intereſts which ſuch Parties, or either or any of them ſhall claim to have in or upon the Lands and Grounds hereby directed to be divided and allotted, or of or concerning any Matter or Thing relating to the ſaid Draining, Diviſion, and Allotment, it ſhall be lawful for the ſaid Commiſſioners and they are hereby authorized and required to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

but not to determine Titles.

Commiſſioners may aſſeſs Coſts.

XI. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, whoſe Claim or Claims, Objection or Objections ſhall be thereby diſallowed or over-ruled, or againſt whom the ſaid Commiſſioners ſhall have determined as aforeſaid; and that in caſe the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under

their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſo neglecting or refuſing to pay the ſame, or otherwiſe in Manner herein-after directed for raiſing the Reſidue (if any) of the Expences of paſſing and executing of this Act, rendering the Overplus (if any) upon Demand to the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Parties may try their Rights at Law.

XII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, touching or concerning any Claim or Claims of or for any Right or Intereſt in, over, upon, or out of the Lands and Grounds hereby directed to be divided and allotted or any Part thereof, or concerning any other Matter or Thing relating to the ſaid Diviſion and Allotments, then and in every ſuch Caſe it ſhall be lawful to and for the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate ſo diſſatisfied, to have the Matter of any ſuch Claim or Objection tried at Law at the next or the ſecond Aſſizes to be holden for the County of *Northampton*; and for that Purpoſe the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, who ſhall be diſſatisfied with ſuch Determination of the ſaid Commiſſioners, ſhall cauſe an Action or Actions to be brought againſt any One or more of the ſaid Commiſſioners, or any One or more of the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, in one of His Majeſty's Courts of Record at *Weſtminſter*, within Three Calendar Months next after the Determination of the ſaid Commiſſioners ſhall have been made; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required forthwith to name an Attorney or Attornies, and to appear and file Common Bail, and accept one or more Declaration or Declarations, and plead and proceed to Iſſue thereon, whereby ſuch Claim or Claims, Objection or Objections, and the Rights or Intereſts thereby inſiſted upon, may be tried and determined at the Firſt or Second Aſſizes to be holden for the ſaid County of *Northampton* next after the making of ſuch Determination, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon or Perſons, Body and Bodies Politic, Corporate and Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts and order a new Trial to be had thereon, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and that after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in Conformity thereto, and to allow or diſallow the Claim or Claims, Objection or Objections, thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that all ſuch Determinations of the ſaid Commiſſioners as ſhall have been ſo made as aforeſaid, with reſpect to ſuch Claims or Objections, and concerning which no Action at Law ſhall be brought

Determination of the Commiſſioners to be final.

if no Action brought.

brought or commenced and proceeded in within the Time aforesaid, shall be final, binding, and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate and Collegiate whomsoever; any Thing in this or the said recited Act contained to the contrary notwithstanding: Provided also, that if any of the Parties in any such Action or Actions to be commenced by virtue or in pursuance of this Act, shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Provisions in cases of Death of Parties before Actions brought.

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of 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 that it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Right of Possession not to be determined by Commissioners.

XIV. Provided also, and be it further enacted, That nothing in this Act shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of Encroachments made within the Period of Twenty Years, as herein mentioned); 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 given up, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Respecting Encroachments.

XV. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the said Open Common and Waste Land shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent thereof, such Dispute or Difference shall be determined by the said Commissioners.

Drains to be made by Commissioners.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at any Time until the Execution of their Award, to well and effectually protect from Upland Waters, and drain and preserve, or cause to be protected from Upland Waters, drained and preserved, the said Open Common or Waste Land called *Borough Fen Common*, and the *Four Hundred Acre Common*, and for and towards that Purpose they are hereby empowered and required to repair

repair all such Mills or Engines, and scour out, repair, and widen all such Drains, Ditches, Watercourses, Tunnels, Watergates, Sluices, Banks, Bridges, and other Requisites in, over, and upon the Lands and Grounds within the said First District as are now used for those Purposes, as they the said Commissioners shall think necessary; and also to make, set out, and appoint, erect and build such new and other Mills, Engines, and other Devices, Ditches, Drains, Watercourses, Tunnels, Watergates, Sluices, Banks, and Bridges, and other Requisites, as well upon, in, through and over the said Lands and Grounds, as upon, in, through, and over any ancient Inclosures or other Lands within the said First District (making Satisfaction to the Proprietor of such ancient Inclosures or other Lands and Grounds, not hereby intended to be divided and inclosed, for the Damage done thereby, as they shall think reasonable) of such Size, Depth, and Breadth, and in such Directions as the said Commissioners shall think fit; all which said Mills, Engines, and other Devices, Ditches, Drains, Watercourses, Tunnels, Watergates, Sluices, Banks, Bridges, and other Requisites already made, or when so made, erected, scoured out, and repaired, shall from and immediately after the Execution of the Award of the said Commissioners, for ever thereafter be deemed and considered to belong to such Person or Persons as the said Commissioners shall by the said Award order and direct: Provided always, that no Streams, Springs of Water, or Watercourses, shall be diverted or turned without the Consent in Writing of the Person or Persons from or out of whose Lands the same shall be diverted, and of the Person or Persons through or into whose Lands the same shall be turned.

Commissioners to scour out Carr Dyke, &c.

XVII. And be it further enacted, That the said Commissioners shall within Two Years after the passing of this Act, scour out the ancient Drain and Watercourse called *Carr Dyke*, and a Branch of the same near to *Werrington Gate*, and also the *Folly River* along the present Course, from the West End of the Town of *Eye*, to the Bank of the River *Welland*, and likewise the Drain already made, leading from the *Folly River* into the River *Welland*, and heighten and strengthen the Banks of the said *Carr Dyke*, the said Branch thereof, and of the said *Folly River*, in such Way, and of such Dimensions and Capacity, as will render the said *Carr Dyke*, the said Branch thereof, the said *Folly River*, and the said Drain leading from the *Folly River* into the River *Welland*, sufficient to receive the Waters running from the High Lands into the same; and to convey such Waters into the River *Welland*, and to prevent such Waters overflowing the Banks, or injuring the said Common and Waste Land, and other Lands in the said North Level, or any Part thereof; and shall make, erect, and repair all such Bridges, Sluices, and other Works belonging to the said *Carr Dyke*, the said Branch thereof, the said *Folly River*, and the said Drain leading into the River *Welland*, as shall be necessary for those Purposes; and that from and after the passing of this Act, the aforesaid Part of *Carr Dyke*, the said Branch thereof, the said *Folly River*, and the said Drain into the River *Welland*, and the Banks, Sluices, Bridges, and other Works belonging thereto, shall become the Property of and be vested in the said Commissioners until the Execution of their Award, and afterwards in the Commissioners for Drainage hereby appointed, and be for ever thereafter scoured out, supported, maintained, and kept in Repair, in like Manner, and by the same Persons, and at the like Expence, as the other Works of Drainage, Protection, and Preservation of the said

Common and Waſte Land hereby authorized to be divided, incloſed, and drained, are by this Act directed to be ſcoured out, ſupported, maintained, and kept in Repair.

Foreland to be allotted.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized, directed, and required to ſet out, and allot, out of and from the ſaid Common called *Borough Fen*, a Foreland on the Whole of the Eaſt Side of *Carr Dyke* Bank, and of the Bank of the ſaid Branch of the ſame, of not leſs than Sixty Feet from the Foot of the ſaid Banks; and to make a good and ſufficient Ditch, not leſs than Nine Feet Wide at the Top, and Five Feet Wide at the Bottom, on the Eaſtern Extremity of the ſaid Foreland, but which ſaid Ditch ſo to be made as aforeſaid ſhall not communicate with the Reſidue of the ſaid Common called *Borough Fen*, but be kept detached and diſtinct therefrom, ſo that it may operate as a Soak Dyke to the ſaid *Carr Dyke*, and the ſaid Branch of the ſame; and no Ditch, Drain, Tunnel, or Watercourſe, ſhall at any Time be made to communicate with the ſaid Soak Dyke; or inſtead of ſuch Soak Dyke, the ſaid Commiſſioners are hereby empowered to cauſe a Quickſet Hedge to be raiſed, or other good and ſufficient Fence to be made between the ſaid Sixty Feet Foreland and the Reſidue of the ſaid Common: And it is hereby provided, that it ſhall be referred to *John Rennie* Eſquire, of *Blackfriars Road*, Civil Engineer, or in caſe of his Death to ſome other Civil Engineer of Eminence, to determine whether ſuch Soak Dyke as aforeſaid is neceſſary for intercepting any Soak from the ſaid *Carr Dyke*, and that if the ſaid *John Rennie*, or ſuch other Civil Engineer, ſhall determine that ſuch Soak Dyke is neceſſary, then the ſaid Commiſſioners, at the Expence of the Parties intereſted in the ſaid Incloſure, ſhall and they are hereby required, within Two Years from and after the paſſing of this Act, to cauſe ſuch Soak Dyke to be duly and ſufficiently made and executed; but if the ſaid *John Rennie*, or ſuch other Engineer as aforeſaid, ſhall determine that ſuch Soak Dyke is not neceſſary for the Purpoſes aforeſaid, then the Commiſſioners ſhall be bound and obliged to fence off the ſaid Foreland with a Quick Fence, or ſuch other ſufficient Fence as aforeſaid only, any Thing in this Act contained to the contrary notwithſtanding; and that the ſaid Commiſſioners ſhall ſet out all ſuch Roads and Ways acroſs and along the ſaid Foreland, as ſhall be requiſite for the neceſſary Occupation of the Old Incloſures adjoining to *Carr Dyke*, and the Allotments in reſpect of ſuch old incloſed Lands, ſo that the ſame may be conveniently occupied together; but that it ſhall not be lawful for any Perſon or Perſons, Body Politic or Corporate, to permit any Stock (except Sheep) to paſture thereon, or for the Leſſee for the Time being, to permit any Stock (except Sheep) to paſture thereon; but that all Cattle (except Sheep) found paſturing thereon ſhall be deemed and taken to be treſpaſſing, and the Perſon or Perſons permitting or cauſing the ſame ſhall be deemed and taken to be Treſpaſſers; and that it ſhall be lawful for the *Bedford Level* Corporation, or any others intereſted in the Preſervation of the ſaid Foreland, to impound the Stock ſo found paſturing thereon, and to proceed againſt the Parties cauſing or permitting the ſame as Treſpaſſers.

Banks, &c. to be let.

XIX. And be it further enacted, That the ſaid Banks of *Carr Dyke*, and of the Branch thereof, and of the *Folly River*, and alſo the ſaid Foreland, ſhall at all Times be kept and preſerved by the ſaid Commiſ-

ſioners,

fioners, or the Commiſſioners for Drainage herein-after mentioned, as Paſture or Graſs Land, but ſubject to ſuch Communication acroſs and along the ſame as aforeſaid, and ſhall not at any Time be cut, taken, or carried away, nor ſhall any Earth, Flag, or other Materials, be taken therefrom by any of the ſaid Commiſſioners, or their Superintendent, or any of their Officers or Servants, or any other Perſon or Perſons whomſoever; but the Graſs and Herbage of the ſaid Banks and Foreland, and alſo the Fiſheries in the ſaid *Carr Dyke* and *Folly River*, and all other the Drains to be made, ſcoured out, and preſerved, purſuant to this Act, ſhall be let by the ſaid Commiſſioners of Incloſure, or by the Commiſſioners of Drainage, at their Annual Meetings in the Month of *May* in every Year, for the beſt Rent that can be reaſonably obtained for the ſame, under ſuch Regulations, and ſubject to ſuch Reſtrictions, as the reſpective Commiſſioners for the Time being ſhall think neceſſary; and the Monies ariſing by ſuch Lettings ſhall be applied for the general Purpoſes of this Act.

Commiſſioners to make uſe of Earth to ſtrengthen the Banks, making Satisfaction to the Owners of the Soil.

XX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners of Incloſure, until the Execution of their Award, and afterwards for the Commiſſioners of Drainage acting under and by virtue of this Act, at any of their Meetings, from Time to Time and at all Times from and after the paſſing of this Act, to take and uſe the Earth and Ground of any Part of the Common and Waſte Land hereby directed to be drained, divided, allotted, and incloſed, lying near or adjoining to the ſaid Banks of the ſaid *Carr Dyke*, the ſaid Branch thereof, and the ſaid *Folly River*, for the making, raiſing, ſtrengthening, ſupporting, and maintaining of the ſaid Banks, and other Works connected therewith, as the ſaid Commiſſioners of Incloſure, or the ſaid Commiſſioners of Drainage reſpectively, acting as aforeſaid, at any of their ſaid Meetings, ſhall think neceſſary and proper, making ſuch reaſonable Satisfaction and Allowance to the Perſon or Perſons entitled to ſuch Earth or Ground as ſhall be ſo taken as aforeſaid, for the Damages which he, ſhe, or they ſhall thereby ſuſtain, as ſhall be agreed upon between the ſaid Commiſſioners of Incloſure, or the ſaid Commiſſioners of Drainage, who ſhall be preſent at any ſuch Meeting as aforeſaid, and the Perſon or Perſons entitled as aforeſaid; and if the ſaid Commiſſioners of Incloſure, or the ſaid Commiſſioners of Drainage, preſent at any ſuch Meetings as aforeſaid, and the Perſon or Perſons ſo entitled as aforeſaid, cannot agree concerning the Amount of ſuch Damages, then the ſame ſhall be aſſeſſed and adjudged by the Juſtices of the Peace, aſſembled at their next or any other General Quarter Seſſions of the Peace which ſhall be held for the ſaid Liberty of *Peterborough*, in the ſaid County of *Northampton*, who are hereby authorized, empowered, and required to examine into, hear, and determine the ſame, and to award ſuch Coſts therein, as to the ſaid Juſtices ſhall in their Diſcretion ſeem reaſonable, which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or by any Writ, Proceſs, or other Proceeding whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Roads, Gravel Pits, &c.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall, after ſetting or ſtaking out the Lines of ſuch Drains, Ditches, and Watercourſes as aforeſaid, ſet out and appoint ſuch public Carriage, Bridle and Drift

Drift Roads, and Footpaths, in, over, and upon the ſaid Lands and Grounds ſo directed to be drained, divided, allotted, and incloſed, and alſo in, over, and upon any incloſed Lands adjoining to, or bounding the ſame, making Satisfaction to the Owners and Proprietors of ſuch incloſed Lands, as they in their Diſcretion ſhall think neceſſary, in Manner and under the Rules, Directions, and Authorities of the before recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and in the next Place ſhall ſet out, allot, and award, unto the Surveyor of the Highways to be appointed for the ſaid Common and Waſte Land, ſuch Plot or Plots, Part or Parts of the Lands and Grounds hereby directed to be divided and incloſed, as in the Judgment of the Commiſſioners ſhall be thought neceſſary, as and for public Stone, Gravel, Sand, and Mortar Pits; and the ſaid Allotment or Allotments, when ſo ſet out, ſhall for ever thereafter be uſed by the Surveyors of the ſaid Highways, and the reſpective Proprietors and Occupiers of Lands, Tenements, and Hereditaments within the ſame, in ſuch Manner and under ſuch Rules and Regulations as the ſaid Commiſſioners ſhall by their Award, or by any other Writing or Writings under their Hands, direct or appoint; and that the Herbage thereof, and alſo of the public and private Roads, ſhall belong to and be the Property of the Perſon or Perſons to whom the Commiſſioners ſhall allot and award the ſame.

