ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 167.

An Act for incloſing Lands in *Stagsden*, in the County of *Bedford*. [9th *June* 1812.]

WHEREAS there are, in the Pariſh of *Stagsden* in the County of *Bedford*, certain Open and Common Fields, Meadows, and other Commonable and Waſte Lands and Grounds: And whereas the Right Honourable *Thomas* Viſcount *Hampden* claims to be Lord of the Manor of *Stagſden* aforeſaid, and is alſo Proprietor of great Part of the ſaid Open and Common Fields, Meadows, and other Commonable Lands: And whereas *Elizabeth Baſs* Widow, *Thomas Kilpin*, *James Smith*, and other Perſons, are entitled to the Reſidue of the ſaid Commonable Lands, and are reſpectively entitled to Rights of Common, and other Intereſts therein, in different Proportions: 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 Lands and Grounds lie intermixed, and are inconveniently ſituate, and are, in their preſent State, incapable of any conſiderable Improvement; and it would be advantageous to the ſeveral Proprietors thereof, if the ſame were divided and incloſed, and ſpecific Shares thereof allotted to them, in lieu of, and in Proportion to their ſeveral and reſpective Eſtates, Rights, and Intereſts therein; but ſuch Diviſion and Incloſure cannot be effected and 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 all the ſaid Open and Common Fields, Meadows, and other Commonable and Waſte Lands and Grounds, lying and being in the Pariſh of *Stagſden* aforeſaid, ſhall, as ſoon as conveniently may be after the paſſing of this Act, be qualified, valued, divided, ſet out, and allotted by *Thomas Thorpe* of *Hawnes*, in the ſaid

Commiſſioner appointed.

ſaid County of *Bedford*, Gentleman; and he is hereby appointed the Commiſſioner for carrying this Act into Execution, ſubject to the Rules, Orders, and Directions in this Act contained, and alſo ſubject to the Powers and Proviſions of the ſaid recited Act, except where the ſame are hereby varied or altered.

Appointment of new Commiſſioner.

II. And be it further enacted, That in caſe the ſaid *Thomas Thorpe*, or any other Commiſſioner to be appointed as herein-after mentioned, ſhall die, or refuſe to act, or to qualify himſelf, or ſhall become incapable of acting as a Commiſſioner in purſuance of this Act, it ſhall be lawful for the major Part in Value (ſuch Value to be aſcertained by the Land Tax Aſſeſſments) of the Owners and Proprietors for the Time being of the Lands and Grounds intended to be divided and incloſed by virtue of this Act, who by themſelves, or their reſpective Agents, ſhall attend the Meeting or Meetings to be appointed for that Purpoſe, as herein-after mentioned, by Writing under their reſpective Hands, to appoint ſome other fit Perſon (not intereſted in the ſaid intended Diviſion and Incloſure) to be a Commiſſioner in the Place or Stead of ſuch Commiſſioner ſo dying or refuſing to act or qualify, or becoming incapable of acting as laſt aforeſaid; and every ſuch Commiſſioner ſo to be appointed ſhall have the like Powers and Authorities as the Commiſſioner named and appointed by this Act: Provided always, that one or more of the Proprietors ſhall cauſe Notice to be given of the Time and Place of the Meeting for every ſuch Election, (which Place ſhall be within the Pariſh of *Stagſden* aforeſaid, or within the Diſtance of Six Miles therefrom), at leaſt Ten Days before the Time of holding ſuch Meeting; ſuch Notice to be publicly read in the Pariſh Church of *Stagſden* aforeſaid, on ſome *Sunday* immediately after Divine Service, and inſerted in ſome public Newſpaper circulated in the ſaid County of *Bedford*.

Notice of Meetings to be given.

III. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required to cauſe public Notice in Writing to be affixed on the Door of the Pariſh Church of *Stagſden* aforeſaid, on ſome *Sunday*, of the Time and Place of the Firſt and every ſubſequent Meeting for executing the Powers of this Act, at leaſt Six Days before every ſuch Meeting, (Meetings by Adjournment only excepted), and every Proprietor attending any ſuch Meeting ſhall pay and defray his own Expences.

