ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 132.

An Act for incloſing Lands in the Pariſh of *Woodſtone*, in the County of *Huntingdon*. [27th *May* 1809.]

WHEREAS there are within the Pariſh of *Woodſtone*, in the County of *Huntingdon*, certain Open Common Fields, Common Meadows, Commons and Waſte Grounds, containing by Eſtimation Five hundred Acres, or thereabouts, Part of which are Freehold, and the Reſidue Copyhold of Inheritance: And whereas *Carrier Tompſon*, Eſquire, is Lord of the Manor of *Woodſtone*, and intereſted in the Soil of the ſaid Commons and Waſte Grounds: And whereas the ſaid *Carrier Tompſon* is Patron of the Rectory and Pariſh Church of *Woodſtone* aforeſaid; and the Reverend *John Bringhurſt*, Clerk, is the Rector thereof, and as ſuch is entitled to a Parſonage Houſe with certain Glebe Lands and Rights of Common thereto belonging, and to the Great and Small Tythes ariſing within the ſaid Pariſh: And whereas the ſaid *Carrier Tompſon*, *Thomas Vaughan*, Eſquire, *Samuel Edwards* the younger, *Wright Thomas Squire*, *Ann Wainman*, Widow, and ſeveral other Perſons, are reſpectively Owners and Proprietors of the Meſſuages, Cottages, Lands, and Hereditaments ſituate, lying, and being within the ſaid Pariſh of *Woodſtone*: And whereas an Act was paſſed in the Forty-firſt Year 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 Lands in the ſaid Open and Common

Fields lie intermixed and diſperſed in ſmall Parcels, and the ſaid Common Meadows, Commons, and Waſte Grounds in their preſent State are incapable of any conſiderable Improvement, and it would be very advantageous if the ſame were divided and incloſed, and ſpecific Shares thereof allotted and aſſigned amongſt the ſeveral Owners thereof and Perſons intereſted therein, in Proportion to and according to their reſpective Eſtates, Rights, and Intereſts, and that the ſame ſhould be diſcharged of Tythes; but as ſuch Diviſion, Allotment and Incloſure, cannot be effected without the Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the 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 *Edward Hare*, of *Caſtor*, *Charles Berkeley*, of *Biggen*, both in the County of *Northampton*, and *John Burcham*, of *Conningsby* in the County of *Lincoln*, Gentlemen, and their Succeſſors to be appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Open Common Fields, Common Meadows, Commons, and Waſte Grounds, and for putting this Act into Execution, ſubject to the Proviſions of the ſaid recited Act (except in ſuch Caſes where the ſame are hereby varied or altered); and that it ſhall and may be lawful for any Two of the ſaid Commiſſioners, or their Succeſſors to be elected in Manner herein-after mentioned, and they are hereby fully authorized and empowered to execute, do, and perform all and every or any Matter or Thing either by this or the ſaid recited Act authorized to be done and performed by the ſaid Commiſſioners; and every ſuch Matter and Thing which ſhall be executed, done, and performed by any Two of the ſaid Commiſſioners for the Time being, ſhall be as valid and effectual to all Intents and Purpoſes as if all the ſaid Commiſſioners herein-before appointed, or to be elected in Manner herein-after mentioned, had been preſent, and had executed, done, and performed the ſame.

Commiſſioners appointed.

Two Commiſſioners may act.

For appointing new Commiſſioners.

II. And be it further enacted, That in caſe any of them the ſaid *Edward Hare*, *Charles Berkeley*, and *John Burcham*, ſhall die, neglect or refuſe to act, or be rendered incapable of acting as a Commiſſioner in the Execution of this Act, then and in ſuch Caſe the ſurviving or remaining Commiſſioners or Commiſſioner ſhall, within Twenty Days after ſuch Death, Neglect, Refuſal, or Incapacity of the ſaid *Edward Hare*, *Charles Berkeley*, and *John Burcham*, to act, ſhall happen or be known to them or him, give Notice thereof in Writing to the ſaid *Carrier Tompſon*, or the Lord of the ſaid Manor of *Woodſtone* for the Time being, or his known Agent, and to the ſaid *John Bringhurſt*, or the Rector of *Woodſtone* for the Time being, and to the other Owners and Proprietors of the Lands and Grounds hereby directed to be divided and incloſed as aforeſaid, in the Newſpaper called *The Cambridge Chronicle and Journal*, or ſome other Newſpaper uſually circulated in the County of *Huntingdon*, and alſo by affixing the ſame in Writing upon the principal outer Door of the Pariſh Church of *Woodſtone* upon a *Sunday*, before Divine Service, and in ſuch Notices the ſaid ſurviving or remaining Commiſſioners or Commiſſioner ſhall appoint a Day for the ſaid *Carrier Tompſon*, or the Lord of the ſaid Manor of *Woodſtone* for the Time being, the ſaid *John Bringhurſt*, or the Rector of *Woodſtone* for the Time being, and for the ſaid other Owners or Proprietors to meet in or near the ſaid Pariſh of