Occupation Roads, &c.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place, and they are hereby required to ſet out and appoint, unto and for the Uſe of the Owners and Occupiers of certain incloſed Lands and Hereditaments lying on the Eaſt Side of *Carr Dyke*, and adjoining on ſome Parts of the ſaid Common and Waſte Land, ſuch private Carriage, Drift, and Bridle Roads and Footpaths, over the Lands and Grounds directed to be divided and incloſed, as in the Judgment of the Commiſſioners ſhall be neceſſary and requiſite for the Occupation of their ſaid Lands.

For Sale of Land to defray Expences.

XXIII. And be it further enacted, That for defraying the Coſts, Charges, and Expences herein-after mentioned, it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to allot and ſet out for Sale, and to ſell and diſpoſe of ſo much and ſuch Parts of the ſaid Commons called *Borough Fen*, and the *Four Hundred Acre Common*, as will in their Judgment raiſe a Sum ſufficient for the Purpoſes herein-after mentioned; and ſuch Sale or Sales ſhall be made by Auction unto the beſt Bidder or Bidders at a public Meeting to be held by the ſaid Commiſſioners, in purſuance of Advertiſements to be Twice inſerted in the ſaid Newſpapers, or ſome other Newſpapers uſually circulated in the County of *Northampton*, the laſt Inſertion to be at leaſt Five Days before ſuch Sale ſhall be made, and by Notices to be affixed upon the Doors of the Churches and Chapels within the before-mentioned Pariſhes, Townſhips, and Places, upon ſome *Sunday* immediately before Divine Service; and that Fifteen *per Centum* at leaſt of the Money for which ſuch Land ſhall be ſold, ſhall at the Time of ſuch Sale be by the Purchaſer or Purchaſers thereof depoſited in the Hands of the ſaid Commiſſioners, or their Banker, to be appointed purſuant to the ſaid recited Act, and the Remainder of the ſaid Purchaſe Monies ſhall be paid to the ſaid Commiſſioners or their ſaid Banker, within Six Calendar Months next after ſuch Sale; and in caſe ſuch Remainder ſhall not be ſo paid within the Time limited for that Purpoſe, then

then the Money depoſited by ſuch Purchaſer or Purchaſers at the Time of ſuch Sale ſhall be forfeited, and the Lands purchaſed by ſuch Defaulters ſhall again be put up to Sale in Manner aforeſaid; and that the Receipt or Receipts of the ſaid Commiſſioners for the ſaid Purchaſe Monies for the Lands ſo ſold ſhall be a good and ſufficient Diſcharge, or good and ſufficient Diſcharges, to the Purchaſer or Purchaſers of the ſaid Premiſes, for ſo much of the Purchaſe Monies as in ſuch Receipt or Receipts ſhall be expreſſed to be received; and that ſuch Purchaſer or Purchaſers after ſuch Receipt or Receipts ſhall not be obliged to ſee to the Application of ſuch Purchaſe Monies, or any Part thereof, or be anſwerable or accountable for the Miſapplication or Non-application thereof, or of any Part thereof; and the Lands ſo to be ſold ſhall, upon Payment of the full Purchaſe Money, be conveyed as Freehold of Inheritance in Fee Simple, and Tythe-free, unto the reſpective Purchaſers thereof, but to be in future ſubject in common with the other Lands in *Borough Fen Common*, and the *Four Hundred Acre Common*, to the Payment of Drainage Taxes, Rates, and Aſſeſſments; and a Conveyance thereof by Leaſe and Releaſe, made and executed by the ſaid Commiſſioners, ſhall be valid and effectual in the Law to veſt the ſame in ſuch reſpective Purchaſers and their Heirs accordingly; and the Money ariſing by ſuch Sale or Sales ſhall be applied by the ſaid Commiſſioners, ſubject to the Directions and Reſtrictions herein contained, towards defraying the Coſts, Charges, and Expences attending the ſoliciting and obtaining this Act, and of carrying the ſame and the ſaid recited Act into Execution, and all the Coſts and Charges of the ſaid Commiſſioners, and of ſurveying, admeaſuring, planning, valuing, and allotting the ſaid Common and Waſte Land, and the Coſts and Charges of ſurveying, admeaſuring, planning, and valuing all ſuch Lands and Grounds lying within the ſaid ſeveral Pariſhes, Townſhips, Hamlets, and Places, intereſted in the Lands and Grounds ſo to be divided and incloſed or drained, or any of them, as ſhall by the ſaid Commiſſioners be deemed neceſſary or proper to be ſurveyed, admeaſured, planned, and valued, for the Purpoſes of this and the ſaid recited Act, and alſo the neceſſary Expences of firſt forming, making, and putting in good and ſufficient Repair all ſuch public Carriage Roads, and Drift Ways and Footpaths as aforeſaid, and of paying a Salary to the Surveyors or Surveyor thereof, and of diſcharging the Expence of making, erecting, and building the ſeveral Mills, Engines, Drains, Ditches, Watercourſes, Tunnels, Water-gates, Sluices, Banks, Bridges, and other Works of Drainage, as is herein directed or authorized to be made, erected, and built by the ſaid Commiſſioners, and of preparing and inrolling the Award or Inſtrument as herein-after mentioned, and for defraying the Expences of building and erecting a Church, Parſonage Houſe, and other Buildings, in caſe any ſuch ſhall be erected, purſuant to the Powers and Proviſions of this Act as after-mentioned, and all other the neceſſary Charges and Expences to be incurred in the due Execution of this or the ſaid recited Act, or that the ſaid Commiſſioners or any Perſon or Perſons acting under them ſhall be put unto in reſpect thereof, and not herein otherwiſe provided for, or ſo far as the ſame will extend for thoſe Purpoſes; and in caſe there ſhall be any Deficiency, after applying the Money to be raiſed by ſuch Sale as aforeſaid, then ſuch Deficiency ſhall be raiſed, borne, and paid by ſuch of the Proprietors or Owners or other Perſons having Rights of Common or intereſted in the Lands and Grounds directed to be drained, divided, and incloſed as aforeſaid, in ſuch Proportions, and at ſuch Time or Times, either before or after the Execution of the ſaid Award, as ſhall be ſettled, adjuſted,

If a Deficiency a Rate to be made.

adjusted, rated, determined, and directed by the said Commissioners, by any Writing under their Hands; and the several Sum and Sums of Money thereby rated, shall be paid to such Person or Persons, and at such Time and Times, and in such Manner as the said Commissioners shall in and by their said Award, or any other Writing under their Hands, before or after the Execution of their said Award, order, direct, or appoint; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Costs, Charges, and Expences as aforesaid, within the Time, and to such Person or Persons as the said Commissioners shall appoint, then and in such Case it shall and may be lawful to and for the said Commissioners, by any Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the said Costs, Charges and Expences to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her, or their Husbands, Guardians, Trustees, or Committees, wheresoever the same shall be found, rendering the Overplus (if any) on Demand to the Owner or Owners 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 Share or Shares, Proportion or Proportions, from the Time the same shall be directed to be paid as aforesaid; or otherwise it shall be lawful for the said Commissioners, or any Person or Persons authorized by them, to enter upon and take Possession of the several Allotments made to such Person or Persons so refusing or neglecting to pay as aforesaid, and to receive and take the Rents and Profits thereof, until therewith and thereby, or otherwise, the Share or Shares, Proportion or Proportions of the said Rates, Costs, Charges, and Expences, so ordered to be paid by such Person or Persons as aforesaid, and all Interest on such Share or Shares, Proportion or Proportions, to be computed from the Time the same shall be directed to be paid as aforesaid, and also all Costs, Charges and Expences occasioned by and attending upon such Entry and Perception of the Rents and Profits of the Premises shall be fully paid and satisfied; provided also, that if there shall be any Surplus remaining of the Monies arising from the Sale of the Lands herein-before directed to be sold for the Purposes aforesaid, after Payment of the several Rates, Taxes, Assessments, Costs, Charges, and Expences to which the same are directed to be applied as aforesaid, such Surplus shall be laid out in such further Works of general Drainage, or in supporting those to be made as herein directed, or for such other Purposes of this Act as the said Commissioners shall order or direct, or shall by the said Commissioners, after the Execution of their Award, be paid over to the Commissioners of Drainage herein-after appointed, to be by them applied towards such Drainage.

Surplus Money arising from Sale how to be applied.

Allotments for Tythes.

XXIV. And be it further enacted, That the said Commissioners shall, and they are hereby required, in the next Place, to set out and allot unto and for the King's most Excellent Majesty, or to the said *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Bursłem*, *Evan Foulkes*, as Devisees as aforesaid, or to the said several Rectors, Vicars, Impropriators and Tythe Owners aforesaid, (if His Majesty, or any of such Person or Persons as aforesaid, shall appear to the said Commissioners to be entitled to, and shall establish a Right to Tythes in Kind, or to any Portion of Tythes, Moduses, Compositions, or other Payments in

lieu of Tythes in Kind, in, over, and upon the ſaid Common and Waſte Land, or any Part or Parts of the ſame), ſuch Part or Parcel of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to One Tenth Part of thoſe Parts of the ſaid Common and Waſte Land as the King's Majeſty, or the ſaid *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Burſlem*, and *Evan Foulkes*, as Deviſees as aforeſaid, or ſuch Rectors, Vicars, Impropriators, and Tythe Owners, ſhall as aforeſaid eſtabliſh a Right to Tythes in Kind over; and alſo ſuch Share of the reſpective Parts aforeſaid as ſhall be equal in Value to ſuch Portion of Tythes, if any, (the Value of ſuch Portion of Tythes to be calculated upon the Principle that One Tenth of the Land is the Value of all the Tythes in Kind ariſing therefrom), Moduſes, Compoſitions, or other Payments in lieu of Tythes in Kind (if any) which ſhall remain after the ſeveral Allotments for public Drains and Roads herein-before directed are ſet out and deducted.

If ancient Eſtates are Tythe-free, or ſubject to a Modus, Proprietors to have an Addition to their Allotments in reſpect thereof.

XXV. Provided always, and be it enacted, That in all Caſes where any of the ancient Meſſuages, Cottages, Lands, Tenements, and Hereditaments, having Right of Common upon the ſaid Common and Waſte Land herein directed to be divided and incloſed, ſhall from Time immemorial have been held Tythe-free, or ſubject to a Modus or Cuſtomary Payment in lieu thereof, the Owner or Owners of ſuch ancient Meſſuages, Cottages, Lands, Tenements, and Hereditaments, ſhall not contribute to the Tythe Fund or Tythe Funds, if any Right to Tythes ſhall be eſtabliſhed for or in reſpect of the Allotment or Allotments to be ſet out to him or them from the ſaid Common and Waſte Land hereby directed to be divided and incloſed; but that the ſaid Commiſſioners ſhall deduct from the Land directed to be ſet out for Tythes as aforeſaid, ſo much as ſhall be equal in Value to ſuch Tythes, or to the Difference in Value between ſuch Tythes, and the Proportion of ſuch Modus or Cuſtomary Payment which ought to be charged on the ſaid Allotment, to be calculated upon the Principle aforeſaid, and ſhall add the Land and Value ſo deducted to the Allotment or Allotments to be made to ſuch Proprietor or Proprietors; but it is expreſsly reſerved and enacted, that no ſuch Deduction ſhall be made for or in reſpect of the Allotments to any of ſuch ancient Eſtates as have lately been exonerated or made free of Tythes, purſuant to any Agreement made, or to the Powers of any Act of Parliament lately paſſed for that Purpoſe, or that are now ſubject and liable to a Corn Rent in lieu of Tythes.

Allotments in Right of Soil.

XXVI. And be it enacted, That the ſaid Commiſſioners ſhall in the next Place ſet out and allot, unto and for ſuch of the ſaid ſeveral Perſons claiming to be Lords of the ſaid Hundred and Soke, or to the King's moſt Excellent Majeſty, or to the Lords of the ſaid ſeveral Manors aforeſaid (if any ſuch there ſhall be, who ſhall appear to the ſaid Commiſſioners to be intereſted in, and who ſhall eſtabliſh a Right to, the Soil of the ſaid Common and Waſte Land), ſuch Part of the Reſidue of the ſaid Common and Waſte Land hereby directed to be divided and incloſed, as in the Judgment of the ſaid Commiſſioners ſhall be equal to One Twentieth Part in Value of ſuch Parts of the ſaid Common and Waſte Land as the Lords of the ſaid Hundred and Soke, or the King's moſt Excellent Majeſty, or the Lords of the ſeveral Manors aforeſaid reſpectively, or any

of

of them, shall establish such Right over and upon, and shall allot the same adjoining or near to his other Property, or to their other Property respectively.

Allotments to Lords to be accepted in Satisfaction of Right of Soil.

To Tythe Owners in lieu of Tythes.