Advertiſements in Newſpapers.

IV. And be it further enacted, That all Notices and Advertiſements neceſſary or requiſite to be made or given by the ſaid Commiſſioner, and not herein-before or otherwiſe directed, ſhall be ſo made and given by Advertiſements in the *Northampton Mercury*, or in ſome other Newſpaper circulated in the ſaid County of *Bedford*.

Differences to be determined by Commiſſioners, but not to decide on Title.

V. And be it further enacted, That in caſe any Diſpute or Difference ſhall ariſe between the Parties that now are, or ſhall before the making the Award, in purſuance of the Directions of the ſaid recited Act, be intereſted or claim to be intereſted in the ſaid intended Diviſion and Incloſure, or any of them, touching or concerning the reſpective Shares, Rights, and Intereſts which they or any of them ſhall claim in the ſaid Lands and Grounds, hereby intended to be divided and incloſed as aforeſaid, or touching or concerning the reſpective Shares and Proportions which they or any of them ought to have, of and in the ſaid intended Diviſion and Incloſure, or touching

touching or concerning any of the Lands and Grounds ſo intended to be divided and incloſed as aforeſaid, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required to ſummon the contending Parties, and after hearing them and ſuch Witneſſes as they ſhall think proper to produce, upon Oath, (which Oath the ſaid Commiſſioner is hereby authorized to adminiſter), or upon any other proper and ſufficient Enquiry, Evidence, and Satisfaction, to make ſuch Judgment and Determination in, about, and concerning the Premiſes, as to him ſhall ſeem juſt and reaſonable; and ſuch Determination therein ſhall be final, binding and concluſive upon all Parties reſpectively; but no ſuch Determination ſhall hinder or prevent any of the Parties from trying their Rights at Law or in Equity, in reſpect of any Matter of Title; nor ſhall any Suit or Trial to be had thereupon, anywiſe obſtruct or hinder the Execution of this Act, or diſturb any Allotment made or to be made to any Perſon or Perſons whomſoever: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioner to determine the Title to any Meſſuages, Lands, Tenements, or Hereditaments whatſoever.

Perſons in Poſſeſſion not to be moleſted without due Courſe of Law.

VI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioner to determine any Right between any Parties contrary to the Poſſeſſion of any of ſuch Parties, (except in reſpect of Encroachments); but in caſe the ſaid Commiſſioner ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, he ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up by ſuch Perſon or Perſons, or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Power to award Coſts.

VII. And be it further enacted, That in caſe the ſaid Commiſſioner ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby empowered, upon Application made to him for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as he ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any ſuch Determination ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections ſhall be thereby diſallowed or overruled; 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 Commiſſioner, and he is hereby authorized and required by Warrant under his Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) on Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges of ſuch Diſtreſs and Sale.

Power to try Rights at Law.

VIII. Provided always, and be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid Diviſion and Incloſure or Allotments to be made by virtue of this Act, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any Claim or Claims to any Rights of Common, or other Rights or Intereſts in, over, or upon the

the Lands or Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, or touching or concerning any Matter or Thing relating to the said Division and Inclosure or Allotments, and shall by Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their Clerk or Agent, signify the same to the said Commissioner, together with the Grounds or Reasons of his, her, or their Dissatisfaction, within Two Calendar Months next after such Determination shall be made, then, and in every such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matters so determined by the said Commissioner, at the First or Second following Assizes to be holden for the County of *Bedford*; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioner, shall cause an Action or Actions to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour any such Determination shall have been made, within Two Calendar Months next after such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, and 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 Right or Rights and Interests 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 upon the Trial of 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 or Trials to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and it shall also be lawful for the said Court to put off the Trial of such Issue or Issues upon sufficient Cause shewn, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the said Court, the said Commissioner shall, and he is 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 all such Determinations of the said Commissioner as shall not be objected to within the Time and in Manner aforesaid, or being so objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within the Time and in Manner aforesaid, shall be absolutely binding, final and conclusive upon all Parties whomsoever.

