ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 46.

An Act for dividing, allotting, and incloſing the Open and Common Fields, Common and Lammas Meadows, Commons, and Waſte Lands, within the Pariſh of *Oakley*, in the County of *Bedford*.

[17th *May* 1803.]

WHEREAS there are within the Pariſh of *Oakley*, in the County of *Bedford*, divers Open and Common Fields, Common and Lammas Meadows, Commons, and Waſte Lands, containing together One thouſand four hundred and fifty Acres, or thereabouts: And whereas the Moſt Noble *John* Duke of *Bedford* is Lord of the Manor of *Oakley Reynes*, within the ſaid Pariſh, and as ſuch, is or claims to be entitled to the Right of Soil of and in the ſaid Commons and Waſte Lands: And whereas the Provoſt, Fellows, and Scholars of the College Royal of the Bleſſed *Mary* of *Eton*, near unto *Windſor*, in the County of *Bucks*, are Impropriators of the Impropriate Rectory and Parſonage of *Oakley*, and as ſuch are entitled to the Rectorial Tythes ariſing, renewing, or increaſing from the Lands and Grounds within the ſaid Pariſh, and are alſo entitled to certain Parts of the ſaid Common and Lammas Meadows, and are or claim to be entitled to certain Rights of Common, and other Commonable Rights, in, over, and upon the ſaid Open and

Common Fields, Common and Lammas Meadows, Commons, and Waſte Lands, and the ſaid *John* Duke of *Bedford* is Leſſee of the ſame reſpectively: And whereas the ſaid Provoſt, Fellows, and Scholars, are alſo Patrons of the Vicarage of the ſaid Pariſh of *Oakley*, and the Reverend *Charles Abbot* Doctor in Divinity, is the preſent Vicar of the ſaid Vicarage, and in Right of ſuch Vicarage is entitled to all the Vicarial Tythes ariſing, renewing, or increaſing within the ſaid Pariſh: And whereas the ſaid *John* Duke of *Bedford*, *John* Earl of *Aſhburnham*, and the Maſter and Fellows of *Queen's College* in the Univerſity of *Cambridge*, and divers other Perſons, are Owners and Proprietors of or otherwiſe intereſted in the ſaid Open and Common Fields, Common and Lammas Meadows, Commons, and Waſte Lands, and are or claim to be alſo entitled to certain Rights of Common, and other Commonable Rights and Intereſts in, over, and upon the ſame: And whereas the Owners and Proprietors of certain ancient Cottages in the ſaid Pariſh of *Oakley* are or claim to be entitled to certain Rights of Common, in, over, and upon the ſaid Open and Common Fields, Common and Lammas Meadows, Commons, and Waſte Lands: 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 Property of the ſaid ſeveral Owners and Proprietors of and in the ſaid Open and Common Fields, Common and Lammas Meadows, Commons, and Waſte Lands, are intermixed and diſperſed in ſmall Pieces, and in their preſent State are incapable of any conſiderable Improvement, and it would be highly beneficial to ſuch Owners and Proprietors, and to the ſeveral Perſons entitled to Rights of Common, and other Commonable Rights as aforeſaid, if the ſaid Open and Common Fields, Common and Lammas Meadows, Commons, and Waſte Lands, were divided and allotted unto and amongſt the ſaid ſeveral Owners and Proprietors, and other Perſons intereſted therein, according and in Proportion to their reſpective Eſtates, Rights, and Intereſts, and if ſuch Allotments were conveniently laid together and incloſed; and it will alſo be very advantageous to the Owners and Proprietors of all the Lands and Grounds within the ſaid Pariſh of *Oakley* if the ſame are exonerated from Tythes; but inaſmuch as the ſaid ſeveral Objects cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Open and Common Fields, Common and Lammas Meadows, Commons, and Waſte Lands, ſhall be divided, allotted, and incloſed, and that all the Lands and Grounds within the ſaid Pariſh ſhall be exonerated from Tythes; and that *Edward Platt* of *Lidlington*, in the County of *Bedford*, Gentleman; *Thomas Eagle* of *Baginton*, in the County of *Warwick*, Gentleman; and *Joſeph Truſlove* of *Cambridge*, in the County of *Cambridge*, Gentleman, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be, and they are hereby appointed Commiſſioners for valuing, dividing, allotting, and incloſing the ſaid Open and Common Fields, Common and Lammas Meadows, Commons, and Waſte Lands, and for exonerating from Tythes all the Lands and Grounds within the ſaid Pariſh of *Oakley*, and for putting this and the ſaid recited Act into

Appointment of Commiſſioners.

Execution, in Manner and ſubject to the Rules, Orders, and Directions herein-after contained, and alſo ſubject to the Powers, Proviſions, and Regulations of the ſaid recited Act (except where the ſame are hereby varied or altered); and that all Powers and Authorities, Directions, Acts, Matters, and Things hereby given to or directed to be done and executed by the ſaid Commiſſioners, may be done and executed by or before any Two of them, and ſhall be as valid and effectual, to all Intents and Purpoſes, as if done and executed by or before all the ſaid Commiſſioners.

Two Commiſſioners may act.

II. And be it further enacted, That if any of the Commiſſioners hereby appointed, or who ſhall be elected as herein-after mentioned, ſhall before the Execution of all the Powers and Authorities hereby in them reſpectively veſted, die, or refuſe, or become incapable to act, or without ſome lawful Cauſe neglect to attend a Meeting for putting this Act into Execution, for the Space of One Calendar Month next after he ſhall have received Notice from any Perſon intereſted in the ſaid Incloſure requiring him to attend as a Commiſſioner, a new Commiſſioner or Commiſſioners (as the Caſe may require) ſhall be elected in Manner following; (that is to ſay), if the ſaid *Edward Platt* ſhall die, or refuſe, or become incapable to act, or neglect to attend as aforeſaid, it ſhall be lawful for the ſaid *John* Duke of *Bedford*, his Heirs or Aſſigns, by any Writing under his or their Hand or Hands, to appoint One other Commiſſioner not intereſted in the ſaid Diviſion, Allotment, and Incloſure, in the room of the ſaid *Edward Platt*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed by the ſaid *John* Duke of *Bedford*, his Heirs or Aſſigns, ſhall die, or refuſe, or become incapable to act, or neglect to attend as aforeſaid; and in caſe the ſaid *Thomas Eagle* ſhall die, or refuſe, or become incapable to act, or neglect to attend as aforeſaid, it ſhall be lawful for the Provoſt, Fellows, and Scholars of *Eton* College aforeſaid for the Time being, by Writing under their Common Seal, to appoint One other Commiſſioner, not intereſted in the ſaid Incloſure, in the room of the ſaid *Thomas Eagle*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed by the Provoſt, Fellows, and Scholars of *Eton* College aforeſaid, ſhall die, refuſe, or become incapable to act, or neglect to attend as aforeſaid; and in caſe the ſaid *Joſeph Truſlove* ſhall die, or refuſe, or become incapable to act, or neglect to attend as aforeſaid, it ſhall be lawful for the Maſter and Fellows of *Queen's College* aforeſaid, by Writing under the Common Seal of the ſaid College, to appoint One other Commiſſioner, not intereſted in the ſaid Incloſure, in the room of him the ſaid *Joſeph Truſlove*, and ſo from Time to Time as often as any Commiſſioner to be appointed by the ſaid Maſter and Fellows ſhall die, or refuſe, or become incapable to act, or neglect to attend as aforeſaid; and in caſe any of the ſaid Parties ſhall make Default in appointing any ſuch new Commiſſioner within One Calendar Month after the Death of any Commiſſioner, or his Refuſal, or becoming incapable to act, or Neglect of Attendance as aforeſaid, then the ſurviving or remaining Commiſſioner or Commiſſioners ſhall, and he and they is and are hereby required from Time to Time, by Writing under his or their Hand or Hands, within One Calendar Month next after the Expiration of the ſaid One Calendar Month allowed to the reſpective Parties for naming ſuch new Commiſſioner or Commiſſioners by them reſpectively as aforeſaid, to appoint One other Commiſſioner, (not intereſted in the ſaid Incloſure), in the room of every ſuch Commiſſioner ſo dying, refuſing, or becoming incapable to act, or neglecting