Woodſtone within Twenty-one Days after ſuch Notice, for the Appointment of another Perſon, not intereſted in the ſaid intended Diviſion and Incloſure, in the Place and Stead of ſuch of them the ſaid *Edward Hare*, *Charles Berkeley*, and *John Burcham*, as ſhall be then dead, or have refuſed to act, or become incapable of acting; and the Majority in Value of the ſaid ſeveral Perſons who ſhall by themſelves or their Agents, duly authorized by Writing, attend ſuch Meeting, ſhall and may by Writing under their Hands appoint another Perſon or Perſons, not intereſted in the ſaid intended Diviſion and Incloſure, to be a Commiſſioner in the Place and Stead of the ſaid *Edward Hare*, *Charles Berkeley*, and *John Burcham*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed ſhall die, neglect, refuſe to act, or become incapable of acting as aforeſaid; but in caſe the Perſon or Perſons herein-before enabled and authorized to appoint a Commiſſioner or Commiſſioners as aforeſaid, ſhall neglect or refuſe to appoint ſuch Commiſſioner or Commiſſioners in the Place and Stead of the Commiſſioner or Commiſſioners ſo dying, neglecting, refuſing, or becoming incapable to act as aforeſaid, within Forty-two Days after ſuch Notice or Notices ſhall have been given as aforeſaid, then and in ſuch Caſes the ſurviving or remaining Commiſſioners or Commiſſioner ſhall, within the Space of Twenty Days next after ſuch laſt-mentioned Refuſal or Neglect, by Writing under their or his Hands or Hand, appoint a Commiſſioner, not intereſted in the ſaid intended Diviſion and Incloſure, in the Place and Stead of each of ſuch Commiſſioners ſo dying, neglecting, or becoming incapable of acting as aforeſaid, whoſe Place ſhall not have been filled up in the Manner before directed; and ſuch new Commiſſioner or Commiſſioners ſhall have the ſame Powers and Authorities of acting in the Execution of this Act as the Commiſſioners named in this Act are veſted with; and every Appointment of a new Commiſſioner ſhall be inrolled at the ſame Time and in the ſame Place as the Award or Inſtrument of the ſaid Commiſſioners: Provided always, that if the Perſons aforeſaid preſent at any ſuch Meeting or Meetings ſhall be of Opinion, and determine that a new Commiſſioner is not neceſſary to be appointed, and ſhall ſignify ſuch their Determination to the ſurviving or remaining Commiſſioners, then it ſhall not be lawful for the ſaid Commiſſioners of their own Authority to appoint a new Commiſſioner.

Notice of Meetings.

III. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe Notice to be given by Advertiſement in the ſaid Newſpaper called *The Cambridge Chronicle and Journal*, or ſome other Newſpaper publiſhed or circulated in the ſaid County of *Huntingdon*, and alſo by Writing to be affixed on the Principal outer Door of the Pariſh Church of *Woodſtone* aforeſaid, of the Time and Place of their firſt Meeting for executing the Powers hereby veſted in them, at leaſt Ten Days before ſuch Meeting, and ſhall alſo cauſe Ten Days Notice at the leaſt to be given in Writing in like Manner of every ſubſequent Meeting for the like Purpoſes (Meetings by Adjournment only excepted): Provided always, that if at any Meeting appointed to be holden as aforeſaid, it ſhall happen that only One of the ſaid Commiſſioners ſhall attend, ſuch Commiſſioner ſo attending may adjourn ſuch Meeting to ſuch Time within the Space of One Calendar Month; and to ſuch Place within the ſaid Pariſh of *Woodſtone*, or within Eight Miles thereof, as he ſhall think moſt convenient, giving Notice thereof to the abſent Commiſſioners; and that

all

all the Meetings of the ſaid Commiſſioners in the Execution of this or the ſaid recited Act ſhall be held in the ſaid Pariſh of *Woodſtone*, or within Eight Miles thereof.

Other Notices how to be given.

IV. Provided always, and be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioners by Advertiſement ſhall be ſo made and given in the ſaid Newſpaper called *The Cambridge Chronicle and Journal*, or in caſe the ſame ſhall not then be publiſhed in ſome other Newſpaper publiſhed or circulated in the ſaid County of *Huntingdon*.

Surveyor appointed.

V. And be it further enacted, That *Edward Arden*, of *Morton*, in the County of *Lincoln*, Land Surveyor, ſhall be and he is hereby appointed Surveyor for the Purpoſes of this and the ſaid recited Act; and in caſe of the Death or Refuſal, Neglect or Incapacity to act of the ſaid *Edward Arden*, then the ſaid Commiſſioners ſhall by Writing under their Hands from Time to Time appoint ſome other fit and proper Perſon to be Surveyor for the Purpoſes aforeſaid.

Encroachments.

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

Commiſſioners to ſettle 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 ſaid Diviſion and Allotments, touching or concerning the reſpective Rights and Intereſts which they or any of them ſhall have or claim to have in the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Allotments, it ſhall be lawful for the ſaid Commiſſioners to examine into, hear, and determine the ſame: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

Power to aſſeſs 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 the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners 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 whoſe Claim or Claims, Objection or Objections ſhall be thereby diſallowed or over-ruled; 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, and on due Proof thereof, it ſhall be lawful for the ſaid Commiſſioners and they are hereby authorized and empowered, by Warrant under their Hands and Seals directed to any Perſon or Perſons

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) upon Demand to the Perſon or Perſons whoſe Goods ſhall have been ſo diſtrained and ſold, after deducting the Expences attending ſuch Diſtreſs and Sale.

Parties may try their Rights at Law.

IX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted in the ſaid intended Diviſion and Incloſure, or having or claiming to have any Right in any of the Roads or Ways which are now uſed or claimed to be uſed within the ſaid Pariſh of *Woodſtone*, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners touching or concerning the reſpective Rights and Intereſts which they or any of them ſhall have or claim to have in the ſaid Open Common Fields, Common Meadows, Commons, and Waſte Grounds hereby directed to be divided and incloſed, or any Part thereof, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion, Allotment, or Incloſure, 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 then next or at the following Aſſizes to be holden for the ſaid County of *Huntingdon*, and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners 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 ſuch Determination of the ſaid Commiſſioners; 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 and file Common Bail, and accept One or more Iſſue or Iſſues, whereby the Claim or Claims, and the Right or Rights thereby inſiſted upon, 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 brought, in caſe the Parties 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 in which ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial or new Trials to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and 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 Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided and incloſed, or any Part thereof which ſhall not be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

If Parties die 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 Act ſhall die pending the ſame, ſuch

such Action shall not abate by reason thereof, but may be proceeded in as if no such Event had happened.

Provision in case of the Death of the Parties before Actions brought.

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

Right of Possession of Persons not to be determined by Commissioners.