Deaths of any of the Parties, not to abate Actions.

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

In cases of Death of Parties before Actions brought, the

X. 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

have been brought, and before the Expiration of the Time by this Act limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic, Corporate or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited, against such Person or Persons as if actually living, and to serve the Clerks or Clerk of the said Commissioner with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall 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.

Same to be carried on and defended in their Names.

XI. Provided nevertheless, and be it further enacted, That if before the said Division and Inclosure shall be completed by virtue of this Act, any Difference or Dispute shall arise, and any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons in or to any Rights or Interests in or upon the Lands and Grounds hereby intended to be divided and inclosed, or any Part thereof, such Suit or Suits shall not impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by virtue of this Act, but the said Division and Inclosure shall be proceeded in notwithstanding such Differences or Suits; and the said Commissioner shall, by proper Marks and Bounds, set out the Lands and Grounds which shall be allotted in lieu of such litigated Property, so that it may be distinguished from any other Lands and Grounds, and may be had and taken by the Person or Persons who upon the Determination of such Difference or Suit shall become entitled to the same.

Difference in Title not to delay the Inclosure.

XII. And be it further enacted, That if any of the Parties interested in the said intended Division or Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioner shall not be thereby determined or suspended; but that the said Commissioner shall proceed in the Execution of this Act and the said recited Act, in such Manner as he might have done in case such Parties had not died; and that the Share or Shares of the Person or Persons so dying shall be allotted to such Person or Persons who by Law shall become entitled to the same, and shall be accepted and fenced by him, her or them, according to the Directions of this or the said recited Act; and he, she, or they shall be liable to the Charges and Expences, and other Conditions of this and the said recited Act.

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

XIII. And be it further enacted, That when and so soon as any of the public Carriage Roads to be set out in pursuance of the said recited Act and this Act, shall be completed and put into good and sufficient Repair, it shall be lawful for the Justices of the Peace for the said County of *Bedford*, or any Two of them at any special Sessions or Meeting to be holden for the Purpose, to declare such Road or Roads respectively to be fully and sufficiently formed, completed, and repaired; from which Time and for ever thereafter such Road or Roads shall be respectively supported and kept in Repair

Power for Two Justices to declare any of the Roads completed.

Repair by such Persons, and in like Manner as the public Roads now are, or ought by Law to be amended and kept in Repair.

Old Roads may be stopped up.

XIV. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and empowered, with the Concurrence and Order of Two Justices of the Peace acting in and for the said County of *Bedford*, 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, Way or Foot-path, (not being a Turnpike Road) lying or being in, or passing or leading through any Part of the old Inclosures in the said Parish of *Stagsden*, and such Order shall be subject to an Appeal to the Quarter Sessions, in like Manner, and under the same Forms and Restrictions as Orders originally made by Justices for diverting and turning Roads and Ways; and that all and every Roads, Ways, or Foot-paths 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.

Allotment for Stone, Sand and Gravel.

XV. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and empowered to set out, allot, and award one or more Piece or Parcel, Pieces or Parcels of the Lands and Grounds so intended to be divided and inclosed as aforesaid, as he shall think proper, not exceeding in the whole Two Acres, as and for public Stone, Sand, and Gravel Pits, with convenient Road or Roads to and from the same, to be used for the Repairs of the public and private Roads in the said Parish; and to allot and award to whom the Herbage of such Allotment or Allotments shall belong.

Allotment to be made to the Lord of the Manor for Waste Lands.

XVI. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required to set out, allot, assign, and award unto the said *Thomas* Lord Viscount *Hampden*, or the Lord of the said Manor of *Stagsden* for the Time being, such Parts of the Common and Waste Lands intended to be divided and inclosed as aforesaid, as by the said Commissioner shall be adjudged, deemed, and taken to be equal in value to One-twentieth Part thereof, for his Right and Interest as Lord of the said Manor, in and to the Soil of all the Commons and Waste Lands within the said Manor.