XXVII. And be it further enacted, That all such Allotments so to be set out and allotted in respect of Right of Soil (if any such shall be established), shall be had and taken by the Person or Persons respectively to whom the same shall be allotted in lieu, full bar of, and Compensation for all Right of Soil in the said Open, Common, and Waste Land herein directed to be divided and inclosed; and that such Allotments to be set out and allotted in respect of Tythes as aforesaid (if any Right to Tythes shall be established), shall in like Manner be had and taken in lieu of and full Satisfaction of all Tythes, both Great and Small, and all Moduses, Compositions, and Payments in lieu thereof, for or in respect of all the said Lands and Grounds called *Borough Fen Common* and the *Four Hundred Acre Common*.

Parish to be formed.

XXVIII. And whereas when the Drainage, Inclosure, and Improvement of the said Common and Waste Land shall have been completed and made perfect, the Owners and Occupiers of Houses and Premises now standing, or that shall hereafter be built thereon, will be subjected to great Inconvenience with respect to Civil and Religious Purposes, unless the said Common and Waste Land be formed into and made a Parish, and a proper Parish Church be erected for the Use of the Inhabitants, upon some convenient Part thereof, and it will be necessary that such new Parish shall be under the like Laws and Regulations as Parishes are now subject to; be it therefore enacted, That when and so soon as the Commissioners shall have ascertained the Rights and Interests of the several Persons, Bodies Politic, Corporate, and Collegiate interested in the said Common and Waste Land, the said Common and Waste Land shall be formed into and be made and become a Parish, to be called *The Parish of* Newborough, in the County of *Northampton*, and in the Diocese of *Peterborough* and Archdeaconry of *Northampton*.

Allotments for Church and Endowment.

XXIX. And whereas it hath been agreed by and between the Proprietors of Estates in the Parishes, Townships, Hamlets, and Places aforesaid, who are entitled to Rights of Common, or other Interests in the said Common and Waste Land, that in case the Claim to Tythes shall not be established by the King's most Excellent Majesty, or by any Person or Persons claiming Tythes as aforesaid, or any other Person or Persons whomsoever, that then a Church and Parsonage House, with proper Out-buildings, shall be erected and built, and an officiating Minister endowed, and an Allowance made for a Parish Clerk as herein-after mentioned, and the necessary Expences to be incurred in erecting such Church, Parsonage House, and Out-buildings, and in the Endowment of a Minister, and for an Allowance to a Parish Clerk, shall be borne and defrayed by and at the Expence of the said Proprietors in Manner herein-after provided; be it therefore further enacted, That in case such Right to Tythes shall not be established by the King's most Excellent Majesty, or by any Person or Persons claiming Tythes as aforesaid, or by any other Person or Persons whomsoever, that then the said Commissioners shall, after setting out the Land herein-before directed to be set out for Sale as aforesaid, set out, allot, and award, unto and for the Lord Bishop of *Peterborough*, in Trust for the

the Uſes and Purpoſes herein mentioned, ſuch Part or Parts of the ſaid Common and Waſte Land, not exceeding Ten Acres, as they in their Diſcretion ſhall think neceſſary, for the Purpoſes of erecting a Church and Parſonage Houſe, with ſuitable Out-buildings thereon, and for a Church Yard and Burial Ground near the Church, and a Garden, Yard and Homeſtead near the Parſonage Houſe, and ſhall alſo ſet out and allot unto the ſaid Lord Biſhop, in Truſt as aforeſaid, ſuch further Plot or Plots of the ſaid Common and Waſte Land as in the Judgment of the ſaid Commiſſioners ſhall, when and ſo ſoon as the ſame ſhall be incloſed, be of the annual Value of Two hundred and fifty Pounds, which ſaid laſt-mentioned Allotment or Allotments ſo to be ſet out as aforeſaid ſhall for ever thereafter be held and enjoyed, and the Rents, Iſſues, and Profits of the ſame ſhall be had and taken by the officiating Miniſter for the Time being to be appointed to the ſaid Church, as and for the Endowment of the ſame, and for the other Purpoſes herein mentioned; and the ſaid Commiſſioners ſhall in like Manner ſet out, allot, and award, unto the ſaid Lord Biſhop, in Truſt as aforeſaid, ſuch Plot or Plots of the ſaid Common and Waſte Land, as in the Judgment of the ſaid Commiſſioners ſhall be of the annual Value of Twenty Pounds, which ſaid laſt-mentioned Land ſo to be ſet out as aforeſaid ſhall for ever thereafter be held and enjoyed, and the Rents, Iſſues, and Profits of the ſame had and taken by the Pariſh Clerk to be appointed to the ſaid Church, as and for an Allowance to be made to him as aforeſaid; and that the ſaid Allotments, Endowments, and Allowances, ſhall for ever thereafter be held and enjoyed by the officiating Miniſter and Pariſh Clerk reſpectively, over and beyond ſuch Mortuaries, *Eaſter* Offerings, and Surplice Fees, as by Law, or by ſome future Order and Regulation of the ſaid Lord Biſhop, they are or may be entitled to take: Provided always, and it is hereby expreſsly reſerved, that the ſaid Pariſh Clerk, in Conſideration of the Proviſion hereby made for him, ſhall act as a Schoolmaſter, and teach *gratis* the Children of ſuch poor People as may be reſident within the ſaid Pariſh; but in caſe the ſaid Pariſh Clerk ſhall not act as ſuch Schoolmaſter, then only Six Pounds *per Annum* ſhall be allowed to him for acting as a Pariſh Clerk, and the Reſidue of the Proviſion hereby intended to be made for ſuch Pariſh Clerk and Schoolmaſter ſhall be appropriated to ſome other fit and proper Perſon, who ſhall be appointed to, and ſhall act as ſuch Schoolmaſter; and that in all Caſes the Pariſh Clerk and Schoolmaſter to be appointed for the Purpoſes aforeſaid ſhall be ſo appointed by the officiating Miniſter of the ſaid Pariſh of *Newborough*, with the Approbation and Conſent of the Lord Biſhop of the Dioceſe for the Time being.

Church, &c. to be built.

XXX. And be it further enacted, That the ſaid Pariſh Church and Parſonage Houſe, with ſuitable Out-buildings, ſhall be erected and built under and by the Direction of the Lord Biſhop of *Peterborough*, the Dean of *Peterborough*, and the Archdeacon of *Northampton* for the Time being, which ſaid Church ſhall be called the Pariſh Church of *Newborough*, in the Dioceſe of *Peterborough*, in the Archdeaconry of *Northampton*, and County of *Northampton*; and it ſhall be lawful for the ſaid Lord Biſhop, Dean, and Archdeacon, and they are hereby authorized and required to cauſe a new Church and Chancel, with a Place proper for adminiſtering the Sacrament of the Lord's Supper, with a Tower or Steeple, to be built upon ſuch Part of the ſaid Lands and Grounds ſo to be ſet out as aforeſaid,

ſaid, as the ſaid Lord Biſhop, Dean, and Archdeacon ſhall think moſt proper for the Purpoſe, and alſo a Parſonage Houſe, with ſuitable Out-buildings, and a Houſe for the Pariſh Clerk and Schoolmaſter for the Time being, and a School Houſe or School Room, which ſaid Church, Parſonage Houſe, and other Buildings, ſhall be according to ſuch Model, Elevation, and Section, and of ſuch Dimenſion and Materials as the ſaid Lord Biſhop, Dean and Archdeacon ſhall agree upon, and ſhall be furniſhed with ſuch Seats, Pews, Galleries, Bells, and other Ornaments as are neceſſary; and that all the Expences incident thereto ſhall be borne and defrayed out of the Money to be raiſed by a Sale of a ſufficient further Part of the ſaid Common and Waſte Land, in like Manner as is hereinbefore directed with reſpect to the Money to be raiſed for defraying the Expences of paſſing and executing this Act, and which laſt-mentioned Sale the ſaid Commiſſioners are hereby authorized, directed, and empowered to make, and to convey the Eſtate ſo ſold to the Purchaſer or Purchaſers as aforeſaid, and to receive the Money ariſing by ſuch Sale, and pay and apply the ſame accordingly: Provided, and it is enacted, that a Plan of ſuch Buildings and Erections, with an Eſtimate of the Expences of the ſame, ſhall be by the ſaid Lord Biſhop, Dean, and Archdeacon, previouſly laid before a Meeting of the ſaid Proprietors, to be convened for that Purpoſe, for their Conſideration and Approbation; and that the Whole of the Expences to be borne and defrayed for thoſe Purpoſes ſhall not exceed the Amount agreed upon by a Majority in Value of the Proprietors preſent at ſuch Meeting, ſuch Value to be aſcertained from the Land Tax Aſſeſſments as aforeſaid.

Church to be called the Church of Newborough, and ſet apart for Divine Worſhip.

XXXI. And be it further enacted, That the ſaid intended Church ſhall when built and completed have and be endowed with all and ſingular the Privileges, Rights, Profits, and Advantages thereunto belonging or appertaining, according to and for the Purpoſes of this Act, and ſhall be ſet apart and dedicated to and for the Service of Almighty God, as and for a Place of Divine Worſhip according to the Rites and Ceremonies of the Church of *England*, for ever (the ſame being firſt duly conſecrated according to the Uſage of the Church of *England*), and ſhall and is hereby declared to be a ſeparate and diſtinct perpetual Cure and Benefice, and ſhall be called by the Name of 'The Church of *Newborough*;' and that every Miniſter of the ſaid Church ſhall be deemed and taken by virtue of this Act to be incorporated and made a Body Politic and Corporate, by the Name of 'The Officiating Miniſter of the Church of *Newborough*, in the 'County of *Northampton*,' and ſhall have perpetual Succeſſion, and be enabled to ſue and be ſued by that Name in all Courts of this Realm; and the ſaid Church, and Church Yard or Burial Place belonging thereto, ſhall be veſted in the ſaid Miniſter and his Succeſſors for the Time being, for ever; and the ſaid Church, and the Miniſter thereof, and alſo the Perſon or Perſons who ſhall act as or in the Nature of a Churchwarden thereof reſpectively for the Time being, ſhall be under and ſubject to the Order and Juriſdiction of the ſaid Lord Biſhop of *Peterborough* and Archdeacon of *Northampton*, and their Succeſſors for the Time being, and ſhall be viſited as other Churches or Chapels within the ſaid Dioceſe and Archdeaconry are viſited.

Right of Patronage of Church veſted

XXXII. And be it further enacted, That the Advowſon, Right of Patronage, free Diſpoſition, and Nomination of, in, and to the ſaid Church, ſhall,

shall, from and immediately after the passing of this Act, appertain to, and the same are hereby vested in the Lord Bishop of *Peterborough*, and his Successors for ever, freed and absolutely acquitted and released from and against all Estates, Interests, Claims, and Demands whatsoever, of any Person or Persons whomsoever, except as Ordinary of the said Church, and such other Ecclesiastical Jurisdiction as may be necessary. in the Bishop of Peterborough.

XXXIII. And be it further enacted, That from and after the Consecration of the said Church, Banns of Matrimony may be published, and Marriages celebrated therein, in such Manner, and under such Restrictions and Regulations as the same can or may by Law be published or celebrated in Parish Churches or Public Chapels, where Banns and Marriages are published and celebrated; and that every such Marriage shall be valid to all Intents and Purposes whatsoever; provided that all such Banns and Marriages shall be published and celebrated according to the Laws and Canons in force within this Realm in that Behalf. Banns may be published, and Marriages celebrated in the said Church.

XXXIV. And be it further enacted, That all Marriages, Christenings, and Burials, had and solemnized within the said Church, shall be registered in public Registers to be provided and kept for that Purpose, in Manner and for the Purposes as by Law directed. Marriages, Christenings, and Burials to be registered.

XXXV. And be it further enacted, That all the Laws of this Realm relative to Parishes, and concerning Constables, Overseers of the Poor, and all other Parochial Officers, which in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, are now in force, shall be in full force, and have Effect and Operation in all Respects, in regard to the said Parish of *Newborough*, in like Manner as if the same had been originally and previously to the making and passing of the same Laws and Statutes, a separate and distinct Parish. Laws relating to Parochial Officers to be in force.

XXXVI. Provided always, and be it further enacted, That the said Commissioners of Inclosure, before they shall examine into, hear, or determine any Dispute or Difference between any of the Parties interested, or claiming to be interested in the said intended Division and Inclosure of the said Common called the *Four Hundred Acre Common*, shall first inquire, hear, and determine whether the said Common called the *Four Hundred Acre Common*, or any Part thereof, is situate within the said Hundred of *Nassaburgh*, in the *Soke of Peterborough*, in the County of *Northampton*, or within the said Parish and Manor of *Crowland*, in the County of *Lincoln*; and in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with the Determination of the said Commissioners therein, then it shall be lawful for such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to have the Matter aforesaid tried at Law, at the next or the Second Assizes for the County of *Huntingdon*, and for that Purpose such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall cause an Action to be brought against any One or more of the said Commissioners in any of His Majesty's Courts of Record at *Westminster*, within Three Calendar Months after the making of such Determination, and such Commissioner or Commissioners against whom such Action shall be brought shall forthwith give Notice of such Action to the Party or Parties in whose Favour Commissioners to determine whether Four Hundred Acre Common is in the Soke of Peterborough or in the Parish of Crowland.

ſuch Determination ſhall have been made; and ſuch Party or Parties ſhall, and he and they is and are hereby required forthwith to name an Attorney to appear and file common Bail, and accept a Declaration for the Defendant or Defendants in ſuch Action, and to plead and proceed to Iſſue thereon, whereby the ſaid Matter ſhall be tried at the Firſt or Second Aſſizes to be holden for the ſaid County of *Huntingdon* next after the making of ſuch Determination (ſuch Iſſue 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 touching the Matter aforeſaid, upon all and every Perſon and Perſons, Body and Bodies Politic, Corporate, and Collegiate, unleſs the Court wherein ſuch Action ſhall be brought ſhall ſet aſide ſuch Verdict, and order a new Trial to be had thereon, which it ſhall be lawful for the Court to do, as is uſual in other Caſes: Provided always, that ſuch Determination of the ſaid Commiſſioners, if no Action at Law as laſt mentioned ſhall be commenced and proceeded in within the Time aforeſaid, ſhall be final, binding, and concluſive touching the Matter aforeſaid, upon all and every Perſon or Perſons, Body and Bodies Politic, Corporate, and Collegiate whatſoever: Provided alſo, that if any of the Parties in ſuch Action 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.