XII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties, except in Cases of Encroachments made within the Period of Twenty Years as herein-before mentioned; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been taken from such Person or Persons by Ejectment or other due Course of Law, or otherwise surrendered by him or them.

Roads dividing Parishes to be made up in the whole Forty Feet broad.

XIII. And be it further enacted, That in case any publick Carriage Roads or Highways shall be set out or continued in any Situation or Direction where the said Parish is divided from any adjoining Parish, and where there now is and usually hath been a publick Road or Meer Way, and such adjoining Parish or Place hath hitherto been charged or liable to be charged with One-half Part of the Repair and Support of the said Road or Way, then and in such Case the said Commissioners shall and they are hereby authorized and required to set out so many Feet only, or so much Land from and out of the said Lands and Grounds hereby directed to be divided and inclosed, as will enlarge the Breadth of such Road or Way to Forty Feet at the least.

Cattle not to be kept in Roads for a limited Time.

XIV. And be it further enacted, That no Horses, Beasts, Asses, Sheep, Lambs, or other Cattle, shall at any Time, within the first Ten Years after the said Allotments shall be directed to be entered upon by the respective Proprietors thereof, be kept in any of the publick Carriage Roads or Ways to be set out and fenced off on both Sides, or laned out in pur-

ſtance of this Act; nor ſhall any Dung-hills at any Time be laid on or by the Sides of ſuch Roads.

Commiſſioners may alter Roads through ancient Incloſures.

XV. And be it further enacted, That in caſe it ſhall appear to the ſaid Commiſſioners that there are or is any publick Highways or Highway, Bridle-roads or Bridle-road, Footways or Footway, in, through, over, or on the Sides of any of the old incloſed Lands or other Lands within the ſaid Pariſh, which may in the Judgement of the ſaid Commiſſioners be diverted and turned, without Inconvenience to the Publick, into any other publick Highways or Highway, Bridle-roads or Bridle-road, Footways or Footway, or be diverted or turned ſo as to make the ſame more convenient to the Publick, or be ſtopped up and deſtroyed as ſuperfluous and unneceſſary, it ſhall be lawful for the ſaid Commiſſioners (on giving ſuch Notices, and ſubject to Objections or Appeal, as in the ſaid Act of the Forty-firſt Year of His preſent Majeſty is mentioned reſpecting the ſetting out, varying, and ſhutting up the publick and private Carriage-roads, Bridle-ways, and Footways) in and by their ſaid Award to order and direct ſuch publick Highways or Highway, Bridle-roads or Bridle-road, Footways or Footway, to be altered, turned, ſtopped up, or diſcontinued in ſuch Manner as the ſaid Commiſſioners ſhall think proper; and in caſe ſuch Highways or Highway, Bridle-roads or Bridle-road, Footways or Footway ſo to be diverted, turned, ſtopped up, or diſcontinued, do not paſs through any of ſuch old incloſed Lands or other Lands, but on the Sides of the ſame, to ſell and diſpoſe of the Land and Soil of ſuch Roads to the Perſon or Perſons whoſe Lands lie contiguous thereto, and apply the Money ariſing thereby towards repairing the publick Highways within the ſaid Pariſh.

Power to make Drains, &c.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour out and widen all ancient Brooks, Ditches, and Tunnels in or upon the Lands and Grounds intended to be hereby divided and incloſed, and alſo ſhall and may make, ſet out, and appoint ſuch new Ditches, Drains, Watercourſes, Tunnels, Watergates, Sluices, Banks and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be divided and incloſed, as in, through, and over any ancient Incloſures or other Lands and Grounds within the ſaid Pariſh of *Woodſtone*, with the previous Conſent of the Proprietors of ſuch ancient Incloſures, or other Lands and Grounds not hereby directed to be divided and incloſed, of ſuch Depth and Breadth and in ſuch Directions as the ſaid Commiſſioners ſhall think fit; and the ſaid Commiſſioners ſhall and may and they are hereby directed in and by their Award to appoint and order by whom and at whoſe Expence, and at what Time, and in what Manner the ſaid Brooks, Drains, Ditches, Watercourſes, Tunnels, Watergates, Sluices, Banks, Bridges, and other Requiſites ſhall be made and thereafter repaired, cleanſed, ſcoured, and maintained; and alſo ſhall and may direct, order, and award all or any of the Streams, Springs of Water, and Watercourſes within the ſaid Open Common Fields, Common Meadows, Commons and Waſte Grounds hereby directed to be divided and incloſed, or within any incloſed Lands in the ſaid Pariſh of *Woodſtone*, to be conveyed, carried, or turned in ſuch Courſes, and through, over, and acroſs ſuch Parts of the Lands or Grounds hereby directed to be divided and incloſed, or any other Lands in the ſaid Pariſh, as they the ſaid Commiſſioners ſhall in their Diſcretion judge proper; provided

that

that no such Stream, Spring of Water, or Watercourse shall be turned from its present Course in, through, from, or over any inclosed Lands or Grounds, without the Consent in Writing of the Owner or Owners for the Time being of the Lands from which and into which the same shall be diverted and carried.