Election of new Commiſſioners.

neglecting to attend as aforesaid; and every Commissioner to be appointed as aforesaid shall have the like Power and Authority, in all Respects, as the Commissioner in whose Place he shall be appointed was vested with by virtue of this Act.

Appointment of Surveyor

III. And be it further enacted, That all such Surveys, Admeasurements, and Plans, as shall be necessary and requisite to be made and taken for the Purposes of dividing, allotting, and inclosing the said Open and Common Fields, Common and Lammas Meadows, Commons, and Waste Lands, shall be made and taken by *Charles Bloodworth* of *Kimbolton*, in the County of *Huntingdon*, Land Surveyor: and in case of the Death, Inability, Neglect, or Refusal to act of the said *Charles Bloodworth*, then by such other Person or Persons as the said Commissioners shall, by any Writing or Writings under their Hands, nominate and appoint.

Appointment of new Surveyor.

Commissioners and Surveyor's Allowance.

IV. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the Commissioners appointed and to be appointed as aforesaid, as a Recompence for his Pains and Trouble therein, the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for each Day he shall be employed in travelling to, returning from, and attending any Meeting or adjourned Meeting, or otherwise, for the Execution of this Act; and that the said Commissioners shall defray their travelling Expences, and also their own Expences, at all such Meetings and adjourned Meetings as aforesaid; and that there shall be paid to the Surveyor appointed or to be appointed as aforesaid, such Sum or Sums of Money as the said Commissioners shall consider to be just and reasonable for his Pains, Trouble, and Expences in the Execution of this Act.

Notice of Meetings.

V. And be it further enacted, That the said Commissioners shall cause Notice to be given in the Parish Church of *Oakley* aforesaid, on some *Sunday* immediately after Divine Service, or by Writing to be affixed on the principal outer Door of the said Church, and also by Advertisement to be inserted in some Newspaper circulated in the said County of *Bedford*, of the Time and Place of their first and every other Meeting for executing the Powers hereby vested in them, at least Ten Days before such Meetings respectively (Meetings by Adjournment only excepted), and

Adjournment of Meetings.

that the said Commissioners shall and may adjourn any such Meeting from Time to Time, and from Place to Place, within Eight Miles of the said Parish of *Oakley*, as they shall see Occasion, for the further Execution of this Act; and in case Two Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for any One of the said Commissioners present at any such Meeting or adjourned Meeting, or for the Clerk to the said Commissioners, to adjourn the same to any future Day, not exceeding Twenty-one Days from the Day of Adjournment, at the same or any other Place within Eight Miles of the said Parish of *Oakley*; and that the said Commissioner, or Clerk, making such Adjournment, shall give Notice thereof to the absent Commissioners.

Other Notices, how to be given.

VI. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners in pursuance of

of this Act, (the Manner of giving which is not hereby otherwise particularly directed), shall be affixed upon the principal outer Door of the said Parish Church of *Oakley*, or be given by Advertisement in some Newspaper circulated in the said County of *Bedford*.

Commissioners to determine Disputes.

VII. 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 Lands and Grounds to be divided, allotted, and inclosed, in pursuance of this Act, or any Part thereof, touching or concerning the several Rights and Interests which they or any of them shall have, or claim to have, in, over, upon, or out of the said Lands and Grounds, or any Part thereof, or touching or concerning any Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized 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, Lands, Tenements, or Hereditaments whatsoever.

Commissioners may award Costs.

VIII. 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 of the said recited Act, or upon the Hearing of any such Dispute or Difference as aforesaid, see Cause to award any Costs, it shall be lawful for them, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made by the Person or Persons against whom any such Determination shall be made; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby required and authorized, by Warrant under their Hands, directed to any Person or Persons whomsoever, to cause such Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering, upon Demand, the Overplus (if any) of the Monies arising from any such Sale, after deducting the Costs and Expences attending such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Parties may try their Rights by an Issue at Law.

IX. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested as aforesaid, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of any Rights of Common, or other Rights or Interests, in, over, upon, or out of the Lands and Grounds intended to be divided, allotted, and inclosed, in pursuance of this Act, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the First or Second Assizes to be holden for the said County of *Bedford* next after the Determination of the said Commissioners; and for that Purpose the Person or Persons who shall be dissatisfied with such Determination shall cause an Action to be brought upon a

feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months next after the Determination of the ſaid Commiſſioners ſhall be made, and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they, is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Rights thereby inſiſted on, may be tried and determined, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties 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 and Perſons whomſoever, 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 thereby determined according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners touching ſuch Claim or Claims to ſuch Rights of Common, or other Rights or Intereſts, over, upon, or out of the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, which ſhall not be objected to, or being objected to, the Party or Parties objecting ſhall not cauſe ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be binding, final, and concluſive upon all Parties intereſted.

Proceedings not to abate.