Allotment of the Residue of the Land.

XVII. And be it further enacted, That after the several Allotments herein-before directed to be made shall have been assigned and set out in the Manner herein-before directed, then the said Commissioner shall divide, set out, and allot all the Residue and Remainder of the said Lands and Grounds in the said Parish of *Stagsden*, hereby intended to be divided and inclosed, unto and amongst the several Proprietors thereof and Persons interested therein, in such Quantities, Shares, and Proportions, and in such Parts and Places as by the said Commissioner shall be adjudged and determined to be a just and full Compensation and Satisfaction for, and equal to their several and respective Lands, Grounds, Rights of Common, and other their Rights and Interests therein, for which no Allotment or other Compensation is herein-before specifically directed to be made.

Fencing Allotments.

XVIII. And be it further enacted, That within Six Calendar Months next after the several Allotments shall be set out and confirmed by the said Commissioner, or within such other Time as the said Commissioner shall in and

and by his ſaid Award, or by any other Writing under his Hand, direct and appoint for that Purpoſe, the ſaid ſeveral Allotments ſhall be encloſed, hedged, ditched, and fenced, at the proper Coſts and Charges of the reſpective Perſons to whom the ſame ſhall be reſpectively allotted, in ſuch Manner as the ſaid Commiſſioner ſhall in and by his ſaid Award, or any other Writing under his Hand, order and direct.

Proprietors may ſell their Allotments before the Execution of the Award.

XIX. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons who hath or have, or ſhall have or may be entitled to any Eſtate, Right or Intereſt in, upon, or over any of the Lands and Grounds hereby directed to be divided and incloſed, to ſell and diſpoſe of ſuch reſpective Eſtates, Rights and Intereſts; and it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and empowered to award all and every ſuch Allotment or Allotments which ſhall be ſold or diſpoſed of, or which ſhall be made or ſet out, to any Purchaſer or Purchaſers thereof, or any other Perſon or Perſons who ſhall be entitled to the ſame by virtue of any ſuch Sale or Diſpoſition.

Commiſſioner to diſtinguiſh Lands held by different Tenures, or under different Titles.

XX. And be it further enacted, That where any Perſon or Perſons ſhall be ſeiſed or poſſeſſed of Lands or other Hereditaments in the ſaid Pariſh of *Stagsden*, held by different Tenures, or for, by, or under different Eſtates or Titles, the ſaid Commiſſioner ſhall (upon the Requeſt of the Perſons ſo ſeiſed or poſſeſſed reſpectively), enquire into, aſcertain and determine the reſpective Lands or other Hereditaments held by ſuch different Tenures, or for, by, or under ſuch different Eſtates or Titles reſpectively, and ſhall ſet out diſtinct Allotments in reſpect of ſuch Parts thereof as ſhall lie or ariſe within the Open and Commons Fields, Commons, and Waſte Lands hereby directed to be divided and incloſed.

Exchanges.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to ſet out, allot, and award any Allotment or Allotments of the ſaid Pariſh, or any other Lands, Tenements, or Hereditaments within the ſaid Pariſh, in lieu of and in Exchange for any other Allotment or Allotments, or any other Lands, Tenements, or Hereditaments within the ſame Pariſh, or within any adjoining Pariſh, Manor, Hamlet, Townſhip or Place, provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioner, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail general or ſpecial, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing, under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other conſenting 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

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vided always, that no Exchange ſhall be made of the 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 or Hereditaments ſo to be exchanged ſhall lie and be ſituate: Provided alſo, that all Coſts, Charges, and Expences incident to and attending the making any Exchanges or Partitions, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportion as the ſaid Commiſſioner ſhall by his Award order and direct.

Wills, &c. not revoked, Lands allotted, &c. to enure to the ſame Uſes as former Eſtates.

XXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued, adjudged, or taken to revoke, alter, or annul any Will or Settlement, or to prejudice any Perſon having or claiming any Jointure, Dower, Portion, Mortgage, Debt, or Incumbrance, in, out of, upon or affecting any of the Lands or Hereditaments intended to be divided and incloſed, or which ſhall be exchanged in purſuance or by virtue of this or the ſaid recited Act, or any Part thereof reſpectively; but that the Lands or other Hereditaments ſo to be aſſigned and allotted upon ſuch Diviſion and Incloſure to the ſeveral Parties concerned, or their Truſtees reſpectively, or which ſhall be taken in Exchange in purſuance of this or the ſaid recited Act, ſhall immediately after ſuch Allotment or Exchange ſhall be made, remain and enure, and the ſeveral Perſons to whom the ſame ſhall be aſſigned and allotted, or given in Exchange as aforeſaid, ſhall from thenceforth ſtand and be ſeiſed thereof, to, for, and upon ſuch and the ſame Uſes, Truſts, and Eſtates, and ſubject to ſuch and the ſame Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, as the ſeveral Lands, Grounds, Tenements, and Hereditaments, in lieu whereof ſuch Allotments ſhall be made as aforeſaid are or ſhould or would have been ſubject or liable in caſe the ſame had not been incloſed or exchanged, and this Act had not been made.

Coſts and Charges of Act.

XXIII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act, and the Allowance to the ſaid Commiſſioner, and all other Expences in, about, or concerning the Execution of this Act or the ſaid recited Act, ſhall be borne, paid, and defrayed by all and every the Proprietors and Owners of or Perſons having Rights or Intereſts in the Lands and Grounds hereby directed to be divided and incloſed, in ſuch Proportions, according to their reſpective Rights and Intereſts, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, either before or after the Execution of the ſaid Award, as ſhall be ſettled, adjuſted, determined, and appointed by the ſaid Commiſſioner by any Writing under his Hand; and in caſe any of the ſaid Proprietors or Perſons having ſuch Rights or Intereſts ſhall refuſe or neglect to pay his, her, or their Share or Proportion, or reſpective Shares or Proportions of ſuch Charges and Expences within the Time to be limited by the ſaid Commiſſioner for the Payment thereof to ſuch Perſon or Perſons as he ſhall appoint to receive the ſame, then and in ſuch Caſe the ſaid Commiſſioner may, and he is hereby authorized by Warrant under his Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to pay, rendering the Overplus (if any) on Demand to the Owner or Owners of

ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and ſelling ſuch Diſtreſs; or otherwiſe it ſhall be lawful for the ſaid Commiſſioner or ſuch other Perſon or Perſons as he ſhall appoint, to enter into and upon the Lands and Tenements ſo to be allotted to or taken in Exchange or upon Partition, by ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, and to receive the Rents and Profits thereof reſpectively until thereby, or therewith, or otherwiſe, the Share or Proportion, or reſpective Shares or Proportions of the aforeſaid Coſts, Charges, and Expences directed and appointed by the ſaid Commiſſioner to be paid by ſuch Perſon or Perſons reſpectively, and alſo all Coſts, Charges and Expences occaſioned by and attending ſuch Entry upon and Perception of the Rents and Profits of the ſaid Premiſes, ſhall reſpectively be fully paid and ſatisfied; or it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and empowered, upon any Refuſal or Neglect of Payment of their Proportion of the Coſts, Charges, and Expences aforeſaid by any Perſon or Perſons to whom any Allotment ſhall have been made by virtue of this Act, to raiſe by Mortgage in Fee, or for Years of the Allotment or Allotments to him or them made, or of any Part or Parts thereof, Money ſufficient to pay the Share or Proportion of the Perſon and Perſons ſo refuſing or neglecting of the Charges and Expences laſt-mentioned, and alſo all the Charges and Expences of and incident to ſuch Mortgage, ſo as the Sum ſo to be raiſed ſhall not exceed Five Pounds for every Acre of Land or Ground ſo to be allotted.

Power to borrow Money.