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

XVII. And be it further enacted, That it shall be lawful to and for the said Commissioners, at any Time when they shall think it convenient and proper, by Notice for that Purpose under their Hands, to be affixed on the principal Door of the Parish Church of *Woodstone* aforesaid, on some *Sunday* before Divine Service, to order the Right of Common in, upon, and over the Lands and Grounds hereby directed to be divided and inclosed, or any of them, to be extinguished, either in Whole or in Part, or to be suspended; and from and after the Time or Times to be mentioned in and appointed by any such Notice, all such Right of Common as shall thereby be directed to be extinguished or suspended, shall be extinguished or suspended according to, and as shall be expressed in and directed by, such Notice; and until such Division and Allotment as is hereby directed shall have been made of the Lands and Grounds to be divided and allotted, all such Lands and Grounds shall be stocked with such Cattle, and at such Times and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof, or by such other Persons as the Commissioners shall appoint, with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnips, and other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage as the said Commissioners shall by Writing under their Hands in that Behalf direct, any Usage or Custom to the contrary notwithstanding; and that the Charges and Expences of such ploughing, sowing, fallowing and tilling, shall be paid by the respective Persons who shall receive the Benefit thereof, or by such other of the Proprietors of the said Open and Common Fields, and at such Times, in such Manner, and in such Proportions as the said Commissioners shall by any Writing or Writings under their Hands direct or appoint, and shall be recovered in such Manner as the Expences of this Act are directed to be levied and recovered; and that no Meadow, Pasture, or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and inclosed, and not in Tillage at the Time of passing this Act, shall be, without the Consent in Writing of the said Commissioners before the Allotment thereof, ploughed, broken up, or converted into Tillage; and every Occupier of any such Land or Ground who shall refuse or neglect to comply with any such Direction of the said Commmissioners, or who shall plough, break up, or convert into Tillage any such Meadow, Pasture, or fresh Ground, without the Consent in Writing of the said Commissioners, shall forfeit and pay a Sum not exceeding Ten Pounds for every Acre of such Tillage Land with respect to which such Refusal or Neglect shall happen, and for every Acre of such Meadow, Pasture, or fresh Ground which shall be ploughed, broken up, or converted into Tillage, and so on in proportion in each Case for any less Quantity than an Acre, which shall be paid and collected, or levied and recovered as aforesaid.

Allotment for Stone, Gravel, and Mortar Pits.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby required, after setting out the publick Roads and Highways

Highways in Manner directed by the said recited Act, to set out and allot unto the Surveyor or Surveyors of the Highways within the said Parish of *Woodstone*, such Parts of the Lands and Grounds hereby directed to be divided and inclosed as the said Commissioners shall think necessary, not exceeding Three Acres, as and for publick Stone, Sand, Gravel, and Mortar Pits, and the same Allotment or Allotments when set out shall for ever thereafter be used by the respective Surveyors of the Highways of the said Parish of *Woodstone*, and by the respective Proprietors and Occupiers of Lands, Tenements, and Hereditaments within the said Parish for the Time being, in such Manner and under such Rules and Regulations as the said Commissioners shall by their Award direct or appoint; and that the Herbage thereof, and also of the Publick and Private Roads shall belong to and be the Property of such Person or Persons to whom the Commissioners shall allot and award the same.

Allotments to Rector in lieu of Glebe Lands and Rights of Common.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required in the next Place to set out, allot, and award unto the said *John Bringhurst*, and his Successors Rectors as aforesaid, such Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands and Rights of Common now belonging to the said Rectory, in, over, and upon the Lands and Grounds hereby directed to be divided and inclosed as aforesaid.

Situations for Rector's Allotment.

XX. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required, in making the said Division and Allotment unto and for the said *John Bringhurst*, and his Successors Rectors as aforesaid, to set out and allot not less than one Third Part of the Lands and Grounds which shall be allotted to him in lieu of the Glebe Lands and Rights of Common as aforesaid, as near to the Parsonage House of the said Parish as conveniently can be without Prejudice to the Rights of other Persons.

For making a Valuation of Lands subject to the Payment of Tythes.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby required to make or cause to be made a Valuation of the several Lands, Grounds, and Hereditaments within the said Parish, which are subject or liable to the Payment of Tythes, and shall distinguish the annual Value of the Property belonging to each Person separately, and shall ascertain from the *London Gazette* or otherwise what hath been the average Price of good marketable Wheat in the said County of *Huntingdon* or at the City of *Peterborough*, during the Term of Fourteen Years next preceding the passing of this Act, not estimating or including in such Inquiry and Ascertainment the Price for the Three Years in which such Price hath been the highest within that Period of Time, but upon the Average of the remaining Eleven Years; and shall in and by their said Award distinctly ascertain and set forth what Quantity of such Wheat shall in their Judgement, according to such average Price as aforesaid, be equal in Value to one Fifth Part of all the Arable Lands, and one Ninth Part of all the other Land within the said Parish, which are respectively subject and liable to the Payment of Tythes, and which shall remain after the said Roads, Sewers, Drains and Watercourses, and the Allotments for Stone, Sand, Gravel, or Mortar Pits, shall have been taken and deducted therefrom,

distinguishing the Quantity of such Wheat in respect of each Person's separate Property.

Rents to be payable to the Rector in addition to his Allotment in lieu of Glebe.

XXII. And be it further enacted, That there shall be paid and payable from Time to Time for ever to the Rector of the said Rectory of *Woodstone* for the Time being, such respective yearly Rents or Sums of Money out of the several Lands, Grounds, and Hereditaments, subject and liable to the Payment of Tythes belonging to the several Proprietors within the said Parish of *Woodstone*, as shall be equal in Value to the Quantity of Wheat so to be ascertained and set forth as aforesaid; which said yearly Rents or Sums of Money shall and they are hereby declared to be in lieu of and in full Bar, Satisfaction, Compensation, and Extinguishment of and for all Tythes, and all Portions of Tythes, both great and small, and all Dues in lieu of such Tythes now arising or to arise as aforesaid, and become due and payable out of all Lands, Grounds, and Hereditaments within the said Parish of *Woodstone*, to the Rector of the said Rectory of *Woodstone*, (except the usual and accustomed Surplice Fees, Easter Offerings, and Mortuaries); and the said respective yearly Rents or Sums of Money shall be payable and paid to the Rector of the said Rectory at the Rectory or Parsonage House of *Woodstone* aforesaid, by Half-yearly Payments in every Year for ever; (that is to say), on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, by the Tenants or Occupiers for the Time being, the First Payment thereof to grow due and be made on such of the said Days as the said Commissioners shall in and by their Award, or by any other Writing or Writings under their Hands order and direct; and such Rents shall be apportioned between the Executors or Administrators of any Rector dying between the said Days of Payment, and his Successor, and such Apportionments shall respectively be recoverable by the Persons entitled thereto, in the same Manner as the Half-yearly Payments; but such yearly Rents or Sums shall not by virtue of this Act be discharged from the Payment of Land Tax in the same Proportion as other Lands, Grounds and Hereditaments in the same Parish shall be subject to, and in like Manner as the Tythes for which the same shall be so given would have been liable to be assessed if this Act had not been made; and all Tythes both great and small, and Dues in lieu of such Tythes arising, or renewing out of the said several Lands, Grounds and Hereditaments, or to arise as aforesaid within the said Parish, and due or payable to the Rector of the said Rectory of *Woodstone*, shall cease and be for ever extinguished and abolished, at such Time as the said Commissioners shall in and by their said Award, or other Writing or Writings as aforesaid, under their Hands, order and direct: Provided always, that such Lands, Grounds, and Hereditaments within the said Parish as are now alledged or supposed to be Tythe free, or covered in Part, or in all, by any Modus or Composition, shall not be affected as to their Exemption from Tythes by virtue of this Act, but the said Commissioners, if required by the Proprietors of the said Lands, Grounds, and Hereditaments or any of them, or by the said Rector, shall ascertain and declare what Rent or Rents, according to the before-mentioned Proportions, shall be payable in respect thereof, in case the same Lands, Grounds, and Hereditaments, or any of them, shall at any future Time be found to be subject or liable to the Payment of Tythes in kind.