If the Four Hundred Acre Common ſhall appear to be in the Pariſh of Crowland, ſame not to be included in the new Pariſh;

XXXVII. Provided alſo, and be it further enacted, That in caſe the ſaid Common, called the *Four Hundred Acre Common*, or any Part thereof, ſhall in Manner aforeſaid be decided and determined to be within and Part of the Pariſh of *Crowland*, then and in ſuch Caſe none of the Proviſions in this Act contained, in relation to the making of the new Pariſh of *Newborough*, or to the erecting or building of the ſaid Church or Parſonage Houſe or other Buildings, or to the Endowment of the ſaid Church, or any other Proviſions of this Act, except ſuch as relate to the draining, incloſing, and improving the ſaid Commons, and dividing the ſame amongſt the ſeveral Perſons entitled thereto, or intereſted therein, ſhall extend or be conſtrued to extend to affect the ſaid Common, called the *Four Hundred Acre Common*, or ſuch Part thereof as ſhall appear to be in the ſaid Pariſh of *Crowland*; and then alſo and in ſuch Caſe, all and every Action and Actions which by virtue of the Proviſions of this Act ſhall from thenceforth be brought touching or concerning the Diviſion or Allotment of any Part of the ſaid Common called the *Four Hundred Acre Common*, which ſhall be ſo decided and determined to be in the ſaid Pariſh of *Crowland*, and County of *Lincoln*, or any Right or Intereſt in, over, upon, or out of the ſame, ſhall be tried at the Aſſizes to be holden for the County of *Lincoln*, and not at the Aſſizes to be holden for the County of *Northampton*.

and from thenceforth, Trials relating thereto to be had at the Aſſizes for the County of Lincoln.

Allotments of the Reſidue.

XXXVIII. And be it further enacted, That after the ſaid ſeveral Allotments ſhall have been made and ſet out as aforeſaid, the ſaid Commiſſioners ſhall divide, ſet out, allot, and award all the Reſidue and Remainder of the ſaid Open Common and Waſte Grounds, called *Borough Fen Common*, and the *Four Hundred Acre Common*, unto and amongſt all and every Perſon and Perſons, Body or Bodies Politic, Corporate or Collegiate, Proprietors or Owners of the ancient Meſſuages, Cottages, Lands, and Hereditaments in the ſaid ſeveral Pariſhes, Townſhips, Hamlets, and Places,

Places, and other Persons having Right of Common or other Interests therein, in such Quantities, Shares, and Proportions as the said Commissioners shall adjudge and deem to be a just Compensation and Satisfaction for their several and respective Rights of Common, and other Rights and Interests therein, such Share and Proportion to be calculated upon the following Principle; (that is to say), the said Commissioners shall set out and allot One Moiety or Half Part in Value of such Residue of the said Open Common and Waste Land hereby directed to be divided and allotted, unto and for the Use and Benefit of the Owners and Proprietors of Commonable Messuages, Cottages, and Tofts, in the said several Parishes, Townships, Hamlets, and Places, having Right of Common as aforesaid, in Proportion and according to the Number of the Commonable Messuages, Cottages, and Tofts within each of the said Parishes, Townships, Hamlets, and Places, having Right of Common on the same; and the remaining Moiety or Half Part of such Residue of the said Common and Waste Land, unto and for the Use and Benefit of the Owners and Proprietors of all the Lands and Grounds in the same several Parishes, Townships, Hamlets, or Places, entitled to Right of Common on the said Common and Waste Land, whether such Lands belong to or are occupied with a Commonable Messuage, Cottage, or Toft, or not, in Proportion and according to the Value of such Lands and Grounds lying in each of the said Parishes, Townships, Hamlets, and Places respectively; and in making such Allotments the said Commissioners shall distinguish the Quantity of Land allotted to or for the Use of the Proprietors, for or in respect of their Rights of Common appertaining to Commonable Messuages, Cottages, and Tofts therein, and the Quantity allotted to or for the Use of the said Proprietors of the Right of Common appertaining to Lands and Grounds respectively; and in making such Division and Allotment shall have Regard to and lay the Allotments to each respective Proprietor together, or as nearly so as Circumstances will admit, unless they shall be requested to the contrary.

To Houses, &c.

To Lands.

XXXIX. Provided nevertheless, and be it enacted, That in all Cases where the Tythes arising from the Lands in any of the said Parishes, Townships, Hamlets, or Places, or any Part or Parts of such Lands, shall have been heretofore commuted for an Allotment or Allotments of Land, that then the Proprietors or Owners of such Allotment or Allotments of Land shall not share in the Moiety or Half-Part of the said Open Common and Waste Land so as aforesaid directed to be allotted to the Proprietors of Land in each such Parish, Township, Hamlet, or Place respectively; but that the Share to which such Proprietors or Owners of such Tythe Allotments would upon the Principle aforesaid have been entitled to, shall be allotted and divided amongst the Proprietors of all the other Lands in each such Parish, Township, Hamlet, or Place respectively, and which shall have been exonerated from Tythes by such Commutation: Provided always, that all Tofts, Foundations, or Sites of ancient Commonable Messuages or Cottages shall, upon Proof thereof being made to the Satisfaction of the said Commissioners, that the same were deemed to be such in the ancient Terriers or Documents of the said Parishes, Townships, Hamlets, and Places respectively, be considered and deemed as Commonable Messuages, Cottages, and Tofts respectively; and that the respective Owners thereof shall be entitled to the same Compensation for the respective Rights of Common originally belonging thereto as if such Messuages or Cottages had been still standing.

Exemption as to Lands held as a Commutation for Tythes.

Tofts.

Allotments for Tythes, &c. to be fenced.

XL. And be it further enacted, That the ſeveral Allotments of Land and Ground (if any) which may be ſo ſet out, allotted, and awarded to and for the ſaid King's moſt Excellent Majeſty, or the ſaid *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Burſlem*, *Evan Foulkes*, or the ſaid reſpective Rectors, Vicars, Impropriators, and Tythe Owners, ſhall be reſpectively incloſed and fenced 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, which may be of itſelf a ſufficient Fence, with Ditches and Quickſet Hedges, or other proper Mounds or Fences, with proper Poſts and Rails, or other Guard Fences to ſuch Quickſets, out of the Money to be raiſed by Sale of Lands aforeſaid, in ſuch Manner as the ſaid Commiſſioners ſhall order and appoint; and in caſe the ſaid Common and Waſte Land ſhall be Tythe free, that then the Allotments herein provided to be ſet out for building a Church, Parſonage Houſe, and other Buildings, and the Endowments for a Miniſter, Pariſh Clerk and Schoolmaſter, ſhall in like Manner be fenced, and the Expences thereof defrayed out of the Money to be raiſed by Sale of Lands purſuant to the Powers herein contained; and the ſaid Commiſſioners ſhall direct and appoint what Part of the ſaid Ditches, Mounds, and Fences ſhall afterwards reſpectively belong to the ſaid ſeveral Tythe Owners, or to ſuch of them to whom the ſame may be allotted, and what Part to any other Owners or Proprietors; and the ſaid Ditches, Mounds, and Fences, when properly made, ſhall for ever thereafter be maintained, ſupported, and ſcoured out by and at the Expence of the Perſon or Perſons to whom the ſame ſhall be ordered and appointed to belong as aforeſaid; and that the ſeveral other Allotments to be made by virtue of this Act ſhall be incloſed, hedged, ditched, or otherwiſe fenced, and ſuch Fences for ever thereafter repaired and ſcoured out by and at the Expence of the reſpective Perſons to whom the ſame ſhall be allotted, within ſuch Time and in ſuch Proportions and Manner as the ſaid Commiſſioners ſhall in and by their Award, or any other Writing under their Hands, order and direct; and that convenient Gaps and Openings ſhall be left in all the ſaid Fences and Incloſures for the Purpoſe of Cattle, Carts, and Carriages paſſing through the ſame, for ſuch Space of Time as the ſaid Commiſſioners ſhall direct.

For fencing Allotments to other Proprietors.

Leſſees of beneficial Leaſes to fence their Allotments.

XLI. And be it further enacted, That where any Allotment or Allotments ſhall be made to any Perſon or Perſons whomſoever, in right of any ancient Eſtate or Eſtates held under a beneficial Leaſe, or under beneficial Leaſes of the ſaid Lord Biſhop of *Peterborough*, or of the Dean and Chapter of *Peterborough*, or of any other Corporation Aggregate or Sole, for a Term of Lives or Years, that then the Expences of fencing the ſaid Allotment or Allotments, ſhall be borne and defrayed by the Leſſee or Leſſees of ſuch Eſtate or Eſtates; ſave and except where there ſhall be a leſſer Term than Fourteen Years in ſuch Leaſe, in which Caſe the ſaid Expences ſhall be borne and defrayed by the Leſſors and Leſſees in ſuch Proportions as the ſaid Commiſſioners ſhall order and direct.

Commiſſioners may extinguiſh or ſuſpend Rights of Common, and direct the Courſe of Huſbandry.

XLII. And be it further enacted, That it ſhall be lawful to and for the ſaid Commiſſioners, at any Time when they in their Judgment ſhall think it convenient and proper, by Notice for that Purpoſe under their Hands to be given as aforeſaid, to order the Right of Common in, upon, and over the Open Common and Waſte Land hereby directed to be divided and incloſed, or any of them, to be extinguiſhed, either in the Whole or

in Part, or to be ſuſpended; and from and after the Time or Times to be mentioned in and appointed by any ſuch Notice all ſuch Rights of Common as ſhall therein be directed to be extinguiſhed or ſuſpended ſhall be extinguiſhed or ſuſpended according to and as they ſhall be expreſſed in and directed by ſuch Notice; and until ſuch Diviſion and Allotment as is hereby directed ſhall have been made of the ſaid Open Common and Waſte Land to be divided and allotted, all ſuch Lands and Grounds ſhall be ſtocked with ſuch Cattle, at ſuch Times, and in ſuch Manner only, and ſuch of the ſaid Lands as may be in Tillage, ſhall be ſown by the reſpective Occupiers thereof, or by ſuch other Perſons as the ſaid Commiſſioners ſhall appoint, with ſuch Sort of Corn and Grain, and with ſuch Kinds, Quantities, and Qualities of Graſs, Turnips, and other Seeds, and ſhall be kept, ordered, and continued in ſuch Courſe of Huſbandry and Tillage, as the ſaid Commiſſioners ſhall by Writing under their Hands in that Behalf direct, any Uſage or Cuſtom to the contrary notwithſtanding; and that the Charges and Expences of ſuch ploughing, ſowing, fallowing, and rilling, ſhall be paid by the reſpective Perſons who ſhall receive the Benefit thereof, and at ſuch Times, in ſuch Manner, and in ſuch Proportions as the ſaid Commiſſioners ſhall by any Writing or Writings under their Hands direct or appoint, and ſhall be levied and recovered in ſuch Manner as the Reſidue of the Expences of paſſing and executing of this and the ſaid recited Act is herein directed to be levied and recovered; and that no Part of the ſaid Open Common and Waſte Lands hereby directed to be divided and allotted, and not in Tillage at the Time of paſſing this Act, ſhall be, without the Conſent in Writing of the ſaid Commiſſioners, before the Allotments thereof, ploughed, broken up, or converted into Tillage; and every Occupier of any ſuch Land or Ground who ſhall refuſe or neglect to comply with any ſuch Direction of the ſaid Commiſſioners, or who ſhall plough, break up, or convert into Tillage any ſuch Land or Ground, without the Conſent in Writing of the ſaid Commiſſioners, ſhall forfeit and pay any Sum not exceeding the Sum of Ten Pounds for every Acre of ſuch Land, with reſpect to which ſuch Refuſal or Neglect ſhall happen, and ſo on in Proportion to each Caſe for a greater or leſs Quantity than an Acre, which ſhall be paid and collected, or levied and recovered as aforeſaid.

Applications for Situation.

XLIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to appoint a Time and Place, by Notice to be given in Manner herein-before directed reſpecting other Notices to be given under this Act, for receiving Applications from the Proprietors touching the Situation they would reſpectively chooſe to have their Allotments ſet out and allotted in.

Allotments to be delineated upon a Map or Plan, and ſhewn to the Proprietors.

XLIV. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Rights and Intereſts of the ſaid Proprietors in the ſaid Open Common and Waſte Land to be divided and inclоſed by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, the ſaid Commiſſioners ſhall give Notice, in Manner aforeſaid, of ſome convenient Time and Place when and where the ſaid Proprietors may be informed of ſuch intended Allotments, and ſee the Scheme thereof ſet out and delineated upon a Map or Plan thereof to be produced for their Inſpection; and as ſome Proprietors may upon Inſpection be diſſatisfied with the intended Allotments, the ſaid Commiſſioners

ſioners ſhall at ſuch Time and Place as laſt aforeſaid, or ſome other Time and Place to be appointed by them for that Purpoſe, receive Statements in Writing of the Complaints and Objections againſt ſuch Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame, and their Determination ſhall be final and concluſive upon all Parties.

Allotments may be ſold before the Execution of the Award.

XLV. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons entitled to any Common Right, or any other Right or Intereſt upon the Lands and Grounds hereby directed to be divided and incloſed, to ſell and diſpoſe of the ſame, or of any Allotment or Allotments to be made and ſet out in reſpect thereof by virtue of this Act, either together or in Lots, and either with or ſeparately and diſtinctly from the Eſtate in right of which he or ſhe is or may be entitled to the ſame, at any Time after the paſſing of this Act, and before the Execution of the Award of the ſaid Commiſſioners, 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 ſo ſold and diſpoſed of, to the Purchaſer or Purchaſers thereof, or other Perſon or Perſons who ſhall be entitled to the ſame by any ſuch Sale or Diſpoſition.

Eſtates held by different Tenures or Titles to be diſtinguiſhed.