X. And be it further enacted, That if any of the Parties in any Action to be brought in purſuance of this or the ſaid recited Act, ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

For ſhortening Boundary Fences.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing, under the Hand or Hands of the Lord or Lords, Lady or Ladies of any Manor or Manors adjoining to the ſaid Pariſh of *Oakley*, and of the major Part in Value of the Owners and Proprietors of the Lands and Grounds in any adjoining Pariſh or Pariſhes, and of the Owner or Owners of the Land upon which any ſuch Boundary Fence or Fences as next herein-after mentioned ſhall or may be intended to be made in order to ſhorten and make regular the Boundary Fences between the ſaid Pariſh of *Oakley* and any adjoining Pariſh or Pariſhes, to ſet out, aſcertain, and determine, and to raiſe and make, in ſuch Lines as they ſhall think proper and convenient, the Boundary Fence or Fences to be made between the ſaid Pariſh of *Oakley* and ſuch adjoining Pariſh or Pariſhes; and after ſuch Boundaries ſhall be ſo made, ſet out, aſcertained, and determined, as aforeſaid, the ſame ſhall be fenced, and ſuch Fence or Fences made and kept in Repair, in ſuch Manner, and by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall order and direct, and ſhall for ever thereafter be deemed and taken to be the Boundaries between the ſaid Pariſh of *Oakley* and ſuch adjoining Pariſh or Pariſhes, any Uſage or Cuſtom to the contrary notwithſtanding; and a Deſcription

a Deſcription of the Boundaries to be made, ſet out, aſcertained, and determined, as aforeſaid, ſhall be inſerted in the Award of the ſaid Commiſſioners.

Old Roads may be ſtopped up.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, with the Concurrence and Order of Two Juſtices of the Peace acting in and for the Diviſion wherein the ſaid Pariſh of *Oakley* is ſituate, and not intereſted in the Repair of any ſuch Road as next herein-after mentioned, to divert, turn, or ſtop up any old or accuſtomed Road or Way (not being a Turnpike Road) lying or being in, or paſſing or leading through any Part of the ſaid Pariſh; and ſuch Order ſhall be ſubject to an Appeal to the Quarter Seſſions, in like Manner, and under the ſame Forms and Reſtrictions, as if the ſame had been originally made by ſuch Juſtices; and that the Roads or Ways which ſhall be ſo ſtopped up, ſhall be deemed Part of the Lands and Grounds to be divided and allotted by virtue of this Act.

Encroachments.

XIII. And be it further enacted, That all Encroachments which at any Time within Twenty Years now laſt paſt have been made upon the Commons and Waſte Lands within the ſaid Pariſh of *Oakley*, ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly; and in caſe any Difference or Diſpute ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Diſpute ſhall be finally determined by the ſaid Commiſſioners; and that all Encroachments which ſhall have been made upon the ſaid Commons and Waſte Lands for upwards of Twenty Years, ſhall from henceforth be conſidered to be Freehold, but ſhall not in any Caſe be entitled to any Rights of Common, or other Commonable Rights or Intereſts whatſoever, upon or over any Part of the Lands, Grounds, Commons, and Waſte Lands, to be divided, allotted, and incloſed by virtue of this Act.

Allotments for Stone Pits and Watering Places.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required (if they ſhall think it neceſſary) to ſet out and allot ſuch Part or Parts of the Lands and Grounds to be divided, allotted, and incloſed, by virtue of this Act, as they ſhall think proper, unto the Surveyor or Surveyors of the Highways within the ſaid Pariſh of *Oakley*, to be uſed for the Purpoſe of publick Watering Places for Cattle, and for getting Stone, Gravel, or other Materials, for making and repairing the publick and private Roads and Ways within the ſaid Pariſh, and for ſuch other Uſes and Purpoſes as the ſaid Commiſſioners ſhall direct, and the Herbage growing and renewing in and upon ſuch Allotment or Allotments, ſhall be veſted in ſuch Surveyor or Surveyors for the Time being, and ſhall be let by him or them for the beſt Rent that can be procured for the ſame, and ſuch Rent ſhall be applied by him or them in repairing the publick Roads and Ways within the ſaid Pariſh; and ſuch Surveyor or Surveyors ſhall account to the Occupiers of the Lands and Grounds within the ſaid Pariſh, touching the Application thereof, annually, at ſuch Day and Time as ſhall be appointed in a Veſtry for paſſing the Accounts of ſuch Surveyor or Surveyors.

Allotments for Glebe Lands.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, in the next Place, to ſet out and allot

allot unto and for the ſaid Provoſt, Fellows, and Scholars of *Eton* College, and their Leſſee or Leſſees for the Time being, ſuch Part or Parts of the Lands, Grounds, Commons, and Waſte Lands, hereby directed to be divided, allotted, and incloſed, as ſhall in the Judgement of the ſaid Commiſſioners be a full Equivalent and Compenſation for all their Glebe Lands lying within the ſaid Open and Common Fields, Common and Lammas Meadows, and for all ſuch Rights of Common and other Commonable Rights as they have in, over, or upon the Lands, Grounds, Commons, and Waſte Lands, hereby directed to be divided, allotted, and incloſed, or any Part thereof; and ſhall in like Manner ſet out and allot unto and for the ſaid *Charles Abbot*, and his Succeſſors, Vicars of the ſaid Pariſh of *Oakley* for the Time being, ſuch Part of the ſaid Lands, Grounds, Commons, and Waſte Lands, as ſhall in the Judgement of the ſaid Commiſſioners be a full Equivalent and Compenſation for the Glebe Lands belonging to the ſaid Vicarage, lying within the ſaid Open and Common Fields, Common and Lammas Meadows, and for his Rights of Common, and other Commonable Rights, in, over, or upon the Lands, Grounds, Commons, and Waſte Lands, hereby directed to be divided, allotted, and incloſed, or any Part thereof.

Allotments to the Impropriators and Vicars for Tythes.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required (after having ſet out the neceſſary Roads, Ways, and Drains, in, over, and through the Lands and Grounds intended to be divided, allotted, and incloſed, by virtue of this Act, purſuant to the Directions contained in the ſaid recited Act, and the Allotment or Allotments to the Surveyor of the Highways of the ſaid Pariſh of *Oakley* as aforeſaid, and to the ſaid Provoſt, Fellows, and Scholars, and to the ſaid *Charles Abbot* as Vicar as aforeſaid, for or in lieu of their reſpective Glebe Lands and Rights of Common aforeſaid) to ſet out and allot unto and for the ſaid Provoſt, Fellows, and Scholars of *Eton* College aforeſaid, and their Leſſee or Leſſees for the Time being, as Impropriators as aforeſaid, and unto and for the ſaid *Charles Abbot*, and his Succeſſors, Vicars as aforeſaid, ſo much and ſuch Part or Parts of the Lands and Grounds to be divided, allotted, and incloſed, by virtue of this Act, as ſhall in the Judgement of the ſaid Commiſſioners be equal in Value (after deducting the incloſed Glebe Lands within the ſaid Pariſh of *Oakley*) to One-fifth Part of all the Arable or Tillage Lands, to One-tenth Part of the Woodlands, and to One-ninth Part of all the other Lands and Grounds within the ſaid Pariſh, which are ſubject or liable to the Payment of Tythes in Kind; and alſo ſuch further Part or Parts of the Lands and Grounds to be divided, allotted, and incloſed as aforeſaid, as in the Judgement of the ſaid Commiſſioners ſhall be a full and fair Equivalent for any Compoſitions, Moduſes, or other Payments, for or in lieu of Tythes, now payable out of or from any of the Meſſuages, Cottages, Buildings, Yards, Gardens, Orchards, Homeſteads, and incloſed Lands and Grounds within the ſaid Pariſh; and ſuch Allotment or Allotments ſo to be ſet out and allotted as aforeſaid ſhall be by the ſaid Commiſſioners allotted and divided between the ſaid Provoſt, Fellows, and Scholars, and the ſaid *Charles Abbot*, as Vicar as aforeſaid, and his Succeſſors, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge to be adequate to their ſeveral and reſpective Shares, Intereſt, and Property, in the Great and Small Tythes, Compoſitions, Moduſes, and other Payments, reſpectively ariſing, renewing, and becoming due and payable to them within