XXIII. And

XXIII. And be it further enacted, That it shall be lawful as well for the Rector of the said Rectory of *Woodstone* for the Time being, as also for a Majority in Value of the Proprietors of the said Lands and Grounds within the said Parish of *Woodstone* for the Time being, at any Time after the Expiration of Fourteen Years from the Day to be fixed by the said Commissioners as aforesaid for the First Payment of the said yearly Rents or Sums of Money, by Writing under their, his, or her Hands or Hand to apply to the Justices at any Quarter Sessions of the Peace to be holden for the said County of *Huntingdon*, (first giving Notice in Writing to the other Party or Parties at least Two Calendar Months before such Application, of his or their Intention so to do), to have the average Price of Wheat again inquired of and ascertained; and the said Justices shall and they are hereby authorized and required, at the same or at the next Quarter Sessions of the Peace to be holden in and for the said County, to inquire into and ascertain, by or from or by means of the *London Gazette*, or otherwise, what hath been the average Price of good marketable Wheat in the said County of *Huntingdon*, or in the said City of *Peterborough* during the Term of Fourteen Years next preceding such Application, not estimating or including in such Inquiry and Ascertainment the Price for the Three Years in which such Price hath been the highest within that Period of Time, but upon the Average of the remaining Eleven Years, and to declare, ascertain, and fix such average Price accordingly by Writing under the Hands and Seals of Three of such Justices; and after such average Price shall have been so ascertained and fixed, the Amount of all future Payments of the said respective yearly Rents or Sums of Money in lieu of Tythes as herein-before mentioned, shall be equal in Value to the said Quantity of Wheat, according to the average Price which shall have been last ascertained and fixed by the said Court of Quarter Sessions in manner aforesaid; and so from Time to Time as often as any Application shall be made as aforesaid; but no such Application shall be made before the Expiration of Fourteen Years from the Time any such average Price shall have been last ascertained and fixed in pursuance of this Act; and the Rector of the said Rectory of *Woodstone* for the Time being, and his Lessee, shall and may have and exercise such and the same Powers and Remedies for recovering the said yearly Rents or Sums of Money when the same shall be in arrear, together with all Costs and Charges thereby to be incurred, as by Law are provided and given to Landlords for Recovery of Rack Rents in arrear; and all Lands and Grounds charged with the said yearly Rents or Sums of Money shall always remain liable to the Payment of all Arrears thereof respectively, notwithstanding they may be in the Occupation of a new Owner or Tenant; but it is provided and reserved, that until such Application shall be made for varying or ascertaining again the Amount of the future Payments of the said respective yearly Rents or Sums of Money in lieu of Tythes, and the same shall be varied and ascertained as aforesaid, the respective Rents or Sums of Money fixed by the said Award, or by the Declaration of the said Justices, shall continue due and payable as herein mentioned.

How the Price of Wheat shall be ascertained, and the Rents regulated in future.

XXIV. And, in order to prevent any Difficulty or Inconvenience to the said Rector and his Successors by the Division of any Estate, by Sale or otherwise, and to facilitate the future Regulation of the said yearly Tythe Rents; be it further enacted, That the said Commissioners shall and they are hereby required to make or cause to be made Two complete Schedules or

Schedules of the Rents.

or Deſcriptions of each and every Allotment, and of each and every Parcel of ancient Incloſure, with the Name of the Owner thereof, the exact Meaſure in Statute Acres, Roods, and Perches, the Yearly Tythe Rents iſſuing out of each reſpectively, and the Quantity of Wheat in Buſhels and Decimal Parts of a Buſhel, which is to govern each of the ſaid future Yearly Tythe Rents as ſhall be charged as aforeſaid, and ſuch other Requiſites as ſhall be judged to be proper or neceſſary by the ſaid Commiſſioners, to render every Matter reſpecting the ſaid Yearly Tythe Rents clear and plain in future; which ſaid Schedules or Deſcriptions ſhall be ſigned by the ſaid Commiſſioners, and One depoſited in the Regiſtry of the Archdeaconry of *Huntingdon*, and the other annexed to the Award of the ſaid Commiſſioners.

In caſe of Diviſion of Eſtates.

XXV. And be it further enacted, That it ſhall be lawful for the Owner and Owners of Meſſuages, Lands, Grounds, and Hereditaments in the ſaid Pariſh of *Woodſtone*, upon a Diviſion thereof either by Sale, Deviſe, or otherwiſe, except by Leaſe at Rack Rent, by and with the Conſent of the Rector of *Woodſtone* for the Time being, to apportion and charge each and every Part of the Hereditaments ſo divided with a due and fair Proportion of the ſaid yearly Tythe Rents, according to the Quantity of Acres and the Rate by the Acre to be aſcertained by the ſaid Commiſſioners upon the whole of ſuch Hereditaments.