XLVI. And be it further enacted, That when any Perſon or Perſons ſhall be ſeiſed or poſſeſſed of any of the ancient Eſtates in the ſaid ſeveral Pariſhes, Townſhips, Hamlets, and Places aforeſaid, held by different Tenures, or for or under different Eſtates or Titles, the ſaid Commiſſioners ſhall, upon the Requeſt of the Perſon or Perſons ſo ſeiſed or poſſeſſed reſpectively, inquire into, aſcertain, and determine the reſpective Eſtates ſo held by ſuch ſeveral Tenures, or for, by, or under ſuch different Eſtates or Titles reſpectively; and ſhall ſet out diſtinct Allotments from and out of the Lands hereby directed to be divided and allotted to ſuch Perſon or Perſons as aforeſaid, for and in lieu of their reſpective Rights appurtenant to and belonging to each ſuch ancient Eſtates held by different Tenures or under different Titles.

Lands allotted to be deemed of the ſame Tenures as the ancient Eſtates in reſpect of which they are allotted.

XLVII. And be it further enacted, That all the Lands and Grounds which by the Authority and in purſuance of this Act or the ſaid recited Act ſhall be allotted to any of the ſaid Proprietors, ſhall be held by ſuch Proprietors reſpectively under the ſame Tenures, Rents, Cuſtoms, and Services as the ancient Eſtates and other Property in right of which ſuch Allotments ſhall be made were reſpectively held and enjoyed by the ſaid Proprietors before the paſſing of this Act, or would have been held and enjoyed in caſe this Act had not been made; and that the ſeveral Lands and Grounds which ſhall be allotted in lieu of Freehold Rights or Intereſts, or other Freehold Property, ſhall be deemed Freehold, and ſhall be held of the Lord of the Fee under the ſame Rents, and by the ſame Services as the Freehold ancient Eſtates, or other Property in right of which they were allotted, were before that Time held; and that the ſeveral Lands and Grounds which ſhall be allotted in lieu of Copyhold Rights or Intereſt, or other Copyhold Property, ſhall in like Manner be deemed to be Cuſtomary or Copyhold Lands, and ſhall be held of the Lords of the Fee thereof under the ſame Rents, and by the ſame Cuſtoms, Duties, and Services as the Copyhold ancient Eſtates or other Property in Right of

of which they were so allotted, were or ought to have been held, and shall pass by the like Surrenders as the present Copyhold Messuages, Cottages, Lands, Tenements, and Hereditaments, in right whereof such Allotments shall be made, are now holden under or liable to.

Where Commissioners shall not have made distinct Allotments for Lands holden by different Tenures.

XLVIII. And be it further enacted, That when the Proprietor or Proprietors of any of the ancient Estates, in right of which any Lands or other Hereditaments shall be allotted by virtue of this or the said recited Act, shall hold his, her, or their ancient Estates for different Estates, or for different Tenures, and where, from the Want of the necessary Information being laid before the said Commissioners, or from any other Cause, their Award shall have omitted the distinguishing and ascertaining of the Lands or other Hereditaments which shall be allotted as aforesaid, holden for each of such ancient Estates, and by each of such Tenures, and the setting out and awarding of several and distinct Allotments for such respective Lands or other Hereditaments as herein is required, and where also, within Twelve Calendar Months after the making of the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and, so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if their Award had not been made; and when they shall have obtained what they shall think sufficient Information, they are hereby also authorized, by any Deed under their Hands and Seals, to distinguish and ascertain the Difference of such Estates and Tenures respectively, and to make distinct and several Allotments accordingly in the Manner as is hereby required where such Discrimination should have been contained in the said Award; and every such separate Instrument shall be inrolled in the same Place, and Evidence thereof shall be given in the same Manner as by the said recited Act and this Act, or either of them, is directed, concerning the Award to be made pursuant to this Act; and all reasonable Expences incurred in or about such separate Instrument as aforesaid, shall be paid by the Person or Persons who shall have so requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators; and that every such separate Instrument shall from and immediately after the due Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes as if the Contents thereof had been inserted and contained in their said Award; and the same shall, after such Inrolment as aforesaid, be delivered to the Person or Persons at whose Request any such Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall, in the Opinion of the said Commissioners, most properly belong.

Exchanges.

XLIX. 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, within any of the said Parishes, Townships, Hamlets, and Places aforesaid, in lieu of and in Exchange for any other Messuages, Buildings, Lands, Tenements, or Hereditaments within any of the said Parishes, Hamlets, Townships, and

Places aforeſaid; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors for the Time being, ſeiſed of or entitled in Poſſeſſion to the Meſſuages, Buildings, Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors ſhall be a Body or Bodies Politic or Corporate, or a Body or Bodies Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail general or ſpecial, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, or the major Part of ſuch Truſtees reſpectively, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Incapacity, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf; ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands and Seals of the other Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided 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 Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, and Hereditaments ſo to be exchanged ſhall lie or be ſituate; provided alſo, that the Coſts, Charges, and Expences attending the making and completing any Exchanges and Partitions ſhall be borne and paid by the ſeveral Perſons, Bodies Politic, Corporate, or Collegiate, making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall order and direct; and the ſame ſhall and may be recovered in the Manner herein directed for the Recovery of the Reſidue of the Expences of paſſing and executing of this Act.

Tenants for Life may charge Allotments.

L. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the Owners or Proprietors of ſuch Allotments, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability, and for any of the ſaid Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on any Life or Lives, or on any other Contingency, or otherwiſe intereſted as aforeſaid, (except the Rectors, Vicars, Impropriators, or other Tythe Owners, if any ſuch there are, and alſo except the Owners of any Allotments held under beneficial Leaſes as aforeſaid), to charge ſuch Allotments and Premiſes with ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall by their Award, or any other Writing under their Hands, either before or after the Execution of ſuch Award, adjudge neceſſary to pay and defray the Expences of fencing the ſaid Allotments reſpectively, and of charging the ſaid Lands as aforeſaid, ſo that the ſame ſhall not exceed Three Pounds for every Acre of ſuch Allotments; and to grant, mortgage, ſurrender, leaſe, or demiſe, or otherwiſe ſubject the Lands, Tenements, and Hereditaments ſo to be charged, unto ſuch Perſon or Perſons who ſhall advance and lend the ſame reſpectively, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any

Term

Term or Number of Years; or in caſe any Perſon in Poſſeſſion who ſhall or may be liable to the Expences as aforeſaid, and enabled by this Act to charge ſuch Lands and Grounds with the ſame, ſhall chooſe to advance, pay, and diſcharge ſuch Sum or Sums of Money, then it ſhall be lawful for the ſaid Commiſſioners, by any Deed or Writing under his or their Hands and Seals, to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, ſurrender, leaſe, demiſe, or otherwiſe ſubject the ſaid Lands, Tenements, and Hereditaments to ſuch Perſon or Perſons reſpectively paying and diſcharging the ſame, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years, to and for the Payment of ſuch Sum and Sums of Money ſo advanced, paid, and diſcharged by him or them, with Intereſt for the ſame, to commence on the Termination of his, her, or their Right in the Premiſes; ſo that every ſuch Grant, Mortgage, Surrender, Leaſe, or Demiſe be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered or re-aſſigned when ſuch Sum or Sums of Money thereby to be ſecured ſhall be fully paid and ſatisfied, and alſo with a Covenant to pay and keep down the Intereſt, ſo that no Perſon or Perſons afterwards becoming poſſeſſed or entitled to any ſuch Lands, Tenements, or Hereditaments, ſhall be liable to pay any further or larger Arrear of Intereſt than for Six Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced; and that every ſuch Charge, Grant, Mortgage, Surrender, Leaſe, or Demiſe ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended.

Lands may be deducted from Charity Eſtates.

LI. And whereas it may be more convenient for the Feoffees or Truſtees of any Charity Lands or School Lands to have Lands deducted from the reſpective Allotments to be made for ſuch Charity Lands or School Lands, for paying the proportionable Share in reſpect of ſuch Allotments of ſuch Expences reſpectively, than to raiſe Money on Mortgage for thoſe Purpoſes, be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners, if they ſhall judge it right or expedient, to deduct from the reſpective Allotments to be made to ſuch Feoffees or Truſtees as aforeſaid, ſo much Land as ſhall in the Judgment of the Commiſſioners 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 Commiſſioners ſhall think proper, and who will undertake to pay and defray, and ſhall pay and defray all ſuch Expences.

Leaſes and Tenancies at Rack Rent to ceaſe.

LII. Provided always, and be it further enacted, That all Leaſes, Agreements, and Tenancies at Rack Rent now ſubſiſting of any Part or Parts of the ſaid Open, Common, and Waſte Land hereby directed to be divided and incloſed, ſhall ceaſe and be void at ſuch Time and Times as the ſaid Commiſſioners ſhall by Writing under their Hands direct or appoint, ſo as the reſpective Leſſors or Landlords of ſuch Lands or Tenements do before or at the reſpective Times at which ſuch Leaſes or Tenancies ſhall be directed to ceaſe, make, and pay ſuch Satisfaction to the reſpective Leſſees or Tenants for the Loſs which ſhall be ſuſtained by the Determination of ſuch Leaſes and Tenancies reſpectively, as ſhall be mutually ſettled and agreed between them, or as the ſaid Commiſſioners, being thereunto required by each of the Parties, ſhall aſcertain and direct; and the ſaid Commiſſioners, being ſo required, are empowered

Power to apportion Rents.

empowered and directed to appoint a reaſonable and proportionable Part, according to the Seaſon of the Year, of the Rent reſerved or made payable by any ſuch Leaſe or Agreement, for or in reſpect of the Time which ſhall have elapſed between the laſt Day on which any Payment of the Rent ſhall have become due, and the Determination of any ſuch Leaſe or Tenancy, and ſuch Part of the Rent ſhall be recoverable by ſuch Ways and Means as may by Law be uſed for the Recovery of Rent in Arrear; provided nevertheleſs, that where any Common Right only from all or any of the Lands and Grounds hereby directed to be divided and incloſed, ſhall be ſo held with the ancient Eſtate to which the ſame is appurtenant by one entire Rent, the ſaid Commiſſioners ſhall not vacate or in any way invalidate ſuch Leaſe or Agreement, further than ſo far as reſpects ſuch Common Right, and ſhall apportion and determine what Part of ſuch Rent ſhall be deducted in reſpect of the Common Right or other Hereditaments in ſuch Leaſe or Agreement compriſed which ſhall be ſo taken away or vacated, and from what Time ſuch Deduction ſhall take place; and the Reſidue of the Rent reſerved on any ſuch Leaſe or Agreement ſhall during the Remainder of the Term thereof be the Rent of and for the Reſidue of the Lands and other Hereditaments compriſed in ſuch Leaſe, and ſhall be payable and recoverable in like Manner as the entire Rent reſerved by ſuch Leaſe or Agreement ſhall immediately before ſuch Appointment be payable and recoverable.

Settlements, &c. not to be affected, nor Will revoked.

LIII. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend to revoke, make void, annul, or alter any Settlement, Deed, or Will, or to prejudice any Perſon having any Right or Claim of Dower, Jointure, Annuity, Rent Charge, Debt, or Incumbrance whatſoever, in, out of, upon, or affecting any Part of the ſaid Open, Common, and Waſte Land, or any of the Meſſuages, Lands, Tenements, or other Hereditaments in the ſeveral Pariſhes, Townſhips, Hamlets, and Places aforeſaid, or which ſhall be exchanged or aſſigned in Compenſation for any other Eſtate or Right in purſuance of this Act reſpectively, but as well the Lands allotted as the Tenements and other Hereditaments which ſhall be aſſigned and taken in Exchange, or in Compenſation for any other Eſtate or Right, ſhall immediately after ſuch Allotment, Exchange, or Aſſignment ſhall be made, be veſted, remain, and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted, aſſigned, or given in Exchange as aforeſaid, ſhall henceforth ſtand and be 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, as the ſeveral Lands, Tenements, and Hereditaments in reſpect whereof ſuch Allotments, Aſſignments, and Exchanges 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, aſſigned, or exchanged, and this Act had not been made, ſave and except ſuch Rents and Services as ſhall have been compenſated for and extinguiſhed, and ſuch Leaſes and Tenancies at Rack Rent as ſhall become void by virtue of this Act.

Money advanced to be repaid with Intereſt.

LIV. And be it further enacted, That the Money that ſhall be advanced by any Perſon or Perſons for defraying the Expences of applying for and obtaining this Act, or which after the paſſing thereof ſhall be advanced

or lent to, or be paid by the Direction of the ſaid Commiſſioners for the Purpoſes thereof, ſhall be repaid with lawful Intereſt to the Perſon or Perſons lending or advancing the ſame, out of the firſt Monies to be raiſed in Manner herein directed, for defraying the Expences of obtaining and executing this Act.

Proprietors to pay their own Expences at Meetings.

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

Commiſſioners to lay their Accounts before a Juſtice.

LVI. And be it further enacted, That Once at leaſt in each and every Year during the Execution of this Act, (ſuch Year to be computed from the Day of the paſſing thereof) the ſaid Commiſſioners ſhall, and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before any One of His Majeſty's Juſtices of the Peace for the ſaid Soke of *Peterborough*, or for the ſaid County of *Northampton*, not intereſted in the ſaid Diviſion and Allotment, to be by them examined and balanced, and ſuch Balance ſhall by ſuch Juſtices be ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices.

Commiſſioners to make Award.