XXIV. And be it further enacted, That it ſhall be lawful for any of the Perſons who after ſuch Diviſion and Incloſure made as aforeſaid, ſhall be Owners and Proprietors for the Time being of any of the Allotments to be made in purſuance of this Act, or of any Part thereof, and to and for the Huſbands, Guardians, Truſtees, Feoffees, Committees or Attornies of or for any of the ſaid Owners or Proprietors, being under Coverture, Minors, or beyond the Seas, or otherwiſe incapable of acting for themſelves, or any Truſtees or Feoffees of any Eſtates for charitable or other Uſes, and to and for every of them, and to and for any of the ſaid Owners and Proprietors, being Tenants for Life, or in Tail, or for Years determinable on a Life or Lives, or for any other Contingencies, and to and for every of them for the Time being, by and with the Conſent of the ſaid Commiſſioner in Writing under his Hand and Seal, from Time to Time to charge the ſeveral Lands and Grounds which ſhall be comprized in ſuch reſpective Allotments or any Part thereof, with any Sum or Sums of Money, at the Diſcretion of the ſaid Commiſſioner, not exceeding Five Pounds for every Acre of Land or Ground ſo to be allotted as aforeſaid, to be paid to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall nominate and appoint, in order to be applied and diſpoſed of for and towards paying and defraying the reſpective Shares and Proportions of the Charges and Expences incident to and attending ſuch Diviſion and Incloſure as aforeſaid, and of the obtaining this preſent Act; and for ſecuring the Repayment of the ſaid Sum and Sums with Intereſt, to grant, mortgage, leaſe or demiſe the Lands and Grounds, or any Part thereof ſo to be charged therewith, to any Perſon or Perſons who ſhall advance or lend the ſame reſpectively, and to his or their Executors, Adminiſtrators or Aſſigns, for any Term or Number of Years; ſo as every ſuch Grant, Mortgage, Leaſe or Demiſe be made with a Proviſo and Condition to ceaſe and be void

when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be paid and ſatisfied; and ſo as in every ſuch Grant, Mortgage, Leaſe, or Demiſe to be made by any Perſon or Perſons entitled for Life only, or as Tenant in Tail, or upon any other Contingency, there be contained a Covenant to pay and keep down the Intereſt of the Money thereby ſecured during his, her, or their reſpective Life or Lives, or for ſo long as he, ſhe, or they ſhall continue ſeiſed of ſuch Allotment or Allotments reſpectively; ſo that no Perſon afterwards becoming poſſeſſed thereof, or entitled to ſuch Lands or Grounds ſo to be charged with any ſuch Sum or Sums of Money as aforeſaid, ſhall be liable to pay any further or larger Arrear of Intereſt than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced, or otherwiſe it ſhall be lawful for the ſaid Commiſſioner by any Deed or Deeds, Writing or Writings under his Hand and Seal, to be atteſted by Two or more credible Witneſſes, at the Requeſt of the ſaid Owners and Proprietors, being Tenants for Life or in Tail, or upon any other Contingency, who ſhall reſpectively pay and diſcharge his, her, or their proportionable Part of the Charges and Expences aforeſaid, to authorize and empower ſuch Owners or Proprietors, or either of them making ſuch Requeſt, to charge and ſubject ſuch Lands and Grounds, or any Part thereof ſo to be allotted to ſuch Owners and Proprietors thereof reſpectively, with any Sum or Sums of Money, at the Diſcretion of the ſaid Commiſſioner, not exceeding Five Pounds *per* Acre; which Sum or Sums of Money ſo to be charged as aforeſaid, ſhall be payable within One Year next after the Deceaſe of any ſuch Tenant for Life, or in Tail, or for any other Contingency reſpectively, with the Intereſt, to be computed from his, her, or their reſpective Deceaſe, unto ſuch Perſon or Perſons as ſuch reſpective Tenants for Life, or in Tail, or on any other Contingency reſpectively, by any Deed or Will duly executed and atteſted, ſhall direct and appoint, and in Default of any ſuch Direction or Appointment, to his, her, or their Executors or Adminiſtrators; and every ſuch Grant, Mortgage, Leaſe, Appointment or Demiſe and Charge, by Deed or Will as aforeſaid, ſhall be good, valid and effectual in the Law for the Purpoſes thereby intended.