Fencing Rector's Allotments.

XXVI. And be it further enacted, That all the ſaid Lands to be by virtue of this Act ſet out and allotted to the ſaid Rector in Satisfaction or Compenſation for Glebe Lands and Right of Common as aforeſaid, ſhall be incloſed and fenced on all ſuch Parts as ſhall not be directed to be fenced by any other Proprietor, and as ſhall not adjoin upon any ancient Incloſure with Ditches and Quick Hedges, and to be guarded and protected, whilſt neceſſary, with proper Fences of Poſts and Rails at the Expence of all or ſuch of the Proprietors of the Lands and Grounds hereby directed to be divided and incloſed, and in ſuch Proportions as the ſaid Commiſſioners ſhall appoint; and the ſaid Commiſſioners ſhall by their Award direct by whom, and in what Parts and Proportions the ſaid Fences (after the ſame ſhall have been properly made) ſhall be kept in Repair.

Allotment for Right of Soil.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall in the next place aſſign, ſet out, and allot unto the ſaid *Carrier Tompſon*, or the Lord of the ſaid Manor of *Woodſtone* for the Time being, ſuch Part of the Lands and Grounds hereby intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be a full Equivalent and Compenſation for his Right and Intereſt of and in the Soil of all the Waſte and unknown Commonable Lands within the ſaid Pariſh, ſo as the Lands and Grounds to be ſo ſet out and allotted do not exceed in the whole One Twentieth Part in Value of the ſaid Waſte and unknown Commonable Lands.

Allotment of Reſidue.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall immediately after making ſuch Allotments as aforeſaid divide, ſet out, and allot the Reſidue of the Lands and Grounds hereby directed to be divided and incloſed, unto and amongſt the ſeveral Proprietors thereof and Perſons intereſted therein, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be a fair and juſt Compenſation for

their respective Lands, Grounds, Rights of Common, and other Rights and Interests therein.

Meeting to be appointed to receive Application for Situations.

XXIX. And be it further enacted, That the said Commissioners shall and they are hereby required to appoint a Time and Place, (by Notice to be given in Manner aforesaid), for receiving Applications from the Proprietors, touching the Situations they would respectively choose to have their Allotments set out and allotted in.

Allotments to be delineated on the Plan and shewn to the Proprietors.

XXX. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided 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, they the said Commissioners shall give Notice in Manner aforesaid of some convenient Time and Place when and where the said Proprietors may be informed of such intended Allotments, and see the Plan thereof set out and delineated upon a Map thereof to be produced for their Inspection; and as some Proprietor or Proprietors may upon Inspection of such Map or Plan be dissatisfied with the intended Allotment or Allotments, the said Commissioners shall at such Time and Place as last aforesaid, or some other Time or Place to be in like Manner appointed by them for that Purpose, receive in Writing the Complaints and Objections against such Allotment or Allotments, and shall forthwith or as soon after as conveniently may be determine the same, and their Determination shall be final and conclusive upon all Parties.

How the other Allotments are to be fenced.

XXXI. And be it further enacted, That all the several other Allotments to be made or set out by virtue of this or the said recited Act, shall at such Time or Times previous to or after the making of the said Award, as the said Commissioners shall by any Writing or Writings under their Hands appoint for that Purpose, be inclosed, hedged, ditched, and fenced at the proper Costs and Charges of the respective Persons to whom the same shall respectively be allotted, in such Manner as the said Commissioners shall by their said Award, or any other Writing or Writings under their Hands, order and direct; and that convenient Gaps and Openings shall be left in the said Fences and Inclosures for the Purpose of Cattle, Carts, and Carriages passing through the same, for such Space of Time as the said Commissioners shall direct.

Gaps to be left.

Allotment of Common Rights may be sold before the Execution of the Award.

XXXII. And be it further enacted, That it shall be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of any Allotment or Allotments to be made and set out by virtue of this Act, separately and distinctly from the Estate in Right of which he or she is or may be entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioners and they are hereby authorized and empowered to award all and every such Allotment and Allotments which shall be so sold and disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by any such Sale or Disposition.

Freehold Lands to be distinguished from Copyhold.

XXXIII. And be it further enacted, That the said Commissioners shall inquire into, and in and by their said Award ascertain and determine the Tenure of the several Messuages, Inclosures, Lands and Grounds within the said Parish of *Woodstone*, and to whom the same and every Part thereof respectively belong; and shall set out distinct Allotments in respect of the Freehold Parts thereof, and distinct Allotments in respect of the Copyhold Parts thereof.

Lands allotted in lieu of Freehold or Copyhold, to be deemed of the same Tenure as the Lands in respect of which they are allotted.

XXXIV. And be it further enacted, That all Lands and Grounds, which shall by the Authority and in pursuance of this Act be allotted to any of the said Proprietors, shall be held by such Proprietors respectively under the same Tenures, Rents, Customs, and Services, as the Messuages, Lands, or other Property, in respect of which such Allotments shall be made, were respectively held and enjoyed by the said Proprietors before the passing of this Act, or would have been held and enjoyed in case this Act had not been made; and the several Lands and Grounds which shall be allotted in lieu of Freehold Lands, or other Freehold Property, shall be deemed Freehold; and the several Lands and Grounds which shall be allotted in lieu of Copyhold Lands, or other Copyhold Property, shall in like Manner be deemed Copyhold or Customary Lands and Grounds, and shall be held of the Lord of the said Manor of *Woodstone* under the same Rents, and by the same Customs, Duties and Services as the Copyhold Lands, or other Hereditaments, in lieu or in respect of which they shall be so allotted were or ought to have been held, and shall pass by the like Surrenders as the present Copyhold Messuages, Cottages, Lands, Tenements, and Hereditaments in respect whereof such Allotments shall be made, would pass.