LVII. And be it further enacted, That as ſoon as may be after the ſaid Commiſſioners ſhall have completed the Diviſions and Allotments, and made the Exchanges and Partitions hereby directed and empowered to be made by them reſpectively, and alſo ſet out the ſeveral Proportions for Tythes and Right of Soil (if any Right to Tythes or Right of Soil ſhall be eſtabliſhed) as herein directed and made, executed and completed all ſuch Works of Drainage as are herein provided for, and have done, performed, and executed all and every the ſeveral Matters and Things which by this and the ſaid recited Act they are directed and empowered to do, they ſhall form and draw up an Award in Writing, which ſhall expreſs diſtinctly and ſeparately the Quantity and Contents in Statute Meaſure, of Acres, Roods and Perches contained in the Lands and Grounds hereby intended to be divided and incloſed, and the Quantity and Contents, Situation, Abuttals, and Boundaries of the ſeveral Parcels and Allotments reſpectively by them ſet out, aſſigned, and allotted, or partitioned or exchanged by virtue of this Act, to each of the Proprietors and Perſons intereſted therein reſpectively, as herein provided for; and alſo deſcribe all the public Roads and Ways, and all private Roads and Ways, and all Mills, Engines, Drains, Ditches, Tunnels, Watercourſes, Watergates, Sluices, Banks, Bridges, and other Works which ſhall have been made or repaired by them reſpectively purſuant to this Act, or that ſhall be deemed neceſſary by them for the Preſervation and Drainage of the ſaid Common and Waſte Land; and alſo ſuch other Orders, Regulations, and Determinations to be obſerved and followed by the ſeveral Proprietors as ſhall be neceſſary or proper to be inſerted in the ſaid Award, conformable with the Tenor or Purport of this Act and the ſaid recited Act, or for the

completing and maintaining the ſaid Diviſions, Drainage, and Incloſure; which Award or Inſtrument ſhall be fairly ingroſſed or written on Parchment, and ſigned and ſealed by the ſaid Commiſſioners within Seven Years from the paſſing of this Act; and ſuch Award ſhall, after the ſame ſhall be ſo ſigned and ſealed, be inrolled with the Clerk of the Peace for the ſaid Soke of *Peterborough*, or in any of His Majeſty's Courts of Record at *Weſtminſter*, and ſhall afterwards be depoſited and kept in the Cathedral Church of *Peterborough* aforeſaid, for the Uſe of the ſaid Proprietors, to the End that Recourſe may be the more readily had thereto; and the ſaid Award ſhall be binding and concluſive unto and upon all the Parties intereſted in the ſaid Diviſion, Drainage, and Incloſure; and a Copy thereof, or of any Part thereof, atteſted by the Chapter Clerk, or the Officer with whom the ſame ſhall be inrolled, ſhall from Time to Time and at all Times thereafter be admitted and allowed in all Courts whatſoever as legal Evidence of the ſame, which Copy the ſaid Chapter Clerk or other Officer is hereby ordered and required to make and deliver to any Perſon or Perſons demanding the ſame, he, ſhe, or they paying or tendering, in caſe of Refuſal of ſuch Copy, Sixpence for every Seventy-two Words, and no more, over and beyond the Stamp Duty; and any Perſon or Perſons intereſted therein by himſelf, themſelves, or Agents, ſhall have Liberty to inſpect and peruſe the ſaid Award, paying to ſuch Chapter Clerk or other Officer for every ſuch Inſpection and Peruſal One Shilling and no more, and to take a Copy of any Part or Parts thereof, paying for the ſame after the Rate aforeſaid.

An Extract from the Award to be tranſmitted to the Surveyor General's Office.

LVIII. And be it further enacted, That in caſe the King's moſt Excellent Majeſty, in Right of His Crown, ſhall eſtabliſh any Right to the Tythes or to the Soil of all or any of the Lands and Grounds directed to be divided and incloſed, 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 herein directed to be made, as ſhall contain an accurate Deſcription of the Allotment or Allotments ſo to be made to His ſaid Majeſty, together with ſuch Regulations or Proviſions relative to the ſaid Allotment or Allotments, or to any other Rights or Intereſts of His Majeſty as may be contained in ſuch Award; and alſo a Map or Plan of ſuch Allotment or Allotments, and tranſmit the ſame to the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, or to the Surveyor General of His Majeſty's Land Revenue for the Time being, within Six Calendar Months after the making and executing the ſaid Award, to be by them or him filed and kept among the Muniments of their or his Office, and to be produced and admitted in Evidence on all Occaſions where any Queſtion, Doubt, or Controverſy may ariſe relating to or affecting the Rights and Intereſts of His Majeſty, His Heirs and Succeſſors.

Power to ſell His Majeſty's Allotment.

LIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, or the Surveyor General of His Majeſty's Land Revenue, at any Time before or after the Execution of the ſaid Award, to contract and agree with any Perſon or Perſons, or any Bodies Politic, Corporate or Collegiate, for the Sale of all or any of the Allotments or Allotment (if any) which ſhall be made to His Majeſty, His Heirs and Succeſſors, purſuant to the Powers and Proviſions of this Act, for the beſt Prices or Conſiderations in Money which the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land

Revenues, or the ſaid Surveyor General, ſhall be able to procure for the ſame, and the Purchaſe Money ariſing from ſuch Sale ſhall be paid into the Bank of *England*, to the Account of the Commiſſioners of His Majeſty's Treaſury, in like Manner as the Monies from the Sales of certain Parts of the Property of the Crown, authorized by an Act paſſed in the Forty-eighth Year of His preſent Majeſty, intituled *An Act to improve the Land Revenue of the Crown in* England, *and alſo of His Majeſty's Duchy of* Lancaſter, are directed to be paid; and the Sale of ſuch Allotments or Allotment ſhall be made in the ſame Manner and Form, and under the like Rules, Regulations, and Proviſions, and ſhall be, to all Intents and Purpoſes, as valid and effectual as if the ſame were made under the ſaid laſt recited Act; and if ſuch Sale ſhall be made before the Execution of the ſaid Award, it ſhall be lawful for the ſaid Commiſſioners for executing this Act, and they are hereby authorized and required to aſſign, ſet out, and allot ſuch Allotments or Allotment to the Purchaſers or Purchaſer thereof, their Heirs and Aſſigns, or other Perſons or Perſon who ſhall be entitled thereto by virtue of ſuch Sale, and he, ſhe, or they ſhall immediately after the Execution of the ſaid Award as aforeſaid have, hold, uſe, and enjoy ſuch Allotments or Allotment, and ſhall uſe and exerciſe any Act of Ownerſhip in and upon the ſame, in as full, large, ample, and beneficial a Manner to all Intents and Purpoſes, as His Majeſty, His Heirs or Succeſſors, or his or their Leſſees or Grantees, could or might have done in caſe ſuch Sale had not been made.

Appeal to the Quarter Seſſion or Courts at Weſtminſter.

LX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done by or under the Authority of the ſaid Commiſſioners of Incloſure, or the Commiſſioners of Drainage, in purſuance of this or the ſaid recited Act, (other than and except ſuch Claims, Matters, and Things as are herein-before directed or authorized to be aſcertained, tried, ſettled, or determined by the Verdict of a Jury, or where, by any of the Proviſions of the ſaid recited Act or of this Act, the Determinations, Acts, or Proceedings of the ſaid Commiſſioners reſpectively are directed to be final or concluſive) then and in every ſuch Caſe he, ſhe, or they may appeal to any General Quarter Seſſions of the Peace which ſhall be held for the ſaid Liberty of *Peterborough* in the County of *Northampton*, or to His Majeſty's Court of King's Bench, or Court of Common Pleas, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving Fourteen Days Notice of ſuch Appeal and of the Matter thereof to the ſaid Commiſſioners reſpectively, and to the Parties intereſted; and the Juſtices in their ſaid General Quarter Seſſions, or the Judges of the ſaid Courts, are hereby required to determine the Matter of ſuch Appeal, and to make ſuch Order therein, and to award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Warrant or Order to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattles of the Party or Parties liable to pay the ſame, rendering the Surplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices or Judges ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or by any Writ, Proceſs, or other Proceeding whatſoever, into any other of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

LXI. And

Appointment and Qualifications of Commissioners of Drainage.

Owner of 20 Acres to be a Commissioner.

LXI. And be it enacted, That from and after the said Commissioners shall have made their Award in Manner herein-before directed, every Person who for the Time being shall be *bonâ fide* seised or possessed in his own Right or in the Right of his Wife, or as Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Person, of Twenty Acres of the Lands and Grounds herein-before directed to be divided and inclosed, shall be a Commissioner for the future Drainage and Preservation of the said Lands and Grounds; provided, that when there is more than one Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Persons, only one Trustee shall act at any one Time as a Commissioner in Right of such Feme Covert, Lunatic, Minor, or other incapacitated Person respectively.

Owner of 100 Acres may appoint a Deputy Commissioner to act in his Absence.

LXII. And be it further enacted, That every Person who shall be *bonâ fide* seised or possessed as aforesaid of One hundred Acres of the said Lands and Grounds, may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, a Deputy Commissioner of Drainage for executing this Act, during the Pleasure of the Person so appointing, if the Person so appointing shall continue so seised or possessed as aforesaid, but such Deputy Commissioner shall act only in the Absence of the Person by whom such Appointment shall have been made.

Owner of 200 Acres may appoint Two Deputies, both of whom may act in his Absence.

LXIII. And be it further enacted, That every Person who shall be *bonâ fide* seised or possessed as aforesaid of Two hundred Acres of the said Lands and Grounds, may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hands, Two Deputy Commissioners of Drainage for executing this Act, during the Pleasure of the Person so appointing, if the Person so appointing as last aforesaid shall continue so seised or possessed as aforesaid; and whenever the Person so appointing shall be absent from any Meeting of the said Commissioners of Drainage, both the Persons so appointed are hereby authorized and empowered to act as Commissioners of Drainage at such Meeting; but whenever the Person so appointing shall be present at any Meeting, then One only of the Persons so appointed is hereby authorized and empowered to act as a Commissioner of Drainage at such last-mentioned Meeting.

No Person to act as Deputy Commissioner until his Appointment be delivered in.

LXIV. Provided always, and be it further enacted, That no Person appointed under any of the Provisions herein contained shall be capable of acting as a Deputy Commissioner of Drainage in the Execution of this Act, until he shall have delivered in his Appointment or Notice or Certificate of such Appointment in Writing under the Hand of the Person appointing him, at some Meeting of the said Commissioners of Drainage; and that every such Appointment or Notice or Certificate shall be filed among the Proceedings of the Meeting at which the same shall be delivered in; and a Minute thereof shall be entered by the Clerk attending such Meeting in the Book of the said Commissioners of Drainage, containing the Entry of such Proceedings.

Commissioners in their own Right to take an Oath.

LXV. And be it further enacted, That no Person shall be capable of acting as a Commissioner of Drainage in his own Right in the Execution of this Act, except in administering the Oath or Affirmation herein-after directed, until he shall have taken the Oath or Affirmation following:

'I do

'I ..... do ſwear, [*or, being one of the People called* Quakers, 'I *do ſolemnly affirm*], 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 a 'Commiſſioner of Drainage, by virtue of an Act paſſed in the Fifty-ſecond 'Year of the Reign of King *George* the Third, intituled *An Act* [*here* '*inſert the Title of this Act*], according to Equity and good Conſcience, 'and without Favour or Affection, Prejudice, or Partiality to any Perſon 'or Perſons whomſoever: And I do further ſwear, [*or, being one of the* '*People called* Quakers, *do ſolemnly affirm*], That I am duly qualified to 'act as a Commiſſioner of Drainage in the Execution of the ſaid Act, 'according to the Proviſions of the ſame. So help me GOD.'

Deputy Commiſſioners to take an Oath.

LXVI. And be it further enacted, That no Perſon to be appointed a Deputy Commiſſioner of Drainage by virtue of this Act ſhall act as a Commiſſioner in the Execution thereof until he ſhall have taken the Oath or Affirmation following:

'I ..... do ſwear, [*or, being one of the People called* Quakers, 'I *do ſolemnly affirm*], 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 a 'Deputy Commiſſioner of Drainage, by virtue of an Act paſſed in the 'Fifty-ſecond Year of the Reign of King *George* the Third, intituled '*An Act* [*here inſert the Title of this Act*], according to Equity and good 'Conſcience, and without Favour or Affection, Prejudice, or Partiality to 'any Perſon or Perſons whomſoever: And I do further ſwear, That I do 'believe that ..... [*naming the Perſon appointing him*] is duly 'qualified to appoint me to act as a Deputy Commiſſioner of Drainage 'in the Execution of the ſaid Act, according to the Proviſions of the 'ſame. So help me GOD.'

A Note or Minute of Commiſſioners having taken an Oath or Affirmation, to be entered among the Proceedings, &c.

LXVII. And be it further enacted, That it ſhall be lawful for any One of the Commiſſioners of Drainage appointed or to be appointed by virtue of this Act, to adminiſter any of the Oaths or Affirmations herein-before directed to be taken; and that a Note or Minute of every ſuch Oath or Affirmation ſhall be made by the Clerk to the ſaid Commiſſioners of Drainage, and ſhall be entered among the Proceedings of the Meetings where the ſame ſhall reſpectively have been made; but no Perſon holding either of the Places of Engineer, Superintendent, Treaſurer, Clerk, Surveyor, or Collector, or any other Place of Profit under the ſaid Commiſſioners of Drainage, ſhall act or be qualified to act as a Commiſſioner of Drainage, or to appoint a Deputy or Deputies under this Act.

Penalty on acting or appointing a Deputy without being qualified.

LXVIII. Provided always, and be it further enacted, That if any Perſon or Perſons not being qualified as herein-before is preſcribed, ſhall act as a Commiſſioner or Commiſſioners of Drainage in the Execution of this Act; or if any Perſon or Perſons not being qualified as herein-before is preſcribed in that Reſpect, ſhall appoint any Deputy or Deputies to act as a Commiſſioner or Commiſſioners in the Execution of this Act, every ſuch Perſon or Perſons ſhall for every ſuch Offence reſpectively forfeit and pay the Sum of Fifty Pounds, to be recovered with full Coſts of Suit by any Perſon or Perſons who ſhall inform or ſue for the ſame in any of His

Majeſty's Courts of Record at *Weſtminſter*; by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance ſhall be allowed; and in any ſuch Action or Suit it ſhall be only neceſſary for the Plaintiff or Informer to prove that the Defendant acted as a Commiſſioner of Drainage in the Execution of this Act; and a Verdict ſhall be found againſt ſuch Defendant, unleſs he ſhall prove in his Defence that he was at the Time of ſo acting or appointing a Deputy properly qualified to act or to appoint a Deputy, according to the true Intent and Meaning of this Act.

Time and Place of holding General Meetings.

LXIX. And be it further enacted, That the ſaid Commiſſioners of Drainage ſhall hold and they are hereby required to hold One General Meeting in the Month of *May* in every Year, at ſome Public Houſe or Inn, or ſome other public Place on the ſaid Lands and Grounds, or within Five Miles thereof; and that the Firſt General Meeting of the ſaid Commiſſioners for Drainage to be holden as aforeſaid ſhall be ſo holden on the Firſt *Monday* in *May* which ſhall next happen after the Execution of the Award herein-before directed to be made by the Commiſſioners of Incloſure.

Special Meetings.