within the ſaid Pariſh, and ſhall be in lieu of and in full Recompence, Satisfaction, and Compenſation, for all and all Manner of Tythes, both Great and Small, and all Compoſitions, Moduſes, and other Payments in lieu of Tythes, ariſing, renewing, or becoming due and payable in, upon, or from the Lands and Grounds to be divided, allotted, and incloſed, in purſuance of this Act, and in, upon, or from all and every the Meſſuages, Cottages, Homeſteads, Yards, Gardens, Orchards, and incloſed Lands and Grounds within the ſaid Pariſh, (except and always reſerving unto the ſaid *Charles Abbot*, and his Succeſſors, Vicars as aforeſaid, the uſual and accuſtomed Mortuaries, *Eaſter* Offerings, and Surplice Fees, payable unto him and them).

Proprietors of Incloſures not intereſted in the Lands to be incloſed to pay a Satisfaction for Tythes.

XVII. Provided always, and be it further enacted, That in caſe the Owners or Proprietors of any Meſſuages, Cottages, Buildings, Yards, Gardens, Orchards, Homeſteads, or incloſed Lands or Grounds, in the ſaid Pariſh of *Oakley*, ſhall not be entitled to a ſufficient Quantity of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, to exonerate ſuch Meſſuages, Cottages, Buildings, Yards, Gardens, Orchards, Homeſteads, or incloſed Lands and Grounds, from Tythes as aforeſaid, and from all ſuch Moduſes, Compoſitions, and other Payments in lieu of Tythes as aforeſaid, then and in ſuch Caſe the ſaid Commiſſioners ſhall, and they are hereby authorized and required, to charge the reſpective Owners or Proprietors thereof with ſuch Sum or Sums of Money as ſhall in the Judgement of the ſaid Commiſſioners be a juſt and full Compenſation and Satisfaction for the Fee Simple of the Tythes, Compoſitions, Moduſes, and other Payments ariſing, renewing, or becoming due or payable for or in reſpect of their reſpective Meſſuages, Cottages, Buildings, Yards, Gardens, Orchards, Homeſteads, or incloſed Lands or Grounds, and ſuch Sum or Sums of Money ſhall be paid to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall direct, and be by them applied towards defraying the Expences of obtaining and executing this Act; and in caſe of Non-payment thereof at the Time appointed for that Purpoſe, the ſame ſhall be raiſed and levied in ſuch Manner, as the Coſts, Charges, and Expences, of obtaining and executing this Act may be raiſed and levied.

Allotments to Impropriators and Vicar to be Ring-fenced.

XVIII. And be it further enacted, That the Allotment or Allotments to be made to the ſaid Provoſt, Fellows, and Scholars, and the ſaid *Charles Abbot* as Vicar as aforeſaid, in reſpect of the Glebe Lands to which they are reſpectively entitled, and of the Great and Small Tythes, Compoſitions, Moduſes, and other Payments in lieu of Tythes, ſhall reſpectively be fenced and ditched on all ſuch Sides or Parts thereof as ſhall not be ordered by the ſaid Commiſſioners to be made by any other Proprietor or Proprietors, with Ring or outermoſt Fences and Ditches, made in a proper and ſubſtantial Manner, with young thriving Quickſets, well and ſufficiently guarded on each Side thereof, and good and ſubſtantial Gates ſhall be alſo fixed in ſuch Parts of the ſaid Fences where neceſſary; and that the Diviſion Fence or Fences neceſſary to be made between the Part or Parts of ſuch Allotment or Allotments which ſhall be adjudged to the ſaid Provoſt, Fellows, and Scholars, and the Part or Parts thereof which ſhall be adjudged to the ſaid Vicar, or his Succeſſors, ſhall be made in like Manner; and all ſuch Fences, Ditches, and

Gates, ſhall be made, raiſed, and hung by and at the Expence of the ſaid *John* Duke of *Bedford*, his Heirs or Aſſigns, and ſhall for ever after the ſame ſhall be made, raiſed, and hung as aforeſaid, be maintained and kept in Repair by the ſaid Provoſt, Fellows, and Scholars, or their Leſſee or Leſſees for the Time being, and by the ſaid *Charles Abbot* as Vicar as aforeſaid, and his Succeſſors, as the ſaid Commiſſioners ſhall by their Award order and direct.

Subdiviſion Fences to be made in the Impropriators Allotments by the Duke of *Bedford*.

XIX. And be it further enacted, That all ſuch Subdiviſion Fences and Ditches as ſhall be neceſſary and requiſite in the Allotment or Allotments to be made to the ſaid Provoſt, Fellows, and Scholars as aforeſaid, for the more convenient and advantageous Occupation and Cultivation of ſuch Allotment or Allotments, and all ſuch Gates as ſhall be neceſſary to be placed in ſuch Subdiviſion Fences, ſhall be made, raiſed, hung, and put up, by and at the Expence of the ſaid *John* Duke of *Bedford*, his Heirs and Aſſigns, in a proper and ſubſtantial Manner; and ſhall from and after the ſame ſhall be made, raiſed, hung, and put up, be maintained and kept in Repair by the ſaid Provoſt, Fellows, and Scholars, or their Leſſee or Leſſees for the Time being.

Allotments to the Duke of *Bedford* in Right of Soil.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, in the next Place, to ſet out and allot unto and for the ſaid *John* Duke of *Bedford*, Lord of the Manor of *Oakley Reynes* aforeſaid, his Heirs and Aſſigns, ſuch Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One-twentieth Part of the ſaid Commons and Waſte Lands; and ſuch Allotment or Allotments ſhall be in lieu and full Bar of, and Compenſation for, all Right of Soil in ſuch Commons and Waſte Lands.