Exchanges may be made.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Woodstone*, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors for the Time being seised of or entitled in Possession to the Lands, Tenements, or Hereditaments which shall be so exchanged, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic or Corporate, or a Body or Bodies Collegiate, a Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, or the major Part of such Trustees respectively, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Incapacity, or who shall be beyond the Seas or otherwise disabled to act for themselves, himself, or herself such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other Parties consenting respectively; and all and every such Exchange and

and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, and Hereditaments so to be exchanged shall lie or be situated: Provided always, that the Costs, Charges and Expences attending the making and completing any Exchanges or Partitions, shall be paid and borne by the several Persons, Bodies Politic, Corporate or Collegiate, making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct, and the same shall and may be recovered in the Manner herein-after directed for Recovery of the Costs of obtaining and executing this Act.

Expences of Exchanges how to be paid.

XXXVI. And be it further enacted, That the Proprietor or Proprietors whose Allotment or Allotments on the said Division shall have been tilled, ploughed, sown, folded, or manured by any former Proprietor or Occupier thereof, shall pay unto the Person or Persons respectively who shall have tilled, ploughed, sowed, folded, or manured the same or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums of Money, and at such Time and Times as the said Commissioners shall think reasonable, and shall by Writing under their Hands ascertain and direct; and if by reason of the Mismanagement of any former Occupier, or by any other Means, it shall happen that the Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land, in a proper State of Cultivation, or if any such Allotment or Allotments shall in the Judgement of the said Commissioners be from any Cause in a worse Condition to be occupied than the Average of the Land to be allotted, then the Person or Persons to whom any such Allotment or Allotments shall be made, shall receive such Compensation and Satisfaction from any other of the Proprietors, or from the former Occupier, as the said Commissioners shall determine and adjudge to be just and equitable; and in case any of the Sums of Money which shall by the said Commissioners be directed to be paid as aforesaid, shall not be paid to the Person or Persons, and at the Time or Times to be appointed by the said Commissioners for the Payment thereof, it shall be lawful for the said Commissioners and they are hereby required to levy the same in like Manner as the Expences of passing this Act and carrying the same into Execution are directed to be raised and levied.

Satisfaction to be made for Tillage, &c.

XXXVII. Provided always, and be it further enacted and declared, That nothing in this Act or the said recited Act contained shall extend to revoke, make void, annul, or alter any Settlement, Deed, or Will, or to prejudice any Person or Persons having any Right or Claim of Dower, Free Bench, Jointure, Annuity, Rent Charge, Debt, or Incumbrance whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and inclosed, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this and the said recited Act respectively; but as well the Lands, Tenements, or Hereditaments allotted, as the Lands, Tenements and Hereditaments which shall be assigned in Exchange or in Compensation for any other Estate or Right, shall immediately after such Allotment, Exchange,

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

Exchange, or Aſſignment ſhall be made, be veſted and remain and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted, aſſigned, or given in Exchange as aforeſaid, ſhall thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively to, for, and upon ſuch and the ſame Uſes, Eſtates, Intents, Truſts, and Purpoſes reſpectively, and ſubject and liable to ſuch and the ſame Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, as the ſeveral Lands, Tenements, and Hereditaments in reſpect whereof ſuch Allotments, Aſſignments, and Exchanges ſhall have been made, ſhould or would have ſtood ſeverally limited, ſettled, veſted, or ſubject or liable to, or been held by, in caſe the ſame had not been allotted, aſſigned, or exchanged, and this Act had not been made, ſave and except ſuch Leaſes and Tenancies at Rack Rent as ſhall become void by virtue of this Act.

Leaſes and Tenancies at Rack Rent to ceaſe.

XXXVIII. Provided always, and be it further enacted, That all Leaſes, Agreements, and Tenancies at Rack Rent now ſubſiſting of any Part or Parts of the Lands and Grounds hereby directed to be divided and incloſed, and of all Lands, Tenements, and Grounds within the Pariſh of *Woodſtone* aforeſaid, which ſhall be exonerated from Tythes by virtue of this Act, and of all Meſſuages, Cottages, Lands, and Tenements in the ſame Pariſh held therewith reſpectively, ſhall ceaſe and be void at ſuch Time or Times as the ſaid Commiſſioners ſhall by Writing under their Hands direct or appoint, ſo as the reſpective Leſſors or Landlords of ſuch Meſſuages, Lands or Tenements, do before or at the reſpective Times at which ſuch Leaſes or Tenancies ſhall be directed to ceaſe, make and pay ſuch Satisfaction to the reſpective Leſſees or Tenants for the Loſs which ſhall be ſuſtained by the Determination of ſuch Leaſes and Tenancies reſpectively, as ſhall be mutually ſettled and agreed between them, or as the ſaid Commiſſioners, being thereto required by either of the Parties, ſhall aſcertain and direct; and the ſaid Commiſſioners being ſo required are empowered and directed to appoint a reaſonable and proportionable Part, according to the Seaſon of the Year, of the Rent reſerved or made payable by any ſuch Leaſe or Agreement, for and in reſpect of the Time which ſhall have elapſed between the laſt Day on which any Payment of the Rent ſhall have become due, and the Determination of any ſuch Leaſe or Tenancy, and ſuch Part of the Rent ſhall be recoverable by ſuch Ways and Means as may by Law be uſed for the Recovery of Rent in arrear.

Money advanced to be repaid with the Intereſt.

XXXIX. And be it further enacted, That the Money that ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Expences of applying for and obtaining this Act, or which after the paſſing thereof ſhall be advanced or lent to, or be paid by the Direction of the ſaid Commiſſioners for carrying the ſame into Execution, ſhall be repaid with lawful Intereſt to the Perſon or Perſons lending, advancing, or paying the ſame, out of the firſt Money to be raiſed for defraying the Expences of obtaining and executing this Act.