LXX. And be it further enacted, That Special Meetings of the ſaid Commiſſioners of Drainage may and ſhall from Time to Time be holden as often as any Seven or more of the ſaid Commiſſioners ſhall think it neceſſary, Notice of every ſuch Meeting being firſt given by advertiſing the ſame Twice in the *Stamford, Rutland, Lincoln Mercury*, or ſome other Country Newſpaper generally circulated in the Soke of *Peterborough*, and ſuch Advertiſement ſpecifying the Nature of the Buſineſs propoſed to be brought forward at every ſuch Special Meeting.

A Majority of Commiſſioners preſent at any Meeting to act and may adjourn.

LXXI. And be it further enacted, That it ſhall be lawful for the Majority of the Commiſſioners of Drainage, who ſhall be preſent at any Meeting to be holden by virtue of this Act, (the Number of ſuch Commiſſioners preſent not being leſs than Five), to proceed in the Execution of the Powers given to the ſaid Commiſſioners of Drainage by this Act in all Caſes whatſoever, and to adjourn from Time to Time, and from Place to Place, as they ſhall think neceſſary; and that a Minute of the Buſineſs to be tranſacted at every ſuch Meeting ſhall be entered in the Proceedings of the Meetings from which ſuch Adjournment ſhall be made: Provided always, that no Buſineſs ſhall be tranſacted at any ſuch Adjournment but ſuch as relates to the Buſineſs for which ſuch Adjournment ſhall be made; nor ſhall any Buſineſs be tranſacted at any Special Meeting, or any Adjournment of the ſame, but ſuch as ſhall relate to the Objects ſpecified in the Notice given for calling ſuch Special Meeting.

Proceedings of Commiſſioners to be entered in Books, and to be Evidence.

LXXII. And be it further enacted, That all Orders and Proceedings of the ſaid Commiſſioners of Drainage, at every Meeting by them holden under the Authority of this Act, ſhall be fairly entered into a Book or Books to be provided and kept for that Purpoſe, which ſhall be ſigned by the Chairman of every ſuch Meeting; and all ſuch Entries ſhall be deemed original Orders and Proceedings, and may be read and received in Evidence in all Courts whatſoever.

LXXIII. And be it further enacted, That at all Meetings whatſoever holden under the Authority of this Act, the Commiſſioners of Drainage attending ſuch Meetings ſhall bear and defray their own Expences. Commiſſioners to defray their own Expences.

LXXIV. And be it further enacted, That the ſaid Commiſſioners of Drainage ſhall from Time to Time repair and work all ſuch Mills and Engines as are now erected, or which ſhall be erected by the firſt-mentioned Commiſſioners, and ſcour out, widen, heighten, ſtrengthen, and repair all ſuch other Drains, Ditches, Watercourſes, Tunnels, Water-gates, Sluices, Banks, Bridges, and other Requiſites as may be uſed for the Drainage and Preſervation of the ſaid Lands; and ſhall alſo make, erect, ſet up, and build, and work ſuch new and other Mills, Engines, and other Devices, Ditches, Drains, Watercourſes, Tunnels, Water-gates, Sluices, Banks, Bridges, and other Requiſites within the ſaid firſt Diſtrict, and over the ſaid *Carr Dyke*, and the Branch of the ſame near to *Werrington Gate*, the *Folly River*, and alſo the ſaid Drain leading from the *Folly River* to the River *Welland*, as ſhall in their Diſcretion be neceſſary and proper for the Drainage and Preſervation of the ſaid Lands. Works to be done by Commiſſioners of Drainage.

LXXV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners of Drainage, at any of their Meetings, to appoint one or more Perſon or Perſons, in the Nature of an Engineer or Engineers, Superintendent or Superintendents of the ſeveral Works hereby authorized to be executed, with ſuch Powers as to the ſaid Commiſſioners ſhall ſeem meet, ſuch Perſon or Perſons not being intereſted in or connected with any of the Lands or Grounds ſubject to be taxed by virtue of this Act, or with any of the Owners and Proprietors thereof; and the Perſon or Perſons ſo appointed ſhall have full Power to provide for and ſee the ſaid Works ſo executed; and that ſuch Perſon or Perſons ſhall alſo have full Power to ſuperintend, command, and diſmiſs all Contractors and others who ſhall fail to execute any of the ſaid Works in ſuch Manner as ſhall be ſatisfactory to ſuch Perſon or Perſons; and the ſaid Commiſſioners are hereby authorized and empowered to allow ſuch Perſon or Perſons ſuch Salaries or Remunerations out of the Monies to be raiſed by virtue of this Act as to the ſaid Commiſſioners ſhall ſeem meet; and the ſaid Commiſſioners ſhall have Power to remove ſuch Perſon or Perſons, and to appoint another or others in his and their Stead, from Time to Time, as they ſhall think neceſſary; and all the Acts and Proceedings of ſuch Perſon and Perſons done in purſuance of the Powers and Directions hereby given to him or them, or to be given to him or them by the ſaid Commiſſioners, ſhall be deemed to be the Acts of the ſaid Commiſſioners, as fully and effectually, to all Intents and Purpoſes, as if ſuch Acts and Proceedings had been done and executed by the ſaid Commiſſioners under the Powers and Authorities hereby veſted in them. Commiſſioners may appoint Superintendents of the Works.

LXXVI. And be it further enacted, That the ſaid Commiſſioners of Drainage ſhall and may alſo, at their firſt or any of their ſaid General Meetings to be holden under this Act, appoint ſuch Treaſurers, Clerks, Surveyors, Collectors, and other Officers, as they ſhall think neceſſary for the better Execution of this Act, and allow them, or any of them, ſuch Salary or Salaries, or other Remuneration out of the Monies to be raiſed by virtue of this Act, as they the ſaid Commiſſioners ſhall think proper, and from Time to Time to remove them, or any of them as they the ſaid Commiſſioners Commiſſioners may appoint Treaſurers, Clerks, Surveyors, &c.

Commiſſioners ſhall ſee Occaſion, and in like Manner to appoint others in their Stead; and that all Treaſurers, Collectors, and other Officers who ſhall be intruſted with the Receipt or Collections of any Monies to be raiſed by virtue of this Act, ſhall reſpectively give Security for the due Execution of their reſpective Offices to the Satisfaction of the ſaid Commiſſioners.

Treaſurers, Collectors, and other Officers to keep Accounts.

LXXVII. And be it further enacted, That the ſaid Treaſurers, Collectors, and other Officers, ſhall fairly enter in Books to be by them reſpectively kept for that Purpoſe, an Account of all Monies by them reſpectively received and expended, ſpecifying the Times when, and the Perſons from whom, and for what Purpoſes ſuch Monies were reſpectively received and paid, which Books, or true Copies thereof, to be ſigned by the ſaid Treaſurers, Clerks, Collectors, or other Officers reſpectively, together with the Vouchers for ſuch Expenditures, and alſo all Books and Papers in their Cuſtody reſpectively relating to the Execution of this Act, ſhall be the Property of the ſaid Commiſſioners of Drainage, and ſhall be delivered to the ſaid Commiſſioners at ſuch Time or Times as they the ſaid Commiſſioners ſhall direct, and that the ſame ſhall at all Times be open for the Inſpection of any of the Owners of any of the Lands and Grounds ſubject to be taxed by virtue of this Act, on Payment of One Shilling only for every ſuch Inſpection.

Officers refuſing to account, their Goods may be diſtrained.

LXXVIII. And be it further enacted, That in caſe any of the ſaid Treaſurers, Collectors, or other Officers, or any other Perſon or Perſons employed or intruſted by the ſaid Commiſſioners of Drainage, ſhall refuſe or neglect to account to the Satisfaction of the ſaid Commiſſioners, or to pay the Money due upon the Balance of their reſpective Accounts, according to the Directions of the ſaid Commiſſioners of Drainage, then and in every ſuch Caſe it ſhall be lawful, upon the Complaint of any Three or more of the ſaid Commiſſioners of Drainage, for any One or more of the Juſtices of the Peace for the ſaid Soke of *Peterborough*, or for the County of *Northampton*, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to levy by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to account, or to pay the Money due upon the Balance of his or their Account or Accounts as aforeſaid, ſuch Sum or Sums of Money as he or they ſhall have been ſo required to account for, or as ſhall have been found, or ſhall appear to be due upon the Balance of his or their Account or Accounts; and for want of ſufficient Diſtreſs it ſhall and may be lawful for any One or more of the ſaid Juſtices, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction in the Soke of *Peterborough*, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account, and ſhall have paid ſuch Monies as ſhall appear to be remaining in his or their Hand on the Balance of his or their Account or Accounts, or otherwiſe, to the ſaid Commiſſioners of Drainage, or according to their Appointment, or ſhall have compounded for the ſame, and ſhall have paid ſuch Compoſition Money, (which Compoſition they the ſaid Commiſſioners are hereby authorized and empowered to take and accept;) or the ſaid Commiſſioners of Drainage may bring, and they are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt ſuch Officer or Officers, or other Perſon or Perſons ſo refuſing, neglecting,

neglecting, or making Default as aforesaid, and against all and every such Person or Persons as shall become his or their Surety or Sureties, for the Recovery of the Monies that shall be due from such Officer or Officers, or other Person or Persons respectively, and upon such Security or Securities as shall have been given or entered into by them respectively; and where any Clerk, Treasurer, Collector, or other Officer or Person employed by the said Commissioners of Drainage as aforesaid, shall neglect or refuse to deliver up to the said Commissioners all Books, Vouchers, and Papers in his Custody, relating to any Proceedings or Accounts of the said Commissioners, it shall be lawful for any such Justice or Justices as aforesaid, upon Complaint of any Three or more of the said Commissioners, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction in the Soke of *Peterborough*, there to remain without Bail or Mainprize until he or they shall have delivered up to the said Commissioners all such Books, Vouchers, and Papers as aforesaid: Provided always, that no Person who shall be committed for want of sufficient Distress only shall be detained in Prison for any longer Time than Six Calendar Months.

Power to levy Taxes.

LXXIX. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage, and they are hereby required, from Time to Time as Occasion shall require, to assess, rate, tax, and charge all and singular the said Lands and Grounds hereby directed to be inclosed and drained, with such an Annual Acre Tax as shall be necessary to defray the Expences of the several Works necessary for the future Drainage and Preservation of the said Lands, and herein authorized to be done by the said Commissioners of Drainage.

When Taxes shall be laid and payable.

LXXX. And be it further enacted, That the said Assessments, Rates, Taxes, and Charges for the First Year, shall be imposed at the first General Meeting of the said Commissioners of Drainage to be holden after the making of the said Award, and shall become due and payable at such Time and Times as the said Commissioners shall from Time to Time direct; and that the Taxes for the Second and every subsequent Year shall in like Manner be imposed at every subsequent Annual Meeting, and shall become due and payable as aforesaid.

Penalty on Non-payment of Taxes.

LXXXI. And be it further enacted, That in case the Occupier or Occupiers of any of the said Lands and Grounds which shall be assessed, rated, taxed, or charged, or be liable to be assessed, rated, taxed, or charged by virtue of this Act, shall neglect or fail to pay all such Sum and Sums of Money as shall be so assessed, rated, taxed, or charged, or shall become due or payable for or in respect of the Lands and Grounds in their respective Occupations, to the Collectors or Collector, or other Person or Persons appointed by the said Commissioners of Drainage to receive the same, either before or at the Time or Place or Times or Places to be appointed by the said Commissioners, every Person neglecting or failing to pay the same shall forfeit and pay to the said Commissioners the Sum of Three Shillings and Four-pence for every Twenty Shillings due for such Taxes, and not paid at such Time and Place or Times and Places as aforesaid, and so in Proportion for any greater or less Sum than Twenty Shillings, to be recovered as hereafter mentioned; and the Monies so forfeited

and recovered shall be applied by the said Commissioners of Drainage for the Purposes of this Act.

Application of the Tax.

LXXXII. And be it further enacted, That the Monies arising from the Taxes to be raised by virtue of this Act, and the Penalties incurred for Non-payment thereof, and all other the Monies to be collected and received by the said Commissioners of Drainage by virtue and under the Authority of this Act, shall be paid and applied by the said Commissioners of Drainage, in paying, defraying, and discharging all such Salaries, Costs, Charges, and Expences as shall be necessary, and shall be sustained or incurred by them in executing the several Matters and Things herein authorized by them to be done and executed pursuant to the Powers herein contained, in order to obtain a Drainage of the Waters on the said Lands through the several Rivers and Drains towards the Sea.

Tenants to pay the Taxes and deduct the same out of their Rents.

LXXXIII. And, to the End that the said Taxes may be more easily collected and received, be it further enacted, That all and every the Tenants and Occupiers of the said Lands and Grounds which shall be assessed, rated, taxed, or charged, or be liable to be assessed, rated, taxed, or charged by virtue of this Act, shall pay and they are hereby authorized and empowered to pay all and every such Sum and Sums of Money as shall be so assessed, rated, taxed, or charged, on or for or in respect of their respective Lands and Grounds in their several Occupations, to the Collector or Collectors or other Person or Persons appointed by the said Commissioners of Drainage to receive the same; and to deduct and retain out of his, her, and their Rent, all such Sum and Sums of Money as he, she, or they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners of such Lands and Grounds are hereby required to allow such Deductions and Payments, upon the Receipt of the Residue of their Rents; and every such Tenant or Occupier paying such Rate or Tax shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him or her shall amount to, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords; save and except as to the Taxes which may become due and payable for or in respect of any Lands that may be held under beneficial Leases for a Term of Lives or Years as aforesaid, which Taxes shall be borne and defrayed by the Lessees respectively, and shall not be deducted from the reserved Rents, nor allowed by the Lessors.

But not to deduct Penalties.

LXXXIV. Provided nevertheless, and be it further enacted, That where any Penalty or Penalties shall have been incurred for Non-payment of any Tax or Taxes by virtue of this Act, and such Penalty or Penalties shall have been levied by the said Commissioners of Drainage, by Distress upon the Goods, Chattels, or Stock of any Person or Persons occupying any of the said Lands or Grounds; or where such Penalty or Penalties shall have been paid by such Occupier or Occupiers, all and every such Penalty or Penalties, together with the Costs, Charges, and Expences of taking any such Distress or Distresses, shall be borne and sustained by such Occupier or Occupiers respectively; and the Landlord or Owner, Landlords or Owners of such Lands and Grounds, shall not be compelled or compellable to allow or pay any such Penalty or Penalties or Expences to such Occupier or Occupiers; any Thing herein contained to the contrary thereof in anywise notwithstanding.