Allotment of the Reſidue.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place ſet out and allot all the Reſidue and Remainder of the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, unto, between, and amongſt the ſeveral Proprietors of and Perſons intereſted therein, in Proportion and according to their ſeveral and reſpective Shares, Intereſts, Rights of Common, and other Rights.

Objections to Allotments to be determined by the Commiſſioners.

XXII. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Shares, Rights, and Intereſts of the ſaid Proprietors in the Lands and Grounds to be divided, allotted, and incloſed 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, and ſuch propoſed Allotment or Allotments ſhall be ſtaked or marked out, they the ſaid Commiſſioners ſhall hold a Meeting at ſome convenient Time and Place, when and where the Proprietors may be informed of ſuch intended Allotments, and ſee the Scheme thereof ſet out and delineated upon a Map to be produced for their Inſpection; and if any of the ſaid Proprietors ſhall upon ſuch Inſpection be diſſatisfied with any of the propoſed Allotments, the ſaid Commiſſioners ſhall at ſuch Time and Place as laſt aforeſaid, or at ſome other

other Time and Place to be appointed by them for that Purpoſe, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors againſt any ſuch Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame; and ſuch Determination being reduced into Writing, and ſigned by them, ſhall be binding and concluſive upon all Parties intereſted in any ſuch Allotment or Allotments.

Allotments to be of the ſame Tenure as the Lands for which they are allotted.

XXIII. And be it further enacted, That all Meſſuages, Cottages, Lands, and Grounds, which ſhall be allotted or exchanged by virtue of this or the ſaid recited Act, to or with any Perſon or Perſons, for or in lieu or in reſpect of any Meſſuages, Cottages, Lands, or Grounds, holden of any Manor or Manors by Copy of Court Roll, or for or in reſpect of any Leaſehold Meſſuages, Cottages, Lands, or Grounds, or for or in reſpect of any Right of Common, or any other Right or Intereſt appurtenant or appendant to any ſuch Copyhold or Leaſehold Meſſuages, Cottages, Lands, or Grounds, ſhall, from and after the Execution of the Award of the ſaid Commiſſioners, be deemed and taken to be Copyhold or Leaſehold, and ſhall be held as ſuch by and under the ſame Tenures, Rents, Payments, Fines, Cuſtoms, and Services, as the Copyhold or Leaſehold Meſſuages, Cottages, Lands, or Grounds reſpectively, for or in lieu or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, are now held; and the ſaid Commiſſioners ſhall by their ſaid Award determine and deſcribe the Meſſuages, Cottages, Lands, and Grounds reſpectively, which are to be or remain Copyhold or Leaſehold, and all other Meſſuages, Cottages, Lands, or Grounds, to be allotted or exchanged by virtue of this Act, (ſave and except ſuch as ſhall be aſcertained by the ſaid Commiſſioners to be Copyhold or Leaſehold), ſhall be from thenceforth deemed, taken, and enjoyed as Freehold Meſſuages, Cottages, Lands, and Grounds, ſubject nevertheleſs to ſuch Free Rents and Services as are now payable out of the reſpective Meſſuages, Cottages, Lands, or Grounds, for or in reſpect whereof they ſhall or may be allotted or exchanged.

Commiſſioners to allot to Purchaſers.

XXIV. And be it further enacted, That if any Perſon hath ſold or contracted, or agreed to ſell, or ſhall at any Time before the Execution of the Award of the ſaid Commiſſioners, ſell or contract, or agree to ſell his or her Right, Intereſt, or Property, in, over, or upon the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, or any Part thereof, to any other Perſon, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby directed, authorized, and required, to make an Allotment or Allotments unto the Vendee or Purchaſer in ſuch Sale, Contract, or Agreement, and to his or her Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, and Property, ſo ſold or contracted, or agreed to be ſold as aforeſaid; and every ſuch Vendee or Purchaſer, and his and her Heirs and Aſſigns, ſhall and may from and after the Execution of the ſaid Award, hold and enjoy the Land ſo to be allotted to him, her, or them, as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in every ſuch Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale, Contract, or Agreement, had not been made, or ſuch Right, Intereſt, or Property, had been veſted in ſuch Vendor

Vendor at the Time of making such Allotment or Allotments, and such Award as aforesaid.

Rights of Common and Tythes to cease.

XXV. And be it further enacted, That, from and immediately after the Execution of the said Award, or at such other Time or Times as the said Commissioners shall, by any Writing or Writings under their Hands, to be affixed upon the principal outer Door of the Parish Church of *Oakley* aforesaid, on some *Sunday*, for that Purpose, limit or appoint all Rights of Common and other Commonable Rights and Interests whatsoever, in, over, and upon the Lands, Grounds, Commons, and Waste Lands, to be divided, allotted, and inclosed, by virtue of this Act, and all Tythes, Compositions, Moduses, and other Payments in lieu of Tythes, now arising, renewing, and growing due and payable within the said Parish of *Oakley*, (save and except Surplice Fees, *Easter* Offerings, and Mortuaries), shall cease, determine, and be for ever extinguished; any Usage or Custom to the contrary thereof notwithstanding.

Old Roads not to be shut up till new ones are made.

XXVI. And be it further enacted, That none of the present publick Roads over the Lands and Grounds to be divided, allotted, and inclosed as aforesaid shall be shut up or discontinued until the said Commissioners shall have caused the publick Roads to be set out, and until the same shall be properly formed, and made safe and convenient for Horses, Cattle, and Carriages.

Fences to be made where Sheep are kept in the Inclosures.

XXVII. And be it further enacted, That no Cattle, Sheep, or Lambs, shall be turned or kept in any Allotment or Allotments to be made by virtue of this Act, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so turning or keeping the same shall first at his, her, or their own Expence, make and maintain a Fence sufficient to guard the young Quick Fences round such Allotment or Allotments from being cropped, hurt, or damaged by such Cattle, Sheep, or Lambs, whether such Quick Fences be planted or set by the Owner or Owners, Occupier or Occupiers of such Allotment or Allotments as aforesaid, or by the Owner or Owners, Occupier or Occupiers of the Allotment or Allotments adjoining thereto.

Award to be enrolled, and deposited in the Church, &c.

XXVIII. And be it further enacted, That the Award to be made by the said Commissioners in Manner directed by the said recited Act, shall be enrolled with the Clerk of the Peace for the said County of *Bedford*, and when so enrolled, shall be deposited in the Parish Church of *Oakley* aforesaid; and a Copy of such Award, with a reduced Map of the Allotment or Allotments which shall be made and set out to the said Provost, Fellows, and Scholars as aforesaid, shall be deposited in the said College Royal of the Blessed *Mary* of *Eton*, for the Use of the said College.