Power to ſell Land for Expences.

XXV. And whereas it may be more convenient for ſome of the Perſons to whom Allotments may be made by virtue of this Act, that inſtead of raiſing Money on Mortgage, as herein-before is mentioned, Land ſhould be deducted from the reſpective Allotments to be made to them, for their proportional Shares of the Expences of obtaining this Act, and of carrying the ſame into Execution, and of fencing, mounding, and ſubdividing ſuch reſpective Allotments, be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby directed, if thereto required by the Owners or Proprietors, or by the Feoffees or Truſtees of any ſuch Eſtates, or the major Part of them, to deduct from ſuch Eſtates ſo much Land as ſhall, in the Judgment of the ſaid Commiſſioner, be equal in Value to their reſpective Proportions of the Expences before mentioned, and to allot and award the ſame Land unto the Perſon or Perſons by whom ſuch Expences ſhall be paid and diſcharged, or on whom the ſame ſhall be charged.

Money advanced for paſſing the Act to be repaid with Intereſt.

XXVI. And be it further enacted, That the Money which ſhall be advanced for the Purpoſe of defraying the Expences of obtaining and paſſing this Act, and of carrying the ſame into Execution, ſhall be repaid with

with lawful Intereſt to the Perſon or Perſons advancing and paying the ſame, out of the Money which ſhall be firſt raiſed to defray the Expences of paſſing and executing this Act.

Commiſſioner's Expences, &c.

XXVII. And be it further enacted, That the Commiſſioner who ſhall act in the Execution of the Powers veſted in him by this Act, and his Clerk, ſhall reſpectively be paid the Sum of Three Guineas for each Day he ſhall be employed in or about the Execution of this Act, or in travelling to and from any Meeting for that Purpoſe, ſo as the ſame do not exceed One Day in travelling to, and One Day in travelling from any ſuch Meeting.

Auditing Accounts.

XXVIII. 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 Day of the paſſing of this Act), the ſaid Commiſſioner ſhall and is hereby required to make a juſt Statement or Account of all Sums of Money by him received and expended, or due to him for his 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 him laid before ſome One of His Majeſty's Juſtices of the Peace for the County of *Bedford*, not intereſted in the ſaid Incloſure, to be examined and balanced; and the ſaid Balance ſhall be ſtated in a Book of Accounts, to be kept in the Office of the Clerk to the ſaid Commiſſioner, 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.

Award to be depoſited in the Pariſh Church.

XXIX. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, when inrolled according to the Directions of the ſaid recited Act, ſhall be depoſited in the Church Cheſt of *Stagſden* aforeſaid, or ſome other ſafe Place in the ſaid Pariſh Church.

Appeal.

XXX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Matter or Thing whatſoever done or omitted to be done in purſuance of this or the ſaid recited Act, (other than and except in ſuch Caſes where the Orders, Determinations, Reſolutions, or Proceedings of the ſaid Commiſſioner are hereby or by the ſaid recited Act directed to be final, binding, and concluſive), then and in ſuch Caſe he, ſhe, or they may appeal to the Juſtices aſſembled at the General Quarter Seſſion of the Peace to be holden for the ſaid County of *Bedford*, next after Two Calendar Months from the Time when ſuch Cauſe of Complaint ſhall have ariſen, giving Twenty Days previous Notice to the Parties appealed againſt, of the Intention of bringing ſuch Appeal, and the Juſtices in their ſaid Quarter Seſſion are hereby empowered and required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and to award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to cauſe to be levied the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties ordered or made liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale; and every Order and Determination of the ſaid Juſtices upon ſuch Appeal ſhall be final

final and conclusive to all Parties concerned, and shall not be subject or liable to be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

General Saving.

XXXI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and also to all and every Person or Persons, Body or Bodies Politic, 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 and inclosed, in case this Act had not been made.

This Act may be given in Evidence.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1812.