LXXXV. And

Power of Diſtreſs for Taxes.

LXXXV. And be it further enacted, That if any Perſon ſhall refuſe or neglect to pay the Rates, Taxes, or Sums of Money which ſhall be aſſeſſed, rated, taxed, or charged on the Lands or Grounds in his, her, or their Occupation or Occupations reſpectively, by virtue of or under the Powers and Authorities of this Act, together with all ſuch Penalty or Penalties as ſhall or may be incurred by Non-payment thereof reſpectively as aforeſaid, then it ſhall be lawful for any Collector or Collectors appointed by the ſaid Commiſſioners of Drainage, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners, (which ſaid Warrant or Precept the ſaid Commiſſioners, or any Five or more of them, are hereby empowered and required from Time to Time to grant and make, as Occaſion ſhall require), to enter into and upon the Lands or Grounds ſo rated and taxed as aforeſaid, in the Poſſeſſion of any ſuch Perſon or Perſons who ſhall ſo make Default in Payment as aforeſaid, and into and upon all Meſſuages or Tenements thereupon ſtanding, or thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and payable for ſuch Rate or Tax, together with ſuch Penalty as may be incurred by Non-payment thereof as aforeſaid, by Diſtreſs of any Goods or Chattels which ſhall be found on the Premiſes, and the Goods and Chattels ſo diſtrained to impound on the Premiſes, or take, lead, drive away, and keep for the Space of Five Days, at the Coſts and Charges of the Owner or Owners thereof, giving to ſuch Owner or Owners, or leaving at the laſt or uſual Place or Places of Abode of the Tenant or Tenants in Poſſeſſion of ſuch Meſſuage or Tenement, Ground or Premiſes, Notice in Writing of the Cauſe of ſuch Diſtreſs; and if the Owner or Owners of the Goods and Chattels ſo diſtrained ſhall not pay the Sum or Sums of Money ſo due and payable for ſuch Rate or Tax, together with ſuch Penalties as aforeſaid, and all Charges attending ſuch Diſtreſs and Removal, or replevy the Goods and Chattels ſo diſtrained, with ſufficient Sureties to be given to the Sheriff of the County, according to the Laws now in being for regulating Diſtreſſes in Caſes of Non-payment of Rent within Five Days next after ſuch Diſtreſs made, and Notice thereof given as aforeſaid, the Perſon or Perſons ſo diſtraining ſhall and may, with ſuch Sheriff or his Under Sheriff or Bailiff, or the Conſtable or Headborough where ſuch Diſtreſs ſhall be made, (which ſaid Sheriff, Under Sheriff, Bailiff, Conſtable, and Headborough, are hereby required and commanded to aſſiſt therein), cauſe the Goods and Chattels ſo diſtrained to be appraiſed by Two or more indifferent Perſons, to be ſworn by ſuch Sheriff, Under Sheriff, Bailiff, Conſtable, or Headborough, who are hereby reſpectively empowered to adminiſter an Oath accordingly, to appraiſe the ſame according to the beſt of their Judgment; and after ſuch Appraiſement, it ſhall be lawful for ſuch Collector or Collectors, or other Perſon or Perſons making ſuch Diſtreſs, to ſell the Goods and Chattels ſo diſtrained for the beſt Price that can reaſonably be had or gotten for the ſame, for and towards Satisfaction of the Monies for which ſuch Diſtreſs ſhall be ſo made, and the Charges of taking, keeping, removing, appraiſing, and ſelling the Goods and Chattels ſo diſtrained, leaving the Overplus, if any, in the Hands of ſuch Sheriff, Under Sheriff, Bailiff, Conſtable, or Headborough, for the Owner's Uſe.

Lands unoccupied are to remain a Security for the

LXXXVI. Provided always, and be it further enacted, That in caſe any of the ſaid Lands and Grounds ſhall at any Time or Times hereafter be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be found for levying

Tax, and Diſtreſs may be taken at any Time afterwards.

levying the ſaid Rates, Taxes, and Penalty, then the Lands and Grounds chargeable therewith ſhall always remain a Security for Payment thereof, and all Goods and Chattels which ſhall at any Time thereafter be found thereon ſhall and may be diſtrained, removed, impounded, kept, appraiſed, and ſold in Manner aforeſaid, until all Arrears of the ſaid Rates and Taxes and Penalty, and the Charges of ſuch Diſtreſs, ſhall be fully paid and ſatisfied.

Taxes to be levied on Goods of Perſons driving their Cattle off their Lands.

LXXXVII. And whereas it may happen that ſome of the Occupiers of the ſaid Lands and Grounds liable to be taxed by virtue of this Act may drive off their Stock, and remove their Property therefrom to Lands not chargeable with the ſaid Taxes, be it therefore enacted, That in all Caſes where no ſufficient Diſtreſs can be found upon any of the ſaid Lands and Grounds, whereon to levy the ſaid Tax or Taxes and Penalty, which ſhall be then in Arrear in reſpect thereof, it ſhall and may be lawful for the Collector or Collectors appointed by the ſaid Commiſſioners of Drainage, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners, (which ſaid Warrant or Precept the ſaid Commiſſioners, or any Five or more of them, are hereby empowered and required from Time to Time to make as there ſhall be Occaſion), to levy all and every ſuch Tax or Taxes and Penalty, as ſhall be then in Arrear, upon any Goods or Chattels of any ſuch Occupier or Occupiers, whenſoever and whereſoever ſuch Goods and Chattels ſhall be found, together with all the Charges of levying the ſame by Diſtreſs and Sale in Manner aforeſaid.

Lands may be let for Payment of Taxes.

LXXXVIII. And whereas it may ſometimes happen that ſome of the ſaid Fen Lands and Low Grounds may be untenanted or unoccupied for a conſiderable Time, and that no Diſtreſs can be taken thereon for levying the ſaid Rates or Taxes, and Penalty due in reſpect of the ſame, therefore, for enforcing the Payment thereof in all ſuch Caſes, be it further enacted, That where any of the ſaid Rates or Taxes and Penalty ſhall be in Arrear and unpaid by the Space of Six Calendar Months together, and no ſufficient Diſtreſs can be found upon the Lands and Grounds charged therewith, then and in every ſuch Caſe the ſaid Commiſſioners of Drainage, or any Five or more of them, ſhall at any of their Meetings have full Power and Authority to let ſo much of the ſaid Lands and Grounds upon which any ſuch Rate or Tax, or Penalty ſhall be ſo in Arrear, as they ſhall adjudge ſufficient for ſuch Term or Terms of Years, not exceeding Fourteen Years, at ſuch Rent and Rents, and upon ſuch Terms and Conditions as to them ſhall ſeem meet, and to apply the Rent or Rents ariſing therefrom in Payment and Diſcharge of all ſuch Taxes and Rates, and the Penalties incurred for Non-payment thereof, and of ſuch other Charges and Expences as they the ſaid Commiſſioners of Drainage ſhall incur or be liable to in conſequence of all or any of ſuch laſt-mentioned Proceedings.

Puniſhment for deſtroying Works.

LXXXIX. And be it further enacted, That if any Perſon or Perſons ſhall at any Time hereafter maliciouſly cut, break down, burn, demoliſh, or deſtroy any Mills, Banks, and Bridges already made or erected, or which ſhall at any Time hereafter be making or erecting, or be made or erected, ſupported or maintained for anſwering any of the Purpoſes of this Act, every Perſon ſo offending, and being thereof convicted, ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony, and the

Courts

Courts by or before whom any such Person shall be tried, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may in its Discretion award such Sentence as the Law directs in Cases of Petit Larceny; and if any Person or Persons shall at any Time hereafter wilfully stop, dam up, or damage any Rivers, Drains, Watercourses, Doors, Dams, or other Work or Works already made or erected, or which shall at any Time or Times hereafter be making or erecting, or be made or erected, supported or maintained, for any of the Purposes aforesaid, or shall wilfully break or injure any Dam or other Work made by the said Commissioners of Drainage, or wilfully hinder or obstruct the said Commissioners, or any of their Officers, or any Servants, Workmen, or Labourers employed by them the said Commissioners, or any of their Officers, in making or repairing any Work or Works hereby directed or authorized to be done, every Person offending in any or either of the Cases aforesaid, and being thereof convicted before any Two or more Justices of the Peace for the Soke of *Peterborough*, or County of *Northampton*, (which Justices are hereby required to hear and determine the same), on the Oath of Two or more credible Witnesses, shall forfeit any Sum not exceeding Five Pounds to the said Commissioners of Drainage, to be applied by them for the Purposes of this Act, and in Default of Payment thereof the Person or Persons so offending shall be sent to the House of Correction of the County or Place where such Offence shall be committed, there to be kept to hard Labour for such Time as such Justices shall order and direct, not exceeding Six Calendar Months.

Penalty for damaging Works.

XC. Provided always, and be it further enacted, That no Mill or Mills, Engine or Engines, or other Device shall be worked, used, or employed for throwing the Waters from the Lands and Grounds hereby intended to be divided, inclosed, and drained, or from the said First District, at any Time or Times when the Waters in the said River *Old South Eau* shall be more than Four Feet above the Level of the Soil in the North Level, near the said River opposite to *Whaplode Common*.

No Mills to work in certain Cases.

XCI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, prejudice, affect, lessen, or defeat any Ecclesiastical Jurisdiction of the Lord Bishop of *Peterborough*, or of the said Dean and Chapter of *Peterborough*, or to alter, prejudice, affect, lessen, or encumber, or defeat their or either of their Power of Leasing which they or either of them have by Law.

Saving Ecclesiastical Jurisdiction.

XCII. Provided also, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lords of the said Hundred and Soke, or the Lords of the several Manors within the Limits and Jurisdictions wherein the Lands and Grounds hereby intended to be divided and inclosed are situate, of, in, and to the Seigniories, Royalties, Rights, and Services, incident or belonging to such Manors; but that the Lords of the said Hundred and Soke, or the Lords of the said several Manors, shall and may from Time to Time, and at all Times hereafter respectively, hold and receive, take and enjoy, all Rents, Fines, and Services, and Profits of Courts, and all other Rights and Privileges to such Manors respectively appendant, belonging, or appertaining,

Saving Manorial Rights.

taining, (ſave and except as to ſuch as may be compenſated for, diſcharged, altered, or varied by this Act), in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as they might or ought to have held and enjoyed the ſame, in caſe this Act had not been made.

Saving the Rights of the Corporation of the Bedford Level.

XCIII. Provided alſo, and it is hereby further enacted, That this Act, or any Thing contained herein, ſhall not extend or be conſtrued to extend to empower the ſaid Commiſſioners for Diviſion and Incloſure, and the ſaid Commiſſioners for Drainage, or any of them, or any other Perſon or Perſons whomſoever, to have or exerciſe any Power or Authority over, or to intermeddle with, any of the Sewers, Drains, or Works already made by or belonging to, or hereafter to be made by or to belong to the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, commonly called *Bedford Level*, or the General Commiſſioners of the North Level, Part of the ſaid Great Level; or to invalidate, leſſen, or diminiſh, alter or take away any of the Rights, Powers, or Authorities veſted in the ſaid Governor, Bailiffs, and Conſervators of the ſaid Company, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for ſettling the Draining of the Great Level of the Fens, called* Bedford Level, or by virtue of any Act, Statute, or Charter whatſoever, or in the ſaid General Commiſſioners of the ſaid North Level, by virtue of any Act whatſoever; but that all Rights, Powers, and Authorities whatſoever, which by virtue of the ſaid Act of the Fifteenth of *Charles* the Second, or of any other Act, Statute, or Charter whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, or any of them, or in the ſaid General Commiſſioners of the ſaid North Level, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and in the ſaid General Commiſſioners of the North Level, and every of them reſpectively, as fully and amply, to all Intents and Purpoſes, as if this Act had not been made; ſave and except as to that Part of *Carr Dyke*, the Branch thereof near *Werrington Gate* and the *Folly River*, and the ſaid Drain leading from the *Folly River* to the *River Welland*, and the Banks, Sluices, Bridges, and other Works belonging thereto reſpectively, which are hereby veſted in the ſaid reſpective Commiſſioners appointed and to be appointed under the Authority of this Act, and as to the heightening and ſtrengthening of the Banks of the ſame reſpectively, and the doing and performing ſuch other Works thereto as the ſaid Commiſſioners are by this Act authorized to do and perform.

Saving Rights of Lords of the Hundred of Soke.

XCIV. Provided always, and be it enacted, That nothing in this Act contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the ſaid *Alleyne* Lord *Saint Helens*, *John* Lord *Henniker*, *William Burſlem*, and *Evan Foulkes*, their Heirs and Aſſigns, as ſuch Lords of the ſaid Hundred and Soke, in Truſt as aforeſaid, to any Right, Royalties, and Privileges, to, in, or over the ſaid Hundred of *Naſſaburgh*, appendant, belonging, or appertaining.

General Saving.

XCV. Saving always to the King's moſt Excellent Majeſty, as well in Right of His Crown as of His Duchy of *Lancaſter*, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Bodies Politic, Corporate,

rate, and Collegiate, his, her, and their Heirs and Succeſſors, Executors, Adminiſtrators, and Aſſigns, (other than and except the ſeveral Perſons claiming Rights of Common on the ſaid Open, Common, and Waſte Lands hereby directed to be divided and incloſed, or any Part thereof, and alſo the ſeveral Perſon and Perſons to whom any Allotment or Allotments ſhall be made in reſpect of the Intereſt or Property for which ſuch Allotment ſhall be made, and except ſuch other Rights and Intereſts as the Intent and Purpoſe of the Incloſure hereby authorized ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed by this Act), all ſuch Eſtates, Rights, and Intereſts as they, every, or any of them had or enjoyed of, in, to, or out, or in reſpect of the ſaid Open, Common, and Waſte Lands hereby directed to be divided, allotted, and incloſed before the paſſing of this Act, or could or might have had or enjoyed in caſe this Act had not been made.

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

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