For defraying the Costs and Charges of obtaining and executing this Act.

XXIX. And be it further enacted, That the Costs, Charges, and Expences of forming, making, and completing the publick Roads, Ways, and Drains, which shall be set out and appointed by virtue of this or the said recited Act, and all the Costs and Charges incident to and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided,

divided, allotted, and incloſed by virtue of this Act, and of preparing and enrolling the Award of the ſaid Commiſſioners, and all the Coſts, Charges, and Expences of the ſaid Commiſſioners, their Aſſiſtants, and Servants, and all other neceſſary Coſts, Charges, and Expences of the ſeveral Perſons employed by them in and about the Premiſes, either before or after the Execution of the ſaid Award, and all other Expences of carrying this Act into Execution, (ſave and except the Coſts, Charges, and Expences of incloſing and Ring-fencing the Allotment or Allotments to be made by virtue of this Act to the ſaid Provoſt, Fellows, and Scholars, and to the ſaid *Charles Abbot* and his Succeſſors, Vicars as aforeſaid, and of making and raiſing the Diviſion Fence thereof as herein-before mentioned, which are herein-before particularly provided for), ſhall be borne, paid, and defrayed by all the Proprietors and Owners of Eſtates divided, allotted, and incloſed, exonerated from Tythes, or exchanged by virtue of this Act, (ſave and except the Surveyor or Surveyors for the Time being of the ſaid Highways for or in reſpect of the Allotment or Allotments herein-before directed to be made to them for the Purpoſes aforeſaid, and the ſaid *Charles Abbot* and his Succeſſors, Vicars of *Oakley* aforeſaid, for and in reſpect of any Allotment or Allotments to be made to him or them as aforeſaid), in ſuch Shares and Proportions, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, and in ſuch Manner as the ſaid Commiſſioners ſhall in and by their ſaid Award, or by any other Writing under their Hands, either previous to or after the Execution of their ſaid Award, order, direct, and appoint; and the ſaid Commiſſioners are hereby authorized and required from Time to Time, and as often as they ſhall deem it neceſſary and proper, to make and form Eſtimates of all ſuch Coſts, Charges, and Expences, and to raiſe the Amount of ſuch Eſtimates by a Rate or Rates accordingly; and in caſe any ſuch Proprietors ſhall refuſe or neglect to pay his, her, or their Share or Proportion, Shares or Proportions, of ſuch Coſts, Charges, and Expences as aforeſaid, then and in ſuch Caſe the ſame ſhall and may be levied and recovered in Manner directed by the ſaid recited Act.

Expences of Exchanges and Partitions to be paid by the Parties.

XXX. And be it further enacted, That all Coſts, Charges, and Expences attending the making and completing any Exchanges or Partitions by virtue of this or the ſaid recited Act, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall order and direct.

Beneficial Leſſees to pay a Proportion of the Expences.

XXXI. Provided always, and be it further enacted, That ſuch Part or Parts of all ſuch Coſts, Charges, and Expences as aforeſaid, as ſhall be charged upon, or affect any Lands and Hereditaments belonging to any College or Corporation Aggregate, or upon ſuch College or Corporation demiſed to any Perſon or Perſons whomſoever, the Leaſe or Leaſes whereof ſhall not be vacated by virtue of this Act, ſhall be apportioned and divided by the ſaid Commiſſioners between the reſpective Leſſors and Leſſees in ſuch Manner as they ſhall deem juſt and equitable, according to the Intereſts of ſuch Leſſors and Leſſees reſpectively therein, and be paid by ſuch Leſſors and Leſſees accordingly.

Expences of the Provoſt, &c. to be de-

XXXII. Provided alſo, and be it further enacted, That the ſaid *John* Duke of *Bedford* ſhall bear, pay, and defray all ſuch Coſts, Charges,

Frayed by the Duke of *Bedford.*

and Expences, as ſhall be charged or chargeable upon the Provoſt, Fellows, and Scholars of *Eton* College aforeſaid, and the Vicars for the Time being of the ſeveral Pariſhes of *Clapham* and *Biddenham*, in the ſaid County of *Bedford*, and the Truſtees or Truſtee for the Poor of the ſaid Pariſh of *Oakley*, and the Truſtees or Truſtee for the Poor of the Pariſh of *Milton Erneſt*, in the ſaid County of *Bedford*, for or in reſpect of any Allotment or Allotments which ſhall be made to them, any or either of them, by virtue of this Act; and all ſuch Coſts, Charges, and Expences, as ſhall be charged and chargeable upon them, any or either of them, for or in reſpect of their, any or either of their Meſſuages, Cottages, Buildings, Lands, Grounds, and Hereditaments, being exchanged or exempted, and exonerated from Tythes, or from the Payment of any Modus, Compoſition, or other Payment in lieu of Tythes by virtue of this Act; and the ſaid *John* Duke of *Bedford* ſhall be ſubject and liable to all the Powers and Remedies for recovering and compelling Payment of ſuch Coſts, Charges, and Expences, as are contained in the ſaid recited Act; and that the ſaid Provoſt, Fellows, and Scholars, Vicars and Truſtees reſpectively, ſhall be and are hereby exonerated and diſcharged of and from the Payment of all or any Part of ſuch Coſts, Charges, and Expences, as aforeſaid.

The Duke of *Bedford* to be entitled to One Renewal from the Provoſt, &c.

XXXIII. Provided nevertheleſs, and be it further enacted, That the ſaid Provoſt, Fellows, and Scholars of *Eton* College aforeſaid, ſhall on *Michaelmas-Day* next after the paſſing of this Act, or as ſoon after as conveniently can be, and upon the Surrender of the exiſting Term, grant unto the ſaid *John* Duke of *Bedford*, his Executors, Adminiſtrators, or Aſſigns, at his and their own Coſts and Charges, a new Leaſe of the ſaid Impropriate Rectory, and of the Tythes, Lands, and Hereditaments to the ſame belonging, in the ſaid Pariſh of *Oakley*, with their Appurtenances, or of the Allotment or Allotments which ſhall be made in lieu or in reſpect thereof, or of any Part thereof, for a new Term of Ten Years, to commence from the ſaid *Michaelmas-Day* next; and that the ſaid Provoſt, Fellows, and Scholars, ſhall upon ſuch Renewal to be made as aforeſaid, reſerve and accept the ſame Rent or Rents for the ſaid Premiſes, as are now payable under and by virtue of the exiſting Leaſe, and no more, and ſhall not upon ſuch Renewal to be made as aforeſaid, take for a Fine or Premium for the ſame more than the Sum of Three hundred and fifteen Pounds Seventeen Shillings.

Proprietors and Agents to pay their own Expences.

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

Intereſt to be paid for Money advanced.