Expences of this Act.

XL. And be it further enacted, That the Coſts and Charges of and incident to and attending the obtaining and paſſing of this Act, of ſurveying, admeaſuring, planning, dividing, and allotting the Open Common Fields, Common Meadows, Commons, and Waſte Grounds hereby directed to be divided and incloſed, and exonerated from Tythes, and of making

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ing the public Roads to be ſet out, and of preparing and inrolling the Award of the ſaid Commiſſioners, and all the Charges and Expences of the ſaid Commiſſioners, and of the ſeveral Perſons to be employed by them either before or after the Execution of the ſaid Award, in, about, or concerning the Execution of this or the ſaid recited Act, ſhall be borne and defrayed by all the Proprietors and Owners of or Perſons having Rights or Intereſts in the Lands and Grounds hereby directed to be divided and incloſed, (except the ſaid *John Bringhurſt*, and his Succeſſors, Rectors for the Time being of the ſaid Pariſh of *Woodſtone*, in reſpect of the Allotments to be made to him and them reſpectively, and alſo except the Surveyors of the Highways of the ſaid Pariſh of *Woodſtone*, in reſpect of the Allotment herein-before directed to be made to them as ſuch Surveyors), in ſuch Proportions, 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 directed by the ſaid Commiſſioners by any Writing under their Hands, and the ſeveral Sum and Sums of Money thereby rated ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times and in ſuch Manner as the ſaid Commiſſioners ſhall in and by their ſaid Award, or any other Writing under their Hands before or after the Execution of the ſaid Award order, direct, or appoint; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of ſuch Coſts, Charges, Sums of Money, and Expences as aforeſaid within the Time, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners by any Warrant or Warrants under their Hands and Seals directed to any Perſon or Perſons whomſoever, to cauſe the ſaid Coſts, Charges, and Sums of Money to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo making Default in Payment as aforeſaid, his, her, or their Huſbands, Guardians, Truſtees, or Committees, whereſoever the ſame ſhall be found, rendering the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels, the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale being firſt deducted, together with Intereſt after the Rate of Five Pounds *per Centum per Annum*, to be computed on ſuch Share or Shares, Proportion or Proportions, from the Time the ſame ſhall be directed to be paid as aforeſaid, or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, or any Perſon or Perſons authorized by them, to enter upon and take Poſſeſſion of the Meſſuages, Tenements, Orchards, Homecloſes, and other ancient Incloſures partitioned or diſcharged from Tythes as aforeſaid, and alſo of the ſeveral Allotments made to ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, and to receive and take the Rents and Profits thereof, until thereby, therewith or otherwiſe, the Share or Shares, Proportion or Proportions of the ſaid Coſts, Charges, Sums of Money, and Expences ſo ordered and directed to be paid by ſuch Perſon or Perſons as aforeſaid, and all Intereſt on ſuch Share or Shares, Proportion or Proportions, to be computed from the Time the ſame ſhall be directed, be paid as aforeſaid, and all Coſts, Charges, and Expences occaſioned by or attending ſuch Entry upon ſuch Premiſes and Receipts of the Rents and Profits of the Premiſes aforeſaid, ſhall be fully paid and ſatisfied.

Allowance to the Commiſſioners.

XLI. And be it further enacted, That each of the Commiſſioners acting in Execution of the Truſts and Powers hereby veſted in them, ſhall be

be allowed and paid, in Satisfaction for their Trouble and Expences, the Sum of Two Pounds Twelve Shillings and Sixpence for every Day on which they ſhall be reſpectively employed in travelling to, attending on, or returning from ſo acting; and at all Meetings to be held in purſuance of this Act the ſaid Commiſſioners ſhall pay their own Expences; and neither of the ſaid Commiſſioners ſhall be allowed for more than One Day in travelling to, and One Day in travelling from, the Place of Meeting.

Commiſſioners to lay their Accounts before a Juſtice.

XLII. And be it further enacted, That Once at leaſt in every Year during the Execution of this Act, (ſuch Year to be computed from the Day of the paſſing thereof), the ſaid Commiſſioners ſhall and they are hereby required to make a juſt and true 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 and the ſaid recited Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before One or more of His Majeſty's Juſtices of the Peace for the County of *Huntingdon* (not intereſted in the Incloſure), to be by him or them examined and balanced, and ſuch Balance ſhall by ſuch Juſtice or Juſtices be ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners, and no Charge or Item in ſuch Account ſhall be binding on the Parties concerned, or valid in the Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice or Juſtices.

Appeal to Quarter Seſſions.

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

XLIV. Provided

Saving Manorial Rights.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lord of the said Manor of *Woodstone* of in and to the Seigniories, Royalties, Rights, and Services incident or belonging to such Manor, but that the Lord of the said Manor shall and may from Time to Time and at all Times hereafter hold, receive, take, and enjoy all Rents, Fines, Services, and Profits of Courts, and all other Rights, Royalties, and Privileges to such Manor incident, appendant, belonging, or appertaining (save and except as to such, if any, as may be discharged, altered, or varied by this Act), in as full, ample and beneficial Manner to all Intents and Purposes, as he might or ought to have held and enjoyed the same in case this Act had not been made.

General Saving.

XLV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs and Successors, Executors, Administrators, and Assigns (other than and except the several Persons claiming the Rights of Common on the said Commons and Waste Grounds, or any Part or Parts thereof, and also the several Persons to whom any Allotment or Allotments shall be made in respect of the Interest or Property for which such Allotment or Allotments shall be made, and except such other Rights and Interests as the Intent and Purpose of the Inclosure hereby authorized shall absolutely require to be barred, destroyed, or extinguished by this Act) all such Estates, Rights, and Interests as they, every, or any of them had or enjoyed, of, in, to, or in respect of the said Lands hereby directed to be divided and inclosed, before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

Publick Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1809.