XXXV. And be it further enacted, That all Monies which ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Expences of obtaining or carrying this Act into Execution, ſhall be repaid with Intereſt, at the Rate of Five Pounds *per Centum per Annum*, to ſuch Perſon or Perſons, out of the Firſt Monies to be raiſed under and by virtue of this Act.

XXXVI. And

Corporations may consent to Exchanges by Writing, *etc.*

XXXVI. And be it further enacted, That the Conſent of the Provoſt, Fellows, and Scholars of *Eton* College aforeſaid, and of the Maſter and Fellows of Queen's College aforeſaid, and of any other Corporation Aggregate, to any Exchanges which ſhall be made of all or any Part of their reſpective Eſtates in purſuance of the ſaid recited Act, or of this Act, ſhall and may be teſtified by Writing under their reſpective Common Seals.

Courſe of Huſbandry.

XXXVII. And be it further enacted, That the ſaid Commiſſioners ſhall, as ſoon after the paſſing of this Act as conveniently may be, by Writing or Writings under their Hands, to be affixed on the principal outer Door of the Pariſh Church of *Oakley* aforeſaid, on ſome *Sunday*, order and direct the Courſe of Huſbandry that ſhall be uſed in, over, and upon the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, until the Time when they ſhall have made and completed the ſaid intended Diviſion and Allotments, as well with reſpect to the laying down, ploughing, ſowing of Graſs Seeds, fallowing, and tilling thereof, as to the ſtocking and eating the Fallows or Stubbles, and alſo to the cutting of Furze, Thorns, or Buſhes, upon the ſaid Lands and Grounds, and by the ſame or any other Writing or Writings under their Hands, to be affixed as aforeſaid, make ſuch further Orders, Directions, and Regulations, touching the Conduct of the Farmers and Occupiers of the ſaid Lands and Grounds, for preventing them from committing Waſte thereon, or upon any Part thereof, until the Execution of the Award of the ſaid Commiſſioners, as to them ſhall ſeem expedient, all which Orders, Directions, and Regulations of the ſaid Commiſſioners, ſhall be final, binding, and concluſive upon all Parties concerned; and that the ſaid Commiſſioners ſhall ſet and impoſe ſuch pecuniary Penalties and Forfeitures on every Perſon not conforming to ſuch Orders, Directions, and Regulations, as they ſhall think neceſſary, not exceeding the Sum of Five Pounds for any One Offence; and the ſaid Commiſſioners ſhall alſo ſettle and determine what additional Rent ſhall be paid in reſpect of ſuch Lands, and the Tythes thereof reſpectively, as ſhall in the Seaſon immediately preceding the paſſing of this Act, be cropped otherwiſe than in the cuſtomary Way, or contrary to any ſubſting Agreement, ſuch additional Rent to be paid and payable at the ſame Time and in the ſame Manner as the original Rent.

Power to vacate Leaſes at Rack Rent.

XXXVIII. And be it further enacted, That, it ſhall be lawful for the ſaid Commiſſioners, at any Time previous to the Execution of their Award, in all Caſes where they in their Diſcretion ſhall deem it neceſſary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands, to determine or make void all or any of the Leaſes or Agreements for Leaſes at Rack Rent, or from Year to Year, then ſubſiſting, of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, or which ſhall be exchanged by virtue of this or the ſaid recited Act, and of all other Lands and Hereditaments demiſed or agreed to be demiſed by or compriſed in ſuch Leaſes or Agreements reſpectively, either as to the Whole or as to ſome Part or Parts only of the ſaid Hereditaments compriſed in ſuch Leaſes or Agreements reſpectively, and at ſuch Time or Times in the Year as the ſaid Commiſſioners ſhall think moſt convenient and expedient, according to the Circumſtances

Circumſtances of the Caſe; and in all Caſes where any ſuch Leaſes or Agreements ſhall be determined as aforeſaid, the ſaid Commiſſioners ſhall aſcertain and determine whether any and what Sum or Sums of Money ſhall be paid, or any and what Deduction or Abatement in the reſerved Rent or Rents ſhall be made by the Leſſors or Landlords to the Leſſees or Tenants, as a Compenſation and Satisfaction for ſuch total or partial Determination of their reſpective Leaſes or Agreements; and ſuch reduced Rents ſo aſcertained and declared as aforeſaid, ſhall reſpectively become payable, and commence at ſuch Time or Times, and in ſuch Manner as the ſaid Commiſſioners ſhall direct or appoint, and ſhall be recovered in like Manner as the original Rent reſerved by ſuch Leaſe or Agreement would have been by Law recoverable; and in all Caſes where any Groſs Sum or Sums of Money ſhall by the ſaid Commiſſioners be aſcertained as a Compenſation to be paid by the Leſſor or Landlord for determining ſuch Leaſe or Agreement, the ſame ſhall be actually paid by ſuch Leſſor or Landlord, before he or ſhe is put into Poſſeſſion of the reſpective Lands and Hereditaments compriſed in ſuch Leaſe or Agreement, or of the Allotment or Allotments in lieu thereof, or of any Part thereof; and in all Caſes where ſuch ſubſiſting Leaſes or Agreements ſhall continue in force, as to the Whole or any Part or Parts of the Hereditaments therein compriſed, it ſhall be lawful for the ſaid Commiſſioners in like Manner to aſcertain and declare whether any and what additional Rent or Rents ſhall be paid by the Leſſees or Tenants to the Leſſors or Landlords, for or in reſpect of any Improvement in the annual Value of the Hereditaments compriſed in ſuch Leaſes or Agreements reſpectively, by reaſon of the ſame being exonerated from Tythes, and exchanged reſpectively, or by the Lands and Grounds being divided and incloſed by virtue of this Act; and ſuch additional Rents, ſo aſcertained and declared as laſt aforeſaid, ſhall commence at ſuch Time or Times as the ſaid Commiſſioners ſhall direct and appoint, and ſhall afterwards be payable and recoverable in like Manner as the Rents originally reſerved would have been payable and recoverable if this Act had not been paſſed; and it ſhall be lawful for the ſaid Commiſſioners in like Manner to ſettle, aſcertain, and determine the Courſe of Huſbandry to be uſed by ſuch Leſſees or Tenants during the Remainder of the ſubſiſting Leaſes and Agreements, in all Caſes where they ſhall deem it neceſſary and proper ſo to do; and ſuch Courſe of Huſbandry ſhall from and after the ſame ſhall be ſo ſettled, aſcertained, and determined, be uſed and followed by ſuch Leſſees and Tenants during the Remainder of ſuch Leaſes or Agreements: Provided always, that if there ſhall be any Leaſe or Leaſes of Lands, Part of which ſhall lie in the Pariſh of *Oakley* aforeſaid, and Part in any adjoining Pariſh, all and every ſuch Leaſe or Leaſes upon Rack Rent now ſubſiſting may and ſhall be vacated; but where any Land ſhall have been taken in Exchange, which Land ſhall be under Leaſe, and wholly ſituate in an adjoining Pariſh, the Leaſe of ſuch laſt mentioned Lands ſhall not be vacated.

Not to vacate beneficial Leaſes from Bodies Politick and Corporate.

XXXIX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to vacate or make void any beneficial Leaſe or Leaſes from any Body or Bodies Politick, Corporate, or Collegiate, of any Lands, Tenements, Tythes, or Hereditaments in the ſaid Pariſh of *Oakley*, to any Perſon or Perſons whomſoever, but the Perſon or

or Perſons entitled to ſuch beneficial Leaſe or Leaſes ſhall and may hold and enjoy ſuch Lands, Tenements, Tythes, and Hereditaments, or the Allotment or Allotments which ſhall be made in lieu or in reſpect thereof, for the Term or Terms, and under and ſubject to the ſame Rents, Covenants, and Agreements, as are created, ſpecified, or contained in his, her, or their reſpective Leaſe or Leaſes, from ſuch Body or Bodies Politick, Corporate, or Collegiate, to him, her, or them, reſpectively.

Satisfaction to be made for ſtanding Crops.

XL. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and empowered, by any Writing or Writings under their Hands, to direct, order, and appoint what Recompence and Satisfaction in Money ſhall be made to the Owner or Owners of any Crops growing upon the Lands and Grounds hereby directed to be divided and allotted at the Time ſuch Diviſions and Allotments ſhall be made for the ſaid Crops, by the Perſon or Perſons to whom the Lands and Grounds on which ſuch Crops are growing ſhall be allotted, unleſs ſuch Owner or Owners ſhall within the Time to be appointed by the ſaid Commiſſioners for that Purpoſe, declare his, her, or their Intention to cut, reap, and carry away the ſame; and in caſe of Non-payment of ſuch Recompence and Satisfaction for ſuch Crops at the Time and in the Manner to be directed by the ſaid Commiſſioners, or in caſe of ſuch Election to cut, reap, and carry away the ſame, then it ſhall and may be lawful for ſuch Owner and Owners, and his, her, and their Agents, Servants, and Workmen, with Horſes, Carts, and Carriages, to enter into and upon the Lands and Grounds whereon ſuch Crops ſhall be growing, and to cut, reap, and carry away the ſame for his, her, and their own Uſe; and the ſaid Commiſſioners ſhall alſo, and they are hereby authorized and empowered, to aſcertain, order, and appoint, by any Writing or Writings under their Hands, what Recompence and Satisfaction in Money ſhall be paid, and to whom, for the Standage of ſuch Crops, by the Owner or Owners electing to carry away the ſame as aforeſaid, and alſo what Recompence and Satisfaction in Money ſhall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of any Land within the ſaid Pariſh of *Oakley*, as well for ploughing, tilling, and manuring of any of the Lands or Grounds which ſhall be allotted and divided by virtue of this Act, for the Benefit and Advantage accruing thereby to the Perſon or Perſons to whom ſuch Lands and Grounds ſhall be allotted, as for any Loſs or Diſadvantage which any ſuch Tenant or Tenants, Occupier or Occupiers, ſhall or may ſuſtain by the Loſs of their following or waygoing Crops upon the Lands and Grounds by this Act intended to be divided and allotted; and if in any or either of the ſaid Caſes the Money to be paid for ſuch Recompence and Satisfaction ſhall not be paid at the Time and in the Manner to be appointed as aforeſaid by the ſaid Commiſſioners, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, to raiſe and levy the ſame for the Uſe of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act may be raiſed and levied.

Wills and Settlements not to be affected.

XLI. And be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Meſſuages, Tene-

ments, Lands, Grounds, and Hereditaments, to be divided, allotted, or exchanged by virtue of this or the ſaid recited Act, or any Part or Parts thereof reſpectively, but that each and every Proprietor ſhall ſtand and be ſeiſed of the ſeveral Meſſuages, Tenements, Lands, Grounds, and Hereditaments to be allotted to or exchanged with him or her as aforeſaid, to, for, and upon ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Settlements, Dowers, Jointures, Portions, Debts, Rents, or Incumbrances, and no other, as the Meſſuages, Tenements, Lands, Grounds, and Hereditaments, whereof ſuch Proprietors were ſeiſed or poſſeſſed at or immediately before the Execution of the ſaid Award, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, be charged with, or affected by, in caſe this Act had not been paſſed.

Appeal.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, then and in every ſuch Caſe (except where the Orders and Determinations of the ſaid Commiſſioners are hereby directed to be final, binding, or concluſive, and except in ſuch Caſes where an Iſſue at Law is herein-before directed to be tried) ſuch Perſon or Perſons may appeal to the General Quarter Seſſions of the Peace which ſhall be held in and for the ſaid County of *Bedford*, within Six Calendar Months next after the Cauſe of Appeal ſhall have ariſen, on giving to the ſaid Commiſſioners, and to the Party or Parties concerned, Fourteen Days Notice in Writing of ſuch Appeal, and the Matter thereof; and the Juſtices (not intereſted in the Premiſes) at ſuch Seſſions, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and to award ſuch Coſts as they ſhall think reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be awarded by Diſtreſs and Sale of the Goods and Chattels of the Party and Parties liable to pay the ſame, returning the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale; and ſuch Determination of the ſaid Juſtices ſhall be final and concluſive on all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Accounts to be laid before a Magiſtrate.

XLIII. And be it further enacted, That Once in each and every Year during the Execution of this Act, ſuch Year to be computed from the paſſing of this Act, 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 or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Bedford*, not intereſted in the ſaid Incloſure, to be examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice or Juſtices ſtated in the Book of Accounts, to be kept in the Office of the Clerk or Clerks 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 be duly allowed by ſuch Juſtice or Juſtices.

XLIV. Saving

XLIV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, (except the ſeveral Perſons to whom any Allotment or Allotments ſhall be made in purſuance of this Act for and in reſpect of ſuch Rights and Intereſts as are hereby meant and intended to be barred, deſtroyed, and extinguiſhed, and all Perſons reſpectively claiming under them, or in Remainder after them), all ſuch Right, Title, and Intereſt, as they, every or any of them, could or ought to have had and enjoyed, in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, before the paſſing of this Act, or in caſe this Act had not been made. General Saving.

XLV. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and when ſo printed may be given in Evidence in all Courts of Juſtice, and before all Judges and Juſtices whomſoever, who ſhall take judicial Notice thereof, in like Manner as if the ſame had been declared to be a publick Act. Declaring the Act publick.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1803.